



June 24, 2010

D. Mayland McKimm, Q.C.
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Dear Mr. McKimm,

I am writing to you in my capacity as President of West Coast LEAF to express my concern about the adversarial stance your organization has taken with respect to West Coast LEAF's efforts to improve women's access to legal representation in family law matters.

West Coast LEAF has a long history of work in this area, not only in test case litigation and law reform, but also in educating the public about the issue. One part of this latter aspect of our work was a voluntary survey of organizations that offer legal services to women in the area of family law. The purpose of the survey project was to collect information about how women-serving organizations were using existing legal resources and services, identify emerging issues, and provide a base for smaller service organizations to connect with each other. The survey goals and its results were reported in our publication, "Mapping the Gap," published in March 2010.

Recently, we were provided with a copy of a letter written by Sherry MacLennan, LSS Director, Public Legal Information & Applications and dated June 4, 2010. We understand that this letter was sent to all 31 respondents to our survey and has been posted on the LSS website. It was not sent to us until days later, nor were we ever informed of LSS's concerns.

The letter directly attacks West Coast LEAF's credibility, claiming that LSS was not consulted in our survey, and claims that Mapping the Gap is "based on anecdotal, incomplete, and even misleading information." It characterizes both the quotes from survey respondents set out in the report and the editorial commentary as inaccurate. It then proceeds to set out in detail the services that LSS provides.

The letter misrepresents the purpose and content of our report as a description of the services provided by LSS -- rather than a snapshot of the perceptions and experiences of the respondent organizations. The effect is to create an enemy where none exists, presenting LSS as an adversary of West Coast LEAF, rather than recognizing the need for a diversity of perspectives in what I would have thought was our common goal in ensuring high-quality, cost-effective and sufficient legal services for BC women.

The letter is also inaccurate. For example:

- The LSS letter states: "LSS management was not consulted nor given the opportunity to provide statistics and information about our services". In fact, throughout the survey process, as well as during the drafting phase of the report, West Coast LEAF was in regular communication with Linda Lindquist and Brenda Rose when they were staff members of LSS. In addition, two of the survey respondents work for LSS in smaller communities. Those staff members did not indicate any concerns about the project or its goals.
- The LSS letter states: "Contrary to the information provided in the report, risk of violence is not the only coverage threshold for a family law referral." The comment made in the report was that West Coast LEAF objects to family violence being used as a threshold. The report does not state or imply that family violence is the only threshold.
- The LSS letter claims: "Access to legal services has now been expanding". This is not the case. Closing regional offices and replacing them with local agents does not expand services, it changes the model for intake delivery. In any event, the report presents the *perceptions* of the survey respondents with respect to access to services. The report indicates that front-line workers at women-serving organizations are experiencing the changes to L.S.S. in 2009 and 2010 as detrimental reductions in services.

The LSS letter appears to be based on the assumption that the report is a poor or unfair description of the services provided by LSS. No reasonable reading of the report can support this interpretation of it. Nor would West Coast LEAF spend its limited resources on such a project. Rather, as clearly evidenced by the report itself, it presents a snapshot of the perceptions of legal services by the survey respondents, offers some commentary and recommendations in relation to them and provides resource information. In so doing, it supports our mandate to ensure the law and the legal system support the advancement of women's access to justice.


Most distressing, however, is the fact that by circulating this letter to our survey respondents, LSS is effectively chastising the very community organizations who see some of the women most in need of legal services for their perceptions that legal services are inadequate. This approach does nothing to further the cause of access to justice in BC or the reputations of either of our organizations.

I urge you, as Chair of the Board of LSS, to review the approach your staff has taken on this issue and encourage them not to assume that organizations advocating enhanced access to publicly-funded legal services are also attacking LSS. Advocacy on this issue is as legitimate for organizations such as ours as is the effective provision of legal services within your budget allocation for LSS.

In closing, West Coast LEAF has worked hard over the years to maintain a productive working relationship with LSS in light of our common concerns about access to justice issues. I am concerned that the letter and the approach implicit in it suggest that such a relationship is not valued by your organization. Had your staff expressed their views to West Coast LEAF, there would have been an opportunity to address the issues of concern to you in a respectful and productive manner. As it is, we are left in doubt as to the status of our relationship with your organization.

We look forward to hearing from LSS in the near future as to how it proposes to work with us on issues of common concern as they continue to emerge.

Yours truly,


Nitya Iyer
President, Board of Directors
West Coast LEAF

Cc: Mark Benton, Executive Director, L.S.S.
Atira Women's Resource Society
Downtown East Side Women's Centre
PIVOT Legal Society
YWCA – Munroe House
Centre for Feminist Legal Studies
Alberni Community and Women's Services
Boundary Family and Individual Family Services Society
Creston and District Community Resource Centre
Comox Valley Transition House
Columbia/Kootenay Advocacy and Education Resource Society
Prince George Elizabeth Fry Society
Fernie Women's Resource and Drop in Centre
Ishtar Transition House Society
Ksan House Society
Justice Access Centre Nanaimo – Legal Services Society
Surrey Legal Services Society
South Fraser Women's Services
McKenzie Counselling Services
Namgis First Nations
100 Mile House and District Women's Centre Society
Tri-City Women's Resources Society
Parent's Support Services of BC
Vancouver-Lower Mainland Multicultural Family Support Services
SHED Society
Sooke Transition House Society
South Peace Community Resource Society
Upper Skeena Counselling and Legal Assistance Society
Yew Transition House
Yellow head Community Services