

AGENDA FOR JUSTICE BACKGROUND

CANADIAN BAR ASSOCIATION ALBERTA BRANCH

LEGAL AID

Background: Legal Aid Alberta (LAA) requires adequate, sustainable and predictable funding to ensure Alberta's most vulnerable have access to justice.

LAA provides services to more than 230,000 Albertans each year through a broad range of services – from information to representation—to enable Albertans to resolve their legal issues. LAA's legal services include family, child welfare, adult and youth criminal, refugee and immigration, and civil.

LAA is of significant benefit to Albertans, representing an annual cost savings to Alberta taxpayers of more than \$100 million.¹ Because of the breadth of its services, it assists individuals in achieving timely resolution of their legal issues. This reduces the strain on other social services, and it improves people's ability to retain employment and helps avoid the triggering of other legal and socioeconomic problems. There are also many positive impact areas in social support systems, health care and policing.

The Canadian Bar Association's Reaching Equal Justice Summary report (pg. 13)² found the following:

In recent years, we have repeatedly heard that legal aid is not sustainable. But legal aid is our most important access to justice program. In addition to being a significant down payment on the promise of equal justice, funding for civil legal aid represents a good economic investment.

Synthesizing several studies on the economic benefits of civil legal aid, Dr. Laura Abel notes that it can actually save public money by reducing domestic violence, helping children leave foster care more quickly, reducing evictions and alleviating homelessness, protecting patients health and helping low-income people participate in federal safety-net programs.

Legal Aid Alberta does not represent a cost to the Alberta taxpayer. It conservatively estimates that for every \$1 in funding, Albertans receive \$1.70 in benefit.

A government funding injection in December 2014 allowed for an increase in LAA's financial eligibility guidelines, which meant LAA could provide representation to Albertans receiving Assured Income for the Severely Handicapped (AISH) and maintain its current programs and services. However, the eligibility criteria continue to be below the low income cut-off threshold in Alberta, leaving many vulnerable Albertans without legal assistance.

The federal government's proportion of spending on legal aid has continued to decline, and there is a need for national standards for legal aid, national equity in legal aid and federal legislation on essential legal services. The Government of Alberta has a role to play in urging the federal government to raise its level of commitment to re-build legal aid.

¹2012 estimate

²http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf



The Issue: Adequate, stable, predictable, and sustainable funding for legal aid is paramount for the proper functioning of the justice system. Without it, the justice system will continue to deteriorate. In order to deliver valuable services to Albertans, Legal Aid Alberta requires an ongoing commitment for sustainable funding from the Government of Alberta.

Why the CBA is Involved: The Canadian Bar Association (CBA) has been involved in advocating for legal aid for over 50 years and the CBA's Reaching Equal Justice Report calls legal aid "an indispensable component of a fair, efficient, healthy and equal justice system". The report calls for national legal aid benchmarks, reasonable eligibility policies and an approach to legal aid that meets community needs and delivers meaningful access to justice. We are seriously concerned about the immediate need for stable, predictable, and sustainable funding for Legal Aid Alberta

Desired Outcome: The social return on a properly funded legal aid program far outweighs the cost of investment and the government's support for legal aid should be considered holistically to take into account the costly personal, social and economic consequences of inadequate funding. The Government of Alberta must develop a specific, long-term plan for sustainable funding for this critical component of Alberta's justice system. More specifically, CBA Alberta would like to see:

- Increased provincial commitment to adequately fund Legal Aid Alberta to allow for meaningful access to justice for those who would otherwise have no means of protecting their legal rights.
- Resources devoted to innovation in quality service delivery, and an expansion of eligibility for assistance with civil legal aid matters.
- Renewed commitment by the federal government for legal aid funding and leadership by the Government of Alberta to press for that commitment.

In April 2016, CBA Alberta responded to the call for stakeholder input into the government's review of legal aid in Alberta. We submitted a response to specific questions on legal aid in Alberta asked by the government in its structured consultation guideline. If you would like to review a summary of the key points and general principles raised in this submission, please email communications@cba-alberta.org for a copy of the document.