



# Legal Aid in Canada, 2016-17

Research and Statistics Division

and

Legal Aid Directorate

Department of Justice Canada

2018



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## Legal Aid in Canada, 2016-17

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 (JUS) Legal Aid Program provides funding to the provinces through contribution agreements for criminal legal aid, and to the territories, through consolidated access to justice services agreements. The Department of Finance Canada's Canada Social Transfer (CST) is a block transfer payment provided to each province and territory for provincial health care, post-secondary education, social assistance and social services. Civil legal aid is an eligible expenditure under the CST.

Each province and territory is responsible for the delivery of criminal and civil legal aid services based on their own policies and procedures.

The Legal Aid Program also contributes annual funding to six provinces (Alberta, British Columbia, Manitoba, Newfoundland and Labrador, Ontario, and Quebec) for immigration and refugee (I&R) legal aid. I&R legal aid covers the provision of legal advice, assistance and representation for immigration and refugee matters.

Legal aid plans in Canada reported receiving total funding of more than \$846 million in 2016-17. Government sources contributed the vast majority of this amount—96% 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 both criminal and civil legal aid. In 2016-17, provincial and territorial governments reported contributing more than \$670 million to legal aid plans across Canada, which amounts to 79% of total legal aid revenues.

In 2016-17, JUS, through its Legal Aid Program contributed more than \$138 million to the provinces and territories for the delivery of criminal legal aid, civil legal aid, and I&R legal aid (where applicable). This amounts to 16% of total legal aid revenues (Table 1).

Ontario and Quebec are the largest legal aid plans, comprising 54% and 22% of all legal aid plan revenues respectively, or 15% for the two plans combined (Table 1).

The Legal Aid Survey was a Canadian Centre for Justice Statistics (CCJS)/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, the Department of Justice Canada (JUS) began data collection and reporting in-house. This is the first legal aid annual report since the cancellation of the Legal Aid Survey. Data for 2015-16 is not available due to the change in approach to data collection and reporting.

**Table 1 – Total legal aid plan revenues<sup>1</sup>, by type of revenue, annual, 2016-17**

	Type of revenue						
	Total legal aid plan revenues Dollars (%)	Federal contributions from 2016-2017 agreements <sup>2</sup>		P/T contributions to legal aid plans <sup>4</sup> Dollars (%)	Client contributions and cost recoveries to legal aid plans <sup>5</sup> Dollars (%)	Contributions of the legal profession to legal aid plans <sup>6</sup> Dollars (%)	Other legal aid plan revenues <sup>7</sup> Dollars (%)
		Criminal (+civil in Territories) Dollars (%)	I&R <sup>3</sup> Dollars (%)				
NL	19,634,402 (100)	2,204,110 (11)	3,128 (0)	17,033,298 (87)	234,601 (1)	137,086 (1)	22,179 (.1)
PEI	2,162,063 (100)	479,986 (22)		1,682,077 (78)	-	-	-
NS	25,376,874 (100)	3,902,800 (15)		21,336,064 (84)	44,149 (.2)	-	93,861 (.4)
NB	9,228,458 (100)	2,646,405 (29)		5,870,403 (64)	49,549 (.5)	175,000 (2)	487,101 (5)
QC	182,770,135 (100)	25,247,399 (14)	2,434,452 (1)	148,533,249 (81)	-	-	6,555,035 (4)
ON	455,998,470 (100)	46,731,181 (10)	13,950,164 (3)	346,727,409 (76)	12,097,733 (3)	-	36,528,087 (8)
MB	36,933,164 (100)	5,114,929 (14)	152,659 (.4)	28,543,689 (77)	1,803,425 (5)	1,273,629 (3)	44,833 (.1)
SK	25,110,620 (100)	4,534,257 (18)		20,386,743 (81)	14,601 (0.1)	0	175,019 (.7)
AB	-	11,242,339 (-)	780,142 (.8)	-	-	-	-
BC	81,989,096 (100)	14,779,346 (18)	1,429,455 (2)	76,943,685 (94)	-	3,994,802 (5)	1,050,609 (1)
YK	2,263,706 (100)	959,944 (42)		1,303,762 (58)	-	-	-
NT	4,795,431 (100)	1,893,133 (39)		2,902,298 (61)	1,056 (0)	-	-
NU	-	-		-	-	-	-
<b>Canada</b>	<b>846,262,419 (100)</b>	<b>119,735,829 (14)</b>	<b>18,750,000 (2)</b>	<b>671,262,677 (79)</b>	<b>14,245,114 (2)</b>	<b>5,580,517 (.7)</b>	<b>44,956,724 (5)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Revenues refer to 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 refer to 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 refer to 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 of Canada (FCC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in 6 provinces: NL, QC, ON, MB, AB, and BC.
4. Provincial government contributions refer to the provincial and territorial contribution amounts received for legal aid services from the legal aid plan's respective provincial/territorial government. Many legal aid plans are unable to isolate the federal contribution received by the provincial/territorial government from JUS. Therefore, these federal contributions may be included in the total "P/T contributions to legal aid plans" figure.
5. Client contributions refer 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 refers to all monies received from the law profession (e.g., provincial/territorial law foundation funding, levies) other than trust account interest.
7. Other revenues refer to revenues that have not already been accounted for in the above categories. The other category may include interest from lawyers' trust accounts, revenues from investments, research sales, general interest earnings and any other revenue.

### A majority of jurisdictions spend more on criminal matters than civil matters

Table 2 shows 2016-17 legal aid plan expenditures, broken down by type of expenditure. Overall, 50% of legal aid expenditures were related to criminal matters, 45% were related to all other civil matters and 5% were related to I&R matters. Ontario and Quebec had the highest legal aid expenditures in the country, with 53% of all expenditures as a proportion of the national total from Ontario and 18% from Quebec.

Looking at legal aid expenditures by jurisdiction, the jurisdictions with the highest proportion of total legal aid expenditures on criminal matters (of all legal aid expenditures for that jurisdiction) were Saskatchewan (78%), Manitoba and Alberta (77% each). Quebec (42%), Prince Edward Island (43%), and Ontario (43%), had the lowest proportions of expenditures dedicated to criminal matters.

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 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.

	Total legal aid plan expenditures Dollars (%)	Direct legal aid services expenditures <sup>2</sup> (includes administrative and other costs)		
		Criminal matters Dollars (%)	Civil matters	
			I&R <sup>3</sup> Dollars (%)	All other civil Dollars (%)
NL	17,749,770 (100)	11,687,766 (66)	21,634 (.1)	6,040,370 (34)
PEI	2,153,272 (100)	917,548 (43)		1,235,724 (57)
NS	25,591,197 (100)	14,804,113 (58)		10,787,084 (42)
NB	7,303,373 (100)	4,616,625 (63)		2,686,748 (37)
QC	167,526,986 (100)	70,981,081 (42)	3,540,014 (2)	93,005,891 (56)
ON	481,444,778 (100)	204,716,790 (43)	37,524,776 (8)	239,203,212 (50)
MB	31,032,822 (100)	23,926,614 (77)	259,807 (1)	6,846,401 (22)
SK	25,388,785 (100)	19,683,373 (78)		5,705,412 (22)
AB	76,688,662(100)	58,835,792 (77)	780,142 (1)	17,072,728 (22)
BC	70,062,342 100)	44,726,730 (64)	2,527,302 (4)	22,808,310 (33)
YK	1,899,000(100)	1,898,500 (100)		500 (0)
NT	3,489,216 (100)	2,408,442 (69)		1,080,774 (31)
NU	-	-		-
<b>Total</b>	<b>910,330,203 (100)</b>	<b>459,203,374 (50)</b>	<b>44,653,675 (5)</b>	<b>406,473,154 (45)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Expenditures are the actual gross dollars expended by the legal aid plan in a given fiscal year.
2. Direct legal aid service expenditures are the sum of payments made to private law firms and the costs of legal service delivery by legal aid plan staff. These expenditures include monies spent on the provision of legal advice and representation services to clients. All law office and contracted community clinic expenses are included (for example, staff salaries, benefits and overhead expenses).
3. Immigration and Refugee (I&R) matters refer to 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 of Canada (FCC), or Immigration, Refugees and Citizenship Canada (IRCC) officials on post-determination actions. I&R legal aid is available in 6 provinces: NL, QC, ON, MB, AB, and BC.

NL	2,896,852
PEI	241,112
NS	1,829,176
NB	2,386,528
QC	42,607,002
ON	81,829,937
MB	5,940,213
SK	1,434,565
AB	16,090,532
BC	10,447,186
YK	431,600
NT	1,306,216
NU	-
<b>Total</b>	<b>167,440,919</b>

Total legal aid plan expenditures from Table 2 include these admin costs

### **Legal aid services are delivered primarily by private bar lawyers**

Looking at the breakdown of legal service delivery by type of lawyer, in 2016-17, 93% of the over 17,000 lawyers providing legal aid services in Canada were private bar lawyers (Table 3). Staff lawyers made up the remaining 7% of lawyers providing direct legal aid services to clients.

Among private bar lawyers, there were slightly more lawyers providing strictly civil law services than those providing strictly criminal law services (33% versus 27%). The highest proportion of staff lawyers provided strictly criminal law services (36%), and 7% provided strictly civil law services.

Overall, 44% of all lawyers providing legal aid services in Canada were in Ontario, and 27% were in Alberta. When looking at the breakdown between private and staff lawyer within each province/territory, British Columbia and Alberta had the highest proportions of private bar lawyers (99% and 98%), while Yukon and Newfoundland and Labrador had the highest proportions of staff lawyers (100% and 71%) (Table 3).

**Table 3 - Legal aid service delivery by private and staff lawyers, 2016-17**

	Total lawyers providing legal aid services N (%)	Type of lawyer providing legal aid services									
		Private bar lawyers <sup>1</sup>					Staff lawyers <sup>2</sup>				
		Criminal	I&R <sup>3</sup>	Civil	Criminal & civil	Total N (%)	Criminal	I&R	Civil	Criminal & civil	Total N (%)
NL	98 (100)	-	-	-	28	28 (29)	-	-	-	70	70 (71)
PEI	46 (100)	-	-	-	28	28 (61)	3.5	-	5.5	9	18 (39)
NS	338 (100)	-	-	-	-	240 (71)	-	-	-	-	98 (29)
NB	145 (100)	27	-	42	46	115 (79)	20	-	10	-	30 (21)
QC	2,692 (100)	-	-	-	-	2,328 (87)	-	-	-	-	364 (14)
ON	7,509 (100)	1,320	169	3,865	1,857	7,211 (96)	286	10	2	-	298 (4)
MB	331 (100)	-	-	-	275	275 (83)	35	-	17	4	56 (17)
SK	189 (100)	-	-	-	107	107 (57)	-	-	-	82	82 (43)
AB	4,619 (100)	3,018	125	1,389	-	4,532 (98)	49	2	36	-	87 (2)
BC	1,099 (100)	-	-	-	-	1,082 (99)	2	-	2	13	17 (2)
YK	9 (100)	-	-	-	-	-	5.5	-	-	3.5	9 (100)
NT	37 (100)	-	-	-	-	21 (57)	8	-	8	-	16 (43)
NU	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>17,112 (100)</b>	<b>4,365</b>	<b>294</b>	<b>5,296</b>	<b>2,341</b>	<b>15,967 (93)</b>	<b>409</b>	<b>12</b>	<b>80.5</b>	<b>181.5</b>	<b>1,145 (7)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

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 refer to lawyers employed by the legal aid plan.
3. Immigration and Refugee (I&R) matters refer to 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: NL, QC, ON, MB, AB, and BC.

### Non-lawyers make up 10% 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 90% of legal aid plan personnel, non-lawyers made up the other 10% (Table 4).

Of the 1,872 non-lawyers working for legal aid plans, the most common were ‘support staff’ (33%), while ‘intake workers’ (19%), legal assistants (9%), and ‘other’ (i.e. managers) (8%) were the next most common types of non-lawyer personnel. Articling students (3%) and paralegals (1%) made up the remaining personnel (Table 4).

**Table 4 - Legal aid plan personnel as of March 31, 2016-17**

	Total legal aid plan personnel N (%)	Lawyers			Non-lawyers						
		Total lawyers N (%)	Private bar lawyers <sup>1</sup>	Staff lawyers <sup>2</sup>	Total non-lawyers N (%)	Intake Workers <sup>3</sup>	Support Staff <sup>4</sup>	Para-legals <sup>5</sup>	Legal assistants <sup>6</sup>	Articling students <sup>7</sup>	Other (managers)
NL	174 (100)	98 (56)	28	70	76 (44)	13	28	4	22	8	1
PEI	58 (100)	46 (79)	28	18	12 (21)	-	12	-	-	-	-
NS	415 (100)	338 (81)	240	98	77 (19)	-	9	-	63	3	2
NB	183 (100)	145 (79)	115	30	38 (21)	11	5	-	6	-	16
QC	3,184 (100)	2,692 (85)	2,328	364	492 (16)	-	-	-	-	-	-
ON	8,199 (100)	7,509 (92)	7,211	298	690 (8)	271	261	9	2	27	120
MB	441 (100)	331 (75)	275	56	110 (25)	32	26	5	35	12	-
SK	265 (100)	189 (71)	107	82	76 (29)	-	58	-	16	2	-
AB	4,772 (100)	4,619 (97)	4,532	87	153 (3)	-	114	-	23	-	16
BC	1,232 (100)	1,099 (89)	1,082	17	133 (11)	28	96	2	6	1	-
YK	15 (100)	9 (60)	9	-	6 (40)	-	5	-	-	-	1
NT	46	37 (80)	21	16	9 (20)	-	7	-	-	1	1
NU	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>18,984 (100)</b>	<b>17,112 (90)</b>	<b>15,967</b>	<b>1,145</b>	<b>1,872 (10)</b>	<b>355</b>	<b>612</b>	<b>20</b>	<b>173</b>	<b>54</b>	<b>157</b>

- Refers to data that were not available or that were not provided by the jurisdiction.

1. 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.
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. Intake workers refer to 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.
4. Support staff refers to 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.
5. Paralegals refer to 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.
6. Legal assistants refer to 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.
7. Articling students refer to 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 document, articling students are classified as non-lawyers no matter what the rules are in various jurisdictions.

### Over 622,000 legal aid applications were received in 2016-17

When looking at applications for legal aid, the number of applications reflects the number of individual requests for assistance, rather than the total number of persons seeking assistance. Of the 622,349 applications for summary or full service assistance received in 2016-17, over half (55%) were for criminal matters, while 43% were for civil matters. The highest proportion of civil matter applications were for 'other' family (41%), followed by child protection (21%), 'other' civil non-family matters, and 8% for I&R. Of the 340,781 applications for criminal legal aid, 92% were from adults and 8% were from youth (Table 5).

Quebec received the most applications at 266,611, which accounted for 43% of all applications received nationally in 2016-17. Ontario and Alberta were the next two provinces which received the most applications (21% and 12% respectively). Looking at the breakdown between criminal and civil applications within each province/territory, Yukon (81%), Saskatchewan (73%), and Manitoba (71%) had the highest proportion of criminal applications compared to civil (including I&R). Quebec (44%) and New Brunswick (48%) had the lowest proportion of criminal applications compared to civil.

Six jurisdictions (Newfoundland and Labrador, Nova Scotia, Ontario, Manitoba, Saskatchewan and British Columbia) reported on the number of applications received (for all types of matters) from individuals who self-identified as Indigenous. Manitoba and Saskatchewan received the highest proportions of legal aid applications



from self-identified Indigenous applicants (46% and 48% respectively). In British Columbia, applications from self-identified Indigenous applicants made up 28% of those received and in Ontario, these applications made up 13% of all applications received in the province.

**Table 5 - Legal aid applications<sup>1</sup>, by type of matter, 2016-17**

	Total legal aid applications N (%)	Criminal legal aid applications			P/T offences <sup>3</sup>	Civil legal aid applications					Self-identified as Indigenous <sup>8</sup> - All matters
		Total criminal N (%)	Adult	Youth <sup>2</sup>		Total civil N (%)	Child Protection <sup>4</sup>	Other Family <sup>5</sup>	Other Civil Non-family <sup>6</sup>	I&R <sup>7</sup>	
NL	8,451 (100)	4,859 (58)	4,379	480	-	3,696 (43)	422	3,138	121	15	851
PE	1,529 (100)	942 (62)	844	98	-	587 (38)	-	-	-	-	1,375
NS	42,970 (100)	28,310 (66)	26,037	2,273	1,092 (3)	13,568 (32)	1,108	10,434	2,026	-	-
NB	4,306 (100)	2,056 (48)	1,886	170	12 (.3)	2,238 (52)	153	2,085	-	-	-
QC	266,611 (100)	118,097 (44)	108,024	10,073	9,250 (3)	139,264 (52)	38,274	47,430	47,409	6,151	-
ON	128,211 (100)	72,028 (56)	67,503	4,525	-	56,183 (44)	7,845	29,197	5,841	13,300	17,164
MB	33,527 (100)	23,677 (71)	20,371	3,306	70 (.2)	9,780 (29)	2,599	6,265	559	357	15,482
SK	19,089 (100)	13,913 (73)	11,340	2,573	-	5,176 (27)	848	4,328	-	-	9,108
AB	75,715 (100)	49,062 (65)	46,130	2,932	-	26,653 (35)	2,397	19,000	4,094	1,162	-
BC	38,182 (100)	25,062 (66)	23,834	1,228	785 (2)	12,335 (32)	3,205	7,657	-	1,473	10,604
YK	2,531 (100)	2,051 (81)	1,837	214	-	480 (19)	-	-	-	-	-
NT	1,227	724 (59)	699	25	-	503 (41)	-	-	503	-	-
NU	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>622,349 (100)</b>	<b>340,781 (55)</b>	<b>312,884</b>	<b>27,897</b>	<b>11,209 (2)</b>	<b>270,359 (43)</b>	<b>56,851</b>	<b>129,534</b>	<b>60,447</b>	<b>22,460</b>	<b>54,584</b>

- Refers to data that were not available or that were not provided by the jurisdiction.

1. An application for legal aid refers to a request for legal aid assistance that results in the provision of summary or full service assistance 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 services constitute 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 refers to persons who are at least 12 years of age, but under 18 years of age.
3. Provincial/Territorial (P/T) offences refer to 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. Other family matters refers to proceedings related to divorce, separation, maintenance, and all other matters of a family law nature, excluding child protection.
6. Other civil non-family matters refer to all other civil proceedings that are not of a family nature (e.g., landlord and tenant disputes, poverty law, etc.).
7. Immigration and Refugee (I&R) matters refer to 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: NL, QC, ON, MB, AB, and BC.
8. Indigenous refers to an individual who self-identifies as North American Indian/First Nation, Métis or Inuit whether they live on or off-reserve and whether they are status or non-status.

### Over three quarters of legal aid applications received were approved

An application for legal aid may be approved for either summary or full legal aid services. 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 services represent more extensive legal assistance. Applications not approved for full legal aid services may receive summary services instead.

Table 6 shows the number of approved legal aid applications for full service. In 2016-17, there were 485,539 applications approved for full service; 57% of these were for criminal legal aid, and 42% were for civil legal aid.

Of the criminal applications, the majority (91%) were for adult matters, and 9% were for youth matters. For civil cases, more than two-thirds (69%) were for family matters, and 31% were for other civil matters.

When looking at the proportion of approved applications by province/territory and type of matter, Yukon (81%) and Manitoba (78%) had the highest proportion of approved applications that were criminal as opposed to civil. New Brunswick and Quebec had an almost even split between criminal and civil legal aid applications approved for full service, with New Brunswick at 51% approved applications that were criminal, and Quebec at 45% approved applications that were criminal.

	Total approved legal aid applications N (%)	Total approved criminal applications N (%)	Criminal <sup>2</sup>		P/T offences <sup>5</sup> N (%)	Total approved civil legal aid applications N (%)	Civil <sup>3</sup>		
			Adult matters	Youth <sup>4</sup> matters			Family matters <sup>6</sup>	Other civil non-family matters <sup>7</sup>	I&R <sup>8</sup>
NL	5,042 (100)	3,335 (66)	2,919	416	-	1,707 (34)	1,695	8	4
PE	1,190 (100)	877 (74)	773	104	-	313 (26)	313	-	-
NS	19,996 (100)	12,971 (65)	11,572	1,399	126 (1)	6,899 (35)	5,983	916	-
NB <sup>9</sup>	3,224 (100)	1,630 (51)	1,506	124	3 (0)	1,591 (49)	1,591	-	-
QC	220,259 (100)	98,567 (45)	88,901	9,666	7,508 (3)	114,184 (52)	73,495	35,097	5,592
ON	112,109 (100)	63,848 (57)	59,366	4,482	-	48,261 (43)	30,311	5,292	12,658
MB <sup>10</sup>	35,078 (100)	27,230 (78)	23,681	3,549	50 (0)	7,798 (22)	7,074	409	315
SK	16,154 (100)	12,096 (75)	9,564	2,532	-	4,058 (25)	4,058	-	-
AB	43,301 (100)	33,327 (77)	30,753	2,574	-	9,974 (23)	9,255	200	519
BC	28,178 (100)	20,384 (72)	19,178	1,206	499 (2)	7,295 (26)	6,231	-	1,064
YK	2,509 (100)	2,040 (81)	1,826	214	-	469 (19)	255	214	-
NT <sup>11</sup>	1,008 (100)	631 (63)	610	21	-	377 (37)	279	98	-
NU	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>488,048 (100)</b>	<b>276,936 (57)</b>	<b>250,649</b>	<b>26,287</b>	<b>8,186 (2)</b>	<b>202,926 (42)</b>	<b>140,540</b>	<b>62,382</b>	<b>20,152</b>

- Refers to data that were not available or that were not provided by the jurisdiction.

- In this table, approved legal aid application counts refer to full service 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 service (may also be called "Certificate") refers to the provision of full legal aid services by a private bar lawyer, approved by the legal aid plan or by a staff lawyer. An approved application for full service 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 service 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, except in SK where Legal Aid Saskatchewan may have multiple matters per application.
- Youth refers to persons who are at least 12 years of age, but under 18 years of age.
- Provincial/Territorial (P/T) offences refer to those offences under provincial or territorial statutory responsibility. Also included are infractions under municipal by-laws.
- Family matters refers to proceedings related to divorce, separation, maintenance, and all other matters of a family law nature, including child protection.
- Other civil non-family matters refer to all other civil proceedings that are not of a family nature (e.g., landlord and tenant disputes, poverty law, etc.).
- Immigration and Refugee (I&R) matters refer to 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: NL, QC, ON, MB, AB, and BC.
- For NB: Full service includes private bar certificate costs, contract lawyer, staff salaries and related expenses and administration costs; family duty counsel, family advice lawyer and triage court expenditures are not included as they are a full cost recovery from the provincial government; and, expenditures for "family" are included with "child protection" as this level of detail is not captured in NB's accounting system.
- MB has more applications approved than received because 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., often breaches added to the original charge) than a civil application.
- NT reports 12 applications approved in 2016-17 for 'appeal matters' that are not included in this table.

## Financial ineligibility was the most common reason for application refusal

Refused applications refer to 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 service that subsequently receive summary services. Overall, of the 106,452 applications (both criminal and civil) where a reason for refusal was reported, 41% were refused for financial ineligibility. 'Other reasons for refusal', and 'coverage restrictions' were the next most common reasons for refusal (34%, and 16% respectively) (Table 7).

When looking at the breakdown of reasons for refusal by province/territory, Quebec and Prince Edward Island had the highest proportion of applications refused for financial ineligibility (76%). New Brunswick (53%) and Newfoundland (52%) had the highest proportion of applications refused for coverage restrictions.

	Total reasons for refusal <sup>2</sup> N (%)	Reasons for refusal				
		Financial ineligibility <sup>3</sup> N (%)	Coverage restrictions <sup>4</sup> N (%)	Lack of merit <sup>5</sup> N (%)	Non-compliance or abuse <sup>6</sup> N (%)	Other reasons for refusal <sup>7</sup> N (%)
NL	2,661 (100)	309 (12)	1,378 (52)	448 (17)	-	526 (20)
PEI	29 (100)	22 (76)	1 (3)	3 (10)	1 (3)	2 (7)
NS	859 (100)	499 (58)	103 (12)	114 (13)	22 (3)	121 (14)
NB	371 (100)	103 (28)	198 (53)	1 (0)	4 (1)	65 (18)
QC	44,466 (100)	33,594 (76)	6,088 (14)	1,468 (3)	65 (0)	3,251 (7)
ON	12,934 (100)	4,977 (38)	3,083 (24)	4,129 (32)	745 (6)	-
MB	7,587 (100)	1,271 (17)	2,465 (32)	726 (10)	1,981 (26)	1,144 (15)
SK	2,162 (100)	840 (39)	748 (35)	152 (7)	133 (6)	289 (13)
AB	24,951 (100)	-	-	-	-	24,951 (100)
BC	10,004 (100)	1,760 (18)	2,438 (24)	-	-	5,806 (58)
YK	89 (100)	54 (61)	8 (9)	25 (28)	2 (2)	-
NT	339 (100)	80 (24)	31 (9)	44 (13)	164 (48)	20 (6)
NU	-	-	-	-	-	-
<b>Total</b>	<b>106,452 (100)</b>	<b>43,509 (41)</b>	<b>16,541 (16)</b>	<b>7,110 (7)</b>	<b>3,117 (3)</b>	<b>36,175 (34)</b>

- Refers to data that is not available or that was not provided by the jurisdiction.

1. If an application is 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 as determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right) is counted.
3. Financial ineligibility refers to a refusal for legal aid based on financial information disclosed by the applicant (i.e., income level, assets, liabilities etc.) 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 is set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
4. Coverage restrictions refer to an application refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans don't cover wills and estates or workplace injury claims.
5. Lack of merit refers to applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criteria does not depend on finances, it includes a criteria such as the type of legal problem and the merit of the case.
6. Non-compliance/abuse refers to a refusal 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 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.

## Highest proportion of criminal legal aid applications were refused for financial ineligibility

When looking specifically at criminal legal aid applications, financial ineligibility remained the most common reason for refusal (41%), followed by 'other reasons for refusal' at 36% (Table 8). By province/territory, Quebec had the highest proportion of financial ineligibility refusals (86%), New Brunswick had the highest proportion of coverage restriction refusals (61%), Yukon and Ontario had the highest proportions of lack of merit refusals (29%

and 27% respectively), and Northwest Territories had the highest rate of refusal of all jurisdictions for non-compliance or abuse, at 44%.

	Total reasons for refusal <sup>2</sup> N (%)	Reasons for refusal				
		Financial ineligibility <sup>3</sup> N (%)	Coverage restrictions <sup>4</sup> N (%)	Lack of merit <sup>5</sup> N (%)	Non-compliance or abuse <sup>6</sup> N (%)	Other reasons for refusal <sup>7</sup> N (%)
NL	1,102 (100)	143 (13)	622 (56)	60 (5)	-	277 (25)
PEI	-	-	-	-	-	-
NS	183 (100)	102 (56)	13 (7)	19 (10)	4 (2)	45 (25)
NB	217 (100)	42 (19)	133 (61)	-	1	41 (19)
QC	18,822 (100)	16,213 (86)	1,835 (10)	34 (0)	-	740 (4)
ON	6,289 (100)	2,404 (38)	1,818 (29)	1,697 (27)	370 (6)	-
MB	4,695 (100)	532 (11)	1,935 (41)	79 (2)	1,321 (28)	828 (18)
SK	1,541 (100)	420 (17)	738 (48)	59 (4)	97 (6)	227 (15)
AB	12,724 (100)	-	-	-	-	12,724 (100)
BC	4,678 (100)	719 (15)	888 (19)	-	-	3,071 (66)
YK	38 (100)	26 (68)	1 (3)	11 (29)	-	-
NT	162 (100)	42 (26)	21 (13)	8 (5)	71 (44)	20 (12)
NU	-	-	-	-	-	-
<b>Total</b>	<b>50,451 (100)</b>	<b>20,643 (41)</b>	<b>8,004 (16)</b>	<b>1,967 (4)</b>	<b>1,864 (4)</b>	<b>17,973 (36)</b>

- Refers to data that is not available or that was not provided by the jurisdiction.

1. 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 service that subsequently receive summary service. If an application is 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 as determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right) is counted.
3. Financial ineligibility refers to a refusal for legal aid based on financial information disclosed by the applicant (i.e., income level, assets, liabilities etc.) 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 is set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
4. Coverage restrictions refer to an application refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans don't cover wills and estates or workplace injury claims.
5. Lack of merit refers to applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criteria does not depend on finances, it includes a criteria such as the type of legal problem and the merit of the case.
6. Non-compliance/abuse refers to a refusal 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 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.

When specifically looking at other civil applications, the proportions remained consistent, with 41% of applications nationwide being refused for financial ineligibility, and 33% falling under other reasons for refusal. Prince Edward Island had the highest proportion of other civil applications refused for financial ineligibility, Newfoundland and Labrador had the highest proportion of other civil applications refused for coverage restrictions (49%), and Ontario had the highest proportion of other civil applications refused for lack of merit (36%). For I&R applications, Quebec had the highest proportion refused for financial ineligibility (81%), Newfoundland and Labrador had the highest proportion refused for coverage restrictions (36%), and Ontario had the highest proportion refused for lack of merit (41%) (Table 9).

**Table 9 - Refused legal aid applications<sup>1</sup>, by reason for refusal, civil matters, 2016-17**

		Total refused <sup>2</sup> N (%)	Financial ineligibility <sup>3</sup> N (%)	Coverage restrictions <sup>4</sup> N (%)	Lack of merit <sup>5</sup> N (%)	Non- compliance or abuse <sup>6</sup> N (%)	Other reasons for refusal <sup>7</sup> N (%)
NL	Other Civil	1,548 (100)	164 (11)	752 (49)	385 (25)	-	247 (16)
	I&R	11 (100)	2 (18)	4 (36)	3 (27)	-	2 (18)
	<b>Total</b>	<b>1,559 (100)</b>	<b>166 (11)</b>	<b>756 (48)</b>	<b>388 (25)</b>	<b>-</b>	<b>249 (16)</b>
PEI	Other Civil	29 (100)	22 (76)	1 (3)	3 (10)	1 (3)	2 (7)
	I&R	N/A					
	<b>Total</b>	<b>29 (100)</b>	<b>22 (76)</b>	<b>1 (3)</b>	<b>3 (10)</b>	<b>1 (3)</b>	<b>2 (7)</b>
NS	Other Civil	665 (100)	396 (60)	88 (13)	89 (13)	17 (3)	75 (11)
	I&R	N/A					
	<b>Total</b>	<b>665 (100)</b>	<b>396 (60)</b>	<b>88 (13)</b>	<b>89 (13)</b>	<b>17 (3)</b>	<b>75 (11)</b>
NB	Other Civil	147 (100)	59 (40)	60 (41)	1 (1)	3 (2)	24 (16)
	I&R	N/A					
	<b>Total</b>	<b>147 (100)</b>	<b>59 (40)</b>	<b>60 (41)</b>	<b>1 (1)</b>	<b>3 (2)</b>	<b>24 (16)</b>
QC	Other Civil	23,901 (100)	16,420 (69)	3,617 (15)	1,406 (6)	65 (0)	2,393 (10)
	I&R	548 (100)	443 (81)	39 (7)	24 (4)	-	42 (8)
	<b>Total</b>	<b>24,449 (100)</b>	<b>16,863 (69)</b>	<b>3,656 (15)</b>	<b>1,430 (6)</b>	<b>65 (0)</b>	<b>2,435 (10)</b>
ON	Other Civil	6,182 (100)	2,389 (39)	1,193 (19)	2,243 (36)	357 (6)	-
	I&R	463 (100)	184 (40)	72 (16)	189 (41)	18 (4)	-
	<b>Total</b>	<b>6,645 (100)</b>	<b>2,573 (39)</b>	<b>1,265 (19)</b>	<b>2,432 (37)</b>	<b>375 (6)</b>	<b>-</b>
MB	Other Civil	2,805 (100)	730 (26)	493 (18)	640 (23)	654 (23)	288 (10)
	I&R	53 (100)	5 (9)	14 (26)	4 (8)	5 (9)	25 (47)
	<b>Total</b>	<b>2,858 (100)</b>	<b>735 (26)</b>	<b>507 (18)</b>	<b>644 (23)</b>	<b>659 (23)</b>	<b>313 (11)</b>
SK	Other Civil	621 (100)	420 (68)	10 (2)	93 (15)	36 (6)	62 (10)
	I&R	N/A					
	<b>Total</b>	<b>621 (100)</b>	<b>420 (68)</b>	<b>10 (2)</b>	<b>93 (15)</b>	<b>36 (6)</b>	<b>62 (10)</b>
AB	Other Civil	11,735 (100)	-	-	-	-	11,735 (100)
	I&R	492 (100)	-	-	-	-	492 (100)
	<b>Total</b>	<b>12,227 (100)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12,227 (100)</b>
BC	Other Civil	4,631 (100)	719 (16)	1,428 (31)	-	-	2,484 (54)
	I&R	409 (100)	262 (64)	39 (10)	-	-	108 (26)
	<b>Total</b>	<b>5,040 (100)</b>	<b>981 (19)</b>	<b>1,467 (29)</b>	<b>-</b>	<b>-</b>	<b>2,592 (51)</b>
YK	Other Civil	51 (100)	28 (55)	7 (14)	14 (27)	2 (4)	-
	I&R	N/A					
	<b>Total</b>	<b>51 (100)</b>	<b>28 (55)</b>	<b>7 (14)</b>	<b>14 (27)</b>	<b>2 (4)</b>	<b>-</b>
NT	Other Civil	177 (100)	38 (21)	10 (6)	36 (20)	93 (53)	-
	I&R	N/A					
	<b>Total</b>	<b>177 (100)</b>	<b>38 (21)</b>	<b>10 (6)</b>	<b>36 (20)</b>	<b>93 (53)</b>	<b>-</b>
Total	Other Civil	52,492 (100)	21,385 (41)	7,659 (15)	4,910 (9)	1,228 (2)	17,310 (33)
	I&R	1,976 (100)	896 (45)	168 (9)	220 (11)	23 (1)	669 (34)
	<b>Canada</b>	<b>54,468 (100)</b>	<b>22,281 (41)</b>	<b>7,827 (14)</b>	<b>5,130 (9)</b>	<b>1,251 (2)</b>	<b>17,979 (33)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. 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 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 as determined by the hierarchy of the table (reasons are ordered from highest to lowest importance, from left to right) is counted.
3. Financial ineligibility refers to a refusal for legal aid based on financial information disclosed by the applicant (i.e., income level, assets, liabilities etc.) 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 is set out by each legal aid plan and therefore the criteria differ across the provinces and territories.
4. Coverage restrictions refer to an application refused on the grounds that the legal matter is not covered by the legal aid plan. For example, some plans don't cover wills and estates or workplace injury claims.

5. Lack of merit refers to applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance. This eligibility criteria does not depend on finances, it includes a criteria such as the type of legal problem and the merit of the case.
6. Non-compliance/abuse refers to a refusal 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 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.

### **Immigration and refugee applications had the lowest proportion of applications refused for coverage restrictions**

Out of all application types (criminal, civil, I&R), I&R applications were the least likely to be refused for coverage restrictions (9%, compared to 16% for criminal, and 15% for 'other civil'). Also, I&R applications had a slightly higher rate of refusal for financial ineligibility (45% compared to 41% for criminal and other civil) (Table 8 and 9).

### **Over 1.1 million duty counsel assists were provided in 2016-17**

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.

Nine jurisdictions provided data on duty counsel services in 2016-17 (Table 10). There were 1,161,853 duty counsel assists provided to legal aid clients in these jurisdictions. A total of 80% of these assists were for criminal matters, and 20% were for civil matters (including I&R).

For jurisdictions that provided data on both criminal and civil duty counsel services, Yukon and Northwest Territories had the highest proportions of criminal duty counsel assists provided, with 100%, and 99% of duty counsel assists for criminal matters, respectively, and 0.4% and 0.5% for civil. British Columbia had the lowest proportion of criminal matter assists, with 68% criminal assists and 32% civil.

	Total duty counsel services N (%)	Criminal duty counsel services <sup>2</sup>			Provincial Statute Offences N (%)	Civil duty counsel services <sup>3</sup>			
		Total criminal duty counsel services N (%)	Adult matters	Youth <sup>4</sup> matters		Total civil duty counsel services N (%)	Family matters <sup>5</sup>	I&R <sup>6</sup>	Civil non-family matters <sup>7</sup>
NL	13,567 (100)	11,881 (88)	11,261	620	-	1,686 (12)	1,624	-	62
PEI <sup>8</sup>	-	-	-	-	-	-	-	-	-
NS	21,061 (100)	17,889 (85)	16,747	1,142	815 (3)	2,357 (11)	2,357	-	-
NB	28,605 (100)	27,486 (96)	27,226	260	129 (0)	990 (3)	990	-	-
QC	-	-	-	-	-	-	-	-	-
ON	910,330 (100)	717,796 (79)	674,994	42,802	-	192,534 (21)	112,809	1	79,724
MB	53,091 (100)	48,350 (91)	41,878	6,472	-	4,741 (9)	254	-	4,487
SK <sup>9</sup>	24,351 (100)	24,075 (99)	21,273	2,802	276 (1)	-	-	-	-
AB	-	-	-	-	-	-	-	-	-
BC	104,606 (100)	71,431 (68)	69,455	1,976	-	33,175 (32)	31,866	1,309	-
YK	2,251 (100)	2,242 (100)	2,102	140	-	9 (.4)	4	-	5
NT	3,991 (100)	3,973 (99)	3,725	248	-	18 (.5)	18	-	-
NU	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>1,161,853 (100)</b>	<b>925,123 (80)</b>	<b>868,661</b>	<b>56,462</b>	<b>1,220 (.1)</b>	<b>235,510 (20)</b>	<b>149,922</b>	<b>1,310</b>	<b>84,278</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Data represent a count of the number of times duty counsel services were provided as not all jurisdictions capture the number of persons served. Cases coming before a circuit court are typically provided duty counsel services. Consequently, circuit court cases are included in the duty counsel service count rather than in the approved application count. Only circuit court matters granted a delay are included in the approved application count.
2. Criminal duty counsel refers to legal services in criminal matters that are generally provided at a court or place of detention.
3. Civil duty counsel refers to 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).
4. Youth refers to persons who are at least 12 years of age, but under 18 years of age.
5. Family matters refers to proceedings related to divorce, separation, maintenance, and all other matters of a family law nature, excluding child protection.
6. Immigration and Refugee (I&R) matters refer to 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.
7. Civil non-family matters refer to all other civil proceedings that are not of a family nature (e.g., landlord and tenant disputes, poverty law, etc.). For MB, civil non-family matters includes child protection matters.
8. PEI does not have a duty counsel program. This type of assistance is provided by staff lawyers as part of their regular duties.
9. SK does not provide civil legal aid duty counsel services.

### **About half of applications for legal aid services to deal with an appeal were approved**

Out of the 9,823 applications for legal aid services for an appeal case, more than two-thirds were approved for legal aid services (69%). For criminal matters, 61% were approved, and for civil matters almost three-quarters (73%) were approved (Table 11).

Aside from the jurisdictions that had all applications approved (Prince Edward Island, Yukon, and Saskatchewan), Nova Scotia had the highest proportion of appeal cases approved for legal aid services (85%), while British Columbia had the lowest proportion of cases approved (36%). For criminal cases, Nova Scotia had the highest proportion of cases approved (90%) and British Columbia had the lowest (28%). For civil cases, Nova Scotia again had the highest proportion of cases approved (78%), and New Brunswick had the lowest (33%) (Table 11).

**Table 11 – Appeal<sup>1</sup> applications, approved and refused for legal aid services, by criminal and civil matters, 2016-17**

	Total criminal and civil matters			Criminal matters (adult and youth)			Civil matters (includes I&R)		
	Approved and refused appeals N (%)	Approved appeals N (%)	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 (%)
NL	191 (100)	98 (51)	93 (49)	82 (100)	42 (51)	40 (49)	109 (100)	56 (51)	53 (49)
PEI	1 (100)	1 (100)	0	1 (100)	1 (100)	-	0	-	-
NS	116 (100)	99 (85)	17 (15)	70 (100)	63 (90)	7 (10)	46 (100)	36 (78)	10 (22)
NB	31 (100)	17 (55)	14 (45)	22 (100)	14 (64)	8 (36)	9 (100)	3 (33)	6 (67)
QC	933 (100)	475 (51)	458 (49)	393 (100)	233 (59)	160 (41)	540 (100)	242 (45)	298 (55)
ON	5,974 (100)	4,832 (81)	1,142 (19)	1,506 (100)	1,067 (71)	439 (29)	4,468 (100)	3,765 (84)	703 (16)
MB	179 (100)	119 (66)	60 (34)	100 (100)	59 (59)	41 (41)	79 (100)	60 (76)	19 (24)
SK	47 (100)	47 (100)	0 (0)	36 (100)	36 (100)	0 (0)	11 (100)	11 (100)	0 (0)
AB	1,246 (100)	646 (52)	600 (48)	727 (100)	442 (61)	285 (39)	519 (100)	204 (39)	315 (61)
BC	1,079 (100)	384 (36)	695 (64)	531 (100)	149 (28)	382 (72)	548 (100)	235 (43)	313 (57)
YK	9 (100)	9 (100)	0 (0)	9 (100)	9 (100)	0 (0)	-	-	-
NT	17 (100)	7 (41)	10 (59)	17 (100)	7 (41)	10 (59)	-	-	-
NU	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>9,823 (100)</b>	<b>6,734 (69)</b>	<b>3,089 (31)</b>	<b>3,494 (100)</b>	<b>2,122 (61)</b>	<b>1,372 (39)</b>	<b>6,329 (100)</b>	<b>4612 (73)</b>	<b>1,717 (27)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Appeals refer to 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.

### **There were more than 1,800 civil cases processed under the interprovincial reciprocity agreement in 2016-17**

The interprovincial reciprocity agreement refers to the informal agreement among legal aid plans in Canada to handle non-resident civil cases. Under the terms of the agreement, applicants must request legal aid in their province/territory of residence, rather than in the province/territory where the legal recourse is sought. An approved application is then forwarded from the legal aid plan of the client’s province or territory of residence, to the legal aid plan which provides the legal aid service.

Outgoing cases refer to the number of applications for civil legal aid approved by the legal aid plan of a particular province or territory that are forwarded to other P/T legal aid plans for service. Incoming cases refer 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 2016-17 indicate that there were a total a total of 1,843 cases (Table 12). Of these, 961 were outgoing from a particular province or territory, and 882 were coming into a particular province or territory from another jurisdiction. Quebec had the highest number of cases outgoing from the province, with 188 cases approved in Quebec, but forwarded to another province or territory where the service was provided. Ontario had the highest number of incoming cases, with 240 cases which were approved in another province or territory, but the service was provided by legal aid lawyers in Ontario.



**Table 12 - Incoming and outgoing civil legal aid cases processed under the interprovincial reciprocity agreement, 2016-17**

	Total by jurisdiction	
	Outgoing cases from province or territory	Incoming cases to province or territory
NL	19	18
PEI	3	8
NS	107	57
NB	41	25
QC	188	104
ON	180	240
MB	83	60
SK	74	72
AB	158	218
BC	62	67
YK	3	6
NT	10	4
NU	3	2
Outside Canada	30	1
<b>Total</b>	<b>961</b>	<b>882</b>

**A majority of legal aid clients were male, and accessed criminal legal aid services**

As shown in Table 13, overall, 61% of legal aid clients were male, while 39% were female. For criminal matters, the proportion of males was even higher (79%). For I&R matters, 63% of clients were male and 37% were female, however it should be noted that where an I&R matter relates to a principal applicant with family, only the principal applicant is counted as a client. For civil matters, a majority of clients were female (64%).

Overall, the highest age category was 18-34 (46%). This trend appears to be the same for males, females and others in all types of matters (criminal, I&R, and civil). For male criminal legal aid clients, the most common age group was 18-34 (53%), followed by 35-49 (27%). The same pattern was true for female criminal legal aid clients, with the most common age group being 18-34 (53%) followed by 35-49 (28%).

For I&R legal aid, most male clients were in the 18-34 and 35-49 age groups (53% and 36%). The same was true for female clients, with 48% in the 18-34 age group, and 35% in the 35-49 age group. For civil legal aid, male clients were most often in the 35-49 and 18-34 age groups (32% and 27%); female clients were most often in the 18-34 and 35-49 age groups (42% and 32%) (Table 13).

	Type of matter			Total N (%)
	Criminal N (%)	I&R N (%)	Civil N (%)	
male 17 and under	17,114 (9)	133 (1)	12,528 (19)	29,775 (11)
male 18-34	103,454 (53)	6,687 (53)	17,790 (27)	127,931 (47)
male 35-49	53,078 (27)	4,514 (36)	20,423 (32)	78,015 (28)
male 50+	23,341 (12)	1,371 (11)	14,088 (22)	38,800 (14)
<b>Total males</b>	<b>196,987 (100)</b>	<b>12,705 (100)</b>	<b>64,829 (100)</b>	<b>274,521 (100)</b>
female 17 and under	4,969 (9)	114 (2)	12,593 (11)	17,676 (10)
female 18-34	28,315 (53)	3,633 (48)	49,785 (42)	81,733 (46)
female 35-49	14,833 (28)	2,625 (35)	37,199 (32)	54,657 (31)
female 50+	5,601 (10)	1,190 (16)	17,665 (15)	24,456 (14)
<b>Total females</b>	<b>53,718 (100)</b>	<b>7,562 (100)</b>	<b>117,242 (100)</b>	<b>178,522 (100)</b>
other 17 and under	8 (21)	-	5 (15)	13 (17)
other 18-34	16 (41)	-	10 (29)	26 (35)
other 35-49	5 (13)	*	7 (21)	13 (17)
other 50+	10 (26)	*	12 (35)	23 (31)
<b>Total other</b>	<b>39 (100)</b>	<b>*</b>	<b>34 (100)</b>	<b>75 (100)</b>
<b>Total 17 and under</b>	<b>22,091 (9)</b>	<b>247 (1)</b>	<b>25,126 (14)</b>	<b>47,464 (10)</b>
<b>Total 18-34</b>	<b>131,785 (53)</b>	<b>10,320 (51)</b>	<b>67,585 (37)</b>	<b>209,690 (46)</b>
<b>Total 35-49</b>	<b>67,916 (27)</b>	<b>7,140 (35)</b>	<b>57,629 (32)</b>	<b>132,685 (29)</b>
<b>Total 50+</b>	<b>28,952 (12)</b>	<b>2,562 (13)</b>	<b>31,765 (17)</b>	<b>63,279 (14)</b>
<b>Total</b>	<b>250,744 (100)</b>	<b>20,269 (100)</b>	<b>182,105 (100)</b>	<b>453,118 (100)</b>

- Refers to data that were not available or that were not provided by the jurisdiction.

\*cell count under 5 suppressed.

<sup>1</sup> Not all jurisdictions collected data on 'other' gender in 2016-17.

Notes:

NB did not report on age of clients.

PEI limited reporting on age of clients.

YK data systems are unable to capture these statistics.

### **More than half of Indigenous legal aid clients were male accessing criminal legal aid services**

Legal aid plans from Nova Scotia, Ontario, Manitoba, Saskatchewan and British Columbia were able to provide data on self-identified Indigenous legal aid clients. Out of a total of 45,294 Indigenous clients served by legal aid plans in 2016-17, 77% accessed criminal legal aid (adult and youth), while 23% accessed civil legal aid. The highest proportion of clients were male, accessing criminal legal aid services (60%) (Table 14).

A majority of Indigenous adult and youth criminal legal aid clients were male (75%). In civil cases, there were more female Indigenous clients than male (66% versus 34%).

	Total criminal and civil <sup>2</sup> N (%)	Criminal						Civil <sup>4</sup>		
		Total Criminal adult N (%)	Adult		Youth <sup>3</sup>		Total criminal youth N (%)	male	female	Total civil N (%)
			male	female	male	female				
NS	996 (2)	588 (2)	363	225	52	54	106 (3)	94	208	302 (3)
ON	15,707 (35)	11,411 (37)	8,563	2,848	545	268	813 (20)	1,196	2,287	3,483 (34)
MB	11,775 (26)	7,684 (25)	5,666	2,018	725	378	1,103 (28)	1,073	1,915	2,988 (29)
SK	9,956 (22)	6,341 (21)	5,075	1,266	1,325	361	1,686 (42)	684	1,245	1,929 (19)
BC	6,860 (15)	4,865 (16)	3,696	1,169	212	89	301 (8)	530	1,164	1,694 (16)
<b>Total</b>	<b>45,294 (100)</b>	<b>30,889 (100)</b>	<b>23,363</b>	<b>7,526</b>	<b>2,859</b>	<b>1,150</b>	<b>4,009 (100)</b>	<b>3,577</b>	<b>6,819</b>	<b>10,396 (100)</b>

1. Indigenous refers to an individual who self-identifies as North American Indian/First Nation, Métis or Inuit whether they live on or off-reserve or if they are status or non-status or if they live in a rural or an urban area.

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 refers to persons who are 12 years of age or older, but under 18 years of age.

4. Civil legal aid includes all types of civil legal aid excluding immigration and refugee legal aid.

### **Legal aid cases for assault were the most frequent offence category, with the highest proportion of in-year expenditures for adult criminal legal aid**

Table 15 provides a breakdown of current legal aid cases and incurred expenditures in 2016-17 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.

The category 'other offences' made up the highest proportion of both case volume and in-year expenditures, at 59% of cases, and 42% of in-year expenditures in 2016-17. Among more specific offence categories, assault (11% of case volume and 13% of in-year expenditures) and 'theft, break and enter, possession of stolen property' (10% of case volume and 9% of in-year expenditures) were the most frequent type of legal aid cases.

There were a few categories of offences which made up a very small proportion of case volume, but in comparison, a higher proportion of in-year expenditures. These included homicide, which accounted for 0.3% of cases, but 5% of in-year expenditures; sexual assault and robbery cases, which each made up 1% of the case volume, but 4% of expenditures; and administration of justice offences, which made up 3% of the case volume, but 6% of expenditures (Table 15).

Table 15 – Criminal legal aid cases <sup>1</sup> by type of offence <sup>2</sup> and in year expenditures, adults, Canada, 2016-17		
List of offences	Total volume of cases N (%)	Total in-year expenditures (Fees and disbursements) (Dollars) (%)
Homicide	1,429 (.3)	13,874,539 (5)
Sexual assault	5,991 (1)	11,181,223 (4)
Robbery	5,424 (1)	9,955,097 (4)
Kidnapping	836 (.2)	1,042,906 (.4)
Arson	432 (.1)	349,487 (.1)
Narcotics	22,496 (5)	20,949,327 (8)
Theft, break & enter, possession of stolen property	40,540 (10)	24,727,671 (9)
Impaired driving	8,975 (2)	5,093,422 (2)
Assault	46,971 (11)	35,351,780 (13)
Breach of probation	26,724 (6)	8,537,540 (3)
Administration of justice	12,234 (3)	15,222,027 (6)
Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	350 (.1)	304,954 (.1)
Proceedings under the <i>Extradition Act</i>	7 (0)	28,607 (0)
Docket days (PEI)	-	18,731 (0)
Difference btw posted expenditures and closing of Legal Aid accounts (PEI)	-	14,266 (0)
Other offences <sup>3</sup>	252,205 (59)	116,646,721 (42)
<b>Subtotal<sup>3</sup></b>	<b>424,614 (99)</b>	<b>276,240,146 (99)</b>
<b>Appeals:</b>		
a. Crown	96 (0)	355,460 (.1)
b. Eligible Person Requested	386 (.1)	1,559,586 (.6)
c. Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	-	-
d. Proceedings under the <i>Extradition Act</i>	5 (0)	25,497 (0)
<b>Subtotal</b>	<b>702 (.2)</b>	<b>1,940,543 (.7)</b>
<b>Total - Criminal Legal Aid – ADULT</b>	<b>425,316 (100)</b>	<b>278,180,690 (100)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Includes cases approved in 2016-17, as well as cases carried over from previous years that were completed in 2016-17 or in later years but incurred expenditures to the legal aid plan in 2016-17.
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. ‘Other offences’ includes all other data not captured in the broad offence categories.

Notes:

AB data is included in subtotals, but not in breakdown by offence categories. Some expenditures in SK and PEI are only included in subtotal, not in breakdown by offence categories.

NB expenditures between adult and youth are pro-rated based on number of cases.

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.

### Legal aid cases for assault were the most frequent offence category, with the highest proportion of in-year expenditures for youth criminal legal aid

Table 16 provides a breakdown of current youth legal aid cases and incurred expenditures in 2016-17 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.

Similar to adult criminal legal aid, the category ‘other offences’ made up the highest proportion of both case volume and in-year expenditures, at 46% of cases, and 35% of in-year expenditures in 2016-17. Among more specific offence categories, assault (9% of case volume and 10% of in-year expenditures) and ‘theft, break &

enter, possession of stolen property' (8% of case volume and 7% of in-year expenditures) were the most frequent type of legal aid cases.

There were a few categories of offences which made up a very small proportion of case volume, but in comparison, a higher proportion of in-year expenditures. These included homicide, which accounted for 0.2% of cases, but 7% of in-year expenditures. Narcotics offences made up 2% of the case volumes, but 5% of expenditures, and administration of justice offences made up 2% of the case volume, but 5% of expenditures. Sexual assault cases made up 2% of the case volume, but 4% of expenditures (Table 16).

Table 16 – Criminal legal aid cases <sup>1</sup> by type of offence <sup>2</sup> and in year expenditures, youth <sup>3</sup> , Canada, 2016-17		
List of Offences	Total volume of cases (N) (%)	Total in-year expenditures (Fees and disbursements) (Dollars) (%)
Homicide	81 (.2)	1,928,596 (7)
Sexual assault	743 (2)	1,110,952 (4)
Robbery	1,369 (3)	1,225,786 (4)
Kidnapping	22 (.1)	11,073 (0)
Arson	126 (.3)	115,564 (.4)
Narcotics	783 (2)	1,416,709 (5)
Theft, break & enter, possession of stolen property	3,231 (8)	2,050,397 (7)
Impaired Driving	106 (.3)	332,737 (1)
Assault	3,701 (9)	2,893,320 (10)
Breach of Probation	1,702 (4)	793,938 (3)
Administration of Justice	828 (2)	1,525,055 (5)
Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	-	-
Proceedings under the <i>Extradition Act</i>	-	-
Other Offences <sup>4</sup>	18,942 (46)	10,443,555 (35)
<b>Subtotal</b>	<b>41,300 (100)</b>	<b>29,932,725 (100)</b>
<b>Appeals:</b>		
a. Crown	3 (0)	3,788 (0)
b. Eligible Person Requested	8 (0)	19,839 (.1)
c. Proceedings under Part XX.1 <i>Criminal Code</i> (Mental Disorder)	-	-
d. Proceedings under the <i>Extradition Act</i>	-	-
<b>Subtotal</b>	<b>11 (0)</b>	<b>23,627 (.1)</b>
<b>Total - Criminal Legal Aid – YOUTH</b>	<b>41,311 (100)</b>	<b>29,956,352 (100)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

- Includes cases approved in 2016-17, as well as cases carried over from previous years that were completed in 2016-17 or in later years but incurred expenditures to the legal aid plan in 2016-17.
- 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.
- Youth refers to persons who are at least 12 years of age, but under 18 years of age.
- 'Other offences' includes all other data not captured in the broad offence categories.

Notes:

AB and QC data is included in subtotals, but not in breakdown by offence categories.

Some expenditures in SK, NB, and PEI are only included in subtotal, not in breakdown by offence categories.

In NB, expenditures between adult and youth are pro-rated based on number of cases.

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.

## Over 22,000 immigration and refugee legal aid certificates were issued in 2016-17

The current immigration system in Canada allows for refugee claimants to be represented by legal counsel in proceedings before the Immigration and Refugee Board of Canada. Through the Legal Aid Program, the federal government contributes annual funding to the six provinces that provide services (Alberta, British Columbia,

Manitoba, Newfoundland and Labrador, Ontario, and Quebec). Immigration and Refugee (I&R) matters refer to 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). Immigration and refugee 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.

Table 17 shows the volume of I&R legal aid certificates as well as expenditures for I&R legal aid for 2016-17, and certificates carried over from the previous fiscal year. In 2016-17, there were 22,982 legal aid certificates issued, with 2,405 certificates carried over from the previous fiscal year, for a total of 24,387 certificates processed that year. Most certificates were handled by private bar lawyers (84%), while 11% were handled in specialized clinics, and 5% were handled through staff lawyers. These proportions remained relatively unchanged when certificates from the previous fiscal year are included. The majority of expenditures related to I&R legal aid (83%) are associated with private bar certificates.

Certificates in most provinces were predominately handled by private bar lawyers. Alberta was the only province where the percentage of staff lawyer certificates was almost as high as that of private bar certificates (55% versus 44%) (Table 17).

Table 17 - Immigration and refugee legal aid certificates <sup>1</sup> and expenditures, by province/territory and type of lawyer, 2016-17								
		Certificates issued in the fiscal year N (%)	Expenditures for certificates issued in the fiscal year (dollars)	Certificates carried over from previous fiscal N (%)	Expenditures for certificates issued in a previous fiscal (dollars)	Admin and Other Costs	Total number of certificates (previous and current fiscal) N (%)	Total expenditures (previous and current fiscal) (dollars) (%)
AB <sup>2</sup>	Private bar	209 (47)	121,887	305 (61)	178,456.00	-	514 (55)	300,343 (47)
	Staff lawyer	232 (53)	185,266	194 (39)	157,316	-	426 (44)	342,582 (53)
	Specialized clinics	-	-	-	-	-	-	-
	<b>Total</b>	<b>441 (100)</b>	<b>307,153</b>	<b>499 (100)</b>	<b>335,772</b>	-	<b>940 (100)</b>	<b>642,925 (100)</b>
BC <sup>3</sup>	Private bar	914 (100)	1,263,808	417 (100)	777,464	-	1,331(100)	2,041,272 (100)
	Staff lawyer	-	-	-	-	-	-	-
	Specialized clinics	-	-	-	-	-	-	-
	<b>Total</b>	<b>914 (100)</b>	<b>1,263,808</b>	<b>417 (100)</b>	<b>777,464</b>	-	<b>1,331 (100)</b>	<b>2,041,272 (100)</b>
MB	Private bar	306 (97)	159,019	39 (100)	47,389	-	345 (97)	206,408 (79)
	Staff lawyer	9 (3)	1,719	-	-	-	9 (3)	1,719 (1)
	Specialized clinics	-	-	-	-	-	-	-
	<b>Total</b>	<b>315 (100)</b>	<b>160,738</b>	<b>39 (100)</b>	<b>47,389</b>	<b>51,680</b>	<b>354 (100)</b>	<b>259,807</b>
NL	Private bar	-	-	-	-	-	-	-
	Staff lawyer	4 (100)	21,634	2 (100)	-	-	6 (100)	21,634 (100)
	Specialized clinics	-	-	-	-	-	-	-
	<b>Total</b>	<b>4 (100)</b>	<b>21,634</b>	<b>2 (100)</b>	<b>-</b>	<b>-</b>	<b>6 (100)</b>	<b>21,634 (100)</b>
ON	Private bar	12,658 (86)	6,581,099	-	16,112,313	-	12,658 (86)	22,693,412 (73)
	Staff lawyer	897 (6)	4,382,340	-	-	-	897 (6)	4,382,340 (14)
	Specialized clinics	1,161(8)	3,805,098	-	-	-	1,161 (8)	3,805,098 (12)
	<b>Total</b>	<b>14,716 (100)</b>	<b>14,768,537</b>	<b>-</b>	<b>16,112,313</b>	<b>6,643,711</b>	<b>14,716 (100)</b>	<b>30,880,850 (100)</b>
QC <sup>4</sup>	Private bar	4,325 (77)	980,420	1,448 (100)	1,154,130	-	5,773 (82)	2,134,550 (70)
	Staff lawyer	25 (.4)	-	-	17,315	-	25 (.4)	17,315 (1)
	Specialized clinics	1,242 (22)	-	-	881,418	-	1,242 (18)	881,418 (29)
	<b>Total</b>	<b>5,592 (100)</b>	<b>980,420</b>	<b>1,448 (100)</b>	<b>2,052,863</b>	<b>-</b>	<b>7,040 (100)</b>	<b>3,033,283 (100)</b>
Canada	<b>Private bar</b>	<b>18,412 (84)</b>	<b>9,106,233</b>	<b>2,209 (92)</b>	<b>18,269,752</b>	<b>-</b>	<b>20,621 (85)</b>	<b>27,375,985 (83)</b>
	<b>Staff lawyer</b>	<b>1,167 (5)</b>	<b>4,590,959</b>	<b>196 (8)</b>	<b>174,631</b>	<b>-</b>	<b>1,363 (6)</b>	<b>4,765,590 (14)</b>
	<b>Specialized clinics</b>	<b>2,403 (11)</b>	<b>-</b>	<b>-</b>	<b>881,418</b>	<b>-</b>	<b>2,403 (10)</b>	<b>881,418 (3)</b>
	<b>Total</b>	<b>21,982 (100)</b>	<b>13,697,192</b>	<b>2,405 (100)</b>	<b>19,325,801</b>	<b>-</b>	<b>24,387 (100)</b>	<b>33,022,993 (100)</b>

– Refers to data that were not available or that were not provided by the jurisdiction.

1. Certificate refers to the number of principal claimants receiving legal aid services for each stage of the process.
2. Alberta did not provide a breakdown of expenditures by certificate and by private bar or staff lawyer. Total expenditures were included in the Alberta totals for each private bar, staff lawyer and specialized clinic expenditures.
3. In British Columbia, only private bar volumes and expenditures were provided.
4. 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 a particular type of crime or offender to reduce reoffending.<sup>1</sup> The following section provides information on the specialized courts operating in Canada.

### ***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 which 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 10 jurisdictions that operate mental health/wellness/community courts. This includes Newfoundland and Labrador, Nova Scotia, New Brunswick, 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 Nova Scotia, 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, Saskatchewan, Alberta, and British Columbia.

### ***Youth Courts***

Youth between the ages of 12 to 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***

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<sup>1</sup> Problem-solving in Canada's Courtrooms: A Guide to Therapeutic Justice. <https://www.nji-inm.ca/index.cfm/publications/?langSwitch=en>

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, Ontario, Manitoba, Alberta, Saskatchewan and Northwest Territories.



## Innovations

Legal aid plans provided information on innovative practices or programs that were implemented for criminal legal aid in 2016-17. 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 18 - Criminal legal aid innovations implemented in 2016-17						
	Name of Innovation/Program	Objective(s)	Timeline	Expected/Actual Outcome(s)	Performance Measure(s)	Beneficiaries
Prince Edward Island	Legal Aid Record Management Application (LARMA)	ITSS is developing an application to replace PEI Legal Aid's current manual processes of tracking file and contact details using Excel, WordPerfect and a rolodex filing system.	Development Apr 2016 - Feb 2018	The objective of this project is to produce a web enabled application which can be accessed province- wide, on the province's internal network.		PEI Legal Aid
Nova Scotia	Modernized website	To modernize the website for use on mobile devices and make more user friendly for clients, stakeholders and general public.	Launched in early 2016/17	A more user friendly and useful website.	Increase in use of online application and number of hits to website.	Clients and users of the NSLA website.
	Appointment and court date reminders sent by text	To decrease the number of missed appointment and court dates.	Used throughout 2016/17	Fewer missed appointments and court dates and rescheduled appointments required.	N/A - at this point we have not been tracking missed appointments and court dates.	Clients will have their matters advance quicker, lawyers can make better use of time, justice system moves more efficiently if people show up.
	Improved on-line application	To have a simplified application on-line that allows access to potential clients without having to go into an office to apply.	Launched in early 2016/17	More on-line applications received, easier access to legal help.	Increased number of on-line applications received.	Clients can apply from anywhere and at any time.
	Pilot Veteran's Justice Outreach	Partner in development of and service to therapeutic court for veterans.	On-going pilot	Targets root causes leading to conflict with criminal law.	Involvement tracked. Court keeping statistics.	Veterans charged with criminal and CDSA matters.
	Increased funding of cultural context reports.	To provide culturally competent representation to African Nova Scotians charged with serious criminal offences.	Throughout 2016/17	Culturally competent services. Reduced inmates from ANS community. Address root causes.	Reduction in African Nova Scotians serving prison sentences.	Criminal clients from marginalized communities.

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
Quebec	Programme d'accompagnement justice en santé mentale. PAJ-SM	<p>Avoid imprisoning people who have mental health problems by providing support and follow-up in the community.</p> <p>Ensure continuous follow-up for these people so as to reduce their risk of reoffending.</p> <p>Improve the judicial process at the City of Montreal's municipal court for this type of offender.</p> <p>Allow for more uniform and consistent handling of court files.</p> <p>Reduce the time spent in detention for forensic evidence purposes, for preventive detention reasons.</p>	<p>Launched in 2008</p> <p>A full-time lawyer at the Centre communautaire juridique de Montréal</p>	<p>Break the revolving door cycle: mental illness, offence, imprisonment, health care, release.</p> <p>Ensure public protection with adapted case management for people with mental illness for the purpose of helping them control their illness.</p> <p>Ensure efficient and rapid responses to the treatment needs for people with mental illness.</p>	<p>University study on the implementation of the program.</p> <p>Number of cases handled under this program.</p>	<p>Accused before the City of Montreal municipal court with mental health issues.</p> <p>For summary offences.</p>
	Programme de traitement de la toxicomanie de la Cour du Québec. PTTCCQ-Montréal	<p>Prevent and reduce the number of crimes committed because of drug or alcohol addiction, by offering offenders with substance abuse issues a structured program with legal supervision before sentencing.</p>	<p>Launched on December 10, 2012</p> <p>All criminal and penal lawyers at the Legal Aid Office could represent their clients.</p>	<p>Break the cycle of addiction and related criminality.</p> <p>Achieve sustainable social and community reintegration and rehabilitation.</p> <p>Ensure greater community safety.</p>	<p>Number of cases handled under this program.</p> <p>Implementation study.</p> <p>Impact study to come.</p>	<p>Accused before the District of Montreal Court of Quebec with substance or alcohol abuse problems.</p> <p>All offences are eligible for the program inasmuch as the Director of Criminal and Penal Prosecutions consents to it and the expected sentence is within the range of sentences that are eligible for a stay or other non-custodial measures.</p>

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	Name of Innovation/Program	Objective(s)	Timeline	Expected/Actual Outcome(s)	Performance Measure(s)	Beneficiaries
	Protocole d'intervention lavallois en santé mentale. PIL-SM	<p>Reduce the time spent in detention for forensic evidence and preventive detention purposes.</p> <p>Reduce the risk of deteriorating mental health of the individuals.</p> <p>Avoid the flow of legal services.</p> <p>Cost savings.</p> <p>Protect public safety.</p>	<p>Launched in September 2017</p> <p>All criminal law lawyers at the Laval Legal Aid office may represent their clients.</p>	<p>Change the usual intervention protocols of the various stakeholders to encourage a quick response for people with mental health issues.</p> <p>Reduce mental health stigma related to contact with the justice system.</p>	<p>Number of cases handled under this protocol.</p> <p>Impact research project being negotiated.</p>	<p>Accused in the District of Laval with mental health issues, deficiencies or on the autism spectrum.</p>
	Programme d'accompagnement justice itinérance à la Cour. PAJIC	<p>Help people who have been or are currently homeless that are in an integration process to regularize their legal situation.</p>	<p>Pilot project February 2009</p> <p>Launched in July 2011</p> <p>All criminal and penal lawyers from legal aid practicing at the City of Montreal municipal court may represent their clients.</p>	<p>Voluntarily, a defendant may integrate their citations and criminal records by presenting their reintegration plan.</p>	<p>Number of files handled under this program.</p>	<p>Homeless people</p> <p>For offences against municipal regulations or Quebec provincial legislation subject to the provisions of the Quebec Code of Penal Procedure, or certain criminal offences.</p>
	Programme d'accompagnement en justice - Maltraitance aux aînés. PAJMA	<p>Eligibility is automatic: a facilitator meets with the victim at the very first presence in Court.</p> <p>The Centre d'aide aux victimes d'actes criminels (CAVAC) can offer the victim support through the legal process (explanations, listening, information, help preparing testimony and accompaniment in court).</p> <p>The facilitators take the victims' requests into consideration.</p>	<p>All criminal and penal lawyers at Legal Aid working at the City of Montreal municipal court may represent their clients.</p>	<p>The main goal is to stop wrongdoing.</p>	<p>Number of files handled under this program.</p>	<p>For all people called upon to testify in a case at the City of Montreal municipal court.</p>

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
	EVE Program	For female offenders.  Find an alternative to conviction and imprisonment.	Since the 1980s  All criminal and penal lawyers at Legal Aid working at the City of Montreal municipal court may represent their clients.	Voluntary  Participation in group sessions and follow-ups to better understand the reasons they committed the acts.	Number of files handled under this program.	For economic offences, shoplifting, workplace theft, fraud, cheque forgery.
	Discoveries	Reduce number of cases where a hearing before a judge is required.	Launched in March 2017	Reduce wait times for hearing trials.  Identify the legal issues of discovery.  Allow examinations that target these issues.	Number of files handled under this program.	The accused.
	Processing legal aid requests by videoconference	Reduce processing time for legal aid requests for beneficiaries.	Launch planned in May 2017	Contribute to reducing wait times for trial hearings.  Render decisions on legal aid eligibility as soon as possible.	Number of requests processed by videoconference.  Deadline for issuing legal aid warrants in private practice.	Inmates in the Bordeau and Rivière-des-Prairies detention centres.

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
	Projet IMPAC (Intervention multisectorielle programmes d'accompagnement à la cour municipale)	<p>Increase the feeling of security in the territory and encourage a more attractive lifestyle.</p> <p>Reduce the risk of recidivism.</p> <p>Encourage resolution of debt without imprisonment and facilitate a return to action.</p> <p>Implement sustainable solutions better adapted to the situation of the target clients.</p> <p>Encourage access to justice.</p> <p>Improve processing for this type of case at the Quebec municipal court.</p> <p>Adapt the legal process and encourage ongoing supervision and follow-up in the community as a means of reinsertion.</p>	<p>Since 2013-2014</p> <p>Criminal and penal lawyers working at the City of Quebec municipal court may represent their clients.</p>	<p>Implement other methods for processing cases at various stages in the legal process to achieve community justice.</p> <p>Focus on intrinsic causes of the offence to bring lasting solutions.</p> <p>Make the community a partner in the problem-solving process.</p> <p>Include participation by all stakeholders from the legal system to bring lasting solutions together rather than relying solely on traditional sentences.</p>	Number of cases handled under this program.	Accused before the City of Quebec municipal court with mental health issues, intellectual deficiencies, substance abuse issues and the homeless.
Ontario	Service Integration - Duty Counsel Worksheet	Deploy online worksheet to capture bring forward and service information to improve client service, improve record keeping, and better understand (through enhanced reporting) services delivered.	Deployment completed in Jan 2018. System stabilization and optimization through June 2018.	Deployment expected December 2017; Actual Jan 2018.	Have system available at all court sites. (Development of interface installation of infrastructure, as necessary, deployment of devices - measure achieved - as at March 2017 approximately 100 users in 20 locations)Target to have all DC services recorded through the system (in progress).	Clients (improved services and recordkeeping) and justice system partners (more accurate records reduce appearances, more accurate reports result in better allocation of scarce resources).

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
	Justice in Time and C Court (Provincial Offences Court) Projects: Embedded counsel services for vulnerable mental health clients	Provision of legal services to clients with complex mental health and addiction needs, and intersecting legal challenges including in criminal and quasi-criminal law, through a community partnership "embedded counsel" model. In Toronto, services are delivered through Sound Times, a community mental health agency, and at the Provincial Offences Court (C Court) at Old City Hall Courthouse.	Provide onsite legal services at a community mental health agency (Sound Times in Toronto) and at the Provincial Offences Court in Toronto.	Year one of two-year project commenced August 2016.	In year one (August 2016-August 2017), approximately 200 files were opened at Sound Times; legal education and community engagement sessions were also held. In Provincial Offences Court, legal advice and representation are provided to clients facing 'street' (or nuisance) charges.	Clients (able to receive community-based support for their intersecting needs earlier in the process); justice system partners (support provided to high-needs clients supports avoidance of entanglement or re-entanglement with the criminal justice system).

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	Name of Innovation/Program	Objective(s)	Timeline	Expected/Actual Outcome(s)	Performance Measure(s)	Beneficiaries
	Project Rosemary	Project Rosemary is the name given to LAO's program to collect and analyze information about the race of applicants and clients of legal aid to support evidence-based service planning.	<p>January 2017-Secured Executive approval for the project.</p> <p>Feb 2017 Conducted a survey to assess culture and training needs. Feb-Mar 2017 - external consultation to develop and deliver training on data collection.</p> <p>September and December 2017- Developed Race-Based Question and implementation of technical aspects of Project Rosemary.</p> <p>January to April 2018- Developed and delivered training to LAO Staff.</p> <p>December 2017- Engaged external consultation to develop and deliver training on data collection to LAO Staff.</p>	Data collection to begin April 1, 2018.	Race-Based Question (RBQ) to be asked and answer to be recorded (including "chose not to answer") 95% of the time. Answers (including "prefer not to self-identify my race") to be gathered for 110,000 people per year.	<p>Clients and justice system will benefit, as project enables LAO to:</p> <ul style="list-style-type: none"> <li>• verify, monitor, measure and address gaps, trends, progress and perceptions.</li> <li>• proactively identify opportunities for improvement and growth.</li> <li>• improve the quality of decision-making, service delivery, and programming.</li> <li>• enhance perceptions of being progressive leaders in their sector or industry.</li> <li>• achieve organizational goals and strategic objectives.</li> </ul>

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	Name of Innovation/Program	Objective(s)	Timeline	Expected/Actual Outcome(s)	Performance Measure(s)	Beneficiaries
	Mental Health Training for legal aid staff providing criminal law services	Provision of mental health training and supports to lawyers providing criminal law services to clients with mental health issues and addictions. Training includes education about mental health rights advocacy, how to identify the needs, options and consequences for mental health clients in criminal court, and accommodation and communication skills.	District leads received "train the trainer" training March 2016 and day-long training on July 7, 2016. District Leads supported to facilitate having all criminal law staff complete the program.	Training completed in 2017 and now available online to staff, clinic and private bar certificate lawyers through LAO LAW.	All criminal law staff receive training; training to be made available to panel lawyers and clinics through LAO LAW website.	Clients (receive higher quality services), legal aid staff (better equipped to provide high quality services), justice system partners and other Canadian legal aid plans (LAO has agreed to share training for customization and use in other jurisdictions).
	Aboriginal Self Identification Question	Strengthen and expand LAO's ability to collect data on services to Indigenous clients, including by expanding data collection beyond certificate services to include duty counsel services.	LAO rolled out Indigenous Self Identification Training over June 2017 to all staff to assist them in asking clients whether they self-identify as First Nation, Métis. or Inuit and to gain a better understanding of the complexities of Identity. The Service Integration Duty Counsel Worksheet is being used by duty counsel to track data.	Training completed by all staff. Service Integration worksheet is being used by duty counsel.	Have data collected by duty counsel using the Service Integration worksheet; improved compliance by duty counsel using the Aboriginal Self Identification question.	Clients, justice system partners. LAO better able to develop and customize services and programs to serve Indigenous clients and better able to meet the goals of its Aboriginal Justice Strategy.
	Expanded access to Gladue services and improved local access to services for Indigenous clients		In 2016-2017 LAO renewed funding for Gladue Report writing services and a Legal Aid Worker at Six Nations of the Grand River. In 2016-2017 LAO expanded its local service advice model to 6 additional locations.	In 2016-2017, LAO renewed funding to Aboriginal Legal Services, Grand Council Treaty #3 and Nishnawbe-Aski Legal Services Corporation to provide Gladue Report writing services; established duty counsel services at both the Ottawa and Cayuga newly launched Indigenous Peoples Court; supported community ownership by transferring criminal and family legal advice services to Six Nations of the Grand River's Justice Program to oversee and manage; piloted an exemption at Six Nations to the requirement of prior approval for lawyers	Availability of Gladue report writing services province-wide. Strengthening of local and place-based services that respect the needs of communities.	Clients; justice system partners; stronger relationship between LAO and Indigenous communities.



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				providing advice services to acknowledge certificates.		
Manitoba	Paperless environment – streamlining certificate management	Improve file authorization and implement e-billing for the private bar.	Phased in over FY 2015/16 to 2016/17; testing of e-billing complete March, 2017	Increased integration of file authorization requests with billing; private bar are able to bill files electronically.	Reduction in turnaround time; increased efficiency in processing and taxation of lawyers' accounts.	LAM Administration, staff attorneys and private bar.
	E-application – LAM and Private Bar	Implement an electronic application for use by legally trained personnel.	Phased in over FY 2016/17	Decreased time to process applications, decreased error rates due to transcription; increase data collection	Early results show time saved vs manually entering paper applications into LAMAS, greater accuracy and better data collection since the entire application can be used for statistical and other analysis.	Clients, LAM and private bar.
	E-application – Agencies and General Public	Implement an electronic application for use by agencies and the general public.	I&R version rolled out in May, 2017; full version in Sept., 2017	Decreased time to process applications, decreased error rates due to transcription; increase data collection.	Applications received from agencies and the public (not an option before).	Clients, LAM and private bar.
	File Distribution System	Certificates without a choice of counsel are automatically assigned to staff and private counsel taking into account their availability and the number of files they have recently received.	Implemented January, 2017	Decreased time to place certificates.	Time taken for counsel to accept certificates will decrease. Early results show a decrease in turnaround time.	LAM Administration, staff attorneys and private bar.

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
Saskatchewan	LAIN 2.0	To upgrade the current version of LAS Legal Aid Information Network (LAIN) to a next generation version.	To be completed by December 2017	A more robust system for staff.	Increase use of LAIN by staff and applicants.	Staff and applicants.
	Internal File Handling	Development of best practices and implement set of practice standards for staff lawyers.	To be completed before March 31, 2018	More consistent handling of files and the development of file handling orientation program for new lawyers.		Staff lawyers and clients.
	Online application re-launch	To simplify the online application for applicants and to improve the quality of the information obtained.	March 2017 Launch	Improved intake process.	100% of application responded to within 2 business days; 100% of the applications have accurate contact information.	Staff and applicants.
	Weekend Duty counsel service project	To reduce the amount of time on remand.	January 1, 2017 and ongoing	Decrease the amount of time on remand.	# of days on remand.	Individuals on remand.
	Create Gladue Historical Database	To create a centralized knowledge source to assist in the preparation of Gladue reports.	To be completed by October 2017	A dynamic database of information for legal counsel, prosecution, judiciary and Gladue report writers.	# of uses by legal staff and report writers.	Indigenous clients; defence counsel; Gladue Report writers.
Alberta	Adult criminal expansion	Settlement counsel in additional locations.	Jan 2017	Better flow through counts.		Court system/ Clients.
	Youth criminal expansion	Youth counsel in additional locations.	Jan 2017	Better flow through counts.		Court system/ Youth Clients.

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
British Columbia	Expanded Criminal Duty Counsel pilot	Increase early resolution of cases; Increase the scope of recipients of criminal legal aid services; reduce the number of court appearances, increase continuity of service for clients.	Initial timeline April 1, 2014 to March 31, 2017. Program funded to continue at one location in 2017/18; requested funding for expansion.	Independent evaluation found evidence of early resolution of cases, reduced court appearances, and expansion of legal aid service for clients not otherwise eligible for legal representation, and increased continuity for clients.	Time to resolution, # of appearances, volume of clients (total); volume of eligible clients not eligible for full representation services; proportion of resolutions achieved.	All clients facing a criminal matter in the program court location, but in particular those clients with matters that can be resolved without trial and those not eligible for full representation services but eligible for this service; judges, crown, court services in the program locations, due to increased efficiencies; complementary justice system initiatives with similar aims.
Northwest Territories	Active mentoring of junior counsel	Expose junior lawyers to best practices.	Ongoing	Develop confidence and skills	Wider range of counsel to assign to complex files.	Clients, lawyers, courts, legal aid, admin.

**Table 18 - Criminal legal aid innovations implemented in 2016-17**

	<b>Name of Innovation/Program</b>	<b>Objective(s)</b>	<b>Timeline</b>	<b>Expected/Actual Outcome(s)</b>	<b>Performance Measure(s)</b>	<b>Beneficiaries</b>
	Expanded Domestic Violence Treatment Option(DVTO) to Hay River	Dedicated duty counsel to DVTO Court in Hay River.	Ongoing	Client access to appropriate domestic violence programming.	Higher number of discharges granted.	Clients, spouses, families with greater insight, reduce demand on justice resources.
	Outreach Legal Aid Clinic	Expanded outreach services.	Beginning March 2017 and ongoing	Greater access to legal information and referral.	Clients have more efficient access to justice, referrals, more frequent community visits.	Clients, courts, families, other service providers.
	Respite support to Regional Court Workers	Address stresses from working in isolation.	Ongoing	Greater health/wellness.	Self-identified improvement.	Court workers, legal aid administrative staff, and clients.