

LAA Review 2009

Overview

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Committed to ensuring access to justice by delivering a range of affordable legal services to Albertans in need.

LAA Review 2009

Objective:

To provide the Minister of Justice with options to ensure that current and future service delivery is targeting the appropriate, priority needs of Albertans

Steering Committee comprised of LAA, Alberta Justice and Law Society of Alberta representatives

Completion date = October 1, 2009

LAA Review 2009: Seven Questions

1. What are the legal needs of Albertans of limited means?
2. Which legal needs most require our services and in what priority?
3. How can we meet those needs most effectively and efficiently?
4. Who should be eligible and how should FEGs be determined and applied?
5. How do we effectively compensate the private bar?
6. What would each service delivery option and compensation model cost?
7. What other sources of revenue could be developed?

Legal Needs Research

The legal problems most frequently experienced by low income persons are (not in priority order):

- consumer, money/debt, housing, employment, family law and relationship breakdown, income assistance and health, and estates.
- Criminal offenders have more civil justice problems than non-offenders and those civil justice problems may be triggers for the criminal problems.

Stakeholder Consultations

Consultations were held during July and August of 2009. Consultation elements were:

- One-on-one interviews with 8 key stakeholders (crown, judiciary, private bar, Alberta Law Foundation);
- Development of Consultation Workbook
- Written submissions from individual Albertans, organizations, the legal community and LAA staff;
- Four focus groups, two each in Calgary and Edmonton. Two of the groups involved former or current legal aid clients. Two groups involved individuals who may need legal aid services in the future;
- An on-line survey posted from August 5 to August 28, 2009; and
- A total of eight roundtable sessions in Red Deer, St. Paul, Edmonton, Calgary, Lethbridge and Grande Prairie.

Consultation Outcomes

Throughout the consultation process stakeholders (judiciary, crown, services agencies and the private bar) voiced strong broad-based support for the legal aid program and indicated that any further reductions to the legal plan would result in higher costs to the justice system.

Consultation Outcomes

Legal Needs: External

- Participants agreed the list of legal problems noted in the guide are the most frequently faced by low-income persons.
- Family law and relationship breakdown, and alcohol and drug addiction (within the category of health) were considered by far the most prevalent.
- Immigration and mental health issues were mentioned by a number of respondents as other legal needs.

Consultation Outcomes

Legal Aid Eligibility: external

- In determining eligibility, a balance between financial need and merit was deemed appropriate. For most, the current balance was deemed to be appropriate.
- There was strong support for legal aid eligibility to be based on serving a combination of: a) those at or under a predetermined income level and b) a portion of the population, regardless of income.
- There was considerable concern that the current guidelines prevented many people who cannot afford a lawyer from accessing legal aid.
- A majority of participants agreed that the income threshold was too low and should be raised.

Service Provision Options: external

- All of LAA's current mandatory and discretionary services were considered valuable. There was strong support for retaining them all.
- Family law and duty counsel were considered the most valuable discretionary services.
- Frequently mentioned suggestions for added services included:
 - Expanding family law and duty counsel services
 - Providing information resources and/or counselling services for people in need of legal help.
- Participants forecast negative outcomes for Albertans, the courts and the overall justice system if LAA services are reduced or cut.

Consultation Outcomes

Service Delivery Options: external

- There was strong support for continuing to use a mix of staff and private bar lawyers to deliver legal aid services.
- Expansion of family law representation services and staff duty counsel was supported where the need is great and the availability of private bar lawyers is low.
- There was only minority support for LAA establishing a public defenders office.
- A 'certificate as a last resort' approach was largely supported.
- While all service delivery options listed in the consultation guide were considered reasonable for LAA to consider adopting, those that received the greatest support were:
 - Legal clinics
 - One-stop client legal services
 - Mandatory mediation services
 - Unbundling services

Consultation Outcomes

LAA Business Practices: External

- LAA improving its communications and education with clients and service providers was top of mind for most participants.
- The introduction of more technology was supported if it streamlined business practices and did not diminish the availability of face-to-face interaction with staff, particularly for clients.
- LAA was encouraged to allow on-line and off-site applications.
- Service providers want a closer working relationship with LAA and for cross-training/reciprocal education to occur.
- A majority of participants supported introducing a quality assurance program for roster lawyers.

Consultation Outcomes

Lawyer Compensation: External

- There was almost universal agreement that the tariff of \$84 per hour was too low and was a major disincentive to lawyers taking legal aid cases.
- There was disagreement whether a tiered system, where senior lawyers earned more than juniors, was appropriate.
- There was mixed opinions on the alternative payment models presented in the consultation guide. A significant minority wanted to reserve judgement until more details on how LAA would apply these models were known.

Consultation Outcomes

Other Sources of Revenue: External

- It was felt that funding for LAA is a government responsibility
- Participants were largely against introducing a provincial sales levy on legal services
- There was only minor support for LAA administering insurance schemes.
- There was some support for lawyers not on the roster to pay a fee or provide a minimum number of hours of legal aid each year.
- LAA was encouraged by many to secure charitable status to allow donations and fundraising to occur.

Where do we go from here?

Options for Service Delivery: Dealing with current realities and looking towards the future

The “cut-to-the bone” scenario is not palatable for most stakeholders.

- Reduction of LAA FEGs
- Cutting Family Law Coverage except for Child Welfare and children in high conflict
- Eliminating Family and Child Welfare Duty Counsel
- Eliminating the Alberta Law Line
- Eliminating Immigration Coverage

Options for Service Delivery: Dealing with current realities and looking towards the future

i.e.

- Continue to provide its current mix of “mandated” and non-mandated services;

“Tailoring services to client need”

- Unbundling
- Paralegals
- Legal services centres
- On-site summary advice
- Staff enhanced duty counsel

Options for Effectiveness and Efficiency

i.e. Working together with other service providers and the Alberta Law Foundation, explore ways in which LAA can provide the forum through which knowledge-sharing, needs identification and service delivery coordination and collaboration can happen;

Options for Funding Development

i.e. Identify where an expansion of services, to those client who could afford to reimburse LAA at higher levels than is currently the norm, could be piloted; undertake and evaluate such a pilot;