Community Legal Clinics in Ontario: Challenges and Opportunities

November 2013 – UK Law Centre Network

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Community Advocacy & Legal Centre
Belleville, Ontario, Canada

CALC
Community Advocacy & Legal Centre
Locating Legal Aid and Ontario’s community legal clinics

Canada


Ontario

Population (2011 Census): 12,851,821
Community Advocacy & Legal Centre

The Community Advocacy & Legal Centre is a non-profit community legal clinic. We provide free legal services to low income residents of Hastings, Prince Edward and Lennox & Addington counties. The clinic (formerly known as Hastings and Prince Edward Legal Services) is currently staffed by lawyers, community legal workers, and support staff and is funded by Legal Aid Ontario. A community-based Board of Directors is responsible for the clinic’s operation. Read our Annual Reports to learn more about what we do.

Can we help you?

- Free legal information and legal advice
- Representation before courts and tribunals
- Assistance (encouraging self-help)
- Tenant Duty Counsel (Landlord & Tenant Board)
- Referrals, links to appropriate services
- Legal education sessions & materials
- Community capacity building resources
- Law reform initiatives
- Special project assistance
- Domestic Violence / Emergency Resources links

All information received by our staff, whether by phone or otherwise, is confidential.

Join us November 28, 2013 for our Forum on Vulnerable Workers, Precarious Work: What Can We Do?
Overview of Ontario’s Legal Aid System

Ministry of Attorney General (Main funder)

Legal Aid Ontario (LAO)

- LAO Direct Client Services
- LAO Certificate Program – Private Lawyers (Judicare)
- Independent Community Legal Clinics
- University Student Legal Clinics (SLASS)
Expenditures by Program Area – 2011/12

2011/12 EXPENDITURES – $373 MILLION

- Certificate Costs – Other: 44%
- Staff Law Offices: 19%
- Duty Counsel Program: 13%
- Clinic Program: 10%
- Service Provider Support: 6%
- Administration: 5%
- Program Support: 1%
- Certificates – Big Cases: 2%
New approach post-2009 for LAO family, criminal and immigration services

LAO currently spends the majority of its expenditures on the top two layers of this pyramid.

LAO needs to enhance services at the lower level of the pyramid in order to provide better and more effective services in the future.

High cost per unit of service
Fewer people served, deeper legal needs

More people served, less legal need
Low cost per unit of service

**Client Intake and Advice - LAO**

- **District Offices and new experimental services** (Family Law Office, Refugee Law Office, Family Law Service Centres, Family Justice Centres (domestic violence) space-sharing with community legal clinics)

- **Legal Aid Websites**

- **Toll-free telephone number to Client Service Centre** (summary legal advice, legal aid certificates)

**Resources in the courthouse include:**

- **Duty counsel**
- **Legal aid in the Courthouse (LIC)**
Poor people are not just like rich people without money. Poor people do not have legal problems like those of private plaintiffs.

Poverty creates an abrasive interface with society; poor people are always bumping into sharp legal things.

Poor people do not lead settled lives into which the law seldom intrudes; they are constantly involved with the law in its most intrusive forms.

Clinics & Poverty Law – Common Areas of Law: General Service” Clinics

- Landlord & Tenant
- Workers’ Rights
- Income Security and Benefits
- Consumer Law
- Criminal Injuries Compensation
- Human Rights
- Education Rights
“Speciality” Clinics

Justice for Children and Youth

Industrial Accident Victims' Group of Ontario

Advocacy Centre for the Elderly

CLEO

HIV & AIDS Legal Clinic Ontario

ARCH Disability Law Centre

Canadian Environmental Law Association

EQUITY. JUSTICE. HEALTH.
University Student Legal Clinics –
also known as Student Legal Aid Services Societies (SLASS)

- SLASSs at six Ontario law schools
- staffed by law students
- close supervision of experienced lawyers
- Cases include: minor crimes; poverty law
Clinics and Poverty Law Services

Clients can call toll-free – their local CLC

Clients can visit clinic office or satellite locations or via community partners “trusted intermediaries”

Clients can access information online via website, Facebook, blogs and Twitter

Clients represented at Administrative Tribunals and Courts and other forums

Law Reform and systemic advocacy activities

Public Legal Education and Information (PLEI) activities, outreach events, workshops, community capacity-building and organizing, community development
The Domino Effect

Preventative Legal Services

Access to Justice - Challenges in rural areas: A poverty law perspective, May 8 2012 Queen's University Professionals in Rural Ontario: An Interdisciplinary Approach
Experimental “Appropriate Intervention Point” Analysis

Cycle of Housing Instability

- Housing Search
- Safe Tenancy
- Arrears / Repairs
- Notice
- Eviction Order
- Dispute
- Application
- Housing Loss

Legal Awareness Needed

Original diagram from Eviction Prevention and its Relation to Homelessness, Acacia Consulting & Research Final Report, March 2006
VISION
Poverty reduction and enhanced access to justice in Ontario through a diverse and dynamic system of community-based and client-focused legal clinics.

GUIDING PRINCIPLE FOR PROVINCIAL STRATEGIC PLANNING
Clinics work together as a system to make best use of our collective strengths to better serve and empower our clients while maintaining accountability to our individual communities.

VALUES
- Client-driven poverty law services
- Representative governing boards of directors
- Trained, experienced, valued staff
- Transparency and open communication among clinics
- Collaborative decision making
- Close collaboration with community and justice sector partners
- Dignity, respect and a culture that does not stigmatize
- Independence from government
- Accountability and responsiveness to the communities we serve
- Providing a voice for marginalized communities
- Commitment to equity and social justice
Access to Justice Challenges

Responding proactively and positively
Growing challenges ....

- Access to Justice gap
- Rising legal costs and decreasing legal aid $
- Private bar disengagement with legal aid
- Legal needs studies suggest different approach
- Rural and remote service delivery challenges
- Special needs – linguistic, disability, mental health
- Using technology effectively – internal/external
- Value for money audits and accountability
Proactive responses

- Advocating for the cause of A2J: The holistic response and the justice system
- Leveraging new resources from within: Knowledge Management, Action Learning/Research; Appreciative Inquiry
- Developing a strategic plan for the clinic system: Build commitment
- Getting ahead of the curve: Enhance Partnerships, Evidence-based, Evaluation and Outcome Measurement
Holistic service delivery (CALC’s Five County Network report (Nov. 2013))

We now define holistic service delivery in the following ways:

- ensuring that all the clients’ legal needs and issues are identified (regardless of first point of contact with legal services)
- Ensuring that non-legal issues are identified and appropriate referrals are made
- Employing a broad range of “legal service” strategies to meet those needs including referral, information, advice, representation, community capacity building (including outreach, public/community legal education, and community development activities), and systemic advocacy and law reform strategies.
Holistic Service: A service that looks at the client as a whole to assist with their legal and non-legal issues, well-being and empowerment. The service is tailored to assist the person with their specific issues in connection, rather than in a fragmented or piecemeal way which ignores their circumstances or other factors that may be affecting their lives. It may also involve working with legal and non-legal agencies and other people whose rights are being affected.


The holistic approach to client service focuses upon an analysis of what the client community needs to get ahead rather than an exclusive focus on the client's immediate request for services. The holistic strategy for helping clients involve:

- An analysis of the full scope of a client's situation, not just the issues the client presents;
- An identification of the advocacy strategy which will address the client's myriad needs; and
- The mobilization of resources to meet those needs.

Holistic service is sometimes used to infer a broader notion of service than seamlessness. Several notions of service can be invoked in the name of holistic provision.

- **Understanding**: Seeing a client’s legal problems in their wider social context, and addressing the legal problem within that context. For instance, this might include acknowledging the impact of a client’s mental health, disability of caring obligations on their ability to solve their ‘legal’ problems.

- **Diagnosing**: Diagnosing and dealing with all of a client’s legal problems (i.e. going beyond the presenting problem or the problem that a particular adviser is geared up to deal with, to see what other legal needs might be present).

- **Delivering or networking**: Ensuring a client receives appropriate levels of advice on their legal problems through appropriate provision by the adviser themselves, or through referral/signposting to colleagues or other providers in the system.

- **Broadening**: Seeing a client’s non-legal problems as requiring some level of intervention if the client’s legal problems are to be addressed and delivering those interventions directly or through signposting/referring the client to the relevant services and ensuring those services are carried out.

- **Taking some strategic initiative**: Identifying and tackling the root cause of a client’s legal problems (to use a medical analogy, tackling causes not symptoms).

Experimental “Legal Health” Checklist Approach

Legal Issues Checklist - What Happened Before What Happened

Other underlying issues to canvass when the presenting issue is:

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<tr>
<th>ONTARIO WORKS</th>
<th>To Canvas</th>
<th>Results Legal Is</th>
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<tbody>
<tr>
<td>Level 1</td>
<td>Level 2</td>
<td>Level 3</td>
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<tr>
<td>Reason for having to apply for Ontario Works?</td>
<td>Job loss</td>
<td>Wages owing?</td>
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<td>Terminations pay or severance</td>
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<td>Union Grievance</td>
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<td>Injury</td>
<td>Work related – WSB in pay?</td>
<td>WSB</td>
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<td>Criminal Injuries?</td>
<td>CICB appl.</td>
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<td></td>
<td>Possible ODSP or CPP application</td>
<td>ODSP / CPP appl.</td>
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<tr>
<td>Change in family status</td>
<td>Domestic Violence</td>
<td>CICB</td>
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<td></td>
<td>Family Law Issues</td>
<td>Support Info variation?</td>
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<td>Illness</td>
<td>Disability lasting &lt;1 year</td>
<td>ET benefits ask</td>
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<tr>
<td></td>
<td>Disability expected to last &gt;1 year</td>
<td>ODSP, CPP</td>
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<tr>
<th>ONTARIO DISABILITY</th>
<th>To Canvas</th>
<th>Results Legal Is</th>
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<tbody>
<tr>
<td>Level 1</td>
<td>Level 2</td>
<td>Level 3</td>
</tr>
<tr>
<td>What is cause of disability?</td>
<td>Injury</td>
<td>Work related – WSB in pay?</td>
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<td></td>
<td></td>
<td>Criminal Injuries?</td>
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<tr>
<td></td>
<td></td>
<td>PTSD, Depression, Anxiety?</td>
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<tr>
<td>Is there other income to apply for?</td>
<td>In relation to Work?</td>
<td>CICB appl.</td>
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<td>Mortgage Insurance?</td>
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<td></td>
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<td>Debts/bankruptcy insurance?</td>
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</tbody>
</table>

LEGAL HEALTH CHECKLIST FOR TRUSTED INTERMEDIARY AND ACCESS TO JUSTICE PARTNERS

Income Security
- Welfare/Ontario Works (OW)
- Ontario Disability Support Program (ODSP) / Canada Pension Plan Disability (CPPD)
- Employment Insurance
- Workplace Safety & Insurance Board

Housing
- Residential Tenancies Act
- Property Standards
- Social Housing

If your client has one of these problems, refer them to CALC for help. Some of these matters may be urgent so it is best to refer as soon as possible.

Working with Access to Justice Partners

Creating strategic alignment and possibilities for increased collaboration

Increasing Access to Justice

- Legal Aid
- Community Legal Clinics
- University Student Legal Clinics
- Government, Courts & Members of Parliament
- Law Societies, Bar Associations and Pro Bono Lawyers
- University Law Faculties
- Trusted Intermediaries
- Law Foundation and NGO's
Expanding Our Vision

- Quality poverty law legal services: Healthy legal clinic system
- Coordinating legal aid service delivery: Healthy Legal Aid system
- Increasing access to real Justice
Proactive responses

- Advocating for the cause of A2J: The holistic response and the justice system
- Leveraging new resources from within: Collaboration, Knowledge Management, Action Learning & Research; Appreciative Inquiry...
- Developing a strategic plan for the clinic system: Build commitment
- Getting ahead of the curve: Enhance Partnerships, Evidence-based, Evaluation and Outcome Measurement
Credible Portal to Legal Information

Choose a legal topic you'd like to learn more about...

- Abuse and Family Violence
- Employment and Work
- Housing Law
- Social Assistance and Pensions
- Consumer Law
- Environmental Law
- Human Rights
- Wills and Estates
- Criminal Law
- Family Law
- Immigration and Refugee Law
- Legal System
- Education Law
- Health and Disability

Are you new to Your Legal Rights?

A project of CLEO, Your Legal Rights is a website of legal information for people in Ontario. This site has free, practical, and easy-to-find legal information produced by hundreds of organizations across Ontario. About Share your feedback

Subscribe to our email mailing list

Latest from Your Legal Rights

Latest Resource

Parenting Plan Tool
Each section of this tool looks at different issues for you to think about as you decide on your...
Read more

Latest Service

Latest Training

Latest News/Event

This site contains general legal information for Ontario, Canada. It is not intended to be used as legal advice for a specific legal problem.
“Knowledge Management Systems”

- What do we mean by this?
- Culture is more critical than technology
- Work processes must integrate KM components
- Develop, share and create new knowledge
KM starts with you!
KnowledgeNow Project

KMT’s Vision Statement

To improve our collective delivery of high quality, effective, and efficient poverty law legal services we will:

- **learn** systematically and collaboratively from each other
- learn from the **evaluation** of our service delivery and our projects
- **share what we know** and what we learn
- **work together to create new knowledge**
- **strive to become learning organizations to support a stronger and more strategic knowledge-sharing culture**
- **develop appropriate information technology** supports to enhance our knowledge sharing.

[www.aclco.org/Knowledge_Now.html](http://www.aclco.org/Knowledge_Now.html)
Tools for a Learning Organization

Organizing Deep Dive Journeys

Encouraging “Double Loop” Learning

The Five Whys*

Creating Reflective & Generative Dialogue

Prototyping – Promising Practices

Facilitating Appreciative Inquiry approaches
Encouraging Reflective Practice: A Working Conceptualization

Leering, M. Forthcoming paper
Proactive responses

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- Leveraging new resources from within: Knowledge Management, Action Learning/Research; Appreciative Inquiry
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Expand Client Access to Poverty Law Services

We will collaborate to expand client and community access to poverty law services to address challenges such as changing demographics and the racialization of poverty, evolving service needs, and limited resources.

Strengthen Community Connections

We will increase clinic accountability to the clients and communities we serve and pursue a range of ways for clinics to be an integral part of community efforts to meet the needs of persons living in poverty.

Ontario Community Legal Clinics PROVINCIAL STRATEGIC PLAN 2013 - 2017

Enhance System-Wide Coordination and Support

We will strengthen our capacity for provincial coordination and support to enable clinics collectively to provide the highest quality service and to ensure the clinic system is accountable for the services it provides with public funds.

Enhance Capacity for Systemic Work

We will strengthen our capacity to do preventive and systemic poverty law work, including community development, law reform, test cases, and public legal education to achieve the greatest positive impact for our client communities.
Legal Aid’s Key Strategic Objectives for clinics 2013

- Expanding access to justice and providing fair and equal access to clinic law services
- Providing a continuum of client-focused, high-quality, cost-effective services while promoting innovation
- Meeting the highest standards of public administration in Ontario, including the highest standards of transparency and accountability
- Providing more and better services in a more cost-effective way
Strategic Planning for a Legal Clinic

Access to Justice:
Improve access to justice for people living on a low income

System Advocacy & Law Reform
Advocate for reform of laws & policies and for improvements to program delivery

Community Engagement & Development
Inform and energize our communities

Individual Client Service Delivery
Provide a sustainable & strategic mix of services to meet the legal needs of local communities that are creative, innovative and efficient.

Clinic Operational Infrastructure
Improve clinic’s capacity to function effectively and efficiently

Board Governance
Strengthen Board’s capacity to govern effectively

The Foundation
Proactive responses

- Advocating for the cause of A2J: The holistic response and the justice system
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“Never, ever, think outside the box.”
ILAG 2013
Navigating with the Wandering Lost:
The Critical Role of Trusted Intermediaries in Increasing Access to Justice

http://prezi.com/3vt4ni2zmez1/ilag-presentation-for-ilag-website-june-14-2013/
Why Trusted Intermediaries?

• Build an expanded justice system by integrating community resources and legal services

• Key strategy - Intermediaries: the fence at the top of the cliff
Possible “Spectrum” of Legal Literacy and Capability Training for “Trusted Intermediaries”

Legal Awareness

- Understanding legal information vs. legal advice
- Making good legal referrals
- Understanding available legal services (Legal Aid, pro bono, sliding scale)
- Community navigation – advocacy & other help available
- Spotting or red-flagging legal issues
- Developing basic legal research skills
- Using the internet and printed materials effectively to find legal information
- Developing knowledge-sharing networks

Legal Advocacy

- Using social networking technology to find and update legal information
- Developing a “reflective practice”
- Understanding the law: Legal issue workshops
- Working effectively with your client’s lawyer or advocate
- Advocating effectively for your client
- Identifying systemic issues for advocacy
- Understanding how to use the law (process & enforcement)
- Working with clients to encourage self-advocacy & self-help
- Developing sophisticated legal research skills

June 2013
Why outcome and performance measurement??

You’ve got to be careful if you don’t know where you’re going ‘cause you might not get there.

Yogi Berra
Not everything that can be counted counts, and not everything that counts can be counted.

Albert Einstein
Experience has taught me that justice is not a fixed destination that we reach, but an illusive and continuous journey that we undertake and embrace. Justice does not stand at the end of the legal rainbow waiting for us to arrive and discover it.

Prof. David Hall (June 2005) (former Dean of Northeastern University School of Law), Pathways to Justice Conference in California.
Questions?

For further information:

- leeringm@lao.on.ca
- www.communitylegalcentre.ca
- www.facebook.com/CommunityLegalCentre
- www.legalaid.on.ca
Ontario’s 77 community legal clinics approach the delivery of legal services to hard to reach communities in creative and innovative ways. Clinics are not-for-profit, based in communities (geographic and interest), governed by local Boards of Directors, and employ lawyers, community legal workers and intake and support staff. Approaches to service delivery are holistic and integrated and include:

- direct services to clients
- outreach and community development, and
- systemic advocacy and law reform.

To find out more about the unique structure of legal clinics and the Ontario legal clinic system see, “Critical Characteristics of the Community Legal Aid Clinics in Ontario” at: http://www.aclco.org/f/Critical_Characteristics.pdf

A detailed discussion of our legal clinics is found in the article written by Osgoode Hall Law Professor Janet Mosher, “Poverty Law: A Case Study prepared for the Legal Aid Review” at http://www.communitylegalcentre.ca/about_us.htm.
Additional references

- Legal Aid Review 1997

- Legal Aid Review 2008
  [www.attorneygeneral.jus.gov.on.ca/english/about/pubs/trebilcock/](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/trebilcock/)

- Clinic System Strategic Plan 2013
  [http://www.aclco.org/public_docs战略规划/2012-12-12Update_to_clinics-Strategic-Planning-Planning-Strategic-Plan-Final.docx](http://www.aclco.org/public_docs战略规划/2012-12-12Update_to_clinics-Strategic-Planning-Planning-Strategic-Plan-Final.docx)

- KnowledgeNOW
  [www.aclco.org/Knowledge_Now.html](http://www.aclco.org/Knowledge_Now.html)

- Comparing and Understanding Legal Aid Priorities
  Mary Jane Mossman (2009)
  [www.aclco.org/public_docs/legalaidpriorities.pdf](http://www.aclco.org/public_docs/legalaidpriorities.pdf)