

THE EVOLUTION OF LEGAL AID IN NOVA SCOTIA



MEGAN
LONGLEY
Nova Scotia
Legal Aid

From the time legal aid plans began to emerge in Canada, legal aid and access to justice have been inextricably linked. The belief that ensuring those who are most disadvantaged and vulnerable in our society can access legal services remains necessary to ensuring an inclusive justice system. From the beginning legal aid plans have not only provided direct service for criminal, family and civil matters but have also worked to advance civil rights through strategic litigation and law reform. Facilitating the exercise of legal rights by those who are economically or historically marginalized, usually against the social policies of the government or where government is the opposing party, is something greater than a business transaction. In the words of Gord Murray, QC, Nova Scotia Legal Aid's founding Executive Director, "Legal aid is a movement."

It is noteworthy that at the moment of writing this article, the first comprehensive amendments to the Legal Aid Act have passed third reading, and expressly state as part of the legislated objects of the Commission: "s.5B (b) improve access to justice for Nova Scotians."

As legal aid has matured and 'A2J' has become a common part of the vernacular,

legal aid plans have by necessity, adopted bureaucratic processes that include detailed policy and protocol management along with significant consideration given to budget control to ensure they operate efficiently and effectively as good stewards of public monies. However, this has not meant a shift in purpose as legal aid needs to remain at the forefront of system change. The focus must be on the people who need to use the system. Meaningful access to justice for people engaging with these systems is dependent upon ensuring that all people can not only equally access the systems but challenge them where necessary. This is particularly true for members of immigrant, indigenous, racialized, rural, disabled, and other vulnerable groups who have been economically and historically marginalized.

Changing systems sometimes happens in slow, almost imperceptible ways, and sometimes in ways that are bold and shocking. Either way, legal aid is often there helping individuals and impacting communities and the whole justice system. By pushing boundaries and bringing forward big ideas, we have Courts now regularly accepting evidence of cultural impact in matters where African Nova Scotians are appearing before criminal courts; Courts recognizing that poverty does not equate with bad parenting in child protection matters; and a ruling that people with intellectual disabilities have the right to live in their communities in a manner that is the most inclusive and

least restrictive. All of these examples see people who have experienced more barriers to justice than access.

Legal aid is also found outside of courts endeavouring to reach people who may never otherwise book an office appointment, or who may not even define the challenges in their lives as legal issues. You can find lawyers and staff available to Nova Scotians where they live or access other supports: in First Nations communities, in women's centres, and at community roundtables. Legal aid lawyers give advice and information to people appearing without lawyers in every family and criminal court in the province. Social workers support Mi'kmaq and African Nova Scotian clients in their pursuit of justice. An early intervention team of lawyers and staff offer advice to parents as soon as government social workers become involved in their parenting to help keep matters out of court and children with their families.

These initiatives and improvements to justice systems would not happen if those who work here thought of Nova Scotia Legal Aid as just another government funded service. So every day I go back to the words of Gord Murray who reminds us that today's legal aid plan is administratively more efficient and accountable than in the past, but it must not rely only on accounting and analytics but also on the collective social conscience of those who believe in or work for legal aid.