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TECHNICAL REPORT

**A BRIEF REVIEW OF CRIMINAL
LEGAL AID FINANCIAL
ELIGIBILITY GUIDELINES**

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1.0 INTRODUCTION

The three major factors which affect access to legal aid services are coverage, financial eligibility and accessibility. Coverage defines the offences for which one can receive legal aid. Financial eligibility refers to the income thresholds which determine that applicants with incomes falling below those financial levels can receive legal aid. Accessibility, not to be confused with the more generic term access, refers to a diverse bundle of factors such as geographic location of offices, physical assessibility, availability of services in appropriate languages, and so on.

This paper is concerned with financial eligibility. The federal interest in financial eligibility is derived in part from the federal-provincial cost sharing agreement which states that:

The provincial agency shall determine the financial circumstances under which an applicant for legal aid may be approved as a recipient thereof, but in so doing it shall apply flexible rules that take into account whether the applicant can retain counsel at his own expense without him or his dependents (if any) suffering undue financial hardship such as incurring heavy indebtedness or being required to dispose of modest necessary assets.

As well, the grim fiscal realities are raising serious concerns about the cost of legal aid. Anything affecting the cost of legal aid must be critically assessed. Therefore, the relationship between financial eligibility guidelines and expenditures is an issue which should be examined.

1.1 The Issue

The specific issue that will be addressed in this paper is whether there are any indications that financial eligibility should be a federal legal aid policy issue. This will be approached in two ways. First, the analysis will address the issue of the adequacy of the existing financial eligibility guidelines. The first part of this analysis will relate the provincial guidelines to a recognized low income standard. A second aspect will relate the guidelines to applicants who are refused legal aid, although there are only very limited data in that respect.

Second, the analysis will look briefly at any relationship between financial eligibility and legal aid expenditures.

Other important issues which are not strictly empirical questions are not addressed. Whether or not the federal government should promote uniform access to legal aid in all provinces is a matter of public policy which needs to be addressed. It is assumed on the basis of the section of the current federal-provincial agreement

quoted above that assuring adequate access by those in financial need is a federal issue. The wording of the agreement is not explicit on the issue of whether access should be equal for persons of similar financial means regardless of where they reside in Canada.

1.2 The Exercise of Discretion

The federal provincial agreement allows for the application of "flexible rules" in order to allow for variations in cost of living within and between provinces, and variations in ability to pay among individual applicants. Legal aid plans take into account applicants' income, assets and liabilities on a case-by-case basis in order to determine eligibility. Therefore, there is considerable variability in eligibility determination. This is further compounded because other factors such as coverage enter into eligibility determination.

1.3 Other Complicating Factors

There are other factors which make comparative analysis of financial eligibility guidelines difficult. The guidelines for each province are structured differently. Some are expressed in net income and some in gross income. Various sets of guidelines are expressed in weekly, monthly or annual income. One plan, Legal Aid Manitoba, has three sets of eligibility guidelines. Legal Aid New Brunswick and Northwest Territories Legal Aid have no general financial eligibility guidelines.¹

Because of these factors, and because of the extensive discretion used in determining eligibility, the analysis of financial eligibility guidelines will not allow precise and specific observations. Useful generalizations, however, will be possible.

1.4 Comparison With a National Standard

Provincial legal aid financial eligibility guidelines are frequently assessed in terms of the Statistics Canada low income cut-offs² or the National Council of

¹ Appendix 1 contains all of the provincial financial eligibility guidelines currently in use.

² Statistics Canada, *Low Income Cut-Offs*, Catalogue No. 13-551, Survey of Consumer Finances, January 1995.

Welfare poverty guidelines³. The latter are based on the Statistics Canada figures. On a conceptual level, it is not clear that low income or poverty as defined in the Statistics Canada or the National Council of Welfare data is the level at which one could not afford to pay for legal services without incurring undue hardship. However, a study carried out in 1983 recommended as one viable option that the Statistics Canada low income cut-offs be adopted by Legal Aid Manitoba as the financial eligibility guidelines.⁴

Statistics Canada is careful to avoid the use of the term poverty in describing its low income cut-offs. The cut-offs represent the levels at which individuals or families spend 20 percent more of their income than the Canadian average for food, shelter, and clothing.

The National Council of Welfare poverty guidelines are based on the Statistics Canada figures. Adjustments are made to reflect what the Council considers to be poverty levels.

There is really no clear basis for choosing one or the other as a standard by which the legal aid eligibility guidelines can be assessed. Following Sloan,⁵ the figures produced by the official national statistical agency will be used in this report.

Both the Statistics Canada and the National Council of Welfare figures are constructed on a national basis, and for population size groups ranging from rural to +500,000.⁶ The various provincial legal aid financial eligibility guidelines are set by each province. Only British Columbia uses the Statistics Canada national figures, applying them to the appropriate population size groups within the province. In other provinces the provincial eligibility guidelines are applied to the entire province. Data necessary to distinguish eligibility decisions by population size are not available. This introduces some uncertainty in judging provincial eligibility guidelines according to the national standard. However, keeping the analysis at a sufficiently high level of generality will avoid some of the problem.

³ *Poverty Profile 1992*, National Council of Welfare, Ottawa, Spring 1994.

⁴ Rick L. Sloan, *Financial Eligibility Criteria: A Study of Policy Implementation*, The Social Planning Council of Winnipeg, 1983.

⁵ Rick L. Sloan, 1983.

⁶ The most recent National Council of Welfare poverty guidelines and the Statistics Canada low income cut-offs are shown in Appendix 3.

1.5 Methodology

In order to facilitate comparisons among provincial guidelines several simple adjustments were made (see Appendix 2). Eligibility guidelines expressed as net income were adjusted to reflect gross (pre-tax) income levels. Guidelines expressed in weekly or monthly amounts were converted to annual figures. The original guidelines are shown in Appendix One.

Systematic analysis of legal aid financial eligibility guidelines presents some challenges. As indicated earlier, the operation of discretion in financial eligibility decisions, and the differences in the structures of the various sets of guidelines mitigate against precise comparisons. It would seem, therefore, that presenting numerical or percentage differences to compare the various provincial guidelines would reflect a degree of artificial precision that would mask the true state of affairs.

A more visual or graphic presentation technique will be employed. For each household size, e.g., single individual or couple with one child, a graph will be presented which shows where the relevant provincial guideline for each province falls on a scale bounded by the low (rural) and high (+500,000 population) Statistics Canada low income cut-off for that family size. The fact that the provincial legal aid financial eligibility guidelines are applied in an undifferentiated fashion to all population size groups within provinces, with the exception of British Columbia, makes this a reasonable, if not the only, course of action.

The Statistics Canada low income cut-offs are defined in terms of the number of persons in a household. With the exception of Manitoba and British Columbia, legal aid eligibility guidelines are structured in terms of family composition, e.g., single adults and couples without children and with various numbers of dependent children. The Statistics Canada cut-offs stated in terms of household size had to be matched with the number of persons within different household compositions reflected in the legal aid financial eligibility guidelines.

The positioning of the provincial eligibility guidelines along a scale will then allow at least an ordinal rank ordering of the provincial figures. Summed over all family sizes for each province and divided by the number of family size groupings, the rank orders numbered 1 to "n" will provide the bases for constructing a rough measure of the degree of stringency or generosity of each set of financial eligibility guidelines. The extent of stringency or generosity can then be correlated with other factors. One factor analyzed here is the occurrence of refused applicants, which in theory should increase as a consequence of lower eligibility guidelines. A second is the level of per capita expenditures, which should be expected to be greater for provinces with higher eligibility guidelines.

1.6 Comparison of Provincial Legal Aid Financial Eligibility Guidelines With Statistics Canada Low Income Cut-Offs

The set of figures presented below show the adjusted provincial legal aid eligibility guidelines for each family size on a scale bounded by the low Statistics Canada cut-off (for rural areas) and the high cut-off (for places of 500,000 population and over). The range formed by the Statistics Canada figures is highlighted as shaded areas on each figure. Two figures are presented for British Columbia. The solid bar indicates the eligibility guideline for areas of less than 30,000 population while the extended lined portion of the bar represents the guideline for places with a population of 500,000 or more.

The figures show a consistent general pattern of provincial legal aid eligibility guidelines compared with the Statistics Canada low income cut-offs. The eligibility guidelines for three provinces consistently fall outside of the guidelines.

The guidelines for Newfoundland and Quebec are below the Statistics Canada standard. The financial eligibility guidelines for Newfoundland are between 43 and 64 percent of the Statistics Canada low income cut-off for rural areas, depending on family size group. The guidelines for Quebec are between 55 percent and 77 percent of rural area Statistics Canada cut-offs.

The financial eligibility guidelines for Ontario are well above the national low income cut-offs. The Ontario financial eligibility guidelines exceed the Statistics Canada low income cut-offs by 57 to 74 percent, depending on family size grouping.

Among those provincial guidelines falling within the range defined by the Statistics Canada low income cut-offs, most tend to fall in the lower half of the low income range. The lower limit of the British Columbia guidelines fall within the range, while the upper limit is slightly higher than the Statistics Canada level.

Falling within the national low income range provides *prima facie* evidence that the guidelines are adequate. It is possible that the guidelines which are below the Statistics Canada levels are too stringent, and thus exclude relatively more people from access to legal aid than in other provinces.

However, as noted above, a great deal of discretion with regard to income, liabilities and assets is exercised in determining financial eligibility. Therefore, the consequences of eligibility guidelines which are too low relative to the realities of "undue hardship" can only be studied by an analysis of refused applications. This is the subject of the next section.

1.7 Financial Eligibility Guidelines and Rejected Applicants

The impact of financial eligibility guidelines becomes concrete with respect to the consequences of not getting legal aid for refused or rejected applicants. One study conducted in the early 1980s in Manitoba concluded that refusal of legal aid "only serves to put people already economically marginal into further financial jeopardy".⁷ The guidelines and the mechanics of discretion are designed to minimize hardship to potential clients as a consequence of not receiving legal aid. All other things being equal, one might expect that the more stringent financial eligibility guidelines should be inversely related to rejected applicants as a percentage of total applications.

However, there are factors other than financial eligibility which may lead to denial of service. The most important are various restrictions in the legal matters which are covered, although there is a range of other factors which may lead to either withdrawal of an application before an eligibility decision or to refusal of service.

Table 1 shows that lack of eligibility for financial reasons may not be predominant among reasons for refusal. Refusals for financial reasons are predominant in Saskatchewan (64 percent) and Quebec (82 percent), and are as low as 11 percent in Manitoba. In general, this reflects the very different ways in which various legal aid plans manage eligibility determination. This highlights the inherent difficulties in conducting any sort of comparative analysis.

There is no general relationship between the degree of stringency of legal aid financial eligibility guidelines and refused applications as a percentage of total applications. Table 2 ranks the provincial financial eligibility guidelines from least to most stringent. This ranking was achieved by ranking the guidelines for each family size grouping from highest to lowest and assigning a number from one to ten. The numbers were summed across the family size groupings for each province. Table 2 shows a very modest relationship between the relative stringency of guidelines and percent refusals. The degree of association between the rankings of the sets of eligibility guidelines and the percentages was calculated using the Spearman Rank Order Correlation technique.⁸ The statistic, Rho, falls on a scale from zero to one, representing no association to complete concordance. In this case, the value of Rho was .15, a very low degree of association. The Rho statistic was statistically significant at the .025 level.

⁷ Rick L. Sloan, *Financial Eligibility Criteria: A Study of Policy Implementation*, Executive Summary, The Social Planning Council of Winnipeg, Winnipeg, 1983. p. 7.

⁸ Sidney Seigal, *Non-Parametric Statistics*, McGraw-Hill, 1956.

This is perhaps not surprising, in view of the underlying complexities of the relationship between financial eligibility guidelines and refused applications, and the administrative differences among the legal aid plans. This part of the analysis points out that the relationship between financial eligibility guidelines and refused applications is mitigated by other factors. Concern with financial eligibility guidelines *per se* may not be justified. Certainly, however, concern should be focused on refused applications and on the causes and consequences of refused applications.

Figure 1

Adjusted Provincial Eligibility Levels; Single Individual
Compared With the Statistics Canada Low Income
Cut-Offs

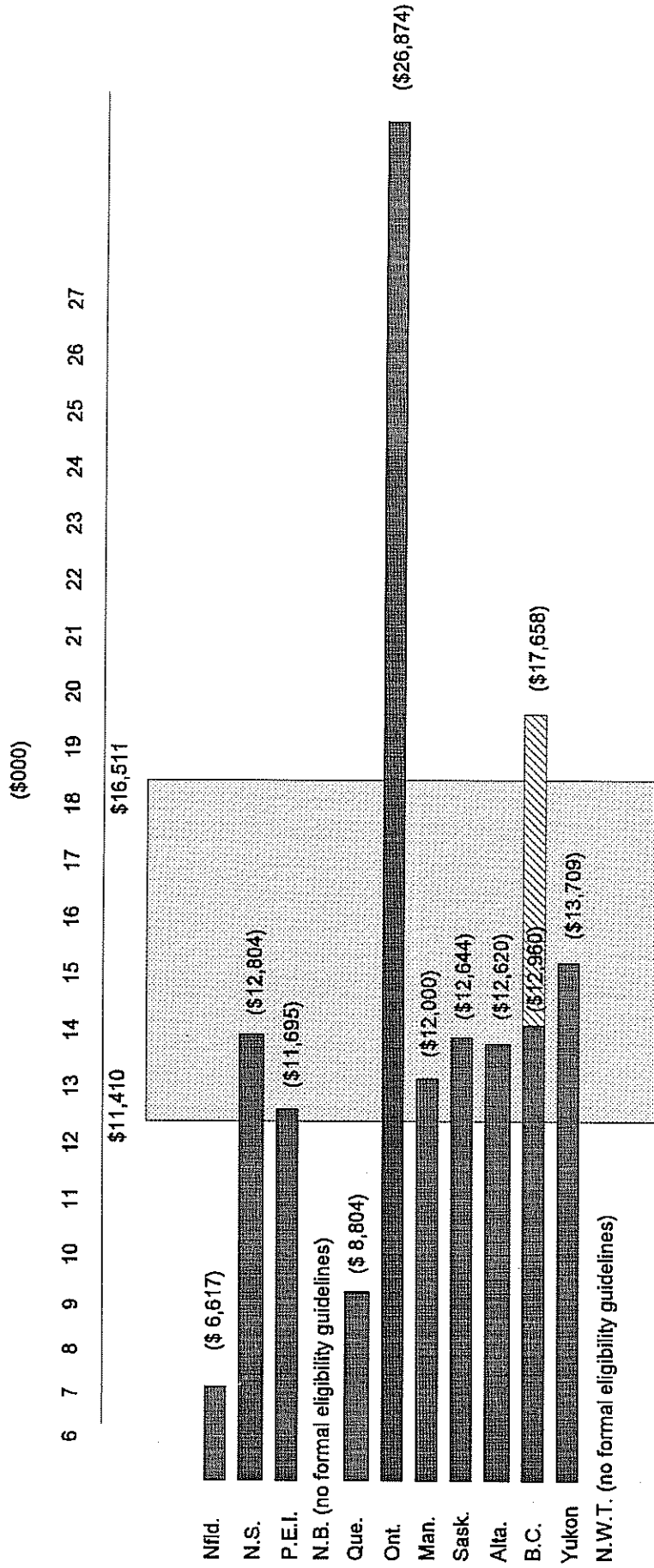


Figure II

Adjusted Provincial Eligibility Levels; Single Individual Plus One Child Compared With the Statistics Canada Low Income Cut-Offs

(\$000)

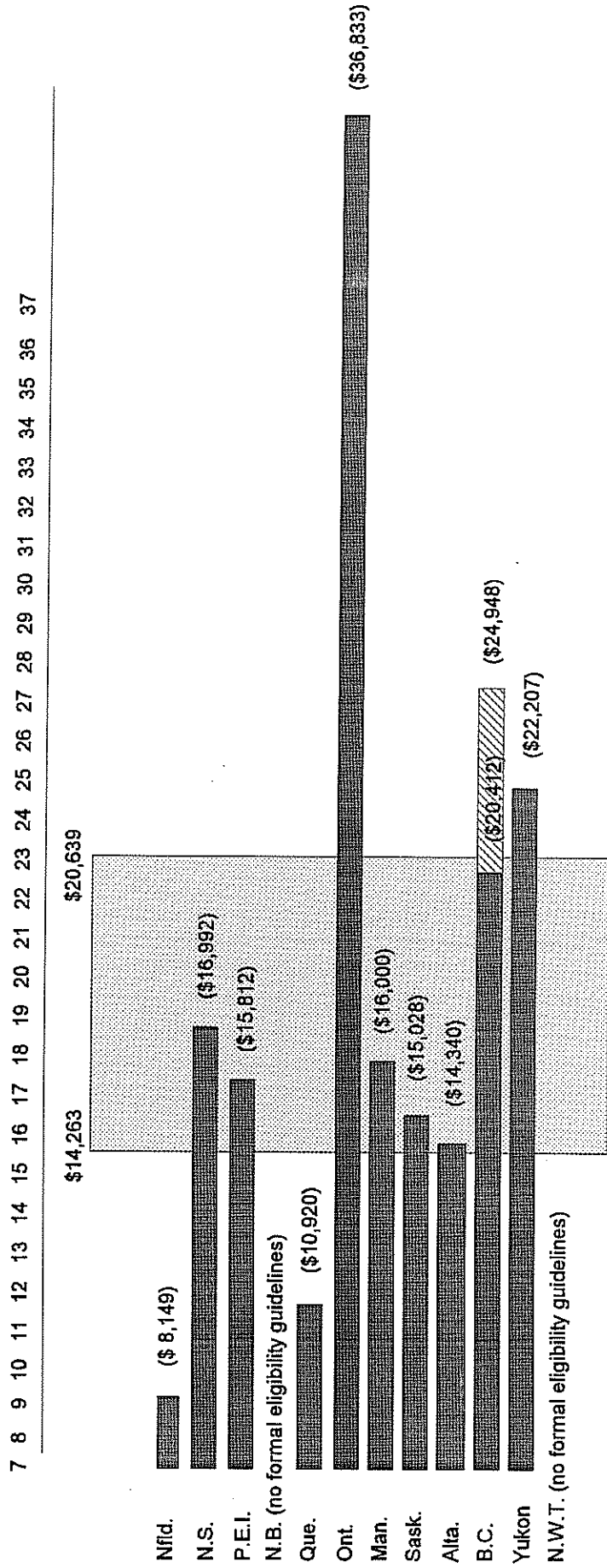


Figure III

Adjusted Provincial Eligibility Levels; Single Individual Plus Two Children Compared With the Statistics Canada Low Income Cut-Offs

(\$000)

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41

\$17,739 \$25,668

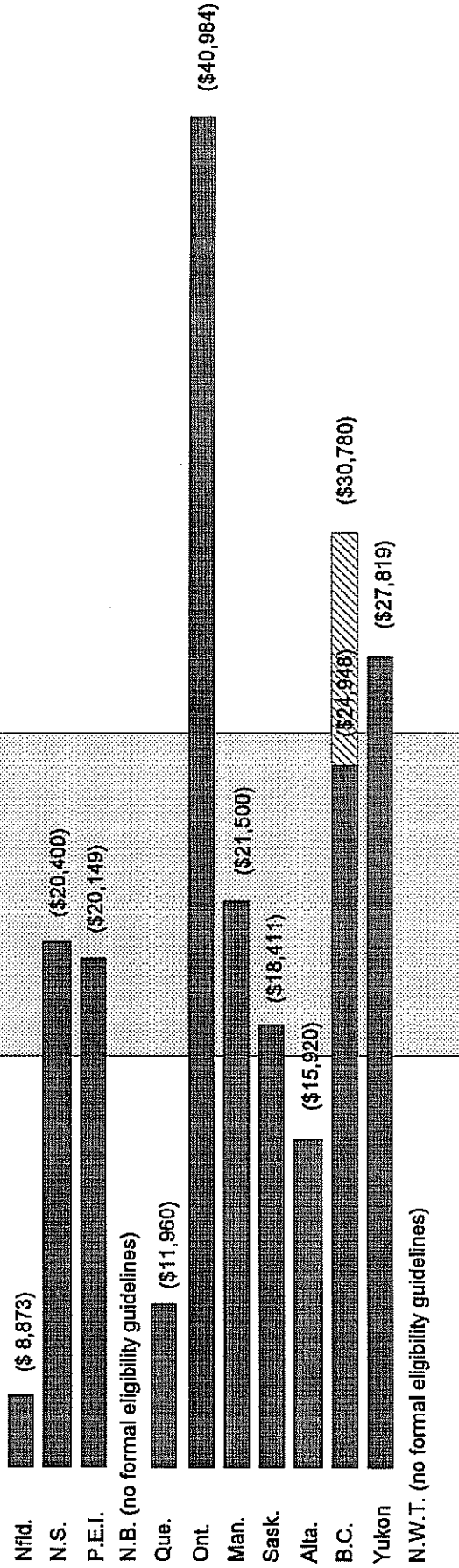


Figure IV

Adjusted Provincial Eligibility Levels; Single Individual Plus Three Children Compared With the Statistics Canada Low Income Cut-Offs

(\$000)

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45

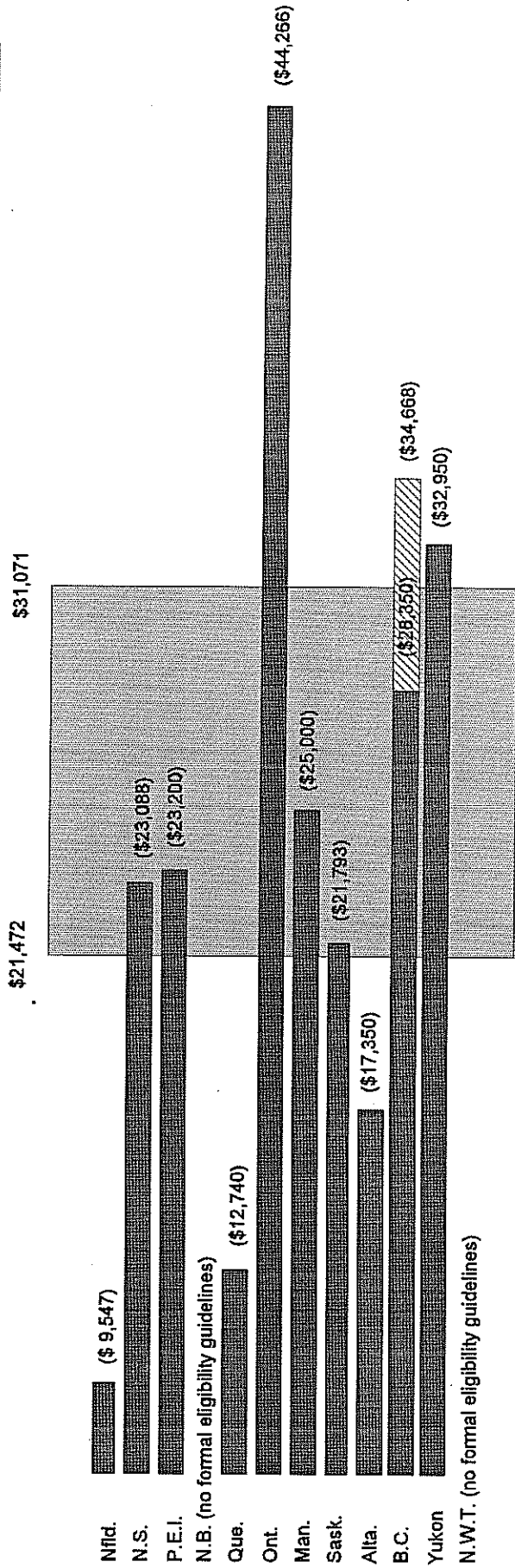


Figure V

Adjusted Provincial Eligibility Levels: Single Individual Plus Four Children Compared With the Statistics Canada Low Income Cut-Offs

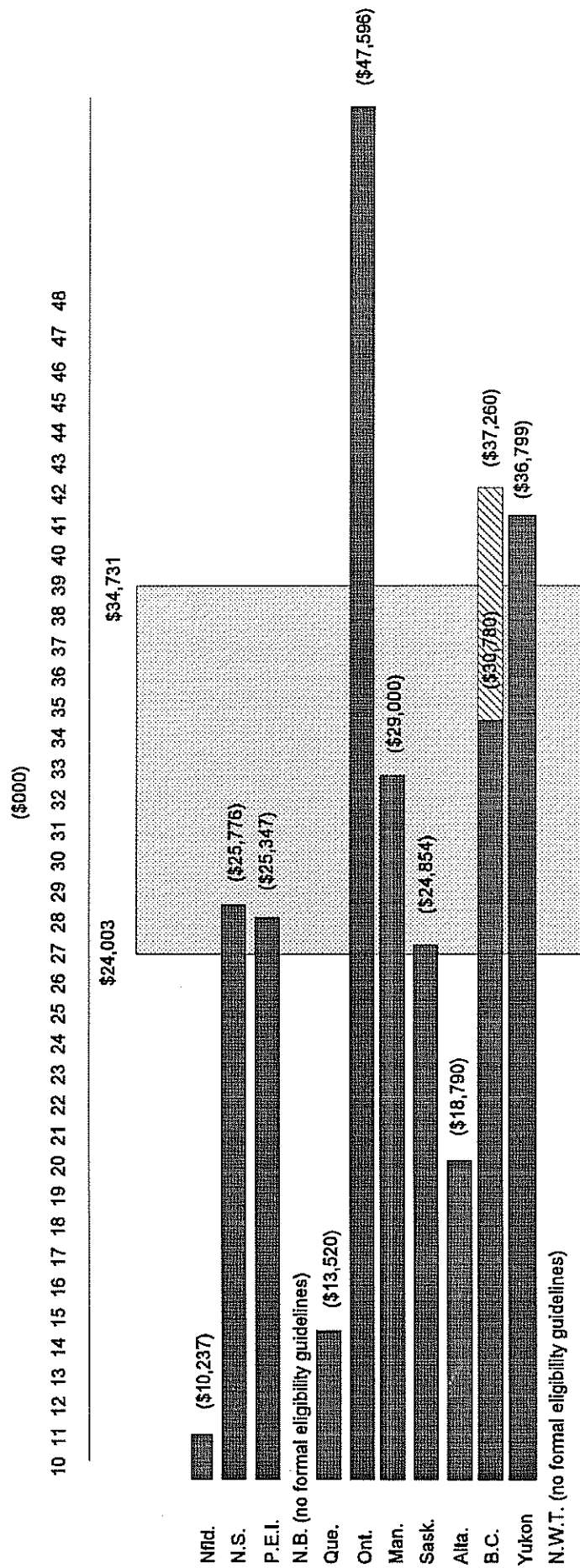


Figure VI

Adjusted Provincial Eligibility Levels: Couple With No Children
Compared With the Statistics Canada Low Income
Cut-Offs

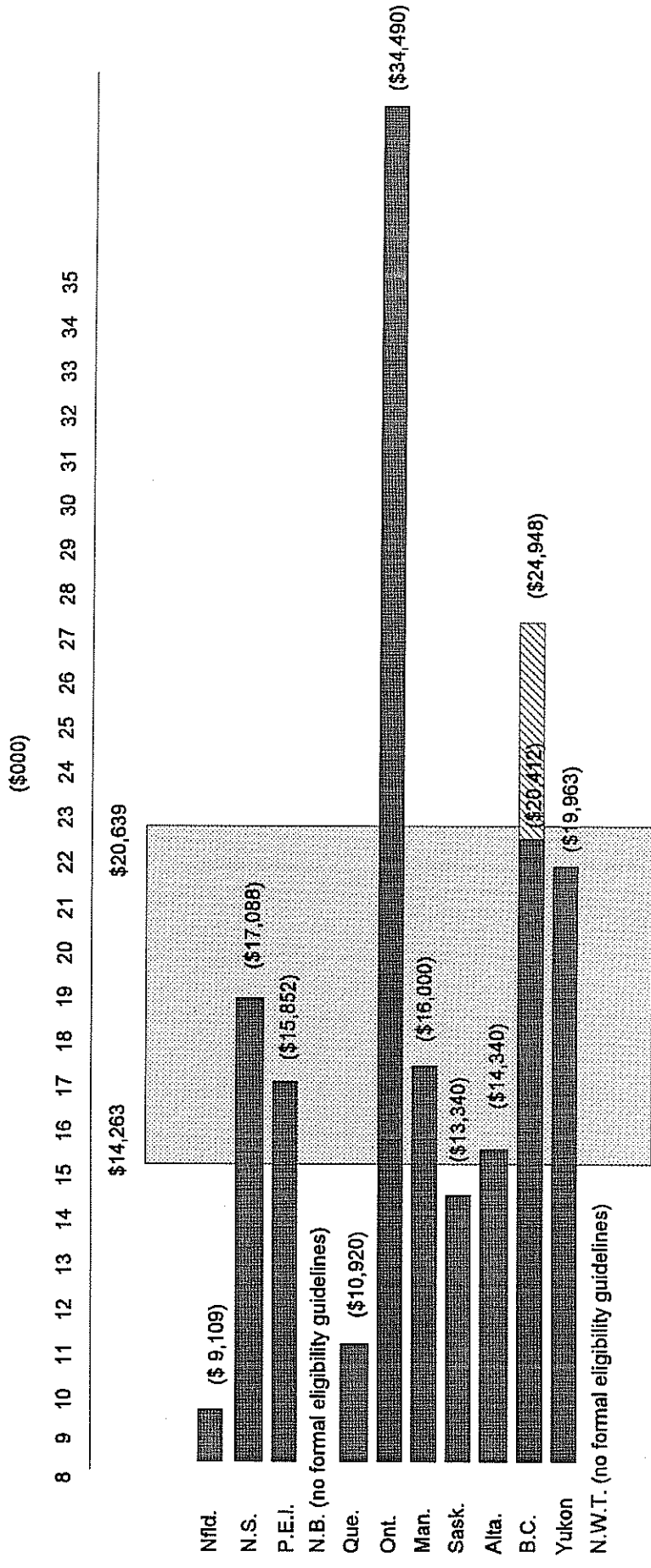


Figure VII
 Adjusted Provincial Eligibility Levels; Couple Plus One Child
 Compared With the Statistics Canada Low Income
 Cut-Offs

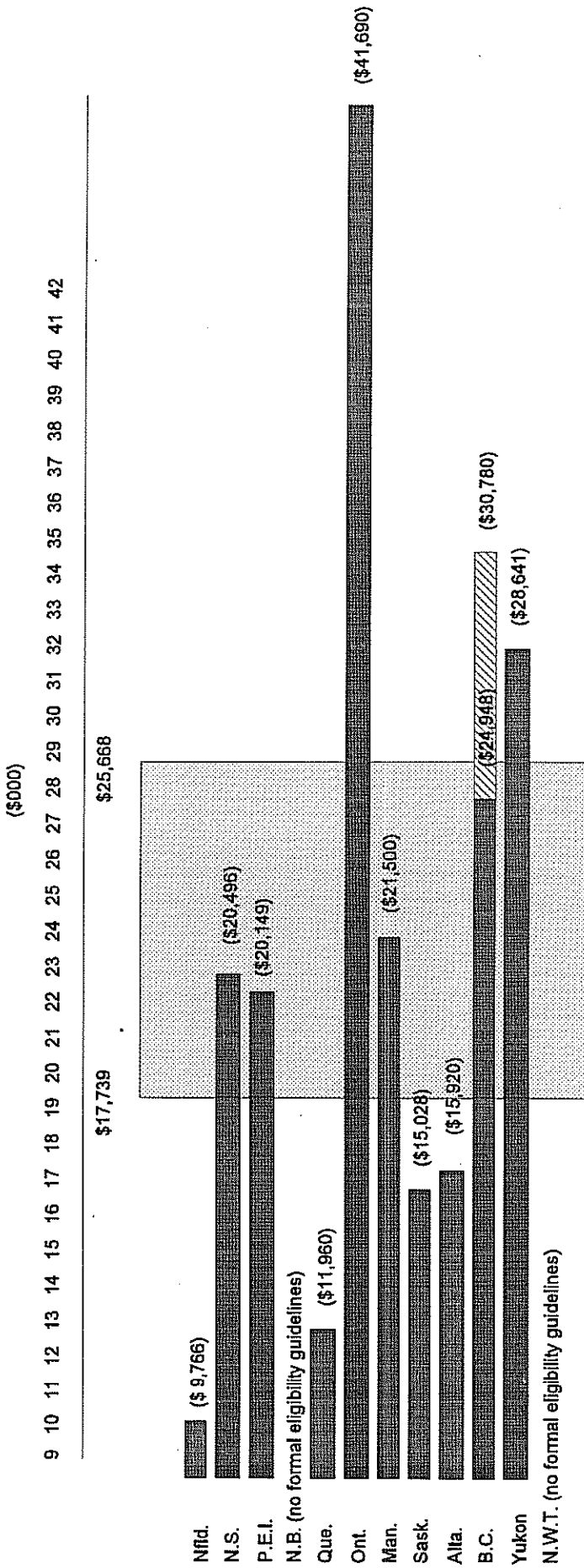


Figure VIII

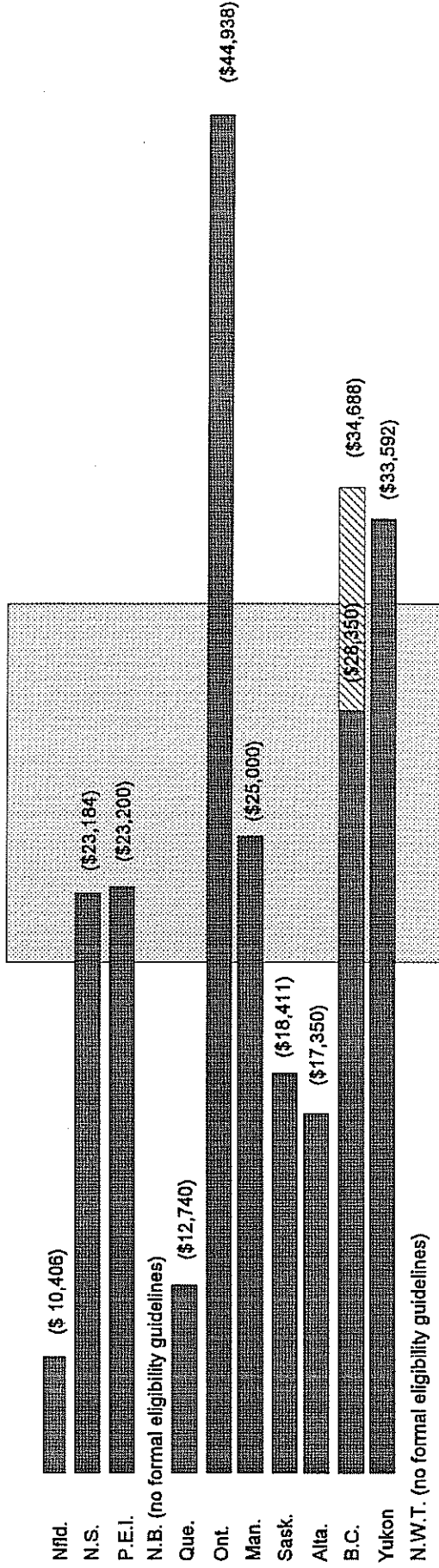
Adjusted Provincial Eligibility Levels; Couple Plus Two Children
Compared With the Statistics Canada Low Income
Cut-Offs

(\$000)

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45

\$21,472

\$31,071



(\$44,938)

Figure IX
 Adjusted Provincial Eligibility Levels: Couple Plus Three Children
 Compared With the Statistics Canada Low Income
 Cut-Offs

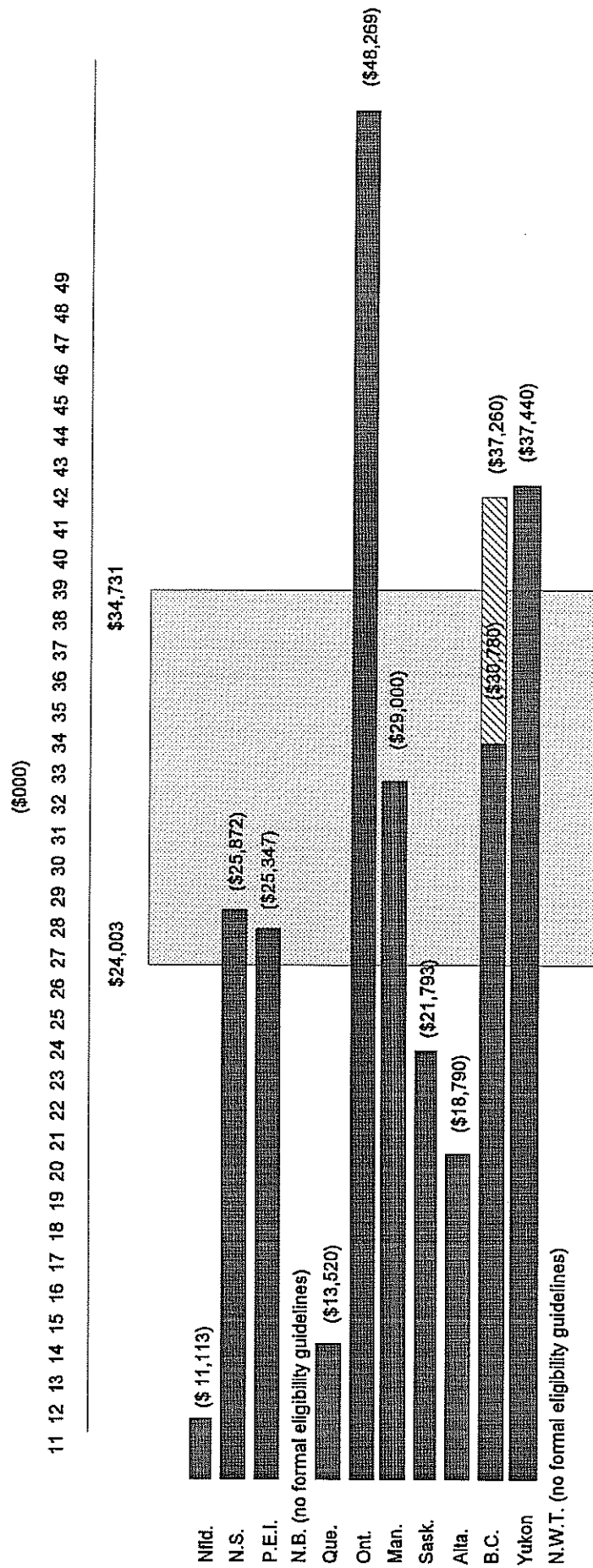
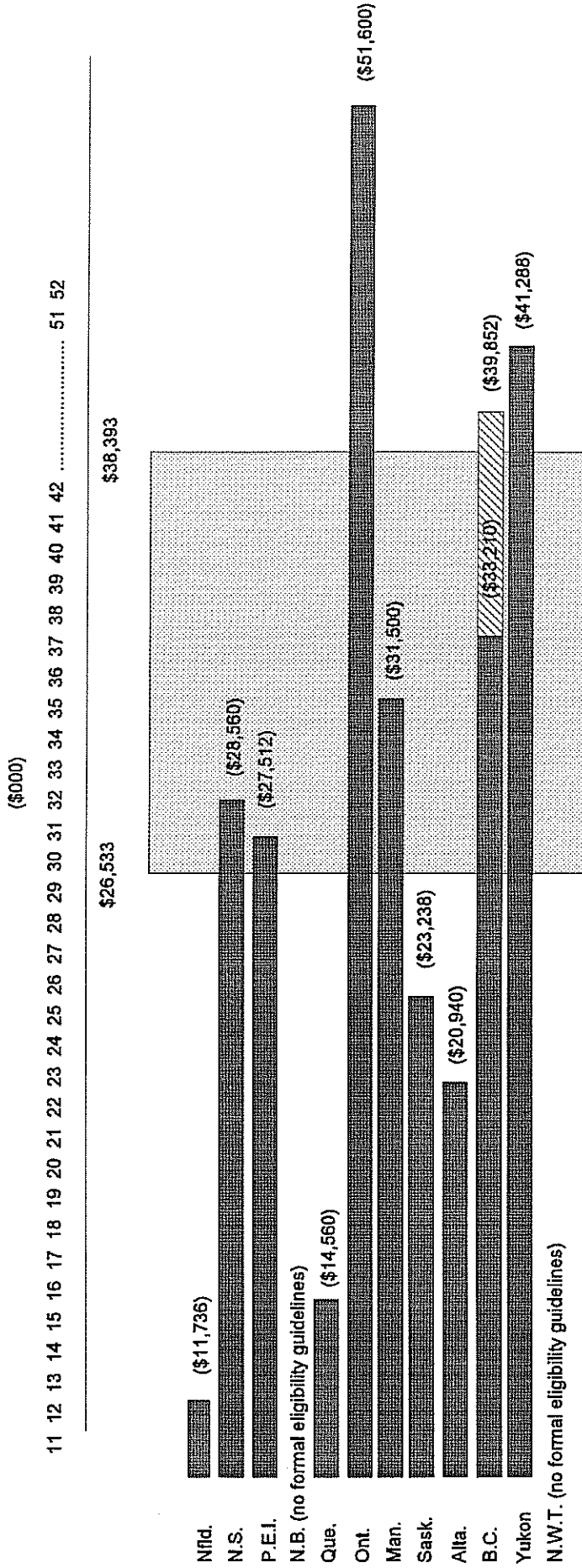


Figure X

Adjusted Provincial Eligibility Levels: Couple, Four Children
 Compared With the Statistics Canada Low Income
 Cut-Offs



11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 51 52

1.8 Financial Eligibility Guidelines and Per Capita Expenditures

The degree of stringency/generosity of legal aid financial eligibility guidelines might be related to levels of legal aid expenditures. Table 3 shows per capita expenditures on criminal legal aid for 1992-1993 for legal aid plans arranged in order of the degree of stringency/generosity of financial eligibility guidelines. The level of per capita expenditure is quite strongly related to the stringency/generosity of the guidelines. The Rho statistic show a moderate degree of association of .48, which is statistically significant at .01. It is reasonable that more generous financial eligibility guidelines should be related to higher expenditures because a larger segment of the population will be eligible for the service.

However, other factors may also be related to higher expenditures, such as scope of coverage and the delivery model. The two provincial legal aid plans with the highest per capita expenditures, British Columbia and Ontario, also have 100 percent judiciary delivery systems for criminal legal aid⁹ and have relatively generous coverage provisions. Therefore, it is likely that some proportion of the relationship between financial eligibility guidelines and per capita expenditures would be accounted for by these other two factors.

Until a more sophisticated analysis determines the independent effects of financial eligibility levels, coverage, and delivery model one would have to conclude that all are likely important. Any further investigation should probably look at the effects of both financial eligibility guidelines and coverage provisions on rejected applicants.

1.9 Discussion and Conclusions

This paper addresses the question of whether there is anything to suggest that federal legal aid policy should be concerned with provincial legal aid eligibility guidelines. The question was approached in three ways. The answer is no, although that answer cannot be accepted as definitive on the basis of the analysis possible within the scope of this brief study.

⁹ Paul Brantingham, Patricia Brantingham and Steven Easton, *Predicting Legal Aid Costs*, Department of Justice Canada, 1993. This multivariate analysis of factors affecting legal aid costs showed that judiciary delivery is associated with higher costs. See also *Patterns in Legal Aid II*, Department of Justice Canada, 1995; and R.L. Sloan, *Evaluation Report: Legal Aid Manitoba*, Department of Justice Canada, 1987.

Table 1 Adult Criminal and Young Offender Legal Aid -- 1992-1993

Jurisdiction	Total Criminal Refusals		% of Applications		Total Refusals for Financial Eligibility (Criminal)		Total Refusals for Other Reasons (Criminal)	
	Number	Number	Number	Applications	Number	% of Refusals	Number	% of Refusals
Nfld.	9,160	2,646	28.9%		361	13.6%	2,285	86.4%
N.S.	12,020	997	8.3%		377	37.8%	620	62.2%
N.B.	3,825	1,646	43.0%		n.a.	-	n.a.	-
P.E.I.	n.a.	n.a.	n.a.		n.a.	-	n.a.	-
Quebec	137,512	7,700	5.6%		6,348	82.4%	1,352	17.6%
Ontario	135,705	21,127	15.5%		2,823	13.4%	1,8304	86.6%
Manitoba	20,490	5,026	24.5%		537	10.7%	4,681	93.1%
Sask.	17,468	709	4.1%		453	63.9%	256	36.1%
Alberta	32,757	4,843	14.8%		2,229	46.0%	2,614	54.0%
B.C.	54,707	11,047	20.2%		n.a.	-	n.a.	-
Yukon	1,138	62	5.4%		50	80.6%	12	19.4%
N.W.T.	2,735	250	9.1%		n.a.	-	n.a.	-
Total	428,517	56,053	13.1%		13,178		30,124	
Median			14.8%			41.9%		58.1%

Table 2 **Financial Eligibility & Refused Applications**

Ranking of Legal Aid Financial Eligibility Guidelines			Refused Applicants as a Percent of Total Applicants (1992-1993 data)
Most Generous	1	Ontario	15.5
	2	B.C.	20.2
	3	Yukon	5.4
	4	Manitoba	24.5
	5	Nova Scotia	8.3
	6	P.E.I.	-
	7	Saskatchewan	4.1
	8	Alberta	14.8
	9	Quebec	5.6
Least Generous	10	Newfoundland	28.9

Rho = .15

£ = .025

Table 3 **Financial Eligibility & Adult Criminal Legal Aid Expenditures (1992-1993)**

Ranking of Legal Aid Financial Eligibility Guidelines			1992-1993 Per Capita Expenditures (\$)
Most Generous	1	Ontario	11.63
	2	B.C.	11.25
	3	Yukon	31.49
	4	Manitoba	5.33
	5	Nova Scotia	4.43
	6	P.E.I.	2.10
	7	Saskatchewan	4.48
	8	Alberta	5.63
	9	Quebec	5.36
Least Generous	10	Newfoundland	4.72

Rho = .48

£ = .01

With respect to the adequacy of the guidelines used by provincial legal aid plans, most legal aid eligibility guidelines fall within the Statistics Canada low income cut-offs. It is helpful to remember that except for British Columbia, provinces apply a single set of guidelines to applicants throughout the province regardless of population size. Therefore, it is probably true that the provincial guidelines which fall toward the lower end of the scale representing the Statistics Canada range, the rural population end, probably eliminate too many people from the areas having larger populations within their provinces.

It should be kept in mind that financial eligibility is often not the most important reason for refusal of legal aid applications. Quebec has the second most stringent legal aid eligibility guidelines after Newfoundland. The percentage of applications refused for financial reasons is high; 82.4 percent of all refusals. The percent of all refused applications rejected for financial reasons in Newfoundland is considerably lower at 13.6 percent, even though the Newfoundland guidelines are less generous than Quebec. In Ontario, which has the most generous guidelines by far, 13.4 percent of rejected applications are refused for financial reasons. The eligibility guidelines in use in Manitoba and in Nova Scotia are quite similar in terms of income levels. However, 11 percent of all refused applications are rejected for financial reasons in Manitoba. This compares with 38 percent in Nova Scotia.

This suggests that all of the factors affecting eligibility decisions, mainly financial eligibility and coverage, along with other factors, and the manner and the extent to which discretion is used, influence patterns of rejection in complex ways which vary from one legal aid plan to the next. The issue that should be addressed is refused applications, and not financial eligibility *per se*.

Another issue addressed in this paper is the relationship between financial eligibility guidelines and level of expenditures. There is a moderate statistical relationship between per capita expenditures on criminal legal aid and stringency/generosity of financial eligibility guidelines. However, other variables such as the scope of coverage, the structure of the tariff (for judiciary plans), and delivery model are also likely to explain some of variation in expenditures. Financial eligibility no doubt plays some role, in combination with the other factors.

With respect to the "adequacy of guidelines" issue, this analysis does not suggest that financial eligibility in itself is an important issue for federal legal aid policy. However, if financial constraints continue to drive applications and certificates issued downward, and rejected applications upward, rejected applications should be viewed as a potentially important issue. This can be looked at in terms of hardship consequences for rejected applicants, according to the traditional legal aid financial eligibility standards. As well, other factors are important such as the *Charter* and other aspects of coverage, the impact of contribution and user fees, and

the application of rules eliminating applicants because of "misuse" of legal aid. An analysis of rejected applications might take the form of monitoring the implementation of any new set of coverage guidelines.

In terms of the "impact on expenditures" issue, there may be some reason for concern that very high financial eligibility guidelines are a significant factor in driving expenditures upward. However, this issue would have to be analyzed in greater depth before a conclusive answer could be offered.

APPENDIX 1

Provincial and Territorial Legal Aid Financial Eligibility Guidelines

(These are taken from Legal Aid in Canada: Description of Operations, September 1994, Canadian Centre for Justice Statistics, Minister of Industry, Science and Technology, Ottawa, 1994.)

The following income table is considered as a guideline.

Voici la grille des revenus qui sert de ligne directrice.

Family Size/ Taille de la famille	Net Monthly Income/ Revenu mensuel net
One adult/ Un adulte	\$ 393
and one dependent/ et un personne à charge	484
and two dependents/ et deux personnes à charge	527
and three dependents/ et trois personnes à charge	567
and four dependents/ et quatre personnes à charge	608
and five dependents/ et cinq personnes à charge	653
and six dependents/ et six personnes à charge	697
Couple/ Couple	541
and one dependent/ et un personne à charge	580
and two dependents/ et deux personnes à charge	618
and three dependents/ et trois personnes à charge	660
and four dependents/ et quatre personnes à charge	697
and five dependents/ et cinq personnes à charge	751
and six dependents/ et six personnes à charge	807
and seven dependents/ et sept personnes à charge	863

Net income is equal to gross income less: Canada Pension Plan, Unemployment Insurance, Income tax, Group Insurance and Pension.

Le revenu net correspond au revenu brut moins les sommes relatives au Régime de pension du Canada, à l'assurance-chômage, à l'impôt sur le revenu, à l'assurance-collective et à la pension.

Applicants may be required to contribute to the cost of legal services dependent upon their ability to pay but there are no user fees.

Il se peut que les demandeurs doivent assumer une partie du coût des services juridiques, selon leur capacité de payer. Toutefois, il n'y a pas de frais modérateurs.

In applying the flexible means test, the following income table is considered as a guideline.

En appliquant l'examen flexible des moyens d'existence, il faut utiliser comme lignes directrices le tableau de revenus suivant.

**Family Size/
Taille de la famille**

**Gross Yearly Income/
Revenu annuel brut**

Family Size/ Taille de la famille	Gross Yearly Income/ Revenu annuel brut
One adult/ Un adulte	\$ 11,695
and one dependent/ et un personne à charge	15,812
and two dependents/ et deux personnes à charge	20,149
and three dependents/ et trois personnes à charge	23,200
and four dependents/ et quatre personnes à charge	25,347
and five dependents/ et cinq personnes à charge	27,512
Couple/ Couple	15,852
and one dependent/ et un personne à charge	20,149
and two dependents/ et deux personnes à charge	23,200
and three dependents/ et trois personnes à charge	25,347
and four dependents/ et quatre personnes à charge	27,512
and five dependents/ et cinq personnes à charge	29,593

Family Size/ Taille de la famille	Net Monthly Income/ Revenu mensuel brut
Couple/ Couple	\$ 1,424
and one dependent/ et un personne à charge	1,708
and two dependents/ et deux personnes à charge	1,932
and three dependents/ et trois personnes à charge	2,156
and four dependents/ et quatre personnes à charge	2,380
and five dependents/ et cinq personnes à charge	2,604
and six dependents/ et six personnes à charge	2,828
and seven dependents/ et sept personnes à charge	3,052

Low income guidelines as of March, 1993
are listed below:

Voici les seuils de faible revenu en vigueur
en mars 1993 :

Family Size/ Taille de la famille	Gross Weekly Income/Revenu hebdomadaire brut
One adult/ Un adulte and one dependent/et un personne à charge	\$ 170 210
and two dependents/ et deux personnes à charge	230
and three dependents/ et trois personnes à charge	245
and four dependents/ et quatre personnes à charge	260
and five dependents/ et cinq personnes à charge	280
and six dependents/ et six personnes à charge	300
Couple/Couple and one dependent/et un personne à charge	210 230
and two dependents/ et deux personnes à charge	245
and three dependents/ et trois personnes à charge	260
and four dependents/ et quatre personnes à charge	280
and five dependents/ et cinq personnes à charge	300
and six dependents/ et six personnes à charge	320
and seven dependents/ et sept personnes à charge	340
and eight dependents/et huit personnes à charge	360

TABLE - WAIVER LEVELS
TABLEAU - SEUILS DE FAIBLE REVENU

(CRIMINAL CASES ONLY)
(AFFAIRES CRIMINELLES SEULEMENT)

Family Size/ Taille de la famille		Net Annual Income/ Revenu annuel net
One adult/ Un adulte	\$	19,656
and one dependent/ et un personne à charge		26,940
and two dependents/ et deux personnes à charge		29,976
and three dependents/ et trois personnes à charge		32,376
and four dependents/ et quatre personnes à charge		34,812
and five dependents/ et cinq personnes à charge		37,248
and six dependents/ et six personnes à charge		38,820
Couple/Couple	\$	27,420
and one dependent/ et un personne à charge		30,492
and two dependents/ et deux personnes à charge		32,868
and three dependents/ et trois personnes à charge		35,304
and four dependents/ et quatre personnes à charge		37,740
and five dependents/ et cinq personnes à charge		39,312
and six dependents/ et six personnes à charge		40,844
and seven dependents/ et sept personnes à charge		42,456
and eight dependents/ et huit personnes à charge		44,028

ONTARIO

The current financial eligibility guidelines are provided below. They are based on gross income. Clients exceeding the regular coverage guideline for their family unit size, but not exceeding the next highest guideline are eligible with a partial contribution. Clients who exceed the guideline with a partial contribution but are below the next highest guideline are eligible under the expanded eligibility program (see below).

Les lignes directrices en matière d'admissibilité financière qui sont actuellement en vigueur sont présentées ci-dessous. Elles sont fondées sur le revenu brut. Les clients dont le revenu excède le seuil d'admissibilité financière correspondant à la taille de leur famille mais ne dépasse pas le seuil suivant sont admissibles à l'aide juridique, mais ils doivent assumer une partie des coûts. Les clients dont le revenu est supérieur au seuil qui leur permettrait d'obtenir des services d'aide juridique moyennant une contribution, mais se situe sous le seuil suivant, sont admissibles au programme d'admissibilité accrue (voir ci-dessous).

Gross Annual Income/Revenu annuel brut					
Family Size/ Taille de la famille	Fully Eligible/ Entièrement admissible	Partial Contribution/ Contribution partielle	Full Contribution Contribution Totale		
1	\$12,000	\$14,000	\$21,500		
2	16,000	18,000	25,000		
3	21,500	23,500	29,000		
4	25,000	27,000	31,500		
5	29,000	31,000	35,000		
6	31,500	33,500	38,000		
7	35,000	37,000	41,000		

The income cut-off levels used by the plan to determine financial eligibility are based on those used by the Saskatchewan Social Services Family Income Program to determine income supplements. Generally, these guidelines are reviewed annually. The 1994 income cut-off levels are presented below.

Les seuils de revenu utilisés par le régime pour déterminer l'admissibilité financière sont fondés sur ceux qu'applique le Saskatchewan Social Service's Family Income Program pour déterminer les suppléments de revenu. Ces directives sont généralement révisées chaque année. Les seuils de revenu applicables à l'année 1994 sont présentés ci-après.

Family Size/ Taille de la famille	Maximum Net Monthly Income/ Revenu mensuel net maximal	Maximum Net Annual Income/ Revenu annuel net maximal
Single Person/ Personne seule	\$ 785	\$ 9,420
Couple without children/ Couple sans enfants	855	10,260
Family with one child/ Famille avec un enfant	933	11,196
Family with two children/ Famille avec deux enfants	1,143	13,716
Family with three children/ Famille avec trois enfants	1,353	16,236
Family with four children/ Famille avec quatre enfants	1,545	18,516
Family with five children/ Famille avec cinq enfants	1,733	20,796
Family with six children/ Famille avec six enfants	1,923	23,076
Family with seven children/ Famille avec sept enfants	2,113	25,356
Family with eight children/ Famille avec huit enfants	2,303	27,636

The guidelines for determining financial eligibility, effective September 1994, are indicated below.

Les directives suivies pour déterminer l'admissibilité financière qui étaient en vigueur en septembre 1994 sont présentées ci-après.

Family Size/ Taille de la famille	Gross Annual Income/ Revenu annuel brut
One adult/Un adulte	\$ 12,620
and one dependent/ et un personne à charge	14,340
and two dependents/ et deux personnes à charge	15,920
and three dependents/ et trois personnes à charge	17,350
and four dependents/ et quatre personnes à charge	18,790
and five dependents/ et cinq personnes à charge	20,940
and six dependents/ et six personnes à charge	23,240
Couple/Couple	\$ 14,430
and one dependent/ et un personne à charge	15,920
and two dependents/ et deux personnes à charge	17,350
and three dependents/ et trois personnes à charge	18,790
and four dependents/ et quatre personnes à charge	20,940
and five dependents/ et cinq personnes à charge	23,240
and six dependents/ et six personnes à charge	25,530
and seven dependents/ et sept personnes à charge	25,530

The following income guidelines are based on Statistics Canada Low Income Lines.

Les directives ci-après sont fondées sur les seuils de faible revenu de Statistique Canada.

**1992 National Council of Welfare Estimate based on Statistics
Canada Low Income Guidelines**
**1992 Estimation faite par le Conseil national du Bien-être
fondée sur les seuils de faible revenu de Statistique Canada**

Net Monthly Household Income/
Revenu mensuel net du ménage

Area of Residence and Population/
Région de résidence et population

Family Size/ Taille de la famille	Vancouver	Victoria	30,000- 99,999	less than/moins de 30,000
1	\$1,090	\$ 970	\$ 950	\$ 880
2	1,540	1,390	1,360	1,260
3	1,900	1,700	1,670	1,540
4	2,140	1,930	1,890	1,750
5	2,300	2,100	2,050	1,900
6	2,460	2,240	2,210	2,050
7 or more/ou plus	2,610	2,380	2,340	2,190

Data Source: Legal Services Society of British Columbia: 1993 - Eligibility Guidelines

Source des données : Legal Services Society of British Columbia: 1993 - Eligibility Guidelines.

Net income equals gross income minus tax, unemployment insurance, Canada pension plan, pension plan, medical benefits and maintenance payments.

Le revenu net correspond au revenu brut moins les sommes relatives à l'impôt, à l'assurance-chômage, au Régime de pensions du Canada, à un régime de retraite, à un régime d'assurance-maladie et à la pension alimentaire.

The following income table is considered a guideline.

Voici le tableau des revenus qui sert de ligne directrice.

Family Size/ Taille de la famille	Net Monthly Income/ Revenu mensuel net	Net Monthly Income/ Revenu mensuel net
	(Whitehorse)	(Outside Whitehorse except Old Crow)
		(extérieur de Whitehorse sauf Old Crow)
One adult/ Un adulte	\$ 855	\$ 1,310
and one dependent/ et un personne à charge	1,385	1,805
and two dependents/ et deux personnes à charge	1,735	2,145
and three dependents/ et trois personnes à charge	2,055	2,405
and four dependents/ et quatre personnes à charge	2,295	2,665
and five dependents/ et cinq personnes à charge	2,535	2,925
and six dependents/ et six personnes à charge	2,775	3,185

Note 1:

Net income equals gross income minus: Canada pension plan, unemployment insurance, income tax and, where there is verification, child support payments.

Note 2:

In Old Crow, any person may be found to be eligible.

Nota: 1

Le revenu net correspond au revenu brut moins les sommes relatives au Régime de pensions du Canada, à l'assurance-chômage, à l'impôt sur le revenu et, où il y a vérification, à la pension alimentaire.

Nota:2

À Old Crow, toute personne peut être jugée admissible à l'aide juridique.

**Adjusted Provincial and Territorial Legal Aid
Financial Eligibility Guidelines**

(The provincial and territorial legal aid financial eligibility guidelines were adjusted from their original forms to annual gross figures for purposes of analysis.)

TABLE 1: Single person (no children)

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	4,716		776		1,125		6,617
NS							12,804
PEI							11,695
NB	INFO NOT AVAILABLE						
QUE							8,840
ONT	19,656		2,650		4,569		26,874
MAN							12,000
SASK	9,420		1,075		2,150		12,644
ALBERTA							12,620
BC (Vancouver)	13,080		1,576		3,002		17,658
(< 30,000)	9,600		1,157		2,203		12,960
YUKON	10,260		1,119		2,331		13,709
NWT	INFO NOT AVAILABLE						

TABLE 2: Single person plus one child

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	5,808		956		1,385		8,149
NS							16,992
PEI							15,812
NB	INFO NOT AVAILABLE						
QUE							10,920
ONT	26,940		3,632		6,262		36,833
MAN							16,000
SASK	11,196		1,277		2,555		15,028
ALBERTA							14,340
BC (Vancouver)	18,480		2,227		4,241		24,948
(< 30,000)	15,120		1,822		3,470		20,412
YUKON	16,620		1,812		3,775		22,207
NWT	INFO NOT AVAILABLE						

TABLE 3: Single person plus two children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	6,324		1,041		1,508		8,873
NS							20,400
PEI							20,149
NB	INFO NOT AVAILABLE						
QUE							11,960
ONT	29,976		4,041		6,967		40,984
MAN							21,500
SASK	13,716		1,565		3,130		18,411
ALBERTA							15,920
BC (Vancouver)	22,800		2,747		5,233		30,780
(< 30,000)	18,480		2,227		4,241		24,948
YUKON	20,820		2,270		4,729		27,819
NWT	INFO NOT AVAILABLE						

TABLE 4: Single person plus 3 children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	6,804		1,120		1,623		9,547
NS							23,088
PEI							23,200
NB	INFO NOT AVAILABLE						
QUE							12,740
ONT	32,376		4,365		7,525		44,266
MAN							25,000
SASK	16,236		1,852		3,705		21,793
ALBERTA							17,350
BC (Vancouver)	25,680		3,094		5,893		34,668
(< 30,000)	21,000		2,530		4,819		28,350
YUKON	24,660		2,689		5,602		32,950
NWT	INFO NOT AVAILABLE						

TABLE 5: Single person plus four children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	7,296		1,201		1,740		10,237
NS							25,776
PEI							25,347
NB	INFO NOT AVAILABLE						
QUE							13,520
ONT	34,812		4,693		8,091		47,596
MAN							29,000
SASK	18,516		2,113		4,225		24,854
ALBERTA							18,790
BC (Vancouver)	27,600		3,325		6,334		37,260
(< 30,000)	22,800		2,747		5,233		30,780
YUKON	27,540		3,003		6,256		36,799
NWT	INFO NOT AVAILABLE						

TABLE 6: Couple (no children)

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	6,492		1,068		1,549		9,109
NS							17,088
PEI							15,852
NB	INFO NOT AVAILABLE						
QUE							10,920
ONT	27,420		3,696		6,373		37,490
MAN							16,000
SASK	10,260		1,171		2,341		13,772
ALBERTA							14,340
BC (Vancouver)	18,480		2,227		4,241		24,948
(< 30,000)	15,120		1,822		3,470		20,412
YUKON	14,940		1,629		3,394		19,963
NWT	INFO NOT AVAILABLE						

TABLE 7: Couple plus one child

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	6,960		1,146		1,660		9,766
NS							20,496
PEI							20,149
NB	INFO NOT AVAILABLE						
QUE							11,960
ONT	30,492		4,111		7,087		41,690
MAN							21,500
SASK	11,196		1,277		2,555		15,028
ALBERTA							15,920
BC (Vancouver)	22,800		2,747		5,233		30,780
(< 30,000)	18,480		2,227		4,241		24,948
YUKON	21,300		2,322		4,838		28,461
NWT	INFO NOT AVAILABLE						

TABLE 8: Couple plus two children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	7,416		1,221		1,769		10,406
NS							23,184
PEI							23,200
NB	INFO NOT AVAILABLE						
QUE							12,740
ONT	32,868		4,431		7,640		44,938
MAN							25,000
SASK	13,716		1,565		3,130		18,411
ALBERTA							17,350
BC (Vancouver)	25,680		3,094		5,893		34,668
(< 30,000)	21,000		2,530		4,819		28,350
YUKON	25,140		2,741		5,711		33,592
NWT	INFO NOT AVAILABLE						

TABLE 9: Couple plus three children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	7,920		1,304		1,889		11,113
NS							25,872
PEI							25,347
NB	INFO NOT AVAILABLE						
QUE							13,520
ONT	35,304		4,759		8,206		48,269
MAN							29,000
SASK	16,236		1,852		3,705		21,793
ALBERTA							18,790
BC (Vancouver)	27,600		3,325		6,334		37,260
(< 30,000)	22,800		2,747		5,233		30,780
YUKON	28,020		3,055		6,365		37,440
NWT	INFO NOT AVAILABLE						

TABLE 10: Couple plus 4 children

JURISDICTION	NET INCOME	+	PROV. TAX	+	FED. TAX	=	GROSS INCOME
NFLD	8,364		1,377		1,995		11,736
NS							28,560
PEI							27,512
NB	INFO NOT AVAILABLE						
QUE							14,560
ONT	37,740		5,088		8,772		51,600
MAN							31,500
SASK	18,516		2,113		4,225		24,854
ALBERTA							20,940
BC (Vancouver)	29,520		3,557		6,775		39,852
(< 30,000)	24,600		2,964		5,646		33,210
YUKON	30,900		3,369		7,019		41,288
NWT	INFO NOT AVAILABLE						

APPENDIX 3

Statistics Canada Low Income Cut-Offs

(Statistics Canada, Low Income Cut-Offs, Catalogue No. 13-551,
Survey of Consumer Finances, January 1995.)

Low Income Cut-offs of Family Units, 1980 to 1994 - 1992 Base (Concluded)

Seuils de faible revenu et des unités familiales, 1980 à 1994 - Base de 1992 (fin)

Size of family unit Taille de l'unité familiale	Size of area of residence - Taille de la région de résidence				
	Urban areas - Régions urbaines				Rural areas
	500,000 and over	100,000 to/à 499,999	30,000 to/à 99,999	Less than 30,000*	Régions rurales
	500,000 habitants et plus			Moins de 30,000 habitants*	
1992 base - Base de 1992					
1992					
1 person - personne	16,186	13,883	13,787	12,829	11,186
2 persons - personnes	20,233	17,354	17,234	16,036	13,982
3 " "	25,163	21,583	21,433	19,943	17,390
4 " "	30,460	26,126	25,945	24,142	21,050
5 " "	34,049	29,205	29,002	26,986	23,531
6 " "	37,638	32,284	32,059	29,830	26,012
7 or more persons - personnes ou plus	41,227	35,363	35,116	32,674	28,493
1993					
1 person - personne	16,482	14,137	14,039	13,063	11,390
2 persons - personnes	20,603	17,671	17,549	16,329	14,238
3 " "	25,623	21,978	21,825	20,308	17,708
4 " "	31,017	26,604	26,419	24,583	21,435
5 " "	34,671	29,739	29,532	27,479	23,961
6 " "	38,326	32,874	32,645	30,375	26,487
7 or more persons - personnes ou plus	41,981	36,009	35,758	33,271	29,014
1994					
1 person - personne	16,511	14,162	14,063	13,086	11,410
2 persons - personnes	20,639	17,702	17,579	16,357	14,263
3 " "	25,668	22,016	21,863	20,343	17,739
4 " "	31,071	26,650	26,465	24,626	21,472
5 " "	34,731	29,791	29,583	27,527	24,003
6 " "	38,393	32,931	32,702	30,428	26,533
7 or more persons - personnes ou plus	42,054	36,072	35,820	33,329	29,064

* Includes cities with a population between 15,000 and 30,000 and small urban areas (under 15,000).
Comprend les villes dont la population se chiffre entre 15,000 et 30,000 habitants et les petites régions urbaines (moins de 15,000 habitants).