



A Women's Right to Legal Representation: a critical examination of Legal Aid in BC.

Prepared for Battered Women's Support Services
With funding from the Law Foundation of British Columbia
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Executive Summary:

Adequate legal representation for women engaged in the family legal system in British Columbia is integral to any healthy community. Healthy and safe communities take into account the rights and needs of women who are often the most vulnerable in family breakdowns. Effective legal representation in the area of family law is especially important for women who are considering leaving or who are in the process of leaving an abusive relationship. Women who are seeking assistance from Battered Women Support Services (hereinafter BWSS) who are accessing the current BC Legal Aid system are often dissatisfied. Specifically, they state that they are ineligible, or alternatively if they are eligible, they are not satisfied with the time lawyers spent with them, they do not feel heard or respected and they report that the effect (s) of violence on the family are often left out of the legal proceedings.

As other reports and discussions have stated¹, the cuts to Legal Aid are violating women's constitutional rights to be considered equal before and under the law. While the violation is not blatantly stated in any legislation, in practise, women are disadvantaged by Legal Aid in BC by their policies of eliminating poverty and most family law representation. These areas of law are mostly women specific. While we want to believe that our society has turned away from patriarchal values, BWSS women can attest to the fact that these values are very much alive and they are experienced in courtrooms, police interactions and legal offices. Final recommendations in the report include proposed changes to Legal Aid so that women who need their legal assistance can receive it. Other recommendations include legal and political strategies that can be employed by BWSS, their women and others to mobilize change in the way family law is handled in BC.

Key areas reported from research where Legal Aid needs to be improved are: 1) more money allocated to LSS, and more lawyers for women, 2) raising the income allowances for women who are accessing Legal Aid, 3) providing lawyers who are educated about the effects of violence, specifically about the dynamics of power in abusive relationships and how the court process can perpetuate the cycle, and 4) implementing a sliding fee scale for lawyers where women can pay what they can, subsidized by Legal Aid.

Political and Legal strategies for BWSS are also discussed in this report and encompass lobbying, strategizing and working with others in order to have the disparity for women's access to Legal Aid for family law addressed and changed in BC.

¹ See Canadian Centre for Policy Alternatives, Press release September 25, 2004 "Women pay the price of Legal Aid cuts and Brewin, Alison. *Legal Aid Denied: Women and the cuts to Legal Services in BC* September 2004 CCPA and West Coast Leaf (2004) online at <http://www.policyalternatives.ca>

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"I would like to contribute something to my legal situation; I could afford a sliding scale fee for legal advice and representation. As it is now, either you have nothing and you might get help or you pay for private lawyer. Who can afford a private lawyer? There is nothing for in-between."²

Introduction:

The impetus for this project arose out of discussions between BWSS staff and women accessing the BWSS Legal Advocate Program³. Women seeking help from BWSS reported many problems with family law and Legal Aid. Many women were having difficulties in accessing legal representation that could address their legal issues and also took into account their experiences of violence from intimate partners, and they also had to deal with the complication of their abusive partners manipulating the legal system to further the abuse. BWSS made it a priority to engage in law reform, and applied to the Law Foundation of BC to hire a law student to research and make recommendations. A second year law student from UBC was hired in May 2008 through the Public Interest Law Student Project. And the UBC Legal Project was born.

The family law system in British Columbia is complicated and expensive. For women who are leaving abusive relationships, the complication of dealing with the power/control issues of a violent spouse, makes dealing with legal system more difficult. Many women are the primary caregivers of children, and as such, may not work outside the home. Many women who do work outside the home do not make enough to pay for a lawyer but their income makes them ineligible for legal aid. They are then forced to represent themselves if they cannot find an advocate or a pro-bono lawyer. Some women give up and stay with their abuser because it is easier than leaving.

"It would have been easier to stay with the abuser and not deal with the courts and the painful separation".

Women leaving abusive relationships have to make many critical decisions such as: where they will live after they leave, find protection for themselves and their children and start a new life. From the first decision to leave, a woman has to determine how she will support herself and her children. Women may also have the additional impact of a former spouse using the courts against her. In many of the cases seen at BWSS, men use the court process to harass, degrade and force women to concede to their demands. Problems reported to BWSS include:

² Quotes used in this report were taken from interviews conducted as part of this project. They are anonymous to protect the women.

³ The BWSS Legal Advocacy program provides support, advocacy, information and accompaniment to women who have experienced violence and who are involved in the legal system. They also provide advocacy with other systems, including social assistance and child protection.

threats of violence if woman applies for a divorce or leaves the abuser, unsafe access granted to children when women have to keep in contact with violent spouses, men refusing to pay child support even after court orders to do so, and custody battles based more on control than on the best interests of the “family”⁴.

“I was told [by a lawyer] to be quiet about the abuse and just settle so I could get child support, meanwhile providing access to my child violated a peace bond I had stemming from the assault charges against my abuser”

Providing access to children can put women in direct danger from their abusive ex-partners as the spouses know where they live, threaten them at drop off points and continue to harass them. The emotional and spiritual abuse faced by women is just as damaging. Children are often present when this abuse is happening so they are directly affected.

One woman who attended the workshop conducted as part of this research had her child removed by the Ministry of Children and Families because of the violence in her home perpetrated by her abuser. Later she was asked to attend mediation for child custody. However, as stated by the BC Dispute Resolution Office, mediation is probably not appropriate when, “there is a threat of violence between any of the parties”⁵. To make matters worse, the woman had to prove to the Ministry that she had a good income so she could provide for her son but for Legal Aid she had to show she was low-income.

“I felt like I was in a catch 22, I had to prove I could provide for my son to the Ministry, but I had to look poor to qualify for Legal Aid. All of this strife was directly caused by my husband’s violence” J.

Sometimes it can seem easier to stay in abusive situations than deal with the bureaucracy in the legal system. But many women decide to leave anyway because they want better lives for themselves and their children. They want a life free of violence, and they want their children to grow up violence free as well. It is cases like above and others, where the impacts of violence are not taken into account while providing legal services to women leaving abusive relationships that leads to unjust outcomes for women who are parties in family law cases in BC.

⁴ The legal principle of the “best interest of the child” is well established in Canadian/BC jurisprudence. The term in the “best interest of the Family” is the term used in this report to describe equality and fairness principles that respect both women and children while protecting them from violence.

⁵ Ministry of Attorney General, Guide to Mediation in BC, online at <http://www.ag.gov.bc.ca/dro/mediation-in-bc/index.htm>

Methodology:

"I was denied legal aid because my monthly income was 50.00\$ over the income limit. Does anyone know of a lawyer I can hire for 50.00\$ a month?"

Since the inception of the UBC Legal Project, the law student looked at the following issues:

- 1) Examine how family law cases differ when women do or do not have access to legal representation or support.
- 2) Uncover barriers in legal processes and programs that are postulated to help women from a legal perspective.
- 3) Establish the viability of current legal aid options and demonstrate how legal avenues may be exploited by abusers to ensure ongoing oppression of women.
- 4) Examine cuts and revisions in family law that have a particular impact on immigrant, aboriginal and other marginalized women in community.

The researcher conducted reviews of existing reports and research on family law and the impacts of Legal Aid cuts on BC women to determine if the issues have changed since the drastic Legal Aid cuts took place. This review shows that the lack of proper legal help for women in BC has been a problem for the past ten years.⁶ If anything the situation is worse because Legal Aid access has been restricted even further.

Three sources were used in this project: first was a survey of BWSS Legal Advocate files for 2007/2008, second was a workshop conducted at BWSS where women were asked specifically about their experiences dealing with legal aid and third were follow-up phone interviews conducted with the 2007/2008 Legal Advocate files. Additional informal discussions were conducted with knowledgeable people in the field to guide scope of the report.

Review of Previous Research:

⁶ Jay, Suzanne. "Cuts to Legal Aid undermine battered women's access to courts" November 1998 online at: <http://www.rapereliefshelter.bc.ca/issues/lacuts.html>

The impact of Legal Aid cuts in BC and its impact on women are well documented. In 1998, Vancouver Rape Relief and Women's Shelter released a statement about Legal Aid cuts in 1998 and this statement confirms the same problems discussed in this report.⁷ Some of the continuing issues are:

- Women trying to protect children from an abusive man are required to prove "violence" and safety issues in order to vary court orders related to custody and /or access.
- Women are forced to expose violence or abuse in order to qualify for legal aid.
- Cuts to legal aid, redirection of money to family justice centers and the emphasis on mediation has put women in position of negotiating with an abusive and controlling man in mediation.
- Fewer lawyers accept legal aid funded clients or must make other better funded clients their priority. There simply is not enough money in legal aid to make it worth their time. As a result, women who do get legal aid, are left without proper access to their lawyers and much less options when choosing their lawyer.⁸

While these observations were made over ten years ago by Vancouver Rape Relief, the same problems exist today. If anything, the situation is worse, because there was more funding in 1998 for Legal Services Society than there is now. This means that fewer women are now getting qualified legal aid lawyers for their family law cases. While Vancouver Rape Relief discusses undermining women's equality rights with potential legal aid cuts, it is supposed that in the present time, the undermining of a women's right has turned into a violation of the right to be considered equal before and under the law with respect to legal aid help for family law.

Constitutional rights for all Canadians were promised in 1982 by the Trudeau government. Since 1982, years of jurisprudence have interpreted the Charter of Rights and Freedoms and what our rights truly are. Section 15 (1) of the Charter guarantees that:

"Every individual is equal before and under the law
and has the right to the equal protection of the law
without discrimination and, in particular, without
discrimination based on race, national or ethnic origin,
colour, religion, sex, age or mental or physical
disability."⁹

⁷ Suzanna, Jay. Cuts to Legal Aid undermine battered women's access to courts. November 1998 online at :<http://www.rapereliefshelter.bc.ca/issues/lacuts.html>

⁸ ibid.

⁹ Canadian Charter of Rights and Freedoms, R.S.C, 1985 Appendix II, No. 44 see also Part I (ss. 1 to 34) of the Constitution Act, 1982.

While Charter equality rights guarantee that every individual is equal before and under the law, for battered women in BC, these rights are not being recognized and exercised. While it is not expressly said in any legislation, “do not give women equality rights in the area of family law and legal aid”, governmental policies have the effect of making family law and legal aid inaccessible and unequal for women in BC. Since 1998, many women’s organization have been discussing equality rights and cuts to legal aid.¹⁰ These reports and studies all discuss women constitutional rights to legal aid and how these rights are being violated by current governmental policies and practises. Sadly, nothing has changed and women’s rights are still being violated without access to Legal Aid.

While this report did not start out as a Constitutional discussion, after all the research has been completed and analyzed with respect to BWSS women and Legal Aid, the same conclusions have been reached, women who have the right to be considered equal before and under the law, guaranteed by the Constitution of Canada, are not able to fully realize and exercise these rights.

While some proposed changes are taking place in the field of family law in BC, we have yet to see the effect of these changes. Two of the proposed changes include: Family Relations Act amendments and family court amendments.

Current framework:

- 1) Family Relations Act (FRA) amendments¹¹---Consultations are currently being done, and new rules are proposed to make the FRA act friendlier to lay people. Some of the proposed changes are to: make one set of rules for all family law cases with the exception of child protection, make family forms and procedures understandable to the unrepresented litigant (s). While these proposals are good they still don’t guarantee a women’s equality rights to the family court system. Even if forms are easier to read, if the women doesn’t have a lawyer and is not approved for legal aid, she is still left without equal benefit and access to the law.
- 2) Family Justice Reform Working Group¹² (court amendments)--- currently, court rules for family law are being tentatively amended, but how will these amendments affect battered women involved in family law cases? While court rules are being reformed in the FRA and court rules, is it having an impact on current family law related issues such as ineffective representation, lack of funding and support for legal aid in family law for women who are escaping violent relationships? The answer is sadly, no, not yet.

¹⁰ See Access to Justice Denied Women and Legal Aid in BC July 2000, Women access to legal aid coalition, online at http://www.westcoastleaf.org/userfiles/file/wals_final_report_sept_00.pdf

¹¹ BC Family Relations Act amendments, online at: <http://www.ag.gov.bc.ca/legislation/archive.htm#fra>

¹² The Family Justice Reform Working Group, online at: http://www.bcreview.org/working_groups/family_justice/family_justice.asp

Results/findings:

"I had to file for bankruptcy because of the legal fees; I didn't qualify for legal aid and went broke paying for my own"

The 2007/2008 Legal Advocate Files from BWSS are the Legal Advocate Programs confidential files from women who access the program. Included information in the files is: the women's personal information, area of law she seeks help with, status with her abuser and her plan of action. These files were important to survey because they show the patterns in women's dealings with family law, their access to Legal Aid and outcomes in their cases.

- 1. 2007/2008 results of the Legal Advocate files at Battered Women Support Services. The common element for all cases was that each woman was considering leaving or was leaving an abusive relationship.**

Specific information looked for in the files was: 1) was women's issue a family law case, 2) if it was, where was she referred to, 3) did women have a lawyer, 4) if she did have a lawyer, what was the outcome. Some of the women fell into more than one category and is explained in asterisks after the table.

Table 1-Results of 304 women's files

54 women	Referred to Legal Aid (unable to confirm eligibility)
40 women	Referred to Pro-bono lawyers (unable to confirm help received)
10 women	Referred to private lawyers
10 women	Referred to LSLAP (UBC law students)
3 women	Had to self-represent (included in denial of legal aid)
80 women	Approved for Legal Aid
30 women	Women who complained about their legal aid lawyers*
11 women	Women denied legal aid
82 women	Women who were seeking preliminary legal information, didn't qualify for any services or did not have family law issues**
28	Women also had immigration issues

*Of the 30 women who had problems with LA lawyers, some of the reasons were not enough time spent with them, legal issues not fully addressed, lawyer going against their wishes and violence issues ignored.

**some of these women filed their own paperwork with legal advocate, mostly divorces.

2. Telephone interviews conducted with women from the 2007/2008 Legal Advocate files

Questions asked in the phone interviews were: 1) what were the outcomes in the women's case, 2) did she have access to Legal Aid and if she did what were the outcome in those interactions.

Table 2-results of phone interviews-out of 304 women, 43 women answered telephone questions about their experiences with Legal Aid

17	women approved for legal aid and reported negative interactions with Legal Aid*
13	women approved for legal aid and reported positive interactions with Legal Aid
1	woman couldn't get a family lawyer to take her case, and she
8	women didn't access a LA lawyer or were denied LA
1	woman had pending status with LA
2	women abandoned case**
3	women didn't answer because of safety issues on phone
1	Woman choose to self-represent

*negative interactions ranged from: women's wishes not adhered to, legal aid time running out, they felt lawyer was inadequate or unavailable to discuss case, and/or the impact of violence was left out.

**both cases abandoned because legal aid ran out and it was too expensive to have private lawyer.

3. Workshop on Legal Aid, conducted on August 12, 2008 at BWSS.

Women were asked about four areas of Legal Aid

- 1) Accessibility of Legal Aid
- 2) Legal aid lawyers
- 3) Outcomes
- 4) Recommendations

Summary of comments:

Accessibility of Legal Aid

One woman said that police don't take violence against women seriously, compared to Ontario where the woman is originally from, the legal system is less accessible and confusing. While the woman found that the Legal Aid intake was accessible, it was hard to get legal representation that really addressed her issues. Accessibility in her case refers to the intake process of Legal Aid.

One woman had legal representation for mediation over custody, but states that the lawyer wasted time on this process when she knew that mediation wouldn't work with her abusive spouse. Another woman stated that the financial guidelines of Legal Aid are causing women to fall through the cracks. While she barely makes enough to live in Vancouver, she didn't qualify for Legal Aid because her income was above the threshold. She found that the intake process has friendly staff, but needed better access times because she had to take time off work to attend the intake. Woman feels she is being punished by the legal system for leaving her husband.

Legal Aid lawyers

Only one woman had an outcome with her case and she found the lawyer to be knowledgeable and helpful. Another women whose case was still pending, had most of her legal aid time eaten up by a mediation process that she neither wanted nor needed.

Outcomes

Only one woman has an outcome and her experience was positive. The other women have pending outcomes or were denied legal aid.

Recommendations

From the workshop, the following specific recommendations emerged:

- 1) Raise the income cut-off so women can have a liveable income amount before becoming ineligible for Legal Aid.
- 2) Legal Aid lawyers need analysis and training around violence against women. Women should not have to explain the impact of violence against women to their lawyers.
- 3) The different governmental systems should work together, instead of against each other. They should be aware of each other's involvement in the women's cases and the impact of violence in women's and children's lives.
- 4) More funding for Legal Aid in BC.
- 5) There needs to be violence against women analysis for all players in family law: judges, police, psychologists, and lawyers.
- 6) Mediation should not be an option with the power imbalance prevalent in abusive relationships. It uses up Legal Aid funding and is unnecessary.

The women were asked a wrap-up question: "If I could change one thing about Legal Aid, it would be..."

1. I would change the income requirements of Legal Aid to a higher income level.
2. I would make Legal Aid have a sliding fee scale, where I could pay what I can afford for legal representation and have the rest subsidized by legal aid.
3. Lawyers should advocate for the best interest of the caretaker alongside the legal test for “best interests of the child”, interpreting both with an analysis of the impacts of violence against women and children.
4. I would expand services by legal advocates who can answer legal questions, not just Law line that currently in place. Law line is often inaccessible.
5. I would ask that more lawyers do pro-bono work.

UBC Law Student Legal Advice Program (LSLAP) Student Interview:

There were 3 LSLAP students at BWSS for the summer term. The UBC Law Student Legal Advice Program is run by UBC law students and gives free legal advice and representation to low income individuals in the Lower Mainland. I informally interviewed Sarah, a second year UBC Law Student and she found that the clients she sees are often women who have legal aid lawyers but don't feel heard, supported or validated. Little time is spent with them, explaining the law and listening to her wishes. And often, Legal Aid time just runs out.

“I couldn't find a lawyer that wanted to take on my family case, there is simply not enough money involved with Legal Aid to make it worth their time”

Outcomes:

The research has produced some varied and interesting answers to the original four research questions. Following is the results of the research; the questions are answered in as much detail as possible.

1) How do family law cases differ when women do or do not have access to legal representation or support?

In the 2007/2008 file research-Table 1,

- 80 out of 304 women were approved for Legal Aid. This means only 26% of BWSS women had access to a publicly funded lawyer. Out of the 80 women approved for Legal Aid, 30 of them had complaints about their LSS service.

- Stated in another way, only 16% of the BWSS women who wanted Legal Aid were approved and satisfied with their legal representation. This means that 84 % or 254 women did not receive the legal help they needed.

To answer the above question, only 16% of women were approved for and had positive outcomes with Legal Aid services and their family law cases. Therefore, the way family law cases differ when women do or do not have access to legal support and representation is that women who get proper legal representation can make informed, fair and safe decisions in their family law cases. Women who don't get proper legal representation feel they are left without justice, safety and access to the Canadian family legal system. Of the women who had access to a legal aid lawyer, some of their outcomes were: proper and safe access to and for their children, awarding of full or safe joint custody of their children, awarding of fair child and spousal support, legal representation and advice for women's residency applications that are withdrawn by sponsoring spouse when relationships end and representation when dealing with the Ministry of Children and Families when their children are apprehended.

Therefore, to answer the alternative question, outcomes for women when they do not get proper and supportive legal representation and advice are: women are forced to provide unsafe access to their children with their violent ex-spouses, women must share custody with violent, unpredictable ex-spouses who often know where they live, women do not receive fair or just child support and spousal support payments to provide themselves and their children, women are threatened with deportation by their violent spouses, women are forced to take hours of time to access different types of support services to get preliminary advice (working women are losing income in order to access support services), women are forced into mediation services when the power and violence issues make them susceptible to more abuse, women must research and use self-help resources for complex legal problems that should be handled by a lawyer, and women who do have Legal Aid report that they deal with lawyers who do not take violence seriously and leave it out of the proceedings when it is integral to fair legal outcomes for battered women.

Since 84% of BWSS women did not get the legal help they needed, the Legal Aid and family legal systems are violating BWSS women's constitutional rights to equal protection and equal benefit before and under the law¹³ when women are denied Legal Aid in BC. In a recent case¹⁴ brought by the Canadian Bar Association (CBA), the courts were asked to declare that denial of Legal Aid to "Poor People" violated their rights to be considered equal before and under the law. Justice Brenner of the BC Supreme Court denied the CBA's claim on technical and procedural means and the Supreme Court of Canada denied leave

¹³ Canadian Charter of Rights and Freedoms, R.S.C, 1985 Appendix II, No. 44 see also Part I (ss. 1 to 34) of the Constitution Act, 1982.

¹⁴ *Canadian Bar Association v. HMTO et al*, 2006 BCSC 1342

to appeal. This does not mean however, that the denial of Legal Aid cannot be challenged¹⁵. It just means that a different argument can be formulated by another organization or an individual can take up the cause and claim a constitutional violation by denial of Legal Aid services in BC.

In the phone interviews-Table 2:

- While 70% of women interviewed were initially approved for Legal Aid, only 30% of these women were satisfied with their Legal Aid lawyer and legal system in general.
- The other 70% of women who were approved for Legal Aid but were unsatisfied for many of the same reasons listed above in table 1, but emphasis on dissatisfaction was: not being able to find a lawyer who takes Legal Aid referrals, too intimidated by legal process and system to proceed, and some women find that legal aid lawyers don't work for the women's best interest or their wishes but rather try to avoid extra work and pressure women to settle in inappropriate circumstances.
- The 30% of women approved and satisfied with their Legal Aid lawyer and experiences stated that: their experiences were good (many did not want to elaborate on their experiences, just that they were good), one woman found her lawyer very sympathetic and listened to her wishes and another women found process very helpful.

Accordingly, the outcomes for women in the phone interviews when they had access to a Legal Aid lawyer were positive. As stated above, many women did not want to elaborate so reasons for their satisfaction are not known. Women who had negative experiences with Legal Aid expressed dissatisfaction with their lawyers if they found one, because of the actions taken or not taken by lawyers, they found the legal system too time consuming or intimidating and overall the women did not get the outcomes they wanted.

2) Uncover barriers in legal processes and programs that are postulated to help women from a legal perspective.

One of the biggest barriers in legal programs and processes is the lack of access to proper and qualified lawyers who understand the impact of violence on battered women and their children. In the above research from tables 1 and 2, a huge barrier is that women who initially approved for Legal Aid cannot always find a lawyer who will take their case. And if they do find a lawyer who will take their case, it is not often someone who understands both the law and the impact of violence against women.

One of the biggest themes in this report is the difficulty in finding a lawyer who has a feminist analysis of violence against women and can represent them using

¹⁵ See Younes, Diana. The Unheard Case for Civil Legal Aid, August 20, 2008 The Court Osgood Hall law School blog online at <http://www.thecourt.ca/2008/08/20/the-unheard-case-for-civil-legal-aid/>

this analysis. A feminist analysis of violence is the BWSS definition that violence is seen in the context of power and its interconnections among gender, race, class, culture, physical ability, sexual orientation, age. Also emphasized in this analysis is looking at all forms of oppression based on experiences of religion, ethnicity, heritage and colonization on women, especially aboriginal women. Without this analysis, serious issues are overlooked and ignored and gross inadequacies and access to justice occur for women.

In each and every case, women should be able to come properly equipped with legal representation to a courtroom or alternative justice venue that has judges, intermediaries and staff with an informed understanding of violence against women, especially battered women. Battered women are among the most vulnerable people (s) in family law because they are often dealing with multiple issues such as: poverty, single parenthood, race and class oppression, language barriers and emotional turmoil perpetuated by the physical violence inflicted on them.

3) Establish the viability of current legal aid options and demonstrate how legal avenues may be exploited by abusers to ensure ongoing oppression of women.

The current BC Legal Aid system is not viable for BWSS women. 85% of the 2007/2008 BWSS women did not have access to Legal Aid lawyers with whom they were satisfied. Options and avenues for BWSS to tackle this issue are in the recommendations section. The four main themes are: 1) allocate more funds to legal aid in BC, 2) hire and train more lawyers who are educated on violence against women, 3) raise income guidelines for Legal Aid to an income that could actually pay for a lawyer 4) Implement a sliding fee scale for lawyers that could be supplemented by Legal Aid.

The legal avenues exploited by abusers are: filing divorce papers to gain knowledge of women's whereabouts and/or harass women, hiring their own private lawyers and forcing women into court without legal representation, lying in affidavits about violence, hiding income in divorce, and support hearings, harassing women in spite of court orders to leave them alone, withdrawing sponsorship applications, interfering with immigration applications, not paying court appointed child and spousal support, lying to police about violence, and convincing police the woman is abusive as well. Another common avenue exploited by abusers is an application for joint custody not based on spending time with child but not wanting to pay full child support.

Consequently, abusers are getting away with more than just their physical violence. They are continuing the women's oppression through the Canadian legal system which is supposed to protect and mediate in family law cases. What can be done about this? Firstly, workers in the justice system need to be able to

identify and assess situations where there is a battered woman. If a woman says she is a battered woman, then they should believe her and explore ways to accommodate this situation. If the evidence points to an abusive situation, individuals working the legal system should also identify and act accordingly. As the Canadian law and legal system are constantly evolving, it is now time for these systems to be able to recognize and respond to violence against women. The system should not reward abusers with recognition and denial of their behaviour. The system needs to provide more support to its most vulnerable women: battered women, aboriginal women, and immigrant women. This idea directly supports another major theme that came out of this project, which is that all who work in the BC justice system need to be trained to understand the impact of violence against women in their work. It is only with this training that a real impact can be made on just and fair outcomes in family law for battered women.

4) Examine cuts and revisions in family law that have a particular impact on immigrant, aboriginal and other marginalized women in community.

Due to time constraints and lack of specific information in the research, this avenue will be in the recommendations as a viable option for further study.

Strategies:

Legal Strategies for BWSS:

Follow up on Canadian Bar Association test case that asked the courts to find that Legal Aid should be considered a constitutional right. The courts did not rule that this right couldn't be considered, but rather that the Canadian Bar Association was not the right organization to claim the right on behalf of "poor people". Consider bringing a test case that can challenge this issue once again.

Political Strategies for BWSS:

- 1) Specific recommendations to LSS and BC provincial government from BWSS:
 - i. allocate more funds to legal aid in BC,
 - ii. hire and train more lawyers who are educated on violence against women
 - iii. raise income guidelines for Legal Aid to an income that could actually pay for a lawyer.
 - iv. Implement a sliding fee scale for lawyers that could be supplemented by Legal Aid.
- 2) Proposed Mobilization activities:

- i. Collaborate with other organizations who are equally interested in alleviating the crisis that is affecting women who cannot get legal representation in BC. In partnership, strategize how to pressure BC government to change its fiscal decisions that impact Legal Aid.
- ii. Lobby the government to put more money and resources into legal aid system here in BC. Approach MP and MLA of BWSS area, and expand to other areas as well.
- iii. Approach Legal Services Society about concerns that women are having with their Legal Aid lawyers. See what solutions could be proposed and implemented so that all Legal Aid lawyers who represent women who are in abusive relationships are fully informed of the complex dynamics in these situations. Discuss with Legal Services Society appropriate violence awareness for all legal aid lawyers.
- iv. Approach UBC Law about family law classes currently taught, and propose an alternative seminar for students who are interested in the practical issues involved in representing family law clients who are battered, poor and otherwise disadvantaged.
- v. Organize mobilization activities and awareness activities, marches on Commercial Drive and downtown.
- vi. Put on a Legal Aid Awareness fundraiser. Approach politicians, judges, lawyers, businesses and community organization directors to be participants. Challenge governments and businesses to match BWSS with funds raised.
- vii. There is enough research done on the area, cuts to Legal Aid are hurting women in the Vancouver area and BC in general.
- viii. The next BC provincial election is Tuesday, May 12, 2009. Now is the time to mobilize and exert pressure on the BC government to realize and respond to BC's battered women receiving adequate legal representation for their family law cases.