

**Developing Models for Coordinated Services
For Self-Representing Litigants**

Mapping Services, Gaps, Issues and Needs

Project Team:

**Gayla Reid, Donna Senniw
& John Malcolmson**

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1. Introduction

1.1 Scope of the “Access to Justice” map

This report provides an “access to justice” map of the network of services that currently provide assistance to self-representing litigants at the Vancouver Courthouse Complex at 800 Smithe St. and at the New Westminster courthouse areas.

The map identifies SRL services and gaps in relation to SRL issues, challenges and needs in both court locations. In this sense, it is developed with the perspective of a client-centred approach in mind. The Vancouver Courthouse Complex at 800 Smithe Street is a Supreme Court location. The New Westminster Courthouse area includes Supreme and Provincial Court.

The access to justice map includes information for both locations about the following:

- The kinds of services offered,
- The numbers and types of clients served,
- The types of problems experienced by clients,
- Existing co-operative links and referral patterns connecting service providers,
- Perceived gaps in services for self-representing litigants,
- Perceived gaps in the way services for self-representing litigants are being delivered,
- Perceived priorities for family and other civil law services in this area.

Project Stages

This map is the first of three phases of the project, *Developing Models for Coordinated Services for Self-Representing Litigants* (the Project). The other two phases of the project are:

- The development of a service model and plan that creates a framework for how the needs of SRLs in defined priority areas can be met
- The design of an evaluation strategy for the plan, when and if implemented.

Rapid change in the service climate

The project is taking place in a context of rapid change in BC, including:

- Significant changes, especially within the last two years, to legal aid services available to low-income litigants,¹
- A perception of increased numbers of self-representing litigants (SRLs) throughout the court system,
- Concerns about the capacity of SRLs to deal with the complexities of addressing

their issues,

- Growing recognition of the need to deal with SRL services in a coordinated way and of the need to make services flexible, accessible and available at different points of entry to SRLs.
- Efforts to develop strategies on many fronts to meet SRL needs,

Examples of this change include the following:

- The growth of pro bono services, particularly of clinics, in B.C.
- The development, particularly online, of Public Legal Education and Information (PLEI) resources specifically targeted at SRLs
- The implementation within the last 12 to 24 months, particularly in the Family Court, of new projects aimed at or including service to SRLs.

The map, as well as the project as a whole, is being developed within this broad context of changing approaches to the provision of legal services to SRLs. One significant feature of this context is a progressive trend towards the “unbundling” of legal services where a lawyer performs specific discrete legal tasks and leaves other tasks to either the client or others. The context is also characterized by evolving social and institutional attitudes towards the increased presence of SRLs. In a system based on two equally-matched sides presenting their case before an impartial judge, the introduction of a lay litigant affects the justice system roles in numerous and often profound ways.

We are now seeing self-representing litigants win at the Supreme Court level whereas a number of years ago that did not happen. In fact, it used to be the case that going into Supreme Court without a lawyer was interpreted to mean that you did not have a case. It is also not uncommon to see both sides unrepresented in many litigations. – *Lawyer*

Informants interviewed through the first phase of the Project provided a range of opinions about the broader context, typically with reference to cutbacks in legal aid:

What [SRLs] need is adequate family law legal aid. Women’s experience of family law is not going to change until there is adequate representation. – *Lawyer*

The self-representing litigant is going to stay. Many people say that more legal aid is needed but I don’t think this is going to happen. That being the case, self-representing litigants need explanations of both procedural and substantive law.
– *Lawyer*

1.2 Objectives of the mapping phase

The mapping phase of the Project included a series of specific objectives. They are as follows:

- To develop and articulate a methodology for the process.
- To meet with service providers to determine the range of services and supports currently made available to SRLs.

- To examine patterns of referral and coordination amongst current service providers
- To determine as best as possible who amongst the population of SRLs is currently being served,
- To identify and/or confirm the specific service needs of self-representing litigants,
- To determine problems and issues faced by SRLs in accessing services,
- To determine gaps in service and support through a comparison of services offered and SRL needs
- To identify priority areas for service delivery to self-representing litigants.
- To develop an “access to justice” map incorporating results of the above initiatives.

1.3 Proposed methodology for the mapping

The first step in this phase was to develop an appropriate methodology for the mapping component. The methodology aimed to provide both a graphic and text-based illustration of the range of services and supports currently available to self-representing litigants (SRLs). It was also intended to document the referral networks and other relationships that may link these services together. By mapping the services, supports and referral networks, the methodology aimed to provide insight into problems with the current delivery of services and possible ways of bringing services more closely in line with the needs of SRLs.

The methodology proposed that a list of relevant available services should be compiled at the project outset on the basis of information received from the project steering committee, as well as from available documents and reports dealing with the growing trend towards self-represented litigation. This list would be supplemented as the interviews proceeded, through ideas and information received in the course of the interviews themselves.

Interview process

The mapping would begin with an effort by the research team to gather necessary data. To this end, first tier range of interview would be conducted with frontline service providers who deal directly with SRLs. The first tier interviews would depict the primary points of access that SRLs have in using available services. They could also be expected to reveal methods and patterns of interaction amongst service providers.

Information gleaned from the first tier interviews would yield a second tier set of interviews, centring primarily on other justice system personnel who have either a special involvement or interest in the area of dealing with SRLs. Respondents would include members of the bar, masters and judges involved in dealing with SRLs within the court system. These interviews would also include personnel known to have either special experience or expertise in dealing with SRLs and SRL-related issues. They would also

encompass informants from a range of community-level service and advocacy organizations that routinely deal with SRLs and face the challenge of trying to address their needs. Additions to this second tier would be made as knowledge was gained through the interview process of other service providers who have a role in dealing with SRLs.

Following this, a third-tier of interviews would be conducted with SRLs themselves, to learn which access points they use for service, and to report on the experience of self-representation from their unique point of view.

Interview focus

Interviews were to be designed to be open-ended in format and qualitative in orientation. Interview questions would focus on a standardized range of themes designed to gather relevant information regarding

- characteristics and needs of SRLs
- the services they provide to SRLs
- areas of law where needs and services are concentrated
- the ability of SRLs to access these services
- levels of demand for SRL-related services
- the degree to which SRL needs are met
- relationships with other services providers.

Data transcription and storage

Interviews would be transcribed and segmented into discrete statements reflecting either single or multiple themes having some coherence. A database would be developed to house text segments drawn from the interviews. All text segments would be coded with a view to categorizing, storing and retrieving relevant patterns of information including those needed to generate the “access to justice” map.

Given the mapping requirements of the research, special attention would be given to recording information regarding available services, service providers as well as referral patterns and other relationships connecting providers. The latter variables would be tracked through the system by recording entries gleaned from interview transcriptions. Whenever a service provider indicated that it referred SRLs to another service, an entry would be made to record this relationship-based information in the database.

Data analysis

When the round of service provider interviews was completed, the database system would be queried to isolate and organize different patterns of relevant information.

Special attention would be given to interview segments that reference areas of law, service types, service provision and referral arrangements that interconnect service providers. Data extracted through this querying exercise would form the basis for developing the “access to justice” map.

“Access to justice” mapping

For the mapping of services, it was determined that major service providers would be plotted in a “wheel and spoke” arrangement with self-representing litigants placed at the centre. The latter would be intended to underline the client-centred focus of the planned service model. Referral arrangements would be plotted on the graphic by mapping the nature of this arrangement as referenced during the interviews and recorded in the database. Care would be taken to record where referrals operated bi-directionally as opposed to in a single direction.

Set up in this manner, the mapping exercise would show where services are located, how and when service providers interact with one another and the *de facto* overall pattern of service delivery for SRLs. From this, a picture could be derived of the extent to which current services and service provider relationships can or cannot be seen to have any real coherence or consistency in the way SRL needs are addressed.

Analysis of SRL needs and perspectives

Mapping patterns of service provision and referral form only one side of the analysis. To complement the focus on services, service areas and service providers, interview data would be gathered and analyzed to reflect the ways SRLs see services and the impact services either do or do not have in relation to the needs they identify. This data would cover the following areas:

- the needs and issues of SRLs,
- the challenges SRLs face in trying to pursue their issues within the court system,
- the degree to which SRLs see currently available services and supports meeting their needs,
- SRL views on gaps in service,
- SRL views on what should be done to address service gaps, problems and their challenges in being self-representing.

Interviewing SRLs would give researchers the opportunity to analyze the way current services are perceived on the receiving end and to gauge the extent to which SRLs see gaps in the existing array of services. By incorporating these perceptions into the discussion surrounding the “access to justice map” a multi-faceted perspective on services and issues related to services would be generated, reflecting both the serving and receiving ends of the process. Information gathered to prepare the map could then be

used to identify necessary requirements for a new service model capable of addressing gaps, issues, challenges and service priorities from a client-centred point of view.

1.4 Application of the methodology

The preceding section looked at consideration related to the development of an appropriate methodology for the mapping. Once developed, project researchers were able to proceed with the data gathering in the following ways:

- Development of interview guides interviews

Interview guides were prepared to address the different areas of expertise of respondents. One interview guide provided a series of questions that applied to service providers, broadly defined. Question responses were coded so as to allow the researchers to pinpoint response patterns relevant to subsets within the group, as follows:

Justice system providers	Judges and masters/legal aid duty counsel/mediators/pro bono clinics/family justice counsellors
Court system providers	Registries
PLEI providers	Legal Services, Courthouse library, Attorney General, community service providers

A second interview guide was developed for use with self-representing litigants. The interview guides are attached as Appendix A.

- Conduct of the first-tier interviews with direct service providers and primary stakeholder groups. These interviews depicted the primary points of access that SRLs have when using available services.
- Conduct of the second-tier interviews. These interviews centred primarily on other justice system personnel who have either a special involvement or interest in dealing with SRLs. They also included community-level groups that work in either a service capacity with SRLs or have an advocacy-related role to play in relations to the needs of people who become SRLs.
- Conduct of the third-tier interviews, with SRLs themselves.
- Interview data analysis. Data from the interviews was coded and analyzed using a set of qualitative indicators attached to different interview segments. Details regarding the codes used in the analysis are provided in Appendix B.

1.5 Informant interviews

The project team conducted 54 interviews for the mapping phase. The interviews provided coverage of major service areas, stakeholder interests, interested community groups and SRLs themselves. A comprehensive list of interview respondents is provided in Appendix C.

The first block of interview was conducted with direct service providers to SRLs and major “stakeholder” groups: 21 interviews. Twenty-six informants were then interviewed from the justice system, the policy-making arena, and advocacy groups who have contact with potential or actual SRLs. Seven self-representing litigants were interviewed, all of whom had dealt with or were currently dealing with Supreme Court matters.

The interviews were conducted from November 2003 to March 2004. A presentation based on initial findings was made to the project’s steering committee on December 15, 2003.

Interviews conducted for the purpose of developing the “access to justice” map initiated a process of consultation that continued during subsequent phases of the project.

1.6 Priority areas of law

The main areas of law identified over the course of interviews with service providers, stakeholders and SRLs themselves are, in descending order of importance, as follows:

- Family law
- Judicial review
- Debt/bankruptcy
- Probate
- Other civil matters

Family law

Family law was the most frequently cited area of law in which SRLs seek assistance. The following respondent comments are representative:

“The vast majority of self-representing litigants are in the family law area.” -
Judge

“Family is 70% of our clinic work [in the non-criminal area].” – *Pro bono service provider*

“A significant majority of cases are family-law related.” – *Law Line*

“The primary area where SRLs create a challenge for the courts is family law.”
– *Counsel*

Judicial review

Judicial review was often mentioned as an area where SRLs face challenges in dealing with civil disputes. Within this broad context, the area most often identified was that of landlord/tenant disputes.

“Judicial reviews are nearly 100% self-represented. . . The problem with judicial reviews is that they’re under the gun time-wise. I question whether they would be

able to absorb much information. A 10-15 minute videotape might be good.” – *Master, New Westminster Supreme Court*

“The matters are predominantly family, and residential tenancy. They [SRLs] come from the residential tenancy branch with various pieces of paper and our registry fixes them up with court papers. Usually they start with an indigent application.” – *Duty counsel, New Westminster Supreme Court*

Frustration was expressed by community advocates about the challenges facing potential SRLs who may wish to go to judicial appeal on decisions from welfare tribunals, especially given the fact that an administrative level of appeal, the BC Benefits Appeal Board (BCBAB), has recently been eliminated.

“It is hard to go to judicial appeal. Practically it is very hard for many clients – many have educational barriers, plus psychological or mental disabilities. . . . Probably every second tribunal decision would have something in the reasoning that may be a reason for going to judicial appeal. We used to have the option of taking the tribunal decision to appeal at an administrative level at the BCBAB, but we don’t have that any more. The only choice is judicial review, but we don’t have the capacity to do it and I don’t even know of anyone who is doing it.” – *Community advocate*

In addition, informants identified debt and bankruptcy and probate as priority areas for self-representing litigants. A range of other civil matters, including foreclosure, wrongful dismissal and employment-related issues, personal injury, and insurance matters were also identified. In commenting on civil matters, informants contrasted the comparatively “user friendly” format of Small Claims with the immensely more challenging environment of Supreme Court.

1.7 Who are the self-representing litigants (SRLs)?

Informants were clear that SRLs are a diverse group with different levels of ability and different reasons for representing themselves. Interview responses concerning the identity of SRLs and their reasons for self-representation consistently identified two categories: those who are representing themselves through choice, and those who have little or no choice but to represent themselves.

SRLs by choice are perceived by those interviewed to be in the minority:

“Some, a minority, are people who really don’t want advice. They are a kind of ‘building the back porch’ group who want to do it their own way. Often they don’t have a case but they want to do it anyway.” – *Lawyer*

SRLs without or with limited choice are seen as being the larger group by a considerable margin. Many informants identified economics as being the most frequent reason for self-representation.

“There’s one word that describes the reason for SRLs: budget.” – *Supreme Court Justice*

“The reason people represent themselves is financial. They can’t afford representation, or they can afford it but have decided it’s not worth the cost.” – *Supreme Court Justice*

“The people most affected are working people earning an adequate income but without enough money to hire counsel.” – *Supreme Court Justice*

In this regard, the information provided in interviews with informants was consistent with that found in other B.C. investigations of SRLs.

“Broadly speaking the unrepresented litigant can be categorized into one of two groups: those that would like to have a lawyer but cannot afford one, and those that can afford a lawyer but choose not to retain one. In terms of relative proportions between these two groups, while there is a lack of empirical evidence BC, it is apparent from studies done in the U.S.[Sales, Beck & Haan] and Australia [Matruglio & Dewar; Smith & Banks] that a large majority of unrepresented litigants are left unrepresented for financial reasons.”

- *Richard Lord, Unrepresented Litigants in Family Law Proceedings, 2003, Continuing Legal Education*

Informants also provided comments on the capacity of SRLs to handle the task, and the types of assistance they need to do so.

Within the SRL groups there are three levels. There are “professionals” and their investment is in going it alone. In the middle, there are people who have sufficient confidence in the legal system and sufficient comfort with bureaucratic institutions that with some instruction they can fumble along. Most of these expect to be doing some or all of the work themselves. The third group is people who cannot do it – for various reasons it’s too difficult. It is the middle layer that is our primary target. – *PLEI provider*

This comment is consistent with a typology of client capacity and types of assistance required, found in *The Evaluation of the Expanded Family Duty Counsel Project (Robson Street Court House) Interim Report* prepared for the Legal Services Society (October 2003), Table 19. This document is attached as Appendix D to this report.

Further, the interviews indicated that SRLs with no or limited choice divide into two groupings: those who are starting their process; and those who are already in the system. Informants also identified client groups who face enormous barriers —owing to culture, language, education, poverty or disabilities — in trying to represent themselves at any level of court.

“My clients would not dream of representing themselves. They don’t have a basic understanding of our laws and don’t know how the court system works. And language is always an issue.” – *Advocate in immigrant/refugee serving agency*

Most groups and individuals interviewed suggest that the number of SRLs in the court system has grown in recent times. While opinions vary regarding the extent and speed of the growth, groups that provide legal advice services to SRLs were clear that their services have seen increased demand over the past two years:

“We’ve seen a dramatic increase in demand since the legal aid cutbacks, and our service has broadened as a result.” – *Pro bono clinic informant*

Yet, how SRL issues and needs are defined is clearly something conditioned by which groups of SRLs are being targeted. There was widespread agreement that the focus of the needs identification should be on the “limited choice or no choice” group. Further, the development of a proposed service model, while not intended to exclude providing support to any particular SRL group, should proceed on the basis of the needs identified with the “limited choice or no choice” group.

1.8 Lack of precise quantitative information about SRLs

Informant interviews revealed there to be a lack of precise quantitative data regarding the incidence SRLs within the court system. Organizations dealing with SRLs do not generally have a mandate to collect these kinds of statistics. Nor do these organizations have the capacity to distinguish SRLs from other people seeking assistance. Informants confirmed they are not always able to determine whether someone requesting assistance is indeed a self-representing litigant. The interviews also indicated:

- Pro bono clinics and the registries do not currently maintain comprehensive statistics on SRLs.
- Data that are available (e.g. from the Law Line) provide numbers of requests for information by area of law, but do not distinguish matters by level of court. (Note: Law Line is currently considering a study of SRLs usage.)
- Inquirers using services do not identify themselves as self-representing. While those offering services can sometimes tell by the questions asked, those seeking help could be either SRLs, legal aid applicants, or people who will retain a private bar lawyer for full or partial representation.

Despite the lack of precise quantitative data, interview respondents were able to provide some informed estimates as to the nature and degree of self-representation within the court system.

- **New Westminster:** A 50 to 60 per cent rate of self-representation was suggested for Supreme Court.
- **Vancouver:** Estimates place 80 percent of the volume of SRLs at the Supreme Court in the family law area.

By way of conclusion, it can be stated that a lack of more precise documentation on the nature and incidence of self-representation places serious limitations on the ability to know which services are reaching SRLs, to evaluate how services are being delivered and the to understand impact these services are having on the receiving end. In some instances this may mean that services for SRLs are being targeted in a largely *ad hoc* manner without clear tracking or documentation.

2. Categories of current service to SRLs

This section describes services currently delivered to SRLs. In broad terms, these services fall into one of three main categories:

- Legal advice
- Procedural assistance
- Information & education

Other services include orientation to court process, presentation information, and information about courtroom behaviour. Referrals constitute an important component of the service pattern and are also described in this section.

2.1 SRL Access to legal advice

SRLs may wish to access legal advice at various points in their legal matter. Legal advice can occur at different stages of a legal proceeding:

- Advice up front – at the start of the legal process
- Advice/assistance at other points in the process
- Phone advice/assistance

Services provided are most often of fixed duration (time) or on a “one-off” basis. The major sources of legal advice for SRLs are as follows:

- Lawyer Referral
- Duty counsel
- Pro bono clinics
- Law Line

The chart describes current service options that SRLs have in order to obtain legal advice.

Service	Lawyer Referral Canadian Bar Association, BC Branch http://www.bccba.org ; 604-687-3221
Description of service	The Lawyer Referral Service of the Canadian Bar Association refers individuals to a participating lawyer. Clients phone the service and are referred to lawyers according to area of law. This service is not intended for SRLs. However, informants commented that in fact it often turns out to be a pro bono service. Informants reported that they refer SRLs to Lawyer Referral for legal advice.
Clients served (Provincial / Supreme Court)	Both.
Level of income	A nominal fee of \$10 for one half-hour is applied across the board.
Comments	The majority of clients are at the front end of their legal matter.

<p>Service</p>	<p>Legal Services Society Family Duty Counsel Project</p> <p>Legal Services Society of BC http://www.lss.bc.ca; 604 601-6000</p>
<p>Description of service</p>	<p>The Legal Services Society has set up family duty counsel on a project basis in Robson Street Family Court in Vancouver (started October 2002) and New Westminster (started September 2003).</p> <p>There is a roster of ten lawyers in Vancouver and eight in New Westminster.</p> <p>The project provides two duty counsel on family list days in Provincial court for initial appearances in <i>Family Relations Act</i> and <i>Child, Family, and Community Service Act</i> matters. Priority is given to people who have matters in court that day and who meet the income test for advice services.</p> <p>The service gives SRLs access to alternative dispute resolution services, where appropriate. Duty counsel can provide SRLs:</p> <ul style="list-style-type: none"> • Up to 45 minutes of summary advice for non-financially eligible clients. • Up to three hours of advice and assistance for financially eligible clients. Clients can return to the same duty counsel lawyer; continuity of service is provided wherever possible. • Assistance with drafting documents and preparing for their case over several meetings. • Access to and assistance with on-line self help materials through the LSS LINK and Family Justice websites. <p>Clients are referred to this service by family justice counsellors (FJCs). The project is a collaboration between the Legal Services Society and the Ministry of Attorney General.</p> <p>The aim of the service is to inform clients about their legal options, provide clients with appropriate and timely legal advice about settlements reached with the help of FJCs, and reduce the need for litigation.</p> <p>In Vancouver, the Enhanced Family Duty Counsel Project (EFDCP), in addition to providing duty counsel, provides advice counsel with whom clients can make appointments (as opposed to a drop-in service available at the time of initial appearance only). Client files are maintained. In Surrey Provincial Court an advice counsel is available on a drop-in basis. (Both are available on a limited, part-time basis.)</p> <p>There is a one- to two-week waiting period to see a lawyer. In this way, the EFDCP occupies a middle ground between traditional duty counsel service and full legal representation. This service is not available in New</p>

	<p>Westminster.</p> <p>Duty counsel do not attend any court appearances in Supreme Court, but they can provide advice and assistance, typically to SRLs with Supreme Court problems where the matter involves both levels of court. For example, the family duty counsel may assist with family maintenance proceedings or with applications to vary support orders.</p>
Clients served (Provincial/Supreme)	<p>SRLs are the target client group, predominantly those with matters in Provincial court. SRLs with Supreme Court matters are served only where there are no other resources to assist them and they find their way to duty counsel. Sometimes they are referred by FJCs.</p>
Level of income	<p>The cutoff starts with a family of four: net income must not exceed \$28,000 annually or \$2,333.33 monthly.ⁱⁱ Counsel has the discretion to assist clients who exceed the financial test but must give preference to financially eligible clients.</p>
Number of SRL clients served	<p>Data is available for the Enhanced Family Duty Counsel Project (EFDCP) at Robson Street, where the Evaluation Interim Reportⁱⁱⁱ indicates that 966 cases were opened between November 2002 and July 31, 2003. The initial point of entry to the service was through advice counsel 52% of the time and through duty counsel 48% of the time.</p>
Comments	<p>Informants emphatically identified the need for more advice/assistance to be made available to individuals who are litigants in Supreme Court.</p> <p>“Supreme Court really needs more services. . . . SRLs in Supreme Court have a higher degree of need.” – <i>Duty counsel</i></p> <p>The evaluation of the Enhanced Family Duty Counsel Project (Focus Consultants, October 2003) likewise indicated that SRLs with Supreme Court problems were in need of more legal advice and legal assistance.</p>

<p>Service</p>	<p>Pro Bono Clinics</p> <p>Access Justice: 604-878-7400 Salvation Army: http://www.probono.ca; 604-872-7681</p>
<p>Description of services</p>	<p>The two major providers of legal advice to SRLs through pro bono clinics are the Western Canada Society to Access Justice (“Access Justice”) and the Salvation Army Pro Bono Lawyer Consultation Program (“Salvation Army”). Appendix F provides a list of relevant clinic locations.</p> <p>Key features of pro bono clinic services:</p> <ul style="list-style-type: none"> • Half-hour free legal advice to income-tested clients not covered by legal aid. • Written summary of advice. • Clients can return to the same clinic or visit another clinic. Lawyers provide services on rotation, but can arrange to have clients return to them. • There are waiting lists. For example, there is a six to eight week waiting list for assistance in family matters in the Lower Mainland (Salvation Army figure). <p>Access Justice has 23 clinics in the Lower Mainland / Coast Mountain region. Many clinics are attached to community groups. One clinic is located in the Vancouver courthouse complex at 800 Smithe Street (6 sessions a week). Throughout BC, 300 lawyers volunteer services through Access Justice.</p> <p>Salvation Army has nine clinics in the Lower Mainland / Coast Mountain region. In the Lower Mainland, 70 to 80 lawyers volunteer their services through the Salvation Army. About 70 per cent of their non-criminal work is estimated to be on family matters. The Salvation Army also provides pro bono services in the Court of Appeal where they assist SRLs with their documents, including preparation of the factum.</p>
<p>Clients served (Provincial / Supreme Court)</p>	<p>Both, plus the Salvation Army Court of Appeal pro bono service.</p>
<p>Level of income</p>	<p>Both programs are income-tested with as limits similar to family duty counsel (see endnote 2).</p>
<p>Number of SRL clients served</p>	<p>Some pro bono programs gather data on clients, area of law, and the volunteer lawyer’s individual hours. Overall quantitative data on numbers of SRLs using pro bono clinics is not available.</p>
<p>Comments</p>	<p>Community-based informants reported significant positive relationships with the pro bono clinics they host. Lawyers and community advocates exchange referrals where appropriate.</p>

<p>Service</p>	<p>Pro Bono Duty Counsel Program in New Westminster Private bar program coordinated by George Richards, Richards & Richards, 604-588-6844</p>
<p>Description of services</p>	<p>The program, initiated and coordinated by a member of the private bar, provides volunteer civil duty counsel in the New Westminster courthouse area. The program began in February 2002. The majority of the work is on Supreme Court matters, with some Small Claims. The matters are predominantly family and residential tenancy.</p> <p>The program provides up to 30 minutes of advice to anyone at the courthouse. Duty counsel provide assistance based on whatever people ask and the range of the lawyer’s expertise. Lawyers can provide some representation if they choose to. For example, one of the duty counsel had recently been in chambers to help a client with an application for indigent status, and had returned on the following week to help with the substantive application.</p> <p>There is a roster of ten to 15 lawyers. Many have a regular stable of clients who come back for assistance with the next step.</p>
<p>Clients served (Provincial / Supreme Court)</p>	<p>Mostly Supreme Court; New Westminster only.</p>
<p>Level of income</p>	<p>There is no charge and no restrictions. /</p>
<p>Number of SRL clients served</p>	<p>No quantitative data is kept.</p>
<p>Comments</p>	<p>“There is a bit of a problem with the bunch who do have the means to retain counsel and choose not to, and choose to see what they can get out of the system. But we do our best to help.” – <i>Duty counsel</i></p>

Service	Law Line Legal Services Society of BC: (604) 408-2172, or 1-866-577-2525
Description of services	<p>The Legal Services Society Law Line service is intended for people whose legal problems are not covered by legal aid and who cannot afford a lawyer.</p> <p>The Law Line information and referral services have been operating for many years. On September 15, 2003, the Law Line services were expanded to include the provision of legal advice/assistance.</p> <p>The Law Line provides information to all callers and up to three hours advice/assistance to those who are financially eligible. Callers are referred to other services where appropriate.</p> <ul style="list-style-type: none"> • The Law Line receives approximately 2,000 calls a month; about 35 per cent of which are for family matters. The remaining matters are 15 per cent criminal, with the balance being other legal matters, including administrative law. • 85 per cent to 90 per cent of cases require a “one-off” callback; 10 per cent to 15 per cent need subsequent calls. • The phone service is province-wide; there are no in-person services. • The Law Line has developed procedures about when to refer callers to other agencies.
Clients served (Provincial / Supreme Court)	The majority of callers are not yet in the system. The majority of the cases would potentially go to Provincial court.
Income test	The legal advice/assistance service is income-tested. The financial eligibility limits for the test are the same as for the LSS Family Duty Counsel project. (See endnote 2)
Number of SRL clients	As mentioned, the Law Line receives 2,000 calls a month. There are plans to develop data gathering on SRL callers in the future.
Comments	Informants frequently identify the Law Line as an essential “clearinghouse service” that can direct SRLs on to other services, in addition to providing advice/assistance.

Service	<p>Law Students Legal Advice Program (LSLAP) http://www.lslap.bc.ca; 604-822-5791</p>
Description of services	<p>The UBC Law Students Legal Advice Program (LSLAP) covers a range of civil matters. It does not cover family, divorce, or real estate matters.</p> <p>There are twelve year-round clinic locations in Lower Mainland and three additional summer-only locations.</p> <p>There are specialized clinics for Chinese and Korean speakers, Persons with Aids as well as for women.</p>
Clients served (Provincial/Supreme Court)	<p>Students provide summary advice and/or representation for civil matters at the Provincial Court level.</p>
Number of SRL clients	<p>LSLAP provides free legal advice to between 4,000 and 5,000 people a year. SRLs are not specifically tracked.</p>
Level of income	<p>The service is income-tested at eligibility levels similar to those for legal aid.</p>
Comments	<p>LSLAP clinics appear to be an increasingly important source of summary legal advice.</p> <p>LSLAP links the increased level of demand to legal aid cutbacks.</p>

2.2 Access to Procedural Assistance

SRLs may wish to access procedural assistance at any point in their legal matter. The service map identifies procedural assistance for SRLs as including the following:

- Assistance from lawyers that focuses on explaining and assisting with procedure.
- Assistance from the justice system personnel with options to expedite or settle the legal matter. An example is Family Justice Counsellor dispute resolution services.
- Assistance from PLEI service providers with completing procedures.
- Assistance from community advocates completing procedures.

The following identifies and describes the current services that SRLs can use to obtain assistance with legal procedures.

Service	Pro Bono clinics, Duty Counsel, Law Line For contact, see individual entries at 2.1
Description of service	Pro bono clinics, duty counsel services, and the Law Line are key providers of procedural assistance as well as legal advice about case particulars and substantive law.
Clients served (Provincial / Supreme)	Both.
Number of SRL clients	Quantitative data is generally not available. The evaluation of the Enhanced Family Duty Counsel in Vancouver family court indicates the importance of procedural assistance. ^{iv}
Comments	Informants indicated that procedural assistance is a major need for SRLs. “In large part the advice we give is procedural, not substantive advice. Most of the duty counsel advice relates to process. The substantive stuff gets bypassed.” – <i>Duty counsel</i> “It’s advice about rights and about the court process. We can help prepare documents and give advice on how to present them <i>Duty counsel</i> ”

Service	<p>Court Registries</p> <p>Court Services, Ministry of Attorney General http://www.ag.gov.bc.ca/courts; New Westminster Court Services: 604-660-8557, Vancouver Law Courts: 604-660-2847</p>
Description of services	<p>Registry staff provides vital procedural assistance to SRLs at all stages of their legal matter. This assistance focuses primarily on supplying forms, explaining forms, and checking forms for accurate completion. Registry staff does not fill in forms for clients.</p>
Clients served (Provincial / Supreme)	<p>Registries provide procedural assistance at both levels, as well as in the Court of Appeal.</p>
Number of SRL clients	<p>Court registries do not maintain data on SRL requests for assistance.</p>
Comments	<p>Procedural help was consistently identified by informants as an area of need for SRLs, and Supreme Court was identified as the location where SRLs experience this need most acutely. SRLs are often unfamiliar with and intimidated by the documentary process used in Supreme Court.</p> <p>By the time SRLs reach the Court of Appeal they have gained some experience with the system, while at the Provincial Court level more services are available to assist SRLs.</p> <p>The difficulties experienced by SRLs in dealing with procedural matters was highlighted by informants' comments on the challenges that SRLs pose for registry staff:</p> <p>“We are not able to give legal advice to people who come here. We try to help them as much as we can and a lot of this has to do with being patient in explaining to people what they need to do. However, we cannot tell people what to put on the forms they fill in.</p> <p>“Very often we’re on the firing line here because people get very frustrated and sometimes very angry. Things are often missing in their documentation and sometimes they don’t know what it is they need to bring with them.</p> <p>“Many people also ask us for help in filling in the forms and we have to be very careful not to tell them what to put in the forms.” – <i>Vancouver Supreme Court registry staff</i></p> <p>Many informants noted that demands for procedural assistance placed on registry staff have grown with the increased number of SRLs in the system.</p> <p>“The registry does a great job trying to explain the process to a lay person. The staff on the front lines are doing their best to help and they are trying to deal with more questions than they used to.” – <i>Duty counsel</i></p>

Service	Dispute Resolution Services Justice Services Division, Ministry of Attorney General http://www.ag.gov.bc.ca/justice-services ; 604-660-2192
Description of services	Family Justice Counsellors (FJCs) ¹ are accredited family mediators who provide mediation and conciliation services primarily to people of modest means. FJC's also help their clients to prepare provincial court documents. FJC's work through a network of Family Justice Centres across the province. FJC's are also trained to provide custody and access assessments when ordered by the court..
Clients served (Provincial / Supreme)	Dispute resolution services for child custody, access, guardianship and family maintenance are available to clients with Provincial or Supreme Court matters, as well as those who have had no previous contact with either level of court.
Number of SRL clients	Province-wide figures for 2002/03: family justice counsellors opened 5,200 new dispute resolution cases, provided 22,000 brief services and offered 9,700 brief instances of counselling. It is unknown as to how many of these cases involve SRLs as this data is not gathered.
Income test	"Persons of modest means" are given priority.

Service	Family Justice Registry Program (Rule 5) Justice Services Division, Ministry of Attorney General, BC http://www.ag.gov.bc.ca/justice-services/divisions/fjsd.htm ; 604-660-2192
Description of services	In December 1998 the Family Justice Registry (Rule 5) project began in 3 court locations throughout the province with the assistance federal funding. Rule 5 of the Provincial Court (Family) Rules requires that parties with issues related to the FRA that are not urgent meet with a family justice counsellor prior to court for a triage interview. During the interview the FJC informs the parties about the range of options for resolving custody, access, guardianship and support issues. The FJC can refer parties to mediation or other appropriate services. Cases that proceed to court also benefit from the clarification and narrowing of issues that occurs during the triage sessions. The Rule 5 triage function is performed in Provincial Court. Family justice counsellors may refer SRLs with Supreme Court problems to family duty counsel.

¹ Some details of dispute resolution services, Rule 5 registry services, and Comprehensive Child Support Services are based on the draft *Inventory of Family Justice Services in British Columbia* (Third Draft, November 2003) prepared for the Family Justice Reform Working Group.

Clients served (Provincial / Supreme Court)	Robson Square (Vancouver), Surrey and Kelowna Provincial Court Registries have been designated Family Justice Registries. New Westminister Provincial Court has not.
Number of SRL clients	Rule 5 applies to all clients including those who have lawyers who file FRA non urgent applications in Vancouver, Surrey and Kelowna. In 2002/03, at least one party was “triaged” through the program in 1,331 cases but data is not available as to how many of those served were SRLs.
Comments	While New Westminister is not a Rule 5 registry, there is a strong relationship between Court Services and the New Westminister Family Justice Centre.

Service	Comprehensive Child Support Service (CCSS) Justice Services Division, Ministry of Attorney General http://www.ag.gov.bc.ca/justice-services ; 604-660-2192
Description of services	<p>In February 2002 the BC Ministry of Attorney General launched the Comprehensive Child Support Service in Kelowna with federal funding assistance. The pilot project was developed to complement the Family Justice Registry Program by providing parents with specialized assistance in child support matters, information on enforcement and access to dispute resolution alternatives and related services. The following services are available through CCSS:</p> <p>Child Support Officer assists parents to navigate the procedures involved in obtaining and changing child support orders/agreements. A key role of the CSO is to manage case flow for clients.</p> <p>Family Maintenance Enforcement Outreach Service – The Outreach Officer meets with clients to provide information about FMEP and manage particulars of their child support enforcement file.</p> <p>Limited Legal Advice. – CCSS clients may access up to 3 hours of a lawyers time to review options and review written agreements or court orders. The lawyer does not represent CCSS clients and does not appear for or with them in court.</p> <p>The service was also introduced in Surrey in Oct 2003 but is not available in New Westminister.</p>
Clients served (Provincial / Supreme Court)	Services are provided to clients who are involved in Provincial or Supreme Court matters as well as those who have had no previous contact with either level of court.
Number of SRL clients	CCSS clients can have lawyers so there is no data regarding the number of SRLs using the service.
Comments	At least one of the parents must be a resident in the project court jurisdiction for the parents to receive Comprehensive Child Support

	<p>Services. CSO's provide service according to the following priority.</p> <p>Parents who are enrolled in the Family Maintenance Enforcement Program, and have Provincial Court orders or written agreements filed in British Columbia (not a reciprocating jurisdiction).</p> <p>Parents who have Provincial Court orders or written agreements in British Columbia, and are not enrolled in the Family Maintenance Enforcement Program;</p> <p>Parents who have Supreme Court orders made in British Columbia; and</p> <p>A circumstance when one parent has a child support order or written agreement filed in the project's court jurisdiction, and the other parent resides in a reciprocating jurisdiction outside of British Columbia.</p>
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Service	<p>Mediator Consultation Program – Family and Civil Roster</p> <p>BC Mediator Roster Society http://www.mediator-roster.bc.ca, 604-660-2421</p>
Description of services	<p>The BC Mediator Roster Society operates a Mediator Consultation Program. The Program is designed to assist individuals who are seeking information about using mediation to resolve their disputes in family or civil matters. A mediator on civil matters can provide a consultation in areas including employment, housing, human rights, land use, negligence, personal injury, small business, and wills and estates. A mediator on family matters can provide a consultation in areas including parenting, financial support, property matters connected to separation or divorce, and child protection.</p> <p>In addition, the BC Dispute Resolution Practicum Society provides a family mediation practicum project in Burnaby and New Westminster. Clients may be eligible for the practicum services to deal with custody, access, guardianship and child support issues. Cases are referred from a variety of sources.</p>
Level of income	<p>Half-hour consultation for \$10 applies to all clients in the Mediator Consultation Program.</p> <p>Clients who are part of the practicum project receive mediation services at no cost.</p>
Number of SRLs	N/A

Service	<p>Legal Services Society Family Law Website</p> <p>http://www.familylaw.lss.bc.ca</p>
Description of services	<p>The LSS family law website provides assistance with procedures through online self-help kits for SRLs for initial applications, and for variations of support orders in Family and Supreme Court. The focus is on content that is relevant to lower income SRLs.</p> <p>Current content development focuses on more self-help kits, interactive forms, and detailed information on how to get free or low cost assistance.</p>
Clients served (Provincial / Supreme Court)	<p>Assistance is provided online for both levels of court to anyone with Internet access.</p>
Number of SRL clients	<p>The site receives 2,300 visits a month. SRLs are not specifically tracked.</p>
Comments	<p>An evaluation of site use (spring 2003) found 50 per cent was personal use, and 50 per cent was use by advocates or intermediaries. This group includes justice system personnel — family justice counsellors and lawyers — who are providing unbundled services to clients.</p>

<p>Service</p>	<p>Community-Based Assistance to SRLs</p> <p>Example: Battered Women’s Support Services, Vancouver http://www.bwss.org, 604-687-1867</p>
<p>Description of services</p>	<p>Some community groups provide procedural assistance to SRLs. These groups typically provide services to women who are dealing with family matters at either level of court. For more details on community-based services to SRLs, see Appendix G.</p> <p>One group is the Battered Women’s Support Services (BWSS). In addition to providing a series of 20 workshops for SRLs (see Courses and Classes, below), an advocate provides assistance with filling out documents, working in collaboration with a pro bono clinic lawyer. The advocate arranges for the SRL to see a pro bono lawyer who is willing to meet with the SRL on repeated occasions. The advocate helps the SRL fill out the forms. The SRL then takes the documents to the clinic lawyer, who checks them.</p>
<p>Clients served (Provincial / Supreme Court)</p>	<p>Both.</p>
<p>Number of SRL clients</p>	<p>Demand for the BWSS service has increased 107 per cent since the legal aid cutbacks in legal aid family law services in February 2002.</p>
<p>Comments</p>	<p>“There are more experts in family law outside the legal profession than we realize.” – <i>Lawyer</i></p>

2.3 Access to Information and Education

SRLs may wish to obtain information and education at various points in their legal matter. SRLs can obtain information and education from sources that include:

- Registries
- On-line sources (an area of continuous growth)
- Libraries (courthouse and public)
- Print/AV information from the major Public Legal Education and Information (PLEI) providers
- Courses and classes
- Community organizations, which disseminate resources as well as producing some of their own
- Lawyer Referral, pro bono and duty counsel, Law Line etc., are also key sources for information.

The following identifies and describes current service options that SRLs have in their efforts to obtain legal information and education.

Service	<p>Court Registries Court Services, Ministry of Attorney General http://www.ag.gov.bc.ca; Vancouver Law Courts: 604-660-2847; New Westminster Court: 604-660-8557</p>
Description of services	<p>The Court Registries at all levels of court are an essential and central information source for SRLs. All court registries respond to information queries about their process and procedures.</p> <p>All court registries maintain resource lists identifying resources available to assist SRLs both within the justice system and outside the justice system.</p>
Clients served	All registry clients, including SRLs.
Number of SRL clients	N/A
Comments	<p>“They [registry staff] do a very good job serving the SRLs but the information provided is only as good as the questions the SRLs ask.” – <i>Registry administrator</i></p>

Service	Online Sites
<p>Description of services</p>	<p>Online sites are an area of major growth, with government and non-government sites providing information on family and civil matters relevant to SRLs. Websites may combine online services with toll-free phone lines. Informants identified the following major sites:</p> <ul style="list-style-type: none"> • Legal Services Society Family Law website: relevant information for SRLs on both content and procedure. http://www.familylawlss.bc.ca • LSS Legal Information Network Kiosk (LINK): a public access site SRLs can use to find legal information and self-help resources on the Internet. http://www.lss.bc.ca/lsslink • Ministry of Attorney General Family Justice Enquiry Line and Website: The enquiry line is a toll free service that provides taped information on a variety of family law issues. The website offers information and publications. http://www.ag.gov.bc.ca/family-justice, BC Toll free: 888-216-2211; Vancouver: 604-660-2192 • Canadian Bar Association, BC Branch, Dial-a-Law Program: Tapes are available through a 24-hour phone service. Scripts are available online. Most requests are for family and civil matters. The busiest civil areas are wills and estates, debt and bankruptcy, EI, wrongful dismissal, and insurance. http://www.bccba.org, Toll free: 1-800-565-5297, Vancouver: 604-687-4680 • The Law Centre, Victoria: self-help guides, including Small Claims. http://www.thelawcentre.ca, 250-385-1221 • Pro Bono Net: information about pro bono services and other resources for SRLs. http://www.probononet.bc.ca; 604-443-5717 • Family Law Judicial Case Conference Project website: The litigants' guide explains how to prepare for a judicial case conference and what information a master or judge may ask for. http://www.ag.gov.bc.ca/family-justice/options/supreme-court/case_conference.htm • LSLAP manual online: information on legal procedure. http://www.lslap.bc.ca • Private bar lawyers' sites: some have well organized and user friendly information for lay people, particularly in the area of family law. See Lawyer Lookup: http://www.lawsociety.bc.ca
<p>Clients served</p>	<p>All provide public access, available to anyone with Internet access, including SRLs. In recent years, SRLs are being explicitly identified as a target audience on various PLEI sites.</p>
<p>No. of SRL clients</p>	<p>N/A</p>
<p>Comments</p>	<p>Growing online information facilitates access while creating complexities for SRLs in knowing where to find needed resources.</p>

<p>Service</p>	<p>Libraries BC Courthouse Library Society http://www.bccls.bc.ca; 604-660-2841, 1-800-665-2570 Vancouver Public Library: 604-331-3603 New Westminister Public Library: 604-527-4660</p>
<p>Description of services</p>	<p>Libraries, in particular courthouse libraries, are an importance source of information for SRLs.</p> <p>Courthouse libraries take all questions and assist people in finding legal information. They do not screen users as to any kind of eligibility, income level or type of question asked. They preserve confidentiality and many of users prefer to remain anonymous. They continue to work with a user until the user is satisfied that s/he has the information needed or has an appropriate referral.</p> <p>Courthouse library informants refer self- representing litigants who are seeking free legal advice or representation to duty counsel, LSLAP, pro bono Groups and Lawyer Referral. As a rule, they do not refer users to specific advocacy groups, but make them aware of the range of advocacy groups through various directories. Courthouse library informants also report that they occasionally hear back informally from SRLs on how their case went. The ones that do report back often have had a successful experience</p> <p>The public library systems in Vancouver and New Westminister carry a range of PLEI self-help materials and federal/provincial statutes. Informants from the public library systems report frequent use of legal materials. They identify their collections as lacking the depth needed for SRLs at the Supreme Court level; for this reason they often refer to the courthouse libraries. The New Westminister public library reported a marked increase in the number of legal questions following the closure of the New Westminister Community Law office (legal aid). In response, in November- December 2003 the collection expanded its range and depth of legal titles available. Family law is the area in which they deal with the greatest number of questions.</p>
<p>Clients served</p>	<p>Courthouse libraries record statistics on the number of questions asked and who is asking them. About 30 percent of users are members of the public, and that has been a constant figure over a number of years at the central courthouse location in Vancouver. Users often do not self-identify as SRLs.</p>
<p>Comments</p>	<p>“We often do not know if the people we are dealing with are SRLs. Sometimes you can tell by the question that is asked and the way that it is asked.”– <i>Courthouse library staff</i></p>

Service	Public Legal Education and Information Print and AV materials
Description of services	<p>Major service providers include the Legal Services Society, People’s Law School, Law Courts Education Society, Canadian Bar Association BC Branch, and the Law Centre. These groups produce and distribute a wide variety of publications and videos.</p> <p>The BC PLEI Working Group has produced a Public Legal Education and Information Resource Catalogue, 2003/2004, which includes self-help materials. Online at http://www.lssl.bc.ca</p> <p>The Law Courts Education Society of BC has developed a collection of materials produced for SRLs. A list of materials is attached as Appendix G.</p>
Clients served	<p>Materials are available to anyone who chooses to access them, including SRLs. PLEI groups track numbers of requests and items distributed, which indicate overall levels of demand but not specific SRL demand. For example, in 2002, the Legal Services Society distributed 125,500 copies of family law materials.</p>

Service	Courses and Classes
<p>Description of services</p>	<p>Courses and classes are a way in which SRLs can gain information about what the court process will involve. Examples include:</p> <p>Parenting after Separation (PAS) sessions: These are three-hour information sessions for parents which describe the impact of separation and divorce on children, how parents can best help their children, and what conflict resolution alternatives are available. Hindi, Punjabi, Cantonese and Mandarin PAS programs are also provided in Lower Mainland locations. http://www.ag.gov.bc.ca/family-justice/help/pas/</p> <p>Attendance is mandatory in Vancouver and New Westminister for Provincial Court applicants. (It is also mandatory at various Lower Mainland Provincial Courts such as Surrey, Port Coquitlam, and Abbotsford).</p> <p>Parenting After Separation videos are shown Wednesday and Friday mornings at the New Westminister Courthouse. A Law Courts Education Society staff person acts as facilitator. Supreme Court litigants with custody or access disputes can view the videos on the morning of their court appearance.</p> <p>Battered Women’s Support Services provides a series of 20 workshops on being an SRL in family matters. The sessions are jointly presented by a community advocate and a lawyer.</p> <p>Other courses: Surrey Women’s Centre offers classes for SRLs preparing to deal with their own family cases.</p>
<p>Clients served (Provincial / Supreme Court)</p>	<p>Both levels of court.</p>
<p>Number of SRL clients</p>	<p>Province-wide figures for all sessions for 2002/03 are as follows: 4,630 people participated in 388 PAS sessions. PAS is a mandatory program and therefore parties filing an application in these locations must attend regardless if they have a lawyer or not. Consequently, data on how many SRLs are participating is not available.</p>

Service	Community Groups
<p>Description of services</p>	<p>Community groups are another important source of PLEI for SRLs, in particular those groups that have full-time advocacy staff. Advocates provide in-person referrals and distribute their own and others’ materials. SRLs seek out community advocates as an information source, particularly if they have a prior relationship with the service, and if they are finding it difficult to make the next step with their legal problem. For example, SRLs who do not understand how to use the advice provided in pro bono clinics return to the community advocate to ask what to do next.</p>

Number of SRL clients	N/A
Comments	“What I find happens when people go to pro bono clinics and get summary advice, they show up here with a piece of handwritten advice. They may not understand what it says or what it means. On some occasions the lawyer has said, go see one of these community groups and get them to do this and that for you.” – <i>Community advocate</i>

2.4 Other: Court Education

SRLs may wish to obtain education about the court process before they start their process and before they go into court. Relevant topics include:

- Orientation to courtroom procedure
- Courtroom presentation skills
- Courtroom behaviour

The following identifies and describes the current services that SRLs can use to obtain this kind of information and education.

Service	Orientation to Court Process, Presentation and Behaviour
Description of service	<p>PLEI groups provide some resources for orientation to court process, presentation advice and courtroom behaviour.</p> <p>Examples:</p> <ul style="list-style-type: none"> • The Legal Services Society has materials (online/print/video) that provide orientation to court procedure. http://www.lss.bc.ca • The Law Courts Education Society has materials (online/print/video) about courtroom procedure, and print materials for SRLs that address courtroom behaviour. http://www.lawcourtsed.bc.ca • Community groups such as Battered Women’s Support Services provide workshops on topics including what to do and not to do in court. http://www.bwss.org
Clients served (Provincial/ Supreme Court)	Both.
Comments	<p>SRLs face many challenges in successfully completing a process they have never personally attempted before and which in many cases they have never seen attempted by anyone else.</p> <p>Several SRLs interviewed reported having “sat in” on trials to find out what to expect. Service providers also identified the need for court process education for SRLs before to go into court:</p> <p>“A lot of time it would make a difference if they could just get some basic advice on what the process is, what the steps are in a law suit, what discovery of documents means, what a notice of motion is, some kind of basic precedents or drawing their attention to ones that are in the rules of the court, some very basic rules of evidence.” – <i>Supreme Court Justice</i>.</p> <p>“There is a role for courthouse orientation. A course that gives you the overview and puts things in perspective. You could see a lawyer, go to the library, see someone for help with documents, then have a course about the big picture.” – <i>Pro bono clinic service provider</i></p>

2.5 Referrals

Service providers actively make referrals to other services, and other interested parties may provide help in areas such as support/accompaniment or facilitating access to avenues of alternate dispute resolution. Informant interviews revealed the following features about referrals:

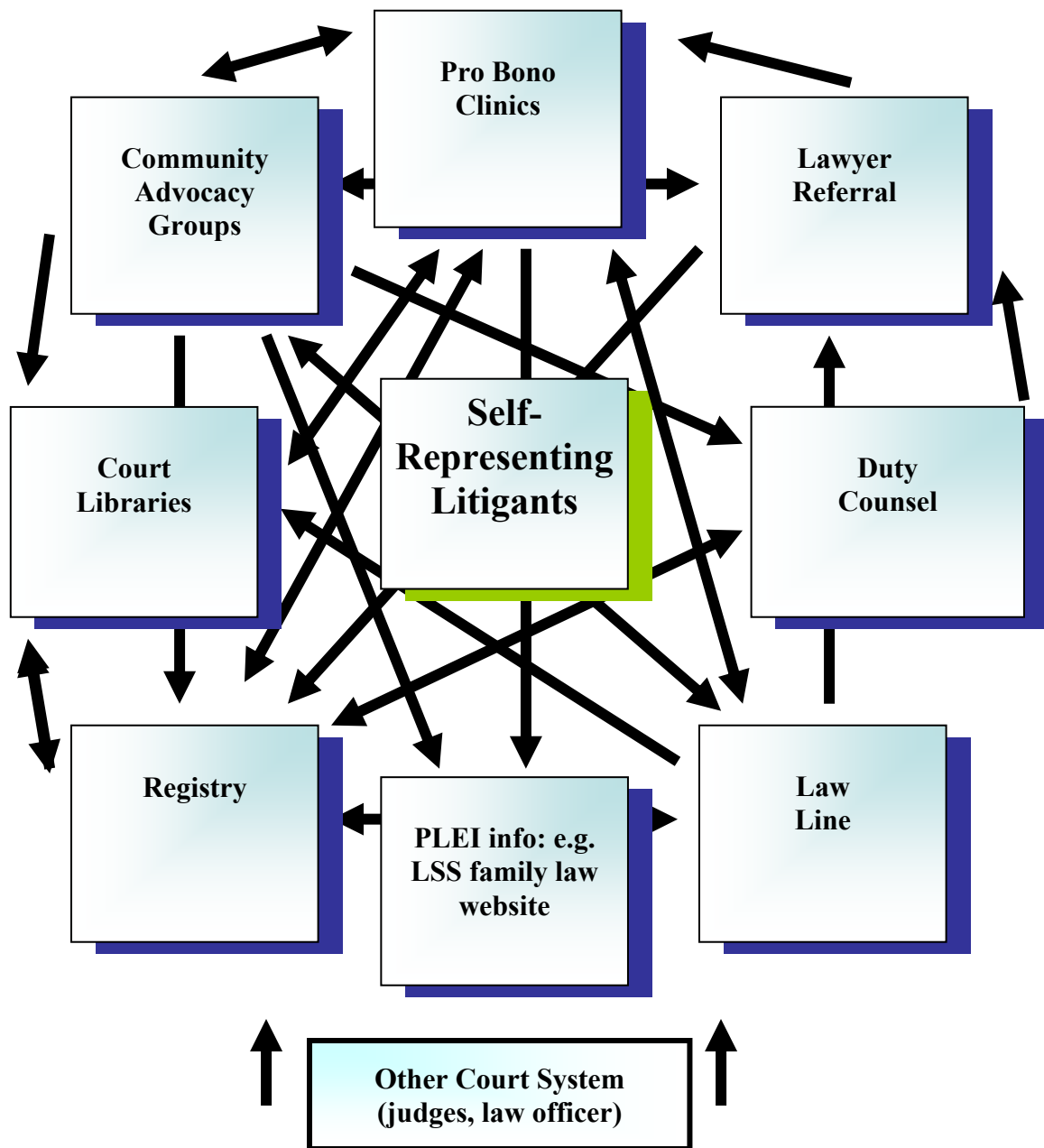
- Referrals are widespread and operate at all levels amongst service providers.
- Some service providers have procedures in place for referrals. Examples are Law Line procedures, and referrals between duty counsel and family justice counsellors in the Family Duty Counsel Project.
- Referrals are generally informal in nature and depend primarily on the state of knowledge service providers have of available resources, both inside and outside the justice system.
- Most often referrals do not involve follow-up or more active efforts to coordinate service delivery.

The following chart depicts the current support network and environment for SRLs:



Mapping Service Referrals: Current Patterns

The research tracked every time a respondent mentioned a referral to major service providers. The illustration below demonstrates the result of this mapping exercise: a multiplicity of referral relationships.



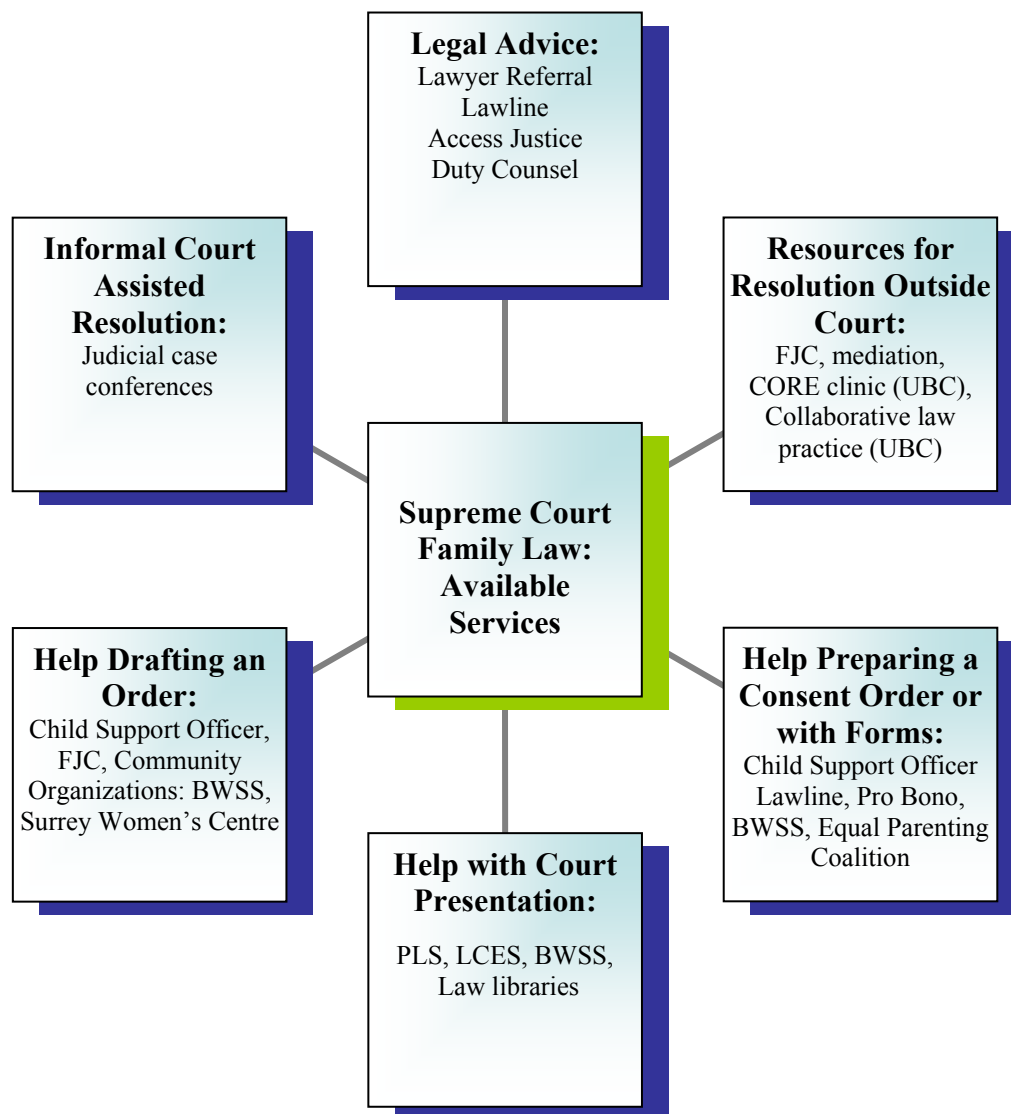
Service providers may also refer to many organizations outside of this network, which adds another layer of complexity.

- **Judges and masters** refer SRLs to the Lawyer Referral, the Law Line, legal aid, pro bono clinics, family justice counsellors and mediation, depending on the stage and nature of the legal process. Comments included: “I often suggest self-representing litigants get legal advice when I do judicial cases conferences, and schedule another conference,” and “It’s too late to refer to other resources when we see self-representing litigants.”
- **Duty counsel** use and refer clients to the LSS Family law website for forms. They

receive referrals from family justice counsellors, and will refer clients to them.

- **Family justice counsellors** refer to “a whole myriad of people and organizations,” ranging from child support officers to private mediators, if the parties can afford it. They also send people to community advocacy organizations and to *Parenting after Separation* courses, as well as referring to duty counsel.
- **Law Line** has procedures for referrals to other groups, such as Lawyer Referral, LSLAP Vancouver, pro bono clinics (Access Justice or Salvation Army) and services such as CLAS and BC PIAC.
- **Pro bono clinics** refer clients to legal aid if they think they have a chance of getting it. They will also refer to each other (e.g. Salvation Army will refer to Access Justice)
- **Staff in court registries** refers to the courthouse library and to pro bono clinics and duty counsel services.
- **Vancouver Courthouse Library** refers people to the pro bono clinic and to duty counsel. They do not as a rule refer to advocacy groups. They receive a lot of referrals from the registries, and from the Law Society.
- **Community advocacy groups** with pro bono clinics attached tend to refer to that pro bono clinic. In general, community groups refer inquirers to the Law Line, pro bono clinics, Lawyer Referral, LSS Family law website, and the LSLAP manual, where appropriate.

The following chart offers an example of different referral resources in the family law arena and some of the major groups providing these services. While an SRL in this area could access various combinations of resources, groups providing services within this network actively make referrals to each other. As can be imagined, the range of referral patterns and arrangements that can arise in this one area is potentially enormous.



Referrals and a Service Model

Interviews with stakeholders and service providers confirm the fact that those delivering services to SRLs are currently involved in a broad cooperative network of referral arrangements. They also confirm these arrangements as highly informal in nature, generally (with some exceptions) lacking protocols for operation, and involving little if any follow-up activity. Consequently, while service providers are involved in activities which work to coordinate services to self-representing litigants, such co-ordination falls well short of an integrated model of service delivery. For the latter to exist, organizations involved in assisting SRLs would need to develop and participate in a common service structure with a shared sense of direction and purpose. Organizations would also need to develop a more formalized collaborative relationship amongst themselves for the purpose of organizing the ways services are delivered to SRLs.

Current research shows that while active referral arrangements are important ingredient of jointly delivered services, they do not by themselves make for real collaboration. A recent publication looking at the practice of collaboration suggests that,

“collaboration is a mutually beneficial and well-defined relationship entered into by two or more organizations to achieve common goals. The relationship includes: a commitment to mutual relationships and goals; a jointly developed structure and shared responsibility; mutual authority and accountability for success; and sharing of resources and rewards.”²

For the latter elements to exist within a service model for SRLs, links between organizations servicing SRLs would have to be made more durable and would have to focus upon commonly-agreed goals and objectives. Organizations would also need a common structure for the organization and delivery of services. Beyond this, what such a collaborative model might specifically entail is something to be elaborated in the next phase of the project in consultation with project participants and stakeholders.

² Mattessich, Paul, Murray-Close, Marta and Monsey, Barbara. (2001) *Collaboration: What Makes it Work. A Review of Research Literature on Factors Influencing Successful Collaboration*, St. Paul, Amherst Wilder Foundation (2nd ed.).

3. Perceptions of gaps, issues, and needs

3.1 Perceptions of service providers

When service providers considered the range of services provided and identified gaps, they highlighted both SRL needs and efforts currently being made to respond to them. They also described the environment in which services to SRLs are being delivered.

“Self-representing litigants” as an identifiable target group for services is a recent development; indeed, the acronym “SRL” did not even exist in the idiom of the court system as recently as five to ten years ago. From a service-provider point of view, SRLs present the system with challenges that typically do not arise when both parties have representation. In addition, the court environment is seeing the emergence of project-based services for SRLs, in different locations and at different times. For example, some project-based services currently available to SRLs dealing with family matters at Robson Street are not available in New Westminster. SRL service needs are further complicated by different levels of service available at the different court levels. For example, Provincial Court family services are provided with the involvement of family justice counsellors, whereas Supreme Court services are not. And while SRLs may have acute needs in Supreme Court, those who have made their way to the Court of Appeal find a range of additional service available — from pro bono lawyers who can help with documentation preparation to registry staff with more time to assist.

Registry informants spoke to the difficulty of “keeping on top” of what services are available to which clients and who is providing them. The multiplicity of services is perceived as creating its own set of challenges for SRLs:

“There are so many resources, how do you know what they do? Every program has its own criteria – what are they? When a program starts, there are always questions about longevity and funding – how long will they be around? There has to be an easier way of knowing what resources actually offer, and what suits your needs (as an SRL).” – *Registry staff*

“The way things are organized right now, they don’t make sense from a client perspective. Things are very fragmented and this produces a lack of understanding on the part of people using the court system.” – *PLEI provider*

Justice system personnel spoke of the need for them to know more about the services available to self-representing litigants.

“Judges and Masters don’t know what services to refer to. There could be a lot more information exchanged. Information could be provided to the bench so that they would have an idea of what’s out there.” – *Master*

3.1.1 Self-representation is an unfamiliar and difficult process

There was consensus among informants that the court system presents an unfamiliar and complex set of procedures for many SRLs. There was also agreement that while some SRLs do quite well in the system, the majority have difficulty managing their way in and through this system.

“In the huge majority of cases it is very stressful for them; they feel overwhelmed and believe they will be disadvantaged.” – *Supreme Court Justice*

“They’re often bewildered and intimidated by the mystique, the supposed power of the court.” – *Provincial court Judge*

It is the perception of service providers that, while being an SRL has its challenges at all levels of court (even in the “user-friendly” environment of Small Claims court), SRLs in Supreme Court face particular challenges trying to understand and use the documentary process.

“Our system is rules-driven and that is a challenge for the SRL.” – *Supreme Court Justice*

“The chief challenge for SRLs is that they often have difficulty in applying the rules. They have difficulty understanding that not all information is evidence, and what information is evidence, and how different kinds of evidence have to be presented. They have particular problems with respect to second-hand, third-hand, hearsay evidence. Another problem is in what form they can put opinions before the court. They will repeat themselves, and have a huge number of attachments to their affidavit that often duplicate what they have put in another affidavit. Another problem is not identifying what the documents are they have attached – who wrote it, to whom it was sent.” – *Supreme Court Justice*

Service providers agreed that, for many SRLs, dealing with a legal matter in court is a source of major emotional turmoil.

“SRLs are nervous. It’s hard for them to deal with their matter neutrally as they can’t set aside personal issues. Paperwork is a challenge for them. They become frustrated when their matter doesn’t move forward because of adjournments. If they don’t succeed in court, they often call the program back because they don’t understand what happened and why. The speed of proceedings when in court often seems very fast to them, as if everything were on fast forward. Fear is a big factor.” – *Pro bono service provider*

“The most intimidated SRLs seem to be women from ethnic minorities, usually immigrants, who are very reluctant to speak up in court.” – *Supreme Court Justice*

“In a court setting it’s difficult – the information doesn’t seem to get in, probably because SRLs are nervous and uncomfortable.” – *Supreme Court Justice*

No matter how well an SRL may be prepared, the experience of being in court is seen as being a demanding and difficult experience:

“Women walking into court alone even with a nice judge have no idea what is going on. Even if a woman has got her arguments all written out, even if she is going in there feeling confident, having done all the research, when she gets there, there are affidavits the judge doesn’t look at, and she doesn’t get to call evidence, and she doesn’t know what that means, and the lawyer [for her spouse] will say, you should have done this and that. That said, some women go alone into court and have positive experiences. But it is very difficult and there are dangers – profound dangers because of the consequences.” – *Community advocate*

“... [S]ome of these people do quite well, some of them even become quite good at it. But some just don’t... It often leaves frustration and anger that adds to the anger that is already there in family cases. On top of the already existing conflict, people don’t have anyone to explain to them why the court may have done something. They end up taking that anger out not on the court but on the other party. This is a major problem. I often see people and I think they have gone a long way down the road to being difficult litigants. If at the outset, someone had explained the process... Or they don’t do what they need to do in the early stages and it’s very difficult farther down the road to get back on track.”
– *Supreme Court Justice*

3.1.2 SRLs frequently do not have “big picture” information

Many respondents commented on the way in which SRLs do not understand the process in which they are involved. Service providers consistently identified the need for SRLs to know more about the process and how it works. They also commented on the difficulties of providing this kind of information in the current service environment.

“SRLs don’t understand the whole picture, the whole process. They don’t know what to ask. You can’t give them too much information at one time, it would be confusing. It’s hard to do things on their court matter when they’re also putting in a day at work.” – *Registry staff*

“SRLs have a misapprehension about the legal system. They think they can just walk in and get their problems solved.” – *Supreme Court Justice*

3.1.3 SRLs need assistance with procedural and substantive issues

SRLs may be able find information about a procedure, but they still need help with how that procedure relates to their own issue. The majority of service providers spend a great deal of time responding to procedural questions. In one example a librarian commented on people seeking help with the child support guidelines. The SRL may know what the child support guidelines are, and may have looked them up. “But they don’t know what form they have to fill in; they don’t know what the timelines are, and they may not know how to apply for support or how to get changes in existing levels of support.”

The need for adequate preparation for court procedures was stressed by numerous respondents, in particular by justice system personnel who interact with SRLs in the courtroom.

“Self-representing litigants need explanations of both procedural and substantive law. Much of this focuses on very practical things like writing an affidavit.” – *Lawyer*

“SRLs need to know how to plead and what it is they need to plead. They need to know what steps to take in litigation to achieve their objective. . . They need to know how to prepare an Affidavit, Notice of Motion, and how to draw on Order.” – *Supreme Court Justice*

“They need a basic understanding of how you prove something and what type of evidence is admissible. They need to know there are four basic types of evidence. . . They need to know there is a disclosure obligation” – *Supreme Court Justice*

“They need guidance on the specifics of how to conduct their application/trial/judicial review. How to apply the law to their circumstances. What the rules are. How they can best put their case forward. We don’t give people keys to a car and say, hop in and drive. . . It should be the same with coming to court.” – *Supreme Court Justice*

3.1.4 SRLs need “in-person” assistance

Service providers reported that there is very often nobody who can provide service in person to SRLs. While some capable SRLs can fill in forms with online assistance, many others fail to complete forms correctly. Some SRLs return to a pro bono service provider for guidance.

“They need to know what information they have to have, and how to organize it. They need to know the whys and hows of what they’re doing. To carry this out, they need personal contact.” – *Supreme Court justice*

“SRLs need help filling out forms. They need someone to get advice from. They need help dealing with language and cultural barriers. They need emotional support. They need family justice counsellors like we used to have in the old days. They could speak to someone and get help in a confidential environment, which does not exist at the court registry.” – *Registry staff*

“If you have some hands-on with the paperwork and you have duty counsel to give some legal advice, it’s a way to get people or keep people moving through the process.” – *Lawyer*

“A mediation component would be useful. Before a court appearance they should first be directed to mediation. There is value to having someone rational sit down with them. . . [In family matters] SRLs really need someone to talk to beforehand to help them resolve their issues.” – *Master*

3.1.5 SRLs need access to legal advice/assistance at strategic points in the process

There was general agreement amongst those interviewed that SRLs benefit from legal advice at the start of the legal process.

“Meeting face-to-face with the lawyer is mapping out the course you going to take. If you are going to do all this work by yourself, you’ve got to take the right road in the first place.” – *Pro bono provider*

Many informants also pointed to the need for SRLs to be able to obtain legal advice at other periods during their legal process. SRLs may not be at the beginning of their legal matter for many different reasons – they may have had a lawyer at one time or they may be dealing with new developments, such as seeking to change or enforce order.

“People need assistance at different stages in their matter. A goal for access is to give them help when they need it.” – *PLEI provider*

3.1.6 SRLs need greater continuity of service

Service providers reported on ways in which they are trying to help SRLs overcome the piecemeal nature of current service delivery:

- Duty counsel programs and some pro bono clinic lawyers seek to have the client return to the same lawyer. In numerous instances both pro bono clinic lawyers and duty counsel lawyers extend their advice time in order to provide more service.
- The Enhanced Family Duty Counsel Program in Vancouver is co-housed with Family Justice Counsellors to facilitate “one-stop shopping” for clients in Provincial Court.
- Pro bono clinics hosted by community groups seek to provide some coordination not only by providing the SRL with the same lawyer on repeat visits, but also by referring the SRL back to the group for more information and emotional support.
- Community service providers are making efforts to support SRLs as they move from one service to another. In one model the community advocate works with the SRL on the court forms, then directs the SRL to a pro bono clinic lawyer. The three work back and forth until the SRL is ready to proceed. In another community-based model, the advocate will accompany the SRL to the meetings with the pro bono clinic, to the registry, and to court.

3.1.7 The court system needs to be reformed to facilitate better SRL access

Some service providers identified the broader need to change the structure and rules of the court to make the system more accessible to SRLs. Part of this discussion called for the return of services that had formerly been available because they are useful to SRLs. Particular attention was focused on the need for Family Justice Counsellors at the Supreme Court level.

“They need family justice counsellors [in Supreme Court] like we used to have in the old days.” – *Registry staff*

“What we need are FJCs back in the courts, the availability of s.15 reports and the ability to get a psychological evaluation where necessary.” - *Master*

“FCCs [FJCs] would be very helpful. They help represented people as well but for people who are self-represented they would be really great to have. We used to have FCCs prepare custody and access report but now you have to go private or you don’t have anything at all. We have lost resources in the family area.” – *Supreme Court Justice*

“There used to be an FJC who provided an enormously valuable service – she could take people and help them work out a parenting plan. We need her or several equivalents.”- *Supreme Court Justice*

“FJCs are not accessible. The old service saved countless hours – it’s a disaster not having them in the building, readily available. . . We need the immediate service.” – *Supreme Court Justice*

This discussion included the difficulties faced by SRLs whose family law action was started by a private bar or legal aid lawyer in the Supreme Court and who are now self-representing. When matters are intertwined with both jurisdictions, it is especially difficult for SRLs to navigate their way through the system.

“We should go back to the unified family concept – all resources in one location.” – *Registry staff*

Some informants who focused on the civil area recommended the introduction of special rules for self-representing litigants. They also identified a number of initiatives that would facilitate SRL access.

“What we need is a Rowbotham approach for family and civil matters. At first Rowbothams were difficult for people to do on the criminal side and judges were leery – now the courts have a good understanding of what a Rowbotham is and they go through all the time. We need a similar approach on the civil side.”^v
– *Lawyer*

“I think we would benefit by having the role of MacKenzie Friend recognized within the courts. This would clearly help self-representing litigants.”^{vi}
– *Lawyer*

3.1.8 SRLs need information/education about the courtroom procedure and courtroom behaviour

The judges and masters interviewed provided detailed information about the need for SRLs to have a basic understanding of how a courtroom functions, and how to conduct themselves in court.

“You need to get SRLs past the idea that you just come in and tell the judge your story – like a stream of consciousness.” – *Supreme Court Justice*

“A service that would target SRLs should include an explanation of procedures and courtroom etiquette.” – *Supreme Court Justice*

“You have to treat SRLs with courtesy and respect. You need to let them know that obvious non-verbal behaviour in the courtroom (heavy sighing, shaking one’s head, getting angry, etc.) is distracting and not helpful.” – *Supreme Court Justice*

“We see a number of unstable people, and their behaviour is a problem. They don’t understand the concept of relevance. The negative behaviour shows in the interplay between parties and addressing the court. They think they’re supposed to be aggressive” – *Master*

3.2 SRL perspectives

SRL responses to perceived gaps, issues, and needs focused on frustration with being in a system where they felt disadvantaged and where much was at stake.

- The SRLs interviewed were all involved in Supreme Court matters.
- Four of the SRLs had been involved in long and difficult family matters. They were reached through an advocacy organization that is taking affidavits from SRLs about their experiences.^{vii}
- The other three SRLs were contacted through registry visits and informal contacts. They also happened to have been involved in family matters.

When SRLs described the impact of services and gaps in services, they highlighted the following issues:

- Where to start, where to go, what to do? SRLs reported enormous confusion throughout the entire process.
- The registry process is set up for lawyers. The result for SRLs was frustration, time and money wasted, and feelings of disorientation.
- Forms completion is very daunting. SRLs reported lots of miscues, missed opportunities, and the need to repeat efforts and steps.
- Courts are highly structured and very professional. The result for SRLs was fear and anxiety at not doing things properly and paying a price for it.

In summary, the experience for SRLs interviewed was one of alienation, fear, angst and anger – they felt the system is not set up to work for them and in fact penalized them for things that were beyond their control.

The following are sample comments from SRLs that touch upon the themes they identified as having major importance.

3.2.1 Self-representation is an unfamiliar process

“The registry counter is set up for lawyers. And you’re not sure what to ask. And you can’t stand there and ask ten different questions with lawyers in line behind you. You feel out of place.”

3.2.2 Help with implementation of advice is lacking

“You come away from a consultation thinking, where do I start? How do I put this together in a way to make sense? A half-hour is not enough. You spend most of it telling your story.”

3.2.3 Forms and procedures are technical and difficult

“The fifth time I did the first form I was able to file it. . . I didn’t just do a chambers application. I had to do a bill of costs and I didn’t understand that *at all*.”

“When I did the final application for sole custody, it took two months. It *had* to work.”

“I didn’t have anyone to help write the affidavit. I didn’t know what to put in it. I just had the body of one.”

“What I would have liked would have been able to go with the form I had to respond to and sit down with someone and ask, Where to start? That would have been more than helpful.”

“If you have someone to help you with the forms, you won’t be going back four times and that’s got to save time at the registry. It’s very complex and there is a lot of back and forth.”

3.2.4 Going into court is daunting

“Being in court was the scariest part and the other party always had a lawyer. It’s a terrifying experience. . . . It’s an awful set up. I’d stand in front of the microphone and my knees would give way.”

“I didn’t have a lawyer but he did. . . . I didn’t know I could have asked for an adjournment. I didn’t know how the court rules worked. It was totally new to me and it totally changed my life. I lost custody of my daughter.”

“Being in Supreme Court is going down a hole into hell.”

“I was very happy when I finally got to the judicial case conference. She had a ‘let’s-get-things-heard’ approach. Such a change from lawyers jerking around. I was all by myself and shaking in my boots – she was unbiased and graceful and classy. It was a positive experience.”

3.2.5 Emotional turmoil complicates self-representation

“I think the frame of mind you’re in when your working on an application makes it very difficult. You don’t have that objective view.”

3.3 Comparing and combining perspectives

The SRLs views have a direct and experiential quality to them, while service providers’ views reflect broad practical experience as well as legal knowledge, from the vantage point of service provision. What is striking from the interviews are the many points of common concern between service providers and SRLs.

Both groups identified the pressures of the unfamiliar environment, the need for continuity throughout the process, the need for assistance in preparing documents, and the need for personal contact. Overall, there is a broad similarity of view as to issues and problems. There are also common themes in terms of impacts and their implications

3.4 Summary of SRL issues and needs

The following emerged as the major SRL issues and needs in the current service environment:

- Continuity of service and increased collaboration amongst providers: knowing where to go
- Necessity of direct and personal contact
- Procedural assistance
- Strategically-placed legal advice and assistance
- Basic information about court process and conduct

3.4.1 Continuity of service

The interviews show us that SRLs generally manage to initiate their proceeding, sometimes with the advice or assistance of others. However, even SRLs who obtain information about their issue, attend a clinic for advice on their case, (possibly several

times), use online assistance to fill out the forms, and go into court feeling prepared, remain significantly disadvantaged. They feel they do not understand the big picture, cannot see how the system's responses fit together, and have little control over decisions of the utmost importance to their lives.

While there are clear ways in which some service providers are seeking to provide some continuity for SRLs, the interviews for the most part suggest that different parts of the system operate largely in isolation from one another and lack real coordination. Given this situation, increased collaboration between and among service providers would be a priority for in achieving greater service continuity for SRLs.

3.4.2 Personal contact

Service providers and SRLs both stress the importance of face-to-face contact. SRLs want someone to help filling out forms, to get advice from, to call when they need help with the process, or to speak with in a confidential environment.

3.4.3 Procedural assistance

Help with procedure is a priority need identified. All Supreme Court SRLs, for example, identified both "forms" and "rules" as being extremely difficult. And service providers within all areas stressed the need for basic procedural assistance.

3.4.4 Strategically-placed legal advice and assistance

SRLs may need legal advice and assistance at different parts of the process. They need advice at the front end to identify the cause of action. If they have been in the system for some time, their priority need may be assistance with completing forms. At the end of the action they may need assistance with enforcing an order. Any service that responds to SRL needs take into account the multiple points of entry.

3.4.5 Basic information about the court process

There is a priority need to address the mystification and the fear SRLs experience when having to negotiate their way through an unfamiliar and highly formal setting.

3.5 Next Steps

Ways to meet SRL needs that have been identified in the mapping process include the following:

- Shared information about SRL resources: an information clearinghouse approach,
- Shared understanding among service providers about services and referral patterns,
- SRL access to personal contact, in particular to assist with documents,
- SRL access to legal advice/legal assistance at the times they most need it,
- Education for SRLs about what happens in court *and* about the "big picture."

Interviews with SRLs confirm an ongoing need for frontline face-to-face assistance. They also underline the need for SRLs to access a network of linked services at various points of entry and at different stages of a legal proceeding. These needs point to an evident need for service providers to develop a common and shared model of service delivery to SRLs that goes beyond existing cooperative referral arrangements. While these arrangements do indicate the willingness of service providers to work together in efforts to deliver services to SRLs, they fall short of constituting an integrated model and approach to service delivery. Such a model would likely involve the development of more durable collaborative arrangements to link those currently involved in the field. Just what the nature of this arrangement would be, how it would operate and what kinds of integrated services would result are topics to be addressed in the next phase of the project.

Appendix A: Interview guides

Target List

Justice system providers;	Judges and masters/legal aid duty counsel/mediators/pro bono clinics
Court system providers	Various registry sectors
PLEI providers	Legal Services, Courthouse library, AG, community
SRLs	Self-representing litigants

Questions

No.	Question	Target	Focus
1	In what areas of law do you offer services to self-representing litigants? (possible presentation of a list of different types) Are you aware of other organizations providing services to SRLs in the areas of law you've identified?	C P	Nature of services
2	How do you come to interact with self-representing litigants?	J C P	Litigant focus
3	How would you characterize the self-representing litigants you provide services to? (possible presentation of a list of different types)	J C P	Litigant focus
4	How has demand for services by self-representing litigants changed in recent times? What factors do you see as driving changes in demand?	J C P	Systems / data
5	What kind of service(s) or support(s) do you provide to self-representing litigants? Are you aware of other organizations providing similar services to SRLs in these areas?	C P	Nature of services
6	What do you see as your major priorities in providing services to self-representing litigants? How have these priorities been determined?	C P	Nature of services
7	What resources (knowledge, information direction, etc.) do you need in order to provide services to self-representing litigants?	C P	Systems / data

8	<p>Do you refer self-representing litigants to other organizations and services?</p> <ul style="list-style-type: none"> ➤ If so, to whom do you refer? ➤ Is the referral arrangement formal or informal in nature? ➤ Do you coordinate what you offer self-representing litigants with these other organizations? If so, how? ➤ How well do the referral arrangements work? ➤ Have referral arrangements ever been evaluated or been part of a larger service evaluation? Elaborate if necessary. 	J C P	Nature of services
9	<p>Have you gathered any data or information regarding the type and frequency of services provided to self-representing litigants? (Elaboration)</p>	J C P	Systems / data
10	<p>What do you see as the major needs that self-representing litigants have in wanting to represent themselves?</p>	J C P	Litigant focus
11	<p>How well do you think you are able to meet the needs of self-representing litigants? How well, in your opinion, are these needs covered off by the referrals you make?</p>	C P	Nature of services
12	<p>At what stage in the court process do SRLs come to you for advice or service?</p>	C P	Nature of services
13	<p>What are the main challenges faced by self-representing litigants who use your service? What kinds of barriers do self-representing litigants experience when trying to act on their own behalf?</p>	J C P	Litigant focus
14	<p>What unmet needs do you see self-representing litigants having at the current time. What kinds of services required by self-representing litigants are not currently being provided?</p>	J C P	Nature of services
15	<p>What would be the most necessary components of a service that specifically targets SRLs What kinds of collaborative arrangements between different service providers do you think could be developed to best serve the needs of SRLs? What existing services or approaches should be organized in a collaborative arrangement? What new services or approaches should be developed within a collaborative arrangement?</p>	C P	Nature of services
16	<p>Does your organization provide information, advice or referral services about alternatives to going to court that might be relevant to the people you deal with? If so, what is the nature of this information or advice? Or, to whom do you refer? Is/are the referral arrangement(s) you have in this area formal or informal in nature?</p>	C P	Nature of services

Questions for self-representing litigants

No.	Question	Target	Focus
1.	What issue(s) are you pursuing in court?	SRL	Area of law
2.	What are the reasons you have chosen to represent yourself in court?	SRL	Reasons for SRL status
3.	How challenging has the experience of representing yourself been?	SRL	Challenges
4.	What problems have you encountered? How have you dealt with these problems?	SRL	Challenges
5.	Have you felt adequately prepared when appearing in court?	SRL	Challenges
6.	Have you been able to get legal advice along the way? What kind of advice have you received? How helpful has it been to you? Has the advice been decisive in allowing you to continue?	SRL	Assistance
7.	Have you received any other outside assistance? What assistance have you received? How helpful has the assistance been in pursuing your goals? Has the assistance been decisive in allowing you to continue?	SRL	Assistance
8.	What kinds of practical support do you feel that you and others like you need in order to pursue this goal? Can you rank the importance of these factors?	SRL	Assistance

Appendix B: List of interview codes

Code No.	Description
0	Description or background of service/situation
1	Area of law
2	Services provided
3	Who serviced (participant attributes)
4	Service gaps (provider perception)
5	Provider needs
6	Current collaborations or referrals
7	SRL needs (provider perception)
8	SRL barriers (provider perception)
9	Service model ideas (components)
10	Willingness to collaborate
11	SRL views: needs & perceptions
12	SRL views: barriers
13	SRL views: gaps
14	SRL views: service components
15	Service benefits (provider perception)
16	Relevant research or experience elsewhere
17	Services others provide
18	SRL views: services accessed
19	SRL views: reasons

Appendix C: List of interview respondents

TIER 1	
Sheila Chequer /Arlene Taylor	New Westminster Registry
Rick Craig	Law Courts Education Society
Phil Dougan	Western Canada Society to Access Justice
Kathryn Ferriss	Enhanced Family Duty Counsel Project
Meg Gailey	Court of Appeal Law Officer
Judith Hoffman	Law Officer, BC Supreme Court trial division
Heidi Mason	Legal Services Society
Pat McDonald	Volunteer Duty Counsel New Westminster
Carol McEown	Legal Services Society
Brent Messenger	Supreme Court Registry
Linda Morrison & Alex McNeur	Courthouse Library
David Mossop	Community Legal Assistance Society
Lorna O'Grady	Lawyer Referral, Canadian Bar Association
C. Patterson	Lawyer
John Pavey	Salvation Army Pro Bono Lawyer Consultation Program
Pat Pitsula	Pro Bono Law of BC
Kathryn Platt	Ministry of Attorney General - Family Justice
George Richards	Volunteer duty counsel – New Westminster
Erin Shaw	A/Director Dispute Resolution, Ministry of Attorney General
Lila Villeneuve	DDR Vancouver Family Registry
John Williams	DDR Vancouver Civil Registry
TIER 2	
Madam Justice Wendy Baker	Supreme Court of BC, Vancouver
Mr. Justice Bruce Cohen	Supreme Court of BC, Vancouver
Madam Justice Heather Holmes	Supreme Court of BC, Vancouver
Madam Justice Pamela Kirkpatrick	Supreme Court of BC, Vancouver
Madam Justice Nancy Morrison	Supreme Court of BC, Vancouver
Madam Justice Kathryn Neilson	Supreme Court of BC, Vancouver
Mr. Justice Bryan Ralph	Supreme Court of BC, Vancouver

Mr. Justice Harry Slade	Supreme Court of BC, New Westminster
Master D.J. Brine	Supreme Court of BC, Vancouver
Master Shelley Nitikman	Supreme Court of BC, New Westminsterr
Master Shelagh Scarth	Supreme Court of BC, New Westminster
Judge Steinberg	Provincial Court of BC, New Westminster
Janet Berry	First United Church, Vancouver
Alison Brewin	West Coast Legal Education and Action Fund (LEAF)
Sheryl Burns	Battered Women's Support Services
Ab Curry	Department of Justice, Canada
Christina Davidson	MOSAIC
Kathy Doerksen	Coalition for the Elimination of the Abuse of Seniors
Ron Dutton	Vancouver Public Library
Jane Dyson	Advocacy Access BC Coalition of People w. Disabilities
Ann Lunghamer	New Westminster Public Library
Pat MacDonald	Public Interest Advocacy Centre
Predrag Radovic	Newton Advocacy Group Society
Ram Sidhu	South Fraser Women's Centre Society
Laurel Woods	Surrey Women's Centre Society
Kristie Yuris	The Kettle
TIER 3	
SLR 1	Young man with abducted child
SLR 2	Woman from China seeking divorce
SLR 3	Woman trucker seeking to finalize divorce
SRL 4	Women in custody dispute
SRL 5	Woman in protracted child support dispute
SRL 6	Women in child and spousal support dispute
SRL 7	Man in breach of contract suit

Appendix D: Capacity of self-representing litigants & assistance required

From *Evaluation of the Enhanced Family Duty Counsel Project [EFDCP], Interim Report*, Focus Consultants, October 2003: Table 19 - Typology of EFDCP clients' capacity as self-represented litigants and types of assistance required

CLIENT CAPACITY AS SELF-REPRESENTED LITIGANTS	CHARACTERISTICS FREQUENTLY EVIDENT IN THIS GROUP	ESTIMATES OF PERCENTAGE THIS GROUP REPRESENTS OUT OF OVERALL CLIENT BASE	OBSERVATIONS CONCERNING NATURE OF ASSISTANCE NEEDED BY CLIENTS AS SELF-REPRESENTED LITIGANTS
Low capacity; unable to act as self-represented litigants.	Illiterate or highly challenged by documents Lack of English competency Psychiatric or developmental disabilities Low education Low intelligence High anxiety or depression attached to event and/or circumstances	Range of estimates 10% – 60% Average estimate approximately 25%	Often main function is to refer to legal aid where eligible Need advocacy, representation in court, rather than verbal assistance or direction Need extensive help in drafting documents, rather than just instruction about drafting documents Not likely to use “Next Steps” sheet effectively
Medium capacity	Some language difficulty High school education Usually uninformed about legal process Moderate document literacy	Range of estimates 35% – 60% Average estimate approximately 55%	Able to follow instructions with encouragement and repetition Will likely need 2 or more appointments with duty counsel to identify problem, gather information, prepare for court or case conference, and appear in court Need assistance in clarifying procedures, explicating documents, explaining terminology and explaining extent of evidence or proof to be gathered Need emotional support and encouragement “Next Steps” sheet can be useful aid Photocopies of parts of acts or brief explanation sheets (1 or 2 pages of procedures can be helpful), but most cannot use self help kits or extensive manuals on own.
High capacity	High education High document literacy Can afford lawyer in many cases Can define questions they need answered	Range of estimates 5% – 25% Average estimate approximately 20%	Usually need one session Can make good use of “Next Steps” sheet Can make effective use of websites and self help kits or lengthy documents In some cases may try to over-use EFDCP when should be accessing private lawyer

Source: Interviews with EFDCP counsel (N=8)

Appendix E: List of justice system services for self-representing litigants

Note: This lists major services only.

Ministry of Attorney General

Justice Services Branch, Family Justice Services Division:

Family Justice Counsellor Dispute Resolution

Parenting After Separation sessions

Family Justice Registries (Rule 5)

Comprehensive Child Support Service

Family Justice Enquiry Line and Web Site

Justice Services Branch, Dispute Resolution Office:

BC Mediator Roster Society and Family Practicum Project

Supreme Court of British Columbia

Litigant's Guide and Case Management Plan Worksheet

PAS Videos

Family Law Resource Lists

Legal Service Society

Family Duty Counsel Projects

Enhanced Family Duty Counsel Project

Legal Services Society Law Line

Legal Services Society LINK project

Legal Services Society Public Legal Information Materials

Legal Services Society Family Law Website

BC Courthouse Library Society

Vancouver Courthouse Library

New Westminster Courthouse Library

Appendix F: List of pro bono clinics

Pro bono clinics providing services in family and civil law matters

Western Canada Society to Access Justice

BC Coalition of People with Disabilities Access Justice Clinic

Britannia Access Justice Clinic, Vancouver

Carnegie Centre Access Justice Clinic, Vancouver

Chilliwack Access Justice Clinic, Chilliwack

Courthouse Access to Justice Clinic, Vancouver

Covenant House Access Justice Clinic, Vancouver

Jewish Family Services Access Justice Clinic, Vancouver

Kettle Friendship Society, Access Justice Clinic, Vancouver

Maple Ridge Access Justice Clinic, Maple Ridge

Newton Access Justice Clinic, Surrey

North Vancouver Access Justice Clinic, North Vancouver

Options Multicultural Society Access Justice Clinic, Surrey

PoCo Women's Access Justice Clinic, Port Coquitlam

Ray-Cam Access Justice Clinic Vancouver

Self-Help Resources Access Justice Clinic, Vancouver

SUCCESS Access Justice Clinic, Vancouver

Surrey Social Futures Access Justice Clinic, Surrey

Surrey Urban Mission Access Justice Clinic, Surrey

Surrey Women's Centre Access Justice Clinic, Surrey

Squamish Nation Social Development Office Access Justice Clinic, Squamish

The Gathering Place Access Justice Clinic, Vancouver

Union Gospel Access Justice Clinic, Vancouver

West End Access Justice Clinic, Vancouver

Salvation Army Pro Bono Legal Consultation Program

Abbotsford Salvation Army Clinic, Abbotsford

Chilliwack Salvation Army Pro Bono Clinic, Chilliwack

Fraser Valley Access Justice Clinic, Abbotsford

Gibsons Salvation Army Pro Bono Clinic, Gibsons

New Westminster Salvation Army Clinic New Westminster

Port Coquitlam Salvation Army Pro Bono Clinic, Port Coquitlam

Powell River Salvation Army Pro Bono Clinic, Powell River

Richmond Salvation Army Pro Bono Clinic, Richmond

Surrey Salvation Army Pro Bono Clinic, Surrey

Appendix G: Inventory of resources materials for self-representing litigants (compiled by Law Courts Education Society)

Note: This inventory lists resource materials for SRLs in criminal as well as family and civil matters produced by the major justice system service providers.

Name of Document	Publisher	Date	Pages	Reading Level	Available From	Language	Website
Court of Appeal Rules flowcharts	BC Court of Appeal	2003	8	medium	Court of Appeal Registry	English	
How do I Appeal My Sentence?	BC Ministry of AG	2003	1	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
How To Appeal Your Conviction (In Supreme Court and Court of Appeal)	Legal Services Society	2001	37	medium	LSS - order from judicial administration office	English	http://www.lss.bc.ca
How To Appeal Your Sentence (In Supreme Court and Court of Appeal)	Legal Services Society	2001	31	medium	LSS - order from judicial administration office	English	http://www.lss.bc.ca
International Commercial Arbitration	B.C. International Commercial Arbitration Centre	No Date	pamphlet	medium	B.C. International Commercial Arbitration Centre	English	http://www.bcicac.com
Trial Overflow Program	B.C. International Commercial Arbitration Centre	No Date	pamphlet	medium	B.C. International Commercial Arbitration Centre	English	http://www.bcicac.com
Bail in British Columbia	BC Ministry of AG	2002	pamphlet	low	Local Courthouses and Agencies	English	
If You Are Charged with a Crime	Legal Services Society	2001	pamphlet	medium	LSS or LSS website	English	http://www.lss.bc.ca
What to do if you are Charged With a Drinking and Driving Offence	Legal Services Society	2001	18	medium	LSS	English	http://www.lss.bc.ca
What to do if you are Charged With Assault	Legal Services Society	2001	9	medium	LSS	English	http://www.lss.bc.ca

What to do if you are Charged with Mischief	Legal Services Society	2001	9	medium	LSS	English	http://www.lss.bc.ca
What to do if you are Charged With Possession of an Illegal Drug	Legal Services Society	2001	11	medium	LSS	English	http://www.lss.bc.ca
What to do if you are Charged With Possession of Property under \$5000 Obtained by Crime	Legal Services Society	2001	10	medium	LSS	English	http://www.lss.bc.ca
What to do if you are Charged With Theft Under \$5000	Legal Services Society	2001	10	medium	LSS	English	http://www.lss.bc.ca
Alternative Measures (Diversion) Application	Law Courts Education Society (LCES)	2002	1	low	LSS, LCES: Online Only	English	http://www.lawcourtsed.ca
Alternative Measures (Diversion) Explanation	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	French	http://www.lawcourtsed.ca
Alternative Measures (Diversion) Explanation	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Spanish	http://www.lawcourtsed.ca
Alternative Measures (Diversion) Explanation	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Punjabi	http://www.lawcourtsed.ca
Alternative Measures (Diversion) Explanation	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Chinese	http://www.lawcourtsed.ca
Alternative Measures (Diversion) Explanation	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Vietnamese	http://www.lawcourtsed.ca
What is Transformative Justice?	Vancouver Aboriginal Transformative Justice Program	2003	2	low	Vancouver aboriginal transformative justice	English	
Do Your own Uncontested Divorce	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca

Do-it-Yourself Divorce in British Columbia	BC Ministry of AG	2002	9	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
If Your Marriage Breaks Up: Dealing With the Legal Issues	Legal Services Society	2001	61	medium	LSS or LSS website	English	http://www.lss.bc.ca
If Your Marriage Breaks Up: Dealing With the Legal Issues	Legal Services Society	2001	61	medium	LSS: online only	French	http://www.familylaw.lss.bc.ca
Child Support and the New Child Support Guidelines	The People's Law School, LCES & the Ministry of Attorney General	No Date	15	medium	The People's Law School, Local Courthouses and Agencies	English	http://www.publiclegal.bc.ca
Complaints Process	BC Ministry for Children and Families	2001	pamphlet	medium	Local Courthouses and Agencies	English	
Guides for Dealing with the Ministry of Children and Family Development	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How Do I Get an Initial Family Order in the Provincial Court of B.C. -- How Do I Apply?	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How Do I Get an Initial Family Order in the Provincial Court of B.C. -- How Do I Respond to an Application for an Initial Family Order?	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How Do I Get an Initial Family Order in the Supreme Court of B.C. -- How Do I Apply?	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca

How Do I Get an Initial Family Order in the Supreme Court of B.C. -- How Do I Respond to an Application for an Initial Family Order?	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How To Change a Support Order in the Provincial Court of B.C.-How To Apply to Lower Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Provincial Court of B.C.-How to Apply to Raise Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Provincial Court of B.C.-How to Respond to an Application to Lower Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Provincial Court of B.C.-How to Respond to an Application to Raise Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Supreme Court of B.C.- How To Apply to Lower Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Supreme Court of B.C.-How to Apply to Raise Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca

How to Change a Support Order in the Supreme Court of B.C.-How to Respond to an Application to Lower Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
How to Change a Support Order in the Supreme Court of B.C.-How to Respond to an Application to Raise Payments	Legal Services Society	2003	online kit	medium	LSS: Online Only	English	http://www.familylaw.lss.bc.ca
If Your Child is Taken by the Ministry of Children and Family Development	Legal Services Society	2003	pamphlet	medium	LSS	English	http://www.familylaw.lss.bc.ca
If Your Child is Taken by the Ministry of Children and Family Development	Legal Services Society	2003	pamphlet	medium	LSS	French	http://www.familylaw.lss.bc.ca
Living Common-Law: Your Rights and Responsibilities	Legal Services Society	2003	45	medium	LSS	English	http://www.familylaw.lss.bc.ca
Living Common-Law: Your Rights and Responsibilities	Legal Services Society	2003	45	medium	LSS: Online only	French	http://www.familylaw.lss.bc.ca
Parenting After Separation	Law Courts Education Society (LCES)	2002	48	medium	LCES	English	http://www.lawcourtsed.ca
Parents' rights, Kids' Rights: A Parents Guide to Child Protection Law in B.C.	Legal Services Society	2000	38	medium	LSS	English	http://www.familylaw.lss.bc.ca
Parents' rights, Kids' Rights: A Parents Guide to Child Protection Law in B.C.	Legal Services Society	2000	38	medium	LSS: Online Only	French	http://www.familylaw.lss.bc.ca
The Child's right to Love	The People's Law School	2001	21	medium	The People's Law School	English	http://www.publiclegaled.bc.ca
If You Can't Pay Your Court Fine on Time	Legal Services Society	2003	pamphlet	medium	LSS	English	http://www.lss.bc.ca

Canada's Court System	Department of Justice Canada	2002	11	medium	The People's Law School	English & French	
Canada's System of Justice	Department of Justice Canada	1993	38	medium	The People's Law School	English & French	
COURT PREP - general introduction to the provincial criminal courts	http://www.courtprep.ca	2003		low		English and French	
Learning About the Law:El Sistema Legal de la Colombia Britanica	The People's Law School/Law Courts Education Society	1992	54		LCES	Spanish	
Legal help and information if you represent yourself		Coming Soon	4	low		English	
Looking at the Law (Spanish)	Law Courts Education Society (LCES)	1993	17		LCES	Spanish	
On-line Legal and Court-Related Dictionary	Vancouver Community College	Coming Soon		medium	VCC website	English and then Vietnamese, Russian, Chinese, Spanish, Punjabi, Farsi	
Public Legal Education and Information Resource Catalogue	Legal Services Society	2003	86	low	LSS, online, LCES (@ 222 Main St.)	English	http://www.lss.bc.ca
Your Guide to the Canadian Charter of Rights and Freedoms Special Edition	Government of Canada	2002	32	high	The People's Law School, The Department of Canadian Heritage	English & French	
How do I Arrange for an Interpreter?	BC Ministry of AG	2003	1	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Your Trial in French	BC Ministry of AG	2003	1	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca

Client Brochure: Neighbourhood Law Clinic	The Western Canada Society to Access Justice	No Date	Pamphlet	low	The John Howard Society-Robson Square Youth Court Program	English	
Dial-A-Law & Lawyer Referral Service - telephone service	The Canadian Bar Association British Columbia	2003	pamphlet	medium	Telephone service: 604-687-3221 / 1-800-663-1919	English	http://www.bccba.org
Guidelines for Legal Aid	Legal Services Society	2003	12	medium	LSS	English	http://www.lss.bc.ca
If You Can't Get a Lawyer for Your Criminal Trial	Legal Services Society	No Date	13	low	LSS (order from judicial administration office)	English	http://www.lss.bc.ca
LAWline - telephone service	Legal Services Society	2003	n/a	medium	Telephone service: 604-408-2172 x 7 / 1-866-57-2525 x 7	English	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2003	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	English	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	Chinese	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	Farsi	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	Punjabi	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet2	medium	LSS, online, LCES (@ 222 Main St.)	Spanish	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet2	medium	LSS, online, LCES (@ 222 Main St.)	Vietnamese	http://www.lss.bc.ca
Legal Aid-Help With Your Legal Problems	Legal Services Society	2002	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	French	http://www.lss.bc.ca
The Court Information Program For Immigrants	Law Courts Education Society (LCES)	2001	pamphlet	medium	LCES	English	
The Court Information Program For Immigrants	Law Courts Education Society (LCES)	2001	pamphlet	medium	LCES	Vietnamese	

The Court Information Program For Immigrants	Law Courts Education Society (LCES)	2001	pamphlet	medium	LCES	Chinese	
The Salvation Army's Pro Bono Lawyer Consultation Program	The Salvation Army	2002	pamphlet2	medium	LSS,LCES,MPA,NCW,	English	
Como Quejarse de un Abogado	The Law Society	1994	pamphlet		LCES	Spanish	
UBC Law Students Legal Advice Program	Greater Vanc Law Students' Legal Advice Society	2001	pamphlet2	medium	LSS,LCES (@ 222 Main St.)	English	
Basic Guide to Legal Research on the Internet	Legal Services Society	Coming Soon			LSS: Online Only	English	http://www.lss.bc.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	English	http://www.lawcourtsed.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	French	http://www.lawcourtsed.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Spanish	http://www.lawcourtsed.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Punjabi	http://www.lawcourtsed.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Chinese	http://www.lawcourtsed.ca
Bail Orders: No Contact Orders	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Vietnamese	http://www.lawcourtsed.ca
No Contact Orders Explained	Legal Services Society	2001	pamphlet	medium	LSS	English	http://www.lss.bc.ca
For Your Protection: Peace Bonds and Restraining Orders	BC Ministry of Public Safety and Solicitor General	2003	29	medium	LCES (@ 222 Main St.)	Punjabi	

For Your Protection: Peace Bonds and Restraining Orders	BC Ministry of Public Safety and Solicitor General	2003	31	medium	LCES (@ 222 Main St.)	Chinese	
For Your Protection: Peace Bonds and Restraining Orders	BC Ministry of Public Safety and Solicitor General	2003	15	medium	LCES (@ 222 Main St.)	English	
Peace Bonds	BC Ministry of Public Safety and Solicitor General	1996	21	low	LCES (@ 222 Main St.)	English	
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	English	http://www.lawcourtsed.ca
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	French	http://www.lawcourtsed.ca
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Spanish	http://www.lawcourtsed.ca
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Punjabi	http://www.lawcourtsed.ca
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Chinese	http://www.lawcourtsed.ca
Recognizance Under s.810	Law Courts Education Society (LCES)	2002	1	low	LCES: Online Only	Vietnamese	http://www.lawcourtsed.ca
Civil Rules	BC Ministry of AG	2002	52	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Getting Ready for Court	BC Ministry of AG	2002	14	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Making a Claim	BC Ministry of AG	2002	11	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca

Replying to a Claim	BC Ministry of AG	2002	8	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Serving Documents	BC Ministry of AG	2002	8	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Small Claims Rules	BC Ministry of AG	2003	2	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
What is Small Claims Court?	BC Ministry of AG	2002	7	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
An Overview of a Lawsuit in Small Claims Court	The Law Centre	2000	9	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Cancelling a Default Order or Dismissal Order	The Law Centre	2000	4	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Offers to Settle and Summary Judgement Applications	The Law Centre	2001	7	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
The Settlement Conference	The Law Centre	2000	5	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Preparing For Trial	The Law Centre	2000	9	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
How to Appeal An Order Made in Small Claims Court	The Law Centre	2001	14	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
An Overview of Collection Procedures	The Law Centre	2001	6	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Payment Hearings	The Law Centre	2001	9	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Starting a Lawsuit	The Law Centre	2000	10	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca

Lawsuits Involving Persons under 19 Years of Age	The Law Centre	2001	5	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Preserving Property Pending the Outcome of a Lawsuit in Small Claims Court	The Law Centre	2001	5	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Recovering Specific Property	The Law Centre	2001	5	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Serving Documents	The Law Centre	2001	11	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Obtaining a Default Order	The Law Centre	2000	5	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
What to do if You are Sued in Small Claims Court	The Law Centre	2000	8	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
Third Party Procedure	The Law Centre	2001	7	medium	The Law Centre: Online Only	English	http://www.thelawcentre.ca
How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	English	http://www.lawcourtsed.ca
How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	French	http://www.lawcourtsed.ca
How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	Spanish	http://www.lawcourtsed.ca
How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	Punjabi	http://www.lawcourtsed.ca
How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	Chinese	http://www.lawcourtsed.ca

How to Set a Trial Date in Vancouver Provincial Court (Arraignment Hearing)	Law Courts Education Society (LCES)	2002	2	low	LCES: Online Only	Vietnamese	http://www.lawcourtsed.ca
How a criminal trial works		Coming Soon	4	low		English	
How to behave in court		Coming Soon	1	low		English	
How to prepare your case		Coming Soon	1	low		English	
How to take notes during your trial		Coming Soon	2	low		English	
Representing Yourself in a Criminal Trial (Provincial Court)	Legal Services Society	2001	30	high	Some Legal Aid offices, LSS website	English	http://www.lss.bc.ca
Retrieving Court Exhibits	BC Ministry of AG	2002	2	low	LSS, Crown	English	http://www.ag.gov.bc.ca
Role of Crown Counsel	BC Ministry of AG	2000	pamphlet	low	LSS, Crown	English	http://www.ag.gov.bc.ca
Speaking to the Judge Before You Are Sentenced	Legal Services Society	2001	pamphlet 2	medium	LSS, online, LCES (@ 222 Main St.)	English	
Testificar: Su Contribucion a la Justicia	BC Ministry of AG	No Date	Pamphlet		LCES	Spanish	
What do I do if I Can't Attend My Court Date?	BC Ministry of AG	2003	1	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
Victims Information Line	BC Ministry of AG	2000	2	low	LSS, LCES, Crown	English	
About Wills & Estates	BC Ministry of AG	2002	8	medium	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca
En Camino Hacia la Responsabilidad	The Latin American Community Council	1996	18		LCES	Spanish	

Speaking of Abuse: Violence Against Aboriginal Women in Relationships	Legal Services Society	2001	49	medium	LSS: Online Only	English	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1998	42	medium	LSS	English	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Chinese	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Farsi	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	French	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Punjabi	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Russian	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Spanish	http://www.lss.bc.ca
Speaking of Abuse: Violence Against Women in Relationships	Legal Services Society	1999	48	medium	LSS	Vietnamese	http://www.lss.bc.ca
Wife Abuse (Spanish)	Vancouver and Lower Mainland Multicultural Family Support Services Society	1992	7		LCES	Spanish	

Youth Court	The John Howard Society	2002	8	medium	The John Howard Society-Robson Square Youth Court Program	English	
Youth Court Services	The John Howard Society	2001	pamphlet	low	The John Howard Society-Robson Square Youth Court Program	English	
Youth Justice Court...and you	BC Ministry of AG	2003	pamphlet	low	Local Courthouses and Agencies	English	http://www.ag.gov.bc.ca

Appendix H: Community-based services to self-representing litigants

1. Advice/procedural assistance

Community informants stressed that the area of service to SRLs in family and civil law is a huge gap. The majority of services that are provided are in the family law area. These services are small. Many contrasted them with a higher level of service available in the criminal area, for example where their clients are victims of crime.

Service	<p>Battered Women’s Support Services http://www.bwss.org, 604-687-1867</p>
Description of services provided	<p>Battered Women’s Support Services provides advocacy services to women who have been abused and who are dealing with family issues. They have two legal advocates – one full-time position.</p> <p>BWSS provide a series of 20 workshops given by a community advocate and a lawyer. Topics include: introduction to the current Divorce Act; Do-it-yourself divorce guide; filling out general court forms; varying an order; writing an affidavit; financial support; Divorce Act financial issues; Divorce Act non-disclosure; family cases conferences and judicial case conferences; and representing yourself in court (including what NOT to do).</p> <p>At the filling-out-general-court-forms workshop, women bring in the forms and fill them out with a lawyer present. In the writing-an-affidavit workshop women can bring in their affidavits to be checked by a lawyer.</p> <p>In addition, the advocate provides assistance with the documents when a workshop cannot provide what the woman needs, working in conjunction with a pro bono clinic lawyer. The advocate helps the SRL fill out the forms. The SRL takes the documents back to the clinic lawyer, who checks them.</p>
Clients served (Provincial/Supreme Court)	<p>Clients are provided with assistance for either level of court.</p>
Number of clients served	<p>Demand for service has increased 107% since the legal aid cutbacks in family law services in February 2002. Demand greatly exceeds what BWSS is able to provide.</p>
Comments	<p>Battered Women’s Support Services is located in Vancouver. The lawyer providing pro bono assistance works out of the Surrey Women’s Centre’s in-house legal clinic. The client has to travel between the two locations to obtain continuity of service.</p>

Service	South Fraser Women’s Centre Society 604-536-9611
Description of services provided	<p>South Fraser Women’s Centre provide services to SRLs through a number of services:</p> <ol style="list-style-type: none"> 1. The centre has its own pro bono clinic on site. Services provided include legal advice and representation. 2. The centre has a full-time legal advocate position. The advocate provides information and referral, assistance with procedures (e.g. filling out documents), and court accompaniment. An advocate will go with the client to meetings with the lawyer, to the registry, and to court. In court the advocate provides emotional support. With the lawyer and registry, the advocate provides informal translation services. <p>The majority of clients are Punjabi women who do not speak English.</p> <p>The program has signed to the Pro Bono Law of BC Best Practices Protocols. (Note: One other community group provides similar pro bono advice/representation services – the MS Society of Canada, BC Division. Its focus is on disability and CPP pension matters.)</p>
Clients served (Provincial/Supreme Court)	At least half of the clients need to deal with Supreme Court, typically because their matter was started there by a legal aid lawyer.
Number of clients served	This is a small service. The pro bono lawyer takes on the case from start to finish. The need for the service is greater than the help that can be provided.
Comments	“We decided to develop a pro bono program that provides representation because the few women I was able to work with were struggling through and we were not getting the best results. I saw four women go back to their abusive relationship because their partner had gotten custody of the children, and had said, ‘You come back on my terms or too bad.’ ” – Advocate, South Fraser Women’s Centre.

Service	Surrey Women’s Centre Society 604-589-1868
Description of services provided	<p>Surrey Women’s Centre provides limited services to SRLs in family matters, “a small drop in the bucket.”</p> <p>They provide an in-house legal clinic, with a roster of pro bono lawyers. Interviews are scheduled for a half-hour, but if the matter concerns custody or there are translation needs, the interview is</p>

	<p>scheduled for one hour. The clinic provides advice only.</p> <p>They provide limited workshops on family matters (one for clients, one for service providers). The workshop, given by a lawyer who is active in the pro bono clinic, focus on the basics: what the terms mean, what the procedure will be.</p> <p>The Centre maintains a list of resources. They often refer to Lawyer Referral, They also make use of Law Line and the family law websites. “There are a growing number of resources but it helps to have access to a computer and you have to be high functioning to use them.”</p>
Clients served (Provincial/Supreme Court)	N/A
Number of clients served	This is a small service. The pro bono lawyer takes on the case from start to finish. The need for the service is greater than the help that can be provided.
Comments	<p>“We deal a lot with marginalized people who don’t have much support and information and don’t have the confidence to represent themselves, but unfortunately their partners do.</p> <p>“Having family duty counsel service introduced in Surrey Provincial court was a godsend. Of all the things Legal Services Society is trying to do, this is the one service that really helps the best. And having an advice lawyer every Friday to assist with court documents is a help. Documents are a big concern for clients.</p> <p>“LSS has been trying very hard to address the gaps. The information outreach worker in Surrey has also been wonderful. Her work is to let people know about Law Line and the LINK kiosk – it’s a limited project but her work is very valuable.</p> <p>“The underlying problem is that the services short of representation don’t get at the power and control issues in abusive relationships. For example, the woman may be going into court because her husband’s already started an action to get custody, and she’s already intimidated by him, and he has a lawyer and she doesn’t. Someone in crisis is in no position to represent themselves” - <i>Advocate, Surrey Women’s Centre</i> --</p>

Service	BC Coalition to Eliminate Abuse of Seniors (BC CEAS) http://www.bcceas.ca , 604-437-1940
Description of services provided	BC CEAS services include an advocacy phone line and a drop-in clinic for legal advice. Informants from this service stressed the need for more legal advice

	<p>services. Most of their clients are not able to hire a lawyer.</p> <p>The clinic runs at a local seniors centre, Edmonds Community Centre. Clients have already phoned the advocacy line but need supplementary face-to-face service, such as needing assistance with forms. Language is often a factor.</p> <p>In some family/civil cases, the clinic lawyer is able to provide some pro bono representation services in New Westminster.</p>
Clients served (Provincial/Supreme)	N/A.
Number of clients served	This is a small service.
Comments	“We find that people often let the problem go, if it’s a matter of initiating an action. If they’ve been served with documents they have to do something about it.” – <i>Staff, BCCEAS</i>

2. Information, education, referral

Community groups provide extensive information, education and referral services to SRLs.

Service	Groups that host Access Justice pro bono clinics
Description of services provided	<p>Community groups that host pro bono clinics provide information/referral/support to clients dealing with family and civil matters.</p> <p>The researchers interviewed:</p> <ul style="list-style-type: none"> • BC Coalition of People with Disabilities, Vancouver (focus on disability issues; includes Advocacy Access, a team of advocates providing assistance with a range of disability benefits) http://www.bccpd.bc.ca; 604-875-0188 • The Kettle, Vancouver (focus on mental health advocacy), http://www.thekettle.ca; 604-253-0669 • Newton Advocacy Group, Surrey (focus on poverty law advocacy) http://www.newtonadvocacygroup.ca; 604-596-2311 <p>Other community groups also host pro bono clinics. The group, Options, in Surrey is an example of a group that hosts a clinic and also provides limited court accompaniment (through a program called Threshold).</p> <p>Informants provided the following description of the relationship between the clinic and the group:</p>

	<p>“We have a pro bono clinic that operates out of our office once a week, Access Justice. It’s just a half-hour of legal advice. Clients have disabilities but . . . they have other legal issues. It’s been operating for at least two years. We have much the same lawyers by and large. We have noticed that as time goes on, the lawyers will give more than time than a half-hour – some will give an hour. Some of the lawyers are from large firms and I think it helps them understand the clients’ issues by being at our office and seeing how we work.” – <i>Advocacy Access. BC Coalition of People with Disabilities</i></p> <p>“Lawyers can guide them [clients] through the basic steps and can refer back to us – they hear them out, and if it’s something our advocacy can do – tenancy, small claims – they will bring them down the hall. This happens a lot. Having the pro bono clinic attached to us helps with continuity of service. It also helps because they [clients] phone us for the clinic and sometimes we can tell it’s better if they see us rather than a clinic lawyer. So we can streamline them. A number of the lawyers in the clinic have been with us for a long time so we get to know what they’re comfortable with. And we know our clients. Having a comprehensive knowledge of issues and clients means the clinic works really well.” – <i>The Kettle</i></p> <p>“Pro bono lawyers come in every Tuesday. It’s a valuable service and we appreciate it. We prepare clients to be ready to ask the questions. Sometimes we talk directly to the lawyers. It’s only half an hour [advice]. Some clients are very happy but some are even more confused. Most have a problem about what to do with the legal advice, how to take the next step. . . We refer for family and civil problems, but it isn’t a realistic opportunity for judicial review.” – <i>Newton Advocacy Group</i></p>
Clients served (Provincial/Supreme Court)	N/A
Number of clients served	N/A
Comments	The relationship between community group and pro bono clinic provides potential for collaboration that could assist SRLs with continuity of service.

Service	Advocacy groups that receive requests for assistance from SRL clients in Provincial and Supreme Court
Description of services provided	Community-based advocacy groups that focus on administrative law also see SRL clients who want to go to court on family and civil matters.

	<p>The researchers interviewed informants from:</p> <ul style="list-style-type: none"> • MOSAIC (focus on immigrant and refugee clients); http://www.mosaicbc.com; 604-254-9626 • First United Church (focus on downtown eastside); 604-681-8365 <p>Note: The community groups that host Access Justice pro bono clinics are also providers of information and referrals to SRLs.</p> <p>The informants noted the following challenges in providing assistance to SRLs</p> <p>“In terms of the family problems I often deal with an immigration/family problem where the sponsorship has broken down. . . There are family issues and there are immigration issues. It creates a nest of wiener dogs in the immigration area. The trick is to get this person to permanently reside in this country without being supported by their spouse. . . At MOASIC we are seeing more people who are simply shut out of the system. . . Because of the legal aid cuts, I do see more family cases not being able to go to court.” - <i>MOSAIC</i></p> <p>“Sometimes they come in with documents and want help to fill them out. I tell them to go to the court registry and see if someone there can help them. They very much need the follow-up but I can’t do it for them because we have 19 other people waiting to see two advocates. The trouble with this is, they’ve been to a clinic and got some legal advice but they are still representing themselves and they still don’t understand the system. Even with something that may be straightforward for a lawyer – an application to vary maintenance if you are no longer working – they are struggling. They have to figure out how to make the hardship argument.” – <i>First United Church</i></p>
<p>Clients served (Provincial/Supreme)</p>	<p>N/A</p>
<p>Number of clients served</p>	<p>N/A</p>
<p>Comments</p>	<p>Commenting on the dimension of unmet needs, advocates focused on (a) the need for assistance with documentation; and (b) the frustration with not being able to assist clients in judicial review of administrative decisions.</p> <p>“I think there is a huge gap for SLRs in the assistance with preparing documents. They can’t do this work at the pro bono clinics because of their workload and we can’t do them in the community. . . We badly need more people to help prepare documents. It is really key.” - <i>First United Church</i></p> <p>“I have seen a number of decisions from the tribunal process that</p>

	<p>should be judicially reviewed – they really are arguable cases - it's not as if we would be breaking new ground here; they are clearly wrong decisions. But people don't have access so it doesn't happen. CLAS and PIAC might be able to take the odd case, but they have other mandates. I am not aware of anyone who has done it by themselves [as SRL]. There has been talk in the advocacy community about how people might have to do these things, but it has not happened as yet. The reasons for that is that there is (a) nobody to help them and (b) most community advocates are not able to assist with doing judicial reviews because of the level of complexity.</p> <p>“There is also talk about ‘friend of the court’ kind of rules but at the end of the day community advocates still lack the skills to take things forward and they still involve costs. There are particular costs for people who have English as a second language – there would be interpretation costs and translation costs etc. And there is talk about the need for civil Rowbotham cases. We have been watching closely the kinds of decisions coming out of the Ontario and the SCC and it looks like we have had a little bit of gain in that area, but we are nowhere close.” - <i>MOSAIC</i></p>
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Service	Network of groups that provide information, education and referral to clients who may have family/civil issues
Description of services provided	<p>In addition to the groups interviewed, there are many more community groups that deal with clients seeking access to the justice system to deal with either family or civil matters.</p> <p>One example of these client groups are victims of intimate partner violence. They often have family issues they need to resolve and some are without the financial means to hire a lawyer.</p> <p>A quick review indicates over 40 non-profit groups providing services to this client group in the Lower Mainland area. This example is indicative of the breath of the community networks providing information and referral services to SRLs.</p>

ⁱ Effective May 22, 2002, LSS restricted legal representation in family law to financially eligible people who:

- are victims of domestic violence and likely need a physical restraining order,
- have a child or children who are at risk and a supervised access order or a restraining order is needed to protect them,
- need a change to a current custody or access order to ensure their and/or their child(ren).s safety, or
- need a non-removal order to prevent the other parent from permanently moving their child(ren) out of the province (the threat must be real and immanent and involve a permanent change of residence).

ⁱⁱ Family Duty Counsel Financial Eligibility Test

<u>Number of family members</u>	<u>Annual / Monthly net income</u>
4 or fewer	\$28,000 / \$2,333.33
5	\$33,000 / \$2,750.00
6	\$35,000 / \$2,916.67
7 or more	\$38,000 / \$3,166.67

ⁱⁱⁱ *Evaluation of the Expanded Family Duty Counsel Project (Robson Street Court House)*, Interim Report for the Legal Services Society of B.C., Focus Consultants, October 17, 2003.

^{iv} Ibid., see Table 8, page 14: 47% of clients reached an outcome through “information/court preparation or other assistance”

^v Rowbotham cases are applications made by accused if unable to pay for his or her own legal defence and unable to qualify for legal aid. The application is made to court for an order to compel the Ministry of the Attorney General, in the interests of a fair trial, to provide legal funding for the accused’s defence. As of 2002 the Legal Services Society is responsible for funding Rowbotham cases.

^{vi} MacKenzie Friend: In some jurisdictions (e.g. UK, Australia) a person who is not legally represented may obtain the assistance in court of a MacKenzie friend. This person may take notes and assist the person in court. The judge has the discretion whether or not to allow an unrepresented person the assistance of a MacKenzie friend.

^{vii} West Coast LEAF describes its affidavit campaign, launched June 2003, in this way: “As part of our efforts to restore legal aid in BC, West Coast LEAF is running an Affidavit Campaign to collect evidence from across the province that reflects the true impacts of the cuts to legal aid programs on women. The majority of those affected are women, particularly single mothers, immigrant women and women with disabilities. Our goal is to make a case for the restoration of the services through law reform efforts or via test case litigation.”