

**THE CANADIAN
BAR ASSOCIATION**
British Columbia Branch

December 18, 2009

Mr. Mark Benton Q.C.
Executive Director
Legal Services Society
400 – 510 Burrard Street
Vancouver, BC V6C 3A8

Dear Mr. Benton and Members of the Board,

Branch Office Closures

I am writing today following our December 5th Provincial Council meeting. There was a great deal of concern expressed about the current situation with respect to the new plans being implemented by the Legal Services Society for the provision of Legal Aid services via local agents.

You will have received letters expressing similar concerns from some of our Sections already; I am writing to express the additional support of Executive for the following considerations when you are confirming your agent contracts:

1. That there are equitable allocation of referrals, including referrals of "no-name requests" and assignment of Duty Counsel:
 - this is intended to address the concern that a local agent has discretion in allocating the referrals and to ensure that there is no ability to "play favourites" with the best cases;
 - "no name requests" refer to applicants for legal aid who do not have a previous relationship with a lawyer and have not specified a lawyer to whom they wish to be referred – this is especially important on the "equitable referral" front.
2. That consideration be given to whether an applicant for a local agent is proposing to hire staff member from those Legal Services Society offices where are being closed; and
 - those intended to address the concern that the non-lawyer staff in Legal Services Society offices are steeped in the legal aid service philosophy and have the expertise to efficiently and effectively handle applications for legal aid.

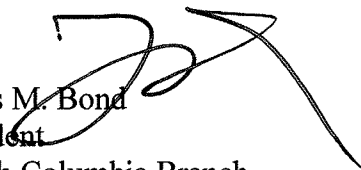
3. That there be intake locations for family and criminal matters at local Court Houses:
 - this is intended to address the concern that a local agent may attempt to achieve cost savings by removing dedicated intake agents from the existing Court House locations and consolidating staff in their own offices; and
 - the same challenges that lead Legal Aid clients to court often make finding and attending an office building difficult.

4. That there be consultation with Local Section members of the British Columbia Branch of the Canada's Bar Association on potential tenders during the selection process for Legal agents, and on an ongoing basis after awarding the contract;
 - this is intended to ensure that the wealth of knowledge in the sections (particularly with respect to local issues) is not wasted.

We anticipate that consultation with our section chairs and members on an informal basis would ensure that the Legal Services Society does not find itself with a local agent that is unsatisfactory to members of the local bar or the public. The consultation would be an opportunity for the Legal Services Society to consult with the local bar regarding the ongoing successes and challenges of the local agent.

Please let me know if there is anything the British Columbia Branch of the Canadian Bar Association can do to assist you formally or informally during this process. Our members have made it very clear that they expect us to monitor this process closely, and we will be doing so.

Yours truly,


James M. Bond
President
British Columbia Branch
Canadian Bar Association