



Legal Aid Manitoba

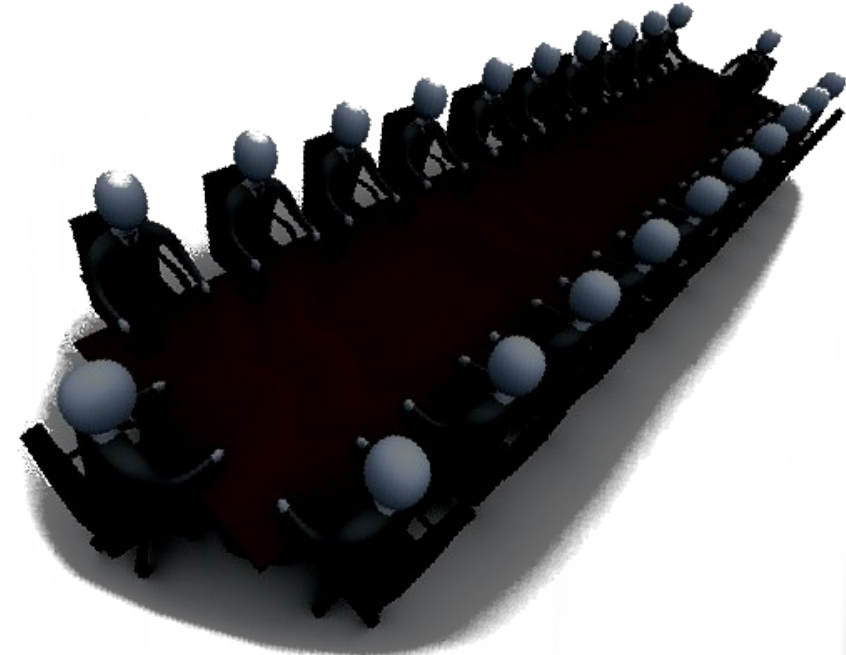
Delivering Access to Justice

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Who Are We

- Created by Act - *Legal Aid Manitoba Act*
- We are part of government but NOT part of Government. We are an Arm's Length part of Justice.



Website: www.legalaid.mb.ca

“I think legal aid is essential to the justice system, to make sure that the justice system is strong and fair...”

-THE RIGHT HONOURABLE RICHARD WAGNER
Chief Justice of the Supreme Court of Canada

Delivering Access to Justice

Our Mandate

- The LAM Act requires that we:
 - provide quality legal advice and representation to eligible, low-income individuals and groups;
 - administer the delivery of legal aid in a cost-effective and efficient manner;
 - provide advice to the Minister on legal aid generally and the specific legal needs of low income individuals; and
- We serve clients through a mixed model of Staff and Private Bar Lawyers

Mixed Model Delivery

Legal Aid Manitoba uses both staff and Private Bar Counsel to deliver our services. Both compete for service delivery ensuring quality service.

LAM has 8 offices within Winnipeg and 4 offices located in Brandon, Dauphin, The Pas and Thompson.

Over 300 Private Bar Counsel work under either Contracts or via Certificates

Services we Deliver

Legal Aid Manitoba provides services primarily three ways:

- **Formal Representation** – provide a lawyer to deal with a particular legal issue. Certificate
- **Duty Counsel** – Initial information and advice provided at early appearances at court.
- **In person or telephone advice** – usually provided when a person is arrested.

Financial Qualification

| Family Size | "Free" Legal Aid Gross Family Income | Agreement to Pay Gross Family Income | Poverty Line [2020 Stats Canada Low-Income Cut Off (LICO) before tax] |
|-------------|---|---|---|
| 1 | \$0 - 26,500 | \$26,500 - 38,500 | \$25,920 |
| 2 | \$0 - 33,000 | \$33,000 - 51,000 | \$32,270 |
| 3 | \$0 - 40,500 | \$40,500 - 59,500 | \$39,672 |
| 4 | \$0 - 49,200 | \$49,200 - 69,200 | \$48,166 |
| 5 | \$0 - 56,000 | \$56,000 - 76,000 | \$54,630 |
| 6 | \$0 - 63,000 | \$63,000 - 83,000 | \$61,612 |
| More than 6 | \$0 - 70,000 | \$70,000 - 90,000 | \$68,598 |

Areas of Coverage – Family Law

Legal Aid Manitoba provides assistance on a range of family law issues:



Areas of Coverage

- Where there is no pre-existing order or agreement:
 - Decision making responsibility
 - Parenting time
 - Child support
 - Spousal support where the spouse had no real independent income during the lifetime of the marriage (wholly dependent)
 - Declaration of parentage is required to determine child support

Areas of Coverage

- Variations may be covered where:
 - The order is dated and there are significant changes in the circumstances.
 - Parenting time is denied or seriously restricted contrary to a valid court order.
 - Decision making responsibility or parenting time are in issue and there is evidence that the physical or psychological well being of a child is at risk.

Areas of Coverage

- Divorce only if the parties have been separated for a year.
- Defending Child Support Arrears where there is a reasonable likelihood of success.
- Grandparent seeking a contact order where the grandparent can show a strong relationship to the child.
- Guardianship is contested and there is a likelihood of success.
- Adoption proceedings are opposed and the applicant can show there is a reasonable likelihood they would be granted decision making responsibility or parenting time.
- Defending the setting aside of, or applying to set aside a Protection Order.

We do not cover

- Property division
- Divorces where the applicant alleges cruelty or infidelity
- Seeking a Protection Order
- Setting aside a Protection Order you sought
- Stand alone Sole Occupancy or Prevention Orders
- The cost of drug testing, Supervised Access Centres or counselling.

What is included in Formal Representation

A lawyer who is acting under a certificate is not appointed to do whatever the client asks. They have legal obligations to LAM and the Courts:

- Counsel must attempt to resolve the matter through negotiations first;
- Only if all other attempts fail, and there is a likelihood of success will counsel be authorized to go to trial.
- Counsel must be honest with the court and not withhold information which the court would deem important.

Counsel have an obligation to explain the process to the client and explain the options within the law.

Questions

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