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## **Legal Aid Alberta Changes to Family Certificates**

AFLA would like to acknowledge and commend Legal Aid on their latest policy changes. The first being an increase in Roster lawyer hourly rates from \$92.40 to \$125.00. The second being a commitment to allot a minimum of 20 hours for Legal Aid Certificates on Family matters as of November 28, 2022.

These are important steps forward in adjusting for inflation rates and acknowledging the hours truly needed for Family lawyers to assist their Legal Aid clients appropriately. AFLA further encourages Legal Aid to not stop here.

We call upon Legal Aid to update their policies in the following ways:

1. Provide sufficient intake screening to look for issues of domestic violence between the parties in question and include findings in the Certificate. If it is determined there has been a history of family violence between the parties, then the Certificate hours should be increased to empower legal counsel to provide trauma-informed services. This is required to accommodate the inevitable time needed to provide trauma-informed counsel per the Federal Government's recommendations in its titled HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers. (<https://www.justice.gc.ca/eng//fl-df/help-aide/tab2-onglet2.html#c>).
2. Update the Tariff to allot separate tariff rates for new procedural steps so they no longer come out of the general hours on the Certificate (i.e. Family Docket appearances, Resolution Counsel etc.).

3. Ensure that Certificates are not too narrow where clients are left unrepresented for many parts of their Family matter.
4. Permit Roster lawyers on Family matters to bill paralegal/assistant work at a reduced rate. Specifically, a Tariff of \$50/hr is proposed for work completed by an assistant, paralegal or non-lawyer agent. This would lower the bills for the clients, making access to justice more affordable and would assist the lawyers in managing the file efficiently and quickly.
5. Revisit and adjust rates for Tariffs 3.11 and 3.12 (Attendance at Trial). These Tariff rates are currently insufficient to pay lawyers fairly for the time needed to fully prepare for and complete a trial responsibly. The Tariffs do not adjust for complex family files where many intricate issues will be addressed over multiple days and instead rely on half day measurements to calculate the work involved.
6. Speed up the administrative process for granting of additional hours on a Certificate when a Roster lawyer submits an Authorization Request under Tariff 7.05. In the alternative, provide retroactive payment to lawyers for work completed while their request for further hours is being processed. This will avoid files being on hold for long periods of time and will avoid the necessity of counsel having to work for free indefinitely.
7. Re-constitute a Family Roster Committee to liaise with Legal Aid Alberta --- including 2 Representatives of AFLA (one North and one South) and 2 CBA Family Law Section Reps (one North and one South) and at least one Child Counsel Rep and at least one Child Welfare Rep and however many other members deemed appropriate.

Understanding that Legal Aid relies upon the Government of Alberta for their funding, AFLA also calls upon the Provincial Government to provide the following funding and supports to Legal Aid Alberta:

- A. Increase funding to Legal Aid so they can expand financial eligibility for all Family Legal Aid services by at least 20% in line with inflation and recognizing that those living at or below the poverty line should be able to access Legal Aid. AISH and Social Assistance recipients should automatically meet the financial eligibility requirements.
- B. Establish a Tariff or compensation systems that permits legal representation in Court and out-of-Court resolution processes, including Mediation/Arbitration and Parenting Coordination in the same way Legal Aid currently funds Experts, at a special "Legal Aid" rate.

- C. Fund a study to consider service delivery models for Legal Aid on family matters, including potentially the use of community legal aid clinics with staff lawyers to reduce current reliance on private Family Roster lawyers and/or any other creative service delivery model.

We are enthusiastic with the changes Legal Aid has made to better serve Albertan Families in need. AFLA stands behind their mission in getting Albertans access to justice. The above calls to action for both Legal Aid and the Government of Alberta are meant to collaborate, consult and to make certain momentum continues in the process of revamping our systems to better meet our Family clients' needs.

Sincerely,

**ALBERTA FAMILY LAWYERS ASSOCIATION**

Steering Committee:

Doug Moe, KC, Wayne Barkauskas, KC, Sue Channan, Moosa Jiwaji, Tracy Brown, Ken Proudman, Ashley Cox, Melissa Oakley, Krista Cossar, Emma Benarzi, Justine Fallu, Mathieu Maillet