



**Dalhousie Legal Aid Service**  
A Community Service of Dalhousie University

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## **Message from the Executive Director**

Over the past fiscal year DLAS has contributed to advocacy in the community, representation of individual clients, education of third year law students and the goals of social justice. The factors that continue to have a substantial impact on our day to day operations are fiscal. Our arrangement with the Nova Scotia Legal Aid Commission with respect to funding drains our resources and leaves us with less freedom to set our own agenda. We continue to explore ways to make the funding more compatible with our overall mission.

Despite the challenges we face in the area of funding, we continue, with the support of many dedicated individuals and groups, to ground ourselves in the timeless principles of exceptional service, innovative approaches and unrelenting persistence in the pursuit of our founding mandate:

- To provide legal aid services for persons who otherwise would not be able to obtain legal advice or assistance;
- To conduct research, provide information, make recommendations, and engage in programs relating to the legal aid and law reform in the Province of Nova Scotia;
- To provide an educational experience for students enrolled in the Faculty of Law of Dalhousie University, in the solution of legal problems.

## **BOARD OF TRUSTEES**

The members of our board of trustees continue to share their insight, understanding and guidance in serving our organization. This year we continued to examine the work of DLAS through our "Why we do what we do series".

Our staff contributed to this initiative by sharing some of the main features of their roles at DLAS. We started with Angela Peckford, one of our community legal workers who presented a piece on the Legal Links project which provides outreach, advocacy, self help and representation to those with poverty law problems. Catherine Currell, our office manager presented the board with a snapshot of the talents and challenges faced daily by our small support staff.

Shawna Hoyte, one of our staff lawyers lead the board through the process of forming a community group. Using the example of the North Central Halifax Youth & Family Association, she illustrated how crisis and concern in the community grew into a positive and motivating force for change and access to resources.

Subsequent meetings focused on an examination of our mission statement, board functions, and the role of the various members of the board and committee structure. We continue to dedicate a portion of each meeting to an examination of board issues.

Our gratitude is extended to the dedication of our board members who devote effort, thoughtfulness and sharing of their talents and time in support of the mission of DLAS.

## **FUNDING**

### The Law Foundation of Nova Scotia

The core funding grant from the Law Foundation has been instrumental in helping us achieve significant successes in maintaining our commitment to provide community development and law reform initiatives, community legal education and poverty law services. This fiscal year marks the end of this initial three-year commitment. We have applied to the Law Foundation for continuation of the core funding for the work of DLAS as well as additional project funding to assist us in financing a full time community legal worker position. The community's need for poverty law services has not declined and indeed has increased since the Nova Scotia Legal Aid Commission's decision to eliminate funding for this vital service. We should be notified of the outcome of our application by the end of February 2004.

### Dalhousie Law School

We would like to express our appreciation for the continued support and response to the needs of DLAS as provided by the Dalhousie Law School. In addition to their commitment as one of our core funders, the Dean authorized new computers and up-to-date software for staff and students to replace an aging, outdated fleet. This was a vital area of need fulfilled by the contribution of the Law School.

### Nova Scotia Legal Aid Commission

Our funding arrangement with the Commission remains unchanged. Some of the systemic problems of artificially low preparation times, lengthy lifecycles of certificate files, restricted menu of services, and unevenness of referrals continues to cause difficulties with the smooth operation of our service. However, on a more positive note, the Legal Aid Commission did pass a resolution this year raising the hourly rate, subject to case type and years at the bar, from \$50 to \$70 per hour commencing August 1, 2003.

## **FINANCE**

Our financial statement for the year ending March 31, 2003 is attached.

Our financial statement for the year to date ending December 31, 2003 is attached.

Dalhousie Alumni continues to be one of our main sources of support for the continued work of the service. Donations from alumni to December 31, 2003 totaled \$4,400. These funds play an essential role in the continuation of our ongoing operations. We continue to work with Karen Kavanaugh of the Dalhousie Law School to turn around the downward trend in these contributions. Limits placed on our ability to actively fundraise from alumni, some of which are also faced by the Law School, are significant barriers we are attempting to overcome.

Other equally significant support came from the Dalhousie Law School graduating class of 2003 who raised \$400 and presented it to DLAS as the class gift.

## **COMMUNITY DEVELOPMENT AND LAW REFORM**

Our work under this branch of our mandate continues to be centered around test case litigation, community legal education and advocacy. With the changes to social assistance legislation and the continued depletion of resources, the negative impact on our communities is undeniable. Therefore, much of our work has been focused on this issue. We continue to work on issues affecting the low income community to address inequity and systemic deficiencies.

### **1. Test Case Litigation:**

#### **Social Assistance - Denial based on University Attendance**

On November 19, 2003, we argued a test case in the Supreme Court claiming that the regulation which terminates income assistance to single parents because of their attendance at University is in violation of s. 15 of the *Charter of Rights and Freedoms*. We also argued administrative discrimination and that the regulation is contrary to the purpose of the *Act*. We should receive a decision in this matter from the Court by the end of February 2004.

#### **Mental Health-Adult Protection Act**

In response to an appeal from the Supreme Court Family Division, we invited the Court to interpret the *Adult Protection Act* using the equality provisions of the Charter to ensure services be provided in the best interest of the adult client. We were successful in having the Court of Appeal impose a stay of proceedings to prevent the Minister of Health from placing the adult outside of the Halifax Regional Municipality. With respect to the substance of the appeal, we were granted leave to appeal the decision to the Supreme Court of Canada. The issue is centered on the Court's role to direct services and placement for persons with disabilities under the Adult Protection Act in the Adult's best interests. The case is anticipated to be heard by the Supreme Court of Canada in June 2004. Our factum will be filed by the end of February 2004.

#### **Challenge to City By-law restricting the use of Signs**

We have given notice under the *Constitutional Questions Act* of our intention to challenge the City By-law restricting the use of signs as a violation of s. 2, freedom of expression, of the *Charter of Rights and Freedoms*. In the same case we are also challenging police discretion as being used in violation of s. 15 of the *Charter* as discriminatory by targeting homeless youth with charges under *the Motor Vehicle Act*. This matter has not, as of yet, been heard by the Court.

#### **Challenge to the Employment Support and Income Assistance Act**

We are challenging the provision of the Act that has the effect of attributing income to an individual, even when they do not have such income. The regulation excludes many self employed individuals from receiving social assistance regardless of need.

**Community Based Options for Adults with Disabilities:** We continue to actively challenge the lack of government funding for community placements. This lack of resources and commitment has had a significant impact on individuals with mental health concerns.

## 2. Community Legal Education:

**Cornerstone Project in the Greystone:** In association with the Salvation Army, this project covers many areas such as meal sharing, community kitchen, and parenting resources. Our involvement is to respond to legal needs of the low income residents. We spend one day per month at the Salvation Army Drop-in Centre providing legal information and discussing the legal needs of members who live in the Greystone community. As the Greystone is geographically further away from the City core than other housing developments, it is more difficult for these residents to get into the city to seek resources to respond to their legal needs.

**Uptown Initiative Workshop:** We are a community member of this initiative working with the Halifax Regional Municipal Police and the Uniacke Square community to develop open lines of communication between the police and the community.

**North End Coalition on Community Violence:** We provided a half day session for approximately 20 community groups who provide services to the Halifax Inner City youth, in particular African Nova Scotian youth in the Halifax Regional Municipality, on the topic of the new *Youth Criminal Justice Act* and Community Justice.

**Education Perspectives:** We made a presentation to the School Psychologists at Mount Saint Vincent University on the subject of ***Blacks and Education: The Impact of Race and Poverty***. We also presented on the Halifax Regional Municipality School Board Policy regarding Race Relations, Cross-Cultural Understanding and Human Rights.

**African Heritage Month:** We will be presenting the research entitled "*Black on Black Violence among Adolescent Females in North Central Halifax*" (Hoyte:2003), as a part of the series: "*Blacks and Justice: What the Research Says, Black Youth and Crime: A Community Speaks Out*".

## 3. Community Advocacy

### a) **Equality**

**Nova Scotia Aids Coalition:** We continue our monthly meetings with the Program Coordinator/Executive Director providing legal advice on policy development, bylaw amendments, employee and volunteer matters, consent forms review, disclosure issues, brochure development, and supervision of a Pro Bono Canada student.

**Lesbian, Gay and Bisexual Youth Project:** We continue to offer legal advice to this organization and co-facilitate a Women's group offered twice monthly for young lesbian and bi-sexual women.

**Family Pride Camping Association:** We fill the chair position of this organization which provides a week long camping experience to children of gay, lesbian, bisexual and transgender parents in an atmosphere where the children can be openly proud of their families.

**Gay Father's Group:** We facilitate and offer support to this group of parents who meet monthly. We provide legal information on family law matters and assistance on other issues.

**Humanities 101:** This project was initiated by students at the Maritime School of Social Work to engage with members in the community. At its completion, this project will offer courses in the Humanities to people living in poverty.

**Child Protection and the Legal System:** We have received a request to present a legal information session for a group of parents who wish to address the inequities and injustice experienced by parents in legal proceedings in the child protection system. We will be meeting with the group to offer legal information and to assist in the formation of a parent advocacy group.

**Nova Scotia Family Services Association:** We continue to sit on the Board of Directors of this organization and have been involved with the strategic planning process regarding services for the Black community.

**Community Justice Society:** We sit as a member of the Board of Directors of this society. The work involves all aspects of the administration of the Restorative Justice Program and the Black Youth and Crime Program.

**BCAANS (Black Community Advocates Association of Nova Scotia):** We continue to provide ongoing support to the advocates by imparting legal information. We provided training to the members on the new *Youth Criminal Justice Act* and Community Justice during their 2003 Annual General Meeting held in Halifax.

**Department of Justice: Restorative Justice Program Management Committee:** This committee is the operational management body overseeing the detail of the program and specifically addresses operational and training issues, develops strategic and business plans to strengthen the program and guides program development. We continue to serve on this committee as an advocate of the African Nova Scotian Youth. We provide a voice on issues of concern to the youth and the Black community regarding the criminal justice system and in particular the Restorative Justice program.

**Canada Congress of Black Women (Nova Scotia Chapter):** We are working with the Congress of Black Women in Preston/Cherrybrook/Lake Loon on a project aimed at preventing African Canadian women from becoming involved with crimes of substance abuse, prostitution, abuse, violence and bullying. The project will develop and identify strategies to employ with women who do become involved with the justice system. As a community partner, we will provide resource support to the counselors and participants through information, education and community development. A steering committee has been formed and is meeting to map out the details of the program.

**North Central Halifax Youth and Family Association:** This group was organized in the fall of 2002 when the School Support Worker for the schools in the North End of Halifax approached DLAS to be involved in a community response to the system pressures of racism and poverty on students. These pressures led to negative behaviours at school and in the home, and, in some cases, involvement with the youth criminal justice system. The resulting organization has identified five areas of action: participatory research with the youth; surveying current services available which are culturally appropriate to youth and parents from the North End; increasing educational and mental health services for parents and youth and community development projects to address the underlying causes; as well as educational initiatives with school personnel to increase awareness of the systemic factors and to address the resulting behaviours effectively.

DLAS continues to provide legal advice and participate in workshops in the community on a variety of topics relating to crime prevention, justice, racism and lack of sensitivity to poverty issues in the education system. On November 27, 2003 a Town Hall Meeting was held at the North Branch Library on the topic of ***Education and Our Kids: Issues Which Have an Impact on Our Youth and Families***. Representatives from various educational institutions were invited to provide information about their services and to answer questions with respect to the concerns of parents and youth in North Central Halifax. The town hall was covered by the media.

**Metro Coalition for a Non-Racist Society:** This education and action group addresses racism by challenging white people to acknowledge and take responsibility for perpetuating racism and supports the struggles of people directly affected by racism. We continue to provide support to this group in their ongoing efforts to eliminate racism.

**Aboriginal Peoples Health:** We continue to be involved in a national organization conceived by the Royal Commission on Aboriginal Peoples. This initiative seeks to advance the health of Aboriginal Peoples by developing a holistic approach to health care in the aboriginal community. We are currently participating in the following subcommittees: Task Group on Priority Advisory Committees, Planning Committee who are organizing a National Aboriginal Conference, Evaluation Committee charged with a 5 year evaluation of the organization and a Search Committee.

**Native Housing:** We continue our work with a not for profit society dedicated to strengthening efforts, policies and programs to ensure that all Canadians and in particular, native peoples have access to and benefit from adequate and safe shelter. We provide support and resources to this organization through consultation with the native community and development of negotiation strategies.

**Mi'kmaq Native Friendship Centre:** We sit as a member of the Board of Directors of this organization which operates for the use and benefit of Aboriginal Peoples. This mandate is carried out through the promotion of educational and cultural advancement, assistance in meeting shelter needs and support for newly arrived Aboriginal Peoples in Metro Halifax.

**Kendrick Coalition:** We continue to be a member of this coalition that is comprised of disability rights groups working on implementation of the recommendations of the Kendrick Report. In addition to being involved in consultations with the group we act as a resource by providing information. One of the main issues being addressed by the coalition is community placement for adults.

#### **b) Violence Against Women**

**Bryony House:** We continue to provide regular information sessions to the residents of Bryony House on legal rights, responsibilities and new developments in the law. We also offer training and information sessions for front line workers. Most recently we have updated pamphlets on the *Employment Support and Income Assistance Act*, and provided information on accessing the legal system.

**Women and Children:** We participated with other community leaders and groups who provided information on various topics at a session held at Joseph Howe School. Our participation involved presenting information on family law specifically for women and children including an update on Domestic Violence Legislation.

**Stepping Stone:** We continue to sit on the Board of Directors of this organization that seeks to address issues faced by those involved in the sex trade. We provide research and consultation as resources to this organization.

c) **Poverty**

**Community Advocates Network:** We continue to be a major resource with this coalition of community-based agencies and volunteer organizations working for social assistance reform to meet real needs. The network has three pieces of work underway: a survey of the impact of the August, 2001 social assistance reform, an election campaign to encourage low-income people to become election literate and to vote, and an annual meeting and conference coming up in May, 2003.

The survey has contacted over seventy five community agencies across Nova Scotia to get basic information about the impact of the *Employment Support and Income Assistance Act* which came into effect in 2001. A more in-depth survey of 25 selected agencies is now underway. The agencies were chosen because they provide services to different groups of people on assistance – single parents, persons with disabilities, people working part-time and full-time, people in rural areas, African Nova Scotians and Aboriginal peoples. The network believes this survey will be the most comprehensive ever undertaken in Nova Scotia concerning the impact of social assistance reform on the lives of people on assistance. The preliminary results are no surprise, but do confirm anecdotal information that the rates are too low, special needs are not uniformly accessible, the policies and procedures are confusing and not being consistently applied.

This report was completed in November, 2003. It is entitled the IMPACT report and its launching was the groups major event during 2003. This report is the culmination of work undertaken by the Community Advocates Network over a two year period. It is a comprehensive report discussing the impact of the *Employment and Income Assistance Act* on those in need in the community. It has received considerable positive press and good feedback from the Minister of Community Services. The group is following up with meetings with the Department and with community groups around the province to plan the next step.

A committee met with the new Minister David Morse in March 2003. Out of that meeting have come agreements to revise policy and regulation, to continue discussions including exploring a partnership to do sensitivity training for administrators and supervisors.

The annual meeting and conference in May, 2003 brought together 50-60 low income people and their advocates from across Nova Scotia to share information about the new social assistance system and to plan strategies and actions to press for reform. Financial support for these conferences comes from labour and church organizations, as well as resources from DLAS, in partnership with the North End Community Health Clinic, Veith House and St. Vincent de Paul Society. Among many topics discussed were the lack of affordable housing and the ineligibility of University students. The Minister of Community Services gave a speech and answered questions in the afternoon.

**Family Benefits Ethics Advisory Committee:** We continue to sit on this committee, which has been struck by the Ethics committee of Dalhousie University to act as advisor and watchdog concerning the use of Family Benefits data which the province has turned over to the population research centre at the university.

**Homeless Youth:** This community file has its focus on homelessness amongst youth in the City. We collaborate with groups in the local neighbourhood to work on these issues and search for solutions.

**d) Access to Justice**

**Poverty Law File:** This project seeks to put poverty law and advocacy front and centre in terms of the lack of resources and marginalization of those requiring services. We are currently pursuing a number of objectives to develop options for representation for those faced with inability to protect and exercise legal rights due to a lack of legal services. Among the objectives are: to advocate for representation which is being carried out with the assistance of Pro Bono Student Canada Students; to develop and disseminate information about legal rights to pursue representation under the *Legal Aid Act*; and to conduct a comprehensive poverty law needs assessment as the foundation for advocating for reform.

We are in the process of publishing a plain language pamphlet on how to appeal decisions related to the non-provision of legal aid. Once the pamphlet has been produced, we will be distributing it widely and training students as Justice workers to assist individuals in the community who require information or assistance with respect to appealing decisions on legal aid services.

**Legal Links:** This continues to be a major initiative of Dalhousie Legal Aid to assist the low income community in accessing services and information about their rights and representation. The Legal Links project is about to enter its 4<sup>th</sup> year of operation. We are currently working in the community in five locations:

- Parent Resource Centre, Wentworth Street, Dartmouth
- Bayers Westwood Family Resource Centre
- Parent and Tot Meeting Place, Dutch Village Road
- Captain William Spry Community Centre
- Family SOS, Grey Stones, Spryfield

While we do regular sessions at some locations, we attend at the others only when appointments are booked. This enables us to conserve some resources for use in other areas of the program.

The project provides information to clients who either meet with Legal Links in the community or make contact by phone. The following outcomes measure the success of the project between January 2003 and February 2004.

- Contact By Telephone            1144 calls (excluding calls on open client files)
- Advice Only Intakes            219 clients
- Number of Files Opened        49

Legal Links responds to specific legal needs of women, men and youth. The objective is to provide individuals with information about the legal system, for example, how to access government, solve legal problems, negotiate settlement, or to represent themselves before an administrative board. For those with more complex issues or inability to advocate on their own behalf, we open an individual client file and provide representation. Files are predominantly opened in areas of residential tenancies (living conditions); debtor/creditor (conduct of collection agencies); income assistance (special needs for children with disabilities, co-habitation termination, income appeals and CPP disability appeals).

**FLLAG (Family Law Lawyers and Advocates Group):** we are a member of this organization whose objective include:

- Improving and promoting family law services
- Increasing availability and quality of family law services for low income Nova Scotians;
- Identifying gaps in family law services and advocating for reforms; and
- Promoting quality continuing legal education to meet the needs of family law practitioners and clients.

We provide support, input and resources to the organization. We have met with the Executive of Nova Scotia Legal Aid to discuss tariff reform and most recently we organized and participated in a panel discussion on family legal aid for the Canadian Bar Association.

**LEGAL SERVICES TO CLIENTS:**

<b>CLIENT FILES 2003/2004</b>				
<b>Category</b>	<b>Open Files</b>	<b>Billable Files</b>	<b># Files with Prep Hrs Remaining</b>	<b>Prep Hours Remaining</b>
Family Law	232	185 (47 unable to bill)	122 (63 no hours)	1160
Poverty Law	76	8 (68 unable to bill)	7 (1 no hours)	197
Young Offender Matters	65	62 (3 unable to bill)	47 (15 no hours)	281
<b>Total Case Work</b>	<b>416</b>	<b>255</b> (118 unable to bill)	<b>176</b> (143 no hours)	<b>1638</b> (1300 hours will be used to meet billable hours for the current fiscal year)

**CLINICAL LEGAL EDUCATION**

Students and clinic alumni continue to express an interest in the work of DLAS and support the ongoing operation of the clinic. Our enrolment numbers continue to be concerning especially in the fall term. We are aware that many outside pressures continue to influence students in whether they chose to take clinical law including market conditions, course scheduling, bar requirements and ability to obtain prerequisites.

We continually strive to improve the program, teaching methods, and experience for the students. Part of doing this involves educating ourselves. We were successful in having a proposal for a presentation and workshop on professional ethics accepted by the American Association of Law Schools, Clinical Education Conference which was held in Vancouver in May, 2003. We presented on the difficulties inherent in instilling social justice values to students when scarce resources and survival instincts force other priorities to the top of the

agenda. These learning experiences add to our ability to evaluate and adapt the clinical law program to better serve the students.

We have been striving to have a greater presence at the Dalhousie Law School and feel that some successes have been achieved over the past year. An installation, known as "The Wall" now graces the student lounge on the second floor of the Weldon Law Building. It depicts, in photographic images, students and staff of the clinic engaged in typical activities such as group work with supervisors, legal research and attendance at Court proceedings against the backdrop of the street front view of the DLAS building. This serves as a reminder of life and learning outside the University Campus and it is hoped will raise the awareness of students of the Clinical Law Program.

We have been more active in student placement activities, participating in a recruitment session with law firms and government departments held at the Dalhousie Law School. The inquiries and expressed interest was high.

We are currently working with Karen Kavanaugh of the Dalhousie Law School to develop an all purpose brochure to be used in student recruitment, community initiatives, and provision of general information on the workings of DLAS.

Our Website linked to the Dalhousie Law School site has been updated and contains information of interest to the community as well as students. An information session for students interested in taking clinical law was held in January, 2004 and so far student enrolment looks encouraging.

We are excited and delighted to have two Bachelor of Social Work students from the Maritime School of Social Work doing their placement with us this term. Donna MacDonald-Murphy and Tara Geraghty have participated in our seminar/skills program and are actively working on client and community files. They bring a welcome perspective to the work and their through their interaction with law students. Two staff members who carry Master of Social Work degrees are currently supervising their placements.

Term	STUDENT ENROLMENT			
	2000-01	2001-2002	2002-2003	2003-2004
Summer	10	11	7	9
Fall	8	3	7	6
Winter	10	10	11	9
<b>Total</b>	28	28	25	24

## **STAFFING**

The management of Dalhousie Legal Aid Service has been carried out by the Executive Director, Donna Franey since May, 1995. We continue to benefit from the dedication and expertise of our core Staff Lawyers, Claire McNeil, Shawna Hoyte, Heather McNeill, Susanne Litke and Susan Young. Our work is enriched by the valuable contributions of our Community Legal Workers, Jeanne Fay and Angela Peckford. We have missed Jeanne over some of the year as she has been on leave, but we welcome her back on March 2, 2004. We have received a resignation from Angela Peckford, she will be deeply missed. Other equally significant contributions are made by our diligent, dedicated support staff. Catherine Currell is the Office Manager, Cathy Leiper is the Receptionist, Melinda Shaw and Susan Jones are Legal Assistants. We were honoured to have a multi talented research assistant, Heidi Cleary, over the summer, who juggled many projects and did an outstanding job.

In recognition of his outstanding service and contribution to the life of Dalhousie Legal Aid Service, Richard Evans was presented with the Clinic Award of Distinction at the annual alumni reunion dinner. Congratulations Dick!