

# **ACCESS JUSTICE**

## **2009 ANNUAL REPORT**

**Western Canada Society to Access Justice  
106 – 873 Beatty Street  
Vancouver, BC  
V6B 2M6**

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Access Justice is a non-profit registered charity with a volunteer board of directors and a permanent staff. In 1990 the Western Canada Society to Access Justice was founded. The society was originally known as the Lower Mainland Society to Assist Research of Trials (START) and was comprised mainly of senior litigation lawyers. The Society's initial mandate was to conduct research on barriers to the legal system. Since 1999 the Society has broadened its mandate to include direct pro bono work. For more information see our website at: [www.accessjustice.ca](http://www.accessjustice.ca)

## MESSAGE FROM THE CHAIR

Welcome to the 2009 Annual Report of the Western Canada Society to Access Justice (“Access Justice”). The year brought a number of important developments for our organization.

An early challenge was the loss of a significant grant from the Ministry of the Attorney General which we had received for the previous two years. As a result, our Board was forced to reduce our staffing levels by 30%. We were able to remain in operation with ongoing grants from the Law Foundation of BC, the Notary Foundation, the Vancouver Bar Association, and our faithful individual donors.

Demand for our services grew during the year. It is clear that more and more British Columbians are struggling to find legal help as a result of the economic downturn and with the loss of services from other legal assistance providers. A most notable statistic is that we served more than 5000 clients during the year, an increase of 20% over 2008.

I noted in our 2008 Annual Report that a merger initiative with Pro Bono Law of BC had begun late that year. The formulation of that initiative advanced rapidly in the early part of 2009 with funding support from the Law Foundation of BC. The summer saw a formal resolution by our respective boards to proceed with a full merger. A Transition Committee of members from both boards was given oversight of the merger, and the year ended with a move to a joint office location in November 2009. It is expected the formalities of merger will be completed by April 2010.

I express great thanks to our lawyers, lay volunteers, and donors for their support during the year. I offer a special word of thanks to the Access Justice staff who “did more with less” during the year, and who embraced the challenge of the merger process. During the year, we celebrated Project Manager Jimmy Yan’s fifth year of employment with the organization, and we celebrated the award of Queen’s Counsel designation to our Executive Director, Allan A. Parker.

I conclude by reflecting that the upcoming finalization of the merger of Access Justice and Pro Bono Law of BC will bring a new era in enhanced pro bono services in the province. The roots of this accomplishment trace to a significant degree to the unwavering passion of the late Dugald Christie for pro bono services. He was a conscience for the profession. We will not forget his contributions.

Bruce Fraser, QC  
Chair

## MESSAGE FROM THE EXECUTIVE DIRECTOR

As noted in the message from our Chair, our year was busy with funding challenges, increased demand for services, and undertaking a merger with Pro Bono Law of BC.

Funding reductions meant the loss of one staff position and FTE reductions for remaining staff. We were fortunate to retain our remaining staff for the balance of the year, and offer thanks to Services Canada for support through their Work Sharing Program.

Our focus for the year in response to increased demand for services was to ensure our clinic operations were operating as efficiently as possible. This involved keeping an equilibrium of clients, clinic locations, lawyers, and lay volunteers at each location. Where we were not able to book clients, we made best efforts to ensure referrals to alternate services would meet the client's needs. We also continued to enhance our database including through online booking for clients, and online sign up capacity for lawyers and lay volunteers.

The principle focus for me during the year was in carrying out the board's mandate to implement a merger with Pro Bono Law of BC. I express gratitude to my counterpart Executive Director at PBLBC, Jamie Maclaren, for the commitment that he and his board have made to this process. We firmly believe that the completed merger will mean enhanced capabilities for the pro bono movement in BC to deliver quality legal services for those in need.

There were many events during the year that we participated in which were markers for our progress, including:

- the Law Society's *Clearing the Paths to Justice* forum in January
- the joint Pro Bono Appreciation Breakfast in March where we honoured Catalin Mitelut with the first annual Access Justice Dugald Christie Award
- our second annual Ride for Justice in May
- PBLBC's second annual Pro Bono Goes Public Advice-A-Thon in September

On November 27, we moved from our office at Holy Trinity Anglican Church on West 12<sup>th</sup> to 873 Beatty St as part of the merger process. The Access Justice office had been at the Holy Trinity location for several years, and we express thanks for the warm hospitality and friendship shown by our landlord over these years.

I join Chair Bruce Fraser QC in offering a special word of acknowledgment to the committed staff of Access Justice for their work during the year.

Allan A. Parker, QC  
Executive Director

## 2009 IN REVIEW

### CLINICS

Access Justice clinics are the heart of our operation. The clinics are operated in partnership with community-based organizations and others that donate space and, in many instances, provide support services for the operation of the clinics at no cost to Access Justice. Our basic model is to operate clinics in two-hour segments in which we book a maximum of four client interviews for one half hour each. The largest clinic operation is at the Vancouver Courthouse where 14 two-hour clinic sessions are held each week.

In the past twelve months, 6,456 clients were successfully scheduled to 1,597 lawyer clinics, and 5,121 clients were seen by 379 lawyers. In comparison to the same period last year, the total actual client number has increased by 20.15% and our booked client number has increased by 15.08%. Our robust clinic performance reaffirmed the importance of our pro bono services to the general public.

During the year, we welcomed three new clinic partners:

- The Advocacy Centre in Nelson
- Settlement Orientation Services in Vancouver
- Vancouver Aboriginal Friendship Centre in Vancouver

In addition, we welcomed the Okanagan Advocacy and Resources Society in Kelowna as a new host clinic, while also developing a clinic coordination protocol with the Salvation Army's Kelowna Pro Bono Clinic.

We continued our cooperation with the Salvation Army's Pro Bono Program on a number of fronts during the year. Our mutual focus is to coordinate our clinic locations around the province. In addition to Kelowna, we currently share booking and other administrative responsibilities with their Program in Penticton, Langley, Victoria, and at Belkin House (Vancouver).

Here is a sampling of comments from some of our clinic partners:

*"...Through the partnership we were able to fulfill the agency's undertaking of serving our clients to the fullest. The availability of pro bono lawyers in our office and other clinics benefited most of our clients from low to moderate income levels of diverse cultural background to obtain free legal advice from professional lawyers. They expressed their great appreciation and satisfaction for the legal assistance extended to them. Furthermore, with the established working relationship and administrative support from the main office more and more clients are availing of program on daily routine basis which gained compliments and supported the agency's services."*

- Bessie Pinon, Multicultural Helping House Society in Vancouver

*"There is no real access to justice if accurate and professional information is not available. Whether a client is looking at negotiation, an administrative decision making process, or a court action, having the appropriate information is crucial to getting the best available solution and for the protection of the client's rights. Having an accessible way of referring people for summary advice opens the door to the right information and also increases the comfort level for people seeking advice. A resource for proper legal advice early on in any dispute is invaluable and the accessibility of this service is greatly appreciated. Many of our clients would take imprudent action or simply lose important rights if this was not available."*

- Tish Lakes, Okanagan Advocacy and Resource Society in Kelowna

*“The Advocacy Centre is extremely happy to have the pro bono clinics happening in Nelson. Previously, there was no option we could suggest to people who had civil law issues beyond our areas of expertise, or people with family law problems where we had a conflict. As the only program in the West Kootenays that specifically offers family law information to those who cannot afford lawyers, conflicts were a real problem, as were complex cases generally. Now there is some help available for people we cannot directly assist. We get enquiries about other matters too, such as complex consumer and debt problems, neighbour disputes, ICBC and motor vehicle problems, wills and estates where there is no money for a lawyer. These legal problems can be devastating in people's lives, especially if they cannot pay a lawyer and are not equipped to deal with the problem on their own. Many people do not understand the parameters or ramifications of their legal issue. Getting clarification and advice from a lawyer helps enormously in putting the problem into perspective and finding a realistic practical way to resolve it.”*

- Janet Sawyer, The Advocacy Centre in Nelson

*“Access Justice is a wonderful program that has helped many community members not only living in Trail, but around the entire Kootenay area. There is a huge lack of Legal Aid lawyers in the area and Access Justice provides legal help to people who would otherwise be without legal assistance. This program is a huge asset to the Kootenays and we have seen the proven positive results from lawyer consultations. We greatly appreciate the time and energy provided by these lawyers and hope to continue our working relationship with this outstanding program in the future.”*

- Sherri Smith, Program Manager, Trail FAIR Society

## **VOLUNTEERS**

The success of Access Justice depends significantly on the good will of many selfless individuals who involve themselves to support our *pro bono* program.

### ***Volunteer Lawyers***

Volunteer lawyers typically donate two to four hours of their time approximately once per month at the clinics. Access Justice coordinates the appointment between the lawyer and the client, and if a follow-up session is required the clients call Access Justice. This ensures that the lawyer's time is used efficiently and effectively. The lawyers give advice, help the client gain a positive attitude, and help take the fear out of the legal process.

*I would like to encourage lawyer volunteers to help at the clinics and/or assist the Society financially... It is a tribute to the many caring persons who help the Society that it has made such remarkable progress on such a low budget.*

The Honourable Donald I. Brenner, Former Chief Justice, BC Supreme Court

### ***Non-lawyer Volunteers***

People of all backgrounds with a variety of work and education experiences contribute to the continued success of our clinics. In all, during 2009, over 100 non-lawyer volunteers assisted at Access Justice.

We have a tailored training program for our volunteers. Each is specific to the type of volunteer position available. The training group is usually about one to three people to keep the training quality high. The volunteer coordinator sends a training package prior to meeting with the volunteers for training. Each training session lasts approximately two to three hours.

*Client Call Volunteers:* Client Call Volunteers (CCVs) work in the Access Justice office in Vancouver, in support of the work of our Intake Coordinator. In an average week, two to three CCVs will assist in the office each day for two-hour segments. They are responsible for answering incoming client calls, screening clients, searching our lawyer database for clinic sessions, and making client appointments.

*Clinic Assistants:* Clinic Assistants work in many of our clinics to act as client reception and lawyer support. At any one time, there are more than 40 clinic assistants serving with Access Justice.

*Community Representatives:* Access Justice enlists local volunteers as Community Representatives to assist with publicity of our services through activities such as distribution of brochures, contact with community agencies, and attendance at community events.

*Clinic Coordinators:* In many of the clinics, we are supported by onsite staff, Clinic Coordinators, who book clinic clients and assist with client reception duties as part of their regular duties with the host agency.

*Practicum Students and Other Volunteers:* Our office and reception work is supported by many language students who join us on practicum terms of up to ten weeks, working approximately 30 hours per week. During the year, we also had a number of other volunteers assist us with numerous projects such as computer programming, legal research, report writing, and office maintenance.

Here is a sampling of comments from some of our volunteers:

*"I am very glad to be part of such an organization that provides first - class legal assistance to all who are not able to afford a lawyer. .... The up-coming merger of Access Justice and Pro bono law of BC into a new organization will definitely add a new dimension to the objective of providing accessible legal advice clinics through out BC. I learned a lot and enjoyed working with my supervisor Mr. Frank Yates, and should thank him on bearing with me many times. ... [T]he basic concept of providing a free professional setting of legal advice is absolutely great and exceptional. I am looking forward for a productive participation in the new merged organization."*

- Farbod Fazel (Clinic Assistant)

*"As an assistant at Access Justice's pro bono legal clinics, I may only get a superficial understanding of each client's issues and the subsequent advice given by the volunteer attorney, but the insight I gain into the legal process is ideally suited for one pursuing or aiming to pursue a legal education. The role also serves as a fantastic means to meet with legal professionals interested in giving back to the community in which they practice. As one concerned with a number of social causes, this serves as a meaningful motivation to enter the field."*

- Adil (Clinic Assistant)

*"I noticed that our system is all web based (booking appointments, call-backs etc) and by this I mean that the volunteer site can be accessed from anyway around the globe. ...Anyway, perhaps you could look into allowing some of the volunteers to put in extra time whilst they are at home. .... There are even some clients who can not get a hold of us during normal working hours and it would be great being able to call them [after office hours]. This would be more suitable to more seasoned volunteers requiring less hand holding."*

- Arnold Marira (Client Call Volunteer)

## **COMMUNITY OUTREACH**

Community outreach is an important aspect of our work in order to ensure that the message of accessing justice is shared as widely as possible. The following is a summary of our outreach activities during the year.

- *Clearing the Path to Justice, the Law Society of BC's 5th free public forum:* Access Justice was a Law Society of BC community partner for this forum held at the Wosk Centre. As part of the promotion for the event, Project Manager, Jimmy Yan, accompanied Law Society President, Mr. Gordon Turriff QC, and assisted with translation on a Fairchild TV presentation; Executive Director Allan Parker appeared on CBC's Mark Forsythe show along with Judge M. Sue Talia of California to talk about justice access issues and to promote the forum.
- *2009 Law Day:* On April 25, Access Justice participated on CBABC's Law Day activities in Vancouver. A Community Representative for Access Justice, Carol Elliott, also participated in Law Day activities in Victoria.
- *Lawyers' Ride to Work for Access to Justice:* On May 12, downtown commuters and pedestrians witnessed a parade of robed lawyers and supporters riding bicycles surround the Vancouver Law Courts. The occasion was the 2nd annual Lawyers' Ride to Work for Access to Justice, an event to honour the memory of the late Dugald Christie and to demonstrate of the importance of access to justice principles.
- *Success Coquitlam Korean Workshop:* On May 4, 2009, presented by Jimmy Yan and translated in Korean by Peter Chung and Maria Kim.
- *Domestic Violence Seminar at Chinese Christian Mission (CCM):* On June 5, 2009, presented by Jimmy Yan.
- *Newcomers' Fair at Chinese Christian Mission (CCM):* On June 6, with the wireless network connection, Jimmy helped book free lawyer appointments on site for the fair's participants.
- *Fraud Prevention Seminar at Chinese Christian Mission (CCM):* On Nov 6th, presented by Jimmy Yan.

## **ADVOCACY**

Access Justice continued its role in giving voice to various justice issues during 2009 including at various forums organized by the Law Society, the Law Foundation, and other organizations. Access Justice continued its cooperative participation with the Canadian Bar Association, the Trial Lawyers Association and others on the issue of the need for more funding for legal aid in the province.

## **TECHNOLOGY AND ADMINISTRATION**

### ***Website***

Our website – [www.accessjustice.ca](http://www.accessjustice.ca) -- is an important focus for Access Justice. It acts as a portal for the public to learn about our services, and to obtain information about legal help in general. It also acts as a portal for our staff, volunteers, clinic partners, and board to serve our clients and to obtain ongoing information about our operations. Several enhancements were made to the website during the year.

### ***Tele-video Clinic Enhancement***

We continued our use of a televideo link during 2009 to provide client services to more remote locations around the province where lawyers were not available to conduct in-person interviews. Data on this service is set out in the Statistics section of this report.

### ***Client Call System Enhancement***

CCVs are responsible for answering incoming client calls, screening clients, searching our lawyer database for clinic sessions, and making client appointments. They work independently and follow necessary protocols when there are issues beyond their responsibilities at the time. In 2009, over 40 new CCVs successfully received training and are currently staying with Access Justice. They scheduled 2,037 clients to over 60 pro bono clinics across the province.

We have produced training sessions and two special workshops for our CCVs to ensure the quality of service they provide throughout their tenure with Access Justice. The training for CCVs involves an intense four-step program in which the CCV learns how to deal with clients and help them with legal issues. The four steps are: initial training, shadowing, monitoring and assessment.

### ***Client Online Self-Registration***

On March 16, 2009 Access Justice officially launched its Client Online Self-Registration function at <https://www.accessjustice.ca:8443/aj202/>. The client online self-registration function is secure, compatible with the current client booking system, and easy for maintenance and enhancement by a small group of programmers. We are proud that this pilot project is in keeping with Access Justice tradition of developing legal help delivery initiatives at extremely modest expense but with the use of the latest technology systems. In all during the year, the Society granted self-registration access to 24 clients.

### ***Volunteer Application System***

A new Volunteer Application System for non-lawyer volunteers to apply volunteer positions online was developed and launched ( <http://www.accessjustice.ca/asp/addvolunteer.asp> ). Each applicant is assigned a unique code to access their volunteer account and to submit job applications online. Processing volunteer applications electronically significantly improved the efficiency of our non-lawyer volunteer management.

## **MERGER ACTIVITIES**

In late 2008, the boards of Access Justice and Pro Bono Law of BC committed in principle to merge their two organizations. In March 2009, a Law Foundation grant was received to cover the one-time costs for both organizations for planning and carrying out a merger. A joint Transition Committee of Access Justice board members Craig Cameron and Phil Dougan and PBLBC board members Tish Lakes and Kay Vinall was appointed to oversee the process. In June 2009, the

Law Foundation confirmed a two year grant for the fiscal years 2010/2011 and 2011/2012 for operation of the merged entity.

Summer and fall of 2009 involved considerable staff and board time to attend to the long list of merger details, ranging from securing a new office location to integrating technology systems. During the fall, there were two joint meetings of the full boards of the two organizations to further review the progress of the merger.

The two organizations moved into renovated premises at 873 Beatty Street on November 27, 2009. The New Year will see the completion of this process.

## **GOVERNANCE**

The Access Justice board met several times during the year. Access Justice acknowledges the support of board member Del Feller in kindly hosting these meetings at his office.

Between board meetings, ongoing management matters are handled by an Executive Committee of Executive Director Allan Parker QC, Chair Bruce Fraser QC, and board members Phil Dougan and Leon Getz QC. During the year, the board welcomed new members Dale Darychuk and Bibhas Vaze. The Annual General Meeting of the society was held on May 21.

## STATISTICS

### 2009 Summary

Access Justice has a client database system for all client appointment bookings and phone calls. This allows us to monitor our clinic operations, and to provide an efficient delivery of clinic sessions.

Highlights for the year are as follows:

- 5,121 total client sessions at all Access Justice clinics\*
- 16,397 total messages taken and returned
- 379 lawyers participating at one or more clinic sessions
- Breakdown of case types:
  - Civil (non-family) 54.97%
  - Family 32.89%
  - Criminal 5.62%
  - Immigration 6.32%
  - Unreported/Other 0.20%
- Top ten areas of Civil (non-family) cases by percentage:
  1. Torts-Personal Injury & Negligence 10.96%
  2. Civil Procedure 9.70%
  3. Wills & Estates 9.66%
  4. Admin-General 9.34%
  5. Contracts 7.86%
  6. Employment-Wrongful Dismissal 7.41%
  7. Housing-Other 6.65%
  8. Employment-Other 6.29%
  9. Insurance 5.39%
  10. Human Rights & Privacy 4.72%

\*includes 210 sessions hosted at Salvation Army Pro Bono Program locations.

### Client Phone Calls and Messages

During 2009, Access Justice incorporated phone and email messaging from clients into our client database system. Previously, we had used a manual spreadsheet system. We operate a 24/7 voicemail box which allows clients to leave messages. Our goal is to return all messages received within one working business day.

#### Direct Phone Calls Taken

Info/Referral Only	2,579
Did Not Qualify	167
Referral Made	1,042
Appointment Enquiry	1,140
Appointment Cancel	271
<b>Total</b>	<b>5,199</b>

*Phone and Email Messages*

Email Messages	4
Caller Hang Ups	838
Messages Returned	6,606
Left Message	3,025
Left No Message	725
<b>Total</b>	<b>11,198</b>

*Caller Source of Referrals to AJ*

Family/Friends	231
Phone Book	59
Internet	317
Lawyer Referral Service	249
Self - Previous Client	433
Legal Service Society	232
UBC-LSLAP	55
Salvation Army	26
Community Service Agency	595
Government Office	45
Lawyer/Judge/Courthouse	193
Brochure/Poster	89
School/University	3
Existing AJ Clinic	38
Can't Remember	33
Others	8
<b>Total</b>	<b>2,606</b>

*Televideo Clinic Data*

<b>Agency's Name</b>	<b>Service Type</b>	<b>Clinic Lawyers in 2009</b>	<b>Clinics per Month in 2009</b>	<b>Clients in 2009</b>	<b>Clients in 2008</b>	<b>Clients in 2007</b>
<i>Trail FAIRS Clinic</i>	civil / family	5	2	68	74	64
<i>Terrace District Community Services</i>	civil / family	1	0	0	0	5
<i>Fort Nelson Aboriginal Women's Society</i>	family	2	1	10	0	11
<i>Nanaimo Citizen Advocacy Association</i>	civil / family	3	1	6	9	14
<i>Smithers Community Services Association</i>	Civil, family or criminal	4	1	1	5	8
<b>Total</b>		<b>15</b>	<b>N/A</b>	<b>85</b>	<b>88</b>	<b>102</b>

## FINANCIAL REPORTS

### STATEMENT OF OPERATIONS Year Ended December 31, 2009

Audited	2009	2008	2007	2006	2005
<b>RECEIPTS</b>					
Donations	<b>\$125,586</b>	\$88,126	\$79,948	\$138,674	\$120,713
Grants	<b>210,375</b>	235,500	225,484	112,161	101,616
Amortization of deferred contribution	-	10,766	2,450	1,050	-
Other	<b>3,173</b>	3,882	22,370	154	849
	<b>339,134</b>	338,274	330,252	252,039	223,178
<b>EXPENDITURES</b>					
Advertising and promotion	<b>3,585</b>	12,872	11,589	8,448	11,980
Amortization	<b>6,039</b>	2,344	2,796	7,750	3,437
Insurance	<b>3,480</b>	4,398	2,768	2,141	1,935
Interest and bank charges	<b>418</b>	278	436	2,128	170
Licenses, dues and subscriptions	-	-	-	-	2,112
Office and miscellaneous	<b>10,329</b>	10,094	14,429	7,712	8,565
Professional fees	<b>6,672</b>	11,175	6,232	6,038	3,650
Rent	<b>15,065</b>	13,700	12,600	12,600	10,785
Repairs and maintenance	-	-	-	519	560
Salaries and benefits	<b>227,371</b>	285,235	236,597	183,082	147,238
Telephone and internet	<b>14,303</b>	14,725	15,263	16,315	13,558
Travel and entertainment	<b>2,456</b>	2,893	3,116	4,643	5,200
Utilities	-	-	-	-	256
	<b>289,718</b>	357,714	305,826	251,376	209,446
Other Income – Loss on capital asset retirement	<b>6,111</b>	-	-	-	-
<b>EXCESS OF RECEIPTS OVER EXPENDITURES FOR THE YEAR</b>	<b>\$43,305</b>	-\$19,440	\$24,426	\$663	\$13,732

NOTE: 2009 surplus includes funds received in 2009 which were committed to operations expenses for January 1, 2010 to March 31, 2010.

## **ACCESS JUSTICE BOARD OF DIRECTORS**

Board members as at December 31, 2009:

Bruce Fraser Q.C.	Chair
Graham Walker	Secretary and Treasurer

Maureen Baird  
Vicki Bennett  
Craig Cameron  
Dale Darychuk  
Phil Dougan  
Del Feller  
Leon Getz Q.C.  
George Gregory  
Bibhas Vaze

## **ACCESS JUSTICE STAFF**

Staff as at December 31, 2009:

Allan Parker Q.C.	Executive Director
Jimmy Yan	Project Manager / Web Architect
Tony Yin	IT / Donations Assistant (term)
Frank Yates	Clinic Coordinator
Geoffrey Lim	Intake Coordinator (term)
Vivian Song	Finance Administrator
Oliver Christie	Fundraiser/Recruiter

We thank Carol Tse for her service as Volunteer Coordinator during the first part of the year.

We acknowledge the work of Nagma Azad as IT / Donations Manager and Ashley Singh as Intake Coordinator who were on maternity leaves for portions of the year.