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# Justice Starts Here

## A One-Stop Shop Approach for Achieving Greater Justice in Manitoba

By Allison Fenske and Beverly Froese  
Public Interest Law Centre

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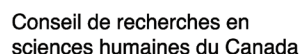
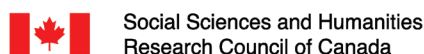
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## **Table Of Contents**

<b>v</b>	<b>Acronyms</b>
<b>1</b>	<b>Executive Summary</b>
	Introduction
	What Does “Access to Justice” Mean?
	What Stands In The Way Of Access to Justice In Manitoba?
	What Can Be Done to Increase Access to Justice?
	Conclusion
<b>10</b>	<b>Underlying Rationale of This Report</b>
<b>12</b>	<b>Methodology and Structure</b>
<b>14</b>	<b>Part I — Access to Justice</b>
	What Does “Access to Justice” Mean?
	Common Themes Surrounding Access to Justice
<b>22</b>	<b>Part II — Unique Challenges to Accessing Justice</b>
	A) People Living In Poverty
	B) Indigenous Communities
	C) Newcomers to Canada
	D) People With Health Conditions Or Disabilities
	E) Precarious Workers
	F) Women Survivors Of Family Violence
<b>37</b>	<b>Part III — Review Of Existing Legal Services</b>
	Spectrum Of Legal Services
	Legal Aid Manitoba
	Pro Bono Services By The Legal Profession
	Initiatives By Manitoba Justice
	Initiatives By The Manitoba Bar Association and The Law Society Of Manitoba
	Community Legal Service Providers
	Government-Funded Legal Service Providers
	Other Service Providers
	Potential Disruptions To The Manitoba Landscape Of Legal Service Providers
<b>60</b>	<b>Part IV — A “One-Stop Shop” For Legal Services In Manitoba</b>
	What Is a “One-Stop Shop”?
	One-Stop Shops In Manitoba and Other Jurisdictions
	Examining a Legal One-Stop Shop Model For Better Access to Justice In Manitoba
	Specific Issues Relating To The Creation Of a One-Stop Shop
<b>77</b>	<b>Part V — Recommendations and Conclusion</b>
	Recommendations
	Conclusion

<b>84</b>	<b>Appendix A — Interviewees and Focus Groups</b>
	Manitoba Legal Service Providers and/or Social Agencies
	Other One-Stop Shops
	Institutional Stakeholders
	Focus Group Hosts
<b>86</b>	<b>Appendix B — Available Statistics</b>
	Legal and Social Service Providers
	Courts/Administrative Tribunals
	Outside Manitoba
<b>101</b>	<b>Endnotes</b>

# Acronyms

AICAC	Automobile Injury Compensation Appeal Commission
AJI	Aboriginal Justice Inquiry of Manitoba
ATP	Agreement to Pay
BC-CRT	British Columbia Civil Resolution Tribunal
CAC	Sheldon Kennedy Child Advocacy Centre
CAO	Claimant Advisor Office
CLEA	Community Legal Education Association
CLG	Calgary Legal Guidance
CMHA Manitoba	Canadian Mental Health Association Manitoba and Winnipeg
CRTC	Canadian Radio-television and Telecommunications Commission
CUHC	Community Unemployed Help Centre
EI	Employment Insurance
EIA	Employment and Income Assistance
EUTC	Eagle Urban Transition Centre
FJRC	Family Justice Resource Centre
FLSC	Federation of Law Societies of Canada
FVPP	Family Violence Prevention Program
IAP	Independent Advisor Pilot Program
ILRC	Independent Living Resource Centre
INAC	Indigenous and Northern Affairs Canada
Infojustice	Infojustice Manitoba
LAM	Legal Aid Manitoba
LHC	Legal Help Centre
LICO	Low Income Cut-Off
LSM	Law Society of Manitoba
MANSO	Manitoba Association of Newcomer Serving Organizations
MBA	Manitoba Bar Association

MHRC	Manitoba Human Rights Commission
MHRB	Mental Health Review Board
MLRC	Manitoba Law Reform Commission
MPI	Manitoba Public Insurance
NCN	Nisichawayasihk Cree Nation
NECRC	North End Renewal Corporation
Nine Circles	Nine Circles Community Health Centre
PILC	Public Interest Law Centre
SMI	Serious mental illness
SRL	Self-represented litigant
SSAB	Social Services Appeal Board
TLC	Tenant Landlord Cooperation program
TRC	Truth and Reconciliation Commission of Canada
UCN	University College of the North
WAO	Workers Advisor Office
WCB	Workers Compensation Board of Manitoba
WCWRC	West Central Women's Resource Centre

# Executive Summary

“Justice shouldn’t be decided on who has enough money to hire a lawyer.”<sup>21</sup>

## Introduction

The Canadian justice system is intended to ensure that all people are treated fairly and equitably before and under the law. When a person experiences unjust or unlawful treatment, or has a conflict with another party, a resolution can be pursued through the justice system. Access to this system, however, is determined by several factors such as the cost of legal representation and the degree of trust a person has in the justice system.

This report explores how to achieve better access to justice for Manitobans, especially those with a high degree of unmet legal needs due to economic, health, and social challenges that also have a legal dimension. It aims to situate some of these challenges in the context of access to justice discussions now taking place among lawyers, judges, government, researchers, community service providers, and the public at large.

When this project began in 2015, there was no shortage of discussions and reports dealing with access to justice challenges. These conversations and research have continued, as have access to

justice challenges. Throughout this time, a Manitoba-specific perspective has been lacking. The need for a more local perspective is three-fold.

First, there are no national minimum standards with respect to legal aid services and legal aid plans across the country vary in terms of financial eligibility and coverage areas. As a result, a comparison of Manitoba with other jurisdictions regarding legal aid is of limited benefit. Second, while more than half of the province’s residents live within the City of Winnipeg, many live in rural or remote Northern or First Nations communities and experience unique challenges in accessing necessary services due to their geographic location. Third, Manitoba’s population is diverse and includes groups that experience the most daunting obstacles to accessing justice, for instance Indigenous peoples and newcomers.

An important part of providing a Manitoba-specific perspective comes from talking directly to Manitobans. In addition to a literature review and survey of existing access to justice projects and surveys, the Public Interest Law Centre (PILC) interviewed legal service providers, social service agencies, and institutional stakeholders in Manitoba. But most importantly, PILC also heard directly from members of the public about their

perceptions of access to justice, their experiences with the justice system, and their views on meaningful supports and service delivery models. In conjunction with community partners, PILC conducted seven focus groups across Manitoba with participants who were drawn from demographic groups particularly vulnerable to experiencing access to justice challenges.

In addition to considering what access to justice means in Manitoba<sup>2</sup> this report also looks at the role that community-based legal service providers can play in improving access to justice through a one-stop shop model of service delivery. The report is structured in a way that the writers hope can inform discussions about creating better access to justice for people in Manitoba living in marginalized communities or situations of disadvantage.

### What Does “Access to Justice” Mean?

The most common answer to the focus group question “What does access to justice mean to you?” is access to legal representation. While legal representation is an important component, the view on access to justice is often much broader.

Everyone in Manitoba should have the knowledge, resources, and services to seek an effective resolution to a legal problem.

Access to justice is achieved through fair processes and fair outcomes. A fair process means a justice system that is transparent, affordable, and as easy to navigate as possible. A fair outcome results from a person having the opportunity to be heard in a meaningful way. A fair outcome includes timely decisions based on the facts and the law.

At a systemic level, access to justice can also include a meaningful opportunity to participate in the development and reform of the law and legal processes.

Some key principles in understanding whether someone has access to justice from an information, services, and system perspective are:

- Availability: whether the necessary information or services exist or not;
- Accessibility: whether a person can access the necessary information, services, or system;
- Acceptability: whether the system is set up and information and services are delivered in a way that is needs-based and culturally appropriate; and
- Adequacy: whether the information and services are delivered and a person experiences the system in a way that is meaningful and sufficient.

This speaks to a repeated recommendation arising out of the focus groups: people need to be aware of, understand, and access the legal system as well as the supports and services available in navigating that system.

### What Stands In the Way of Access to Justice in Manitoba?

The justice system is costly, complex, and slow. Many people do not know about or understand their legal rights and obligations. For various reasons, many people do not trust the system nor do they have faith they will get justice.

One of the biggest factors in whether someone will have access to justice is that person’s socioeconomic status:

- The consequences of poverty, especially complex poverty, are significant. People living in poverty are simply trying to survive so they either cannot deal with their problems as they arise or they are dealing with problems that give rise to more than one legal issue. These issues are often compounded by other vulnerabilities including health or disability-related challenges.
- In addition to people dealing with the consequences of poverty, there is a significant gap in access to justice between



those people who do not qualify for legal aid and those who can afford a lawyer.

In Manitoba, there are several groups that are particularly vulnerable to access to justice barriers. Inadequate access to justice is disproportionately experienced by:

- People living in rural or remote parts of Manitoba;
- People living in poverty;
- Indigenous people;
- Newcomers to Canada;
- People with health conditions or disabilities (both physical and mental);
- Precarious workers; and
- Women survivors of family violence.

At the same time, there are many organizations working in Manitoba to meet the legal needs of the population, including the province's most vulnerable residents. These organizations are filled with dedicated and passionate people, many of whom are doing great work. However, many are also not able to meet the current demand for legal services and gaps in services persist. These gaps generally arise based on the kind of services provided, how the services are provided, where the services are provided, and how community needs are understood.

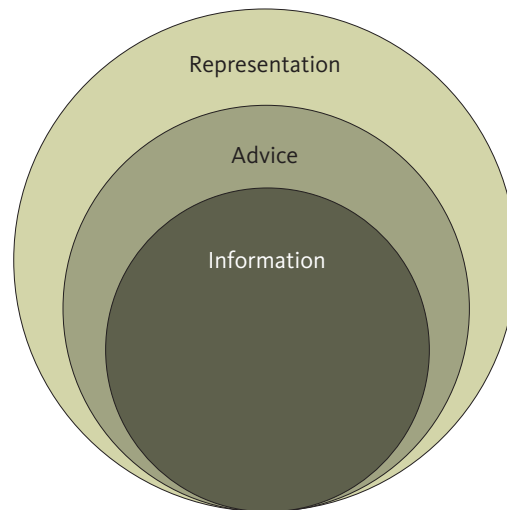
### (1) Kinds of Services

There are different kinds or levels of legal services — namely, legal information, legal advice, and legal representation. For example, there are several organizations in Manitoba that will provide legal information, but who do not provide full representation services.

There are also different areas of law that are or are not covered. There are also several organizations whose mandate is limited to particular areas of law (i.e., family law, residential tenancies matters, etc.).

There are also different types of providers. In addition to legal services provided by Legal Aid

FIGURE 1 Levels of Legal Services



Manitoba (LAM) and the legal profession, there are a range of other legal service providers in the community. Several non-profit agencies in Manitoba offer varying degrees of assistance and many social service agencies also run programs that include legal or advocacy services.

There is a need for all these kinds of services and each one is beneficial in its own way. However, lawyers and those working under the supervision of lawyers are both regulated by the Law Society of Manitoba (LSM). There is no commensurate regulation of other professionals offering what amounts to legal advocacy services. As a result, there is little to no consumer protection for legal services provided by those who are not lawyers (including legal information, advice, and advocacy services) which can lead to a lack of uniformity in services and issues related to quality of the services provided with little recourse available to the consumer.

At the same time, paralegals and other community service providers are often providing great services and in some instances, are best placed to provide assistance to vulnerable individuals. The necessary protection of consumers should not be used to stifle in-

novative service delivery that improves access to justice for the people who need it most. To that end, “a key aspect of innovative regulation is *getting out of the way* and encouraging lawyers, and others, to innovate in how legal services are delivered.”<sup>3</sup>

## **(2) How Services are Provided**

But it is not just the type of service being offered or who is offering the service that is important, it is how that service is provided — people need to feel comfortable going to a specific place and must feel they are treated with respect and dignity or they will not access the service.

The impact that service providers can have should not be underestimated. As one focus group participant noted about their experience:

...at times when nobody else did, they made me feel like a human being again. I was pretty broken. I was pretty broken when I first went there.<sup>4</sup>

Many of the social service agencies and other community non-profit organizations that are offering legal and/or advocacy services are set up to serve a specific segment of the Manitoba population and are well positioned to meet the unique needs of their constituents. For example, there are several agencies set up to meet the needs of the Indigenous or newcomer communities, and there are organizations that are devoted to working with people living with mental health issues.

There’s a saying across sectors about *meeting people where they are at*. This puts the individual in need of assistance front and centre in determining how best to provide services. It also suggests that “access” that focuses merely on bringing a person to a legal institution (the courts or administrative tribunals, for example) might miss the mark. Instead, a more holistic or integrated approach to providing legal services would draw from a more constant and collaborative presence in and with the community. This

means understanding the larger context in which individual legal troubles arise.

## **(3) Where Services are Provided**

Another kind of gap arises when services are simply not available. In Manitoba, there is a significant disparity between services offered in urban areas (namely Winnipeg) and services offered in rural and Northern Manitoba. Geographic disparities in access to services, including legal services, are exacerbated for individuals living in particularly remote rural and Northern or First Nations communities.

While much of the discussion with Winnipeg-based service providers and community members focused on how to improve services, individuals from rural and Northern Manitoba were quick to point out that the base level of services simply do not exist in any comparable way. What could be an overwhelming disparity in access to services for urban and rural or remote residents of Manitoba could also be a blank canvas of opportunities for innovation.

## **(4) Understanding Community Needs**

There remains a lack of publicly available empirical data relating to the supply of and demand for legal services in the province. Coupled with an *ad hoc* approach to coordination of legal services, there is a potential for duplication of services, inefficiencies, and gaps in service.

For example, some focus group participants expressed the concern that “there are a lot of resources in the community but everyone is working in isolation... we need to network because it seems like one person is doing a job and the next person is doing the same job and we’re not connecting.”<sup>5</sup>

In addition to a lack in empirical data from which to evaluate and adapt services provided, there is no space carved out to hear directly from members of marginalized communities and other consumers about the services they require, and how those services could best meet their needs.

## What Can Be Done to Increase Access to Justice?

The access to justice dialogue is one that is ongoing. Over the course of this project there has been positive movement on some core access to justice issues. There are also potential disruptions to the current legal service landscape — whether it is a challenging fiscal climate or a lag in the use of technology to address access issues. It is important to recognize the immensity — but not the impossibility — of the challenges.

Any additional investments in justice initiatives need to recognize the importance of prioritizing community needs and the current lack of legal (and other social) services available in rural and Northern Manitoba.

### (1) Needs-Based Service Delivery

Access to justice initiatives must be based on the needs of the people being served. It is expected that those needs will vary based on things like cultural and geographical differences. Consideration should be given to how to improve the law and legal services for those populations disproportionately impacted by issues of access to justice. For example:

- Indigenous peoples:
  - In keeping with the Truth and Reconciliation Commission (TRC) Calls to Action,<sup>6</sup> Indigenous-led engagement on what justice and access to justice means from the perspective of Indigenous legal traditions is required, especially as it relates to how to respect Indigenous laws and legal traditions as equal to Western systems of law. Indigenous legal institutions may look very different from what one expects of the legal system from a Western perspective, but that makes them no less valuable or necessary.
  - In addition, Western laws and the justice system impact Indigenous people every day. Some have argued that this

perpetuates the impacts of colonization on Indigenous people. The justice system needs to be improved so that access to justice for Indigenous people is increased. This must include the respect for Indigenous values in Western systems of law and in the provision of legal services.

- Newcomers:
  - Manitoba is becoming an increasingly popular resettlement destination for newcomers. Recent immigrants to Canada, including refugees, face a particularly acute series of challenges as they arrive, settle, and integrate into their new homes. Many are learning English as an additional language, and face considerable barriers in terms of communication and understanding. Newcomers also may be accustomed to distinctly different social and cultural norms, political and legal traditions, ways of doing business, and ways of resolving disputes.
  - Access to justice for newcomers is particularly complex where not only do newcomers need to understand and abide by immigration laws in a new province or a new country, but they may also have other legal problems unrelated to immigration that need a resolution.
  - Service providers need to be able to foster a sense of inclusiveness and provide services with an understanding of other cultures and an understanding of some of the unique needs of newcomers to meet the needs of those newly arrived in Manitoba.
- Persons living with mental health issues:
  - Legal service providers should have the necessary training and knowledge to provide legal services in a manner respectful of persons living with mental health issues.

- Consideration could be given to how to incorporate legal services within organizations already serving this population, recognizing that people are more likely to seek services where they are the most comfortable.

Efforts to improve access to justice should not focus only on what services should be offered, but how services are provided. Do people have the necessary supports in place to benefit from the services that are being provided? Are services provided in a culturally competent manner?

Much more attention should be paid to ensuring that people feel comfortable and are treated with dignity and respect by staff, service providers, and institutions of justice. Consideration could be given to opportunities for the justice system to learn from health care service delivery models, including:

- The way a variety of professionals are deployed in ways that best meet the needs of the patient in a manner that maximizes efficiency for the service providers (specifically, the use of physician assistants and nurse practitioners alongside the more traditional model of doctor-patient care)
- The way that “patient navigators” are employed to help individuals with complex needs navigate the health care system. A Patient Navigator is a member of a healthcare team who helps patients “navigate” the healthcare system and get timely and meaningful care. Navigators help coordinate patient care, connect patients with resources, and help patients understand the healthcare system.

## (2) Coordination of Services

Coordination between services providers could be improved among organizations or programs which provide some form of legal assistance/legal services. There are a variety of ways to achieve greater coordination, including but not limited to:

- Developing a (or continuing the Law Society’s) access to justice working group, including:
  - a shared vision of access to justice,
  - representation both in terms of types of service providers and people living in marginalized communities, and
  - sub-working groups that could be geared towards things like service delivery for specific segments of the population or specific access to justice challenges.

Some of the coordination of services could include, but should not be limited to:

- identification of priority access to justice issues, including identifying core areas of un- or under-served needs and identifying means of meeting those needs,
- opportunities for increased efficiency and the re-allocation of existing resources to reduce inefficiencies or duplication of service,
- developing standards of training and knowledge for service providers and offering common training programs,
- developing common ways of measuring and reporting results or some other method of standardization of service reporting,
- sharing of funding or resource opportunities, including developing a resource guide for external funding opportunities or potentially pooling resources on grant writing and fund development
- improving communication (including with respect to referral systems), and
- developing partnerships.

Better coordination of services could provide opportunities to sufficiently resource and/or expand existing innovative programs or allow for new strategic projects to flourish.

### **(3) Transparency — The Collection and Sharing of Empirical Data**

There is a lack of transparency and of standardized data regarding the demand for and the supply of legal services (including legal information, advice, and advocacy services) in Manitoba. There is also a lack of coordination between organizations providing legal services in Manitoba, resulting in potential duplication of services, inefficiencies, and gaps in service.

There needs to be a way to capture supply and demand issues within the justice system. A needs assessment (triangulation of needs) of the Manitoba population should be conducted in relation to legal services, in a way that captures:

- People actively engaged in the justice system through formal legal channels (existing institutions, LAM, representation by lawyers),
- People actively engaged in the justice system through community organizations and “non-lawyer” service providers,
- People who have opted out of the justice system — knowingly and unknowingly (examples: they want to engage but don’t have any mechanisms of entry into the justice system, they want to engage but for other non-legal issues, they don’t want to engage with the justice system, or they don’t recognize they have a legal problem), and
- People who are excluded from (aspects of) the justice system (example: the Social Services Appeal Board (SSAB) hears appeals regarding provincial income assistance, but does not hear appeals regarding on-reserve income assistance and there is no federal equivalent for First Nations).

There is a spectrum of legal service providers in Manitoba, but there are no standardized mechanisms to inventory, evaluate quality, or evaluate the value of the services being offered.

In consultation with impacted stakeholders, a central body (such as a university’s academic research group, like the University of Manitoba’s SPECTRUM group) could develop an evaluative tool that would provide empirical data about the state of access to justice in Manitoba (including supply and demand regarding legal services/legal institutions). The types of information collected could include:

- Number of matters before various courts and tribunals,
- Number of self-represented litigants (SRLs) (could identify stages of process for point-in-time surveys),
- Types of services available and number of people served, and
- Indicators to assess the quality of services provided (based on the needs of the individual service-users) and value of services provided (including a coordinated analysis of operating budgets, staffing levels, and benchmarks/outcomes).

Information collected could inform other aspects of the dialogue occurring regarding access to justice, as well as be communicated in a publicly accessible way — to both stakeholders and the public — for example, as an annual survey or report card.

### **(4) Monitoring, Evaluating, and Adapting**

Building on the need for increased transparency and information sharing, the use of evaluative tools is part of an ongoing and necessary exercise in monitoring, evaluating, and adapting. The state of access to justice in Manitoba should be evaluated on a regular basis in a manner that allows for appropriate adaptation to better meet the needs of Manitobans. An inventory of legal services offered in Manitoba could be created, made publicly available, and updated annually.

Recognizing that many of the legal services provided by community services are not done under the supervision of a lawyer and with the

benefit of regulatory oversight through the LSM, consideration should be given to implementing measures to improve consumer protection in the provision of legal services by those who are not lawyers, including legal information, advice, and advocacy services. Some examples of ways this could be achieved include:

- Interpreting recent amendments to the *Legal Profession Act* (specifically, the definition of law firm to include any other joint arrangement providing legal services) to include community-based organizations providing legal information, advice, and/or advocacy services;
- actively regulating paralegals under the *Legal Profession Act*, and
- a voluntary code of standards among unregulated service providers.

At the same time, the cautionary note provided earlier bears repeating: the necessary protection of consumers should not be used to stifle innovative service delivery that brings access to justice to the people that need it most.

### **(5) One-Stop Shop — Part of a Broader Approach**

For many, there is a recognized need for a one-stop shop. There are many ways that one could organize a one-stop shop that would have significant potential to have a meaningful impact on people seeking access to justice. Many focus group participants envisioned a one-stop shop that joined legal services with other health and social services.

Looking at one-stop shops as a service delivery model, there are two distinct kinds of opportunities. A one-stop shop can be used to re-organize existing organizations in a way that provides more coordinated services. For example, consideration could be given to opportunities that might flow from locations where there are already clusters of services providers. A one-stop shop can also be used to fill existing and discrete

gaps in services. For example, one could have a one-stop shop that aimed to meet a cross-section of legal needs, including direct representation, for individuals outside of the financial eligibility guidelines for legal aid (low to middle income earners), or whose kind of matter is not covered by legal aid (not unlike the services offered currently offered by the Legal Help Centre (LHC), but providing direct representation as a pillar of the services provided).

If a one-stop shop is established, priority should be given to including rural and Northern Manitoba, where either there are no services currently available or the gap in service delivery is significant as compared to urban centres. This could mean making use of technology and developing a digital access to justice strategy. The use of satellite clinics and operations in a hub and spoke model of one-stop shops may also present opportunities to increase services across a broader population of Manitobans.

Any one-stop shop must be carefully designed and implemented to be most effective. Important characteristics that are a necessary part of any successful one-stop shop include:

- Stable and sufficient funding;
- Shared vision and operating standards;
- Care with respect to the types of services joined under a one-stop shop model;
- Operations with an integrated (or holistic) approach; and
- Accessibility.

If there are cost savings or new investments because of efforts to improve access to justice, those cost savings or influx of new funds provide opportunities to reinvest existing funds into measures aimed at more improvements, until broader access to justice is achieved for all Manitobans.

When people express a desire to have access to a one-stop shop, further exploration of their needs underlying that desire reveals that people are looking for things like better access to

services and better relationships with service providers. A one-stop shop is not the only way to meet the needs of people interacting with the justice system or of providing better access to services and relationships with service providers. Providing services through a one-stop shop delivery model should not come at the expense of other improvements in access to justice.

In consideration of a one-stop shop as a co-location of services, several respondents suggested that greater coordination among service providers might be a better approach to take rather than physically co-locating agencies. As the Thompson YWCA representative observed, clients are better served when organizations are collaborating:

One person can't do everything and so it's about recognizing that and that it's not a competition.

### Conclusion

Understanding unique access to justice challenges faced by specific groups highlights the importance of a more holistic or integrated and consumer-driven approach. This means moving away from a “one-way street” approach where the legal community views itself as the catalyst for solutions. Instead, access to justice work must be situated in understanding all facets of peoples’ lives, including the economic, political, and social spheres.

## Underlying Rationale of this Report

In 2011, the Manitoba Bar Association (MBA) held a number of town hall meetings across the province that revealed a particular need for community-based advocacy and legal services.<sup>7</sup> In 2014, the Manitoba Law Foundation (MLF) completed a survey of legal and ancillary services in the province with a focus on early resolution legal supports.<sup>8</sup> The information gathered by these initiatives pointed toward the need for more comprehensive research to document evidence of specific challenges to accessing justice in Manitoba and to propose sustainable solutions. One potential solution currently being investigated by the Law Society of Manitoba (LSM) through its Access to Justice Steering Committee is a “one-stop shop” for legal assistance.

This report builds on existing literature and surveys of projects and services across the country. It aims to provide an in-depth insight into what is meant by “access to justice” and the utility of a “one-stop shop” for legal assistance from a Manitoba-specific perspective. The rationale for deciding to focus solely on the needs of Manitobans is three-fold. First, there are no national minimum standards with respect to legal aid services and legal aid plans across the country vary widely in terms of financial eligibility and

coverage areas. As a result, a comparison of Manitoba with other jurisdictions regarding legal aid is of limited benefit. Second, while more than half of the province’s residents live within the City of Winnipeg,<sup>9</sup> many live in rural or remote Northern or First Nations communities and experience unique challenges in accessing necessary services due to their geographic location. Third, Manitoba’s population is diverse and includes groups that experience the most daunting obstacles to accessing justice, for instance, Indigenous peoples and newcomers.

For the most part, this report focuses on accessing the civil justice system, which includes courts and quasi-judicial administrative tribunals. It only indirectly touches on the criminal justice system, for example, by considering the impact a criminal charge or a conviction can have on a person’s housing, social benefits, immigration status, or family law matters. The civil justice system is what the Canadian Bar Association’s Access to Justice Committee refers to as “people law,” which means:

... legal issues, problems and disputes experienced by people (including small businesses) especially those that involve



essential legal needs. We understand *essential legal needs* to be those arising from legal problems or situations that put into jeopardy the security of the person or that person's family security — including liberty, personal security, health, employment, housing, or the ability to meet the basic necessities of life and extending to other urgent legal needs.<sup>10</sup>

Lastly, this report focuses on the role community-based legal service providers can play in improving access to justice through a one-stop shop model of service delivery. As part of the research to prepare this report, many social and legal services available to low and middle-income Manitobans were canvassed. The legal services offered by these community-based organizations range from staff lawyers who provide full representation for a particular matter; to staff

or volunteer lawyers who provide limited representation, including supervising law students or making referrals; to university-run student legal clinics; and to community advocates who provide legal information or appear with people in need before administrative tribunals.

This report does not consider broad systemic reforms as they are beyond the scope of this project. It does not examine any kind of “judicare” system that could fund and deliver legal services in a manner like Medicare in the funding and delivery of health care services. It also does not consider whether there could be a greater use or expansion of extra-judicial programs and processes, such as the child support recalculation service. Lastly, it does not discuss or offer an opinion on whether Manitoba's legal aid plan is adequately funded.

## Methodology and Structure

This report is based on a literature review and a survey of existing access to justice projects and services. Over the course of the research stage, PILC conducted interviews with 27 agencies, including 6 selected<sup>11</sup> “one-stop shop” legal service providers in Alberta, British Columbia, and Ontario, and 21 local agencies. The interviews were transcribed and analyzed, with findings grouped according to a series of themes. PILC also conducted interviews with 14 institutional stakeholders, including all levels of Manitoba Courts, selected administrative tribunals and post-secondary institutions, the LSM, and Legal Aid Manitoba (LAM).

It was important for PILC to also hear directly from members of the public about their perceptions of access to justice, their experiences with the justice system, and their views on meaningful supports and service delivery models. In conjunction with community partners, PILC conducted seven focus groups across Manitoba. Participants were drawn from demographic groups particularly vulnerable to experiencing access to justice challenges. Four focus groups were held in Winnipeg with community partners serving low-income, Indigenous, and newcomer populations. One focus group was held

in Dauphin with a community partner serving Indigenous people. The remaining two focus groups were held in Northern Manitoba — one in Thompson with a community partner serving Northern Manitobans, and one at Nisichawayasihk Cree Nation (NCN) with a community partner focused on the needs of Indigenous women who have experienced violence.

For a complete listing of all interview subjects and focus group community partners, see Appendix A. Interview subjects are identified according to the organization or institution to which they are affiliated and the individual identities of focus group participants have been kept confidential.

This report uses the language adopted by the Canadian Bar Association in its report entitled “Reaching Equal Justice.”<sup>12</sup> In that report, the Access to Justice Committee used the word “people” whenever feasible rather than using the words “client” or “user.” In addition, the Committee used phrases such as “people living in marginalized communities” or “situations of disadvantage” to separate the individual “who is always a person, from the social and economic situation in which they live.” Lastly, the Committee used the term “Canadians” to refer to

“all people living in Canada regardless of their citizenship status.”

Part I of this report considers what is meant by “access to justice” and explores some of the common themes surrounding the concept.

Part II examines the unique challenges to accessing justice that specific groups face, namely: persons living in poverty, First Nations and Indigenous peoples, newcomers, persons with health conditions or disabilities, precarious workers, and women survivors of intimate partner violence.

Part III provides an overview of the present state of access to justice in Manitoba by identifying and describing the legal services currently available to low and middle-income Manitobans.

Part IV examines a “one-stop shop” model for legal service provision to improve access to justice in Manitoba. The potential benefits of a one-stop shop are considered not only from the perspectives of institutional stakeholders and service providers, but also from the communities they serve. The hope is that this front-line perspective will inform discussions about creating better access to justice for people in Manitoba living in marginalized communities or situations of disadvantage. In this part, specific themes are explored: namely location and geography; people-centred and holistic service delivery; economies of scale; and coordination and collaboration.

Part V provides recommendations for greater consideration as well as concluding remarks.

## Part I — Access to Justice

Part I of this report considers what is meant by “access to justice” and explores some of the common themes surrounding the concept, including:

- Access to justice depends on how much money a person has,
- Access to justice depends on where a person lives,
- The justice system is complex and confusing,
- There are technological barriers to accessing justice,
- The cost of unmet legal needs is significant,
- There are barriers to accessing justice in civil matters, and
- There is a lack of uniform data about access to justice issues.

### What Does “Access to Justice” Mean?

In the past decade, justice system stakeholders have reached a broad consensus that not all members of Canadian society are able to access the justice system.<sup>13</sup> The concept of “access to justice,” as it is commonly understood, encompasses a wide array of concerns regarding the degree to which diverse members of society possess the

knowledge, resources, and services to seek an effective resolution for a legal problem.<sup>14</sup> It raises crucial questions about who has access to the legal system, who does not, and the reasons why.

Several definitions of “access to justice” were articulated by institutional stakeholders and service providers. For example, some said that access to justice means being able to access legal services, information, and resources so people can resolve their legal issues and concerns.<sup>15</sup> The representative from the Mental Health Review Board (MHRB) noted that being able to access independent legal or advocate services is particularly important for people involuntarily admitted to a mental health facility or involuntarily treated for a mental illness.

Some stakeholders and service providers said that access to justice means people knowing their legal rights and responsibilities and knowing that if they are wronged they have some type of recourse.<sup>16</sup> As the Community Legal Education Association (CLEA) representative remarked:

Well, we believe that unknown rights are not rights at all — it’s kind of our slogan. We believe that people have the right to know their legal rights and about the law and if they don’t they

really have a hard time participating in society as a whole because law affects us every day.

Some administrative tribunal representatives spoke about the importance of people being able to fully understand and participate in the legal process.<sup>17</sup> A member of the Social Services Appeal Board (SSAB) said their tribunal sees access to justice as providing:

... a safe environment to come to the Appeal Board because the Appeal Board is fair. We try to be as fair as possible without intimidation, without going to court, without the lawyers... [and] they felt that they had a chance to really express themselves as to what they're appealing for.... as an Appeal Board, we listen and we weigh out the pros and cons and it's less intimidating for them and [we] hope they get the justice that they need.

All members of the judiciary interviewed described access to justice in the context of the court system. One said it means ensuring litigants who have a dispute that needs to be adjudicated, whether it be a criminal, civil, or family law matter, "are able to get into court as quickly as they can, as inexpensively as they can and be able to navigate the system without undue complication."<sup>18</sup> Another said that:

... I think for us, what we think is that Manitobans are entitled to an independent judiciary that provides timely, fair, and just decisions. Within that, very importantly, they're entitled to understand and participate in their legal journey from the outset, comfortable that they understand what the system is and what the process is, and what the consequences of their decisions are.<sup>19</sup>

Some stakeholders noted that access to justice can be defined in different ways. For example, the representative from the University of Winnipeg noted that access to justice can be defined narrowly, for instance, to mean access to adequate

legal representation if a person is charged with a criminal offence; or it can be defined more broadly to mean "access for the impoverished and marginal to legal resources that might help them navigate the public sphere."

Focus group participants were also asked what access to justice means to them. The most common answer was access to legal representation. Many said it means access to legal representation in all areas of law and knowing where to go to get legal advice and information.<sup>20</sup> The Eagles Nest focus group said that access to justice means fair justice and access to a good lawyer if a person is charged with a criminal offence. The Social Planning Council focus group said that access to justice means having low cost and easily accessible legal help available for issues involving justice or the courts.

### Common Themes Surrounding Access to Justice

Several themes surrounding access to justice emerged from the existing literature, interviews with institutional stakeholders and service providers, and focus group responses. Those themes relate to economic and geographical factors affecting accessing justice, the complex justice system, technological barriers, the cost of unmet legal needs, and a lack of uniform data. Each is discussed below.

### Access to Justice Depends On How Much Money a Person Has

Economic factors are arguably the most significant determinants of access to justice. Poverty and income inequality pose significant challenges to ensuring the justice system serves everyone equally. As the Cost of Justice project<sup>21</sup> noted:

Canada has one of the best legal systems in the world: independent judges, well-trained lawyers, predictable laws, and an open court process. Unfortunately, most Canadians cannot afford to use it.<sup>22</sup>

The Chief Justice of the Supreme Court of Canada, Beverly McLachlin, has spoken publicly about the economic disparities in accessing the justice system:

Do we have adequate access to justice? It seems to me that the answer is no. We have wonderful justice for corporations and for the wealthy. But the middle class and the poor may not be able, in many situations we have found, to access our justice system.<sup>23</sup>

For a growing number of Canadians, the economic barriers to accessing justice are daunting and force them to represent themselves before courts and tribunals to resolve a legal issue. By far the most consistently-cited reason for self-representation is financial and many self-represented litigants (SRLs) cannot find realistically affordable legal services.<sup>24</sup> SRLs frequently face challenges that may in turn lead to an unfair result. For example, SRLs who lack legal expertise or are not familiar with the justice system often require more time to present their case and that causes delays and increased costs. One court worker described the challenges experienced by SRLs in the following way:

I have worked in a court program specifically designed to assist SRLs for the past 14 years. The people I deal with are, for the most part, of below average ability when it comes to reading and writing, so need help with forms. They do not understand the process, which we explain, and often need short-term legal advice, which we cannot give. I find the family clients, in particular, are not willing to spend any money on their case to the point where they will put themselves in danger to serve a Restraining Order rather than hire a process server, so they will not pay for legal advice. However, the lack of legal advice leads them to make foolish or repetitive applications, clogging up the courts.<sup>25</sup>

The economic disparities that impede equal access to justice show no sign of improving

given the costs of legal representation continue to rise while the incomes of many members of the middle class and persons living in poverty remain stagnant.<sup>26</sup> Macroeconomic trends at national and global scales have shown growing levels of income inequality. From 1997 to 2007, the top one percent of Canadian income earners accounted for one-third of the total growth in incomes.<sup>27</sup> While the Manitoba economy has remained relatively stable over the past decade and consistently demonstrated a modest level of growth, the province has some of the highest poverty rates in Canada. As a province, Manitoba has lower levels of overall income inequality than its neighbours; however, income distribution in the province has become more unequal since 1980. Between 1986 and 2006, the average annual income gap between Manitoba's lowest and highest income households rose by nearly \$60,000.<sup>28</sup> By 2014, the highest income decile had an average income almost ten and a half times higher than that of the lowest decile.<sup>29</sup>

As one of the Thompson focus group participants pointed out, "Justice should not be decided on who has enough money to hire a lawyer." Future discussions or initiatives to improve access to justice in a meaningful way must address poverty as a critical barrier to achieving a fair and equitable justice system.

### **Access to Justice Depends On Where a Person Lives**

In Manitoba, there is a significant disparity between services offered in urban areas (namely, Winnipeg) and services offered in rural and Northern Manitoba. Geographic disparities in access to services, including legal services, are exacerbated for individuals living in particularly remote rural and Northern or First Nations communities.

The representative from the University College of the North (UCN) noted that geography is a key factor and:

... access to justice is not as easy as it is in the south in terms of that legal support that's required whether it's, you know, family issues or criminal issues... so wait times, over-representation of Aboriginal people... all the kinds of factors like poverty.

When asked about the kinds of services available to help people access legal services, focus group participants in Thompson were frank — there are none. If you cannot afford a private bar lawyer<sup>30</sup> and you do not qualify for legal aid, there are no other services available for individuals to get access to legal information, advice, or representation. Focus group participants also reported difficulties in trying to access the services of organizations located in Winnipeg. Their experiences suggested that opportunities for legal advice over the phone were limited and accommodations for out-of-town clients were rare.<sup>31</sup>

Even if an individual qualified for legal aid there are only four legal aid offices outside of Winnipeg<sup>32</sup> and multiple focus group participants noted that it was difficult to see lawyers outside of circuit court docket days. They suggested that LAM-appointed lawyers on circuit should come in at least the day before court to talk to clients so that lawyers were better prepared and community members didn't feel so rushed.<sup>33</sup>

There are also geographical disparities related to income distribution both within Winnipeg and between regions outside the city. In Winnipeg, census data indicate a growing level of spatial polarization in terms of wealthier versus poorer neighbourhoods, with pockets of poverty in several inner-city neighbourhoods and concentrations of wealth in the suburban fringes.<sup>34</sup>

At a province-wide scale, the combined Parklands and Northern economic regions have not shown any employment growth since 1988.<sup>35</sup> Economic troubles are particularly acute in Manitoba First Nations, where poverty rates are far above provincial averages in many cases.

The access to justice inequities experienced by people living in remote or rural areas compared to people living in urban centres are raised throughout the balance of this report.

### **The Justice System Is Complex and Confusing**

The complexity of the justice system itself is a barrier to equal access and legalistic language used in legislation and government policies can be difficult for the average person to understand.<sup>36</sup> As a result, many people do not know what their legal rights and obligations are or how the law would likely be applied to their specific situation.

Compounding the problem are legal and administrative procedures that operate according to complex, time-consuming and costly rules and standards that require a high degree of expertise to navigate. From the perspective of legal consumers, other systemic barriers to accessing justice include:

- confusion about where to find accurate information;
- a lack of familiarity with rules of procedure and evidence;
- difficulty submitting necessary documentation;
- overly combative or adversarial approaches to resolving disputes; and
- costly filing fees.

People seeking help from community service providers often have difficulty understanding the legal rules and procedures that apply to their situation. During an interview for this report, the representative for the Community Unemployed Help Centre (CUHC) noted:

These programs are a complex myriad of statutes, regulations, policies, procedures and practices. And as a learning tool you almost need a dictionary. So, to navigate these complex systems... just how difficult it is to explain things. Often websites are not really intended

for end users, we see that in courts, they are intended for judges and lawyers, but certainly not the public.

A representative from the Manitoba Human Rights Commission (MHRC) expressly commented on the complexity of the justice system and said that access to justice should be about:

... making the justice system accessible and not some mysterious, complicated [system],... only for those [with a] certain vocabulary, those who have certain connections. So, making it apparent to people that it's there for everybody and so removing barriers and making it easy to, to access the kinds of services that are needed... Not just accessing services but not having to, kind of, compartmentalize your issues into this fits over here, this fits in this pot... because people's lives are complicated and issues are intertwined and I think sometimes the way our system is set up, it's like well I will deal with this part of your issue but, you know, if you have a problem with Social Assistance you better go over here. So, I think it's providing a more holistic, accessible, barrier-free way for people to get [the] information and assistance they need.

### **Technological Barriers to Accessing Justice**

Today, technology is part of everyday life. At all levels governments are increasingly requiring people to access government services through digital platforms. The Canadian Radio-television and Telecommunications Commission (CRTC) has recognized that “any Canadian left behind in terms of broadband access is profoundly disadvantaged.”<sup>37</sup> Technological barriers are very relevant to accessing the justice system. Specifically, if people do not have reliable and affordable Internet and cell phone service, they will not be able to access necessary legal information, resources, and services. They will also experience challenges contacting lawyers and communicating with them throughout their legal proceedings.

People living in poverty, particularly social assistance recipients, frequently cannot afford to pay for internet service. The CRTC has noted that while the cost of telephone service is covered by social assistance, “the level of social assistance available from governments does not take into consideration the cost of connectivity that is essential to schedule medical appointments, ensure success in school for their children, facilitate searching for a job, and to do many of the online activities many others take for granted.”<sup>38</sup> It also found that low income households spend three times more than the average Canadian household on broadband expenditures. As a result, many Canadians living with low incomes “must sacrifice essential household expenditures such as food, clothing and healthcare to continue subscribing to broadband services.”<sup>39</sup>

There is also a “digital gap” in Canada between rural communities or areas with relatively low population density and urban areas with respect to Internet services. People living in rural or remote areas often experience service interruptions because of poor service quality or they pay higher costs because of overage charges associated with lower-speed Internet service.

First Nations communities in Canada are among the most disadvantaged with respect to Internet and cell phone service. In Manitoba, northern First Nations do not have the same access to cell and phone service as compared to people living in the southern part of the province or in urban areas. Northern First Nations are in high cost of service areas and phone service is often unreliable in that calls cannot be made outside the community or the lines are frequently busy. As a result, people living in these communities must rely even more on the Internet as a means of communication, but the service is substandard due to slow speeds and a higher volume of traffic per connection.

In many remote and isolated First Nations and other communities in Manitoba, people simply



do not have the option of going to a physical location to access information or services. People living in these areas must use the Internet to access health information, government services, and do job searches. However, because of slow and unreliable service they often cannot access the Internet during peak times, including regular office hours.<sup>40</sup> In addition, many people must plan their day around when they can access the internet or the availability of service.<sup>41</sup>

The use of technology as a means of breaking down technological barriers and improving and enhancing access to justice is considered in greater detail later in this report.

### **The Cost of Unmet Legal Needs is Significant**

The 2014 Canadian Forum on Civil Justice Everyday Legal Problems is a comprehensive and authoritative survey of the legal needs of Canadians. The survey asked a representative sample of Canadians to identify legal issues they were dealing with, or had dealt with, from a list of 84 specific justiciable problems in the following areas: consumer, debt, employment, neighbours, discrimination, family (relationship and breakdown), wills and incapacity, medical treatment, housing, personal injury, treatment by police, disability assistance, threat of legal action, social assistance, immigration, and criminal charges. About 50% of respondents, or roughly 11.4 million adult Canadians, had one or more serious and difficult to resolve justiciable problem in the past three years.<sup>42</sup>

Many people seek help for a specific legal problem as it arises. Service providers observe that often people only deal with legal issues that are urgent at a given moment and leave unresolved those legal issues that do not require immediate attention. As a result, legal problems that could have been dealt with at an earlier stage ultimately become urgent and people end up spending their time “putting out fires.”

Opportunities for assistance often mirror a crisis- or conflict-oriented approach where peo-

ple may have difficulty obtaining assistance to deal proactively with legal issues in ways that can prevent crisis points or conflict entirely. For example, drawing a will or providing advice on an employment offer or on a purchase agreement are rarely the kinds the services covered by legal aid or community service providers. In addition, many people must deal with multiple government agencies and authorities over time without ever comprehensively addressing the various legal dimensions of their situations or resolving root problems.

When asked whether people typically arrive with a single legal problem or with multiple concerns, the Legal Help Centre (LHC) representative answered:

I think people come in primarily for one thing at a time, and that might be why we see people multiple times, but I think there is usually one thing that is pressing them at a given moment ... Typically also because they leave it until it's urgent, right. You'll deal with what's most urgent. It's not proactive like, “I'm separating and I need to update my will and I have to deal with this property issue.” It's just whatever is presenting at that moment. ... I think they generally know what the issue is at that point but may not know how big it is or how much is going to be required to address it.

Experiencing multiple legal problems is also a cause for concern in and of itself. As observed by the Action Committee on Access to Justice in Civil and Family Matters (the Action Committee), legal problems have momentum and “the more problems an individual experiences, the greater the likelihood that she or he will experience others.”<sup>43</sup>

The cost to public expenditures of unresolved legal problems is estimated to be around \$800 million annually. That amount includes money spent by federal and provincial governments on such things as employment insurance, social assistance and health care.<sup>44</sup>

## Access to Justice and Civil Matters

As referenced above, access to supports for civil matters is often limited. It is recognized that the lack of access to justice around civil matters is exacerbated when court or quasi-judicial proceedings are involved.

Legal aid plans across the country do not generally appoint lawyers to represent people with respect to pure civil litigation matters. In addition, while private bar lawyers are in some cases able to represent plaintiffs under a contingency agreement, that option is not available to people who need to defend a lawsuit against them. As a result, access to justice in a civil litigation context requires specific consideration due to the significant number of SRLs and the serious consequences of not being able to access affordable and timely legal assistance.

The Supreme Court of Canada has recognized the unique challenges associated with fair and equal access to the civil justice system. In *Hrynaik v Mauldin*,<sup>45</sup> Karakatsanis, J. wrote that:

Ensuring access to justice is the greatest challenge to the rule of law in Canada today. Trials have become increasingly expensive and protracted. Most Canadians cannot afford to sue when they are wronged or defend themselves when they are sued, and cannot afford to go to trial. Without an effective and accessible means of enforcing rights, the rule of law is threatened. Without public adjudication of civil cases, the development of the common law is stunted.

Increasingly, there is recognition that a culture shift is required in order to create an environment promoting timely and affordable access to the civil justice system. This shift entails simplifying pre-trial procedures and moving the emphasis away from the conventional trial in favour of proportional procedures tailored to the needs of the particular case. The balance between procedure and access struck by our justice system must come to reflect

modern reality and recognize that new models of adjudication can be fair and just.<sup>46</sup>

The high “private costs”<sup>47</sup> of seeking justice in the civil justice system often outweigh the benefits of seeking justice and cause people to have to accept an injustice.<sup>48</sup> The legal fees for “personal plight” disputes<sup>49</sup> are very onerous for low and middle-income Canadians and it is common for litigants to spend tens of thousands of dollars on legal fees regarding civil proceedings. Additional monetary costs include filing and hearing fees, the costs of paying a process server, and photocopying charges. If a plaintiff is successful, costs may be awarded in their favour however a cost award usually only partially covers the actual costs of the litigation and is often left uncollected or only paid long after the lawyer’s fees are due.<sup>50</sup>

In addition to financial costs, there are temporal and psychological costs associated with seeking civil justice. It often takes months or years to obtain civil justice and litigants must dedicate hours of effort while the litigation is ongoing, frequently at the expense of spending time with family or their employment. The psychological costs of seeking civil justice include stress and feeling overwhelmed, intimidated, scared, and nervous by the process.<sup>51</sup>

Given the number of people seeking assistance, access to justice in the context of civil litigation matters is relevant from a Manitoba perspective. According to the LHC’s 2015/16 Annual Report, 14% of the issues their organization deals with are civil and small claims matters.<sup>52</sup> According to CLEA’s 2015/16 Annual Report, 12% of their calls relate to civil and small claims matters.<sup>53</sup>

The LHC’s 2015/16 Annual Report highlights the importance of helping people who would otherwise have to represent themselves. It tells the story of a person who was served with a Statement of Claim by a “Winnipeg used car dealership with a history of unconscionable transactions.” This person was illiterate and would not have been able to defend himself were it not for the LHC’s assistance with

drafting a Statement of Defence and negotiating with opposing counsel. One of the most interesting aspects of this story is that the Court of Queen's Bench granted leave for the LHC's articling student to appear on the record at the trial because the person was not eligible for legal aid and allowing the articling student to represent the person was preferable to having the person represent himself at the trial. Due to the LHC's involvement, the claim was ultimately dropped prior to the trial.<sup>54</sup>

There are some access to civil justice initiatives currently occurring in Manitoba. The Manitoba Law Reform Commission recently issued its report on the small claims process in Manitoba and expressly noted that:

Having a robust small claims system in Manitoba improves access to justice in two important ways. First, it means that more claimants are able to have their disputes resolved in an expeditious way without having to retain a lawyer. Second, it frees up judicial resources at the Court of Queen's Bench to deal with more pressing matters such as criminal trials.<sup>55</sup>

To further access to justice objectives, the MLRC made specific recommendations to amend *The Court of Queen's Bench Small Claims Practices Act*,<sup>56</sup> including increasing the current monetary and general damages limits and reforming the default judgment procedure.<sup>57</sup>

### **The Lack of Uniform Data**

A significant challenge in measuring the state of access to justice in Manitoba is the lack of uniform data from legal service providers, social service agencies, courts, and administrative tribunals regarding Manitobans involved in the legal system. While most entities compile yearly data about the services they provide and the people they serve, there are significant differences in the way that data is reported. In particular, there are differences in the accessibility and availability of data, the format in which the data was presented, and the way success was measured and defined. These differences make it challenging to do any meaningful comparisons to paint a complete picture of the access to justice landscape in Manitoba.<sup>58</sup>

One possible solution would be for organizations already collecting and publishing data about the legal and/or advocacy services they offer to report that data to a central body.<sup>59</sup> The data could be reported in a format that would allow for a more accurate and robust analysis of access to justice in Manitoba. The kinds of data that would be beneficial includes the services provided, the number of people who access those services, the number of people who represent themselves, the number of people who are represented by a lawyer or community advocate, outcome measures, and success rates.

## Part II — Unique Challenges To Accessing Justice

This section identifies the unique challenges to accessing justice that some specific groups face, including people living in poverty, precarious workers, First Nations and Indigenous peoples, newcomers, people with health conditions or disabilities, and women survivors of family violence.

### A) People Living In Poverty

For the purposes of this report, the group of people living in poverty is comprised of social assistance recipients, people who are homeless or at risk of becoming homeless, and people whose incomes are below the poverty line. First Nations people living in poverty on-reserve are included in this section and in the section on Indigenous communities because they qualify for social assistance funded by Indigenous and Northern Affairs Canada (INAC) and administered through their band.

Child poverty is perhaps the most disturbing indicator of persistent inequities. According to the Manitoba Child and Family Poverty Report Card issued by Winnipeg Harvest and Campaign 2000, in 2016 approximately 85,110 children, or more than 1 in 3.5 Manitoba children, lived in poverty. The crisis has become a

“chronic nightmare” as the child poverty rate in Manitoba has increased 26.1% since 1989.<sup>60</sup> The rate of Indigenous child poverty on-reserve in Manitoba is an astonishing 76%, and while the off-reserve rate is lower at 39%, it is still more than twice the national average.<sup>61</sup>

In the 2014–15 fiscal year, 63,078 people were enrolled in Manitoba’s Employment & Income Assistance program (EIA).<sup>62</sup> In a comparison between 2015 welfare incomes with after-tax Low Income Cut-Offs (LICO), EIA rates covered between 40.9% and 68.9% of LICO, depending on family composition.<sup>63</sup> Even with commitments to index shelter benefits according to inflation, there have been no increases to the amount of EIA benefits intended to cover basic needs in over 12 years.<sup>64</sup> Manitoba continues to lag behind in closing the poverty gap for its most vulnerable residents.

For many Manitobans, food banks fill the gap for households whose income is insufficient to meet their most basic costs of living. This happens most often among households receiving government-managed benefits such as EIA or disability benefits. Winnipeg Harvest is a non-profit, community based organization that is a food distribution and training centre. In 2015–16, it distributed food to about 64,000 Manitobans

every month through approximately 400 partner agencies across the province. The number of people relying on food banks in Manitoba has grown steadily over the years. Between 2008 and 2015, there was an increase in food bank use of 57.6%, the second highest increase in the country after Alberta.<sup>66</sup>

Depending on the poverty measures used, the depth of poverty in Manitoba has stayed between 25 and 35% below the poverty line throughout the past two decades.<sup>67</sup> For many Manitobans, intersecting grounds of inequality exacerbate their experience with poverty, as follows:

- **Women:** From 2008 to 2011, the provincial rate of single mothers living in poverty increased by 72.4% while the poverty rate for single unattached women decreased by 8% in the same period.<sup>68</sup> According to the LICO-AT measure of poverty, the gender gap in poverty appears to persist, as women have higher poverty rates across all ages and family types (except for single seniors);<sup>69</sup>
- **Children:** For the past two decades, Manitoba has ranked within the top three provinces having the highest child poverty rates in Canada.<sup>70</sup> Some of the lasting effects of child poverty include poor health, lack of nutritious diet, absenteeism from school, low scholastic achievement, behavioural and mental health problems, low housing standards, few employment opportunities, and persistently low economic status later in life;<sup>71</sup>
- **Indigenous people:** The poverty rate for Indigenous people living off reserve is consistently higher than the poverty rate for the overall population, although this gap has narrowed in recent years.<sup>72</sup> Indigenous people are also vastly over-represented in point-in-time homelessness counts conducted throughout Manitoba;<sup>73</sup>
- **Newcomers:** Recent immigrants are more likely to experience poverty

compared with the overall population of Manitoba, however unemployment rates for immigrants who have spent 10 or more years in Canada are lower than for Canadian-born residents.<sup>74</sup>

Immigrants arriving in the last five years are impoverished at a rate of 9.7% (as at 2013), representing an increase of almost 30% since 2009.<sup>75</sup> Factors contributing to poverty experienced by newcomers include difficulty integrating in the Manitoba labour force because of a lack of Canadian work experience, lack of language skills, and challenges regarding the transfer of their qualifications;<sup>76</sup> and

- **Persons with disabilities:** In 2011, 12.4% of persons with disabilities lived in poverty in Manitoba, a higher rate when compared to the overall population. Some of the significant barriers for Manitobans with disabilities in securing employment include inaccessible education and training programs, systemic discrimination, and workplaces that fail to accommodate their needs.<sup>77</sup>

### **Access to Justice Barriers**

People living in poverty may qualify for LAM's services because their income levels fall within the financial eligibility guidelines. In addition, they can also seek help from the other legal service providers profiled in this report. However, the existence of a legal aid plan and community legal services targeted to people with low incomes does not mean that people living in poverty do not encounter a range of often insurmountable obstacles to accessing justice.

Even if a person is financially eligible, LAM does not cover all areas of law and all legal matters. In addition, as explained in more detail below, by its very nature, poverty often creates multiple legal issues that are difficult, if not impossible, for people to resolve as they arise. One

of the representatives from LAM summed up the link between poverty and unequal access to justice in this way:

... everybody needs a lawyer if they're poor, if they obviously reach a certain level where they can pay private bar that's the cut-off but everyone needs a lawyer. And you don't have to put it in terms of how much money you're saving or anything, it's just plain and simple. You don't have a fair justice system if one side can't get a lawyer and the other side can.

While some people experience short-term periods of low income related to temporary circumstances, others find themselves trapped in long-term poverty. Poverty researcher Jim Silver refers to this phenomenon as “complex poverty”, which is when “people experience not only a shortage of income, but also a host of other causally connected problems that can trap them in a cycle of poverty.”<sup>78</sup> These problems may include poor nutrition and health, increased exposure to crime and violence, inter-generational exclusion from the labour force and reliance on social assistance, and negative interactions with state agencies such as the police, the justice system, child welfare agencies, and schools.<sup>79</sup>

Some service providers interviewed commented on specific examples of the causally connected problems identified by Jim Silver. For example, Winnipeg Harvest's representative noted that in addition to not having money for food, many of the people who use their services have had their social assistance benefits cut off or they are in arrears of their utility bills. In addition, many people on social assistance face challenges trying to comply with employment expectations:

And then, this is very important and sometimes it doesn't always lead to a job but sometimes it does and that's computer classes and so a lot of our folks got left on the wrong side of the digital divide.... Never had a computer, never had training, never got it, never had an opportunity,

never had access, but they're told by their welfare worker that they have to apply for 25 jobs this week and go and hand off your resume. But they'll chase you off the property, right? No one hands in resumes anymore. You've got to have an email address. So, we're helping out with that.

Similarly, the representative from the North End Community Renewal Corporation (NECRC) commented on the interrelationship between poverty, housing, and the child welfare system:

CFS will say to the mother, “if you don't find suitable housing...” Where are they going to find the money for that? And “Don't ask us where you're going to get it from. But you've got to go find suitable housing and we'll give you your kids back. This is your last step.” And we find that's a huge barrier. And the process is so unfair, if a mother has her children apprehended, within two weeks, her EIA will be slashed to single EIA, child taxes gone. To get it back, it's months. Two weeks to get rid of them and months to get it back.

The myriad of problems experienced by people living in long-term poverty often give rise to multiple, intertwined legal issues. These issues can exacerbate one another and lead to worsening crises over time if they are not adequately addressed. If a person is struggling to feed themselves and their family and ensure other basic needs for shelter and safety are met, they are unlikely to have enough time or energy left over to tackle any legal issues that arise. Only when people have an income sufficient to consistently cover their basic needs are they able to get a better handle on legal problems as they arise and not have to constantly “put out fires.”

Even if people living in poverty do reach out for help from legal service providers in the community, their circumstances often make it difficult for them to resolve an issue if it cannot be dealt with in a single sitting. The CUHC representative

highlighted the specific challenges experienced by individuals in receipt of EIA:

I think people in poverty, they are lost in the parking lot of speed bumps and every subsequent speed bump is another deterrent. I learned this great principle in conflict resolution to move from judgment to curiosity, so when my staff get frustrated — and they're very good — but when my staff get frustrated because their client has missed their sixth appointment and I say to them, "You have to ask why." Because it's easy to get angry. It's easy to get annoyed. "Can't you keep an appointment?" You know, every day is a potential crisis for someone in poverty and someone who faces several psycho-social barriers. Imagine this person doesn't have a bus pass, their phone's been cut off so they don't have a phone. It's hard enough getting out of bed in the morning and sending the kids off to school. But if the water's been turned off and you don't have any food in the house and you've got an appointment at 9:00 and they're going to come down here and you also have to go there, and there, and there.

The above demonstrates that poverty itself is a major barrier to accessing justice, especially the various forms of complex poverty that characterize the lives of many Manitobans. Any future discussions or initiatives intended to address poverty-related barriers should therefore include consideration of how to ensure people have incomes sufficient to meet their basic needs.

## B) Indigenous<sup>80</sup> Communities

Manitoba has one of the highest proportions of Indigenous peoples in Canada — 16.7% of the population of Manitoba is Indigenous, which is four times the national average of 4.3%. The proportion of Manitoba children who are Indigenous is even higher at 18.4%. Indigenous people are also the fastest growing demographic in the province. The city of Winnipeg has the largest

urban community of First Nations and Métis populations in the country.<sup>81</sup>

Approximately 60% of First Nations people in Manitoba live on reserve. More than half of the First Nations people living on reserve live in communities that are not accessible by all-weather roads.<sup>82</sup> This geographic isolation has resulted in the physical, social, and economic segregation of many Manitoba First Nations communities from the rest of the Province and creates unique challenges regarding accessing necessary services.

## Access to Justice Barriers

The effects of colonization, including the ongoing legacy of residential schools and other assimilation practices, have resulted in serious and complex barriers to accessing justice by Indigenous people in Canada. The impact of lasting traumas is multi-generational, and problems of racism, internalized oppression, violence, abuse, addictions, limited educational and economic opportunities, and poor health continue to make life very difficult for many Indigenous people.<sup>83</sup>

The introduction to the 1991 Report on the Aboriginal Justice Inquiry of Manitoba (AJI) states that "the justice system has failed Manitoba's Aboriginal people on a massive scale."<sup>84</sup> While some improvements have been made in the 25 years since the AJI, access to justice concerns remain particularly acute for Indigenous people in Manitoba as they are over-represented in the criminal justice and child welfare systems, and experience rates of poverty well above the provincial average. At the same time, Indigenous people are under-represented in the administration of justice.<sup>85</sup> There are very few Indigenous court officials, lawyers, judges, and jury members relative to the size of the Indigenous population overall. The impact of such under-representation in positions of power within the legal system cannot be overstated. As was recently reported with respect to the criminal justice system, "[t]he simple act of having an Indigenous lawyer,

meanwhile, can almost double the number of “not guilty” pleas at first appearance to 49 per cent, according to one federal study.”<sup>86</sup>

Indigenous Nations have their own legal orders and laws which are unique and distinct from Western laws. Western laws have tried to unilaterally regulate the identities of Indigenous Nations and manage the land upon which they live. Former Supreme Court of Canada Justice Iacobucci’s review of First Nations representation on Ontario juries drew a series of conclusions about the broader relationship between First Nations people and the Canadian justice system. One of the challenges identified by Justice Iacobucci was the conflict between First Nations cultural values, legal traditions and ideologies that favour restorative justice, and those of the Canadian justice system that tend to focus on retribution and punishment.<sup>87</sup> This challenge was echoed by participants in the focus groups for this report. The NCN focus group noted that First Nations people had their own justice system before colonization and that system of justice did not involve locking people up in prisons.

The distrust of the justice system that results from damaged relationships between Indigenous peoples and settlers and Indigenous Nations and the Canadian State is described in Volume 6 of the Final Report of the Truth and Reconciliation Commission of Canada:

Many Aboriginal people have a deep and abiding distrust of Canada’s political and legal systems because of the damage these systems have caused. They often see Canada’s legal system as being an arm of a Canadian governing structure that has been diametrically opposed to their interests. Despite court judgments, not only has Canadian law generally not protected Aboriginal land rights, resources, and governmental authority, but it has also allowed, and continues to allow, the removal of Aboriginal children through a child-welfare system that cuts them off from their culture.

As a result, law has been, and continues to be, a significant obstacle to reconciliation. This is the case despite the recognition that courts have begun to show that justice has historically been denied and that such denial should not continue. Given these circumstances, it should come as no surprise that formal Canadian law and Canada’s legal institutions are still viewed with suspicion within many Aboriginal communities.<sup>88</sup>

Indigenous people are disproportionately embroiled in the legal system. With respect to the federal correctional system:

In July 2016... the federal correctional system reached a sad milestone — 25% of the inmate population in federal penitentiaries is now comprised of Indigenous people. That percentage rises to more than 35% for federally incarcerated women. To put these numbers in perspective, between 2005 and 2015 the federal inmate population grew by 10%. Over the same period of time, the Aboriginal inmate population increased by more than 50% while the number of Aboriginal women inmates almost doubled. Given that 4.3% of Canada’s population is comprised of Indigenous Peoples, the Office estimates that, as a group, they are incarcerated at a rate that is several times higher than their national representation.<sup>89</sup>

In Manitoba, the numbers of incarcerated Indigenous people are even more daunting. At Stony Mountain Institution, Manitoba’s federal penitentiary for male offenders, 58% of inmates are Indigenous. This is a significantly higher percentage than the Prairie<sup>90</sup> regional average of 47%, which is the highest regional average in all of Canada.<sup>91</sup> In provincial jails, the percentage of Indigenous inmates is even higher — for example, 9 in 10 women at the Women’s Correctional Centre are Indigenous.<sup>92</sup> This is particularly concerning considering that Manitoba already has the highest incarceration rate of all



the provinces in Canada, with 240 inmates in custody per 100,000 population (as compared to a national average of 80).

In Winnipeg, the urban Indigenous population is significantly concentrated in several inner-city neighbourhoods.<sup>93</sup> Some focus group participants commented on the relationship between police and Indigenous peoples in those neighbourhoods. Participants in the Winnipeg Harvest and Eagles Nest focus group explained that people in their communities are often afraid of the police or do not call the police for help because they do not believe anything will be done.

First Nations communities outside of Winnipeg that are in rural or remote areas face significant geographical and economic obstacles to adequate access to justice. Participants in the NCN focus group expressly commented on this barrier, particularly regarding accessing legal representation. Participants noted there are no private bar lawyers in their communities and people represented by legal aid lawyers usually must wait until their court date before they can meet in person to get legal advice and/or representation. In addition, participants identified transportation barriers to accessing justice, for example people may not have any way of getting to court.

The Thompson YWCA's representative described some of the barriers facing Indigenous people living in the north when it comes to accessing services:

And so, if you put yourself in those shoes, you're scared right — depending on whether you've been in the city or not. You don't know anything about Thompson, you don't know what services are available ... and even if someone sat down and said 'Oh, here's all the services available,' it's overwhelming. You're not used to having to go and ask for service and so sometimes [there are] language barriers, cultural barriers. And even just the transportation, you know, with the bus line calling out and stuff like that... the access

is so limited and now the train, you know, [it's] kind of iffy, that's huge, that's a huge impact on the people in the north... and they removed the bus line... you have cut off communities... so if there's a woman in Leaf Rapids that requires services outside of, you know, a service that they would provide medical transportation for, domestic violence right, we have to send a cab from Thompson to pick them up...

Even if issues around access to services and legal representation were remedied a lack of access to institutions would remain for those living on reserve. For example, there are no permanent courts in First Nations in Manitoba. The Aboriginal Justice Inquiry dealt with some of the challenges of the circuit court system at length and not enough improvements have been made in this regard.<sup>94</sup>

There are also challenges in terms of accessing administrative tribunals. Social assistance on reserve is funded by the federal government through INAC and delivered by First Nations through band assistance programs. As a result, the SSAB is not available to individuals in receipt of band assistance and there is no equivalent dispute mechanism on reserve. This was a source of frustration for participants in the NCN focus group.

Recognizing that Indigenous peoples are impacted by the Canadian legal system, the question then, is how can Indigenous people have meaningful access to justice in the Canadian legal system? The provision of legal services can and should be enhanced in ways that are sensitive to the ongoing realities of colonialism. Enhancing legal services is particularly important in Manitoba because of its significant Indigenous population.

### C) Newcomers to Canada

Manitoba has a history of welcoming newcomers. Between 1995 and 2014, Manitoba became

home to a total of 173,968 new permanent residents; the majority settling in Winnipeg.<sup>95</sup> In 2014, Manitoba was ranked fifth in top destination provinces, welcoming 16,223 permanent residents provincially, with 13,850 newcomers settling in Winnipeg.<sup>96</sup> Of these arrivals, 1,004 were privately sponsored refugees and 435 were government-assisted refugees.<sup>97</sup> This was the highest number of refugees per capita in Canada.<sup>98</sup> In 2014, Manitoba also received 1,831 permanent residents through the family class stream; its second highest number to date.<sup>99</sup> Immigrants arriving under the family class are reunited with family members already settled in Manitoba.

In 2014, the top three source countries for immigrants in Manitoba were the Philippines, India and China. In 2011, the top refugee sending countries of those arriving in Manitoba included Bhutan, Somalia, Iraq, the Democratic Republic of Congo, Myanmar, Eritrea, Ethiopia, and South Africa.<sup>100</sup> Similarly, in 2014–2015, the top refugee sending countries amongst refugees being served by Welcome Place, one of the largest resettlement organizations in Winnipeg and part of the settlement division at Manitoba Interfaith Immigration Council, were Eritrea, Somalia, and Ethiopia.<sup>101</sup>

The immigration context changed drastically for Manitoba, along with other provinces across Canada, because of the Syrian refugee crisis. In 2015, the federal government announced its commitment to resettling 25,000 Syrian refugees. As of November 27, 2016, 35,745 Syrians have arrived in Canada.<sup>102</sup> Between November 2015 and July 31, 2016, 988 Syrian refugees arrived in Manitoba as part of the province's commitment to accepting 1,500–2,000 Syrians.<sup>103</sup> In just four months, Manitoba welcomed more than three-fifths of the total number of refugees who arrived in 2014. During this period, Welcome Place assisted with the resettlement of more than 630 Syrian refugees.<sup>104</sup>

Most recently, the results of the November 2016 US Presidential election appear to be having a considerable impact on the influx of people

making asylum claims in Manitoba. In response to the Trump administration's repeated attempts to impose a travel ban on many predominantly Muslim countries (following a Trump campaign promise of a "total and complete shutdown" of Muslims entering the US),<sup>105</sup> people seeking asylum in Canada have been crossing the US-Canada border on foot near Emerson, Manitoba.<sup>106</sup> According to federal reports, 365 people crossed into Manitoba this way in the first three months of 2017, compared with 575 people in all of 2016.<sup>107</sup>

Many of the individuals fleeing to Manitoba are originally from Somalia. There's a large Somali community in Minnesota and Minneapolis is home to one of the largest Somali communities in the US.<sup>108</sup> While the clear road between Minneapolis and the US-Canada border at Manitoba is likely one reason for the influx of asylum-seekers into Manitoba, another reason suggested by some is the breadth of legal aid coverage available in this province. Manitoba is one of six provinces that offers immigration and refugee legal aid coverage. As has been reported, "Saskatchewan is not experiencing a surge in asylum seekers like Manitoba's which could be because it does not offer legal aid to refugee claimants."<sup>109</sup>

Recent immigrants to Canada, including refugees, face a particularly acute series of challenges as they arrive, settle, and integrate into their new homes. Many are learning English as an additional language and face considerable barriers in terms of communication and understanding. Newcomers also may be accustomed to distinctly different social and cultural norms, political and legal traditions, ways of doing business, and ways of resolving disputes.

Immigrants and refugees also deal with unique legal matters and they may require a wide range of services at different times of the resettlement process. This can include refugee claim and visa assistance, detention and deportation reviews, representation at immigration hearings, and assistance with citizenship applications. In addition,

changes to Canada's immigration and refugee system in the last decade have, in many cases, shortened the timeframes for applications and have placed more hurdles in the way people seek protection, reunite with family, or look for work.

For many newcomers, agencies such as Welcome Place are safe havens. Aside from family and friends, these agencies are primary sources of obtaining trusted information. Access to quality legal representation has been shown to be critical to positive outcomes in legal proceedings.<sup>110</sup> Welcome Place recognizes that to ensure the people they serve are receiving adequate support and legal advice, it is important that service providers have a grasp on the varied and complex legal matters newcomers may face. For many newcomers, unfamiliar procedures and overlapping laws and policies that affect them necessitate a more integrated (or holistic) approach to legal services. Coordination and communication between agencies, newcomers, and legal practitioners are important aspects of facilitating successful resettlement and participation of newcomers in their new communities.

Legal clinics such as LHC and Infojustice play a central role in filling gaps in service and information. Often such clinics can reach and assist newcomers who do not qualify for legal aid and cannot afford legal representation.

### **Access to Justice Barriers**

Newcomers to Manitoba face many access to justice barriers, including obtaining necessary documentation, navigating the immigration process, unfamiliarity with the justice system, and lack of awareness about available services.

Many newcomers to Canada arrive without legal documents that demonstrate proof of identity, such as birth certificates or government-issued papers. Any engagement with the Canadian legal system or government requires some type of documentation and newcomers frequently need the services of a notary public. At Welcome Place, this service is provided free

of charge; however, the organization's resources are often stretched to the limit with the volume of demand for documentation. As the Welcome Place's representative noted:

They don't have documentation from their country because they are refugees. According to government instructions, they have to come and see a lawyer, and lawyers are charging \$75 for each declaration and they can do it here, free of charge ... We have 47 different situations where people in need need notary public services from federal government or provincial government are asking them to find a notary public. And if they don't have money, I don't know how they are going to afford it.

In providing services to refugee claimants at the border, Welcome Place faces a particularly tight time-line that makes access to the Canadian legal system very difficult, if not impossible, in many circumstances. The representative stated:

The greatest problem we have to those refugee claimants who are crossing the border, it is the border services agency ... Before, it used to be 20 days. Right now, they will be given only 3 days. Not only that, they will be kept in detention for a day until someone in the community accepts them. By the time they come and see us they have a day or two, and we don't know their numbers so we need to scramble to find someone. This problem is what you said in the first place, access to justice. Of course, there are other issues... with traumatized refugee claimants, sometimes deportation.

Newcomers to Canada also face the enormous task of learning about the Canadian legal and political system and their rights and responsibilities under Canadian laws and policies. Welcome Place runs orientation sessions for newcomers, but the amount of information provided in such a short period of time can be overwhelming. The Welcome Place representative described the orientation sessions as follows:

Each settlement counselor is obligated to have an orientation session with people. Part of these sessions is legal orientation. ... [F]amily violation, relation of husband to the wife, rights of gays and lesbians, human rights issues, and all these things we have a session on two hours that we are talking to the people in this room about of all these issues ... So, regarding social insurance number, driver license, what to do if you get in traffic accident, how to get driver license, how to get passport, how to apply for Canada residence card. Every single situation that you can imagine, so this is what we are trying — unfortunately it's not normal to expect from these people to remember these things in two hours but are always for them — they can always come here to get advice. “How I can get my permanent residence card — it's going to expire?” “How I can — I have a father in Vietnam, I want to visit him. I don't have a Canadian passport.”

Recent funding cuts and narrow eligibility requirements imposed by the federal government have had a negative impact on immigration and refugee service providers. For example, Welcome Place is no longer able to provide specialized assistance to newcomers who wish to reunite with their families and explore alternative legal avenues for staying in Canada. These types of gaps in services, together with resettlement challenges such as language barriers, social marginalization, and trauma, place many newcomers in precarious legal and emotional positions.

In response to the recent influx of asylum-seekers, Welcome Place launched a fundraising campaign and as of April 29, 2017 it had raised less than half of its \$300,000 goal.<sup>111</sup> The federal government also asked Welcome Place to submit a budget request for assisting asylum seekers but as of March 31, 2017 Welcome Place had not yet received a response.<sup>112</sup> At the same time, resettlement agencies in Manitoba were facing significant federal cuts to English as an additional

language programs, with cuts as high as 75% for some programs.<sup>113</sup>

In terms of Provincial Government support, in February 2017 the Manitoba government announced that “it would pay for 14 new emergency housing units, \$110,000 for paralegal and other services and \$70,000 for a co-ordinator to support refugee claimants.”<sup>114</sup>

Several participants in the Social Planning Council and the Immigrant & Refugee Community Organization of Manitoba (IRCOCOM) focus groups also talked about barriers to accessing justice faced by newcomers. For example, a lack of information in their own language or a lack of interpreters is a significant problem. LAM uses an over-the-phone interpretation service that provides immediate relief to individuals in need of translation services. Other service providers may wish to investigate the use of paid interpreters who understand basic legal terminology, as well as ethical and legal obligations around the confidentiality of information that is shared. Existing interpretation services, or communication about their availability could also be improved. A number of focus group participants reported being told to bring their own interpreter (in cases where one would have expected that either LAM or the court would have made interpreter services available).<sup>115</sup>

In addition, many newcomers are used to very different or more traditional forms of dispute resolution and are therefore hesitant to call the police or initiate legal proceedings. Lastly, many newcomers are not aware of the services that are offered in the community.

#### D) People With Health Conditions or Disabilities

Access to proper housing, income assistance, insurance, health care, and other public services are all crucial determinants of well-being. These factors comprise what the World Health Organization calls the social determinants of health: “the conditions in which people are born, grow, live,

work and age.”<sup>116</sup> Access to justice is increasingly being recognized as a key factor that shapes the determinants of health and well-being, as several have a legal dimension. In many cases, health problems can lead to legal problems, and legal problems can exacerbate health problems. Furthermore, many of the stakeholders in the access to justice debate have compared Canada’s lauded system of socialized medicine to its legal system and found the latter to lack the same degree of public investment and confidence.<sup>117</sup>

People facing health or disability-related challenges may require legal assistance for issues ranging from matters that arise during medical treatment to discrimination in the workforce. A 2007 study examined the connections between health, disability, and civil justice for persons with a health issue or disability receiving a disability pension.<sup>118</sup> One-third of respondents had not yet achieved a resolution of their legal problem. The connection between unresolved legal issues and health problems was found to be strongest in the areas of consumer, employment, and debt-related matters. The study also found that the perception of unfairness in the justice system was highest for people with disability or health-related problems.

At times, lawyers or legal service providers may need to work closely with other professionals from the fields of health care and social work. Evidence from other jurisdictions suggests that better coordination between legal and social or health service providers can significantly improve access to justice for vulnerable groups.<sup>119</sup> People with health conditions or disabilities require a combination of legal, social and health supports. Where those supports are fragmented, they are less likely to get the help they need and more likely to consume the time, energy, and resources of multiple, disconnected service providers without any sustainable resolution of their problems.

### **Mental Health and Access to Justice Barriers**

The concept of mental health covers a broad area of human experience. People diagnosed with se-

rious mental illnesses (SMI) such as schizophrenia, personality disorders, or mood or anxiety disorders constitute a specific population with needs for treatment, care and support. Beyond this group, some portion of the general population will experience mental health issues that are episodic rather than chronic during their lifetime.

Stigma, shame, and negative perceptions about mental illness are common barriers to full inclusion and participation by people living with mental illness. As a result, they are often marginalized and it is more difficult for them to access the services they need. The legal needs of people living with SMI range from matters affecting the wider population such as housing, employment, and income, to specific matters such as discrimination, psychiatric treatment, involuntary hospitalization, and powers of attorney.<sup>120</sup>

In 2009, researchers in Winnipeg carried out a series of interviews with people living with a mental illness, their families or primary supports, and key informants including representatives from the housing and social services sectors, peer support groups, and government planners.<sup>121</sup> Challenges identified were poor living conditions and vulnerability relating to housing, employment, and services. Many people living with a mental illness and their family members emphasized housing insecurity and being evicted, or the threat of being evicted, particularly following a stay in hospital.

Some of the service providers interviewed commented on the specific needs of persons living with a mental health issue. The representative from the Canadian Mental Health Association Manitoba and Winnipeg (CMHA Manitoba) commented on the difficulties people face when trying to seek help:

There’s huge challenges in accessing mental health services in general throughout the province. I mean, certainly outside of Winnipeg, they’re just not resourced in the same way. And then you’ve got Winnipeg, which has

these, you know, you have lots of resources but very difficult to navigate. You don't really know where to go. You do have long waiting lists in the system. And part of our other role is advocacy. We do a lot of advocacy around highlighting those system gaps, so there are lots of challenges in terms of getting timely support.

CUHC's representative commented on the circumstances of people living with mental illness who are trying to access social assistance benefits:

We have certainly a lot of our EIA clients who are either receiving or could benefit from counselling. So, we see a lot of depression, ADHD, lot of clients that are on medication. EIA clients, lots of health issues — diabetes, many of the things that you often associate with poverty, not that they are unique to poverty but you know what I mean. Many of the clients that we represent are seeking to move from the general assistance category to the disability category, get better diet, more money.

Involuntary admission to a mental health facility and involuntary treatment under The Mental Health Act are two of the most significant legal issues that arise in the context of mental health. Barriers to accessing the MHRB process and obtaining timely legal representation for an appeal hearing can be daunting challenges. Recently, a significant amount of progress has been made to address some of these challenges.

CMHA Manitoba's Rights Consultant assists people who want to appeal decisions relating to their involuntary admission or treatment. CMHA Manitoba's representative explained their person-centered approach to providing this service:

... it takes time to peel back the onion when you're dealing with some who's really struggling. And at face value, it might sound like, "Yeah, this person needs treatment." And they probably do, however, it doesn't mean that their rights haven't been violated. And so, how do you balance, you know, journeying

with someone and helping them to figure out whether their rights have been violated and helping them — representing them from a legal point of view but also knowing that they have mental health issues, so both can happen at the same time.

CMHA Manitoba's representative also commented on some of the previous struggles securing legal representation for people pursuing appeals before the MHRB. One factor was how CMHA would approach matters compared to how LAM used to process applications for legal representation at a MHRB hearing:

And sometimes what happens, I think, the legal system just sort of sees the thought disorder and the struggles to articulate and it's so complicated that it's like, "the likelihood of us winning this case is so low, can we afford to do this as a system?" So, Legal Aid's approach is, if the merit isn't strong, they don't get approved for Legal Aid. I mean, that's really at the heart of the issue. So, what our rights consultant does, Grace is really a master at this, she's not a lawyer. She's a community advocate essentially. It's not even funded by the government. It's a position that we fund through our United Way funds and we just do it because we believe this work's important. She has time, which is different than what a lawyer might have. So, she — but that's where some of our challenges are. She only has so much time to work with so many people. It takes — it could take 2 hours listening to someone's story and trying to figure it out. So, it takes time and a particular competency around being patient and understanding and, you know, being able to kind of see through some of the struggle and see, "What is the issue here?" That's complicated work. So, it's not about finances necessarily.

In December 2015, a pilot project was developed through meetings between the MHRB, LAM and

PILC, Manitoba Health and CMHA Manitoba that were intended to provide an opportunity to “discuss ways to ensure that patients who request legal or advocate services have access to that service in a timely and efficient manner.”<sup>122</sup> As part of the pilot project, LAM assembled a roster of lawyers (or “duty counsel”) who were prepared to represent individuals before the MHRB in Winnipeg, Winkler, and Selkirk. Upon notification of a hearing, an individual who wants a lawyer to represent them is matched up with counsel from the roster who are available on the hearing day and provided a legal aid certificate, with lawyers responding on a “first-come, first-served” basis.

This has resulted in significant improvement in representation rates before MHRB hearings. For example, in fiscal year 2013/14 only 10% of individuals were represented by counsel in the 77 appeals heard by the MHRB that year. From the start of the pilot program in December 2015 to November 2016 the rates of legal representation at hearings rose to 52% of 83 matters heard. The MHRB advises that:

This new system has provided any patient who requests to be represented by legal counsel to be represented by legal counsel. We no longer have situations where a patient has to choose between appearing in front of the Board unrepresented or delaying their hearing to obtain counsel. Appearing without counsel can be an extremely intimidating process for most people let alone people who are also dealing with mental illness.<sup>123</sup>

The Legal Aid Duty Counsel Pilot Project continues with success and in April 2017 the project team was nominated for a Manitoba Service Excellence Award. The project is an example of the meaningful impact that coordination amongst service providers and other stakeholders can have, as well as how modest process changes can remove significant barriers for people experiencing access to justice challenges.

## E) Precarious Workers

For the purposes of this report, the term “precarious” is used to describe labour with certain kinds of insecurity, including low wages, a lack of benefits, and an atypical employment contract. Labour market restructuring has resulted in more part-time and temporary jobs, and greater competition at a global scale.

According to Statistics Canada, some groups are more likely to hold precarious jobs than others. Year after year, the proportion of involuntary part-time and temporary workers is higher amongst youth (ages 15–24) and women.<sup>124</sup> Young workers are also more vulnerable to job losses after economic turmoil and as a result can be said to experience greater precarity compared to the greater labour force.<sup>125</sup>

In addition, a study by the Law Commission of Ontario concluded that not only are women and youth overrepresented among precarious workers, but so too are racialized persons, immigrants, temporary migrant workers, persons with disabilities, Indigenous persons, and non-status workers.<sup>126</sup>

### Access to Justice Barriers

The growth of precarious labour has serious implications for access to justice. Federal and provincial laws and regulations pertaining specifically to the rights of workers include those relating to employment standards, workplace health and safety, workers’ compensation, and human rights codes. Precarious workers have poor access to due process in cases of unacceptable or unsafe working conditions, discrimination in hiring or workplace practices, harassment and intimidation, and other problems.<sup>127</sup>

One of the social benefits program designed to assist those who lose their jobs through no fault of their own through the provision of temporary income is the Employment Insurance (EI) program. However, it was designed primarily with “traditional” workers in mind, meaning those with a more stable attachment

to the labour force and with a higher level of job security. Marginalized workers at the fringes of the labour market are less likely to qualify for EI benefits, and less able to refuse unacceptable working conditions or challenge unfair employment practices.<sup>128</sup>

The shift in the mid-1990s from Unemployment Insurance (UI), the previous federal income security program, to the current EI program has left workers worse off financially because benefit levels and eligibility rates have decreased. During the economic downturn in the early 1990s, about 80% of unemployed workers qualified for UI benefits, while only 43% were eligible for EI benefits during the 2009 recession.<sup>129</sup> It should be noted, however, that the 2016 federal budget promised an overhaul of the EI program. As recently as July 2016, the threshold for the number of hours a new entrant to the labour force must work to be eligible for benefits was lowered from 910 hours to between 420 to 700 hours depending on regional labour conditions. In January 2017, the wait time for benefits was reduced from two weeks to one week.

Additional barriers to accessing justice by precarious workers are challenges associated with accessing EI benefits and navigating various appeal processes. With respect to accessing EI benefits, the application process can be arduous considering an increased reliance on “self-service” rather than front line services. The intent of “self-service” is to reduce wait times for processing claims, but it can be a challenge for workers who do not speak one of Canada’s official languages, who do not have access to a computer, or who have difficulty with online services.

Two of the service providers interviewed for this report commented on access to justice barriers relating to various appeal processes. The representative from the Workers’ Organizing Resource Centre, an organization that assists workers with legal problems relating to labour and employment standards, said with respect to the Labour Board:

It’s a very intimidating process for people.

There’s a tribunal, it’s a formal setting, and people come and they — before we became involved in this, they were left to their own devices and they would appear in front of, you know, in front of the tribunal. A lot of the times, especially, you know, well established employers that have a lot of money, they would have legal counsel there and so, you know, you’re dealing with a tribunal ... and your opponent on the other side is a lawyer. And so, it wasn’t really a fair process.

CUHC’s representative noted that the EI appeal process is the subject of much criticism. In 2013, the federal government replaced the Board of Referees and Umpire with the Social Security Tribunal. In addition to a significant backlog when the transition was made, there are serious procedural fairness issues with respect to the new appeal process that potentially disadvantage the people it serves. For example, the Social Security Tribunal is a single adjudicator and to date about 80% of appeals are heard by teleconference or videoconference.

#### F) Women Survivors of Family Violence

Violence against women has been recognized — both nationally and internationally — as “a serious and ongoing impediment to gender equality and women’s human rights and fundamental freedoms.”<sup>130</sup> This is particularly so in Manitoba, where violence against women occurs at nearly twice the national rate<sup>131</sup> and Manitoba has one of the highest rates of police-reported family violence among the provinces.<sup>132</sup> Indigenous women are also significantly over-represented amongst female homicide victims.<sup>133</sup>

Family violence — where the perpetrator of violence is a family member — is particularly insidious.<sup>134</sup> The legal system is often engaged when women attempt to break a cycle of family violence. Avenues of legal redress for women ex-



periencing family violence include the legal proceedings around the breakdown of a relationship through family courts, and/or other legal protections<sup>135</sup> that are specifically available with respect to issues of domestic violence and/or stalking.

In Manitoba, research has shown that both newcomer and Indigenous women are particularly vulnerable to family violence. For newcomer women, the Manitoba Association of Newcomer Serving Organizations (MANSO) has stated:

Over the years, we have learned that gender-based violence for newcomers settling in Winnipeg is the result of — or exacerbated by — many socio-cultural and individual factors, including gender inequality, experiences of violence pre-migration, adaptation stresses, sudden role changes in families, perception of changes in gender status and privilege (i.e., women “taking advantage” of women’s rights, and protection by the law) and actual changes in gender status (i.e., men being negatively affected by downward socio-economic mobility, including job status loss and/or under-employment.<sup>136</sup>

Understanding the vulnerabilities of Indigenous women with respect to family violence is equally complex. Indigenous women are about three times as likely to report being a victim of spousal violence as non-Indigenous women.<sup>137</sup> While higher rates of victimization are often associated with the presence of other risk factors (for example, childhood maltreatment, a history of homelessness and poor mental health), Statistics Canada reports that unlike other groups, including Indigenous men, their identity as Indigenous women is, in and of itself, a risk factor.<sup>138</sup>

The Family Violence Prevention Program (FVPP) is a provincially-run program that plans and develops community programs to help stop family violence. The FVPP provides funding to community-based organizations that offer special services for abused women and their children and for men living with family violence.<sup>139</sup> There are 35 agencies across Manitoba that pro-

vide help for people affected by family violence through the FVPP, namely:

- 10 women’s shelters that provide emergency shelter and counselling for women and children victims of family violence;
- a provincial toll-free crisis line that automatically links the caller to the nearest shelter;
- 9 women’s resource centres that provide information, referrals, and individual counselling and support for women and children’s programming; and
- 14 specialized programs, including individual counselling, open and closed support groups, longer term counselling, training for other service providers, public education, supervised access services for parents and their children and couples counselling.<sup>140</sup>

The Family Violence Consortium of Manitoba represents all agencies funded by the FVPP. It is a gathering of organizations who support families across the province in a variety of ways.<sup>141</sup>

### **Access to Justice Barriers**

Women survivors of violence face significant barriers to accessing justice. One is a lack of awareness about the law and their legal rights, particularly regarding family law issues.<sup>142</sup> Where newcomer women are concerned, MANSO identified specific barriers as:

a lack of access to or knowledge of services and support, especially culturally appropriate services, a cultural disinclination to seek help, an attitude of tolerance towards spousal abuse, intolerance and discrimination in the larger culture and in services, language and literacy barriers, and a lack of transportation or affordable transportation.<sup>143</sup>

Another is the gap in services between those offered in Winnipeg and those offered in rural or remote First Nations communities. The rep-

representative from A Woman's Place commented at length on both:

The real gap is rural Manitoba. And not just northern Manitoba, rural Manitoba in general. So, Brandon, Manitoba for example. There's nothing out there. No woman should have to phone all the way to Winnipeg to get a legal consult. And I'm not saying every community should have a lawyer but certainly how's the women in Brandon, for example, supposed to come here and see a lawyer face to face. So, there's a huge gap for rural Manitoba.... And we only do what we can do. We aren't miracle workers, we'll try to give the best advice we can over the phone, or the lawyer will, but there's something about seeing someone face to face, that connection, see the tears, and that trust building that goes on face to face....

... there needs to be some services in rural Manitoba. They just seem to be left out all the time. Legal reform — we need to allow for services for those that live in remote communities. If you live on a reserve, can you imagine being stuck on a reserve and there's no way out and you're stuck in an abusive relationship? You don't have access to a lawyer, you don't have access to a shelter. These women are terrorized in their own community. Or they have to leave their community — why should they? And I know that's kind of getting off what you're talking about. But my heart is with rural Manitoba because I get these calls every day

and it's heart breaking to hear these women talk about lack of resources and heart breaking for me when I can't provide them. So, yeah, there definitely needs to be some changes.

The representative from A Woman's Place also identified fear and mistrust of police and the child welfare system that some women survivors of violence experience:

When the police — now there's a new policy — I shouldn't say new, it's been in place for 2, 2 ½ years — and whenever there's a domestic and children are in the residence, Child and Family are called. And so most women that phone now, or come in, there's Child and Family Services involvement. And, it's a double-edged sword. On one hand, you want women to take it seriously — it certainly is a safety issue for children. On the other hand, women don't want to phone police anymore. So, there's usually that involvement. Helping clients understand that Child and Family's not there to take their child away. It's about the safety of their children and the fact that domestic violence or family violence is not healthy for them. Really trying to help them gain that understanding without fear. Because there's a huge fear.

At both a national and provincial level, stakeholders in the justice system continue to express concerns regarding serious barriers to justice, ranging from the high cost of legal representation to geographical barriers such as distance from services.

## Part III — Review of Existing Legal Services

Part III provides an overview of the present state of access to justice in Manitoba by identifying and describing the legal services currently available to low and middle-income Manitobans.

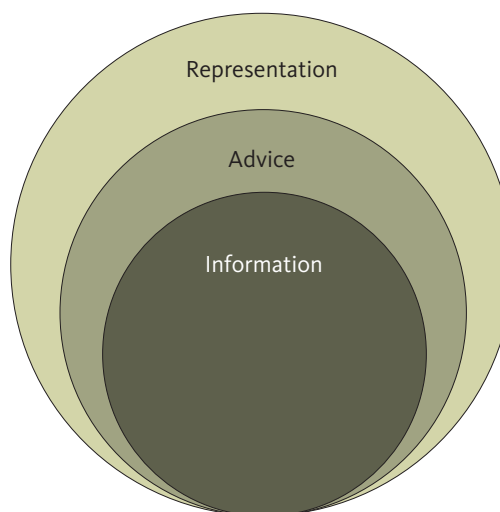
### Spectrum of Legal Services

A major component of access to justice is access to legal services. There is a range of legal services available to low and middle-income Manitobans to obtain assistance in navigating the justice system and resolving their legal problems.

At one end of the spectrum is legal information, where people are given general information about the area(s) of law relevant to their specific problem. That information helps people understand whether they have a legal issue, what their options may be, possible next steps, and where to seek legal advice.

At the mid-range of the spectrum is legal advice, which involves giving a person an opinion about how the law might be applied to their issue. Under Manitoba's *Legal Profession Act*, giving legal advice is deemed to be carrying on the practice of law and therefore solely within the purview of practicing lawyers.<sup>144</sup> Lawyers giving legal advice only do not actually represent the per-

FIGURE 1 Levels of Legal Services



son. For instance, they do not communicate with the other party on the person's behalf or appear with them at a court or administrative tribunal.

At the other end of the spectrum is full legal representation, which means someone advocating on behalf of the person in a legal proceeding before a court or administrative tribunal, or in other legal processes such as a mediation or negotiation.

Distinctions drawn between legal information, legal advice and legal representation, and questions around who provides what service is a necessary facet of any conversation around access to justice. In addition, there is a growing recognition for the need to change the traditional “one-lawyer-one-client” model of legal service delivery. As the Federation of Law Societies of Canada (FLSC) has recognized:

Assistance with legal problems can come from a variety of sources. Paralegals, law students and articling students, as well as a variety of non-lawyers, particularly those who have specialized expertise, can provide effective assistance with a range of legal matters. There is a vast array of organizations and individuals who provide legal assistance and advice although they are not licensed or regulated by any law society.<sup>145</sup>

In Manitoba, some legal service providers limit their services to providing legal information only, while others provide legal advice and/or legal representation. Legal services in Manitoba are provided by lawyers, law students, and community advocates who are not lawyers and may not have legal training.

There is a need for all these kinds of services and each one is beneficial in its own way. However, lawyers and those working under the supervision of lawyers are regulated by the LSM. There is no commensurate regulation of other professionals offering what amounts to legal advocacy services. As a result, there is little to no consumer protection for legal services provided by those who are not lawyers (including legal information, advice, and advocacy services) which can lead to a lack of uniformity in services and issues related to quality of the services provided with little recourse available to the consumer.

At the same time, the necessary protection of consumers should not be used to stifle innovative service delivery that brings access to justice to the people that need it most. To this end, “a key aspect of innovative regulation is *getting out of*

*the way* and encouraging lawyers, and others, to innovate in how legal services are delivered.”<sup>146</sup> In Manitoba, none of the community advocates outlined below have found themselves in conflict with the LSM over the “unauthorized practice of law.”<sup>147</sup> As one representative of the LSM stated:

Far too many members of the public can't afford to hire a lawyer to have their problems resolved. From our [the LSM's] perspective, every legal problem doesn't require a lawyer either, just as every medical problem doesn't require a doctor. I can now go next door [to a pharmacy] and get my flu shot for example, or you have nurse practitioners that assist in a whole variety of areas. So, I think there is a need for us to take a look at how we can ensure that legal services are provided in perhaps some more holistic ways — so that we can identify what services might be provided by lawyers, and by non-lawyers to address the affordability problem.

In terms of the specific role that community advocates can play, the same representative stated:

... a lot of community advocates do exceptional work. They do work that lawyers either don't want to do, aren't prepared to do and in some instances, are less qualified to do. Because sometimes the community advocates... [are] very well trained, [have] very specialized knowledge. In some of those administrative tribunals, their legislation actually addresses that and permits it, and other not.

So, we [the LSM] have struggled with this throughout the years because, from an access to justice perspective, for us to take the position that they're engaged in the unlawful practice of law, that would prevent people who need those services from accessing them. So, to a large extent, what we have done throughout the years is made an effort to identify those situations where an advocate is providing those services effectively where the public is at risk. Where we have identified that the public is at risk... in

those instances, [the LSM] will step in and take proceedings to shut them down.

Previous justice ministers have considered legislative changes that would permit benchers to identify classes of individuals engaged in providing legal services, including community advocates, and provide a mechanism for approving a range of legal service providers. While recent amendments to the *Legal Profession Act* have opened the door to entity-regulation, including an expanded definition of law firms, it remains to be seen whether this type of classification of services will take shape.<sup>148</sup>

What follows is a summary of existing legal service providers and legal services in Manitoba. Attached as Appendix B is a compendium of statistics available respecting interviewed legal service providers (along with related administrative tribunals).<sup>149</sup>

### Legal Aid Manitoba

As not all Canadians have the financial resources to pay for a lawyer, legal aid plans have been established in all provinces and territories. These plans operate with the common goal of assisting lower-income Canadians who require legal services for certain criminal or civil matters.

To operate and provide legal services, Canadian legal aid plans are funded by the Federal and Provincial Governments, client contributions, cost recovery awards, and contributions from the legal profession, among other sources. Since 1995, the federal government has gradually reduced its share of funding for criminal and civil legal aid, from a 50/50 split with provinces and territories to approximately 14% in Manitoba.<sup>150</sup>

While there are legal aid plans in place in each Canadian jurisdiction, there are significant disparities amongst provinces and territories. Each jurisdiction has dealt with declining contributions from the federal government and other challenges in its own way. For example, the financial eligibility levels vary extensively across

jurisdictions, as do the types of legal matters covered, and the extent of legal services provided. Most focus group participants for this report were aware that Manitoba has a legal aid program and they associated legal aid with access to justice.<sup>151</sup> However, many did not know a great deal about legal aid in Manitoba, for instance how it operates, the financial eligibility criteria, and areas of coverage beyond criminal matters.

Manitoba's legal aid plan is administered by LAM under *The Legal Aid Manitoba Act*.<sup>152</sup> LAM's legislative mandate is to provide quality legal advice and representation to low-income individuals and groups who are deemed financially eligible.<sup>153</sup> LAM indicates that it provides more "full legal representation services" per capita than any other provincial legal aid plan.<sup>154</sup> Its core areas of service include:

- Criminal matters (adult and youth), including both indictable and summary conviction offences. LAM generally appoints a lawyer if the person is facing jail time or loss of employment if convicted;
- Family matters, including separation, divorce, protection/prevention orders, spousal support, child custody, and child support. LAM also offers collaborative law as an alternative for parties who want to resolve their issues without going to court;
- Child protection matters;
- Poverty law matters, including issues relating to residential tenancies, government benefits, and detentions under *The Mental Health Act*;
- Immigration and refugee matters, including seeking refugee status and opposing deportation or removal orders;
- Public interest matters, including systemic kinds of consumer, environmental, Indigenous rights, and *Charter* cases; and
- Other matters, such as Workers Compensation, pension, and social

assistance appeals. Before appointing a lawyer, LAM will consider whether any other agency or organization could assist the person.<sup>155</sup>

While LAM has the widest breadth of coverage of legal aid plans in Canada, there remain many kinds of cases that are not covered under LAM's plan, including:

- real estate transactions;
- property divisions;
- wills and estates;
- corporate or commercial matters; and
- civil suits such as people suing each other.<sup>156</sup>

Some of the most frequently occurring “everyday legal problems” are consumer, debt and employment problems, followed closely by neighbour, discrimination and family problems.<sup>157</sup> With the exception of family problems, these commonly occurring problems are not generally covered by LAM on an individual basis. LAM may cover some consumer and discrimination matters through PILC, for cases that are systemic in nature and otherwise meet PILC's case selection criteria.<sup>158</sup>

### **How LAM Services are Provided**

LAM uses both staff lawyers and private bar lawyers to provide full legal representation within its areas of coverage. Staff lawyers are paid an annual salary and private bar lawyers are paid according to the tariff set out in the Schedule to the *Legal Aid Regulation*.<sup>159</sup> Tariff rates are a combination of an hourly fee and maximum flat rates for specific services rendered.<sup>160</sup>

In addition to full legal representation, LAM also offers duty counsel services with respect to criminal law and child protection matters. With respect to criminal matters, duty counsel assists unrepresented people by providing urgent advice and assistance, remanding matters until counsel can be appointed or retained, and assisting with bail applications, guilty pleas, and negotiated settlements with a Crown prosecutor. LAM also op-

erates an Advocacy Unit staffed by 3 paralegals working under the supervision of lawyers at PILC.

The Advocacy Unit handles cases relating to income security, for instance social assistance or CPP disability appeals, and hearings before the Residential Tenancies Branch (RTB) or Residential Tenancies Commission (RTC). A paralegal from the Advocacy Unit is also the independent tenant advocate at the RTB. The tenant advocate assists people in filling out necessary forms, filing claims and appeals, and preparing for hearings. The tenant advocate may appear with a person at their hearing if they have difficulty speaking or understanding English, have a physical or mental disability, or are financially eligible for LAM services.

The Advocacy Unit regularly receives over 1400 calls each year, with inquiries on the rise. In 2016–2017 alone, advocates received 1,634 requests for assistance. Approximately two-thirds of calls for assistance related to residential tenancies matters, one-quarter of calls related to social assistance, with the remaining relating to other matters.

Most of the Unit's hearing work (76–88%) relates to residential tenancies matters, while the remaining hearings involve appearances before the SSAB. In addition to providing general assistance and representation at hearings, the Unit also provides presentations and training in the form of outreach to other service providers and community organizations.

LAM also partners with a number of other service providers in order to include legal services in the provision of other social services — for example, A Woman's Place, Welcome Place, and the MHRB.

In addition to its own community legal offices, LAM also operates the University of Manitoba Community Law Centre, located on campus, and staffed by 50 to 100 second and third year law students who volunteer their time and are supervised by a LAM staff lawyer. This Centre primarily handles Criminal Code offences that are not likely to end in jail time. If there is

a reasonable possibility of incarceration, cases are referred to LAM and a lawyer is assigned to the case. Individuals receiving assistance must be financially eligible to receive Legal Aid.<sup>161</sup>

### **LAM's Financial Eligibility Guidelines**

LAM indicates that an increase in LAM's financial eligibility guidelines in October 2015 makes them the highest among provincial legal aid plans for a single person and for all family sizes.<sup>162</sup> Gross income eligibility levels range from under \$23,000 for a single person to under \$43,000 for a family of more than 6.<sup>163</sup>

In 2015, LAM also reintroduced its Agreement to Pay (ATP) program to extend coverage to people who do not meet the above financial eligibility guidelines but have enough money or assets to pay all or a portion of their legal fees.<sup>164</sup> This effectively increases the range of coverage from under \$23,000 to under \$35,000 for a single individual. At the other end of the income scale, a family of more than 6, would see coverage extended from under \$43,000 to under \$60,000.<sup>165</sup>

People approved under the ATP program are required to make an initial payment and then interest-free monthly payments to cover the cost of their legal fees plus a 25% program fee. LAM sometimes asks people to contribute to the cost of a specific disbursement, for instance a DNA test or psychological assessment. If a person's financial circumstances change for the worse, for instance they lose their job, then LAM may postpone, reduce, or cancel the monthly payment.<sup>166</sup>

In addition to considering a person's gross family income, LAM will also consider whether a person has assets such as a house, savings, or a Registered Retirement Savings Plan. If the assets are locked in or using them would cause a significant hardship, the person may be eligible for legal representation. If a person owns a house, LAM may file a lien against the property but under no circumstances is a person required to sell or re-mortgage their home to pay for their legal services.<sup>167</sup>

If a case is "fee-generating", meaning the person will receive money when the matter is resolved, LAM will generally request that the person first try to retain a private bar lawyer. If the person can provide letters from at least two private bar lawyers confirming they are not able to take the case, then LAM may reconsider the application. Under *The Legal Aid Manitoba Act*, LAM has the authority to hold back money a person receives at the end of their case, but not money from monthly or periodic maintenance or child support payments.<sup>168</sup>

Further information about LAM's services can be found in LAM's annual reports, published online.<sup>169</sup>

While the number of applications LAM receives annually has fluctuated over the past few years, LAM regularly receives over 31,000 applications for legal assistance. LAM regularly rejects approximately 19–20% of the applications received, and while LAM does not provide the reasons for rejections in its annual reports, one could expect that not meeting LAM's financial eligibility criteria, requesting assistance for matters outside LAM's coverage areas, or a LAM determination of a lack of legal merit<sup>170</sup> would be regular causes for rejection of applications.

While criminal adult matters consistently represent the majority of legal matters that LAM deals with, the number of family and immigrations matters that are being dealt with is on the rise. The number of drop-in and phone assists has also increased significantly in recent years. Arguably, additional investments in legal aid in Manitoba would allow for more people to be served (through increases to the eligible income levels) and/or more areas of law to be included in legal aid coverage for direct representation.

### **Pro Bono Services by the Legal Profession**

The legal profession plays an important role in ensuring there is adequate access to justice for people who require legal assistance but are either

not eligible for legal aid or the other legal services offered are not suitable or adequate. Members of the legal profession improve access to justice by offering “pro bono”<sup>171</sup> and “low bono”<sup>172</sup> services. Some would argue that lawyers have a professional duty to offer these services. As Chief Justice of the Supreme Court of Canada, Beverly McLachlin, noted:

If you’re the only one that can provide a fundamentally vital social need, from which you benefit, I think it follows that you have to provide it.<sup>173</sup>

Despite the crucial role the legal profession plays in reducing economic barriers to accessing justice, there is a history of tension between provincial legal aid plans and pro bono services. On one hand, legal aid plans arose in Canada through the 1960s and 1970s primarily in response to the inability of the private bar and traditional pro bono practices to meet growing demands for services. On the other hand, the high demand for legal services, coupled with limited government resources, cause access to justice advocates to be concerned that any increase in pro bono efforts will undermine calls for more public funding to maintain or expand legal aid plans.<sup>174</sup>

Some observe that legal aid plans were never intended to replace the need for pro bono legal services.<sup>175</sup> Many members of the legal profession agree with Chief Justice McLachlin and dedicate a varying portion of their practice to offering pro bono and/or low bono services. That dedication takes many forms, for instance representing a person with respect to their legal problem, getting involved in systemic litigation or law reform initiatives, or making contributions through bar associations and law societies.

#### Initiatives by Manitoba Justice

In 2014, Manitoba Justice approved the Family Justice Resource Centre (FJRC) as a 3-year pilot project to help SRLs with family matters (not including child protection matters). The FJRC began

operating in October 2015 and officially opened on January 12, 2016. It has three staff members that provide legal information and referrals to SRLs in family court. The FJRC staff also assist people with such things as drafting court orders.

People can access FJRC’s services either in person or by phone (Monday to Friday, during business hours). It has a toll-free telephone number for people living in rural or northern areas of the province. Both low income and middle income SRLs seek the FJRC’s services. Many people contact the FJRC for assistance more than once and they also get referrals from the judiciary. The service provided is confidential to give people a sense of safety and security.

As of January 31, 2017, the FJRC had 1,112 interactions — 727 by phone, 332 at their counter and 53 voicemail messages that were returned within 24 hours. Over 700 of the interactions were with people in Winnipeg and the remainder from outside of the city. The following breakdown illustrates the types of inquiries the FLRJ handles daily:

- 295 inquiries were about court processes, forms and copies;
- 208 were about support matters;
- 160 were about custody and access matters;
- 146 were about divorce or separation; and
- the remainder were about enforcement, getting a lawyer, protection, property division and “other” matters.

The major issues identified by FJRC staff since it began operating include court forms and rules that are difficult for people to understand, and people not having a sufficient understanding of the adversarial process or alternative dispute resolution. The FJRC staff have also found that giving people smaller and more focused information packages is a better way of assisting them with their particular legal issue.

In addition to the direct services they provide, the FJRC staff frequently make additional referrals to help people deal with their legal is-



sue. For example, referrals are often made to Family Conciliation, LAM, CLEA, and printed material such as the Guide to Changing Child Support Orders in Manitoba. The FJRC staff also provide referrals when they receive requests for information about legal issues beyond its mandate, for instance child protection, probate, and health care directive matters.

A representative from the FJRC said they are meeting an unmet need with respect to accessing justice, however they were not able to describe the scope of that need. The representative also said that a FJRC-type service for other areas of law where there are high rates of SRLS would be helpful, for instance with respect to small claims matters.

#### Initiatives by The Manitoba Bar Association and The Law Society of Manitoba

In 2010 and 2011, the MBA conducted a series of town hall meetings throughout the province to consult with justice system stakeholders regarding the state of access to justice in Manitoba.<sup>176</sup> Attendees included court workers, sheriff's officers, corrections personnel, representatives from victim's groups, women's shelters and non-profit justice-related agencies, judges, lawyers, and members of the public. Themes from the discussions included access to community-based advocacy and legal support services, lawyers, and legal aid, and revealed disparities between services available in urban areas and services available in rural and remote areas around Manitoba.<sup>177</sup> The town hall meetings played an important role in what were, at the time, emerging discussions about the issue of access to justice.

The LSM has also undertaken initiatives to increase access to justice in the province. In particular, access to justice committees are currently working to facilitate dialogue among stakeholders in ways that can improve institutional responses aimed at addressing unmet legal needs. In addition, it has experimented with

programs designed to deliver legal services in different ways.

The Law Society of Manitoba's Family Law Access Centre (FLAC) is a pilot project that started in 2010 and has provided family law-related legal services to middle income families. When it started, eligibility for FLAC assistance was based on family income levels that were above Legal Aid Manitoba's eligibility guidelines for fully free legal representation.<sup>178</sup>

Once a person was accepted into the FLAC program, they were required to sign a contract agreeing to make a monthly payment for a specified period. If the person failed to make the agreed payments, their coverage was cancelled and the lawyer could withdraw from the case.

The total amount paid under the contract covers the cost of legal fees and disbursements but is significantly lower than what the person would have been charged by a private bar lawyer or law firm. The rates paid to FLAC lawyers are higher than the LAM tariff and are based on years of experience. Specifically, lawyers with less than 5 years' experience are paid \$100.00 per hour, lawyers with between 5 and 10 years' experience are paid \$130.00 per hour, and lawyers with more than 10 years' experience are paid \$160.00 per hour.<sup>179</sup>

Under the FLAC program, people would choose a lawyer from a roster of lawyers, but a lawyer is not obligated to take a case. When the program first came into effect, approximately 70 lawyers volunteered to be on the roster. Since its inception FLAC has approved 67 applications<sup>180</sup> and 46 people have successfully completed the program. There have been a few cases where contracts were cancelled or partial refunds given and 21 cases are ongoing.<sup>181</sup>

The demand for FLAC's services far exceeds the number of cases it can accept and there are about 10 times as many applicants as approved applications. FLAC's website advises people that it is currently not accepting applications because the program is operating at capacity.<sup>182</sup> It has al-

ready been at capacity for several years. FLAC's representative interviewed for this report commented on the high demand for services and said:

There's this massive waiting list and what is surprising is that when you do get an opening, a matter concludes, and you do follow up with someone that's been on the list for a couple years, they're still waiting. I mean, that's remarkable that they have a legal issue that has sat for a couple of years.

Or they're trying to deal with it themselves and would appreciate the help of a lawyer. So, when they get the phone call saying, "OK, now we can accept your case", they're like "Oh, yes!". Even if it's two to three years later.

The fact that someone would still be waiting for counsel two to three years after applying to FLAC indicates how much more remains to be done to address access to justice issues with respect to family law.

FLAC is still considered to be a pilot program but has not accepted new clients in some time. When the ATP program was reintroduced by LAM in 2015 (as outlined in the above section on legal aid), its ATP rates ended up mirroring FLAC's financial guidelines.

If FLAC was to start accepting new clients, it would need to increase its financial eligibility guidelines if it intends to continue assisting people who are not eligible for legal aid. If FLAC's financial eligibility guidelines are not increased, there will effectively be two tiers of assistance for individuals within the income brackets covered by LAM's ATP program. Individuals accepted into LAM's ATP program would be paying their lawyer \$80/hour, while individuals with FLAC would be paying counsel \$100-\$160/hour based on the lawyer's years of experience.

While FLAC continues to serve its existing program participants, the LSM has indicated that it would prefer another organization take over administering the program, as it is a regu-

lator and not a service provider.<sup>183</sup> There were distinct perspectives with respect to FLAC. One perspective is that if FLAC was made a permanent program, with an increase to its financial eligibility standards, it would likely be able to assist even more low and middle-income people with their family law matters. Another perspective is that reduced hourly rates and payment plans are common within the legal profession, especially amongst smaller firms and solo practitioners.

The Law Society of British Columbia's Access to Legal Services Advisory Committee also recently evaluated the program. The Committee determined that it was not viable to duplicate the program in British Columbia and preferred a proposal to set up a roster to "match family law mediators with lawyers prepared to provide unbundled independent legal advice to participants in mediation".<sup>184</sup> *The BC Family Law Unbundling Roster* is an initiative hosted by Courthouse Libraries BC and supported by Access to Justice BC and Mediate BC, and is now operational with an active list of lawyers and paralegals willing to perform discrete tasks for clients.

### Community Legal Service Providers

In addition to legal services provided by LAM and the legal profession, there are a range of other legal service providers in the community. Several non-profit agencies in Manitoba offer help to members of the public as they try to resolve their legal problems. Several social service agencies also run programs that include legal or advocacy services. This section identifies community organizations that have legal services as their core mandate, namely the CLEA, the LHC, the CUHC, and Infojustice.

### Community Legal Education Association

CLEA offers public legal education and information. It also gives anyone who requests their help brief legal advice and lawyer referrals regarding

a full spectrum of legal issues. They also offer the following services to strengthen public understanding of the law:

- a Speakers Bureau;<sup>185</sup>
- Community Legal Intermediary Training;<sup>186</sup>
- workshops and presentations for organizations and community groups; and
- plain language publications that explain legal terminology and common legal problems, as well as information about how to pursue a resolution.

CLEA's Law Phone-in and Lawyer Referral program employs two full-time staff lawyers who assess callers' needs and provide appropriate information and summary advice. They also make referrals to relevant law-related agencies and to a list of over 130 lawyers in Manitoba. CLEA regularly receives more than 6200 toll-free calls for assistance every year, with approximately 25% of calls coming from outside Winnipeg and 21% of calls resulting in a referral.

The roster of lawyers registered with the program provide up to 30 minutes of consultation free of charge, and are matched with people in need of assistance based on their location, area of practice, language, and other factors such as whether the lawyer accepts contingency or legal aid cases. CLEA's staff also reply to email inquiries.

Many people approach CLEA as a first point of contact when they are dealing with a legal crisis. In addition, despite a greater availability of information on the internet, many people that contact CLEA are unable to apply the information they have found online to their situation or they have assumptions about the law based on inaccurate or irrelevant information. As CLEA's representative explained:

When they are confronted with a problem, they have to find out in a hurry — and some people are better at it than others — so they'll have read up. For example, before they even call they'll have read up on family law in Manitoba

and looked on websites, things like that. But in terms of initial understanding, I don't think there's a lot there. Especially with family matters, if anything they get misconceptions from things they read in the paper, things they read about or see on TV. Even the criminal stuff, I think there is a lot of misconceptions from the media. They just don't tell the full story.

The types of requests for legal information and advice that CLEA receives varies widely — approximately 40% of callers are looking for assistance with a family law matter and an increasing number of callers are SRLS. CLEA's representative noted:

They might be calling because they need a lawyer who speaks a particular language. Or it might be that they need someone who's a notary public. It could be as simple as that, to something as complicated as they are representing themselves because they can no longer afford a lawyer and therefore 'this is what I'm doing now and what's my next step?' So, it sort of runs the gamut between some fairly straightforward ones to the more complicated ones are sort of becoming the norm.

The increasing number of complex requests for help suggests that more people are attempting to navigate the legal system on their own. In CLEA's experience, one of the causes of the increase in SRLS is because more people are falling in the gap between eligibility for legal aid and being able to afford full legal representation. As CLEA's representative explained:

They are calling and asking procedural questions. It used to be more so just information type things. They wanted to know "OK what are the grounds for divorce?" Now it's not grounds for divorce, they also want to know about other aspects: custody, access, child support, property division, the whole gamut. And "oh by the way I'm doing this myself because I can't afford a lawyer and I didn't qualify for legal aid." So it does run the gamut.

## Legal Help Centre

The LHC works “in partnership with the community to increase access to legal and social service systems for disadvantaged community members by providing referrals, legal help, and public legal education and information.”<sup>187</sup> Founded in 2009, LHC provides in-person legal information and referrals and holds drop-in clinics for people with family incomes of less than \$50,000 per year. In all its outreach activities, whether it be serving on a committee or doing presentations in the community, the LHC advocates for increased access to justice.

Each year, the LHC serves an increasing number of individuals as “drop-in clients” — from 1,873 in 2013–14 to 2,123 in 2015–16.<sup>188</sup> A large volume of requests for legal information made at LHC’s drop-in clinics relate to family law matters (nearly 60%). As of 2014, LHC is also now regularly helping approximately 100 SRLs in uncontested family motions court each year.<sup>189</sup> LHC is also serving an increasing number of individuals on more than one occasion.

LHC’s drop-in clinics are staffed by law students who are supervised by lawyers. In addition, LHC works in partnership with the University of Winnipeg and the University of Manitoba, and in particular the University of Manitoba social work program so that social work students are also part of the drop-in clinics. LHC’s representative noted that the social work students are a valuable resource and:

... that interplay between social work and the law is really valuable. The social work students come with such a different perspective that they can really open the eyes of law students to different ways of approaching problem solving and to the kind of underlying social problems that might be resulting in a legal problem.

The demand for LHC’s services continues to rise and one of its primary challenges is finding sufficient human and financial resources to meet the demand. LHC’s representative

commented on that challenge and identified a creative way it found to work in partnership with private law firms to ensure there are no gaps in services:

Our primary challenge has been resources. Both human and financial. We have more work than we can do, and we don’t have enough people to do the work that we could do. And we can’t hire more people without more fiscal resources. So it’s a bit of a conundrum — it’s the number one challenge we face.

We have an ongoing challenge in terms of the way we operate because we rely heavily on students. The schedule of students and the limitation of their availability are another challenge that we continually face. We are finding ways to address that typically through filling gaps with articling students. Various firms agree to send their articling students to us during those gap times, whether in December or April during exams, and then we hire students during the summer.

One of the major barriers to accessing justice in LHC’s experience is language, both in terms of legal terminology and English fluency and literacy. In order to successfully compile the documentation needed to support a case, many people require LHC’s assistance completing forms and drafting documents for submission. As LHC’s representative noted:

And I would say, in terms of what barriers do most [people] face, the biggest would be language. That is the biggest hurdle we have to overcome here. Being able to complete court documents, to understand what court documents are asking people to do. And even to express to us, because sometimes we have people come and they only speak Portuguese, no one here speaks Portuguese, I don’t have a student on hand that I could bring in, and had no one to translate, there was literally no way we could help the person.

Another barrier is a lack of access to a computer or a need for assistance with completing documents. LHC's representative stated:

Or people not having the ability to complete documents, because they don't have computers. 'How am I supposed to write the answers to these questions you need, I don't have, I either can't write with my hands or I have no computer.'

### **Community Unemployed Help Centre**

The CUHC provides information advice and assistance with respect to matters relating to the federal EI program and, since 2011, with respect to the provincial EIA program. CUHC's 4 full-time and 1 part-time advocates also appear with people in need of assistance at appeal hearings before the Social Security Tribunal and the SSAB. CUHC staff's expertise is around the government income assistance programs specifically — they are not otherwise trained as lawyers or working under the supervision of lawyers in their advice and advocacy services.

In both 2015 and 2016, CUHC provided information, advice, and representation to about 1,500 people. Its advocates represented 215 and 308 people at their appeal hearings in 2015 and 2016, respectively. CUHC reports that its 80% success rate returned over \$1.26 million in 2015 and \$2.2 million in 2016 to people whose EI or EIA benefits had previously been denied.<sup>190</sup>

The people that CUHC serves also have different needs and circumstances depending if they are dealing with an EI or an EIA issue. CUHC's representative explained that:

Our EIA clients are people living in poverty, and they tend to be long-term unemployed. I don't like the word unemployable, but [they are] long term unemployed and face major psychosocial and physical barriers to employment So they would be people who have little or no hope of gainfully holding employment on a regular basis...

Our EI clients are people who have had a recent labour force detachment so they are not long term unemployed. [They are people] who expect to return, will likely return to work, within a reasonable period of time.

And the clients... are disproportionately Aboriginal, or new and recent immigrants, and increasingly with our EIA work we see more people with mental health issues. Our clients tend to be, based on their work patterns, people in poverty or low to middle income.

Considering significant cutbacks to the federal public service, CUHC's work has become more challenging in terms of getting timely and relevant information for the people they are helping. CUHC's representative said:

It's, I would say, bordering on the impossible for individuals to get information. If you have the experience of calling a Service Canada office, you don't have the option of speaking with a live person. So, you get any number of recorded announcements but no opportunity to speak with someone.

We had designated contacts we could deal with, within Employment and Social Development Canada, which is the department under which EI operates, and those contacts were pulled from us last year. Those contacts were invaluable because if we wanted to inquire about one of our clients' claims or expedite a claim delay by simply providing additional information we were able to move things along pretty quickly. So that presents a challenge for us.

In addition to providing individual advocacy, CUHC also pursues ways to make systemic changes to laws and policies that would benefit precarious and unemployed workers. CUHC was part of a planning committee that organized two successful advocates conferences. It has also worked in partnership with PILC on test cases relating to such things as eligibility for the EI program.

### **Infojustice Manitoba**

Infojustice is a relatively new player amongst Community Legal Service Providers. Opening its doors to the public in May 2017, Infojustice offers legal information, supports and referrals to French speaking individuals. While they do not provide either legal advice or representation, they do offer some accompaniment services, meaning they will accompany self-represented individuals to the courts located in Winnipeg.

Infojustice was founded by the Société de la francophonie manitobaine and was specifically created to promote access to justice in French in Manitoba. They are funded through the *Access to Justice in Both Official Languages Support Funds*<sup>191</sup> as part of a national initiative to promote access to justice in both official languages, joining similar centres in Nova Scotia, Ontario, Saskatchewan, and Alberta. Infojustice's representative had this to say about the need for their services:

Although there exists legislative and constitutional obligations with respect to access to justice in French, there are still, in Manitoba, important deficiencies with respect to access to justice in French. Infojustice Manitoba is seeking to ensure an equal access to French legal information in relation to available English information.

Over 75% of Manitoba's Franco-Manitoban population was born in this province,<sup>192</sup> however, more than 60% of the people using Infojustice's services are immigrants. As the Infojustice representative notes:

There is an important portion of the French speaking population in Manitoba that is new to this country. This clientele requires specific services with respect to justice. French may not necessarily be their first language, but many of them prefer to communicate in French rather than English.

Since opening, Infojustice has provided information on a variety of legal topics. Much like

other legal service providers, the highest percentage of inquiries have been with respect to family law at 32.9%, followed closely by notarial services at 25% and inquiries around civil matters at 24.3%. Wills and estate matters comprise 7.9% of inquiries with 5.7% relating to business or corporate matters. Infojustice's representative explains:

Some clients will want general information... while others will be in the middle of legal proceedings and will want information pertaining to the law or the legal procedure. Some are representing themselves, but others do have lawyers. The clients that have lawyers will often contact Infojustice either to clarify the information they are receiving or to obtain general information because their lawyer may not be able to immediately speak with them.

While over 70% of their interactions with individuals in need of their services are in-person, Infojustice will also provide consultations over the phone or by email. In addition to individual legal information services, Infojustice also provides French presentations and workshops in the community.

### **Government-Funded Legal Service Providers**

In addition to the above community-based organizations, there are several provincial government-funded independent advisor offices attached to various administrative tribunals that offers legal services. These offices typically provide independent assistance to people with legal issues properly before the tribunal within which they are located.

### **Claimant Adviser Office**

The Claimant Adviser Office (CAO) was created by the provincial government in 2005 and is part of the Department of Justice's Consumer Protection Division. The CAO assists people appealing

bodily injury claim decisions made by the Internal Review Office of Manitoba Public Insurance (MPI) to the Automobile Injury Compensation Appeal Commission (AICAC).<sup>193</sup> The CAO was established by *The Manitoba Public Insurance Corporation Act*<sup>194</sup> (MPI Act) but is independent from both MPI and the AICAC. There are no eligibility criteria for the CAO's services and anyone who wishes to appeal a decision to the AICAC can access its services. In addition, services offered by the CAO are free of charge and available in both English and French.<sup>195</sup>

The CAO's mandate under the *MPI Act* is to explain to claimants the meaning and effect of the MPI Act, regulations, and decisions, to undertake investigations and inspections regarding individual claims, and to communicate with or appear before the AICAC on behalf of a claimant.<sup>196</sup> In addition, the CAO will represent claimants at mediations before an appeal is scheduled.<sup>197</sup> The CAO staff's expertise is around the *MPI Act* and the work of the AICAC specifically — they are not otherwise trained as lawyers or working under the supervision of lawyers in their advice and advocacy services.

The CAO primarily handles appeals relating to Personal Injury Protection Plan benefits regarding medical expenses, income replacement, caregiver expenses, personal care expenses, impairments, rehabilitation, and catastrophic injuries. Given that many people are not aware of their legal rights and responsibilities under the *MPI Act* and regulations, an important part of the CAO's services is education.<sup>198</sup> The CAO's representative described the services it provides as follows:

... we provide advocacy services to anybody who is appealing a decision to the Commission of an internal review decision so our services would include ... education, advice, representation.<sup>199</sup>

The CAO's office is in Winnipeg, but it provides services province-wide. The CAO's representative explained:

... the tribunal is centered in Winnipeg, the AIM office, the Mediation Office is centered in Winnipeg, obviously our office is in Winnipeg but that doesn't mean that we don't help people outside of Winnipeg and we have a number of people who are centered around Brandon so we will obviously go out and meet with people in Brandon. We've had tribunal hearings up in Dauphin or up North. The tribunal will travel most of the time or people will come in.<sup>200</sup>

The CAO's representative also noted that in their experience, even though not all the people they represent will be entitled to monetary compensation, having a chance to be meaningfully heard can be equally important:

You know, sometimes our results are not always in monetary terms, it's for somebody to have a chance to be heard and say this is why, this is how it's affected me. They may not actually be entitled to anything under the legislation but they want to have an opportunity to say this is how that motor vehicle accident affected me and my family and we can kind of help them have that opportunity so I think that's kind of what we do.<sup>201</sup>

Over the past three years, the CAO has consistently represented about 60% of claimants before the AICAC. In 2013/14 the CAO represented 109 of 176 claimants; in 2014/15 it represented 133 of 214 claimants; and in 2015/16 it represented 135 of 217 claimants.<sup>202</sup>

### **Worker Advisor Office**

The Worker Advisor Office (WAO) was established in 1982 under *The Workers Compensation Act*<sup>203</sup> and is an entity within the Department of Growth, Enterprise and Trade. The WAO provides free and confidential services to injured workers and their families who need help dealing with the Workers Compensation Board of Manitoba (WCB).<sup>204</sup>

The WAO's mandate is to mission is to promote "the fair, equitable and timely resolution of WCB issues for injured workers".<sup>205</sup> It fulfills that mandate by offering the following services:

- Information and advice to injured workers about their WCB claims;
- Assistance to workers preparing for a hearing before the WCB Appeal Commission. That includes providing information about WCB policies and the appeal process, reviewing the file and clarifying relevant issues, discussing options on how to proceed at the appeal, and giving suggestions on how to make the strongest possible case; and
- Representation before the WCB Appeal Commission if a reasonable argument can be made to dispute a decision. That includes communicating directly with the WCB and appearing on behalf of the worker at the Appeal Commission.<sup>206</sup>

The WAO has an intake process where worker advisors answer inquiries over the phone, triage the requests for assistance, and open files if there is some basis for the WAO to represent the person. In their experience, there is often overlap among the services it provides, for instance some people originally contact the WAO for advice only, but are then provided with assistance and representation.<sup>207</sup>

The WAO provides services free of charge to anyone in Manitoba that falls within the WCB scheme and makes referrals to other organizations if an issue falls outside its mandate. The WAO staff's expertise is around the *Workers Compensation Act* and the work of the WCB Appeal Commission specifically — they are not otherwise trained as lawyers or working under the supervision of lawyers in their advice and advocacy services. As explained by the WAO's representative:

We don't decline services where they are existing in the Workers Compensation claim itself. If

someone contacts us we provide services. The service might look different depending on the nature of the case so again, we come back to the advice, assistance, or representation. We do absolutely send people to other agencies for help where it falls outside the mandate of our office so if we're talking about someone who is struggling financially, we may refer them to Employment Insurance or to EIA for instance. If they're having trouble with an employment insurance claim we may refer them to the Community Unemployed Help Centre, so there's a lot of knowledge in the office about the different services that are available and lots of referrals take place.

In addition to the three core services it provides, the WAO also engages in public education and community awareness activities:

... we do presentations for the [Manitoba Federation of Labour] Occupational Health Centre, the Train the Trainer series and, you know, that really is about increasing understanding and awareness about Workers Compensation ...in different communities where, you know, particularly people coming from other countries who may not have the same experiences and the same knowledge about what Workers Compensation means and what's involved in it, what's the requirements, and how you go about making a claim and it's really about building awareness within those communities so that's absolutely one of the things that we do.

Over the past three years, the WAO has provided services to between approximately 2,300 and 2,700 people each year. Approximately 90% of inquiries are concluded by providing advice only. The others proceed through the appeal system with assistance from WAO staff.

### **Residential Tenancies Independent Advisor Program**

The RTB, located within the provincial Department of Justice, assists landlords and tenants by



providing information on matters such as rent, repairs and deposits, and mediating disputes. The RTB provides information on rights and responsibilities during a tenancy, investigates problems, and holds hearings to make decisions and issue orders on certain issues.<sup>208</sup> The RTB does not provide advocacy services to landlords or tenants.

In the fall of 2010, the Province of Manitoba provided five-year funding to establish the Independent Advisor Pilot Program (IAP). The IAP provided advisory services to landlords and tenants specific to residential tenancies issues. Within the IAP, the provincial government funded a landlord advisor position and LAM funded a tenant advisor position.<sup>209</sup> The advisors were physically located within the RTB's office and referrals to the IAP were regularly made to them by the RTB, various government agencies, administrative tribunals, health care agencies, and social service agencies.

The landlord and tenant advisors assisted people with filling out forms, filing claims and appeals, and preparing for hearings before the RTB or the RTC. They also assisted tenants and smaller, independent landlords to present their evidence at a hearing if they had difficulty speaking or understanding English, had a physical or mental disability or issue, or were living on a limited income.<sup>210</sup>

The RTB's representative explained the rationale for the IAP in the following way:

One of the reasons for embarking on the Independent Advisor Pilot Program was to ensure that individuals who had limited income or other reasons where they would need assistance in representation had access to that. So, I mean our process is informal and you don't require a lawyer and definitely it's not a regular occurrence that lawyers attend.

However, for individuals who may have more difficulty maybe reading or understanding or get overwhelmed by the process, if they can't afford to have someone help them or don't have

access to someone who helps them — you know, maybe their success rate in areas where they have a valid position is a little compromised. So, this pilot program was something that was put into place to provide that assistance.<sup>211</sup>

In October 2016, the provincial government declined to continue supporting the IAP. Consequently, LAM now exclusively funds a service providing information and advocacy to tenants. The advisor services to landlords are no longer offered.

### Other Service Providers

In addition to the organizations profiled above that have legal and/or advocacy services as their core mandate, there are several organizations in Manitoba whose programs or services include some form of legal assistance. The following are illustrative of the kinds of programs and services provided through social service agencies or other community non-profit organizations, but are not an exhaustive list of services available.<sup>212</sup>

### **NorWest Co-op Community Health Centre — A Woman's Place**

A Woman's Place is a program located within the Norwest Co-op Community Health Centre in Winnipeg. The purpose of the program is to ensure the safety of women and children so they may live in an abuse-free and healthy environment.

A Woman's Place Domestic Violence Support and Legal Services offers supportive counselling and legal services to women who have left or are in the process of leaving an abusive relationship.<sup>213</sup> A Woman's Place works in partnership with LAM by taking legal aid applications and ensuring they are fast-tracked for women who are in crisis.

A Woman's Place also has a staff lawyer that provides legal advice, information, and representation, all free of charge. Some of the ways

in which the staff lawyer provides legal representation are obtaining protection orders, defending against applications to set protection orders aside, and in appearing as a “friend of the court.”<sup>214</sup> A Woman’s Place also does presentations in the community on domestic violence and family law issues. In addition, it advocates for law reform regarding protection orders and has prepared written submissions regarding the domestic violence prevention strategy.

Women survivors of violence come from a variety of backgrounds. In 2016, A Woman’s Place provided services and supports to well over 1,000 women. The representative from A Woman’s Place said women survivors of violence are all ages and come from all different backgrounds, although a large proportion of the people they assist are Indigenous women.

#### **Canadian Mental Health Association Manitoba and Winnipeg**

CMHA Manitoba offers a Rights Consultation service described as follows:

The service provides people aid in helping them understand the issues they face, explaining options, approaches, and, if requested, supporting people at meetings and hearings. The consultation service regularly provides coaching, assists with correspondence and filing complaints, provides support for rights-based issues under the Mental Health Act, legal issues, and concerns around social service and health care treatment.”<sup>215</sup>

In 2013–2014, CMHA Manitoba assisted 277 people through its Rights Consultation service and Intensive Rights Consultation supports were provided to 32 people.<sup>216</sup> In 2014–2015, CMHA Manitoba provided nearly 300 responses to rights-based issues and worked on 39 individual cases.<sup>217</sup> In 2015–2016, 42 people received one-on-one assistance to understand their rights under *The Mental Health Act* and received patient representation or support at the MHRB.<sup>218</sup>

#### **Independent Living Resource Centre**

The Independent Living Resource Centre (ILRC) assists people through its Individual Advocacy Program (Self Advocacy). In 2013–2014, the ILRC provided support to over 800 people through this service.<sup>219</sup> In 2014–2015, it provided one-on-one support and consultation to 180 people, provided contact supports to over 1,000 incoming inquiries by email, telephone or face-to-face, and participated in 52 presentations.<sup>220</sup> In 2015–2016, it provided one-on-one support and consultation to 156 people and provided contact supports to about 1,100 inquiries by email, telephone, or face-to-face.<sup>221</sup>

The ILRC also participates in community activities and events as part of its community outreach. It has also been involved in systemic law reform efforts, including a complaint to the Manitoba Ombudsman regarding Handi-Transit services.

#### **Anxiety Disorders Association of Manitoba, Manitoba Schizophrenia Society, and the Mood Disorders Association of Manitoba**

These are three of the five self-help mental health organizations known as FACES that are co-located in downtown Winnipeg. The Anxiety Disorders Association of Manitoba is a peer-led organization that offers practical suggestions, assistance with information, referrals, and navigation, and helps people with issues they are facing regarding such things as homelessness, lack of food and lack of financial resources.<sup>222</sup>

The Manitoba Schizophrenia Society’s purpose is to improve the lives of people affected by schizophrenia and psychosis.<sup>223</sup> It is a “consumer-focused, family sensitive mental health self-help organization” that provides “education, peer support programs, one-on-one consultations, public policy and research.”<sup>224</sup>

The Mood Disorders Association of Manitoba provides peer support for depression and bipolar disorders. The organization offers education, public awareness, and advocacy services and has served about 55,000 people across the province.<sup>225</sup>

### **North End Community Renewal Corporation — Tenant Landlord Cooperation Program**

The NECRC has a Tenant Landlord Cooperation (TLC) program whose purpose is:

... to promote the upkeep and maintenance of rental properties within the North End of Winnipeg while fostering good working relationships between landlords and tenants. The TLC program seeks to employ conflict resolution while educating clients on their rights and responsibilities under existing legislation to address community rental instability due to landlord and tenant disputes.<sup>226</sup>

The TLC program includes workshops on tenant and landlord rights and responsibilities, working with community members to address tenant issues, and advocating on housing issues. In 2015–2016, the TLC program:

- had 1,104 individual contacts;
- received 530 calls that were dealt with in under 3 hours per call;
- opened 273 advocacy files; and
- recovered \$95,443 through hearings and mediation.

### **Manitoba Low-Income Intermediary Project/Workers Organizing Resource Centre**

The Manitoba Low-Income Intermediary Project/Workers Organizing Resource Centre offers advocacy support to people who have problems with government agencies, social assistance, housing, and tenancy issues. It also provides poverty advocacy training and supports people as they navigate through various systems. Their advocates appear with people at appeal hearings, including with respect to social assistance benefits and employment standards matters. The office is primarily funded by the Canadian Union of Postal Workers, which also provides administrative support.

### **West Central Women's Resource Centre**

The West Central Women's Resource Centre (WCWRC) offers a wide variety of programs to address economic and housing security issues for women, including newcomers and Indigenous women. Specific programs offered at the Centre include a drop-in centre and a meal program. The HOMES (Housing Options, Mentorship & Economic Security) program helps women navigate the EIA and housing systems and serves about 250 women per year. This includes helping women with landlord conflicts, including supporting women with RTB claims, and helping women with EIA issues, including supporting women with SSAB claims.

### **Eagle Urban Transition Centre**

The Eagle Urban Transition Centre (EUTC) offers services to First Nations people who relocate from a reserve to Winnipeg. Much of their work focuses on housing, but it spans a range of issues affecting Indigenous people who are transitioning from one community to another. Those issues include employment, education, health care, income supports and safety. EUTC's representative said:

We help hundreds of people acquire housing who are, the correct term is episodically homeless, couch surfing, or new to Winnipeg or living in dilapidated residences, or overcrowded or living in an undesirable area where they're not safe. And then we also do programming for homeless people based on the housing first model.... And then we have some employment and training pieces that again are — that are very much needed. And we do some short-term training, we help people with work clothing, steel toe boots, specialized training, like safety training that will sometimes give them a bit of an edge when applying for a job.

The prevalence of homelessness, or underhoused people, is particularly high among the people that EUTC serves. Many find temporary

accommodation with family or friends upon arrival in the city, while others stay in emergency shelters or in public spaces. The EUTC representative noted:

I think about 40% of people that come here are impacted by housing and homelessness so sometimes — like I was just talking to this young man this morning. He was coming here to use the computers to connect with people, look for work, right? I say, “Where did you stay last night?” He said, “I stayed at the Main Street Project.” He said, “I just get up in the morning, have a quick shower, and get out of there as fast as I can.”

... So, they shoo you out. This is why you see a lot of people just kind of lingering around and you see signs, “No bathroom. No phone.” So, people come here as a place to kind of — it’s a part of their day. To fill their day.

In terms of its values as an agency, EUTC’s approach is rooted in Indigenous traditions. It views community members in holistic terms, and in doing so helps each person seeking help to feel valued. As noted by EUTC’s representative:

Our purpose and vision is based on the medicine wheel philosophy and it’s community member focused... everyone is entitled to a good life and they should have access to the resources and supports that help them have a good life in the areas of mental, physical, spiritual, and emotional.... I try to — we try to incorporate the seven teachings into the work that we do here. Respect, humility, truth, honesty, wisdom, love, and courage.

A critical component of EUTC’s success at providing effective services is its reputation in the community and the partnerships it has developed. EUTC’s representative explained:

We are very well known throughout the city of Winnipeg. We’re proven to be effective and the biggest indicator that people find out about us is through word of mouth, which is probably

the best, self-referred. They come here because they walk away with something. They walk away feeling good about themselves. They walk away — they come here because they — we have 100% Aboriginal staff that have expertise and life experience and access to resources that will help community members. And we work in cooperation here and we have many partners out there, urban and rural.

### Potential Disruptions<sup>227</sup> To The Manitoba Landscape Of Legal Service Providers **Lack of Adequate Resources for Existing Service Providers**

The above survey of organizations reveals the existence of a considerable number of service providers, each doing their best to meet the legal needs of the people who access their services. The survey also reveals there is a wide range of types of services providers, mandates, and individual communities served. Unfortunately, there is not the same level of variety in terms of the geographic location of the services as the vast majority are located in Winnipeg and only a few extend their services to the rest of the province.

The important work being done by existing organizations and the dedication of individual service providers that help people access justice cannot be overstated. However, despite their best efforts there remain many un- or under-served people who cannot access the justice system. Most service providers interviewed stated their organization had difficulty meeting the demand for their services due to limited resources. Others expressly highlighted the dearth of service providers located in or accessible to rural and remote areas of the province.

While the demand for services continues to grow, many of the funding opportunities that community-based legal service providers and other non-profit organizations depend on are shifting. The current provincial government regularly reports that the economic conditions

of the province are difficult and that the finances of the province need to be “fixed.” Many organizations that rely on provincial government funding are readying for or already dealing with funding cuts.<sup>228</sup> For example, as noted above the government funding to the Residential Tenancies IAP was cut in October 2016. Advisor services to landlords are no longer offered and tenant services are provided through LAM’s Advocacy Unit.

In addition to the current fiscal climate of the province, many legal service providers profiled in this report are also affected directly by the fiscal health of the MLF, which is a significant funder. The MLF is a not-for-profit foundation which funds programs for the benefit of the public in legal education, legal research, law reform, legal aid services, and the development and maintenance of law libraries. The MLF’s revenue comes primarily from interest on funds held in Manitoba lawyers’ pooled trust accounts. A small proportion of the MLF’s revenue comes from investments managed by the Winnipeg Foundation.<sup>231</sup>

Since 2011, less funds have been available for discretionary grants through the MLF because of economic conditions and a continuing environment of low interest rates.<sup>232</sup> Any changes to the current status quo in terms of funding arrangements with the MLF could have a significant impact on existing services offered to vulnerable individuals or marginalized communities in Manitoba. It’s worth asking whether there is value in seeking to evolve before one is forced to evolve.

### **Need for Better Empirical Data**

There is a lack of publicly available empirical data relating to the supply of and demand for legal services in the province. Coupled with an *ad hoc* approach to coordination of legal services, there is a potential for duplication of services, inefficiencies, and gaps in service.

Further, there is no space carved out to hear directly from members of marginalized communities and other consumers about the services

they require, and how those services could best meet their needs.

### **New Initiatives**

At the same time as today’s fiscal climate has the potential to disrupt the status quo, so too do entirely new players, such as current initiative being contemplated by the University of Manitoba’s Faculty of Law and a major private donor. This proposed new initiative with the working title “The Justice Centre” is intended to serve three primary functions:

- provide a highly organized and well-supervised, accredited, and immersive experiential learning opportunity for students in their third (and final) year of their law degree at Robson Hall;
- provide a wide range of legal services to the public, targeted to those who are unable to afford to pay for those services and who are not eligible for help from LAM; and
- be an incubator providing advice and support for recently called to the bar lawyers who wish to develop innovative legal practices.<sup>230</sup>

The Justice Centre would be set up to serve individuals who are not currently financially eligible for legal aid, but who are still unable to afford the legal services they need. One of the insights shared between LAM and the proposed Justice Centre is that there currently exists a gap in full legal representation services and a holistic package of services ranging from information to representation in the preferred mechanism for assisting people with legal problems. This is where the Justice Centre differs from many current services offered in that the concept is not limited to legal information or advice and it is intended that the Justice Centre, should it come to fruition, would provide full advocacy and representation services.<sup>233</sup>

Some of the target areas identified anecdotally would be family law matters for individuals

who find themselves outside of LAM's financial eligibility guidelines, as well as civil legal services outside of LAM's current areas of coverage.<sup>231</sup>

At its core, the Justice Centre would be a student legal clinic. Even with the use of full-time supervising attorneys and/or a roster of volunteer lawyers, the Justice Centre would be set up around providing a clinical experience for students. In the discourse around student clinics and clinical learning in general, many of the advantages discussed focus on advantages to the student:

- teaching students to exercise professional judgement in action, in the face of all kinds of indeterminacy; and
- maximizing authentic student learning by recognizing its flexibility and creating opportunities for transfer.<sup>234</sup>

According to Jane Aiken:

Clinical education today creates opportunities for law students to recognize the injustices in society and in the legal system, to appreciate the role they can play in challenging social injustice and in reforming the legal system, to make society and the legal system more just, and to inspire them to do just that. If we do that well, clinical legal education will have an even greater impact on promoting social justice than if we handle more cases. And to that, we must all be both effective teachers and effective doers.<sup>235</sup>

While many of the advantages discussed focus primarily on the advantages to be gained by the students working in the centre, student-led clinics are also not without their challenges. One of the key issues to consider from a consumer perspective is continuity of service. The needs of individuals struggling with legal problems will rarely be organized around an academic semester system with breaks for an exam period and summer holidays.

It is also worth asking whether a student clinic is the most cost-effective way of providing a core service like legal representation. A more cost-efficient model would likely be a combination of

students and paralegals/community-based advocates (under the supervision of a lawyer). While a student clinic doesn't necessarily pit learning opportunities against client-centred or needs-based service delivery, any program needs to consider how a student clinic could be organized to best meet the needs of its client base, to avoid providing a great learning opportunity to students at the expense of individuals in need.

At the time of publication, plans for a Justice Centre remain in the stakeholder consultation phase and no specific (and necessary) financial commitments have been made. It remains to be seen if or how the Justice Centre might impact the Manitoba landscape of legal service providers.

With the depth of challenges outlined by both communities in need and by those serving them, there is limited space for the status quo.

### **Regulation of Lawyers and Paralegals**

Many legal services provided by community-based organizations are not carried out under the supervision of a lawyer and with the benefit of regulatory oversight through the LSM. Further discussion is warranted to address any consumer protection issues associated with legal information, advice, and advocacy services provided by non-lawyers. Some examples of how these issues might be addressed include:

- interpreting recent amendments to the *Legal Profession Act*, specifically the definition of "law firm" to include any other joint arrangement to provide legal services, to include community-based organizations that provide legal information, advice and/or advocacy services;
- actively regulating paralegals under the *Legal Profession Act*; and
- implementing a voluntary code of standards for unregulated service providers.

Any steps taken to protect consumers should not be used to stifle innovative service delivery

that improves access to justice for the people who need it most.

### **Using Technology to Improve Access to Justice**

Accessible and affordable technology could have a significant impact on access to justice, particularly for persons living in poverty and people living in remote communities. The idea of using technology to improve and enhance access to justice is not new and has been the subject of study and academic writing. In his 2016 article, author Darin Thompson envisions an “artificial intelligence-based system” and online dispute resolution to create a new pathway to justice.<sup>236</sup> The author expressly notes that:

Technology holds the potential to open up justice to new actors and competitors who do not come from the traditional institutional framework. While justice providers may continue to resist such changes, users who are more concerned with affordability and access will welcome them. Cassandra Burke Robertson contends that individuals with unmet legal needs may actually drive the coming disruptions to legal practice brought about by new technologies. Whether or not future innovations are top-down or user-driven, the proposals contained in this article accept that technology has a critical role to play in enhancing access to justice.<sup>237</sup>

Access to justice initiatives in the U.S. can be looked to as examples of how governments can take the lead in promoting and funding the use of technology to deliver legal services to persons living in poverty. The federal government’s Technology Initiative Grant program has provided over \$40 million to courts, legal services agencies, and non-profit organizations to develop and implement technologies that will enhance access to justice. Legal aid providers in the U.S. have also adopted many measures to assist people with limited access to the courts,

including websites, interactive resources, smart forms, e-filing, social media tools and online learning tools.<sup>238</sup>

The remainder of this section identifies examples from other Canadian jurisdictions or within Manitoba of technological improvements or using technology to improve access to justice.

### **Examples from Manitoba**

#### **Improving Internet and Phone Service in Manitoba**

Between May and August 2016, Bell/MTS announced a number of plans to improve internet and cell phone service around the province. In particular:

- in May, Bell/MTS announced plans to improve wireless coverage along Highway #75 from Winnipeg to the US border to address gaps in services. Currently residents living along stretches of the highway have limited wireless coverage, for example between Ste. Agathe and Morris;<sup>239</sup>
- in July, Bell/MTS announced plans to expand mobile and broadband service in Northern Manitoba, including new or enhanced wireless and broadband services for the five Indigenous communities of Easterville, Gods Lake Narrows, Gods River, Grand Rapids and Red Sucker Lake, and network improvements in the city of Flin Flon;<sup>240</sup> and
- in August, Bell/MTS announced plans to expand wireless service in and around the western Manitoba community of Glenboro and to expand broadband communications infrastructure in the town of Churchill to enhance connectivity in the community.<sup>241</sup>

When these improvements to internet and cell phone service are implemented, they could certainly be used to enhance and improve access to justice in rural and remote areas of the province.

### **Legal Aid Manitoba's Online Application**

LAM has found ways to use technology to make its application process more efficient and accessible. It is developing an online version of the application form so that applications can be taken by other service providers, for instance the LHC or A Woman's Place, so that people coming to these organizations for information or assistance no longer have to then go to LAM's application centre to apply. As part of this new online application process, LAM will offer training to service organizations to ensure applications are completed properly so they can be processed in a timely way.<sup>242</sup>

During the interview for this report, the representatives from LAM indicated that if the technology were available, they would be able to provide better service to people living in rural and remote areas, and in particular, First Nations communities. They also shared other creative ways to improve access to justice and existing technology that LAM is currently considering. LAM would like to "piggyback" family services onto the criminal services it currently provides in rural and remote communities. On days when the court is sitting in a specific community to hear criminal matters, it might be possible to also schedule family court matters on the same day. In addition, if a community has the proper infrastructure and capability, LAM would be able to set up a "virtual office" so people could meet with their lawyers or take applications electronically.

### **CLEAs Live Chat Pilot Project**

CLEA is in the process of obtaining funding to launch a legal information live chat pilot project. Currently CLEA receives an increasing number of email requests for legal information. Given the time delay in processing and responding to email requests, CLEA wants to experiment with a live chat program to see if it would be a better way of providing legal information during certain times of the day. If CLEA can launch

the pilot project, it could also create a database of responses for live chat that could be used to respond to email inquiries.

### **The 211 Manitoba Website**

The United Way's new Manitoba 211 website is intended to connect people with the services they need closest to where they are. The Manitoba 211 website is advertised as "a searchable online database of government, health, and social services that are available across the province".<sup>243</sup> Currently 211 Manitoba is only available online and only available in English, but the United Way's goal is to ultimately include phone, text and chat capacity and expand to bilingual service and service in other languages.<sup>244</sup> "Legal Issues" is one of the searchable categories, however a number of services listed do not have any readily apparent connections to the provision of legal services. While there appears to be some potential in an online tool like Manitoba 211, it remains to be seen how effective Manitoba 211 will be in connecting people with the services they need.

### **Examples From Other Canadian Jurisdictions**

#### **Recommendations by the Action Committee to the Access to Justice Working Group**

In its 2012 report, the Action Committee looked at the benefits of web-based legal information and telephone access to legal advice or referrals. It also made a number of recommendations to the national Working Group on Access to Legal Services.<sup>245</sup>

The Action Committee's report identifies innovative work that has been done to reduce barriers to accessing web-based information by people with low literacy skills, people with mental or cognitive disabilities, people who live in remote communities, and people who do not read or speak one of Canada's official languages. Those



innovations include the use of videos and making information available in different languages and formats. The Action Committee also made the following recommendation in that regard:

Create a national justice internet portal to simplify and coordinate access to justice information. Such a national justice website should be the responsibility of key stakeholders but be run and managed independently and sufficiently flexible to allow each province and territory to determine what organization should take the lead. The portal should also be able to reach communities that face specific barriers to accessing justice, for instance Aboriginal and newcomers.<sup>246</sup>

The Action Committee found that telephone and internet-based services are efficient and effective means of supplementing basic legal information, particularly for people who do not qualify for legal aid but cannot afford a lawyer. Its report noted that web-based assistance programs give the public an opportunity to ask questions online about their specific legal problem online and service can be provided in real time, or those in need can request information by email at any time of the day or night.<sup>247</sup> The Action Committee made the following recommendations in that regard:

- Web-based legal information should be supported and supplemented by a variety of interactive services to provide additional information, referral and assistance; and
- Priority should be given to increasing the availability of telephone and internet-based legal information and advice systems.<sup>248</sup>

### **British Columbia's Civil Resolution Tribunal**

British Columbia's Civil Resolution Tribunal (BC-CRT) is an online tribunal in Canada that resolves strata housing<sup>249</sup> and, in the future, small claims disputes. Examples of the types of disputes that can be handled by the BC-CRT are disputes about non-payment of monthly strata fees, unfair or random enforcement of strata by-laws, irregularities in the way strata meetings are held, and issues about common property.<sup>250</sup>

According to its website, the BC-CRT:

... offers new ways to resolve your legal issues in a timely and cost-effective manner. The CRT encourages a collaborative, problem-solving approach to dispute resolution, rather than the traditional courtroom model. The CRT aims to provide timely access to justice, built around your life and your needs. It does this by providing legal information, self-help tools, and dispute resolution services to help solve your problems, as early as possible.

You can use the CRT 24 hours a day, seven days a week, from a computer or mobile device that has an internet connection. Your interaction with the other participant and/or the CRT can be done when it is convenient for you.<sup>251</sup>

The BC-CRT provides people with strata disputes (and in the future small claims disputes) with plain language legal information and a range of dispute resolution that include negotiation, mediation, and adjudication. BC-CRT facilitators will work with the parties to reach an agreement to their dispute.<sup>252</sup>

## Part IV — A “One-Stop Shop” For Legal Services In Manitoba

Part IV examines a “one-stop shop” model for legal service provision to improve access to justice in Manitoba. The potential benefits of a one-stop shop are considered not only from the perspectives of institutional stakeholders and service providers, but also from the communities they serve.

Bringing this frontline perspective forward is intended to inform discussions about creating better access to justice for people in Manitoba living in marginalized communities or situations of disadvantage.

In this part, specific themes are explored, namely location and geography; people-centred and holistic service delivery; economies of scale; and coordination and collaboration.

### What Is a “One-Stop Shop”?

The concept of a “one-stop shop” entails the provision of a comprehensive or full range of services at a single location. The model purportedly offers several advantages both from a consumer, citizen, or public point of view and from the perspective of service providers, funders, and government. The main objectives of a one-stop shop are to deliver services in a “seamless” fashion, with

a single, high profile point of entry and greater coordination among previously fragmented service providers.<sup>253</sup>

A range of configurations are possible within a one-stop shop model, with variations in the degree of organizational integration between existing service providers. At one end of the spectrum, several existing service providers are co-located at a single site while remaining relatively autonomous from one another. At the other end, several existing service providers are merged into a single entity with a shared governance structure, budget, staff, and resources.

A “hub and spoke” model of service delivery entails the creation of one central venue with various services located under one roof to act as the “hub,” and a series of connected satellite sites or “spokes.” The potential for satellite services to be effective is greatest at locations where people already access some form of help, whether it be legal, social, material, nutritional, or spiritual services. In addition, points of contact with the justice system such as court workers also provide opportunities for satellite services, depending on the practical feasibility of partnerships between community agencies and the government. Lastly, law students could be used to expand satellite

services and the supervisory and training functions would remain at the central facility.

This report examines both the benefits and the challenges of creating a one-stop shop from the perspective of community-based legal and social services and the people they serve.

## One-Stop Shops In Manitoba and Other Jurisdictions

### **Nine Circles Community Health Centre**

The Nine Circles Community Health Centre (Nine Circles) is located on Broadway in Winnipeg and works in partnership with the Health Sciences Centre. Although it provides primary care and support in general, it specializes in primary care and support to persons living with HIV, Hepatitis C and STD/Is. Most of Nine Circles' funding comes from the Winnipeg Regional Health Authority and some comes from Manitoba Health.

In the late 1990s, four federally-funded AIDS service organizations decided to merge and create Nine Circles after consulting with people living with HIV/AIDS, stakeholders, and funders. Informal discussions about merging were initiated by the executive directors of each organization. One of the main drivers of the merge was a lack of permanent, stable funding from the federal government to each organization.

Nine Circles' hub is in Winnipeg and the organization is developing linkage points in Brandon and Thompson. It has 55 full- and part-time employees and relies on volunteers for its food bank and support groups. Nine Circles also partners with other primary health care providers and connects people to the services they need. Nine Circles accepts referrals from other agencies and from their own internal programs. If their services are not suitable for the person, they will make a referral to another agency. The Nine Circles representative interviewed said that a major challenge is finding lawyers to which they can refer people dealing with legal issues relat-

ing to such things as child and family services or consent issues.

The intake process is usually initiated by a nurse and then the intake social worker or occupational therapist gathers additional information to determine what kind of team should be assembled, for instance a doctor/nurse or a doctor/nurse/social worker/outreach worker/occupational therapist. Nine Circles also has a triage nurse to deal with people as they come into the office, including people who often do not keep scheduled appointments. People living in remote First Nations communities who are flown in to Winnipeg for an appointment with a specialist at Nine Circles often take that opportunity to also see other service providers, for instance a doctor or social worker.

Nine Circles has a number of outreach initiatives that either raise awareness about its services or increase the effectiveness of services provided by other organizations, namely:

- sending an annual mail out to doctors/nurses/nursing stations;
- publishing an annual report;
- training health and social service providers;
- developing and maintaining partnerships with community organizations working with high risk populations and government health authorities;
- making internal referrals, for instance from the STI clinic to primary care providers, and making referrals to other community agencies;
- doing testing for other organizations if they do not have the capacity;
- having its outreach worker follow up with certain individuals as a support and resource;
- providing food bank, drop in, and harm reduction programs;
- having its social workers do tenant and welfare advocacy; and

- using the HIV/AIDS Legal Network as a source of legal information.

Nine Circles' partnerships have resulted in concrete changes that increase the likelihood that people will be able to access the services they need. For example, in the past if Winnipeg public health services or the First Nations and Inuit Health Branch could not locate a person who tested positive to refer them to Nine Circles, they would close their file. Now those departments continue to try to locate the person and will not close their file until Nine Circles has met with them.

When asked about the key to developing successful partnerships, the Nine Circles representative said:

... just because you work in a similar area, it doesn't make you a partner. Sometimes you don't need to partner. You know if you're doing good work and they're doing good work, it's good to share communication back and forth and that's good enough.... we've spent a lot of time in the early days trying to force these partnerships... and it was really about better communication rather than a partnership on anything specific.... I think we've certainly learned to not try to create a 12-page terms of reference or MOU for every partnership we have but to be very very clear and document the stuff that's important.... But really about our key in terms of how we would define a partner is, we've agreed to speak positively about each other in public, speak directly to each other if there are issues or conflicts or problems that we're having... and always to identify what is the way that there will be communication and make sure that that's always named and clear both at an administrative level and then at the service/delivery model level.

... We don't try to force it. We focus our partnership development really on our strategic plans.

### **Sheldon Kennedy Child Advocacy Centre**

The Sheldon Kennedy Child Advocacy Centre ("CAC") brought together organizations in Calgary that focus on investigating child abuse allegations, treatment, case management, and victim services for children and families that experience child abuse. It came into existence through the efforts of Sheldon Kennedy and Calgary's police chief, who met with key leaders from Child and Family Services, the Children's Hospital and Crown prosecutors. A Memorandum of Understanding was signed by the core partners, who then developed protocols about such things as sharing information and triage. The CAC's Board of Directors consists of representatives from its core partners, representatives from corporate sponsors, the Grand Chief of the Treaty #7 First Nations, lawyers, philanthropists, and community members. The CAC's funding comes from federal, provincial, and municipal grants, and donations from other organizations, corporations, and the public.

The CAC takes up an entire floor of a building located across the street from the Children's Hospital. It consists of child abuse detectives from the Calgary Police Service, one RCMP member, child and family services assessors and case workers, a treatment team of psychologists, social workers and family therapists from Alberta Health, pediatricians, public health nurses that provide newborn and prenatal care, and about 10 staff members and a program evaluator who tracks cases and looks at outcome measures. Crown prosecutors work in partnership with the CAC but their offices are not located in the building. The building in which the CAC is located is a child developmental centre so it also has access to psychiatry, developmental clinics, and pediatricians. The CAC also relies on volunteers that help with child minding, orientations, events, and victim advocacy.

A typical day at the CAC starts with representatives from the core organizations meeting to review cases that came in over the past 24

hours. Any new information is brought forward to speed up the decision-making process and the group decides who will take the lead on a case, what that will look like, and what is involved. The CAC representative said that:

... we are doing SROI [Social Return on Investment] reviews with KPMG and we're already seeing really good outcomes on what we're saving just in kind of big stallers because people don't have to spend three weeks trying to connect with each other physically, they're right across the aisle from each other. Families don't travel throughout the city. The notion of a one-stop shop is a very powerful one and so a lot of work has been to impress upon the government that if they invest in this it's to their benefit too.

The CAC has implemented, or is planning to implement, the following outreach initiatives to try to eliminate or reduce barriers to accessing services outside of Calgary:

- It has signed an agreement with the Treaty #7 First Nations in southern Alberta to consult and provide guidance to ensure the services needed to support families are accessible within or close to the community;
- It has an agreement with the Children's Hospital that CAC will respond to child abuse cases in southern Alberta; and
- It wants to develop satellite offices in Lethbridge and Red Deer to provide services in rural areas.

The CAC representative had past experiences with an unsuccessful attempt to create a one-stop shop with only non-profit organizations. The representative said the CAC arose out of different circumstances and has worked relatively well because government agencies are involved and it had strong champions behind it. The CAC was created in response to a couple of particularly bad child abuse cases that revealed a lack of communication and coordination. The CAC has developed a culture of communication and accountability

and its staff members take responsibility for ensure people are communicating with one another.

### Calgary Legal Guidance

Calgary Legal Guidance (CLG) is a one-stop legal shop that provides free legal assistance, information and advocacy to persons living with low incomes. In addition, CLG offers the following programs:

- Family Law Program — this program provides information and advice about such things as guardianship, custody and access, child and spousal support, property division, child protection, and protection orders;
- Do Your Own Divorce Program — this program offers information about the divorce process and is available to eligible people who have already settled issues relating to child support, property, and debts and only require a divorce;
- Homeless Outreach Program — this program provides information and advice about legal matters relevant to people who are homeless or at risk of becoming homeless, for example landlord and tenant issues, leases/renting, evictions, criminal charges, and abuse/family violence;
- Immigration Law Program — this program assists people with such things as making a refugee protection claim, preparing and filing applications for permanent residence, family sponsorships, and applying for a work permit. It also offers legal advice at various outreach clinics;
- Social Benefits Advocacy Program — this program provides information, advice, guidance, advocacy, referrals, and representation relating to federal and provincial government assistance programs and services; and
- Elder Law Program — this program helps older people understand their

legal rights and provides information and support regarding enduring powers of attorney, estate administration, wills and estate planning, adult guardianship and trusteeship, and elder abuse. It also offers public legal education presentations to organizations, agencies, and seniors groups.<sup>254</sup>

The programs that CLG offers have a social worker or student service worker attached that help people deal with non-legal issues and to provide support. CLG gets about 100 intakes a day and many are resolved by referrals to other agencies or organizations. Its staff and volunteers spend about 30–40 minutes on each intake and will either refer the person elsewhere, register them for a legal clinic or make an appointment for them to see a lawyer or advocate.

The CLG representative said their partnerships have resulted in “huge benefits” and they continue to look for new partnerships and programs. For example, the representative is currently looking to partner with one or more Indigenous communities or organizations wanting to develop a legal service where CLG would provide administrative support.

### **Access Pro Bono**

Vancouver’s Access Pro Bono is a legal one-stop shop created after the merger of Access Justice, which provided legal advice services, and Pro Bono Law BC, which provided pro bono legal representation. It relies primarily on pro bono lawyers and volunteers and has seven full-time employees, including the Executive Director, the legal advice clinic coordinator, the head of the legal representation program, and staff members responsible for intake, accounting, and IT support. Access Pro Bono’s funding comes from the Law Foundation of British Columbia and from grants and donations. Its financial eligibility criteria are slightly higher than those of British Columbia’s Legal Aid plan. The representative interviewed said that Access Pro Bono is not

intended to replace Legal Aid and ideally Legal Aid would provide these services if it had sufficient resources.

Access Pro Bono’s legal advice line receives about 100–150 calls per day. The intake staff person and volunteers handle all the calls and schedule 30-minute legal advice appointments in all areas of law. There is usually a waiting time of up to three weeks for an appointment to meet with a lawyer. The legal advice service is provided across the province and if the person is outside of the Vancouver area, a local community service agency provides a meeting room where the volunteer lawyer will meet with 4–5 people on any given day. The volunteer lawyers providing legal advice complete a clinic advice form that contains a list of service providers to which they may refer the person.

With respect to legal representation, Access Pro Bono maintains a roster of lawyers that can represent people in certain areas of law, namely family, tax, immigration, judicial review of administrative decisions, wills, and representation agreements. Except for the mental health program, law students only perform support staff duties and do not provide legal advice or representation. The representative interviewed said that many young lawyers are keen to volunteer to get experience.

Access Pro Bono would like to open regional offices on Vancouver Island and in the interior, but they do not have sufficient funding.

### **Aboriginal Legal Services**

Aboriginal Legal Services is in downtown Toronto and was created in 1990 after a needs assessment. It focuses on providing a multitude of services to Indigenous peoples. It is comprised of two separate corporations but it functions with one board of directors. It currently has over 40 staff and offers the following programs:

- Legal advocacy—lawyers, articling students, and paralegals represent people primarily with respect to poverty law matters;

- Community council — this is an alternative justice program that uses volunteers;
- Keewatin-Annon — this is an alternative dispute resolution program for child welfare matters; and
- *Gladue* program — 20 staff members in this program prepare *Gladue* reports.

Each of the above programs has its own intake process and court workers act as gatekeepers. Aboriginal Legal Services has created some specific partnerships, for instance with addiction service agencies and a housing organization, but mostly it has developed a number of informal and effective working relationships.

The Aboriginal Legal Services representative interviewed highlighted the importance of Indigenous agencies and that:

... Ontario has a good set of community legal clinics and Toronto has a good set of legal clinics, but they weren't able to meet the needs of our clients at all, so that is why we set the clinics up. Our experience, when we did the initial research was, our clients were not going to community legal clinics even if they were in their neighbourhoods. They didn't go there... they didn't feel unwelcome but they didn't feel welcome. It is very important for most of our clients at Aboriginal Legal Services to be served by an Aboriginal agency. Almost all our staff, but not all our staff, are Aboriginal. It is not so much the staff person but it is that it is an Aboriginal agency. So, trying to work with other non-Aboriginal agency service providers to provide services is generally not something we have found particularly useful.

### Examining a Legal One-Stop Shop Model for Better Access to Justice in Manitoba

Institutional stakeholders, service providers, and focus groups were asked to give their thoughts on a legal one-stop shop for better access to justice in Manitoba. There was virtually unanimous

agreement among the institutional stakeholders, service providers, and focus group participants that in general, a one-stop legal shop is a good idea. However, once the concept of a one-stop shop was explored in greater depth, interviewees and focus group participants expressed varying perspectives on how a legal one-stop shop would operate in practice. This section examines those perspectives regarding the benefits of a one-stop shop and specific issues that would likely arise if a one-stop shop is created. It concludes by noting that some service providers believe that rather than creating a one-stop shop, it might be more beneficial and effective to create more partnerships and working relationships to ensure people receive the services they need.

### The Benefits of a One-Stop Shop

The institutional stakeholders and service providers agreed that a greater coordination of services is beneficial. The most commonly cited benefits of a one-stop shop identified by respondents are that having service providers in one location or near one another is more convenient and less confusing for people trying to access services. As noted by the Aboriginal Legal Services representative, "The fewer steps people have to take, the better." The Thompson YWCA representative succinctly captured the benefits of a one-stop in that:

Nothing is more frustrating than going somewhere and 'oh sorry you don't meet my mandate, go so and so, go there and then they go there, oh you don't meet our mandate' and then you go there and by the time they get to the third place you don't ask, [you think] I'm not going to bother.

Other specific benefits of a one-stop shop identified by respondents included the following:

- it might help reduce the number of appeals that do not have merit because people would receive correct information about

program rules and what administrative tribunals are able to do;<sup>255</sup>

- for those appeals that do have merit, it might help to improve the quality of evidence presented to the administrative tribunal;<sup>256</sup>
- it might assist people to access psychological services;<sup>257</sup> and
- it saves transportation costs for people in need of the services.<sup>258</sup>

Some service providers specifically commented on the benefits of combining legal and social services in a one-stop shop because often people are dealing with interrelated issues or more than one issue. The John Howard Society representative noted that adding legal services to a one-stop shop would be beneficial if it meant that people would not have to go to LAM to complete an application.<sup>259</sup> The UCN representative said that combining legal and social services together would help to break down silos and “might create those opportunities for professionals to look at people more holistically.” The LSM representative said:

I think from the Law Society’s perspective, we would certainly welcome a one-stop shop that would provide a range of services; through lawyers, through non-lawyers, through students, through social workers... take a holistic approach to what that might be...

Some service providers described their vision of what a one-stop shop looks like. For example, the representative from A Woman’s Place described a one-stop shop as being “a safe place where all needs can be met” and should include mental health, addictions, legal and support services. Using its organization’s “holistic approach” to providing services people as an example, the representative said:

It’s looking at the mind, body, and spirit. I think it’s looking at every aspect of the family. It’s looking at multiple issues and

not just addressing domestic violence but looking at what else is involved here.... For example, we bring a lot of Elders in. Having that multicultural component, I think, under one roof is extremely important. And having the various services accessible for women and children is so important. Some of these women in my experience, Child and Family might say, or their lawyer might say, “You need to take anger management. You need to take parenting. You need to take Healthy Relationships. You need to get therapy. Your child needs to get counselling.” And she’s told she needs to do this by her court date.... And she’s running around all over the city and she’s ragged and she fails.... It can be really, really beneficial to the women to have everything under one roof. So, a lot of our clients, their children are seeing the children’s counsellor, for example. She’s using the lawyer... she’s also accessing the support services. The support services are ensuring she’s getting to court on time, ensuring there’s food in her home. All of those things tied together.

The CUHC representative described a one-stop shop to improve access to justice as being:

... a central facility that would house a number of collateral organizations which either provide legal services... to primarily the same constituency groups, so that’s people in poverty, low income, working poor, low-middle income. And that potentially houses organizations as well that address other particular needs. So that mental health component is important.

The WCWRC representative commented specifically on what a legal one-stop shop should look like and noted that:

People are nervous talking to a lawyer, they’re scared of people judging them or they’re scared of what they don’t know or what they’re going to find out when they get there.... they feel really uncomfortable with the power dynamics of the system so if you’re going to do a one-stop shop



I think you have to be very intentional about the design of the building, the design of the offices, the design of the reception so that it doesn't exude we're a powerful system... it can't get so big that it's intimidating to come in and ask for help.

So, people are more likely to ask for legal help, for example, from an agency that doesn't look scary or too business-like... it needs to have that community feel to it a little bit if you're trying to increase access to justice, it needs to not be imposing.

Some service providers self-identify as a one-stop shop in their area of service. Specifically, the CAO describes itself as a one-stop shop because it specifically assists people before the AICAC. The RTB says it is a one-stop shop for residential tenancies issues. WCWR considers itself a one-stop shop in the sense that it offers a diverse array of programs and people who come to its office can get information on such things as housing, social assistance. The Welcome Place says it is a one-stop shop to the extent that it meets the settlement needs of refugees and has a centralized intake process. CLEA describes itself as a one-stop shop to the extent that all the services it provides, including programs, legal information, summary advice, lawyer referrals, publications, and training courses, are designed to support each other. IRLC considers itself a one-stop shop because it encompasses multiple disabilities and works with multiple communities, it has its own intake process and it disseminates information. The ILRC representative noted the importance of multidisciplinary teams to its organization and that:

We have independent living consultants, independent living attendants, we have case coordinators and case managers and everybody works together on the same issue. Oh absolutely, it's very important that you have that.

The Woman's Place is an example of a "hub and spoke" model of service delivery in that it has six

satellite offices. That organization's philosophy is to "start where the client is at, not where we want her to be at" and:

... we are all about the clients not having to run around all over. We are about meeting their needs, not them meeting ours and I think that's why it's been successful.

The Chief Justice of the Manitoba Court of Queen's Bench noted two aspects to consider when contemplating a one-stop shop. The first is whether it would assist in encouraging and helping people get involved in the system in the way they need to be and the second is whether it would help reduce the number of self-represented individuals. The CMHA Winnipeg representative said that planning a one-stop shop should start from the perspective of service users and:

I think that there's a lot of work that goes into it and developing true collaborations is really an art in many ways. I think for the service user, it's always better if you don't need to be running around to this place from that place... so if you can plan services from the point of view of the service user, that's a good place to start.

And then building one-stop shops that... start too with those that are most disadvantaged. So maybe a one-stop shop needs to happen in the core, in the North End, as a starting point. And then you build upon it there.

Many respondents identified considerations they believe should be accounted for when planning to create a one-stop shop, including the following:

- There must be coordination to ensure the one-stop shop includes the right organizations and the right types of resources;<sup>260</sup>
- Services must be delivered on an equal basis, for example it would not be appropriate to offer services to tenants appearing before the RTB or RTC but not to landlords;<sup>261</sup>

- Confidentiality issues should be considered when combining legal and non-legal services. For example, social workers are required to disclose allegations of child abuse while lawyers are under professional obligations relating to solicitor/client privilege;<sup>262</sup>
- It should be designed to make people feel comfortable and should not be in a big “government-looking building” that makes people feel intimidated;<sup>263</sup>
- There needs to be proper marketing to reach out to the people the one-stop shop wants to serve;<sup>264</sup>
- Service providers at a one-stop shop should know about all the various administrative tribunals and how to navigate their appeal processes;<sup>265</sup>
- The one-stop shop should be in a convenient location transportation-wise;<sup>266</sup>
- A legal one-stop shop should include community advocates and not just lawyers;<sup>267</sup>
- A one-stop shop should support personal wellness and include both a recreation or health component;<sup>268</sup>
- In addition to providing services, a one-stop shop should do community outreach;<sup>269</sup>
- It should include a continuum of services that complement one another;<sup>270</sup> and
- Creating a one-stop shop might result in the loss of the uniqueness of certain organizations that provide useful and specific services.<sup>271</sup>

Some service providers expressed concerns about a one-stop shop either because it might not be done properly or because it might not be able to meet people’s needs. For example, if it cannot provide sufficient services, a one-stop shop might end up just being another entity where people go only to be referred somewhere else.<sup>272</sup> In addition, since often programs and services

have different eligibility requirements, not everyone might be able to access the services in the one-stop shop.<sup>273</sup> Lastly, a one-stop shop does not necessarily eliminate service gaps because services are usually designed for a specific group and people who need the same service but do not belong to that group are excluded.<sup>274</sup>

All the focus groups agreed that a one-stop shop is a good idea and would be helpful so people would not have to go to different locations. The NCN focus group also said a one-stop shop would be beneficial because it would connect service providers and avoid duplicating services.

Like the institutional stakeholders and service providers, the focus groups identified several issues that should be taken into consideration when creating a one-stop shop. In particular:

- the service providers should share the same vision and standards;<sup>275</sup>
- the services offered should be specialized because if the one-stop shop does a little bit of everything, it might not be good at anything;<sup>276</sup>
- transportation issues that might be experienced by users of the services should be addressed;<sup>277</sup>
- the location of the one-stop shop is important, for instance whether it should be in a big mall or a more accessible strip mall;<sup>278</sup> and
- resources should be pulled together for the family.<sup>279</sup>

The focus groups also identified the following services that ought to be offered in a one-stop shop:

- Legal Aid;<sup>280</sup>
- Counselling and psychological services, including for children and teenagers;<sup>281</sup>
- Interpreter services for new Canadians and indigenous people;<sup>282</sup>
- Daycare services;<sup>283</sup>

- Health care services;<sup>284</sup>
- Job search resources;<sup>285</sup>
- Support workers;<sup>286</sup>
- EIA;<sup>287</sup>
- Parole officers;<sup>288</sup>
- A place to pay tickets;<sup>289</sup> and
- Consumer rights issues, for instance challenging cheque-cashing fees.<sup>290</sup>

### Specific Issues Relating to the Creation of a One-Stop Shop

The institutional stakeholders and service providers were asked specific questions about issues or areas of concern that might arise when creating a one-stop shop, namely whether:

- it would involve merging existing organizations;
- the services should be co-located in the same building;
- there should be a single point of entry for intake/triage/referrals;
- there should be a single website or unified online presence;
- economies of scale<sup>291</sup> would be a benefit; and
- it would be better to develop strategic partnerships rather than creating a one-stop shop.

### Merging Existing Organizations

Nine Circles and Access Pro Bono are examples of one-stop shops created by the merger of existing service providers. As merging existing organizations would likely be a consideration if a one-stop shop is created, institutional stakeholders and service providers were asked to give their thoughts on the issue.

Some respondents expressed concerns that merging organizations might result in creating a larger bureaucracy and that “bigger is not always better.”<sup>292</sup> The Winnipeg Harvest representative

does not support “trying to merge everybody into a single, super agency” and said it would be better “to have all these agencies doing what they do best and working with each other.” Similarly, the FLAC representative said that rather than merging organizations, it would be more practical for them to work together collaboratively by sharing resources. In keeping with a predilection towards smaller, and presumably more nimble grassroots organizations, Jim Silver writes about the emergence of community-based organizations as a ‘bottom-up’ form of development in response to spatially concentrated racialized poverty:

This form of development, or of community development, has manifested itself in a multiplicity of relatively small community-based organizations (CBOs). These CBOs, together with the highly skilled inner-city people who are their leaders, constitute an essential “infrastructure” for fighting spatially concentrated racialized poverty. These CBOs are, for the most part, creative and innovative. They have maintained a form of operation that keeps them in close touch with inner-city people. These skilled, creative CBOs, and the people who lead and work in them, are the living embodiment of the phrase “passion for action.”<sup>293</sup>

Other concerns expressed about merging existing organizations into one organization were:

- how it could be done since the existing organizations serve different people and might have a different board structure;<sup>294</sup>
- it could result in a loss of overall funding;<sup>295</sup> and
- it could result in a loss of expertise.<sup>296</sup>

The concerns expressed by some institutional stakeholders and service providers are likely typical when a merge is contemplated and they were encountered when Nine Circles was created. The Nine Circles representative said there was tension prior to the merger in that staff were wor-

ried about what would happen to their jobs and there were concerns about loss of funding. Those worries and concerns did not materialize as no employees lost their jobs and the overall amount of funding the four organizations received prior to the merge did not change. However, some adjustments were made with respect to how staff did their jobs, for instance social workers used to working on their own now had to work together as a team. The Nine Circles representative said that merging staff was beneficial, because having a team of social workers meant they could cover for one another if they were away and they had flexibility in terms of meeting people outside of the office.

The Nine Circles representative explained how their transition process was designed to make the merger as successful as possible. During the transition, an interim board was created and an independent facilitator helped the management team determine the mission of the new organization and develop common goals and understandings. In addition, an interim executive director was hired to develop a management team structure and it was agreed that the executive directors of the four existing organizations would not apply to become the executive director of Nine Circles. The transition process took about 18 months in total but did not impact the services provided by the individual organizations. The Nine Circles representative noted:

... They knew it was going to be difficult, the fact that the federal government and the provincial government at the time offered some resources to help make that happen made a huge difference because if we hadn't have had those, I don't think we'd have gotten here because there's a lot of work and a lot of time and having an independent facilitator bring those folks together and help them work through those difficulties.... the people we used were facilitators and planners but mostly they had really strong conflict resolution mediation skills...

Based on years of management experience, the CLG representative said that merging existing organizations into one can be a good idea, but it is very difficult to do. To be successful:

... you have to have somebody willing to say, we don't care about our brand, we care about serving the community. I've done it before, in limited ways, and the focus groups that we did with the staff and with the agencies were just coming back to who are we here for, we are here for the client.... It is because we are here for the client and it makes no sense for three of us to have boards, and three of us to have administration, and three of us to have all that overhead. We can all talk to each other and make it work. So, I've been able to pull three agencies together in one, but that is the biggest I've ever been able to do. And it took about a year and a half to do it. So, I would say if you find that some people have very similar missions and visions then you might be able to get them together.

### **Co-Locating Services Under One Roof**

Whether services should be co-located in a single site or near to one another is a key question when considering the creation of a one-stop shop. As noted by the CMHA Winnipeg representative:

... it's really hard to put people together to co-locate if you don't focus on what you do together and why we're here together. If you're just sharing space, it really is going to be about just sharing space.... So, if the goal of this paper and project is to look at... what leads to a successful one-stop shop, like really peeling back what it is, and it's going to be relationships and understanding how processes need to change if you're going to improve access, not just sharing a roof.

An example of co-location in Winnipeg was the Independent Advisory Program, and is now the partnership between RTB and LAM. It is a sepa-

rate entity but shares space with the RTB out of convenience and so as not to create additional barriers by requiring people who need assistance with residential tenancies matters to go elsewhere. An example of services within close proximity is the CAO, which is conveniently located close to both MPI's mediation office and the appeal tribunal.

Some respondents agreed that co-locating services under one roof is generally a good idea. For example, the FLAC representative said that physical co-location of at least certain core services is ideal because people are not told at one place that they must go somewhere else. Others said the advantage of co-location is that people can resolve interrelated social and legal issues in a much timelier way.<sup>297</sup> The CUHC representative sees a one-stop shop as a means of developing relationships and that:

It's often struck me that whatever you're doing organizationally with clients, or in life, first and foremost, is about developing relationships. Relationships with staff, and relationships with physical space. So, it's really important if we have a client that's come here three or four or five times, seeing the same worker all the time, they are going to be more comfortable coming here.... I think a one-stop shop has the opportunity to make people feel more and more comfortable in that physical space than if they are seeing a variety of organizations and different staff in different spaces.

Some respondents identified disadvantages to co-location. For example, the representative from Aboriginal Legal Services cautioned that a downside of co-locating legal and other service providers is "this perception that everybody knows what everybody is doing" and:

... for those people who are reticent to use services because they are afraid everyone is going to know where they are going, and their business... it is probably good that we aren't

sharing space with another organization....

Because people might be reluctant to come here... it is very important for our clients, and many of them are concerned that people are going to know that they came here. So, I think that needs to be looked at more closely than it would with two social services agencies, for example.

The representative from A Woman's Place is opposed to the idea of co-locating agencies and a centralized intake process because:

... I'm very pro-community and I think when you have one centralized location you lose that community spirit. So, then you have these people that are under one roof and they may start off as a grass roots organization and then you have that centralized intake process and that whole thing that's centralized and the next thing you know, it becomes, as I said, Plexiglass type of atmosphere. And I've seen that happen whether it's Child and Family Services, whether it's other levels of government and it's not very welcoming and women talk about the fact that they don't want to go back.... there shouldn't be just one community that receives services. These services are needed... it needs to be spread out. And I know that resources are limited, however if you want it to work it needs to be spread out... I'm not saying that you have 20 different locations all over the province. But to have a few here and, you know, they are accessible.

Some respondents highlighted the lack of services in rural and remote areas as a key factor when considering creating a one-stop shop. The representative of A Women's Place said:

The real gap is rural Manitoba. And not just northern Manitoba, rural Manitoba in general. So, Brandon, Manitoba for example. There's nothing out there.<sup>298</sup> No woman should have to phone all the way to Winnipeg to get a legal consult. And I'm not saying every community

should have a lawyer but certainly how's the woman in Brandon, for example, supposed to come here and see a lawyer face to face. So, there's a huge gap for rural Manitoba.

A respondent from the SSAB said that while an one-stop shop might be good in Winnipeg, it would not work in a rural area without adding a new complement of services that are not currently offered in rural areas:

Because if it comes to like mental health issues you're lucky if you get an appointment with one of the workers in six months, you know, and there's a lot of issues in the North that services are limited and there's places where they don't even have a health facility or a nursing station so that concept of one-stop shop won't work... in the North because you don't even have half the services required.

A critical question regarding a one-stop shop is which agencies should be co-located at a single site. The MHRB representative noted that the larger an organization is, the more complex it can be to access services. The University of Winnipeg representative said that the greater the number of organizations involved, the more difficult it may be to coordinate and reflect core values. The representative from CLG expressed a similar view and said:

... you can get really big really fast, which is expensive. It can get very expensive. People are going to keep wanting to add, add, add because there is always a gap. So, it is finding that balance between having enough people on site and your connection to other professional and support agencies that you collaborate and coordinate with.

Some respondents identified specific considerations that should be considered when co-locating services. For example:

- agencies that are physically co-located must be accessible;<sup>299</sup>

- the co-locating organizations should not conflict with one another in terms of the services they provide;<sup>300</sup>
- the agencies involved should be like-minded in terms of their missions and mandates;<sup>301</sup>
- physical co-location could be difficult if issues about sharing resources are not worked out in advance;<sup>302</sup> and
- it might be difficult to find an affordable and suitable location to co-locate agencies in Winnipeg.<sup>303</sup>

Many respondents noted that careful consideration should be given to which agencies would be involved in a one-stop shop and it would not be appropriate to house certain agencies together. For instance:

- aboriginal child welfare agencies should be on their own;<sup>304</sup>
- a Child & Family Services office should not be near a child protection law office;<sup>305</sup>
- the WAO should not be in the same building as the WCAC;<sup>306</sup>
- the SSAB and EIA should not be co-located;<sup>307</sup> and
- government departments should not be part of a one-stop shop.<sup>308</sup>

When considering a one-stop shop, it is helpful to look at past and current experiences with co-location. An example of the positive aspects of co-location is FACES, which is the name given to the co-location of the Mood Disorders Association of Manitoba, the Anxiety Disorder Association of Manitoba, and the Manitoba Schizophrenia Society. These are independent organizations with independent boards but they share space and collaborate as much as possible. A representative from FACES said their organizations would not be able to deliver the services they do if they were not co-located. Other advantages of their co-location include cost savings, shared facilities, and the opportunity to discuss

issues with each other. In addition, co-location has helped the credibility of their organizations with respect to advocacy efforts and maximizes their effectiveness.

The challenges associated with co-locating were discussed during the interview with the representative from Nine Circles. Before merging into Nine Circles, the four AIDS service organizations were co-located in the same building. Co-locating as four separate agencies was challenging because each agency had its own philosophy and values. In addition, it was difficult to make common decisions about such things as who was responsible for managing the entrance and lobby areas and how to address safety issues.

Some respondents suggested a “hub and spoke” model of service delivery. The RTB representative said services could be available at locations other than a full branch office. The other locations would be like a service centre that would be able to at least give people information and tell them where they need to go.

### **Single Point of Entry for Intake/Triage/Referrals**

If a one-stop shop were created, consideration would likely be given to whether there should be a single point of entry for intake/triage/referrals. The selected one-stop shops, institutional stakeholders, and service providers were therefore asked to comment on the advantages and/or disadvantages of having a single point of entry.

Some institutional stakeholders and service providers agreed that a single point of entry is a good idea. Reasons given were that a single point of entry ensures that no one falls through the cracks,<sup>309</sup> individuals who have contact with multiple agencies would be better served if there was only one point of contact,<sup>310</sup> and the advantage of a single intake process is that people do not have to tell their story repeatedly.<sup>311</sup>

While those respondents believe that in general, a single point of entry is a good idea, they also believe that it must be done properly for it

to be effective. Recommendations made for an effective point of entry include the following:

- It cannot be just a reception area for the different organizations. Rather intake staff should do an assessment of what the person needs and direct them to exactly where they need to go;<sup>312</sup>
- It is important that intake staff answer questions in a sensitive way and help guide people to the right services;<sup>313</sup>
- The intake service must be accessible and staff must be well informed and ask the right questions;<sup>314</sup>
- Unless it is exceedingly well staffed, a single point of entry could result in line ups and wait times for people in need of assistance;<sup>315</sup> and
- The logistics of a single point of entry have to be worked out in advance, for instance which organization the intake staff work for, how their salaries are paid, and who they report to.<sup>316</sup>

One disadvantage of a single point of entry is that it takes the choice away from people to decide if they want to deal with certain agencies.<sup>317</sup> The CLG representative does not believe that a single point of entry necessarily makes services more accessible and that:

The reality is, my experience is, people will go wherever they are comfortable going. You can't force them to go to one intake spot. You can make an intake process as simple as possible, by saying if you call us we will try to help you go to the right place. Because when you call us you are not just calling CLG, you are calling us and we can send you to Legal Aid, we can send you to Pro Bono Law, or we can send you to the women's shelters. Or wherever else. But you don't have to come to us to get access into the system.

**Single Website And Unified Online Presence**  
Related to a single point of entry is the issue of whether it would be beneficial for services pro-

viders to share a website and have a unified online presence. Some questioned the need for a single website — the LHC respondent said in their experience there is not a great demand for a website and very few people access the organization through its website. They suggested that instead of a shared website, there could be a smartphone application. The LHC experience regarding its website stands in contrast to the CLEA experience, where they have gone from 54,000 website visitors in 2012–2013 to over 223,000 visitors in 2016–17.

Some respondents agreed that a single website is a good idea and others did not. The FLAC representative agreed that a single website setting out the available services is a good idea, but only if the information is accurate. Similarly, the CLEA representative questioned the need for a unified website and noted that a unified website would have to be done well so it is easy to find and use, and includes all relevant resources. The representative from Winnipeg Harvest does not support a shared website because its website is very specific to their target audiences.

The focus groups had similar views of a shared website and only one said they thought it was a good idea. The focus groups noted that a website does not help people who cannot read or write, people who do not use a computer, or people who do not speak English. They also noted that some people prefer to speak face to face with a person so they can explain what they need.

### **Economies of Scale**

A major challenge for existing legal service providers in Manitoba is the gap between the demand for services and the financial and human resources available to meet the demand. For example, insufficient funding to hire more staff is the single greatest challenge facing the LHC.

The respondents recognized the potential cost savings benefits of a one-stop shop through economies of scale. One noted that many non-profit organizations cannot afford to have a dedicated

communications or IT staff person so sharing those resources would be beneficial.

The CUHC representative also said:

Well there is the sharing of space — there are costs associated with those things. We all have maintenance contracts on our photocopiers, for example, which are costly but we all need our own photocopiers. We have underutilized space in some instances or we don't have enough space for others. So, for those that don't have enough space it allows them the opportunity to acquire more space. For those that have underutilized space that can be shared with other organizations. I think that in sharing staff and resources to help do the kinds of things that individually you might not have the capacity to do... more outreach, more public education, fundraising, strategic planning.

One respondent cautioned that the economic benefits of a one-stop shop might not outweigh the challenges and that cost saving should not be a sufficient reason in and of itself to create a one-stop shop.

### **Developing More Strategic Partnerships Rather than Creating a One-Stop Shop**

During their interviews, many of the legal and social service providers discussed their existing partnerships with other organizations and the working relationships they have developed with one another to improve their services or to help link people with the services they need. These collaborations take form ranging from informal discussions about common issues to formal partnerships created by a memorandum of understanding and are critical to developing networks among service providers. For example, Winnipeg Harvest works in partnership with over 300 organizations in Manitoba and the ILRC works with about 200 different agencies daily. LAM's partnerships have allowed it to expand its services to include MHRB and RTB hearings and its partnership with A Woman's



Place has resulted in applications being processed in a timelier way.<sup>318</sup>

The Thompson YWCA representative highlighted the importance of partnerships and working relationships among service providers and said that:

... we service clients better when we're partnering and... one person can't do everything and so it's about recognizing that and that it's not a competition, it's about there's enough service to go around... at the end of the day really the lens that we should be putting on anything is this of a benefit to the clientele that we're servicing... and if everybody continues to work in their silos that's all you'll ever do because strength comes in numbers and clients will draw that strength from and will benefit from organizations working together and sharing information about clients...

Many of the other service providers expressed similar sentiments. For example, the LHC representative said that collaboration can be time consuming but is "time well spent" and "yields real benefits in terms of our ability to service our clients and to ensure that our clients are served elsewhere".

Collaboration and partnerships can also go beyond direct service delivery and address some of the operational challenges organizations regularly face. For example, organizations could share funding or resource opportunities, potentially pooling resources on grant writing and fund development. This could be particularly timely as organizations seek to diversify their funding in the wake of government funding cuts. Organizations could also develop common training programs. In terms of larger scale strategic actions, organizations could better work together to identify priority access to justice issues, including identifying care areas of un- or under-served needs and identifying means of meeting those needs.

Based on their experience, some stakeholders and service providers commented on what

is required to develop and maintain a successful relationship or partnership. They noted that partnerships can be challenging if the initial interests or directions of the organizations involved change over time, or there is a lack of understanding about the roles and mandates of the partner organizations. The WCWRC representative said a shared understanding and transparent, clear communication is essential to any partnership. The CLEA representative said that partnerships:

... have to be a natural collaboration... you can't force the collaboration, there has to be mutual trust, mutual respect, and there has to be something in it for both sides. The ones that have worked out the best are the ones that have begun slowly, that you explore, you do some programming together, you might have a couple of meetings and it expands from there, sort of a natural progression.

The importance of partnerships in northern and rural areas was highlighted by the representative from the UCN. UCN has developed partnerships with larger educational institutions such as the Universities of Winnipeg and Manitoba with respect to its programs, and with the City of Thompson and regional partners to work together with Indigenous people in the community. UCN's representative said that partnerships in the North are important generally because there are not enough resources for any one group to move forward on an issue or have an impact.

With respect to a legal one-stop shop, some respondents said that greater coordination among services might be a better approach to take rather than physically co-locating agencies. For example, the RTB representative said it might be better to have more knowledge and connections so proper referrals could be made to link a person to the right service. Similarly, the representative from the Welcome Place said it might be more beneficial to have greater coordination and more partnerships rather than having services all in one location. The Welcome Place representative

noted that past attempts to create a one-stop shop for refugees was very difficult because of their significant needs and that:

You are probably thinking about all low-income people, not only the newcomers but also the people who are living in Winnipeg... So, it will be very difficult to have this one-stop shop... if it's a one-stop shop then the people who do not speak English or French are automatically limited or even excluded from the services. So, it will be a lot of challenges in creation of this monster.

So, I would rather say that... let everybody do what they do best but have an ability to better connect with each other...

The CMHA Manitoba representative said the attention should be on whether existing services are meeting people's needs and that:

Part of the challenge is, even if you look at the North End, there's no shortage of services. In

fact, what's been said is there's a saturation there. So, you don't want to just throw more services in there, you want to look at how the services are connected and how they meet the needs of the population. But not just from a health and social service point of view but think about legal support, or legal aid, or you know family resource centres or how to get on a day care. If it was all oriented around those life cycles and needs, that might be a better way to go about it as opposed to just co-locating organizations. I think that's really more the focus.

Lastly, the MHRC representative concluded:

... there's various ways to think about one-stop shop and maybe we just need a better coordinated system that, you know, people can figure out who's doing what and maybe there's opportunities to share resources, that's not a bad idea either as long as that's in the best interest of the community and not funders.

# Part V — Recommendations and Conclusion

## Recommendations

The access to justice dialogue is one that is ongoing. Over the course of this project there has been positive movement on some core access to justice issues. There are also potential disruptions to the current legal service landscape — whether it is a challenging fiscal climate or a lag in the use of technology to address access issues. It is important to recognize the immensity — but not the impossibility — of the challenges.

Any additional investments in justice initiatives need to recognize the importance of prioritizing community needs and the current lack of legal (and other social) services available in rural and Northern Manitoba.

### (1) Needs-Based Service Delivery

Access to justice initiatives must be based on the needs of the people being served. It is expected that those needs will vary based on things like cultural and geographical differences. Consideration should be given to how to improve the law and legal services for those populations disproportionately impacted by issues of access to justice. For example:

- Indigenous peoples:
  - In keeping with the Truth and Reconciliation Commission (TRC)

Calls to Action,<sup>319</sup> Indigenous-led engagement on what justice and access to justice means from the perspective of Indigenous legal traditions is required, especially as it relates to how to respect Indigenous laws and legal traditions as equal to Western systems of law. Indigenous legal institutions may look very different from what one expects of the legal system from a Western perspective, but that makes them no less valuable or necessary.

- In addition, Western laws and the justice system impact Indigenous people every day. Some have argued that this perpetuates the impacts of colonization on Indigenous people. The justice system needs to be improved so that access to justice for Indigenous people is increased. This must include the respect for Indigenous values in Western systems of law and in the provision of legal services.
- Newcomers:
  - Manitoba is becoming an increasingly popular resettlement destination for

newcomers. Recent immigrants to Canada, including refugees, face a particularly acute series of challenges as they arrive, settle, and integrate into their new homes. Many are learning English as an additional language, and face considerable barriers in terms of communication and understanding. Newcomers also may be accustomed to distinctly different social and cultural norms, political and legal traditions, ways of doing business, and ways of resolving disputes.

- Access to justice for newcomers is particularly complex where not only do newcomers need to understand and abide by immigration laws in a new province or a new country, but they may also have other legal problems unrelated to immigration that need a resolution.
- Service providers need to be able to foster a sense of inclusiveness and provide services with an understanding of other cultures and an understanding of some of the unique needs of newcomers to meet the needs of those newly arrived in Manitoba.
- Persons living with mental health issues:
  - Legal service providers should have the necessary training and knowledge to provide legal services in a manner respectful of persons living with mental health issues.
  - Consideration could be given to how to incorporate legal services within organizations already serving this population, recognizing that people are more likely to seek services where they are the most comfortable.

Efforts to improve access to justice should not focus only on what services should be offered, but how services are provided. Do people have

the necessary supports in place to benefit from the services that are being provided? Are services provided in a culturally competent manner?

Much more attention should be paid to ensuring that people feel comfortable and are treated with dignity and respect by staff, service providers, and institutions of justice. Consideration could be given to opportunities for the justice system to learn from health care service delivery models, including:

- The way a variety of professionals are deployed in ways that best meet the needs of the patient in a manner that maximizes efficiency for the service providers (specifically, the use of physician assistants and nurse practitioners alongside the more traditional model of doctor-patient care)
- The way that “patient navigators” are employed to help individuals with complex needs navigate the health care system. A Patient Navigator is a member of a healthcare team who helps patients “navigate” the healthcare system and get timely and meaningful care. Navigators help coordinate patient care, connect patients with resources, and help patients understand the healthcare system.

## **(2) Coordination of Services**

Coordination between services providers could be improved among organizations or programs which provide some form of legal assistance/legal services. There are a variety of ways to achieve greater coordination, including but not limited to:

- Developing a (or continuing the Law Society’s) access to justice working group, including:
  - a shared vision of access to justice,
  - representation both in terms of types of service providers and people living in marginalized communities, and
  - sub-working groups that could be geared towards things like service delivery for

specific segments of the population or specific access to justice challenges.

Some of the coordination of services could include, but should not be limited to:

- identification of priority access to justice issues, including identifying core areas of un- or under-served needs and identifying mechanisms to meet the needs,
- opportunities for increased efficiency and the re-allocation of existing resources to reduce inefficiencies or duplication of service,
- developing standards of training and knowledge for service providers and offering common training programs,
- developing common ways of measuring and reporting results or some other method of standardization of service reporting,
- sharing of funding or resource opportunities, including developing a resource guide for external funding opportunities or potentially pooling resources on grant writing and fund development
- improving communication (including with respect to referral systems), and
- developing partnerships.

Better coordination of services could provide opportunities to sufficiently resource and/or expand existing innovative programs or allow for new strategic projects to flourish.

### **(3) Transparency — The Collection and Sharing of Empirical Data**

There is a lack of transparency and of standardized data regarding the demand for and the supply of legal services (including legal information, advice, and advocacy services) in Manitoba. There is also a lack of coordination between organizations providing legal services in Manitoba, resulting in potential duplication of services, inefficiencies, and gaps in service.

There needs to be a way to capture supply and demand issues within the justice system. A needs assessment (triangulation of needs) of the Manitoba population should be conducted in relation to legal services, in a way that captures:

- People actively engaged in the justice system through formal legal channels (existing institutions, LAM, representation by lawyers),
- People actively engaged in the justice system through community organizations and “non-lawyer” service providers,
- People who have opted out of the justice system — knowingly and unknowingly (example: they want to engage but don’t have any mechanisms of entry into the justice system, they want to engage but for other non-legal issues, they don’t want to engage with the justice system, or they don’t recognize they have a legal problem), and
- People who are excluded from (aspects of) the justice system (example: the SSAB hears appeals regarding provincial income assistance, but does not hear appeals regarding on-reserve income assistance and there is no federal equivalent for First Nations).

There is a spectrum of legal service providers in Manitoba, but there are no standardized mechanisms to inventory, evaluate quality, or evaluate the value of the services being offered. In consultation with impacted stakeholders, a central body (such as a university’s academic research group, like the University of Manitoba’s SPECTRUM group) could develop an evaluative tool that would provide empirical data about the state of access to justice in Manitoba (including supply and demand regarding legal services/legal institutions). The types of information collected could include:

- Number of matters before various courts and tribunals,
- Number of SRLs (could identify stages of process for point-in-time surveys),

- Types of services available and number of people served, and
- Indicators to assess the quality of services provided (based on the needs of the individual service-users) and value of services provided (including a coordinated analysis of operating budgets, staffing levels, and benchmarks/outcomes).
- actively regulating paralegals under the *Legal Profession Act*, and
- a voluntary code of standards among unregulated service providers.

At the same time, the cautionary note provided earlier bears repeating: the necessary protection of consumers should not be used to stifle innovative service delivery that brings access to justice to the people that need it most.

Information collected could inform other aspects of the dialogue occurring regarding access to justice, as well as be communicated in a publicly accessible way — to both stakeholders and the public — for example, as an annual survey or report card.

#### **(4) Monitoring, Evaluating, and Adapting**

Building on the need for increased transparency and information sharing, the use of evaluative tools is part of an ongoing and necessary exercise in monitoring, evaluating, and adapting. The state of access to justice in Manitoba should be evaluated on a regular basis in a manner that allows for appropriate adaptation to better meet the needs of Manitobans. An inventory of legal services offered in Manitoba could be created, made publicly available, and updated annually.

Recognizing that many of the legal services provided by community services are not done under the supervision of a lawyer and with the benefit of regulatory oversight through the LSM, consideration should be given to implementing measures to improve consumer protection in the provision of legal services by those who are not lawyers, including legal information, advice, and advocacy services. Some examples of ways this could be achieved include:

- Interpreting recent amendments to the *Legal Profession Act* (specifically, the definition of law firm to include any other joint arrangement providing legal services) to include community-based organizations providing legal information, advice, and/or advocacy services;

#### **(5) One-Stop Shop — Part of a Broader Approach**

For many, there is a recognized need for a one-stop shop. There are many ways that one could organize a one-stop shop that would have significant potential to have a meaningful impact on people seeking access to justice. Many focus group participants envisioned a one-stop shop that joined legal services with other health and social services.

Looking at one-stop shops as a service delivery model, there are two distinct kinds of opportunities. A one-stop shop can be used to re-organize existing organizations in a way that provides more coordinated services. For example, consideration could be given to opportunities that might flow from locations where there are already clusters of services providers. A one-stop shop can also be used to fill existing and discrete gaps in services. For example, one could have a one-stop shop that aimed to meet a cross-section of legal needs, including direct representation, for individuals outside of the financial eligibility guidelines for legal aid (low to middle income earners), or whose kind of matter is not covered by legal aid (not unlike the services offered currently offered by the LHC, but providing direct representation as a pillar of the services provided).

If a one-stop shop is established, priority should be given to including rural and Northern Manitoba, where either there are no services currently available or the gap in service delivery

is significant as compared to urban centres. This could mean making use of technology and developing a digital access to justice strategy. The use of satellite clinics and operations in a hub and spoke model of one-stop shops may also present opportunities to increase services across a broader population of Manitobans.

Any one-stop shop must be carefully designed and implemented to be most effective. Important characteristics that are a necessary part of any successful one-stop shop include:

- Stable and sufficient funding;
- Shared vision and operating standards;
- Care with respect to the types of services joined under a one-stop shop model;
- Operations with an integrated (or holistic) approach; and
- Accessibility.

If there are cost savings or new investments because of efforts to improve access to justice, those cost savings or influx of new funds provide opportunities to reinvest existing funds into measures aimed at more improvements, until broader access to justice is achieved for all Manitobans.

When people express a desire to have access to a one-stop shop, further exploration of their needs underlying that desire reveals that people are looking for things like better access to services and better relationships with service providers. A one-stop shop is not the only way to meet the needs of people interacting with the justice system or of providing better access to services and relationships with service providers. Providing services through a one-stop shop delivery model should not come at the expense of other improvements in access to justice.

In consideration of a one-stop shop as a co-location of services, several respondents suggested that greater coordination among service providers might be a better approach to take rather than physically co-locating agencies. As the Thompson YWCA representative observed,

clients are better served when organizations are collaborating

One person can't do everything and so it's about recognizing that and that it's not a competition.

## Conclusion

Understanding unique access to justice challenges faced by specific demographic groups highlights the importance of a more holistic and consumer-driven approach to addressing these issues. Sarah Buhler cautions against a “one-way street” approach to access to justice in which the legal community views themselves as the catalyst for solutions. In this approach, too often the solution is to merely bring the person to the institution.

Instead, access to justice work must be situated in understanding all facets of peoples' lives, including the economic, political, and social spheres:

An understanding of the larger context in which individual legal troubles arise does not encourage the view that increasing access to the courts, judges and lawyers would change very much for poor people. In terms of implications for practice, this perspective urges the view that lawyers who are committed to access to justice be prepared to learn about and engage with a multitude of other issues.<sup>320</sup>

A more integrated or holistic approach from within the legal system towards improving access to justice for individual people could incorporate what Susan Bennett refers to as “long-haul lawyering.” This process draws from a constant and collaborative presence in the community and being “unbound, both in nature and duration.”<sup>321</sup> Practically speaking, this means working with people not just on a crisis basis, but also throughout their lives to address long-term problems that arise from being marginalized. Long-haul lawyering may include confronting the inequalities that bring people to a lawyer.

This suggests the importance of a community led approach to access to justice issues, along with a commitment to ensuring that everyone in Manitoba should have the knowledge, resources, and services to seek an effective resolution to a legal problem.

Access to justice is achieved through fair processes and fair outcomes. A fair process means a justice system that is transparent, affordable, and as easy to navigate as possible. A fair outcome results from a person having the opportunity to be heard in a meaningful way. A fair outcome includes timely decisions based on the facts and the law.

At a systemic level, access to justice can also include a meaningful opportunity to participate in the development and reform of the law and legal processes.

Some key principles in understanding whether someone has access to justice are:

- Availability: whether the necessary information or services exist or not;
- Accessibility: whether a person can access the necessary information, services, or system;
- Acceptability: whether the system is set up and information and services are delivered in a way that is needs-based and culturally appropriate; and
- Adequacy: whether the information and services are delivered and a person experiences the system in a way that is meaningful and sufficient.

At each step of the way, the individual in need of assistance is front and centre.

The responses from institutional stakeholders, service providers, and focus groups reveal that in general, a one-stop shop has many benefits. Combining legal and non-legal services in one location or close to one another could improve the likelihood that people will access the services they need in a timely way.

However, it is also clear that creating a one-stop shop is complicated and there are many

issues to consider before moving forward. Decisions would have to be made about which services would be provided, which service providers would be involved, and whether there should be co-location and/or a single point of entry. In addition, consideration would have to be given to whether it would be more beneficial to service users if institutions and organizations developed more strategic partnerships and shared resources rather than creating a one-stop shop.

For many, there is a recognized need for a one-stop shop. There are a number of different ways that one could organize a one-stop shop that would have significant potential to have a meaningful impact on people seeking access to justice. Many focus group participants envisioned a one-stop shop that joined legal services with other health and social services.

Looking at one-stop shops as a service delivery model, there are two distinct kinds of opportunities. A one-stop shop can be used to re-organize existing organizations in a way that provides more coordinated services. For example, consideration could be given to opportunities that might flow from locations where there are already clusters of services providers.

A one-stop shop can also be used to fill existing and discrete gaps in services. For example, one could have a one-stop-shop that aimed to meet a cross-section of legal needs, including direct representation, for individuals outside of the financial eligibility guidelines for legal aid (low to middle income earners), or whose kind of matter is not covered by legal aid (not unlike the services offered currently offered by the LHC, but providing direct representation as a pillar of the services provided).

If a one-stop shop is established, priority should be given to including rural and Northern Manitoba, where either there are no services currently available, or the gap in service delivery is significant as compared to urban centres. This could mean making use of technology and developing a digital access to justice strategy. The



use of satellite clinics and operations in a hub and spoke model of one-stop shops may also present opportunities to increase services across a broader population of Manitobans.

Any one-stop shop must be carefully designed and implemented to be most effective. Important characteristics that are a necessary part of any successful one-stop shop include:

- Stable and sufficient funding;
- Shared vision and operating standards;
- Care with respect to the types of services joined under a one-stop shop model;
- Operations with an integrated (or holistic) approach; and
- Accessibility.

If there are cost savings or new investments because of efforts to improve access to justice,

those cost savings or influx of new funds provide opportunities to reinvest existing funds into measures aimed at more improvements, until broader access to justice is achieved for all Manitobans.

When people express a desire to have access to a one-stop shop, further exploration of their needs underlying that desire reveals that people are looking for things like better access to services and better relationships with service providers. A one-stop shop is not the only way to meet the needs of people interacting with the justice system, or of providing better access to services and relationships with service providers. Providing services through a one-stop shop delivery model should not come at the expense of other improvements in access to justice.

# Appendix A — Interviewees and Focus Groups

Manitoba Legal Service Providers and/or Social Agencies	Nine Circles Community Health Centre
Canadian Mental Health Association Manitoba and Winnipeg	North End Community Renewal Corporation
Claimant Advisor Office	Norwest Co-op Community Health
Community Legal Education Association	Residential Tenancies Independent Advisor Program
Community Unemployed Help Centre	Welcome Place
Eagle Urban Transition Centre	West Central Women’s Resource Centre
FACES (including the Anxiety Disorders Association of Manitoba, Manitoba Schizophrenia Society, Mood Disorders Association of Manitoba)	Winnipeg Harvest
Family Law Access Centre (Law Society of Manitoba)	Worker Advisor Office
Independent Living Resource Centre	ywca Thompson
Infojustice Manitoba	Other One-Stop Shops
John Howard Society	Aboriginal Legal Services Toronto
Legal Help Centre	Access Pro Bono BC
Manitoba Low Income Intermediary Project/Workers Organizing Resource Centre (Canadian Union of Postal Workers)	Calgary Legal Guidance
	Parkdale Community Legal Services
	Pivot Legal Society
	Sheldon Kennedy Child Advocacy Centre

Institutional Stakeholders:  
Automobile Injury Compensation Appeal  
Commission  
Law Society of Manitoba  
Legal Aid Manitoba  
Manitoba Court of Appeal  
Manitoba Court of Queen's Bench  
Manitoba Human Rights Commission  
Manitoba Provincial Court  
Mental Health Review Board  
Social Services Appeal Board  
University College of the North  
University of Manitoba (Robson Hall)

University of Winnipeg  
Workers Compensation Appeal Commission  
  
Focus Group Hosts:  
Dauphin Friendship Centre  
Eagles Nest  
Immigrant & Refugee Community  
Organization of Manitoba (IRCOM)  
Nisichawayasihk Cree Nation — Women of  
Heart  
Social Planning Council  
Thompson YWCA and Thompson Crisis Centre  
Winnipeg Harvest

## Appendix B — Available Statistics<sup>322</sup>

### **Legal and Social Service Providers**

Anxiety Disorders Association of Manitoba (ADAM)

**Source:** Annual Report 2014–15

- **Sources of Funding:** Manitoba Health (89%)
- **Purpose and Services:** “Our vision is to reduce the impact of anxiety disorders on the lives of all Manitobans.”<sup>323</sup> ADAM does this by providing and facilitating support groups, cogitative behavioural therapy, one-on-one support (in-person, phone and email), as well as raising public awareness.
- **Measurement Info:** None reported
- **Use Statistics:** 27,498 Manitobans accessed services in 2014–15, with the most popular program being the one-on-one support.

A Woman’s Place (A Program of the NorWest Co-op Community Health)

**Source:** Website; 2016 Program Statistics (provided)

- **Sources of Funding:** The NorWest Co-op Community Health Capital Campaign supporters and funders are listed as: Anonymous Donor, Bank of Montreal,

Ben Kramer & Mandel Hitzer, Cambrian Credit Union, Cardinal Foundation, City of Winnipeg, Community Food Centres Canada, DJ Hunnicutt, Donner Canadian Foundation, J.W. McConnell Family Foundation, Jewish Foundation of Manitoba, Lount Family Foundation, Manitoba Community Services Council, Manitoba Harvest Hemp Foods, McConnell Family Foundation, Nancy Heinrichs, Province of Manitoba, Thomas Sill Foundation, Winnipeg Foundation, and the Winnipeg Regional Health Authority

- **Purpose and Services:** The purpose of the program is to ensure the safety of women and children so that they may live in an abuse free, healthy environment. A Woman’s Place Domestic Violence Support and Legal Services provides supportive counselling and legal services for women who have exited/are exiting an abusive relationship.
- **Measurement Info:** None reported
- **Use Statistics (2016, up to October):**
  - Clients served in 2016: 1,072
  - Number of sessions: 1,233
  - Number of hours: 1,248

## Claimant Advisor Office

### Sources: Supplied

- **Sources of Funding:** Government of Manitoba, Department of Justice (previously Department of Tourism, Culture, Heritage, Sport and Consumer Protection)
- **Purpose and Services:** To assist persons who wish to appeal a decision made by the Manitoba Public Insurance Corporation (MPIC) in relation to bodily injury claims to the Automobile Injury Compensation Appeal Commission (AICAC).
- **Measurement Info:** None reported
- **Use Statistics:**
  - 2014–2015:
    - Closed files: 103
    - Open files: 245
    - Appeals: 94 (number of hearings)
    - Mediation: 198
  - 2015–2016:
    - Closed files: 219
    - Open files: 199 (194 Active)
    - Appeals: 160 (number of days of hearings)
    - Mediation: 274

## Community Legal Education Association

### Source: Annual Reports 2013–14, 2014–15, 2015–16

- **Sources of Funding:** MLF (35%), Justice Canada, LSM, Justice Education Society of BC, donations, fundraising, and memberships.
- **Purpose and Services:** “CLEA is a charitable organization that provides legal information to Manitobans. We believe that legal knowledge is necessary for full and equal participation in our society.”<sup>324</sup> They provide a wide range of legal information and referral services to Manitobans on family, civil, criminal,

and other matters, with a focus on access to justice. These are available on their website, by phone, and by email. They offer a Community Legal Intermediary (CLI) Training Program about legal services available in the community. As well, they work to increase public knowledge about the law through presentations, publications, and an annual conference.

- **Measurement Info:** None reported
- **Use Statistics:**
  - 2013–2014:
    - 6,400 calls, (40% of which were for family law matters, 335 from unrepresented individuals, 1,378 resulting in a referral). 1,297 emails, 11 faxes, 77 walk-ins (despite not providing walk-in services).
    - 51 speaking events with 760+ attendees.
    - 6 graduates from the Community Legal Intermediary (CLI) Training Program.
  - 2014–2015:
    - 6,276 calls (41% for family law, 1,413 calls resulting in referrals, increased number of unrepresented litigants — no number provided). 1,259 e-mails, 6 faxes, and 86 walk-in clients.
    - 950 attendees at 70 speaking events.
    - 14 graduates of CLI training, 10 of Advanced CLI training.
  - 2015–2016:
    - 6,358 calls (39% for family law, about 10% from self-represented or unrepresented litigants, 1,262 calls resulting in referrals). 1,215 e-mails and 75 walk-in clients.
    - 51 speaking events with 794 attendees.
    - 7 graduates of CLI program, 10 of Advanced CLI program.

## Canadian Mental Health Association Manitoba and Winnipeg

### Source: Annual Reports 2013–14, 2014–15, 2015–16

- **Sources of Funding:** Winnipeg Regional Health Authority (53%), Province of Manitoba (21%), United Way (13%), Grants (Bell Community Fund, IERHA, Winnipeg Foundation) (5%), Donations (4%), Fee for Service (3%), Other (1%).
  - **Purpose and Services:** “As a champion for mental health, CMHA exists so that all Manitobans are mentally healthy and people experiencing mental illness have support for their resilience and recovery.”<sup>325</sup> It does so through political advocacy, providing information and referral services, “promoting and understanding mental awareness” through Mental Health First Aid (MHFA) courses, and public awareness events.
  - **Measurement Info:** None reported
  - **Use Statistics:**
    - 2013–2014:
      - Information & Referral Service assisted 1,609 people (including 277 through Rights Consultation service).
      - 20 MHFA courses with 372 total participants, including 2 MHFA Youth courses with 18 total participants.
      - MILE5 (Mental Illness Literacy Education, 5 day) program was delivered in 12 schools, delivered to 2,270 students.
      - Building Futures Initiative (Program in conjunction with other service agencies for youth aged 16–25 presently or formerly in CFS care): 318 contacts with 58 active clients through Youth Service Navigator; 16 referrals made and 9 active counselling clients for Building Futures counsellor.
      - Rehabilitation & Recovery Service assisted 240 individuals “to learn skills and acquire resources related to their goals,” including workshops and community housing with supports.
    - 2014–2015:
      - Information and Referral Service responded to 1,900 individual requests, 300 through Rights Consultation (39 cases).
      - 570 people in 35 MHFA courses.
      - 86 workshops or presentations at workplaces and organizations.
      - MILE5 delivered in 8 schools, to approximately 1,050 students. 100 hours of presentations and workshops on youth mental health to 1,419 youth.
      - Building Futures Initiative: YSN provided 130 youth with contacts through 591 contacts. Building Futures Counsellor provided services to 30 youth over 99 sessions.
      - Rehabilitation & Recovery Service assisted over 400 individuals.
    - 2015–2016 (*Note: This Annual Report contains far less detail than previous years*):
      - 42 individuals helped through Rights consultation and received representation at the MHRB.
      - 200 people in MHFA courses
      - 3,200 individuals “reached in [CMHA] direct services, service navigation services and school-based education”.
- Community Unemployed Help Centre  
**Sources: 2014 In Review, 2015 In Review, 2016 In Review, 2015 Annual General Meeting minutes.**
- **Sources of Funding:** (Fiscal year ending December 31st 2014) Manitoba Government (half of total budget), United Way, MLF, Winnipeg Foundation. Approximately \$50,000 through donation.
  - **Purpose and Services:** “[The] Community Unemployed Help Centre provides information, assistance, advice, and representation to individuals dealing with the federal government’s EI program and the Manitoba Government’s Employment and

Income Assistance program. The Centre's services are open to everyone in need and no fees are charged for any service."<sup>326</sup>

• **Measurement Info:**

- 2014: Represented 184 individuals, resulting in 136 overturned or amended decisions (73% success rate).
- 2015: Represented 215 individuals, resulting in 172 overturned or amended decisions (80% success rate). Returned over \$1.26 million to CUHC clients in benefits previously denied.
- 2016: Represented 308 individuals appealing EI or EIA decisions with an 80% success rate in overturning or amending decisions. Returned \$2.2 million to CUHC clients in benefits previously denied.

• **Use Statistics:**

- 2014: Assisted over 1,400 individuals on issues related to EI, and EIA. Represented 184 individuals, overturning or amending 136 on appeal.
- 2015: Provided 1,500 individuals with information, advice, and representation. Represented 215 individuals, resulting in 172 overturned or amended decisions (80% success rate). Returned over \$1.26 million to CUHC clients in benefits previously denied.
- 2016: Provided information, advice, and representation to 1,542 individuals. Represented 308 individuals appealing EI or EIA decisions with an 80% success, resulting in \$2.2 million returned to CUHC clients in benefits previously denied.

Family Justice Resource Centre

**Source: Supplied**

- **Sources of Funding:** Program of Manitoba Justice
- **Purpose and Services:** To provide free and confidential information regarding family law matters.

• **Measurement Info:** Gathered via Sharepoint call tracking list

• **Use Statistics:** (October 2016 — January 31st 2017)

- 1112 interactions (727 via phone, 332 at counter, 53 voicemails returned within 24 hours)
- 295 inquiries about court processes, forms, and copies; 208 about support; 160 about custody and access; 146 about divorce or separation. Remainder pertaining to enforcement, getting a lawyer, protection, property division, and “other”.
- Most inquiries prompted referrals to a variety of services, including:
  - For the Sake of the Children: 61
  - LAM: 188
  - CLEA Law Phone-In and Lawyer Referral Program: 153
  - Court Staff: 54
  - Family Law Section: 18
  - Printed materials (A Guide to Changing Child Support Orders in Manitoba: 101; Family Law in Manitoba: 101; Federal publications regarding parenting & tables: 9)
  - Websites (Courts: 229; Manitoba Family Justice; 38; CLEA: 33)

Family Legal Access Centre of the Law Society of Manitoba

**Source: Supplied**

- **Sources of Funding:** Not listed. Participants pay for service.
- **Purpose and Services:** This program by the LSM aimed to bridge the gap between Legal Aid and retaining a lawyer by providing legal services at a discounted rate for family law matters. As the Legal Aid guidelines have been amended to include clients that previously qualified for FLAC, the program is no longer accepting applications.

- **Measurement Info:** None reported
- **Use Statistics:** 67 applications approved for the program, with 46 completing the program successfully. 21 files are ongoing.

#### Independent Living Resource Centre

**Source: Annual Reports 2013–14, 2014–15, 2015–16**

- **Sources of Funding:** United Way of Winnipeg, the Winnipeg Foundation, the Province of Manitoba, Human Resources and Development Canada, Western Economic Diversification Canada, Service Canada, Regional Health Authorities/ Winnipeg Regional Health Authority, Manitoba Public Insurance, and EIA.
- **Purpose and Services:** “The ILRC is a consumer controlled organization that promotes and supports citizens with disabilities to make choices and take responsibility for the development and management of personal and community resources.”<sup>327</sup> Programming includes information and referral services, individual advocacy, research and development to increase service capacity, and programs designed to enhance inclusion of people with disabilities.
- **Measurement Info:** None reported “The true indicator of the success of the program lies in the impacts individuals make in their lives and in the community.”<sup>328</sup>
- **Use Statistics:**
  - Individual Self-Advocacy:
    - 2013–2014: Provided supports to over 800 incoming consumers (*Note: No more detail given regarding the level of supports*).
    - 2014–2015: Provided one on one support and consultation to 180 individuals; Provided contact supports to over 1000 incoming inquiries via email, telephone or face-to-face; Participated in 52 separate presentations.
  - 2015–2016: Provided one-on-one support and consultation to 156 individuals; Provided contact supports to just under 1100 inquiries (email, telephone or face-to-face).
  - Peer/Independent Living Skills:
    - 2013–2014: 16 individual workshops attended by nearly 300 consumers.
    - 2014–2015: 11 workshops attended by over 120 consumers.
    - 2015–2016: 9 workshops attended by over 100 consumers.
  - Information and Referral:
    - 2013–2014: Received 3500 inquiries; Provided information sessions to over 30 new community partners; Distributed information packages to over 1200 consumers and organizations; Distributed the quarterly Options Newsletter to over 1500 community organizations and consumers.
    - 2014–2015: Received over 3800 inquiries; Distributed over 1500 individual information packages with Options newsletter; 1200 on the mailing list.
    - 2015–2016: Received over 3900 inquiries; Distributed over 1800 individual information packages with Options newsletter; 1200 on mailing list.
  - Community Living Report:
    - 2013–2014: All eight units in Qu’Appelle Housing were occupied, with 6 on the waiting list; 12 Peer Network meetings through Self/Family Managed Care Program.
    - 2014–2015: Qu’Appelle and MIST housing units grown to full capacity (*No further statistics given*); Hosted 4 orientation sessions for SFMCP with over 60 individuals attending.
    - 2015–2016: Reported an increased number of referrals from both individuals and



organizations looking for ILRC expertise in the area of service deliver support; Hosted 4 orientation sessions for SFMCP with over 40 individuals attending (*No specific statistics given for Qu'Appelle or MIST*).

- Personal Attendant Community Education:
  - 2013–2014: 8 training sessions with 160 graduates and over 700 total hours of community trainer's time.
  - 2014–2015: 5 training sessions with 80 graduates and over 700 hours of community trainers' time.
  - 2015–2016: 7 training sessions with 103 graduates and over 5000 hours of community trainers' time; Expanded trainer base to include 31 community and classroom trainers.
- Kids on the Block
  - 2013–2014: Performed 20 shows reaching a total of 1,420 audience participants; Over 1400 cards handed out.
  - 2014–2015: Performed 13 shows reaching a total of 800 audience participants.
  - 2015–2016: Performed 2 shows to 80 audience participants.
- Disability Awareness Resource Training (DART):
  - 2013–2014: 400 individuals receiving DART, including 6 sessions of PACE students and public and private partners.
  - 2014–2015: 500 individuals received training.
  - 2015–2016: 1200 individuals received training.
- Urban Entrepreneurs with Disabilities Project (UEDP)
  - 2013–2014: 251 consumers received supports; 652 direct contacts.
  - 2014–2015: 200 consumers received supports; 635 direct contacts.
  - 2015–2016: 221 consumers received supports; 693 direct contacts.

- Leisure Education
  - 2013–2014: Program presented to just under 300 separate individuals; 100% graduation rate; Distributed over 380 passes to variety of events.
  - 2014–2015: *No statistics given*
  - 2015–2016: 17 graduates of the program.
- Brokerage
  - 2013–2014: Supported 32 individuals in the community; Received 5 inquiries about participating in Brokerage program; Received 8 inquiries about Qu'Appelle housing.
  - 2014–2015: Supported 25 individuals in the community.
  - 2015–2016: Supported 24 individuals in the community.

#### John Howard Society

**Source: Annual Reports 2013–14, 2014–15, 2015–16**

- **Sources of Funding:** Government of Canada (Through the John Howard Society of Canada grant), Province of Manitoba, Manitoba Department of Education and Training - Adult Literacy and Learning, United Way of Winnipeg, The Richardson Foundation, The Winnipeg Foundation, The Thomas Sill Foundation, The Assiniboine Credit Union, The John Howard Society of Canada, DeFehr Foundation, and private donors and supporters.
- **Purpose and Services:** "Effective, just and humane responses to the causes and consequence of crime."<sup>329</sup> "The John Howard Society of Manitoba is a non-profit justice organization dedicated to working with those who have or are accused of committing offences, victims and the community to resolve conflict, repair harm, and restore peaceful relations."<sup>330</sup> They offer a literacy program, reintegration services, bail supervision, and

a community based sentencing program (with Manitoba Justice).

- **Measurement Info:** “54 have successfully completed the [Bail Assessment, Support, and Supervision Program], meaning that they have dealt with their outstanding charges and have received dispositions. This number is steadily increasing, leaving one to conclude that the program is successful.” This is supported by a 2016 evaluation done by John Isfeld & Chantel Nygaard, University of Manitoba.

- **Use Statistics:**

- 2013–2014:

- BASSP: ‘Graduated’ (seen through to sentencing): 38 clients (Charges dropped: 14; Released by court: 4; Charges stayed: 5; Prison time: 2).
- Reintegration program: 950 clients (310 in institutions/640 in the community); 493 visits to clothing closet
- Literacy Program: 4 sessions completed.

- 2014–2015:

- BASSP: Clients successfully completed: 42 (Charges dropped or stayed: 22, Conditional sentence: 5, Probation: 10, Moved to unsupervised bail: 2, Time served: 3)
- Reintegration program: 929 clients; facilitated 9 programs with a total of 64 students;
- Literacy Program: 31 Peer Tutors trained at Winnipeg Remand Centre, 12 at Headingly Correctional Centre. Get The Story Out (GTSO): 28 books and 22 recorded audio CDs

- 2015–2016:

- BASSP: Total referrals received since October 2011: 1539, with 223 files re-opened at lawyer’s request; 2015–16: 287 clients both in residence and in the community.
- Reintegration Program: 70 new clients; Assisted 70 men to apply for their birth certificate while incarcerated.

- Literacy Program: 139 students taught: Peer Tutor Students: 86 Enrolled. 72 Graduates; One On One Tutoring Students: 53 (44 new students, 9 return students); Institutional Phone Inquiries and Green Request Forms: 187; GTSO: 61 Recordings and books sent out.

## Legal Aid Manitoba (LAM)

**Source: Annual Reports 2013–14, 2014–15, 2015–16, Notice to the Profession 28–2015**

- **Sources of Funding:** Manitoba Justice (some reimbursed by Government of Canada for federal criminal matters), MLF, contributions from clients, costs awarded by the Court on behalf of clients, interest earned on monies invested, and miscellaneous receipts.
- **Purpose and Services:** As detailed in the *Legal Aid Manitoba Act*, LAM’s mandate is to “Provide quality legal advice and representation to eligible low-income individuals and groups; Administer the delivery of legal aid in a cost-effective and efficient manner; Provide advice to the Minister on legal aid generally and on the specific legal needs of low-income individuals.”<sup>331</sup> They provide legal advice and representation to low-income Manitobans on criminal, immigration and refugee, family and child protection, poverty, and public matters.
- **Measurement Info:** Has lowest cost per capita per certificate in Canada.
- **Use Statistics:**
  - 2013–2014
    - 33,063 applications received; 6,400 rejected.
    - 28,598 legal matters approved and issued.
    - Service delivery breakdown: 17,526 legal custody in-phone advice; 28,598 legal matters; 44,524 Duty Counsel assists.

- 2014–2015
  - 31,322 applications received; 6,145 rejected.
  - 27,142 legal matters approved and issued.
  - Service delivery breakdown: 11,826 legal custody in-phone advice; 27,142 legal matters; 47,965 Duty Counsel assists.
- 2015–2016:
  - 34,928 applications received; 7,219 rejected.
  - 29,528 legal matters approved and issued.
  - Service delivery breakdown: 22,178 legal custody in-phone advice; 29,528 legal matters; 46,250 Duty Counsel assists
  - Opened 6,496 family and child protection cases.
  - Aided 170 individuals on Immigration matters.
  - 15 graduates of Forensic Assertive Community Treatment program through Mental Health Court.

*Advocacy Unit-Specific Stats:*

- 2014–2015:
  - 1,420 calls (899 residential tenancies matters, 365 EIA matters, and 156 other matters);
  - 131 hearings (103 residential tenancies<sup>332</sup> hearings, 27 SSAB hearings, and 1 MHRB hearing); and
  - 27 outreach presentations and/or training provided (including to other service providers)
- 2015–2016:
  - 1,422 calls (898 residential tenancies matters, 399 EIA matters, and 125 other matters);
  - 78 hearings (69 residential tenancies hearings and 9 SSAB hearings);
  - 100 matters resolved without the need for a hearing (39 residential tenancies matters and 61 EIA matters); and
  - 7 outreach presentations and/or training provided.

- 2016–2017:
  - 1634 calls (1112 residential tenancies matters, 412 EIA matters, and 110 other matters);
  - 163 hearings (144 residential tenancies hearings and 19 SSAB hearings);
  - 113 matters resolved without the need for a hearing (118 residential tenancies matters and 37 EIA matters); and
  - 11 outreach presentations and/or training provided.

Legal Help Centre

**Sources: Annual Reports 2013–14, 2014–15, 2015–16**

- **Sources of Funding:** University of Winnipeg (in-kind donation of space and administrative support), MLF, Investors Group, MPI, University of Manitoba’s Faculty of Law, Winnipeg Foundation, Canada Summer Jobs Fund, private donors, law firms.
- **Purpose and Services:** “[The Legal Help Centre is] a not-for-profit organization that was set up by community volunteers working together with faculty and students from both the University of Winnipeg and University of Manitoba. Our vision is to assist disadvantaged members of our community to access and exercise their legal and social rights. Working in partnership with the community, Legal Help Centre is working to increase access to legal and social service systems for lower income residents in Winnipeg by providing referrals, legal help and public legal education and information. We do this by providing public legal education through our website, workshops and Drop-in Clinics. Our workshops are available at no cost to all. Our Drop-in Clinics are available to those with family incomes under \$50,000 per year.”<sup>333</sup>

- **Measurement Info:** 2015–16 Annual Report notes it is often very difficult to measure success.
- **Use Statistics**
  - 2013–2014:<sup>334</sup>
    - 1,873 drop-in clients
    - outreach clinics
  - 2014–15:
    - 2,794 clients, including repeat clients (58% family law, 37% repeat clients)
    - 2,288 clients helped at drop-in clinics
    - 99 SRLs assisted at uncontested family motions court
    - outreach clinics
  - 2015–16:<sup>335</sup>
    - 2,920 clients, including repeat clients (58% family law (1960. 20% referred), 45% repeat clients)
    - 2,123 clients helped at drop-in clinics
    - 103 unrepresented individuals assisted at Uncontested Family Motions Court
    - 70 clients at outreach clinics

#### Manitoba Schizophrenia Society

#### **Sources: Manitoba Health Funding Information 2015–2016 (Supplied)**

- **Sources of Funding:** Manitoba Health, General Donations, and the Iris Gala Evening, The Journey of Hope Walk, and The Schizophrenia Golf Tournament.
- **Purpose and Services:** “The Manitoba Schizophrenia Society, Inc. is a consumer focused, family sensitive mental health self help organization. We are dedicated to the improvement of quality of life for all those who are personally impacted by schizophrenia, psychosis and co-occurring disorders. We promote recovery through engagement, education, peer support and advocacy by working in partnership with consumers, families and service providers.”<sup>336</sup> They have outreach workers

placed in a number of centres throughout the province.

- **Measurement Info:** None reported
- **Use Statistics (2015–2016):** *All numbers approximate*
  - Northern Health Region:
    - Thompson: 200+ One-On-One consultations and/or referrals; 10–12 consumer group participants; Presentations made to 200 people.
    - The Pas: 200+ One-On-One consultations or referrals; 8 consumer group participants; public education presentations to 35 people.
  - Prairie Mountain Health:
    - Brandon: 250+ One-On-One consultations or referrals; 15 consumer group participants; 16 family group participants in Brandon; 8 family group participants in Assiniboine; presentations made to almost 1000 people.
    - Dauphin: 200+ One-On-One consultations or referrals; 25 consumer group participants in Dauphin, Roblin, and Swan River; presentations to 175 people.
  - Southern Health Santé Sud
    - Steinbach: 300+ One-On-One consultations or referrals; 15 consumer group participants; 10 family group participants; presentations made to 400 people.
    - Portage-Winkler: 300+ One-On-One consultations or referrals; 16 consumer group participants; presentations made to 240 people.
  - Interlake-Eastern
    - Beausejour: 100+ One-On-One consultations or referrals; 15 consumer group participants.
    - Selkirk: 19 consumer group participants; 5 family group participants.
    - Presentations made to 240 people.

- Winnipeg
- Average daily consultations by phone (6) or in person (5); drop in and cold calls (3); 150 participants in family outreach; 36 consumer group participants; 6 Writer's Group participants; 7 PsychHealth Support Group participants; presentations made to 1,600 people, as well as tabling and drama presentations.

#### Mood Disorders Association of Manitoba

##### Sources: Website, Supplied

- **Sources of Funding:** Shoppers Drug Mart, United Way, In The Mood gala sponsors.
- **Purpose and Services:** "Mood Disorders Association of Manitoba (MDAM) operates throughout Manitoba, supporting those affected by mood disorders, their friends, families, caregivers and supporters."<sup>337</sup> They provide support, education, and advocacy for those living with mood disorders, co-occurring disorders, or other mental health illnesses, and increase public awareness about mood disorders. This is done through support groups, crisis support, presentations, and workshops.
- **Measurement Info:** Do not keep client data, only keep contact numbers.
- **Use Statistics:** 2015 — had contact with over 90,000 individuals.

#### Nine Circles Community Health Centre

##### Sources: Manitoba HIV Report 2015, 2016 AGM

##### Executive Director's Report

- **Sources of Funding:** Winnipeg Regional Health Authority, Federal Government, fund raising.
- **Purpose and Services:** Nine Circles is a community based, non-profit centre specializing in HIV prevention and care. It supports HIV & STI prevention through

testing, education, and treatment, provides coordinated medical and social supports for those living with HIV, and promotes sexual and personal health including harm reduction to those at risk.

- **Measurement Info:** None reported
- **Use Statistics:**
  - In 2015, 102 people entered into care with the Manitoba HIV Program in either of its two Winnipeg-based sites: Nine Circles and the Health Sciences Centre outpatient clinic.
  - Of the 102 clients that entered into care with the Manitoba HIV Program in 2015, 75 (73.5%) were newly diagnosed with HIV.
  - 5 (4.9%) clients transferred to Manitoba knowing their HIV status, but had not yet been started on Highly Active Antiretroviral Therapy (HAART).
  - 22 (21.6%) clients entered into the Manitoba HIV Program aware of their status and on HAART.
  - In 2015/2016 the 2 social workers had 1,123 (this includes all therapeutic interactions by phone, and in-person at Nine Circles as well as community, home, and hospital visits):
    - On-site contacts = 625
    - In home Contacts = 10
    - In hospital Contacts = 8
    - In the community contacts = 12
    - Phone/written contacts = 468

North End Community Renewal Corporation: Tenant Landlord Cooperation Program

**Sources: Final Report to Neighbourhoods Alive! 2015–2016, Renting in the North End Case studies from the "Tenant Landlord Cooperation" Program, by Rachel Gotthilf and Darrell Stavem (Canadian Centre for Policy Alternatives, 3 September 2014).**

- **Sources of Funding:** Not given — Operates through NECRC
- **Purpose and Services:** “The purpose of the North End TLC program is to promote the upkeep and maintenance of rental properties within the North End of Winnipeg while fostering good working relationships between landlords and tenants. The TLC program seeks to employ conflict resolution while educating clients on their rights and responsibilities under existing legislation to address community rental instability due to landlord and tenant disputes.”<sup>338</sup> This is done through the delivery of workshops on tenant and landlord rights and responsibilities, working with community members to address tenant issues, and advocacy for housing issues.
- **Measurement Info:** “The North End Community Renewal Corporation’s TLC program makes a substantial impact in the North End of Winnipeg.”<sup>339</sup>
- **Use Statistics (2015–2016):**
  - 1339 issues in 273 files (175 new clients, 96 new issues for old clients); \$95,443 recovered; 1104 client contacts.
  - Conducted inspections on 301 units of rental housing
  - Distributed 112 bedbug kits to individuals in William Whyte, North Point Douglas, Dufferin, and St. John’s
  - 8 workshops with 112 participants, as well as a number of presentations in Winnipeg, including many at Winnipeg schools.
  - 113 referrals from partner organizations

#### Welcome Place

**Sources: Manitoba Interfaith Immigration Council Inc Annual Reports 2013–2014, 2014–2015, 2015–2016.**

- **Sources of Funding:** Immigration, Refugees and Citizenship Canada, The United Way,

the Government of Manitoba, The Winnipeg Foundation, private donors (*Note: These are the donors to the Manitoba Interfaith Immigration Council as a whole. There is no indication as to how much of the funding is diverted specifically to Welcome Place.*)

- **Purposes and Services:** Provides temporary housing to refugees, as well as furniture and other donated items, aid with housing searches, research, and advocacy.
- **Measurement Info:** “Success” is implied to mean re-settling refugee claimants in permanent and affordable accommodation within as short a period as possible.
- **Use Statistics;**
  - 2013–14: Housed 352 government assisted refugees; Moved 40 families and 61 individuals to permanent accommodations.
  - 2014–15: 89 families, 74 single Government-Assisted Refugees accommodated at Welcome Place; 436 individuals moved to permanent accommodations.
  - 2015–16: 600+ Government-Assisted Refugees at 4 sites; 990 clients in accommodations in total.

#### West Central Women’s Resource Centre

**Sources: Website, Supplied**

- **Sources of Funding:** Government of Canada (Canadian Heritage, Immigration, Refugees, and Citizenship, Status of Women), Province of Manitoba, City of Winnipeg (Homelessness Partnering Strategy) Assiniboine Credit Union, Canadian Women’s Foundation, Communities 4 Families, Daniel MacIntyre/St. Mathew’s Community Association, Jewish Foundation of Manitoba, LITE (Local Investment Towards Employment), Neighbourhoods Alive!, Spence Neighbourhood Association, Status

of Women Canada, United Church Canada, United Way, and The Winnipeg Foundation

- **Purpose and Services:** “The West Central Women’s Resource Centre exists to empower women to help themselves, their families and their community to safer, healthier lifestyles.”<sup>340</sup> They offer a range of programs and services for women in the West Central community, including childminding, educational and empowerment services, mentorship, and immigration settlement services.
- **Measurement Info:** None reported
- **Use Statistics (April 2015–March 2016):**
  - Drop-In: Accessed 17,964 times (hygiene program accessed 1582 times, 2719 lunches served)
  - HOMES: 253 women helped:
    - 29 housed or rehoused
    - 84 instances of eviction prevention
    - 77 instances of income being sourced
    - Women were helped to navigate EIA 176 times
    - 429 reported instances where women’s life skills were improved
    - 517 reported instances where women’s social network was improved
  - MT4W: 19 women or families were helped:
    - 13 were housed at least once
    - 40 instances of eviction prevention
    - 15 instances of benefits being released to a participant

#### Winnipeg Harvest

**Sources: Annual Reports 2013–2014, 2014–2015, 2015–2016.**

- **Sources of Funding:** Manitoba Public Insurance, Winnipeg Football Club, Winnipeg Goldeyes, Manitoba Moose, Purolater, all mentioned as running successful donation drives. Donations are provided daily from grocery stores (Safeway, Peak of the Market) and other private

partners. Funding provided entirely by private donation (*Note: Harvest specifically states that they do not accept contributions from any level of government or United Way*).

- **Purposes/Services:** “Winnipeg Harvest is a community-based, not-for-profit, food distribution and training centre, committed to providing food to people who struggle to feed themselves and their families.”<sup>341</sup>
- **Measurement Info:** “Reducing and eliminating the need for food banks is the best measure of our success.”<sup>342</sup>
- **Use Statistics:**
  - 2013–14: 12 million pounds of food distributed to 384 partner agencies; approximately 60,000 Manitobans received food from Harvest monthly (150,000 clients by appointment); 1,061 participated in one or more training programs, 91% completion rate.
  - 2014–15: 13.7 million pounds of food distributed to 389 partner agencies; approximately 61,000 Manitobans received food from Harvest monthly (461,272 clients by appointment); 1,386 individuals participated in one or more training programs, 93% completion rate.
  - 2015–16: 13.2 million pounds of food distributed to 399 partner agencies; approximately 64,000 Manitobans received food from Harvest monthly (463,603 clients by appointment); 1,987 individuals participated in one or more training programs, 85% completion rate.

#### Worker Advisor Office

**Sources: Manitoba Department of Labour and Immigration Annual Reports 2014–2014, 2014–2015, 2015–2016**

- **Sources of Funding:** Housed in the Manitoba Department of Labour and Immigration

- **Purposes/Services:** The WAO “provides professional and timely service to workers and their dependents who require assistance with their workers compensation claims.”<sup>343</sup>
- **Measurement Info:** None reported
- **Use Statistics:**
  - 2013–2014: Provided services to over 2,579 individuals:
    - 89% resolved by providing advice only;
    - Closed 255 files (49%) through an informal review and resolution process; and
    - Resolved 127 files through the WCB appeal system (8% eight per cent at an early intervention level; 43% at the more formal appeal level).
  - 2014–2015: Provided services to over 2,712 individuals:
    - 89% resolved by providing advice only; and
    - Closed 274 files: 148 (54%) following an appeal, 126 (46%) as no basis for appeal.
  - 2015–2016: Provided services to over 2,300 people
    - 292 new files opened; and
    - 281 files closed — 174 closed after an appeal (52%) and 134 closed without providing representation in an appeal when it was determined there was insufficient supporting evidence (48%)

### **Courts/Administrative Tribunals**

Automobile Injury Compensation Appeal Commission

**Sources: Annual Reports 2013–2014, 2014–2015, 2015–2016**

- **Type of Hearings:** Tribunal that hears appeals of Internal Review Decisions concerning benefits under the Personal Injury Protection Plan of Manitoba Public Insurance, as prompted by a claimant’s application for review of the decision by their MPI case manager.
- *Legal Counsel — No data provided*

- **Advocate Representation (Claimant Advisor Office):**
  - 2013–14: 62% of applicants (73% 2012/13; 65% 2011/12)
  - 2014–15: 62% of applicants
  - 2015–16: 62% of applicants
- *Unrepresented Individuals — No data provided*

Manitoba Human Rights Commission

**Sources: Annual Reports 2013–2014, 2014–2015, 2015–2016**

- **Type of Hearings:** Rules on violations of the Manitoba Human Rights Code by employers, landlords and service providers regulated by Manitoba law.
- *No data given on legal counsel, advocate representation, or self-representation.*
- **Files opened:**
  - 2013/14: 382;
  - 2014/15: 372; and
  - 2015/16: 342.

Mental Health Review Board

**Sources: Supplied**

- **Type of Hearings:** Hearings to determine matter related to the treatment of individuals in psychiatric facilities in Manitoba (whether an individual should be involuntarily admitted to a psychiatric facility, whether the patient is mentally capable of making treatment decisions, specified treatment to be given to the patient, etc.). Decisions of the Board may be appealed to court.
- *No data given on legal representation, advocate representation, or self-representation.*
- **Number of Applications:**
  - 2013–14: 247, 19 Deemed
  - 2014–15: 231, 33 Deemed
  - 2015–16: 239, 24 Deemed



- **Number of Hearings:**

- 2013–14: 77, 19 Deemed
- 2014–15: 81, 23 Deemed
- 2015–16: 73, 25 Deemed

Residential Tenancies Branch

**Sources: Comprehensive Summary 2014–October 2016, Comprehensive Summary to April 2016, RTB Pilot Project Supplemental Report Materials**

- **Type of Hearings:** Hearings to resolve disputes between tenants and landlords under the Residential Tenancies Act.

- **Paralegal (LAM):**<sup>344</sup>

- 2014: Applications: 493; LAM Applications: 151; Hearings parts 1–8: 35.
- 2015: Applications: 376; LAM Applications: 124; Hearings parts 1–8: 28. (Note: LAM staff was reduced by one from April 3, 2015 to January 1, 2016 owing to staff retirement)
- 2016 (to April): Applications: 194; LAM Applications: 32 Hearings parts 1–8: 8.

- **Advocate (Landlord and Tenant):**

- 2014: Applications: 694; LAM Applications: 30; Hearings parts 1–8: 24.
- 2015: Applications: 870; LAM Applications: 57; Hearings parts 1–8: 16.
- 2016 (to April): Applications: 160; LAM Applications: 9; Hearings parts 1–8: 3.

- **Number of unrepresented individuals not reported**

Residential Tenancies Commission

**Sources: Annual Reports 2013–2014, 2014–2015, 2015–2016.**

- **Type of Hearings:** Hears appeals of decisions of the RTB.
- **Number of appeals received:**
  - 2013–14: 421 appeals under Parts 1–8; 84 buildings (523 rental units) under Part 9
  - 2014–15: 367 appeals under Parts 1–8; 116 buildings (772 rental units) under Part 9

- 2015–16: 364 appeals under Parts 1–8; 92 buildings (482 rental units) under Part 9

- **Paralegal (LAM):**<sup>345</sup>

- 2014: 24
- 2015: 6
- 2016 (to April): 4

- **Advocate (Landlord and Tenant):**

- 2014: 3
- 2015: 7
- 2016 (to April): 2

Social Services Appeal Board

**Sources: Annual Report 2015–2016, Appeals Received by Disposition and Advocate Representation, Fiscal Year 1516 (April 1st 2015–March 31st 2016) and Fiscal Year 1617 (April 1st 2016–October 24th 2017)**

- **Type of Hearings:** Appealing body for the majority of social services provided by the Department of Families in Manitoba (Adoption Agency Licensing, Rent Assist, EIA, Community Living disability services, etc.). Decisions can be overturned by the Board itself, or by the Manitoba Court of Appeal.

- **Legal Counsel:**

- April 1st 2016–October 24th 2016: 3/457 (0.66%)
- April 1st 2015–March 31st 2016: 3/667 (0.45%)

- **Advocate Representation:**

- April 1st 2016–October 24th 2016: 95/457 (20.79%)
- April 1st 2015–March 31st 2016: 115/667 (17.24%)

- **Unrepresented Individuals:**

- April 1st 2016–October 24th 2016: 359/457 (78.55%)
- April 1st 2015–March 31st 2016: 549/667 (82.31%)

Workers Compensation Appeal Commission

**Sources: Annual Reports 2013–2014, 2014–2015, 2015–2016.**

- **Type of Hearings:** Final level of appeal for the workers compensation system in Manitoba. It has exclusive jurisdiction over decisions made by the Worker’s Compensation Board.
- **Legal Counsel:**
  - 2012–13: 9/158 (5.69%)
  - 2013–14: 7/142 (4.92%)
  - 2014–15: 7/137 (5.11%)
- **Advocate Representation (Union representative, Worker Advisor or Advocate):**
  - 2012–13: 43/158 (27.22%)
  - 2013–14: 53/142 (37.32%)
  - 2014–15: 53/137 (38.69%)
- **Unrepresented Individuals:**
  - 2012–13: 105/158 (66.46%)
  - 2013–14: 78/142 (54.93%)
  - 2014–15: 75/137 (54.74%)

## Outside Manitoba

Calgary Legal Guidance:

**Source: Annual Reports 2013–14, 2014–15, 2015–16**

- **Sources of Funding:** Alberta Law Foundation (74%), Restricted Contributions (7%), City of Calgary FCSS (5%), United Way of Calgary and Area (4%), Solicitor General Victims of Crime Fund (4%), Law Society of Alberta (3%), Donations (1%), and all other sources (2%).
- **Purpose and Services:** “Calgary Legal Guidance exists to provide legal assistance and information to economically and socially disadvantaged persons who would not otherwise have access to such services.”<sup>346</sup> The services are provided to low-income Calgarians who do not qualify for Legal Aid. These legal services range from criminal and civil law, family law, immigration law, domestic violence assistance, social benefits advocacy, and photo ID printing.
- **Measurement:** None reported

- **Use Statistics:**
  - 2013–2014: 3,468 clients at 300+ legal clinics.
  - 2014–2015: 5,000+ clients at 400+ legal clinics, 1408 IDs provided.
  - 2015–2016: 42,906 calls, 3590 people attended legal clinics (963 provided with “brief services” and 1602 with “full services”), 729 IDs provided.

Sheldon Kennedy Child Advocacy Centre

**Sources: Report to the Community 2015–2018, Snapshot April 1, 2013–July 31, 2015**

- **Sources of Funding:** Calgary Police Service, Province of Alberta, RCMP, Alberta Health Services, University of Calgary, Alberta Education, Alberta Ministry of Justice, Solicitor General Victims of Crime Fund, RBC, Enbridge Inc., City of Calgary, Department of Justice Canada, and private donations.
- **Purposes and Services:** “[To], investigate, intervene and provide treatment and support for sexual abuse and the most severe cases of physical abuse and neglect.”
- **Measurement Info:** “A major initiative to develop a robust evaluation framework and key performance indicators, and to measure social return on investment (SROI), was undertaken with KPMG. Preliminary SROI data revealed the Centre had a demonstrable impact on productivity improvements among all partners, including improved effectiveness and quality of service delivery” (*Note: Report not available on their website*).
- **Use Statistics (April 2013–July 2015):**
  - 3,455 infants, children and youth cases assessed (123 cases per month); 65% Sexual Abuse (“The SKCAC assesses all cases of sexual abuse, so a higher percentage of cases is reported than is seen in the general population”); 21% Physical Abuse.

# Endnotes

- <sup>1</sup> Focus group at Thompson YMCA (27 October 2016).
- <sup>2</sup> Parts I–III of the report consider what is meant by “access to justice” generally, unique challenges faced by specific groups in Manitoba, and an overview of legal services currently available to low and middle-income Manitobans.
- <sup>3</sup> Cory Ghitter, et al, *Innovating Regulation: A Collaboration of the Prairie Law Societies* (2015), online: Law Society of Saskatchewan <<http://www.lawsociety.sk.ca/media/127107/INNOVATINGREGULATION.pdf>> [Ghitter, *Innovating Regulation*].
- <sup>4</sup> Winnipeg Harvest Focus Group Participant.
- <sup>5</sup> Nisichawayasihk Cree Nation (NCCN) Focus Group Participant.
- <sup>6</sup> Specifically, Call to Action 45 requires the respect for Indigenous laws and legal traditions and treaties, and Call to Action 50 requires the federal government, in collaboration with “to fund the establishment of Indigenous law institutes for the development, use, and understanding of Indigenous laws and access to justice in accordance with the unique cultures of Aboriginal peoples in Canada.” See: Truth and Reconciliation Commission, *Calls to Action* (Winnipeg, 2015), online: <[http://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf)> at 4-6.
- <sup>7</sup> Manitoba Bar Association, *Town Hall Meetings on Access to Justice: Report and Summary* (2011), online: The Manitoba Bar Association, A Branch of the Canadian Bar Association <<http://www.johnhoward.mb.ca/wp/wp-content/uploads/2013/03/Town-Hall-Meetings-on-Access-to-Justice-Final-Report-Manitoba-Bar-Association-2011.pdf>> [MBA Town Halls on A2].
- <sup>8</sup> Karen L. Dyck, *Surveying the Landscape: Early Resolution Legal Supports in Manitoba* (Winnipeg: Manitoba Law Foundation, 2014).
- <sup>9</sup> City of Winnipeg, *Population of Winnipeg* (May 2017), online: City of Winnipeg, <[www.winnipeg.ca/cao/pdfs/population.pdf](http://www.winnipeg.ca/cao/pdfs/population.pdf)>. Note: This figure rises to over 60% when the census metropolitan area (CMA) of Winnipeg (including the City of Winnipeg, the municipalities of: West St Paul, East S. Paul, Headingley, Macdonald, Ritchot, Tache, Springfield, Rosser, St Francois Xavier, St Clements, and Brokenhead First Nation) is considered.
- <sup>10</sup> Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act* (November 2013), online: Equal Justice, Balancing the Scales <[http://www.cba.org/CBAMediaLibrary/cba\\_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf](http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf)>, [CBA, Equal Justice] at 11.
- <sup>11</sup> These organizations were selected to speak with a group of organizations that were diverse in terms of location, organizational model, mandates, and populations served.
- <sup>12</sup> CBA, *Equal Justice*, *supra* note 10.
- <sup>13</sup> See for example, *ibid* at 14–56; Trevor C W Farrow et al, *Everyday Legal Problems and the Cost of Justice in Canada Overview Report* (2016), online: Canadian Forum on Civil Justice, <<http://www.fcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>>, at 6–7 [Farrow, *Everyday Legal Problems*]; Canadian Forum on Civil Justice, *The Cost of Justice: Weighing the Cost of Fair and Effective Resolu-*

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- 138 *Ibid.*
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- 144 See *The Legal Profession Act*, CCSM c L107, in particular s 20-21 [LPA].
- 145 Alison MacPhail, *Report of the Access to Legal Services Working Group* (May 2012), online: Federation of Law Societies of Canada <<http://www.flsc.ca/wp-content/uploads/2014/10/services3.pdf>>, at 10 [MacPhail, *Report*].
- 146 Ghitter, *Innovating Regulation*, *supra* note 3 at 4.
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- 148 Interview of the LSM, (28 November 2016).
- 149 These statistics are shared for the purposes of providing the reader with a sense of the type of data that is currently available. It is of limited value for the purposes of comparison given the lack of uniformity in data collected.
- 150 Legal Aid Manitoba, *Annual Report 2015/16, Delivering Access to Justice for Low-Income Manitobans* (2015–2016), online: Legal Aid Manitoba <[http://www.legalaid.mb.ca/pdf/2016\\_annual\\_report.pdf](http://www.legalaid.mb.ca/pdf/2016_annual_report.pdf)>, at 5 [LAM, *Annual Report 2015/16*].
- 151 The most common answer to the question “what does access to justice mean to you” is access to legal representation. When asked where they would go for help navigating the legal system, most focus groups identified LAM as one of their options.
- 152 *The Legal Aid Manitoba Act*, CCSM, c L105 [LAM Act].
- 153 *Ibid.*, at s 2.1(1).
- 154 LAM, *Annual Report 2015/16* at ii.
- 155 Legal Aid Manitoba, “Types of Cases Covered” (11 July 2016), online: Legal Aid Manitoba <<http://www.legalaid.mb.ca/getting-legal-aid/types-of-cases-covered>>.
- 156 *Ibid.*

- 157** Farrow, *Everyday Legal Problems*, *supra* note 13 at 7–8. The results of this study are national in scope and did not include dis-aggregated regional results. With the large volume of requests related to family law matters as reported by service providers like CLEA and LHC, one might assume that family matters are more frequently occurring “everyday legal problems” in Manitoba as compared to the national average. However, without any Manitoba-specific needs assessment, it is difficult to say whether there are more family matters, or whether the high volume of inquiries speaks to the number of programs available, or the propensity of people to reach out for legal assistance around family matters as compared to other kinds of “everyday legal problems.”
- 158** For more information on PILC’s case selection criteria, see Legal Aid Manitoba, “Area Directors’ Manual” (1 April 2009), online: Legal Aid Manitoba <[https://www.legalaid.mb.ca/pdf/ADM\\_EXTERNAL\\_May27\\_2014.pdf](https://www.legalaid.mb.ca/pdf/ADM_EXTERNAL_May27_2014.pdf)> [LAM “Area Directors’ Manual”].
- 159** LAM Act, *supra* note 152.
- 160** For example, the tariff rate under Part 2 (Criminal Matters) for a guilty plea before a hearing ranges from \$450 to \$1,250 depending on the nature of the offence. The tariff rate under Part 3 (Civil Matters) for preparing an affidavit is \$80 per hour up to a maximum of \$270.
- 161** Legal Aid Manitoba, “University of Manitoba Community Law Centre” (19 April 2017), online: Legal Aid Manitoba <<https://www.legalaid.mb.ca/services/university-of-manitoba-community-law-centre>>.
- 162** LAM, *Annual Report 2015/16*, *supra* note 150 at 10.
- 163** Legal Aid Manitoba, “Who Qualifies Financially” (27 November 2015), online: Legal Aid Manitoba <<http://www.legalaid.mb.ca/getting-legal-aid/who-qualifies-financially>> [LAM, “Who Qualifies Financially”].
- 164** In April 2014, LAM began providing legal aid without charge to people in the Partial ATP program and in October, 2014, it extended coverage without charge to people in the Full ATP program. On November 24, 2014, LAM announced that the practice of funding the ATP program would continue indefinitely. Prior to that date, funding for the ATP program was at the discretion of LAM’s Executive Director. Legal Aid Manitoba, “Notice to the Profession 25-2015” (November 2014), online: Legal Aid Manitoba <[www.legalaid.mb.ca/pdf/np\\_25\\_2014.pdf](http://www.legalaid.mb.ca/pdf/np_25_2014.pdf)>.
- 165** LAM, “Who Qualifies Financially”, *supra* note 163.
- 166** Legal Aid Manitoba, “Paying Back Legal Aid” (11 May 2016), online: Legal Aid Manitoba <<http://www.legalaid.mb.ca/getting-legal-aid/paying-back-legal-aid>>.
- 167** *Ibid.*
- 168** *Ibid.*
- 169** Legal Aid Manitoba, “Annual Reports” (18 October 2016), online: Legal Aid Manitoba <<https://www.legalaid.mb.ca/for-lawyers/annual-reports>>.
- 170** For more information about how LAM determines “legal merit” for the purposes of its application process, see LAM, “Area Directors’ Manual”, *supra* note 158.
- 171** Lorne Sossin, “The Public Interest, Professionalism, and Pro Bono Publico” (2008), 46 Osgoode Hall LJ 131 [Sossin, “Public Interest”]. Sossin explains, at page 132, that “There is no definition of “pro bono” with which everyone would agree. At its broadest, “pro bono publico” may be defined as legal work done without compensation for the public good. Many would define the term more narrowly, as non-compensated legal representation on behalf of the poor.”
- 172** “Low Bono” began to appear as a term in the late 21st century, and is generally used to refer to the practice of offering reduced legal fees as a means for making legal services available and affordable for those who cannot afford market rates. It is more than simply offering a discount on services rendered – it is meant to take into account the financial constraints and legal needs of those with average means. For a discussion on the evolution of the term “low bono”, see Luz E Herrera, “Encouraging the Development of “Low Bono” Law Practices” (2014) 14:1 University of Maryland Law Journal of Race, Religion, Gender and Class 2, online: <<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1229&context=rregc>>.
- 173** McKiernan, *Law Times*, *supra* note 13.
- 174** Sossin, “Public Interest” *supra* note 171 at 135.
- 175** *Ibid* at 137: According to Sossin, “the first principle justifying pro bono on public interest grounds is the rule of law. Everyone should be subject to similar legal rules and have similar legal rights. It is unfair and unjust that some are unable to enforce legal rules and unable to assert legal rights simply because they lack the financial means to retain a qualified lawyer. By providing pro bono services, lawyers fill this gap and ensure that the rule of law governs.”
- 176** MBA Town Halls on A2], *supra* note 7.
- 177** *Ibid.*
- 178** That being in the range of \$35,000 gross annual income for a single individual to \$60,000 gross annual income for a family of 6 or more.
- 179** Law Society of Manitoba, “Family Law Access Centre”, online: Law Society of Manitoba <<http://www.lawsociety.mb.ca/for-the-public/family-law-access-centre>> [LSM, “Family Law Access Centre”].

- 180** FLAC reports that of the 67 individuals whose applications were approved, 4 individuals did not finalize their service agreements.
- 181** Interview of Family Law Access Centre (16 June 2015).
- 182** LSM, “Family Law Access Centre” *supra* note 179.
- 183** Interview of FLAC (16 June 2015).
- 184** The Law Society of British Columbia, *2016 Report on Performance* (2016), online: The Law Society of British Columbia <<https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/ar/2016-AnnualReport.pdf>>.
- 185** According to its Annual reports, in 2015–16, CLEA hosted 51 speaking events that attracted a total of 794 attendees. In previous years, CLEA hosted 70 events for 950 attendees (2014–15) and 51 events for over 760 attendees (2013–14). Community Legal Education Association, “Publications”, online: Community Legal Education Association <<http://www.communitylegal.mb.ca/publications/>>.
- 186** CLEA also regularly hosts legal information events. One to two times per year, CLEA offers the Community Legal Intermediary Training Course (CLI), which is described as “a program for individuals who are often called upon to help others in the community with legal problems, whether in the role of a worker, friend or community leader.” The program provides participants with basic knowledge about Canadian laws and the legal system, and provides information about the role they can play as “legal intermediaries.” Enrollment for the CLI Training course has been limited to 10 people per course, based on the number of people that CLEA can accommodate in its boardroom.
- 187** Legal Help Centre, “Legal Help Centre Homepage” (2010), online: Legal Help Centre, <<http://legalhelpcentre.ca/>>.
- 188** *Ibid.*
- 189** *Ibid.*
- 190** Community Unemployed Help Centre, Year in Review (2015) [unpublished]; Community Unemployed Help Centre, Year in Review (2016) [unpublished].
- 191** According to their representative, Infojustice’s funding is guaranteed until March 31, 2018.
- 192** Office of the Commissioner of Official Languages, *The French Presence in Manitoba*, Online: <http://www.officiallanguages.gc.ca/en/statistics/infographics/french-presence-manitoba>.
- 193** Province of Manitoba, Consumer Protection, “What is the Claimant Adviser Office?”, online: Province of Manitoba <<http://www.gov.mb.ca/cca/claimant/>> [MB, “What is the CAO?”].
- 194** *The Manitoba Public Insurance Corporation Act*, CCSM c P125 [MPI Act].
- 195** MB, “What is the CAO?” *supra* note 191; Interview of Claimant Advisor Office (25 October 2016).
- 196** *MPI Act*, *supra* note 192.
- 197** Interview of CAO (25 October 2016).
- 198** *Ibid.*
- 199** *Ibid.*
- 200** *Ibid.*
- 201** Interview of CAO (25 October 2016).
- 202** Province of Manitoba, Consumer Protection, “Annual Reports”, online: Province of Manitoba, <<http://www.gov.mb.ca/cca/auto/reports.html>>. Automobile Injury Compensation Appeal Commission, *Annual Report 2013–2014*, online: Province of Manitoba <[http://www.gov.mb.ca/cca/auto/pdf/aicac\\_annual\\_report\\_2013-14.pdf](http://www.gov.mb.ca/cca/auto/pdf/aicac_annual_report_2013-14.pdf)>; Automobile Injury Compensation Appeal Commission, *Annual Report 2014–2015*, online: Province of Manitoba <[http://www.gov.mb.ca/cca/auto/pdf/aicac\\_annual\\_report\\_2014-15.pdf](http://www.gov.mb.ca/cca/auto/pdf/aicac_annual_report_2014-15.pdf)>; Automobile Injury Compensation Appeal Commission, *Annual Report 2015–2016*.
- 203** *The Workers Compensation Act*, CCSM c W200.
- 204** Province of Manitoba, Growth, Enterprise and Trade, “Worker Advisor Office”, online: Province of Manitoba <<http://www.gov.mb.ca/labour/wao/>>.
- 205** *Ibid.*
- 206** *Ibid.*
- 207** Interview of WAO (26 September 2016).
- 208** Province of Manitoba, Residential Tenancies Branch, “Are You a Tenant or Landlord?”, online: Province of Manitoba <<http://www.gov.mb.ca/cca/rtb/>>.
- 209** Residential Tenancies Branch, “Independent Advisor Program”, online: Province of Manitoba, <[https://www.gov.mb.ca/cca/rtb/ot/rtbnewsletters/opendoor\\_june2011\\_issue22.pd](https://www.gov.mb.ca/cca/rtb/ot/rtbnewsletters/opendoor_june2011_issue22.pd)>.
- 210** *Ibid.*
- 211** Interview of RTB (4 June 2015).
- 212** We do not claim this to be an exhaustive or necessarily representative sample. Participating organizations include those who we have come across in our professional and academic work and there may be others who may have meaningful insight that could be canvassed.
- 213** NorWest Co-Op Community Health, “A Woman’s Place”, online: NorWest Co-Op Community Health <[https://norwestcoop.ca/program\\_service/a-womans-place/](https://norwestcoop.ca/program_service/a-womans-place/)>.

- 214 Interview of NorWest Co-Op Community Health (10 July 2015).
- 215 Canadian Mental Health Association, Manitoba and Winnipeg, *2014–15 Annual Report* (2014–2015), online: Canadian Mental Health Association, Manitoba and Winnipeg <<http://mbwpg.cmha.ca/wp-content/uploads/2016/03/2014-2015-CMHA-Annual-Report.pdf>>, at 7.
- 216 Canadian Mental Health Association, Manitoba and Winnipeg, *2013–14 Annual Report* (2013–2014), online: Canadian Mental Health Association, Manitoba and Winnipeg <<http://mbwpg.cmha.ca/wp-content/uploads/2016/03/2014-2015-CMHA-Annual-Report.pdf>>, at 5.
- 217 Canadian Mental Health Association, Manitoba and Winnipeg, *2014–2015 Annual Report* (2014–2015), online: Canadian Mental Health Association, Manitoba and Winnipeg <<http://mbwpg.cmha.ca/wp-content/uploads/2016/03/2014-2015-CMHA-Annual-Report.pdf>>, at 7.
- 218 Canadian Mental Health Association, Manitoba and Winnipeg, *2015–16 Annual Report*, (2015–2016), online: Canadian Mental Health Association, Manitoba and Winnipeg <<http://mbwpg.cmha.ca/wp-content/uploads/2016/03/2015-2016-CMHA-Annual-Report.pdf>>, at 3.
- 219 Independent Living Resource Centre, *Annual Report 2013–2014* (2013–2014), at 15.
- 220 Independent Living Resource Centre, *Annual Report 2014–2015* (2014–2015), online: Independent Living Resource Centre, <<http://www.ilrc.mb.ca/calendar/2015/Annual%20ReportFinal%202015.pdf>>, at 17.
- 221 Independent Living Resource Centre, *Annual Report 2015–2016* (2015–2016), online: Independent Living Resource Centre, <<http://ilrc.mb.ca/calendar/2016/AnnualReport2016.pdf>>, at 17.
- 222 Interview of FACES (6 November 2015).
- 223 Interview of FACES (6 November 2015).
- 224 Manitoba Schizophrenia Society, “About Us” (2017), online: Manitoba Schizophrenia Society <<http://www.mss.mb.ca/about.php>>.
- 225 Interview of FACES (6 November 2015).
- 226 Tenant Landlord Cooperation Program, “Final Report to Neighbourhoods Alive!, April 1, 2015–March 31, 2016” (14 September 2016) at p 2.
- 227 Disruptions needs not be negative. See for example, Clayton Christensen’s theory of disruptive innovation, as first explored in Clayton Christensen, *The Innovator’s Dilemma*, (Boston: Harvard Business Review Press, 1997).
- 228 See for Example: Province of Manitoba, *Manitoba Budget 2017*, (2017), online: Province of Manitoba, <<https://www.gov.mb.ca/finance/budget17/papers/summary.pdf>>; Jessica Botelho-Urbanski, “Non-profits issue layoff notices ahead of Manitoba budget, anticipating funding cuts”, (21 March 2017), online: Winnipeg Metro, <<http://www.metronews.ca/news/winnipeg/2017/03/20/charities-issue-layoff-notices-ahead-of-provincial-budget.html>>; and Leslie McLaren, Sean Kavanagh, “Funding dispute prompts rally at North Point Douglas Women’s Centre”, (25 May 2017), online: CBC News <<http://www.cbc.ca/news/canada/manitoba/north-point-douglas-women-s-centre-funding-cuts-1.4133645>>.
- 229 The Manitoba Law Foundation, “Home”, (2017), online: The Manitoba Law Foundation, <<http://www.manitobalawfoundation.org/index.php>>.
- 230 Previous grant recipients include CLEA, CUHC, LHC and PILC. See: The Manitoba Law Foundation, *Annual Report 2015/2016*, (2015–2016), online: The Manitoba Law Foundation <<http://www.manitobalawfoundation.org/downloads/2015-2016-annual-report.pdf>>.
- 231 Allan Fineblit, *The Justice Centre Concept Discussion Paper* (May 19, 2016) [unpublished].
- 232 *Ibid.*
- 233 *Ibid.*
- 234 Carol Grose, *Beyond Skills Training, Revisited: The Clinical Education Spiral*, online: (22 March 2013), 19:2, NYU LAW, at 513, <[http://www.law.nyu.edu/sites/default/files/upload\\_documents/Grose%20-%20Beyond%20Skills%20Training.pdf](http://www.law.nyu.edu/sites/default/files/upload_documents/Grose%20-%20Beyond%20Skills%20Training.pdf)>.
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- 242** Interview of LAM (18 October 2016).
- 243** 211 Manitoba, “About”, online: 211 Manitoba <<http://mb.211.ca/about/>>.
- 244** *Ibid.*, and 211 Manitoba, “FAQ”, online: 211 Manitoba <<http://mb.211.ca/faq/>>.
- 245** MacPhail, *Report*, *supra* note 145 at 5–10.
- 246** *Ibid* at 7–8.
- 247** *Ibid* at 8–10.
- 248** *Ibid* at 10.
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- 250** Civil Resolution Tribunal, “CRT Overview”, online: Civil Resolution Tribunal <<https://www.civilresolutionbc.ca/disputes/>>.
- 251** *Ibid.*
- 252** *Ibid.*
- 253** Jostein Askim, et al, “One-Stop Shops for Social Welfare: The Adaptation of an Organizational Form in the Three Countries” (2011) 89:4 Public Administration 1451.
- 254** Calgary Legal Guidance, “Programs & Services” (2017), online: Calgary Legal Guidance <<http://clg.ab.ca/programs-services/>>.
- 255** Interview of SSAB (13 October 2016 and 24 October 2016).
- 256** Interview of MHRB (8 November 2016).
- 257** *Ibid.*
- 258** Interview of Manitoba Low Income Intermediary Project (19 June 2015); and Interview of ILRC (17 October 2016).
- 259** This improvement is already underway through other means. LAM has introduced an online application form with the intention that it will be made available to other service providers and ultimately the public.
- 260** Interview of CLEA (26 May 2015).
- 261** Interview of RTB (7 December 2016).
- 262** Interview of LHC (8 June 2015, 13 July 2015).
- 263** Interview of Manitoba Court of Appeal (13 October 2016); Interview of NECRC (3 June 2015, 23 June 2015).
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- 295 Interview of FACES (6 November 2015); Interview of CLEA (26 May 2015); Interview of LHC (8 June 2015, 13 July 2015).
- 296 Interview of FACES (6 November 2015).
- 297 Interview of CLG (21 July 2015); and Interview of Uni-versity of Winnipeg (28 October 2016)
- 298 The interviewee is referring to a combination of shelter and in-person legal services.
- 299 Interviews of ILRC (17 October 2016).
- 300 Interview of LHC (8 June 2015, 13 July 2015).
- 301 Interview of MHRC (20 October 2016)
- 302 Interview of CUHC (20 May 2015).
- 303 Interview of CLEA (26 May 2015).
- 304 Interview of Aboriginal Legal Services Toronto (27 August 2015).
- 305 Interview of LHC (8 June 2015, 13 July 2015).
- 306 Interview of the Workers Compensation Appeal Com-mission (25 October 2016).
- 307 Interview of SSAB (13 October 2016 and 24 October 2016).
- 308 Interview of LHC (8 June 2015, 13 July 2015).
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- 310 Interview of the Workers Compensation Appeal Com-mission (25 October 2016).
- 311 Interview of CUHC (20 May 2015).
- 312 Interview of FLAC (16 June 2015) and Interview of LHC (8 June 2015, 13 July 2015).
- 313 Interview of UCN (3 November 2016).
- 314 Interview of WCWRC (20 September 2016)
- 315 Interview of LHC (8 June 2015, 13 July 2015).
- 316 Interview of CUHC (20 May 2015).
- 317 Interview of CLEA (26 May 2015).
- 318 The interviews with the institutional stakeholders and service providers contain a number of specific exam-ples of formal and informal partnerships and working relationships. For instance, the SSAB has an open line of communication with organizations such as CUHC, CMHA Winnipeg and the Assembly of Manitoba Chiefs to discuss problems or issues that may arise. The John Howard Society has developed a number of strategic partnerships with organizations such as the Elizabeth Fry Society and Opportunities for Employment. Simi-larly, the EUTC works closely with Aboriginal organiza-tions such as Ndinawemaaganag Endaawaad Inc. and Ma Mawi Wi Chi Itata Centre. CUHC and LHC have partnered to have CUHC deliver its services from the LHC location two half days per month. Lastly, an example of a formal partnership that created a new legal service provider is the one between the University of Winnipeg and the LHC.
- 319 Specifically, Call to Action 45 requires the respect for Indigenous laws and legal traditions and treaties, and Call to Action 50 requires the federal government, in col-laboration with “to fund the establishment of Indigenous law institutes for the development, use, and understand-ing of Indigenous laws and access to justice in accord-ance with the unique cultures of Aboriginal peoples in Canada.” See: Truth and Reconciliation Commission, *Calls to Action* (Winnipeg, 2015), online: <[http://nctr.ca/assets/reports/Calls\\_to\\_Action\\_English2.pdf](http://nctr.ca/assets/reports/Calls_to_Action_English2.pdf)> at 4–6.
- 320 Sarah Buhler, “The View From Here: Access to Justice and Community Legal Clinics” (2012) 63 UNB LJ 436 at 439–40.
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- 324 Community Legal Education Association, “Mission Statement” (2017), online: CLEA <<http://www.commu-nitylegal.mb.ca/about/mission-statement/>>.
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- 333 Legal Help Centre, “Who We Are” (2010), online: Legal Help Centre <<http://legalthelpcentre.ca/who-we-are>>.
- 334 Legal Help Centre, *Annual Report to the Members 2013–2014*.
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- 337 Mood Disorders Association of Manitoba, “About Us” (2017), online: Mood Disorders Association of Manitoba <<http://www.mooddordersmanitoba.ca/about-us/>>.
- 338 Tenant Landlord Cooperation Program, “Final Report to Neighbourhoods Alive!, April 1, 2015–March 31, 2016” (14 September 2016) at 2.
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