



## **PUBLIC COMMISSION ON LEGAL AID**

### **TERMS OF REFERENCE**

“I believe that basic justice is a fundamental social good in our society to which every woman, man and child is entitled, like food, shelter and adequate medical care.”<sup>1</sup>

#### **Mission Statement**

1. For the purposes of these terms of reference, Legal Aid refers a range of legal services including legal information, legal advice, legal representation and assistance with dispute resolution, which are provided to individuals who cannot afford them and which are paid for through public funds and/or funding mechanisms and entities other than the recipient of the legal services.
2. The purpose of the Public Commission on Legal Aid (the “Public Commission”) is to engage the British Columbia public on Legal Aid in British Columbia and to determine what the priorities of British Columbians are in regards to Legal Aid.
3. The priorities of British Columbians shall be inquired into and determined by posing the questions contained in Schedule “A” (the “Legal Aid Questions”).
4. British Columbians shall be engaged through the Public Commission described below and through an outreach campaign intended to bring the Public Commission and the Legal Aid Questions to the attention of British Columbians and to encourage them to participate in education and awareness on Legal Aid and to answer the Legal Aid Questions.
5. The priorities of British Columbians will be communicated to the Governments of British Columbia and Canada through participation in the Public Commission and through the preparation of a report coalescing those views and answering the Legal Aid Questions.

#### **Public Commission**

6. The Public Commission shall consist of meetings across British Columbia where British Columbians can receive information about Legal Aid, and provide responses to the Legal Aid Questions.

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<sup>1</sup> The Right Honourable Beverley McLachlin, P.C., Chief Justice of the Supreme Court of Canada, to the Faculty of Law, University of Alberta, September 2008

7. The Public Commission shall be chaired by a commissioner. At each location, local Members of the Legislative Assembly, Members of Parliament and / or municipal elected officials shall be invited to be co-commissioners.
  
8. The Public Commission shall hold day long meetings in the following locations:
  - (a) Prince George;
  - (b) Terrace;
  - (c) Williams Lake;
  - (d) Kamloops;
  - (e) Kelowna;
  - (f) Cranbrook;
  - (g) Victoria;
  - (h) Nanaimo
  - (i) Vancouver;
  - (j) Surrey; and
  - (k) Chilliwack.
  
9. The Public Commission meetings shall consist of:
  - (a) a brief educational component addressing the following topics:
    - (i) A synopsis of the current delivery of legal aid in British Columbia;
    - (ii) The relationship between unrepresented litigants and delays and costs in the justice system;
    - (iii) The relationship between legal problems, health and social welfare.
  - (b) presentations by British Columbians, community organizations and justice system stakeholders who are invited to make submissions on the Legal Aid Questions;
  - (c) a debriefing session at which the commissioners attempt to come to a consensus on the most prevalent views expressed in that community, even if there is more than one prevalent view in answer to each of the questions.
  
10. The Public Commission meetings shall be open to the public.

11. British Columbians may participate in the Public Commission by making a submission in writing and sending it to the Commissioner by email, by regular mail, or by submitting it to the Public Commission website.

### **The Report**

12. At the conclusion of the Public Commission, the commissioner shall prepare a report (the “Report”) summarizing the information exchanged at the Public Commission and providing answers to the Legal Aid Questions.

### **The Steering Committee**

13. A steering committee (the “Steering Committee”) shall be established of funding partners and non-funding partners as follows:
  - (a) A representative to the Steering Committee shall be named by each of the following funding partners:
    - (i) The Canadian Bar Association, British Columbia Branch (“CBABC”);
    - (ii) The Law Society of British Columbia (the “LSBC”);
    - (iii) The Law Foundation of British Columbia (the “LFBC”);
    - (iv) The British Columbia Crown Counsel Association (the “BCCCA”); and
    - (v) the Victoria Bar Association and the Vancouver Bar Association, jointly  
(the CBABC, the LSBC, the LFBC, BCCCA, the Victoria Bar Association and the Vancouver Bar Associations together being the “Funding Partners”)
  - (b) Further representative to the Steering Committee shall be named jointly by the following non-funding partners:
    - (i) a representative of one or more justice system stakeholders, the nature of which makes their organizations unable to provide funding; and
    - (ii) such other entities as the funding partners determine would be valuable to include.
14. The Steering Committee shall make decisions by consensus if possible. If consensus is not possible, decisions shall be made based on a simple majority of Funding Partners.
15. The Steering Committee shall:
  - (a) identify a commissioner (the “Commissioner”);
  - (b) establish the locations and timing of the meeting of the Public Commission;

- (c) develop a list of invitees to the Public Commission;
  - (d) oversee the development of a campaign to raise awareness around the Public Commission and the Legal Aid Questions;
  - (e) encourage participation by MLAs, MPs and local elected officials in the Public Commission;
  - (f) provide oversight and direction to the Secretariat until such time as the Commissioner is appointed, and thereafter to provide advice and input to the Commissioner.
16. The federal and/or provincial government and/or other justice system stakeholders may be invited to be an observer to some or all activities of the Steering Committee or may be consulted by the Steering Committee at the discretion of the Steering Committee.

### **Secretariat**

17. Administrative support functions for the Public Commission shall be staffed and managed by a Secretariat, consisting of a coordinator (the “Public Commission Coordinator”) and such administrative support staff as the Steering Committee determines from time to time.
18. The Public Commission Coordinator shall report directly to the Steering Committee until such time as the Commissioner is appointed. After the Commissioner is appointed, the Public Commission Coordinator shall report directly to the Commissioner.

### **Funding**

19. The Steering Committee shall establish an overall budget for the Public Commission.
20. Funding may be sought from persons or entities who are willing to fund the Public Commission but do not wish to sit on the Steering Committee. The terms on which they do shall be agreed upon by them and the Steering Committee.
21. In addition to traditional funding, the Steering Committee shall may seek “in kind” assistance including but not limited to:
- (a) volunteer assistance;
  - (b) provision of facilities and/or equipment for the Public Commission;
  - (c) provision of staff support for the Public Commission;
  - (d) provision of public relations advice for the Public Commission;
22. If the funding provided by the funding partners is not sufficient to cover the budget, the Steering Committee shall seek funding from other entities, some of who may be invited

to be funding partners on the Steering Committee at the decision of the other funding members of the Steering Committee.

### **Follow Up Engagement**

23. The Steering Committee and the Secretariat shall seek funding from the Vancouver Foundation, the Canadian Bar Association Law for the Future Fund and other entities identified by the Steering Committee, the funding partners and the Secretariat in order to undertake a program of follow-up engagement, intended to:
- (a) Disseminate the results of the Report generally to the people of British Columbia, and in particular to:
    - (i) The government of British Columbia;
    - (ii) The members of the Public Commission Communities;
    - (iii) The Members of the Legislative Assembly, Members of Parliament and other elected officials who participated as Co-Commissioners;
    - (iv) The Funding Partners;
    - (v) Justice system stakeholders; and
    - (vi) Other parties as recommended by the Steering Committee.
  - (b) Liaise with media and others regarding the Report; and
  - (c) Develop a plan to improve Legal Aid based on the answers to the Legal Aid Questions.

## **SCHEDULE “A”**

1. In what circumstances should legal aid be provided in British Columbia?
2. For what legal issues should legal aid be provided in British Columbia?
3. How should legal aid in British Columbia be funded?
4. What should the priorities of the legal aid system in British Columbia be?