

Law Foundation of Nova Scotia

Grants Review and Future Directions Report – March 2017

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