
**Grants Review and Future Directions:
Law Foundation of Nova Scotia
March 2017**

Law Foundation of Nova Scotia
Suite 1305, Cogswell Tower, 2000 Barrington St.
Halifax, Nova Scotia B3J 3K1
902-422-8335 nslawfd@nslawfd.ca
www.nslawfd.ca

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Law Foundation of Nova Scotia
Grants Review and Future Directions Report – March 2017

SUMMARY

Summary

The goal of the *Grants Review and Future Directions Project* is to provide the Law Foundation Board with a roadmap for moving forward with setting priorities for core grants and projects. Project activities included internal review of revenue sources and operations.

Methodology

The project began in April 2016 and ended in March 2017. The research for the various components included a mixture of in-person meetings, surveys and online research.

In choosing who to interview we were guided by the need to seek input from those working within the justice system, those providing services in the community, and from both urban and rural areas. We also sought to gain insight into the needs of the historically disadvantaged such as the Mi'kmaw and African Nova Scotians.

For more information beyond the summary about methodology and a full list of organizations that participated in the consultations see the full report and appendices available online at the Foundation's website www.nslawfd.ca

Limitations

The project provides a snapshot of current unmet legal needs as identified by those we interviewed or who responded to the written survey. Time and financial resources did not allow for interviewing all grantees or for seeking input from non-grantee agencies or the general public. Nor were we able to visit all regions of the province. We had planned to visit several more areas of the province but, after a few visits, we recognized that the same or similar keys issues were common to many rural areas. We also recognize not all initiatives aimed at meeting legal needs are captured in this report because new initiatives are developed all the time both by current and new players, often through project funds or volunteer efforts, and we may not be aware of them all.

Services Currently Available

While there are numerous and diverse legal services available, as far as we are aware, there is no fully comprehensive list of all services. In addition to the legal advice and full representation provided by the private Bar, Nova Scotia Legal Aid (NSLA), and Dalhousie Legal Aid Service (DLAS), there are many community agencies providing legal information, referral, support services and online resources. Their target audiences range from victims to offenders, from youth to seniors,

from support in institutions to support in the community and address single issues and/or a broad spectrum of legal topics.

The lack of a single site listing all the information about current legal services poses challenges for organizations, big and small, as they try to make sure they are aware of and keep up to date on the many services. It also poses challenges for the individuals seeking information about available services.

Major Findings

- Vulnerable populations

“Individuals with lower incomes and members of vulnerable groups experience more legal problems than higher income earners and members of more secure groups.” (*Action Committee on Access to Justice in Civil and Family Matters Report, October 2013*)

They include Indigenous and African Nova Scotian communities, immigrants and refugees, women, the LGBT communities, seniors, youth, individuals living in poverty and/or homeless, and individuals with low literacy skills, mental health issues and/or disabilities.

- The legal system generally suffers from

- Lack of public education about the law, rights and responsibilities
- Low literacy levels
- Complicated forms and procedures
- Lack of coordinated user-focused approach
- Complicated court systems
- Lack of facility for information sharing and collaboration
- Lack of ADR opportunities
- Knowledge and skills gaps among legal and other professionals – cultural competency; diversity in ranks; skills to recognize and work with vulnerable clients; ageism; knowledge of help available/appropriate referrals
- Gaps in services – mental health; culturally appropriate; barriers to accessing online resources; free advice beyond summary; centralization and impact on rural communities

- Self-represented litigants/ court users

- Limited duty counsel
- Low literacy
- Complicated forms and processes
- Lack of education about law, rights and responsibilities

- Family law

- Lack of basic information – particularly for non-mainstream population
- Lack of specific services/information for racialized communities
- Lack of resources for women

- **Criminal law**
 - Lack of legal assistance for low-middle income individuals
 - Lack of awareness of intersection between criminal law and immigration law
 - Lack of culturally specific summary off-hours advice for individuals in custody
 - Complicated criminal record suspension process – literacy; forms
 - No prison law services
 - Over-representation of Aboriginals & African Canadians in prison population
 - Victims/ sexualized violence – girls at risk; toxic court process for victim-witnesses; under-reporting; lack of alternatives to deal with domestic violence

- **Poverty**
 - Lack of information/education around poverty law issues
 - Homelessness and mental health
 - Services not easily accessible in rural areas
 - Ongoing education of intermediaries about poverty law issues

- **Immigration and refugees**
 - Lack of knowledge of intersection of immigration, criminal & family laws
 - Lack of prison advocate
 - Need accessible translation services – small communities – privacy issues
 - Need education about rights and responsibilities – and in a range of languages
 - Need more pro bono lawyers to assist with refugee applications

- **Civil non-family law**
 - Lack of duty counsel and legal aid
 - Lack of awareness/ understanding of civil rules, procedures and court process
 - Judgment enforcement system – ineffective and misunderstood
 - Need Education of self-represented executors
 - Low literacy and complex legalese in process and systems
 - Lack of Alternative Dispute Resolutions options (ADR)

Priority Unmet Needs – some gaps and solutions were repeatedly identified:

- **Cost of legal services:** options and help for low-middle income individuals in the area of civil non-family, e.g. Small Claims Court, probate, judgment enforcement
- **Family law information:** particularly in the area of child welfare – minorities over-represented. Still a great need for information. Growing number of self-reps dealing with family law issues.
- **Rural access:** access to free legal services and access to service providers. Centralization of services, e.g. justice centres, pose significant barriers because of lack of transportation options and limited services.
- **Self-represented litigants:** information, guides, advice, navigation – numbers growing. Some have no option but to represent themselves, others choose to. Literacy, complicated processes/forms, lack of legal education.
- **Pro-bono:** rural areas, form filling, prison advocacy. Again lack of services, limited Bar.
- **Alternative Dispute Resolution:** affordable or free options and prevention/early resolution options
- **Cultural competency:** education and awareness for legal community and frontline staff to facilitate improved service to and access to justice for racialized and minority communities. How to recognize and provide services to vulnerable people.

Moving Forward

A wide range of potential solutions were suggested by interviewees. Some fall within the mandate of the Law Foundation. Other solutions do not fall within the mandate but provide a background of the wide range of programs and services needed. We expect this report will be a catalyst for positive change.

As a result of the findings in the report, the Foundation has identified some priorities:

Future Grants: The primary focus of future grants should continue to be services that address the legal needs of vulnerable Nova Scotians including:

- direct services to individuals – information, navigation, assistance with applications etc.
- services that help prevent legal problems through education and information
- services that provide information and resources to front line staff and intermediaries who assist vulnerable individuals
- services that address a priority unmet need

Project funding: Should revenues increase, consideration will be given to allocating a portion of future annual budgets to project funding.

For more detail, consult the full report on The Foundation’s website, www.nslawfd.ca

1. Overview of the Report and Goals of the Project

1.1. Overview of the Report

This report provides:

- a snapshot of current key legal information, education and support services available in Nova Scotia
- information on vulnerable populations
- an outline of what we learned about unmet legal needs and access to justice barriers from grantees and other key justice stakeholders through meetings and surveys. It covers:
 - barriers related to specific target audiences
 - vulnerabilities
 - legal issues
 - potential solutions, suggested by interviewees or as a result of information gathered, to provide the board with guidance and a basis against which to measure future grant ideas and applications
- a summary of the Foundation's priorities going forward

1.2 Goals of the Project

To provide the board with:

- a roadmap for moving forward with setting priorities for core grants and projects

Project activities included:

- meetings with key justice stakeholders and grantees to explore unmet needs and priorities
- an electronic survey of grantee organizations with which we did not meet
- an internal review of revenue sources and operations

1.3 Methodology

The project began in April 2016 and ended in March 2017.

The research for the various project components were a mixture of in-person meetings, surveys and online research. In choosing who to interview we were guided by the need to seek input from both those working within the justice system, those providing services in the community, and from both urban and rural areas. We also sought to gain insight into the needs of the historically disadvantaged such as the Mi'kmaw and African Nova Scotians.

We developed questionnaires to guide the interviews but encouraged and welcomed free flowing discussion. For the most part, a questionnaire was provided to the interviewee in advance so that he/she was aware of what type of information we were seeking. Most interviews were one-on-one (18) but there were also two group sessions attended by a number of service providers.

Six grantee organizations responded to the written survey. For a list of organizations that participated in the consultations see **Appendix D**

1.4 Limitations

The project provides a snapshot of current unmet legal needs as identified by those we interviewed or who responded to the written survey. Time and financial resources did not allow for interviewing all grantees or for seeking input from non-grantee agencies or the general public. Nor were we able to visit all regions of the province. We had planned to visit several more areas of the province but, after a few visits, we recognized that the same or similar key issues were common to many rural areas. We also recognize not all initiatives aimed at meeting legal needs are captured in this report because new initiatives are developed all the time both by current and new players, often through project funds or volunteer efforts, and we may not be aware of them all.

2. Services Currently Available

While there are numerous and diverse legal services available however, as far as we are aware, there is no fully comprehensive list of all services. **Appendix A** provides a summary of key services. In addition to the legal advice and full representation provided by the private Bar, Nova Scotia Legal Aid (NSLA), and Dalhousie Legal Aid Service (DLAS), there are many community agencies providing legal information, referral, support services and online resources. Their target audiences range from victims to offenders, from youth to seniors, from support in institutions to support in the community and address single issues and/or a broad spectrum of legal topics.

Services include assistance with form filling, support in court, summary advice programs, and information on specific areas of law. With the assistance of lawyers who volunteer their time, the Halifax Refugee Clinic provides representation before the Refugee Board for refugees with limited financial resources. Most government departments have information on legislation and legal processes for which they have responsibility. There are also websites which provide a range of information, for example, CourtsNS.ca, NSFAMILYLAW.ca, and the Legal Information Society of Nova Scotia (LISNS). There are several lawyer referral services (Reachability, LISNS, and Association des jurists d'expression française la Nouvelle-Écosse (AJEFNE)). Many other community organizations provide legal information to clients and are well positioned to connect their clients with the help they need.

The lack of a single site listing all the information about current legal services poses challenges for organizations, big and small, as they try to make sure they are aware of and keep up to date on the many services. It also poses challenges for the individuals seeking information about available services. Even 211 does not have a fully comprehensive list.

3. Vulnerable Populations and Access to Justice

There are many historical and socio-economic reasons why certain populations are vulnerable. Often vulnerabilities are interconnected for example, homelessness, mental health, discrimination, poverty and criminalization. **Appendix B** provides an outline of key vulnerable populations. They include Indigenous and African Nova Scotian communities, immigrants and refugees, women, the LGBT communities, seniors, youth, individuals living in poverty and/or homeless, and individuals with low

“Individuals with lower incomes and members of vulnerable groups experience more legal problems than higher income earners and members of more secure groups”.

Action Committee on Access to Justice in Civil and Family Matters Report, Oct. 2013

literacy skills, mental health issues and/or disabilities.

It is recognized that, if access to justice is to be improved, the needs of vulnerable populations must be addressed. Over the past 30+ years thinking has shifted to appreciate that access to justice is more than just access to the courts and legal advice. Access to justice, broadly speaking, includes access to laws and services that help an individual solve or prevent his/her legal issues.

“...The expanded conception of access insists that we take into account the structural inequities in our justice system and that we see our justice institutions as responsible to do more than simply expose people to dispute resolution processes.”

M. Jerry McHale, QC, University of Victoria Access to Justice Centre for Excellence
(/blog/?category=Access+to+Justice)

4. Barriers to Access, Unmet Legal Needs and Potential solutions

A wide variety of issues and gaps emerged during interviews including the structure of the system, historic racism and discrimination, funding, the needs of self-represented system users, and specific challenges for vulnerable populations.

In each part of this section, we outline some of the key barriers followed by potential solutions suggested by interviewees. Some of these solutions fall outside the mandate of the Law Foundation, but are included to provide a fuller picture of the wide range of resources and programs needed to address gaps and unmet needs. A summary of all the suggested potential solutions is provided in **Appendix C**.

4.1 The Legal System Generally

4.1.1. Lack of information and education about the law and the legal system

BARRIERS

- Lack of knowledge and understanding of the law and legal processes by the public. Generally, legal literacy and knowledge do not form part of the fabric of the formal education system offered in schools. Nova Scotians, like most Canadians, are not well informed about rights and responsibilities and this impacts both on the ability to avoid legal problems and to deal with them when they arise.
- Low literacy levels - compounded by complicated legal terms, language and processes. (*Forty-eight per cent of Canadian adults have inadequate literacy skills - the Conference Board of Canada, June 2014*)
- Civil procedure rules, the Criminal Code and other legislation are a maze for self-represented justice system users who may struggle to understand the language in rules, statutes, regulations and case reports, which rules, sections and forms apply to their situation, and how to complete and file forms correctly
- Obstacles and barriers to making the system more user-focused. Many working within the justice system recognize that it needs to change its focus but admit that the process is slow as each sector of the system moves at its own pace and it may take time to get everyone to buy-in.
- Confusion and delays (for example, wrong forms completed) resulting from having two systems of family law in Nova Scotia; the Supreme Court (Family Division) in Halifax and Cape Breton and the Family and Supreme Courts in other regions of the province. As well, processes may vary from one court to the next because of judicial preferences and practices.

POTENTIAL SOLUTIONS

Better coordinated (and possibly integrated) pro bono activities to facilitate improved access by the public and potential volunteers

- There are a number of pro bono initiatives such as those offered at the Supreme Court, the summary advice programs offered by Nova Scotia Legal Aid, form filling assistance offered by reachAbility and the John Howard Society in Halifax, the Pro Bono students Wills Project, and the LISNS Wills and Court Navigator Pilot Initiatives to name a few.
- These initiatives are often not well resourced and not well-known among the public or other service providers. Most rely on the willingness of practising lawyers to provide supervisory and/or hands on assistance and advice. They evolve to meet an identified need and likely some duplicate or overlap with other similar services. There appears to be a lack of coordinated effort among the providers of these services.

Providing hands-on legal assistance that goes beyond summary advice

- Suggestions included a roster of lawyers that could provide advice and more services such as help with basic legal documents, and assistance with form filling.

Navigators

- Several interviewees identified the need for and benefit of volunteer navigators who could be trained to help provide self-represented court users with information about court, the legal process, legal information resources and referrals, and support in court. A pilot of this kind of navigator program began in New York in 2014 to assist people with housing issues. LISNS is running a Small Claims Court Navigator pilot in Bridgewater.
- Duty Counsel at the Supreme Court (Family Division) suggested that navigators in Family Court, under the auspices of NSLA, would be a valuable service for self-represented court users.
- Others identified a need for specific navigators for the Aboriginal and African Nova Scotian communities.
- A well-thought out navigator training program involving a number of agencies to provide consistent information and training and be cost effective.

4.1.2. Information failure

BARRIERS

- There is no mechanism to facilitate the systematic sharing of information about new and existing services between organizations nor with the public generally. Therefore those who could benefit from available programs may miss out on being referred or be unable to find them through their own research.
- While many organizations felt that their front line staff had a good knowledge of available resources others identified gaps in knowledge among their own staff and, from their experience, inappropriate referrals by staff at other organizations.
- The internet can be an excellent tool for finding resources but users may not distinguish jurisdictional issues and may rely on legal information from other provinces or even other countries. As well, sites may not be regularly updated resulting in reliance on outdated or misleading legal information.

POTENTIAL SOLUTIONS

A central place that organizations and the public could access to locate available services and resources

- While 211 is a good resource it doesn't have a fully comprehensive list, is time consuming to navigate, and may pose challenges for users with limited literacy skills. Is not necessarily seen as a resource by individuals who have legal issues (*One interviewee advised that only 2% of the calls to 211 in 2015 related to legal issues*). The Nova Scotia Coordinating Committee on Access to Justice has been working with 211 to provide training on dealing with legal questions/issues and referrals. The Committee sees 211 as having an important role to play in making referrals to appropriate agencies when callers have a legal question or issue.

4.1.3. Duplication of services/failure to collaborate, share resources and ideas

BARRIERS

- A lack of a space/forum for those working in the system and the community to get together to share ideas, learn and explore solutions, and identify opportunities for collaboration
- Professional development and training budgets, particularly within the not-for-profit sector, often shrink or disappear when funding is reduced or there are increasing pressures on service delivery. The result is fewer training opportunities where service providers can network, share information, and discuss issues and potential solutions.
- Potential overlaps/duplication of services for example, court support workers. New services (such as assistance with form filling or court support) may spring up to meet the

needs of an organization's existing users without efforts being made to identify and evaluate similar existing services already offered by another agency. Sometimes an organization has reached out with a view to collaboration but without success.

- Other factors that may contribute to the failure to collaborate and avoid duplication are:
 - The need to access available project funding in order to continue operations. This funding might be tied to provision of specific services
 - Lack of consultation with smaller "players" by larger institutions resulting in duplication of services.
 - Vulnerable and marginalized service users who, due to life experiences, only trust a particular agency to meet their needs. Often the agency is the only one the individual feels comfortable approaching because he/she has an established, trusted relationship with it.
 - Lack of a comprehensive catalogue of services which could help organizations and individuals, as well as potential funders, identify what services already exist.

POTENTIAL SOLUTIONS

Opportunities for information sharing and collaboration

- finding ways to allow groups to come together either provincially or regionally would encourage information sharing and a better understanding of existing services

Community workers (such as the position funded by the Law Foundation in Antigonish)

- community workers build a good knowledge of local resources, establish relationships within the community, and can help improve information sharing and collaborative relationships between service providers

Where duplication is identified as a potential issue encouraging service providers to get together to seek a solution

- however, it should be borne in mind that the nature of the vulnerable population served by an agency may, in some cases, justify duplication of a service offered by another agency

4.1.4. Formal adjudication vs other strategies (e.g. early intervention, restorative justice)

The access to justice model recognizes that courts are not the solution to all disputes. Communities are looking for ways to provide alternatives.

“... our current understanding of access (is of) a project that employs a diverse range of strategies, programs and processes in the service of resolving disputes. Probably the most significant shift in thinking is that the courts no longer sit at the gravitational center of the justice system.”

M. Jerry McHale, QC, University of Victoria Access to Justice Centre for Excellence
(/blog/?category=Access+to+Justice)

Equal access includes access to any legal and non-legal information, resource, service or process that contributes to addressing or resolving a dispute.

Alternatives to formal court processes can be more cost effective for individuals and the justice system, allow for greater participation by the individuals involved and other community members, be tailored to individual circumstances, and facilitate understanding and healing.

BARRIERS

- Lack of dispute resolution options that help individuals resolve issues outside the formal court process or to resolve as many issues as possible by consensus and agreement. There are some ADR initiatives; for example, DLAS is developing a mediation project for consumer law issues; LISNS offers a Mediation Referral Service similar to its Lawyer Referral Service; the Tri-County region has an initiative that uses a restorative justice approach to address senior abuse; the South Shore Community Justice Dispute Resolution Committee has plans to train volunteers for a community mediation program.

POTENTIAL SOLUTIONS

Providing free legal advice, legal education and legal information at an early stage

- Providing help as soon as an issue arises helps individuals clarify rights, responsibilities and options, can assist individuals to avoid legal problems and disputes and/or to seek early resolution before a situation worsens.

Encouraging and supporting initiatives that facilitate alternate dispute resolutions as avenues for individuals to resolve legal disputes

4.1.5 Lack of knowledge/ awareness in the legal community and among service providers

The following gaps not only relate to the legal community but also to other professions such as healthcare, social services and education.

BARRIERS

- Cultural competence
 - Lack of cultural competence is a barrier to effectively serving clients and also a barrier to individuals seeking help.
 - There is little cultural diversity training offered at law school.
 - The Bar Admissions course offers a few hours but other professional development programs in the areas of cultural competence and inclusion are elective.
 - Higher education courses and professional training for other professional disciplines follow a similar pattern.

- Lack of diversity in the legal/justice community and institutions
 - Minorities do not see themselves adequately reflected in legal settings whether it be judges, court staff, lawyers, or in police, prison, or probation services. This may contribute to their understanding and belief that the system treats them differently, does not understand their experiences or their community, and is less likely to reflect their values and norms.

- Lack of awareness/training in how to identify and work with vulnerable clients
 - Vulnerable sectors of the community pose significant challenges for service providers and courts and there is a lack of awareness/training around the needs of these sectors.
 - Without appropriate training and understanding a professional may exacerbate the situation for a client, drive a client away altogether, or lead a client to make decisions that have a negative impact in the long term. For example, it may take time and patience to understand and work with a person with autism who may have difficulty following advice. The client may need clear unambiguous written step by step instructions.
 - A woman who has or is experiencing violence from a partner may have endured years of being told she is useless as a person and as a mother. As a result she may have low self-esteem, no confidence in her ability to make decisions and may feel unable to raise concerns with or challenge advice from her lawyer. For example, she may agree to custody and access arrangements for fear of upsetting her partner or not wishing to seem uncooperative, even though she is concerned that the arrangements will impact her safety. Women from racialized communities may be reluctant to talk about abuse for fear of further stigmatizing their community.

- Lack of training at the front line level may lead to individuals being denied rights or being ill-served. For example, a health care professional who does not have a clear understanding of the difference between an enduring power of attorney and a personal directive may turn to the wrong person if the patient is unable to consent.
- Lack of time to get to know a youth in trouble with the law may lead to lack of understanding of the youth's life experience and challenges and lack of connection between a youth and his/her lawyer or other service provider.
- Lack of training/ understanding of laws and individual rights and responsibilities
 - Ageism is an issue across society with many people automatically equating old age with dementia and lack of competence. This can lead to inappropriate discussion of an older person's private affairs with a family member and/or excluding the older person from decision making.
 - Each year several thousand newcomers arrive in Nova Scotia. A small number get into serious trouble with the law. Lack of understanding of the impact of a criminal conviction on immigration status can have serious consequences and can lead to deportation. Also, lack of understanding of different cultures may be a barrier to providing effective services.
- Lack of knowledge of existing resources and appropriate referrals
 - May impact individuals who would benefit from accessing services and are relying on front line staff for information and referral

POTENTIAL SOLUTIONS

Compulsory training and ongoing opportunities for cultural competency and inclusion training for the legal profession

Encouraging and placing more emphasis on learning opportunities for other professionals and front-line staff around laws that impact their clients

Supporting and planning for a more diverse legal/justice community that reflects the society in which we live

First voice speakers that can help educate service providers about individuals' experiences when dealing with legal issues (*the NSBS - Talk Justice initiative is an example*)

4.1.6 Gaps in Services

There is a wide range of legal advice, information and support services available particularly in Halifax. With the expansion of the Nova Scotia Legal Aid summary advice programs across the province; toll free lines and technology like Skype and online chat means more services are now available in areas outside Halifax. However there are gaps.

BARRIERS

- Vulnerable populations – for example, a lack of services, particularly one-on-one services, for individuals with mental health issues. These types of services can help individuals avoid legal issues or prevent the escalation of issues.
- Accessibility of online resources – barriers to accessing information and services include lack of access to a computer, lack of computer literacy, lack of high speed connection in rural areas, and vulnerability when accessing information online, for example, because of domestic violence.
- Cultural factors, language and age may be barriers to services. For example, Aboriginal clients may prefer one-on-one contact because building relationships and trust are important cultural norms.
 - Information and services may only be available in English or French.
 - Younger individuals may be more comfortable with new technology than older persons.
 - In the African Nova Scotian community admitting to mental health issues is taboo so services might not be sought or offered as an option
 - Human contact is often important for an individual in crisis or trying to address a difficult legal issue.
 - Youth may be distrusting of adults and need longer term support to address their needs
- Lack of services that provide legal advice above and beyond the summary advice level.
- Lack of opportunity/ capacity for follow-up to enable a referring agency to reconnect with individuals after they have received summary advice to ensure they understood the advice and what the next steps are and to see whether they need additional help to move forward
- Lack of support services for parents whose child is a victim, at risk or in trouble with the law
- Centralization of legal services, such as justice centres, pose particular barriers to individuals in rural areas
 - Public transport is rarely available, cabs are expensive, adjournments and delays in proceedings can increase costs and impact earnings if the individual isn't paid during time off work to attend court.
 - Some government offices have reduced hours or days of opening or only offer a walk-in service and are not available by phone.

POTENTIAL SOLUTIONS

Supporting community outreach or legal workers particularly in rural communities

- They play an important role in providing referrals and access to legal information and other services
- They are grounded in the community, understand the needs of and challenges for local vulnerable populations, have opportunities to build relationships and forge partnerships with other service providers, and have a broad understanding of local formal and informal resources

Using new technology to develop resources and programs to meet the needs of specific audiences

- Racialized and other minority groups may not see themselves or their experiences reflected in generic resources usually targeted at the mainstream population
- Targeted information can help improve access to information and resources for non-mainstream sectors

Providing services in the community

- Satellite clinics such as those offered by DLAS and NSLA and through the Dal and the LISNS Wills projects take into account community isolation and transport challenges
- Clinics are offered in areas such as Spryfield, North Preston and on some Reserve lands. DLAS also provides outreach services through community organizations such as the MicMac Friendship Centre and Stepping Stone to address the legal needs of their clients. LOVE offers programs for youth in Indian Brook, Schubencadie and Membertou.

Opportunities for service providers and communities to provide input to policy makers

- Fosters a greater understanding of needs and the impact of policy decisions both on community members and on service organizations with stretched capacity and limited budgets
- Outcomes and creative solutions are more likely to be found if communities are involved at the beginning and are seen as equal partners
- Often communities and grassroots organizations feel they are not invited to the table at the outset but rather asked for input once a decision has been made or planning is in the final stages

4.2. Self-represented litigants/ justice system users

Duty Counsel and administrative staff report a steady increase in the number of self-represented court users and that the issues self-reps are dealing with are getting more complicated. This may be attributed to the increasing cost of legal services, the availability of duty counsel to provide summary advice and information, and the increased availability of self-help guides and legal information.

It is not clear whether or to what extent the unbundling of legal services has contributed to options for self-represented court users or even how widely unbundling is known or understood by the public.

Self-represented litigants/court users fall into two broad categories:

Unrepresented: Individuals who have no choice – they do not qualify for legal aid, do not have the financial resources to retain legal services, or once had a lawyer but have run out of funds.

Self-represented: Individuals who choose to represent themselves and feel they are competent to do so. Financial means may not be an issue.

Aboriginal people tend not to represent themselves. If legal help is not available, they are unlikely to pursue the issue or to go to court on their own.

BARRIERS

- Duty counsel is limited and, in the Family Division, do not extend to court representation.
- Challenges facing self-represented litigants because of the complexity of forms and processes. For example:
 - form filling - literacy levels can be a barrier
 - incorrectly filed forms
 - understanding the meaning of and what is required to establish 'undue hardship'
- Lack of evening services once provided by duty counsel in Halifax (discontinued due to the cost of security staffing resulting from reduction of evening programs offered at family court as more programs are offered and accessed online)
- No duty counsel service at settlement conferences. This slows the process of settlement.

- No duty counsel service for emergencies such as emergency applications where court ordered access is denied by one parent to the other.
- Individuals with mental health issues may consume additional administrative court staff time as they may seek frequent help or need extra attention to enable them to address their legal problems.
- Lack of education/ information for the many self-represented executors working through the probate process on rights and responsibilities, the probate process, and appropriate and inappropriate expenses.
- Lack of a child advocate to help children get the services they need
- Language barriers and lack of knowledge may prevent/ discourage newcomers from advocating for their rights

POTENTIAL SOLUTIONS

Navigators to help self-reps navigate the process

- Volunteer navigators (trained, knowledgeable and with good “people” skills) to help people in court

Addressing literacy issues

- Forms are complicated as are the various systems (legal, child welfare, social services)
- Guides that have forms with pop-up instructions to assist users as they complete the forms

Services that provide timely and appropriate referrals and help

- Frontline staff, including court staff, must be informed about and up to date on what’s available. Often frontline staff fear straying into the area of legal advice vs information and may fail to give the public all the help they can.
- Advocacy services to help vulnerable individuals access services/rights

Mini legal education workshops/programs (perhaps in partnership with libraries) for the public and not-for-profit staff so that they could be better informed about a legal issue or legal process

- A model might be NS Justice’s Parent Education Program that teams a lawyer with a social worker to provide information to parents prior to divorce
- This could be a way of delivering information about the probate process and the responsibilities of an executor

Summary advice counsel in civil (non-family) court

4.3 Family law

Family law was identified as a key area where education and services are needed. Duty counsel and court administrators indicated an increase in self-represented court users in this area. Outcomes in family cases impact the individuals involved, their children and the extended family. Child welfare/ protection was identified by the majority of interviewees as a major issue for vulnerable populations. Experiences and outcomes may be compounded by lack of cultural competence and understanding.

BARRIERS

- Access to basic family law information on separation, divorce, custody and access at an early stage
 - This goes back to the issue of self-represented litigants/court users and the importance of helping individuals get information and resources as early as possible when a legal issue arises.
 - While there is lots of information available not everyone knows how to go about finding it when they need it. Use of the internet and social media increases by the day, but not everyone has easy access or the skills to access it or find relevant information.
 - Often initial information is from a family member or friend
 - Often an individual will seek to access information through a familiar and trusted agency in their community (whether or not the agency provides legal information services). Therefore a range of community agencies can, and do, play an important role as a point of first contact and as a referral source.

Aboriginal and African Nova Scotians

- Lack of information on the child welfare system geared specifically towards Aboriginal people
 - Child welfare was identified as having a major impact on Aboriginal families. In Nova Scotia 6% of the child population is Aboriginal, and 23% of the children in care are Aboriginal (*Aboriginal Children in Care Working Group: Report to Canada's Premiers, July, 2015*).
 - Lack of culturally appropriate services. "The child welfare system needs to look at Aboriginal peoples through a different lens' – DLAS lawyer.
 - Lack of understanding of services available particularly for Mi'kmaw people.
 - Lack of mandate for Mi'kmaw Legal Services Network (MLSN) to do family law.
 - Lack of Mi'kmaw court worker/ navigator in family courts.
 - Lack of consultation with and input from Mi'kmaw communities about justice issues and programs.
 - No practicing Legal Aid lawyers fluent in Mi'kmaq (a few in private practice)
 - Lack of interpretation services
- It was suggested that changes to the child welfare system may be "jumping the gun" for African Nova Scotians and should be delayed pending the outcome of the Restorative Justice Inquiry (re abuse at the Home for Coloured Children).
- Lack of understanding of the African Nova Scotian community and family dynamics

Women

- Child custody is an important issue for women particularly after incarceration.
 - Lack of information around the child protection process.
 - Some women may stay in an abusive relationship for fear of losing their child if they report the abuse or leave the relationship.
- Lack of information and resources addressing the growing online violence including cyber-bullying, harassment, violence and shaming. Abusive ex-partners have, in extreme cases, set up websites to spread revenge porn and hate about their ex-partner. This type of abuse reaches a widespread audience through the internet and has a traumatic effect on the victim.
 - In 2014 there were 2,404 victims of police-reported violence by an intimate partner in Nova Scotia. 76% of victims were female (*Statistics from the Nova Scotia Advisory Council on the Status of Women*)
- Overly generic online and print resources and one-on-one services around separation, divorce, custody and access. There are a few exceptions such as Making Changes (the *Nova Scotia Advisory Council on the Status of Women*); Safely on Your Way – Custody and Access Information for women leaving an abusive relationship (*LISNS*).

POTENTIAL SOLUTIONS

Navigators in family courts who can help self-reps understand the process, access the correct forms, and get appropriate referrals

- One interviewee suggested it would be best if family court navigators were under the auspices of NSLA rather than one or more not-for-profits.

Education/ information sessions to address specific family law topics

More audience specific information and services

- Aboriginal peoples, African Nova Scotians, newcomers to Canada, and the LGBT community may each have different concerns, experiences, barriers and cultural norms; for example, a woman who is a newcomer may be concerned that if she reports abuse by her spouse she will lose her immigration status and/or her children.
- Strategies would depend on what works best based on consultations with the communities and groups serving them. For example, Nova Scotia Legal Aid has hired a native social worker and she works with offices across the province to help clients through the Child Welfare process.

Explore and pilot alternatives to the formal court process to maximize opportunities for early resolution and solution

4.4 Criminal law

4.4.1 Legal assistance

Both NSLA and DLAS have well-established programs that provide advice and representation for adults on low income who are in serious trouble with the law and for youth in trouble with the law.

The system of duty counsel in provincial criminal and youth courts enables everyone not represented by a lawyer to receive summary advice and limited representation at the first hearing. The expanded NSLA summary advice program also increases opportunities for those facing criminal charges to get advice about their situation. There is also after hours on-call duty counsel to provide summary advice to individuals held in custody at police stations.

There is lots of information online as well as access to information through organizations such as transition houses, Phoenix House, reachAbility, AJEFNE, and LISNS. The latter three also offer lawyer referral services.

Mi'kmaw Legal Support Network provides assistance and support to Aboriginal individuals in trouble with the law and includes a court-worker program. There are also other agencies that provide court support services, for example Coverdale. The Halifax Refugee Clinic and E. Fry have offered help, in some cases, to individuals facing deportation. LOVE offers information and support for youth at risk or in trouble and takes referrals from police and community agencies.

But there are gaps.

BARRIERS

- Lack of free legal assistance geared towards low-middle income individuals who don't qualify for legal aid and cannot afford to retain legal services
- Limited legal aid for individuals not facing incarceration on conviction
- Lack of awareness and understanding of the intersection between criminal law and immigration law. This has, in some cases, increased the risk of deportation for permanent residents who are in trouble with the law.
- Current on-call after-hours summary advice over the phone for individuals in police custody may not adequately serve the needs of Aboriginals or those with language barriers.
- The criminal records suspension application/process is complicated and expensive (\$631). The process and low literacy issues result in a need for form filling assistance. A criminal record can limit employment and reintegration opportunities.
 - One organization assisting persons with disabilities indicated that 35% of their clients have a criminal record. There is also a need to educate employers about the impact of criminal records and when it may or may not be relevant to the employment position.

POTENTIAL SOLUTIONS

Navigators or other supports for self-represented accused in criminal court

Increasing opportunities for cultural competency training and awareness for the legal profession and frontline staff

Increasing diversity in legal community and those working in the justice system

Supporting programs that assist individuals with applications for record suspensions

4.4.2. Incarcerated individuals and their families

BARRIERS

- Lack of transportation can be a significant barrier for families seeking to maintain contact with an incarcerated family member and maintain/build relationships between an incarcerated parent and his/her children. Strong relationships are an important factor in successful reintegration. For example, a group in Halifax, Mothers of Prisoners, is trying to formalize so that they can secure funding for a bus to take families for prison visits.
- Reintegration services are lacking - Corrections Canada has established a community reintegration piece and Burnside is working on developing a program.
- Youth in Waterville are in need of legal counsel to help them access the services they need, such as mental health.
- Lack of prison advocacy - there are no “prison law” lawyers in Nova Scotia. It is not a course offered at the Schulich School of Law. This means an enormous gap for incarcerated individuals dealing with institutional offences, human rights, and habeas corpus applications. Inmates must self-represent as no legal aid coverage is available. In some other parts of Canada there are prison law clinics (like smaller versions of DLAS). In Ontario clinics are staffed by supervised students. The BC clinic is funded by the law foundation. Ontario, Alberta, and BC provide legal aid certificates for prison law.
- Permanent residents may face deportation following incarceration and lack access to legal representation
- Many inmates have mental health issues. We were told 80% of women in Nova and Burnside have a mental health issue. Often an institution’s response is to place the individual in a segregation unit which does not address the issue and may exacerbate the situation.
- There is over-representation of Aboriginals and African Canadians in federal and provincial prisons population (see **Appendix B**).

POTENTIAL SOLUTIONS

Services that assist inmates and their families to maintain their relationships with a view to supporting reintegration

A prison advocacy program to address a gap in legal services for inmates

- The Office could be modeled on Saskatchewan (the only province with a Prison Advocacy Office – funded by the Law Foundation of Saskatchewan).

4.4.3. Victims Services/ sexualized violence and exploitation

Sexual violence is a serious problem in Canada and across the world.

BARRIERS

- Victims/survivors of sexual assault are less likely to report to police than victims of other crimes therefore the number of reports to police under-represents the frequency of assaults.
- Young people are at risk
 - Girls and young women between the ages of 15-24 are the most likely victims of sexual violence.
 - Young men are more likely to be perpetrators of sexual violence than men in any other age group.
- System response to sexual violence - lack of support for victims who come forward, low charge and prosecution rates, “toxic” court process for the victim-witness, lack of aftercare for victim-witnesses
- Lack of services for vulnerable young women who come from rural areas to the city and are at risk of sexual exploitation or trafficking
- Lack of alternatives for addressing domestic violence – current pro-charge/pro-prosecution can cause more problems for the family – (fear of or actual loss of children, income, home, or support of family/community in some cultures)
- There is a lack of research into violence against other vulnerable groups such as women in the sex industry, particularly those who work at street level, persons with disabilities, lesbian and bisexual women, and immigrant and refugee women. (*Issue Brief: Sexual Violence Against Women in Canada: Benoit C., Shumka L., Phillips R., Kennedy M.C., Belle-Isle L., December 2015*)

POTENTIAL SOLUTIONS

More information and education about healthy relationships and consent

- Engage youth in identifying what they need/ want to know and in addressing solutions
- Programs in schools and universities that are relevant to youth
- Use social media and other avenues that reach and are meaningful to youth
- Provide education for parents

Researching and examining the system's response to sexualized violence and the court experiences of victim-witnesses with a view to improving the response

Exploration of alternative workable ways to address domestic violence

- address the harm and work with the whole family

4.5 Poverty Law

BARRIERS

- Lack of education/information on issues such as tenancy laws, debtor/creditor and consumer laws
- Homelessness and mental health issues
- Services may not be available or easily accessible in rural areas
- Ongoing need for information for the public and intermediaries about income assistance, residential tenancies, Canada Pension Benefit and human rights

“The most at risk groups for rural poverty are women, youth, unattached seniors, First Nations and Aboriginal communities, African Nova Scotians and new immigrants. The most vulnerable face low-wage employment, high unemployment rates, economic insecurity, and are at a higher risk for violence.”

Differences in the experience of poverty in rural settings in Nova Scotia – A Position Paper, Annapolis Valley Poverty Coalition, September 2012

POTENTIAL SOLUTIONS

Community outreach workers in rural communities

Phone and personal services

- information online and in written formats are not accessible to all

Education workshops for intermediaries and front-line staff

Information in formats accessible and relevant to targeted audiences

4.6 Immigration and Refugee Law

BARRIERS

- Gaps in knowledge/ awareness of potential impact of criminal proceedings on immigration status
- Lack of prison law advocacy to identify potential deportation issues following incarceration
- Gaps in knowledge/ awareness of the intersection between family law and immigration law
- Lack of accessible translation services outside the criminal law system
- Lack of information for newcomers around legal rights and responsibilities in key areas for example, family, criminal, immigration status, property, wills and estates and the role of police and courts
- Lack of cultural competency among service providers including in the justice system
- Limited access to free legal representation at the various stages of the refugee application and appeal process. Currently the need exceeds the supply of pro bono legal professionals available to do the work

POTENTIAL SOLUTIONS

Navigators to assist understanding of legal processes and to provide support

Legal education and information that goes beyond the introduction and integration phase

Training community members to provide information about “difficult” issues such as intimate partner violence and child protection

- Community members know the language, understand cultural norms and are part of the community. They could also be positioned to make referrals where appropriate

Training for volunteer pro bono legal professionals on the refugee process to enable them to represent refugees

Legal information in a range of languages

4.7 Civil Non-Family (Wills and Estates/Consumer Literacy)

BARRIERS

- Lack of duty counsel in civil (non-Family) courts
- Lack of legal aid representation
- Lack of awareness of civil procedure rules and court processes among self-represented litigants
- Ineffective and misunderstood judgment enforcement process
- Lack of knowledge of probate process, and rights and responsibilities of self-represented executors
- Civil courts not reflective of Aboriginal culture for dealing with disputes
- Lack of alternative accessible dispute resolution avenues
- Literacy and legalese

POTENTIAL SOLUTIONS

Build communities' capacity to resolve disputes outside the court system

Programs/initiatives that help individuals resolve disputes at an early stage

Accessible mediation services for civil issues

Navigators to help explain court processes, provide support and referral

Pro bono or other assistance with simple basic legal documents

- For examples wills, Powers of Attorney and personal directives

Education workshops on key legal topics

Information kiosks

- At court centres and Access NS offices

Online information about civil Supreme Court processes – similar to the NS Family Law website

Summary advice counsel for civil court

Education for executors on the probate process, rights and responsibilities, and appropriate estate expenses

Woman-centred legal information to educate about civil law issues

Financial literacy education

5. The Foundation's Priorities Going Forward

Based on the consultations and other information gathered we conclude:

- (1) Future Core Grants:** The primary focus of future core grants should continue to be services that address the legal needs of vulnerable Nova Scotians including:
- direct services to individuals – information, triage, navigation, assistance with applications etc.
 - services that help prevent legal problems through education and information
 - services that provide information and resources to front line staff and intermediaries who assist vulnerable individuals
 - services that address one or more priority unmet legal needs:
 - Cost of legal services: options and help for low-middle income individuals in the area of civil non-family
 - Family law information: particularly in the area of child welfare
 - Rural access: access to free legal services and access to service providers
 - Self-represented litigants: information, guides, advice, navigation
 - Pro-bono: rural areas, form filling, prison advocacy
 - Alternative Dispute Resolution: affordable or free options and prevention/early resolution options
 - Cultural competency: education and awareness for legal community and frontline staff to facilitate improved service for and access to justice for racialized and minority communities
- (2) Project funding:** A portion of the annual budget should be allocated to project funding. Priority should be given to funding one-time only projects that address one or more of the priority areas. Consideration should be given to soliciting project applications for specific areas with weight being given to proposals that:
- demonstrate a collaborative approach to the development and delivery of the project by two or more partner organizations
 - are self-sustaining and will not rely on Law Foundation funding post-project

Here are some ideas:

- A volunteer court navigator training project
- Information and resources for self-represented/unrepresented litigants/court users
- Alternative dispute resolution initiatives such as volunteer mediator training for neighbour disputes
- Education and training sessions for frontline staff and the legal profession in cultural competency and inclusion
- Initiatives that address the legal needs of racialized, marginalized and isolated communities such as targeted information or training
- Initiatives that address information failure by improving access to information about services and programs for the public and service providers. For example, seed money for a collaborative initiative by key service providers for a central access line

or an event that brings service providers together to share information and resources and explore collaborative solutions and ideas

This concludes the Law Foundation of Nova Scotia Grants Review and Future Directions Report (March 2017). We wish to thank all of the participants in the process.

Appendix A

Current Key Legal Services

Nova Scotia Legal Aid (NSLA)

- Provides full representation in some family and criminal matters for individuals with low income who meet financial and other criteria
- Each office provides a summary advice program in the areas of family, criminal and poverty law. The summary advice program is available to all regardless of income. Where the issue does not fit within those three areas of law, legal aid staff are encouraged to provide an appropriate referral.
- Provides duty counsel in 12 centres including full-time duty counsel in Halifax and Sydney
- Has a website which provides information.
- Has an Aboriginal Justice Strategy – includes a video on child welfare which they promote in Aboriginal communities, information on their website specifically for an Aboriginal audience, outreach clinics on some Reserves, and a native social worker who works with offices across the province helping clients through the Child Welfare process. NSLA has applied to the Law Foundation of Ontario Access to Justice Fund for funding for resources that will build on these resources.

Dalhousie Legal Aid Service (DLAS)

- Provides full representation in family and criminal matters primarily in HRM. Individuals must go through the NSLA application process
- Provides information and assistance to individuals and training for community agencies outside HRM where resources permit
- Provides community advice clinics in various locations in HRM (for example, the MicMac Friendship Centre and Bryony House), a tenants' information line, legal information workshops, and assistance to those dealing with income assistance and other appeals.
- Is a member of Partners for Legal Education which provides legal information workshops for newcomers (other partners are Immigrant Settlement Association of Nova Scotia (ISANS), NSLA, LISNS, the Nova Scotia Barristers' Society (NSBS), the Pro Bono Students Association and Absolute Interpretation)
- Has been approached by the Native Council to work in partnership with them to address the needs of bi-racial youth (Aboriginal and Black) around such issues as justice, school and mental health.

The Halifax Refugee Clinic

- Provides assistance with applications before the Refugee Board including representation before the Board and the Appeal Board
- Sometimes provides assistance with deportation cases
- Provides advocacy for refugees seeking assistance with claiming other rights and will, in some cases, assist immigrants on referral/request from ISANS

The Legal Information Society of Nova Scotia (LISNS)

- Provides a toll free legal information line, lawyer referral service, mediator referral service, website, publications, and dial-a-law audio legal information
- Has initiatives, in partnership with other agencies, to assist seniors in the Preston areas obtain a will, a pilot Small Claims Court navigator program in Bridgewater, and a pro bono family law initiative for parents with a child at the IWK Children's Hospital in partnership with the hospital and McInnes Cooper.

Association des jurists d'expression française la Nouvelle-Écosse (AJEFNE)

- Provides a bilingual toll free legal information service which includes a drop-in centre, publications and a lawyer referral service

Family Law website – nsfamilylaw.ca

- This Nova Scotia Department of Justice website provides information on a wide range of family law information including online programs such as the Parent Education Program and access to divorce forms online.

Courts website – www.courtsns.ca

- Provides information about courts, self-represented litigants and forms

Mi'kmaw Legal Support Network

- Provides information and support to Aboriginal clients who are in trouble with the criminal law
- Offers a court-worker program for criminal court

Government Departments

- Most government departments provide legal information and many provide access to forms.

Other sources

- There are many community agencies providing legal information, referral, support services and websites. They are too numerous to list here but their target audiences range from victims to offenders, from youth to seniors, from persons with disabilities to immigrants and refugees, and from support in institutions to support in the community.

LISNS has a more complete list of services entitled *Free Legal Help in Nova Scotia*, available online at www.legalinfo.org

Appendix B

Vulnerable Populations

Women

- Women comprise approximately 52% of the Nova Scotia population
- They make up the majority of parents who head a single parent family
(*2011 Census Statistics Canada* – information from the 2016 Census will not available until 2017)
- 61 per cent of employees earning minimum wage are women.
- More than 50 per cent of individuals accessing food banks in Nova Scotia are women
(*The HungerCount, November 2016* – Food Banks Canada)
- Traditionally, because of child-raising commitments and limited opportunities, women on average they earn less than men, have less opportunity for advancement and have less financial provision for retirement. In 2011, over 20 per cent of women aged 65 and over were living on low income compared to 14.5 per cent of men (*Women in Nova Scotia, Seniors (65+) Fact Sheet – Nova Scotia Advisory Council on the Status of Women*)
- Although intimate partner violence happens to men as well as women and in same sex as well as heterosexual relationships, women are most likely to be a victim
 - For example, in 2014 of the 2,404 incidents of intimate partner violence reported to police, 76 per cent of victims were women. Most often the offence involved physical assault (72.7 per cent)
 - In 2010, 682 sexual assaults were reported to police in Nova Scotia. About 84 per cent of the victims were women
 - Rates of charges and convictions for sexual offences are considerably lower than for other offences (for example, in 2007 only 22 per cent of reported sexual offences in HRM resulted in a charge being laid compared to 49 per cent of other violent offences
(*Avalon Sexual Assault Centre website statistics*)
- Statistics collected by Stats Canada using the Unified Crime Reporting Survey (UCR2 – an incident-based police-reported crime data collected annually) and the General Social Survey (GSS - a survey that collects self-reported victimization data from Canadians every five years) underline the low level of reports to the police compared to incidents
 - The GSS 2009 indicates that 88% or close to 9 in 10 sexual assaults were not reported to police (*Sexual Assault Fact Sheet, the Nova Scotia Advisory Council on the Status of Women, December 2011*)

Indigenous peoples

- The 2011 Census indicates that there were 33,850 aboriginal people living in Nova Scotia (3.7% of the population). Just under 9,000 live on reserve lands.

- 4,620 speak Mi'kmaw and, of those, 2,770 (59.9%) reported that it was the most common language used in their home.
- The Residential School system continues to have an impact on communities – for example, addictions, mental health issues, and parenting skills
- A study released in June 2013 by the Canadian Centre for Policy Alternatives and Save the Children Canada indicated that 40 per cent of Indigenous children in Canada live in poverty. The study is based on 2006 Stats Canada census information. The same study indicates that 51 per cent of children on reserve live in poverty.
- 5.5 per cent of individuals using a food bank in Nova Scotia were Aboriginal persons (*The HungerCount, November 2016 – Food Banks Canada*)
- As a percentage of overall population they are overrepresented in the prison population
 - Between 2005 and 2010, the Indigenous federal inmate population grew by 50 per cent compared to the overall offender growth rate of 10 per cent.
 - First Nations, Inuit and Métis inmates now represent over 25 per cent of the in-custody population despite comprising just 4.3 per cent of the Canadian population
 - Indigenous women are the fastest growing sub-population in federal custody. They comprise 37 per cent of all women serving a sentence of over two years. (*The Report from the Office of the Correctional Investigator – tabled March 2016*)
 - In provincial prisons/ facilities, Indigenous youth make up 12 per cent of the population and adults 7 per cent while overall they make up 2-4 per cent of the general population (*NS Department of Justice – 2014/15 figures*)
- The rate of self-reported violent victimization among Aboriginal women was almost three times higher than reports from non-Aboriginal women (*GSS Survey, 2009*). About one third of the reports from Aboriginal women relate to sexual assaults. The majority of violent incidents committed against Aboriginal women were not reported to police.

African Nova Scotians

- The 2011 Statistic Canada National Household Survey found that:
 - There were 20,790 African Nova Scotians. 80.7 per cent were born in the province. 77.2 per cent are Canadians of three or more generations. 10 per cent of African Nova Scotians are New Canadians
 - They represent 44 per cent of the racially visible population in Nova Scotia (the racially visible population makes up 2.3 per cent of the general population) – (*Office of African Nova Scotian Affairs website*)
 - 34.8 per cent of African Nova Scotians had low income compared to 16.5 per cent for the rest of Nova Scotia
 - In 2011 the unemployment rate among African Nova Scotians was 14.5 per cent compared to other Nova Scotians (9.9 per cent). The average income for a male was \$29,837 compared the average income for other Nova Scotian men of \$42,545. For females it was \$24,929 compared to a general average of \$29,460
- The Black inmate population is on the increase. In 2013 they represented 9.5 per cent of federal inmates, an increase of 80 per cent since 2003/04. They account for less than three per cent of the total Canadian population. (*Statistics from the Report from the Office of the Correctional Investigator – tabled March 2016*)

- In the provincial prison system, Black youth make up 16 per cent of the population and adults make up 14 per cent. They make up between 2-4 per cent of the overall Nova Scotia population.
(NS Department of Justice – 2014/15 figures)

Immigrants and Refugees

There are people from many countries living in Nova Scotia and the number has increased over the past few years due to wars and other conflicts in the Middle East and elsewhere.

- More immigrants settled in Nova Scotia in the first six months of 2016 than all 2015. 3,418 arrived in Nova Scotia from January – June 2016 compared to 3,403 for the whole of 2015.
- Refugee landings also increased. There were 1,079 landings from January – June 2016 compared to 365 for all 2015. Since December more than 1,000 Syrian refugees have come to Nova Scotia
(News release, September 2016, Office of Immigration Nova Scotia)
- In the five year period from 2008 -2012 Nova Scotia welcomed, on average, 200 refugees each year (2013 Nova Scotia Immigration Fact Sheet)
 - Refugees arrive under four different categories: government assisted, privately sponsored, asylum seekers and refugee dependents. During 2008-2012, 79 per cent of all refugees to Nova Scotia were government-assisted refugees.
 - 32.2 per cent reported having ability in English and 2.8 per cent ability in French
 - 92.3 per cent settled in the Halifax region (government assisted refugees are settled by Citizenship and Immigration Canada in cities where there are agencies that can provide settlement and integration support).
- The most commonly spoken language, after English and French, is Arabic (5,960 with 2,490 (41.8%) reporting that it is the most common language spoken in their home). The second most common language is German and the third is Chinese. Dutch, Spanish, Farsi, and Tagalog (Filipino) are also common.
- While most immigrants settle in HRM others have settled in communities across the province
- 3.5 per cent of the individuals accessing food banks in Nova Scotia were immigrants or refugees
(The HungerCount, November 2016 – Food Banks Canada).

Marginalized communities

Marginalized communities, for example, persons with physical or mental disabilities, mental health issues, no stable housing options, and/or criminal records are vulnerable populations that may face a range of access to justice barriers. The Canadian Marginalization Index, developed by McMaster University, identifies four dimensions of marginalization: residential instability, material deprivation, ethnic concentration, and dependency.

- Feed Nova Scotia suggests that to maintain a basic standard of living a single person needs an annual income of \$18,000 and a family of four, \$36,000. There are many seniors, persons on disability income, persons on income assistance, employees and families who fall well below those targets
- Feed Nova Scotia reports that in 2015:
 - 15.5% of food banks users were on disability income

- 55.5 per cent of food bank users were on income assistance
- 68.9 per cent of food bank users were tenants in private rental accommodation
- Children comprised almost one-third of the people assisted by food banks. 10.6 per cent of those children were aged five years old or younger
- Almost 10 per cent of individuals using food banks were or had recently been in paid employment
- Stigma attached to mental illnesses are a barrier not only to diagnosis and treatment but also to acceptance in the community

Seniors

In Canada, Nova Scotia has the highest proportion of seniors (16.6 per cent - *Statistics Canada, 2012*) as a proportion of its population.

- In 2011 there were 143,825 persons aged 65 or older living in private households (i.e. not in care). 39,965 lived alone.
- It is estimated that 4-10 per cent of seniors experience abuse after the age of 65. Older women and sponsored immigrant seniors are particularly vulnerable to elder abuse including financial abuse. This could be due to increased financial dependency, social isolation, cultural norms, familial status, or disability (*Elections Canada, Research Note – Canadian Seniors: A Demographic Profile, 2012*). Seniors are also a target for scams.
- Almost 6 per cent of individuals assisted by Nova Scotia food banks were seniors aged 65+ (*The HungerCount, November 2016 – Canadian Association of Food Banks*)

Children and Youth

Children and youth aged between 0-14 make up 14 per cent of the Nova Scotia population (133, 600) – (*Statistics Canada, 2016*).

- Forty per cent of poor children in Nova Scotia live in a household with at least one parent in full-time full year employment (*Centre for Policy Alternatives*)
- 16.3 per cent of children under 17 lived in low income households in 2012 (*Statistics Canada, 2014*)
- The 2009 GSS indicated that the rate of sexual assault against women in the age group 15-24 is almost double the rate for women aged 25-34 and more than 3.5 times the rate for women aged 35 to 54.
- Surveys of college and university students in Canada and the US indicate approximately one-quarter of female students have experienced sexual assault or attempted sexual assault, and in 90 per cent of these incidents the offender was known to the woman. (*Statistics and information from Issue Brief: Sexual Violence Against Women in Canada: Benoit C., Shumka L., Phillips R., Kennedy M.C., Belle-Isle L., December 2015*)
- It is estimated that 10-20 per cent of Canadian youth are affected by mental illness or disorder. Suicide accounts for 24 per cent of all deaths among 15-24 year olds (*Canadian Mental Health Association*)

Appendix C

Summary of Potential Solutions for Addressing Unmet Legal Needs

THE LEGAL SYSTEM GENERALLY

- Better coordinated (and possibly integrated) pro bono activities to facilitate improved promotion to and access for the public and potential volunteers
- Providing hands-on legal assistance that goes beyond summary advice
- Navigators to help people through various systems
- A central place that organizations and the public could access to locate available services and resources
- Opportunities for information sharing and collaboration
- Community workers (such as the position funded by the Law Foundation in Antigonish)
- Where duplication is identified as a potential issue encouraging service providers to get together to seek a solution
- Providing free legal advice, legal education and legal information at an early stage
- Encouraging and supporting initiatives that facilitate alternate dispute resolutions as avenues for individuals to resolve legal disputes
- Compulsory training and ongoing opportunities for cultural competency and inclusion training for the legal profession.
- Encouraging and placing more emphasis on learning opportunities for other professionals and front-line staff around laws that impact their clients
- Supporting and planning for a more diverse legal/justice community that reflects the society in which we live
- First voice experiences that can help educate service providers about the lived experience of individuals dealing with legal issues (*the NSBS - Talk Justice initiative is an example*)
- Opportunities for service providers and communities to provide input to policy makers
- Supporting community outreach or legal workers particularly in rural communities
- Using new technology to develop resources and programs to meet the needs of specific audiences
- Providing services in the community (such as satellite clinics)

SELF-REPRESENTED LITIGANTS/ JUSTICE USERS

- Navigators in courts to help self-reps navigate the process
- Addressing literacy issues
- Services that provide timely and appropriate referrals and help
- Mini legal education workshops/programs (perhaps in partnership with libraries) for the public and not-for-profit staff so that they could be better informed about a legal issue or legal process
- Summary advice counsel in civil (non-family) court

FAMILY LAW

- Navigators in family courts who can help self-reps understand the process, access the correct forms, and get appropriate referrals
- Education/ information sessions to address specific family law topics
- More audience specific information and services
- Exploring and piloting alternatives to the formal court process to maximize opportunities for early resolution and solution

CRIMINAL LAW

- Navigators or other supports for self-represented accused in criminal court
- Increasing opportunities for cultural competency training and awareness for the legal profession and frontline staff
- Increasing diversity in legal community and those working in the justice system
- Supporting programs that assist individuals with applications for record suspensions
- A prison advocacy program to address a gap in legal services for inmates
- More information and education about healthy relationships and consent
- Researching and examining the system's response to sexualized violence and the court experiences of victim-witnesses with a view to improving the response
- Exploring alternative workable ways to address domestic violence

POVERTY LAW

- Community outreach workers in rural communities
- Phone and personal services
- Education workshops for intermediaries and front-line staff
- Information for youth in formats they access

IMMIGRATION/REFUGEE LAW

- Navigators to assist understanding of legal processes and to provide support
- Legal education and information that goes beyond the introduction and integration phase
- Training community members to provide information about "difficult" issues such as intimate partner violence and child protection
- Training for volunteer pro bono legal professionals on the refugee process to enable them to represent refugees
- Legal information in a range of languages

CIVIL NON-FAMILY (Wills and Estates/Consumer Literacy)

- Build communities' capacity to resolve disputes outside the court system
- Programs/initiatives that help individuals resolve disputes at an early stage
- Accessible mediation services on civil issues
- Navigators to help explain the process, provide support and referral

- Pro bono or other assistance with simple basic legal documents
- Education workshops on key legal topics
- Information kiosks - at court centres and Access NS offices
- Online information about civil Supreme Court processes – similar to the NS Family Law website
- Summary advice counsel for civil court
- Education for executors on process, rights and responsibilities, and appropriate estate expenses
- Woman-centred legal information to educate about civil law issues
- Financial literacy education

Appendix D

List of organizations that participated in consultations

Meetings

- The Nova Scotia Barristers' Society
- Nova Scotia Legal Aid (Halifax and Bridgewater)
- Courts Administration, Nova Scotia Department of Justice (Halifax and Bridgewater)
- The Executive Office of the Nova Scotia Judiciary
- Dalhousie Legal Aid (including lawyers from the Mi'kmaw and African Nova Scotian communities)
- The Legal Information Society of Nova Scotia
- The Nova Scotia Advisory Council on the Status of Women
- Antigonish Women's Resource Centre (including a Legal Aid lawyer, Guysborough Adult Learning Association, Immigrant Support Program, Antigonish/Guysborough Black Development Association, a community activist)
- Specialty Courts Oversight Committee (Cape Breton)
- The Elizabeth Fry Society (Cape Breton)
- Duty Counsel, Nova Scotia Supreme Court, (Family Division)
- The Nova Scotia Department of Seniors
- reachAbility
- The Halifax Refugee Clinic
- Leave Out Violence

Survey completed

- Coverdale Courtwork Services
- Elizabeth Fry (Cape Breton)
- EPIC Society
- King's County Seniors' Safety Program
- Mainline Needle Exchange
- Stepping Stone