

# Country report - Canada

## 2023 ILAG Boston

Prepared by Legal Aid Ontario, with input from other Canadian Legal Aid programs

### 1. Country details: Canada

#### 1.1 Population

Canada is the second largest country in the world for total area yet has a small population for its geographic size.

Canada's population was estimated at 39,566,248 on January 1, 2023, after a record population growth of 1,050,110 people from January 1, 2022, to January 1, 2023. This marks the first 12-month period in Canada's history where population grew by over 1 million people, and the highest annual population growth rate (+2.7%) on record since that seen for 1957 (+3.3%). This previous record population growth rate in 1957 was related to the high number of births during the post-war baby boom and the high immigration of refugees following the Hungarian Revolution of 1956.<sup>1</sup>

In 2022, Canada's population growth rate was 2.7%. Canada is by far leading the G7 countries for population growth in 2022. International migration accounted for nearly all growth recorded (95.9%).<sup>1</sup>

**Table 1: Population estimates<sup>2</sup>**

Geography	Persons - Q1 2023
<b>Canada</b>	<b>39,566,248</b>
Alberta	4,647,178
British Columbia	5,399,118
Manitoba	1,431,792
New Brunswick	825,474
Newfoundland and Labrador	531,948
Northwest Territories	45,493
Nova Scotia	1,037,782
Nunavut	40,692
Ontario	15,386,407
Prince Edward Island	173,954
Quebec	8,787,554
Saskatchewan	1,214,618
Yukon	44,238

#### 1.2 GDP

<sup>1</sup> Statistics Canada. Canada's population estimates: Record-high population growth in 2022.

<https://www150.statcan.gc.ca/n1/daily-quotidien/230322/dq230322f-eng.htm?indid=4098-1&indgeo=0>

<sup>2</sup> Statistics Canada. Population estimates, quarterly. Table: 17-10-0009-01.

<https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000901>

In 2022, the GDP of Canada was about C\$2.2 trillion. Real GDP edged down 0.1% in December 2022, following a 0.1% uptick in November. Goods-producing industries (-0.6%) declined, while service-producing industries (+0.0%) remained essentially unchanged.<sup>3</sup>

Despite decelerating growth in the second half of the year, GDP by industry expanded 3.6% in 2022. Economic activity exceeded its 2019 pre-pandemic level, as 19 of the 20 industrial sectors posted gains. Continued interest rate increases across 2022 impacted the activity level in certain areas of the economy as the year progressed.<sup>3</sup>

The public sector (educational services, health care and social assistance, and public administration combined) grew 3.0% in 2022 and contributed the most to the increase in services-producing industries, as all components posted gains.<sup>3</sup>

### 1.3 Canada's Official Poverty Line

The *Poverty Reduction Act* was adopted in June 2019. It set targets to reduce poverty in Canada and established the Market Basket Measure (MBM) as Canada's Official Poverty Line. The targets align with the United Nations Sustainable Development Goal of ending poverty, in all its forms, everywhere.<sup>4</sup>

The MBM considers the disposable income and size of Canadian families, as well as differing costs of shelter, food, clothing, footwear, transportation and other expenses for communities in Canada. According to the MBM, a family is considered to be in poverty if, given its size and region of residence, it does not have enough income to buy a set of goods and services considered to represent a modest, basic standard of living.<sup>4</sup>

The poverty rate in Canada was trending downward prior to the pandemic, falling from a peak of 14.5% in 2015 to 10.3% in 2019, according to survey data. The decline was driven by a combination of higher government transfers, including the Canada Child Benefit (CCB), and generally favourable labour market conditions. In 2019, the unemployment rate stood at 5.7%, its lowest level on record at the time.<sup>4</sup>

**Table 2: Canada's Official Poverty Rate**

Year	Rate (%)
2017	11.9
2018	11.2
2019	10.3
2020	6.4%
2021	8.1*
2022	11.8*

*\*Estimated/Modeled Poverty Rates*

<sup>3</sup> Statistics Canada. Gross domestic product by industry, December 2022. <https://www150.statcan.gc.ca/n1/daily-quotidien/230228/dq230228b-eng.htm>

<sup>4</sup> Statistics Canada. Disaggregated trends in poverty from the 2021 Census of Population. <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-X/2021009/98-200-X2021009-eng.cfm>

## 1.4 Number of practising lawyers in Canada

Every lawyer in Canada and notary in Quebec is required by law to be a member of a law society and to be governed by its rules. Canada's 14 provincial and territorial law societies govern over 136,000 lawyers, Quebec's 4,200 notaries and Ontario's 10,600 independent paralegals in the public interest. Each law society is established by provincial and territorial law and has a mandate to ensure that people in its jurisdiction are served by legal professionals who meet high standards of competence and professional conduct.<sup>5</sup>

## 2. Legal Aid Organisation / Authority / Status

Canada does not have a single legal aid system, since the delivery and administration of legal aid is a provincial/territorial responsibility. Thus, there are 13 different legal aid programs across the country which operate independently of each other, with each program determining its own eligibility and coverage guidelines.

Eleven of the 13 jurisdictions have legislation which establishes their legal aid programs; only two do not: Alberta and Prince Edward Island (PEI). In Alberta, the legal aid program is provided through a publicly funded, non-profit organization. In 2018, a new tripartite governance agreement was signed with Legal Aid Alberta, the Minister of Justice and Solicitor General, and the Law Society of Alberta. In PEI, legal aid is run as a government program through the Department of Justice and Public Safety.

Of the 11 legal aid programs established by legislation, six are non-profit societies or corporations (B.C., Manitoba, Northwest Territories, Nunavut, Ontario, Yukon); four are independent commissions (Newfoundland-Labrador, Nova Scotia, Quebec, Saskatchewan); and one is a program of the Law Society (New Brunswick).

Each legal aid program operates independently of the other programs within Canada. The Association of Legal Aid Plans of Canada (ALAP) has been formed as an umbrella group representing each of the provincial and territorial legal aid programs and provides an opportunity to share best practices in the delivery of legal aid services and consider access to justice issues together.

Under Canadian constitutional law, the federal government has authority to enact criminal law and law related to criminal procedure. The federal government is also responsible for immigration and refugee law. Provincial governments are granted authority for the administration of justice and have exclusive jurisdiction over civil law. In the territories, the federal government has constitutional authority over both criminal and civil law.

## 3. Budget and Spend

### 3.1 Legal Aid Plan Revenue

Canadian legal aid plans derive their funding from a variety of sources, including provincial and federal contributions. In all provinces, the largest proportion of legal aid revenue comes from the provincial governments.

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<sup>5</sup> About Us. Federation of Law Societies of Canada. <https://flsc.ca/about-us/>

While the federal government has no role in the delivery of legal aid services in Canada, it does provide funding to provinces and territories to support their legal aid plans. In the areas of criminal law and refugee and immigration law, funding is provided through the Department of Justice Legal Aid Program. Funding for civil legal aid is provided through the Canada Social Transfer (a federal block transfer to provinces and territories for social services, social assistance and post-secondary education), which is administered by the Department of Finance Canada.

Canadian legal aid plans also receive some revenue from additional sources such as contributions of the legal profession, investment income etc. For example, in Ontario a portion of funding is received from the Law Foundation of Ontario through interest earned on lawyers' trust fund balances, after the foundation deducts its expenses. These revenues are variable year to year and depend largely on the Bank of Canada overnight interest rate and real estate activity levels in the province.

Total revenues nationally for 2021-2022 were \$947 million. Provincial and territorial (P/T) governments directly fund legal aid. In 2021-22, provincial and territorial governments contributed more than \$671 million to legal aid plans across Canada, which amounts to 71% of total legal aid revenues.<sup>6</sup> Federal contributions for criminal, and immigration and refugee totaled over \$195 million or 20% of all revenues. See table 3 for details.

**Table 3: Legal aid plan revenues by type of revenue, annual, 2021-22<sup>7</sup>**

	Type of Revenue												
	Total legal aid plan revenues <sup>1</sup> Dollars (%)		Federal contributions from 2021-22 agreements <sup>2</sup>				P/T contributions to legal aid plans <sup>4</sup> Dollars (%)		Client contributions and cost recoveries to legal aid plans <sup>5</sup> Dollars (%)		Contributions of the legal profession and interest earned from lawyers' trust accounts <sup>6</sup> Dollars (%)		Other legal aid plan revenues
			Criminal (+civil in territories) Dollars (%)		I&R <sup>3</sup> Dollars (%)								
<b>N.L.</b>	17,012,731	100%	2,657,329	16%	12,493	0%	14,126,378	83%	84,883	0%	115,710	1%	15,938
<b>P.E.I.</b>	838,480	100%	422,931	50%			415,549	50%	-		-		-
<b>N.S.</b>	31,434,450	100%	4,526,053	14%	568,757	2%	26,270,300	84%	22,235	0%	0	0%	47,105
<b>N.B.</b>	11,861,436	100%	2,878,649	24%			7,637,323	64%	164,181	1%	200,000	2%	981,283
<b>Que.</b>	181,625,991	100%	28,896,196	16%	5,927,747	3%	142,751,257	79%	3,581,402	2%	0	0%	469,389
<b>Ont.</b>	433,761,280	100%	55,079,487	13%	36,880,073	9%	288,789,452	67%	7,385,030	2%	44,585,092	10%	1,042,146
<b>Man.</b>	35,968,698	100%	8,160,394	23%	206,669	1%	25,059,993	70%	956,681	3%	1,399,089	4%	185,872
<b>Sask.</b>	28,939,985	100%	7,631,716	26%			20,995,284	73%	5,520	0%	0	0%	307,465
<b>Alta.</b>	84,623,399	100%	16,924,955	20%	735,498	1%	55,636,742	66%	5,017,696	6%	5,432,198	6%	876,310
<b>B.C.</b>	113,947,175	100%	19,082,757	17%	3,840,000	3%	85,696,137	75%	0	0%	4,719,933	4%	608,348
<b>Yuk.</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>N.W.T.</b>	7,041,507	100%	2,324,789	33%			4,218,545	60%	-		-		498,173
<b>Nvt.</b>	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Canada</b>	947,055,132	100%	148,585,256	16%	47,602,480	5%	671,596,960	71%	17,217,628	2%	56,452,022	6%	5,032,029

### 3.2 Legal Aid Plan Expenditures

Overall, 49% of legal aid expenditures were related to criminal matters, 5% were related to Immigration and Refugee matters, and 46% were related to all other civil matters. Ontario and Quebec had the highest legal aid expenditures in the country,

<sup>6</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 3.

<sup>7</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 28.

with 47% of all expenditures as a proportion of the national total from Ontario and 20% from Quebec.<sup>8</sup>

Three jurisdictions (Quebec, Ontario, and Prince Edward Island) spend more on civil matters than criminal matters. The fact that less than half of legal aid expenditures are related to criminal law at the national level is driven by lower prevalence in Quebec and Ontario. These two provinces have the largest populations, and spend higher overall - contributing more to the average.

The jurisdictions with the highest proportion of total legal aid expenditures on criminal matters (of all legal aid expenditures for that jurisdiction) were Saskatchewan (80%), Alberta (74%), and Manitoba (74%).<sup>8</sup>

See table 4 for details.

**Table 4: Legal aid plan expenditures, by type of expenditure, 2021-22<sup>9</sup>**

	Total Expenditures <sup>1</sup> Dollars (%)		Legal Services Expenditures (including administrative and other costs)					
			Criminal matters Dollars (%)		Civil matters			
					I&R <sup>2</sup> Dollars (%)		All other civil Dollars (%)	
<b>N.L.</b>	16,438,751	100%	10,300,350	63%	58,527	0%	6,079,874	37%
<b>P.E.I.</b>	2,034,307	100%	766,043	38%			1,268,264	62%
<b>N.S.</b>	31,029,286	100%	18,232,851	59%	568,757	2%	12,227,678	39%
<b>N.B.</b>	9,830,875	100%	5,700,999	58%			4,129,876	42%
<b>Que</b>	190,249,835	100%	71,077,098	37%	5,927,747	3%	113,244,990	60%
<b>Ont.</b>	448,053,599	100%	182,034,111	41%	39,024,211	9%	226,995,277	51%
<b>Man.</b>	32,714,427	100%	24,089,087	74%	206,669	1%	8,418,671	26%
<b>Sask.</b>	26,978,322	100%	21,550,069	80%			5,428,253	20%
<b>Alta.</b>	91,530,694	100%	67,482,998	74%	735,498	1%	23,312,198	25%
<b>B.C.</b>	93,854,217	100%	56,315,768	60%	4,682,144	5%	32,856,305	35%
<b>Yuk.</b>	-	-	-	-			-	-
<b>N.W.T.</b>	5,927,766	100%	4,280,367	72%			1,647,399	28%
<b>Nvt.</b>	-	-	-	-			-	-
<b>Canada</b>	948,642,079	100%	461,829,741	49%	51,203,553	5%	435,608,785	46%

### 3.3 Payment Methods for Private Bar Lawyers

It should be noted that the hourly tariff paid to private bar lawyers who do legal aid work varies considerably across Canada. The lowest rates are generally paid to private bar lawyers with less than five years' experience, and the rates may increase with experience and for complex case matters. A few legal aid programs pay a flat hourly rate to private bar lawyers regardless of experience.

## 4. Service delivery scope, personnel and eligibility

### 4.1 Scope

While some jurisdictions focus almost exclusively on full representation services for court or tribunal proceedings, others provide a continuum of services to tailor legal

<sup>8</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 5.

<sup>9</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 29.

services to the client's need and abilities. This may help to prevent or reduce the need for further legal services and/or full-blown litigation.

Given Canada's vast size and dispersed population, services are delivered through a variety of means. In larger urban centres, in-person services can be augmented by telephone or web-based access. In other areas, video-conferencing and the use of other technologies can provide services across large distances.

Please refer to Appendix A for a comparison of the eligibility requirements and areas of legal services of Canada's legal aid plans.

## 4.2 Legal Aid Plan Personnel

Each legal aid jurisdiction in Canada varies in the breakdown of how direct legal services are provided. Legal aid services are primarily delivered by private bar lawyers with staff lawyers also providing direct legal aid services to clients. Overall, most programs have a mix of private bar and staff lawyers, but service provision differs greatly across the provinces/territories. Please refer to Appendix A for high level information related to service delivery scope and restrictions for each legal aid plan.

Increasingly, non-lawyers are also being used to provide direct legal services in Canada. Non-lawyers may include paralegals, legal aid workers, articling students, legal assistants and other intake workers. Various laws and practices exist which lay out the extent to which unsupervised non-lawyers may provide certain services.

**Table 5: Legal aid plan personnel as of March 31, 2022<sup>10</sup>**

	Total legal aid plan personnel N (%)		Lawyers providing legal aid					Non-lawyers	
			Total lawyers N (%)		Private bar lawyers	Staff lawyers	Other lawyers	Total non-lawyers N (%)	
<b>N.L.</b>	159	100%	89	56%	15	70	4	70	44%
<b>P.E.I.</b>	39	100%	32	82%	24	8	0	7	18%
<b>N.S.</b>	419	100%	323	77%	213	106	4	96	23%
<b>N.B.</b>	187	100%	147	79%	113	33	1	40	21%
<b>Que.</b>	2,854	100%	2,217	78%	1,847	370	0	637	22%
<b>Ont.</b>	4,291	100%	3,674	86%	3,291	357	26	617	14%
<b>Man.</b>	439	100%	344	78%	284	54	6	95	22%
<b>Sask.</b>	184	100%	88	48%	0	88	0	96	52%
<b>Alta.</b>	2,284	100%	2,107	92%	1,997	110	0	177	8%
<b>B.C.</b>	1,267	100%	1,095	86%	1,056	36	3	172	14%
<b>Yuk.</b>	–	–	–	–	–	–	–	–	–
<b>N.W.T.</b>	53	100%	38	72%	25	13	0	15	28%
<b>Nvt.</b>	–	–	–	–	–	–	–	–	–
<b>Canada</b>	12,176	100%	10,154	84%	8,865	1,245	44	2,022	16%

\* **Other lawyers** – refers to personnel who are designated as counsel, but not performing in this capacity (e.g. Executive Director). For NB, Other Lawyers includes Executive Director and Public Trustee & Director of Family Law Services.

### 4.3 Legal Aid Plan Applications and Refusals

Over 491,000 legal aid applications were received in 2021-22. The number of applications reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance – this means that a single individual could file multiple applications.<sup>11</sup>

Of the 491,496 applications for summary or full legal representation received in 2021-22, over half (52%) were for criminal matters, while 46% were for civil matters (including I&R). The highest proportion of civil matter applications was for family matters (43%), followed by child protection (27%), non-family matters (22%), and I&R (12%). Of the 257,204 applications for criminal legal aid, 94% were from adults and 6% were from youth.<sup>11</sup>

Quebec received the most applications at 211,010, which accounted for 43% of all applications received nationally in 2021-22. Ontario and Alberta were the next two provinces that received the most applications (23% and 8% respectively). Looking at the breakdown between criminal and civil applications within each province/territory, Prince Edward Island (73%), Alberta (71%) and Manitoba (69%), had the highest proportion of criminal applications compared to civil. Quebec (57%) and New Brunswick (47%) had the lowest proportion of criminal applications compared to civil.<sup>12</sup>

The number of applications received and corresponding decline in approvals hit a pandemic low in 2020-21, where both applications received and approved declined by 18% compared to the previous year. In 2021-22, the numbers began to increase, with the number of applications up by 7% and number of approved applications up by 4% compared to the

<sup>10</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 48.

<sup>11</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 5.

<sup>12</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 7.

previous year. However, both applications received and approved were still significantly below compared to 2017-18.<sup>11</sup>

More than eight in ten legal aid applications received were approved for full legal representation.<sup>12</sup>

Financial ineligibility was the most common reason for application refusal. Refused applications refer to all requests for legal aid that have been denied legal services. This includes applications for which no services have been approved, as well as those applications denied for full legal representation that subsequently receive summary services. Overall, of the 94,162 applications (both criminal and civil) where a reason for refusal was reported, 62% were refused for financial ineligibility. 'Coverage restrictions' and 'other reasons for refusal' were the next most common reasons for refusal (13%, and 22% respectively).<sup>13</sup>

## 5. Quality Assurance

Every lawyer in Canada and notary in Quebec is required by law to be a member of a law society and to be governed by its rules. In addition to the standards established by law societies, each legal aid plan has a range of tools to ensure quality service delivery. These include:

- Roster standards for private bar membership on specific rosters
- Complaints
- Ethics Hotline
- Dedicated Quality Assurance programs and Audits
- Client satisfaction surveys
- Evaluations
- Training materials and resources
- Inspections/peer reviews
- Performance reviews for staff
- Mentoring programs
- Limits to the number of hours and cases annually

## 6. Public Legal Education

There is a range of public legal education and information offered by legal aid plans across Canada. Examples include:

- Legal Aid BC continues to expand the use of MyLawBC. The aim of the platform is to give the public the tools needed to identify, manage, and resolve legal problems.

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<sup>13</sup> Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 10.



- Nova Scotia has developed videos for public legal information on criminal law issues.
- Steps to Justice, a partnership led by Community Legal Education Ontario (CLEO) which is funded in part by Legal Aid Ontario, aims to provide reliable and practical information on common legal problems including:
  - step-by-step information to help the public work through their legal problems;
  - practical tools, such as checklists, fillable forms, and self-help guides;
  - referral information for legal and social services across Ontario; and
  - live chat and email support.

## 7. Alternative Sources of legal services

A range of alternative sources of legal services are available depending on each jurisdiction. These include community legal clinics, Student Legal Aid Societies (SLASS), and Pro Bono legal services.

As an example, Legal Aid Ontario (LAO) provides poverty law services through funding 73 community legal clinics. Seven Student Legal Aid Societies are also funded by LAO. This includes services for clients dealing with housing, landlord/tenant, employment insurance, disability, workplace safety and human rights/immigration issues, among others.

19 of LAO's 73 legal clinics provide specialty legal services covering a specific area of law (i.e. workers' health and safety or people living with HIV/AIDS), or representing specific groups of people such as older adults, youth, people with disabilities, people who identify as First Nations, Métis and Inuit, or people who are Chinese, South Asian, or Black.

As another example, CLASSIC is a community based legal clinic providing poverty law and experiential learning opportunities for law students. They provide services in the areas of: criminal, family, immigration, housing, social services, employment, human rights, and wills and estates. 822 clients received service through the walk-in advocacy clinic clients received services in 21-22, along with 531 through legal advice clinic. They also conduct systemic law reform initiatives and hold an ID clinic.

## 8. Holistic legal services

Examples of holistic service delivery models in Canada include:

**Specialized Courts:** Specialized or problem-solving courts focus on a particular type of offence or offender. They typically involve an interdisciplinary team that is focused on addressing the underlying causes of offending.<sup>14</sup>

**Mental Health/Wellness/Community Courts:** these courts are designed to assist

<sup>14</sup> Problem-solving in Canada's Courtrooms: A Guide to Therapeutic Justice. <https://www.nji-inm.ca/index.cfm/publications/?langSwitch=en>

accused persons who have mental health issues. This typically involves specially trained personnel and processes that take into consideration the difficulties that a person with mental health issues may encounter in the criminal justice process.

Wellness/community courts offer integrated supports and services designed to address the problems associated with repeat offenders struggling to reintegrate into society.

There are 11 jurisdictions that operate mental health/wellness/community courts. This includes Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Northwest Territories and Yukon.

**Drug Treatment Courts:** these courts aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for non-violent offenders with drug addictions. Drug treatment courts currently operate in Newfoundland and Labrador, Nova Scotia, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia.

**First Nations/Gladue Courts:** these courts offer restorative justice and traditional approaches for sentencing Indigenous offenders. These courts currently operate in Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia.

**Youth Courts:** Youth between the ages of 12 and 17 who are accused of a crime have their matters heard in youth court, which is a separate court division. Youth courts currently operate in every province and territory in Canada.

**Family/Domestic Violence Courts:** these courts are designed to handle cases of domestic/family violence by offering an integrated, collaborative approach focusing on supporting victims, increasing offender responsibility, and providing early intervention. These courts currently operate in Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and Northwest Territories.<sup>15</sup>

## 9. UN SDG Standard 16.3

Legal aid plans across Canada provide a range of services, such as Test Case programs that promote the rule of law at the national levels to ensure equal access to justice for all. Some examples include involvement in the national criminal justice symposium, and national restorative justice symposium.

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<sup>15</sup>Draft Preliminary Findings, Legal Aid in Canada, 2021-22, Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada, 2023 at 26.

## 10. Other

### **Most Innovative Project 2021-2022:**

Please refer to Appendix B for a detailed list of technological and service innovations that were introduced by legal aid plans in 2021-22 to respond to the challenges brought on by the pandemic in the delivery of criminal law services.

More generally, legal aid plans developed a remote and mobile workforce that was able to participate in client meetings, court appearances, outreach, stakeholder meetings, legal aid organizational meetings, professional development, and committee work remotely and from offices. This enabled legal aid plans to continue to provide full service during the pandemic, and even extend that full service across the province or territory in a way not envisioned before.

### **Most Disappointing Trend of 2021-2022:**

All courts and tribunals have faced challenges in transitioning back to in-person while maintaining the availability of telephone and video appearances. Unfortunately, there has been inconsistent applications between criminal and family law courts and between administrative tribunals.

In many jurisdictions, the police and the prosecution have returned to pre-pandemic charging practices resulting in an increasing number of people being held in jail on remand before trial. This is particularly disappointing since at the beginning of the pandemic there was a conscious and successful effort by both the police and the prosecution to change those practices resulting in a dramatic decrease in the jail population, and the remand population in particular. There was no reported rise in crime for that period.

The introduction of a new federal government online application process for refugee claimants has added significant time to the application process. In Ontario, lawyers have shared that they are hesitant to take on these cases due to the additional time required to assist with the application.

### **Biggest Challenge for 2023:**

Impact of the pandemic on the most vulnerable in our society, who often require legal aid support. The rise in housing prices (ownership and rental), decrease in housing stock, chronic underfunding of public and affordable housing, rising food prices, rising heating and electricity costs compounded by higher interest rates

aimed at trying to curb inflation has meant our clients, who already faced precarious housing and income security issues, are struggling even more. This is compounded by the increased need for health services, mental health services and addiction services. All of which means that as legal issues become more complex; the demands upon legal services to provide quality services that are culturally proficient and trauma informed grows without the corresponding financial investment to enable us to respond in the way we know our clients need us to respond.

Legal aid plans must also cope with the long-term emotional, mental, economic and social consequences of the pandemic upon and staff, service providers. Like many sectors in society, workloads, burnout, and secondary trauma have impacted the wellness of legal aid staff and affected organizations' ability to recruit and retain staff. In legal aid jurisdictions that rely on the private bar to provide services, these pandemic impacts have contributed to a general reduction in the number of lawyers who are available to take legal aid cases.

Securing sufficient and balanced federal/provincial funding to support the continuation and improvement of legal aid programs. It makes it challenging to implement innovations when funding is always at risk. Obtaining funding for legal aid programs has been increasingly difficult, while funding for other justice partners, such as the police, courts and the prosecution, has been steadily increasing.

Adequately addressing systemic racism, and the ongoing effects of colonialism, on racialized and Indigenous communities and persons who are disproportionately represented among legally aided clients and in the criminal justice and child welfare system in Canada requires investments and resources, including training for legal service providers, and funding for things like Gladue reports, impact of race and culture assessments, and enhanced pre-sentence reports.

Finding the right balance for legal aid clients between obtaining the benefits of expanded virtual services while still receiving in-person supports where needed. There are obvious benefits to the expanded use of technology. Some clients are more easily able to access services and are less at risk to miss court or tribunal hearing dates. Providing more access to centralized services on-line increases the likelihood that clients will have access to staff who have the skills, including culturally appropriate competencies, to address their needs regardless of where the client is located.

At the same time, technology is a barrier to those who do not have access, or many who require assistance to make full use of the available virtual services. Geography is a large component in this as rural connectivity lags behind urbanized areas. The barrier is particularly difficult for clients with family law matters where documents are very complex. Vulnerable clients with literacy,

comprehension and time management issues especially may fall through the cracks through an inability to access virtual services.

## Ongoing Impact of COVID 19

The Government of Canada continues to view the virus as “a public health emergency of international concern”.<sup>16</sup> The outbreak of the pandemic in 2020 continues to affect many aspects of Canadian society.

- From March 2020 to October 2022, there were 7.9% more deaths than expected had a pandemic not occurred. COVID 19 has been a main driver of excess deaths overall. Other factors have also been driving excess mortality, in particular among younger Canadians.
- Economy-wide output has increased in 16 of the last 18 months and, in December 2022, was 2.7% above pre-pandemic level. Employment rates for core-aged workers are well above their pre-pandemic baseline
- Inflation continues to be a concern, particularly with ongoing price increases for food and shelter.
- Since early 2020, over 1.2 million permanent and temporary immigrants have come to Canada, accounting for nearly 90% of total population growth. In the third quarter of 2022, Canada posted the largest population growth rate (+0.9%) since the late 1950s.<sup>17</sup>

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<sup>16</sup> [Research to Insights: A look at Canada's economy and society three years after the start of the COVID-19 pandemic \(statcan.gc.ca\)](#)

<sup>17</sup> [Research to Insights: A look at Canada's economy and society three years after the start of the COVID-19 pandemic \(statcan.gc.ca\)](#)

# Appendix A: Eligibility and scope of legal aid services

Eligibility and scope of legal aid services						
Name and Status of Legal Aid Plan	Service Delivery, Eligibility Criteria, Evaluation Process, and Other Limitations	SERVICES PROVIDED				
		Serious criminal matters Criminal with likelihood of incarceration	Youth matters	Family with merit (excluding uncontested divorce and sole property claims)	Child Protection	Other non-family civil
<p><b>Newfoundland and Labrador (NL):</b> Newfoundland and Labrador Legal Aid Commission</p> <p><b>Status:</b> Newfoundland and Labrador's Legal Aid Commission was created in 1976 by the Legal Aid Act. The Legal Aid Commission is an arms-length Crown agency responsible for the administration of legal aid services and reports to the provincial Minister of Justice only for funding purposes.</p>	<p>Legal Aid provides a range of legal services to low income individuals in Newfoundland and Labrador in the areas of family and criminal law.</p> <p>Those who are eligible can access the service of one of Legal Aid's experienced lawyers located throughout the province of Newfoundland and Labrador.</p> <p>There are two requirements you must meet to get Legal Aid. First, you must fit within Legal Aid's financial requirements. Second, your legal matter must be one of the types of legal matters that Legal Aid covers.</p>	Yes. Some summary offences.	Yes	Yes	Yes	<p>Legal Aid will not accept Income support and Housing issues at the first level of adjudication.</p> <p>Where there is merit to an appeal Legal Aid will provide representation - if the applicant's ability to earn a livelihood, income or entitlement to benefits is at issue.</p>
<p><b>Prince Edward Island (PEI):</b> Prince Edward Island Legal Aid</p> <p><b>Status:</b> Prince Edward Island is the only province that provides legal aid directly through a government department. The Office of the Attorney General administers legal aid services through the Legal Aid Division. There is no specific legal aid legislation.</p>	<p>Prince Edward Island Legal Aid is an access to justice program, providing legal representation and assistance to low income individuals who have serious legal needs in the areas of criminal law, youth criminal justice, or family and civil law.</p> <p>Family legal aid provides direct legal representation and assistance by lawyers to individuals who cannot afford to hire a private law firm lawyer when faced with a serious family or related civil legal problem.</p> <p>The first step is to contact your local legal aid office in Charlottetown or Summerside, to</p>	Yes, where law require representation. Some summary offences	Yes	Yes, where domestic abuse is identified. Some less urgent family situations.	Yes	<p>Civil legal aid coverage apart from family law is limited to child protection law, involuntary hospitalization under mental health law, and adult protection laws.</p> <p>In some cases the provision of legal aid in these areas of law may be considered mandatory under the Canadian Charter of Rights and Freedoms if the legal issues involve action by government that could</p>

	make an application. If your legal problem is one that is covered by legal aid, staff will assist in completing your application.					seriously affect individual liberties or security of the person. Entitlement to legal aid where representation may be necessary to protect Charter rights is determined on a case by case basis.
<p><b>Nova Scotia (NS):</b> Nova Scotia Legal Aid Commission (NSLAC)</p> <p><b>Status:</b> NSLAC was created in 1977 by the Legal Aid Act 1 and is responsible for all matters relating to legal aid.</p>	<p>NSLA has many free legal aid services to help adults and youth facing a range of legal issues. If you need a lawyer and can't afford one, you may be able to get a Legal Aid lawyer to represent you.</p> <p>Nova Scotia Legal Aid (NSLA) offers some level of legal assistance to all Nova Scotians, including information, advice and full representation by a lawyer for qualified applicants. Full service is based on financial need, area of law requested and the merit of the case.</p> <p>You must fill out an application and meet financial, area of law, and legal merit requirements</p>	Yes	Yes	Yes. Applications for legal aid involving domestic violence are given priority.	Yes	Poverty administrative law services including Canada Pension Plan, Employment Insurance and Income Assistance.
<p><b>New Brunswick (NB):</b> New Brunswick Legal Aid Services Commission (NBLASC)</p> <p><b>Status:</b> On December 12, 2005, An Act to Amend the Legal Aid Act 1 established the New Brunswick Legal Aid Services Commission (NBLASC), which reports to the Legislative Assembly through the Minister of Justice and Public Safety.</p>	<p>If the services identified fall within NBLASC scope of service and the household income falls within one of the three tiers, a client can get full representation. Client contributions must be paid in full before a certificate will be issued.</p> <p>NBLASC conducts a financial assessment based on three factors: income, allowable deductions and household size. Generally, people with low income, those on social assistance and youth qualify for free representation.</p>	Yes	Yes	<p>Yes. Cases are screened and priority is given to urgent cases and those which can directly benefit children.</p> <p>Family Advice Lawyer services are available to explain how the court works, the rules of the court, the forms that must be filed; or provide information on family law matter. Services are also available to persons named on an</p>	Yes (Services available to the custodial parent)	The Public Trustee of New Brunswick can be appointed to protect the financial and/or personal interests of the elderly who have become mentally incompetent or incapable of managing their affairs due to infirmity.



				Emergency Intervention Order or Emergency Protection Order; or to assist an applicant prepare a motion for substituted service of an Emergency Intervention Order.		
<p><b>Québec (QC):</b> Commission des services juridiques (CSJ)</p> <p><b>Status:</b> The CSJ was created by the Legal Aid Act.</p>	<p>Legal aid is provided free of charge or with a contribution from the recipient. There is a two-part eligibility test to receive legal aid, the client must be financially eligible, and the services requested must be covered.</p> <p>Anyone who receives financial assistance of last resort, other than a special benefit, under the Individual and Family Assistance Act or any family member receiving such a benefit is considered financially eligible for assistance.</p>	Yes	Yes	Yes	Yes	Immigration; claims regarding benefits for social assistance, automobile insurance, unemployment insurance and worker's compensation.
<p><b>Ontario (ON):</b> Legal Aid Ontario (LAO)</p> <p><b>Status:</b> In July 2020, the Ontario legislature passed the <i>Legal Aid Services Act, (2020)</i>, which will govern legal aid in Ontario.</p>	<p>LAO provides high quality and cost effective legal services to low income and frequently highly vulnerable clients each year through Duty Counsel.</p> <p>Clients must be financially and legally eligible to access services.</p> <p>Generally, financial testing is conducted for LAO's certificate and Duty Counsel program to determine if gross income is within LAO's eligibility guidelines.</p>	Indictable and summary only if likelihood of incarceration	Yes	Yes	Yes	Poverty law services are provided by 73 community legal clinics funded by LAO. This includes services for clients dealing with housing, landlord/tenant, employment insurance, disability, workplace safety and human rights/immigration issues, among others.

						<p>19 of LAO's 73 legal clinics provide specialty legal services covering a specific area of law (i.e. workers' health and safety or people living with HIV/AIDS), or representing specific groups of people such as older adults, youth, people with disabilities, people who identify as First Nations, Métis and Inuit, or people who are Southeast Asian, South Asian, or Black.</p> <p>Tenant duty counsel services are available to: advise about rights, obligations and the tribunal processes; review and help prepare court documents; help with mediation, negotiation and representation, and provide public legal education referrals.</p> <p>LAO provides coverage for civil mental health matters such as psychiatric patients seeking help with Consent and Capacity Board (CCB) and Ontario Review Board (ORB) matters.</p>
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<p><b>Manitoba (MB):</b> Legal Aid Manitoba (LAM)</p> <p><b>Status:</b> LAM is an independent organization operating at arm's length from the government. LAM became a government funded program in Manitoba in 1971. <i>The Legal Aid Manitoba Act</i> is the provincial legislation which established LAM as an independent organization.</p>	<p>Legal Aid Manitoba provides legal services to low-income adults and youth in Manitoba who qualify financially and have a case with merit. Depending on financial circumstances clients may receive free legal aid or be required to contribute to the cost of their certificate. Applications can be completed online with a follow up phone call within 30 days or online. Counsel are able to take complete applications from their clients.</p>	<p>Indictable and summary only if likelihood of incarceration, loss of employment upon conviction or risk of deportation upon conviction.</p>	<p>Yes</p>	<p>Yes; LAM also offers collaborative law and provides counsel for uncontested divorces where parties have been separated for one year.</p>	<p>Yes</p>	<p>Immigration and refugee; Mental Health Review Board. The Public Interest Law Centre represents eligible individuals or groups for human rights, Indigenous rights, consumer rights, poverty and protection of the environment.</p>
<p><b>Saskatchewan (SK):</b> Legal Aid Saskatchewan (LAS)</p> <p><b>Status:</b> LAS was established pursuant to the Legal Aid Act which came into force in September 1983.</p>	<p>Youth and those receiving social assistance or band assistance are eligible for Legal Aid. Those who are working and have a low income, are likely eligible for Legal Aid. Legal Aid does a financial test to determine if you are eligible for services.</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>None</p>

<p style="text-align: center;"><b>Alberta (AB):</b> Legal Aid Alberta</p> <p><b>Status:</b> LAA is an independent, publicly funded, not-for-profit organization. It operates under a Governance Agreement between Legal Aid Alberta, the Law Society of Alberta, and Alberta Justice and Solicitor General.</p>	<p>Legal Aid Alberta considers both financial and service eligibility to determine if an individual is eligible for legal representation. When you call or go to a Legal Services Centre, a Legal Services Officer will work with you to complete an assessment to determine the nature of the issue and the type of service required.</p> <p>The Legal Aid Society of Alberta considers the applicant's income and an appraisal of their assets. A person may be eligible for legal representation and to have a lawyer appointed if their allowed income falls within the financial thresholds.</p>	Yes	Yes	Yes	Yes	<p>Immigration and refugee; adult guardianship/ trusteeship and income support.</p>
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<p><b>British Columbia (BC):</b> Legal Aid BC</p> <p><b>Status:</b> Legal Aid BC is a non-profit organization created by the Legal Services Society (LSS) Act in 1979 to provide legal information, advice, and representation services.</p>	<p>Legal Aid BC will pay for a lawyer to represent you if: a) your legal problem is covered by their legal aid rules; b) you meet their financial guidelines, and c) you have no other way of getting legal help.</p> <p>Legal Aid BC provides a wide range of public legal information and education services, including publications, community outreach, websites (family law and Aboriginal legal aid), and MyLawBC.</p>	<p>Yes, where likelihood of jail; conviction could result in immigration issues; where client has defence based on Indigenous rights or cannot represent because of mental/physical disability.</p>	<p>Yes</p>	<p>Limited representation in serious family matters where there is domestic abuse, child safety is at issue or there are highly contested issues.</p>	<p>Yes</p>	<p>Refugee claims, immigration issues that could result in removal from Canada, Mental Health Review Panel or BC Review Board Hearing, and some prison law issues.</p>
<p><b>Yukon (YK):</b> Yukon Legal Services Society (YLSS)</p> <p><b>Status:</b> YLSS is an independent, non-profit organization funded by the Government of Yukon and the Government of Canada. In accordance with the Legal Services Society Act a Board of Directors appointed by the Yukon Minister of Justice governs the YLSS.</p>	<p>To receive legal aid:</p> <ul style="list-style-type: none"> <li>You must have a legal problem that we cover.</li> <li>Your income and the value of your property must be below a certain limit.</li> <li>You might have to pay a contribution to YLSS.</li> <li>In some civil matters, there must also be a strong reason (merit) for providing legal aid to assist you.</li> <li>The legal problem is something that a reasonable person of modest means would, if financially able, pay a lawyer to do.</li> </ul>	<p>Yes, where likelihood of jail. Special applications may be covered where the application has merit.</p>	<p>Yes</p>	<p>Interim family matters if children are involved</p>	<p>Yes</p>	<p>Mental Health Act</p>
<p><b>Northwest Territories (NT):</b> Northwest Territories Legal Aid Commission</p> <p><b>Status:</b> Legal aid in the Northwest Territories is administered by the Legal Aid Commission, established as a corporation by the Legal Aid Act.</p>	<p>To apply for legal aid, you must make an appointment with one of the legal aid offices in Yellowknife, or with a community court worker for assistance with filling out an application.</p> <p>In order to qualify for legal aid, you must meet financial eligibility requirements. You may be required to pay some or all of the</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Outreach Legal Aid Clinics provide free limited, confidential legal information and advice (cannot provide representation).</p> <p>The program assists people dealing with issues such as:</p>

	costs of your case as determined by your total household income and number of dependents.					<ul style="list-style-type: none"> <li>-Housing, landlord, and tenant disputes</li> <li>-Disability, Canada Pension Plan, EI and Income Support Claims and Appeals</li> <li>-Employment Rights</li> <li>-Worker's Health and Safety Commission claims</li> <li>-Wills and estate advice</li> <li>-Mental health and guardianship reviews</li> <li>-Child protection matters</li> <li>-Elder abuse</li> <li>-Family Law</li> <li>-Debtor, creditor or civil claims (formerly known as small claims court)</li> </ul>
<p style="text-align: center;"><b>Nunavut (NU):</b> Legal Services Board of Nunavut (LSB)</p> <p><b>Status:</b> LSB was established on July 1, 2000. Prior to that date, a joint Board of Directors made up of members from both the Northwest Territories and Nunavut administered the delivery of legal services</p>	<p>The Legal Services Board of Nunavut provides legal aid services in each region of Nunavut through regional legal aid clinics based in Iqaluit, Rankin Inlet and Cambridge Bay. Each clinic is staffed by a complement of family and criminal lawyers, administrative support, and court workers. Court workers are based both within the clinics and in the communities. As the territory's legal aid plan, LSB is responsible for providing legal services to financially eligible Nunavummiut in the areas of criminal, family and civil law. Lawyers help people who have kids and problems with their common-laws or Social Services. Civil Lawyers help people who have daily problems like with their landlords or employers. Legal Aid Lawyers also fly to communities for court.</p>	<p>Yes, if under arrest or charged. Everyone gets a lawyer when appearing before court for the first time.</p>	<p>Yes</p>	<p>Some family law plus family law information line</p>	<p>yes</p>	<p>Some civil law plus civil/poverty information line</p>

# APPENDIX B

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
<b>Newfoundland and Labrador -technological</b>				
Upgraded IT hardware	During 2021-22, Legal Aid NL made significant investments to upgrade and replace ageing computer hardware. As part of this initiative, upgraded laptops were deployed to approximately 50 per cent of the lawyers to improve remote working capabilities.	2021-22	Staff and clients. Staff are able to work from home to meet client needs.	
Software Upgrades	Significant improvements were made to Legal Aid NL's website, including upgrading the background software platform. During 2021/22, Legal Aid acquired video editing software to create training videos which will be available via a secure YouTube channel for Legal Aid Lawyers and support staff province-wide.	2021-23	Lawyers and support staff.	
<b>Newfoundland and Labrador - service delivery</b>				
Piloted technology-based solutions to improve client service delivery	In October 2021, Legal Aid NL piloted an online website portal that provided prospective clients the ability to apply for legal aid online. During Q3 and Q4, Legal Aid NL received several online applications from clients and the uptake and demand for this service continues to grow. During the year, Legal Aid NL tested various technological solutions to facilitate virtual risk assessments for Family Violence Intervention Court (FVIC) clients in Stephenville. After some testing, Skype guest accounts were created	ongoing	Clients and Staff Layyers. Clients can apply online without have to appear in person and Lawyers are able to meet with clients through a secure connection without have to travel or meet in person.	

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
	and several risk assessments were completed virtually in 2021-22. The project has resulted in considerable savings in travel cost and significantly improved client service for both FVIC clients and court staff.			
Implemented training programs in response to staff survey/feedback	During 2021-22, Legal Aid NL held a series of lunch-and-learns via Skype to provide ongoing training and development Commission-wide. In particular, dedicated training sessions were delivered to help enhance utilization and functional knowledge of the Legal Aid Management Information System (LAMIS). Furthermore, Legal Aid NL also developed and updated Standard Operating Procedures (SOPs) for various commonly used software programs and made them available to staff.		Staff are able to improve skills without having to attend in person training seminars.	
<b>Nova Scotia - technological</b>				
Certificate Invoice Digitization	Convert Certificate form to digital form with digital signatures.	6 months (temporary)	Certificate Lawyers/ Managing Lawyers & Administrative staff at local & Executive offices.	Increases efficiencies in certificate management and processing payments by reducing transcription errors, math errors and form filling redundancies. Also prevent issues with handwriting or legibility.
Support Staff Laptops	Provide Support Staff with laptops instead of desktop computers.	3 months (permanent)	Support Staff/Clients.	Providing laptops has created a better remote work life balance and enabled support staff to participate in required teams/web meetings.
<b>Nova Scotia - Service delivery</b>				



- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
Increased criminal certificates issued to private lawyers to deal with Covid backlogs in courts	To assist with backlogs where staff lawyers were at max capacity.	Throughout 2021-22 (temporary)	Justice system and clients.	Reduction in pressure on staff lawyers and ensured clients received representation as matters proceeded. That also assisted the justice system overall.
Online adjournment requests and variation applications for self-represented parties	Provided assistance to self-represented parties seeking adjournments and variation applications when access to court in-person was limited due to COVID-19 restrictions and helped to address backlog in the provincial courts.	Throughout 2021-22 (temporary)	NSLA Staff, Clients, self represented litigants, Court System/ services.	Online adjournment request form and variation application processes created and added to NSLA website.
Virtual professional development, including annual general meeting	To ensure staff received appropriate professional development in order to satisfy bar requirements and maintain high level of competency.	Throughout 2021-22 (temporary and permanent)	Staff were able to receive the necessary training.	Staff received training safely.
<b>New Brunswick - Service delivery</b>				
Private bar criminal certificate	To meet the increased number of certificates.	2021-22 (permanent)	Clients.	Consistency in service delivery.
Private bar criminal duty counsel	To meet the increase in bail hearings.	2021-22 (permanent)		
Criminal contact lawyer	To cover staff shortages.	2021-22 (permanent)		
<b>Quebec - technological</b>				
Programme eMAJ	Digital transformation of the legal aid network	2024-03-31 (4 year investment)	Clients and staff and private bar lawyers.	Service improvements.
Acquisition of computer hardware	Upgrading of equipment and staff mobility	2024-03-31 (permanent)	Staff and clients.	
<b>Quebec - service delivery</b>				
Itinerant court (Grand Nord)	Legal representation services.	2022-03-31 (permanent)	Indigenous clients.	Service improvements.
Virtual appearances on weekends and holidays	Reduce court delays.	2022-03-31 (permanent)	Clients.	
Projet Centaure	Gun control.	2022-03-31 (permanent)	Citizens.	Fighting gun violence.
<b>Ontario - technological</b>				
Service Integration (SI) -	Deploy and continue to improve online worksheet to	Originally developed in	Clients: improved services and	Have system available at all court sites. Target is to have

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
Duty Counsel (DC) Worksheets *project goals were impacted by COVID pandemic - at this time, with remote services being provided to clients, all staff and per diem DC use the SI worksheets	capture client information to improve client services and record-keeping, ensure continuity of client files, and improve data collection and reporting to better understand client needs and services delivered. Obtain better data and understanding of issues related to bail and delays in criminal Courts.  The worksheet was updated in 2020 to include fields to identify reasons for adjournments, and tracking of bail conditions. Legal Aid Ontario (LAO) continues to make improvements to the SI worksheet.	2018; expanded in 2020 to per diem DC. (permanent)	record-keeping. Justice system partners: more accurate records; reduced appearances; more accurate reports resulting in better allocation of scarce resources.	all duty counsel services recorded through the system.
Remote appearances, disclosure review and summary legal advice	LAO adapted to remote services due to the pandemic and to ensure clients could have access to legal advice remotely; developed processes and invested in technology to ensure staff had access to equipment and software necessary to assist clients.	Started in March 2020, LAO has continued to update infrastructure, access to software and security updates. (permanent)	Clients: improved services and record-keeping. Access to legal advice and counsel for remote and hybrid court hearings. Justice system partners: more accurate records; reduced appearances; more accurate reports resulting in better allocation of scarce resources.	LAO is aiming to ensure that the most vulnerable clients have access to services during and following the pandemic. LAO aims to keep assisting the courts by ensuring that bail supports are available, and that duty counsel continue to assist eligible clients with disclosure reviews, pre-trials and resolutions.
Dedicated phone lines for Summary Legal Advice - Criminal and Family (SLAC and SLAF)	Through the use of these phonelines, LAO offered more summary legal advice in family and criminal law matters, temporarily waiving financial eligibility testing requirement.	March 2020 (temporary)	Clients: Increased access to legal advice.	LAO aimed to ensure clients had easy access to legal advice during the pandemic.
Return to in-person services (Hybrid)	LAO conducted site surveys to ensure compliance with Health and Safety protocols and Public	On-going (permanent)	Clients: Improved access to service; Justice system	LAO is aiming to provide safe and reliable access to legal advice to promote access to

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
	Health safety requirements for staff and clients attending court locations. In addition to these assessments, LAO updated equipment and wireless infrastructure.		partners: reduced and more meaningful appearances.	justice and facilitate court appearances.
Improvements to LAO's client portal	LAO introduced the ability for clients to apply for Legal Aid online in May of 2021.	Ongoing (permanent)	Clients: Easier access to apply for Legal Aid; Justice system partners: reduction in administrative appearances for Legal Aid applications.	LAO is aiming to increase access points and simplify the application process for clients.
Overall updates to LAO's remote desktop environment, Adobe, security updates and CRM updates to ensure remote and hybrid services can function seamlessly	LAO worked on upgrading infrastructure necessary to shift from an in-person service environment to a hybrid service delivery model.	Ongoing (permanent)	Clients: Uninterrupted access to LAO.	
<b>Ontario - service delivery</b>				
COVID enhancements	LAO aimed to ensure that clients and lawyers were supported throughout the pandemic by introducing the following measures: -Waiver of financial eligibility testing for in-custody criminal clients; - Increased compensation for bail hearings for block fee and tariff matters in recognition of longer bail hearings; - Reinstatement of coverage for block bails; - Waiver of merit testing for bail reviews; - Introduction of coverage for Myers detention reviews; - Provision of an additional two hours of coverage for mandatory Judiciary Pre-Trials	March 2020 until LAO's board removes the enhancements (temporary)	Clients: improved services and access to justice, reduction in in-custody population, reduction in unnecessary court appearances; Justice system partners: reduced and more meaningful appearances, fewer in-custody appearances, fewer adjournments for administrative purposes, increased	LAO aimed to ensure the most vulnerable clients had access to services during the pandemic. LAO aims to keep assisting the courts by ensuring that bail supports are available and that clients are afforded legal representation at the earliest opportunity.

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
	<p>in both the Ontario Court of Justice and the Superior Court of Justice;</p> <ul style="list-style-type: none"> <li>- Introduction of dedicated phone lines to connect in-custody individuals directly duty Counsel;</li> <li>- Coverage for Temporary Absence Permits for individuals in provincial and federal Institutions.</li> </ul>		representation and efficiency.	
Support for Judge-led Intensive Case Management Court (JICMC) and Lawyer applications for JICMC	LAO supports the Judge-Led Intensive Case Management Court (JICMC) with time-limited certificates for accused individuals without retained counsel whose matters are more than twelve months old and who have had their cases adjourned to the JICMC. Clients do not need to contact LAO directly; their lawyer will initiate and complete the application on their behalf. No financial testing is applied to these certificate.	October 2021 and ongoing (temporary)	Clients: ensure limited but timely representation is available in JICMC courts without the need for eligibility testing and without submitting an application to LAO.	Increased access to representation and increased efficiency in JICMC courts.
Virtual Case Management Court services (VCMC)	Representation is provided across most locations in virtual case management court (VCMC). The VCMC pilot program saw 2 per diem duty counsel attend case management in 8 locations has ended and has shifted more toward staff taking on the role. Duty counsel continues to attend VCMC and will assist clients in a breakout room as required. This was not a service that was provided pre-pandemic but will remain part of DC programming until further decisions are made by the executive.	Ongoing (temporary)	Client: provided easier access to legal aid.	In response to the pandemic and the lack of in-person services available, LAO aimed to ensure clients had access to legal aid.
Increased call centre hours	LAO launched a pilot project extending the hours of operation of the contact centre from 5:00 p.m. to 7:30 p.m.	2021 to 2022 (temporary)	Client: provided easier access to legal aid.	In response to the pandemic and the lack of in-person services available, LAO aimed to ensure clients had access to

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
	These extended hours were introduced in response to the pandemic in order to improve services and become more accessible to clients. Once demand for the service was no longer needed LAO resumed regular business hours 8 am to 5 pm.			legal aid beyond "normal" business hours.
<b>Manitoba - Technological</b>				
Investing in technology	Decrease travel time and cost; digitizing files, providing equipment to staff, etc.	On-going (permanent)	Clients, counsel, staff.	More efficient service provision.
Pilot project to access to legal aid	Allow applicants / clients in rural communities and on reserve alternative methods to contact legal aid and their counsel from their home town/city/reserve.	Delayed to 2023-24 (permanent)	Applicants, clients.	Access to legal aid for applicants and clients.
<b>Manitoba - Service delivery</b>				
Increase in private bar capacity	Incentivize private bar to take more cases.	2021-22 to 2023-24 (temporary)	PB, clients	Quicker turnaround of cases; clearing the backlog.
Address backlog of cases	Increased enhanced duty counsel to facilitate early disposition of cases.	2021-22 to 2023-24 (temporary)	clients, PB, courts	Quicker turnaround of cases; clearing the backlog.
Work from home access	Provide staff with cell phone access to work from home.	2021-22 (temporary)	all stakeholders	Services continue uninterrupted.
Offsetting client payment holiday	To allow clients to manage their financial obligations during COVID.	2021-22 (temporary)	clients	Services continue uninterrupted.
<b>Saskatchewan - Technological</b>				
Hire IT Manager	Modernize and digitize Legal Aid Saskatchewan's (LAS) IT infrastructure in order to meet the demands.	October 2021 to no end date (permanent)	Applicants and staff. Clients/applicants will benefit with an individual managing the IT for LAS.	Improved IT services with someone directly responsible for managing IT.
IT cloud processing and migration. Implement O365 and Support.	Modernize and digitize the IT infrastructure in order to meet the demands.	June 2021 to no end date (permanent)	Applicants and staff. Clients /applicants will benefit with better access with staff through better IT.	This initiative is intended to move the organization from processes that are either paper or hybrid paper/electronic to more electronic-based processes.

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
Additional enhancements to Legal Aid Information Database	Modernize and digitize the IT infrastructure in order to meet the demands.	December 2020 to no end date (permanent)	Applicants and staff. Clients/applicants will benefit with better access with staff through better IT.	This initiative is intended to move the organization from processes that are either paper or hybrid paper/electronic to more electronic-based processes.
<b>Saskatchewan - Service delivery</b>				
Hire Term Lawyer Positions	To reduce waitlists and backlogs for criminal legal aid services.	September 2021 to March 2024 (temporary)	Clients/applicants will benefit with more prompt legal services.	Reduced wait times and backlogs
Contract Private Bar (PB) to assist with backlogs due to Covid	To reduce waitlists and backlogs for criminal legal aid services.	April 2021 to March 2024 (temporary)		
Digitize Private Bar processing review	To modernize and digitize the PB processing.	February 2022 to October 2022 (temporary)	Improve process for payment and management of private bar.	Better oversight of payments in a timely fashion.
Restructuring of head office staff for administrative support of improved service delivery	To improve management, oversight and risk management.	April 2021 to no end date (permanent)	Applicants and staff/private bar. Clients/applicants will benefit with additional support from head office for the service delivery by staff and private bar lawyers.	Improved overall management of the legal aid system.
Strategic Planning exercise (consultant fee only)	To establish priorities to meet the service delivery initiatives	July 2021 to September 2022 (temporary)	All stakeholders.	A robust 5 year Strategic Plan including implementation plan and metrics.
<b>Alberta - Technological</b>				
Modernize and enhance systems and equipment - including client record and case management	Simplify systems, enhance capabilities - including improved support for remote/virtual work.	Ongoing (permanent)	Clients, private bar, and staff.	A modernized and enhanced system and equipment that better supports client record and case management, and remote/virtual work.
<b>Alberta - Service delivery</b>				
Improved client access to legal aid services	Allow clients better access to services - wherever they live in Alberta.	Ongoing (permanent)	Clients.	Allow clients better access to services - wherever they live in Alberta.
<b>British Columbia - Technological</b>				

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
Technology Grant - Criminal only	<p>Many lawyers who do legal aid do not have the technology necessary to best serve clients and the courts remotely from their homes. They are concerned about meeting face-to-face with clients during the pandemic and need online access to courts. A technology grant allows them to purchase equipment for essential remote communication. Remote communication with clients, other lawyers and the courts requires improved bandwidth, data capabilities, hardware and software and technological support.</p> <p>Payment parameters:</p> <ul style="list-style-type: none"> <li>- a one-time payment per lawyer;</li> <li>- eligibility is based on the lawyer having taken a minimum number of contracts during the fiscal year (2021/2022) and making a commitment to be available to take a minimum number of contracts during the current fiscal year (2022/2023);</li> <li>- the payment amount is scaled based on the lawyer's seniority (junior lawyers receive the highest payment).</li> </ul>	2021-22	Lawyers with eligible criminal representation contracts and duty counsel equivalent contracts.	Provided regular legal aid lawyers with resources to acquire hardware and software necessary to adapt to increasingly digital and virtual court processes.
<b>British Columbia - Service delivery</b>				
Virtual Bail - partially funded with federal pandemic recovery funding	<p>Support Provincial Court to transition to remote bail hearings province-wide:</p> <ul style="list-style-type: none"> <li>-introduction of regional duty counsel.</li> <li>- Improved coordination between justice participants: Crown, Court Services, Defence counsel, LABC (intake), duty counsel on the MS teams channels created by the office of the Chief Judge for virtual bail, as well as by email.</li> <li>- Balanced work loads so the 4</li> </ul>	April 2021 and ongoing.		

- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
	<p>duty counsel scheduled in each geographic region (so far the North and Interior) can assist each other to cover all detainees where there are conflicts or high volumes in 1 location – previously we'd have to appoint ad hoc duty counsel for smaller locations, often after some delay.</p> <p>- LABC (Intake, local agents, duty counsel team in HO) provides increased support for duty counsel – providing information about detainees and prioritizing legal aid applications from detainees – to try to connect clients to counsel before they are released.</p> <p>- The planning process has allowed LABC direct access to Court, Crown, Corrections, and Sheriff services, with ACJ coordinating this, so that our suggestions and recommendations for improvements are communicated directly to others, leading to quite prompt changes/improvements. This is a much more responsive system than before and LABC's advice has been welcomed and has resulted in improvements for our clients (re communications with counsel, timely bail, content of bail packages).</p>			
<b>Northwest Territories - Technological</b>				
Additional laptop and webcams	To support remote appearances.	Permanent	Clients and counsel.	Increased access to representation.
<b>Northwest Territories - Service delivery</b>				
Creation of weekend bail assignment	Access to faster bail, avoid detention in crowded facility.	Throughout 2021-22 (temporary)	Clients, administration of justice.	Releasable clients spend less time in remand.



- Criminal legal aid innovations to address pressures resulting from COVID-19, 2021-22				
Name of Innovation/ Initiative(s)	Objective	Timeline	Beneficiary	Expected Outcome
Additional counsel assigned to bail court as remote appearances more time consuming	Reduce pressure on staff lawyers.	Throughout 2021-22 (permanent)	Clients, staff lawyers, administration of justice.	Support smooth operation of bail court, earliest possible release for clients, address staff burnout.
Serious case isolation travel period cost	Ensure serious matter could proceed.	2022-03-01 (temporary)	Client, administration of justice.	Trial was able to proceed.

