

Legal Aid Cuts

Services to be Continued

The provincial government has announced it will cut legal aid funding by 38.8% over three years and require LSS to absorb substantial new costs. This means the Society will no longer have the funds necessary to maintain existing services to clients. This backgrounder summarizes the services legal aid will be limited to given these financial constraints.

Criminal Law

Legal representation will be provided at each stage of the criminal process for financially eligible people charged with criminal offences who —

- if convicted, are likely to go to jail,
- do not face imprisonment but have a mental or emotional disability that prevents them from defending themselves,
- are Aboriginal and a conviction could affect their ability to follow a traditional livelihood of hunting and fishing,
- are young offenders charged with a federal offence, or
- are prisoners facing serious disciplinary proceedings.

The Brydges line service will continue. This is a province-wide toll-free telephone service providing prompt access to legal advice for people who are arrested or detained, or who are under active investigation by the police or other law enforcement agencies but are not yet charged and need emergency services.

The Society must now absorb the costs for *Rowbotham* cases and large cases that exceed the current \$50,000 cap on legal aid fees or disbursements (primarily these involve criminal matters; previously the Ministry of Attorney General covered these costs). [Estimated cost: \$1.9 million/year]

Family Law

- Emergency representation will be provided for financially eligible people only where there are issues of domestic violence and the client needs a restraining order. Services will be restricted to obtaining —
 - a restraining order, and
 - the initial custody, access, and maintenance orders, or
 - the required variation order.
- Legal representation will be provided for child apprehension matters and appeals.
- Legal information will be available through —
 - the Family Law website,
 - Law Line (to be revised, and turned into a toll-free service), and
 - electronic and some print materials.



Immigration Law

Legal representation will be provided for financially eligible people who —

- face immigration proceedings that would result in their removal from Canada.

Most immigration cases covered by legal aid are refugee matters.

The Attorney General has told LSS the province believes this area is a federal responsibility. The provincial government plans to take the matter up with the federal government in the near future. The Attorney said —

- the provincial government intends to stop funding immigration matters by 2004/2005, and
- any federal money received to replace the provincial grant for immigration cases will stay in the LSS budget.

Poverty Law

Legal information will be available through —

- Law Line (to be revised, and to become a toll-free service)
- electronic and some print materials
- the Electronic Law Library (ELL)
- continued funding to PovNet

Mental Health Law

Legal representation will be provided —

- at some review hearings for clients involuntarily detained under the Mental Health Act, and
- at some BC Review Board hearings for clients found unfit to stand trial, or not criminally responsible for crimes because of a mental disorder.

Public Legal Education & Information

- Legal information for everyone will be available through —
 - electronic means (ELL, Family Law website, continued funding to PovNet, LSS website),
 - Law Line (to be revised, and to become a toll-free service),
 - some written materials, and
 - community advocate training.