

Civil Hub Research Project

Needs Mapping

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June, 2007

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Executive summary

This needs assessment involved a review of current experience and consultation with over 60 key informants in the area of civil law, with a focus on four geographic areas: Kelowna, Nanaimo, Vancouver and Victoria. The purpose of the research was to obtain information about the nature of civil legal problems, their prevalence and scope, typical paths of entry to service delivery, and the ways in which a possible hub service may be able to address civil needs in a “one-stop” and timely fashion.

A review of current experience indicates the following:

- Many people with civil problems may not even know their problems have a legal dimension, may not know where to seek help, and may not have the skills or means to pursue help even when they know it exists.
- Common civil problem types include consumer, money/debt, employment, and housing. Problems with wills and probate and personal injury also figure prominently within the wide range of civil legal needs. People with low incomes have specific and acute needs, typically related to income and housing security.
- Civil legal problems can multiply when left unresolved, and when combined with life events such as family breakup and the onset of physical or mental illness, can result in a “downward spiral” of financial and other legal and life problems.
- In-person help is important for people who are dealing with a legal problem – even for those with the most skills in accessing help, because the system itself is complex, unfamiliar, and challenging to navigate.
- The challenge is not only to provide appropriate services but also to find effective ways to overcome barriers that impede access.

Key informant perspectives on civil needs

Key informant interviews identified deep and broad civil service needs. Reasons offered for the scope and dimension of need included:

- Complexity of our society: The laws and regulations that govern our everyday lives are becoming more elaborate.
- Consequences of a civil matter: Informants in all four research areas reflected upon the importance of assistance in civil matters, given the serious nature of possible outcomes, especially in cases when what is at stake is the person’s ability to obtain or maintain income or housing.
- Numbers of people who need civil services: One of the major reasons advanced as to why more service is needed is that increasingly, people are seeking to deal with their civil matter without the traditional involvement of a lawyer.
- Complexity of the legal process: Informants also spoke about the complexity of the

legal process itself and what that means for people already emotionally impacted by their legal problem.

- **Confusion in an unfamiliar environment:** People dealing with civil legal problems are typically dealing with them for the first time. They need orientation to the system, assistance with procedure, and explanations about what to expect.
- **Cost of the process:** Informants reflected upon the cost of a legal process as a reason why clients need services to enable them to proceed on their own.
- **Multiple legal problems:** Informants stressed the importance of early resolution in order to prevent further legal problems from developing.

Key informant perspectives on approaches to a hub service

Key informant interviews provided rich information about approaches to a possible civil hub service. Major themes included the following:

- **Building on what we've got:** When it comes to providing integrated client-focused services, the approach requires “organizing what’s out there.” Both in project development and in service provision, a major way to integrate services is to involve the community.
- **One service may not fit all:** If service users are consistent with those who come to the Supreme Court Self-Help Information Centre (SHIC), a segment of the population may be missing from the service model.
- **Point-of-entry services:** Many informants expressed support for the “one-stop shopping” which the hub concept suggests. Some key informants identified current points of entry as basically sound. By this assessment, the issue is not one of weakness of front-end referral services; rather, it is one of the perception of the availability and recognition of these services. The challenge is to add resources strategically to the existing players.
- **Early intervention:** When it comes to the importance of early intervention, there was unanimous agreement – as one informant put it, “early intervention is motherhood.”
- **Initial entry into hub service:** Informants identified the need for quality intake.
- **Information and assistance:** Informants expressed their views about the range of information and assistance people need. They include information about the “wider picture,” about resources, and about specific legal areas. They also include procedural assistance (in particular with forms), and information about dispute resolution, and about requirements of the tribunal or court.
- **Service, not a just a referral:** Informants made the point that a hub service must provide more than a referral. This applies in particular to administrative law problems. There was a strong view that every time a referral is made, people are lost. They do not go on to find another service, and in the majority of cases this does not mean that their problem has been resolved.
- **Role of public legal education and information (PLEI):** Informants referred to the need to develop civil law information of the depth and scope that has been built up

for people dealing with family law problems. They also referred to the possibilities of holding workshops on specific topics as part of the hub service, and of providing services in languages other than English.

- **Role of paralegals and community advocates:** When key informants spoke of possible ways to provide civil services, many referred to paralegals and community advocates as potential service providers within the hubs.
- **Need for onsite legal advice:** A legal advice service as part of the hub was seen as being useful to clients, to the judiciary, and in general to court efficiencies. The ability to provide legal advice in a hub setting was seen as being contingent upon resolving barriers around conflict of interest issues.
- **Role of pro bono services:** Pro bono services were seen to be providing a vital service to clients. A number of key informants expressed strong concern about the way in which Effective and Affordable Justice appeared to infer that pro bono would be able to provide the legal advice needed within a hub model. Informants wanted to see onsite legal advice by paid lawyers. Pro bono was viewed as a required but supplementary service.
- **Role of duty counsel:** Many informants commented on the impressive success of the family duty counsel/advice lawyer initiatives and saw a role for duty counsel/advice lawyers on the civil side. The issue of specialization was identified as being significant in the civil area – a lawyer who is familiar with probate may not be familiar with Small Claims procedure. Further, the kinds of civil law issues that may arise at a hub may be ones in which private bar lawyers do not have experience.
- **Role of student clinics:** Students at the Law Centre clinical program of the University of Victoria and the Law Students Legal Advice Program at UBC provide service in a range of civil matters, including some representation. Some informants discussed the possibility of their services having a role to play in a hub service model.
- **Issues related to unbundling:** Informants regularly referenced the Unbundling of Legal Services Task Force, and expressed the hope that their report's recommendations would be the first step towards resolving the problems associated with offering legal advice in settings such as a hub.
- **Screening for advice service:** There was agreement among informants that at a hub, information, assistance with forms completion and resource use should be offered to all users free of charge, but that there should be rationing of an advice service in accordance with accepted norms and standards.
- **Telephone services for civil matters:** Informants made the point that in some instances, a phone service may be the best or only way to provide the expertise that hub clients need. On the other hand, for people with complex problems and/or barriers, a phone service cannot replace in-person service.
- **Need for representation:** This was a significant theme in the interviews. For some individuals, information and advice will not solve the problem. Legal representation will be required.

- **Virtual hub:** One reason identified for needing a virtual hub is that it would allow people to access some services, both in terms of geography and in terms of hours of opening. The need for a comprehensive portal that organizes access to online information was another major theme in the interviews.
- **Resource room:** Informants spoke about what would be useful in a hub in terms of resources, including computers, faxes, and a place for people to work. A number of needs were identified: privacy, security, work space, and resources for children.
- **Evaluation:** For a pilot, you need comprehensive data collection and ongoing evaluation.

Issues and decision points

The research has enlisted the input of a wide circle of organizations having an interest in the operation of a civil hub. The involvement of this larger circle provided an opportunity to identify issues that would need to be addressed before a hub could become an effective part of the service continuum. Key questions include:

1. What is the level of buy-in?
2. Who's driving the agenda and where is it headed?
3. Can we identify shared principles among the stakeholders?
4. Who is the hub service for?
5. What does a hub service mean for the Self-Help Information Centre?
6. What will be the hub's service scope?
7. Do we tailor the model or have different models for different locations?
8. How should the model be structured in terms of governance?
9. Should hubs be located in the courthouse?
10. What options may be available for the provision of legal advice?
11. In what ways could a hub support, promote, and connect with the network of service providers?

Key informant perspectives on service elements

The range of models suggested and discussed in the interviews included the current Supreme Court Self-Help Information Centre (SHIC) model, which could possibly be expanded to include civil matters at all court levels and tribunals.

The other major model suggested could be called a "civil hub model." This model blends elements the SHIC with elements of the Civil Working Group's recommendation, plus onsite legal advice. It is in many ways analogous to the model used in the Family Justice Services Centre in Nanaimo.

A civil hub model might look something like the following:

1. Front desk/concierge: user completes a short initial screening form

2. Triage/assessment: review of initial screening data, assistance with information/identification of appropriate hub service or other service
3. Guidance with forms completion, information on legal procedures
4. Resource room including work stations and LawLINK
5. Legal advice onsite
6. Referrals to network of services

Informants also made suggestions about ways their particular service might play a role in a possible hub model.

Service vision and program design

The final step in the needs assessment process was to develop an initial description of a service vision and program design for the hubs.

The final section of this document outlines a suggested vision, goal, and principles for the hub concept. It also describes possible steps in the development of the model and program design, with a framework for service delivery and a description of funding and governance arrangements.

Introduction

The *Civil Hub Research Project* involved consultation with stakeholders, service providers and service users in the area of civil law, with a focus on four geographic areas: Kelowna, Nanaimo, Vancouver and Victoria.

The Project focused on identifying the following for the four areas:

a) *Problem Type & Prevalence*

- identify and describe problem types;
- describe the incidence of legal problems, both generally as well as in specific populations;
- report on prevalence of various problem types in the general population and in specific populations; and
- describe how some types of problems are typically experienced, with a specific focus on combinations or “clusters” of problems.

b) *Hub Scope, Target Population, Models for Service Delivery*

- identify options regarding which problem types may be addressed by a hub service (and which problems may remain out of scope);
- identify options regarding how the needs of various demographic groups, including multicultural and Aboriginal populations may be addressed by a hub service (and which populations may need to be reached in some other way);
- identify and describe options for possible service delivery within a hub context; and
- discuss methods for linking community advocates to hubs.

c) *High Level Mapping of Services Within Hub*

- identify and describe major services in initial hub areas that may be delivered through the hub, either directly or through linked services.

The Civil Hub Research Project is an initiative of Legal Services Society of BC (LSS). Under the *Legal Services Society Act* the objects of LSS are:

- (a) to assist individuals to resolve their legal problems and facilitate their access to justice,
- (b) to establish and administer an effective and efficient system for providing legal aid to individuals in British Columbia, and
- (c) to provide advice to the Attorney General respecting legal aid and access to justice for individuals in British Columbia.

LSS is guided by principles that include:

- give priority to identifying and assessing the legal needs of low-income individuals in British Columbia; and
- be flexible and innovative in the manner in which it carries out its objects.

The Civil Hub Research Project is taking place within the framework of the Legal Services Society’s strategies for legal aid renewal in BC. Beyond ensuring the justice system provides fair process, this involves developing concrete steps to ensure legal aid:

- helps clients reach positive, lasting solutions to their legal problems;
- forms part of a holistic approach to meeting clients’ overall needs (i.e., services must be seen in a broad social context);
- encourages clients to constructively participate in solving, or avoiding, legal problems; and
- is available where, and when, clients need the services.

Recommendation of the Civil Justice Reform Working Group

The Civil Hub Research Project, funded by the Legal Services Society, is an initiative that has grown from recommendations of *Effective and Affordable Civil Justice*, a report of the Civil Justice Reform Working Group to the BC Justice Review Task Force (November 2006). The vision of the Civil Justice Reform Working Group is for British Columbia’s civil justice system to establish a single place (a “hub”¹) where people with legal problems can find help. The Civil Justice Reform report articulates this vision as its first recommendation in the following manner:

Create a central hub to provide people with information, advice, guidance and other services they require to solve their own legal problems.

This will be accomplished by:

- supporting dispute prevention and planning through plain language, legal education, preventive law and systems design;
- facilitating access to mediation or other dispute resolution processes;
- creating a central hub initiated by government and guided by an advisory board of key stakeholders to:
 - coordinate and promote existing legal-related services
 - provide legal information and appropriate referrals to other services

¹ The term “hub” was adopted in the *Effective and Affordable Civil Justice* report because it was used in the report from the Family Justice Reform Work, titled *A New Justice System for Families and Children*. It is a shorthand term only. What was initially a “family hub” pilot in Nanaimo is now called the Family Justice Services Centre.

- establish a multidisciplinary assessment/triage service to diagnose the problem and provide referrals to appropriate services
- provide access to legal advice and representation if needed through a clinic model; and
- resolving two key barriers to lawyers participating in legal advice clinics:
 - conflict of interest issues
 - ‘unbundling’ of legal services.²

The Civil Justice Reform Working Group summarizes its findings leading to this recommendation in the following terms:

[T]here are multiple sources of legal advice available for people (including the small business community) who cannot afford to retain a lawyer to assist them, but these sources are not well coordinated, they often involve eligibility criteria, they are not universally available throughout the province, and, since they rely largely on volunteers, the demand quickly outstrips the supply. Unless a person has enough resources to hire a lawyer at the outset, there is no single place that the person can go to get the information and assistance he or she needs to resolve the legal problem. ³

The report of the Civil Justice Reform Working group provides two other key recommendations:

- requiring parties to Supreme Court civil non-family actions to personally attend a case planning conference (CPC) before they engage the system beyond initiating and responding to a claim; and
- rewriting the Supreme Court Rules to streamline the system and make the process more speedy and more affordable.

Context of the Civil Hub Research Project

In introducing British Columbians to the recommendations of the Civil Justice Reform Working Group report, members of the working group visualize civil justice problems as an inverted pyramid. They make the point that of all civil law problems, an estimated ten per cent make their way into the court system as formal claims, and of these, around two per cent go to trial.⁴

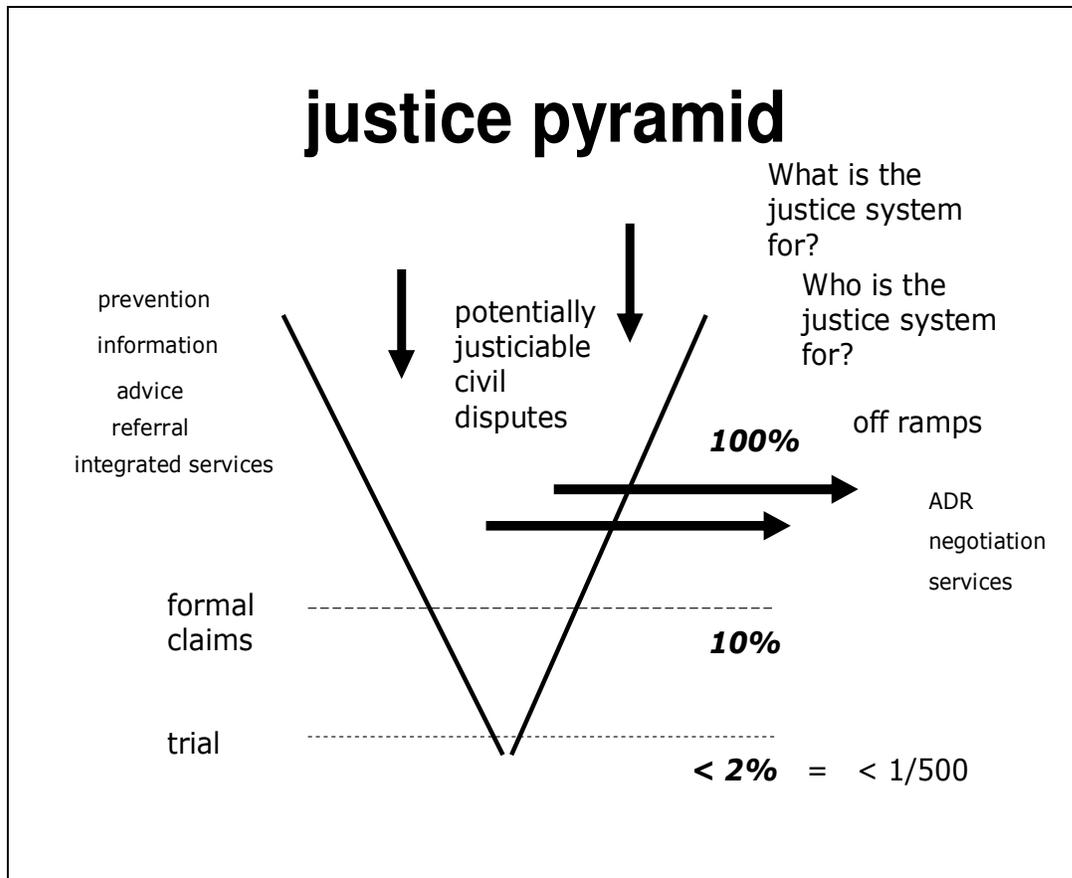
In the past, reform initiatives have tended to focus on the 2 per cent; it is time to move attention “further up the pyramid.”

The following graphic shows the “justice pyramid.”

² Civil Justice Reform Working Group, *Effective and Affordable Civil Justice*, 2006, p.1.

³ *Ibid* p.2.

⁴ The calculation at the bottom of the graphic is in error: less than two per cent is actually 1 in 50, not 1 in 500.



The vision of the recommendation of the Civil Justice Reform Working Group can be summarized⁵ in overview as:

Integrated information and services to those who want to resolve their legal problem on their own before entering the court system.

How:

- Coordinate and promote existing legal services
- Provide legal information
- Establish a multidisciplinary assessment/triage service to diagnose the legal problem and provide referrals to appropriate services
- Provide access to legal advice and appropriate representation if needed through a clinic model

The working group identifies the advantages of hubs as follows:

Hubs provide “on and off ramps,” and

- match problems to solutions

⁵ The overview and outline of hub advantages are taken from a PowerPoint presentation prepared by the Civil Justice Reform Working Group.

- match need with services

Hubs help us “move up” the Justice pyramid

- early solutions equals faster justice
- integrated services, with linkages to relevant agencies for prevention, information, advice
- opportunity to move to prevention

Related developments

Key informants interviewed for this report described a range of efforts to meet current challenges, one of which is the fact that more people are dealing with their civil legal problems without the representation services of a lawyer. To an increasing degree, people with civil law problems are relying on information and advice services that include community advocates, Lawyer Referral, LawLINE, pro bono services, student clinics, self-help resources available online, and in Supreme Court matters in Vancouver, the Self-Help Information Centre (SHIC).

The increasing number of people who proceed without representation was one impetus for the recommendations put forward by the Civil Justice Reform Working Group and the Family Justice Reform Working Group about creating “hub” services. Of particular relevance here are the findings of the Family Justice Reform Working Group, whose report, *A New Justice System for Families and Children* recommended implementation of a Family Justice Information hub that would serve as the entry point to the family justice system for most persons with a family law matter. In response to this recommendation, a Family Justice Services Centre has been opened in Nanaimo, and its services are described in Appendix E of this report. The activities of the Family Justice Services Centre relate to the civil hub vision in a number of ways, including the vision that in at least one area (Nanaimo) both family and civil services could possibly be offered in one location (i.e., one hub location for both sets of services).

Other justice reform initiatives currently underway include the rewriting of the Supreme Court Rules, and a pilot to move to a simpler process in Small Claims court, with greater emphasis upon mediation.

In addition, a report from the Law Society of British Columbia on unbundled legal services is expected soon. The findings of this report from the Unbundling Legal Services Task Force may have an impact upon the services that a civil hub is able to provide.

The investigation of civil needs with respect to a potential hub service is also taking place within the wider national/international context, where comparable jurisdictions are similarly identifying the need to address legal problems in a holistic manner:

[E]veryday legal problems are rarely experienced within the narrow silos of legal aid categories; rather they involve numerous issues of basic social well being, and commonly those with unmet legal needs experience issues with the civil law as “problem clusters”. This points to the clear need and priority for delivering advice and representation services in a holistic model. (Citizens Advice, United Kingdom 2005)⁶

In practical terms, the discussions about civil hubs can draw upon the experiences of other jurisdictions seeking to increase access to justice and improve the quality of service to the public. One example of relevant initiatives is the US Self Represented Litigation Network, launched in 2006.⁷ Network participants are cooperating in a wide variety of collaborative efforts, which include providing information about innovations for the self represented, promoting best practices in such areas as the setting up of self help offices, the use of forms, and e-filing, discrete task representation, and judicial practices and education programs, establishing a research agenda, and working for integration with the system as a whole and for long-term funding to support access to justice for people who are dealing with their legal matter on their own.

A recent conference in California hosted by the Judicial Council of California’s Administrative Office of the Courts ⁸ provides further illustration of innovative initiatives that relate directly to the work of a civil hub. The conference focused on topics that included collaboration between self-help centres and law libraries; how to do effective triage; how to work with the bar to encourage limited scope representation; how to best use hotlines, e-mail, and the web to provide services; and how to work with clients who have mental health issues.

All of these perspectives yield a range of strategies that could be of benefit in framing the context for a possible civil hub service in British Columbia.

Methodology

Three major activities were involved in developing the needs assessment: (a) preparing a report on current experience; (b) mapping current needs in the four research areas; and (c) presenting and analyzing key informant assessments of

⁶ Quoted from *A Trouble Shared*, 2006. Richard Moorhead, Margaret Robinson and Matrix Research and Consultancy, UK Department of Constitutional Affairs. Online at: www.dca.gov.uk/research/2006/08_2006.pdf

⁷ For details about the Self-Represented Litigation Network, see www.selfhelpsupport.org. The Network operates under a Memorandum of Understanding and is hosted by the US National Center for State Courts. Funding is provided by the State Justice Institute, the National Center for State Courts, and various state courts.

⁸ The materials/papers from the May 2007 California Conference on Self Represented Litigants have been posted at www.selfhelpsupport.org.

the degree to which a hub service vision may have the potential to enhance integration of service provision.

Report on current experience: The first part of this interim report is entitled, Report on Current Experience. It presents a review of the current literature from Canada, the United Kingdom and the United States on ways in which people deal with their civil legal problems, and models for providing supports and services to those who are seeking to deal with all or part of their legal problem on their own. The Report on Current Experience was initially prepared as a separate document. It has been integrated into this interim report on the research as a whole.

Needs mapping: The methodology aimed to provide a description of needs in the area of civil law and of the supports and services available to people seeking to deal with their civil legal problems. It also aimed to document the referral networks and other relationships that may bring services together. To this end, key informant interviews were carried out. A list of key informants interviewed is attached as Appendix A.

A first tier range of interviews were conducted with frontline service providers who deal directly with service users/clients. This tier encompassed informants from court-based services, legal advice and legal information providers, and a range of community-level service and advocacy organizations. A second tier range of interviews centred primarily on justice system “stakeholder” personnel who have either a special involvement or interest in the area of dealing with people who have justiciable problems. This tier also included members of the judiciary and lawyers in private practice. A third tier was comprised of interviews with clients who are dealing with their civil problems in order to learn which access points they use for service, and to report on the experience from their unique point of view.

In addition to identifying needs, the interviews depicted the primary points of access that people with justiciable problems have when using available services. They provided extensive information about the provision of information/assistance/advice. They also revealed methods and patterns of interaction amongst frontline service providers.

Service vision: The term “hub” suggests the image of the wheel at the centre, with spokes joining it. Together the hub and spokes form a unit that can move forward. In applying this image, a civil hub can meet the legal needs of British Columbians only when it works in conjunction with a network of services which are the spokes. In the interview process, both service providers and stakeholders were invited to respond to the following question area:

If a civil hub were to be implemented: What should be the focus/scope of the service? How should the service be structured? Who would it reach/not reach? What would be impact on the client/user? On service providers?

Responses to this question provided information about what the service model should look like, what resources the model would require, and how organizations might contribute to building and implementing a “hub-and-spokes” model.

Interview focus

Interviews were designed to be open-ended in format and qualitative in orientation. Interview questions focused on a standardized range of themes designed to gather relevant information regarding characteristics and needs of people with justiciable problems, the services provided to people with justiciable problems, the ability of these people to access these services, and the informant’s views on the ways in which a hub concept relates to user/client needs and the current service environment.

Data transcription and storage

Interviews were transcribed and segmented into discrete statements reflecting either single or multiple themes having some coherence. A database was developed to house text segments drawn from the interviews. All text segments were coded with a view to categorizing, storing and retrieving relevant patterns of information.

Limitations of the research

The research mandate was to look at civil legal needs in the four research areas only: Kelowna, Nanaimo, Vancouver and Victoria. The research therefore does not address how hub services might be provided on a province-wide basis, or to specific localities other than these four communities.

Nature of legal needs assessments

This research examined current experience and conducted key informant interviews to find out what people’s civil needs are, what services are available now, and what a possible hub might be able to provide.

In carrying out legal needs assessments, researchers typically rely upon either a demand-based definition or a problem-based definition of “legal needs.” A demand-based definition requires that the person identifies that their problem has a legal solution, is aware of the routes they can pursue to resolve the problem using a legal solution, and makes a decision to pursue appropriate courses of

action.⁹ A problem-based definition, on the other hand, defines legal need as being the experience of justiciable problem. A justiciable problem is a problem which raises legal issues, “whether or not it [is] recognized by the respondent as being ‘legal’, and whether or not any action taken by the respondent to deal with the event involved the uses of any part of the...justice system.”¹⁰ Needs assessments also rely upon the perceptions and intuition of informants, drawing upon their experience of the legal issue, the clients, and the justice system. It is worth noting that while all of these approaches are reflected in the literature reviewed for the purposes of this report, the most recent literature places particular emphasis on the value of using a “problem-based” definition.

Scope of civil law problems

In discussing “civil law problems” we are confronted with a complex universe. Civil law encompasses a very broad and varied spectrum of the circumstances of everyday life. As one key informant observed, “it’s everything that isn’t criminal and isn’t family.” Federal Department of Justice researcher Albert Currie observes, “a great many aspects of life, and thus a great many of the problems experienced by people in all modern bureaucratic societies, have a legal dimension that may become practically significant only when problems arise.”¹¹

In addition, the research reviewed for this report focused not only on the needs of people who seek to deal with their civil law problem without representation or information/advice services, but also on those who have a civil problem but who do not take any action at all. (There are also those who take legal action with the assistance of a lawyer but that action does not resolve their legal problem.)

A civil legal issue may be regulatory or legislative in nature. In BC, numbers of civil law problems dealt with by tribunals are comparable to the volume of those handled by the courts.¹²

Civil non-family matters are also seen as encompassing a range of issues typically referred to as “poverty law” matters. While there are varying

⁹ Technical Paper: *Defining Legal Need and Unmet Legal Need*, 2006 National Survey, May 2006, New Zealand, p.1.

¹⁰ Definition offered by Genn, H. & Patterson, A. 2001. *Paths to Justice Scotland: What people in Scotland do and think about going to law*. Quoted from Harbison, J. Northern Island Legal Needs Survey, 2005. Online at www.nilsc.org.uk/uploads/publications/documents/Legal_per_cent20Need_per_cent20Survey.pdf

¹¹ Albert Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, 2006. Unpublished paper, p.1. Cited with author’s permission.

¹² Administrative Agencies in British Columbia, 2002. Online at: www.gov.bc.ca/ajo/down/administrative_agencie_in_british_columbia.pdf

definitions for what constitutes poverty law and poverty law services (and dispute about the use of the term, “poverty” rather than, for example, “anti-poverty”), the following definition (Long, Beveridge 2004) of poverty law is representative:

[P]overty law is understood to include legislative and regulatory matters that pertain to three areas of law: (i) public benefit programs (including income assistance, disability benefits, employment insurance, the Canada Pension Plan, and Workers’ compensation), (ii) residential tenancy (landlord/tenant disputes, evictions), and (iii) debt and credit matters.¹³

The terms “self-represented litigants” and “unrepresented litigants” are often used in the literature to describe people who deal with their justiciable issue on their own rather than pay a lawyer to represent them. This can include situations where litigants use unbundled services where a lawyer is involved in part of the process but is not providing actual representation. “Unrepresented litigant” is the term now commonly used in BC and its usage reflects the reality that in the majority of cases, people do not choose to “go it alone” if hiring a lawyer is a viable option. This document reflects this usage except in references to the literature that makes extensive use of the term, “self-represented litigant” (or “SRL”) where the qualification would be cumbersome.

However, the term “unrepresented litigant” is insufficiently broad to capture the ways in which people deal with civil law problems. A wider perspective is needed:

It is widely accepted that many people with serious civil justice problems do not have access to the courts and thus do not appear as un-represented litigants. It is also part of the growing orthodoxy that many problems could be better resolved using alternative means, without engaging in expensive and lengthy court proceedings.¹⁴

The term “client” in a legal context has a specific meaning denoting the “lawyer-client” relationship, and carries a whole set of expectations and responsibilities. The Supreme Court Self-Help Centre in Vancouver has chosen the term “user” to indicate simply someone who is using their service.

Conclusion

Numerous key informants situated their comments within a framework consistent with the work of the Justice Review Task Group, which stressed the importance of collaboration among service providers. Their approach echoed

¹³ Andrea Long and Ann Beveridge, *Delivering Poverty Law Services: Lessons from BC and Abroad*, 2004, p.10.

¹⁴ Albert Currie, *op. cit.*, 2006, p.2.

those of the Green Paper that framed the context for the Civil Justice Reform Working Group, *The Foundations of Civil Justice Reform* (2004). The Green Paper included the following statements:

Our civil justice system is comprised of a number of different constituencies including the judiciary, court administration, the legal profession and the public. There has been a tendency historically for these groups to operate in silos. The result can be insufficient coordination and communication between these groups. We must use a collaborative approach by involving all those who have a stake in the outcome.

Effective change may be impeded by the fact that changes in the justice system generally have been designed, albeit in good faith, by lawyers and judges for lawyers and judges. Any future reform of the justice system should be grounded in a client-centered perspective. The justice system must serve the public, not its own internal culture, and innovations must be designed around the needs of the public, as well as the needs of lawyers, judges, court administrators and others.¹⁵

¹⁵ *The Foundations of Civil Justice Reform*, p.12. Available online at: www.bcjusticereview.org/working_groups/civil_justice/green_paper_09_21_04.pdf

PART ONE: Review of current experience

When describing civil legal needs of British Columbians, we are not starting with blank slate. In this province and in other jurisdictions, people's civil legal needs have been extensively identified, service responses have been built, and the experience of service provision has been evaluated. Therefore the first step in the current research was to integrate and summarize existing information about civil legal needs and service responses to those needs. This involved a review of the literature from BC and other jurisdictions, with attention to the new approaches, including those in the United Kingdom and the United States.

This first part aims to integrate and summarize existing information about civil legal needs and service responses to those needs, describing current knowledge of and experience with (a) the dimension of need, (b) problem types and prevalence, and (c) current service delivery methods and related service models.

1.1 Overview of civil legal needs

Research into the literature which looks at the scope and dimensions of unmet civil legal needs is complex and comparisons of one set of findings with another should be viewed with caution. For example, if the research is by way of a survey, there are differences in methodology, time frame, the numbers of problems asked about, and so on. With this caveat in mind, the purpose of using percentage figures from surveys in the current context is primarily one of indicating that the need may be demonstrably significant.

- In the 2002 multi-audience research prepared for Justice Canada,¹⁶ all survey participants were asked whether they had ever needed legal information or assistance for any of the following situations for themselves or their families.
 - 53 per cent needed information or assistance with a real estate transaction
 - 38 per cent required it for making a will
 - 24 per cent for a separation, divorce, child support or custody issues
 - 14 per cent for a criminal case of any type
 - 11 per cent for going to court for a civil case, such as collecting a debt or for an employment matter
 - 7 per cent for victims' rights
 - 6 per cent for family or domestic violence
 - 5 per cent for human rights issues

¹⁶ Compas Inc. (2002) *Public Legal Education and Information Study: Report to Justice Canada*. Online at www.plecana.org/sur-report.pdf

One-quarter of those surveyed reported that they had not needed assistance or information for any of these.¹⁷

- This multi-audience research study examined what people did when they needed legal information and assistance. The study found that 67 per cent went to a lawyer. This was followed, at a distance, by 16 per cent who visited a legal aid office. All other sources of information or assistance were identified by small numbers.¹⁸ When asked whether they had needed legal information and/or assistance, more than half (57 per cent) had needed both.¹⁹ When in need of legal information and assistance, low income Canadians (annual income of \$30,000 or less) were less likely to use a private bar lawyer and more likely to go to legal aid.²⁰
- The 2004 Justice Canada national survey of civil justice problems with a sample of 4,501 respondents found that almost 48 per cent of the low- to moderate-income Canadian population experienced one or more law-related problems during a three-year period.²¹
- The original *Paths to Justice* report published in the UK by Professor Hazel Genn in 1999 concentrated on the type of civil problems which people might encounter in their everyday lives, such as family disputes, debt, and housing and employment problem, and found that 5 per cent of all respondents failed to take any kind of action to deal with their problem. (The size of the group can be estimated at around 2 million adults in England and Wales.) The people in this group tended to share the following characteristics: most likely to have experienced problems relating to money, employment, accidental injury or work-related ill health; significantly less likely to have obtained outside advice about any problem in the past than respondents who had taken action to resolve a problem; over half of them had an annual income of less than £10,000; more likely to be living in rented accommodation than those who took action; more likely to have no educational qualifications.²²

¹⁷ *Ibid.* p.15.

¹⁸ *Ibid.* p.12.

¹⁹ *Ibid.* p. 8.

²⁰ *Ibid.* p. 47. The report also finds that low-income respondents were “more apt to view all legal issues as relevant to them and their families, to attribute greater levels of usefulness to the various PLEI sources, and to view as effective the various methods of receiving PLEI.” (p.viii)

²¹ Albert Currie, *A National Survey Of The Civil Justice Problems Of Low And Moderate Income Canadians: Incidence And Patterns*, Department of Justice, Canada, 2005, p.5.

²² Hazel Genn (1999) *Paths to Justice: What People and Think About Going to Law*. Quoted from *Legal and Advice Services: A Pathway out of Social Exclusion* (2001). Online at: www.dca.gov.uk/laid/socex/index.htm

- The *Paths to Justice* UK study of 2004 (“Social Justice Survey”) found that 33 per cent of individuals surveyed reported one or more justiciable problems using a time frame of three and a half years.²³ (The study drew upon a large-scale survey of people representative of the population of England and Wales.)
- The *Paths to Justice* survey in the Netherlands, carried out in 2005 and employing a five-year time frame, reported 67 per cent of respondents with one or more problems.²⁴
- A similar survey carried out in Japan in 2005 reported that 19.5 per cent of the population had experienced one or more justiciable problems during a five-year period.²⁵
- Research into the civil legal problems representing unmet need among low-income populations in the Yukon, Northwest Territories and Nunavut, found that 93 per cent of respondents cited civil (non-family) legal issues.²⁶ This study found that civil legal problems or issues were frequently brought to the attention of intermediary organizations, even though resolving civil legal issues is not their mandate and their staff is not trained to do so. Eighty-one percent of the intermediary respondents said that civil legal problems among their clients were “fairly frequent” or “very frequent”.²⁷

In the United States and during the period 2000-2005, studies in nine states examined the legal problems experienced by low-income residents and what they do about them.²⁸ The study, *Documenting the Justice Gap in America: The*

²³ Pascoe Pleasence, *Causes of Action: Civil Law and Social Injustice*, 2nd Edition, Legal Services Commission, London, 2006. The 2004 English and Welsh Civil and Social Justice Survey comprised 5,015 respondents (the second of two such studies, with the earlier one being conducted in 2001).

²⁴ Quoted from an unpublished paper by Albert Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, 2006. From Ben C.J. van Velthoven and Marijke ter Voert, “Paths to Justice in the Netherlands,” paper presented at the International Legal Services Research Centre Conference, Cambridge, 2004. For more on this survey, see *Paths to Justice in the Netherlands*. Online at www.law.leidenuniv.nl/general/img/RM%202004.04_tcm11-5597.pdf

²⁵ *Ibid.* From M. Murayama, S. Minamikata, R. Hamano, K. Ageishi, I Ozaki and I. Sugino, *Legal Problems and Their Resolution: Disputing Behaviour in Japan*, paper presented at the Annual Meeting of the Research Committee on the Sociology of Law, Paris, July, 2005. p.2.

²⁶ Focus Consultants, *Study of Unmet Civil Legal Needs in Nunavut, Northwest Territories and the Yukon*, Victoria BC 2006, p. 30.

²⁷ *Ibid.* p. 29.

²⁸ Legal Services Corporation, *Documenting the Justice Gap In America: The Current Unmet Civil Legal Needs of Low-Income Americans*, 2005. Available at www.lsc.gov. The LSC report relies in part on recent Legal Needs Studies from nine states: Montana (2005), Illinois (2005), Tennessee

Current Unmet Civil Legal Needs of Low-Income Americans, pointed to the following key common findings among the reports:

- Low-income households experience a per-household average of legal needs ranging up to more than three legal needs per year.
- Only a very small percentage of legal problems experienced by low-income people (fewer than one in five) are addressed with the assistance of a private or legal aid lawyer.
- A large percentage of low-income people experiencing a problem with a legal dimension do not understand that there may be a legal solution.
- A majority of low-income people either lack knowledge as to the availability of free legal services or do not understand they might be financially eligible for these services.
- Even if the problems considered are limited to those considered to be “very important” by the household experiencing them and understood by the household to call for legal help, a large majority of the problems are not addressed with the help of a lawyer.²⁹

Specifically, the Washington State study reported:

- Approximately 87 percent of low-income households in Washington experience a civil legal problem each year.
- Low-income households with legal problems average 3.3 problems per year, with some reporting as many as 20.
- Moderate-income households that have legal problems experience at least one civil legal problem a year.
- Legal problems experienced by low-income people are more likely to relate to family safety (including domestic violence), economic security, housing and other basic needs than those experienced by people with higher incomes.
- Legal problems do not differ significantly from one region to the next, or between those who live in close proximity to urban centers and those who do not.
- While the legal problems of urban and rural low-income residents are similar, residents of rural areas have less knowledge of available legal

(2004), Connecticut (2003), Massachusetts (2003), Washington State (2003), Washington D.C. (2003), New Jersey (2002), Vermont (2001), Oregon (2000), p. 11. This LSC study found that virtually all of the recent state studies found a level of need substantially higher than the level found in a 1994 study conducted by the American Bar Association.

²⁹ *Ibid* p. 9.

resources, and have less access to and success in using available technology-based resources.

- Low-income residents spoke of several reasons for not seeking legal help — they did not know there were laws to protect them or provide relief, they did not know where to turn for help, they were fearful, they believed they could not afford legal help, or they had language barriers.³⁰
- Even though more than 40 per cent of low-income households have access to and the capability to use computers and the Internet, only 19 per cent of households know of a Web site where they can get information or help with civil legal problems.³¹
- When family-related problems are removed from the statistics, low-income people receive help from an attorney for fewer than 10 per cent of their civil legal problems.³²

Information from other US jurisdictions suggests that a majority of people facing civil problems now go to court without a lawyer. For example, the California Statewide Action Plan puts the figure at between 70 and 90 per cent.³³

1.2 Service user needs: research findings

LawLINK Project

An evaluation of the LawLINK project³⁴ looked at the ways in which LawLINK public access kiosks or terminals in 24 settings around the province were able to assist users at these locations with their legal problems, including civil (non-family) problems.

- 37 per cent of users are male; 63 per cent are female
- 91 per cent had English as their first language
- 53 per cent were 25-44 years of age
- 35 per cent were 45-64 years of age

³⁰ *The Washington State Civil Legal Needs Study Task Force on Civil Equal Justice Funding*, 2003, p.8-9. Online at: www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf.

³¹ *Ibid* p.53.

³² *Ibid* p.25.

³³ *California Statewide Action Plan for Self-represented Litigants* (2004), page 2, Online at www.courtinfo.ca.gov/programs/cfcc/pdffiles/Full_Report.pdf.

³⁴ Focus Consultants (2005). *Evaluation of LawLINK Project*. Online at: lss.bc.ca/assets/about_lss/Lawlink-Eval-Report.pdf

- 49 per cent had post-high school education and 9 per cent had university degrees
- 24 per cent were Aboriginal
- 79 per cent percent of users said they found out about LawLINK from a service provider at the LawLINK location, while 21 per cent had known about LawLINK before arriving at the location.

Unrepresented litigants

While a hub service might include but not be limited to self- or unrepresented litigants, the research on who unrepresented litigants are and what they want can provide important clues about a potential user group of hub services.

Figures on the numbers of unrepresented litigants are not available for Canadian jurisdictions but some statistics are available from the United States. Information varies by state and by type of case.³⁵ Examples are as follows:

- A study in Utah (2006) found 99 per cent of the petitioners and 99 per cent of respondents in small claims court were unrepresented.
- For civil cases overall, a New Hampshire study (2004) found at least one party was unrepresented in 85 per cent of cases in district court and 48 per cent of cases in superior court.
- A California study (2004) reported 4.3 million unrepresented court users.

Comments in *Framing the Issues for the Summit on the Future of Self-Represented Litigation*³⁶ provide a useful overview of what has been learned about the characteristics of the self-representing litigants group:

In the course of the last ten years, we have learned a great deal. We know:

- that the vast majority, but not all, self-represented litigants are poor or of limited means;
- that most have a high school education;
- that a large majority are women;
- that a majority are young;
- that the most usual reasons given for not having a lawyer are, in order:
 - inability to pay for a lawyer
 - the matter is not complicated enough to require a lawyer
 - the litigant doesn't want to pay the cost of a lawyer, and

³⁵ National Centre for State Courts, Pro Se: Self-Represented Litigants, Pro Se Statistics, Sept. 25, 2006. Online at www.ncsconline.org/WC/Publications/Memos/ProSeStatsMemo.htm

³⁶ *Framing the Issues for the Summit on the Future of Self-Represented Litigation* in the report of the March 2005 summit, "The Future of Self-Represented Litigation," jointly sponsored by the US National Center for State Courts and the State Justice Institute. Online at www.ncsconline.org/

- the case will get resolved more quickly without a lawyer.

In the mapping report for the Self Help Information Centre (SHIC) at the Vancouver location of BC Supreme Court e, a Supreme Court Justice commented: “There’s one word that describes the reason for SRLs: budget.”³⁷

The final evaluation report for the SHIC revealed the following profile information about Centre users:³⁸

- The largest block of users fell between the ages of 40 and 49.
- Male users predominated by a small margin.³⁹
- Female users were younger on average.
- A significant majority of users reported income at or below \$2,000 per month.
- Over a third of users reported having a college or university degree, with close to two-thirds reporting some level of post-secondary education.
- 46.8 per cent of Centre users report speaking a language other than English at home, with Asian languages dominating. At the same time, less than one in ten users report having a problem with English-only service provision.
- Almost six out of ten Centre users reported receiving assistance with their legal matters prior to accessing services at the SHC. Of these, the majority reported having had prior legal advice in some form, using online resources or receiving assistance through the family justice system or from outside community-level services.
- An overwhelming majority of users (96 per cent) reported they were not currently retaining the services of a lawyer with more than three-quarters saying they could not afford a lawyer.

The finding that unrepresented litigants who use the SHIC service are in general lower income but relatively well educated is reinforced in the *Alberta Self-Represented Litigants Mapping Report* which found that, “approximately half of the

³⁷ John Malcolmson and Gayla Reid (2004). *Developing Models for Coordinated Services For Self-Representing Litigants: Mapping Services, Gaps, Issues and Needs*, p.11.

³⁸ John Malcolmson and Gayla Reid (2006) *BC Supreme Court Self-Help Information Centre Final Evaluation*, p.6-7. Online at www.lawcourtsed.ca/documents/Research/SHC_Final_Evaluation_Sept2006.pdf

³⁹ There is no particular inference to be drawn from the gender differences between the SHIC evaluation and *Framing the Issues for the Summit on the Future of Self-Represented Litigation* in which Greacen observes, “Most studies of self-represented litigants have focused on the general jurisdiction court, where they appear most frequently in family law matters. If the focus were on small claims or landlord/tenant matters, some of the demographics might change (e.g., age and sex), but not income...”

SRLs involved in the studies had incomes below \$15,000, (and) reported education levels were above average. Between 80- 96 per cent had completed high school and around 60 – 65 per cent had at least some post-secondary education.”⁴⁰

As the Alberta report comments, these findings contrast significantly with previous assumptions that most SRLs would have below average literacy and comprehension levels.”⁴¹

The Alberta research identified seven broad groups of unrepresented litigants (identified in the research as SRLs), each with varying needs:

1. SRLs with an overall lack of social resources

This group of people have low income, low education and low levels of literacy. They tend to have poor communication skills and do not understand their social and legal rights or the court process. They may be eligible for Legal Aid or other assistance but they do not know how to access available services without assistance.⁴²

While this group may qualify for legal aid in criminal/family matters, they are confronted by lack of legal aid coverage for civil law problems. Other research⁴³ suggests that this group may be likely to face particular problems in the area of poverty law.

In any service response to civil legal needs, it will be important to consider the provision of assistance to this group, in particular the support and training of intermediaries who can assist this group to access available services.

2. Low income SRLs with some social resources

This group of SRLs cannot afford a lawyer but have sufficient education and communication skills to seek out and access any available service. If eligible for Legal Aid or assistance from legal clinics they will usually take advantage of these resources once they connect with them. However, a significant portion of this group do not qualify for Legal Aid or other low income services but have insufficient income to retain a private lawyer.⁴⁴

Members of this group appear to predominate in SHIC usage, and are likely to be an important population group in civil services offered through a hub.

⁴⁰ Mary Stratton, *Alberta Self-Represented Litigants Mapping Report*, 2007, p.10.

⁴¹ *Ibid.*

⁴² *Ibid* p. 12.

⁴³ See for example, John Malcolmson and Gayla Reid, *Justiciable Problems and Social Exclusion: A Preliminary Assessment of Problem Triggers, Problem Clusters and Legal System Responses*, p.37-39.

⁴⁴ Mary Stratton, *op. cit.* p.13.

3. SRLs living with additional social barriers that interfere with access to justice

Most SRLs in this group will also be low-income, although there may be overlap with any of the other six basic groups. In addition to other circumstances and reasons for self-representing, this group experiences additional social barriers to accessing justice, such as physical or mental disabilities, other health barriers, language and cultural barriers, and living in remote locations.⁴⁵

The services of community advocates are of paramount importance for people who face these kinds of barrier to access. Liaison between the relevant community groups and hub service providers would be essential to meeting the needs of members of these groups.

4. SRLs who wish to hire a lawyer but are unable to find one

SRLs who wish to hire a lawyer but are unable to find one usually live in small towns or remote areas. The town may have no resident lawyers, those available do not have expertise in the required legal area or may already have too many cases, there can be a conflict of interest, or the case may in some way be locally controversial.⁴⁶

While the shortage of private civil law practitioners is mentioned in the research,⁴⁷ the issue of lawyer expertise is particularly relevant in areas of poverty law. Few private bar lawyers practice poverty law, either in urban or rural areas.

5. SRLs who were previously represented

These SRLs began their involvement with legal counsel but are no longer represented. The usual reason is that the legal problem has been lengthy and remains without a permanent resolution. This can occur in complex civil cases of all kinds... These SRLs may be involved in cases that progress all the way to the Court of Appeal. Some of these litigants have learned much about the process and presentation of their cases and can self-represent quite successfully.⁴⁸

⁴⁵ *Ibid* p. 13. Stratton cites two additional reports that may be useful in this context: *Justice System and the Public: Communication and Access Barriers for those with Disabilities*, and *Balancing the Scales: Understanding Aboriginal Perspectives on Civil Justice*, both available online at www.cfcj-fcjc.org/publications-cjsp.htm

⁴⁶ *Ibid* p. 14.

⁴⁷ See, for example, the Department of Justice report on Legal Service Provision in Northern Canada, *Summary of Research in the Northwest Territories, Nunavut, and the Yukon* (2003). Online at www.justice.gc.ca/en/ps/rs/rep/2003/rr03lars-15/rr03_15_08.html#8_1_1

⁴⁸ *Ibid* p.14

It is worth noting here that, in the final SHIC evaluation, assistance to unrepresented litigants in the Court of Appeal was identified as an unmet need.

6. SRLs in cases where representation is supposed to be unnecessary

Small Claims actions . . . are not expected to require legal representation, but people often still require information and assistance to understand and access the legal process effectively. The Small Claims process was specifically designed for self-representation but many litigants (including those with university education) find the legal forms, language and etiquette challenging. Members of the judiciary also point out that since the Small Claims limit has increased [...] it is more common for one side to retain a lawyer, especially when there is a power differential between the litigants involved.⁴⁹

The Small Claims court in BC is similarly designed to be a court that does not require representation but it is one in which the limits have increased and this is having an impact. *An Evaluation of the Law Students Legal Advice Program (LSLAP)* indicates that referrals from the Small Claims registry to the LSLAP Small Claims clinic in Vancouver is the highest single source of referrals for the entire LSLAP program.⁵⁰ (The clinic provides representation in Small Claims court to eligible clients.)

7. SRLs who could access representation but prefer to self-represent

SRLs in this group have the resources for legal representation but choose to self-represent because they believe they can do as good or better job than a lawyer. They are usually well-educated and distrust the legal profession. They may have received legal advice, which they choose not to accept. Often these SRLs are involved in cases they view as a personal cause.⁵¹

In terms of those who view their case as a “personal cause,” it is worth noting that the final evaluation of the SHIC revealed a small group of SHIC users who have made a “cause” of preparing their own cases (typically because they cannot afford lawyer services) and who regularly make use of the SHIC each weekday, in some cases, for months. Although insignificant in number, this group – informally dubbed “frequent flyers” by staff – takes up a disproportionate

⁴⁹ *Ibid.* p.15.

⁵⁰ John Malcolmson and Gayla Reid, *Delivery of Poverty Law Legal Aid Services through Pro Bono Services*, 2006. (This is an evaluation of the LSLAP clinics in suburban centres of the Lower Mainland, prepared for the federal Department of Justice. In this research, members of the judiciary stressed the value of LSLAP assistance to provincial court clients because “the problem we have is that there really is no assistance for litigants who represent themselves in civil matters.”)

⁵¹ *Ibid.* p.15.

amount of SHIC resources. A hub service may well attract a similar small group of users.

- 49 per cent had post-high school education and 9 per cent had university degrees
- 24 per cent were Aboriginal
- 79 per cent percent of users said they found out about LawLINK from a service provider at the LawLINK location, while 21 per cent had known about LawLINK before arriving at the location.

Profile of clients who use LSS family services

In addition to providing full representation in some family matters, the Legal Services Society (LSS) provides family duty counsel and family advice lawyers in Supreme Court and in Provincial Court to assist unrepresented low-income parents deal with legal issues related to separation and divorce.

The *Evaluation of Family Services of the Legal Services Society: Final Report* (Focus Consultants, 2006), found that for all LSS family services:

- A majority of users were female.
- 76 per cent had high school graduation or post-high school graduation.

The *Evaluation of the Family Duty Counsel Project in Six Provincial Sites* (Focus Consultants, 2005) examined the provincial Family Duty Counsel Project (FDCP).⁵²

- The majority of clients are female, are overwhelmingly of Canadian citizenship, are employed full-time, and have not seen a lawyer prior to duty counsel.
- Approximately 50 per cent of clients have high school graduation or less, with an equal proportion have some technical or higher education.
- 53 per cent of full-time employed clients are assessed as financially eligible. The evaluation report makes the following point about this group: “These ‘working poor’ clients thus lack financial resources, but need in many cases to juggle work schedules or actually miss work to attend court... The provision of an immediate, one-step service is thus likely of considerable significance.”⁵³

⁵² The FDCP project was introduced on a staggered basis at 44 family court locations in British Columbia between January and December 2003. The study has involved gathering data on six of the earliest established of these locations (including the possible hub sites of Kelowna, Victoria, and Nanaimo).

⁵³ Focus Consultants, *Evaluation of the Family Duty Counsel Project in Six Provincial Sites*, 2004, p.4.

The *Evaluation of the Expanded Family Duty Counsel (EFDC) at Robson Street*,⁵⁴ revealed:

- 56 per cent of clients were female and 83 per cent were financially eligible.
- Only five per cent had seen a lawyer before they arrived at the service. (64 per cent had seen a Family Justice Counsellor prior to contact with the EFDCP, a requirement of the service.)
- Slightly under half of clients have high school graduation or less. This level of education could obviously impact the capacity of individuals to self-litigate.
- There is a significant minority (15 per cent) of clients with non-Canadian citizenship for whom language could potentially be an issue in self-litigation.

Family Justice Services Division: client base

The Family Justice Services Division (FJSD) has completed several recent research reports that provide information regarding its client base.⁵⁵ The following are client characteristics that may be relevant to this project and are consistent with the profiles reviewed earlier in this section:

- Most clients are referred to the services via informal sources (family and friends).
- Most are “working poor” earning under \$30,000 a year. (The FJSD gives priority to clients of modest means.)
- The clientele has a somewhat lower representation of ethnic minorities than overall BC population.
- The number of clients with language and literacy challenges is very small.
- Many clients have multiple legal issues.
- Approximately half have attended or completed post-secondary education and only a small percentage (5-10 per cent) of clients have not completed high school.⁵⁶

All of the available evidence suggests that lack of access to legal counsel in non-family civil law has a broad impact. In the areas of poverty law and Small

⁵⁴ In the expanded duty counsel model, the client is more “assisted” than they are fully “represented”, but the assistance goes beyond the traditional duty counsel model.

⁵⁵ See Focus Consultants research on FJSD (Outcomes Study, Settlement Readiness Study, and Longitudinal Research on Dispute Resolution).

⁵⁶ Summary provided by the Family Justice Division.

Claims, legal aid is simply unavailable. In addition, there is a range of people who would be ineligible for legal aid—even if coverage was available—and who still could not afford to hire a lawyer.

Voices of the clients: research findings

Across the research, clients consistently assert that information and assistance does make a difference in their ability to resolve their problem. In the *Evaluation of the LawLINK Project*, for example, assisted users of the service were clear that they were better able to understand the system and their problem, and better equipped to take steps towards resolution.⁵⁷

In *Justiciable Problems and Social Exclusion*, clients reported on negative experiences with the legal system, in which they felt the system was weighted against them. They described how they found the system difficult to access, intimidating, costly, time-consuming, and lengthy. These clients were also asked if they thought legal assistance had helped them or would help them. (Most were at the front-end of their civil matter and the assistance was being provided community advocates, with some referral to pro bono clinics.) Outcomes identified by clients included security, safety, clarity about legal responsibilities, and a sense of personal validation. And they included the capacity to participate in the legal system with some confidence, and a stronger sense of one's own dignity and self-worth.⁵⁸

1.3 Types and prevalence of civil legal problems

This section reviews the literature in order to provide information about the types of civil law problems that people may experience, the incidence of these problems, and their dynamics in people's lives.

Incidence of problem types

In *Causes of Action* (UK) Pleasence et. al. reported on the most frequently occurring problem types in the area of civil law. In this study, consumer, money / debt, employment and housing were among the most frequently reported problems.

The following table, adapted for this report from *Causes of Action*, gives a breakdown by problem area.⁵⁹

⁵⁷ Focus Consultants (2005) *Evaluation of the LawLINK Project*, p. 41.

⁵⁸ John Malcolmson and Gayla Reid (2006). *Justiciable Problems and Social Exclusion*, p. 39.

⁵⁹ For the full table, see Pascoe Pleasence, et. al., Table 2.1, p. 14.

Figure 1: Major civil justice problems identified in the *Causes of Action* survey

Problem Category	Percent Reporting a Problem in the Category
Consumer	13.3
Neighbours (noise problems, etc.)	8.4
Money/debt	8.3
Employment	6.1
Personal injury	3.9
Rented housing	3.8
Owned housing	2.4
Welfare benefits	2.3

While the occurrence of civil legal problem is important, so too is the impact of the civil legal problem upon the person who experiences it.

The draft study, *The Legal Problems of Everyday Life* (Currie 2006) shows a similar emphasis on consumer, employment and debt as major civil (non family) problem types. In identifying the problems, it also reports on their importance to the people experiencing them.

The following table, adapted for this report from Currie's study, gives a sense of the impact of these civil problems in the lives of Canadians.⁶⁰

Figure 2: Impact of civil problems and the importance attached to solving them

Problem Type	Number of Problems Overall	Number of Problems Important to Resolve	Incidence (Per Cent)
Consumer	1,480	1,197	80.9
Employment	1,421	1,261	88.7
Debt	1,444	1,243	86.1
Social Assistance	49	45	91.8
Disability Pensions	48	45	93.8
Housing	95	85	89.5
Immigration	35	34	97.1
Discrimination	91	74	81.3

⁶⁰ Albert Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, 2006, unpublished draft report. Cited with author's permission. For the full table, see p. 41-42.

Police Action	103	88	85.4
Wills and Powers of Attorney	330	308	93.3
Personal Injury	161	153	95.0
Hospital Treatment and Release	86	82	95.3
Threat of Legal Action	51	44	86.3

A national Canadian survey (Currie, 2005) of the civil justice problems of low- and moderate-income Canadians found that three categories of economic problems stand out in terms of frequency of occurrence: money and debt; consumer problems; and employment problems.

The following table, adapted for this report from the Canadian national survey, gives a breakdown by problem area.⁶¹

Figure 3: Major civil justice problems identified in Canadian national survey

Problem Category	Percent Reporting a Problem in the Category
Money and Debt	27.4
Consumer	19.2
Employment	17.4
Housing	5.4
Personal Injury	4.7
Wills and Incapacity	4.0
Threat of Legal Action	3.7
Social Assistance	3.5
Discrimination	3.5
Police Relations	3.1
Disability Pensions	2.6
Hospitalization	2.2
Immigration and Refugee	0.8

The 2005 Canadian survey points out that these findings are consistent with previous data gathered in Canada, as well as with data from the Netherlands, Scotland, and England/Wales.

⁶¹ For the full table, see Albert Currie, *A National Survey of The Civil Justice Problems Of Low And Moderate Income Canadians: Incidence and Patterns*, 2006, Table 3, p.7.

The *Washington State Civil Legal Needs Study* found that if a low-income household has a non-family civil legal problem it most likely involves housing, employment or consumer matters.⁶² Specifically, the study reports the following:

- Housing (17 per cent of all issues): Housing is the most reported issue for every demographic group. Of households experiencing at least one legal problem, more than 41 per cent (approx. 136,000) experience a problem related to housing.
- Employment (13 per cent). Hiring and on-the-job discrimination accounts for half the issues, followed by wage claims. Of households experiencing at least one legal problem, 25 percent (approx. 83,000) experience a problem related to employment
- Consumer (10 per cent): Abusive collection practices account for a third of consumer-related issues, and issues relating to insurance account for nearly a quarter. Of households experiencing at least one legal problem, 27 percent experience a problem in the consumer area.

In *Unmet Civil Legal Needs in Nunavut, Northwest Territories and the Yukon*, which focuses on the needs of low-income people, landlord/tenant and welfare issues were noted by over 50 per cent of the intermediary respondents and that this finding occurred across all the territories.

The following table,⁶³ adapted for this report from this study, gives the breakdown of types of legal issues that clients most frequently mention to intermediaries:

Figure 4: Civil law issues identified to intermediaries in Nunavut, Northwest Territories and the Yukon

Civil law issue	Numbers and Percent Identifying a Problem in this Category
Landlord-tenant	59 (57 per cent)
Welfare/social/income assistance	56 (54 per cent)
Employment issues	30 (29 per cent)
Wills and Estates	20 (19 per cent)
Human rights	18 (17 per cent)
Personal injury	18 (17 per cent)

⁶² *Washington State Civil Legal Needs Study*, 2003, p. 34. This study highlights the level of unmet legal needs among the state's low and moderate income population.

⁶³ Focus Consultants, *Unmet Civil Legal Needs in Nunavut, Northwest Territories and the Yukon*, 2004, p.31.

Pensions and benefits	16 (16 per cent)
Mental health review board	16 (15 per cent)
Immigration/refugee	13 (13 per cent)
Debtor/creditor issues	10 (10 per cent)
Housing	9 (9 per cent)
Workers Compensation	9 (9 per cent)

Civil matters at the Supreme Court Self-Help Information Centre (SHIC)

The data for full-service users of the SHIC shows that requests for help with civil law problems are significantly less than requests for help with family law problems. However, when the brief users are taken into account, civil law requests total approximately 40 per cent of all requests for assistance at the Centre.⁶⁴

Figure 5: Civil law areas: service distribution for full-service visits

Problem type*	Total full-service visits
Personal injury	16.0 per cent
Consumer contract	16.0 per cent
Wills litigation	13.2 per cent
Consumer foreclosure	3.8 per cent
Consumer other	2.8 per cent
Consumer bankruptcy	2.8 per cent
Wills procedure	0.9 per cent
Adult guardianship	0.9 per cent
* Multiple selections possible	

At the SHIC, demand for assistance with judicial review matters breaks down as follows (with some services being provided in other non-specified civil matters and some service for Small Claims and Motor Vehicle matters, even though they are not Supreme Court matters).

⁶⁴ There is no specific inference about level of demand to be drawn from the apparent concentration of civil requests in the “brief service” end of service delivery. A SHIC staff person commented: “The non-family users tend to be more diverse and unstructured in their needs, and interventions by us which are more likely to take place without the completion of an Intake form.” *SHIC Final Evaluation Report* (2006) p. 33.

Figure 6: Judicial review /other civil sub-areas: service distribution*

Judicial review /other sub-areas *	Total visits
Human rights	100.0 per cent
Landlord tenant	40.0 per cent
Other	35.0 per cent
Small claims	17.5 per cent
Motor vehicle license	12.5 per cent
* Multiple selections possible	

Poverty law research

In the 2004 SPARC report, *Delivering Poverty Law Services: Lessons from BC and Abroad*, researchers asked respondents to identify the most pressing problem areas and to score their importance. The following table, adapted for this report from the SPARC study, reveals the priority issues.⁶⁵

Figure 7: Most pressing problems of poverty law

Problem Category	Score as to importance
Welfare	159
Disability Benefits	73
Residential Tenancy	52
Employment Insurance	25
Debt/Credit Issues	16
Canada Pension Plan matters	7
Workers Compensation	3

It should be noted here that some respondents saw welfare and disability benefits as being in the same category, with disability benefits being understood as a category of income assistance.

⁶⁵ Andrea Long and Ann Beveridge, SPARC, *Delivering Poverty Law Services: Lessons from BC and Abroad*, 2004, p.11. Online at www.sparc.bc.ca

Welfare, housing and debt are the top five priority areas of poverty law in the 2005 Law Foundation report, *Poverty Law Needs Assessment and Gap/Overlap Analysis*, where the priorities are listed as follows. ⁶⁶

Figure 8: Priority areas in poverty law

1. Welfare
2. Housing
3. Debt
4. Workers' Compensation
5. CPP/OAP

Both the SPARC and the Law Foundation reports give some insight into the dimension of need by referring to the poverty law services provided by the Legal Services Society before 2002. For example, the SPARC report notes that approximately 40,000 poverty law clients were served annually.⁶⁷

The Law Foundation report notes that in the last year Legal Services Society provided poverty law services (2000/2001), referral data showed the following as the priority areas, in order: BC Benefits (now Employment & Assistance); housing; debt & collection, WCB; and Canada Pension/OAP.

The findings in these reports are consistent with those of the 2004 report of the Community Legal Assistance Society (CLAS) study, *Poverty Law Advocacy Training Needs Assessment*.⁶⁸ This latter report confirmed the main areas in which poverty law advocates wanted training, were, in order:

Figure 9: Advocate training needs in the poverty law area

1. Welfare
2. Residential Tenancy
4. Disability
5. Human Right/Mental Health
6. Employment Standards

⁶⁶ Denice Barrie, *Poverty Law Needs Assessment and Gap/Overlap Analysis*, p.1. Online at www.lawfoundationbc.org/plna-nov05.pdf

⁶⁷ Andrea Long and Ann Beveridge, SPARC, *Delivering Poverty Law Services: Lessons from BC and Abroad*, 2004, p.9. Online at www.sparc.bc.ca

⁶⁸ Brett Haughian, Community Legal Assistance Society, *Poverty Law Advocacy Training Needs Assessment*, 2004, p.26.

8. Employment Insurance
9. Women and Poverty
10. Debt

Research into vulnerability to justiciable problems

Research in this area is most developed in the United Kingdom. For example, in *Causes of Action*,⁶⁹ Pascoe Pleasance explores the pattern of experience of justiciable problems and provides an analysis of how differences in life circumstances mean differences in vulnerability to problems, and why different rates of problem incidence are therefore associated with different population groups, both in general terms and within individual problem categories.

What the research into the vulnerability to justiciable issues has revealed includes the following: those likely to have unmet legal need are often from poor and vulnerable groups, and factors that increase their likelihood of having unmet legal needs include being from a non-English speaking background, disabilities, low literacy levels, gender differences, age levels, cultural differences, or having mental health problems.⁷⁰

Research has also revealed that among poor and vulnerable groups, justiciable problems tend to come in clusters, and that certain problems may be triggers for others.⁷¹ Other research has explored the links between justiciable problems and health-related problems.

This body of research also finds that “as respondents experience multiple problems, they became increasingly likely to have experienced problem that play a direct role in social exclusion,” defined here as what happens when multiple overlapping problems create interlocking and mutually reinforcing patterns of marginalization.⁷²

In *Causes of Action* (UK), Pleasance finds patterns of vulnerability to justiciable problems: “In general terms, those who reporting long-standing ill health or disability, lone parents, those living in the rented housing sector and in high

⁶⁹ See in particular, chapter 2 of *Causes of Action*.

⁷⁰ Liz Curran, *Making Connections: the Benefits of Working Holistically to Resolve People’s Legal Problems*, paragraph 10. E Law - Murdoch University Electronic Journal of Law, Vol. 12, No. 1 & 2: Available at www.murdoch.edu.au/elaw/issues/v12n1_2/Curran12_1.html#n1

⁷¹ Gayla Reid and John Malcolmson, *Justiciable Problems and Social Exclusion: A Preliminary Assessment of Problem Triggers, Problem Clusters and Legal System Responses*. 2006. Canada Department of Justice, Research and Statistics Division.

⁷² Pascoe Pleasance, *Causes of Action*, 2004, p.47, and *Preventing Social Exclusion*, Social Exclusion Unit, Cabinet Office, UK, March, 2001

density housing, those who were unemployed or on very low incomes, and those aged between 25 and 44 were most likely to report problems.”⁷³

Causes of Action found not only patterns of vulnerability but also an economic impact associated with vulnerability. For example, ill and disabled respondents had a much greater tendency than others to report employment, money/debt, welfare benefits, rented housing and homelessness problems. Lone parents disproportionately reported money/debt and welfare benefits problems

Similar patterns were found in Scottish research. In *Assessing Need for Legal Advice in Scotland*,⁷⁴ people with a justiciable problem were more likely to be living in rented accommodation, in receipt of housing benefits, have children in the home, be unemployed and have a physical or mental impairment than people without a justiciable problem. Minority ethnic respondents were more likely to experience a justiciable problem than white respondents.

Discrimination was reported more frequently among this group.

The *Washington State Civil Legal Needs Study* found the following:⁷⁵

- Women are disproportionately represented in the state’s low-income population... The surveys provide statistically reliable evidence that women and children experience a disproportionate percentage of legal problems. While women represent 60 per cent of those surveyed by the field survey, they experience higher percentages of legal problems in the areas of family (74 per cent), education (68 per cent) estates and trusts (68 per cent), health (65 per cent), housing (64 per cent), and problems relating to a physical or mental disability (70 per cent).
- The homeless experience a third more legal issues than the general population.
- People with physical disabilities have higher-than-average rates of consumer-, health- and estates- and trusts-related legal issues, while the mentally disabled report housing and municipal and public services issues at higher-than-average rates.
- Vulnerable seniors report elder-abuse-related issues at three and a half times the average rate. Vulnerable seniors also have more than three times the average rate of estate-and-trust-related issues.

⁷³ Pascoe Pleasence, *Causes of Action*, 2004, p.45. He also notes that while there was a tendency for those on very high incomes to report problems at higher than average rates, and although there were instances of problems being reported from all walks of life, the “socially excluded” groups are particularly vulnerable to experiencing justiciable problems. (Ibid)

⁷⁴ Government of Scotland, *Assessing Need for Legal Advice in Scotland: An Overview*. Research Findings 44/2004, p. 1. Online at: www.scotland.gov.uk/Resource/Doc/25954/0029602.pdf

⁷⁵ *Washington State Civil Legal Needs Study* 2003, p. 29-32.

- Households with members making a transition from welfare to work have nearly a 40 per cent higher rate of family-related issues.
- Recent immigrants report civil rights issues at more than four times the average rate, and migrant and seasonal farm workers at nearly three times the average rate.

A Canadian national survey (Currie, 2005) found that certain groups showed “a fairly strong tendency to report at least some problems they considered difficult to resolve.”⁷⁶

- Respondents in the 29 to 45 age group were two times more likely than all others to report problems.
- Single parents were 2.3 times more likely than all others to report problems.
- The unemployed were 2.4 times more likely than others to report at least one problem.
- Respondents whose major source of income was a disability pension were 2.8 times more likely than all others to report experiencing other problems.
- Respondents receiving social assistance payments were 2.1 times more likely to report one or more problems).
- Aboriginal people and members of visible minority groups were 1.4 more likely to report at least one problem.
- Respondents self-reporting as visible minorities were 1.6 times more likely than others to report at least one problem.

The survey also noted that the lower the educational level, the less likely respondents were to report problems. From this vantage point, “the lesser tendency for the lowest educational group may be less a reflection of fewer problems than less of a tendency to report them.”⁷⁷

Much of the research cites the fact that low-income clients are affected by multiple problems. For example, in the Yukon/Northwest Territories/Nunavut research,

- Three-quarters of the intermediary respondents said that their clients were frequently affected by more than one civil legal problem at a time.
- Sometimes civil legal problems occur concurrently; in other cases unresolved civil legal problems lead to the development of other problems, and in other cases, civil and criminal legal problems are connected.

⁷⁶ Albert Currie, *A National Survey of The Civil Justice Problems Of Low And Moderate Income Canadians: Incidence and Patterns*, 2005, p.4-6.

⁷⁷ *Ibid.*

- Unresolved civil legal problems frequently have serious mental health, physical health or social consequences. Those consequences include mental or health problems, increased substance abuse, isolation and victimization, or legal, financial or residential consequences.
- Barriers to the resolution of civil legal problems are often more fundamental than coverage or eligibility restrictions; they stem from basic issues of literacy, education, lack of knowledge of rights, and the lack of trained professionals in many communities.⁷⁸

Needs that remain unmet

The Canadian national survey of civil problems comments,

“(t)he existence of problems in itself does not necessarily indicate unmet need. In some instances people resolve their problems on their own without resorting to formal sources of advice or assistance. The extent to which problems remain unresolved, the extent to which the situation becomes worse if problems go unresolved or, even if problems are resolved, whether the resolution is perceived to be unfair may be considered as further indicators of unmet need.”⁷⁹

The survey found,

- Generally, the economic problems that occurred with the greatest frequency, consumer, money and debt and employment, tended to have the lowest proportions unresolved. These were 28.6 per cent, 32.2 per cent and 33.2 per cent, respectively.
- Three other problem categories that represent elements of a secure life in terms of livelihood, health, safety, shelter, sustenance and family... had high proportions of problems *unresolved*. These were social assistance, 58.0 per cent, disability pensions, 55.4 percent and housing, 41.4 per cent unresolved.
- The highest proportions of *unresolved problems becoming worse* are in the social assistance, disability pensions and housing categories. In these three categories, unresolved problems had become worse, as follows: 63.8 percent for social assistance problems, 74.4 percent for disability problems and 51.5 per cent for housing problems.⁸⁰

⁷⁸ Focus Consultants, *Unmet Civil Legal Needs in Nunavut, Northwest Territories and the Yukon*, 2004, p. 3.

⁷⁹ Albert Currie, *A National Survey of The Civil Justice Problems Of Low And Moderate Income Canadians: Incidence and Patterns*, 2005, p.11.

⁸⁰ *Ibid.*, p.14.

Clustering and triggering of justiciable problems

Among groups that are vulnerable to justiciable problems, “the experience of such problems has an additive effect. So, each time a person experiences a problem they become increasingly likely to experience additional problems.”⁸¹

The connection between social exclusion and the experience of multiple problems has been explored in Canadian research. Currie (2006) found that “experiencing multiple problems may partly define the dynamics that create and perpetuate poverty.”⁸²

Malcolmson and Reid (2006) found that a single event can be the trigger for a number of legal problems, which can in turn exacerbate the triggering event (such as a health issue), making it difficult for clients to address legal problems. The most frequently cited triggers are onset or recurrence of mental illness, onset or recurrence of physical illness, family breakdown or housing crisis. Justiciable problems become linked via the triggering events into larger complexes of problems (clusters) in the lives of individuals. Clusters tend to group legal and non-legal problems, the characteristics of which vary according to triggering events. Within this context, the more vulnerable the client, the denser the cluster as multiple legal and non-legal issues combine to create a downward spiral in people’s overall ability to contend with challenges in their lives.⁸³

1.4 Dimension of need and problem categories: service provider statistics

In addition to the literature, data gathered by service providers yields an insight into the type and prevalence of civil law issues. This section presents statistics available from some major service providers about the requests they receive.⁸⁴

Law Foundation funded advocates

The Law Foundation of BC funds 42 community advocate positions and 39 FTE law-student positions at the Law Students Legal Advice Program at UBC and the Law Centre in Victoria. With this funding, community advocates and students

⁸¹ Pascoe Pleasance et. al, *Causes of Action*, 2004, pp.31 and 37.

⁸² Albert Currie, *Ibid*, p.2.

⁸³ *Justiciable Problems and Social Exclusion*, 2006, Executive Summary p.2-3.

⁸⁴ Each service provider uses its own sets of categories, and the purpose of this section is to provide a sense of the range and frequency of civil problems, not to prompt comparisons among service provider groups. This section does not aim to provide definitive numbers as to possible client demand.

provide information and referral, summary advice, and representation. In the most recent year they closed a total of 41,467 files.

Law Students Legal Advice Clinic (LSLAP)

In 2006, 4,151 low income people were seen at the LSLAP clinics and received advice, referral, and follow-up services in both criminal and civil areas. Overall, the number of cases concluded by representation: 1892; by summary advice: 940; and by referral: 543. The civil matters in which the LSLAP clinics provided service in 2006 are attached as Appendix C. The following chart presents the top six categories.

Figure 10: Top LSLAP civil cases by issue area, 2006

Problem Type	Number of Problems
Contract Dispute	567
Other	462
Landlord/Tenant	284
Tort (Negligence, etc.)	277
Employer/Employee	267
Debt	234
Wills & Estates	221

LSLAP also runs a Small Claims Clinic at the Provincial Court in Vancouver, with students providing advice and representation services. The clinic is staffed up to four days a week in the summer, and up one-and-half days in the winter. It does not advertise and clients come mostly from registry referrals. LSLAP 2006 case statistics for the Small Claims Clinic are as follows:

Figure 11: LSLAP Small Claims Clinic, 2006

Problem Type and Number	Problem Type and Number
Contract disputes 104	ICBC 16
Debt issues 51	Property issues 15
Tort 51	Auto accident 13
Other 26	Wills and estates 9
Consumer issues 24	Employer issues 8
Landlord tenant 18	Personal injury 8

Lawyer Referral

The Lawyer Referral service operated by the BC branch of the Canadian Bar Association handled a total of 70,320 incoming calls (all areas of law) in the year 2005/2006. A detailed summary of Lawyer Referral requests in the area of civil law is attached as Appendix B. The following chart presents the top ten civil law categories by totals.

Figure 12: Lawyer Referral civil problems - totals by category from 7/2/2005 to 6/30/2006

Problem Type	Number of Problems
Employment (non-union)	2,243
Wills, estates and trusts	1,969
Torts	1,809
Real property	1,331
Insurance	1,193
Collection	1,006
Commercial disputes	985
Motor vehicle accidents	968
Business	955
Immigration	924

LawLINE

LawLINE is a toll-free hotline for people in BC that provides information and referrals to all callers and legal advice to those who are eligible. In 2005/2006, LawLINE handled a total of 7584 callers in civil non-family areas. These callers

mostly frequently reported having problems in the areas of consumer, debt, and employment.

Figure 13: LawLINE civil problems by number of total calls, 2006

Problem Type	Number of Problems
Consumer Rights	1,459
Debt	1,306
Employment	758
Health and Estates	1,222
Housing	1,136
Human Rights	110
Immigration & Refugee	330
Income Security	638
Torts	625

According to 2005/2006 figures, the profile of LawLINE callers (all areas of law) is as follows:

- About a third of users are male and two-thirds are female
- 34 per cent are aged 25-44 and 25 per cent are 45-64

Community Advocate Support Line / LawLINE

The Community Advocate Support Line (CASL), a direct phone service, was launched on May 15, 2006.⁸⁵ CASL is operated by the Legal Services Society as an adjunct to LawLINE. A LawLINE lawyer provides brief legal advice, information, and coaching to support community advocates' work on behalf of clients. CASL can offer assistance on a variety of civil legal subjects, including income assistance, residential tenancy and housing issues (including foreclosure), employment insurance, the Canada Pension Plan (including disability benefits), debt collection and bankruptcy, consumer contracts, and judicial reviews.

The following shows the distribution of issue types for 310 CASL cases and 8,890 LawLINE matters from October 2006 through January 2007.

⁸⁵ CASL is a two-year pilot project funded by the Law Foundation and the Ministry of Attorney General.

Figure 14: CASL and LawLINE civil problems by per cent of total calls, October 2006 - January 2007

Issue Type	CASL cases	LawLINE calls
Consumer Rights	3 per cent	9 per cent
Debt	7 per cent	12 per cent
Employment	8 per cent	4 per cent
Health and Estates	5 per cent	7 per cent
Housing	7 per cent	7 per cent
Human Rights	2 per cent	1 per cent
Immigration & Refugee	3 per cent	2 per cent
Income Security	18 per cent	4 per cent
Short service	6 per cent	7 per cent
Torts	1 per cent	3 per cent

Western Canada Society to Access Justice

Access Justice maintains data based on the number of sessions that the pro bono lawyers have with over 5,000 clients annually. In the civil area, the breakdown for 2006 is as follows.

Figure 15: Access Justice sessions for clients with civil problems, 2006

Problem Type and Number of Sessions	Problem Type and Number of Sessions
Personal injury 250	Construction issues 78
Wills and estates 250	Contract 74
Insurance 167	Bankruptcy 30
Employment 125	Constitutional law 29
Administrative law 78	Chambers app. 20

Self-Help Information Centre statistics on civil non-family services

The SHIC recorded 766 visits by 604 full-service users, along with 3,470 brief service visits over the period from the April, 2005 opening to March of 2006. Obtaining an accurate picture of the dimension of demand for civil services was complicated by the full service/brief service distinction in data recording, with “brief service” often being recorded instead of “full service” owing to factors relating to service demand at the Centre at any given time. In the area of full

service, more than three-quarters of SHIC services provided fell into the family law area, with civil matters or judicial review-related services together accounted for the remaining 22 per cent. However, a closer examination of brief service demand over a six-week period showed that in the area of brief service, demand for civil services was at 41.3 per cent of the total.

BC Courthouse Library

An intercept study conducted by the BC Courthouse Library of 157 public users indicated the range of their legal problems. The following chart identifies the civil areas and the percentage of the responses by area.

Figure 16: BC Courthouse Library intercept study of public users with civil legal problems

Problem and percentage		Problem and percentage	
Court Rules/Court Forms/Practice:	13%	Business Corporate Law	4%
Contract law	5%	Motor Vehicle/Traffic	4%
Constitutional law	5%	Municipal law	4%
Property law/real estate	5%	Personal Injury	4%
Administrative law	4%	Ethics, Professional Responsibilities	4%

1.5 Civil court cases: available statistics

The following statistics about filing provide an overview of problem types and prevalence. While they reveal volume overall they do not indicate who is proceeding without representation.

Court of Appeal

Figures for total appeals filed in civil matters in the British Columbia Court of Appeal show that, for 2005, there were 776 such appeals.

The following chart shows the problem types and percentage of total number of cases.

Figure 17: Court of Appeal filings civil non-family cases 2006

Problem type	Percentage of total
Commercial	38 per cent
Constitutional/Admin	34 per cent
Procedure	26 per cent
Torts	25 per cent
Motor Vehicle	16 per cent
Real property	13 per cent

Supreme Court

The Supreme Court statistics for Vancouver, for example, show that almost 24% of all civil cases filed are motor vehicle cases while 17% are probate cases. (Approximately 1/3 of the cases are “general civil” and not broken down any further by problem type.)

Figure 18: Supreme Court Civil New Cases for Selected Court Locations – calendar:

Supreme Court Civil New Cases for Selected Court Locations – calendar 2006

Court Location	Court Class	2006
Victoria Law Courts	Adoption	217
	Bankruptcy	632
	Caveat	22
	Enforcement Proceedings	1,108
	Family Law Proceedings	1,306
	Foreclosure	104
	Motor Vehicle Accidents	1,384
	Probate	1,207
	Supreme Civil (General)	1,093
		Victoria Total
Nanaimo Law Courts	Adoption	13
	Caveat	9
	Enforcement Proceedings	87
	Family Law Proceedings	608
	Foreclosure	117
	Motor Vehicle Accidents	289
	Probate	387

	Supreme Civil (General)	400
	Nanaimo Total	1,910
Vancouver Law Courts	Adoption	94
	Bankruptcy	2,122
	Caveat	107
	Enforcement Proceedings	690
	Family Law Proceedings	4,567
	Foreclosure	693
	Motor Vehicle Accidents	5,282
	Probate	3,554
	Supreme Civil (General)	8,439
	Vancouver Law Courts Total	25,548
Kamloops Law Courts	Adoption	9
	Caveat	29
	Enforcement Proceedings	81
	Family Law Proceedings	436
	Foreclosure	94
	Motor Vehicle Accidents	416
	Probate	299
	Supreme Civil (General)	363
	Kamloops Total	1,727
Kelowna Law Courts	Adoption	22
	Caveat	16
	Enforcement Proceedings	151
	Family Law Proceedings	602
	Foreclosure	82
	Motor Vehicle Accidents	573
	Probate	360
	Supreme Civil (General)	453
	Kelowna Total	2,259
Prince George Law Courts	Adoption	6
	Bankruptcy	336
	Caveat	3
	Enforcement Proceedings	82

Family Law Proceedings	353
Foreclosure	104
Motor Vehicle Accidents	372
Probate	85
Supreme Civil (General)	201
Prince George Total	1,542

Data source: CMIS, Case Counts Cube, March 11, 2007.

Note: - Data are preliminary and subject to change

These figures present a picture of what is happening at the tip of the pyramid conceptualized by the members of the Civil Justice Reform Working Group. Supreme Court statistics for Vancouver, for example, show that almost 24% of all civil cases filed are motor vehicle cases while 17% are probate cases. (Approximately 1/3 of the cases are “general civil” and not broken down any further by problem type.)

Small Claims

Small claims filings for the Provincial Court in four locations for the 2005/06 year are as follows.

Figure 19: Small Claims

Provincial Court, Small Claims for 2005-2006:	
Nanaimo	595
Kelowna	914
Vancouver	13,070
Victoria	915

1.6 Recommendations about ways to address unmet civil legal needs

The UK research draws unequivocal conclusions about the need for early and appropriate advice services. The *Paths to Justice* research in the UK indicates that

“if legal advice is obtained or agencies or other advisers provide positive assistance, the likelihood that a resolution will be achieved is increased.”⁸⁶

The *Causes of Action* research shows that around one in seven people who seek advice to help resolve justiciable problems fail to find any, and that where people are unable to obtain advice from first advisors and do not receive clear direction to an alternative source of advice, they may give up trying to resolve their problem. The researchers conclude that their finding “underlines the importance of development and co-ordination of advice and other services so that people are able to obtain the help they need to resolve problems and to ensure that problems are not just dealt with in isolation once they have arisen, but also that their likelihood of occurring or leading to further problems is lessened through holistic and preventative action.”⁸⁷

Some of the research examined for this identifies unmet needs as a preliminary step to developing strategic responses. *The Washington State Civil Legal Needs Study* is an example. Other studies, such as those about social exclusion (Currie, 2006; Malcolmson and Reid, 2006) are more research-based in their recommendations. They identify the need for further exploration of the ways in which certain sets of problems such as family breakdown and mental/physical disability lead to a complex array of legal problems, because a deeper understanding of these dynamics will underline the need for particular strategies regarding early intervention.

The majority of the reports contain practical recommendations pertinent to the delivery of civil services. For example, the Alberta study on unrepresented litigants (Stratton, 2007) confirmed the need for better information about existing services, and for increased coordination of current services. The report concludes that while central, Self Help Centres “will not be able to address all the challenges of providing access to justice for SRLs, but they can do much to facilitate the very important sharing of information and coordination of currently available assistance.”⁸⁸

Research reports identified strategies for success. The study of unmet civil legal needs in the north (Focus Consultants, 2006) stressed the need to provide

⁸⁶ H. Genn (1999) *Paths to Justice: What People Do and Think About Going to Law*, Oxford: Hart Publishing, p. 252.

⁸⁷ Pascoe Pleasance, *Summary of Causes of Action*, 2006. p.1. Online at

⁸⁸ Mary Stratton, *Alberta Self-Represented Litigants Mapping Report*, 2007, p.52.

information about ways of accessing civil legal services and to combine the provision of resources with face-to-face services. It also stressed the need to provide an increased use of non-court alternative resources to address civil legal matters in the community.⁸⁹

The final evaluation of the Supreme Court Self-Help Information Centre (SHIC) (Malcolmson, Reid, 2006) found that users frequently identified “having someone to talk to” as an important aspect and indeed asset of the service model. Overall, users of the SHIC were generally of the view that the self-help services assisted them in a substantial way to prepare their matters so they could be carried forward within the justice system.

Service provider respondents said that one of the most significant features of the SHIC pilot was the evolution of a collaborative structure in which government and non-government partners managed to work together to offer a more rounded service model capable of enhancing chances of successful service delivery to users.

The evaluation of the SHIC also sought to measure the impact of the Centre on court efficiencies. For example, staff who are dealing with registry line-ups were able to refer clients, in particular those who, owing to language difficulties or other barriers, need more personalized assistance. (“It gives clients a place to go.”) Members of the judiciary interviewed were very supportive of the Centre’s work, while making the point that individual unrepresented litigants do not always identify themselves as having used Centre services. Some members drew a positive inference about the impact of SHC services from the fact that the unrepresented litigants they are now seeing are on average better prepared than they were before. Members of the judiciary also emphasized that SHC services assist litigants by reducing the stress of dealing with an unfamiliar environment.⁹⁰

The SHIC evaluation indicated that the service model, which highly successful, should continue to evolve. While the original vision for the SHIC was for an integrated advice and information/education service, the Centre was unable to offer in-house legal advice, and this was a significant unmet need. However, legal advice providers reported that the flow of referrals to and from their organizations was proceeding smoothly, and staff reported that SHIC users were making use of the LawLINK kiosk located in the centre.

Many of the features of SHIC may offer options for aspects of a possible hub service. For example, the required level of staff expertise, the process of linking

⁸⁹ Focus Consultants, *Unmet Civil Legal Needs in Nunavut, Northwest Territories and the Yukon*, 2004, p.3.

⁹⁰ *BC Supreme Court Self-Help Information Centre Final Evaluation Report*, p.58.

with the network of resources, and the commitment to collaboration could all inform a hub model of service.

The family services provided by LSS to clients who are proceeding without full representation, specifically the family duty counsel and advice lawyer services, have been evaluated and have been found to be successful, both in terms of outcomes and in terms of client satisfaction. These models may be useful in fashioning services for comparable clients who are dealing with civil problems.

As an example, the evaluation of the Expanded Family Duty Counsel Project - EFDCP (Focus Consultants, 2004) describes client responses to the service. The evaluation reveals which combination of services clients tended to use, how they viewed co-housing of services, and what they did with PLEI materials, among other things. While client satisfaction with this service was high, clients made some suggestions. They stressed the importance of service providers' listening well, and of acknowledging and responding to "the emotional needs" of clients. They said that it was important to have PLEI materials in plain English and that counsel should communicate in ordinary language. They also said that the service should be advertised more widely.

The evaluation of the Expanded Family Duty Counsel Project also describes case outcomes:

- Approximately a quarter of EFDCP clients achieved a resolution to their problem that could be considered "final" almost immediately.
- In the remaining cases, EFDCP set in motion a process that was intended to lead towards a final resolution. Although half of these cases were still pending at the time of the evaluation interview, approximately 88 per cent of those that were settled (152/173) were likely seen by clients as a positive resolution. Of equal significance, approximately 75 per cent of litigants who proceeded on their own having received information or preliminary document or court preparation from EFDCP counsel, achieved a positive final outcome. ⁹¹

While some of the evaluations focus on successes and promising practices, other evaluations identify problems and unmet need. In the area of poverty law, needs assessments typically call for the provision of basic services.

The SPARC BC report, *Delivering Poverty Law Services: Lessons from BC and Abroad* (Long and Beveridge, 2004) included a brief survey of 42 community organizations in British Columbia as part of its larger discussion of possible delivery mechanisms for poverty law services in the future. The report identified the lack of lawyers doing poverty law as highly problematic. The SPARC report

⁹¹ Focus Consultants, *Evaluation of the Expanded Family Duty Counsel Project* (600 Robson Street), p. vii.

called for increased access to lawyers to act as poverty law advisors/supervisors; access to poverty law services in more communities; increased lawyer involvement in poverty law; and increased coordination amongst poverty law service providers.

The SPARC report recommended the following service delivery mechanisms:

1. “Piggy-back” poverty law services onto existing agencies within communities.
2. Provide mobile poverty law services to visit a variety of communities.
3. Increase travel funding for existing poverty law service providers.

While increased access to lawyers to act as poverty law advisors received a score of 130 on the SPARC scale, the use of telephone based poverty law services received a score of only 13. This kind of result underscores the perceived importance to clients of face-to-face service delivery.

The *Poverty Law Needs Assessment Gap/Overlap Analysis* (Barrie, 2005) found that the need for service is such that there are simply not enough resources to meet it. In particular, there are far fewer resources available now than in years past. This report found that frontline advocates are the key people in poverty law service delivery in the province. Poverty law clients need, wherever possible, to speak with someone in person about their problems and how to resolve them. The report also found that the most significant gap in the poverty law service delivery continuum is lawyers doing poverty law work. Many private bar lawyers do not have expertise in areas of poverty law.

Further, geographic isolation is a significant issue. People living in rural parts of the province do not have the same access as those in urban areas. The report identified the most needy regions of the province as: Northwest/Central Coast; Mid-Island (particularly Nanaimo); Fraser Valley; and Thompson/Nicola.

The CLAS *Poverty Law Advocacy Needs Assessment Project* (Haughian, 2004) calls for leadership in the support of advocacy services, legal support and training initiatives and focuses on the training needs of lay advocates who provide poverty law services in the community.

The evaluation of the LawLINK project (Focus Consultants, 2004) found that there appeared to be low usage of the LawLINK kiosks or public access terminals, and no indication that use of LawLINK through public access terminals was increasing. However, the presence of legal information outreach workers (LIOWs) is associated with higher volumes and higher percentages of law-related usage of the terminals. On average, service providers and LIOWs estimated that almost two-thirds of clients need direct assistance, because of literacy, language, or computer literacy barriers and lack of basic research skills.

Public legal information and education is an integral part of the services addressed in the reports under review. For example, the SHIC evaluation

reported on “a high level of activity by partners in the development of resources for unrepresented litigants, in particular online resources. This was particularly noticeable in the area of civil law.”⁹² A literature review of PLEI materials for the LSS,⁹³ makes the point that plain language materials, by themselves, are not enough. Whether materials are published in print or online, word of mouth and/or face-to-face support make a big difference to client outcomes. The systems which support the materials are as important as the materials themselves. Relationship is the key to success. As the LawLINK evaluation notes,

[P]eople who need information are more likely to turn to other people, than to documents or other media... online PLEI is often most successful when the client is supported by a knowledgeable user.⁹⁴

Conclusions

The literature and available statistics tell us that common problem types include consumer, money / debt, employment, and housing. Problems with wills and probate and personal injury also figure prominently within the wide range of civil legal needs.

The civil problems of low-income people include problems with welfare, housing, disability benefits, and pension incomes. Aboriginal people, single parents, visible minorities, people with disabilities, and the unemployed are more likely than others in the population to be dealing with multiple problems. These problems, particularly if unresolved, can become worse.

Civil legal problems when combined with life events such as family breakup and the onset of physical or mental illness can result in a “downward spiral” of financial and other legal and life problems.

The literature also suggests that addressing these complex problems will demand a coordinated response from a range service providers, especially as the resolution to many civil problems lies outside the arena of litigation.

Further, the research has indicated the importance of direct assistance when providing information. In-person help is important for people who are dealing with a legal problem – even for those with the most skills in accessing help – because the system itself is complex, unfamiliar, and challenging to navigate. In-person help is even more important for people who speak languages other than English or who are Aboriginal, or who for any reason faces barriers to access.

⁹² Supreme Court Self-Help Information Centre Final Report, 2006, p.10.

⁹³ Shula Klinger, *PLEI in British Columbia: Literature Review*, unpublished paper for LSS, 2006, p. 13-14.

⁹⁴ *Ibid.* p.13

Evaluations of current poverty law services are emphatic about the scope of unmet need in this area, and call for greater lawyer involvement, more training for advocates, and more resources.

Social exclusion research indicates that those people who fall within the commonly understood definitions of socially excluded are the one who face the greatest barriers in taking action and seeking help to resolve their problems.

PART TWO: Review of civil hub issues

The first section of this part is a summary of how key informants identify client needs. It also contains a snapshot of responses to the report, *Efficient and Affordable Civil Justice*.

The second section provides an analysis of the major service priorities, and the range of issues that would need to be taken into consideration in developing the hub concept.

The third section is a summary of issues and decision points. It presents a series of questions that informants have identified as being important to address so that the nature of a hub service is clarified.

The final section provides informants' perspectives on the service elements within a hub. It describes the models that have been identified, and includes a list of suggestions made by informants as to how they and others may be able to contribute to hub services.

2.1 Key informant perspectives on client needs

This section presents a summary of how key informants identified needs in relation to a possible hub service. In attributing comments by sector, this report uses the following designations: judiciary, lawyer, service provider, stakeholder, and registry. "Lawyer" refers to a private bar lawyer. "Service provider" refers to those who are involved in direct service delivery to clients. "Stakeholder" refers to a potential participant in the funding or management or coordination of hub services. Several of these categories overlap. For example, stakeholders may also be service providers.

Appendix E contains an overview of the major services currently available to people who are seeking to resolve a civil law problem.

1. Complexity of our society

People who are dealing with civil law matters in our complex society need information and services. Some key informants placed the need within a broader social context.

Figure 20: Select comments on needs arising owing to complexity of society

We live in a complex society and society is governed by statutes and regulations far more than we used to be. There is a need to address a broader audience than just users of court-based services. There are a lot of members of the public who don't go to court because they don't have those issues but they have civil issues. - Service provider

There have always been a lot of in-persons. . . and things are just getting more complex, lives are more complex and matters are more complex. It seems like the issues are bigger now and that we are seeing more clients who for one reason or another have difficulty dealing with their issue. - Registry

We are not talking about the tip of an iceberg; it's more like a volcanic island . . . I know for certain that there is lots of need for more information and more advice. - Stakeholder

In my view it's a good idea to have a centralized resource for disputes. There is no question about that - and not just in the justice field, but in lots of other fields serviced by government - health could benefit from that kind of approach. - Lawyer

2. Consequences of a civil matter

Informants in all four research areas reflected upon the importance of assistance in non-family civil matters, given the serious nature of possible outcomes, especially in cases when what is at stake is the person's ability to obtain or maintain income or housing. In an economically fragile household, comparatively small sums of money may constitute a large portion of monthly income, and lack of monthly income can lead directly to eviction. What the legal system would see as a minor civil matter may be of vast importance to the individual involved.

Figure 21: Select comment on significance of outcome to client

The consequences of civil justice issues are very important to the people who have them. For example, \$2000 is very important to someone who is low income, but from the system's point of view it isn't important. If someone is cheated out of bicycle and that's their only means of transportation and they don't have the capital reserve to replace it, it's a big deal to that person. - Service provider

3. Numbers of people who need civil services

One of the major reasons advanced as to why more service is needed is that increasingly, people are seeking to deal with their civil matter without the traditional involvement of a lawyer. This group includes all of those who seek help from a community advocate, those who go to tribunal by themselves, and those who handle their matters at any level of court on their own.

Within this group, those who go to court without representation figured prominently in the discussion, particularly in the responses from the judiciary.

There were also some comments that the report of the Civil Justice Reform Working Group did not fully appreciate the full dimension of the need being created by the increased number of unrepresented litigants.

Figure 22: Select comments on dimension of need

The community advocates handle more than 40,000 files a year - these are closed files that involve information and referrals. - Stakeholder
BC tribunals typically address 15,000 cases a year and are a substantial part of the system. - Stakeholder
In our jurisdiction [Vancouver Provincial Court, Civil Division] we handle 25,000 cases annually. The majority of people in our court are self-represented so we need to gear our approach to cases and processes from the point of view of people who don't have legal knowledge or the ability to produce legal documents. - Judiciary
We have a growing number of in-person civil litigants. It is sometimes hard for me to know if they are SRL by choice or circumstance. Either way they could do with assistance. It would make the system easier, fairer, and more appropriate. - Judiciary
We are seeing more SRLs - we try to make a note of in-person litigants. Certainly the sense of everyone is that it is increasing and the figure is about 25% across the board. - Stakeholder
My impression of the report overall is that while it mentions self-represented litigants and pays lip service, it doesn't really deal with them in the meaningful way. My concern is that they don't seem to appreciate that self-represented litigants are going to be the majority. There is a failure to recognize that SRLs will be the major challenge and they have to deal with it. - Service provider

4. Lack of non-family civil services

Informants spoke of the need for services specifically in the non-family civil area. Some contrasted the lack of service in this area with what is available in family matters.

Figure 23: Select comments on lack of services in civil matters

The pent-up need is here. It's been pretty much six years with very little service. There are needs around income issues, primarily welfare. Housing needs, primarily around RTA. There are needs around disability -- CPP applications or appeals of persons with disability status. - Stakeholder
The need in Provincial Court is definitely in Small Claims. On the family side, many of the services are in place -- they already have "hub-like" service provision. - Registry
Many people wind up having to deal with matters... on their own and many tend to flounder. There are more resources on the family side and there is family duty counsel. - Judiciary
To date we [Provincial Court] don't have any way of dispensing advice. We have

created booklets; they were reworked once and need to be done again; that is about the end of it. So people who come into the registry often have a lot of questions. The registry is able to answer process questions but cannot answer any legal questions, such as, can I sue this person, have I got a case, is this the right place to be even? - Judiciary

In terms of provincial court . . . there is nothing there for non-family civil. You can talk about pro bono lawyers and all that stuff but realistically there is nothing to assist people. - Lawyer

5. Complexity of the legal process

Informants also spoke about the complexity of the legal process itself and what that means for people already emotionally impacted by their legal problem. The resolution of civil matters may involve government bureaucracies or administrative tribunals and courts with complex statutory and regulatory schemes. Perspectives on the complexity of the process were common in all sectors of informants, and especially dominant in comments from the registries, and from clients.

Figure 24: Select comments on need owing to complexity of legal process

One of the things about the hub is something we shouldn't have to do -- which is get people through a complex set of things that it's too expensive to hire lawyers to do. - Judiciary

We have in-persons who are dealing with arbitrator's orders, in-persons who want the indigent status forms, who are making inquiries about judicial review of a residential tenancy matter. When they come in here they are grasping at their last straw. - Registry

We do have lots of in-person probates. Most of the time it's rather a mess. You probably have to reject an application two or three times. They don't understand what's required. They don't understand the language. - Registry

They are intimidated, frustrated, they feel the pressure of having to ask questions when there is a line-up behind them. - Registry

I think it is very difficult for in-persons to understand the system at a time when they are so emotionally involved. It doesn't matter if it's Small Claims or probate -- it is hard for them to understand the process. - Registry

It's not quite so difficult in Small Claims where they have to read the material and fill out the forms. While it's not quite as difficult a process [as Supreme Court] there are still people who can't get it. They don't want to read; they say, tell me what to do. - Registry

We get quite a few in-persons [Court of Appeal] and there is only so much

information we can give them. The majority who begin, don't proceed. . . They peter out right at the beginning and also half way through getting all their books; it's pretty challenging to make it all the way through. - Registry

I filled out the form but they [Registry] said I got the wording wrong. There is too much technical language. It should be in "dummy" language. It's very frustrating. But this service [SHIC] makes it a bit more calming.- Client

I was running around in circles and I don't know what to do. Now I'm taking the day off work. He [SHIC coordinator] showed me the steps. I've got to get all my papers and I'm going to Mr. Mossop [CLAS]. - Client

6. Confusion in an unfamiliar environment

People dealing with civil legal problems are typically dealing with them for the first time. No matter what their capacities may be in other environments, the legal culture is unfamiliar. People who are trying to resolve their civil problems need orientation to the system, assistance with their documents, and explanations about what to expect. When they do not have this kind of support, the end product is widespread confusion, frustration, alienation and loss of confidence in the ability of the system to meet their needs. For people whose first language is not English, the process is particularly challenging.

Figure 25: Select comments on need owing to lack of experience with the system

They get bewildered and it's not for lack of intelligence, it's for lack of experience. The bulk of people I deal with have never been to court before in their lives; they have no experience in the system. - Judiciary

To deal with a legal problem you have to be able to read and understand forms - and that's not as simple as it sounds. You have to be able to tick off the right boxes and put in the right stuff and have some basic understanding of the process - which most people don't because there is no place we learn it. - Service provider

. . . they don't understand how to put books together, or how things work, they run out of time, and so on. - Stakeholder

When you don't have much knowledge it's very overwhelming. It's very hard to retain the information. I think part of it is my language skills. English is not my first language and on top of that I have to deal with legal terms. - Client

7. Cost of the process

Informants also reflected upon the cost of a legal process as a reason why clients need information and services about proceeding on their own.

Figure 26: Select comments on need owing to cost

<p>The working poor have very limited legal options. Their options are in fact the same options that someone on welfare has – LSLAP, pro bono, community advocates. A lot of these people wouldn't have the money to pay a lawyer represent them. Most people who are working are not making \$80,000 or \$90,000 a year. Even the middle class has to take out a mortgage to pay a lawyer's bill these days. - Service provider</p>
<p>In Supreme Court the nature of the Rules make self-representation overwhelming. It is also a jurisdiction in which cost can be a determinative factor in outcome. People won't proceed to a determination, or will settle, or won't get started because the costs in Supreme Court are so massive. - Stakeholder</p>
<p>In Supreme Court... in a practical way you have people who can't afford to proceed. - Lawyer</p>
<p>The lawyer was expensive and now I have to give another retainer and it's too much and I just can't. - Client</p>

8. Multiple legal problems

Those working with people pursuing civil issues in the justice system also referenced the fact that many individuals have multiple layered problems which, in some cases, are exacerbated by the failure of the civil justice system to offer prompt remedies. This cascading of problems into one another tends to complicate efforts to resolve legal issues at the same time as it undermines the capacity of many people to continue coping with the stresses of daily life.

Figure 27: Select comments on need owing to multiple legal problems

<p>People inevitably have problems where one thing runs into another. You can have a problem with housing that is also a problem related to the FRA or to wills and estates. And what you need is a real live person to help because there are problems sitting one atop the other. - Service provider</p>
<p>EI is connected with income assistance. A person may be on welfare awaiting the outcome of EI appeal, or if they fail in their attempt to get EI they may end up applying for welfare. - Service provider</p>
<p>You'd have to address both federal and provincial matters as people don't lead fragmented lives in that way. Also there are many multiple, nested problems that can cascade into collapse. - Service provider</p>

2.2 Key informant perspectives on service response

Effective and Affordable Civil Justice refers to a vision of “providing everyone, regardless of their means, with access to civil justice” through strategies that include “providing integrated information and services.”⁹⁵

In the research for this report, integration of services was identified both as a need for a potential hub service and as a goal that is actively being pursued in current service provision.

The following section presents the perspective of informants on service elements of a possible hub.

1. Building on what we’ve got

In all of the four research areas, service providers identified the fact that they have well-established links, one with another. Many agencies have been working together for decades to provide services to clients and draw upon depths of experience.

Some informants stressed the fact that when it comes to providing integrated client-focused services, the approach requires “organizing what’s out there.” Both in project development and in service provision, a major way to integrate services is to involve the community.

Figure 28: Select comments on approach to integrating current services

If we can better coordinate the services we deliver, people can make better use of the resources we have. It helps move things up the pyramid. - Stakeholder
Play to everybody’ strengths. We should build on previous success and ensure everybody’s included. - Service provider
We don’t have to reinvent stuff here... It’s a matter of taking advantage of what’s already there and who’s organizing that. - Judiciary
In terms of service provision there is need to focus on (a) materials development, (b) having a lawyer onsite, and (c) ability to make specialized referrals. The approach should be to build on what the CBA does, build on what CLAS does... and so on. - Service provider
A way to avoid bad feelings is to involve the community as you are developing the service and try not to create more complexities. Integrating services has to be part of the picture. We’re all trying to help the client resolve the problem. - Service provider

⁹⁵ *Effective and Affordable Civil Justice*, (2006) v.

2. One service may not fit all

Who is going to come to a hub service? If service users are consistent with those who come to the SHIC, we know that a segment of the population will be missing. Informants identified a range of challenges with respect to the vision of providing “everyone, regardless of their means,” with access to civil justice.

Figure 29: Select comments on nature of hub audience

<p>The experience with the SHIC is that it is used by people with a higher level of education than we expected. Part of that is how we package it. You need to be literate in order to work your way through information. It is most accessible to people who speak English and who have the ability to know that something is out there that can be a resource to them, and who have enough confidence to go down there and walk in the door and try and tackle that themselves. - Service provider</p>
<p>I think there is also the issue of who would use the hub - it presupposes some level of literacy and some degree of self-confidence, and some degree of confidence in the system itself. - Service provider</p>
<p>You are . . . leaving out a demographic of people . . . who are ESL, who are not literate, who don't know how to use a computer, and who have disabilities of many kinds including mental health, addictions, etc. How would service be provided to these populations? - Service provider</p>
<p>And when I hear about having computers, I just laugh. We don't have clients who will go in, sit down at the computer and solve their legal problem. - Service provider</p>

3. Point-of-entry services

Many informants expressed support for the “one-stop shopping” which the hub concept suggests and which the report, *Effective and Affordable Civil Justice* recommends.

Figure 30: Select comments on “one-stop shopping” for clients

<p>The kind of idea of a hub from the report is a lot more of an integrated approach -- information, process assistance, legal advice. It's hard to imagine anyone who would not profit from that as a starting point whether they go to a lawyer or pursue things on their own. - Judiciary</p>
<p>I think a hub makes intuitive sense. People come and they say I've been here, there and everywhere and I just want someone to answer my question. Some people are better equipped to deal with this than others. One-stop shop makes sense whether you need information or assistance or legal advice. - Stakeholder</p>
<p>We applaud efforts to provide a central information hub. Much of the frustration from our clientele is that they have been sent from this place to that place and given the</p>

plain old runaround. It's a positive in terms of service to have one place to go when you are in need, and potentially you can get what you need from that place. - Stakeholder

[T]he missing gap is that people have to go from place to place; the services are not linked - and they are not community based. - Service provider

What you are finding now is a gap in service at the front end. People go it alone for a while and eventually they find out about services such as ours. They discover the service as they go along and then they engage with us. There is a gap in the entry level information and assistance. - Service provider

Integration was seen not just as a goal but as a process, one that will demand discussion among stakeholders and service providers, should implementation of a hub service go forward. It was also identified as a systemic need that goes beyond a hub service. An integrated service about a compartmentalized system isn't going to redress the broader problem.

Figure 31: Select comments on challenges of integrated service

Overall, one of the difficulties is to develop an integrated system when things are so compartmentalized. You need to fill in the right form to get access to a specific service. It's so clear we need an integrated service but it's hard to do. - Service provider

There may be talk about integrated services but institutions don't necessarily favour integrated services and the system isn't designed for integrated services. - Service provider

Some key informants identified current points of entry, taking issue with the comment in the report that "a person with a legal problem could spend significant time and resources bouncing around. . ."96

I think the report may have confused weaknesses with point of entry -- which I don't agree with -- with the principle of early intervention."
- Service provider

By this assessment, the issue is not one of weakness of front-end referral services; it is one of the perception of the availability and recognition of these services, and the challenge is to add resources strategically to the existing players. There are many points of entry, including Lawyer Referral, LawLINE, pro bono clinics, legal aid, and the community advocates.⁹⁷

⁹⁶ *Effective and Affordable Civil Justice* (2006), p. 2.

⁹⁷ For information about the linkages between Lawyer Referral and other agencies, see Appendix B. For information about the linkages between LawLINE and other referrals, see Appendix D.

While some see CABx as a promising model to investigate, others make the point that the BC environment is different.

Figure 33: Select comment on Citizens Advice Bureaux as possible model

Maybe it should follow a different model, like the Citizen Advice Bureaux in the UK. They have a huge number of volunteers and they do seem to have a community orientation, and is worth finding out about. - Stakeholder

In the UK Citizens Advice is a cultural thing. It is so pervasive positively, and it is so focused historically, geographically and politically in a small concentrated advanced culture, that the medium got hold several decades ago and became the recognized point of entry. What the UK has is the advantage of CABx recognition being so high that if you are a service provider you tie into the CAB, whether you're a government service or a one-off community service. . .

My question would be, what is materially achieved by modeling service on the CAB model that isn't already being modestly achieved with the networking that goes on in a different way, here now? If we are concerned about tightening points of entry and enhancing efficiency, let's look at ways of doing it where current point-of-entry services can be supported and expanded. What is going to make a material change to an already not-bad playing field? - Service provider

5. Early intervention

When it comes to the importance of early intervention, there was unanimous agreement. As one informant put it, "early intervention is motherhood."

Figure 34: Select comments early intervention

Early intervention is motherhood. Of course I subscribe. And as far as mediation goes, I've got religion on that count as well. We are four square behind, can we find any way to do this other than legal process? And earlier rather than later, and treat the problem holistically rather than as legal problem A, legal problem B. - Stakeholder

Give people ready access to aid and access to early resolution. This approach respects the agency of the individual and recognizes it. It allows them to engage in their problem - and that kind of engagement is a major civil society notion. - Stakeholder

People in chambers have specific problem to deal with. They are fumbling around in a narrow range of problems. But if somebody is suing you, you have to start at the very front end. You don't know what the first step is, let alone the slightly bigger picture. . . What are the options? Often people don't think about the possibilities other than suing. - Judiciary

⁹⁹ The researchers contacted the Citizens Advice Bureaux to clarify the nature of their linkages with other legal service providers. A brief summary is available as Appendix F.

Clients have so many problems and there are common themes. Some of them can be addressed early on. A lot of landlord/tenant problems are really personality problems – the tenant says, I’m not going to take the harassment any longer – the landlord won’t let me have my fish tank and I’m suing him for \$25,000. - Service provider

6. Initial entry into hub service

Informants described the service elements they would like to see for initial entry into a hub, and identified the need for quality intake, especially if the client is going to see an advice lawyer for only a short period of time.

A drop-in service was seen to be very important at the front end.

Figure 35: Select comments on initial entry

For the initial entry into the hub, I like the idea of having a concierge. I like the sound of that. They have that in a couple of courts. You go to the concierge and the concierge finds out why you are here, where you need to go, and can I set it up for you? It’s a combination of intake and referral. - Stakeholder

A drop-in service is very important at the front end. People don’t want to take that bus trip downtown twice if it means one less meal. - Service provider

For a service where a client sees an advice lawyer for a short period of time, you need to do a quality intake – sorting out the facts and information, and being able to assess the level of confusion. It’s like a giant ball of string and the legal issue is in there somewhere. To unravel it with the client, you need continuity, trust and support. - Service provider

I think it will be very important to have a searchable database to track information. Clients will come back. You need to get and keep the basic information about the client and the issue. - Service provider

7. Information and procedural assistance

Informants expressed their views about the range of information and procedural assistance people need in order to reach an early resolution of their legal problem.

They include information about the ‘wider picture,’ in-depth information about resources, information about specific legal areas, procedural assistance in particular with forms, information about dispute resolution and information about the requirements of the court.

Figure 36: Select comments on need for “big picture” information

It will hopefully lead to a more integrated approach so that they have a chance to get a perspective on the problem and to appreciate the details of what they are doing, and also how the whole thing is going to work. I don't think people have a strong sense of what the courts do and why you go here or there, and how you get from place to another. That's where I see as being useful. - Service Provider

We know that any model won't capture all needs but the hub could provide a coherent way of organizing what's available – everything relates to everything else but it's hard to see that right now. - Service provider

Figure 37: Select comment on need for in-depth information about resources

You need to know details, not just the address of a referral. Like there are some bankruptcy trustees in town and if you're on assistance they'll do it on a monthly payment. And how do you deal with an inheritance if you are on welfare? If you want to do a trust, how much money do you need to be talking about to make a trust the best way to go?

You need to know about adult guardianship and what the local resources are and what they can do. And so on. You need to know which things are well covered in the community and which things are not. - Service provider

Figure 38: Select comments on need for information about specific legal areas

In terms of civil matters, I'd say debt will be the biggest general issue. Welfare, residential tenancy, EI appeals. CPP and WCB. Human rights. They will all come in the door. - Service provider

I think that tribunals are a key part of the picture. For a variety of reasons there is a huge gap here. Administrative tribunals can be tricky to navigate. - Service provider

They come clutching the letter telling them they have X many days to appeal to the Board of Referees. Right away that sounds awesome... There is a huge demand for help with EI – they don't have the equivalent of Workers Advisors. - Service provider

One of the biggest areas in our court where people are doing things themselves is in probate. Aunt Bessie dies... Home Depot will tell you how to wallpaper the den. The hub could do much the same for Aunt Bessie's estate. - Judiciary

They want information on how to complete the applications. I get a lot of residential tenancy, small claims, estates. I get more residential tenancy matters than Small Claims. - Service provider

Figure 39: Select comments on need for assistance in completing forms

Even though all these new things have happened, the Small Claims forms are still difficult for people who find it hard to fill out forms. They want to know what to put

where, and those are the things we can't help people with. There are some real challenges. They don't know what to do and it's so foreign to them. - Registry

What they need is some guidance to get the process rolling and keep it rolling. They handed in their documents and they were rejected by the judge – that is where they get really frustrated. They can't understand how it could happen. Registry

One of the things the hub would do would be to assist with applications for indigent status. - Service provider

Figure 40: Select comments on need for assistance with dispute resolution

Provincial court registries are pretty good at helping people along and making them feel comfortable about filing – they work under pretty strict guidelines and they cannot do what a hub could do. They can't say, why don't you try mediation? - Judiciary

You could have a roster of mediators... - Service provider

If there was basic information [about residential tenancy] at a hub that would be good. Even better if there was some in-house dispute resolution. It's amazing what you can accomplish. . . If you had a paralegal in there they could provide information, and try to do some informal dispute resolution... It would be a key piece of support. - Service provider

Informants stressed that the need for information and assistance is ongoing. People need help as they go through the legal process and typically, the process itself becomes more complex as it goes along.

This need for information and assistance at all stages is consistent with the identification of needs at the SHIC, where users were coming back into the Centre *after* they had dealt with their matters. For example, they wanted help to type up an order. Or they had been awarded costs in Chambers and didn't know how to prepare a reasonable bill of costs.

Figure 41: Select comment on need for assistance throughout the process

So many of these people on a civil matter need help all the way through... Any type of intervention, including at the front end with documentation, would help. But so much more is needed at the other end. . . It's when they get into the system that they get bogged down. - Judiciary

8. Service, not a just a referral

Informants made the point that a hub service must provide more than a referral. In particular, administrative law problems cannot be addressed by referral only.

The point was also made that every time you make a referral, you lose people - they do not go on to find another service, and in the majority of cases this does not mean that their problem has been resolved.

Figure 42: Select comments on need for service, not just a referral

<p>You want a hub that actually provides a service, not something that just makes referrals out to other services. - Lawyer</p>
<p>Take an example. Here is somebody who walks into the hub and has this civil problem – they’ve been evicted and now they can’t get their disability cheque because they don’t have an address. What would the hub do? Would they contact the Ministry? Sit down with the landlord?</p> <p>The hub would be an expensive referral.</p> <p>So they refer. The hub is referring and there are five more people sitting in the advocate’s office. What does that mean for the advocate and for the help the clients need? If you have a hub generating referrals so that advocates have more clients, you have the resource factor. Then what? Is there more money for advocates, more and more consistent training and ongoing support? What you need is an additional service in the community, not a referral point. -Stakeholder</p>
<p>What people need is service, not a referral. They need to go in and sit down with someone who can walk them through an arbitration or who can speak on their behalf and go and represent them at a tribunal. Coordinating things would assist. But you need to have a service somewhere, somehow, to make the referral to. - Lawyer</p>
<p>The hub has to have a focus on administrative law. Right now the LawLINE is the <i>only</i> existing service for access to legal advice. - Service provider</p>
<p>If you’re going to have a central point you have to deal with people in a meaningful way that gives equal service to people regardless of the problem. Why carve out administrative law as an area where you don’t give service? There are lawyers who have the necessary expertise. - Service provider</p>
<p>When you have a hierarchy of services, every time people move from one to another, some people get lost. It’s not that their problems get solved. The problems do get solved in some cases, but for the vast majority of cases, they don’t. - Stakeholder</p>

9. Role of public legal education and information (PLEI) provision

Informants reflected upon the role PLEI providers would have in the provision of education and information. In the ‘hub-and-spokes’ metaphor, PLEI providers are essential spokes.

The hub service would consist not only of services available at the location itself but also of the array of PLEI supports, including information provided online, in print and multimedia formats, and through workshops. For example, a feature of

the Self-Help Information Centre has been the development of resources by the partners. As part of this, LSS took responsibility for the Centre’s website, the Law Courts Education Society developed numerous multimedia resources,¹⁰⁰ CLAS wrote information on judicial review, and the People’s Law School ran a workshop series on evidence.

With significant Law Foundation funding to the BC Courthouse Library Society to develop the capacity of public libraries to provide legal information, a feature of the hub service would be the coordination of information and referrals with the public library sector.

In commenting upon the role of PLEI, informants referred to the need to develop civil law information of the depth and scope that has been built up for people dealing with family law problems. They also referred to the possibilities of holding workshops on specific topics as part of the hub service, and of providing services in languages other than English.

Informants also stressed opportunities for integration of PLEI services with the work of the hub.

Figure 43: Select comments on need for PLEI

<p>I think the way to go is to develop materials like the Citizens Advice Bureaux in the UK. They have materials prepared by lawyers. They are more in depth than the current materials developed for the SHIC and are in a broader array of civil areas. - Service provider</p>
<p>When it comes to self-help, the biggest hole is in resources. You would need a major effort to develop more self-help materials and they would need to be at the level of detail that the family law material is -- this doesn’t happen overnight. We have Small Claims materials, but much more is needed for Supreme Court civil - if you have materials at that level, someone could be working through them step-by-step in a self-help room here and if they got stuck they could ask [a lawyer]. - Service provider</p>
<p>In terms of materials, we’re thinking about the kind of thing LSS has done in family. Take that and expand it across the board to civil matters. That’s the gap. LSS focuses on low income. Civil legal materials should focus more generally – consumer issues, wills and estates, issues with property, dealing with municipal taxes. We need those kinds of materials to give to clients. You could create web-based searchable documents that you could print off in segments. - Service provider</p>
<p>I would like to see a more collaborative approach to producing materials – the production of the materials should be community-based. People’s Law School could contribute to this - so could LSS and government and CBA and pro bono. Have the</p>

¹⁰⁰ For example, see www.courttips.ca for the multimedia presentation on preparing for Chambers.

lawyers prepare materials on a topic -- it gives them a focus, and a lot broader base [than just doing a workshop... - Service provider

There is much to do. The People's Law School could run courses on a regular basis about how to do a chambers application, so that when someone comes in and that's what they need to know, they can be directed to the course. This kind of working together makes so much sense and efficiencies can be gained for clients. - Service provider

We have publications and do speakers, but with a hub we could take a focused approach that directly supports the hub work. My board [People's Law School] is keen on the idea and excited by the possibilities of "one-stop shopping," and see this as a real opportunity to take a new approach. - Service provider

Ideally, we'd have public libraries integrated with hubs so we're not duplicating. Instead of creating another bureaucracy we want this to work seamlessly. . . If the hubs are in the courthouses, they should be in the libraries, with additional space for advice. That's one example of taking an existing infrastructure and building on it. It makes the hub much more sustainable. - Service provider

10. Role of paralegals and community advocates

When key informants spoke of possible ways to provide service, many referred to paralegals and community advocates as potential service providers within the hubs.

Both terms have several layers of meaning. In the interviews the term, paralegal, was often used to denote someone who, under the supervision of a Legal Services Society lawyer, provides legal advice. However, the term was also used to denote someone who had had academic training as a paralegal. It was suggested that a paralegal in a hub would need likely need experience/training both in administrative law matters and in the types of civil matters associated with academic paralegal training, such as wills and estates.

A community advocate often denotes a person in a community group who provides advocacy but not legal advice and who is supervised by an offsite lawyer. The term, paralegal, is also sometimes used to refer to community advocates.

A theme of the interviews was that paralegal or community advocate participation would be necessary in order to avoid what one informant called "the circular referral."

Figure 44: Select comments on role of paralegals and community advocates

Ideally we could get people hooked up with advocates at the hub -- the advocates could meet with people in the hub. Otherwise you have a circular referral: go to the hub, hub says call LawLINE, you talk to LawLINE, who refers you to a local

community advocate. At a certain point the community advocate says, I've taken this as far as I can, you need a lawyer. - Service provider
If you have a civil hub here and it really is about meeting needs, I'd like to see qualified advocates in there with expertise in the areas of RTA and social assistance. You could have one fulltime advocate on either side - there would be the need. - Lawyer
I'd say there is no way the service will work well without paralegals. You do NOT want to have a hub making referrals for advice all the time. - Service provider
I see a role for paralegals. Paralegals provide great service and need to be recognized and supported. There is lots of room for both kinds of paralegals [paralegals who can give advice under onsite lawyer supervision, and community advocates]. There is a tremendous need and it's not that one displaces the other. You can use the two in a model. You need flexibility. My own sense is that if there is a capable community advocate it would make no sense to duplicate that. - Stakeholder
For most of my clients the ideal would be to have a paralegal with them when they're trying to fill out a form. . . The approach of "here's the form but I cannot tell you what to put in it" is not what people are hoping for. People come in wanting someone to help them; they feel overwhelmed; they feel they are David battling Goliath and not at all sure it will be the same outcome. - Service provider
If.. the advocates are part of this process, we would want to have a warm body attached, a person in the centre who could sit down with this person and go through the material with them. We know that that is what's needed. - Service provider
The best arrangement is to have a paralegal with a supervising lawyer onsite. The paralegal, working with the supervising lawyer, could identify the matter, tell the client do this, do that, and call upon pro bono as a resource. - Service provider
If dollars are limited, you would probably accomplish the most with one lawyer, three paralegals and one or two support people. - Lawyer

11. Need for legal advice

The need for legal advice was a dominant theme of the interviews. A legal advice service as part of the hub was seen as being useful to clients, to the judiciary, and in general to court efficiencies.

The ability to provide legal advice in a hub setting was seen as being contingent upon resolving barriers around conflict of interest issues.

Discussion on this topic often referred to the way in which the need for onsite legal advice has been consistently identified at the SHIC.

Figure 45: Select comments on need for onsite legal advice

For legal advice, have it onsite. Duty counsel with immediate access, rationed typically and available onsite. - Stakeholder
That's the one thing really lacking in the SHIC – you have to go somewhere else and have another appointment to get legal advice. You need to have it very close, ideally inside. You need to have immediate advice, even if brief. - Stakeholder
I think the first priority would be to get legal advice into the SHIC. Is that what they're thinking about? You really do need someone there on a full-time basis... SHIC plus legal advice makes sense but only if you have the legal advice right there on the spot. - Service provider

Figure 46: Select comments on benefits of onsite legal advice

I think it would be beneficial to have a lawyer onsite. If somebody wants to sue and do a Supreme Court application, it would be very helpful and save everyone's time if they could first see a lawyer who could give them some advice about chances of success. They have to hear that even though you might get your order, does the person have the ability to pay? If it's hard rock information the client needs to hear it right off the bat. - Service provider
At the end of the day it would help the SRL get a lot of the stuff the court judge needs to be dealing with. We can't give legal advice. If there was a lawyer who give advice on a narrow point of law, the case would be dealt with quickly. - Judiciary
If they could have consultation at the front end that gives them an idea if they have a chance, they are not using up valuable court time. - Registry
If there was legal advice at the hub, that would take the possibilities to another level. Some people are not in the mood for a negotiated settlement and want to go for damages but with legal advice the realization might set in, and they get to the point of let's try to work it out and forego the hearing. A lot of a people are infuriated and there is a lot of animosity and they want to go to the dispute resolution hearing "on principle." If someone could get even 15 minutes of legal advice, it would be a great plus. - Service provider

12. Role of pro bono services

Pro bono services were seen to be providing a vital service to clients, both through the clinic model and through duty counsel and representation initiatives.

A number of key informants expressed strong concern about the way in which *Effective and Affordable Justice* appeared to infer that pro bono would be able to provide the legal advice needed within a hub model.

Figure 47: Select comments on role of pro bono services

<p>It [report] said nice things in passing about groups like LawLINE and the SHIC, then moved to oblique comments about pro bono, almost sliding in an expectation that pro bono will pick up the slack. - Service provider</p>
<p>I hope they [hub service] will provide some paid lawyer services that would provide the foundation for legal advice, with the opportunity for referrals to evening clinics. To expect a fulltime pro bono presence is quite naïve and wouldn't sell well to the profession. It's offloading of government responsibility. There is a place for pro bono but you cannot rely on it to the extent the report suggested you can.</p> <p>To rely on non-lawyer staff supplemented by pro bono lawyers is a misstep. It is by nature unreliable and inconsistent and stirs up resentment in the legal profession and hinders the cause of pro bono and legal aid generally. It's one thing to ask lawyers, are you willing to do this? It's another to say, we are depending upon you to provide this service so please do it.</p> <p>If lawyers feel compelled to do something for free you should expect to encounter quite a bit of resistance – if it's presented as a complement to good faith investment by government in providing legal services, that's a different thing. - Stakeholder</p>
<p>There is pro bono but pro bono is struggling, especially in the smaller centres... You can't have hubs being reliant on pro bono. - Service provider</p>
<p>Pro bono is hit and miss. It is a good avenue for young lawyers but you can't rely on it. It is difficult for lawyers to provide pro bono during the day. - Service provider</p>
<p>In terms of legal advice, you might be able to introduce some pro bono help for judicial review -- there is the issue of lawyer expertise and who does that kind of work. Many lawyers don't have the expertise to do judicial reviews on administrative law. - Service provider</p>
<p>I think what I'd wish for would be a core of not only non-lawyer staff but also a small core of paid lawyers in each location that can present some solidity and continuity to the services, supplemented by pro bono lawyers. - Stakeholder</p>

13. Role of duty counsel

Many informants commented on the impressive success of the family duty counsel/advice lawyer initiatives and saw a role for duty counsel on the civil side. (For the most part informants did not make distinctions between advice lawyers and duty counsel.)

Some informants pointed to differences between family and non-family civil matters and concluded that additional approaches may be needed.

Figure 48: Select comments on role of duty counsel

It would be optimal to have a regular duty counsel service. - Stakeholder
The Supreme Court is where things get more intensive. Some kind of civil duty counsel at that court would probably be very helpful. You could move the family duty counsel model to the civil side. - Service provider
In civil matters [in a hub] there is a strong argument to have one lawyer providing service rather than a number of duty counsel. Over time you see the same issues and you build up expertise and resources. It's potentially complex and you would benefit from continuity of resources. - Service provider
My first response is that anything is better than nothing. The comparison I make in my mind is that the utilization of duty counsel in family-related matters has had a tremendous impact so there is some analogy to be drawn. I'm not sure if the duty counsel would have a similar impact in the civil process because it is a long continuum. - Judiciary
I had three files on one case, and together they came to \$75,000 – it was one finite legal issues but the lay litigant had no money and no minimum skill level. Trying to get him to a pro bono lawyer was too much for him – he couldn't do it. If he'd had duty counsel there it would have resolved it. - Judiciary

The issue of specialization was identified as being significant in the civil area – a lawyer who is familiar with probate may not be familiar with Small Claims procedure. Further, the kinds of civil law issues that may arise at a hub may be ones in which private bar lawyers may not have expertise. In this context specific areas were referenced including trusts for people on disability benefits.

This discussion also touched upon differences between civil and family matters that may come into a hub, which have significance for the ways in which the legal advice service may be organized.

Figure 49: Select comments on areas of specialization in civil matters

Priority issues for lawyers to know about would be probate, Small Claims, RTA. I think you'd need to look at having specialists. Be able to say, come back Tuesday, that's when we have the probate lawyer, or come back Monday for Small Claims. - Lawyer
There are some very specific needs in the civil area that the private bar may not know about. For example, if someone gets an inheritance and is on benefits, you can put the money into a nondiscretionary trust and the person can stay on benefits. - Service provider
Civil law has a whole line of potential pressure points. It's difficult to capture this in a

few words but it needs to be thought through. Family has more clearly defined potential avenues. . . In civil, the hub clientele may be quite different from a clientele in private practice. There is more crossover in family (and this affects the decision about whether to go with a duty counsel model). Say you're doing foreclosures in your practice. The kind of thing you might be looking at in a civil hub is how to forestall a foreclosure. It may not be economic for a lawyer in private practice to have that expertise. - Service provider

There are ways in which civil issues are quite different from family issues and these differences are important... A custody issue is about the kids but in a construction issue, for example, you can have a counterclaim. A lawyer may need time to determine a defence if someone is being sued. It's potentially more complex in scope. (Family matters have all their nuances as well, but civil is not the same as family.) If you have opposing counsel, you might have a case where they say, I will do X if your client does Y. You may have to decide if this is something that can be done inside the Rules. There are strategies where the opposing party may be calling your bluff, and how to respond? - Service provider

14. Role of student clinics

Students at the Law Centre clinical program of the University of Victoria and the Law Students Legal Advice Clinic at UBC provide service in a range of civil matters, including some representation. The relevant informants discussed the possibility of their service playing a role in meeting the needs of potential hub clients.

Figure 50: Select comments on role of student clinics

What you're talking about sounds a lot like what we do here at the Law Centre. We already are a "hub" for legal advice. And more. We go to hearings of administrative tribunals, go to Small Claims, and do pleadings for Supreme Court. We don't do Supreme Court representation but we can draft the order... We do a half-hour interview and discuss options and give some advice to the client. If the case does not have merit we can tell the client... - Service provider

In terms of planning for the hubs, both in family law and small claims, LSLAP would like to play an active role. I see ourselves helping that area...

Clients who present problems at the registry seeking legal advice [are] referred to our students [in the Small Claims clinic]. Judges also send clients who are presenting problems in their courts. The idea of the Small Claims clinic is that the service is there for summary advice and direct help... They can also make applications...

During the summer we have the best ability to staff it (that is also the court's slowest time) on a fulltime basis. One concern we have is that staffing is difficult for us during the school year. We cannot provide intake services there. But we would be more than willing to make it work – perhaps some arrangements can be made at the hub that address intake concerns. - Service provider

15. Issues related to unbundling

Informants regularly referenced the Unbundling of Legal Services Task Force, whose report is due out soon, and expressed the hope that the report's recommendations would be the first step towards resolving the problems associated with offering legal advice in settings such as a hub, including conflict checks.

Informants also expressed views about the unbundling that already takes place. An advantage of unbundling is that pro bono lawyers are able to have clear boundaries. However, unbundled legal advice can create problems for the client's community advocate. One suggestion was that if lawyers give advice in a hub context, they could include a written note the client could then show to the advocate, to clarify what advice has been given.

Figure 51: Select comments on unbundling

Conflicts are always an issue and can be an impediment to getting involved. If there are guidelines about conflict that will be helpful. - Stakeholder
The question is, how do you provide that service without conflict and also in a way that you do not take away the person's ability to get in touch with a lawyer? There may be ways you can do this – you could be an agency that isn't government but that has a contract with government... - Lawyer
Unbundling occurs already to a certain extent, official or not. It is extremely important in providing some peace of mind to a pro bono lawyer to know, when they are going to help a client, that they are not signing on to a long drawn-out affair. In asking for pro bono, it's a great help to say, can you do X on Y day and this piece of this case and your obligations won't extend beyond that. - Stakeholder
Unbundling might not always be efficient. To use an example – I have a dual diagnosis client who's moved out of his place and the landlord is withholding his stuff on the grounds of damage. So the client wants to make a human rights claim. He phones human rights and he says all the right things – he's bright – and he gets off the phone and says the person told him yes, he has a human rights case... The response may have been qualified by all sorts of caveats but the guy hears the response he wants to hear. Then it's my responsibility to sort things out. This kind of unbundling puts more of a burden on the advocate. - Service provider

16. Screening for advice service

There was agreement among informants that at a hub, information, assistance with forms completion and resource use should be offered to all comers free of charge, but that there should be rationing of an advice service according to standards used by other comparable services, such as the LawLINE.

Figure 52: Select comment on screening for advice service

At some point you need to have staff who are empowered to screen for services. You don't exist to give people advice about substantial estates. Also I think you need to look at issues around referrals. If a lawyer gets a referral from a hub, maybe the terms should be they agree not to take a retainer up front. - Service provider

17. Telephone services for civil matters

Telephone services are increasingly a way of reaching clients in order to provide legal information, guidance and advice. In BC, phone services are of particular importance, given the geographical barriers clients may face. Informants with experience in this area provided insights into the advantages and limitations of this method of service delivery.

In some instances, a phone service may be the best way to provide the expertise that hub clients need. On the other hand, for people with complex problems and/or barriers, a phone service cannot replace in-person service.

Figure 53: Select comments on role of phone service

LawLINE would play an important role. A brief check list might identify the problem as an area that the LawLINE specializes in and clients could be directed to the dedicated phone. - Stakeholder

Welfare issues are fairly complicated. They are difficult to deal with by phone... often this is because the client may have a difficult time explaining their situation... There is no substitute for in-person assistance from someone who is competent.

We know there are some people who really do need in-person help. It's the only way they can be helped. They might have some problems with literacy or cultural issues or some kind of disability - it is difficult to provide services to a senior who is hard of hearing, for example. They would benefit greatly from seeing someone with expertise. - Service provider

18. Need for representation services

Representation, in particular for those who cannot proceed unrepresented, was another significant theme in the interviews. For some individuals, information, guidance and advice are not enough.

Informants identified areas of particular difficulties for clients, such as judicial review, and had suggestions about possible new approaches.

Figure 54: Select comments on need for representation services

<p>Front-end services won't be meaningful services to a large portion of the population that is not able to benefit from them – they can go there and get information but they won't be able to follow through. - Service provider</p>
<p>I'm not hearing representation in this discussion. There are people who really do need someone to help them, for so many reasons: fear of public speaking, not knowing how to address the court, fear about their own literacy – maybe they won't understand a document, confrontations with the other side, power imbalances, intimidation. - Service provider</p>
<p>What some people really need is comprehensive legal representation. I realize that isn't going to happen, but any model short of this is a band aid. - lawyer</p>
<p>The crying need in civil non-family is for poverty representation, not for a service that refers people to other services. - Service provider</p>
<p>The Task Force is not contemplating any changes to the judicial review – as far as they are concerned, judicial review works. But judicial review does not work for our clients. With judicial review the problem is one of lack of resources – lack of lawyers who are able to do judicial review – combined with the underlying problem of lack of quality of decision making with the tribunals, which is creating the need for judicial review. Given the lack of resources, judicial resources are cumbersome for people to do on their own. - Service provider</p>
<p>Legal advice and a good grounding in information for the client is not the be-all and end-all of services. It does not help relieve some of the problems of going into court with a limited ability to express themselves, and language difficulties. It's one thing to look at information and another thing for them to present in a proper fashion, without bogging down the process and endangering their own chances. - Stakeholder</p>
<p>I think the days of everyone in court having legal representation are over and we're not going to go back but it would help to have someone in the courtroom – halfway towards representation. We should do away with court clerks and have court lawyers in chambers who could ask the witness questions and make submissions. - Service provider</p>

19. Virtual hub

One reason identified for needing a virtual hub is that it would allow people to access information anywhere in BC and at any time of day.

Informants in all four research areas expressed similar views about the difficulties in finding one coherent pathway into appropriate resources. The

need for a comprehensive portal that organizes access to information was a major theme of the discussions about public legal education and information.

Some of the informants were aware of current discussions about portals, and wanted to know how a civil hub portal would relate to a possible family hub portal, and how either might relate to the portal discussions of the Public Legal Education and Information Working Group.

Figure 55: Select comments on need for a virtual hub

What is needed is information about navigation. We really need a map of what's out there – we're getting into a mishmash of services. - Service provider
I also think that robust, easily accessed web-based information is key. The computer has made a dramatic change in the way people access legal information. - Service provider.
I think a big part of this is virtual. Right now we have different tools on different websites. We have the courts website with a lot of information and the SHIC website with samples of writs/motions. LCES has good information. We need to identify what's out there and direct traffic, via a portal. The SHIC website is really important. It's used by other registries. Daily they refer people to the SHIC website. . . It's a must to have a virtual service. People work 9 to 5. Lots of people work 2 jobs. - Stakeholder
One thing we really need is to know what's out there on the web. . . We are part of the maze and what is really needed is organized access. - Registry
It could perhaps be useful to advocates in a hub type of thing if you have almost a PLEIWG portal. That begs the question, how does the hub relate to the PLEIWG portal? - Service provider

20. Resource room

Informants spoke about what would be useful in a hub in terms of resources, including computers, faxes, and a place for people to work. A number of needs were identified: privacy, security, work space, and resources for children.

Informants stressed the importance of having a friendly environment that feels welcoming and casual (like SHIC), and that does not have a barrier between the client and the service provider.

Figure 56: Select comments on resource room

For information and advice, there needs to be access to a bank of computers. . . somewhere where people can look things up in a safe environment and where they get guidance to what they're looking for. If it's in a courthouse there has to be some degree of privacy. - Service provider
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If there was a printer and fax people could use to print off and fax their information, that would be useful. - Service provider

You need an open area with a casual atmosphere like the SHIC and self-help centres in the U.S. - Service provider

People need to be able to sit down face to face with you, without any barrier, so they feel welcomed and respected. - Service provider

21. Evaluation

For a pilot, you need comprehensive data collection and ongoing evaluation.

Figure 57: Select comment on evaluation

One of my biggest concerns is about research and evaluation. If we had better evidence for what we all know, we would be able to argue the case. Data collection is absolutely essential. . . We need this kind of evaluation, first, to be able to justify our existence and second, to be able to make information-based decisions. Right now we are making decisions based on everyone's theory with a bit of science. - Stakeholder

2.3 Issues and decision points

Given the range of civil issues that people would bring to the hub and the breadth of the service responses necessary, one of the key challenges for implementation will be to find a way for service providers to be able to contribute.

This section summarizes discussion surrounding issues identified by informants as needing resolution. Further input on these issues was seen as needed by both stakeholders and service providers, in order to ensure that a hub service, if implemented, becomes part of the service continuum in each of the communities.

1. What is the level of buy-in?

The research has enlisted the input and participation of a wider circle of organizations having an interest in the operation of a civil hub. The involvement of this larger circle provides an opportunity at this time for the level of real interest and stakeholder "buy-in" to be gauged.

In general terms, key informant interviews indicate overall support for the concept of a civil hub. This support ranged across a number of themes and perceptions. For some it would be another service in a field needing better servicing. Others expressed an eagerness to proceed without delay. Some informants expressed a need for experimentation, and for trying "different

things” at the level of service delivery. Underlying much of the comment in this area was a shared perception that there is an enormous range of unmet need that could be addressed through a civil hub.

Some informants expressed reservations about supporting a government-run service. To some, there was reluctance embracing a concept that has its roots in a report created by the highest end of the justice system at the tip of the so-called ‘justice pyramid.’ Many informants had questions and some reservations about how such a service might be operated or governed, and what the role of community-based service and advocacy organizations would be within such a model. At the same time, a few informants expressed concern regarding the level of commitment to a new service model on the part of the provincial government, and with risks associated with implementing a new service approach that might later be discarded.

2. Who’s driving the agenda and where is it headed?

As indicated earlier, the concept of a civil service hub grew from recommendations of *Effective and Affordable Civil Justice*, a report of the Civil Justice Reform Working Group to the BC Justice Review Task Force (November 2006). The vision set forth in that report was of a single place location where people with civil legal problems could find assistance with their legal needs.

Subsequently, the Legal Services Society in conjunction with the BC Ministry of the Attorney General initiated research and preparatory work that is aimed at exploring the feasibility of such a hub, how it might be constituted, which areas of law it would cover, which services it would provide and which groups and organizations would be involved in providing such services.

Other questions raised include where and how the model might get piloted, whether it would be government-run or operated along the lines of a collaborative model involving community-level organizations, and how services might get delivered to other parts of the province.

From these origins, the hub concept has grown to include a broad range of interest groups and stakeholders operating within the civil justice field. This, in turn, has helped stimulate debate regarding the nature of services that could be grouped into a civil hub.

It has also raised questions regarding the need for a formal governance model (a “Charter” document for the model, more defined consultative arrangements, a steering or implementation committee, etc.) that could formalize the way decisions get made in respect of future directions for the hub model, including services provided, service integration and services standards.

3. Can we identify shared principles among the stakeholders?

Within the interviews, informants were encouraged to comment on principles they felt should guide the creation and implementation of a civil hub.

Informants' ideas regarding principles needed to guide a civil hub included the following:

- *Government and community collaboration* – There is a widely held perspective on the need for interested parties and stakeholders – government, court-based and community-based – to work together, to avoid overlap and duplication, not to “reinvent the wheel,” and to experiment with the development of a service model appropriate to the varied needs of the civil arena.

Collaboration means different things to different people, and a need was identified to clarify how the players see collaboration. In the main, stakeholders tended to frame collaboration in two distinct senses. First was in terms of the need to overcome the fragmentary nature of current services and supports provided to people in the civil justice arena. Second was the issue of governance of a civil hub service and the kinds of relationships seen as required to bring an authentically collaborative arrangement into being. Further, terms that flow from collaboration, such as “integrated” service are also framed in different ways by different players. One of the tasks in clarifying relationships is to ensure that the common language does not mask real differences in understanding.

- *The need for valid and workable model of governance* – Any model enlisting the involvement of different stakeholders and interests immediately surfaces the issue of governance. In this regard, many informants felt there were valuable lessons to be learned from the experiences of the Supreme Court Self-Help Information Centre, where government and community-based groups came together to craft a model that has not only proven highly successful in addressing some of the needs of unrepresented litigants, but has also brought governmental and non-governmental organizations together to deliver a service that would not have been possible otherwise. Informants generally recognized that despite being difficult, creating such a governance model was nonetheless essential.
- *The need for a flexible model of service provision* -- In large part, this theme emerged out of the fact that civil hubs are being contemplated for a number of different communities. Locations like Victoria, Nanaimo or Kelowna have different needs and priorities in regards to how a hub would be organized, where it might be located and what services would be provided. Despite acknowledging differences in these areas, informants saw a common need for services be as unified and seamless as possible in order to begin overcoming the fragmentation and alienation

that characterize many peoples' perceptions of the civil justice system today.

- *The need for integration with other services, both court-based as well as within communities* – Many informants commented on the need for service integration. Much of this stemmed from the realization of continuing and ongoing increases in numbers of people dealing with civil law problems without a lawyer. It also flowed from a realization of the depth of alienation and disaffection with the civil court system felt by those who have tried to negotiate that system without the benefits of full legal advice and representation. The concept of integration was seen to apply on to a variety of levels: within the justice system in terms of various components (courts, registry, LSS, pro bono services, library, etc.) operating in conjunction with one another, and between the hub and community-level agencies capable of providing supports that hub users would need (community advocacy regarding tenancy, administrative tribunals, social welfare issues, debt and other issues).

4. Who is the hub service for?

Informants spent considerable time identifying the reasons for a hub service as well as expected targets for its services. Central to much of this was a widely shared sense that current growth in numbers of people who need information and advice will continue, and the range and complexity of issues they will face in trying to resolve their civil problem will likewise continue growing. In the face of these trends, the hub service will have to grow and adapt itself to the changing landscape.

Experiences of the SHIC arose in the context of these considerations. Informants were generally aware of the fact the SHIC drew a clientele who, while lacking money to engage full legal representation, had an above average education and sufficient levels of personal efficacy to withstand the challenges of self-representation in the court system. From this vantage point of this experience, there was little reason to expect a civil hub would differ in terms of user population attributes. At the same time, those working in the poverty law field emphasized that levels of efficacy associated with the SHIC clientele were generally absent within their own constituencies, raising a pressing need to reconsider service model attributes, structures and the nature of specific services to be provided by a civil hub.

5. What does a hub service mean for the SHIC?

Questions were raised about what would happen to the SHIC if a civil hub came into existence. For example, if the service was expanded, would its governance structure remain the same?

The issue of the experience of the SHIC and its relevance to efforts to craft a civil hub service model came up in a number of areas. To many the SHIC was a positive example that could benefit efforts to establish a civil hub, largely because it had blazed a trail in the development of an innovative service for unrepresented litigants.

For some, elements of the SHIC experience offered the possibility of not having to ‘reinvent the wheel’ in a civil hub model. Others saw the need to augment elements of the SHIC model at the level of service array – the issue of providing phone service to users was a case in point.

6. What will be the hub’s service scope?

Informants had many ideas regarding the scope of legal issues and areas that a civil hub either could or should cover.

Civil and family areas: Some informants felt that there was significant overlap between these two areas and that any service model had to incorporate ways of bringing the two together, possibly even to the point of co-location. Others emphasized an opposite view – that these areas differed in critical respects, in regard to specific organizational requirements, staff skill sets, lawyer expertise, or registry involvement. Underlying all of this, however, was a widely shared perception that needs are present in both areas and they need to be addressed, whether within a unified hub model, or from the vantage point of separate service models and locations.

Informants were for the most part familiar with the Supreme Court focus of the SHIC and there was an expectation that a hub service would aim to address the well-identified needs of people dealing with Supreme Court matters. Informants frequently focused their attention on needs in other areas, as follows:

Administrative law: Many informants were emphatic about the need to direct substantial hub resources to dealing with administrative law issues, in particular those that most often associated with poverty law: landlord and tenant issues, work-related issues including EI (and to a lesser extent, WCB), welfare and disability entitlements, and human rights issues.

This current of opinion emphasized the presence of and need to address systemic barriers to service access. At the same time, some of those operating in the sphere of community-level advocacy questioned the need or wisdom of increasing hub services in areas like referral without first augmenting the overall capacity of their organizations to deal with demonstrated need on the ground.

Small Claims issues. These also figured prominently in the interviews. Many users felt that with possible further changes in the dollar limits of cases heard at Small Claims court, those accessing this level of the court system will be faced with increased and more complex needs in regards to areas like information,

legal advice and in some cases legal representation. For some, the complexity of small claims cases had already been increased with the dollar limit change of a few years ago.

Court of Appeal issues. Informants who have a particular interest in this area highlighted the reality of significant user confusion, particularly given the technical complexity of Court of Appeal issues. This complexity gave rise to a call for specialized legal advice and assistance.

In much of the commentary about service scope, there was a perceived need to move the service focus up the 'justice pyramid.' Informants called for links with Legal Services Society programs (such as the LIOW and Duty Counsel programs). Increased buy-in and involvement of legal profession was also viewed by many as essential, including the pro bono sector.

Specific questions raised about scope included: Is the scope of the service "everything that is not family or criminal"? Within "everything civil," what are the hub priorities for service and how are they decided? If a hub service were to include matters at all levels, issues would flow from that about the range of service possible at each level: For example, what would be the scope of the assistance a hub could provide for document preparation for Court of Appeal? For judicial review? What assistance could a hub provide with tribunal procedures? And for which tribunals?

7. Do we tailor the model or have different models for different locations?

The majority of informants who spoke to implementation issues supported the approach of having different models, or of tailoring the model to fit the different communities. There were different assessments as both benefits and risks associated with this concept.

Suggested areas of service commonality focused on the need for service delivery to place the needs and challenges of users at the forefront. In this specific connection, informants voiced a familiar range of interests including service accessibility and a range of services including information, procedural help, and legal advice.

Regional issues were framed for informant consideration in the interviews. The following ideas were offered regarding specifics of a hub service model attached to specific locations.

- *Kelowna-specific issues:* Kelowna informants tended to favour location of a hub service within the courthouse, and also favoured location of the LSS office at the courthouse. This was seen to help facilitate registry referral opportunities and to assist with needs of users to access procedural assistance in areas like tenancy and small claims. Informants also saw a need for more community-level advocacy resources

- *Nanaimo-specific issues:* Nanaimo-based informants saw a high preponderance of poverty law-related need in that city – major housing issues with no local RTB office, and widespread disability and poverty issues with little by way of other supports. They noted Nanaimo had a range of poverty law services for 20 years which have since been lost. Nanaimo was also seen to have a large family law focus and, mainly because of this, informants identified an interest in co-housing civil and family hubs. While Family Justice Services Centre could potentially provide support with infrastructure, some informants saw the need to assess the success of implementation on the family side before overlaying a civil hub service.
- *Vancouver-specific issues:* Expansion of services to include Court of Appeal matters is of relevance in this location. SHIC coordinators stressed the importance of maintaining the depth of service that users indicate they need. Informant comments about preferred sites for the service included both court and community locations.
- *Victoria-specific issues:* Owing to proximity to court house and the availability of significant student clinic resources, Law Centre informants felt that the Centre constituted a logical site for a Victoria hub service. This perspective contrasted with another view to the effect that a Victoria hub would best be co-located with a family hub within the courthouse itself.

In all locations the involvement of government services, non-government justice service providers, community advocates, and the private bar was seen as essential.

8. How should the model be structured in terms of governance?

As indicated previously, a wide range of informants placed value on the concept of collaboration involving hub stakeholders, whether government, those working within the justice system, or community-level advocacy groups. To some, elements of a hub-based approach are already reflected in working relationships linking Lawyer Referral, pro bono groups and various component services of the LSS. However, most informants conceptualized collaboration at a broader level – involving partnership relationships tying in community-level groups with courts and other service providers within the justice system.

For a hub model to function properly, most informants voiced a need to develop collaborative relationships in ways which pushed beyond the level of informal service links and referrals to look at new ways of actively coordinating service delivery. Collaboration, in the minds of many people interviewed, was also about the broad area of governance. There are various questions to address in any effort to define a governance model for a civil hub. First is the degree of

government control within the model and extent to which government can see its way clear to sharing power and control within a genuinely collaborative framework involving other stakeholders. Is the hub to be a real partnership among stakeholders, or is it to be a government run service, possibly with the Legal Services Society as key partner?

Second is the whole area of possible actual governance arrangements and what kinds of principles can be drawn on to assist in the development of such arrangements. Several issues emerge here. Among them:

- If the hub is to be a collaborative model, what specific kind of governing authority should be put in place?
- How would operational decisions to be made with a civil hub?
- What would be the role of stakeholders and service providers contributing to the hub model? And, what kind of commitment of staff or other resources would qualify stakeholder organizations for a decision-making role in respect of the operation of a civil hub?
- What would be the role of local communities, particularly if the model is to vary from one community to the next around the province?

Third is the process to be used to craft a viable governance arrangement. One suggested approach would be to use a consultation process to clarify these issues, and then set the resulting consensus forth in a Charter. Such a process would mirror that found in the early stages of the SHIC. In the evaluation of the SHIC, stakeholders – both government and non-government – identified the collaborative process developed within the SHIC pilot as critical ingredient in creating a sense of ownership. This sense of ownership was identified as the necessary foundation for a whole range of SHIC activities, from innovations in booking users into pro bono clinics to the development of an array of new materials on procedure in Supreme Court matters.

In this current research, many informants identified the SHIC as a highly successful model and a positive example to be used in developing collaborative service and governance ideas for possible use in fleshing out a civil hub concept. For this reason it is worth summarizing the structure of the SHIC in its operational phase.

- The Ministry of Attorney General is responsible for daily operations. It provides location, infrastructure and staffing to ensure that the Centre is managed and operates in a manner that is consistent with Ministry priorities.
- Organizations providing resources and/or services retain management control over their contributions, but commit to coordination consistent with the aims of providing appropriate and useful services to users of the

Centre.

- The Advisory Committee is a broad committee that includes representatives from organizations interested in the Centre. Members of this committee may be consulted on various issues and may participate on other committees, where appropriate.
- Other committees have included a Coordinating Committee, an Education Committee, a Legal Advice Committee, and a Client Services Committee.

Several key informants recommended that the hub follow a similar structure, but that the advisory committee should be smaller and limited to contributors directly involved in service provision to hub users.

Details of partners' contributions to the SHIC are provided at Appendix G. This appendix provides a snapshot of the ways in which the contributors interact to deliver services.

9. Should hubs be located in the courthouse?

Informants were of mixed views about the issue of hub location. To some, courthouse location held out advantages in terms of easier referral to court-based services (such as the library, the registry, family justice system resources, or specific programs provided by LSS). For others, locating a hub at the courthouse signaled a degree of detachment from community-level services that could have negative implications. It could also give the hub service the "stigma" of being seen as a government-run service, thereby alienating some users who might otherwise benefit from its services. At the same time, court location could have the impact of limiting after-hours use for reasons of security.

Other informants saw the location issue as more properly driven by the need to establish and maintain services links with community-level resources like social service agencies, family resources, advocacy, employment and counselling services. Different facets of this view fed into a perceived need for co-location of family and civil hub services.

Some informants, coming from a perspective of community-level advocacy, saw the need to balance the courthouse-community location issue, so as to draw benefits from both perspectives while minimizing the downside. To one person, the off-site physical proximity of the People's Law School in Vancouver offered the appropriate mix of elements from each perspective. A similar view was presented in relation to a possible Law Centre location within downtown Victoria.

10. What options may be available for the provision of legal advice?

Informants had a number of suggestions about possible options for the provision of legal advice, which can be summarized as follows:

- provide an onsite staff lawyer (possibly supervising a paralegal)
- provide advice lawyers (“duty counsel”) onsite for hub users who qualify according to accepted standards
- provide specialized services via LawLINK for qualifying clients in order to (a) address poverty law problems in which duty counsel may not have specific expertise; or (b) provide backup when a staff lawyer is not available
- provide referral to private bar lawyers for hub users who do not qualify for legal advice onsite, with those lawyers having agreed to offer specific “unbundled services” at modest cost.

11. In what ways could a hub support, promote, and connect with the network of service providers?

The principal means identified for achieving a high level of integration with other services was to examine possible location of varied service elements at the hub itself. In cases where the hub service was located at or within the courthouse setting, this kind of connection would apply most directly with other court or legal system-based services. Other options for integration or linkage with community-level services would need to be promoted.

Some informants identified experience with the SHIC as pertinent to this area. With the SHIC, the system of referrals to outside services – mostly those within the legal system (pro bono, LSS-based, library, PLEI, etc.) – was seen to be working well. Other comments regarding the possibility of referrals identified the need for them to be conducted with appropriate levels of connection and follow-up to ensure they best meet users’ needs.

At another level, some informants saw a hub governance model as providing other opportunities for service providers’ representation at the level of a steering or advisory committee. It was felt this could be used to facilitate greater levels of contact, communication and coordination amongst advocates, service providers and justice system stakeholders.

2.4 Perspectives on service elements

Overview of suggested models

The range of models suggested and discussed in the interviews can be summarized as follows:

Supreme Court Self-Help Information Centre (SHIC) model

The current model provides:

- Self-help resources
- In-person assistance with information, forms completion, referral for people with Supreme Court civil matters
- Resource room including work stations and LawLINK
- Referral out for legal advice - e.g. to a pro bono clinic
- Referrals to network of services

This model could be modified by adding service at additional court levels and tribunals.

CABx model

Citizens Advice Bureaux (CABx) was suggested as a possible model. The CABx model focuses on the use of volunteers. However, the role of volunteers did not figure in informants' discussions. (See Appendix F for some basic information from CABx.)

Possible "civil hub" model

The following model represents a combination of suggestions by informants. It blends elements the SHIC with elements of the Civil Working Group's recommendation, plus onsite legal advice. It is in many ways analogous to the model used in the Nanaimo Family Justice Services Centre.

The civil model could look something like this:

Hub "spokes" provide pathways into the service

- Front desk/concierge: user completes short form (initial screening)
- Triage/assessment: review of initial screening data, assistance with information/identification of appropriate hub service or other service
- Guidance with forms completion, information on legal procedures
- Resource room including work stations and LawLINK
- Legal advice onsite

- Referrals to network of services

Hub “spokes” provide outreach into the community

In many respects, the name “civil hub” was one bequeathed by the Civil Justice Reform Working Group report. Although the issue was not raised with any great frequency in the course of key informant interviews, a few individuals saw the need to consider other names in efforts to find the right way to raise the profile a civil hub would need with the population at large. One suggestion was “Court Public Information Assistance Program.”

Overview of suggested service components

1. Front desk/concierge: This would be a new position (i.e., it does not exist in the SHIC model). Users would fill out a brief initial screening form with contact details and why they have come to the Centre. Depending on location and needs, it may be possible to do shared intake (e.g., with legal aid, LSLAP Small Claims clinic in Vancouver, Law Centre in Victoria). It could involve immediate referral to the resource room or another service.

2. Triage/assessment: The recommendation about hubs in *Effective and Affordable Civil Justice* contemplates some kind of triage/assessment service. The triage/assessor would be new position. There is no immediate “fit” on the civil side.

Some informants suggested that this is a role for a paralegal. The person who filled this role could have civil experience that includes both traditional paralegal areas (poverty law) and broader civil areas.

The assessor role in the civil context is analogous to the assessor role in the family hub in Nanaimo, where the role is filled by a family justice counsellor.

For a civil service it could have the following functions:

- determine overall needs
- find out which resources have already been used
- determine if the issue truly a legal matter
- present options (e.g. on-site assistance with forms/dispute resolution) and make referrals
- where appropriate, refer directly to legal advice

There may be several steps in this function: (a) review of the initial screening data and brief service or referral; and (b) a more comprehensive assessment.

3. Information assistance

This includes in-person information about forms completion, and information about legal procedures. The function would require the expertise of a legally trained person. There is a range of options for possible background/training: registry staff (as in SHIC), paralegal, community advocate, Legal Information Outreach Worker, etc.

If the hub is addressing all levels of problem resolution, this function will require expertise not only in the different levels of court but also in the most common administrative law matters.

4. Resource room

This would be a workplace that includes:

- LawLINK
- computers for doing research and word processing
- a resource library, including videos (note that new resources would be needed)
- printers to print forms and other materials
- booklets and brochures to take home (again, new resources would be needed)
- access to a photocopier, a fax machine, and phones

5. Legal advice

There was agreement among informants that hub users would benefit greatly from having onsite legal advice available as a service component. As outlined in the section above, there are a range of options for how legal advice may be offered.

While there are many details to be worked out, there is support for the idea of “information and resource room for all,” followed by some kind of limitation on advice services.

Representative suggestions about possible service elements/contributions

The following are some suggestions by informants about ways in which their service might possibly relate to a hub service. These suggestions must be understood as creative comments only, *not* as commitments. They were for the most part offered as being contingent upon obtaining appropriate funding.

Several informants mentioned the possibility of the hub being located with their organization. For example, the Law Centre mentioned that in terms of legal

advice, they already operate like a hub. The Courthouse Library commented that a hub could be located within a courthouse library.

In terms of legal advice, the Legal Services Society mentioned that it may be able to provide legal advice from a staff lawyer or duty counsel or LawLINE. Legal Information Outreach Worker support may also be available.

Pro bono service providers said they could be part of the referral network for the hubs. Access Justice offered to establish linkages as it has done for SHIC.

Public Legal Information and Education providers offered support ranging from services in languages other than English to workshops and web development, as well as a range of print/online multimedia materials.

Poverty law advocates indicated a willingness to be involved in hub services in order to ensure that the needs of low-income users are met. For example, the Tenants Rights Action Coalition (TRAC) commented that it could provide specialist Hotline assistance to tenants who used the hub, while Together Against Poverty Society (TAPS) commented it could be part of the service continuum in Victoria, providing representation at tribunal for low-income tenants where appropriate.

2.5 Feedback and consultation

This report has demonstrated a significant level of need in the area of civil law. It has also demonstrated that civil needs are broad and that in order to meet those needs through a hub structure, a range of services will be required. The challenge is to develop ways to implement the hub concept in a manner that addresses the identified needs and facilitates the participation of service providers in order to meet those needs. As section 2.3 on issues and decision points suggested, a first step in the implementation process was to consult with stakeholders and service providers to define a shared goal and principles and next steps for a hub service. To this end, an interim edition of this report was circulated to stakeholders and to all participants in the interview process, to invite their responses. Following this, a consultation session was held with stakeholders to discuss the issues.

Key questions posed for the consultation session included:

- What types of problems are addressed in a hub? What are the priority areas of need?
- How do service providers integrate/collaborate inside and outside of the hub to deliver services?
- Given our resources and time constraints what services should we include in a pilot and what should they look like?
- What are the potential issues and challenges associated with the civil hub? What actions/plans can we put in place to mitigate these challenges?

The discussion at the consultation session emphasized the need to develop a holistic response to people's legal problems, recognizing that a civil legal problem is typically experienced within a context of other problems. The possibility was raised of having a social worker presence in the hub, together with a network of referrals to social services resources in the community.

Part of the discussion about prioritizing needs looked at ways in which service decisions may be made, such as considering the nature of the consequences to the person (including the cascade of legal/social problems) and the degree of urgency of the matter. Discussion also focused on the hub's approach to addressing problems at the "wide end" of the pyramid, in contrast to the traditional focus on the "pointy end" of preparing people to take matters into court.

There was acknowledgement that in terms of a hub service, people's needs may be somewhat different for each community and that services should be tailored to meet those needs.

In terms of integrating services and collaborating with service providers, the need was identified for clarity about the management of the hubs so that partnering groups and entities could decide how they might fit into the different hubs and make plans for common service elements.

In terms of which services should be included in a pilot, there was discussion of the fact that in a perfect world there would be something for everyone and service would run the entire spectrum. On the other hand, if the clientele coming in the door is similar to the LawLINE clientele, there will be a focus on poverty law services. There was also discussion about what resources are needed to get people away from courts versus what they need to negotiate their way through courts – with an emphasis on early resolution.

The discussion about staffing stressed the importance of having staff with the knowledge and abilities to take a problem-solving approach. The need was also identified for some physical presence within the hub of local community advocates, and for complementary services by Legal Services Society and pro bono.

In identifying challenges, participants in the consultation process identified the need for planning across hub locations as to what common resources may be needed. While operational control would be in the hands of government-LSS, there would be a need for a wider circle of advisors, both locally and in a province-wide role.

PART THREE: Service vision and program design

The service vision for the civil justice hubs has its roots in the report of the B.C. Civil Justice Reform Working Group of the Justice Review Task Force, *Effective and Affordable Civil Justice*. The report recommends fundamental change to British Columbia's civil justice system from the time a legal problem develops through the entire process. The report writers "envision a civil justice system that assists citizens in obtaining just solutions to legal problems quickly and affordably." This vision involves providing all British Columbians, regardless of their means, with access to civil justice through two broad strategies: 1) the provision of integrated information and services, and 2) the provision of a streamlined, accessible Supreme Court system.

In terms of the first of these strategies, the report recommended the creation of a single place (the "hub") where people where people can go to get the information and services they require for early and lasting solutions to their legal problems. The report stresses the importance of locating the hubs in a single place that is well known by the public and easy to find. The vision of the report is that the hub would provide a variety of different types of assistance to help people solve their legal problems quickly and effectively, including:

- a central source of legal information
- a multidisciplinary assessment/triage service to diagnose the problem and provide referrals to appropriate services
- coordination and promotion of legal-related services
- access to legal advice and representation.

Based on the report's articulation of a vision for the future direction of the civil justice system and also on outcomes of the consultation process conducted by the Civil Hub Research Project, the following elements of a service vision, goal and principles have emerged.

3.1 Vision

Create a central hub to provide people with information, advice, guidance and other services they require to solve their legal problem.

3.2 Goal

The goal of a civil hub is to provide client-focused information, assessment and referrals, limited legal advice, and self-help services to those who are involved in civil disputes within British Columbia, to support early and lasting resolution of disputes.

3.3 Principles

A civil hub would operate on the following principles:

- a problem-solving focus to assist clients achieve early and lasting resolutions
- holistic approach
- client-centred service
- problem-solving early in the dispute
- integrated service delivery
- consistency of service across locations
- respect for mandate and priorities of each contributing organization.

3.4 Development of the model and program design

The civil hub concept will be implemented on a government - key partner model, with leadership being taken by the Ministry of Attorney General with the Legal Services Society as key partner.

Full participation of the wider community of stakeholders and service providers is needed in order to offer a full range of services according to the principles identified above.

The aim of the implementation process is to design and operate a civil hub in a collaborative manner with all relevant key stakeholders. This means:

- Development of an integrated service delivery model
- Striving for “win-win” outcomes for all stakeholders/service providers

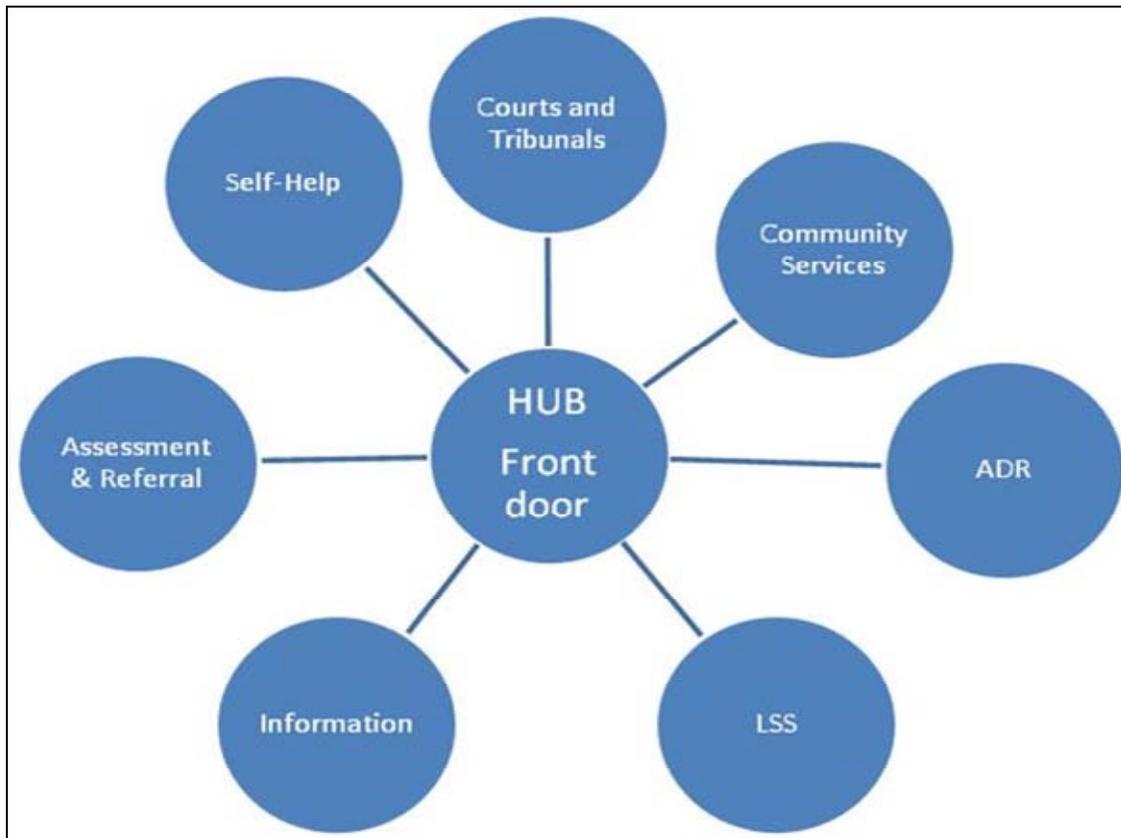
The civil hub vision and goal are ambitious and broad. While British Columbians may share the need for integrated delivery of civil justice services, the capacity to meet those needs varies widely throughout the province.

The approach being taken is to begin with a pilot phase, establishing hubs in communities where resources are potentially available, and then evaluating the pilots. Up to three pilot sites will be chosen. Implementation will be phased in, depending upon the availability of resources. Each hub will be tailored to meet local needs.

During the pilot phase, further work will be done to develop methods of delivering services in rural and remote locations.

A key issue to be addressed during the pilot phase will be how to leverage technologies, including information portals and phone service, to best meet client needs.

Fig. 58: Civil Hub Model



3.5 Framework

The civil hub concept is a “hub-and-spokes” model, where the hub is located within a network of services. The hub concept encompasses not only the services provides onsite but the whole range of supportive services to which hub users can be directed in a streamlined manner, as appropriate.

The civil hub will have the following functions:

- “First stop” shop for access to holistic problem-solving of civil legal issues
- Priority focus on early resolution of disputes
- Primary physical location for local PLEI
- Assessment, triage, and referral
- Gateway to local legal and social services
- Access to a range of advice and information services

A civil hub will provide the following services:

- A single place for information and for services to be able to solve legal problems
- Assessment/triage service to diagnose legal problems and provide holistic service and facilitated referral before the legal problem escalates
- Legal information and self-help resources
- Access to legal advice and legal representation
- Coordination with and promotion of existing services

Every person who comes to a hub will be provided with some level of service. However, not all clients will be eligible for all services. Some services will be income tested.

The civil hub pilots will have the following program components:

- Front desk
- Triage/assessment/intake
- Guidance with forms completion
- Resource room
- Legal advice
- Facilitated referrals to a network of services (legal as well as non-legal)

Onsite components include:

- Information/referrals. Note that significant resource development is needed to support civil PLEI provision.
- Resource room includes in-person assistance, work stations, Internet, LawLINK, fax etc.
- Onsite legal advice services (staff lawyer/roster) supplemented by pro bono services, LawLINE, Lawyer Referral and possible discrete unbundled service arrangements.
- Community advocacy: Some physical presence onsite, with clear linkages to the relevant groups.
- A community scan of relevant resources will be completed for each site.

3.6 Funding

The pilot program will move forward with a budget for a three-year window.

The Ministry of Attorney General and the Legal Services Society have three-year funding to pilot and evaluate the hubs. Within the three years, they must demonstrate the viability of hubs and if successful, establish a method for

funding hubs into the future. The funding window limits both scope and the number of hubs with the three-year period.

The Law Foundation has identified civil hubs as a priority. The support of the Law Foundation will be vital for the participation of stakeholders and service providers in the elaboration and implementation of the service model.

3.7 Governance

Ultimate accountability for design, implementation and operations rests jointly with MAG and LSS operating in a collaborative partnership. MAG and LSS will create a Steering Committee, which will “translate” the vision into plans for operational hubs at pilot locations.

In the planning process, there will be a place for stakeholders and service providers who provide resources and services on a province-wide basis to the audience the Civil hub intends to serve. One way of involving these groups could be to establish a Service Contributor Committee. One of the first tasks of this committee might be to develop a coordinated submission to the Law Foundation for its civil hub funding envelope.

Once pilot project hubs are implemented stakeholders and service providers who either agree to provide services at a local hub or will accept referrals from the hub will be included at the operational level. One idea is to invite participants to sit on a Local Hub Advisory Committee. Another idea could be to continue the Service Contributor Committee with a new focus on ongoing operations.

The functions of the Committee could include:

- serving as a forum for defining the nature and extent of the contribution of each member to the hub; and for coordinating the contributions of each member to the hub;
- ensuring that the hub Steering Committee is fully aware of and build on the nature and extent of the services already existing in the community,
- providing advice and information to the Steering Committee as to how those services might best link to and work with the hub; and
- meeting regularly with the Steering Committee to provide advice and guidance and to have timely, meaningful and ongoing input into the operation of the hub.

Appendix A

List of Informants

Judiciary

The Honourable Mr. Justice Ian Donald
The Honourable Madam Justice Alison J. Beames, Kelowna
The Honourable Madam Justice Laura Gerow, Vancouver
The Honourable Mr. Justice Macaulay, Victoria
Master William McCallum, Victoria
The Honourable Mr. Justice James Shabbits, Nanaimo
The Honourable Associate Chief Judge Dennis Schmidt, Vancouver
The Honourable Judge Allan Gould, Nanaimo
The Honourable Judge Nancy Phillips, Kelowna
The Honourable Judge Wayne Smith, Victoria
Law Officers: Meg Gaily, Heidi McBride

Ministry of Attorney General

M. Jerry McHale, QC, Assistant Deputy Minister
Irene Robertson, Provincial Director
Jan Rossley, Executive Director, Court Services Strategic Priorities
David Merner, Director, Dispute Resolution Office
Dianne Flood, Executive Director, Richard Rogers & Elizabeth Loughran, Directors, Administrative Justice Office
Lisa Nakamura, Senior Policy Analyst, Dispute Resolution Office

Court Services - Registry

Patrick Boyer, Manager, Court of Appeal Registry, Vancouver
Brent Messenger, Manager, Supreme Court Registry, Vancouver
Mary Saxon, Manager, Provincial Court Registry, Vancouver
Janis Morrell, Civil Administrator, North Island District
Shelley Huff, Civil Section, Nanaimo
Shirley Porter, Civil Section Nanaimo
Linda Phillips, Manager, Out-of-court Activity, Kelowna
Wayne Turk, Supreme Court Administrator, Kelowna
Steven Evans, Manager, Court of Appeal Registry, Victoria
Linda Kieran, Civil Manager, Victoria
Renée Edey, Registrar/Supervisor, Small Claims, Victoria

Legal Services

Mark Benton, Executive Director
Heidi Mason, Director, Public Legal Information and Applications
John Simpson, Manager, PICL
Allan Parker, Manager, LawLINE
Alison Ward, Staff Lawyer, CASL
Dennis Morgan, Staff Lawyer, Kelowna
David Desautels, LIOW, Kelowna
Forrest Nelson, Staff Lawyer, Victoria
Debbie Francis, Intake, Victoria
Kim Shelley, LIOW Victoria

BC Law Foundation
Wayne Robertson, Executive Director

Private Bar

Denice Barrie, Nanaimo

Len Krog MLA, Nanaimo

Roland Kuczma, Victoria

Eugene Riponi, Victoria

Cori McGuire, Jeff Peterson, Chris Penty,
Paul Henry, Joy Bullick, Linda Macmillan,
and West Munson, Kelowna

BC Aboriginal Network on Disability Society,
Victoria

Jim Franklin, Advocate

BC Access Justice

Jimmy Yan, Coordinator

BC Courthouse Library

Johanne Blenkin, Executive Director

CBA Lawyer Referral

Lorna O'Grady, Manager

Community Legal Assistance Society

David Mossop QC
Staff Lawyer

First United Church, Vancouver

Janet Berry, Advocate

John Howard Society, Kelowna

Shelley Cook, Executive Director

Ki-Low-Na Friendship Centre

Keith Mackay, Advocate

Kelowna Women's Shelter

Avril Tory, Coordinator

Law Courts Education Society

Rick Craig, Executive Director

Law Students Legal Advice Clinic
Brian Higgins, Supervising Lawyer

The Law Centre, Victoria

Glenn Gallins QC, Clinic Director & Steve
Perks,
Assistant Director

Nanaimo Citizens Advocacy

George McGladery, Executive Director

Okanagan Advocacy and Resource Society
(OARS), Kelowna

Tish Lakes, Executive Director

People's Law School

Gordon Hardy, Executive Director

PovNet

Penny Goldsmith, Coordinator, Vancouver

Dianne Brennan, Community Worker,
Nanaimo

Pro Bono Law of BC

Jamie McLaren, Executive Director

Salvation Army Pro Bono

John Pavey, Manager

Supreme Court Self-Help Information Centre

Slavka Andrejevic, Coordinator

Richard Rondeau, Coordinator

Four clients

Tenants Rights Coalition (TRAC), Vancouver

Martha Lewis, Executive Director; Tom
Durning, Silvia Tobler, Kris Anderson, Jan
Tse

Together Against Poverty Society (TAPS),
Victoria

Pam Ness, Advocate

John Cooke, Advocate

Appendix B

Lawyer Referral - Referrals From: 7/2/2005 To: 6/30/2006

Civil Categories with Totals

Aboriginal	75
Administrative	590
Alternate dispute resolution	136
Builders liens	113
Business	955
Civil litigation	635
Collection	1,006
Commercial disputes	685
Computer	505
Construction	234
Consumer complaints	518
Criminal injury compensation	51
Customs	42
Defamation - libel & slander	357
Elder	77
Employment insurance	57
Employment(non-union)	2,243
Entertainment	14
Expropriation	40
Foreclosure	92
Franchise	44
Human rights	346
Immigration	924
Insolvency	275
Insurance	1,193
International	60
Labour (management/union)	519
Lesbian, gay, bisexual & transgender issues	12
Medical malpractice	691
Mental health	92
Motor carrier & transportation	6

Motor vehicle accidents	968
Municipal	5
Patent	139
Pension and benefits	103
Pet	12
Professional malpractice	322
Real property	1,331
Residential tenancy	627
Securities	59
Taxation	428
Torts	1,809
Trademark & copyright	173
Wills, estates & trusts	1,969
Women's issues	33
Workers' compensation board	868

Lawyer Referral

Network of Referrals with Totals

Lawyer Referral	33,054
Access Justice	509
Contingency	306
Dial-A-Law	535
LawLINE	1,508
Law Society	1,644
Lawyer Referral other	252
Legal aid	530
Other services	1,474
Out-of-province	5,630
Pro Bono Net	289
Salvation Army	1,177
UBC Law Students	595

Appendix C

LSLAP civil cases by issue area

LSLAP civil matters	Totals
Contract Dispute	567
Other	462
Landlord/Tenant	284
Tort (Negligence, etc.)	277
Employer/Employee	267
Debt	234
Wills & Estates	221
I.C.B.C.	161
Consumer Transaction	155
W.C.B.	88
Human Rights	61
Complaint: Other Professions	58
Personal Injury	57
Personal Injury	57
E.I.	51
No Legal Problem	44
Auto Accident	42
Social Assistance	32
Bankruptcy	29
Tax	27
Corporate	20
Criminal Injuries Compensation	16
Copyright/Patent	11
Union-related	7

Appendix D

Law Line Referral Protocols

REFERRALS TO AND FROM THE LSS LawLINE – OUR RELATIONSHIP WITH OTHER LAW-RELATED GROUPS

In principle, the LawLINE seeks to have the most appropriate level of service provided to a caller – either through LawLINE services, direct referral to another legal agency, or through a combination of service and referral.

1. Referrals to the LawLINE

- See LawLINE handouts regarding our coverage, and service limits
- Generally, we give information and referral on non-business matters for all callers, and brief legal advice and assistance (up to three hours per case for assistance such as letter writing, document review, etc) to callers who meet our financial guidelines

2. Referrals from LawLINE to Other Groups

2.1 Examples of when LawLINE would refer callers to *other LSS services*:

- To LSS Intake, if it appears caller might be eligible for an LSS referral for representation services (family, criminal, immigration)
- To LSS family duty counsel (Family Court and Supreme Court) or criminal duty counsel where at court or in person services might be more appropriate
- To LSS information services (e.g. LawLINK, Family Law website) when caller might benefit from such additional information

2.2 Examples of when LawLINE would refer callers to the *CBABC's Lawyer Referral Service*:

- when the call is not within the mandate of the LawLINE (e.g. corporate matter)
- when the caller is above the financial guidelines for LawLINE advice
- when the caller might reasonably expect to receive assistance from a private bar member through a contingency agreement or other fee arrangement

2.3 Examples of when LawLINE would refer callers to *law student program – LSLAP (Vancouver) or Law Centre (Victoria)*:

- When caller would benefit by additional assistance, including limited representation services in areas such as administrative tribunals and Provincial Court matters (including some criminal and small claims) and family law issues

2.4 Examples of when LawLINE would refer callers to *pro bono clinics or pro bono counsel*:

- In addition to or as an alternative to LawLINE services where the caller would benefit from an in person interview with a lawyer at a pro bono clinic such as WCSAJ or Salvation Army
- For criminal cases where the caller needs an assessment of a criminal charge, and advice on a plea and sentencing
- Where caller may fit representation service rosters operated by PBLBC
- In very limited instances, for pro bono services as arranged by the LawLINE

2.5 Examples of when LawLINE would refer callers to *other legal representation services including legal clinics, community advocacy groups, or government services*:

- When the caller's issue fits within the areas of representation services, such as mental health (MHLP at CLAS), human rights (clinic at CLAS or BCCHR), worker compensation (BC Workers' Advisers Office) or welfare (BCCPD, NAG, ASAP, TAPS, etc)
- When the caller's issue and circumstances may fit within the mandate of CLAS or BC PIAC to represent the caller in a test case, and after consultation with that group about the case

Appendix E

What service delivery is currently available?

This section provides a brief summary of major services currently available to people who are seeking to resolve a civil law problem. It is not an exhaustive list.¹⁰¹

Provincial Court of British Columbia website – www.provincialcourt.bc.ca

Information on appeals, alternatives to trial, frequently asked questions, the complaint process, a court locations map and information about small claims.

BC Supreme Court and BC Appeal Court website – www.courts.gov.bc.ca

This website has the Rules of Court and decisions.

BC Courthouse Libraries – www.bccls.bc.ca

There are courthouse libraries in communities throughout British Columbia where people can assist with the researching of civil law problems.

BC Ministry of Attorney General – www.gov.bc.ca/ag

The Ministry has information available in courthouse and agencies and online on a

¹⁰¹ Parts of the information in this section was adapted from Law Courts Education Society web information, Legal Help and Information if You Represent Yourself. The list is not exhaustive. Online at: www.lawcourtsed.ca/legal_help/

Also see CBABC web information, Low Cost and Free Legal Services. Online at: www.cba.org/BC/public_media/lawyers/430.aspx

range of civil law topics including dispute resolution, Small Claims court, wills and estates, and human right protection.

Administrative Justice Office – www.gov.bc.ca/ajo/popt/links.htm

This site provides links to the 25 administrative tribunals and other entities make up British Columbia's administrative justice system. Some of the sites have useful information for members of the public. Examples are the site of the Residential Tenancy Office, which has resource materials about dispute resolution, and the Workers Compensation site, which has information about appeals and refers users to Workers Advisors.

Court Mediation Program - www.ag.gov.bc.ca/courts/civil/smallclaims/guides/mediation_program/index.htm

The Court Mediation Program provides mediation services for some small claims disputes. This Program receives funding from the Ministry of Attorney General. It is administered by the BC Dispute Resolution Practicum Society.

British Columbia Mediator Roster Society - www.mediator-roster.bc.ca/

The Society manages a civil roster. The mediator consultation program provides for an interview with a mediator for 30 minutes for \$10.

Dial-a-Law (Canadian Bar Association, BC Branch) - www.cba.org/BC/Public_Media/dal/default.aspx

Individuals can call and listen to recordings of legal information on over 130 topics. Many civil law topics are available online, in a variety of community languages.

Lawyer Referral Service (Canadian Bar Association, BC Branch) –
www.cba.org/BC/home/main/

This service provides for an interview with a lawyer for 30 minutes for \$25. A range of civil matters are covered, with topics listed on the application form online.

Community Legal Assistance Society (CLAS) – www2.povnet.org/clas

CLAS provides extensive advice and support to anti-poverty advocates. It also provides direct support to clients who are going to judicial review.

Law Courts Education Society –
www.lawcourtsed.ca

LCES provides legal information on the court system and information/research about self-help services.

The People's Law School –
www.publiclegaled.bc.ca

The People's Law School has print and online information on aspects of civil law. It can also provide legal information sessions on civil law topics. For example, the People's Law School has provided a series of sessions on giving evidence for SHIC users.

Legal Aid Services - www.lss.b.ca

In the area of civil law low-income British Columbians can obtain assistance province-wide from:

- LawLINE operates province-wide. It can provide free legal information or referrals to other sources for anyone who has a civil matter and cannot get legal aid or afford a lawyer. People who meet certain financial guidelines can also get legal advice or help with legal documents and procedures
- LawLINK website (www.lawlink.bc.ca) and public access computers provide extensive information on civil law topics

relevant to people on low and moderate incomes, including information developed by LSS on topics such as welfare, disability, and consumer law problems LawLINKs are available in each of the project target areas: Kelowna, Nanaimo, Vancouver and Victoria.

- Legal information outreach workers (LIOWs) can provide in-person assistance to people using LawLINK to deal with their civil law problems. LIOWs are currently available in Kelowna, Victoria and Vancouver.
- Publications in print and online. Civil law topics include information on such topics as consumer/debt issues and welfare.
- Advocacy networking, support, and training: LSS has ongoing relationships with poverty law advocates and provides training in key areas of civil law.
- The experience of LSS family duty counsel and advice services could yield valuable information about areas such as how to meet challenges of integrated service provision, including coordination within the context of client confidentiality.

Legal Services Society duty counsel and advice services in family matters

These services are of note in this context because it may be possible to replicate all or some of their components for use in delivering services to civil clients.

Primary Duty Counsel Services involve:

- explaining legal issues
- explaining procedures
- providing assistance in court

In the Expanded Duty Counsel model:

The primary objective of the EFDCCP is to help self-represented individuals achieve a resolution to their cases, and can be distinguished from traditional duty counsel service in that:

- In addition to duty counsel, the project has advice counsel with whom clients can make appointments. Up to three hours of advice and assistance can be provided to financially eligible clients, and up to 45 minutes of summary advice for non-financially eligible clients.
- Client files are maintained.
- An intake assistant makes appointments for clients, screens clients, and determines conflict of interest situations.
- Counsel can help clients to draft documents and prepare for their case over several meetings.
- The project is co-housed with Family Justice Counsellors (FJCs).
- A self-help computer kiosk is available to clients.

PovNet - www.povnet.org

PovNet is an online resource for advocates, people on welfare, and community groups and individuals involved in anti-poverty work. It provides up-to-date information about resources in British Columbia and Canada.

Pro bono services

Western Canada Society to Access Justice - www.accessjustice.ca

Salvation Army Pro Bono Lawyer Consultant Program - www.probono.ca

Pro Bono Law of BC - www.probononet.bc.ca

- Access Justice and the Salvation Army pro bono services offer advice clinic services in areas of civil law. They provide a half-hour free legal advice to income-tested clients.
- The Salvation Army pro bono duty counsel service in the Court of Appeal in Vancouver covers some areas of civil law. They assist with documents, including preparation of the factum.

- The Pro Bono Law of BC Roster Programs provides pro bono assistance and representation to individuals and non-profit organizations of limited means in specific areas of the law. Pro Bono Law of BC also offers an online Poverty Law Training Course.

Student Clinics

The Law Centre – University of Victoria Faculty of Law - www.thelawcentre.ca/

The Centre provides advice, assistance, and representation to people who cannot afford a lawyer. In civil matters, the Centre covers human rights, civil disputes, hearings before administrative tribunals for employment insurance, welfare, landlord and tenant disputes, and Canada Pension Plan. The Centre also gives free legal education classes. It has extensive information (hard copy and online) on Small Claims court procedure.

UBC Law Student’s Legal Advice Program - www.lslap.bc.ca/main/

This program is for people with low income and offers advice and some representation services for a range of civil matters. It does not cover personal injury, Supreme Court, or claims over \$25,000. There are a number of clinics across the lower mainland and a Small Claims Clinic in the Vancouver Provincial Court.

Community Groups

Community-Based Advocates – www.povnet.org/advocates/bc-map.html

Community-based advocates throughout British Columbia assist poverty law clients deal with such matters as welfare, residential tenancy, debt and consumer problems. Advocates deal with administrative agencies in an effort to resolve the matter and will appear at the relevant administrative tribunals.

In addition, community groups provide information about civil law issues. The BC Coalition to Eliminate Abuse of Seniors and

the BC Coalition of People with Disabilities are two examples.

Many but not all of the community advocates are funded by the Law Foundation. The following are community advocacy groups that were interviewed for this report:

BC Aboriginal Network on Disability Society (BCANDS), Victoria –
www.bcands.bc.ca/staff/franklin.html

The BCANDS Advocate will provide information and make referrals for Aboriginal persons with disabilities (First Nations, Métis and Inuit, on or off reserve).

First United Church, Vancouver –
www.firstunited.ca/services.htm

The Paralegal Advocacy program helps with welfare problems, appeals, housing, OAS, etc.

Nanaimo Citizens Advocacy Association –
www2.povnet.org/ncaa

Provides public legal education, comprehensive assistance with the Ministry of Employment and Income Assistance appeals and tribunals, and residential tenancy arbitrations.

Okanagan Advocacy & Resource Society (OARs), Kelowna –
www2.povnet.org/oars

The community mental health advocacy program responds to enquiries from individuals affected by mental illness. Referrals may also be accepted from mental health professionals, community service providers, and family members.

Together Against Poverty Society (TAPS), Victoria –
www2.povnet.org/taps/services

TAPS a non-profit advocacy organization funded primarily by the Law Foundation of British Columbia. TAPS has paid legal advocates who provide a free drop-in service for people with tenancy and income support issues.

TRAC Tenants Hot Line, Vancouver –
www.tenants.bc.ca/

The Tenants Rights Action Coalition hotline is a toll free, province-wide, information and referral service for people have legal problems with their tenancy.

Supreme Court Self Help Information Centre – www.supremecourtselfhelp.bc.ca/

The BC Supreme Court Self-Help Information Centre (SHIC) in Vancouver offers a range of services to unrepresented litigants in Supreme Court through the assistance of staff at its office and the provision of resources developed by participating organizations. The purpose of the SHIC is to provide legal information, education and referral services to unrepresented litigants in Supreme Court civil and family cases.

The service assists users to:

- learn about the court system and court procedures,
- get legal information (in person and online),
- locate and fill out the relevant court forms,
- find out about free legal advice available,
- use LawLINE to obtain legal assistance and possibly legal advice; and
- find alternative dispute resolution resources and services.¹⁰²

The service is available to all walk-in users dealing with a Supreme Court matter, regardless of where it is being heard. Referrals more than doubled in frequency over the life of the piloting of this project, and occurred in a quarter of full-service visits.

¹⁰² Extensive information about self-help initiatives in other regions is available from the Self Represented Litigation Network at www.srln.org.

Nanaimo Family Justice Services Centre

www.nanaimo.familyjustice.bc.ca/index.htm

The structure and service delivery of the first Family Justice Services Centre, opened in Nanaimo in April 2007, will provide insights for decision-making about the possibilities of developing civil hubs. Services are organized as follows:

Intake: Centre users complete a short form with contact details and a brief description of what help they need. They then meet in person with an assessor.

Assessment: The assessment function has a broad mandate that differentiates it from the more common intake functions currently in place within BC. The assessment function has the following objectives:

- determine the overall needs of the client/user,
- understand which resources have already been utilized,
- determine if the client's/user's issue is truly a legal matter,
- consider resources that would be appropriate for referral, and
- determine readiness to engage in dispute resolution.

Community: The centre provides links to key community programs for issues such as mental health, alcohol and drug use, family violence, child protection, financial and debt management, and victim support. The centre can also register people for workshops and courses, such as Parenting After Separation.

Legal resources: The legal resources available through the centre include legal information, legal advice, and legal representation.

Legal Information: includes booklets, brochures, videos, and websites about the law.

Legal Advice: The centre can link people to legal advice. They may be eligible to receive legal advice from a lawyer. The

can refer users to a family advice lawyer or a Provincial or Supreme Court family duty counsel lawyer. Or people can use LawLINK to call the LawLINE for legal advice over the phone.

Legal Representation: The centre gives users information about the legal representation services available, either from legal aid (if they qualify) or from a private lawyer.

Mediation: At the centre, users can meet with a family justice counsellor (who is a trained mediator). They can also meet with the child support officer who can explain the child support guidelines, calculate child support amounts, and help work out an agreement. For some property matters, the centre may refer users to private mediation or collaborative law services.

Self Help: Users may be able to solve their own family issues with access to the right legal information. Their concerns may include custody, access, guardianship, and child or spousal support. In the self-help resource room, they can do it themselves or take advantage of one-on-one help from centre staff.

Resource Room: The self-help resource room at the centre is for people who don't have a lawyer and need help with legal and other matters related to separation and divorce. Here, they can find resources to inform them about their family issue, the services available, and the legal system (what the law says, how disputes can be solved, what happens in family court proceedings, etc.). The resource room is workplace. It includes:

- computers for doing research and word processing
- a resource library, including videos
- printers to print forms and other materials
- booklets and brochures to take home
- access to a photocopier, a fax machine, and phones

Appendix F

Citizens Advice: United Kingdom

The following information about Citizens Advice in the UK was provided to the researchers by Sophie Brookes, Legal Services Policy and Development Manager, Citizens Advice.

Citizens Advice is a membership organization which individual Citizens Advice Bureaux (CABx) are members of. Each CAB is an independent charity and it is CABx that give advice to the public.

Citizens Advice is national and in addition to providing support to CABx so they can do their work, we also audit CABx to ensure that the quality of their work is good enough to keep the badge CAB.

We also do a lot of campaigning and negotiating with government departments to change policy and bring change. We often work in partnership with other network bodies that also act as membership organizations to individual advice providers.

Individual CABx will have relationships with local advice providers - these may include Law Centres, other independent advice providers and solicitor firms. How close these relationships are will vary from location to location.

Legal aid is a source of public funding for legal advice managed by the Legal Services Commission. (LSC) Approximately 250 CABx get some funding from the LSC to deliver advice in various categories of law. Other advice providers also get LSC funding.

At a national level we have contacts with the Bar Pro Bono Unit and also Law Works (solicitors' network). We work together on specific projects when appropriate and regularly share information.

We are involved in Pro Bono Week and our CEO sits on the Attorney general's Pro Bono Committee. Law works have developed clinics with some CABx (they act as a broker between the individual CAB and a solicitor's firm) plus Law works offer other projects as well. Other CABx may just set up pro bono relationships with local solicitors firms - this work can take a number of forms - giving the CAB advice or providing advice to clients.

All CAB advice is confidential and we would see most of it as legal. Even if legal process is not involved much if not all of the advice is based on people's rights -which of course are based on law. Most of the staff and volunteers that work in CABx are not solicitors or paralegals but will through training and experience develop expertise in particular areas.

For more details, go to: www.citizensadvice.org.uk

Appendix G:

Self-Help Information Centre (SHIC) Partners and Contributions

The Ministry of Attorney General and its partners on the SHIC Centre Services Committee have supported the SHIC through the provision of staff time, space, services, equipment, and/or knowledge. Many partners are important sources of information, education and/or advice to which centre users will be referred.

Ministry of Attorney General: Court Services Branch (CSB) and Family Justice Services Division (FJSD)

- **Space:** Building Occupancy Costs on Centre space were initially paid by CSB (large room) and FJSD (small room) and CSB now pays for all building occupancy costs. FJSD paid for furniture and tenant improvements that enabled the second room to be used when confidentiality was an issue. CSB also provided some tenant improvements (painting, etc.)
- **Staffing:** Each branch has provided Coordinator services to the Centre. A number of Coordinators have been trained to work in the Centre with CSB relying primarily on 3 and FJSD relying primarily on one Coordinator to fulfill the daily responsibilities. Training for the Coordinators was provided by CSB and FJSD. Each partner of the Self Help Centre also contributed time to the training of the Coordinators.
- **Support Services:** The Ministry of Attorney General contributed the services of analysts, managers and other staff to the overall project. The Ministry staff co-chaired several key committees and provided resources, expertise and support services to draft the project charter, the policy and procedure manual, and the evaluation framework. Support service provision is ongoing.
- **Equipment:** For operational reasons, computers and equipment had to be purchased by government. CSB purchased some items and reallocated others to provide the majority of the equipment necessary for the Centre. FJSD is providing a photocopier/fax machine.

Legal Services Society (LSS)

- **Staff:** LSS staff has participated actively in this project from its beginning and are currently providing key leadership and active participation on the majority of the committees.
- **Website and brochure:** LSS agreed to host and maintain the project website for the pilot year. To that end, LSS allocated a significant amount of staff time to the development and maintenance of the website. Similarly, LSS was instrumental in the development and printing of the SHC brochure. Further contributions of staffing resources, expertise and time were allocated to this resource.
- **Service linkages:** LSS is a key information source as well as a referral partner. The Centre has onsite access to LawLink, a direct telephone line to LawLine,

- access to translators (for emergencies) through LawLine, and access to family law duty counsel.
- **Equipment:** LSS donated a photocopier/fax machine to the Centre for a portion of the evaluation year. Contributions of computer technical assistance were also provided.

Law Courts Education Society (LCES)

- **Staff:** Rick Craig created and organized the original unrepresented litigants project and was very active in working towards the signing of the MOU in February 2005. He continues to be an active member of several key committees. LCES held the Law Foundation grants as well as the contracts for the project writer and evaluation consultants. LCES staff also contributed to the development of the website and educational materials.
- **Educational materials:** LCES worked with the Supreme Court to develop a series of informational guides to the Supreme Court. Work was done on audio visual material with respect to how to behave in court (funded by the Department of Justice, but linked to this project). A program for self represented litigants and family law was also developed and aired on the Knowledge Network. This production was an initiative of LCES.

BC Courthouse Library Society (BCCLS):

- BCCLS continues to be actively involved in the committee work for the SHC. BCCLS arranged and ordered most of the primary resource materials that are now utilized in the SHC and they continue to arrange for the updates of that material. BCCLS receives user referrals from the SHC.

People's Law School

- People's Law School developed and now hosts a workshop on evidence for the SHC. They have also actively participated in the committee work.

Community Legal Assistance Society (CLAS)

- David Mossop is an active member of several committees and has made available to the Centre documents to assist with the distinction between legal information and advice, as well as guides and information to assist unrepresented litigants. CLAS receives referrals from the SHC.

Court of Appeal and Supreme Court

- The Law Officers for both courts have been active participants in the project. The Supreme Court had been working with Law Courts Education Society for the development of a series of guides for unrepresented litigants.

Department of Justice Canada (DOJ)

- The DOJ were actively involved in the early phase of project development and

they contributed \$5,000 to the evaluation.

Pro Bono Law

- Access Justice worked with the SHIC to streamline referrals to their clinics. Pro Bono Law of BC had some involvement with the committee work.

Law Society

- The Law Society had an observer on the Centre Services Committee, which provided a helpful communications linkage.

Canadian Forum on Civil Justice

- The Supreme Court Self-Help Information Centre pilot project was observed by the Canadian Forum on Civil Justice as part of their “Civil Justice System and the Public” research program.

Adapted from: *BC Supreme Court Self-Help Information Centre Final Evaluation Report*

Appendix H

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