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Ms. Kasari Govender
Legal Director
West Coast Legal Education and Action Fund
555 - 409 Granville Street
Vancouver, British Columbia
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Dear Ms. Govender:

Thank you for your letter of June 3, 2010, to the Honourable Michael de Jong, Attorney General. Your letter expresses, through the form of a petition, concern about recent changes to legal aid services by the Legal Services Society (LSS).

LSS is operationally independent from government and determines its own policies and procedures with respect to day-to-day operations, including setting tariff rates for remuneration of lawyers. As a result of declining revenue from interest rate-dependent sources, LSS has altered its service delivery model to focus on targeting resources toward front-line services. Specifically, LSS has aimed to reduce operating costs in order to direct funding and resources to people in the greatest need while having the least impact on current clients. For instance, LSS has contracted with local agents in locations where LSS regional centres have been closed. Local agents fulfil many of the duties formerly undertaken by regional centres but at a significantly lower cost. These and other changes have reduced administrative costs and, as a result of these savings, LSS has, for example, reintroduced Extended Family Services. LSS will also provide new assistance for people charged with minor offences, funding for public legal education, and support for aboriginal legal aid services in 2010. LSS's long-term plan includes a continued emphasis on core legal aid services in family law, immigration law, child protection and criminal law.

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The provincial government has not reduced its core funding to LSS. In fact, the core government grant for legal aid steadily increased from 2005 to 2009 and, despite a decline in provincial revenue, we were able to maintain the core funding for legal aid at \$66.5 million this year. While the provincial government recognizes legal aid as an important service, it must make difficult budgetary decisions between many worthy priorities. The financial challenges being faced by LSS are a result of declining revenue from external, interest-based funding sources such as the Notary Foundation.

It should also be noted that there are two Justice Access Centres in British Columbia that provide assistance with family and civil law issues such as separation, divorce or custody matters, income security, housing or debt. Services include self-help and information assistance; dispute resolution and mediation options; legal advice services; and referrals to community resources and services. The Vancouver Justice Access Centre added civil services to its existing family law services on June 15, 2010, and the Nanaimo Justice Access Centre has successfully operated since October 2008.

The government remains committed to ensuring that all British Columbians continue to have access to justice services. In addition to providing an annual legal aid grant to LSS, the Ministry of Attorney General provides in excess of \$29 million in annual funding to programs that support the resolution of legal problems without going to court. For example, there are 24 Family Justice Centres throughout the province that offer dispute resolution and other services for families experiencing separation and divorce. The ministry also funds the Parenting After Separation (PAS) Program; in 13 communities people attend PAS before going to the Provincial Court on a family law matter. As well, the ministry has improved the collection of child support payments through the Family Maintenance Enforcement Program, increasing the total collections from \$140 million to over \$170 million in the past seven years.

Government also recently introduced new rules of court for civil and family cases, which came into effect on July 1, 2010, in the British Columbia Supreme Court. The new rules streamline family court processes to reduce the time, cost and complexity of litigation, which will help to address issues and costs associated with court system backlog. They also provide people with options other than court, such as mediation, to encourage better outcomes for families.

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The provincial government takes seriously the recommendation by the International Convention to Eliminate all forms of Discrimination Against Women (CEDAW) and is working to address this issue in a number of ways. First, family legal services are specifically designed to help eligible people resolve their family law problems by focusing on the needs of children and families, encouraging the use of non-adversarial settlement processes, and using court processes to resolve disputes when non-adversarial approaches are not appropriate or effective. In addition, lawyer representation is available in emergency situations to help obtain immediate court orders to ensure a woman's safety and her children's safety. These include custody, access and maintenance orders, and restraining orders. Clients who do not qualify for lawyer representation services, but who still have significant custody, access or financial security issues and face a barrier to resolving those issues using self-help resources, may receive Dispute Resolution Services referrals. Services could include: preparing necessary pleadings and disclosure, reviewing affidavits and correspondence, negotiating a settlement; or engaging in mediation or collaborative law practices. Family duty counsel services are also available in most Provincial Courts and a number of Supreme Courts across British Columbia. They provide legal advice and assistance to unrepresented clients with family law and child protection problems, attend family case conferences and judicial case conferences with clients; and can speak for clients in court on simple matters and uncontested orders. British Columbia will be responding to the recommendations by CEDAW, as well as setting out actions taken and results achieved in the next periodic report of Canada, which is due in December 2014.

I appreciate your taking the time to write and your inclusion of the petition outlining British Columbians' concerns regarding access to justice.

Yours sincerely,



David Loukidelis
Deputy Attorney General

