

A WORD FOR JUSTICE



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*We've Been Helping People in
Western Canada Since 1990.*

MESSAGE FROM EXECUTIVE DIRECTOR ALLAN PARKER

Welcome to the Winter 2008 Edition of *A Word for Justice*. There have been many developments at Access Justice since our last newsletter. We have had additions to our board and staff, welcomed new clinic partnerships and refined our client screening process. We gratefully acknowledge receipt of an Infrastructure Grant from the Law Foundation, which will assist with a range of one-time purchases including office equipment.

We have taken several steps with our partner organizations, Pro Bono Law of BC and the Salvation Army, to lay the foundation for a more coordinated delivery of our services in 2008. Preparations are under way for our joint client-satisfaction survey and pro bono research project. Our organizations jointly addressed the October 2007 Benchers' meeting and we participated in a Lower Mainland pro bono forum sponsored by the Law Society. John Pavey from the Salvation Army and I travelled together to visit several of our clinic locations with more trips planned for 2008.

A REFLECTION ON THE CANADIAN CHARTER

By Jimmy Yan

Access Justice has served over 12,000 clients in the past three years. Sixty-two percent of our clients come from Asian, First Nations, Latino and African backgrounds, and a significant portion of the remaining 38% of our Caucasian clients are not of English descent. According to Canada's 2006 census, over six million foreign-born people now live in Canada. Immigrants have made huge sacrifices and experienced great ordeals to rebuild their lives in Canada. What makes Canada so attractive to new immigrants that they will part from their home to come here?

Part of the answer lies in the principles of democracy and justice. Forgetting

these principles could mean a nation would lose its attraction and leverage. Symbols are important, too. For instance, the Peace Arch Park in White Rock at the border between the United States of America and Canada might not carry much significance to many Canadians. However, it holds particular importance to our immigrants. Many immigrants perceive the park as a reminder of the closeness of equal or greater opportunities in the US. Building a just society encourages immigrants and naturalized citizens to continue to strive for success in Canada. Consider that there are currently 14 million university students in

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■ *People at Access Justice*

NEW CLINICS

Access Justice welcomes new partnerships with three community organizations to provide additional clinics. In North Vancouver we are now working with the North Shore Community Resources (NSCR) office, a long-established resource service. "We are pleased to be working with Access Justice as their pro bono services are a good complement to the range of community and advocacy services that we provide," says Barbara MacLellan, NSCR Manager of Information.

In Surrey, we now have a clinic with the Progressive Intercultural Community Services Society. Our thanks to Abbotsford lawyer Bibhas Vaze for his support in getting this clinic going, including recruiting volunteer lawyers.

Access Justice Clinic Coordinator Jenny Lau worked with Prairie Escallier of the West Shore Family, Youth and Family Services Centre in Langford to provide an additional clinic outlet for the Greater Victoria region. Our thanks to a number of our Victoria volunteer lawyers who have agreed to assist at this clinic.

THANK YOU JASON LIANG

In December 2007, we said goodbye to Jason Liang who had been on a term with us as an IT Technician. Jason returned to school in Kamloops at Thompson Rivers University. We very much appreciated Jason's conscientious work with us.

VOLUNTEER LAWYER: CATALIN MITELUT



Catalin Mitelut, who began volunteering with Access Justice just two months after he was called to the bar, believes in the importance of helping other people through Access Justice clinics. "It's very good to have the opportunity to speak to people who are terrified by legal problems and fees," he says. "You can speak to them without other issues getting in the way."

Mitelut specializes in immigration law and has volunteered with Access Justice at the Multicultural Helping House Clinic since June 2005 in Vancouver. He chose this organization because he says it provides lawyers to people in need. He also volunteers with Access Justice clinics at the Supreme Court of BC, the Gathering Place, Jewish Family Services and the B.C. Coalition of People with Disabilities.

"I wanted to address social inequality through society. I wanted to go to the communities and provide services to immigrants. Access Justice had a way for there to be interaction between a lawyer and the community."

MEET OUR NEWEST STAFF MEMBER

In January 2008, Alistair Wang joined us as our new part time IT Technician. Alistair has extensive education and experience in computer technology from Mainland China. Alistair will work with Nagma Azad who continues part time with us while on parental leave.



MEET OUR NEWEST BOARD MEMBER



Access Justice welcomes Maureen E. Baird as our newest board member. Maureen is currently a counsel at Devlin Jensen. Her practice focuses on Regulatory Law and Civil Litigation, including Constitutional Law. In addition, Maureen lectures and writes extensively on matters relating to Administrative Law. Maureen has a law degree from the University of Toronto Faculty of Law in 1982.

■ *Q&A about Access Justice Clients*



We try to cover most client-related matters in the package of materials that we provide to lawyers when they are first enrolled. However, because some policies have been updated and because we're not able to anticipate every matter that may arise, we always welcome questions and comments from our clinic lawyers. Here are some common questions and answers that have arisen from recent calls, emails and visits with lawyers.

Q: Why did you book clients who are over the income or asset test?

A: We continue to have an income test and an asset test for clients. These tests are currently under review in cooperation with a research project we're undertaking with Pro Bono Law of BC and the Salvation Army Pro Bono Program. When clients call our office or a clinic for an appointment we ask for income and asset information. We do our best to ensure clients meet our guidelines. Sometimes it does not become apparent that the client is over our guidelines until the client has an appointment with a lawyer. When we review these situations it is often a matter of misunderstanding rather than deliberate intent to mislead us. We generally encourage our lawyers to exercise discretion to provide some assistance to all clients even if it turns out they are over the guidelines—for example, it might assist the client to explain how private bar services can be obtained through the Lawyer Referral Service. In situations where the lawyer feels the client is abusing our services we ask that the situation

be brought to our attention.

Q: Why do you book clients who don't seem to have a real legal issue?

A: When clients call for a booking it is sometimes difficult for us to fully understand their issue. This may be because of language difficulties, because the caller is under stress or because of a disability. Also, we try to limit our conversations with callers about their issue because we need to make it clear that they will get advice at our clinics but that we can't give advice over the phone. When a matter is clearly not legal, we will recommend alternate resources rather than making a clinic booking. In most instances, lawyers will find that there will be at least some legal aspect to a client question. And, even when there is not, the feedback we often get from clients is that it was very helpful just to be told that a matter was in fact not a legal problem after all.

Q: What do you do about repeat clients?

A: The great majority of clients use our services responsibly. We do not restrict clients to a single clinic visit—if they have an ongoing matter for which there is merit and for which self-representation is working then we'll allow subsequent visits. Fundamentally, we rely on the clients to tell the lawyers about past visits so that the lawyer can provide services efficiently and can assess if our continuing to help them is realistic. Our confidential client database

records each client visit. We monitor the number of client bookings and, in the very rare instance that the number of bookings appears unreasonable, we ask the lawyer for an assessment of the client's case to assist us in determining if additional bookings are warranted.

Q: What if the client needs more help than we can give at the clinic?

A: Summary legal advice is often all that a client needs. An important role that the lawyer plays is assessing whether there is merit or practicality to a case. Sometimes the necessary message is that the client should abandon a matter or that the cost of proceeding will outweigh the likely result. In any event, the lawyer may be able to supplement his or her advice with suggestions about written or web resources that the client can access. Or, the lawyer may be able to suggest alternate community services (both legal and non-legal) that can help the client. The more difficult situations are where there is merit and where the client is not likely to be able to receive legal aid or afford a private bar lawyer. We are all aware that resources to help are limited though we welcome the development of services such as the Roster Programs at Pro Bono Law of BC. If the lawyer is unable to come up with any recommendation, we welcome a call to our Executive Director, Allan Parker, who will try to work with the lawyer.



■ *About Us*

Canadian Charter continued

China. In the era of a knowledge-based global economy, attracting and retaining our intellectual capital is an issue of national security.

The Canadian Charter of Rights and Freedoms is Canada's guarantee of democracy and justice. It's time for Canada to raise high our principles. Chief Justice Beverley McLachlin of the Supreme Court of Canada told an audience at a Toronto Charter conference on April 12, 2007, that the Charter "...has allowed Canada to stand tall in the world." One contribution by Access Justice is to distribute 3 ft. by 4 ft. Charter posters to community organizations in Metro Vancouver because the Society has never forgotten its vision of fostering the equality rights guaranteed by the Charter. We give our sincerest gratitude to the Carnegie Community Centre's Director, Ms. Ethel Whitty, who took a leading role by mounting a poster in the centre's lobby. It is encouraging to see thousands of people from Vancouver's Downtown Eastside area read the Charter, understand it, use it and live up to it. I believe Chief Justice McLachlin would be delighted to see the Charter alive and well in BC.



A WORD ABOUT DONATIONS

Every year, thousands of people on low and moderate income attend Access Justice's pro bono legal clinics. They receive one-on-one legal advice from qualified lawyers on various matters including speeding tickets, assault charges, custody and access, maintenance, immigration, contracts, and insurance. In 2007, approximately 4,000 people used an Access Justice Pro Bono Legal Advice Clinic because they were not able to afford a lawyer. Please consider a donation to support our work: Access Justice, 1440 West 12th Avenue, Vancouver, BC, V6H 1M8 or donate online at www.accessjustice.ca, "Donate Now."

PLEASE VOLUNTEER!

Access Justice needs lawyers for several of its clinics and non-lawyer volunteers for several positions. Please see our "Lawyer" and "Volunteer" link at www.accessjustice.ca and join us.

WITH THANKS

Access Justice would like to express its deepest gratitude to the Law Foundation of British Columbia, the Ministry of the Attorney General, social agencies, lawyers, volunteers and law firms for your continued and generous support.



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Access Justice is a non-profit organization dedicated to providing legal advice to low-income clients.

For clinic information call 604-878-7400, toll free 1-877-762-6664 or visit www.accessjustice.ca.