

Legal aid in Canada, 2013/2014

by Manon Diane Dupuis



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- . not available for any reference period
- .. not available for a specific reference period
- ... not applicable
- 0 true zero or a value rounded to zero
- 0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
- ^P preliminary
- ^r revised
- X suppressed to meet the confidentiality requirements of the *Statistics Act*
- ^E use with caution
- F too unreliable to be published
- * significantly different from reference category ($p < 0.05$)

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Access to justice in Canada is a priority of governments, policy-makers, legal professionals and the public ([Department of Justice Canada 2014](#)). One aspect of access to justice is access to legal services. Not all Canadians have the resources to pay for a lawyer. Legal aid plans have been established in all provinces and territories with the common goal of assisting lower-income Canadians who require legal services either for criminal or civil matters ([Department of Justice Canada n.d.](#)). This *Juristat* bulletin presents results for 2013/2014 of the Legal Aid Survey, which collects information on the operation of Canada's 13 legal aid plans.

Legal aid plans receive funding to operate and to provide legal services from governments (both federal and provincial or territorial), as well as from client contributions, cost recoveries from legal settlements, and from contributions from the legal profession and other sources.

The federal government provides funding for legal aid to the provinces and territories. According to data from the Legal Aid Survey, the federal government, through the Department of Justice Legal Aid Program, reported providing a total of \$112 million to the provinces and territories for the delivery of criminal and civil legal aid.^{1,2}

Provincial and territorial governments directly fund both criminal and civil legal aid. In 2013/2014, provincial and territorial governments reported contributing \$643 million to legal aid plans across Canada.³

Legal aid plans in Canada reported receiving funding of \$823 million in 2013/2014 ([Table 1](#)). Government sources contributed the vast majority of this amount—92% of the total. The remaining 8% of funding was received from client contributions, cost recoveries from legal settlements, and contributions from the legal profession and other sources.

A majority of jurisdictions spend more on criminal matters

According to the Legal Aid Survey, legal aid expenditures consist of direct costs for legal services, such as legal representation, legal advice and the provision of information for both criminal and civil cases. Legal aid expenditures also include other expenditures, such as administrative costs.⁴

In 2013/2014, legal aid plans spent just over \$814 million providing legal aid services ([Table 1](#)). Consistent with past results, most legal aid plans spent more on criminal matters than on civil matters. In 2013/2014, Prince Edward Island (44%), Quebec (46%) and Ontario (47%) allocated a smaller proportion of direct expenditures to criminal matters than to civil matters. In the 10 other reporting jurisdictions, the proportion spent on criminal matters ranged from 53% for New Brunswick to 77% for Nunavut.

Text box 1

Legal aid services

In Canada, legal aid services are provided through separate legal aid plans in each province and territory. The services provided by legal aid plans may include legal representation, advice, referrals, and information services. Generally, all legal aid plans cover both criminal and civil cases, although the extent of coverage varies among the provinces and territories.

The provinces and territories contribute to the costs of legal aid service delivery, but the legal aid plans are responsible for determining eligibility for legal aid, the types of matters they will cover, the delivery of services, and the operation of their respective plans.

Just over 465,000 applications for full legal aid services were approved in 2013/2014

An application may be approved for either summary or full legal aid services. Summary services include the provision of legal advice, information, or any other type of minimal legal service granted to an individual during a formal interview. Full services represent more extensive legal assistance.

Applications not approved for full legal aid services may receive summary services instead. The Legal Aid Survey does not collect complete information on the total number of applications that receive summary services. Applications may be refused for full or summary services due to financial ineligibility, coverage restrictions, lack of merit or other reasons, such as cancellation by the client.

About 718,000 applications for legal aid were submitted to legal aid plans across Canada in 2013/2014 ([Table 1](#)). Just over 465,000 applications were approved for full legal aid services in 2013/2014. Civil matters accounted for over one-half (56%) of received applications, while criminal matters accounted for over one-half (58%) of approved applications.

Legal aid plans may use members of the private bar or staff lawyers to provide legal services to clients

Legal aid services are provided by either members of the private bar, staff lawyers of legal aid plans or a combination of both. The proportion of services provided by members of the private bar and staff lawyers varies by jurisdiction and often by type of matter (criminal or civil).

Across all provinces and territories in Canada, just over 10,000 lawyers from both the private bar and legal aid plans provided legal assistance in 2013/2014 ([Table 1](#)). Private bar lawyers accounted for 85% of those providing legal aid services, while staff lawyers accounted for the remainder, 15%.

Further information and source data

Data for 2013/2014, as well as historical data for the Legal Aid Survey, are available on CANSIM in tables [258-0001](#) (Legal aid plan revenues); [258-0004](#) (Legal aid service delivery, by type of lawyer); [258-0005](#) (Federal government contributions for legal aid); [258-0006](#) (Provincial and territorial government contributions to legal aid plans); [258-0007](#) and [258-0008](#) (Legal aid plan expenditures); [258-0009](#), [258-0010](#) and [258-0011](#) (Legal aid applications); [258-0012](#) (Legal aid plan personnel); [258-0013](#) (Duty counsel services); [258-0014](#) (Appeals); and [258-0015](#) and [258-0016](#) (Cases processed under the interprovincial reciprocity agreement).

For more information on the Legal Aid Survey (definitions, data sources and methods), please refer to [the survey web page](#).

References

Department of Justice Canada. 2014. *2014-15 Report on Plans and Priorities*. Last updated January 23, 2015. http://www.justice.gc.ca/eng/rp-pr/cp-pm/rpp/2014_2015/rep-rap/index.html (accessed March 12, 2015)

Department of Justice Canada. n.d. *Legal Aid Program*. Last updated January 01, 2015. <http://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html> (accessed March 12, 2015)

Notes

¹ The Department of Justice Canada provides the figures for federal contributions to the Legal Aid Survey. Data on provincial and territorial governments financial contributions are obtained from the appropriate departments responsible for justice matters. Information on total funding is provided to the survey by the legal aid plans.

² The federal government provides legal aid funding to the provinces and territories through two sources, the Department of Justice Legal Aid Program and the Canada Social Transfer (CST). The federal government provides funding for civil legal aid to the provinces and territories

under the CST, a federal transfer provided to each province and territory to support provincial health care, post-secondary education, social assistance and social services. Provinces and territories are responsible for the delivery of civil legal aid services and therefore federal funding for civil legal aid through the CST provides provincial and territorial governments with the flexibility to invest CST funds according to the needs and priorities of their residents. The federal contributions figure reported to the Legal Aid Survey includes the federal funding amount for the delivery of adult and youth criminal legal aid in the provinces and territories, as well as civil legal aid in the territories. Additional federal funding for immigration and refugee legal aid, the management of court-ordered counsel in federal prosecutions cases, and legal aid in public security and anti-terrorism cases is out of scope for the Legal Aid Survey and is not included in the figure reported.

3 See note 1.

4 Expenditures in a given year do not necessarily match funding for that year, since legal aid plans may operate using reserve funds, or may operate in surplus.

Table 1

Legal aid in Canada, 2013/2014¹

Provinces and territories	Total legal aid plan revenues ²	Total legal aid plan expenditures ³	Total legal aid applications ⁴	Total legal aid applications approved for full service ⁵	Total private and staff lawyers providing services ⁶
	thousands of dollars		number		
Newfoundland and Labrador	13,837	14,842	8,560	4,693	76
Prince Edward Island	1,856	1,856	1,668	1,364	28
Nova Scotia	22,936	23,283	21,745	18,357	324
New Brunswick	8,652	8,382	4,392	3,221	140
Quebec	164,687	160,334	267,846	225,680	2,519
Ontario ⁷	388,047	373,895	271,709	106,436	4,653
Manitoba	33,631	32,988	33,063	28,598	308
Saskatchewan	22,950	22,853	18,036	15,112	179
Alberta ⁸	69,259	77,598	48,769	32,458	941
British Columbia	80,058	80,558	38,705	26,367	1,007
Yukon	2,107	2,109	1,491	1,432	14
Northwest Territories	5,667	5,647	1,383	1,118	28
Nunavut	9,790	9,790	576	520	48
Total, Canada	823,477	814,135	717,943	465,356	10,265

¹ Data are based on the fiscal year (April 1st to March 31st). Figures are as of March 31.

² Revenues refer to all monies received by the legal aid plan for assistance in the provision of legal aid services. Funding is received by legal aid plans from three main sources: government contributions, client contributions and cost recoveries, and contributions from the legal profession.

³ Expenditures refer to the actual gross dollars expended by the legal aid plan in a given fiscal year. Expenditures made on behalf of the plan by other agencies are not included. Expenditures in a given year do not necessarily match funding for that year since legal aid plans may operate using reserve funds, or may operate in surplus.

⁴ An application refers to a formal request, evidenced in writing, whereby a person applies to a legal aid office for assistance. The total number of applications reported for the fiscal year include all such applications filed during that time, irrespective of when the application was approved or rejected. When aggregated, the total number of applications reflects the number of individual requests for summary and full service assistance, rather than the total number of persons seeking assistance.

⁵ Approved legal aid application counts refer to full service applications only. An approved application for full service refers to an application for legal assistance which is granted as described in a certificate, referral, or any other authorization denoting that the applicant is entitled to legal aid services.

⁶ The total count represents the number of lawyers providing legal aid services across Canada as reported by legal aid plans.

⁷ Over the past few years, Legal Aid Ontario (LAO) has introduced a modernization strategy for service delivery, which includes a mix of alternative service models and providers, such as the LAO Call Service Centre, and additional summary legal advice provided by court house workers. The change in service delivery has resulted in fewer clients making a formal written application, as well as a correspondingly lower number of total legal aid applications approved for full service.

⁸ In 2010/2011, Legal Aid Alberta began implementation of a new Legal Services Centre delivery model. In this model, a client receives upfront assessments of their legal needs and then is directed into the appropriate stream of legal service. Based on their needs and financial eligibility, clients receive a service plan that comprehensively guides them through the best path of action for their individual legal issue. Eligible clients receive services ranging from referrals and legal information to brief services and limited scope or full representation. Formal written applications have been replaced with assessments. These assessments have resulted in fewer clients receiving full representation.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Legal Aid Survey.