



**AN INTERNATIONAL OVERVIEW OF FAMILY LAW
PUBLIC LEGAL ASSISTANCE MODELS AND
RECOMMENDATIONS FOR ALBERTA**

Alysia Wright, M.S.W.

September 2017

The views expressed in this report are those of the author
and do not necessarily represent the views of the
Canadian Research Institute for Law and the Family,
its staff or its Board of Directors.

TABLE OF CONTENTS

Acknowledgements	vi
1. Introduction	1
1.1 Background	1
1.2 Methodology	2
1.3 Organization of the Report	2
2. An Overview of Public Legal Assistance	3
2.1 The Development of Public Legal Assistance	3
2.2 Services Covered Under Public Legal Assistance	3
3. Overview of Public Legal Assistance Models	5
3.1 Canada	5
3.1.1 Mandate for Providing Public Legal Assistance	5
3.1.2 Eligibility Criteria	5
3.1.3 Funding Schemes	7
3.1.4 Types of Legal Aid Available	9
3.2 Australia	13
3.2.1 Mandate for Providing Public Legal Assistance	13
3.2.2 Eligibility Criteria	14
3.2.3 Funding Schemes	15
3.2.4 Types of Legal Aid Available	16
3.3 New Zealand	18
3.3.1 Mandate for Providing Public Legal Assistance	18
3.3.2 Eligibility Criteria	19
3.3.3 Funding Schemes	20
3.3.4 Types of Legal Aid Available	20

3.4	The United States	21
3.4.1	Mandate for Providing Public Legal Assistance	21
3.4.2	Eligibility Criteria.....	22
3.4.3	Funding Schemes	23
3.4.4	Types of Legal Aid Available.....	24
4.	Conclusions and Recommendations for Public Legal Assistance in Alberta.....	28
4.1	Conclusions.....	28
4.2	Recommendations for Alberta	30
	References	33

LIST OF TABLES AND FIGURES

Table 1: Low Income Measures (LIM) in Canada in 2015 Dollars.....	6
Table 2: Low Income Cut-offs (LICOs) After Tax by Community and Family Size in Canada in 2015 Dollars	6
Table 3: Canadian Legal Aid Funding (in thousands), 2013/2014.....	8
Figure 1: Percentage of Civil Legal Aid Applications of Total Legal Aid Applications in Canada for 2006/2007 and 2010/2011.....	9
Figure 2: Percentage of Civil Legal Aid Applications by Type in Canada, 2010/2011	10
Table 4: Total Legal Aid Applications, Total Approved for Full Service, and Number of Lawyers Providing Services in Canada, 2013/2014	11
Figure 3: Budgeted Legal Aid Australian Commonwealth Funding (in millions), 2015/2016	16
Table 5: Number of Applications Received and Approved in Australia, 2013/2014....	17
Table 6: Federal Poverty Guidelines in the United States, 2015	22
Table 7: Comparison of Richest and Poorest States by Median Household Income, 2014 Census Data	23
Figure 4: Sources of Legal Aid Funding in the United States, 2015	24
Table 8: United States Legal Aid Program Data Reported to LSC, 2015	25
Figure 5: Full-time Staffing in Legal Aid Agencies in the United States, 2015.....	26
Table 9: Legal Aid Characteristics by Country.....	28

ACKNOWLEDGEMENTS

The author gratefully acknowledges the ongoing financial support of the Canadian Research Institute for Law and the Family by the Alberta Law Foundation. This project would not have been possible without the Foundation's ongoing support.

I would also like to thank the Institute's staff for their guidance and assistance with this project.

1. INTRODUCTION

1.1 Background

Access to justice is a fundamental tenet of the human rights movement and includes access to legal assistance, access to legal information and access to legal representation (Davidson, Morris & Neun, 2010; Galanter, 2010). The United Nations has affirmed the importance of equal protections under the law without discrimination in Article 7 of the Universal Declaration of Human Rights to ensure that no human rights violations are caused or perpetuated due to lack of access to justice (United Nations, 1948; Davidson et al., 2010). Public legal assistance (PLA) programs have been established throughout the developed world to guarantee access to legal assistance; however, the quality of access and assistance provided continues to be a complex and challenging issue.¹ The core components of PLA are: providing access to justice for all persons, regardless of income; promoting a fair, relevant and accessible justice system; and streamlining justice system proceedings.

PLA has historically been guaranteed in the criminal context and has slowly been expanded to include civil, family and children's law in many jurisdictions (Currie, 1999; Open Society Justice Initiative, 2015), often with limitations as to the nature and extent of the assistance provided. Although PLA is generally assured for persons charged with criminal offences as a result of the severe consequences potentially attendant upon a finding of guilt, access to justice and PLA for families and children is of particular social importance, as families who do not have the financial ability to acquire legal assistance may be unable to adequately navigate complex legal systems and processes.

Much work has already been undertaken critiquing legal aid models, both domestically and abroad;² this report is intended to review and compare the family law PLA models in Canada, Australia, New Zealand and the United States. An international review of PLA models should be viewed with some caution due to differences between legal systems and cost of living standards (PricewaterhouseCoopers, 2009). Under this limitation, this review will:

- review the types of family law legal aid available, eligibility guidelines and legal aid funding schemes in the selected countries;
- identify themes within the PLA models examined; and

¹ The term *legal aid* acquired its modern meaning of a government-funded service providing the opportunity for all people, regardless of income or financial resources, to avail themselves of the various bodies through which a person may pursue justice in the 1970s (Galanter, 2010).

² Galanter (2010) notes that there were 441 books and periodical articles with "access to justice" in the titles published between 1976 and 2010.

- make recommendations regarding best practices for PLA in family law matters in Alberta.

1.2 Methodology

This project involved an international literature review of PLA models, reports and discussion papers. The literature review was conducted using both academic databases and online search engines, resulting in a combination of academic (published) and gray (informally published) material. Country-specific keywords used included: public legal assistance; legal aid; legal aid programs; and international legal aid. Discussion papers, reports and program evaluations were reviewed from organizations including the Canadian Bar Association, the American Bar Association, Lawyers' Rights Watch Canada, the United Nations, the Legal Services Corporation in the United States, National Legal Aid, and the Office of Evaluation and Audit Australia.

1.3 Organization of the Report

Chapter 2 of the report represents a brief overview of PLA development and services that are typically covered under legal aid schemes. Chapter 3 presents a review of PLA models in Canada, Australia, New Zealand and the United States, and Chapter 4 presents conclusions from the findings and recommendations for the Alberta PLA model.

2. AN OVERVIEW OF PUBLIC LEGAL ASSISTANCE

2.1 The Development of Public Legal Assistance

Public legal assistance (PLA) programs are generally founded upon the principle that all people have a right to access justice in a reasonable and efficient manner regardless of income or resources (Canadian Bar Association, 2015; Council of Australian Governments, 2010; Galanter, 2010; Hunter & Simone, 2009; James & Forbess, 2011).³ PLA is typically provided to individuals who are dealing with criminal issues, particularly when a person's freedom or liberty are at risk if legal assistance is not provided (Canadian Bar Association, 2015; Currie, 2013; Davidson et al., 2010; Galanter, 2010; Hunter & Simone, 2009).

PLA has been available in many liberal democracies for more than 100 years (PricewaterhouseCoopers, 2009; Tsoukalas & Roberts, 2002); according to Houseman and Perle (2013), legal aid services in the United States were established as long ago as 1876. Canada implemented the Canadian Assistance Plan in 1966 to address, among other matters, the lack of civil legal aid funding for low income people dealing with non-criminal legal matters, setting the stage for the federal allocation of funds to provincial and territorial civil legal aid programs. The United States established the Legal Services Corporation in 1974 to regulate and allocate federal funds to state legal aid agencies, and in Australia, the provision of legal aid is viewed as a government responsibility, in accordance with international obligations and commitments to ensure social inclusion (PricewaterhouseCoopers, 2009).

PLA models vary by country, although commonwealth nations tend to follow similar delivery models, with subtle differences in mandate, funding and service provision. The United States model applies to independent legal aid agencies that follow national poverty guidelines to determine eligibility, and service provision varies by each agency. All nations reviewed in this report provide legal aid for criminal and civil matters, although not all countries statistically separate civil and family law for the purpose of internal statistics.

2.2 Services Covered Under Public Legal Assistance

PLA includes a variety of criminal, civil and family legal services. The most common form of PLA in Canada and the United States is criminal, as individuals' liberties and freedoms are especially at risk if a miscarriage of justice results from a lack of legal assistance. Civil legal aid is a relatively new part of PLA. Australia, Canada and

³ The concept of PLA dates back to 1495, when *pro se* access to the English courts was established as a means of guaranteeing that people with limited resources would have access to the civil courts without the necessity of representation by counsel (New Zealand Ministry of Justice, 2012).

the United States formalized federal funding for civil legal aid in the 1970s, while New Zealand implemented civil legal aid in the 1960s. Different types of civil legal aid are provided in different jurisdictions, as a result of which there is no universal strategy for delivering or providing legal aid services for non-criminal legal issues. PLA for a number of common family legal issues, such as divorce, child custody, guardianship and welfare, and property division, are not covered in all jurisdictions or in all PLA models.

The delivery of PLA services varies by state, territory and country. The multiplicity of legal assistance funding streams impedes the establishment of national standards for the provision of legal aid, including financial eligibility guidelines and priority areas. Three of the four systems reviewed herein do not have national guidelines regarding eligibility and the provision of services; rather, each of these jurisdictions provides legal aid in accordance to funding restrictions or regional need, or a combination of the two. For example, in Australia legal aid is provided under a purchaser-provider split model and, as a result, funding is allocated to specific areas of legal assistance based upon the federal, state and territory priority areas (Council of Australian Governments, 2010). In the United States, government-funded legal aid is supplemented by some law firms and legal professionals who provide pro bono legal services to low income clients, recognizing the American Bar Association's ethical guidelines requiring lawyers to provide at least 50 hours of pro bono services per year.⁴

⁴ See ABA Model Rule 6.1 at: http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html.

3. OVERVIEW OF PUBLIC LEGAL ASSISTANCE MODELS

3.1 Canada

3.1.1 Mandate for Providing Public Legal Assistance

The provision of legal aid in Canada began in 1967 with the establishment of the Ontario Legal Aid Plan (Tsoukalas & Roberts, 2002). Over the next two decades, legal aid legislation was enacted in other provinces and territories, building on the success experienced in Ontario and the right to retain and instruct counsel upon arrest without delay enshrined first in the *Canadian Bill of Rights*⁵ and later in the *Charter of Rights and Freedoms* (Government of Canada, 1982). The criminal context of the right to counsel means that federal funding for legal assistance is largely allocated to criminal legal aid (Currie, 2013; Department of Justice Canada, 2017). Of the countries reviewed in this research, Canada is the only country that does not recognize a national mandate and comprehensive funding scheme dedicated to serving the civil legal aid needs of low income people (Department of Justice Canada, 2017).

The federal government does not deliver legal aid services; rather, Canada's Legal Aid Program (LAP) provides contribution funding to the provinces and territories for the delivery of legal aid services (Department of Justice Canada, 2017). According to the program's overview, "This federal-provincial/territorial collaboration on legal aid is based on the shared responsibility for criminal justice by the federal government, under its constitutional authority for criminal law-making and procedure, and by the provincial/territorial governments, under their constitutional authority for the administration of justice, including legal aid." LAP funds are intended to provide partial support for the following areas of legal aid, all of which concern matters within federal jurisdiction: criminal law; immigration and refugee law; public security and anti-terrorism law; and, court-ordered counsel in federal prosecutions. Although the federal, provincial and territorial governments recognize the need for civil legal aid, legal aid for civil law is not addressed in the LAP's projects, activities or objectives (Department of Justice Canada, 2017).

3.1.2 Eligibility Criteria

Canada does not have a national poverty line and utilizes three low income lines to calculate low income status: the Low Income Measures (LIM), the Low Income Cut-Off (LICO) and the Market Basket Measure (MBM). A study completed by Zhang (2010) noted that, while the long-term measurements of the three low income lines were similar, short-term measurements resulted in variance. The LIM was considered more reliable in determining low income status but lacked the flexibility to account for regional differences in cost of living. Table 1 displays the LIM thresholds in 2015 dollars

⁵ S.C. (Statutes of Canada) 1960, c. 44.

by income source, including market income, which is gross income minus income from government sources.

**Table 1:
Low Income Measures (LIM) in Canada in 2015 Dollars**

Household Size	Market Income	After-Tax Income	Total Income
1 person	\$22,145	\$22,352	\$25,512
2 persons	\$31,318	\$31,611	\$36,079
3 persons	\$38,356	\$38,715	\$44,188
4 persons	\$44,290	\$44,704	\$51,024
5 persons	\$49,518	\$49,981	\$57,047
6 persons	\$54,244	\$54,751	\$62,491
7 persons	\$58,590	\$59,138	\$67,498

Source of Data: Income Statistics Division, Statistics Canada⁶

LICOs, on the other hand, vary by community size. Table 2 presents the low income cut-offs after tax by community and family size in 2015 dollars. General financial eligibility guidelines for legal aid plans in Canada fall below the LICO, the extent of which varies greatly between provinces and territories (Tsoukalas & Roberts, 2002).

**Table 2:
Low Income Cut-offs (LICOs) After Tax
by Community and Family Size in Canada in 2015 Dollars**

Family Size	Community Size (Population)				
	Rural	Under 30,000	30,000-99,999	100,000-499,999	Over 500,000
1 person	\$13,335	\$15,261	\$17,025	\$17,240	\$20,386
2 persons	\$16,230	\$18,576	\$20,722	\$20,982	\$24,811
3 persons	\$20,211	\$23,129	\$25,802	\$26,128	\$30,895
4 persons	\$25,213	\$28,856	\$32,191	\$32,596	\$38,544
5 persons	\$28,711	\$32,859	\$36,657	\$37,118	\$43,890
6 persons	\$31,841	\$36,441	\$40,654	\$41,165	\$48,675
7 persons or more	\$34,972	\$40,024	\$44,649	\$45,211	\$53,460

Source of Data: Income Statistics Division, Statistics Canada⁷

Canada does not have national PLA eligibility guidelines (Tsoukalas & Roberts, 2002; Canadian Bar Association Standing Committee on Access to Justice, 2013). Eligibility criteria for legal aid in Canada vary by legal aid agency, and sometimes differ regionally within a single province. Some legal aid agencies regulate their eligibility

⁶ <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=2060091&pattern=&csid=>

⁷ <http://www5.statcan.gc.ca/cansim/a05?lang=eng&id=2060094>

guidelines based on complicated tariff and fee systems outlined in the provincial legislation (Legal Aid Nova Scotia, 2016; Prince Edward Island Legal Aid, 2016). Legal Aid Newfoundland and Labrador requires that applicants meet specific financial requirements but they do not have a specific level of income that automatically qualifies applicants. An intake worker considers each application and a final decision will be made after they have reviewed a variety of criteria.

Determining eligibility is complex and includes consideration of income, assets and liabilities, family size, and the type of case. Despite varied income and asset thresholds across legal aid plans, all jurisdictions consider a client eligible if they receive social assistance, similar to the Australian and United States models (Tsoukalas & Roberts, 2002).

If an applicant is successful, the legal aid body will provide services to the client based upon their needs, which may include providing legal information, legal advice, referrals, and legal representation. Legal aid agencies may award a certificate for assistance that can be used to hire a lawyer, or the agency may provide services through in-house lawyers and other legal professionals. Some legal aid agencies may award partial coverage if the applicant exceeds the standard financial eligibility guidelines, and require the client to pay a portion of the fees incurred during their representation.

Cuts to public funding for legal aid programs in recent years has resulted in further limited eligibility criteria and a reduction in clients served (Canadian Bar Association's Standing Committee on Access to Justice, 2013).

3.1.3 Funding Schemes

Canadian public legal assistance is provided in each province and territory by incorporated legal aid agencies, funded in part by the federal government, provincial/territorial departments of justice and provincial/territorial law foundations. Core LAP funding is distributed to each province and territory and is allocated based on the LAP priority areas. Territories receive federal funding for both criminal and civil legal aid through the Access to Justice Service Agreements because the federal government is responsible for civil law matters in the territories (Canadian Bar Association, 2015; Department of Finance Canada, 2011; Department of Justice Canada, 2017).

Provincial civil legal aid funding is provided through Canada Social Transfers; however, the funds are not allocated to specific types of civil legal aid (Department of Finance Canada, 2011). Currie (2013) states that criminal legal aid expenditures exceed civil in all but three provinces in Canada: Prince Edward Island, Ontario and Quebec. Federal funding for legal aid is disbursed with the provincial Ministry of Justice funds and are not reported separately in the legal aid agencies' annual reports. Federal and provincial funding represent the majority of funding for all Canadian legal aid agencies. Supplemental legal aid funding is provided to the provinces by provincial law

foundations, usually as a requirement of their funding legislation, with the remaining funds accounted for by client contributions and other grants. Table 3 displays legal aid funding breakdowns by province and territory for the 2013/2014 fiscal year.

**Table 3:
Canadian Legal Aid Funding (in thousands), 2013/2014**

Provinces and Territories	Total Legal Aid Plan Revenues	Total Legal Aid Plan Expenditures
Alberta	\$69,259	\$77,598
British Columbia	\$80,058	\$80,558
Manitoba	\$33,631	\$32,988
New Brunswick	\$8,652	\$8,382
Newfoundland and Labrador	\$13,837	\$14,842
Northwest Territories	\$5,667	\$5,647
Nova Scotia	\$22,936	\$23,283
Nunavut	\$9,790	\$9,790
Ontario	\$388,047	\$373,895
Prince Edward Island	\$1,856	\$1,856
Quebec	\$164,687	\$160,334
Saskatchewan	\$22,950	\$22,853
Yukon	\$2,107	\$2,109
National Total	\$823,477	\$814,135

Source of Data: Statistics Canada, Canadian Centre for Justice Statistics, Legal Aid Survey⁸

Provincial and territorial law foundations receive the interest on clients' funds held in lawyers' pooled trust accounts.⁹ Legal aid agencies receive law foundation funds through annual grants and annual funding can change depending on various economic conditions, which means that legal aid agencies may receive more or less funding annually. This inconsistent funding scheme creates a barrier to providing legal assistance to economically disadvantaged persons in Canada and limits eligibility criteria, as well as the ability of legal aid agencies to meet client and funder expectations.

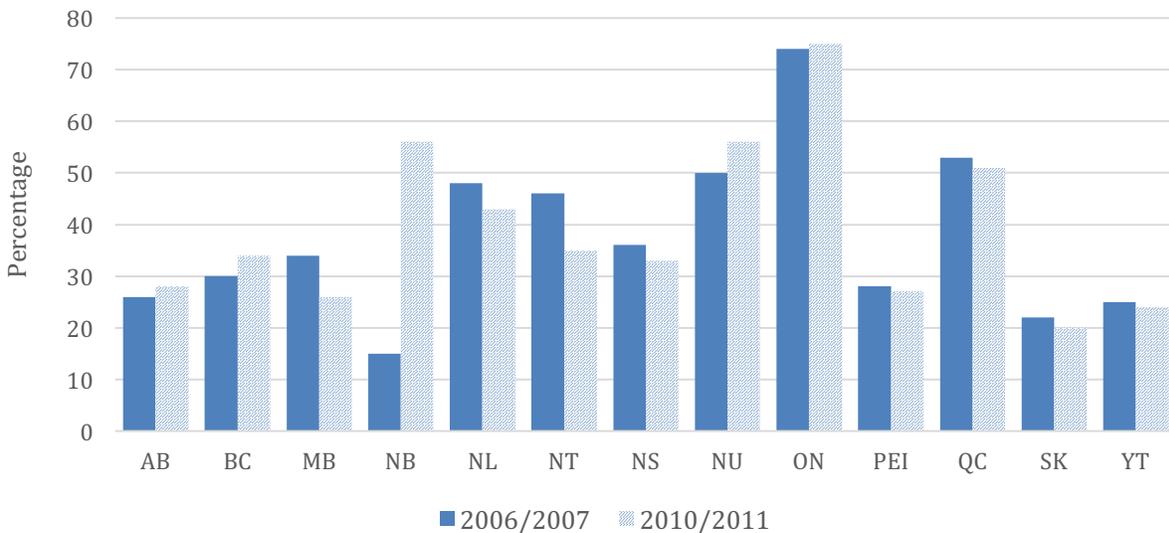
⁸ See <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14159/tbl/tbl01-eng.htm>

⁹ For more information about provincial and territorial law foundations, please see <http://www.lawfoundation.on.ca/resources/law-foundation-across-canada/>

3.1.4 Types of Legal Aid Available

Each province and territory has a legal aid body that delivers legal aid services. The majority of funding is allocated to criminal legal aid; however, a civil legal aid application comparison between 2006/2007 and 2010/2011 shows that civil matters represent a large part of legal aid applications. As shown in Figure 1, civil legal aid applications increased in British Columbia, New Brunswick, Nunavut and Ontario (Statistics Canada, 2012). According to Currie (2013), direct service expenditures on civil legal aid increased by 18.9% from 2007/2008 to 2011/2012.

Figure 1:
Percentage of Civil Legal Aid Applications
of Total Legal Aid Applications in Canada for 2006/2007 and 2010/2011*



Source of Data: Statistics Canada, 2012¹⁰

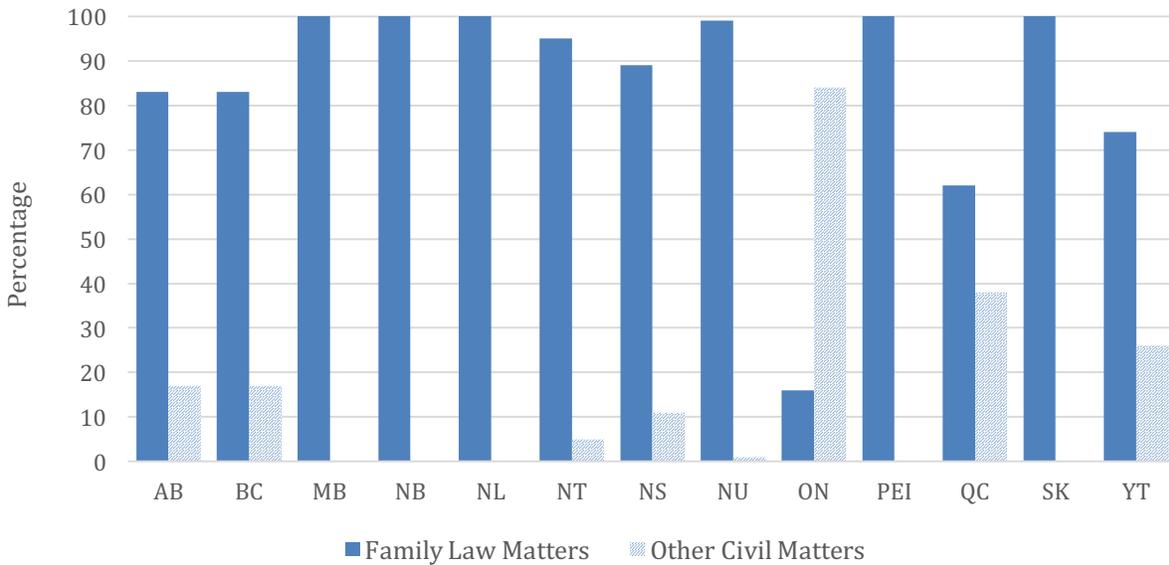
* Data for 2010/2011 were not available for Alberta, Northwest Territories or Nunavut, therefore 2009/2010 data are presented for these three jurisdictions.

Family law issues make up the majority of civil legal aid applications covered under the current provincial and territorial legal aid schemes, with the exception of Ontario; see Figure 2.¹¹ In 2011/2012, 61.8% of direct service expenditures were for family law matters (Currie, 2013).

¹⁰ See <http://www.statcan.gc.ca/pub/85f0015x/85f0015x2011000-eng.pdf>

¹¹ As of 2011, Ontario had 77 legal aid clinics that were independent, non-profit organizations funded by the legal aid plan. Lawyers at these clinics provided services in “other” civil matters, such as poverty law, social assistance/income maintenance, landlord and tenant issues, workers’ compensation, criminal injuries compensation, and refugee and immigration matters.

Figure 2:
Percentage of Civil Legal Aid Applications by Type in Canada, 2010/2011*



Source of Data: Statistics Canada, 2012¹²

* Data for 2010/2011 were not available for Alberta, Northwest Territories or Nunavut, therefore 2009/2010 data are presented for these three jurisdictions.

Table 4 presents the total number of legal aid applications made in Canada in 2013/2014 by province/territory, as well as the number of applications that were approved for full service, i.e., the application resulted in a certificate, referral, or any other authorization denoting that the applicant is entitled to legal aid services. The table also indicates the number of private and staff lawyers providing legal aid services in each jurisdiction. According to Legal Aid Alberta (2014), there continues to be a lack of lawyers providing legal aid services in Alberta, including a lack of family law lawyers who are able and willing to accept Legal Aid referrals.

Delivery models for PLA programs vary in Canada due to provincial discretion (Canadian Bar Association, 2015; Canadian Bar Association Standing Committee on Access to Justice, 2013; Currie, 2013). Models range from legal clinics hosted by volunteer lawyers and legal professionals to a full salaried staff model (Legal Help Centre, 2015; Legal Aid Saskatchewan, 2009; Legal Aid Ontario, 2015). Legal Aid Saskatchewan, for example, offers limited assistance with family law issues and utilizes a salaried staff model for service delivery. Lawyers, legal assistants and administrative support staff are located at various offices throughout the province. In addition to providing legal services directly through Legal Aid Saskatchewan, clients are also able to retain private practice lawyers if the Chief Executive Officer of the Commission thinks it appropriate.

¹² See <http://www.statcan.gc.ca/pub/85f0015x/85f0015x2011000-eng.pdf>

**Table 4:
Total Legal Aid Applications, Total Approved for Full Service,
and Number of Lawyers Providing Services in Canada, 2013/2014**

Provinces and Territories	Total Legal Aid Applications (Full and Summary Services)	Total Applications Approved for Full Service	Total Private and Staff Lawyers Providing Services
Alberta	48,769	32,458	941
British Columbia	38,705	26,367	1,007
Manitoba	33,063	28,598	308
New Brunswick	4,392	3,221	140
Newfoundland and Labrador	8,560	4,693	76
Northwest Territories	1,383	1,118	28
Nova Scotia	21,745	18,357	324
Nunavut	576	520	48
Ontario	271,709	106,436	4,653
Prince Edward Island	1,668	1,364	28
Quebec	267,846	225,680	2,519
Saskatchewan	18,036	15,112	179
Yukon	1,491	1,432	14
National Total	717,943	465,356	10,265

Source of Data: Statistics Canada, Canadian Centre for Justice Statistics, Legal Aid Survey¹³

Legal Aid Alberta implemented a new service delivery model in 2010 called the Legal Services Centre (LSC).¹⁴ Potential clients go through an initial legal needs assessment and are then referred to the appropriate service stream. Once referred, the client is subjected to eligibility verification and receives a legal plan to address their legal issue. The legal plan can include a variety of services including referrals, brief legal services or limited representation. The new service model may be one of the reasons that fewer legal aid clients are receiving full representation (Dupuis, 2015).

In 2014, Legal Aid Ontario (LAO) began developing new programs and services to meet the needs of clients with family justice issues (Legal Aid Ontario, 2014). LAO received additional provincial funding and expanded their services to address the unmet legal needs of family law litigants. However, there remains a large gap between civil and criminal representation by LAO, with criminal cases representing 40% more of

¹³ See <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14159/tbl/tbl01-eng.htm>

¹⁴ Details of the LSC program can be found at the LAA website <http://www.legalaid.ab.ca/AnnualReport2012/FactsandFigures/Pages/ServiceDeliveryModel.aspx> or through Stats Can Data at <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14159/tbl/tbl01-eng.htm>

the caseload than all civil cases combined (Legal Aid Ontario, 2015). Despite the gap, LAO reports that the increase in legal aid funding received in 2014 allowed for 254 new clients to become eligible, with 70% of these clients receiving assistance for a family law dispute (Legal Aid Ontario, 2015).

Reduced funding in the last ten years has drastically impaired the ability of legal aid programs to provide services to all applicants (Currie, 2013). Due to limited budgets, eligibility criteria have been tightened and economically disadvantaged people are increasingly unable to access legal services (Canadian Bar Association Standing Committee on Access to Justice, 2013; Legal Services Society, 2014), leading to an increase in the number of self-represented litigants. According to Birnbaum, Bala and Bertrand (2013), the inability to pay for a lawyer, ineligibility for legal aid, and reduced access to legal services are the most significant factors for self-representation. Similarly, in her national self-represented litigants project, Macfarlane (2013) found that of the 283 self-represented litigants who were interviewed during the study, 57% reported an income of less than \$50,000 per year, with 40% of those reporting an annual income of less than \$30,000. A needs assessment study conducted in Nova Scotia found that 59% of self-represented litigants did not have a lawyer because they couldn't afford one, or legal aid was denied or not available (Department of Justice Court Services Nova Scotia, 2004).

Legal assistance programs and web-based resources across Canada have attempted to bridge the gap between clients who are ineligible for formal legal aid supports but still cannot afford to retain legal counsel. In Alberta, for example, the Alberta Legal Information Society (ALIS) developed a database called Legal Ave in order to make family law legal information and supports more accessible to Albertans (Alberta Legal Information Society, 2016). As well, Calgary Legal Guidance (CLG) offers legal guidance and support to clients who are ineligible for Legal Aid Alberta assistance (Calgary Legal Guidance, 2017). CLG has a wide variety of services that include a family law portfolio. They employ both lawyers and social work advocates who work with clients to address their legal issue. CLG offers legal representation and advice for family law issues as well as public legal education, free legal clinics and partnerships with local women's shelters.

The Legal Help Centre in Manitoba offers a drop-in clinic and family law clinic to assist litigants who are self-represented. The Legal Help Centre does not provide direct representation services and its services are to be used when there are no other legal options available to address a litigant's legal issue (Legal Help Centre, 2015). The clinics are limited to families with an income under \$50,000 per year and are offered at no cost. Funders include the University of Manitoba and the Manitoba Law Foundation, with volunteer legal supports from community law firms and students from the University of Winnipeg and University of Manitoba.

British Columbia offers a wide variety of legal assistance services for low income residents. Access Pro Bono (2015), for example, has “several programs serving the critical legal needs of BC’s individuals and non-profit organizations of limited means, ranging from summary legal advice clinics to full legal representation services.” The BC Supreme Court Self-Help Information Centre in Vancouver was designed to facilitate access to justice for unrepresented litigants by offering advice, information and education about procedures in the Supreme Court. In addition to resources offered by partnering organizations, the Self-Help Information Centre is open for walk-in service, and there is no financial eligibility test for individuals to access services (Malcolmson & Reid, 2006). Courthouse Libraries BC maintains a comprehensive wiki-style online resource that provides practical, in-depth coverage of family law and divorce law in British Columbia (Boyd, 2013).

The Legal Information Society of Nova Scotia also provides on-line family law information on different topics and in six languages (Legal Information Society of Nova Scotia, 2016). Family Law Nova Scotia is a comprehensive website that offers user-friendly information on family law processes and services in Nova Scotia, as well as links to online programs such as the Parent Information Program.¹⁵

3.2 Australia

3.2.1 Mandate for Providing Public Legal Assistance

Australia is bound by multiple international covenants to provide legal aid in order to ensure that all citizens have access to justice regardless of means (PricewaterhouseCoopers, 2009).¹⁶ The Commonwealth of Australia established the Australian Legal Aid Office in 1973, which covers legal issues that arise under federal law such as family law and social security matters. Each state and territory has a legal aid commission (LAC), responsible for the organization and provision of legal aid services.

There are eight LACs in Australia, one in each state and territory. The National Legal Aid agency is comprised of the directors from each LAC and reports the annual civil aid statistics across Australia.¹⁷ Each state and territory has signed the National Partnership Agreement on Legal Assistance Services (NPALAS), meaning that the LACs must meet certain performance measures in order to be in compliance with the

¹⁵ See <https://www.nsfamilylaw.ca/>.

¹⁶ Australia is a signatory of various international treaties and declarations, including: International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Elimination of All Forms of Racial Discrimination, and Universal Declaration of Human Rights.

¹⁷ For access to the National Legal Aid Statistics reports see <http://lacextra.legalaid.nsw.gov.au/NLAReports/>.

federal legal aid partnership. Further, the NPALAS stipulates that federal funding for legal aid provision can only be used in cases that have federal law matters, unless the individual has a mixture of federal and state/territory family law issues (Council of Australian Governments, 2010). Such performance indicators are integral to the purchaser-provider model of legal aid delivery. These measures include:

- strategy implementation to ensure comprehensive, seamless access to information and services;
- reporting of the number of services provided in family, civil and criminal law matters, reported every six months;
- annual reporting of services delivered by legal aid commissions;
- reporting the number of successful legal aid service outcomes delivered by LACs; and,
- reporting the number of early intervention services delivered by LACs.

Access to Justice and Legal Needs is a research program that assesses Australian legal aid programs. The Legal Australia-Wide Survey (LAW Survey) was conducted in 2012 and involved 20,716 telephone interviews, resulting in the largest legal needs survey in the world (Coumarelos et al., 2012). The purpose of the survey was to establish baseline data about the nature of the legal needs of Australians. Resource allocation was considered in the report; however, the authors noted that service delivery and adaptive approaches to the provision of legal aid are just as important as sufficient funding. This finding is consistent with the legal aid model in Australia and New Zealand, a model that focuses on giving individuals as much legal information as possible to encourage self-sufficiency in the legal system.

3.2.2 Eligibility Criteria

Financial eligibility varies by state and territory. Eligibility guidelines are based upon principles outlined in the NPALAS, which was established to improve access to justice for low income and disadvantaged people. LACs are the primary agents of legal aid provision in Australia; however, the NPALAS supports the provision of legal assistance services by community legal centres, Aboriginal and Torres Strait Islander legal services and family violence prevention legal services (Council of Australian Governments, 2010). The Commonwealth of Australia is responsible for establishing key principles to standardize eligibility for legal aid grants as related to federal legal matters and it is each state's responsibility to adhere to these guidelines in considering eligibility.

The Agreement requires that LACs submit applicants to a standard means test for assessing financial eligibility for a grant of legal aid. The means test serves as an assessment of the financial standing of the individual, such as income support status, assets and the ability to borrow against said assets. While the means test thresholds vary between LACs, the test generally assesses disposable income and allowances for equity in assets such as houses, vehicles or businesses (Australian Government Productivity Commission, 2014). Applicants who receive full social benefits are presumed to satisfy the income component of the means test, whereas a person receiving partial benefits may still be eligible based upon a contribution agreement. Consideration for a legal aid grant will be given to individuals who exceed the income thresholds but cannot afford legal assistance without aid. Such individuals will be required to make a higher contribution payment based upon their income. Individuals may still be eligible for a partial legal aid grant if they exceed the maximum thresholds.

3.2.3 Funding Schemes

LACs were established in 1977 under the *Commonwealth Legal Aid Commission Act*. LACs had the ability to define their own priorities under the initial provision paradigm, known as the mutual interest model. The Australian Government established a purchaser-provider, also known as a purchaser-supplier (PS), model in 1997, which separated the funding responsibility of the state and the Commonwealth (PricewaterhouseCoopers, 2009; Ryan, Parker, & Brown, 2000). Canada has also utilized the PS model, where it has been argued that the model increases the need for cross-interest communication and provides for more concentrated responsibility for providing legal aid (Fleming, 2002). The Australian PS model means that federal funds can only be used to support legal issues under Commonwealth law, while State and Territory Governments are responsible for funding legal aid for issues arising under State and Territory law.

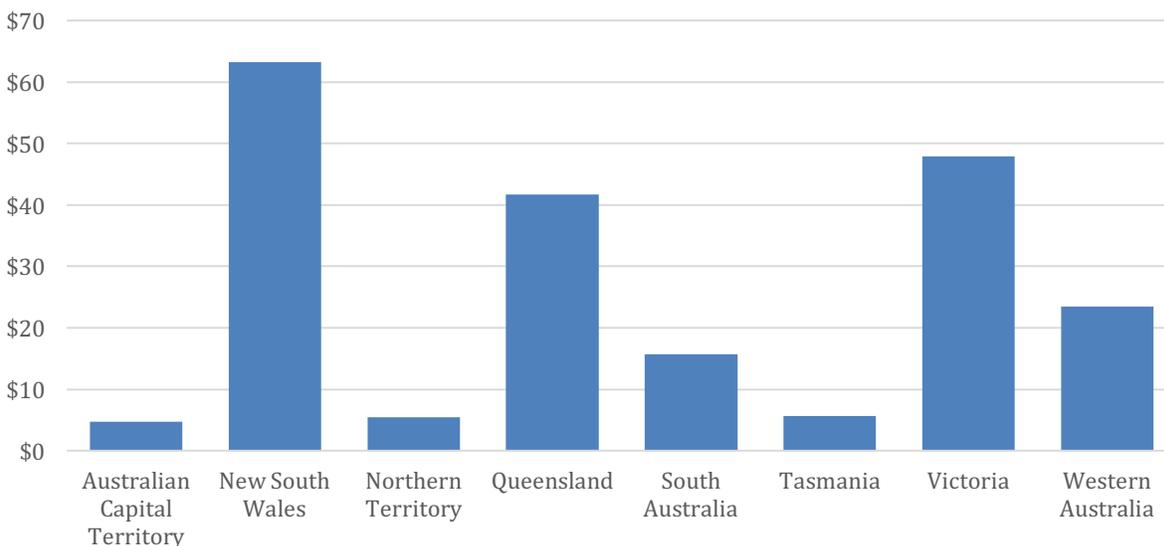
Law foundations in Australia offer grants in a similar manner as those in Canada and the United States, and include an emphasis on research and education supporting legal reform. LACs report this funding in their annual reports, usually under the heading of grants or other income.¹⁸ Legal aid in family law matters is primarily funded by Commonwealth funds, whereas civil and criminal legal aid is funded by both State and Commonwealth funds. The budgeted Commonwealth funding for legal aid delivery in 2015-16 is presented in Figure 3.

Similar to Canada and the United States, public funding for legal aid has been steadily declining in Australia, further limiting the range of legal aid available to all low-income people in Australia (Australian Government Productivity Commission, 2014; PricewaterhouseCoopers, 2009). The Productivity Commission found that under the current eligibility guidelines, only 8% of Australian households qualify for a full legal aid grant (Australian Government Productivity Commission, 2014). Notably, the

¹⁸ For full access to LAC annual reports, please see <http://www.nationallegalaid.org>.

Commission points out that the percentage of poor households drastically exceeds the percentage of households that would be eligible for legal aid in civil and family law matters.

Figure 3:
Budgeted Legal Aid Australian Commonwealth Funding (in millions),
2015/2016



Source of Data: National Legal Aid Statistics¹⁹

3.2.4 Types of Legal Aid Available

Legal aid applications are divided into three categories: civil, criminal and family. Commonwealth funding is allocated to specific priority areas outlined in the Agreement. Family law, criminal law and civil law each have specific priority areas. Family law matters are considered complex and fundamental to the well-being of children and people at risk of experiencing family violence. Divorce is not considered a Commonwealth priority under any legal aid category, in contrast to legal aid services provided in the United States. There are three family law priorities, noted below:

- family law matters involving children, people who have experienced or who are at risk of experiencing family violence, and family members resolving complex issues related to living arrangements, relationships and financial support of children;
- state law matters involving child welfare; and
- state law matters where the applicant is at risk of harm (Council of Australian Governments, 2010).

¹⁹ See <http://lacextra.legalaid.nsw.gov.au/NLAReports/>.

Applications for criminal law matters are the most common in all eight states and territories, followed by family law applications. Table 5 presents the total number of legal aid applications received and approved in Australia between 2015-16. More than three-quarters of applications for family law matters were approved in all jurisdictions except Queensland, where the approval rate was 61.4%. Victoria had the highest approval rate in 2015-16 at 89.3% of applications received. In all states and territories in Australia, women are more likely to apply for and receive family legal aid than men, which could indicate that female applicants have lower incomes than their male counterparts.

**Table 5:
Number of Applications Received and Approved in Australia, 2015/2016**

State or Territory	Number of Family Legal Aid Applications Received	Number of Family Legal Aid Applications Approved	% of Family Legal Aid Applications Approved
Australian Capital Territory	1805	1,365	75.6%
New South Wales	17,953	14,103	78.6%
Northern Territory	846	700	82.7%
Queensland	13,661	8,385	61.4%
South Australia	4,783	3,622	75.7%
Tasmania	2,222	1,787	80.4%
Victoria	15,931	14,233	89.3%
Western Australia	5,049	4,290	85.0%

Source of Data: National Legal Aid Statistics²⁰

In addition to formal LACs, community legal education is available in Australia. Community legal education is funded by both the Commonwealth and law foundations, with both entities recognizing the value of legal education as a means to mitigate court involvement. The Shepparton Project found that vulnerable populations such as refugees and immigrants benefit from community legal education and felt more empowered to deal with the legal system in a more positive manner after participating in legal education (Ferrari & Costi, 2012).

Some scholars have criticized the government's legal aid priorities as not effectively meeting the needs of all Australians, particularly women. Hunter and Simone (2009), for example, reflect on the need for increased attention to family law legal aid throughout Australia. Discourse on improving the legal aid system in Australia is continuing and future data analysis will provide evidence to its progress.

²⁰ See <http://lacextra.legalaid.nsw.gov.au/NLARReports/>.

3.3 New Zealand

3.3.1 Mandate for Providing Public Legal Assistance

Legal aid for criminal matters in New Zealand was implemented in 1912 under the Justices of the Peace Amendment to the 1908 *Justices of the Peace Act*. The 1991 *Legal Services Act*²¹ expanded legal aid services to include some civil matters, including civil and family issues except for divorce. The *Legal Services Act 1991* established a system to provide legal aid to vulnerable populations efficiently and effectively. In 2009, a review of the entire legal aid system, chaired by Dame Margaret Bazley, recommended that the Legal Services Agency be incorporated into the Justice Ministry; consequently, the Act was updated in 2011²² and enforced by the Legal Services Commissioner (Legal Aid Review, 2009b; New Zealand Ministry of Justice, 2011; Government of New Zealand, 2016).

The review findings are in line with concerns in other countries, primarily that the increasing demand for services coupled with the decreasing amount of funding is causing a bottleneck effect and limiting access to justice to disadvantaged people. The four areas of concern outlined in the review included: the legal aid workforce; getting the criminal courts moving more quickly; legal needs in a changing environment; and, increasing legal aid expenditures (Legal Aid Review, 2009b). The review also found that abuses by both clients and junior lawyers resulted in a depletion of already limited resources and a reduction in services for the most vulnerable populations in New Zealand. The review recommended that social services and court systems must be better linked in order to provide efficient and effective legal aid services to clients (Legal Aid Review, 2009b).

The Ministry of Justice recognizes that the right to access justice is universal but there is still a need for personal responsibility to settle disputes outside of court. Consequently, legal aid is not made universally available and, when it is granted, there is an expectation that a client will pay back some or all of the costs of the representation (Government of New Zealand, 2016). The Legal Aid Review (2009b) suggested that all people should have access to the services legal aid provides, but people also have a social responsibility to prudently use common services such as court web-based resources in order to preserve the system. The expectation that disputes should be handled outside of court and at the cost of the conflicting parties is slightly optimistic given the complex nature of civil and family proceedings that require some form of court resolution, such as divorce, guardianship, child welfare and the division of property. Navigating the legal system requires a certain acumen that the general population may not possess.

²¹ *Legal Services Act 1991* (1991 No. 71).

²² *Legal Services Act 2011* (No. 4).

3.3.2 Eligibility Criteria

Eligibility criteria were expanded in 2006 in order to make more people eligible for aid and to create a repayment scheme for some clients. In contrast to the eligibility systems in Canada, the United States and Australia, legal aid lawyers in New Zealand help their clients apply for legal aid. Clients involved in the legal system who choose to apply for legal aid must first identify their preferred lawyer and then proceed with a legal aid application. If the application for legal aid is declined, the lawyer may charge the client for time spent completing the legal aid application. This practice is allowed and common; Citizens Advice Bureau (2013) recommends that applicants fill out their personal information prior to engaging a lawyer in order to minimize billable hours prior to a legal aid decision.

New Zealand has different application processes for family and civil legal aid and criminal legal aid. Income eligibility criteria are similar to the other countries reviewed in this report, including an income measure, assessment of the total value of assets, and current debt levels. In addition to income driven tests, the *Legal Services Act 2011* also considers the likelihood of success in the legal proceeding, should the grant be approved. Anyone can apply for legal aid in New Zealand, whether they are new to the country, are not a citizen or do not live in New Zealand permanently. The merit test for civil and family matters considers aspects of the case such as complexity of the case, if the case requires representation and if denying legal aid would be unjust (Legal Aid Review, 2009a).

A client may be required to pay back the costs of their representation after their case has been finalized (Legal Aid Review, 2009b; New Zealand Ministry of Justice, 2015). The amount of repayment is based on client income, assets or financial awards received as a result of the case. Repayment generally begins six months after the case has been closed, and accrues interest at an annual rate of 8%. This repayment scheme is similar to client contributions made in other systems; however, New Zealand is the only country that applies interest to legal costs. There are three legal aid issues that do not have to be repaid:

- domestic violence protection orders;
- “proposed patients” in proceedings under the *Mental Health Act 1992*; and,
- “proposed care recipients” in proceedings under the *Intellectual Disability Act 2003*.

Legal aid lawyers’ rates are set according to the *Legal Services Act 2011*. Rates increase according to the court the case is being heard in and the experience of the lawyer. Criminal, family and civil legal aid rates are fairly similar in cost, although the types of courts and services vary. Legal aid tribunal review, private mediation and

reconsideration of an application are paid at different rates as well. Lawyers are paid through fixed-fee scales based upon government estimates as to the costs of representing legal aid cases. The amount of legal aid granted to individuals varies accordingly, based upon the estimated merits of the case and time that the case will require representation.

3.3.3 Funding Schemes

The Legal Aid Scheme is a government-funded program that provides legal aid services to low income people dealing with a criminal, civil or family law issue that requires representation (Citizens Advice Bureau, 2013). Legal aid is paid out through the Legal Aid Scheme. As of 2008, New Zealand spent more on legal aid than either Australia or Canada, contributing .07% of GDP in 2008/2009 compared to .04% in Australia and .05% in Canada (New Zealand Ministry of Justice, 2008).

Community legal centres are auxiliary legal services to legal aid lawyers and operate in 24 offices across New Zealand (Community Law, 2015). Community legal centres are funded by the Ministry of Justice and by the Lawyers and Conveyancers Special Fund, an arrangement similar to Canadian law foundations and interest on lawyer trust accounts in the United States. These offices employ lawyers and paralegals who provide legal education and information, legal advice, assistance and representation for people who cannot afford legal services. The Legal Aid Scheme partially funds approximately 27 community legal centres.

3.3.4 Types of Legal Aid Available

Lawyers must apply to and be approved by the Secretary for Justice prior to providing legal aid services (New Zealand Ministry of Justice, 2015). Approved lawyers are then placed on a regularly updated list of legal aid lawyers available throughout New Zealand, and the list can be searched through various options such as type of law and by lawyers' specialization. Legal aid lawyers are expected to complete a standard contract for services and update the Ministry of Justice about any changes.

Legal aid applications are reviewed by the Legal Services Commissioner, an agent of the Ministry of Justice. Legal aid is available to people who are involved in a family or civil matter; however, family legal aid does not cover divorce issues. The New Zealand Ministry of Justice encourages alternative dispute resolution and recognizes the damaging effects family law disputes can have upon children (New Zealand Ministry of Justice, 2015). Individuals are responsible for identifying their lawyer of choice before applying for legal aid. Once awarded legal aid, the funds are paid to the lawyer and the client is not responsible for making any payments directly to the lawyer.

In addition to the legal aid program, New Zealand has a limited-scope Family Legal Advice Service (FLAS) that provides free, limited legal advice to parents with a legal problem that could impact their children (New Zealand Ministry of Justice, 2016).

Family legal aid lawyers and interested applicants can determine FLAS eligibility with the funding eligibility tool that is based on income and assets. The FLAS program offers limited assistance in filling out court documents, advising clients of their rights and responsibilities, and preparing for court.

3.4 The United States

3.4.1 Mandate for Providing Public Legal Assistance

Some form of legal assistance has been available in the United States since approximately 1876 (Houseman & Perle, 2013). Federal funding for civil legal aid was formalized in 1974 through the congressional establishment of the *Legal Services Corporations Act* (United States Congress, 1974). The *Legal Services Corporations Act* was intended to support the provision of high-quality legal assistance to low income people. American scholars and agencies have recognized the need for adequate legal assistance; however, federal budget constraints have further limited the already narrow scope of legal aid work being conducted (American Bar Association, 2005; Houseman & Perle, 2013; Legal Services Corporation, 2009; US Legal, Inc., 2010).

The American Bar Association (ABA) adopted a resolution in 2006 that recognized the governmental obligation to provide legal aid to poor and low income people who are involved in high-stakes civil legal issues (American Bar Association, 2010). The civil right to counsel policy has been effective in a number of states and has seen traction in many courts and legislative bodies. At present, the ABA is continuing its efforts to expand education around the policy and is working with legal bodies in order to implement a right to counsel for low income people in civil as well as criminal issues. Despite the 2006 resolution and its implementation into mainstream legal aid discussions, there are continued barriers to achieving a national mandate for the provision of all forms of legal aid.

Research on legal aid has been considered too expensive, resulting in little return on the social investment required to complete these studies (Houseman & Perle, 2013). Data about the provision of legal services, associated costs and identifying real value of these costs is uncommon, making it difficult to assess how the legal profession is addressing the legal needs of low-income individuals (Hadfield, 2009). A 1994 study completed by the ABA reviewed the legal needs and experiences of poor and moderate-income American households (American Bar Association, 1994). A Legal Services Corporation (LSC) proposal to update the findings of the 1994 ABA report was rejected due to expense, resulting in the LSC reviewing nine existing state studies of legal needs of the poor, rather than undertaking a comprehensive national study (Legal Services Corporation, 2009).

3.4.2 Eligibility Criteria

The United States Department of Health and Human Services sets federal poverty guidelines in order to determine financial eligibility for certain federal programs, including legal aid (Department of Health and Human Services, 2015). Table 6 shows the 2015 poverty guidelines for the 48 contiguous states; Alaska and Hawaii have separate guidelines.

Table 6:
Federal Poverty Guidelines in the United States, 2015

Number of People in Household	Poverty Guidelines
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,370
7	\$36,730
8	\$40,890

Source of Data: Department of Health and Human Services, 2015

The income ceiling of the national poverty guidelines is based on the number of members of the household and includes income from all sources, including government benefits, private insurance payments, employment/unemployment payments and other cash benefits. Food stamps and housing vouchers are usually exempted from income. Table 7 shows the five poorest and richest states by median household income, total population and percentage of the population below the poverty level for those states in 2014. The poverty rate for the five poorest states averages 19.4%, and the poverty rate for the five richest states averages 10.9%; comparatively, the national poverty rate in the United States in 2014 was 15.5% (Frohlich, 2015).²³

Unlike the other countries reviewed in this report, LSC-funded legal aid agencies base income eligibility criteria on the national federal guidelines. In most cases, the income threshold is up to 125% of the federal poverty guidelines, however some legal aid agencies will consider clients with up to twice that amount.

²³ For more information on the economic status of the states, see <http://247wallst.com/special-report/2015/09/17/richest-and-poorest-states/2/>.

**Table 7:
Comparison of Richest and Poorest States by Median Household Income,
2014 Census Data**

State	Median Household Income	Population	% of Population Under the Federal Poverty Line
Mississippi	\$39,680	2,994,079	21.5%
West Virginia	\$41,059	1,850,326	18.3%
Arkansas	\$41,262	2,966,369	18.9%
Alabama	\$42,830	4,849,377	19.3%
Kentucky	\$42,958	4,413,457	19.1%
Hawaii	\$69,592	1,419,561	11.4%
Connecticut	\$70,048	3,596,677	10.8%
Alaska	\$71,583	736,732	11.2%
New Jersey	\$71,919	8,938,175	11.1%
Maryland	\$73,971	5,976,407	10.1%

Source of Data: Frohlich, 2015

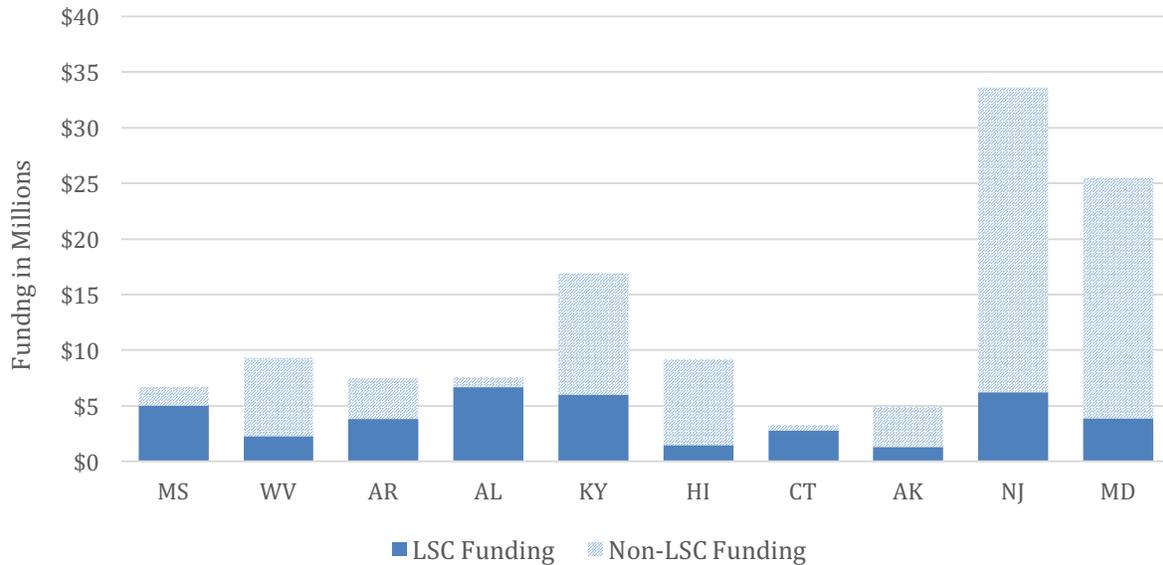
3.4.3 Funding Schemes

The United States Congress established the LSC in the 1970s to promote access to justice and provide civil legal assistance to low income Americans (US Legal, Inc., 2010). In contrast to Canada’s LAP funding, which does not fund civil legal aid, LSC is responsible for the largest source of federal funding for civil legal aid in the United States (Legal Services Corporation, 2015; Houseman, 2015). LSC operates as a private, non-profit corporation and it is responsible for allocating federal funding for the provision of civil legal aid to low income Americans, including U.S. territories.²⁴ LSC funding is awarded through a competitive grant process in which interested parties can apply for funding to provide civil legal aid services; currently, LSC has given grants to 134 independent non-profit legal aid programs that assist approximately 2.3 million people nationwide.

While LSC is the largest source of civil legal aid funding in the United States, LSC is not always the primary funder of legal aid services. Civil legal aid is also funded by state and local legislative appropriations, interest on lawyer trust accounts, state bar dues and foundation grants and donations (American Bar Association, 2014; Houseman, 2015). Figure 4 presents the breakdown of legal aid funding for the five poorest and five richest states for 2015.

²⁴ U.S. territories are American Samoa, the Commonwealth of Puerto Rico, the U.S. Virgin Islands and Guam.

Figure 4:
Sources of Legal Aid Funding in the United States, 2015



Source of Data: Legal Services Corporation, 2015

Funding for civil legal aid in the United States is dependent upon more funding streams than Canadian legal aid programs, though limited financial resources create similar barriers to providing civil legal aid to all eligible people. The LSC estimates that civil legal aid services fail to meet up to 80% of the civil legal aid needs of low income Americans (Legal Services Corporation, 2009). LSC funds are generally distributed based upon census data and the number of people living under the poverty line; however, non-LSC funding is not distributed equally among states (Houseman, 2015).

Houseman and Perle (2013) report that there are three different types of legal aid service providers in the United States: full service providers; pro bono programs for the poor; and other advocacy organizations. Full service providers are funded by both LSC and non-LSC sources, with a total of approximately 894 agencies in the United States. Pro bono legal programs for the poor are operated by civil legal aid providers, bar associations or independent organizations. Scholars have discussed underfunding of legal aid in the United States, comparing it unfavourably to the civil legal aid and social expenditures of countries including Canada, Australia and New Zealand (Hadfield, 2009; Houseman & Perle, 2013; Johnson, 2001).

3.4.4 Types of Legal Aid Available

There are a wide variety of separate and independent legal aid service providers in the United States and funding for these legal aid programs varies. A 2005 study found that American lawyers contribute approximately 39 hours of pro bono services annually, which is less than 2% of all legal services provided on an annual basis

(American Bar Association, 2005). Like Canada and Australia, legal aid in the United States is provided through legal non-profits and pro bono services from law firms. There can be single or multiple providers of legal aid in a single state, with 552 active civil legal aid programs across all 50 states (American Bar Association, 2014). Program delivery includes direct service to low income people, advocacy and support, stand-alone pro bono services, speciality services for a specific client demographic, and miscellaneous programs such as on-line or web-based services.

The United States experiences similar challenges as those identified in Canada and Australia, particularly with respect to providing legal aid to all eligible people who have a civil legal problem. The provision of legal aid services in the United States has become more technologically available, with providers offering more legal information on web-based platforms. As in Canada, there are more self-represented litigants in the court system and, consequently, more legal aid providers are devoting substantial time and effort to supporting these clients (Houseman & Perle, 2013).

The LSC creates a profile for every agency it funds and reports annual data on the number of civil legal aid applications, demographics of applicants and types of civil legal aid being provided.²⁵ Table 8 compares the 2015 legal aid program data reported to the LSC by the five poorest and five richest states. In three of the five wealthiest states, housing issues were the most common cases closed, followed by family law issues. All five of the poorest states reported family law issues as the most common case type closed, often by a large margin. In all ten states, two-thirds to three-quarters of legal aid clients were female.

**Table 8:
United States Legal Aid Program Data Reported to LSC, 2015**

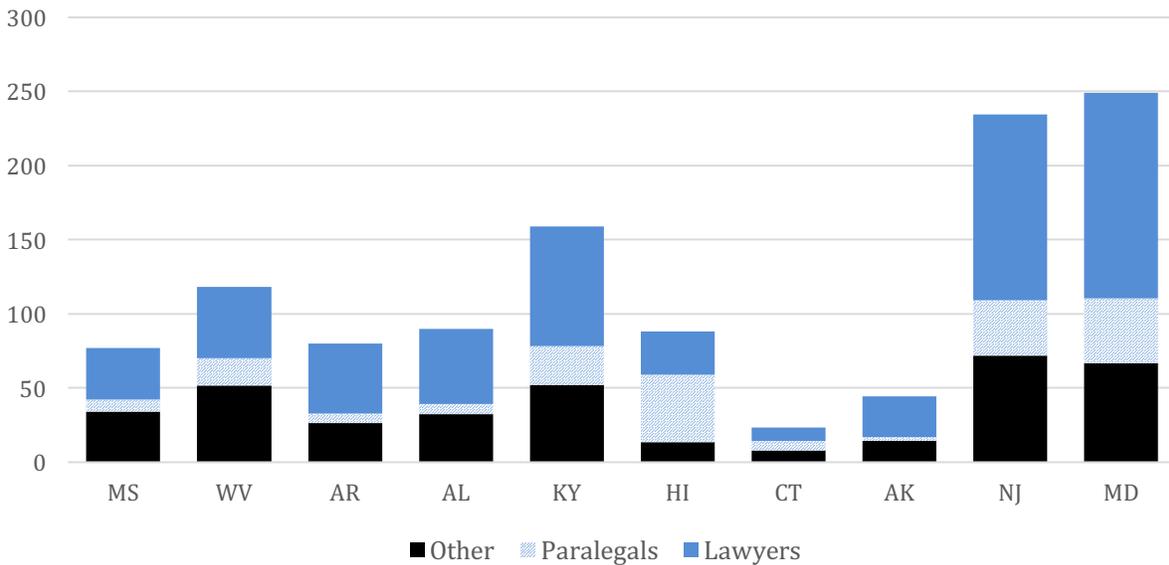
State	Number of Legal Aid Services	Number of Cases Closed	Family Law Cases Closed	Gender	
				Female	Male
Mississippi	2	7,603	4,049	78%	22%
West Virginia	1	6,101	3,477	75%	25%
Arkansas	2	10,119	4,367	74%	26%
Alabama	1	15,305	4,399	77%	23%
Kentucky	4	16,882	8,499	76%	24%
Hawaii	1	6,481	2,595	67%	33%
Connecticut	1	6,972	1,806	73%	27%
Alaska	1	1,710	559	68%	29%
New Jersey	5	21,031	3,407	61%	39%
Maryland	1	6,154	1,614	76%	24%

Source of Data: Legal Services Corporation, 2015

²⁵ Please see the links to all LSC funded program profiles at <http://www.lsc.gov/local-programs/program-profiles>

Each state has a number of civil legal aid resources available and each agency has its own application process. Many legal aid agencies are staffed with legal professionals or have a roster of volunteer lawyers. The legal aid program data reviewed for the purpose of this research indicates that each LSC-funded agency takes on some form of family law or civil matter, such as guardianship, child welfare, divorce and housing. Although legal aid agencies in the United States are separate and independent, they often have offices in a variety of communities in the state and serve a number of counties. Figure 5 shows the number of full-time equivalent professionals working in LSC-funded legal aid agencies statewide for the five poorest and five richest states in 2015. Lawyers represent the majority of the legal aid workforce in most states. In addition to permanent staff members, some agencies use a roster of volunteer lawyers to assist on a pro bono basis.

Figure 5:
Full-time Staffing in Legal Aid Agencies in the United States, 2015



Source of Data: Legal Services Corporation, 2015

The Center for Human Rights and Humanitarian Law has recognized that many of the low-income people who are eligible for legal aid represent minority groups and immigrants (Center for Human Rights and Humanitarian Law, 2013). The Center argues that U.S. legal aid falls short in providing sufficient legal assistance to minority and immigrant groups despite their disproportionate eligibility representation, and advocates for an integration of international human rights laws into the provision of legal aid. The Center partnered with both the Maryland Legal Aid Bureau and Texas RioGrande Legal Aid to build a handbook to assist legal aid lawyers in incorporating the international human rights framework into their daily work (Center for Human Rights and Humanitarian Law, 2013).

All countries reviewed in this report experience similar challenges in providing legal aid to all eligible people. Funding continues to be the primary barrier to providing comprehensive legal aid service, followed closely by a lack of lawyers being assigned to legal aid cases. Houseman (2015) states that low-income people who are eligible for legal assistance are not able to access legal advice or representation due to a lack of pro bono assistance and inconsistency in legal aid funding. The United States has more than ten times the population of Canada, and, like Canada, is experiencing similar challenges in providing civil legal aid in a streamlined and effective manner.

4. CONCLUSIONS AND RECOMMENDATIONS FOR PUBLIC LEGAL ASSISTANCE IN ALBERTA

4.1 Conclusions

All four countries reviewed in this report have adopted similar mandates to provide public legal aid to low income people and vulnerable populations such as children, seniors and disabled persons; see Table 9. All of the legal aid models include family, civil and criminal legal aid in some manner, although limited and reduced funding has continued to cause legal aid providers to find new ways to provide legal information to more people, and tightening the eligibility criteria has reduced the availability of full legal representation. For example, legal aid providers have become increasingly reliant on technology to deliver legal information. Such information relies on both the technological literacy of the user and access to computers and internet, neither of which are guaranteed for potential clients. The use of technology is discussed further in the recommendations for Alberta.

**Table 9:
Legal Aid Characteristics by Country**

Characteristic	Canada	Australia	New Zealand	United States
National legal aid oversight		•	•	•
Multiple legal aid agencies	•	•	•	•
Legal aid act		•	•	•
Pro bono services	•			•
National eligibility guidelines			•	•
Jurisdictional eligibility guidelines	•	•		
Existence of an online eligibility tool		•		
Published roster of legal aid lawyers			•	
Client contribution to legal costs	•	•	•	•
Legal resources available online	•	•	•	•

All four countries have funding schemes comprised of federal, state/provincial/territorial, and grant monies. Legal aid is constrained by inadequate funding in each nation reviewed. Despite the relatively large allocations of legal aid funding in each of

the countries reviewed here, Houseman (2015) argues that funding allocations have not kept pace with inflation, meaning that the value of the contributions is decreasing. As seen in the United States, legal aid does not reach almost 80% of low income people who may have legal problems. Legal aid programs continue to rely on non-profit agencies and volunteer lawyers to bridge the gap in services for low income people in the countries reviewed in this report. To compound the issue, in some models, low-income clients are expected to repay some or all of their legal costs based on sliding fee-scales, which, to some extent, defeats the purpose and mandate of legal aid.

Eligibility guidelines vary by country and are measured by various income thresholds. While income qualification for legal assistance is a standard vetting process that makes sense in theory, if a person does not meet all eligibility tests to obtain legal assistance, their situation could take on a snowball effect (James & Forbess, 2011). Should a benefit be cut, or a legal issue go unresolved, the client could be at risk of homelessness, unemployment and other socio-economic challenges to their well-being resulting in an increased cost to the state. New Zealand's 2009 legal aid review argues for personal responsibility to resolve disputes between people rather than involving the court system (Legal Aid Review, 2009b). The concept that personal responsibility should be utilized prior to court involvement over-simplifies the complexity of legal disputes and suggests that people may choose to utilize the court system instead of resolving disputes amicably. Given the increasingly narrow legal aid eligibility tests, it could be suggested that the preservation of the progressively underfunded legal aid system is necessarily leading to an inaccessible justice system in countries with complex legal systems.

The issue of decreased legal aid representation also affects the prevalence of self-represented people in the court system. All the countries reviewed in this report depend heavily on technological literacy and the capacity of individuals to utilize online resources to address their legal problem as independently as possible. Legal aid is meant to help under-served, low income and vulnerable populations. The presumption that these individuals have the wherewithal and resources to self-represent in complex legal matters undermines the mandate of the legal aid models explored here. Canada is also experiencing increased numbers of self-represented litigants, a high number of whom are considered low income (Birnbaum et al., 2013; Macfarlane, 2013).

While all four countries reviewed in this report have similar mandates, the PLA models adopted in each of the countries differ somewhat. Both Canada and the United States employ a complex model of public legal assistance, in which each jurisdiction has legal aid agencies that are independently regulated. Legal aid agencies and non-profit legal agencies are a more prominent part of the Canadian PLA system than other countries, and Canada is the only country of the four reviewed that does not federally mandate civil legal aid. The purchaser-supplier model applied in Australia has been critiqued in the Canadian context by Fleming (2002), though it has been met with some

success in Australia. Both Australia and Canada place emphasis on allocating resources to assisting self-represented clients.

In regards to the complexity of PLA models, Canadian and US scholars have expressed concern regarding the lack of oversight given to the implementation of PLA programs. There is a dependence upon external resources, volunteer lawyers and law firms to effectively deliver legal aid services. The lack of consistent and stable funding, staffing and programmatic resources present in PLA programs is detrimental for low-income clients who depend on access to legal aid to resolve court disputes.

The lack of coordinated oversight, under-resourcing and the high level of expertise required to provide legal assistance have contributed to an over-worked and disinterested group of legal professionals who have been tasked with providing legal assistance (Ferrari & Costi, 2012; Galanter, 2010; Hadfield, 2009; Hunter & Simone, 2009; PricewaterhouseCoopers, 2009). Some scholars warn that if lawyers feel like the work is undervalued, they will begin to limit or cease participating in legal aid efforts altogether (PricewaterhouseCoopers, 2009). No single system has effectively filled the gap in providing civil legal aid, although the United States has made strides in nationalizing eligibility guidelines for legal aid services.

4.2 Recommendations for Alberta

PLA models continue to evolve to meet the ever-changing needs of clients. All four countries reviewed in this report have similar funding structures and types of legal aid available, but each country has a different approach to the provision of services. Each system has also undergone periods of review and reform, particularly in regard to doing more with less. Despite the different approaches to service provision, there are pieces of each system that have the potential to improve legal aid delivery in Alberta.

The United States, Australia and New Zealand have national income eligibility criteria. Canada is the only country that has different criteria for each province and territory. Scholars have suggested that Canada adopt a simplified eligibility criteria in order to streamline the legal aid application process and provide a more manageable means of tracking client demographics (Birnbaum et al., 2013; Canadian Bar Association Standing Committee on Access to Justice, 2013; Fleming, 2002; Johnson, 2001; Malcolmson & Reid, 2006). However, it is important to consider that Alberta has a significantly higher household income than other provinces/territories due to its unique economy. Consequently, applying a nationalized poverty line in Alberta may render potentially eligible clients ineligible for assistance.

It is challenging to find clear standards of eligibility on Canadian legal aid programs' websites and publicly available resources. Many times clients will be asked to call in or meet with a representative to determine if they are eligible, which is resource heavy for both clients and legal aid providers. In order to improve resource

utilization, legal aid agencies should provide clear information regarding eligibility guidelines, application review periods and appeal directions in an easy to understand format. For example, Legal Aid New South Wales in Australia offers an on-line means test that is interactive and tells potential clients if they are eligible to receive a legal aid grant.²⁶ This system provides an efficient way for potential clients to understand their options and reduces confusion that eligibility tables and legal jargon can foster. While Legal Aid Alberta has implemented the Legal Services Centre, which utilizes an in-person or over the phone client assessment and referral system, Alberta legal aid programs may benefit from implementing an online application system that is based upon provincial eligibility standards and provides an upfront assessment of the anticipated cost of the legal proceeding and assigns the client to a lawyer. Once an application has been approved, the client would meet with their assigned lawyer to determine the next steps.

The use of technology has proven to be very beneficial for helping individuals to navigate relatively simple legal questions; however, legal aid providers should give serious thought to how best to merge in-person and web-based services. Using technology to streamline the assessment of legal aid clients has the potential to drastically change the way legal aid is delivered. Legal Ave (Alberta Legal Information Society, 2016) is an online resource dedicated to providing information about family law in Alberta. The web-based platform is similar to a guided pathway in that individuals identify their legal problem and click through the site in order to gain an understanding of what they need to do, forms they need to fill out, and/or if they need to seek legal assistance. Such a program is not unique; BC Courthouse Libraries has maintained a wiki-style legal information page since 2013 (Boyd, 2013).

While online services are an efficient way to screen for eligibility and potential case attributes, it is important to consider technological literacy of the general population. While the majority of Alberta's population is urban-based, there are many rural and remote communities that have inadequate access to reliable internet and cell service. Consequently, it should not be assumed that all Albertans have access to a computer and the internet, let alone the technological literacy required to utilize web-based resources. Should the provision of legal aid become web-based or dependent upon technology, it is important that legal aid providers make an effort to provide accessible, in-person services so that all Albertans have access to legal aid should they require it.

In addition to enhancing legal aid programs through technology, increased federal funding and decreased dependence on law foundations and private donors could increase the stability of legal aid programs and expand accessibility. A national partnership agreement could be employed to ensure that all Canadian provinces and territories are allocated federal funds according to the identified legal aid priorities and

²⁶ See <http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid/means-test-indicator>.

reduce dependency on fund development activities. The development of a national standard of legal aid priorities would further support a national delivery agreement and streamline legal aid eligibility.

In order to develop a national standard of legal aid priorities, legal aid programs in Canada may consider a national legal-needs survey similar to the LAW Survey conducted in Australia (Coumarelos et al., 2012). Canadian law foundations and legal aid agencies have the potential to partner on a similar survey that would examine the legal needs of Canadians. There have been various smaller studies completed about the legal needs of Canadians, but a collaborative and comprehensive study has yet to be completed. The survey could explore the integration of web-based services, investigate ways to reduce dependency on external funding, and determine how best to develop a formalized roster of lawyers and service providers.

Maintaining a published roster of available legal professionals is an important aspect of legal aid provision, as demonstrated in the New Zealand PLA model. Alberta could establish a similar database for legal aid services. Similar to Legal Ave as a resource for legal information, Alberta may benefit from establishing a legal aid resource database with contact information for lawyers who participate in legal aid, non-profit legal services and basic eligibility information.

Research about the provision of legal aid has predominately been dedicated to exploring the deleterious effects of the inability to access legal assistance on vulnerable populations (Legal Aid Review, 2009b; Center for Human Rights and Humanitarian Law, 2013; Galanter, 2010; Houseman, 2015; Tsoukalas & Roberts, 2002). The purpose of this report is to identify potential improvements for the current PLA model and to make recommendations for sustainability practices. To that end, the author recommends that Alberta undertake a comprehensive analysis of the legal needs of low-income and vulnerable populations and diversify delivery models for the provision of legal assistance according to the needs of clients.

REFERENCES

- Access Pro Bono. (2015). *Programs*. Available at:
<http://www.accessprobono.ca/programs>
- Alberta Legal Information Society . (2016). *Legal Ave*. Available at:
<http://albertalegalinformationsociety.ca/about-us>
- American Bar Association. (1994). *Legal Needs and Civil Justice: A Survey of Americans. Major Findings from the Comprehensive Legal Needs Study, Consortium on Legal Service and the Public*.
- American Bar Association. (2005). *Supporting Justice: A Report on the Pro Bono Work of America's Lawyers*. Available at:
https://www.americanbar.org/content/dam/aba/images/probono_public_service/ts/report.pdf
- American Bar Association. (2010). *Basic Principles of a Right to Counsel in Civil Legal Proceedings*. American Bar Association.
- American Bar Association. (2014). *ABA Resource Center*. Available at:
http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice/civil_legal_aid_funding.html
- Australian Government Productivity Commission. (2014). *Access to Justice Arrangements, Inquiry Report No. 72*. Canberra: Commonwealth of Australia.
- Birnbaum, R., Bala, N. & Bertrand, L.D. (2013). The Rise of Self-representation in Canada's Family Courts: The Complex Picture Revealed in Surveys of Judges, Lawyers and Litigants. *Canadian Bar Review*, 91, 67-95.
- Boyd, J.-P. E. (2013, May). *JP Boyd on Family Law*. Available at:
http://wiki.clicklaw.bc.ca/index.php/JP_Boyd_on_Family_Law
- Calgary Legal Guidance. (2017). Website: www.clg.ab.ca.
- Canadian Bar Association. (2015). *A Short History of Federal Funding for Legal Aid*. Available at: <http://www.cba.org/CBA/Advocacy/legalaid/history.aspx>
- Canadian Bar Association Standing Committee on Access to Justice. (2013). *Toward National Standards for Publicly-funded Legal Services: Envisioning Equal Justice*. Canadian Bar Association.
- Center for Human Rights and Humanitarian Law. (2013). *Human Rights in the U.S.: A Handbook for Legal Aid Attorneys*. American University College of Law.

- Citizens Advice Bureau. (2013). *Legal Aid*. Available at:
<http://www.cab.org.nz/vat/gl/ls/Pages/Legalaid.aspx>
- Community Law. (2015). *Free Legal Help*. Available at:
<http://communitylaw.org.nz/free-legal-help/>
- Coumarelos, C., Macourt, D., People, J., McDonald, H. M., Wei, Z., Iriana, R., & Ramsey, S. (2012). *Legal Australia-wide Survey: Legal Need in Australia*. Law and Justice Foundation of New South Wales.
- Council of Australian Governments. (2010). *National Partnership Agreement on Legal Assistance Services*. Available at:
http://www.curtin.edu.au/research/jcipp/local/docs/National_Partnership_Agreement_on_Legal_Assistance_Services.pdf
- Currie, A. (1999). *Legal Aid Delivery Models in Canada: Past Experience and Future Directions*. Department of Justice Canada, Research and Statistics Division.
- Currie, A. (2013). *The State of Civil Legal Aid in Canada: By the Numbers in 2011-2012*. (C. F. Justice, Ed.). Canadian Forum on Civil Justice Newsletter, May 13, 2013.
- Davidson, G., Morris, C., & Neun, H. (2010). *Canada: International Obligations to Provide Legal Aid*. Lawyer's Rights Watch Canada.
- Department of Finance Canada. (2011). *Canada Social Transfer*. Available at:
<http://www.fin.gc.ca/fedprov/cst-eng.asp>
- Department of Health and Human Services. (2015). *2015 Poverty Guidelines*. Available at:
<http://aspe.hhs.gov/poverty/15poverty.cfm>
- Department of Justice Canada. (2017). *Legal Aid Program*. Available at:
<http://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>
- Department of Justice Court Services Nova Scotia. (2004). *Self-represented Litigants in Nova Scotia: Needs Assessment Study*. Halifax: Department of Justice Court Services. Available at:
<http://www.novascotia.ca/just/publications/docs/SRL%20Report%20March%202004.pdf>
- Dupuis, M.D. (2015). *Legal aid in Canada, 2013/14*. Department of Justice Canada, Research and Statistics Division. Ottawa: Statistics Canada. Available at:
<http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14159-eng.htm>
- Ferrari, M., & Costi, A. (2012). *Learnings from Community Legal Education*. Victoria Legal Aid.
- Fleming, D. (2002). *The Purchaser-supplier Approach in Legal Aid*. Ottawa: Department of Justice Canada.

- Frohlich, T. (2015). *America's Richest (and Poorest) States*. Available at:
<http://247wallst.com/special-report/2015/09/17/richest-and-poorest-states/2/>
- Galanter, M. (2010). Access to Justice in a World of Expanding Social Capability. *Fordham Urban Law Journal*, 37(1), 115-128.
- Government of Canada. (1982). Canadian Charter of Rights and Freedoms. *The Constitution Act, 1982*, Schedule B to the Canada Act 1982 (UK), 1982, c 11. Available at: <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>
- Government of New Zealand. (2016). *Legal Services Commissioner*. Available at:
<https://www.justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/legal-services-commissioner/>
- Hadfield, G. K. (2009). Higher Demand, Lower Supply? A Comparative Assessment of the Legal Resource Landscape for Ordinary Americans. *Fordham Urban Law Journal*, 37(1), 129-156.
- Houseman, A. W. (2015). *Civil Legal Aid in the United States: An Update for 2015*. A Report for the International Legal Aid Group, Consortium for the National Equal Justice Library. Center for Law and Social Policy.
- Houseman, A. W., & Perle, L. E. (2013). *Securing Equal Justice for All: A Brief History of Civil Legal Assistance in the United States*. Center for Law and Social Policy.
- Hunter, R., & Simone, T. D. (2009). Women, Legal Aid and Social Inclusion. *Australian Journal of Social Issues*, 44(4), 379-399.
- James, D., & Forbess, A. (2011). *Rights, Welfare and Law: Legal Aid Advocacy in Austerity Britain*. London School of Economic and Political Science, Anthropology Department.
- Johnson, E. (2001). Equal Access to Justice: Comparing Access to Justice in the United States and Other Industrial Democracies. *Fordham International Law Journal*, 24, 83.
- Legal Aid Alberta. (2014). *2014 Annual report*. Available at:
<http://www.legalaid.ab.ca/information-resources/Documents/Annual%20Reports/Legal%20Aid%20Alberta%20Annual%20Report%202014.pdf>
- Legal Aid Nova Scotia. (2016). *Qualifying Legal Aid*. Available at:
<https://www.nslegalaid.ca/who-qualifies/>

- Legal Aid Ontario. (2014). LAO Tackles Access to Justice Crisis for Family Law Clients. Available at: http://www.legalaid.on.ca/en/news/newsarchive/1403-20_familylawstrategy.asp
- Legal Aid Ontario. (2015). Legal Aid Ontario Q3 Report. Available at: <http://www.legalaid.on.ca/en/publications/quarterly/2014-Q3.pdf?t=1498953600074>
- Legal Aid Review. (2009a). *Improving the Legal Aid System: A Public Discussion Paper*. Wellington, NZ: Ministry of Justice.
- Legal Aid Review. (2009b). *Transforming the Legal Aid System: Final Report and Recommendations*. Wellington, NZ: Ministry of Justice.
- Legal Aid Saskatchewan. (2009). *I Need Legal Help*. Available at: http://www.legalaid.sk.ca/legal_help/nature_of_problem/index.php
- Legal Help Centre. (2015). *Legal Services*. Available at: <http://legalthelpcentre.ca/legal-advice>
- Legal Information Society of Nova Scotia. (2016). *Family Law*. Available at: <http://www.legalinfo.org/i-have-a-legal-question/family-law/>
- Legal Services Corporation. (2009). *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low Income Americans*. Legal Services Corporation. Legal Services Corporation.
- Legal Services Corporation. (2015). *LSC: America's Partner for Equal Justice*. Available at: <http://www.lsc.gov>
- Legal Services Society. (2014). *Annual Service Plan Report*. Available at: https://www.lss.bc.ca/assets/aboutUs/reports/annualReports/annualServicePlanReport_2013.pdf
- Macfarlane, J. (2013). *The National Self-represented Litigants Project: Identifying and Meeting the Needs of Self-represented Litigants*. Final Report. Available at: http://www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2014/Self-represented_project.pdf
- Malcolmson, J., & Reid, G. (2006). *British Columbia Supreme Court Self-help Information Centre Final Evaluation Report*. Available at: http://justiceeducation.ca/themes/framework/documents/SHC_Final_Evaluation_Sept2006.pdf
- New Zealand Ministry of Justice. (2008). *Legal Aid Fact Sheet: International Comparisons*. Wellington, NZ: Ministry of Justice.

- New Zealand Ministry of Justice. (2011). *Legal Services Act 2011*. Available at: http://www.legislation.govt.nz/act/public/2011/0004/latest/DLM3142726.html?search=ts_act%40bill%40regulation%40deemedreg_Legal+Services+Act+2011+_resel_25_a&p=1
- New Zealand Ministry of Justice. (2012). *Evolution of the Legal Aid System*. Wellington, NZ: Ministry of Justice.
- New Zealand Ministry of Justice. (2015). *Legal Aid for People Involved in Family Disputes*. Available at: <http://www.justice.govt.nz/services/legal-help/legal-aid/family1/legal-aid-for-people-involved-in-family-disputes>
- New Zealand Ministry of Justice. (2016). *Family Legal Advice Service*. Available at: <https://www.justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/family-legal-advice-service/>
- Open Society Justice Initiative. (2015). *Legal Aid in Europe: Minimum Requirements Under International Law*. Available at: <https://www.opensocietyfoundations.org/sites/default/files/ee-legal-aid-standards-20150427.pdf>
- PricewaterhouseCoopers. (2009). *Legal Aid Funding: Current Challenges and the Opportunities of Cooperative Federalism*. Report prepared for the Australian Bar Association, the Law Council of Australia, the Law Institute of Victoria and the Victorian Bar Council.
- Prince Edward Island Legal Aid. (2016). *PEI Legal Aid Financial Eligibility Guidelines*. Available at: <https://www.princeedwardisland.ca/en/information/justice-and-public-safety/prince-edward-island-legal-aid>
- Ryan, N., Parker, R., & Brown, K. (2000). Purchaser-provider Split in a Traditional Public Service Environment: Three Case Studies of Managing Change. *Public Policy and Administration Journal*, 9(1), 206-221.
- Statistics Canada. (2012). *Legal Aid in Canada: Resource and Caseload Statistics, 2010/2011*. Ottawa, ON: Minister of Industry.
- Tsoukalas, S., & Roberts, P. (2002). *Legal Aid Eligibility and Coverage in Canada*. Canadian Council on Social Development, Legal Aid Research Series, Research and Statistics Division.
- United Nations. (1948). *The Universal Declaration of Human Rights*. The United Nations. Available at: http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf
- United States Congress. (1974). *The Legal Services Corporation Act*. H.R. 7824 (93rd).

US Legal, Inc. (2010). *Legal Aid Assistance*. Available at: <http://legalaid.uslegal.com>

Zhang, X. (2010). *Low Income Measurement in Canada: What Do Different Lines and Indexes Tell Us*. Statistics Canada. Government of Canada.