

CATEGORIES OF ACCESS JUSTICE LAWYERS

Area of Law	Explanation
OVERVIEW	<p>There are five main categories for Area of Law: Criminal, Family, Immigration, Mediation, and Civil. Civil is broken down into several subcategories, as described below. All areas of law for volunteer lawyers and all areas of law for the issue that a client is calling about must be identified in one of the categories or, where the matter is Civil, in one of the subcategories. Pick the one that is most relevant to the caller's concern, even if the caller has more than one issue. For each category, carefully consider who might be an opposing party. If there are any questions about which category to use, please consult with the Intake Coordinator.</p>
CRIMINAL	<p>Criminal law is quite different from all other fields of law. It covers any government charge against an individual involving a penalty. Such matters as traffic tickets, dog license violations, sanitary violations, shoplifting, and parking tickets are all in the criminal category. When clients are told that they are to see a "criminal lawyer" for a simple parking offense, they may point out that they are not criminals. That is certainly so, but in legal parlance all these matters are "criminal law." Sometimes a client will not be sure whether the matter is criminal law. Frequently, the right question to put to them is "Have you received a summons from the police?" If it is a police summons, it is a criminal matter. There are various matters which are criminal and also involve other matters, such as assaults: if a person is assaulted and wants to recover damages, it is a civil matter; if the client is charged with an assault, it belongs to the criminal clinic. The process for dealing with claims for damages and Crown offenses are entirely different, though they may cover the same events. The general principle is that criminal law has to do with punishment. Civil law has to do with claims.</p>
FAMILY	<p>Family law covers all kinds of disputes between family members and includes: separation agreements; divorces; child custody applications; child apprehension orders (the child is apprehended by the government); maintenance and alimony; and division of family assets. For charges of assault within the family (this is borderline between family law and criminal law) we usually send the clients to a family law clinic first. Family matters can be dealt with in either Provincial Court (Family Division) or Supreme Court, depending on the issue(s). Note that in addition to our clinic services, clients can often be assisted by duty counsel programs in both Family Court and Supreme Court, operated by the Legal Services Society.</p>

IMMIGRATION	This covers immigration to Canada and also refugee matters. If someone inquires whether we will prepare an application for a refugee to stay in the country, you have to be a little guarded on that issue. Some of our lawyers will not give such advice because they feel that the Legal Services Society should provide the service, though immigration and refugee assistance from LSS is now very limited.
MEDIATION	Mediation is an alternate way to resolve disputes, rather than litigation. Generally, we will not identify referrals under this heading but we have maintained it in our database for future uses if we set up a mediation clinic.
CIVIL	All matters not covered by Criminal, Family, Immigration, or Mediation will be covered by Civil. The Civil category has been set up with a number of subcategories. When a matter is civil, then one of those subcategories must be picked.
Civ: Admin-General	Administrative law is a very wide category and generally covers regulatory matters involving government services or agencies, or self-governing bodies such as professional associations. This category covers all matters except for the three more specific categories we have designated under Admin for Pensions, WCB, and Welfare. There are generally two levels of need for clients under Administrative law – either with the agency or tribunal itself, or for a review of the decision that has been made. A review of the decision will involve either an appeal or a judicial review application in the Supreme Court. We can give summary advice in any of these instances, though if representation services are eventually need we may refer the client to the Judicial Review Roster Program operated by Pro Bono Law of BC.
Civ: Admin-Pension	This covers all entitlements to government pensions, other than welfare services. Examples include CPP and OAP benefits.
Civ: Admin-WCB	This covers all matters relating to Workers' Compensation Act. This is often a complicated area of the law where the client will need representation services. We may wish to consider a referral instead to the B.C. Workers' Advisers Office, or Lawyer Referral for a lawyer who does WCB cases. Where a client is in a union, we may refer them to their union for advocacy service assistance.
Civ: Admin-Welfare	This covers all matters dealing with provincial welfare services including regular welfare benefits and also benefits for persons with disabilities. Currently, the B.C. statutes that cover most of these matters are the Employment and Assistance Act and the Employment and Assistance for Persons with Disabilities Act. Often, a client with a welfare-related matter will need representation-level services and we may consider a

	referral to a welfare advocacy organization including a number of the agencies with which we have clinics, or services listed at the PovNet website.
Civ: Civil Procedure	In general, we will use one of the other subcategories for civil matters, depending on the specific type of issue that the client has. This is usually called the client's "substantive" issue, such as contract or tort. Where the client's main question is "procedural" and only involves a question about taking a step in a court or tribunal process, then we may consider it procedural and use this category. This would cover, for example, questions about steps in Small Claims Court, Supreme Court, the Court of Appeal and also the Federal Court of Canada. It would cover questions about Supreme Court Chambers, which are pre-trial, summary hearings that are conducted daily or weekly in most courts in B.C. and involve brief matters before a judge where the evidence is presented in affidavit form.
Civ: Contracts	This category covers all non-debt contractual matters between parties, regardless of whether a court action has been started and, if a court action has been started, regardless of court level. Typical examples are sale of goods matters, and service contracts. Often, these matters are covered by the common law of contracts and/or government legislation such as the B.C. Business Practices and Consumer Protection Act. This category would also cover most small business matters, and also complaints against professionals regarding services (except for negligence-type situations).
Civ: Debt-Bankruptcy	This covers all bankruptcy-related matters, where the general issue is a debtor's inability to pay on their debts. The debtor may not be in bankruptcy yet but want advice about whether to declare bankruptcy or not. Or, the debtor may already be in bankruptcy but have some kind of legal issue within that process such as a dispute about their discharge from bankruptcy. If the debtor has not applied for bankruptcy a lawyer can give general advice but if the debtor has received advice and is intending to go ahead with the process then they should be referred to a bankruptcy trustee (listings in the Yellow Pages) because it is trustees, not lawyers, who process bankruptcies.
Civ: Debt-Collections	This covers all debt matters, other than the more specific categories of Debt-Bankruptcy and Debt-Foreclosure. Usually the caller is going to be a debtor rather than creditor, but the category covers both parties. The focus is generally on one debt, and may involve either a first party collector such as a bank, credit union, or other lender such as a payday lender (or government) – or, it may involve a collection agency. An alternate service where the debtor has more than one creditor is the Credit Counselling Society of BC.

Civ: Debt-Foreclosure	This covers all matters when a debtor is facing foreclosure on their residence because they have defaulted on their mortgage. Usually the creditor is a financial institution, though this can also cover condo situations where the strata council is taking action against the owner for unpaid assessments. Besides our giving advice at a clinic, a very good resource to recommend for the client is the LSS booklet (available at the LSS website or in hard copy) called -Cannot Pay Your Mortgage?
Civ: Employment-Other	This covers all employment related matters except wrongful dismissal. The client will usually be an employee and have questions about their rights under B.C. legislation such as the Employment Standards Act (e.g. hours of work, overtime pay) or under federal legislation such as the Employment Insurance Act (for unemployment and maternity benefits).
Civ: Employment-Wrongful Dismissal	This covers all matters related to someone terminating or being terminated from employment. Generally, the client will be the employee. In most instances, the employee will not be in a unionized setting, and common law principles apply. If the employee is in a union, generally they should be referred to their union for assistance. Note that there may be related human rights issues associated with the termination.
Civ: Housing-Residential Tenancy	This covers all landlord/tenant matters governed by the B.C. Residential Tenancy Act. In most instances, we may be able to provide summary advice. If the matter is particularly urgent, we may consider referring the client to the hotline service of the Tenant Resource and Advisory Centre. There are many written and web materials that may also supplement the assistance that we can give, which can be found at the LSS LawLINK website.
Civ: Housing-Other	This covers all housing matters other than landlord/tenant matters covered by the Residential Tenancy Act, and other than foreclosures. Examples include real estate matters, strata housing (including leaky condos), and coop housing.
Civ: Human Rights & Privacy	This type of law covers both the federal and provincial human rights legislation. If clients claim that they have been dismissed or let go from their employ due to some alleged human rights issue (e.g. sex or race), they should be encouraged first to see a wrongful dismissal lawyer.
Civ: Insurance	This category covers all non-government insurance matters between an insurance company and a policy holder. Examples include life insurance, insurance for credit agreements, and disability insurance. If the client needs help with government benefits, use the Admin-Pension or Admin-Welfare categories. This would also cover non-personal injury ICBC matters, such as where a person has been denied coverage because of an alleged breach of the insurance contract.

Civ: Taxation	This category covers all situations where the main issue for the client is to do with taxes, whatever the level of government. Examples include municipal property taxes, provincial taxes such as the PST, and federal taxes such as GST and income tax. Most often, the matter is going to involve the caller owing taxes.
Civ: Torts- Intentional & Other	Torts are civil wrongs and are generally divided into two categories – intentional, and negligence. For our purposes, this intentional subcategory includes matters such as assault (sometimes described as battery), wrongful taking or keeping of someone else’s property, and other civil wrongs such as libel or slander, and nuisance (e.g. barking dogs, overhanging tree branches). Note that non-intentional torts are generally categorized under the negligence heading, where someone has no specifically intended to commit a harm but they have been careless or their conduct has fallen below accepted standards such that the law will impose liability for the loss suffered. In these instances, use Personal Injury & Negligence.
Civ: Torts- Personal Injury & Negligence	This covers damages for personal injury and property loss. That includes motor vehicle mishaps and ICBC matters (except for criminal charges arising from the motor vehicle mishap, which are criminal matters), claims of negligence against doctors, lawyers or other professionals, and injury or damage from all other forms of negligence.
Civ: Wills & Estates	This category covers all aspects of a person’s estate matters, including wills, administration of estates, representation agreements, powers of attorney, committeehip (when someone is incapable of administering their personal affairs), and wills variation claims. We do not generally provide assistance with probate though we may give summary advice.