



Department of Justice
Canada

Ministère de la Justice
Canada

Legal Aid in Canada **2019-20**



Research and Statistics
Division and Legal Aid
Directorate Department
of Justice Canada 2021

Canada 

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Legal Aid in Canada, 2019-20

Access to justice is a key issue facing all stakeholders in the justice system. Legal aid services support access to justice for those who are economically disadvantaged and unable to pay for a lawyer on their own.

The federal government supports legal aid services in the provinces and territories through two sources. The Department of Justice Canada's (Justice Canada) Legal Aid Program¹ provides funding to all provinces for criminal legal aid through contribution agreements. These agreements also support immigration and refugee (I&R) legal aid in the six provinces (Alberta, British Columbia, Manitoba, Newfoundland and Labrador, Ontario, and Quebec) that provide services in this area. The federal government supports criminal and civil legal aid in the territories through consolidated Access to Justice Services Agreements.²

The Legal Aid Survey was a Statistics Canada annual survey on revenues, expenditures, personnel, and caseload statistics associated with the administration and delivery of legal aid in Canada. The Legal Aid Survey was first conducted in 1983–84 and data was last published in 2016 (for fiscal year 2014–15). After the discontinuation of the Legal Aid Survey in 2016, Justice Canada began data collection and reporting in-house. This is the fourth annual edition of this report.

The Department of Finance Canada's Canada Social Transfer (CST) is a block transfer payment provided to each province and territory for health care, postsecondary education, social assistance and social services. Civil legal aid is an eligible expenditure under the CST.³

While policies related to criminal legal aid are a shared federal/provincial/territorial responsibility, each province and territory is responsible for the delivery of legal aid services based on their own policies and procedures.

Provinces and territories contributed two thirds of legal aid revenues in 2019-20

Legal aid plans are the organizations responsible for providing legal aid services to those who cannot afford a lawyer. There are 13 recognized legal aid plans in Canada. Legal aid plans reported receiving total funding of more than \$1 billion in 2019-20. Federal and provincial/territorial government sources contributed the majority of this amount—84% of the total. The remaining funding was received from client contributions, cost recoveries from legal settlements, and contributions from the legal profession and other sources (Table 1).

Provincial and territorial (P/T) governments directly fund legal aid. In 2019-20, P/T governments contributed more than \$665 million to legal aid plans across Canada, which amounts to 65% of total legal aid revenues.

In 2019-20, Justice Canada contributed close to \$187 million to the provinces and territories for the delivery of criminal legal aid, civil legal aid (in the territories only), and I&R legal aid (where applicable). This amounts to 18% of total legal aid revenues (Table 1). Ontario and Quebec are the largest legal aid plans, comprising 47% and 18% of all legal aid plan revenues respectively, or 65% for the two plans combined (Table 1)

¹ <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>

² <https://www.justice.gc.ca/eng/fund-fina/gov-gouv/access.html>

³ It is not possible to track the amount of Canada Social Transfer funding expended on civil legal aid.

	Type of Revenue						
	Total legal aid plan revenues Dollars (%)	Federal contributions from 2019-20 agreements ²		P/T contributions to legal aid plans ⁴ Dollars (%)	Client contributions and cost recoveries to legal aid plans ⁵ Dollars (%)	Contributions of the legal profession and interest earned from lawyers' trust accounts ⁶ Dollars (%)	Other legal aid plan revenues
		Criminal (+civil in territories) Dollars (%)	I&R ³ Dollars (%)				
N.L.	17,476,313 (100)	2,340,594 (13)	12,170 (.1)	14,434,736 (83)	104,048 (1)	554,337 (3)	30,428 (.2)
P.E.I.	907,260 (100)	457,096 (50)	-	450,164 (50)	0 (0)	0 (0)	0 (0)
N.S.	27,969,795 (100)	4,036,340 (14)	-	23,541,236 (84)	22,520 (.1)	162,198 (1)	207,501 (1)
N.B.	10,234,028 (100)	2,643,587 (26)	-	6,783,446 (66)	126,383 (1)	200,000 (2)	480,612 (5)
Que.	180,646,756 (100)	25,895,873 (14)	8,652,577 (5)	140,346,674 (78)	4,277,277 (2)	-	1,474,355 (1)
Ont.	476,034,488 (100)	48,877,175 (10)	40,886,993 (9)	267,346,325 (56)	11,582,881 (2)	105,686,851 (22)	1,654,263 (.3)
Man.	40,986,906 (100)	6,614,045 (16)	457,422 (1)	27,984,456 (68)	1,934,707 (5)	3,662,568 (9)	333,708 (1)
Sask.	27,671,225 (100)	6,099,063 (16)	-	21,373,937 (77)	15,605 (.1)	-	182,620 (1)
Alta.	111,074,556 (100)	13,937,642 (13)	1,384,784 (1)	76,477,572 (69)	4,511,265 (4)	13,597,716 (12)	1,165,577 (1)
B.C.	105,693,531 (100)	16,444,390 (16)	3,094,374 (3)	79,822,783 (76)	0 (0)	5,828,810 (6)	503,174 (1)
Yuk.	2,849,285 (100)	1,118,150 (39)	-	1,804,374 (63)	0 (0)	10,900 (.4)	667 (0)
N.W.T.	7,456,250 (100)	1,997,440 (27)	-	5,458,810 (73)	-	-	-
Nvt.	12,411,333 (-)	2,028,839 (-)	-	-	-	-	-
Canada	1,021,411,726 (100)	132,490,234 (13)	54,488,320 (5)	665,824,513 (65)	22,574,686 (2)	129,703,380 (13)	6,032,905 (1)

- Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. Revenues are all monies received by the legal aid plan for assistance in the provision of legal aid services. Funding is received by legal aid plans from three main sources: government contributions, client contributions and cost recoveries, and contributions from the legal profession.
2. Federal government contributions are the federal contribution amounts for criminal and where applicable, I&R legal aid. Federal contributions flow directly to the consolidated revenue fund of each province/territory, and are subsequently allocated by the provinces/territories to their respective legal aid plans.
3. Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the Immigration and Refugee Protection Act (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in six provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).
4. P/T contributions are the contribution amounts received for legal aid services from the legal aid plan's respective government. Many legal aid plans are unable to isolate the federal contribution received by the P/T government from JUS. Therefore, these federal contributions may be included in the total "P/T contributions to legal aid plans" figure.
5. Client contributions are to all monies received from the aided person for legal assistance; flat user fees are included. The amount of client contribution is established in an agreement between the jurisdiction and the client. Agreements may vary from jurisdiction to jurisdiction. Cost recoveries refer to the party costs ordered or agreed to be recovered in the case. Includes monies recovered from a judgement, award or settlement.
6. Contributions of the legal profession and interest earned from lawyers' trust accounts are all monies received from the law profession (e.g., provincial/territorial law foundation funding, levies) as well as other revenues that have not already been accounted for in the above categories. This may include interest from lawyers' trust accounts, revenues from investments, research sales, general interest earnings and any other revenue.

Notes

- For N.L. "Other Legal Aid Plan Revenues" include interest.
- For N.B., Public Trustee does not fall under the same screening criteria as criminal and family legal aid services; however, their revenue is included in this table as revenue received from the provincial Department of Justice. It is also used to cover expenditures related to P/T services.
- For N.B., "Other Legal Aid Plan Revenues" includes liens, Public Trustee Client Recovery, Public Trustee Fee Revenue, Interest, and miscellaneous.
- For Man., "Other Legal Aid Plan Revenues" includes judgements and settlements, interest income, and miscellaneous.
- For Sask. "Other Legal Aid Plan Revenues" includes interest, grants, and miscellaneous.
- For B.C. "Other Legal Aid Plan Revenues" includes investment income and fees.
- Yukon totals add to more than 100%.
- Nvt. data only includes federal contribution amounts; table should be interpreted with this in mind. Nvt. figures are draft and unaudited.

The majority of jurisdictions spend more on criminal matters than civil matters

Table 2a shows 2019-20 legal aid plan expenditures, broken down by type of expenditure. Overall, 50% of legal aid expenditures were related to criminal matters, 6% were related to I&R matters, and 43% were related to all other civil matters. Ontario and Quebec had the highest legal aid expenditures in the country, with 46% of all expenditures as a proportion of the national total from Ontario and 19% from Quebec.

Looking at legal aid expenditures by jurisdiction, just three jurisdictions (Quebec, Ontario, and Prince Edward Island) spend more on civil matters (including I&R, except in PEI) than criminal matters. The fact that half of legal aid expenditures are related to criminal matters at the national level is driven by Quebec and Ontario. These two provinces have the largest populations, and spend more overall – contributing more to the average. The jurisdictions with the highest proportion of total legal aid expenditures on criminal matters (of all legal aid expenditures for that jurisdiction) were Saskatchewan (77%), and Manitoba (75%).

While the data collection for the Legal Aid Annual Report is done at a national level, it is important to note that, from year-to-year, some limitations on data coverage exist and some legal aid plans may be unable to report all or some data elements. Due to these limitations, Canada-level totals may not include all provinces and territories. Note that rounding may impact totals balancing in some tables.

Table 2b breaks out the total administrative costs for legal aid plans in 2019-20. These expenses are also reflected under “Legal Services Expenditures” in table 2a, and they amounted to over \$160 million dollars.

Table 2a - Legal aid plan expenditures¹, by type of expenditure, 2019-20

	Total Expenditures Dollars (%)	Legal Services Expenditures (including administrative and other costs)		
		Criminal matters Dollars (%)	Civil matters	
			I&R ² Dollars (%)	All other civil Dollars (%)
N.L.	16,646,818 (100)	9,825,023 (59)	51,658 (.3)	6,770,137 (41)
P.E.I.	2,099,279 (100)	907,259 (43)		1,192,020 (57)
N.S.	28,603,623 (100)	16,597,119 (58)		12,006,504 (42)
N.B.	8,907,702 (100)	4,825,131 (54)		4,082,571 (46)
Que	189,625,811 (100)	77,414,693 (41)	7,791,884 (4)	104,419,234 (55)
Ont.	461,652,671 (100)	200,015,996 (44)	43,199,084 (9)	218,437,591 (47)
Man.	33,000,100 (100)	24,818,180 (75)	485,012 (1)	7,696,908 (23)
Sask.	27,465,786 (100)	21,201,340 (77)		6,264,446 (23)
Alta.	107,921,199 (100)	72,596,312 (67)	1,353,957 (1)	33,970,930 (31)
B.C.	92,837,810 (100)	55,127,344 (59)	5,363,354 (6)	32,347,112 (35)
Yuk.	2,911,081 (100)	-		-
N.W.T.	5,471,274 (51)	1,909,416 (35)		876,284 (16)
Nut.	10,168,001 (73)	5,158,067 (51)		2,234,084 (22)
Canada	987,257,155 (100)	490,395,880 (50)	58,244,949 (6)	430,297,821 (44)

- Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. Legal Services Expenditures are payments made by legal aid plans to private law firms for the delivery of legal services and the costs of legal services delivered by legal aid plan staff. These expenditures include monies spent on the provision of legal advice and representation services to clients including special target groups. All legal aid office and contracted community clinic expenditures are a combination of direct and indirect service delivery costs. Direct service delivery costs are expenses related to providing services directly to clients, while indirect service delivery costs are expenses not directly related to providing legal aid services to clients, but are reasonably attributable to the delivery of legal aid. These costs are required to support the day-to-day operations of the legal aid plan and are provided at a service delivery location. These costs should not be included under administrative costs. Administrative costs and other costs are excluded.
2. Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act* (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in 6 provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).

Notes

- For N.W.T. and Nvt. administrative and other costs are included in "Total Expenditures Dollars" but are not reflected in the criminal and civil expenditure breakdowns which is why totals do not add to 100%.
- For NU, total expenditures are draft and not audited.
- YK expenditures are not broken down by type of matter; total expenditure amounts should be interpreted with this in mind.

	Dollars
N.L.	1,821,078
P.E.I.	196,379
N.S.	2,265,082
N.B.	1,121,795
Que.	26,036,051
Ont.	98,166,492
Man.	5,567,384
Sask.	1,900,697
Alta.	4,923,228
B.C.	11,946,982
Yuk.	453,001
N.W.T.	2,858,817
Nvt.	2,775,850
Canada	160,032,836

- Total legal aid plan expenditures from Table 2a include these administrative costs in all jurisdictions, except for N.W.T. and Nut.
- For Nvt., data is draft and not audited.

Legal aid services are delivered primarily by private bar lawyers

Table 3 provides an overview of the proportion of staff lawyers versus private bar lawyers delivering services at legal aid plans. These figures do not reflect the differences between the legal aid case loads of private bar versus staff lawyers. In some cases, a legal aid plan may have a higher proportion of private bar lawyers, but the staff lawyers at that plan may be managing a higher proportion of cases. In 2019-20, 90% of the over 13,000 lawyers providing legal aid services in Canada were private bar lawyers (Table 3). Staff lawyers made up 9% of lawyers providing direct legal aid services to clients, and other lawyers (such as Executive Directors) made up 1%.

Among private bar lawyers, 49% provided both criminal and civil law services. There were roughly equal proportions of private bar lawyers providing only criminal law or only civil law legal aid services (22% and 24%), while 5% of private bar lawyers provided legal aid services for I&R matters. Of the staff lawyers, the highest proportion provided both criminal and civil law services (71 %), while 17% provided only criminal services and 10% provided only civil law services. The remaining 1% provided services for I&R matters.

Overall, 35% of the 13,274 lawyers providing legal aid services in Canada were in Alberta, and 28% were in Ontario. When looking at the breakdown between private and staff lawyers within each province/territory, Alberta and British Columbia had the highest proportions of private bar lawyers (98% and 97%), while Newfoundland and Labrador and Yukon had the highest proportions of staff lawyers (64% and 56%) (Table 3).

Table 3 - Legal aid service delivery by private bar, staff, and other lawyers, 2019-20

	Total lawyers providing legal aid services Number (%)	Type of lawyer providing legal aid services														
		Private bar lawyers ¹					Staff lawyers ²					Other lawyers (e.g. Executive Director) ³				
		Criminal	I&R ⁴	Other Civil	Criminal and Civil	TOTAL Number (%)	Criminal	I&R	Other Civil	Criminal and Civil	TOTAL Number (%)	Criminal	I&R	Other Civil	Criminal and Civil	TOTAL Number (%)
N.L.	87 (100)	0	0	0	16	16 (18)	0	0	0	56	56 (64)	0	0	0	15	15 (17)
P.E.I.	38 (100)	6		14	9	29 (76)	3		5	0	8 (21)	0		0	1	1 (3)
N.S.	344 (100)	0		0	240	240 (70)	0		0	100	100 (29)	0		0	0	4 (4)
N.B.	147 (100)	22		46	46	114 (78)	21		10	0	31 (21)	0		1	1	2 (1)
Que.	2,573 (100)	–	–	–	2,165	2,165 (84)	–	–	–	343	343 (13)	–	–	–	65	65 (3)
Ont.	3,697 (100)	1,394	256	1,089	575	3,314 (90)	132	11	58	119	320 (9)	11	2	11	39	63 (2)
Man.	333 (100)	0	0	0	271	271 (81)	33	0	17	6	56 (17)	0	0	0	6	6 (2)
Sask.	249 (100)	0		0	164	164 (66)	0		0	83	83 (33)	0		0	2	2 (1)
Alta.	4,650 (100)	796	293	1,332	2,128	4,549 (98)	0	0	0	101	101 (2)	0	0	0	0	0 (0)
B.C.	1,096 (100)	434	67	368	194	1,063 (100)	4	1	20	5	30 (3)	0	0	0	3	3 (0)
Yuk.	18 (100)	7		0	0	7 (39)	0		0	10	10 (56)	0		0	1	1 (6)
N.W.T.	42 (100)	0		0	26	26 (62)	8		8	0	16 (38)	0		0	0	0 (0)
Nvt.	–	–		–	–	–	–		–	–	–	–		–	–	–
Canada	13,274 (100)	2,659	616	2,849	5,834	11,958 (90)	201	12	118	823	1,154 (9)	11	2	12	133	162 (1)

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. Private bar lawyers are those who were active members of the private bar who delivered legal services and billed the legal aid plan during the fiscal year. Active bar members include the total number of lawyers certified and insured to practice in the jurisdiction. Government-employed and legal aid staff lawyers are excluded.
2. Staff lawyers are lawyers employed by legal aid plans who provide legal aid services to clients. They include duty counsel, staff lawyers at legal clinics, and others.
3. Other lawyers are personnel who are designated as counsel, but not performing in this capacity (e.g. Executive Director). For N.B., other lawyers includes Executive Director and Public Trustee & Director of Family Law Services.
4. Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act* (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in 6 provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).

Notes

- For N.B., Public Trustee Services staff are listed separately under "Other Civil" as their caseloads are not included in civil statistics reported elsewhere.
- For Man., civil includes all staff lawyers taking I&R, children and family services, as well as domestic and civil matters; private bar lawyers accept cases in all identified categories.
- For Sask., private bar lawyers vary in taking files; therefore the number reported can be a private bar taking anything from one certificate to a full caseload like a staff lawyer.
- Yuk. operates under a 100% staff lawyer model. The territory only uses private lawyers for conflicts and other files on an occasional basis.

Non-lawyers made up 11% of legal aid plan personnel

Legal aid plans employ a variety of non-lawyer personnel to support the delivery of legal aid services to clients. While lawyers made up 88% of legal aid plan personnel in 2019-20, non-lawyers made up the other 12% (Table 4). Of the 1,811 non-lawyers working for legal aid plans, support staff (63%) were most common, while intake workers (18%), legal assistants (13%), and articling students (3%) were the next most common types of non-lawyer personnel. Paralegals (1%) and "other" (i.e. managers) (1%) made up the remaining personnel (Table 4).

Table 4 - Legal aid plan personnel as of March 31, 2020

	Total legal aid plan personnel	Lawyers providing legal aid				Non-lawyers						
		Total lawyers	Private bar lawyers ¹	Staff lawyers ²	Other lawyers ³	Total non-lawyers	Intake worker ⁴	Support Staff ⁵	Para-legals ⁶	Legal assistants ⁷	Articling students ⁸	Other ⁹
N.L.	162 (100)	87 (54)	16	56	15	75 (46)	13	27	2	25	8	0
P.E.I.	44 (100)	38 (86)	29	8	1	6 (14)	0	6	0	0	0	0
N.S.	429.6 (100)	344 (80)	240	100	4	85.6 (20)	0	7	0	74.6	2	2
N.B.	185 (100)	147 (79)	114	31	2	38 (21)	12	6	0	6	0	14
Que.	3,134 (100)	2,573 (82)	2,165	343	65	561 (18)	73	445	0	26	17	0
Ont.	4,237 (100)	3,697 (87)	3,314	320	63	540 (13)	100	413	11	4	12	0
Man.	432(100)	333 (77)	271	56	6	99 (23)	25	21	2	37	13	1
Sask.	321 (100)	249 (78)	164	83	2	72 (22)	5	11	11	44	1	0
Alta.	4,797 (100)	4,650 (97)	4,549	101	0	147 (3)	61	69	0	15	2	0
B.C.	1,258 (100)	1,096 (87)	1,063	30	3	162 (13)	25	137	–	–	–	–
Yuk.	24 (100)	17 (71)	6	10	1	7 (29)	2	0	0	4	0	1
N.W.T.	60 (100)	42 (70)	26	16	0	18 (30)	8	4	0	3	0	3
Nvt.	–	–	–	–	–	–	–	–	–	–	–	–
Canada	15,083.6 (100)	13,273 (88)	11,957	1,154	162	1,811 (12)	324	1,146	26	238.6	55	21

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

- Private bar lawyers are those active members of the private bar who delivered legal services and billed the legal aid plan during the fiscal year. Active bar members include the total number of lawyers certified and insured to practice in the jurisdiction. Government-employed and legal aid staff lawyers are excluded.
- Staff lawyers are lawyers employed by legal aid plans who provide legal aid services to clients. They include duty counsel, staff lawyers at legal clinics, and others.
- Other lawyers - refers to personnel who are designated as counsel, but not performing in this capacity (e.g. Executive Director). For N.B., Other Lawyers includes Executive Director and Public Trustee & Director of Family Law Services.
- Intake workers are staff employed by the legal aid plan who provide intake services, assess clients' needs, make appropriate referrals, prepare and review letters and documents, maintain records and perform other duties as required.
- Support staff are staff employed by the legal aid plan who provide support in assisting clients but do not provide legal assistance. For example, a receptionist, an administrative person, human resource staff, an IT specialist, etc.
- Paralegals are legal staff who have the ability to represent clients on many matters, including all provincial offences and summary criminal cases, as well as work for provincial tribunals and boards. Paralegals are non-lawyers providing legal services in specified areas of practice.
- Legal assistants are staff who work under the supervision of a lawyer, qualified through education, training or work experience to perform substantive legal work. They help lawyers deliver legal services but are prohibited from practicing law independently.
- Articling students are students-at-law. Under the supervision of a senior lawyer, they can assist with legal advice, duty counsel, legal research, etc. Articling students must complete the articling program and be called to the bar before becoming a lawyer. For the purpose of this survey, articling students are classified as non-lawyers regardless of jurisdictional rules.
- Other (e.g., managers) are personnel who are not performing tasks directly associated with support, paralegal, legal assistants or articling. For N.B., "Other Non-lawyers" includes and is not limited to HR Manager, Manager of Corporate Services, Manager of Trust & Guardianship, Guardian Officers, etc.

Notes

- For N.S., private bar lawyers are not included under personnel. They handle only 20% of cases with 80% being done by staff lawyers.
- For N.B., Public Trustee Services staff listed separately under "Civil" as their caseloads are not included in civil statistics reported elsewhere.
- For Man., Civil includes all staff taking immigration, children and family services, domestic and civil matters. Private bar accept cases in all identified categories.
- For Sask., private bar lawyers vary in taking files; therefore, the number reported can be a private bar lawyer taking anything from one certificate to a full caseload like a staff lawyer.
- For B.C., support staff include Public Legal Information services delivery.
- For N.W.T., the non-lawyers "Others" include nine Indigenous courtworkers employed by the legal aid plan. Justice Canada funding for these courtworker positions is covered under a separate Indigenous Courtwork budget component of the Access to Justice Services agreements (and not the legal aid portion of the funding).
- Yuk. operates under a 100% staff lawyer model. The territory only uses private lawyers for conflicts and other files on an occasional basis.

Over 559,000 legal aid applications were received in 2019-20

The number of applications for legal aid reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance. This means that a single individual could file multiple applications. Of the 559,279 applications for summary or full legal representation received in 2019-20, over half (54%) were for criminal matters, while 45% were for civil matters (including I&R). The highest proportion of civil matter applications was for family matters (43%), followed by child protection (23%), non-family matters (21%), and I&R (13%). Of the 299,330 applications for criminal legal aid, 93% were from adults and 7% were from youth (Table 5).

Quebec received the most applications at 246,764, which accounted for 44% of all applications received nationally in 2019-20. Ontario and Alberta were the next two provinces that received the most applications (21% and 9% respectively). The breakdown between criminal and civil applications within each province/territory shows that Yukon (75%), Saskatchewan (71%) and Alberta (70%) had the highest proportion of criminal applications compared to civil. Quebec (42%) and Nunavut (49%) had the lowest proportion of criminal applications compared to civil.

	Total legal aid applications Number (%)	Criminal legal aid applications				P/T offences Number (%) ³	Civil legal aid applications				
		Total criminal applications Number (%)	Adult	Youth ²	Total civil applications (including I&R) Number (%)		Child Protection ⁴	Family ⁵	Non-family ⁶	I&R ⁷	
N.L.	7,182 (100)	4,175 (58)	3,711	464	–	3,007 (42)	352	2,185	437	33	
P.E.I.	1,510 (100)	1,007 (67)	925	82	–	503 (33)	60	423	20		
N.S. ⁸	39,334 (100)	25,222 (64)	24,048	1,174	1,086 (3)	13,029 (33)	1,282	9,890	1,854		
N.B.	4,526 (100)	2,284 (51)	2,124	160	6 (.1)	2,237 (49)	253	1,974	9		
Que.	246,764 (100)	104,709 (42)	95,763	8,946	6,872 (3)	135,183 (55)	42,791	38,558	42,230	11,604	
Ont.	118,243 (100)	66,668 (56)	63,008	3,660	0 (0)	51,575 (44)	5,613	23,016	6,050	16,896	
Man.	31,543 (100)	21,698 (69)	19,621	2,077	62 (.2)	9,783 (31)	2,407	5,892	1,010	474	
Sask.	18,682 (100)	13,200 (71)	11,673	1,527	–	5,482 (29)	963	4,519	–		
Alta.	48,672 (100)	33,815 (70)	32,211	1,604	137 (0)	14,720 (30)	2,120	10,939	777	884	
B.C.	37,885 (100)	23,177 (61)	22,271	906	1,172 (3)	13,536 (36)	2,925	8,131	0	2,480	
Yuk.	2,695 (100)	2,015 (75)	1,929	86	47 (2)	633 (24)	–	426	207		
N.W.T.	1,300 (100)	896 (69)	870	26	–	404 (31)	0	404	0		
Nvt.	943 (100)	464 (49)	375	89	0 (0)	479 (51)	57	206	216		
Canada	559,279 (100)	299,330 (54)	278,529	20,801	9,382 (2)	250,567 (45)	58,823	106,563	52,810	32,371	

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. An application for legal aid is a request for legal aid assistance that results in the provision of summary or full legal representation on behalf of the legal aid plan, or the denial of legal aid service. Summary services include the provision of legal advice, information, or any other type of minimal legal service granted to an individual. Full legal representation constitutes more extensive legal assistance. The total number of applications reported for the fiscal year includes all applications filed during that time, irrespective of when the application was approved or rejected.
2. “Youth” are persons who are at least 12 years of age, but under 18 years of age and charged under the *Youth Criminal Justice Act*.
3. Provincial/Territorial (P/T) offences are those offences under provincial or territorial statutory responsibility. Also included are infractions under municipal by-laws.
4. Child protection matters are those that involve children who come into the care of child protection agencies for reasons such as allegations of abuse, neglect, or abandonment.
5. Family matters are proceedings related to divorce, separation, maintenance, and all other matters of a family law nature, excluding child protection.
6. Non-family matters are all other civil proceedings that are not of a family nature (e.g., landlord and tenant disputes, poverty law).
7. Immigration and Refugee (I&R) matters are proceedings for persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the Immigration and Refugee Protection Act (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in six provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).
8. The actual number of applications received by NS Legal Aid in 2019-20 may be greater than the number of applications reported here because of differences in the way applications are counted (specifically related to gender).

Notes

- For Alta., applications approved and refused may relate to current and previous fiscal years, while those received are restricted to current year only.
- In Yuk., child protection cases are included under the “family” category. The number of P/T offences reported in Yuk. is an undercount due to unreliable data collection.
- For Nvt., total applications received includes representation made during circuit weeks for matters for which a written application has not been made and eligibility is presumed. Nvt. data is draft and not audited.

Eight in ten legal aid applications received were approved for full legal representation

An application for legal aid may be approved for either summary or full legal representation. Summary services include the provision of legal advice, information, or any other type of minimal legal service granted to an individual during a formal interview. Full legal representation represents more extensive legal assistance. Applications not approved for full legal representation may receive summary services instead. In 2019-20, out of the 559,279 legal aid applications received (Table 5), 450,130 applications, or 80%, were approved for full representation (Table 6).

Of the applications approved for full representation in 2019-20, more than half (56%) were for criminal legal aid, 42% were for civil legal aid (including I&R), and the remainder for provincial/territorial offences. Of the criminal applications, the majority (92%) were for adult matters, and 8% were for youth matters. For civil matters, more than one third (37%) were for family matters, 28% were for child protection matters, and 20% were for non-family related matters. I&R matters made up 15% of civil applications in the provinces that provide I&R legal aid services.

When looking at the proportion of approved applications by province/territory and type of matter, Newfoundland and Labrador (81%), and Manitoba (80%) had the highest proportion of approved applications that were criminal as opposed to civil. New Brunswick had an almost equal proportion of criminal (53%) and civil (47%) legal aid applications approved for full legal representation.

In Ontario, there were 2,084 adult and 179 youth applications managed by law clinics, which made up 4% of total approved criminal applications.

Table 6 - Legal aid applications approved for full legal representation¹, by staff and private bar lawyers, annual, 2019-20

	Total approved legal aid applications Number (%)	Criminal applications ²			P/T offences ⁵ Number (%)	Civil applications ³				
		Total approved criminal applications Number (%)	Adult	Youth ⁴		Total approved civil legal aid applications Number (%)	Child Protection ⁶	Family ⁷	Non-Family ⁸	I&R ⁹
N.L.	3,328 (100)	2,694 (81)	2,271	423	–	1,057 (32)	236	737	74	10
P.E.I.	1,179 (100)	922 (78)	840	82	–	257 (22)	–	–	–	–
N.S.	18,314 (100)	12,684 (69)	11,849	835	66 (0)	5,565 (30)	1,035	3,681	848	–
N.B.	3,561 (100)	1,887 (53)	1,733	154	0 (0)	1,674 (47)	195	1,479	0	–
Que.	198,169 (100)	84,187 (42)	75,764	8,423	5,327 (3)	108,655 (55)	39,656	28,379	30,229	10,391
Ont.	107,358 (100)	62,479 (58)	57,863	3,839	0 (0)	44,879 (42)	4,999	18,733	5,666	15,481
Man.	35,704 (100)	28,526 (80)	26,147	2,379	34 (0)	7,144 (20)	2,125	4,321	276	422
Sask.	15,842 (100)	11,794 (74)	10,288	1,506	–	4,048 (26)	842	3,206	–	–
Alta.	33,305 (100)	25,760 (78)	24,178	1,582	138 (0)	7,407 (22)	1,770	4,645	138	854
B.C.	28,664 (100)	19,445 (68)	18,571	874	793 (3)	8,426 (29)	2,085	4,400	0	1941
Yuk.	2,682 (100)	2,002 (75)	1,916	86	47 (2)	633 (24)	–	426	207	–
N.W.T.	1,414 (100)	986 (70)	956	30	–	428 (30)	84	344	0	–
Nvt.	610 (100)	420 (69)	409	11	0 (0)	190 (31)	47	71	72	–
Canada	450,131 (100)	253,786 (56)	232,785	20,224	6,405 (1)	190,363 (42)	53,074	70,422	37,510	29,099

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

- In this table, approved legal aid application counts are full legal representation applications only. When aggregated, the total number of applications reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance. Full legal representation (may also be called “certificate”) refers to the provision of full legal aid representation by a private bar lawyer, approved by the legal aid plan or by a staff lawyer. An approved application for full legal representation refers to an application for legal assistance which is granted as described in a certificate, referral, or any other authorization denoting that the applicant is entitled to legal aid services. Once an application is approved for full legal representation by the legal aid plan, the certificate may then be brought to a private bar lawyer who bills the legal aid plan once the service is completed, or the service may be provided by a legal aid staff lawyer.
- For criminal matters, there can be multiple charges per application and these can be handled separately by different lawyers.
- For civil matters, there is one matter per application. In some jurisdictions one application may be associated with multiple matters.
- “Youth” are persons who are at least 12 years of age, but under 18 years of age and charged under the *Youth Criminal Justice Act*.
- Provincial/Territorial (P/T) offences are those offences under provincial or territorial statutory responsibility. Also included are infractions under municipal by-laws.
- Child protection matters are those where measures of child protection are sought and proceedings when a client is involved with a child protection agency.
- Family matters are proceedings related to divorce, separation, maintenance, and all other matters of a family law nature, excluding child protection.
- Non-family matters are all other civil proceedings that are not of a family nature (e.g., landlord and tenant disputes, poverty law).
- Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act* (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in six provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).

Notes

- Totals may include applications that were withdrawn, or were received in a previous fiscal year, but approved or refused this fiscal year.
- For N.B., data only include approved applications where the attorney was assigned before March 31st.
- For P.E.I., civil data is only collected in aggregate form.
- For Ont., criminal legal aid matters includes data for adult and youth law clinics. It is not possible to break down by adult/youth the number of applications approved for full legal representation.
- In Man., an application may result in more than one legal matter. It is more likely that a criminal adult or youth application will result in multiple legal matters (e.g., breaches added to the original charge) than a civil application.
- For Alta., applications approved and refused may relate to current and previous fiscal years, while those received are restricted to current year only.
- In Yuk., child protection cases are included under the “family” category. The number of P/T offences reported in YK is an undercount due to unreliable data collection.
- Nvt. data is draft and not audited.

Financial ineligibility was the most common reason for application refusal

Refused applications are all requests for legal aid that have been denied legal services. This includes applications for which no services have been approved, as well as those applications denied for full legal representation that

subsequently received summary services. Overall, of the 91,725 applications (both criminal and civil) where a reason for refusal was reported, 55% were refused for financial ineligibility. The next most common reasons for refusal were “other reasons for refusal” and “coverage restrictions” (22% and 18% respectively) (Table 7).

When looking at the breakdown of reasons for refusal by province/territory, Prince Edward Island and Quebec had the highest proportions of applications refused for financial ineligibility (85% and 80%). Newfoundland and Labrador (51%) and New Brunswick (48%) had the highest proportions of applications refused for coverage restrictions.

	Total reasons for refusal ² Number (%)	Reasons for refusal				
		Financial ineligibility ³ Number (%)	Coverage restrictions ⁴ Number (%)	Lack of merit ⁵ Number (%)	Non-compliance or abuse ⁶ Number (%)	Other reasons for refusal ⁷ Number (%)
N.L.	2,704 (100)	553 (20)	1,375 (51)	454 (17)	0 (0)	322 (12)
P.E.I.	91 (100)	77 (85)	2 (2)	11 (12)	0 (0)	1 (1)
N.S.	2,160 (100)	1,321 (61)	259 (12)	145 (7)	180 (8)	255 (12)
N.B.	404 (100)	111 (27)	192 (48)	7 (2)	1 (0)	93 (23)
Que.	42,935 (100)	34,255 (80)	4,637 (11)	1,105 (3)	48 (0)	2,890 (7)
Ont.	8,960 (100)	4,792 (53)	2,911 (32)	854 (10)	0 (0)	403 (4)
Man.	7,867 (100)	3,478 (44)	1,983 (25)	1,000 (13)	135 (2)	1,271 (16)
Sask.	1,923 (100)	1,134 (59)	553 (29)	165 (9)	29 (2)	42 (2)
Alta.	14,995 (100)	3,500 (23)	3,107 (21)	0 (0)	0 (0)	8,388 (56)
B.C.	9,221 (100)	1,499 (16)	1,505 (16)	0 (0)	0 (0)	6,217 (67)
Yuk.	52 (100)	30 (58)	0 (0)	17 (33)	1 (2)	4 (8)
N.W.T.	459 (100)	110 (24)	0 (0)	71 (15)	12 (3)	266 (58)
Nvt.	51 (100)	9 (18)	0 (0)	1 (2)	1 (2)	40 (78)
Canada	91,725 (100)	50,813 (55)	16,482 (18)	3,847 (4)	393 (0)	20,190 (22)

1. An application can be refused, appealed and still refused. Only the initial refusal is counted.
2. If an application involves more than one reason for refusal, only the most important reason is counted. This is determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right).
3. “Financial ineligibility” are refusals for legal aid based on financial information disclosed by the applicant (e.g., income level, assets, liabilities) which indicates that the applicant does not meet the financial eligibility requirements set by the legal aid plan and therefore does not qualify for legal aid. Financial eligibility criteria are set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
4. “Coverage restrictions” are applications refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans do not cover wills and estates or workplace injury claims.
5. “Lack of merit” are applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criterion does not depend on finances, it includes criteria such as the type of legal problem and the merit of the case.
6. “Non-compliance/abuse” are refusals for legal aid based on either an applicant’s prior or current experience with the legal aid plan. These refusals include applications where similar services were already rendered, services applied for are abusive of the legal process, or because the client fails to cooperate with the legal aid lawyer.
7. “Other reasons for refusal” refer to all other reasons for refusing an application that has not already been accounted for in the above categories.
8. A proportion of Quebec refusals are due to the fact that some legal aid applicants have not submitted the required documents to assess their financial eligibility.

Notes

- B.C.’s current system does not support effective tracking of refusals, so many applications refused for coverage or eligibility may be incorrectly identified as “Other reasons for refusal”. Financial eligibility criteria are a set of a caps rather than a reflection of the client’s ability to pay. In addition the caps are based on a market basket measure of poverty.
- For Alta., applications approved and refused may relate to current and previous fiscal years, while those received are restricted to current year only.
- Yuk. data on reasons for refusal should be interpreted with caution due to inconsistent data collection.
- In N.W.T., refusals may be a result of applications received during different fiscal years. It is also common for a refusal to be issued due to incomplete applications, which are later completed and approved.
- Nvt. data is draft and not audited.

Over half of refused criminal legal aid applications were refused for financial ineligibility

Financial ineligibility was the most common reason for refusal for criminal legal aid applications (55%) not including “other reasons”, followed by coverage restrictions at 17% (Table 8). By province/territory, Quebec had the highest proportion of financial ineligibility refusals (89%), Newfoundland and Labrador had the highest proportion of coverage restriction refusals (64%), Yukon had the highest proportion of lack of merit refusals (36%), and Nova Scotia had the highest rate of refusal of all jurisdictions for non-compliance or abuse, at 18%.

	Total reasons for refusal ² Number (%)	Reasons for refusal				
		Financial ineligibility ³ Number (%)	Coverage restrictions ⁴ Number (%)	Lack of merit ⁵ Number (%)	Non-compliance or abuse ⁶ Number (%)	Other reasons for refusal ⁷ Number (%)
N.L.	1,071 (100)	234 (22)	683 (64)	56 (5)	0 (0)	98 (9)
P.E.I.	–	–	–	–	–	–
N.S.	415 (100)	193 (47)	48 (12)	33 (8)	75 (18)	66 (16)
N.B.	260 (100)	50 (19)	128 (49)	2 (1)	1 (0)	79 (30)
Que.	16,966 (100)	15,141 (89)	990 (6)	44 (0)	5 (0)	786 (5)
Ont.	4,375 (100)	2,090 (48)	1,766 (40)	318 (7)	0 (0)	201 (5)
Man.	4,683 (100)	2,017 (43)	1,457 (31)	186 (4)	100 (2)	923 (20)
Sask.	1,115 (100)	525 (47)	475 (43)	95 (9)	12 (1)	8 (1)
Alta.	7,461 (100)	1,509 (20)	814 (11)	0 (0)	0 (0)	5,138 (69)
B.C.	3,732 (100)	493 (13)	422 (11)	0 (0)	0 (0)	2,817 (75)
Yuk.	22 (100)	12 (55)	0 (0)	8 (36)	1 (5)	1 (5)
N.W.T.	294 (100)	59 (20)	0 (0)	57 (19)	4 (1)	174 (59)
Nvt.	11 (100)	3 (27)	0 (0)	0 (0)	1 (9)	7 (64)
Canada	40,405 (100)	22,326 (55)	6,783 (17)	799 (2)	199 (0)	10,298 (25)

– Refers to data that is not available, provided, or collected by the jurisdiction as reported in the Statement of Final Claim.

1. Refused applications are all requests for legal aid that have been denied legal services. This total includes applications for which no services have been approved, as well as those applications denied for full service that subsequently receive summary service. An application can be refused, appealed and still refused. Only the initial refusal is counted.
2. If an application involves more than one reason for refusal, only the most important reason is counted. This is determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right).
3. “Financial ineligibility” are refusals for legal aid based on financial information disclosed by the applicant (e.g., income level, assets, liabilities) which indicates that the applicant does not meet the financial eligibility requirements set by the legal aid plan and therefore does not qualify for legal aid. Financial eligibility criteria are set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
4. “Coverage restrictions” are applications refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans do not cover wills and estates or workplace injury claims.
5. “Lack of merit” are applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criterion does not depend on finances, it includes criteria such as the type of legal problem and the merit of the case.
6. “Non-compliance/abuse” are refusals for legal aid based on either an applicant's prior or current experience with the legal aid plan. These refusals include applications where similar services were already rendered, services applied for are abusive of the legal process, or because the client fails to co-operate with the legal aid lawyer.
7. Other refers to all other reasons for refusing an application that have not already been accounted for in the above categories.
8. A proportion of Quebec refusals are due to the fact that some legal aid applicants have not submitted the required documents to assess their financial eligibility.

Notes:

- For P.E.I., data is only collected in aggregated form. The requested breakdown is not available.
- For Alta., applications approved and refused may relate to current and previous fiscal years, while those received are restricted to current year only.
- B.C.'s current system does not support effective tracking of refusals, so many applications refused for coverage or eligibility may be incorrectly identified as “Other reasons for refusal”. Financial eligibility criteria are a set of caps rather than a reflection of the client's ability to pay. In addition, the caps are based on a market basket measure of poverty.
- Yuk. data on reasons for refusal should be interpreted with caution due to inconsistent data collection.
- Nvt. data is draft and not audited.

Table 9 shows refused civil and I&R applications by reasons for refusal. The proportions remained consistent with criminal applications, with 56% of applications nationwide refused for financial ineligibility, and 18% falling under coverage restrictions. Saskatchewan and Quebec had the highest proportions of “other civil” applications refused for financial ineligibility (78% and 74%). Newfoundland and Labrador had the highest proportion of “other civil” applications refused for coverage restrictions (43%), and Prince Edward Island and Yukon had the highest proportion of “other civil” applications refused for lack of merit (44% and 30%). For I&R applications, Quebec had the highest proportion refused for financial ineligibility (80%), British Columbia had the highest proportion refused for coverage restrictions (30%), and Newfoundland and Labrador had the highest proportion refused for lack of merit (45%) (Table 9).

Table 9 - Refused legal aid applications¹, by reason for refusal, civil matters², 2019-20							
		Total refused ² Number (%)	Financial ineligibility ³ Number (%)	Coverage restrictions ⁴ Number (%)	Lack of merit ⁵ Number (%)	Non- compliance or abuse ⁶ Number (%)	Other reasons for refusal ⁷ Number (%)
N.L.	Other Civil	1,613 (100)	318 (20)	689 (43)	389 (24)	0 (0)	217 (13)
	I&R	20 (100)	1 (5)	3 (15)	9 (45)	0 (0)	7 (35)
	Total	1,633 (100)	319 (20)	692 (42)	398 (24)	0 (0)	224 (14)
P.E.I.	Other Civil	25 (100)	11 (44)	2 (8)	11 (44)	0 (0)	1 (4)
	I&R						
	Total	25 (100)	11 (44)	2 (8)	11 (44)	0 (0)	1 (4)
N.S.	Other Civil	1,720 (100)	1,128 (66)	204 (12)	99 (6)	102 (6)	187 (11)
	I&R						
	Total	1,720 (100)	1,128 (66)	204 (12)	99 (6)	102 (6)	187 (11)
N.B.	Other Civil	138 (100)	61 (44)	58 (42)	5 (4)	0 (0)	14 (10)
	I&R						
	Total	138 (100)	61 (44)	58 (42)	5 (4)	0 (0)	14 (10)
Qc	Other Civil	23,521 (100)	17,523 (74)	3,055 (13)	1,006 (4)	43 (0)	1,894 (8)
	I&R	1,090 (100)	870 (80)	27 (2)	50 (5)	0 (0)	143 (13)
	Total	24,611 (100)	18,393 (75)	3,082 (13)	1,056 (4)	43 (0)	2,037 (8)
Ont.	Other Civil	3,615 (100)	2,273 (63)	941 (26)	287 (8)	0 (0)	114 (3)
	I&R	970 (100)	429 (44)	204 (21)	249 (26)	0 (0)	88 (9)
	Total	4,585 (100)	2,702 (59)	1,145 (25)	536 (12)	0 (0)	202 (4)
Man.	Other Civil	3,062 (100)	1,425 (47)	498 (16)	782 (26)	31 (1)	326 (11)
	I&R	84 (100)	30 (36)	12 (14)	22 (26)	3 (4)	17 (20)
	Total	3,146 (100)	1,455 (46)	510 (16)	804 (26)	34 (1)	343 (11)
Sask.	Other Civil	711 (100)	553 (78)	36 (5)	87 (12)	3 (0)	32 (5)
	I&R						
	Total	711 (100)	553 (78)	36 (5)	87 (12)	3 (0)	32 (5)
Alta.	Other Civil	7,304 (100)	1,925 (26)	2,243 (31)	0 (0)	0 (0)	3,136 (43)
	I&R	229 (100)	66 (29)	50 (22)	0 (0)	0 (0)	113 (49)
	Total	7,533 (100)	1,991 (26)	2,293 (30)	0 (0)	0 (0)	3,249 (43)
B.C.	Other Civil	4,571 (100)	728 (16)	884 (19)	0 (0)	0 (0)	2,959 (65)
	I&R	539 (100)	227 (42)	161 (30)	0 (0)	0 (0)	151 (28)
	Total	5,110 (100)	955 (19)	1,045 (20)	0 (0)	0 (0)	3,110 (61)
Yuk.	Other Civil	30 (100)	18 (60)	0 (0)	9 (30)	0 (0)	3 (10)
	I&R						
	Total	30 (100)	18 (60)	0 (0)	9 (30)	0 (0)	3 (10)
N.W.T.	Other Civil	169 (100)	51 (30)	0 (0)	14 (8)	12 (7)	92 (54)
	I&R						
	Total	169 (100)	51 (30)	0 (0)	14 (8)	12 (7)	92 (54)
Nvt.	Other Civil	40 (100)	6 (15)	0 (0)	1 (3)	0 (0)	33 (83)
	I&R						
	Total	40 (100)	6 (15)	0 (0)	1 (3)	0 (0)	33 (83)
Canada	Other Civil	46,519 (100)	26,020 (56)	8,610 (19)	2,690 (6)	191 (0)	9,008 (19)
	I&R	2,932 (100)	1,623 (55)	457 (16)	330 (11)	3 (0)	519 (18)

	Total	49,451 (100)	27,643 (56)	9,067 (18)	3,020 (6)	194 (0)	9,527 (19)
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1. Refused applications are all requests for legal aid that have been denied legal services. The total includes applications for which no services have been approved, as well as those applications denied for full service that subsequently receive summary service. An application can be refused, appealed and still refused. Only the initial refusal is counted.
2. Civil legal aid includes child protection matters; proceedings related to divorce, separation, maintenance, and all other matters of a family law nature; as well as all civil matters that are not of a family nature (e.g., landlord and tenant disputes, poverty law, etc.). This category also includes immigration and Refugee (I&R) matters. Note that I&R legal aid is available in six provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).
3. If an application involves more than one reason for refusal, only the most important reason is counted. This is determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right).
4. "Financial ineligibility" are refusals for legal aid based on financial information disclosed by the applicant (e.g., income level, assets, liabilities) which indicates that the applicant does not meet the financial eligibility requirements set by the legal aid plan and therefore does not qualify for legal aid. Financial eligibility criteria are set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
5. "Coverage restrictions" are applications refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans do not cover wills and estates or workplace injury claims.
6. "Lack of merit" are applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criterion does not depend on finances, it includes criteria such as the type of legal problem and the merit of the case.
7. "Non-compliance/abuse" are refusals for legal aid based on either an applicant's prior or current experience with the legal aid plan. These refusals include applications where similar services were already rendered, services applied for are abusive of the legal process, or because the client fails to co-operate with the legal aid lawyer.
Other refers to all other reasons for refusing an application that have not already been accounted for in the above categories.

Notes

- For Alta., applications approved and refused may relate to current and previous fiscal years, while those received are restricted to current year only.
- B.C.'s current system does not support effective tracking of refusals, so many applications refused for coverage or eligibility may be incorrectly identified as "Other Civil." Financial eligibility criteria are a set of a caps rather than a reflection of the client's ability to pay. In addition, the caps are based on a market basket measure of poverty.
- Yuk data on reasons for refusal should be interpreted with caution due to inconsistent data collection.
- Nvt. data is draft and not audited.

More than eight in ten applications for full legal representation from self-identified Indigenous clients were approved

Table 10 shows applications for full legal representation from individuals who self-identified as Indigenous in the provinces and territories that collect this data. Of the 62,660 applications received for all matters, 81% were approved. This proportion was similar for both criminal and civil applications, with 82% of criminal and 78% of civil applications approved. By jurisdiction, Nunavut, Nova Scotia and Prince Edward Island had the highest proportions of criminal applications approved (98%, 95% and 95%), while Manitoba and Newfoundland and Labrador had the lowest (63% and 66%). For civil applications, Ontario, Northwest Territories and Nunavut had the highest proportions of applications approved (89%, 86% and 85%), while British Columbia and Nova Scotia had the lowest (64% and 67%).

Table 10 - Applications¹ for full legal representation, approved² and refused³, by self-identified Indigenous⁴ population, criminal and civil, and province/territory, 2019-20

	All criminal and civil applications				Criminal legal aid applications				Civil legal aid ⁶ applications			
	Total received	Total approved	Total refused	Other ⁵	Total received	Total approved	Total refused	Other	Total received	Total approved	Total refused	Other
N.L.	580 (100)	385 (66)	195 (34)	0 (0)	486	321 (66)	165 (34)	0 (0)	94	64 (70)	30 (32)	0 (0)
P.E.I.	97 (100)	84 (87)	5 (5)	8 (8)	64	61 (95)	3 (5)	0 (0)	33	23 (70)	2 (6)	8 (24)
N.S.	2,000 (100)	1,784 (89)	83 (4)	136 (7)	1,577	1,492 (95)	25 (2)	60 (0)	398	268 (67)	54 (14)	76 (19)
N.B.	406 (100)	337 (83)	42 (10)	27 (7)	261	221 (85)	32 (12)	8 (3)	145	116 (80)	10 (7)	19 (13)
Que.	–	–	–	–	–	–	–	–	–	–	–	–
Ont.	18,410 (100)	16,843 (91)	958 (5)	609 (3)	14,670	13,530 (92)	694 (5)	446 (3)	3,740	3,313 (89)	264 (7)	163 (4)
Man.	17,295 (100)	11,406 (66)	3,252 (19)	2,637 (15)	13,809	8,724 (63)	2,487 (18)	2,598 (19)	3,486	2,682 (77)	765 (22)	39 (1)
Sask.	12,578 (100)	11,048 (88)	913 (7)	617 (5)	9,482	8,658 (91)	641 (7)	183 (2)	3,096	2,390 (77)	272 (9)	434 (14)
Alta.	–	–	–	–	–	–	–	–	–	–	–	–
B.C.	9,168 (100)	7,329 (80)	1,839 (20)	0 (0)	6,569	5,664 (86)	905 (14)	0 (0)	2,599	1,665 (64)	934 (36)	0 (0)
Yuk.	–	–	–	–	–	–	–	–	–	–	–	–
N.W.T.	1,257 (100)	1,050 (84)	294 (23)	0 (0)	947	710 (75)	237 (25)	0 (0)	397	340 (86)	57 (14)	0 (0)
Nvt.	869 (100)	575 (66)	38 (4)	0 (0)	417	409 (98)	8 (2)	0 (0)	196	166 (85)	30 (15)	0 (0)
Canada	62,660 (100)	50,841 (81)	7,619 (12)	4,034 (6)	48,282	39,790 (82)	5,197 (11)	3,295 (7)	14,184	11,027 (78)	2,418 (17)	739 (5)

– Refers to data that is not available, provided, or collected by the jurisdiction as reported in the Statement of Final Claim.

1. An application for legal aid is a request for legal aid assistance that results in the provision of summary or full legal representation on behalf of the legal aid plan, or the denial of legal aid service. Summary services include the provision of legal advice, information, or any other type of minimal legal service granted to an individual. Full legal representation constitutes more extensive legal assistance. The total number of applications reported for the fiscal year includes all applications filed during that time, irrespective of when the application was approved or refused.
2. Approved legal aid application counts refer to full legal representation applications only. When aggregated, the total number of applications reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance. Full legal representation (or “certificate”) refers to the provision of full legal aid representation by a private bar lawyer approved by the legal aid plan or by a staff lawyer. An approved application for full legal representation refers to an application for legal assistance which is granted as described in a certificate, referral, or any other authorization denoting that the applicant is entitled to legal aid services. Once an application is approved for full legal representation by the legal aid plan, the certificate may then be brought to a private bar lawyer who bills the legal aid plan once the service is completed, or the service may be provided by a legal aid staff lawyer.
3. Refused applications refer to all requests for legal aid that have been denied legal services. This total includes applications for which no services have been approved, as well as those applications denied for full legal representation that subsequently receive summary service. An application can be refused, appealed and still refused. Only the initial refusal is counted.
4. Indigenous refers to an individual who self-identifies as First Nations (North American Indian), Inuk (Inuit), or Métis, whether they live on or off-reserve and whether or not they have Registered or Treaty Indian status.
5. “Other” refers to applications received in a previous fiscal year that are counted as “approved” or “refused” but not “received”; as well as “withdrawn” applications, which were received in the current fiscal year but were withdrawn before being approved or refused.
6. Civil legal aid includes: child protection matters; proceedings related to divorce, separation, maintenance, and all other matters of a family law nature; as well as all civil matters that are not of a family nature (e.g., landlord and tenant disputes, poverty law, etc.). This category also includes immigration and Refugee (I&R) matters. Note that I&R legal aid is available in six provinces: Newfoundland and Labrador (N.L.), Quebec (Que.), Ontario (Ont.), Manitoba (Man.), Alberta (Alta), and British Columbia (B.C.).

Notes

- For N.W.T. and Nvt., approval numbers could reflect applications that were received in fiscal year prior but approved in 2019-20.
- Nvt. data is draft and not audited.

Over 1.2 million duty counsel assists were provided in 2019-20

Duty counsel is legal assistance rendered without charge to unrepresented individuals who, in many cases, are about to make an appearance in court. Duty counsel services refer to services provided by a lawyer at a location other than a legal aid office, generally at court or a place of detention. Most often, the services provided are brief, and pertain to provision of summary services, docket court appearances, or representation at a first appearance or plea court.

As a result of the Supreme Court of Canada decision in *R. v. Brydges*, all provinces and territories offer temporary access to duty counsel through telephone in the immediate period after an accused has been arrested or detained. These services are provided to accused persons without application, and they are free of charge.

For criminal matters, duty counsel services (either Brydges telephone services or in person court services) are available in all provinces and territories. Civil duty counsel services are available in six provinces: Newfoundland and Labrador, Nova Scotia (Nova Scotia offers family duty counsel, which is referred to as summary advice counsel), New Brunswick, Ontario, Manitoba (for child protection matters), and British Columbia. Immigration and refugee duty counsel services are available in Newfoundland and Labrador, Ontario, and British Columbia.

A majority of provinces and territories do not apply eligibility criteria for duty counsel services. Of those that do, New Brunswick applies scope of service eligibility criteria, but not financial eligibility criteria,⁴ while Ontario applies eligibility criteria which are outlined on their website.⁵ British Columbia applies eligibility criteria only to family duty counsel services.⁶

Eleven jurisdictions provided data on the number of duty counsel services provided to clients in 2019-20 (Table 11). There were 1,204,877 duty counsel assists provided to legal aid clients in these jurisdictions. Of these, 86% were for criminal matters, and 14% were for civil matters (including I&R).

For jurisdictions that provided data on both criminal and civil duty counsel services, Quebec and Prince Edward Island had the highest proportions of criminal duty counsel assists provided in comparison to civil, both with 100% of duty counsel assists for criminal matters. British Columbia had the lowest proportion of criminal matter assists, with 73% criminal assists and 27% civil.

⁴ New Brunswick Legal Aid Services Commission (NBLASC) is responsible to assign duty counsel to criminal and youth courts to advise and assist anyone who has to appear before a Provincial Court judge on eligible charges and is without counsel. NBLASC also provides duty counsel to specialized courts. Duty Counsel services are not available for: Default Hearings; Variation of Undertakings; Firearms applications; Rowbotham Hearings; Bail Reviews in Queen's Bench; and providing advice to those who have plead not guilty and have obtained a trial date. Family Law: Scope of service for family law can be found at the following link under the heading "Family Duty Counsel". http://www.legalaid.nb.ca/en/family_law_services

⁵ <https://www.legalaid.on.ca/will-legal-aid-pay-for-my-lawyer/>

⁶ There are no financial or merit eligibility criteria for criminal or immigration duty counsel services, but financial eligibility criteria are applied for family duty counsel, at a higher level than for family representation contracts. Additional coverage criteria are applied for expanded criminal and family duty counsel services.

Table 11 - Duty counsel services, by type of matter, 2019-20

	Total duty counsel services Number (%)	Criminal duty counsel services ¹			Provincial Statute Offences Number (%)	Civil duty counsel services ²		
		Total criminal duty counsel services Number (%)	Adult matters	Youth ³ matters		Total civil duty counsel services Number (%)	I&R ⁴	Other civil matters ⁵
N.L.	14,569 (100)	13,739 (94)	13,428	311	–	830 (6)	–	830
P.E.I.	798 (100)	798 (100)	–	–	0 (0)	0 (0)	–	0
N.S.	20,788 (100)	17,637 (85)	16,939	611	921 (4)	2,230 (11)	–	2,230
N.B.	24,955 (100)	22,406 (90)	21,280	1,126	1,160 (5)	1,389 (6)	–	1,389
Que.	23,389 (100)	23,389 (100)	23,389	–	0 (0)	0 (0)	0	0
Ont.	903,063 (100)	779,656 (86)	758,060	21,596	0 (0)	123,407 (14)	154	123,253
Man.	49,007 (100)	46,101 (94)	41,428	4,673	0 (0)	2,906 (6)	0	2,906
Sask.	35,999 (100)	35,689 (99)	32,638	3,051	310 (1)	–	–	–
Alta.	–	–	–	–	–	–	–	–
B.C.	126,259 (100)	91,841 (73)	89,612	2,229	–	34,418 (27)	1,068	33,350
Yuk.	1,596 (100)	1,572 (98)	1,514	58	0 (0)	24 (2)	–	24
N.W.T.	4,454 (100)	3,697 (83)	3,492	205	757 (17)	–	–	–
Nvt.	–	–	–	–	–	–	–	–
Canada	1,204,877 (100)	1,036,525 (86)	1,001,780	33,860	3,148 (0)	165,204 (14)	1,222	163,982

– Refers to data that is not available, provided, or collected by the jurisdiction as reported in the Statement of Final Claim.

^P – Count is by number of persons assisted.

^A – Count is by number of assists - the number of times duty counsel was provided for each category of service provided for adult and youth criminal legal aid, provincial statute offences, I&R, and civil legal aid.

1. Criminal duty counsel are legal services in criminal matters that are generally provided at a court or place of detention.
2. Civil duty counsel are legal services in civil matters that may additionally be provided at locations other than a court or place of detention (e.g. psychiatric hospital, senior citizens' home).
3. "Youth" are persons who are at least 12 years of age, but under 18 years of age and charged under the *Youth Criminal Justice Act*.
4. Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act* (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions.
5. Other civil matters refer to all other civil proceedings including family matters.

Notes

- N.B. is unable to report adult/youth/provincial offences expenditures separately as this level of detail is not recorded in their accounting system or case management system.
- For N.S., an additional 87 assists were given for Brydges After Hours Telephone Duty Counsel, and are not reported in the criminal adult and youth numbers above. The age of the person could not be determined when these services were being provided.
- For P.E.I., criminal duty counsel services are not tracked for adults separately from youth.
- Legal Aid Manitoba does not track by matter type; therefore, for Brydges total assists, the service handles police custody calls throughout the province. For provincial statute offences, Legal Aid Manitoba does not track duty counsel assists by individual offences; the services rendered for provincial statute offences (if any) would be included in total criminal and youth matters. Legal Aid Manitoba does not track the number of persons assisted by duty counsel. For Man., civil includes all child protection and civil duty counsel matters.
- In Sask., duty counsel services are provided to individuals on remand at all court points including circuit points. If the matter cannot be resolved immediately, then a full-service application is taken. Civil duty counsel services are not available in Sask.
- Nvt. does not provide duty counsel services per se but presumes eligibility on criminal matters on circuit.

Over 99 million dollars of expenditures on duty counsel services in 2019-20

Nationally, there were total expenditures of \$99,309,320 for duty counsel services in 2019-20. Criminal duty counsel services represented the highest proportion of duty counsel expenditures, at \$77,499,220, or 78% of total expenditures in 2019-20. Civil duty counsel services made up 22% of expenditures. Within criminal duty counsel services, 95% of expenditures went towards adult matters (Table 12).

Table 12 - Duty counsel service expenditures¹, by type of matter, 2019-20

	Total duty counsel services Dollars (%)	Criminal duty counsel services ²			Provincial Statute Offences Dollars (%)	Civil duty counsel services ³		
		Total criminal duty counsel services Dollars (%)	Adult matters	Youth ⁴ matters		Total civil duty counsel services Dollars (%)	I&R ⁵	Other civil matters ⁶
N.L.	198,360 (100)	198,360 (100)	195,868 (99)	2,492 (1)	–	–	–	–
P.E.I.	62,178 (100)	62,178 (100)	–	–	0 (0)	0 (0)	–	0 (0)
N.S.	2,440,132 (100)	2,060,514 (84)	2,012,099 (82)	48,415 (2)	–	379,618 (16)	–	379,618 (16)
N.B.	1,299,667 (100)	1,161,844 (89)	1,153,932 (89)	7,912 (1)	4,546 (0)	133,277 (10)	–	133,277 (10)
Que.	992,465 (100)	992,465 (100)	992,465 (100)	–	0 (0)	0 (0)	0 (0)	0 (0)
Ont.	56,459,469 (100)	40,076,241 (71)	39,106,592 (69)	969,649 (2)	0 (0)	16,383,228 (29)	6,390 (0)	16,376,838 (29)
Man.	2,657,944 (100)	2,486,284 (94)	2,232,738 (84)	253,546 (10)	0 (0)	171,660 (6)	0 (0)	171,660 (6)
Sask.	4,726,900 (100)	4,692,980 (99)	4,265,058 (90)	427,922 (9)	3,290 (0)	30,630 (1)	–	30,630 (1)
Alta.	15,760,348 (100)	15,760,348 (100)	15,344,934 (97)	415,414 (3)	0 (0)	0 (0)	0 (0)	0 (0)
B.C.	13,611,878 (100)	8,908,027 (65)	8,446,443 (62)	461,584 (3)	341,806 (3)	4,362,045 (32)	214,439 (2)	4,147,606 (30)
Yuk.	80,275 (100)	80,275 (100)	80,275 (100)	–	–	–	–	–
N.W.T.	908,052 (100)	908,052 (100)	–	–	0 (0)	0 (0)	–	0 (0)
Nvt.	111,652 (100)	111,652 (100)	–	–	0 (0)	0 (0)	–	0 (0)
Canada	99,309,320 (100)	77,499,220 (78)	73,830,404 (95)	2,586,934 (3)	349,642 (0)	21,460,458 (22)	220,829 (1)	21,139,629 (99)

– Refers to data that were not available, provided or collected by the jurisdiction as reported in the Statement of Final Claim.

- Duty counsel service expenditures are the actual gross dollars expended by the legal aid plan in a given fiscal year for duty counsel services.
- Criminal duty counsel are legal services in criminal matters that are generally provided at a court or place of detention.
- Civil duty counsel are legal services in civil matters that may additionally be provided at locations other than a court or place of detention (e.g. psychiatric hospital, senior citizens' home).
- "Youth" are persons who are at least 12 years of age, but under 18 years of age and charged under the *Youth Criminal Justice Act*.
- Immigration and Refugee (I&R) matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of the *Immigration and Refugee Protection Act* (IRPA). I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board (IRB) of Canada, the Federal Court (FC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions.
- Other civil matters are all other civil proceedings including family matters.

Notes

- For Sask., the expenditures reflect the payments made to private bar and not staff lawyers.
- Legal Aid Manitoba does not track by matter type; therefore, for Brydges total assists, the service handles police custody calls throughout the province. For provincial statute offences, Legal Aid Manitoba does not track duty counsel assists by individual offences; the services rendered for provincial statute offences (if any) would be included in total criminal and youth matters. Legal Aid Manitoba does not track the number of persons assisted by duty counsel. For Man., civil includes all child protection and civil duty counsel matters.
- N.B. is unable to report adult/youth/provincial offences expenditures separately as this level of detail is not recorded in their accounting system or case management system. Brydges Program pro-rated based on number of calls received.
- For P.E.I., criminal duty counsel expenditures are not collected by age (adult/youth).
- Yuk. duty counsel expenditures only include private bar spending, not staff lawyer expenses.
- For N.W.T., a calculation is used to approximate the costs related to duty counsel/presumed eligibility matters. Estimated average time spent on files by criminal lawyers is 65% duty counsel (presumed eligibility), 30% adult criminal and 5% youth criminal.
- Nvt. data is draft and not audited. Nvt. does not provide duty counsel services per se but presumes eligibility on criminal matters on circuit.

Almost three quarters of applications for legal aid services to deal with an appeal were approved

Out of the 4,859 applications for legal aid services for an appeal case for any type of matter, 69% were approved for legal aid services. For criminal matters, 67% were approved, and for civil matters, just under three quarters (71%) were approved (Table 13).

Aside from Saskatchewan and Prince Edward Island, where all appeal applications were approved in 2019-20, Nova Scotia and Nunavut had the highest proportion of appeal cases approved for legal aid services (96% and 90%), while New Brunswick had the lowest proportion of cases approved (43%). For criminal cases, Prince Edward Island, Saskatchewan and Nova Scotia each had 100% of criminal appeal applications approved, and British Columbia had the lowest proportion of approved criminal applications at 27%. For civil cases, Ontario had the highest proportion of applications approved (91%), and Nova Scotia had the lowest, with the two civil appeal applications from 2019-20 being refused (Table 13).

	Total criminal and civil matters			Criminal matters (adult and youth)			Civil matters (including I&R)		
	Total Approved and refused appeals N (%)	Total Approved appeals N (%)	Total Refused appeals N (%)	Approved and refused appeals N (%)	Approved appeals N (%)	Refused appeals N (%)	Approved and refused appeals N (%)	Approved appeals N (%)	Refused appeals N (%)
N.L.	–	–	–	–	–	–	–	–	–
P.E.I.	1 (100)	1 (100)	0 (0)	1 (100)	1 (100)	0 (0)	0 (0)	0 (0)	0 (0)
N.S.	52 (100)	50 (96)	2 (4)	50 (100)	50 (100)	0 (0)	2 (100)	0 (0)	2 (100)
N.B.	21 (100)	9 (43)	12 (57)	12 (100)	7 (58)	5 (42)	9 (100)	2 (22)	7 (78)
Que.	894 (100)	497 (56)	397 (44)	359 (100)	240 (67)	119 (33)	535 (100)	257 (48)	278 (52)
Ont.	2,558 (100)	2,148 (84)	410 (16)	1,322 (100)	1,023 (77)	299 (23)	1,236 (100)	1,125 (91)	111 (9)
Man.	179 (100)	95 (53)	84 (47)	126 (100)	73 (58)	53 (42)	53 (100)	22 (42)	31 (58)
Sask.	53 (100)	53 (100)	0 (0)	53 (100)	53 (100)	0 (0)	0 (0)	0 (0)	0 (0)
Alta.	–	–	–	–	–	–	–	–	–
B.C.	1,078 (100)	489 (45)	589 (55)	413 (100)	111 (27)	302 (73)	665 (100)	378 (57)	287 (43)
Yuk.	–	–	–	–	–	–	–	–	–
N.W.T.	13 (100)	9 (69)	4 (31)	13 (100)	9 (69)	4 (31)	0 (0)	0 (0)	0 (0)
Nvt.	10 (100)	9 (90)	1 (10)	10 (100)	9 (90)	1 (10)	0 (0)	0 (0)	0 (0)
Canada	4,859 (100)	3,360 (69)	1,499 (31)	2,359 (100)	1,576 (67)	783 (33)	2,500 (100)	1,784 (71)	716 (39)

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. Appeal is an appeal of a lower court or administrative tribunal decision, not an appeal of a refused application. Each case is counted despite the fact that the matter may have been dealt with by the legal aid plan in the past.

Notes

- Nvt. data is draft and not audited.

Approximately 700 civil cases were managed under the Interprovincial Reciprocity Agreement in 2019-20

The Interprovincial Reciprocity Agreement refers to an agreement among legal aid plans in Canada to handle non-resident civil cases. Under the terms of the new 2018 agreement, it is no longer a requirement for an applicant to apply in their home province, applications may be made directly to the province where service is required.

Outgoing cases refers to the number of applications for civil legal aid approved by the legal aid plan of a province or territory that are forwarded to other provincial/territorial legal aid plans for service. Incoming cases refers to the number of applications approved for civil legal aid by other provincial/territorial legal aid plans which are forwarded to the legal aid plan for service and for which service has been provided.

Data from 2019-20 indicate that provinces/territories handled a total of 418 incoming cases and 358 outgoing cases (Table 14). Ontario had the highest number of cases incoming from another province, with 188 cases. Quebec had the highest number of outgoing cases, with 144 cases where the service was provided by legal aid lawyers in another province or territory.

Table 14 - Incoming and outgoing civil legal aid cases processed under the Interprovincial Reciprocity Agreement, 2019-20

	Total by jurisdiction	
	Incoming	Outgoing
Newfoundland and Labrador	20	20
Prince Edward Island	9	7
Nova Scotia	0	0
New Brunswick	13	18
Quebec	94	144
Ontario	188	93
Manitoba	65	66
Saskatchewan	0	0
Alberta	8	0
British Columbia	12	8
Yukon	3	2
Northwest Territories	6	0
Nunavut	0	0
Total	418	358

Note: For Saskatchewan, the applications for legal aid services including those from outside the province are taken in the same manner as applications originating within the province.

Most legal aid clients were male, and accessed criminal legal aid services

Overall, 60% of legal aid clients were male, while 39% were female (Table 15). For criminal matters, the proportion of males was even higher (78%). For I&R matters, 62% of clients were male and 38% were female. However, where an I&R matter relates to a principal legal aid applicant with family, only the principal applicant is counted as a client, which may result in an undercount of females with I&R matters. For other civil matters, the majority of clients were female (64%).

Overall, the most common age category of legal aid clients was 18-34 (43%). Legal aid clients were most frequently in the youngest category, regardless of gender or type of matter (criminal, I&R, and other civil), with the exception of males in other civil matters. For this group, the most common age category was 35-49 (30%). For male criminal legal aid clients, the most common age group was 18-34 (48%), followed by 35-49 (31%). The same pattern was true for female criminal legal aid clients, with the most common age group being 18-34 (51%) followed by 35-49 (29%).

For I&R legal aid⁷, most male clients were in the 18-34 and 35-49 age groups (47% and 40%). The same was true for female clients, with 44% in the 18-34 age group, and 40% in the 35-49 age group. For other civil legal aid, male clients were most often in the 35-49 and 18-34 age groups (30% and 26%); female clients were most often in the 18-34 and 35-49 age groups (40% and 33%) (Table 15).

⁷ Many legal aid plans only collect data for the principal claimant (i.e. head of family), so gender-based data may not reflect the total amount of individuals being served.

Table 15 - Legal aid clients, by age, gender, and type of matter, Canada, 2019-20				
	Type of matter			Total
	Criminal Number (%)	I&R ¹ Number (%)	Other Civil Number (%)	
Male 17 and under	16,133 (9)	172 (1)	14,343 (23)	30,648 (12)
Male 18-34	89,459 (48)	8,510 (47)	15,823 (26)	113,792 (43)
Male 35-49	57,088 (31)	7,263 (40)	18,399 (30)	82,750 (31)
Male 50+	23,463 (13)	1,996 (11)	12,855 (21)	38,314 (14)
Total Males	186,143 (100)	17,941 (100)	61,420 (100)	265,504 (100)
Female 17 and under	4,988 (9)	181 (2)	14,850 (14)	20,019 (12)
Female 18-34	26,808 (51)	4,906 (44)	43,277 (40)	74,991 (43)
Female 35-49	15,497 (29)	4,437 (40)	35,359 (33)	55,293 (32)
Female 50+	5,431 (10)	1,627 (15)	15,100 (14)	22,158 (13)
Total Females	52,724 (100)	11,151 (100)	108,586 (100)	172,461 (100)
Others 17 and under	326 (28)	0 (0)	15 (3)	341 (19)
Others 18-34	415 (36)	16 (55)	294 (50)	725 (41)
Others 35-49	269 (23)	11 (38)	167 (28)	447 (25)
Others 50+	159 (14)	2 (7)	111 (19)	272 (15)
Total Others²	1,169 (100)	29 (100)	587 (100)	1,785 (100)
Total 17 and under	21,447 (9)	353 (1)	29,208 (17)	51,008 (12)
Total 18-34	116,682 (49)	13,432 (46)	59,394 (35)	189,508 (43)
Total 35-49	72,854 (30)	11,711 (40)	53,925 (32)	138,490 (31)
Total 50+	29,053 (12)	3,625 (12)	28,066 (16)	60,744 (14)
Canada	240,036 (100)	29,121 (100)	170,593 (100)	439,750 (100)

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

*cell count under 5 suppressed.

1. I&R legal services are only available in six provinces: Newfoundland and Labrador, Quebec, Ontario, Manitoba, Alberta, and British Columbia.

2. The other categories could include gender diverse people, as well as unknown responses.

Notes

- Northwest Territories, Yukon and Prince-Edward-Island data are not included due to missing data.
- Other category in Quebec (N=89) is excluded because data are not disaggregated by age category.
- Nvt. data is draft and not audited.

More than half of Indigenous legal aid clients were males accessing criminal legal aid services

Legal aid plans from Newfoundland and Labrador, New Brunswick, Nova Scotia, Ontario, Manitoba, Saskatchewan, British Columbia, Northwest Territories and Nunavut provided data on self-identified Indigenous legal aid clients. Out of the 56,591 Indigenous clients that self-identified in these provinces and territories in 2019-20, 76% accessed criminal legal aid (adult and youth), while 24% accessed civil legal aid.

Indigenous legal aid clients were most likely to be male adults accessing criminal legal aid services; this group accounted for more than half (56%) of all Indigenous legal aid clients (Table 16). Males represented 80% of Indigenous adult and youth criminal legal aid clients, but 31% of civil legal aid clients.

Table 16 - Indigenous ¹ legal aid clients receiving full legal representation and summary services, by gender and type of matter, 2019-20													
	Total criminal and civil ² Number (%)	Criminal								Civil ⁴			
		Total criminal adult Number (%)	Adult			Youth ³			Total criminal youth Number (%)	Male	Female	Other	Total civil Number (%)
			Male	Female	Other	Male	Female	Other					
N.L.	385 (1)	299 (1)	239	60	*	12	10	*	22 (1)	24	40	*	64 (0)
N.B.	520 (1)	309 (1)	222	87	*	19	6	*	25 (1)	67	119	*	186 (1)
N.S.	1,625 (1)	1,124 (3)	728	395	*	83	12	*	96 (3)	140	265	*	405 (3)
Ont.	16,892 (30)	13,037 (33)	9,792	3,241	*	378	148	*	526 (16)	1,206	2,121	*	3,329 (26)
Man.	11,420 (20)	7,997 (21)	5,893	2,064	40	501	240	*	741 (23)	956	1,710	16	2,682 (21)
Sask.	17,855 (32)	11,397 (29)	8,197	2,691	509	1,101	448	73	1,622 (50)	1,225	3,350	261	4,836 (37)
B.C.	6,468 (11)	4,692 (12)	3,540	1,149	*	148	62	*	210 (7)	436	1,130	*	1,566 (12)
N.W.T.	877 (2)	685 (2)	565	120	*	18	7	*	25 (1)	26	141	*	167 (1)
Nvt.	549 (1)	412 (1)	344	68	*	9	*	*	12 (0)	13	112	*	125 (1)
Canada	56,591 (100)	39,952 (100)	29,520	9,875	549	2,269	933	73	3,279 (100)	4,093	8,988	277	13,360 (100)

– Refers to data that were not available or that were not provided by the jurisdiction as reported in the Statement of Final Claim.

*cell count under 5 suppressed.

1. Indigenous legal aid clients are those who self-identify as First Nations (North American Indian), Inuk (Inuit), or Métis whether they live on or off-reserve and whether or not they have Registered or Treaty Indian status.
2. Indicates the number of recipients of summary and full services, and excludes duty counsel. Recipients may be counted more than once if they are entitled to receive more than one type of legal aid service.
3. “Youth” are persons who are at least 12 years of age, but under 18 years of age and charged under the *Youth Criminal Justice Act*.
4. Civil legal aid includes all types of civil legal aid excluding immigration and refugee legal aid.

Notes

- Nvt. data is draft and not audited.

Theft, break and enter, and possession of stolen property was the most frequent offence category, with the highest proportion of in-year expenditures for adult criminal legal aid

Table 17 provides a breakdown of criminal legal aid cases that were approved for full legal representation, and incurred expenditures in 2019-20, in addition to cases that were ongoing from previous years and incurred expenditures in 2019-20. These are broken down by general offence categories, as well as the proportion of in-year expenditures dedicated to each offence category. Note that the offence categories do not refer to specific offences under the *Criminal Code*. Rather, they represent groupings of similar offence types.

The category “other offences” made up the highest proportion of both case volume and in-year expenditures, at 24% of cases, and 24% of in-year expenditures in 2019-20. Among more specific offence categories, theft, break and enter, possession of stolen property (19% of case volume and 14% of in-year expenditures) and assault (18% of case volume and 14% of in-year expenditures) were the most frequent types of legal aid cases.

There were a few categories of offences that made up a very small proportion of case volumes, but a comparatively higher proportion of in-year expenditures. These included homicide, which accounted for 0.7% of cases, but 11% of in-year expenditures; sexual assault, which made up 3% of case volume and 7% of expenditures; and robbery, which made up 3% of the case volume, but 5% of expenditures (Table 17).

Table 17 - Criminal legal aid cases¹ by type of offence² and in-year expenditures, adults, Canada, 2019-20		
List of Offences and Appeals	Total cases Number (%)	Total in-year expenditures (fees and disbursements) Dollars (%)
Homicide	1,783 (.7)	33,828,773 (11)
Sexual Assault	7,974 (3)	20,608,176 (7)
Robbery	7,143 (3)	16,762,742 (5)
Kidnapping	1,356 (.5)	3,283,094 (1)
Arson	558 (.2)	811,433 (.3)
Narcotics	22,036 (9)	31,044,716 (10)
Theft, Break and Enter, Possession of Stolen Property	48,057 (19)	43,543,799 (14)
Impaired Driving	6,521 (3)	6,124,882 (2)
Other Driving Offences	2,871 (1)	3,052,832 (1)
Assault	46,452 (18)	44,917,106 (14)
Breach of Probation	29,404 (12)	14,476,791 (5)
Administration of Justice	13,080 (5)	16,893,902 (5)
Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	1,700 (.7)	292,767 (.1)
Proceedings under the <i>Extradition Act</i>	14 (0)	66,523 (0)
Other Offences ³	61,375 (24)	74,945,915 (23)
Subtotal – Offences	250,324 (99)	310,653,451 (99)
Appeals:		
a. Crown	1,224 (.5)	527,508 (.2)
b. Eligible Person Requested	365 (.1)	2,089,904 (.7)
c. Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	100 (0)	0 (0)
d. Proceedings under the <i>Extradition Act</i>	3 (0)	1,425 (0)
Subtotal – Appeals	1,692 (.7)	2,618,837 (.8)
Total – Criminal Legal Aid	252,016 (100)	313,272,288 (100)

1. Includes cases approved in 2019-20, as well as cases carried over from previous years that were completed or ongoing in 2019-20, but incurred expenditures to the legal aid plan in 2019-20.

2. The list of offences for which criminal legal aid was provided is similar to the one contained in the Canadian Centre for Justice and Community Safety Statistics classification system for reporting offences. The offences are those that generally carry a risk of incarceration upon conviction. The categories do not refer to specific offences under the *Criminal Code*. Rather they represent groupings of similar offence types.

3. Other offences includes all other data not captured in the broad offence categories.

Notes

- Yuk. and N.W.T. not included due to incomplete data
- Sask. expenditures includes \$651,696 related to agent fees and administrative costs related to private bar.
- For Ont., the total volume of approved formal applications includes 2,263 for legal clinics and the total in-year expenditures includes \$1,072,723 for legal clinics. Also, the total number of adult cases is 57,779. Mental health and appeal matters are counted under offence type and under the mental health and appeal section.
- B.C. YCJA Ministry costs are excluded.
- For P.E.I., expenditures by *Criminal Code* provision or offence categories are not available for staff lawyers' caseloads. Only aggregate totals are available. An adjustment of \$627,758 is included in total expenditures to record this aggregated cost.
- Nvt. includes an adjustment of \$2,345,996 for staff lawyer payroll and benefits. Nvt. data is draft and is not audited.

Given the legal complexities of each case, not all costs are included in the "Total in-year expenditures" column; therefore, the above data should not be used to calculate cost per case.

Assault was the most frequent offence category, with the highest proportion of in-year expenditures for youth criminal legal aid

Table 18 provides a breakdown of current youth legal aid cases and incurred expenditures in 2019-20, in addition to cases that were ongoing and incurring expenditures but might have been approved the previous fiscal year or earlier. These are broken down by general offence categories, as well as the proportion of in-year expenditures dedicated to each offence category. Note that the offence categories do not refer to specific offences under the *Criminal Code*. Rather, they represent groupings of similar offence types.

“Other offences” made up the highest proportion of case volume (32%) and the highest proportion of in-year expenditures (27%), while assault made up 22% of cases, and 18% of in-year expenditures in 2019-20. “Theft, break and enter, possession of stolen property” was the next most common offence category with 15% of case volume and 13% of in-year expenditures.

There were a few categories of offences that made up a very small proportion of case volume, but a comparatively higher proportion of in-year expenditures. These included homicide, which accounted for 0.4% of cases but 7% of in-year expenditures, and sexual assault, which accounted for 6% of cases but 10% of in-year expenditures. (Table 18).

Table 18 - Criminal legal aid cases¹ by type of offence² and in year expenditures, youth³, Canada, 2019-20		
List of Offences and Appeals	Total volume of cases Number (%)	Total in-year expenditures (fees and disbursements) Dollars (%)
Homicide	99 (.4)	1,728,038 (7)
Sexual Assault	1,439 (6)	2,380,075 (10)
Assault	5,014 (22)	4,264,350 (18)
Robbery	1,820 (8)	2,147,987 (9)
Kidnapping	63 (.3)	90,038 (.4)
Arson	147 (.7)	181,730 (.8)
Narcotics	811 (4)	1,373,435 (6)
Theft, Break and Enter, Possession of Stolen Property	3,371 (15)	3,110,463 (13)
Impaired Driving	115 (.5)	169,739 (.7)
Other Driving Offences	87 (.4)	153,146 (.6)
Breach of Probation	1,265 (6)	572,730 (2)
Administration of Justice	1,072 (5)	1,472,148 (6)
Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	2 (0)	2,485 (0)
Proceedings under the <i>Extradition Act</i>	0 (0)	0 (0)
Other Offences ⁴	7,195 (32)	6,382,716 (27)
Subtotal – Offences	22,500 (99)	24,029,080 (100)
Appeals:		
a. Crown	37 (.2)	911 (0)
b. Eligible Person Requested	10 (0)	13,198 (.1)
c. Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	0 (0)	0 (0)
d. Proceedings under the <i>Extradition Act</i>	0 (0)	0 (0)
Subtotal – Appeals	47 (.2)	14,109 (.1)
Total – Criminal Legal Aid – YOUTH	22,547 (100)	24,043,189 (100)

1. Includes cases approved in 2019-20, as well as cases carried over from previous years that were completed or ongoing in 2019-20 but incurred expenditures to the legal aid plan in 2019-20.
2. The list of offences for which criminal legal aid was provided for are similar to those contained in the Canadian Centre for Justice Statistics classification system for reporting offences. The offences are those that generally carry a risk of incarceration upon conviction. The categories do not refer to specific offences under the *Criminal Code*. Rather, they represent groupings of similar offence types.
3. Youth refers to persons who are at least 12 years of age, but under 18 years of age.
4. Other offences includes all other data not captured in the broad offence categories.

Notes

- Yukon, Northwest Territories and Nunavut not included due to incomplete data.
- Saskatchewan expenditures include \$21,236 for agent fees and administrative costs related to private bar.
- Prince-Edward-Island expenditures include \$15,685 adjustment for staff lawyers.

Given the legal complexities of each case, not all costs are included in the ‘Total in-year expenditures’ column; therefore, the above data should not be used to calculate cost per case.

Close to 39,000 I&R legal aid certificates were issued in 2019-20

Refugee claimants have the right, under the *Immigration and Refugee Protection Act* (IRPA), to be represented at I&R proceedings. Through the Legal Aid Program, the federal government contributes annual funding to the six provinces that provide I&R legal aid services (Alberta, British Columbia, Manitoba, Newfoundland and Labrador, Ontario, and Quebec). I&R matters are proceedings of persons (individuals, or principal applicants and family) involved in the immigration and refugee determination system under the provisions of IRPA. I&R legal aid covers the provision of legal advice, assistance and representation for immigration or refugee proceedings before the Immigration and Refugee Board of Canada, the Federal Court, or Immigration, Refugees and Citizenship Canada officials on post-determination actions.

Table 19 shows the volume of I&R legal aid certificates as well as expenditures for I&R legal aid for 2019-20, including certificates carried over from previous fiscal years for cases that are ongoing. In 2019-20, there were 38,893 legal aid certificates issued, with 5,223⁸ certificates carried over from previous fiscal years in the provinces that reported this data, for a total of 44,116 certificates. The large majority of (current and previous fiscal years) certificates were handled by private bar lawyers (70%), while 26% were handled in specialized clinics, and 3% were handled by staff lawyers. The majority of expenditures from the current and previous fiscal years related to I&R legal aid were associated with private bar certificates (83%).

Newfoundland and Labrador and Alberta had the highest proportion of staff lawyers working on I&R matters (100% and 52%), while British Columbia has a model with 100% private bar lawyers handling I&R legal aid. Ontario had the highest proportion of cases handled through specialized clinics (35%) (Table 19).

⁸ Ontario did not report on certificates carried over from previous fiscal years, so the number of these applications does not reflect the true count.

Table 19 - Immigration and refugee legal aid certificates¹ and expenditures, by province/territory and type of lawyer, 2019-20

	Certificates issued in the fiscal year Number (%)	Expenditures for certificates issued in the fiscal year Dollars	Certificates carried over from previous fiscal year Number (%)	Expenditures for certificates issued in a previous fiscal year Dollars	Total number of certificates (previous and current fiscal year) Number (%)	Total expenditures Dollars (%)
Alberta						
Private Bar	298 (46)	351,471	160 (53)	309,628	458 (48)	661,099 (51)
Staff Lawyer	343 (54)	157,423	144 (47)	473,669	487 (52)	631,092 (49)
Specialized Clinics	–	–	–	–	–	–
Totals	641 (100)	508,894	304 (100)	783,297	945 (100)	1,292,191 (100)
British Columbia						
Private Bar	1,591 (100)	2,167,929	1,033 (100)	1,905,758	2,624 (100)	4,073,687 (100)
Staff Lawyer	–	–	–	–	–	–
Specialized Clinics	–	–	–	–	–	–
Totals	1,591 (100)	2,167,929	1,033 (100)	1,905,758	2,624 (100)	4,073,687 (100)
Manitoba						
Private Bar	361 (86)	103,129	190 (87)	227,102	551 (86)	330,232 (88)
Staff Lawyer	60 (14)	15,217	29 (13)	28,215	89 (14)	43,433 (12)
Specialized Clinics	–	–	–	–	–	–
Totals	421 (100)	118,346	219 (100)	255,318	640 (100)	373,664 (100)
Newfoundland and Labrador						
Private Bar	–	–	–	–	–	–
Staff Lawyer	10 (100)	26,654	5 (100)	19,302	15 (100)	45,956 (100)
Specialized Clinics	–	–	–	–	–	–
Totals	10 (100)	26,654	5 (100)	19,302	15 (100)	45,956 (100)
Ontario						
Private Bar	15,481 (60)	7,388,951	0	19,042,814	15,481 (60)	26,431,765 (87)
Staff Lawyer	1,306 (5)	4,121,737	0	0	1,306 (5)	4,121,737 (13)
Specialized Clinics	9,052 (35)	–	–	–	9,052 (35)	4,290,889 (14)
Totals	25,839 (100)	11,510,688	0 (0)	19,042,814	25,839 (100)	30,553,502 (100)
Quebec²						
Private Bar	7,943 (76)	1,523,957	3,662 (100)	3,365,167	11,605 (83)	4,889,124 (65)
Staff Lawyer	19 (0)	12,680	–	–	19 (0)	12,680 (0)
Specialized Clinics	2,429 (23)	2,601,635	0 (0)	0	2,429 (17)	2,601,635 (35)
Totals	10,391 (100)	4,138,272	3,662 (100)	3,365,167	14,053 (100)	7,503,439 (100)
Canada						
Private Bar	25,674 (66)	11,535,437	5,045 (97)	24,850,469	30,719 (70)	36,385,907 (83)
Staff Lawyer	1,738 (4)	4,333,711	178 (3)	521,186	1,916 (4)	4,854,898 (11)
Specialized Clinics	11,481 (30)	2,601,635	0 (0)	0	11,481 (26)	2,601,635 (6)
Totals	38,893 (100)	18,470,783	5,223 (100)	25,371,656	44,116 (100)	43,842,439 (100)

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

1. Certificate refers to the number of principal claimants receiving legal aid services for each stage of the process.
2. Quebec did not provide a breakdown of volumes and expenditures by certificate and by private bar or staff lawyer. Total volumes and total expenditures were included in the Quebec totals.

Specialized Courts

Specialized or problem-solving courts focus on a particular type of offence or offender. They typically involve an interdisciplinary team that is focused on addressing the underlying causes of offending.⁹ The following section provides information on the specialized courts operating in Canada. Table 20 provides an overview of the service delivery models available at specialized courts across Canada.

⁹ Problem-solving in Canada's Courtrooms: A Guide to Therapeutic Justice. <https://www.nji-inm.ca/index.cfm/publications/?langSwitch=en>

Mental Health/Wellness/Community Courts

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

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

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

Drug Treatment Courts

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

First Nations/Gladue Courts

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

Youth Courts

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

Family/Domestic Violence Courts

Family/domestic violence courts are designed to handle cases of domestic/family violence by offering an integrated, collaborative approach focusing on supporting victims, increasing offender responsibility, and providing early intervention. These courts currently operate in Newfoundland and Labrador, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon, and Northwest Territories.

Table 20 - Specialized courts by province/territory and type of legal aid service delivery, 2019-20														
	N.L.	P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.	Yuk.	N.W.T.	Nvt.	
<i>Mental Health/Wellness/Community Court</i>														
Full Legal Representation	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	–
Duty Counsel Services	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	N	–	
Expanded Duty Counsel	N	N	–	Y	N	Y	Y	N	N	Y	N	N	–	
<i>Drug Treatment Court</i>														
Full Legal Representation	Y	N	Y	N	Y	Y	Y	Y	Y	Y	N	N	–	
Duty Counsel Services	Y	N	Y	N	N	Y	Y	N	Y	Y	N	N	–	
Expanded Duty Counsel	N	N	–	N	N	Y	Y	N	N	N	N	N	–	
<i>First Nations/Gladue Court</i>														
Full Legal Representation	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	–	
Duty Counsel Services	N	N	Y	Y	N	Y	Y	N	Y	Y	N	N	–	
Expanded Duty Counsel	N	N	–	Y	N	Y	Y	N	N	N	N	N	–	
<i>Youth Court</i>														
Full Legal Representation	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	–	
Duty Counsel Services	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	–	
Expanded Duty Counsel	N	N	–	Y	N	Y	Y	N	N	N	Y	N	–	
<i>Domestic Violence Court</i>														
Full Legal Representation	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	–	
Duty Counsel Services	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	N	–	
Expanded Duty Counsel	N	N	–	Y	N	Y	Y	N	N	N	N	N	–	
<i>Unified Family Court</i>														
Full Legal Representation	Y	N	Y	N	Y	Y	Y	Y	Y	N	N	N	–	
Duty Counsel Services	Y	N	Y	N	N	Y	Y	N	Y	N	N	N	–	
Expanded Duty Counsel	N	N	–	N	N	Y	Y	N	N	N	N	N	–	

– Refers to data that were not available, collected, or provided by the jurisdiction as reported in the Statement of Final Claim.

Notes

- Expanded duty counsel refers to duty counsel services that attempt to move matters quickly at the early stages of the court system, often achieving early resolutions prior to written applications for full legal aid representation.
- There are no specialized courts operating in Nvt.
- For Man. – duty counsel and expanded duty counsel is only offered for child protection matters in unified family court. Gladue is always a factor due to the large number of Indigenous people involved with the justice system.
- In British Columbia there are no Unified Family Courts.
- In Yukon, there are no Unified Family Courts. Services such as full legal representation, duty counsel and expanded duty counsel are offered for all family related matters (with the exception of divorce and property) in Supreme Court Family Chambers.

Criminal legal aid program innovations

Legal aid plans provided information on innovative practices or programs that were implemented for criminal legal aid in 2019-20. An “innovation” refers to a new or improved way of delivering criminal legal aid that targets vulnerable populations, modernizes processes using technology, enhances business practices, and/or supports improved data collection and performance measurement.

Table 21 - Criminal legal aid program innovations					
Name of Innovation/ Program	Objective(s)	Timeline	Expected/ Actual Outcome(s)	Performance Measure(s)	Beneficiaries
Newfoundland and Labrador					
1. Performance Development System	Launched new performance evaluation model developed in consultation with an external expert and through extensive engagement and input from staff.	Implemented April 2019	Model developed and performance evaluations for Legal Aid NL’s workforce across all 18 offices completed.	Legal Aid staff shared their experience with the new system and identify areas of improvement. Employee feedback with respect to the new system was extremely positive.	Legal Aid NL employees and clients through ensuring the highest standards of service.
2. Public Awareness Initiatives	To promote the positive perception of Legal Aid NL in the community and furthering public confidence in the quality of its services.	Implemented in first quarter of 2019-20.	Creation of new logo and tagline "Real Lawyers for Real People". Development and circulation of written and audiovisual promotional materials including videos and brochures outlining key features of programs and services offered province-wide.	Increased engagement with stakeholders, national and local media outlets, clients and the general public through more active participation on social media platforms such as Twitter.	Legal Aid NL clients, stakeholders and general public.
3. Telephone Applications	To ensure the continuation of Legal Aid assistance during COVID-19, minimizing in-person meetings.	Implemented in March 2020.	Ensured safety of staff and clients through social distancing; minimized unnecessary travel and wait times for clients; enhanced service coverage across area offices in the province.	N/A	Legal Aid NL clients and employees
Nova Scotia					
1. Office 365 Migration	Migrate from on premises Exchange 2010 server to Microsoft 365 environment.	2 Months	Successfully migrated to Office 365 environment	Onsite Exchange 2010 server decommissioned.	Nova Scotia Legal Aid Staff
2. Migrate off Windows Server 2008R2	Windows Server 2008R2 is end of life support with Microsoft. All servers still on Server 2008R2 must be upgraded.	8 Months	All servers were upgraded to Server 2012 or higher	Servers in IT environment are running MS Server 2008R2	N/A
3. Court Support Worker for mental health	To provide responsive and appropriate service to clients. Improve justice system.	February and March 2020	Clients have better outcomes in wellness and mental health courts.	Number of clients assisted in wellness and mental health courts.	Mental Health lawyers, clients and other justice partners; the criminal justice system.
4. Cultural competency training	To improve cultural competency of staff.	Throughout 2018-19	Improved culturally competent services.	N/A	Clients from marginalized communities.

New Brunswick					
1. Publish taxation guidelines for private bar lawyers	Clarify billing requirements, rates for various disbursements, supporting documentation required, etc.	To be implemented in 2020-21.	Reduce private bar invoices submitted with errors.	N/A	Private bar
2. Electronic Funds Transfer - Direct Deposit	Direct deposit payment processing for staff, private bar and recurring supplier invoices.	Phased implementation on May-June 2019.	More efficient payment of expenses, eliminate the costly production and mailing of cheques, and reduce the time between submission of invoices and payment.	N/A	Staff, private bar, recurring suppliers (i.e., office supplies, rent).
3. Criminal Duty Counsel Statistics project	Improve availability of criminal duty counsel service statistics provided by staff lawyers to management for strategic and budgetary decisions.	Implemented in 2019-20.	Average cycle time from date service provided to data entry in CMS reduced from 65 days to 16 days.	Cycle time.	Staff lawyers, management
			Average data entry time per appearance reduced from 3.1 minutes to 42 seconds.	Data entry time.	Administrative staff
4. Review/update website content and organization of information	Reconfigure website on a newer platform with more functionality to meet bilingual requirements and update content.	New website launched January 2020; further content updates to be implemented in 2020-21.	Newer platform will have more functionality to make content updates easier.	N/A	Staff responsible for updates
			Updated content and organization of information.	N/A	All visitors to website
5. Sharing of research and documents	Update and maintain existing folders on the shared drive.	Implemented in 2020-21.	Central location for research and precedents.	N/A	Staff lawyers
6. Major Case policy	Facilitate monitoring of high cost cases.	To be implemented in 2020-21.	Improved private bar expenditure projections.	N/A	New Brunswick Legal Aid Services Commission management
7. Criminal Duty Counsel Manual	Assist with training requirements and consistency in service provided.	To be implemented in 2020-21.	Consistency in services provided.	N/A	Staff and private bar lawyers
8. Telephone Applications	Facilitate social distancing as a result of COVID-19.	Implemented in March 2020.	Social distancing; eliminate travel for clients; enhanced service coverage from other regional offices; and faster service (wait time for in-person appointments eliminated).	N/A	Staff and clients
Quebec					
1. Simplification of the decision review process regarding the refusal of eligibility in cases where the applicant refused or failed to provide the relevant documentation (decision made by one member of the review panel rather than by a group of three members)	Reduce decision timeframes; more efficient review process; allow people who have been rejected for legal aid to get a reviewed decision of their application more quickly.		Expedite the processing of applications for review when the reason for refusal of legal aid is related to the lack of documentary evidence of a person's financial situation.	Timeframe for processing applications for review following a refusal of legal aid related to a lack of documentation (incomplete file).	Clients who did not provide the information required to determine their eligibility; incarcerated, in-custody or hospitalized clients.
2. Innovative criminal programs - 2019-20	Encourage greater access to legal aid for more recipients,		More people have access to legal aid, benefitting from these diversion programs.		Voluntary and adult clients who committed a criminal offence

	including as part of diversion, in particular those dealing with drug or alcohol addiction or mental health issues and as part of restorative justice.				covered under the innovative program.
3. General Alternative Measures Program (GAMP) at the Court of Quebec: deployed in all of Quebec's judicial districts					
4. Programme d'accompagnement Justice - Santé mentale (PAJ-SM): 22 programs are currently in place (Ongoing)	Avoid the incarceration of people with mental health problems and encourage coaching and follow-up in the community. Provide ongoing follow-up for people with the intention of reducing the risk of recidivism. Improve legal processing at the City of Montreal's municipal court for this type of offender. Enable a more equal and consistent processing of court files. Reduce the time spent in detention for forensic evidence and preventive detention purposes.	Launched in 2008.	Break the revolving door cycle: mental illness, offence, imprisonment, health care, release. Ensure public protection with adapted case management for people with mental illness for the purpose of helping them control their illness. Ensure efficient and rapid responses to the treatment needs of people with mental illness.		Accused persons with mental health issues; for summary conviction offences or, in exceptional cases, indictable offences.
5. Programme de traitement de la toxicomanie de la Cour du Québec (PTTCQ): deployed in the Montreal judicial district since December 2012 + Fall 2019: a one-year pilot project was deployed in the northern village of Puvirnituk (Inuit). (Ongoing)			Work is under way to deploy a PTTCQ in the Mingan judicial district for the Innu and Naskapi.		Accused persons with mental health issues; for summary conviction offences or, in exceptional cases, indictable offences.
6. Additional compensation for lawyers in private practice for services provided as part of the innovative programs	Increase participation among lawyers in private practice in diversion files.	Came into force in December 2020.	Increase participation among lawyers in private practice in diversion files.	Frequency of legal aid files for clients who are	Clients; lawyers in private practice; justice system.

	Encourage eligible persons to participate in these programs.			participating in the various programs.	
7. Expansion of consultation services	Rapid inclusion of the advisory services given as part of a person's participation in the non-judicial processing of some criminal offences committed by adults.	Legislative amendments adopted and came into force in June 2020.	Increase participation by lawyers in private practice in diversion files. Encourage clients' participation in this process.	Number of files.	Clients.
8. COVID measures: Simplification of the eligibility application for legal aid; applications done over the telephone rather than in person; signing of the application may be delayed	Facilitate the processing of applications for legal aid during the pandemic; adhering to the health measures in place.	Implemented in March 2020.	Maintaining service.	Number of applications for legal aid.	Clients.
9. Adjustment of the criteria for financial eligibility	Exclude a portion of child support from the calculation for financial eligibility for parents.	Regulations entered into effect on October 1, 2019.	Increase in the number of people eligible for legal aid.		Citizens.
10. COVID exceptional measure - Payment of the fees for lawyers in private practice during the mandate	Allow for interim billing for lawyers in private practice.	Implementation in March 2020.	Allow lawyers to collect revenue despite the slowdown of the judicial system.	Number of interim invoices submitted.	Lawyers in private practice.
11. Increase of the eligibility thresholds for legal aid consistent with the minimum wage in effect		Measure in place since 2016; Increase of the eligibility criteria on May 31, 2019	Increase in the number of people eligible for legal aid.	Number of additional people eligible for legal aid.	Citizens.
12. Implementation of video court appearances between the court houses and detention facilities	Make inmate appearances easier; reduce travel.	Implemented during 2019-2020.	Reduction of the timeframes related to travel; reduction of travel costs.		Court; lawyers; clients; police and public safety services.
13. Implementation of virtual hearings	Continue with the steps of a file, including preparation.	In place since March 26, 2020.	Reduce effects related to the closure of court houses and maintain services during the pandemic; reduce travel.		Court; lawyers; clients; police and public safety services.
14. Publication of a guide for lawyers who provide legal aid services	This guide introduces the legal aid plan, services covered and financial eligibility criteria. It also includes a section on applying rates and an invoicing procedure for lawyers in private practice. The guide will help	May 2019 - Document prepared by the Young Bar of Montréal (YBM), in collaboration with the Legal Services Board (LSB) and the Centre communautaire	Available on the Young Bar of Montréal website.		Lawyers in private practice; clients.

	lawyers throughout the life of a legal aid file, from registration as lawyers accepting legal aid mandates, verification of a client's eligibility up to the invoicing process.	juridique de Montréal (CCJM).			
15. Providing lawyers with a list of experts who can testify in court and who accept legal aid mandates	Facilitate the search for experts for lawyers in private practice.	May 2019 - Document drafted by the Young Bar of Montréal (YBM), in collaboration with the Legal Services Board (LSB).			Lawyers in private practice; clients; experts.
16. Advances in information technology (ongoing)	Digital transformation of the processes and methods at the Legal Services Board (Modernization of the legal aid network).	Ongoing.	Simplification of all legal aid processes (eligibility, file follow-up, etc.).		Staff and private practice; lawyers; clients.
Ontario					
1. Standardized risk to liberty (legal eligibility) test for certificate eligibility determination	Create the foundation for an online client portal/ application process by simplifying and standardizing the legal eligibility test for applicants who want a certificate	The clarified risk to liberty test went live March 2020 internally, and is expected to be the cornerstone of the new online client portal - expected early 2021	COVID enhancements eliminated risk to liberty assessments starting in March for in-custody clients, reducing our ability to monitor impacts. This enhancement will cease shortly (by December 2020) which will permit us to monitor impacts more definitively.	Faster application process; easier for clients and third parties to apply the test informally and formally; improved stakeholder feedback due to increased transparency; better, more consistent client service across the province	Clients, including vulnerable mental health clients and Indigenous and racialized clients who are over-represented in corrections including in the remand population. Courts and institutions, through reductions in delay and adjournments, and reduced pressure on Legal Aid Ontario staff to always be the ones to determine risk to liberty
Manitoba					
1. Weekend Bail Project - Expanded to Thompson	In conjunction with Manitoba Justice, this project seeks to reduce and avoid unnecessary delay of matters appearing on bail docket. The new process should be more efficient	Deployed Winter 2020	Results demonstrate that a large volume of matters are now assisted by weekend duty counsel—reducing delay and resulting in lower volumes of bails in Winnipeg during the week.	Reduction of time to release/time to disposition.	Clients, courts, correctional centres, Legal Aid Manitoba and private bar

	than the old process.				
2. Client satisfaction surveys	Gather feedback from applicants on the application process and from clients on experience with counsel	Applicant survey deployed January 2020; client survey designed in March 2020, deployed April 2020	Survey responses may identify areas of improvement in Legal Aid Manitoba processes	Four to five percent response rate	Clients, Legal Aid Manitoba, stakeholders
3. Enhanced data collection within Indigenous applicants/client	First Nations and Métis stakeholders advised LAM that it was not appropriate to group individuals identifying as Aboriginal or Métis under one umbrella.	Application design and development: Spring, 2020; Deployment: Summer, 2020	An ability to focus programming where it is most needed	More applicants will self-identify now that they can see themselves represented in the intake process.	Clients, LAM, Stakeholders
4. Enhanced data collection for applicants requiring accessible resources	Identify when applicants/clients may need some kind of accommodation in order to access LAM's services	Deployed Winter 2020	Clients' interactions with LAM and private bar are easier; counsel is aware of client's needs prepared ahead of their visit.	Clients express greater satisfaction in their interactions with LAM and private bar.	Clients, counsel
5. Create a work from home option for 95% of staff	Ability to rapidly deploy work from home options to address COVID and future pandemic or other needs for isolation	March 2020	Ninety-five percent of all staff can perform their job from home or other remote location.	Staff are fully engaged from a remote location, clients receive service, courts are not delayed as a result of limitations placed on LAM staff	Clients, staff, justice stakeholders
6. Evening and Overnight Bail Project - Winnipeg	In response to the COVID pandemic, LAM and other stakeholders implemented a plan to quickly process accused with a view to limiting the number of individuals detained in remand or police facilities.	Deployed April/May 2020	Results demonstrate that these services are reducing the number of detained individuals who would otherwise have to be housed overnight or for multiple days before having a bail hearing.	Reduction of time to release/ time to disposition.	Clients, courts, police, correctional centres, Legal Aid Manitoba and private bar
Saskatchewan					
1. Enhancements to Legal Aid Information Network (LAIN) database (LAIN 2.1)	To improve the LAIN database to allow a one stop access for calendar, outlook, intranet, time tracking and text messaging	To be completed before March 31, 2021	This project is intended to move the organization from processes that are either paper or hybrid paper/electronic to more electronic-based processes	Success will be measured in terms of the successful introduction of the interface to staff and usage of the various features.	Applicants and staff; clients/applicants will benefit with better access with staff through text messaging
2. Conducting written annual performance evaluations of staff lawyers	To provide feedback on quality and timeliness of legal	To begin sometime during the 2019-20 fiscal	A program fostering best practices and efficiency in the performance of staff lawyers.	Conduct reviews of staff lawyers against identified practice standards.	Applicants and staff by promoting a supportive culture

	aid services of staff lawyers.	period and continuing in 2020-21			of professional engagement
3. Expansion of Sunday remand work and weekday Rapid Remand Resolution to other urban centres	Reduce the amount of time spent on remand.	The program began in prior fiscal periods and is being evaluated. It is hoped to expand the program to other urban centres in 2020-21.	Reduction in remand.	Number of remand days.	Clients
4. Strategic Planning	The 2019-20 fiscal period is the last year of the 2017-2020 Strategic Plan. The work during the year focused on completing the projects outline in the Strategic Plan and address the recommendations from the Saskatchewan Provincial Auditor	Continuous	See annual report found on public facing website http://legalaid.sk.ca/communityresources/documents/AnnualReport20192020FINALforweb.pdf		All stakeholders
Alberta					
1. Choice of counsel	Allow clients the choice of counsel to represent them	Ongoing	Shorten appointing times	Appointing time	Clients and roster
2. Simplified financial assessment	Improved processing times	Ongoing	Quicker processing to determine eligibility	Appointing time	Clients
3. Service assessment team	Team lawyers determining appropriate level of coverage for client needs	Ongoing	Ensuring appropriate coverage for clients	Average cost per certificate	Clients
British Columbia					
1. COVID-19: Pre-Trial Conference – changes to tariff	Assist courts to reschedule trial matters following COVID-19 adjournments and restrictions	May 2020 and continuing	Earlier resolution of criminal matters and orderly trial scheduling	This is a court initiative. Legal Aid British Columbia will monitor volumes, costs and case outcomes	Clients: earlier and more certain resolution. Courts: case management of backlogs
2. COVID-19: Revised in custody duty counsel	Support remote and video bail	March 2020 and continuing	Enable bail hearings without personal appearances	This is a court initiative. Legal Aid British Columbia will monitor volumes, costs and whether clients are being served effectively	Clients: released earlier and closer to home Courts: reduced in person appearances. Corrections: fewer transports
3. COVID-19: Revised out of custody duty counsel	Connect clients to counsel as early as possible in the remand process	June 2020 and continuing	Reduce appearances by self-represented accused and assist with appropriate case resolution	Re-opening of courts and remand process function well Reduction in personal remand appearances	Courts: management of remand backlog
4. Criminal Early Resolution Contracts (CERC)	Provide representation to more clients to assist them to	May 2019 and continuing	Higher resolution rate for clients who would not otherwise be represented on legal aid	Evaluation underway - metrics include case volumes and case outcomes	Clients: better advice and representation

	resolve cases before matters are set for trial				for qualifying clients. Courts: reduction in the number of unnecessary trial scheduled
Yukon					
1. New Database "customized" CRM platform plus migration of 10 years of existing data	Hired agency to build customized system to replace 25+ year old system that does not meet reporting needs. The new system will improve efficiency and increase capacity to meet reporting requirements and to produce an annual report	Phase 1 of the project started March 2020	Updated CRM database/statistical tracking system that can meet operational and reporting needs.	Confident submission of the final claim and annual report, statistics and key performance indicators able to be set for management use in areas such as human resources, and increased efficiency in areas such as caseload management, faster application process, etc.	Yukon Legal Services Society and staff, Yukon Territory Government, federal government, clients who will receive expedited services through upgraded system and improved processes.
2. Website	Update the 10+ year old website and rebrand the Yukon Legal Services Society with a logo, stationary and business cards. All clinic offices standardized.	Lack of capacity and resources make completion difficult.	Make it more user friendly and include more useful information for viewers.	Will track visitors to the site and length of time they were on it	Clients, general public, territorial and federal governments, researchers, students, job seekers, etc.