

# FREE LEGAL SERVICES IN BC ACCESS PRO BONO PROGRAMS

---

February 4, 2021



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

Access Pro Bono's head office is located on unceded Coast Salish territory, including the lands belonging to the x<sup>w</sup>məθk<sup>w</sup>əy'əm (Musqueam), Skwxwú7mesh (Squamish) and sə'ílwətaʔt /Selilwitulh (Tsleil-Waututh) Nations.



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Eligibility Criteria

APB can help if:

- the client lives in BC;
- the client is not eligible for government-funded legal aid;
- the client meets APB's financial eligibility criteria

## **Financial eligibility criteria:**

- 1-3 member household: gross annual household income of \$60,000 or less
- 4+ member household: gross annual household income of \$84,000 or less



# Overview: APB's programs

- Summary Advice Program: Jelena Djuricic, Intake Coordinator
- Tribunals Programs: Mona Muker, Tribunals Program Manager and Staff Lawyer
- Civil Chambers Program and Wills Clinic Program: Dustin Ellis, Civil Chambers Program Manager and Staff Lawyer
- Roster Programs: Heather Wojcik, Director of Legal Services and Staff Lawyer



# Summary Advice Program

- **Summary of the Summary Advice Program (SAP)**
  - 30-minute summary legal advice appointments that are booked in advance, and provided free of charge, to those who qualify based on household income
  - Over the phone (previously primarily in person)
  - 4 major areas of law: Immigration, Family, Criminal, Civil
    - Popular areas right now: Family, Employment, Housing, Debt, Wills & Estates, Contracts



# Summary Advice Program: Referrals

- **Email:** [appointments@accessprobono.ca](mailto:appointments@accessprobono.ca) or [intake@accessprobono.ca](mailto:intake@accessprobono.ca)
- **Call** our client line: 604-878-7400 or toll free 1-877-762-6664
- **Online** triage form:  
<https://accessprobono.ca/get-legal-help>



# What happens when the SAP receives the referral?

- We get in touch by calling or emailing the client back
- Client intake (~15 minutes)
- Assess the issue(s)
- Schedule legal advice appointment with available lawyer volunteers in the area of law that is most appropriate
- If there is no availability or a client is not eligible, we then make referrals to other organizations and community partners (i.e. Legal Aid)



# SAP Client Expectations

- A client can expect a call back or response in 1-2 business days
- Legal advice for 30 minutes at a time for free
- No real limitations to advice appointments
- It takes 2-3 weeks to schedule these sessions, so no urgent or same day advice provided
- Standby sessions may be available if nothing else
- Review of documentation, discussion and analysis of legal issues, and next step advice
  - No drafting, signing, or representation provided through this program
- Plenty of referral options





# How to Volunteer with the SAP?

- **Clinic Coordinator: Frank Yates, [fyates@accessprobono.ca](mailto:fyates@accessprobono.ca)**
- Web: <https://accessprobono.ca/volunteers/volunteer-as-a-lawyer>
- Register through our website and email Frank your availability!
- You can specify the program you want to volunteer for, in this case that's the Summary Advice Program, and specify the areas of law you are interested in providing advice on.



# Tribunals Program

- **Employment Standards Program (“ESP”)**
  - Employment law issues, appearing before the Employment Standards Branch
    - Employment Standards Act
    - Employment Standards Regulation
- **Residential Tenancy Program (“RTP”)**
  - Tenants and landlords who are contending with tenancy law issues and appearing before the Residential Tenancy Branch
    - Residential Tenancy Act, Regulations, Rules of Procedure, Policy Guidelines
- **Mental Health Program (“MHP”)**
  - Advice over the telephone to individuals detained under BC's *Mental Health Act*, and/or to their family and relatives



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Tribunals Program: Referrals

- **Employment Standards Program**
  - Email: [esp@accessprobono.ca](mailto:esp@accessprobono.ca)
  - Intake line: 604-482-3195 ext. 1500 / 1-877-762-6664 ext. 1500
  - Online triage: <https://accessprobono.ca/get-legal-help>
- **Residential Tenancy Program**
  - Email: [tenancylaw@accessprobono.ca](mailto:tenancylaw@accessprobono.ca)
  - Intake line: 604-482-3195 ext. 1500 / 1-877-762-6664 ext. 1500
  - Online triage: <https://accessprobono.ca/get-legal-help>
- **Mental Health Program**
  - Email: [mentalhealth@accessprobono.ca](mailto:mentalhealth@accessprobono.ca)
  - Intake line: 604-482-3195 ext. 1500 / 1-877-762-6664 ext. 1500
  - Online triage: <https://accessprobono.ca/get-legal-help>



# Tribunals Program: Post-Referral Procedures

- **Employment Standards Program**
  - Client intake (20-30 minutes)
  - Merit assessment (collect relevant evidence)
  - Distribution of file
- **Residential Tenancy Program**
  - Client intake (20-30 minutes)
  - Merit assessment (collect relevant evidence)
  - Distribution of file
- **Mental Health Program**
  - Client intake (10-15 minutes)
  - Schedule legal advice appointment with available lawyer volunteers



# Tribunals Program: Client Expectations

- **Employment Standards Program**
  - Representation, if someone volunteers
  - If no volunteers or urgent, summary legal advice for up to 30 minutes
  - Referrals to other legal resources & organizations
- **Residential Tenancy Program**
  - Representation, if someone volunteers
  - If no volunteers or urgent, summary legal advice for up to 30 minutes
  - Referrals to other legal resources & organizations
- **Mental Health Program**
  - Legal advice only; no representation
  - Clinics may be fully booked in advance
  - Referrals to Roster program or outside organizations & resources

# Tribunals Program: How to Volunteer

- **Employment Standards Program**
  - Email: [esp@accessprobono.ca](mailto:esp@accessprobono.ca)
  - Web: <https://accessprobono.ca/volunteers/volunteer-as-a-lawyer>
- **Residential Tenancy Program**
  - Email: [tenancylaw@accessprobono.ca](mailto:tenancylaw@accessprobono.ca)
  - Web: <https://accessprobono.ca/volunteers/volunteer-as-a-lawyer>
- **Mental Health Program**
  - Email: [mentalhealth@accessprobono.ca](mailto:mentalhealth@accessprobono.ca)
  - **Clinic Coordinator: Frank Yates**, [fyates@accessprobono.ca](mailto:fyates@accessprobono.ca)
  - Web: <https://accessprobono.ca/volunteers/volunteer-as-a-lawyer>
- **My Contact Information**
  - **Mona Muker, Staff Lawyer & Tribunal Program Manager**
  - [mmuker@accessprobono.ca](mailto:mmuker@accessprobono.ca)
  - 604-482-3195 ext. 1513



# THE CIVIL CHAMBERS PROGRAM

---

Assists eligible persons with civil law matters before the Supreme Court of British Columbia. The Chambers Program facilitates Duty Counsel who assist clients by providing summary legal advice, and representation in hearings, and other matters.



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Eligible Persons

- Persons – not companies or non-profit societies.
- Eligibility depends on income
  - Persons with “**low and modest income**”
  - Measured by household size and after tax or net household income.

## Formula:

- Households of <4 persons = net monthly household income of \$5000 or less.
- Households of >3 persons = net monthly household income of \$7000 or less.





# Scope:

- Civil Law Matters before the Supreme Court of British Columbia
  - No Criminal Law matters
  - No Family Law matters
  - Not a Summary Advice service for unfiled matters
    - We refer clients who are seeking advice about whether they have a claim to Access Pro Bono's Summary Advice Program (SAP)
- Access to Justice Issues
  - Typically, we do not assist with:
    - Matters where the legal market provides contingency agreements to resolve
      - Examples: person injury cases; slip and falls; applications to vary wills, etc.



# Common Legal Issues:

- Civil Litigation
- Judicial Reviews of administrative decision makers
  - Most common: RTB, WCAT, Judicial Justices, Professional Regulators, Cooperative Associations, etc.
- Collections (Debtor/ Creditor)
- Real Estate/Strata
- Wills & Estates
- Employment
- Tort



# Referrals

- Email – [civilchambers@accessprobono.ca](mailto:civilchambers@accessprobono.ca) (preferred)
- Phone – 604.603.5797
  - We receive between 60 and +200 messages each month
- Once received, we review materials and perform a call back or email:
  - Merit assessment takes place either before or after call back depending on data provided. We prefer to have sufficient information to assess merit early on - this enhances program capacity.
  - Call backs are made by volunteers or staff who collect client information and send a service waiver for clients to complete and return.
    - Once merit is assessed, we collect information in a point form chronology type format.



# Client Expectations:

- Program capacity fluctuates with the number of inquiries we receive.
- We rely on
  - volunteer lawyers who sign up on Thursdays to represent clients or on Tuesdays to provide summary advice, each week; and
  - Volunteer students and persons who assist with interviewing client.
- Once a service waiver is signed and we agree to assist a client, we begin collecting the necessary information to draft application materials.
- We send materials for clients to file (we can also meet clients at the Courthouse on one of two days each week for swearing affidavits and printing materials).
- We often communicate with opposing counsel, attempt to settle matters where possible, and schedule matters to be heard when we have duty Counsel lawyers available.



# Volunteer Lawyer Expectations

- For matters we schedule for you:
  - We provide names for conflict checks in advance;
  - We provide application materials in advance; and
  - We print and file application and petition records in advance of hearings we schedule for you.
- Also:
  - Lawyers may receive the opportunity to represent impromptu clients but are not required to do so.
  - Access Pro Bono provides additional professional insurance policy benefits (see our website for more info).

# Program Contact

- Dustin G. Ellis
  - Program Manager & Staff Lawyer
    - [dellis@accessprobono.ca](mailto:dellis@accessprobono.ca)
    - 604.482.395 (ext. 1515)
  - Program Intake:
    - [Civilchambers@accessprobono.ca](mailto:Civilchambers@accessprobono.ca)
    - 604.603.5797



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# The Wills Clinic

A clinic that assists eligible persons with Wills, Representation Agreements, and Enduring Powers of Attorney



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Eligible Persons

- Persons with a terminal illness or who are over the age of 55 years.
- Estates must not exceed \$200,000 in value
- Persons must have low or modest income
  - Measured by household size and net monthly household income
    - Households of <4 persons = net monthly household income of \$5000 or less; and
    - Households of >3 persons = net monthly household income of \$7000 or less.



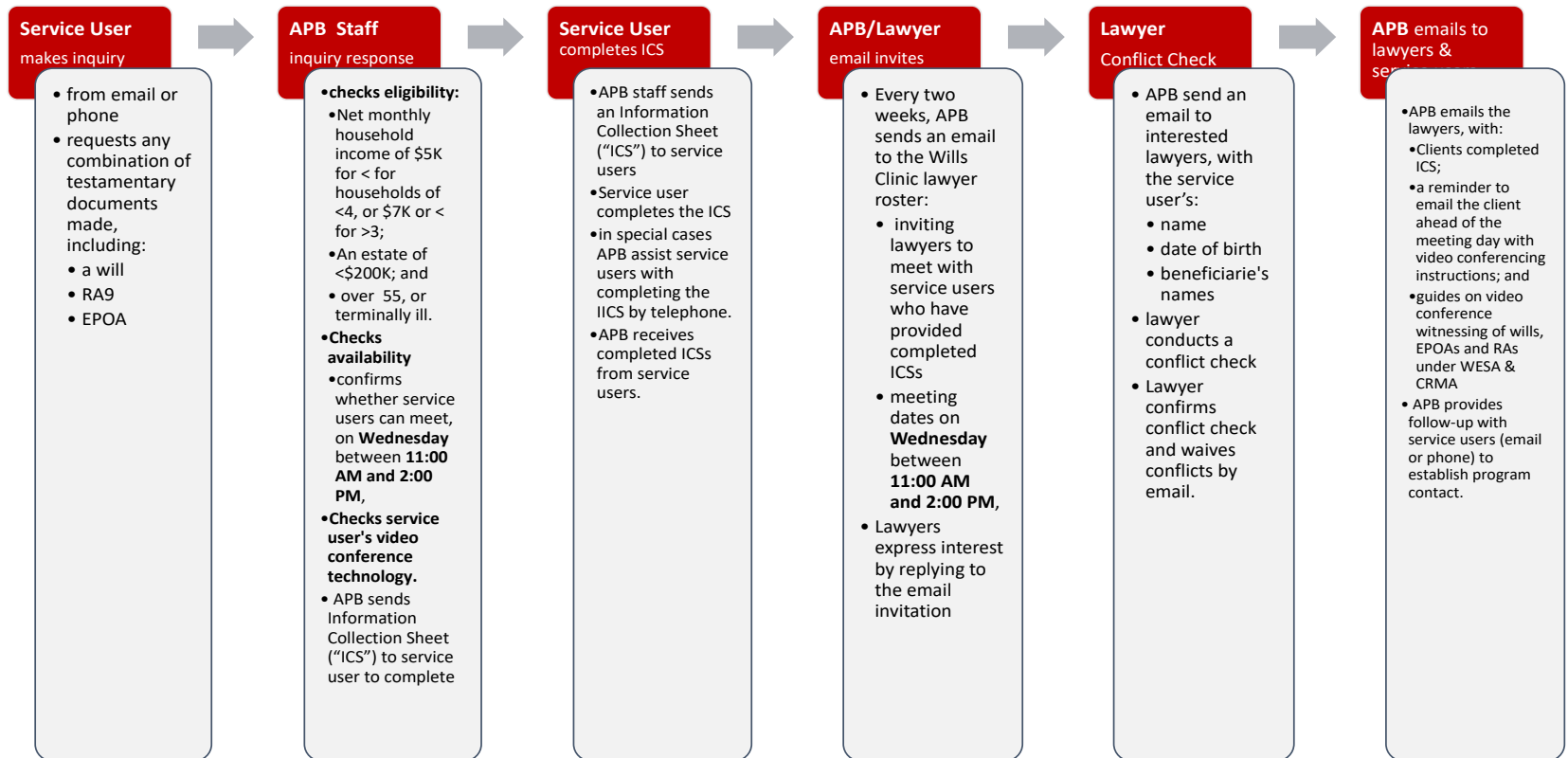


# Remote Services

- Since September 2020, the Wills Clinic has been providing a remote service for people.
  - **Initial meeting**
    - Lawyer meets with client over video chat and assesses capacity and potential for undue influence.
    - If meeting goes well, instructions are taken and lawyer proceeds to draft testamentary documents for the client
  - **Signing meeting**
    - Lawyer present client with testamentary documents with another witness and all witness the signing by the testator.



## Workflow – Wills Clinics Via Videoconferencing



Version 1.1 September 23, 2020



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Referrals

- **The Wills Clinic**
  - [Willsclinic@accesspronbono.ca](mailto:Willsclinic@accesspronbono.ca)
  - 604.424.9600
    - Please provide client's name and contact information
    - Clients must be 55+ or terminally ill
    - Try to ensure the estate size is <\$200,000



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# After Referral

- Clients are called back, emailed, or both, and asked to provide information about their estate and estate plans.
- Call back volunteers collect detailed information about estates and planning which is presented to volunteer lawyers prior to initial meetings.



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Volunteer Lawyer Expectations

- Volunteer lawyers can expect:
  - Detailed client estate information
  - Insight into potential for capacity issues or potential for undue influence issues before the initial meeting
  - Insight into the size and make up of the estate before the initial meeting
- Documate – Testamentary Document Automation
  - The Wills Clinic is launching document automation technology for all clients in coming months and is test right now.
  - This means that lawyer will not be required to draft documents as much as to review documents to ensure the client’s instructions are followed
  - This will reduce the time needed to serve each client and hopefully lead to providing high quality services to more clients.

# Contact us:

[willsclinic@accessprobono.ca](mailto:willsclinic@accessprobono.ca), or 604.424.9600

or,

**Dustin G. Ellis**

*Program Manager & Staff Lawyer*

[dellis@accessprobono.ca](mailto:dellis@accessprobono.ca)



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Roster Programs

- Barristers' Roster Program
- Family Law Roster Program
  - Family Mediation Program
- Solicitors' Roster Program
- Wills & Estates Roster Program
- Court of Appeal Program



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC

# Roster Programs: Referrals

- Email: [roster@accessprobono.ca](mailto:roster@accessprobono.ca)
- Call: 604-424-8286



ACCESS  
PRO BONO



INCREASING ACCESS  
TO JUSTICE IN BC



# Roster Programs: Eligibility

- Barristers', Family, and Court of Appeal Rosters may only accept cases that have a reasonable prospect of success (merit criteria)
- Merit is assessed by a volunteer merit assessment lawyer
- Cases that meet the merit threshold will be sent out to the rosters – roster lawyers step forward to take pro bono cases based on their availability, interest, and experience
- No guarantees that we will be able to find a pro bono for every client in every case



# Roster Programs: Lawyer Volunteers

- Fill out our volunteer lawyer form at: [accessprobono.ca/volunteers/volunteer-as-a-lawyer](https://accessprobono.ca/volunteers/volunteer-as-a-lawyer)
- APB provides insurance coverage (including for non-practicing, in house, and retired lawyers)
- Up to \$2,500 in disbursement coverage for approved Roster Program cases
- No positive obligation to volunteer, though we encourage each roster lawyer to try to take at least 1 case per year



# THANK YOU!

Questions?