

*Federation of Law Societies
of Canada*



*Fédération des ordres professionnels
de juristes du Canada*

Inventory of Access to Legal Services Initiatives of the Law Societies of Canada

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INTRODUCTION

1. To take into account the different needs of different people, diverse groups of people and the broad array of legal problems they face, a variety of approaches to address gaps in access to legal services is needed. Law societies are engaged in a number of initiatives aimed at improving public access to legal services, ranging from those designed to prevent legal problems from arising, to those aimed at expanding knowledge and services for the self-represented, to those that increase access to legal assistance.

2. Access to legal services is a strategic priority of the Federation of Law Societies of Canada (FLSC). The FLSC and its member law societies are engaged in a variety of initiatives focused on promoting access to legal services as one of many ways to further the public interest mandate with which they are charged.

3. This inventory outlines the activities that law societies across the country have underway or are contemplating to improve access to legal services for the Canadian public. The inventory is organized into the following categories:

- Access to justice stakeholder committees
- Self-help services
- Public legal education and information
- Advice from non-lawyers
- Summary advice, brief services and referrals
- Assessing legal needs
- Economic initiatives
 - Limited scope retainers/Unbundled legal services
 - Prepaid legal insurance plans
 - Legal Aid
 - Reduced fees (Pro Bono and Low Bono)
 - Alternative billing models
- Supply side issues (small and sole practitioners, rural and remote areas, cultural and linguistic barriers)
- Alternative business structures for legal service delivery

4. In addition to the many activities outlined below, some law societies actively support access to justice initiatives. For example, the Law Society of British Columbia has recently created a new access to justice fund, to be operated by the Law Foundation of B.C. to support access to justice initiatives.

INVENTORY

Access to Justice Stakeholder Committees

5. Many law societies are active in provincial access to justice committees that include a wide spectrum of justice system stakeholders, including government, the courts, public legal educators, legal aid bodies, and others.

- FLSC** The Federation of Law Societies of Canada is an active member of the Chief Justice of Canada's National Action Committee on Access to Justice in Civil and Family Matters (the "National Action Committee"). The National Action Committee facilitates national cooperation on access to justice issues across the spectrum of justice system actors and stakeholders in Canada. The FLSC continues to advance recommendations from the National Action Committee's 2013 Report identified as appropriate for action by regulators of the legal profession.
- LSBC** The Law Society of British Columbia is active in a provincial access to justice coordinating committee that is in the beginning stages of being formed. Representatives to date have included the Ministry of Justice, the judiciary, the Canadian Bar Association BC Branch, the Legal Services Society of British Columbia, the Law Foundation of BC, Courthouse Libraries BC, Access Pro Bono and others.
- LSA** The Law Society of Alberta is active in a provincial access to justice coordinating committee whose members include representatives of the government, the judiciary and others.
- LSS** The Law Society of Saskatchewan is involved in discussions with a number of justice system stakeholders and is committed to participate in a soon-to-be created provincial access to justice committee.
- LSM** The Law Society of Manitoba coordinates the provincial Access Stakeholders Committee comprised of representatives from the Law Society of Manitoba, the Judiciary (Court of Queen's Bench and Provincial Courts), Manitoba Justice, the federal Department of Justice, Legal Aid Manitoba, the Legal Help Centre, the Manitoba Law Foundation, the Community Legal Education Association, the Manitoba Law Reform Commission, the Manitoba Bar Association, the Faculty of Law at the University of Manitoba and several client stakeholder groups (the Assembly of Manitoba Chiefs, The Manitoba Metis Federation, Manitoba Interfaith Immigration Council, and more).
- The Law Society of Manitoba is also organizing a provincial access to justice steering committee pursuant to recommendations in the National Action Committee report.
- LSUC** The Law Society of Upper Canada established the Treasurer's Advisory Group on Access to Justice (TAG) in early 2013 to define an enhanced role for the LSUC in addressing the mounting challenges Ontarians face in accessing justice. Over the course of the year, the LSUC met with representatives from lawyer and paralegal associations, governments, the courts, academia and other justice-related organizations to discuss how to best collaborate and build solutions.
- A highlight of the work of TAG was the October 2013 full-day symposium - Creating a Climate for Change. Eighty leaders and policy decision-makers in Ontario gathered at the LSUC for the day and committed to work together to bridge the implementation gap on access to justice issues.

The TAG Working Group synthesized the discussions and ideas raised during the year into a new framework for access to justice for the LSUC.

Initial meetings have taken place with the Ontario Court of Justice, the Superior Court, the Ministry of the Attorney General, Community Legal Education Ontario, and Legal Aid Ontario about creating “guided steps” for clients or advisors seeking information on resolving family law disputes. The LSUC is looking at how it can build a scalable web-based capacity for information sharing internal to TAG and to the broader public, possibly including the e-resources of the National Action Committee and other groups.

LSPEI

The Law Society of Prince Edward Island provides support to and promotes the PEI Family Law Centre. The Family Law Centre assists clients with: accessing the family justice system; getting custody, access and child support orders and agreements in place; and enforcing and annually recalculating financial support orders and agreements without having to go back to court. The Positive Parenting from two Homes Program increases parental awareness of the negative impact of conflict on children, encourages parents to reach agreements focused on the best interests of the child, and emphasises the important of complying with agreements and orders. The Positive Parenting from two Homes “For Kids!” Program provides support to children experiencing separation and divorce. The For Kids program is delivered in school in partnership with the education system and is co-facilitated with the school guidance counsellor. All of the Family Law Centre services and programs are available free of charge throughout the province.

NSBS

The Nova Scotia Barristers’ Society is actively pursuing a coordinated provincial approach to access to justice through the Nova Scotia Access to Justice Working Group whose members include the office of the Chief Justice, Nova Scotia Legal Aid, Court Services at the Department of Justice, the Public Prosecution Service, and the Canadian Bar Association. The Nova Scotia Access to Justice Working Group has developed an Access to Justice Inventory Database to provide a comprehensive understanding of the work that has already been done in the area of access to justice in Nova Scotia, to identify notable gaps in programming and services, and to bring clarity to the possible future direction for access to justice initiatives.

At the request of representatives of the Mi’kmaq community, the Nova Scotia Barristers’ Society is providing support to a group of community and justice system stakeholders participating in an Aboriginal Child Welfare Working Group. This group is tackling child welfare issues on reserves in Nova Scotia.

At the request of representatives of the African-Nova Scotian community, the Nova Scotia Barristers’ Society is providing support to the Preston Land Title Issues Working Group. This group includes municipal government, community groups, lawyers and other stakeholders working to address historical land title issues particular to the predominantly African-Nova Scotian community of Preston, Nova Scotia.

In partnership with a mental health and addiction pilot project in the Kentville, Nova Scotia court house, police services, and other stakeholders, the Nova Scotia Barristers' Society is sponsoring and facilitating a world-café style conversation event called UnCommon Law 5: Mental Health and the Law.

The Nova Scotia Barristers' Society participates in a group called Justice Forum: Criminal Justice Transformation whose membership includes corrections services, police forces, crown prosecution services, departments of justice and other stakeholders. This group of criminal justice system stakeholders is discussing opportunities for collaboration in the public interest. For example, the group is planning to create a criminal justice education resource for use by members of the public including defendants, families, and victims.

The Nova Scotia Barristers' Society also participates in a working group on the differential intake initiative of the Nova Scotia Supreme Court Family Division. The special features of this differential intake initiative include: parties meeting at the beginning of a proceeding with conciliation officers; enabling conciliation officers to prepare consent and support orders and to recommend assessment and home study reports; mandatory information programs for parents in a dispute over child custody or access; voluntary mediation; and Family Law Information Centres for self-represented litigants in Halifax and Sydney, N.S..

LSNL

The Law Society of Newfoundland and Labrador is a member of the Newfoundland Joint Action Committee on Access to Justice. The collaborative group includes a number of justice system stakeholders. The group is currently creating an action plan, including plans for further partnership opportunities on access to justice initiatives.

The Law Society of Newfoundland and Labrador provides active financial and other support to a mediation pilot project for the public engaged in the family law system. This work involves collaboration with a number of family justice system stakeholders.

The Law Society of Newfoundland and Labrador also liaises with the Canadian Bar Association to provide general support on access to justice related issues.

LSY

The Law Society of Yukon is participating in meetings with various local stakeholders exploring access to justice issues.

LSNWT

The Law Society of the Northwest Territories formed the Access to Justice Working Group to identify access to justice barriers in the communities of the NWT. The Group is working with court workers in communities, court registry staff, members of the LSNWT and other justice system stakeholders. The Group is assessing the particular access to justice needs in the North and is looking into unique solutions.

LSNU In 2011, the Law Society of Nunavut began a territorial access to justice committee with a number of stakeholders including: the Public Prosecution Service of Canada, the Government of Nunavut, Nunavut Legal Aid, private practitioners and Inuit organizations. The committee is in the process of preparing a request for proposal (RFP) for consultants, academics or others to undertake a study of current unmet legal services and access to justice needs in Nunavut.

Self-help services

6. In the face of the growing numbers of unrepresented litigants, expanding self-help services for individuals involved in the formal justice system has become one of the key priorities of the current access to legal services agenda in Canada.

LSBC The Law Society of British Columbia participated in the development and establishment in 2005 of the BC Supreme Court Self Help and Information Centre, which now forms part of the Justice Access Centre in Vancouver. The Centre provides self-help and legal information services for family and civil law matters.

LSUC The Law Society of Upper Canada has provided ongoing consultation and support to Pro Bono Law Ontario (PBLO) and has amended its rules and by-laws to facilitate participation in PBLO projects. PBLO has been offering facilitated self-help services to unrepresented litigants for civil non-family matters since 2007 through a project called Law Help Ontario. Law Help Ontario operates court-based help centres at two locations in Toronto and 1 location in Ottawa.

BdQ, CdN The Barreau du Québec and the Chambre des Notaires du Québec have partnered with the Quebec Minister of Justice in a pilot project to establish three community justice centres in Rimouski, Quebec and Montreal (other additional locations are currently being discussed). The community justice centres provide access to free legal information, a referral system and assistance filling out forms relating to the judicial process.

CdN The Chambre des Notaires du Québec has produced and made available on-line via YouTube, five short videos explaining legal topics based on questions frequently asked by the public.

BdQ The *Fondation du Barreau du Québec* has published a number of guides to provide legal information and to assist self-represented litigants. The guides for individuals representing themselves in courts and tribunals include: *Seul devant la cour en matières civiles*, *Seul devant la cour en matières criminelles et pénales*, *Seul devant la cour en matière familiale*, and *Seul devant un tribunal administrative*.

NSBS The Nova Scotia Barristers' Society, in collaboration with other organizations, is now offering training for lawyers who volunteer their time at pro bono clinics to coach self-represented litigants. The training curriculum builds on the work of the National Self-Represented Litigants Project run by Professor Julie Macfarlane of the University of Windsor.

LSPEI The Law Society of Prince Edward Island and the Law Foundation of PEI have been working with the Community Legal Information Association of PEI on a Self-Help Centre for lay litigants over the past number of years, including a feasibility study, pilot project and development of publications and support materials. The goal is to establish a physical presence in the province's main courthouse.

Public legal education and information (“PLEI”)

7. Easy to find, easy to use information about legal issues is vitally important to providing access to justice. A large number of public legal education and information organizations across Canada are dedicated to providing this type of information. In addition, law societies and other legal organizations (such as the Canadian Bar Association) provide information about legal rights and how to access legal services. An array of public legal information initiatives is offered by a variety of organizations. These initiatives include the creation and distribution of printed legal guides and brochures (such as those produced by public legal information organizations and numerous law societies), workshops offered by legal clinics, legal information hotlines, legal information websites, and public legal information kiosks such as those in courthouses in a number of jurisdictions.

FLSC The Federation of Law Societies of Canada manages the Canadian Legal Information Institute (CanLII), which provides Canadian law to the public free of charge. CanLII is funded through a levy on all licensees of all provincial and territorial law societies. CanLII provides free access to over 1 million documents, over 200 collections, and over 7 million site visits. CanLII actively promotes and defends its mission to provide comprehensive and robust free access to legal information.

CanLII has recently launched a secondary sources site called CanLII Connects. This site will provide the public with free access to a rapidly growing volume of high quality legal commentary.

LSBC The Law Society of British Columbia provides funding for the BC Courthouse Library. In 2012 this funding amounted to \$180 per licensed lawyer. The Courthouse Library provides public legal information and was instrumental in designing [CLICKLAW](#). The CLICKLAW site provides a wide variety of information to help the public solve legal problems, learn and teach the law, reform and research the law, navigate the justice system, and seek legal services.

LSA The Law Society of Alberta is a significant funder of eleven courthouse law libraries, which are all open for use by the public. The libraries are governed cooperatively by the LSA, the Courts, and the library itself.

The Law Society of Alberta is also actively considering a number of initiatives relating to legal information.

The Law Society of Alberta has updated public legal information and links to other public legal information providers on the LSA website.

LSS

The Law Society of Saskatchewan Library provides some online and in-person legal research resources for the public. The LSS is exploring the possibility of making its library publications open to the public.

The Law Society of Saskatchewan is overhauling its website to provide more information to the public on common ethical concerns related to accessing legal services, including information to help self-represented litigants deal with lawyers representing other parties.

LSUC

Handling Legal Problems Guide: The Law Society of Upper Canada has developed and distributed the free, plain-language public legal information guide, *Handling Everyday Legal Problems*, available in hard copy and online, in French and English. The Guide was publicly released in May 2014 and approximately 250,000 hard copies were distributed.

Access to Legal Services in French: The Law Society of Upper Canada, with the Association des juristes d'expression française de l'Ontario also developed and distributed the brochures, *Advising your clients about access to legal services in French/Informer vos clients de l'accès aux services juridiques en français* and *You have a legal issue - You speak French/ Vous avez un problème juridique - Vous parlez français*, available in hard copy and online, in English and French. The Law Society and the Ministry of the Attorney General distributed 90,000 copies of *You Speak French* to all Ontario courthouses.

Legal Education for Everyone: LIFE - A Public Legal Education (PLE) Toolbox is a series of eight modules that have been developed to provide support and guidance to lawyers and paralegals who are interested in delivering public legal education sessions in their communities. Each module includes a video (available with described video and closed captioning) and other materials - printable checklists, handouts and information sheets - that provide tips and practical tools for delivering relevant and engaging legal information sessions to the public. The materials are available through the website, lifetoolbox.ca, in both French and English. The Toolbox materials include resources produced by The LSUC, the Ontario Justice Education Network and Community Legal Education Ontario. The project is made possible through the support of the Ontario Civil Legal Needs Project partners: Legal Aid Ontario, Pro Bono Law Ontario and the Law Society of Upper Canada and receives financial support from the Law Foundation of Ontario.

Public Education: The Law Society of Upper Canada also runs an Equity Public Education Series in partnership with legal organizations, community groups, schools, universities, and governments. This series is designed to educate, promote awareness, and encourage discussion among members of the public on the legal challenges and opportunities for equity-seeking communities. The series also sometimes addresses the challenges specific to equity-seeking individuals working as legal professionals.

Your Law Videos: The Law Society of Upper Canada has produced a series of "Your Law" videos. These videos, available through the LSUC website as well as through the Your Law Series Channel on YouTube,

provide legal information for the public in a number of practice areas and explain the roles of lawyers and paralegals. In the videos, leading practitioners provide information in the areas of personal injury, custody and child support, spousal support and property, real estate, and wills and estates.

Family Law in Ontario: In addition, in 2012, the LSUC launched the Your Law: Family Law in Ontario website yourontariolaw.com. The website aggregates information on family law from the Ministry of the Attorney General, the Ontario Courts, Legal Aid Ontario, Community Legal Education Ontario, the Department of Justice, the Law Society of Upper Canada and others. The website offers information and resources on child custody and support and is designed as a centralized public information source to assist individuals in identifying and resolving their family law problems. The website also provides resources for self-represented litigants in family law disputes in Ontario. The Law Society also supported the Association des juristes d'expression française de l'Ontario in the development of a similar site in French.

BdQ, CdN The Barreau du Québec and the Chambre des Notaires du Québec have partnered with the federal and provincial justice ministers to finance the activities of *Éducaloi*, a legal information service aimed at helping members of the general public understand their rights and the justice system.

CdN For many years the Chambre des Notaires du Québec has financed and organised a weekly public legal information television show called «Mêles-vous de vos affaires» that attracts around 65,000 viewers. In 2010 the Chambre launched www.cdnq.tv a dedicated website that archives all the previous TV shows by topic.

The Chambre des Notaires du Québec has financed and provided legal support for the production of an extensive «Protégez-vous» magazine covering the various aspects of managing a succession.

BdQ The Barreau du Québec has produced a public legal information television show for four seasons called “Le droit de savoir” on Canal Savoir and Télé-Québec www.ledroitdesavoir.ca. It provides legal information to the general public. The show has been on air since 2008 and is also available online on Tou.tv.

The Barreau du Québec with CIBL 101.5 FM Radio-Montreal produces a series of three to four radio shows per year informing the public about legal rights and obligations.

The Barreau du Québec also publishes a series of articles providing legal information for the general public in partnership with Protégez-vous, a non-profit consumer protection and consumer information organization.

The Barreau du Québec has published a “plain language” guide called *Le langage clair: Un outil indispensable à l'avocat* that translates commonly used legal expressions into plain language. The content of the guide was also used to create 23 short videos providing information in plain

language for the public about common legal expressions. These videos are available on the Barreau's website.

The Barreau du Québec provides funding to the Centre de justice de proximité, a non-profit organization that provides legal information, helps guide individuals through the justice system, and helps them access legal services.

For the past year, the Barreau du Québec has been publishing information on a monthly basis regarding the rights of immigrants for the benefit of vulnerable clients. In addition, information is provided through the <http://www.immigration.barreau.qc.ca> website which was launched in 2013.

Since 2012, the Barreau du Québec has also been holding annual public conferences regarding family mediation for Family Mediation Day, as well as a series of free public presentations during its annual conference. Since then, nearly 1,000 people have attended one of these conferences, some of which were also offered as webcasts.

LSPEI

The Law Society of Prince Edward Island provides funding to the PEI Community Legal Information Association to help fund the production of a broad range of public legal information material including brochures, videos, and public information sessions.

NSBS

The Nova Scotia Barristers' Society collaborated with other stakeholders to launch a comprehensive family law information website in spring 2012. The site was created and launched in cooperation with the Nova Scotia Department of Justice, the judiciary, the Legal Information Society of Nova Scotia, Nova Scotia Legal Aid, the Nova Scotia Department of Community Services, the Canadian Bar Association - Nova Scotia, and the Halifax Capital District Health Authority-Mental Health Program. The site is called [Family Law Nova Scotia](#) and it offers the public comprehensive legal information including the services available for family law and help navigating the institutional process relating to family law issues in the province. The goal of the website is to help the public understand family law issues and provide tools to navigate the available options to solve their family law problem.

In addition, the Racial Equity Committee of the Nova Scotia Barristers' Society has been collaborating with the Legal Information Society of Nova Scotia to create accessible information for the public on Aboriginal people and the law. The content or availability of services are developed based on consultations with racialized communities and are designed to target legal needs identified by these communities.

The Nova Scotia Barristers' Society provides support and advice to the Legal Information Society of Nova Scotia on the service's Access Legal Help pro bono clinics and some of its other initiatives.

The Nova Scotia Barristers' Society has also provided legal information sessions at the Immigrant Settlement and Integration Services on a wide

variety of legal topics and has, on occasion, also been able to provide ongoing summary advice on an as needed basis.

The Nova Scotia Barristers' Society in cooperation with Nova Scotia Legal Aid, the Legal Information Society of Nova Scotia, the Dalhousie Legal Aid Service, Immigrant Settlement and Integration Services, and other newcomer groups, offers a program called Partners for Legal Education. This program is designed to be a mini-law school for newcomers on a wide range of topics in Canadian law.

LSNL The Law Society of Newfoundland and Labrador liaises with the Public Legal Information Association of Newfoundland and Labrador to provide general support where needed on issues related to access to justice.

The Law Society of Newfoundland and Labrador also operates law libraries that provide free access to legal information and legal assistance to the public. A significant portion of the funding for these law libraries comes from the general fees paid by licensees of the LSNL.

LSY The Law Society of Yukon is supporting the the Yukon Public Legal Education Association in producing a legal information publication that will explain what to expect when hiring a lawyer, what standard retainer agreements mean, and what to do when a lawyer-client relationship sours.

LSNU *Access to Knowledge Initiative:* The Law Society of Nunavut's legal information project aims to provide information with legal support across the territory. The project is focused on connecting legal and non-legal stakeholders. The information is available through Inuktitut and Inuinnaqtun summaries, visual flow charts, and an increased scope of the current law society's Inuktitut legal information telephone hotline. Topics include family issues, rights of people with disabilities, right of elders, housing and court processes. The public can ask questions in Inuktitut relating to general legal information, referrals, help navigating the justice system, and lawyer discipline matters.

The Law Society of Nunavut is encouraging lawyers on court circuit or travelling to remote communities to offer public legal information. Many lawyers have expressed interest in this initiative.

Advice from Non-Lawyers

8. It has been suggested that non-lawyers can play a crucial role in facilitating access to legal services for individuals in the low and middle income demographics. The literature suggests that non-lawyers and non-paralegals such as trained staff and volunteers from community organizations may be able to provide valuable and much needed legal advice. A number of law societies have begun to examine the feasibility of easing restrictions on the provision of legal services to permit non-lawyers to provide a greater range of services.

LSBC

In October 2010 the Benchers of the Law Society of British Columbia approved the Delivery of Legal Services Task Force report. The report recommends increasing access to justice by increasing the permitted duties articulated students and lawyer supervised paralegals can perform. The current status of the work is as follows:

- In July 2012 the LSBC Benchers finalized the changes to the *Professional Conduct Handbook* and LSBC Rules that permit paralegals to provide legal advice and appear in court or before a tribunal, as permitted by the court or tribunal. Paralegals are subject to lawyer supervision. When the *Code of Professional Conduct for British Columbia* took effect January 1, 2013, paralegals were permitted to give and receive undertakings, subject to the requirements of the *Code*.
- The LSBC is working with the Supreme Court of British Columbia and the British Columbia Provincial Court to run family law pilot projects in each court. Each pilot project allows paralegals to make certain types of procedural appearances in family law matters. The Supreme Court pilot launched in January 2013 and will for two years. The terms of the Provincial Pilot are being discussed.

LSA

The Law Society of Alberta is exploring opening up the legal services market to expand the range of legal services non-lawyers may provide. The LSA is working on clarifying the definition of the “practice of law” to expand the services non-lawyers are permitted to offer.

The Law Society of Alberta undertook a study of the unregulated paralegal industry in Alberta and discovered groups underserved by lawyers in the province are also underserved by paralegals; specifically family law clients and persons living in poverty. As a result, in cooperation with Legal Aid Alberta and Pro Bono Law Alberta, initiatives to increase paralegal use in legal clinics are now underway.

In addition, the Law Society of Alberta is working on a program that will increase the court work that law students working through Student Legal Services can do on family law cases, including limited participation in Queen’s Bench matters.

LSS

The Law Society of Saskatchewan is actively considering permitting an expanded legal service delivery role for students, paralegals and others. The goal is to increase consumer access to lower cost legal service providers whilst protecting the public through adequate provider training and regulatory oversight.

LSM

The Law Society of Manitoba is working with a community college on an initiative that would involve an accredited training program for paralegals. Paralegals who complete this program will be permitted to engage in an expanded scope of practise under the supervision of lawyers.

LSUC On June 28, 2012, the Law Society of Upper Canada presented its Five Year Report on Paralegal Regulation to the Attorney General of Ontario and then to the public. The report is available on the LSUC website. The LSUC consulted with the public, paralegals, lawyers, and the courts through the course of the review. The review looked at the fairness of the LSUC's paralegal regulatory scheme. It also examined the effect that regulation has had on licensed paralegals and the public who have used their services. The report found that the public has benefited from paralegal regulation through increased consumer protection and through the maintenance of access to legal services through paralegals.

In 2013, Ontario enacted the *Modernizing Regulation of the Legal Profession Act* which made a significant difference for the governance of the profession. All five elected paralegals now become benchers, and participate in and vote at Convocation. Previously, two of the five elected paralegals could become benchers.

NSBS The Nova Scotia Barristers' Society is engaged in discussions with Nova Scotia Legal Aid and the Nova Scotia Department of Justice in order to facilitate greater use of paralegals in court.

Summary Advice, Brief Services and Referrals

9. Summary advice, brief services and referrals by paralegals and lawyers that fall short of full representation are another way to facilitate the delivery of legal information and advice at little or no cost to the client.

LSA The Law Society of Alberta funds the operation of a lawyer referral program designed to assist clients in finding a lawyer who matches their requirements.

The Law Society of Alberta is making enhancements to the online lawyer search directory to enable members of the public to more effectively search for a lawyer to meet their legal needs. Changes that are being considered would allow users to search by a variety of criteria that lawyers will be able to self-select such as: geographic location, area of law practiced, languages spoken, accessibility options, billing practices (such as contingency fees), payment options (such as credit cards), and willingness to accept new clients.

LSM *Legal Help Centre:* This is a multidisciplinary clinic operated by students from several disciplines to provide free legal advice and referrals (under the supervision of volunteer lawyers). The Law Society of Manitoba has provided a deductible waiver on insurance claims and fee waivers for retired lawyers who volunteer at the clinic.

Law Phone-In Program: This is a program that provides summary legal advice over the telephone. It is funded in part by an annual grant from the Law Society of Manitoba.

Lawyer Referral Service: The Law Society of Manitoba founded and continues to provide financial support for a lawyer referral service through

which individuals are referred to lawyers practising in the area of law with which the individual needs assistance. Lawyers on the referral roster agree to provide referred clients with 30 minutes of free advice. This program is now run by the Community Legal Education Association.

LSUC

The Law Society of Upper Canada has offered a lawyer referral service to members of the public since 1970. The service was expanded in May 2012 to include referrals to lawyers and paralegals and is now called the LSUC Referral Service. This free telephone service provides the public with a referral for a 30-minute free consultation with participating lawyers and paralegals who practise in their geographic area and in the field of law relevant to their issue. If a member of the public calls the LSUC Client Service Centre, which includes the referral service, and speaks a language other than English or French the LSUC offers services in a large number of other languages and pays for the multilingual service provision on a per-call basis. In 2013, the Law Society Referral Service received 65,927 referrals with 1,224 lawyers and 214 paralegals subscribed to the service.

Through its Client Service Centre (CSC), the Law Society of Upper Canada also provides services by telephone, facsimile and email to respond to public inquiries and, where appropriate, provides contact information for Legal Aid Ontario, Pro Bono Law Ontario, and other service and information providers.

CdN

The Chambre des Notaires du Québec maintains a call centre – *1-800-Notaire* - staffed with 13 part time professionals answering calls from the public. Although they don't provide legal advice they offer general legal information and direct the caller toward the organisation best able to help the caller if necessary. The centre currently handles about 300 calls a day or around 70,000 calls a year.

BdQ

The Barreau du Québec sponsors, supports or promotes a number of summary legal advice services including regional lawyer referral services, legal advice hotlines (organized and staffed by members of the Young Bar Association of Montreal) and the Barreau du Montréal's annual 4-day public legal information forum, *Salon Visez Droit*, where members of the public can obtain legal information and advice on a wide range of subjects.

The Barreau du Québec provides funding for a lawyer referral service that provides a 30 minute consultation with a lawyer for \$30.

The Barreau du Québec also provides a telephone hotline providing free legal advice to people who have been arrested.

In October 2011 the Barreau du Québec launched a new phone hotline in cooperation with the Régie du logement, the Quebec landlord and tenant board. Lawyers staff the line and answer questions from callers free of charge. This hotline is now available in other regions of Quebec.

The Barreau du Québec has also established a fixed-price mediation service for individuals and for businesses that have a maximum of 25

employees, involved in a business dispute involving a disputed amount of \$35,000 or less. In exchange for 10% of the disputed amount, accredited mediators will attempt to resolve the dispute.

LSNB The Law Society of New Brunswick is assisting the University of New Brunswick and the Université de Moncton with the implementation of law student legal clinic programs. Students will be supervised by lawyers and will obtain course credits for their legal services work. Implementation feasibility studies are currently underway.

The Law Society of New Brunswick is developing a Lawyer Referral Service and intends to launch this system soon.

NSBS The Nova Scotia Barristers' Society provides support to Nova Scotia Legal Aid's summary advice clinics for individuals from historically disadvantaged communities. This support work has included, for example, the creation of an information pamphlet to support the legal aid lawyers providing summary advice.

The Nova Scotia Barristers' Society assists with the Supreme Court Duty Counsel Project, an initiative of the Nova Scotia Supreme Court to provide pro bono summary advice to people in the court house.

LSPEI The Law Society of Prince Edward Island provides annual funding to the Community Legal Information Association for a Lawyer Referral Service whereby a member of the public can receive 45 minutes of legal advice from a registered lawyer for \$25.

LSY The Law Society of Yukon operates a lawyer referral service where members of the public can pay \$30 for a 30 minute consultation with a participating lawyer in order to determine if they should retain a lawyer for their legal issue. The LSY asks every new licensee if they wish to participate in the lawyer referral service.

Assessing Legal Needs

10. Assessing legal needs involves gathering data from the public in order to determine legal needs, to determine how those needs are being met, to identify gaps, and to suggest strategies for bridging those gaps.

LSBC The Law Society of British Columbia commissioned IPSOS Reid to conduct a survey to gather information on how people solve their legal problems. This survey was published in 2009 and is entitled *Legal Services in BC*. This survey formed the basis of the 2009 Report to the Benchers of the LSBC Delivery of Legal Services Task Force.

LSUC *Ontario Civil Legal Needs Project*. In 2008 the Law Society of Upper Canada, Legal Aid Ontario, and Pro Bono Law Ontario agreed to undertake a joint research initiative called the Ontario Civil Legal Needs Project. The goal of the project was to build a detailed understanding of the civil legal needs of low and middle income Ontarians and to uncover strategies to better meet those needs. In 2010, the first report, entitled

Listening to Ontarians, was released. It was based on a phone survey, a series of focus groups, and a mapping of the range of available services. In 2011, the second report, *The Geography of Civil Legal Services in Ontario*, was released. It compares and analyzes the demography of the population of Ontario with the distribution of legal services. Both reports, as well as the quantitative data reports from both, are available on the LSUC website.

BdeQ The Barreau du Québec collaborated with CROP to assess the needs for legal services within families whose annual income is between \$40,000 and \$90,000.

NSBS The Nova Scotia legislature amended the *Legal Profession Act* in 2010 adding to the purpose clause to require the Nova Scotia Barristers' Society to: seek to improve the administration of justice in the Province by (i) regularly consulting with organizations and communities in the Province having an interest in the NSBS' purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province, and (ii) engaging in such other relevant activities as approved by the Council (section (4)(d)). This amended purpose clause has resulted in the NSBS undertaking regular consultations concerning access to legal services with a specific focus on marginalized communities. These consultations include the Benchers in the Community Program where NSBS leaders consult directly on access issues with specific equity seeking groups for a full day each year.

The Gender Equity committee of the Nova Scotia Barristers' Society is in the midst of a series of consultations with women's' groups and marginalized women's groups to determine what their access to justice issues are.

Economic Initiatives

Limited Scope Retainers/Unbundled Legal Services

11. Limited scope retainers or unbundled legal services permit lawyers to provide limited representation to a client by taking on only part of the client's legal matter (e.g. drafting a statement of claim, but not representing the client further in the matter). The main impetus for unbundling is its potential to lower the cost of obtaining legal services. It creates a halfway house between the unrepresented and the represented.

12. The Federation of Law Societies of Canada made amendments to the Model Code of Professional Conduct to promote and provide additional guidance for lawyers offering unbundled legal services through a limited scope retainer. A number of law societies have adopted the model rules on limited scope retainers including British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and Newfoundland and Labrador. The law societies in the Northwest Territories, Prince Edward Island and New Brunswick are actively considering implementing these rules in 2015.

FLSC The Federation of Law Societies of Canada will vote on amendments to the Model Code of Professional Conduct in October 2014 that would facilitate the provision of short-term summary legal services, including legal aid duty counsel and pro bono programs, by creating some exemptions to the conflicts of interest rules. The FLSC consulted with the law societies and a number of other stakeholders on drafts of these rules and heard widespread support for these proposed amendments.

LSA The Law Society of Alberta has developed materials for lawyers on the ethical and practice issues surrounding the use of limited scope retainers.

Under the auspices of an Access to Legal Services Steering Committee (comprised of representatives from the Law Society of Alberta, the Government of Alberta, and the Alberta Courts) the LSA is supporting limited scope retainer initiatives in general. One specific initiative of interest is the Family Law Office of Legal Aid, which uses limited scope retainers and paralegals to deliver legal services under the supervision of lawyers.

LSUC A Law Society of Upper Canada working group continues to consult with legal organizations and institutions to identify the key procedural issues associated with limited scope services in litigation and changes to court procedure that may be appropriate to better facilitate such retainers.

BdQ The Barreau de Montréal, a section of the Barreau du Québec, published a guide for lawyers on unbundled or limited scope legal services in 2011. This guide is aimed at providing guidance and promoting the use of unbundled legal services in Quebec.

LSNL The Law Society of Newfoundland and Labrador is preparing an information package providing additional guidance for lawyers providing unbundled legal services through limited scope retainers.

Prepaid Legal Insurance Plans

13. Prepaid legal insurance plans provide insurance to cover either certain unforeseen legal expenses encountered by a subscriber, or foreseen events such as real estate transactions or the preparation of a will. Certain plans may also include a specific referral to a lawyer or a law firm to represent subscribers. Very common in many European countries (approximately 75% of French and German households and 90% of Swedish households) and gaining ground in the United States (approximately 30% of American households), legal expense insurance has not yet caught on to the same extent in Canada. Two notable Canadian exceptions are the legal expense insurance plans provided by the Canadian Auto Workers and the Power Workers Union for their members. These plans cover a wide range of legal matters including family law matters.

LSUC The Law Society of Upper Canada provides a brief explanation of legal expense insurance through the Access to Legal Services webpage on its website. The site also provides a link to the external website of DAS Canada, Canada's only mono-line legal expense insurance provider, which has been licensed to sell policies since July 2010.

BdQ The Barreau du Québec has been actively promoting legal expense insurance in Quebec since 1998. By 2009, an estimated 225,000 people in Quebec had legal expense insurance coverage (at a cost of \$48-\$100 per year). Quebec is leading this initiative in Canada. The Barreau has invested over \$2 million dollars in promoting legal expense insurance to the public, to insurance companies, and to insurance vendors in Quebec.

The Barreau du Québec has a phone hotline and website (<http://www.assurancejuridique.ca/>) offering information and answering questions from the public about legal expense insurance.

NSBS The Nova Scotia Barristers' Society has had discussions with a large provider of legal expense insurance. The NSBS plans to provide information to lawyers about legal expense insurance plans that are currently available.

Legal Aid

14. The funding of legal services through an adequately resourced public legal aid plan is essential to improving access to legal services.

LSBC The Law Society of British Columbia is one of the funders of the Public Commission on Legal Aid that toured British Columbia to get feedback from the public on ways to improve the delivery of legal aid in the province. In March 2011 the Commission issued a report entitled *Foundation for Change, Report of the Public Commission on Legal Aid in British Columbia*.

LSA The Law Society of Alberta is a signatory to the Legal Aid Governance Agreement (along with Alberta Justice and Legal Aid Alberta) and the Alberta Benchers have recently approved an amended and extended agreement which the LSA expects will enhance the delivery of legal aid services in Alberta. The LSA is also working on other initiatives to the same end.

The Law Society of Alberta participated in meetings with Alberta Justice (as well as members of other government departments with responsibility for social service policies and programs) with a view to supporting an appropriate level of funding for Legal Aid Alberta. This work was guided by an LSA-sponsored stakeholder committee of lawyers (prosecutors, criminal defence, and family law counsel), judges, legal aid management, and social service delivery managers.

BdQ Through a public and government advocacy campaign, the Barreau du Québec actively promotes access to legal aid services on an ongoing basis.

Reduced Fees (Pro Bono and Low Bono)

15. While most are familiar with the concept of pro bono services, where legal services are provided for free, “low bono” refers to the provision of legal services by lawyers and other legal professionals to low and middle income clients at reduced fees. These kinds of initiatives are specifically designed for clients who do not qualify for legal aid but cannot afford standard legal service fees.

LSBC *Creation of Pro Bono Law BC:* In the fall of 1998, the Law Society of British Columbia joined with the Canadian Bar Association to form a joint pro bono committee to develop and encourage programs for the delivery of *pro bono* legal services within the province of British Columbia. That initiative led to the establishment of an independent organization called Pro Bono Law of BC, which last year merged with the Western Society to Access Justice to form Access Pro Bono.

Funding pro bono legal services: Since 2006, one percent of fees from Law Society of British Columbia licensees are allocated to fund pro bono legal service providers in British Columbia. The monies are administered by the Law Foundation of British Columbia.

Insurance exemption for retired licensees offering pro bono legal services: In 2002, a program was put in place through the British Columbia Lawyers’ Insurance Fund to provide insurance coverage at no cost for retired, non-practising or in-house lawyers (lawyers, in other words, who weren’t otherwise insured) who were prepared to provide pro bono legal services through a pro bono legal services provider approved by the Law Society of British Columbia. Lawyers providing these services also avoid the usual financial consequences of a paid claim, if one arises.

LSA The Law Society of Alberta is working to promote the delivery of pro bono legal services as a complement to, not a substitute for a properly funded legal aid system. The main element of this strategy is the LSA’s support for Pro Bono Law Alberta, an independent organization that manages and enhances the delivery of pro bono legal services in Alberta (but does not deliver actual services).

The Law Society of Alberta continues to support Pro Bono Law Alberta, and recently developed a pro bono law funding policy that affirms the LSA's continuing commitment to PBLA.

Over 14 unique projects have been developed and implemented through partnerships, collaborative projects and community events, connecting volunteer lawyers with low income Albertans or eligible charitable organizations that require legal advice and services.

Provisions have been made to extend insurance coverage to in-house lawyers, retired lawyers and Active, Pro Bono lawyers who offer services through authorized organizations

LSS

In 2008 the Law Society of Saskatchewan incorporated Pro Bono Law Saskatchewan following the recommendations of a multi-party access to justice committee comprised of representatives of the LSS, the judiciary, legal aid, and the Saskatchewan Department of Justice. The LSS also provides office staff and administrative support to that organization. Pro Bono Law Saskatchewan has opened new clinics and increased participation from the Bar. The LSS has also introduced a levy of \$15 on LSS license fees to support Pro Bono Law Saskatchewan.

The Law Society of Saskatchewan has amended its insurance policy to waive any deductible and to provide coverage to otherwise uninsured lawyers.

LSUC

The Law Society of Upper Canada's Rules of Professional Conduct enable lawyers to provide pro bono summary legal services of limited duration to a client, without requiring the lawyer to conduct a conflict of interest search. This exception is available to lawyers who volunteer through Pro Bono Law Ontario's (PBLO) Law Help Ontario program for matters in the Superior Court of Justice or in Small Claims Court. LSUC By-laws also exempt lawyers in non-practising fee categories and retired lawyers who wish to provide pro bono services through PBLO from the requirement to pay practising fees.

BdQ

The Barreau du Québec was involved in the creation of and provides ongoing financial support to *Pro Bono Québec*, an organization that coordinates all initiatives taken by lawyers in the area of *pro bono* legal services throughout the province.

NSBS

The Nova Scotia Barristers' Society sits on the advisory committee of a three year pilot project to provide pro bono legal services. The project is being run by the Legal Information Society of Nova Scotia. The NSBS advises on accessing lawyers willing to do pro bono work and facilitates communication about the program with the legal profession.

In addition, the Nova Scotia Barristers' Society liaises with private law firms in order to facilitate the provision of pro bono legal corporate advice to newcomers.

LSNU The Law Society of Nunavut is changing its legal practice insurance policy to ensure that government lawyers can offer pro bono services without liability concerns. The LSNU will discuss revising its rules to remove any similar impediments in late 2014.

Alternative Billing Models

16. The billable-hours model is the norm for most lawyers and the literature suggests that this creates challenges for clients who face uncertainty about the anticipated costs of legal services and potentially extremely high fees. It has also been noted that the system may create undesirable incentives for lawyers to protract cases. Some of the alternatives to the billable hours model include competitive tendering, fixed tariff billing and commoditization of legal services.

LSM The Law Society of Manitoba has established the Family Law Access Centre, currently in its fourth year as a pilot project, to bridge the gap between Legal Aid and those able to afford legal services. The LSM recruited a panel of lawyers willing to provide family law services at a reduced rate to low and middle income people in exchange for the LSM guaranteeing the payments. Eligible clients pay LSM a monthly amount they can afford.

BdeQ The Barreau du Québec is currently working on establishing a laboratory focused on pricing; its work should lead to innovations in the matter.

Supply Side Issues (Small and Sole Practitioners, Rural and Remote Areas, Cultural and Linguistic Barriers)

17. Maintaining the supply of small firm and sole practitioners and practitioners in rural and remote areas is critical to meeting the legal service needs of low and middle income Canadians. The evidence suggests that the number of small firm and sole practitioners is shrinking in many geographic and practice areas. Moreover, linguistic minority populations continue to experience difficulties finding lawyers who speak their language. There has also been a substantial decline in lawyers participating in the provision of legal aid.

18. Lawyers in rural and remote areas are facing growing challenges in the form of large service areas, isolated clients, a lack of public awareness of their services and difficulty in recruiting staff. For clients, the most significant obstacle to obtaining legal service is distance. A number of innovations and solutions aimed at increasing the legal services available in rural and remote areas have been identified in the literature. These include: offering incentives or supports to the legal professionals who practice in rural and remote communities such as support for operating or facility costs, free access to continuing legal education, and loan forgiveness programs; developing urban-rural partnerships through which urban lawyers provide pro bono services to rural clients, using rural Legal Aid offices, charities, or community legal services providers as contact points; organizing law students to provide legal services in under-served areas; and promoting articling opportunities for law students in under-served communities.

19. The literature also suggests that technological innovations may help to bridge the gap between clients and legal service providers in rural and remote areas.

20. Clients may face cultural or linguistic barriers to accessing legal services. Some law societies are seeking to overcome and eliminate these barriers by offering training to help lawyers overcome specific types of cultural and other barriers that may impede client access to legal services.

LSBC The Law Society of British Columbia is a co-funder with the Canadian Bar Association – BC Branch and the Law Foundation of BC of the Rural Education and Access to Lawyers Initiative (“REAL”). REAL seeks to place summer law students in rural and small communities. The goal is to generate an interest in young lawyers moving to these communities to practice law. As of August 2012 the REAL program has placed 13 summer students in rural and small communities throughout British Columbia.

LSA The Law Society of Alberta provides online facilities for an independent project of its Practice Advisors called *SoloNet*. *SoloNet* is a confidential forum for lawyers who are sole practitioners or working in remote locations in Alberta to connect, obtain practice advice and other resources, share information, pose questions, and offer advice.

The Law Society of Alberta, through its Retention and Re-engagement Task Force, is working on other policies and programs to assist rural practitioners and smaller law firms to continue providing service to their clients.

In addition, with funding from the Alberta Government, the Law Society of Alberta is studying ways to help foreign trained students who have completed the Federation of Law Societies of Canada’s National Committee on Accreditation process to become lawyers. One of the goals of the project is to increase the number of lawyers with the linguistic and cultural skills needed by Alberta’s immigrant communities.

The Law Society of Alberta has been collaborating with the two Alberta law schools, the Alberta Rural Development Network, and the CBA Alberta Branch to increase interest and opportunities for law students and articling students in rural Alberta.

The Law Society of Alberta is also working with Alberta Justice and the Alberta courts to find ways to enhance interpretation services available in court. This project includes efforts to offer courthouse services in languages other than English and French.

LSS The Law Society of Saskatchewan established a committee to review issues involving the changing demographics of the legal profession in Saskatchewan and the impact these changes will have on the delivery of legal services. The LSS committee held several town hall meetings with licensees from rural bar associations to discuss these issues. The result of these consultations was a groundswell of support for regulatory innovation including paralegal regulation, alternative business structures,

and greater use of technology to help with legal service delivery in rural areas.

The Law Society of Saskatchewan has also established the Practice Review Program to provide practice management assistance to new solo practitioners. A new mandatory practice audit program allows the law society to work with practitioners to prevent systemic practice problems. In addition, the LSS is exploring other initiatives, such as an online forum, to further assist solo and rural practitioners.

LSM

The Law Society of Manitoba, the University of Manitoba Faculty of Law, and the Manitoba Branch of the Canadian Bar Association have partnered to create additional spaces at law school for students from under-served communities. The LSM provides forgivable loans of up to \$25,000/year for students from those communities. Loans are forgiven at a rate of 20% a year for each year the student returns to practice in their home community.

The Law Society of Manitoba has established a locum registry and a locum support structure to promote and encourage legal practice coverage in under-served communities.

LSUC

In 2005 the Law Society of Upper Canada released the Sole Practitioner and Small Firm Task Force Report that included important research findings about the nature of sole and small firm practice in Ontario, the pressures operating on lawyers in this area and the implications of these pressures for access to justice for individual Ontarians. The report led the LSUC to increase operational supports to sole and small firm practitioners to increase their viability and success.

The Law Society of Upper Canada's Professional Development and Competence department provides support for sole and small firm practitioners through on-line resources tailored to their needs. These resources include "how to" briefs, a practice management helpline for lawyers and paralegals, and ongoing practice guides on a range of practice management subjects. The LSUC also maintains a Contract Lawyers' Registry where lawyers can register for locum opportunities and lawyers needing short-term or flexible assistance can find available candidates.

Since 2006, the Law Society of Upper Canada and the Ontario Bar Association have hosted an annual Solo and Small Firm Conference and Expo. These events enable participants to explore issues relevant to the practice of a small firm lawyer or sole practitioner and qualify participants for the LSUC's mandatory Continuing Professional Development (CPD) substantive law and professionalism credit hours.

In March 2009 the Law Society of Upper Canada launched a parental leave program, the Parental Leave Assistance Program (PLAP), to enable lawyers to maintain their practice after the birth or adoption of a child. The program was developed in recognition of the fact that sole practitioners and lawyers in small firms have little or no access to parental leave benefits. The PLAP provides \$750 a week to eligible lawyers for up

to twelve weeks (maximum \$9,000 per leave, per family unit) to cover, among other things, expenses associated with maintaining their practice during a maternity, parental or adoption leave.

The Law Society of Upper Canada is also engaging in outreach to Legal Aid Ontario regarding their work on a kit for lawyers and paralegals with the Mental Health Commission of Canada on a “trauma-informed approach” to dealing with clients who present with mental health issues.

BdeQ Since 2012, more than four groups have been sent to the far north, for a total of more than 60 person days. As their legal needs are blatant, legal issues affecting Aboriginal populations were identified.

Quebec’s ministère de la Justice, Justice Canada, and the media were all advised on the initiative..

A report and action plan regarding the situation are currently being prepared and will be released in the fall of 2014.

NSBS The Nova Scotia Barristers’ Society has developed training programs to sensitize lawyers to barriers their clients may face in accessing justice. These programs aim to help lawyers increase their client’s access to legal services. For example, the NSBS has revised its licensing course to reflect access to justice values throughout its training materials. In addition, in collaboration with sexual assault community resource organizations, the NSBS will soon pilot a training session for lawyers on how to take a trauma informed approach to legal practise.

LSNL The Law Society of Newfoundland and Labrador is looking into the use of video-conferencing to enhance their ability to deliver quality continuing legal education programs across the province. The goal is to alleviate some of the disadvantages faced by rural practitioners.

LSNU The Law Society of Nunavut has been working to increase the number of lawyers practicing law in the territory. The LSNU has developed a package for students-at-law with articling rotations and online access to the Law Society of Manitoba bar admissions course. Resident lawyers offer in-person training to students-at-law in Iqaluit. This program has been a big success so far and the LSNU anticipates a major spike in the number of lawyers who will be licensed to practice law in the territory in 2015.

Alternative business structures for legal service delivery

21. An alternative business structure (ABS) is a broad term used to describe many models for delivering legal services outside of the traditional law firm structure. Examples of ABSs include: non-lawyer investment in or ownership of law firms; equity financing of legal service delivery organizations; and using technology to provide automated or innovative legal service delivery. Different types of ABSs are permitted by legal service regulators in parts of Australia and England and Wales. Some alternative business models of legal service delivery may increase access to legal services by reducing client costs and increasing competition in the legal services market.

22. Canadian law societies impose a number of regulatory barriers to ABSs. Many law societies are considering the possibility of allowing ABSs in their jurisdiction. For example, in Ontario a working group of the Law Society of Upper Canada is studying alternative business structures and the future of legal services. In addition, the law societies of Alberta, Saskatchewan, Manitoba, and Nova Scotia are also actively studying the possibility of allowing ABSs.

