

PROCESS EVALUATION OF THE ABORIGINAL COMMUNITY LEGAL WORKER PROGRAM

DUNCAN & NANAIMO

FINAL REPORT

MAY 2021

EVALUATOR: RUPI SAHOTA



Legal Aid BC



"The Aboriginal Community Legal Worker is a huge support to the Duncan community. I hear this from clients I see around the courthouse and have consulted/assisted over the years. The ACLW is a support, a bridge, a means by which the community feels safe in accessing justice."

Duncan stakeholder

Acknowledgments

I would like to acknowledge that the Aboriginal Community Legal Worker (ACLW) services in Duncan and Nanaimo are delivered on the traditional unceded territory of the Coast Salish peoples, including the territories of the Quw'utsun' and Stzu'minus Nations, and on the traditional territory of the Snuneymuxw First Nation.

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All images used in this evaluation report are provided by <http://pexels.com>.

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1.0 Executive Summary

This report presents the results of a process evaluation of the ACLW in Duncan & Nanaimo from January 2019 until September 2020. The following questions formed the focus of this process evaluation:

- 1. To what extent are services easy to access and available to Indigenous people in the Duncan and Nanaimo areas?**
- 2. To what extent is the role helping Indigenous people take the next steps towards resolving their legal issues?**
- 3. To what extent is the ACLW connected to other service providers in the Duncan and Nanaimo areas?**

The evaluation used the following methodologies:

- Analysis of the ACLW's activity reports
- Analysis of the client conflict check database
- Review of electronic client files
- Cost analysis of the program
- Interviews with program staff
- Survey with community stakeholders
- Interviews with ACLW clients

With the ongoing COVID-19 pandemic and the Public Health Officer recommending British Columbians work from home, the evaluator did not conduct in-person interviews. Online interviews were conducted with program staff (ACLW, supervising lawyer, and supervisor of Indigenous Services), online surveys were completed by eight community stakeholders, and Zoom/telephone interviews were conducted with 20 ACLW clients.

Key Findings:

1. ACLW services were provided to 322 clients from January 1, 2019-September 2020.
2. ACLW clients sought assistance with 354 legal issues. The number of legal issues exceeds the total the number of clients seen, as clients requested assistance with multiple legal issues. Clients primarily sought assistance with a family law issue including: child support, spousal support, parenting rights/responsibilities, guardianship, parenting time/contact, divorce, adoption, and applications for a name change.
3. The ACLW opened a client file for 64 unique clients who required more substantive advocacy services during the evaluation period.
4. 85% of clients interviewed were assisted with either a Provincial Court or Supreme Court application as it related to their family law matter.
5. 40% of clients interviewed were accompanied to court and found the accompaniment extremely helpful. Clients commented that the ACLW was able to explain the court process, connect them with appropriate services, provide them with support/guidance, and ease their stress about the court process.
6. 75% of clients interviewed reported that it was important that an Indigenous worker was available to assist them with their legal issue(s).
7. All clients interviewed reported satisfaction with the services received.
8. Outreach services were provided to 323 individuals through presentations at the Nanaimo Library, Stzu'minus, Nanaimo Correctional Centre, and Duncan Ministry of Children & Family Development office (MCFD).
9. All stakeholders reported that they had referred a client to the ACLW program within the last 2 years.
10. 88% of stakeholders reported that there was a real need for the ACLW program.

Recommendations:

1. Develop a logic model for the program.
2. Develop a process to collect statistical information and track program outcomes.
3. Consider an electronic integrated case management system.
4. Consider DivorceMATE software.
5. Strengthen the conflict check system.
6. Consistently record client consent to speak with a third party in the client file.
7. The ACLW attend family law trainings.
8. Expand the ACLW's network with family law advocates.
9. Develop an outreach plan/strategy for when in-person services resume.
10. Reduce reliance on Facebook to promote services.
11. Support the ACLW with legal supervision for civil matters.

2.0 Background

The Aboriginal Community Legal Worker (ACLW) program was created in response to recommendations from the 2007 report, *Building Bridges: Improving Legal Services for Aboriginal Peoples*. This report highlighted the need to increase Indigenous representation within Legal Aid BC (LABC), actively engage with Indigenous communities, and enhance Indigenous peoples' access and use of LABC services.¹ Creating an ACLW program would start the work to address the unmet legal needs of Indigenous communities across British Columbia.

The ACLW programs were created and launched in Duncan & Nanaimo in January 2009 and Port Hardy in October 2009. The ACLW in Duncan & Nanaimo worked with Indigenous clients on family, child protection, civil, and poverty law matters, while the ACLW in Port Hardy focused exclusively on child protection and family law matters. In addition, the ACLW in Port Hardy was supported by an Aboriginal Elders Advisory Committee to provide advice and guidance on traditional ways of keeping Indigenous children in the community. The programs were evaluated in 2010 to assess the implementation of the program. Both evaluations concluded that the programs had been largely implemented as intended.

In 2014, Port Hardy transitioned from an ACLW program to a Community Partner (CP) model with agreement from Indigenous communities on the North Island. Today, the ACLW in Duncan & Nanaimo continues to operate as intended to provide administrative support, legal information, advice, early intervention, education, community outreach, and referrals to address family, child protection, civil, and poverty law issues that affect Indigenous people in these communities.

LABC has introduced ACLW's positions in its Parent Legal Centres (PLC), and these ACLW's focus exclusively on child protection matters. The ACLW program in Duncan & Nanaimo is unique in that it does not operate within a PLC, and can provide legal information, advocacy, and advice beyond child protection matters.

¹ Walkem, A. (2007). *Building Bridges: Improving Legal Services for Aboriginal Peoples*. Retrieved from https://lss.bc.ca/sites/default/files/2019-03/buildingBridges_en.pdf

3.0 Literature Review

While the ACLW assists with a range of legal issues, the most common requests for services pertain to family law issues including: parenting responsibilities/guardianship, parenting time/contact, financial support, adoption, and divorce. The ACLW navigates her clients, many of whom are ineligible or have exhausted their Legal Aid coverage through the family court system.

According to Jovel-Rollins (2016), the number of self-representing litigants attending family court has increased significantly over the last two decades, with some court locations across Canada seeing between 40% to 57% of litigants that are self-representing.² According to Macfarlane (2013), the most common complaint from self-represented litigants in family court is the complexity of court forms, knowing which form to use, and difficulty with the language used on court forms.³ Without adequate support and navigation, self-represented litigants can easily encounter roadblocks and delays. The ACLW directly addresses this issue for her clients by routinely drafting their court pleadings, in consultation with her supervising lawyer.

Pleadings that are incomplete or contain mistakes can result in adjournments, delays, and added stress for clients. A review of the ACLW's electronic client files demonstrates how seemingly small errors result in delays. For example, a client accessed the ACLW seeking assistance to finalize his divorce application. The client drafted the initial pleadings himself and arranged for his ex-spouse to be personally served. After the pleadings were served, the client was notified of a discrepancy in the spelling of his ex-spouse's name on the pleadings when compared to the marriage certificate, and the discrepancy needed to be amended. While this process is relatively straightforward, the opposing party refused service of the amended pleadings. This resulted in an additional step to the process, and the ACLW having to draft an application for alternative service. Although an order for divorce was eventually granted, a seemingly small error resulted in months of delay and increased court costs for the client. While this scenario was resolved, a similar client trying to navigate the legal system without guidance and support may have reluctantly abandoned their claim.

² Jovel-Rollins, M. E. (2019). Self-Representation in the Family Court: Is Justice for All in Canada? Retrieved from [https://digital.library.ryerson.ca/islandora/object/RULA%3A9255/datastream/OBJ/download/Self-representation in the family court is justice for all in Canada .pdf](https://digital.library.ryerson.ca/islandora/object/RULA%3A9255/datastream/OBJ/download/Self-representation%20in%20the%20family%20court%20is%20justice%20for%20all%20in%20Canada.pdf)

³ Macfarlane, J. (2013). *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*. Retrieved from [https://aclrc.squarespace.com/s/Self-represented project.pdf](https://aclrc.squarespace.com/s/Self-represented_project.pdf)

Litigants may identify the lack of resources, representation, and costs as common barriers in accessing the justice system. For Indigenous people however, these barriers are often exacerbated by racist policies and negative stereotyping within institutions intended to serve and protect them.⁴ While these experiences might result in mistrust or hesitation to utilize legal programs and services, ACLW services are intended to provide culturally appropriate support to Indigenous clients so that they can engage with the legal system and resolve their legal issues.

The ACLW works closely with Indigenous grandparents seeking guardianship of their grandchildren. Within Canada, 17% of all households are made up of Indigenous grandparents raising their grandchildren.⁵ Indigenous grandparents play a key role in raising their grandchildren and sharing Indigenous practices and traditions with the next generation. In addition, Indigenous grandparents assume a caregiver role when their own children cannot fulfil this responsibility for a variety of reasons including: employment, substance abuse, incarceration, teenage pregnancy, domestic violence, separation/divorce, mental health, death of a parent, or death of both parents.⁵ ⁶ Later in this report, excerpts from interviews will be shared highlighting the experiences of Indigenous grandparents accessing ACLW services.

Access to a trauma-informed, culturally appropriate service where the client's cultural beliefs, practices, and world views are understood and respected are important when implementing legal services for Indigenous communities. Later in this report, excerpts from interviews will be shared reflecting the importance of the ACLW's role in reducing barriers for Indigenous people navigating the family court system.

⁴ Loppie, S., Reading, C., & De Leeuw, S. (2014). *Indigenous experiences with racism and its impacts*. Retrieved from https://www.nccih.ca/495/Aboriginal_Experiences_with_Racism_and_its_Impacts.nccah?id=131

⁵ Thompson, G.E., Cameron, R.E., & Fuller-Thomson, E. (2012). Achieving Balance on the Red Road: First Nations Grandparents Speak. Retrieved from: https://www.researchgate.net/publication/7787528_Canadian_First_Nations_Grandparents_Raising_Grandchildren_A_Portrait_in_Resilience

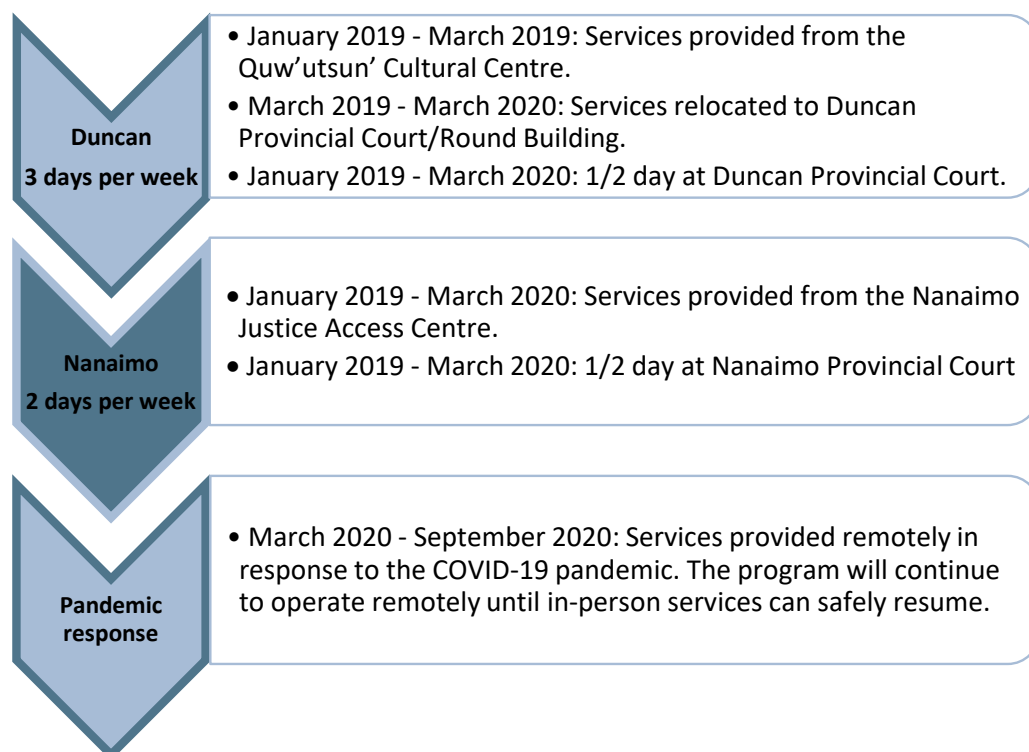
⁶ Silvey, L. A. E., & Ponzetti Jr, J.J. (2019). Understanding the Role of Indigenous Grandparents in Indigenous Families: Principles for Engagement. Retrieved from: https://www.researchgate.net/publication/336240379_Understanding_the_Role_of_Grandparents_in_Indigenous_Families_Principles_for_Engagement

4.0 Program Overview

The ACLW assists Indigenous people living both on and off reserve in Duncan and Nanaimo with family law, child protection, civil, and poverty law issues. Civil issues the ACLW can assist with includes wills and estates, power of attorney, day school applications, and 60's scoop applications. Poverty law issues the ACLW can assist with includes income security/disability benefits, tenancy, and debt issues. The ACLW works closely with the Duncan PLC to refer or accept referrals when a conflict of interest arises for a child protection matter, or when the ACLW is seeking support for a child protection matter.

The program consists of a full-time ACLW and a part-time supervising lawyer. The legal supervisor is a practicing family lawyer based in Victoria. She supervises the program remotely via e-mail and phone, and provides the ACLW with legal advice and reviews court pleadings drafted by the ACLW. Prior to the pandemic, the supervising lawyer and ACLW met in person every 3 months to review client files.

The ACLW also receives organizational supervision and administrative support from the supervisor of Indigenous Services. The supervisor of Indigenous Services works from the Vancouver regional office and is available to the ACLW by text, phone, and e-mail. In addition, the supervisor travels to Duncan and Nanaimo as necessary to provide organizational support, training, or equipment. During the evaluation period, the ACLW divided her time between Duncan and Nanaimo as follows:



5.0 Findings



The word cloud was generated from the qualitative data collected in the stakeholder surveys and client interviews.

The evaluation questions guide this section of this report:

- 1. To what extent are services easy to access and available to Indigenous people in the Duncan and Nanaimo areas?**
- 2. To what extent is the role helping Indigenous people take the next steps towards resolving their legal issues?**
- 3. To what extent is the ACLW connected to other service providers in the Duncan and Nanaimo areas?**

5.1 Methodology

This process evaluation focused on how the program is operating, activities of the ACLW, barriers encountered, and areas for improvement. Implementing some of the recommendations in this report (including the development of a logic model and identifying intended outcomes) would support LABC to assess whether the service is achieving these outcomes.

This evaluation relied on a mixed methods approach to gather both quantitative and qualitative forms of data. To supplement the findings the ACLW activity reports, client conflict database, and electronic client files were analyzed. With the ongoing pandemic, in-person interviews with both internal and external stakeholders was not possible.

All ACLW program staff interviews were conducted online either through Zoom or Teams. The evaluator designed and implemented an online survey via Simple Survey for community stakeholders in Duncan and Nanaimo. Stakeholders included Family Duty Counsel, Friendship Centre staff, and court registry staff. The survey was completed by five Duncan stakeholders and three Nanaimo stakeholders. For ACLW client interviews, the evaluator was provided with a list of client files that were opened during the evaluation period. This list was used to randomly select 20 clients for an interview. Client consent was obtained at the time the interview was scheduled and clients were provided with the option of either a Zoom interview or telephone interview. All community stakeholders and ACLW clients were sent a \$25.00 gift card honorarium for their participation in the evaluation process.

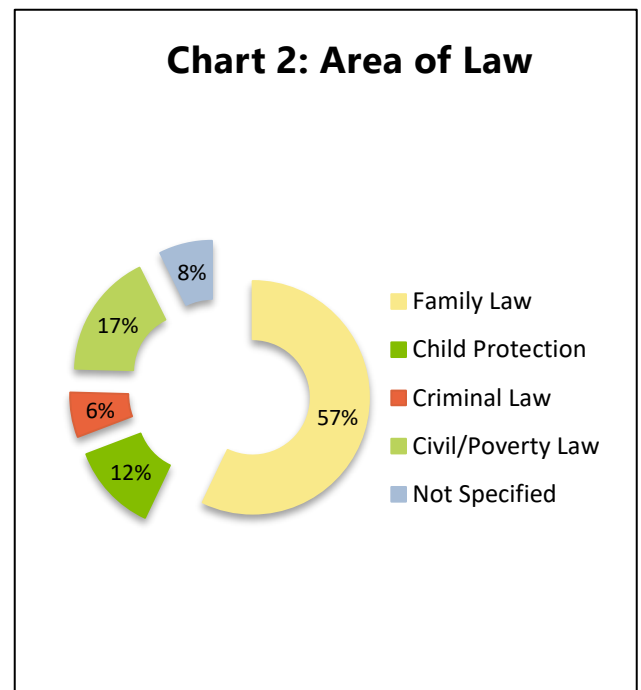
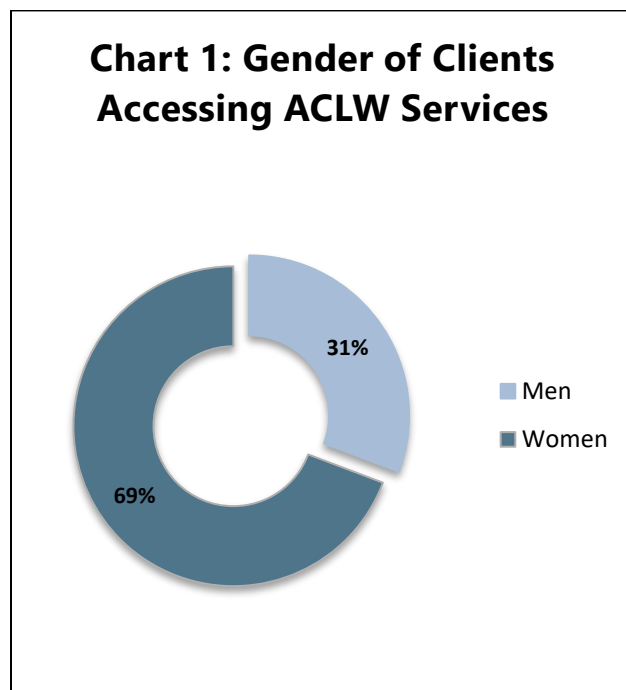
5.2 Data Limitations

The data collected by the ACLW program is limited. The ACLW activity reports only records the total number of clients assisted per quarter and the number of people assisted through outreach services. This information is extracted from a conflict check database which records basic information about the number of clients accessing the program, gender of clients, area of law, and conflicts of interest. The database is not intended to collect statistical information, so does not record a number of key data points including new clients accessing the program, clients assisted with a Legal Aid application and/or appeal, clients assisted with court accompaniment, new clients assisted during court outreach, client appointments, and referrals made per file. In addition, the database does not identify or track outcomes. For the purposes of this evaluation, the ACLW's conflict check database was used to provide an overview of program activities. While the electronic client files provide some additional demographic

information, the files are not structured to identify service goals or measure outcomes so this analysis could not be conducted during this evaluation. The development of a logic model would assist the program to identify outcomes, while recording more key data points would provide the program with a mechanism to track program activities and outcomes.

5.3 Statistical Analysis

From January 1, 2019 - September 30, 2020 the ACLW assisted 322 clients with 354 legal issues. The number of legal issues exceeds the total number of clients seen, as some clients requested assistance with more than one legal issue (see Charts 1-2). With the onset of the COVID-19 pandemic, requests for services dropped from March 2020 until the end of the evaluation period in September 2020.

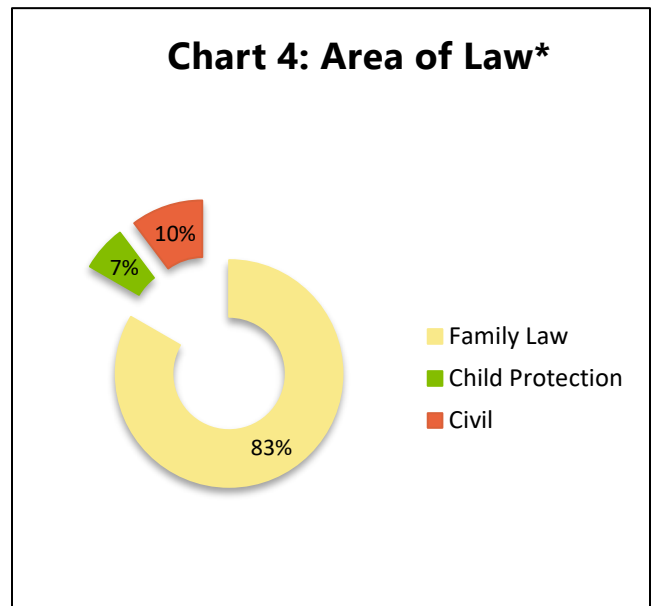
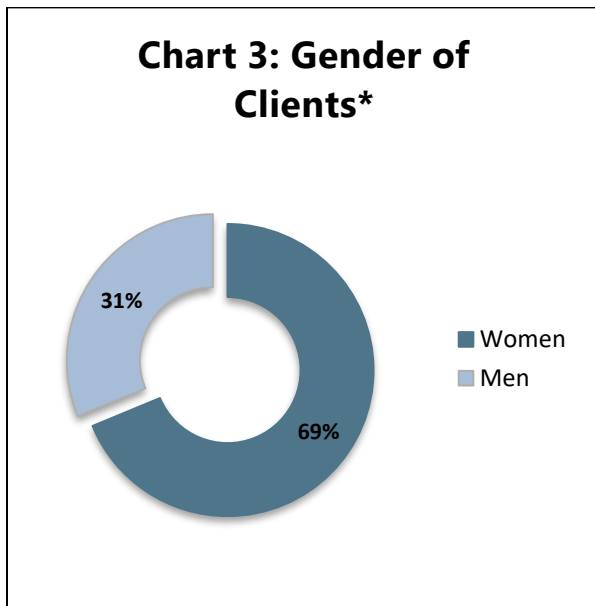


A larger percentage of women accessed the ACLW program compared to men, while clients primarily sought information or advice as it pertained to a family law issue including child support/spousal support, parenting responsibilities/guardianship, parenting time/contact, divorce, adoption, or a name change.

The conflict database records civil and poverty law issues as one category and includes clients seeking assistance with disability benefits, child tax benefits, tenancy, day school applications, 60's scoop applications, debt, wills & estates, employment, and power of attorney.

When a client requires more advocacy than basic information or advice then the ACLW will complete an intake form and a file is opened. The original intake is kept in a physical file and scanned to an electronic file and kept with the file notes. During the evaluation period, the ACLW opened client files for 64 unique clients. These clients were assisted with 78 legal issues.

A review of Charts 3-4 shows a similar trend as Charts 1-2 in that women required more substantive advocacy services compared to men, and the ACLW provided services primarily in the area of family law. A review of the client notes shows that in 64% of cases the ACLW completed an application or drafted a court pleading for a client.



A closer analysis of the client files shows that the ACLW assisted with 78 legal issues. The number of legal issues exceeds the number of client files opened as some clients requested assistance with more than one legal issue (Chart 5). The most common legal issues assisted with were child and spousal support, parenting issues (parenting rights/responsibilities, parenting time/contact, and guardianship), and divorce. These findings support the existing literature about self-represented litigants in that women start court litigation in disproportionately higher rates compared to men. This can be attributed to various issues including the income disparity between men and women after a relationship breakdown.³

³ Macfarlane, J. (2013). *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*. Retrieved from https://aclrc.squarespace.com/s/Self-represented_project.pdf

* Charts 3 - 8 shows data gathered from client files during the evaluation period and is not available for all clients served by the ACLW program.

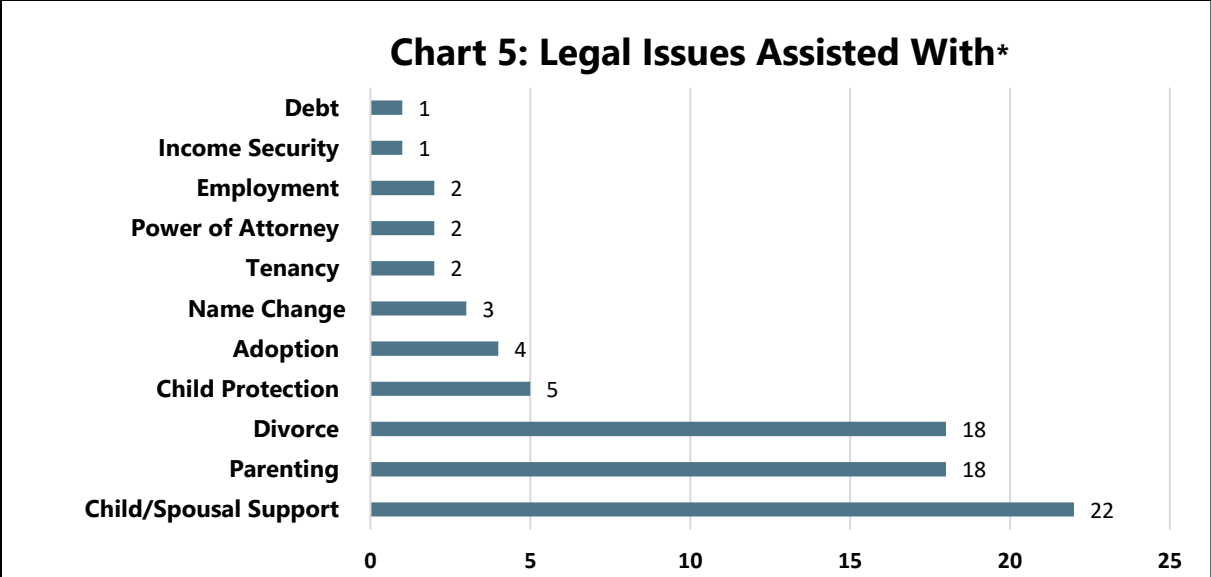
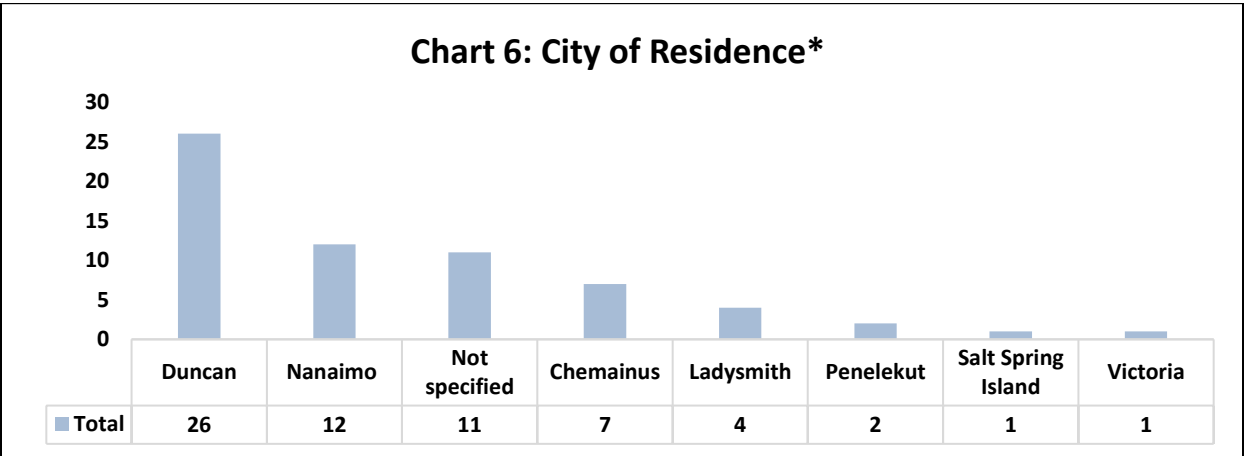
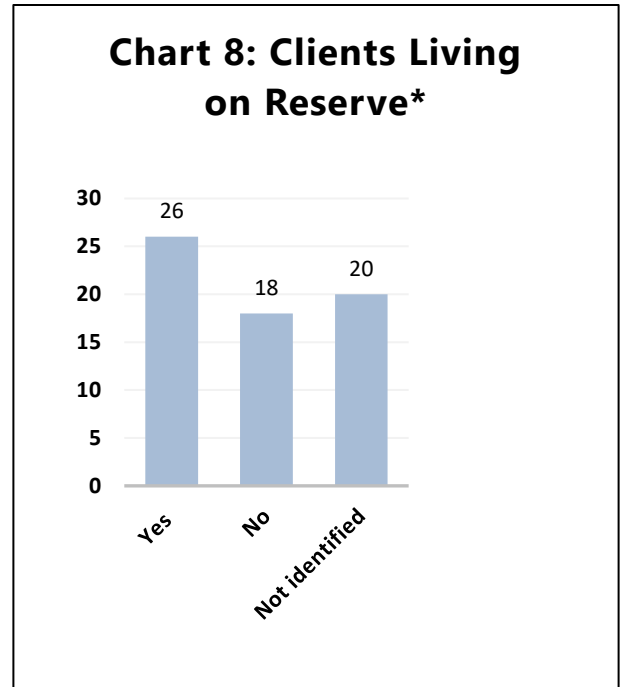
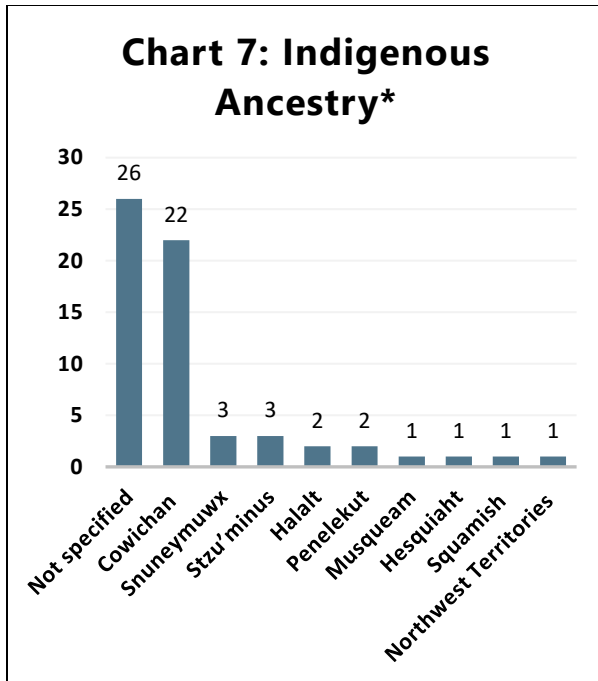


Chart 6 shows that 41% of files were opened for a client residing in Duncan while Chart 7 shows that during the intake process, clients most commonly identified their Indigenous ancestry as Cowichan. This is consistent with the Cowichan community being the largest Indigenous community living in Duncan. Finally, Chart 8 shows that 41% of clients who opened a file identified that they lived on reserve.



* Charts 3 - 8 shows data gathered from client files during the evaluation period and is not available for all clients served by the ACLW program.



A review of the client's files shows that while the electronic files are organized alphabetically, the intake forms are kept separately from the case notes. Reviewing the files proved difficult as the intake forms had to be matched to the respective case notes for review. Also, there is no system in place to differentiate between open files and closed/archived files.

Furthermore, a review of the case notes shows that while consent is obtained from clients to authorize communication with a third party, the consent is not consistently recorded in all client files. To avoid a breach of confidentiality all case notes should indicate when consent is obtained to speak with a third party.

The program operates without administrative support, so the ACLW assumes responsibility for completing intake forms, checking for conflicts of interest, and creating/managing client files. These tasks must be maintained in addition to providing direct services and coordinating outreach initiatives. An integrated case management system would streamline the intake process and provide the program with a centralized electronic filing system. It will also provide the flexibility of accessing files while working remotely or in an office, and eliminate the need for a physical file.

* Charts 3 - 8 shows data gathered from client files during the evaluation period and is not available for all clients served by the ACLW program.

5.4 Program Staff Interviews

The findings presented in this section of the report are based on qualitative data resulting from interviews with the ACLW, the supervising lawyer, and the supervisor of Indigenous Services. The findings are organized to answer the evaluation questions (see Appendixes A & B for interview questions).

1. To what extent are services easy to access and available to Indigenous people in the Duncan and Nanaimo areas?

Outreach services at Provincial Court provide Indigenous clients the opportunity to access information and support on the day of their court appearance. This is a valuable form of outreach to connect with clients, who might not be aware of the ACLW program. Since the suspension of in-person services, the supervisor of Indigenous Services notes that accessibility to the program has been impacted. As the ACLW is not able to connect with new clients as readily, she has relied on Facebook to promote the program. While clients have connected with the program through Facebook, many clients have been inquiring about the program through the ACLW'S personal page and the related messaging app, Facebook Messenger rather than the ACLW'S designated page. The ACLW has since added a message on her personal page informing clients that ACLW inquiries sent to her personal Facebook Messenger will not be answered and directing clients to her LABC e-mail or cell number.

The supervising lawyer raised concerns about using Facebook to promote the program because of confidentiality issues, and the possibility of blurring/crossing professional boundaries with messaging on this platform. She prefers that the ACLW develop an outreach plan once in-person services resume in order to decrease the use of Facebook to promote services. With the ongoing pandemic, outreach services have been suspended for a year and it will be beneficial for the ACLW to develop a comprehensive outreach plan with the supervisor of Indigenous Services once it is safe to resume outreach services again.

The ACLW reports that she provides clients with flexibility when it comes to communication with the program. She states that prior to the pandemic, clients preferred to communicate via text and e-mail. The ACLW has continued to rely on texting and e-mailing clients during the pandemic, and had provided service to client'S afterhours when contacted by phone/text. While it is important to maintain accessibility, the ACLW should be mindful of establishing and maintaining boundaries with clients to avoid fatigue and burnout.

Finally, the most challenging aspect of the ACLW role that all program staff raised is in relation to conflicts of interest. When the community is very interwoven, conflicts can arise, especially in family law and child protection matters. Although the ACLW maintains a conflict check database on Excel, both supervisors suggest more sophisticated software to monitor and alert the ACLW of potential conflicts of interest.

2. To what extent is the role helping Indigenous people take the next steps towards resolving their legal issues?

Program staff describe the ACLW as a bridge or navigator between the legal community and the Indigenous community. In this capacity, the ACLW provides information, advice, and advocacy to Indigenous clients. The ACLW reports that she is able to help a client take the next step towards resolving their legal matter by drafting court pleadings. Both supervisors agree that the program is heavily relied on for document production but this can be a time-consuming process as the ACLW uses PDF fillable forms. To support the ACLW in her role, both supervisors mentioned the benefit of DivorceMATE software. Once a client profile is created, the software is designed with autofill capabilities and will significantly reduce the time spent drafting court pleadings.

Another way in which the ACLW helps clients take the next steps is by preparing clients for court. Although this process has been impacted by the pandemic, the ACLW continues to prepare clients remotely. She has also attended Court virtually to provide emotional support to her clients. The ACLW will continue to provide this support where possible until the courthouses resume in-person services.

The ACLW reports that civil law matters can be challenging to navigate given that she receives no legal supervision for this area of law. She notes that power of attorney and wills and estates matters on reserve are the most common civil inquiries she receives. The ACLW states that she is not able to move many of these cases forward and would benefit from legal supervision in this area of law.

3. To what extent is the ACLW connected to other service providers in the Duncan and Nanaimo areas?

Prior to the pandemic, the ACLW's presence at court allowed her to connect readily with external stakeholders such as registry staff and Family Duty Counsel. The ACLW notes that many judges were aware of her program and directed Indigenous clients to seek her services while they waited for their case to be heard. It is assumed that the ACLW will resume her outreach services at court when the current pandemic restrictions are lifted.

As the supervisors of the program have already remarked, the ACLW will benefit from an outreach plan to re-establish her connections with stakeholders once agencies re-open for in-person services. It is possible that some services may look or operate differently once we emerge from the pandemic. Going forward it will be important for the program to establish relationships with stakeholders so that Indigenous clients can be appropriately referred to the ACLW.

5.5 Stakeholder Survey

"I feel the Aboriginal Community Legal Worker is a very important and needed position here in Duncan, as we do have a large Aboriginal population here and I feel that anything we can do to assist them in feeling more comfortable with the court system is something that we should do."

Duncan stakeholder

The findings in this section are based on qualitative and quantitative data from an online survey taken by stakeholders in Duncan & Nanaimo. The findings are organized to answer the evaluation questions (see Appendix C for stakeholder survey questions).

1. To what extent are services easy to access and available to Indigenous people in the Duncan and Nanaimo areas?

75% of stakeholders consider the program to be easily accessible to the Indigenous community. A Duncan stakeholder notes that the change of location from the Quw'utsun' Cultural Centre to the Round Building at Duncan Provincial Court has improved accessibility, as the ACLW can connect with clients and access court files quickly on behalf of her clients. Both Duncan and Nanaimo offices are located downtown, in close proximity to the courthouse, and accessible by public transit.

2. To what extent is the role helping Indigenous people take the next steps towards resolving their legal issues?

Stakeholders were asked to describe the role of the ACLW in their community, one Duncan stakeholder responded, "Our clients seem overwhelmed by the paperwork and the process. The ACLW breaks the process down into manageable sections and helps our clients navigate the process."

Another stakeholder remarked, "I work in the court registry, and everything requires forms to be filled out and usually more than one form, so just having someone who can assist in completing the forms and knowing what forms need to be done is very helpful. In addition, just having someone who can support them when they attend the registry and clarify any questions they might have that the client may not feel comfortable asking us." These comments emphasize the need to support with ACLW with tools and training that will build on her skills using Provincial Court and Supreme Court family forms.

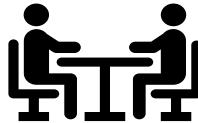
Other stakeholders described the role of the ACLW in their community as follows:

“The role of the ACLW is important, and much needed. The ease of referrals and advocacy is an asset for this community.”

“Someone who can provide procedural information and advice about legal matters and the legal system to low income Indigenous clients.”

“I would describe the role as a legal support person to Indigenous people who need help navigating the justice system.”

“Our Aboriginal Community Legal Worker is a great resource for our clients dealing with family law issues, including but not limited to Provincial Court applications, unconsented divorce applications, and adoption applications.”



“To assist Indigenous people with family law issues, to navigate the dispute resolution system either by mediation or court if necessary. Also, to attend at family remand court days to assist self-represented litigants.”

3. To what extent is the ACLW connected to other service providers in the Duncan and Nanaimo areas?

All stakeholders have referred a client to the program within the last two years. Stakeholders note that although they are aware of the ACLW program, the program could promote its services more broadly within the Indigenous community. As mentioned before, an outreach plan is required to re-connect and re-educate stakeholders and clients about the availability of ACLW services.

5.6 Client Interviews

“On the day of my hearing I didn’t know I had to sign up for Family Duty Counsel. I didn’t know when to go into the Courtroom. Was I supposed to go in when the doors opened or was I going to be called in? The Court assumes that clients know what they are doing, but we don’t. The ACLW was able to walk me through the entire court process.”

ACLW Client

The findings in this section are based on qualitative data from interviews with ACLW clients. In total, 20 clients were interviewed where 19 clients accessed services for a family law related matter, and 1 client accessed services for a poverty law related matter. The interview findings are organized to answer the overall evaluation questions (see Appendix D for client interview questions).

1. To what extent are services easy to access and available to Indigenous people in the Duncan and Nanaimo areas?

While none of the clients expressed any difficulty accessing the program, some clients suggested a need for more outreach services in order to connect with the most vulnerable people in their community. Clients suggested increased signage at the courthouses promoting ACLW services.

75% of clients reported that it made a difference accessing legal services from an Indigenous legal worker rather than from a non-Indigenous legal worker. A client provided the following explanation, “An Indigenous person knows us and our culture. They might understand our situation so we don’t need to explain as much. You could say something generic about my “condition” and an Indigenous worker would pick up on what you needed and refer you to an appropriate service. A non-Indigenous person might be climbing up on your personal issues or just look at you as another client.” Clients expressed comfort at working with another Indigenous person, whom they trusted to disclose personal and sensitive information. As demonstrated by this client, sometimes there is apprehension about sharing one’s personal story, so the ACLW’s ability to establish a trusting relationship with her clients and help them present that information to a lawyer, mediator, or judge goes a long way to reduce the barriers experienced by Indigenous clients.

2. To what extent is the role helping Indigenous people take the next steps towards resolving their legal issues?

85% of clients interviewed required assistance with a court related matter. The ACLW was able to help these clients in various ways to move their case forward. Clients wanting to start a legal proceeding were provided with information, advice, and options which was helpful to map out the process ahead. For clients wanting to take the next step, the ACLW was able to complete/review court pleadings and work with them throughout the process, including court accompaniment.

40% of clients interviewed were accompanied to court. These clients explained that the accompaniment helped move their legal issue forward as the ACLW increased their understanding of the court process, connected them with appropriate services, and provided emotional support during a difficult time. A client summarized the accompaniment as, “It was nice because I was very nervous about the process. The ACLW explained the process to me and let me know what to expect.” Other clients reported that it was a relief to have the ACLW appear with them and know that someone was in their corner supporting them.

30% of clients interviewed noted that they were either a grandmother or aunt accessing the program to apply or vary an order for guardianship. One of these cases did not result in a favourable outcome for the client but she still expressed gratitude to the ACLW for the support received throughout the process. Another grandmother accessing the program reported that she needed to vary an order for guardianship after the death of her adult child. The client appreciated the ACLW’s assistance in drafting the necessary court pleadings, as she was grieving and not in the right frame of mind to draft the documents herself. Both clients noted that it was not unusual for Indigenous grandparents to be raising grandchildren and the ACLW understood this and did not need an explanation.

One client spoke about the importance of accessing culturally competent services as he had previously experienced discrimination and racial profiling while trying to obtain an order for guardianship. He explained his frustration with the legal system and the lawyers he had worked with previously who had made false assumptions about him as an Indigenous man. Accessing the ACLW services was a completely different experience as he described the ACLW going above and beyond to support him. Furthermore, he explained that he was accompanied to court and the ACLW probably didn’t realize how much he needed the support. With the assistance of the ACLW, the client’s application to vary guardianship was successful. He reported that he would never have received the same outcome without the assistance of the ACLW.

50% of the clients interviewed accessed ACLW services after all in-person services were suspended. While clients did not report difficulty connecting with the ALCW, they did report

delays related to the pandemic that either slowed or stopped their case from moving forward. Clients reported the following delays:

- Court closures early in the pandemic.
- Hearing was cancelled.
- Fear of leaving the house to access services during the pandemic.
- Contracting COVID-19 and having to quarantine.
- Opposing party needed to be located and served in another part of the province, and client has been deterred by public health recommendation to avoid non-essential travel.

Finally, 50% of clients interviewed reported that their legal issues were now concluded and without the assistance of the ACLW they either would not achieved the same outcome or it would have taken significantly longer to navigate themselves through the process.

3. To what extent is the ACLW connected to other service providers in the Duncan and Nanaimo areas?

All the clients the ACLW accompanied to court were connected with Family Duty Counsel who provided representation on the day of court. Clients noted that without the ACLW they would not have known that a lawyer was available to speak on their behalf. One client shared that when she appeared in court she was trying to obtain a child support order where the opposing party resided in the United States. In this situation, the ACLW connected the client with both Family Duty Counsel and Family Maintenance Enforcement Program (FMEP) counsel to determine enforcement issues. In the end, Family Duty Counsel was able to speak to the matter and obtain an order enforceable in the United States. The wording of an order is extremely important as a lack of information provided to the court could result in an order being made that FMEP cannot enforce. In this situation, the ACLW connected the client to the appropriate services and enabled her to receive the order she was seeking.

6.0 Program Costs

All expenses related to the ACLW program come out of the Indigenous Services division budget. The totals and estimates are calculated based on the fiscal year from April-March. Program costs have been reviewed for three fiscal years as follows:

Actual costs for 2019/2020

Expense	Actual Cost
Full-time ACLW	\$70,016.86 (includes both salary and benefits)
Part-time supervising lawyer	\$8,693.00
Cellphone	\$3,019.07
Training related expenses	\$780.70
Meals	\$71.75
Travel	\$232.21
Rent (Duncan office)	\$6,213.16
Total	\$89,026.75

Budget for 2020/2021*

Expense	Budget
Full-time ACLW	Salary-\$59,856.00 Benefits-14,800 Total-\$74,656.00
Part-time supervising lawyer	\$8,419.10
Cellphone	\$1,705.07
Rent for Duncan office. There are no expenses related to the office in Nanaimo.	\$4,972.20
Total	\$89,752.37

*actuals not shown as expenses for this fiscal year had not been finalized at the time this report was written.

Budget for 2021/2022

Expense	Budget
Full-time ACLW	Salary-\$62,001 Benefits-\$14,947 Total-\$76,948
Part-time supervising lawyer	\$45,002.72 *
Cellphone for ACLW	\$1,705.07
Rent for Duncan office. There are no expenses related to the office in Nanaimo.	\$4,972.20
Total	\$126,335.99

*The supervising lawyer is able to bill up to 28 hours per month so the budget reflects the maximum amount that can be billed for the year. As previously noted, prior to the pandemic the supervising lawyer and ACLW met in person on a quarterly basis, so these projected expenses are also included in supervision costs for the 2021/2022 budget.

There will likely be a surplus in 2020/2021 and 2021/2022 as the legal supervisor typically bills 10 hours per month rather than the 28 hours allotted. This surplus may provide an opportunity to expand into supervision for civil matters where the ACLW is currently not receiving any legal supervision.

7.0 Conclusion & Recommendations

This evaluation demonstrates that the ACLW program in Duncan and Nanaimo is valued both by community stakeholders and clients of the program. A word commonly used during this evaluation has been “bridge” which summarizes how the ACLW connects the Indigenous communities in and around Duncan and Nanaimo to the justice system. The program provides clients with a path to navigate the obstacles that appear in the form of complex court pleadings and court processes that are often not understood by self-represented litigants. Many of the clients interviewed reported that they would not have pursued and/or concluded their legal case without the support and guidance of the ACLW. The ACLW plays an active role in court by navigating clients, connecting them with Family Duty Counsel, and then debriefing and checking-in with them after court. The ACLW is well connected to the Duncan Provincial Court where court staff, judges, and Duty Counsel are all familiar with the ACLW and refer clients to the program where appropriate.

A representative sample of clients were interviewed who all echoed a positive experience with the ACLW program. It appears that the program was making strides with outreach during 2019/2020 but the onset of the Covid-19 pandemic suspended all outreach initiatives. The interviews and surveys did show a need for continued outreach to increase the profile and awareness of the program.

No analysis/recommendations can be made regarding program outcomes as limited statistical information is collected by the program. The recommendations provided below are operational in nature and will assist the program to start tracking outcomes in the future. The recommendations are intended to support the program to centralize client files, reduce administrative work, enhance skill building/training, develop outreach services once in-person services resume, and support legal supervision for civil issues.

Measuring Outcomes

1. Develop a logic model for the program. Establishing short/medium/long term outcomes will help create a standard for the program. Then a system can be developed to record statistical information that will track program outcomes. Tracking program outcomes is also important if the program intends to expand in the future.
2. Create a process for collecting statistical information. There is valuable data that can be collected to capture how the program is operating i.e. new clients accessing the program, clients assisted with a Legal Aid application and/or appeal, number of court accompaniments, number of new clients assisted during court outreach, appointments, referrals made per file, and outcomes.

Administrative Support

3. Consider an electronic integrated case management system to centralize files and move to a completely electronic system. Depending on the package purchased, these systems can also generate statistical reports and monitor conflict checks (recommendations # 2 & 5).
4. Consider DivorceMATE software. DivorceMATE would allow the forms to be auto filled after a client profile is created. This software would significantly reduce the time required to draft pleadings.
5. Strengthen the conflict check system. Many case management systems are designed with a built-in comprehensive conflict check system and can alert the user of a potential conflict.
6. Consistently record client consent in the client file. To avoid any potential breaches of confidentiality the case notes must consistently record where consent to speak to with third parties has been obtained. Alternatively, a consent form could be created and kept in the file that records consent for communication with third parties.

Training/Networking

7. Attend family law trainings including but not limited to the 2-week Law Foundation training for family law advocates. Increased training will greatly assist the ACLW especially with the upcoming changes to the Divorce Act and Supreme Court forms, and should include training on court forms.
8. Expand the ACLW's network to family law advocates. There is a large community of family law advocates around the province and the ACLW would benefit from connecting with these advocates (especially those working on Vancouver Island). There is a monthly advocate's meeting coordinated by Rise Women's Legal Centre where advocates meet remotely to discuss ongoing issues, trends in their community, and review changes to court rules/procedures etc. It is recommended that the ACLW attend the monthly advocates meetings when possible to support her work.

Outreach

9. Develop an outreach plan/strategy for when in-person services resume. After a year of working remotely, it will be beneficial to re-connect and re-educate stakeholders and clients about the program.

10. Reduce reliance on Facebook to promote services. Although Facebook has served as a means of promoting the program during the pandemic, alternative forms of outreach should be explored when the program resumes in-person services.

Legal Supervision

11. Support the ACLW with legal supervision for civil matters as in addition to family law matters. This will increase the ACLW's ability to assist clients with civil matters including power of attorney, wills and estates, day school applications, and 60's scoop applications. A surplus in the program budget might provide an opportunity to expand legal supervision for the ACLW.

Appendix A: Interview Questions for ACLW

I would like to start by thanking you for your time and participating in this evaluation process. I would like to emphasize that this evaluation is a review of the ACLW program and not a performance review of your work. I will provide opportunities for you to share what is working, challenges, and areas where the program could be improved. I am aware that service delivery has been impacted since the COVID-19 pandemic so some of my questions will be focused around service delivery since March 2020. The interview will be recorded so that I can focus my attention on our interview. I will destroy the recording once I have transcribed the interview. If you have any questions please let me know otherwise I will proceed with the interview.

PART A: Services Provided

1. How would you describe your role in the community?
2. What are the benefits of your role to the Indigenous community?
3. What are the most common types of legal issues you assist with?
4. Following up from the last question, how do you usually assist clients? (i.e. providing legal information, complete court forms, accompany clients to court etc.)
5. What types of court documents and/or forms do you draft for clients?
6. For Court related matters do you find that you assist with more Provincial Court matters or Supreme Court matters?

PART B: Role in Court (prior to the pandemic)

7. How often do you attend Court with clients?
8. Typically, what is your role in Court?
9. Do you experience any challenges when you attend Court, and if so could you please elaborate on these challenges? (i.e. judge not allowing you to sit with your client, not allowed to accompany client to an FCC or JCC, or opposing counsel refusing to communicate with you etc.)

10. Are court services and judges/masters aware of your role? If so, how does that help you in your role?
11. How often do you connect with the Native Courtworker(s) and how do you work with them?
12. How often do you connect with Family Duty Counsel and how do you work with them?

PART C: Client Stories (opportunity for Anita to share client stories. Any client identifying information will be removed if incorporated into final report)

13. Can you provide an example of a client file you worked on where you were happy about the outcome of the case and outline the steps that were taken to assist the client?
14. In comparison, can you provide an example of a client file you worked on where you were disappointed about the outcome of the case and outline any challenges you experienced working on the file?

PART D: Outreach (prior to the pandemic)

15. What type of workshops do you organize and for whom?
16. What types of outreach activities do you do?
17. How would you describe the benefits of those activities?
18. What is your perception of outreach services? (i.e. it is underutilized, not enough time for outreach etc.)

PART E: Supervision

19. What kind of support do you receive from your supervisor?
20. What kind of supervision do you receive from your supervising lawyer?
21. How often do you connect with your supervising lawyer?
22. Do you experience any challenges receiving supervision remotely? If so, could you provide any suggestions on how supervision could be improved?

PART F: Adapting Services During COVID-19-Pandemic

23. How have you adapted in-person services since the onset of the COVID-19 pandemic?
24. How have you incorporated technology into service delivery?
25. Following up from the last question, have clients been able to adapt to using technology. If not, please explain the challenges?

PART G: Accessibility of Services

26. Do you think that your offices are easily accessible for clients? (ask about proximity to public transit, and accessibility for clients with physical disabilities)
27. In your experience, do you think it is important that the ACLW is Indigenous? If yes, please explain how this impacts their role working with Indigenous clients?
28. Are you aware of any local services that provide a similar role to the ACLW and if so what service(s) do they provide?

PART H: Closing

29. Overall, what do you enjoy most about your job?
30. What is the most challenging aspect of your job?
31. Can you identify legal issues or other types of assistance that clients commonly raise where you cannot provide assistance? What are those issues?
32. If there was an opportunity to expand the ACLW position in the future would you have any suggestions for expansion of services?

End interview and thank ACLW for her time.

Notes:

- a. Follow up with Anita and answer any questions about the evaluation process.
- b. Review stakeholder survey list with Anita to determine if additional stakeholders should be surveyed.

Appendix B: Interview Questions for ACLW Supervisors

I would like to start by thanking you for your time and participating in this evaluation process. I would like to emphasize that this evaluation is a review of the Aboriginal Community Legal Worker (ACLW) program and not a performance review of Anita. I will provide opportunities for you to share what is working, challenges, and areas where the program could be improved. I am aware that service delivery has been impacted since the COVID-19 pandemic so some of my questions will be focused around service delivery since March 2020. The interview will be recorded so that I can focus my attention on our interview. I will destroy the recording once I have transcribed the interview. If you have any questions please let me know otherwise I will proceed with the interview.

PART A: General Questions

1. How would you describe the role of the ACLW?
2. How do you support Anita in her work?
3. What are the benefits of the ACLW to the communities of Nanaimo and Duncan?
4. Can you identify any limitations of the ACLW role?
5. Following up, can you identify any challenges that prevents Anita from being able to assist her clients?
6. Do you experience any difficulties providing supervision remotely? If so, please explain
7. As far as you know, is the Indigenous community aware of the ACLW and do you think the community is fully utilizing the service?

PART B: Impact of COVID-19 Pandemic

8. In your opinion, how has the COVID-19 pandemic impacted service delivery?
9. Has Anita reported difficulties connecting with her clients since the onset of the COVID-19 pandemic, and if so how have you provided support and supervision?
10. Has Anita reported a shift or change in the types of legal issues she is assisting with since March 2020?

PART 3: Closing

11. In closing, do you have any recommendations/suggestions on how the service could be improved?

End interview and thank supervisor for their time.

Appendix C: Stakeholder Survey Questions

Introduction

Legal Aid BC (LABC) is conducting an evaluation of their Aboriginal Community Legal Worker Program. This position is currently held by Anita Paige. You have been contacted as you have been identified as a service provider in the Nanaimo or Duncan area. LABC is requesting your participation in a confidential online survey that should take less than 5 minutes to complete. Any feedback provided is most appreciated and will assist LABC to continue improving services for marginalized British Columbians.

At the end of the survey you will have an opportunity to select a \$25.00 e-gift card to Tim Hortons or Starbucks (please complete the last question so we can send you the e-gift card once the survey closes).

If you have any questions regarding the evaluation process then please contact LABC's Evaluations and Policy Coordinator, Rupi Sahota at Rupinder.Sahota@legalaid.bc.ca.

1. Which community is your office located?
 - A. Nanaimo
 - B. Duncan

2. Do you work for an Indigenous agency or agency with primarily Indigenous clientele?
 - A. Yes
 - B. No

3. Were you aware that the Aboriginal Community Legal Worker is a program offered by Legal Aid BC?
 - A. Yes
 - B. No

4. How would you describe the role of the Aboriginal Community Worker in your community?
(open ended response)

5. In your opinion, what is the need in your community for the services of the Aboriginal Community Worker?
 - A. There is a real need for this service in our community
 - B. Do not feel strongly either way
 - C. There is no need for this service

6. In your opinion, are these services easily accessible to the Indigenous community?
 - A. Yes
 - B. No, please indicate how accessibility could be improved?
 - C. Don't know

7. Is there a similar service available in your community?
 - A. Yes, please indicate which service
 - B. No
 - C. I am not sure

8. Over the last 2 years how frequently have you referred individuals to the Aboriginal Community Legal Worker?
 - a. I have referred frequently
 - b. Sometimes
 - c. Not that often
 - d. I have never referred anyone to the service

9. In your opinion, how is the service helping individuals the most? (open ended response)

10. Do you have any suggestions on how the service could be improved? (open ended response)

11. Any additional comments or feedback regarding this service that you would like to share with LABC? (open ended response)

Thank you for your participation in this online survey. You are eligible to receive a \$25.00 e-gift card to either Tim Hortons or Starbucks. Please enter your e-mail address and select the gift card you would like to receive. The e-gift cards will be sent out after January 04, 2021.

Appendix D: Client Interview Questions

I would like to start off by thanking you for your time and participation in this evaluation. The purpose of this interview is to discuss the services you received from the Aboriginal Community Legal Worker (ACLW). As we proceed if there are any questions that you are not comfortable with please let me know and I will skip that question. Similarly, if you wish to stop the interview please let me know. This interview will be recorded so that I can focus on your interview. The recording will be destroyed once the interview has been transcribed. If you have any questions please let me know otherwise I will proceed with the interview.

PART A: Services Received

1. How did you hear about the ACLW?
2. When you first contacted the ACLW for assistance can you recall if you were contacted in a timely manner for an intake or first appointment?
3. How was the ACLW able to assist you? (ask for details about forms/documents completed, information/advice provided)
4. What is happening with your legal issue now?
5. Is there any part of your case that the ACLW could not assist with? Please explain.
6. Did the ACLW refer you to someone else for assistance with your legal issues? If yes, who?
7. Do you know of any services in your community where you could obtain similar assistance with your legal issues? If yes, please name the service.

PART B: Accompaniments (This section may not be applicable to all clients. If the client did not require accompaniment(s) then skip this section).

8. Did the ACLW accompany you to any appointments or court appearances prior to the COVID-19 pandemic? If yes, please explain.

9. If the ACLW attended Court, how did she assist you? (i.e. organizing your documents, sitting with you for moral support, taking notes, speaking to the judge, speaking with opposing counsel, or connecting you with family duty counsel)
10. Did you find the accompaniment(s) helpful? Please explain.

PART 3: Accessibility (Clarify with client that this section applies to services obtained prior to March 2020. If services were only accessed after March 2020 then skip to PART 4).

11. Which office(s) did you meet the ACLW? Circle the applicable office(s)

Duncan	Duncan	Nanaimo	Other
Near Courthouse	Quw'utsun' Cultural Centre	JAC	Identify location

12. Did you experience any difficulty accessing the office(s)? (i.e. not located on a transit route, no wheelchair ramps etc.) If yes, could you explain any challenges?

PART 4: Accessing Services During COVID-19-Pandemic (These questions will only be asked if client accessed services after March 2020).

13. Have you experienced any challenges accessing ACLW services since the COVID-19 pandemic started?
14. Are you able to connect with the ACLW for telephone or videoconferencing meetings?
15. Has your legal case been impacted by the COVID-19 pandemic? If yes, please explain.

PART 5: Closing

16. Do you think you would have received the same outcome if you were not assisted by the ACLW? If not, please explain.
17. Overall, how satisfied have you been with the services received? Circle the appropriate response.

Very Satisfied Satisfied Neither Satisfied Dissatisfied Dissatisfied Very Dissatisfied

18. Do you have any suggestions for how the ALCW's services could be improved?

19. Is it important that an Indigenous person is available to help you with your legal issues?
Explain

20. As we approach the end of the interview is there anything else you would like to share about the services you received from the ACLW?

End interview and thank client for their time.

Notes:

- a. If the terminology, ACLW is confusing for the client then replace ACLW with Anita.
- b. Answer any questions the client may have before, during, or after the interview.
- c. Confirm gift card option.