



Catalogue no. 85F0015XIE

# **Legal Aid in Canada: Resources and Caseload Statistics 1998-99**



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# **Legal Aid in Canada: Resource and Caseload Statistics 1998-99**

Published by authority of the Minister responsible for Statistics Canada

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July 2000

Catalogue no. 85F0015XIE

Frequency: Annual

ISSN 1481-8132

Ottawa

La version française de cette publication est disponible sur demande.

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## HIGHLIGHTS

- Total spending on Canada's legal aid plans reached \$494.4 million in 1998-99, representing an increase of 9% from 1997-98. This marks a reversal of the previous downward trend.
- In per capita terms, legal aid spending cost Canadians an average \$16.32 in 1998-99, up from \$15.15 the previous year.
- Expenditures on direct legal services rose to \$403.5 million in 1998-99 and accounted for 82% of total expenditures for the year. The remaining 18% was spent on central administration and other programs.
- Governments continue to be the major source of revenue for legal aid plans, contributing 90% of total revenues. The remainder of the revenue came from client contributions and cost recoveries (3%), legal profession contributions (2%), and other sources (5%).
- In the 1998-99 fiscal year, 833,441 applications were submitted for legal aid assistance, an increase of 4% from the previous year. As with legal aid spending, the number of applications increased, reversing five years of decline.
- After years of decline, the number of approved legal aid applications rose. In 1998-99, there were 490,842 applications approved, 4% more than the previous year.

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## INTRODUCTION

Access to justice in Canada is a concern for policy-makers, legal professionals, and all Canadians requiring a lawyer. Equality of access to justice is an important quality of an effective justice system. This implies that among other things, an effective justice system should provide equal access to legal assistance to those who require it. Not all Canadians are able to finance legal services from their own resources. Legal aid plans have been established in all provinces and territories, with the common goal of assisting low-income Canadians who require professional legal counsel.

Legal aid plans in Canada provide legal representation, advice, referrals and information services. Because the administration of justice is a provincial/territorial responsibility, the organizational structure, eligibility requirements, and application of the legal aid plans vary from one jurisdiction to the next. Considering these fundamental differences in the structure and the accompanying organizational differences, **caution must be used when making inter-jurisdictional comparisons of legal aid plans in Canada.**

This report provides information on the organization and costs of legal aid in Canada. It includes information on legal aid delivery systems, revenues and expenditures, and applications for legal aid.

For complete data collected from the Legal Aid Survey, conducted annually by the Canadian Centre for Justice Statistics, please see the related product entitled *Legal Aid in Canada: Resource and Caseload Data Tables, 1998-99* (catalogue no. 85F0028). These data tables include the complete five-year time series on revenues, expenditures, caseloads and personnel of legal aid plans in Canada.

For specific information related to the administration of legal aid in each province and territory, please see the report entitled *Legal aid in Canada: Description of Operations* (catalogue no. 85-217-XDB on diskette, or 85-217-XIB on the Internet).

## Overview of Legal Aid in Canada

### Legal aid delivery systems

Canada provides legal aid through separate legal aid plans in each of the provinces and territories. Though each provincial/territorial government has developed its own legal aid scheme, three general models have been adopted to deliver legal aid services in Canada. **Judicare**, a fee-for-service system, uses private lawyers who bill the legal aid plan for their services. The client may retain any lawyer who is willing to accept the case. New Brunswick, Ontario<sup>1</sup> and Alberta are the only provinces which operate judicare systems.

A **staff system** directly employs lawyers to provide legal aid services. Newfoundland<sup>2</sup>, Prince Edward Island, Nova Scotia and Saskatchewan have adopted this approach. Even in staff systems, the private bar is used when circumstances warrant, such as conflict of interest, or unavailability of a staff lawyer.

A combination of the judicare and staff systems, a **mixed system**, utilizes both private and staff lawyers in the provision of legal services. The remaining five jurisdictions (Quebec, Manitoba, British Columbia, Northwest Territories, and Yukon) operate mixed systems of legal aid. In most of these jurisdictions the client has the right to choose counsel, either staff or private, from a 'panel' of lawyers providing legal aid services.

<sup>1</sup> Although the Ontario Legal Aid Plan considers its delivery system a 'mixed' model of service, Ontario is presented here as a 'primarily' judicare model, since such a high proportion of direct legal expenditures is directed to private lawyers who provide legal aid services. Ontario's staff-administered community legal clinics supplement the judicare system, in such areas as housing, social assistance, pensions, workers' compensation, employment insurance, immigration and employment rights.

<sup>2</sup> Although the Newfoundland Legal Aid Commission considers its delivery system a 'mixed' model of service, Newfoundland is presented here as a 'primarily' staff model, since such a high proportion of direct legal expenditures is directed to staff lawyers in the provision of legal aid services.

For presentation and analytical purposes, the provincial/territorial data in this report have been categorized by type of system, as indicated above. In many cases, this will allow the reader to recognize the basis for some trends in the jurisdictions.

## Cases covered by legal aid

An important factor in the decision to grant legal aid is the nature of the case. Both criminal and civil cases are covered by all legal aid plans; however the extent of coverage varies.

Criminal legal aid coverage is, in part, established under federal/provincial/territorial cost-sharing agreements. These agreements set standards for minimum legal aid coverage for criminal matters throughout Canada. In most jurisdictions, coverage is available for those charged with indictable offences. Generally, in Canada, the coverage of summary conviction offences is limited to cases where there is a likelihood of imprisonment or a danger of loss of livelihood. However, in Ontario and British Columbia, both indictable and summary conviction criminal cases are covered only when there is a threat of imprisonment.<sup>3</sup> British Columbia will also consider cases where there is a risk of loss of livelihood.

Civil cases are eligible for legal aid coverage everywhere in Canada. In practice, many of the civil cases handled by legal aid are family matters, especially in Prince Edward Island, Nova Scotia, Saskatchewan and Yukon. In New Brunswick, they are exclusively family matters. Other jurisdictions extend coverage to a broader range of civil matters. Refugee cases and cases involving the *Mental Health Act* are also eligible under legal aid plans in most jurisdictions.<sup>4</sup>

In addition to the type of case, legal aid plans typically assess legal merit and urgency, the nature of the service applied for, the cost of the proceedings, the chance of successfully winning the case, and the client's history. Also taken into consideration is whether or not a reasonable person who had to pay a lawyer would spend the money to advance the case.

## Determination of eligibility

While there are inter-jurisdictional differences in legal aid eligibility criteria, common to all plans is an assessment of the financial situation of each applicant. This assessment often takes into consideration the individual's income, assets, and family size, which are compared to a set of financial guidelines that have been established by the jurisdiction. The exception is New Brunswick, where no guidelines have been set. These guidelines are often applied with some flexibility and are considered in combination with other factors.

## Legal aid is not necessarily free legal assistance

As mentioned, financial eligibility guidelines are used to assess the applicant's ability to afford legal counsel. Clients may be requested to contribute to the cost of services according to their ability to pay. An agreement between the client and the plan specifies the amount and how it is to be paid. Client contributions and cost recoveries (includes monies recovered from a judgment, award or settlement) amounted to \$17.3 million nationally in 1998-99.

In Manitoba and Alberta, application fees (\$25 and \$10 respectively) have been instituted. However, these fees are waived if the client is unable to afford the expense. In 1998-99, these and other sources of income accounted for 8% of total revenue.

Tariffs have been established in all jurisdictions, providing private lawyers with payment for their legal aid cases. The tariff may provide for an hourly rate (which currently ranges from \$45 to \$102), or block fees (i.e., a flat fee prescribed for certain types of cases and/or services). In several jurisdictions, the tariff may also depend on the lawyer's years of experience, the type of case, and the level of court in which proceedings will take place. General preparation fees are also covered in the tariffs, and are often specified by the jurisdictions.

<sup>3</sup> Those who do not qualify for full legal aid representation may receive assistance through other programs such as duty counsel, student legal clinics or community legal clinics.

<sup>4</sup> Readers are invited to consult *Legal Aid in Canada: Description of Operations* (catalogue no. 85-217-XDB/XIB), where a fuller description of legal aid coverage is provided for each province and territory.



## Staffing

The staffing of legal aid plans depends on the delivery system adopted by the province or territory. Table 1 illustrates that provinces with judicare systems employ proportionately fewer lawyers than do the provinces operating staff systems. Overall, lawyers account for 36% of the staff, a relatively unchanged proportion since the data series began in 1983-84. There are other personnel who ensure the accessibility and productivity of the legal aid plans. They include administrative staff, law students, accountants, research staff, librarians and others. Non-lawyers account for the greatest proportion of legal aid personnel (64%). Legal aid organizations range in staff size from 7 members, as in the case of Prince Edward Island, to 950 personnel in Ontario. The total number of personnel in legal aid offices in Canada increased steadily from 1983-84 to 1994-95, but has decreased slightly in each of the last four years.

**Table 1**  
**Legal Aid Personnel Resources by Province/Territory, 1998-99**

Jurisdiction	Total Staff	Lawyers	Per-centage of total staff	Non-Lawyers	Per-centage of total staff	Direct Legal Service Staff <sup>1</sup>				Others <sup>2</sup>					
						Total	Lawyers	Per-centage	Non-Lawyers	Per-centage	Total	Lawyers	Per-centage	Non-Lawyers	Per-centage
			%		%			%		%			%		%
<b>Primarily Judicare</b>															
New Brunswick	35	9	26	26	74	8	8	100	-	-	27	1	4	26	96
Ontario <sup>3</sup>	950	308	32	642	68	334	222	66	112	34	616	86	14	530	86
Alberta	128	29	23	99	77	26	26	100	...	...	102	3	3	99	97
<b>Primarily Staff</b>															
Newfoundland	90	44	49	46	51	90	44	49	46	51	-	-	-	-	-
Prince Edward Island	7	4	57	3	43	4	4	100	-	-	3	-	-	3	100
Nova Scotia	120	66	55	54	45	64	64	100	-	-	56	2	4	54	96
Saskatchewan	132	63	48	69	52	83	62	75	21	25	49	1	2	48	98
<b>Mixed</b>															
Quebec	802	342	43	460	57	328	313	95	15	5	474	29	6	445	94
Manitoba	136	50	37	86	63	64	42	66	22	34	72	8	11	64	89
British Columbia	331	84	25	247	75	181	80	44	101	56	150	4	3	146	97
Northwest Territories <sup>4</sup>	51	11	22	40	78	35	11	31	24	69	16	-	-	16	100
Yukon	9	5	56	4	44	6	4	67	2	33	3	1	33	2	67
<b>Canada</b>	<b>2,791</b>	<b>1,015</b>	<b>36</b>	<b>1,776</b>	<b>64</b>	<b>1,223</b>	<b>880</b>	<b>72</b>	<b>343</b>	<b>28</b>	<b>1,568</b>	<b>135</b>	<b>9</b>	<b>1,433</b>	<b>91</b>

Source: Legal Aid Survey, Canadian Centre for Justice Statistics.

- nil or zero.

... figures not applicable or appropriate.

<sup>1</sup> Includes persons who delivered legal advice and/or legal representation directly to clients.

<sup>2</sup> Includes persons who did not provide legal advice and/or representation directly to clients (e.g., accountants, librarians, research staff, law students and clerical staff).

<sup>3</sup> Includes community clinic staff.

<sup>4</sup> Includes clinic staff for the Keewatin Legal Services Centre for Malliganik Tukisiiniakvik, Mackenzie Court Workers, Kitikmeot Law Center, and Beaufort Delta Legal Services.

Lawyers are responsible for providing most direct legal services (e.g., advice and representation) to clients. In Canada, in 1998-99, 72% of direct legal service staff were lawyers. The remaining 28% of staff providing direct legal services were other staff, such as para-legals and law students.

### Participation of Lawyers in the Delivery of Legal Aid Services

In 1998-99, there were 50,021 lawyers registered as practising members of the provincial and territorial bars. Twenty-six percent of these lawyers provided legal aid assistance in 1998-99. Over the past ten years, this percentage has remained stable, fluctuating between 25% and 32%. Legal aid plan (staff) lawyers numbered 1,015 in 1998-99, of which 880 (87%) provided direct legal services. However, the majority of lawyers providing various types of legal aid assistance were private lawyers totalling 12,163 in 1998-99. The participation of private lawyers in legal aid assistance decreased 6% from 1997-98 (Table 1).

**Table 2**  
**Bar Involvement in Legal Aid Service Delivery, 1998-99**

Jurisdiction	Total Bar Member Count	Lawyers Providing Legal Aid Services	Percentage	Private Lawyers Providing Legal Aid Services	Legal Aid Plan Lawyers
		Total	%		
<b>Primarily Judicare</b>					
New Brunswick	993	319	32	310	9
Ontario	17,220	5,353	31	5,045	308
Alberta	5,156	1,228	24	1,199	29
<b>Staff</b>					
Newfoundland	439	59	13	15	44
Prince Edward Island	156	25	16	21	4
Nova Scotia	1,567	368	23	302	66
Saskatchewan	1,349	261	19	198	63
<b>Mixed</b>					
Quebec	14,357	3,172	22	2,830	342
Manitoba	1,474	594	40	544	50
British Columbia	6,895	1,718	25	1,634	84
Northwest Territories	244	56	23	45	11
Yukon	171	25	15	20	5
<b>Canada</b>	<b>50,021</b>	<b>13,178</b>	<b>26</b>	<b>12,163</b>	<b>1,015</b>

Source: Legal Aid Survey, Canadian Centre for Justice Statistics.

### Legal Aid Provides Duty Counsel Services

In addition to legal aid services, most jurisdictions have a duty counsel system administered by the legal aid plans. Duty counsel lawyers advise detained persons<sup>5</sup>, and persons appearing in court without counsel. They may guide them in obtaining legal services, and provide on-the-spot representation, if needed. Duty counsel services are provided by staff lawyers in some jurisdictions, and by private lawyers in others. The provision of duty counsel services does not bar the recipient from subsequent application for legal aid services.

Lawyers who provide duty counsel services may be located in provincial/territorial criminal, family and youth courts. However, the extent to which they are present in these courts differs by jurisdiction.

Nova Scotia and Prince Edward Island do not have duty counsel systems as such. Staff lawyers working for the legal aid plans may advise or even represent accused persons on-the-spot, if necessary.<sup>6</sup>

In some jurisdictions, duty counsel services may exceed the traditional duties of the duty counsel. For instance, legal aid plans in New Brunswick<sup>7</sup>, Ontario, Manitoba, Alberta, Northwest Territories, and Yukon provide what are known as 'full duty counsel' services<sup>8</sup>. Where full services are available, duty counsel offer the same services as traditional duty counsel, but additionally may provide full representation up to and including the determination of guilt or non-guilt (in criminal cases), including speak-to-sentence. In some jurisdictions the same lawyer may provide all services to the client, allowing for a complete solicitor-client service, which typically means better quality assistance. In these cases, duty counsel essentially provides the same services that legal aid lawyers would provide, reducing some of the financial and caseload levels on the legal aid plans.

<sup>5</sup> This type of duty counsel is referred to as "Brydges" duty counsel, based on the 1989 Supreme Court of Canada decision, which ruled that a detainee should be informed of the existence and availability of duty counsel and legal aid in the jurisdiction, so that the detainee has a full understanding of the right to retain and instruct counsel.

<sup>6</sup> The reader is invited to refer to the publication *Legal Aid in Canada: Description of Operations*, catalogue no. 85-217-XDB, available in electronic format only, for more detailed information pertaining to legal aid coverage and duty counsel in each jurisdiction.

<sup>7</sup> Duty counsel also provide weekend telephone remand services in New Brunswick.

<sup>8</sup> The concept of full duty counsel is fairly new in Ontario and Manitoba, compared with the other jurisdictions that offer such services.

## Sources of Revenue

Funding is received by legal aid plans from three main sources: government contributions, client contributions and cost recoveries, and contributions from the legal profession. Government contributions include monies from both the federal and provincial/territorial governments. Figure 1 shows that overall government funding climbed steadily from 1988-89 to 1992-93, and then levelled off. In the 1998-99 fiscal year, total government contributions amounted to \$513.9 million, an increase of 3% from the previous year.

Government funding accounted for 90% of the total legal aid revenue in 1998-99, continuing as the major revenue source for legal aid in all jurisdictions. There were differences in the proportion of government funding received by the jurisdictions. In Prince Edward Island and the Northwest Territories, government funding covers 100% of legal aid plan expenditures. In contrast, government funding accounts for 85% of Ontario's and Manitoba's legal aid funding and 83% of Alberta's funding.

## Federal contributions to legal aid

Agreements exist between the federal and provincial/territorial governments for the cost-sharing of criminal legal aid matters, including legal aid proceedings under the *Young Offenders Act* (YOA). Provincial statute matters such as violations under liquor and traffic laws are not cost-shared. The federal contribution to criminal legal aid by Justice Canada in 1998-99 decreased (4%) from 1997-98 to \$81.9 million.

In 1980, Health and Welfare (part of which later became Human Resources Development Canada (HRDC)) formally began sharing the cost of civil legal aid with the provinces and territories under the Canada Assistance Plan (CAP). On April 1, 1996, the Canada Health and Social Transfer (CHST), replaced the Canada Assistance Plan, but continued providing federal funding for a number of social programs, including civil legal aid. Since the provinces are now responsible for the allocation of monies received from the federal government under the CHST, they now have more flexibility in their own funding priorities.

## Increased provincial and territorial funding

In total, provincial and territorial government contributions to legal aid plans amounted to \$433.4 million in 1998-99, a 5% increase from the previous year (Table 3). Figure 1 shows that the total provincial/territorial government legal aid funding trend follows the same general pattern as the total government contributions trend, until 1996-97, when the provincial/territorial contributions rose significantly.

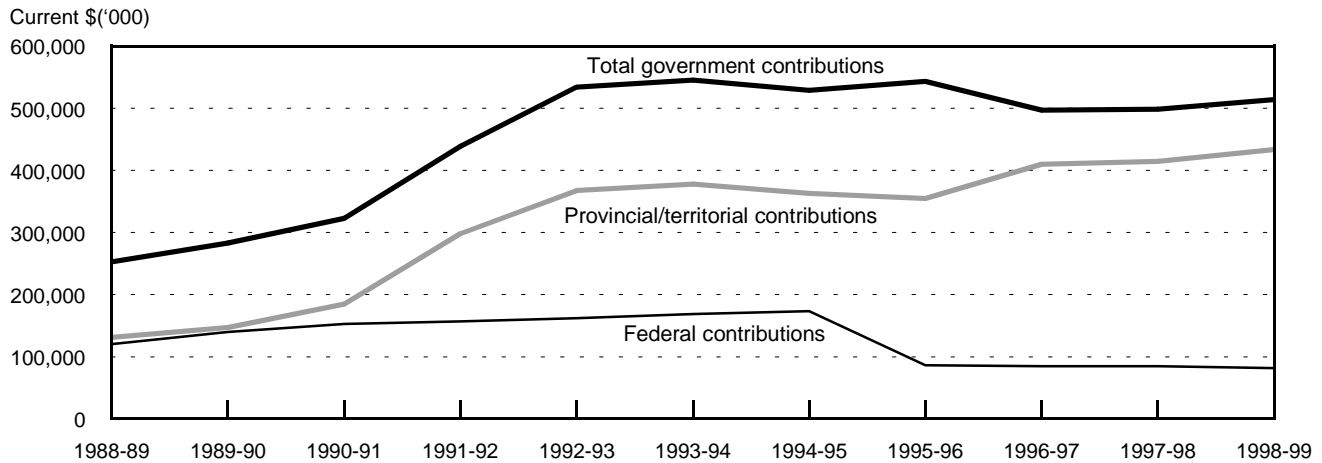
Although total provincial/territorial legal aid funding expressed as a proportion of total government contributions has fluctuated since the time series began in 1983-84, the trend towards increased provincial/territorial responsibility for legal aid is evident in Figure 1. Funding from provincial/territorial governments accounted for, on average, 53% of total government contributions from 1987-88 to 1990-91. From 1991-92 to 1995-96, this proportion increased to 70%, and then moved to 83% in 1996-97 and 1997-98<sup>9</sup>. In 1998-99, provincial/territorial contributions represented the highest proportion ever at 84%.

In Newfoundland, Nova Scotia, Quebec, Manitoba, Saskatchewan the recent increase in provincial/territorial funding can be explained in part by the replacement of funding under CAP with the CHST. Eight provinces<sup>10</sup> received funding under CAP over the duration of its existence. Beginning in 1996-97, monies received as a result of the new CHST were included in provincial/territorial contributions, because they could not be separately identified from other provincial dollars.

<sup>9</sup> As noted in Figure 1, when summed the provincial/territorial contributions plus federal contributions may not equal the government contributions figure. Thus the provincial contributions expressed as a proportion of total government have been derived, based on adjusted government contributions figures. For further details on how these figures were derived, please contact the Canadian Centre for Justice Statistics.

<sup>10</sup> New Brunswick, Ontario and British Columbia are the other three provinces which received funding under CAP in the past. In 1995-96, New Brunswick and British Columbia did not receive CAP funding for civil legal aid (though it did in previous years). Similarly, in 1996-97 and 1997-98, New Brunswick and British Columbia did not receive funding under the new CHST program.

Figure 1  
**Government Contributions<sup>1</sup> to Legal Aid in Canada, 1988-89 to 1998-99**



<sup>1</sup> When summed, provincial/territorial contributions plus federal contributions may not equal total government contributions for the following reasons: (i) the total government contributions figure is provided by the legal aid plans, representing the total provincial grant, which includes federal contributions, whereas the provincial/territorial and federal contributions figures are obtained from the appropriate government department; (ii) any difference in accounting methods (i.e. cash versus accrual) will cause differences in which fiscal period contributions are accounted for; (iii) legal aid plans may have submitted back claims to the federal government in one year to cover expenditures that were already made and accounted for in the total government contributions figure for a previous year.

**Note:** The significant drop in federal contributions for 1995-96 is due in part by the termination of the Canada Assistance Plan, and that no claim was made by British Columbia for civil legal aid.

**Source:** Legal Aid Survey, Canadian Centre for Justice Statistics.

Table 3  
**Provincial and Territorial Government Contributions to Legal Aid Plans, 1994-95 to 1998-99**

Jurisdiction	1994-95	Percentage change from previous year	1995-96	Percentage change from previous year	1996-97	Percentage change from previous year	1997-98	Percentage change from previous year	1998-99	Percentage change from previous year
	\$'000	%	\$'000	%	\$'000	%	\$'000	%	\$'000	%
<b>Primarily Judicare</b>										
New Brunswick <sup>1</sup>	2,863	57	2,420	-15	3,228	33	3,278	2	3,524	8
Ontario	195,000	-4	187,900	-4	191,096	2	191,130	--	194,500	2
Alberta	16,875	-13	16,375	-3	16,140	-1	16,056	-1	16,131	--
<b>Primarily Staff</b>										
Newfoundland	2,595	2	2,579	-1	3,698	43	3,971	7	4,467	12
Prince Edward Island	294	1	332	13	364	10	484	33	570	18
Nova Scotia	5,318	1	4,919	-8	7,406	51	7,566	2	7,878	4
Saskatchewan	3,020	-50	3,996	32	5,321	33	6,912	30	7,360	6
<b>Mixed</b>										
Quebec	66,124	1	66,437	--	96,791	46	98,515	2	111,873	14
Manitoba	7,984	14	7,698	-4	9,154	19	9,801	7	9,850	--
British Columbia	59,000	-6	58,400	-1	72,500 <sup>r</sup>	24 <sup>r</sup>	72,900 <sup>r</sup>	1 <sup>r</sup>	73,600	1
Northwest Territories	3,423	9	3,431	--	3,467	1	3,358	-3	3,124	-7
Yukon	647	-28	492	-24	476 <sup>r</sup>	-3 <sup>r</sup>	429 <sup>r</sup>	-10 <sup>r</sup>	503	17
Canada	363,143	-4	354,979 <sup>r</sup>	-2 <sup>r</sup>	409,641 <sup>r</sup>	15 <sup>r</sup>	414,400 <sup>r</sup>	1 <sup>r</sup>	433,380	5

**Source:** Legal Aid Survey, Canadian Centre for Justice Statistics.

-- amount too small to be expressed.

<sup>r</sup> revised figures.

<sup>1</sup> The contribution of the Government of New Brunswick for 1996-97 and 1997-98 includes all expenditures for domestic legal aid, which is administered by the Department of Justice. Domestic legal aid costs were not reflected in the figures for 1993-94, when the Justice Department began administering domestic legal aid, and were understated in 1994-95 and 1995-1996.

## Other sources of revenue

In 1998-99, client contributions and cost recoveries accounted for 3% of total legal aid revenue. Client contributions refer to monies received from individuals receiving legal aid services, while cost recoveries consist of the monies recovered from a judgment, award, or settlement. As a proportion of total revenue, client contributions and cost recoveries have remained stable at 3% to 4% since the data series began in 1983-84.

Historically, contributions from the legal profession have accounted for 2% to 4% of overall legal aid revenue. In 1998-99, these contributions were 2% of total revenue, a proportion that is unchanged since 1992-93.

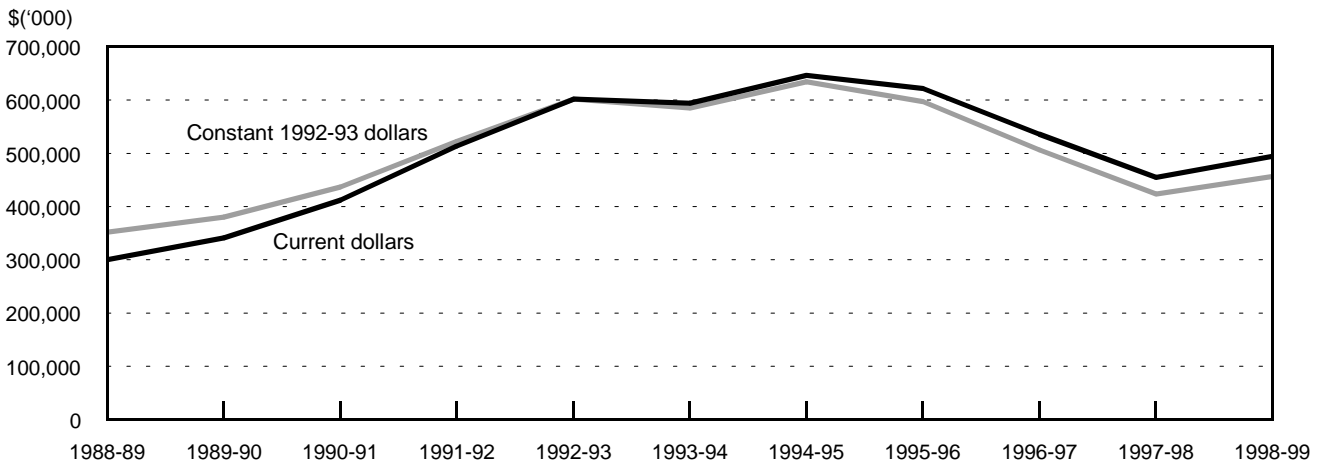
Other income sources include interest from provincial law foundations, publication sales, and federal/provincial/territorial grants. As previously mentioned, Manitoba and Alberta have instituted application fees. In 1998-99, these and other sources of income accounted for 5% of total revenue.

## Expenditures

In current dollars, legal aid plan expenditures amounted to \$494.4 million in 1998-99. In all jurisdictions, most of the budget (\$403.5 million, or 82% overall) was spent on direct legal expenditures, which include payments made to private lawyers as well as the costs of legal service delivery by legal aid plan staff (i.e., monies spent on the provision of: legal advice; information; referrals to other agencies such as transition homes and rehabilitation programs; and representation, not including central administrative expenses of the legal aid plans). The remaining \$90.8 million (18%) of expenditures incurred by legal aid plans were for: other program expenditures, including money spent on legal research activities, public legal education and grants to other agencies; and central administrative expenditures, which include monies spent on head office functions and on offices that do not employ staff to advise and represent clients.

Figure 2

**Total Legal Aid Expenditures, Canada, 1988-89 to 1998-99**



Source: Legal Aid Survey, Canadian Centre for Justice Statistics.

At the national level, the 1998-99 fiscal year showed a substantial increase in legal aid expenditures (9%) over 1997-98, following three years of consecutive decreases (Figure 2). Expressed in constant (1992-93) dollars, 1998-99 spending on legal aid amounted to \$456.4 million. This represents a 28% decrease from the peak of \$634.4 million spent in 1994-95.

In current dollars, increased spending in nine jurisdictions contributed to the overall rise in legal aid expenditures in 1998-99. Expenditures in Yukon increased most markedly (17%) over 1997-98. Other jurisdictions experiencing increases in expenditures were Ontario (16%), New Brunswick (14%), Quebec (11%) and Nova Scotia (8%).

In 1998-99, legal aid spending decreased in three jurisdictions: British Columbia (-6%), Manitoba (-4%) and the Northwest Territories (-4%).

On a per capita basis, provincial/territorial expenditures vary greatly, as evident in Table 4. Clearly, the two territories have the highest per capita expenditure figures<sup>11</sup>. This in part reflects the high costs associated with providing services in remote, sparsely populated areas. In addition to budget size and the priority placed on legal aid in the jurisdictions, some of the factors related to variations in per capita spending are: the nature of service delivery; the types of cases covered; the socio-economic characteristics of the region; the crime rate; and population density.

**Table 4**  
**Total and Per Capita Legal Aid Spending by Province/Territory, 1998-99**

Jurisdiction	Total Legal Aid Expenditures (Current dollars)	Percentage change from previous year	Per capita Expenditure
	\$'000	%	\$
<b>Primarily Judicare</b>			
New Brunswick	4,038	14	5.36
Ontario	217,208	16	19.03
Alberta	22,903	3	7.86
<b>Primarily Staff</b>			
Newfoundland	5,674	3	10.42
Prince Edward Island	543	3	11.73
Nova Scotia	10,965	8	10.68
Saskatchewan	10,111	6	9.87
<b>Mixed</b>			
Quebec	121,180	11	16.52
Manitoba	15,160	-4	13.31
British Columbia	80,335	-6	19.91
Northwest Territories	5,207	-4	77.14
Yukon	1,033	17	32.69
<b>Canada</b>	<b>494,357</b>	<b>9</b>	<b>16.32</b>

Source: Legal Aid Survey, Canadian Centre for Justice Statistics.

## More money allocated to civil than criminal cases

In 1998-99, civil cases accounted for more than half (56%) of direct national legal expenditures, while the remaining 44% was spent on criminal cases. The proportionate expenditure on criminal versus civil matters varies considerably by jurisdiction, as Table 5 shows. The volume of criminal versus civil cases may be higher in some jurisdictions, and thus affect the distribution. As well, the earmarking of expenditures by type of case is representative of provincial/territorial priorities. For example, Quebec spent an estimated 64% of their resources on civil cases, and the other 36% on criminal cases. In contrast, criminal cases accounted for 83% of legal aid expenditures in Yukon. Naturally, the priorities placed on the type of case have consequences for who receives legal aid.

<sup>11</sup> Expenditures for the Northwest Territories include Aboriginal Courtworker services and public legal education and information.

**Table 5**  
**Direct Legal Expenditures, by Province/Territory, 1998-99**

Jurisdiction	Staff Lawyers	Per- centage of total	Private Lawyers	Per- centage of total	Total	Criminal Cases	Per- centage of total	Civil Cases	Per- centage of total
	\$'000	%	\$'000	%	\$'000	\$'000	%	\$'000	%
<b>Primarily Judicare</b>									
New Brunswick	1,029	31	2,248	69	3,277	1,936	59	1,341	41
Ontario	38,329	22	138,093	78	176,422	77,988	44	98,434	56
Alberta	1,832	9	18,025	91	19,857	12,926	65	6,931	35
<b>Primarily Staff</b>									
Newfoundland	5,537	98	137	2	5,674	3,489	61	2,185	39
Prince Edward Island	441	87	68	13	509	380	75	129	25
Nova Scotia	8,183	80	2,058	20	10,241	5,291	52	4,950	48
Saskatchewan	8,447	92	783	8	9,230	5,788	63	3,442	37
<b>Mixed</b>									
Quebec	54,906	60	36,253	40	91,159	32,749 <sup>e</sup>	36 <sup>e</sup>	58,410 <sup>e</sup>	64 <sup>e</sup>
Manitoba	6,155	49	6,386	51	12,541	5,558	44	6,983	56
British Columbia	24,541	34	47,752	66	72,293	30,278	42	42,015	58
Northwest Territories <sup>1</sup>	..	..	..	..	1,495	782	52	713	48
Yukon	434	55	362	45	796	663	83	133	17
<b>Canada</b>	..	..	..	..	403,494	177,828	44	225,666	56

Source: Legal Aid Survey, Canadian Centre for Justice Statistics.

.. figures not available.

<sup>e</sup> estimate.

<sup>1</sup> Expenditures for the Northwest Territories include Aboriginal Courtworker services and public legal education and information.

## Applications for legal aid

The demand or need for legal aid in Canada is indicated, to a great extent, by the number of applications that the provinces and territories receive. The number of applications, however, does not reflect all requests for legal aid assistance, since applicants are screened, to some degree, before an application is filed. As well, coverage and eligibility requirements change over time, often imposing further restrictions on the types of cases taken on by the legal aid plans.

As noted earlier, several factors are taken into consideration when assessing legal aid applications: applicants must show that they meet certain financial eligibility requirements; the matter must meet coverage provisions; and in some cases, the matter must have legal merit. An applicant may be approved for either summary or full services.<sup>12</sup> Summary services include the provision of legal advice, information, or any other type of minimal legal service granted to an individual during a formal interview. Full services, on the other hand, constitute more extensive legal assistance. An applicant receiving full service is granted a legal aid certificate or other authorization denoting entitlement to legal services, which may include court representation, in addition to information and advice.

In the 1998-99 fiscal year, 833,441 applications<sup>13</sup> were submitted for legal aid assistance, a 4% increase compared to 1997-98 (Table 6). Figure 3 shows that between 1988-89 and 1992-93, the number of applications submitted to legal aid plans in Canada had been steadily increasing, but in 1993-94 a downward trend began that ended with the increase for 1998-99. A number of factors specific to the plans themselves may have contributed to this recent decline, such as: application fees; pre-screening procedures; further restrictions on the types of cases that receive legal aid coverage; stricter eligibility requirements implemented in certain jurisdictions; increased use of duty counsel; and possibly increased *pro bono* services provided by private lawyers.

<sup>12</sup> Total and refused application counts presented here, include both summary and full service applications, whereas approved applications refer to full service applications only.

<sup>13</sup> All total application figures mentioned in this report do not include Prince Edward Island, since only counts of approved applications are maintained.

**Table 6**  
**Applications for Legal Aid, by Province/Territory, 1998-99**

Jurisdiction	Total Applications	Criminal	Percentage	Civil	Percentage
			%		%
<b>Primarily Judicare</b>					
New Brunswick <sup>1</sup>	5,055	1,969	39	3,086	61
Ontario	347,522	..	..	..	..
Alberta	39,409	27,370	69	12,039	31
<b>Staff</b>					
Newfoundland	14,553 <sup>e</sup>	8,435 <sup>e</sup>	58 <sup>e</sup>	6,118 <sup>e</sup>	42 <sup>e</sup>
Prince Edward Island	..	..	..	..	..
Nova Scotia	19,734	11,449	58	8,285	42
Saskatchewan	23,981	17,985	75	5,996	25
<b>Mixed</b>					
Quebec	258,763	95,209	37	163,554	63
Manitoba	22,155	11,572	52	10,583	48
British Columbia	99,331	39,523	40	59,808	60
Northwest Territories <sup>2</sup>	1,752	802	46	950	54
Yukon <sup>3</sup>	1,186	743	63	443	37
<b>Canada</b>	<b>833,441</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>

**Source:** Legal Aid Survey, Canadian Centre for Justice Statistics.

**Note:** The total applications figure for Canada does not include Prince Edward Island, since only records of approved applications are kept.

.. figures not available.

<sup>e</sup> estimate.

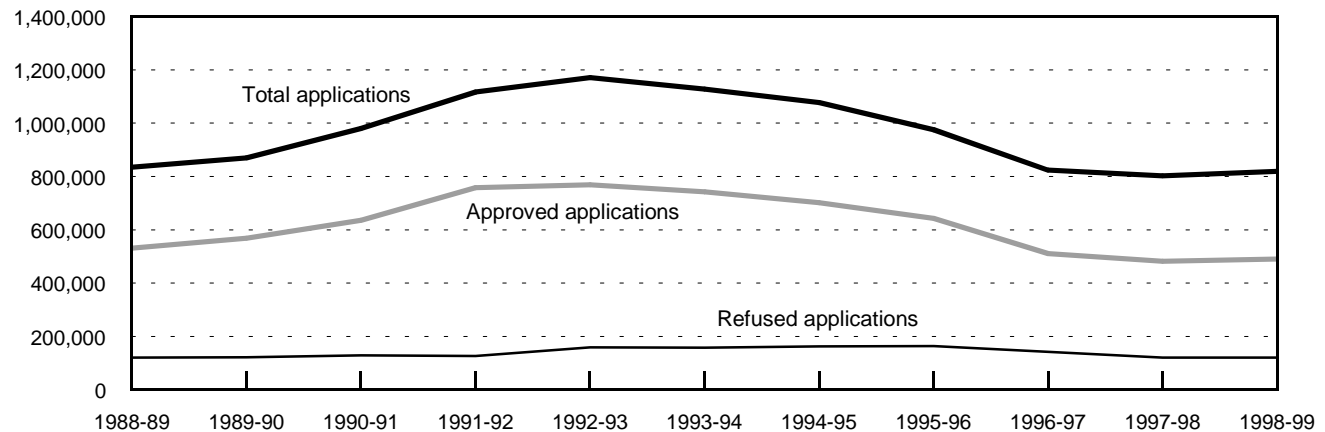
<sup>1</sup> Since the Domestic Legal Aid Program administered by New Brunswick Justice does not require applications, the civil applications figure for New Brunswick represents the number of domestic legal aid cases screened-in (or "accepted") by New Brunswick Justice, plus the applications for domestic cases made with Legal Aid New Brunswick. This fact should also be considered when reviewing the total applications data.

<sup>2</sup> In 1997-98, the Northwest Territories began a practice known as "presumed eligibility", whereby persons appearing unrepresented at court are not required to apply for legal services. Since counts of presumed eligibility cases are not available, data for 1997-98 cannot be compared to previous years. In 1998-99, a total of 4,456 persons appeared unrepresented (presumed eligibility) at court. This explains the decrease in the number of legal aid applications.

<sup>3</sup> Data exclude circuit court matters, but include full duty counsel services.

Figure 3

**Legal Aid Applications<sup>1,2</sup>, Approved and Refused, Canada, 1988-89 to 1998-99**



<sup>1</sup> Total applications and refused applications figures do not include Prince Edward Island, since only records of approved applications are kept. Newfoundland has been excluded from all approved and refused applications to ensure comparability. Data were not available in 1998-99.

<sup>2</sup> The sum of approved and refused application may not equal the total applications count for two reasons: (i) a decision to accept or reject an application may not occur in the time period the application is made; (ii) approved applications include full service applications only, whereas the total application count is the sum of applications approved for service, including full and summary service, and refused applications.

**Source:** Legal Aid Survey, Canadian Centre for Justice Statistics.

**Approval Rates for Legal Aid**

The survey does not calculate an approval "rate" for legal aid applications because approved and/or refused applications carried over from one year to another and those delayed in processing cannot be separated from current fiscal year applications.



## Approved applications on the rise<sup>14</sup>

The year 1992-93 marked a plateau in approved legal aid applications, which numbered 758,620, after which a consistent decline occurred until 1998-99, where a small increase was observed. Ontario serves as a particular example of this trend of reduction, where even though more applications were approved in 1998-99, they still represented a 50% reduction over 1992-93. The same trend applies to most jurisdictions, but to a lesser degree.

In 1998-99, there were 490,842 applications approved for full legal aid services in Canada (Table 7). Nationally, this number reflects a 4% increase from the previous year, but a 35% decrease from the peak in 1992-93. In 1998-99, Ontario's approved caseload increased considerably (14%) over 1997-98 due in part to relaxed eligibility criteria in the area of criminal law and family law. Along with Ontario, approved applications increased in Alberta (7%), and in Manitoba and Saskatchewan (2%).

In 1998-99, the number of applications approved for full service declined in Prince Edward Island (-14%), Nova Scotia (-7%) and British Columbia (-2%).

Comparable caseload data are not available for New Brunswick, the Northwest Territories, and Yukon. Prior to 1997-98, the number of applications approved for full service in New Brunswick cannot be accurately compared to earlier years due to incomplete domestic legal aid data. In 1997-98, the Northwest Territories began a practice known as "presumed eligibility", whereby persons appearing unrepresented at court are not required to apply for legal aid services. In 1998-99, 4,456 persons appeared unrepresented at court, accounting for fewer approved applications. Prior to 1997-98, approved applications in Yukon included duty counsel services for Judicial Interim Release Hearings, and are therefore not comparable to subsequent years.

**Table 7**  
**Approved Applications for Legal Aid, by Province/Territory, 1998-99**

Jurisdiction	Total Approved Applications		Percentage change from previous year	1998-99			
	1997-98	1998-99		Criminal	Percentage	Civil	Percentage
			%		%		%
<b>Primarily Judicare</b>							
New Brunswick <sup>1</sup>	3,932	3,965	1	1,278	32	2,687	68
Ontario	115,620	131,512	14	61,250	47	70,262	53
Alberta	28,316	30,294	7	22,253	73	8,041	27
<b>Staff</b>							
Newfoundland	9,838	..	..	..	..	..	..
Prince Edward Island	1,274	1,098	-14	1,019	93	79	7
Nova Scotia	15,744	14,575	-7	8,996	62	5,579	38
Saskatchewan	21,980	22,401	2	16,971	76	5,430	24
<b>Mixed</b>							
Quebec <sup>2</sup>	214,254	216,790	1	78,084	36	138,706	64
Manitoba	17,009	17,306	2	8,580	50	8,726	50
British Columbia	51,871	50,738	-2	28,043	55	22,695	45
Northwest Territories <sup>3</sup>	1,321	1,131	-14	660	58	471	42
Yukon <sup>4</sup>	1,045	1,032	-1	685	66	347	34
<b>Canada</b>	<b>482,204</b>	<b>490,842</b>	<b>4</b>	<b>227,819</b>	<b>46</b>	<b>263,023</b>	<b>54</b>

**Source:** Legal Aid Survey, Canadian Centre for Justice Statistics.

.. figures not available.

<sup>1</sup> Data do not include domestic legal aid for 1996-97 and 1997-98. Applications figures for 1996-97 are incomplete and should not be compared with 1997-98 data.

<sup>2</sup> Approved applications include summary services in Quebec.

<sup>3</sup> In 1997-98, the Northwest Territories began a practice known as "presumed eligibility", whereby persons appearing unrepresented at court are not required to apply for legal aid services. Since counts of presumed eligibility cases are not available, data for 1997-98 cannot be compared to previous years. In 1998-99, a total of 4,456 persons appeared unrepresented (presumed eligibility) at court. This explains the decrease in the number of legal aid applications.

<sup>4</sup> Data include full service duty counsel. Also included in 1996-97, are approved applications for Judicial Interim Release hearings; therefore, approved application data for 1996-97 are not comparable with 1997-98.

<sup>14</sup> Newfoundland has been excluded from all calculations made in regards to approved applications. Data were not available in 1998-99.

## Overall more civil applications are approved

Civil cases account for slightly over half (54%) of approved cases at the national level, as seen in Table 7. In 1998-99, New Brunswick, Quebec, Ontario<sup>15</sup> and Manitoba accepted more civil cases than criminal cases. The other jurisdictions approved more criminal applications than civil.

These differences are explained by the coverage requirements that each jurisdiction adopts in its legal aid plan. For example, Quebec provides for much broader coverage of civil cases than most of the other jurisdictions. This coverage includes applications for income security, auto and employment insurance, and workers compensation benefits. Prince Edward Island, on the other hand, extends coverage to few civil cases. This variation is illustrated in Table 7, which indicates that in Quebec, 64% of approved applications are civil cases, as opposed to 7% in Prince Edward Island. These proportions clearly indicate that the legal aid plans in each province and territory have different priorities and demands.

## Slight increase in refused applications<sup>16</sup>

The number of refused legal aid applications also increased in 1998-99, totalling 120,917 compared to 120,641 in 1997-98. This constitutes a slight increase (0.2%) in the number of refused applications<sup>17</sup>. However, it is important when evaluating the number of total and refused applications to consider the effects that pre-screening may have on the number of applications for legal aid services. Pre-screening lowers the number of both total and refused applications because individuals are refused legal aid before formally applying for legal assistance.

### *Recent change in Ontario*

*In Ontario, Bill O-68 received royal ascent on December 18, 1998. The new Bill introduced the **Legal Aid Services Act**, which incorporated a new body to be known as Legal Aid Ontario (formerly known as the Ontario Legal Aid Plan). An important feature of this act is the change in administration of legal aid. In February 1998, the Law Society of Upper Canada voted overwhelmingly to end 31 years of control over the province's legal aid plan. Commencing April 1, 1999, Legal Aid Ontario was no longer administered by the Law Society of Upper Canada, but began functioning as an independent corporation, accountable to the government of Ontario, as set out in the Act.*

*Legal Aid Ontario is governed and managed by its own board of directors, the majority not being lawyers.*

*Community clinics were introduced in Ontario to provide legal services in areas of law which particularly affect low-income individuals or disadvantaged communities, including housing and shelter, social assistance, pensions, workers' compensation, employment insurance, immigration and employment rights. These clinics now report to Legal Aid Ontario.*

<sup>15</sup> It should be noted that the higher proportion of approved civil cases in Ontario is due to the fact that applications for services from community clinics have been included. These clinics handle strictly civil cases.

<sup>16</sup> Newfoundland has been excluded from all calculations made in regards to refused applications. Data were not available in 1998-99.

<sup>17</sup> Refused application counts exclude Prince Edward Island since only counts of approved applications are maintained.

## METHODOLOGY

Data in the report *Legal Aid in Canada: Resource and Caseload Statistics* (Catalogue no. 85F0015) and the related data tables *Legal Aid in Canada: Resource and Caseload Data Tables* (Catalogue no. 85F0028) are obtained from the Legal Aid Survey, conducted annually since 1983-84, by the Courts Program, Canadian Centre for Justice Statistics. This survey provides the justice community, academics and the public with information on revenue, expenditure, personnel, and caseload statistics associated with the delivery and administration of legal aid in Canada. Data are collected and presented at the aggregate provincial/territorial level.

Data collection for all but a few data elements is administered through a survey questionnaire to the twelve legal aid plans in Canada. Data on provincial/territorial government financial contributions are obtained from the appropriate department responsible for justice matters. Justice Canada provides the federal contributions for criminal legal aid figures. In earlier years, during the existence of the Canada Assistance Plan, figures for federal contributions for civil legal aid were obtained from Health Canada and then later from Human Resources Development Canada. Data on provincial and territorial Bar membership are requested from the Federation of Law Societies of Canada.

To adjust for the effect of inflation, constant 1992-93 dollar figures have been calculated using the indexed changes in year-to-year revenues and expenditures for goods and services, as reported by Statistics Canada's *The Consumer Price Index*, Catalogue No. 62-001.

Per capita figures are based on July 1<sup>st</sup> population estimates released in Statistics Canada's *Annual Demographics Statistics*, catalogue no. 91-213. The 1994 and 1995 population data are final intercensal estimates, final postcensal estimate for 1996 and updated postcensal estimates for 1997 and 1998.

## GLOSSARY

**Active bar members** include the total number of lawyers certified and insured to practise in the jurisdiction.

**Adult** refers to persons 18 years of age and older.

An **application** refers to a formal request, evidenced in writing, whereby a person applies to a legal aid office for assistance. When aggregated, the total number of applications reflects the number of individual requests for summary and full service assistance, rather than the total number of persons seeking assistance. Formal requests for assistance are recorded on the intake document used by the legal aid office. Related legal matters enumerated at the time of contact with the office are included on one application, regardless of the requirement for a court appearance. If a matter related to that on the original application arises at a later date (other than appeal), a new application is not filed. Separate applications are counted for criminal and civil matters. The total number of applications reported for the fiscal year include all such applications filed during that time, irrespective of when the application was approved or rejected. The count excludes requests for duty counsel services.

**Approved application for full service** refers to an application for legal assistance which is granted legal aid as described in a certificate, referral, or any other authorization denoting that the applicant is entitled to legal services. Once an application is approved for full service, it is not subsequently counted as a summary service although in some cases, relatively little service may be required to fulfil the request. This count measures the number of units of service rather than the number of persons assisted, and is mutually exclusive of all summary service and duty counsel services.

**Approved application for summary services** refers to the provision of legal advice, information, or any other type of minimal legal service to an individual during a formal interview. It can include simple legal tasks such as making a telephone call or drafting a letter on behalf of a client. Excluded are inquiries made at the "front desk" of the legal aid office or telephone ("hot-line") inquiries. Summary services are provided to individuals in two circumstances: a written request has been submitted at the office, or a verbal request has been made. Only written requests are included in the count. No file (dossier) is opened for the client provided summary services. This count excludes the application which requested extensive legal assistance (full service) but received summary service upon refusal. Also excluded are the applications originally approved for full service but subsequently rendered summary services. Verbal requests for assistance are excluded from this count. The count measures the number of units of service provided rather than the number of persons assisted, and is mutually exclusive of both the approved full service application and duty counsel counts.

**Central administrative expenditures** include monies spent on head office functions and on offices that do not employ staff to advise and represent clients.

**Civil contributions** refer to monies provided initially by Health Canada and later by Human Resources Development Canada as part of the cost-sharing agreement for legal services in civil legal aid matters under the Canada Assistance Plan (CAP), which terminated on March 31, 1996. The federal government no longer directly funds civil legal aid; instead it allows the provinces more flexibility in their own funding priorities through the new Canada Health and Social Transfer (CHST).

**Civil duty counsel** refers to services in civil matters that may additionally be provided at locations other than a court or place of detention (e.g., psychiatric hospital, senior citizens' home).

**Client contributions** refer to monies received from the aided person for legal assistance; flat user fees are included.

**Contributions of the legal profession** refer to monies received from the law profession.

**Cost recoveries** refer to the party costs ordered or agreed to be recovered in the case. Includes monies recovered from a judgement, award or settlement.

**Coverage restrictions** refer to applications refused on the grounds that the legal matter is not covered by the Legal Aid Plan.

**Criminal adult contributions** refer to monies provided by Justice Canada as part of the criminal adult cost-sharing agreement.

**Criminal duty counsel** refers to services in criminal matters that are generally provided at a court or place of detention.

**Direct legal service expenditures** are the sum payments made to private law firms and the costs of legal service delivery by Plan staff. These expenditures include monies spent on the provision of legal advice and representation services to clients including special target groups. All law office and contracted community clinic expenses are included (i.e., staff salaries, benefits and overhead expenses). Central administrative expenses and other expenses of the Plan are excluded.

**Direct legal service staff** refers to persons whose primary function is to deliver legal assistance and/or legal representation directly to clients. Notaries are included in the staff lawyer count. Paralegals are included in the non-lawyer count.

**Duty counsel services** refer to legal services provided by a lawyer at a location other than a legal aid office, where the person assisted had not previously applied in writing for services to be rendered. This count measures the number of units of service provided rather than the number of persons assisted, and is mutually exclusive of both the summary service and approved application counts. Cases coming before a circuit court are typically provided duty counsel services. Consequently, circuit court cases are included in the duty counsel service count rather than in the approved application count. Only circuit court matters granted a delay are included in the approved application count. The provision of duty counsel services does not bar the recipient from subsequent application for legal aid services.

**Expenditures** refer to the actual gross dollars expended by the Plan in a given fiscal year (i.e. accounts payable are excluded). Expenditures made on behalf of the Plan by other agencies are not included. Total expenditure is the sum of expenditures on direct legal service, other program expenditures, central administrative expenditures and any other expenditure.

**Federal matters** refer to those criminal offences designated as a federal statutory responsibility.

**Federal government contribution to Criminal Legal Aid** refers to monies contributed by Justice Canada.

**Financial ineligibility** refers to a refusal for legal aid based on some financial information disclosed by the applicant pertaining to his/her income, assets and liabilities.

**Government contributions** refer to federal, provincial and territorial monies allocated to the Plan through the provincial or territorial government. Federal contributions made through the separate federal/provincial or territorial cost-sharing agreements for criminal and young offender legal aid, as well as contributions to civil legal aid made through the Canada Assistance Plan prior to April 1, 1996, are not recorded separately since monies are generally directed to the consolidated revenue fund of the province and not to the Plans directly.

**Lack of merit** refers to applications refused because the nature of the case or the seriousness of the matter does not warrant legal assistance.

**Legal research staff** refers to persons working within a specific program area conducting research related to legal matters. This excludes persons maintaining Plan libraries.

The **March 31<sup>st</sup> count** refers to the actual number of both full-time and part-time staff employed by the Plan at one particular point in time: March 31, the final day of the fiscal year.

**Net Cost-Shared Expenditures** - Represents provincial and territorial claims for costs incurred by each legal aid plan on matters specified in the federal/provincial/territorial cost-sharing agreements for criminal legal aid. It covers both legal service costs and associated administrative expenses. Such an amount is the net of all

contributions and recoveries received from clients. Net cost-shared expenditures are calculated on a province-by-province and territorial basis; therefore, caution must be exercised when making inter-provincial and territorial comparisons.

**Non-compliance/abuse** refers to a refusal for legal aid based on either an applicant's prior or current experience with the Plan. These refusals include applications where similar services were already rendered; services applied for are abusive of the legal process; or failure to cooperate with the legal aid lawyer.

**Other program expenditures** includes monies spent on legal research activities, public legal education and grants to other agencies.

**Other staff** refers to persons not in public legal education or legal research programs and whose primary function does not involve the provision of legal advice and/or representation directly to clients; for example, lawyers performing primarily administrative functions, accountants, librarians, law students and clerical staff.

**Personnel resources** refer to the actual number of staff employed by the Plan, as of March 31<sup>st</sup>. These data are broken down in two ways: by type of service provided and by type of personnel. The type of personnel on staff with the Plans are divided into: lawyer and non-lawyer counts. Staff lawyers refer to lawyers who are hired by the Legal Aid Plan to work from the legal aid office. Salaries are paid by the Plan.

**Private bar lawyers who provided services** include those active members of the private bar who actually delivered legal services and billed the Plan during the fiscal year. Government employed and legal aid staff lawyers are excluded. Notaries are included in the total counts provided. An unduplicated count is reported.

**Private law firm expenditures** include fees and disbursements, together with other specific costs (e.g. travel expenses) incurred by private lawyers for the provision of legal services to legal aid clients.

**Provincial and territorial contributions** refer to monies contributed by the provinces and territories to the Legal Aid Plans.

**Provincial and territorial matters** refer to those offences under provincial or territorial statutory responsibility. Also included are infractions under municipal by-laws.

**Public legal education expenditures** refer to monies expended by the Plan on preventive law programs, educational programs and publicity.

**Public legal education staff** refers to persons working within a specific program area conducting preventive law programs, educational programs and/or publicity.

**Refused applications** refer to all formal requests for legal aid evidenced in writing that have been denied legal services. This total includes applications for which no services have been approved, as well as those applications denied for full service that subsequently receive summary service. An application can be refused, appealed and still refused. Only the initial refusal is counted. Reasons for refusal are a product of legislative and policy restrictions.

**Revenue** refers to all monies received directly by the Legal Aid Plan during a given fiscal year. Funds received for specific projects from agencies external to the Plan are not included as revenue. Accounts receivable are excluded.

**Summary service** refers to the provision of legal advice, information, or any other type of minimal legal service to an individual during a formal interview. It can include simple legal tasks such as making a telephone call or drafting a letter on behalf of a client. Excluded are inquiries made at the "front desk" of the legal aid office, or telephone ("hot line") inquiries. Summary services are provided to individuals in two circumstances: a written request has been submitted at the office, or a verbal request has been made. Only written requests are included in the count. A **written request** refers to a request of assistance as evidenced by the completion of a legal aid application. A **verbal request** refers to a request by a non-applicant made in-person at a legal aid office or by telephone to a direct legal service professional. Summary services may be provided to fulfil the request itself or follow the refusal of a written request for more extensive legal service (full- service). Once an application is

approved for full service, it is not subsequently included in a summary service count although relatively little service may be provided. Also, no file (dossier) is opened for the client provided summary services. Summary service counts measure the number of units of service provided rather than the number of persons assisted, and are mutually exclusive of both the approved full service application and duty counsel counts.

**Total Bar member count** refers to the number of lawyers listed by the Federation of Law Societies of Canada. Lawyers who are retired or non-active are excluded. Private and public sector lawyers are included. Non-resident lawyers are included in the province of practice.

**Young offender contributions** refer to monies provided by Justice Canada as part of the cost-sharing agreement dealing with YOA proceedings.

**Youth** refers to persons who are 12 years of age or older, but under 18 years of age under federal and provincial statutes. Alternatively, two provinces (Ontario and Nova Scotia) have designated maximum age for youth at 15 years of age for most provincial/municipal matters.