



FAQ & Info Sheet – Legal Aid Test Case Historical 2021 Document Regarding Case Discovery

We have some timely information to share with everyone associated with the CFE, (formerly the Single Mothers' Alliance), since we were founded in 2014. Thank you for taking the time to read and review the information below.

Introduction

For many years, the Single Mothers' Alliance remained a non-profit entirely volunteer run by lone mothers. Thank you for joining the SMA and now the CFE and helping us grow. The determination and tenacity of the mothers who joined us over the years have kept our momentum going. Though we sometimes had fewer resources, funding, time, or energy over the years than we do now, we have always remained dedicated to the legal aid test case we entered in 2017. Since we founded, we have heard from mothers that lack of access to family law legal aid is a crucial issue impacting many who are struggling economically. Mothers have shared that access to legal aid is an issue when relationship breakdown occurs, and is also a life-long challenge, as many navigate raising children and sharing custody with their abuser year after year.

Case Background Information

Single Mothers' Alliance v BC is a constitutional challenge against the Province of BC and the Legal Services Society (now known as Legal Aid BC) for failing to provide adequate family law legal aid to women leaving abusive relationships. A diverse team of lawyers, convened by West Coast LEAF, is providing legal representation to the Single Mothers' Alliance BC and Nicole Bell, a woman whose safety, well-being, and relationship with her children have been jeopardized by a lack of family law legal aid.

The case, launched in April 2017, alleges that BC has a constitutional responsibility under the Charter of Rights and Freedoms to ensure access to the justice system for women who are fleeing violent relationships or facing ongoing abuse from ex-spouses. Our side will argue that BC's legal aid system discriminates against women and children. The case argues that our existing legal aid system violates women's and children's rights to life and security of the person by increasing their risk of exposure to violence and intense stress.

The Province and LSS made applications to the court arguing that the case should not move ahead in whole (Province) or in part (LSS). On August 23, 2019, the court ruled in no uncertain terms that the case can go ahead as intended. The trial is scheduled to take place from March to May 2022.

What is the status of the lawsuit?

Right now, the case is proceeding through the 'discovery' phase. Discovery is a part of the process that happens before a trial. Discovery entails both sides receiving and reviewing documents from each other, and there is the opportunity for each party to cross-examine a witness representing the other party in preparation for trial.

We had to disclose documents, emails, and membership lists to the Province (which is represented by lawyers at the Ministry of the Attorney General) and the Legal Services Society (LSS) through the course of discovery and must continue to do so. In a lawsuit like this, all documents and information the CFE has, and the contents of our database, are potentially 'discoverable' by the other side. All documents are confidential to the lawsuit. Please note that some of the documents we were required to provide in the discovery process have contact information such as telephone numbers or email addresses in them.

How does the lawsuit impact members?

The lawyers for the Province may decide to reach out to CFE members, former members, and/or those who are associated on record with the organization to ask questions.

The good news is that our legal team negotiated that our lead lawyer must be informed if the lawyers from the other side contact someone associated with CFE. We do not know what they will want to find out if they do reach out. They may wish to verify that our members, past or present, have experienced a lack of access to family law legal aid, have 'lived or living' experience of lone motherhood and struggled economically, or live in rural BC. We simply don't know. The Attorney General has access to the data we collected during the Listening Project when we founded, the Legal Aid Listening Campaign, and other recent data and records the CFE has about our lives and realities as lone mothers struggling with poverty, legal aid, housing, child care and other issues in BC.

What are your rights as CFE members and others associated with CFE?

CFE members past and present, and anyone else associated with CFE now or in the past, are not legally obligated to speak to the lawyers for either side in the lawsuit, including the Province. So, if a lawyer does contact you before the trial, whether you choose to respond and what you want to tell them is entirely up to you - the choice is yours. Either side can choose to require a person to testify or provide evidence in court by issuing a court document called a subpoena. However, our legal team has said that they believe this is unlikely to occur.

Representatives of the Centre for Family Equity and the legal team are available to speak or meet via Zoom with any member that wishes to discuss this matter further. We look forward to answering your questions.

To book a personal Zoom or phone call for further discussion please email viveca@centreforequity.ca or call 604-366-1008 to book an appointment.

Thank you for taking the time to read this FAQ.