

# The Poor State of Poverty Law in B.C.

Justice for the poor depends on adequate legal aid. **Anne Beveridge** and **Andrea Long** report on the results of the SPARC BC Poverty Law Project, a study undertaken with the support of the Law Foundation of B.C.

*“It is understood that without legal aid, a segment of the population cannot take advantage of the protections and guarantees offered by our legal system and are therefore denied access to justice. To protect the integrity of our legal system and to give full meaning to the constitution that supports it, everyone in Canada must have access to the courts and, by extension, to the knowledge and legal advice that make access to the courts and to justice meaningful.”<sup>1</sup>*

LEGAL AID IS A CORNERSTONE of the Canadian justice system. It provides a mechanism through which citizens can launch legal challenges when their rights are violated, or when they are treated unfairly, even if they cannot afford to retain a lawyer. When a legal challenge relates to an area of law with which lower income persons are most likely to interact, it falls into the category of ‘poverty law.’ Key poverty law issues include welfare, landlord/tenant disputes, employment insurance, pensions, debt/bankruptcy, and workers’ compensation.

For over thirty years, B.C. had a poverty law system admired and imitated around the world for its quality, range of service, and number of clients assisted. Funded primarily by the provincial government, poverty law lawyers and paralegals annually helped 40,000 people unable to afford other legal services.

Today, poverty law in B.C. is no longer

admired. Dramatic reductions in the legal aid budget in 2002 resulted in the elimination of government-funded poverty law lawyers and paralegals. Instead of direct assistance and legal representation, legal aid now offers a toll-free telephone service through which poverty law clients can access some information and advice. While B.C. is fortunate to have a network of community-based poverty law advocates, legal clinics, and organizations that undertake test-case litigation outside of the legal aid structure, they are being overwhelmed by significant increases in client numbers and requests for assistance. In effect, options for poverty law assistance in B.C. are now scarce and fragmented.

## SPARC BC’s Poverty Law Project

It is in this context that SPARC BC, in cooperation with a group of poverty law advisors, set out to look at the current state of poverty law and begin to think about options for redevelopment. This project was one of a series of poverty law initiatives funded by the Law Foundation of B.C.

SPARC BC’s Poverty Law Project had two parts. First, consultations with poverty law advocates and lawyers with poverty law experience

<sup>1</sup> Canadian Bar Association. February 2002. *Making the Case: The Right to Publicly-Funded Legal Representation in Canada.* [www.cba.org/CBA/pdf/2002-02-15\\_case.pdf](http://www.cba.org/CBA/pdf/2002-02-15_case.pdf)

provided an overview of key pressures and priority areas. Second, research on opportunities and challenges encountered by other jurisdictions offered a starting point for thinking about service delivery options in B.C. From this data, some clear themes emerged around specific areas for action, and principles around which to structure service development. The principles are highlighted below.<sup>2</sup>

*Legal Expertise:* A strong theme in project findings is that it is essential to have lawyers involved in poverty law work, providing direct services (particularly representation), and supports like legal supervision. A poverty law system that includes lawyers is more efficient and effective for clients, staff, and funders. Dedicated poverty law lawyers also have current knowledge about poverty law issues, and an appreciation for the circumstances of clients.

*Collaboration:* Community advocates and lawyers make unique and valuable contributions to poverty law. In combination, these contributions produce high quality services, comprehensive coverage, and efficient resource use. Strong and supportive networks of service providers also yield greater stability, and decrease susceptibility to funding loss.

*Funding:* Unsurprisingly, lack of funding is identified as the biggest obstacle to poverty law redevelopment. Jurisdictional research confirms that funding quantity and stability are pervasive concerns. A key finding from this project is that having multiple sources of funding decreases

vulnerability and increases independence.

*Training:* Access to training is necessary to maintain skills and knowledge—preconditions for high quality, efficient services and confident service providers. The cuts to poverty law legal aid mean that few trained poverty law lawyers are available to train advocates and pro bono lawyers.

**“For over thirty years, B.C. had a poverty law system admired and imitated around the world for its quality and range of service. Now, after years of government cuts, the options for poverty law assistance in B.C. are scarce and fragmented.”**

*Pro bono services:* Pro bono services (lawyers volunteering their time) help extend available legal services—particularly in the absence of legal aid—but are not a substitute for paid staff. The roles pro bono lawyers play in advice clinics and test case litigation clearly make a contribution, but these functions are an inadequate foundation for a comprehensive poverty law system.

The SPARC BC Poverty Law Project points to some first steps in redeveloping an accessible, effective poverty law system. We now need to translate statements of principle into positive action for the people of B.C. who currently lack access to justice. ■

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2 To review the complete set of findings from the *SPARC BC Poverty Law Project*, see Section III of the full report. The report can be downloaded from SPARC BC’s website at [www.sparc.bc.ca](http://www.sparc.bc.ca).