



Dalhousie Legal Aid Service
A Community Service of Dalhousie University

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Message from the Executive Director

Dalhousie Legal Aid has passed yet another milestone during 2005; we turned 35 years old- all grown up some might say? In our 35th year we have achieved many things, but recognize that there is much left to do and more growth to take place. We continue to examine our operation from an educational, administrative and service perspective. We are seeing improvement in our community development and outreach work, our teaching of third year law students and the challenging of inequitable laws and systems. In doing so, we continue to hold true to the roots of our mandate as stated in the original Trust Indenture:

- 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.

Many of the challenges we face have not changed, and their presence continues to reveal the resourcefulness, passion and tireless efforts of our dedicated staff and students. Maintaining adequate funding has been a recurrent theme over the past 35 years and it continues to impact our daily operations. While solutions to this problem are rarely immediately evident, we continue in our search for more stable funding. We are deeply grateful for all the support we receive from the community, students, volunteers, faculty, alumni, funders and board members who have contributed to our survival in difficult financial times.

As we reflect on our record over the past three and one half decades, we continue to celebrate the victories, take inspiration from defeat and renew our commitment to positive change for the future.

BOARD OF TRUSTEES

Members of our Board, staff and students were actively engaged in committee work over the past year in efforts to achieve goals set out in our strategic plan. In June 2005, team leaders presented their achievements to the full Board of Trustees. The accomplishments were plentiful and the session was fulfilling and motivating. The teams worked on the following initiatives: Student Enrolment/Promotional Plan; Management Plan; Fund Development; and Board Renewal.

Some of the highlights of the accomplishments of these teams are set out below:

Student Enrolment/Promotional Plan Team: completed a brochure for students; developed a case presentation option for students; promoted the clinic's work through a radio documentary that aired on CBC's current affairs show "The Current", an article on the front page of "The Lawyers Weekly", coverage by "The Society Record" in their Access to Justice issue; receipt of the Canadian Bar Association's Law Day Award and the honouring of one of our lawyers with the "Rebels with a Cause" award.

Management Plan Team: developed a performance evaluation process for staff, implemented regular in-house professional development sessions, designed a comprehensive intake system, and formulated an Annual Community Development Work Plan.

Fund Development Team: planned a "celebruncheon" to celebrate 35 years of Dal Legal Aid's work in the community which took place on November 3, 2005 at the Westin over the lunch hour; participated and provided support for a fundraiser in the form of a masquerade ball called "The Legal Who" which took place at the Halifax Club; and conducted an investigation into a planned giving program.

The Board Renewal Team: performed a comprehensive review of our constituting document (Trust Indenture), by-laws and policies; did a comparative examination of the operating structure of DLAS vis a vis similar clinics in Canada; reviewed and recommended a committee structure; and produced a new Board Member manual.

The following Board committees were recommended as standing committees of the Board:

- i. Board Development
- ii. Fund Development
- iii. Public Relations and Marketing
- iv. Priorities and Planning

FUNDING

The Law Foundation of Nova Scotia

We were successful in receiving funding from the Law Foundation in the amount of \$144,180. We have requested the same amount for the upcoming 2006-2007 fiscal year. The Board of the Law Foundation will meet in February to address grant proposals.

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 provided funding for an additional ½ time reception position.

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. The Nova Scotia Legal Aid Commission has set up a committee who has recommended changes to the current Tariff system. To date we have not been privy to the substance nor extent of these revisions or when they will take effect.

FINANCE

Our financial statement for the year ending March 31, 2005 is attached.

Our financial statement for the year to date ending December 31, 2005 (9 months) is attached. It should be noted that our anticipated deficit will be -\$6,800.00 as opposed to the budget amount of -\$25,550.00. This variance has occurred as a result of reduced costs in our non-salary expenses and the replacement of a ½ time community legal worker position at a lower classification. The -\$6,800.00 deficit is also dependent on overall benefit costs for the University. Year-end final adjustments by the University may cover our deficit in employee benefits.

Dalhousie Alumni and current law students have been very supportive. In addition to individual donations the Clinic saw donations from the Social Action Law Students Association (SALSA). In March 2005 the students presented the clinic with a cheque in the amount of \$1,292.50 as a result of their "First Aid for Legal Aid" or "FA4LA" campaign, as it is affectionately known. We also saw donations from the first "Legal Who" Masquerade Ball in the amount of \$3,270.00. Total Donations from alumni April 1 to March 31, 2005 were \$12,124.46, exceeding the previous year by \$2,000.00.

For the current fiscal year, our donation account has already exceeded our 2004-2005 donations by \$3,000.00. Total donations and fundraising events to date for the current fiscal year exceed \$15,000.00. Donations include revenue generated from the Student Orientation Committee where the student's ran a casino night and presented the clinic with \$1,200.00. Our Anniversary 35 Celebruncheon event raised \$4,244.52. In addition, The Legal Who Masquerade Ball is being held February 4th, 2006 and SALSA will hold its annual FA4LA March 2, 2006. Proceeds from both events are being donated to the clinic. These donations from individuals and planned events play an essential role in the continuation of our ongoing operations.

COMMUNITY DEVELOPMENT AND LAW REFORM

Our work under this branch of our mandate continues to be centered on test case litigation, community legal education and advocacy. We continue to challenge inequity and systemic deficiencies affecting the low-income community in the areas of social assistance legislation, housing, homelessness and mental health issues.

Test Case Litigation:

Utilities and Review Board (URB) Appeal: DLAS has filed an appeal of the URB's decision with regard to Nova Scotia Power's application for a rate increase last fall. We are appealing a jurisdictional issue that the Board claims prevented them from ruling on the implementation of a "universal rate assistance program" to assist low income Nova Scotians.

Nova Scotia Power Rate Increase Hearings: We are intervening in these hearings on behalf of a coalition representing low income residential consumers known as The Affordable Energy Coalition. We have been meeting with the coalition members, preparing evidence and submissions for the hearings that commenced in the fall of 2005. We are informing the board of the substantial impact that rate increases have on the lives of the low-income consumer.

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. Oral arguments were heard by the Justices of the Supreme Court on November 4, 2004. On March 18, 2005 the Supreme Court of Canada rendered its decision allowing the appeal and confirming the court's role in protecting the best interests of those with disabilities.

Community Legal Education:

North End Community Health Centre: We sit on the Board of Directors of this community based organization. We continue in our work to assist in the development of policies, by law revision and board governance structures.

Metro Coalition for a Non-Racist Society: This group continues to distribute its booklet and provide workshops on white privilege. The Department of Community Services, the Department of Defense and the NS Community College in Truro are the recent institutions that are inquiring about workshops.

We are also doing a complete overhaul and update of the website, financially supporting anti-racism efforts in the community such as the new youth program being organized by the Mi'kmaw Child Development Centre, and developing a template and resource material for our white privilege workshops.

Planning is underway for an event on March 21, 2006 to bring attention once again to the state of racism in Canada and Nova Scotia and the distance we still have to go.

Residential Tenancies Act Annotated Guide: We are working on plans to annotate the Residential Tenancies Act in a plain language format for use by the community. With no access to comprehensive reporting of residential tenancy decisions, this is a resource that is unquestionably needed.

Community Forum: We participated in a forum presented at the North Branch Library on the topic of Youth Education and Crime.

Nova Scotia Social Workers Annual Conference: We presented to this conference on the topic of Social Work for Social Justice: The Impact of the YCJA on Social Work practice.

Youth Criminal Justice Act - The Rights of Parents: We presented and conducted a workshop on this topic for the residents of Uniacke Square and at the Parent Resource Center.

Connections Clubhouse: We presented to mental health consumers at this Halifax social club on the topic of Self-Assertiveness and Advocacy.

Involuntary Psychiatric Treatment Legislation: We presented as part of a panel organized by the Canadian Mental Health Association on this legislation.

Pharmacare: We conducted a workshop for the Community Advocates Network over the summer to inform participants of the current policies and regulations governing pharmacare and to develop a strategy to improve the program for persons with disabilities, in particular, as well as families and individuals on income assistance. An action group developed out of the workshop and it is currently working on implementing the strategy for improvement.

Partnership Access Awareness (PAA): Over the summer we facilitated the strategy session of the PAA's workshop with respect to barriers affecting persons with disabilities. This session resulted in several recommendations for an information bank and advocacy plans.

Community Advocacy

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 staff training. We organized as a partner and team over the summer months to assist this group with the September 25th fundraiser: the Walk for Aids where Dal Legal Aid had our best showing yet.

Family Pride Camping Association: We continue to be a member of the board 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 Fathers' Group: We host and offer support to this group of parents who meet monthly at Dalhousie Legal Aid Service. We provide legal information on family law matters and assistance on other issues.

Nova Scotia Rainbow Action Project: We currently sit on NSRAP's transsexual issues committee. We prepared and submitted a legal position paper on sex reassignment surgery.

Parents Rights Group: We provide information and educational services for parents who wish to address the injustice in the child protection legal system. The group has named itself FUJA-Family Unity and Justice Advocates. We are currently assisting this group in developing an initiative to prompt the government to review the *Children and Family Services Act*. The Group was successful in having the Supreme Court order that the Minister appoint an advisory committee for review of the *Children and Family Services Act* as mandated by the legislation.

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. We currently fill the chair position of the by-laws committee.

BCAANS (Black Community Advocates Association of Nova Scotia): We continue to provide ongoing support to the advocates by imparting legal information. We are currently conducting research into the feasibility of a black court workers program.

Deaf Youth and the Law Conference: We acted as consultant on the funding proposal to the Community Mobilization Grant. We are formulating our module on youth and the criminal justice system for the conference which is proposed to take place in the Spring of 2006.

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.

Capital Health Research Ethics Board: We are a member of this Board. This board reviews research proposals from Capital and District Health Authority. The Capital Health Research Ethics Board (the "REB") is charged with reviewing all research projects involving patients, staff, resources or data within the Capital District Health Authority. The role of the legal representative is to alert REB members to legal issues in relation to clinical trials and their implications. The REB plays a key role in scientific and medical research, as ethics review is required by Capital Health before such research can proceed. Our role is to make sure that they are not performing a questionable research study on vulnerable populations.

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.

Involuntary Psychiatric Treatment Act: We filed written submissions and made oral submissions on Bill 203 to the Law Amendments Committee of the Nova Scotia Legislature detailing our position with respect to the law reform issues of the test for involuntary detention, consent to treatment and other related issues including legal representation under the proposed legislation. The legislation was subsequently amended on third reading and given Royal Assent on December 8, 2005.

Residential Tenancies Act: We reviewed and provided extensive feedback on the draft policies to the Nova Scotia Government.

Mental Health Advocates Training Project: We participate with the project partners, Legal Information Society of Nova Scotia, the Canadian Mental Health Association-Nova Scotia Division and Dalhousie University School of Nursing in providing expertise on the

Advisory and Steering Committees. This project is funded by the Kaiser Grant with the goal of improving access to legal information for mental health consumers.

Affordable Energy Coalition: At the 2004 Nova Scotia Power rate hearings we presented a "Universal Service Program" for low income Nova Scotians. The program has four components, including rate assistance, arrears management, crisis intervention and energy efficiency. This issue is currently under appeal at the NS Court of Appeal. In October 2005, we organized a forum on rate assistance and presented the program to the public.

UN Conference on Climate Change: We sat on a panel at the parallel events of the UN Conference on Climate Change, along with representatives from Equiterre (PQ), Low Income Energy Network (ON), and Green Communities (NL). The panel was titled: Heat or Eat: Energy Efficiency and Rate Affordability for Low Income Households in Canada. Panelists led a discussion on the economic, social and political barriers to affordable energy for low-income households. We also participated in a session titled "Heat or Eat: Towards an Atlantic Strategy" strategies for eliminating fuel poverty in Atlantic Canada.

Poverty

The Changes Coalition: This group continues to lobby the provincial government for changes to the social assistance regulations which prevent single parents from attending four year university programs. We met again with the bureaucrats to little avail, although there was an announcement about subsidized housing at Acadia for students in poverty. The government was also promising more daycare. We have been approached by the liberals for the next sitting of the house to work more closely with them, so we hope to pull a coalition of the two opposition parties together on this matter. The group will meet shortly to develop a strategy.

Nutrition and Poverty Outreach Campaign: We have started a campaign with respect to "food security". We have initiated this project with Pro Bono Students Canada to educate recipients of Income assistance as well as Doctors and anti-poverty advocates about available funds for a special diet supplement to the monthly assistance rate. A second goal of this project is to raise public awareness of the inadequate funds provided by income assistance for access to safe, nutritionally adequate and personally acceptable foods in a manner which maintains human dignity.

Community Advocates Network (CAN) The "Come Out and Vote Campaign" was piloted during the recent Federal election in the two neighbourhoods with the lowest voter turnout in the HRM last election: North Dartmouth around from Pine Crest to Highfield Park, and in Spryfield in Greystone Public Housing. CAN was successful in partnering with a number of agencies and community groups in the two neighbourhoods. Greystone was leafleted and there was an opportunity to do some canvassing, but not as much as we would have liked. We also visited the Spryfield Single Parent Centre twice and met with parents taking part in various programs. In North Dartmouth, leafleting was more of a challenge, so groups of people from different organizations went together to vote. There will be a de-briefing session as we gear up for the provincial election.

CAN is also working to update its platform on poverty in preparation for a province-wide conference we hope to hold the first week in May, 2006.

Housing

Federal Housing Initiative: we were key consultants in the anti-eviction strategies session organized through this initiative.

Youth Homelessness: We have been working with ARK and Halifax Coalition Against Poverty around youth homelessness issues. We conducted advocacy training sessions with volunteers at the North Branch Library and presented at the Festival of Resistance concerning police charging policies against young people.

Tenant Rights Project: As part of our work in tenant rights, we have been hosting tenant information drop-in hours at the North Branch Library in Halifax and the Dartmouth North Library in Dartmouth bi-weekly. We continue to work toward including the Spryfield community as a regularly scheduled drop in. We started a communication system that would allow us to provide information on tenants rights to members of the public who are unable to attend the drop ins in person. This service was launched on October 5, 2005 and is further meeting the demand for information on tenant rights.

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; 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 currently gearing up for spring training sessions with law students so they can provide information and assistance to those wishing to appeal decisions around provision of legal aid. We have represented a number of people before the Legal Aid Commissions Appeal Committee and we are actively engaged in moving other cases forward. We are exploring the feasibility of a dedicated phone service for contact and consultation with those requiring assistance.

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 in its 5th year of operation. The project provides information to clients who either meet with Legal Links in the community, or make contact by phone.

For 2005, we made: 529 legal links contacts plus individual case files. Information and summary advice was given to 385 people over the phone.

MISA: 2 hours of scheduled appointments, once per month at MISA, from January-December. **23** people

Adsum House: 2 1/2 hours of scheduled appointments, once per month at Adsum House. Started September-December, 2005. **13** people

Canadian Mental Health Association (CMHA): Scheduled appointments available on an as-needed basis at both the Dartmouth and Halifax social clubs, started September 2005. CMHA workers make the appointments and contact with us when there is a need. **4** appointments made

Tenant Info Drop in (Halifax and Dartmouth): 2 hour drop in, twice monthly, January-December, 2005. **56** people seen

Tenant Phone line: phone calls returned twice weekly, four hours allotted, started October, 2005. To the end of December, 2005 **48** calls returned and information provided.

Legal Links Workshops for 2005

We have conducted 54 workshops for 17 organizations in the Halifax Regional Municipality.

Sessions were presented at: Adsum House, Adsum Centre, Bayers Westwood Parent Resource Centre, Bryony House, Dartmouth North Parent Resource Centre, Dartmouth Family Centre, Dartmouth Work Activity, Halifax Coalition Against Poverty, Halifax Immigrant Learning Centre, Indigo for Women, Laing House, Memorial United Church, MISA, Parent Resource Centre (Uniacke), NS Public Interest Research Group, Phoenix House, Single Parent Centre.

Topics presented:

- Custody, Access, Maintenance
- Residential Tenancies
- Children and Family Service Act
- Criminal Law
- Tenant Advocacy
- Adult Protection
- Caselaw Research
- Violence at Home
- Youth Criminal Justice Act
- Court Procedure
- Income Assistance
- Activist Rights

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.

LEGAL SERVICES TO CLIENTS:

Students and staff have been very diligent representing 377 clients in the areas of poverty law (101); administrative law (13); family law (141); adult and child protection (35) and young persons involved in the criminal justice system (87).

CLINICAL LEGAL EDUCATION

Participation of third year law students in the work of Dalhousie Legal Aid Service continues to be a high priority. Our community development projects and law reform initiatives play a key role in their education. The exposure of students to systemic and discriminatory problems faced by the low-income community broadens their perspective regarding the impact of the law on the lives of the disadvantaged and powerless.

We continue to be 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.

Student enrolment has increased by 34% since 2003-04. We are currently recruiting for the 2006-07 academic year.

STUDENT ENROLMENT					
Term	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
Summer	11	7	9	13	11
Fall	3	7	6	13	15
Winter	10	11	13	14	16
Total	28	25	28	40	42

STAFFING

The management of Dalhousie Legal Aid Service has been carried out by the Executive Director, Donna Franey since May, 1995. Our dedicated staff consists of 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, Terry Mazerolle and Megan Leslie. In July 2005 Jeanne Fay took a one year secondment on a full time basis to the School of Social Work. Jeanne continues her commitment to work on many community files and participates in the seminar program with current students. Terry Mazerolle, a former clinic student, was hired to fulfill the individual client work during this secondment. Our support staff continues to be dedicated to the work of the clinic. This year we were pleased to receive funding from the Law School for an additional half-time receptionist and welcomed Lynette Colley to the position. Catherine Currell is the Office Manager, Cathy Leiper and Lynette Colley share Reception duties, Melinda Shaw and Susan Jones are Legal Assistants.

Jane Thompson and Melissa Furey have volunteered their services to the clinic, along with many law students who attend our workshops through the ProBono Student Canada program and our Legal Links project.

Staff is appreciative for three professional development sessions held during the 2005 year. We thank Paul Morrison: The New Land Registration System; Rollie Thompson: 'Pension Division'; and Ray Morse 'Child Protection Matters' for volunteering their expertise in these areas of law.