

A Complex Mixed Model of Service Delivery



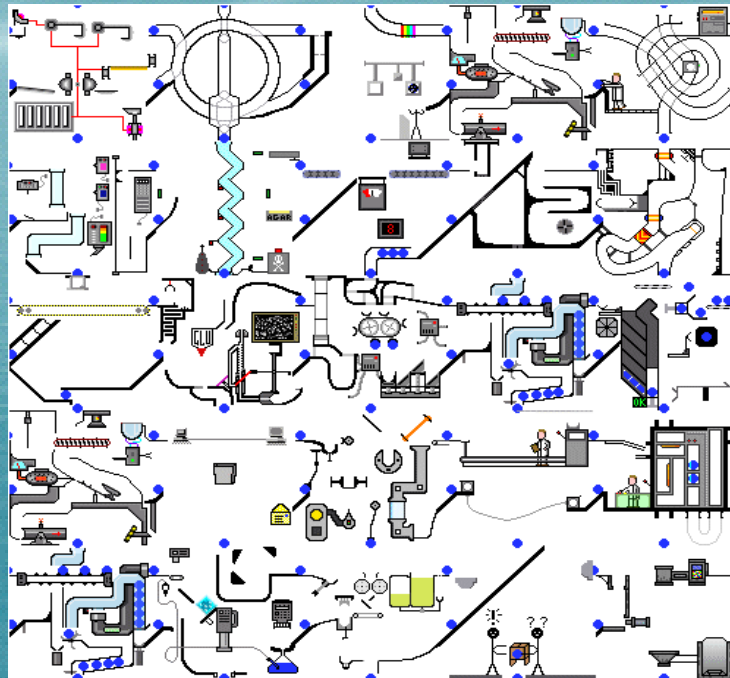
Michele Leering
Executive Director/Lawyer
Community Advocacy & Legal Centre
Belleville, Ontario, Canada



Desired outcomes:

- Contextualize Legal Aid services in Ontario
- Situate Ontario's community legal clinics
- Brief overview of civil A2J challenges in Canada
- Responding to challenges: Reflections from the field
- Answer your questions!
- Provide further references if desired
- Invite you to visit us!

The Canadian Justice System



Ok – perhaps I should simplify.....

Locating the Legal Aid and Ontario's community legal clinics

Canada



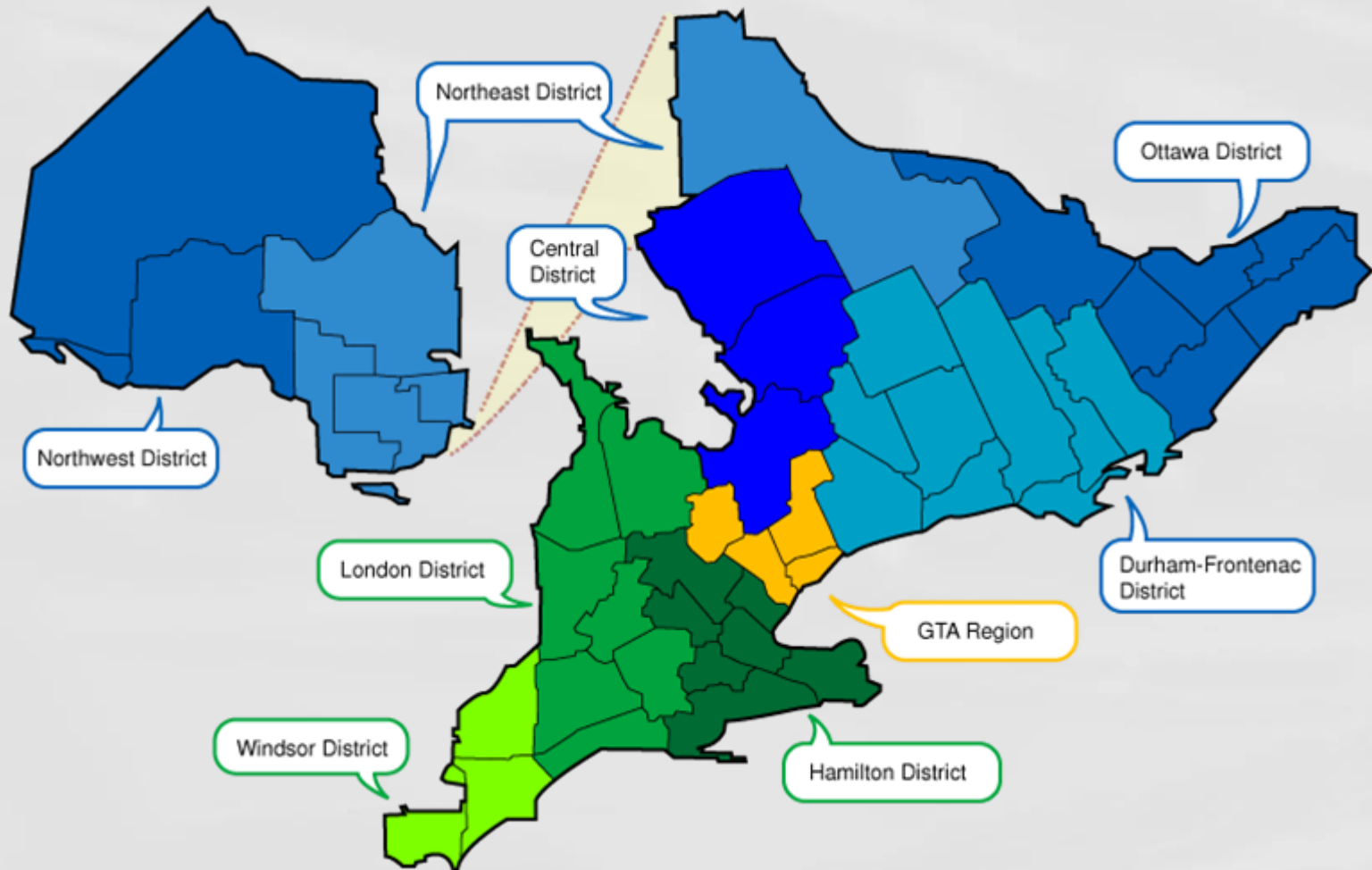
Population (2011 Census): 33,476,688

Ontario



Population (2011 Census): 12,851,821

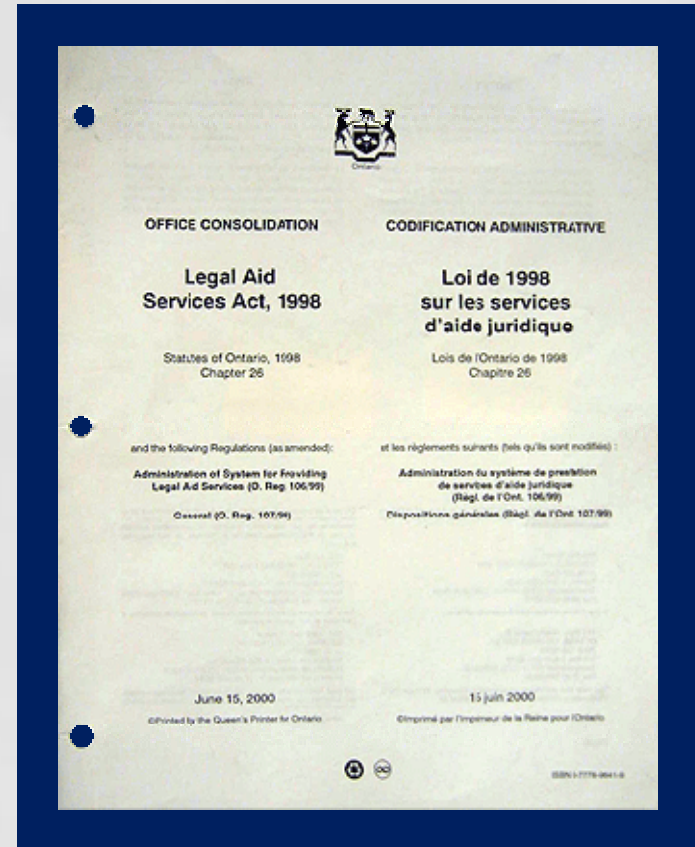
Organizing Services by Districts/Regions



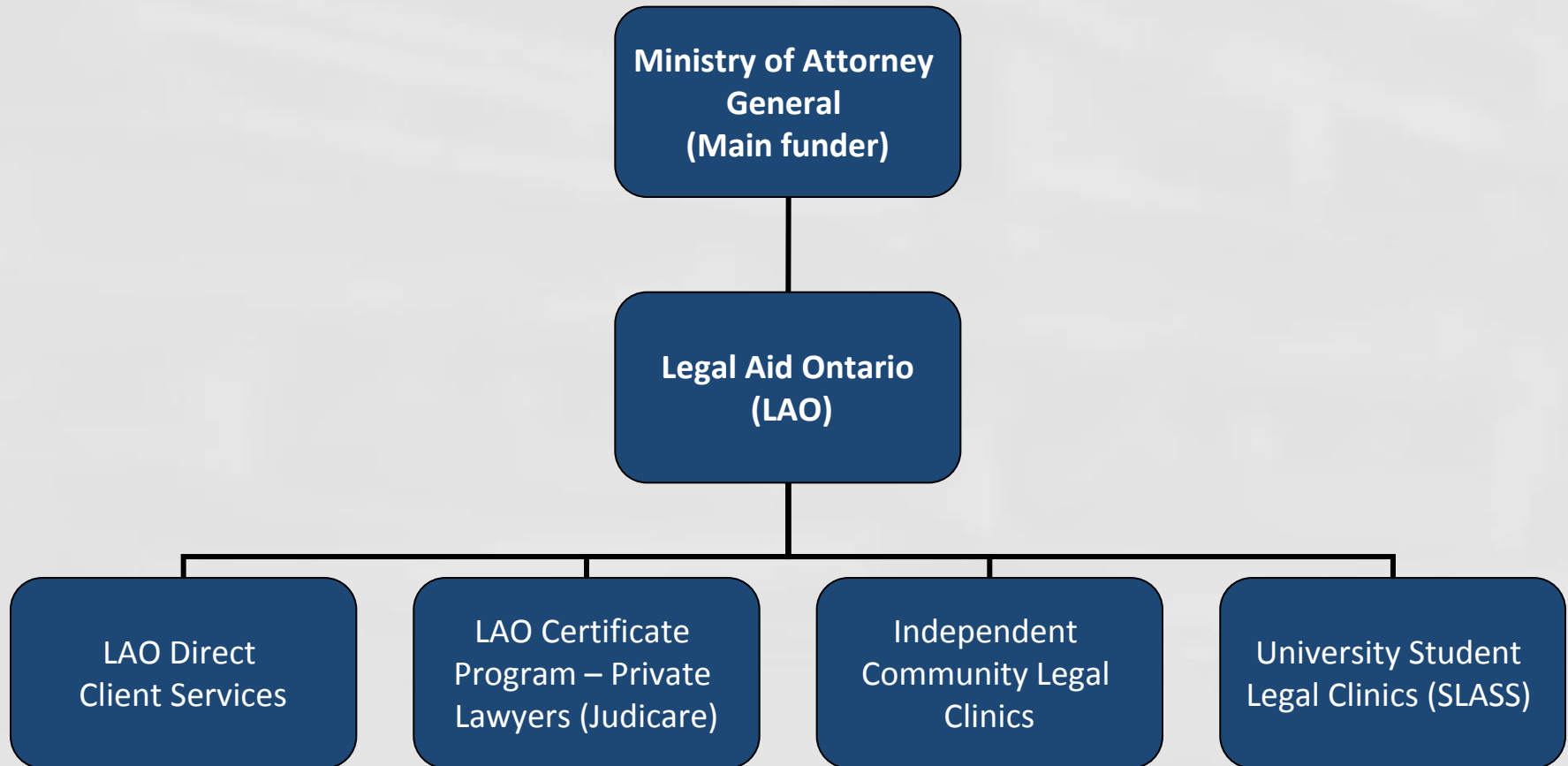
Legal Aid Ontario (LAO) Mandate

Legal Aid Services Act, 1998

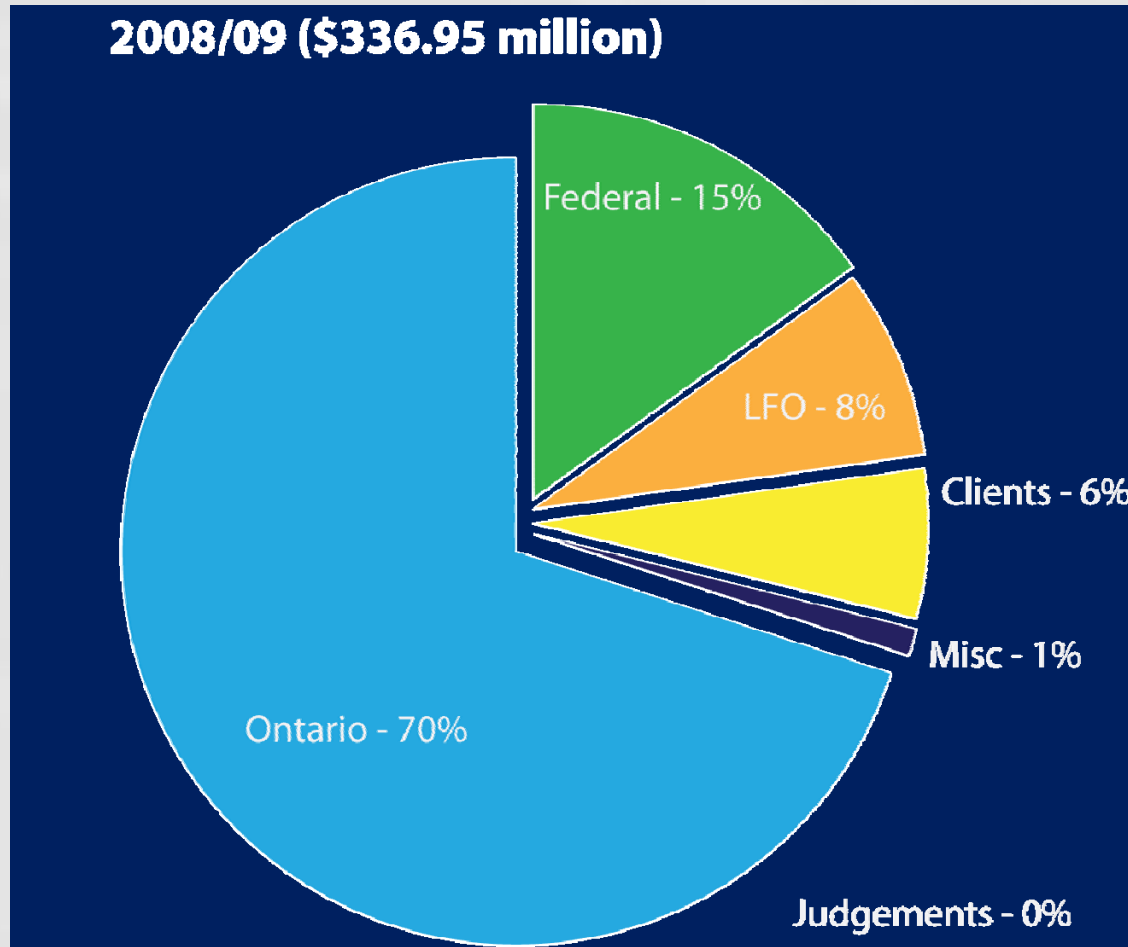
“... promote access to justice throughout Ontario for low-income individuals by means of providing consistently high quality legal aid services in a cost-effective and efficient manner.”



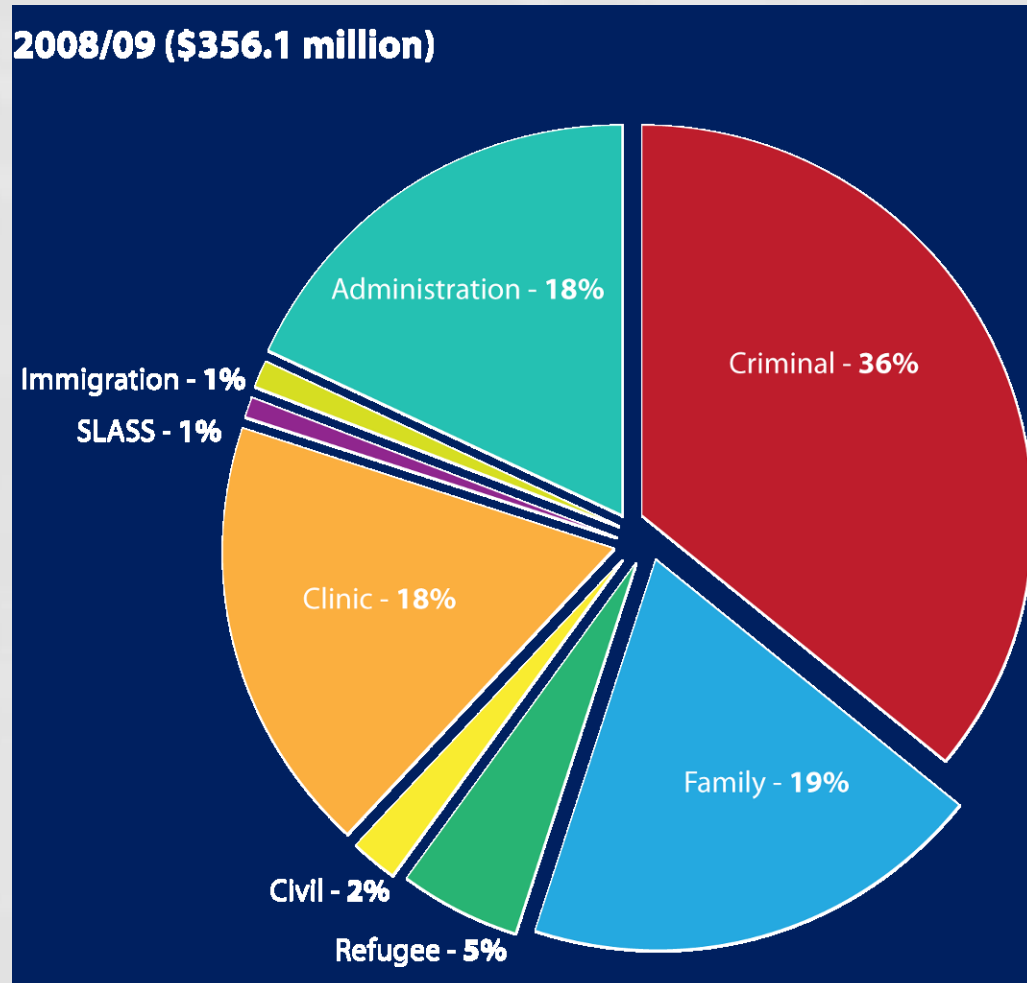
Overview of Ontario's Legal Aid System



LAO Revenue Sources - 2008/09

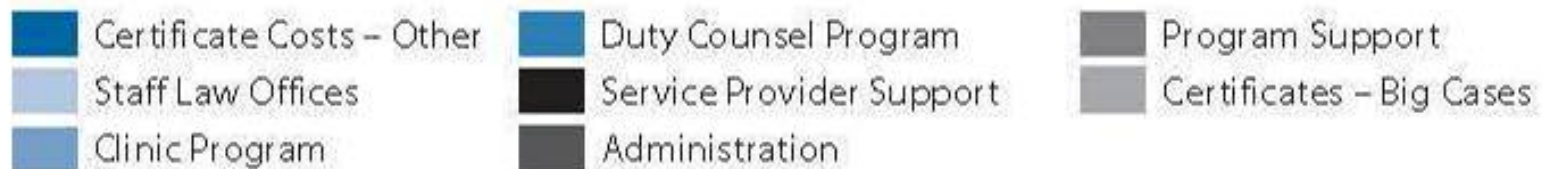
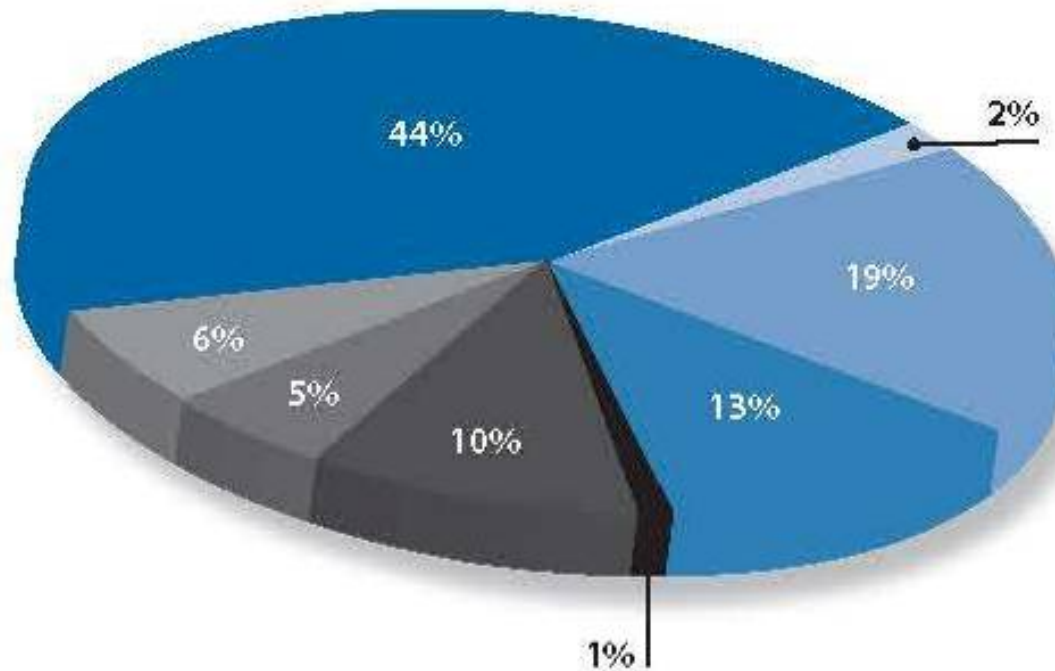


Expenditures by Area of Law - 2008/09

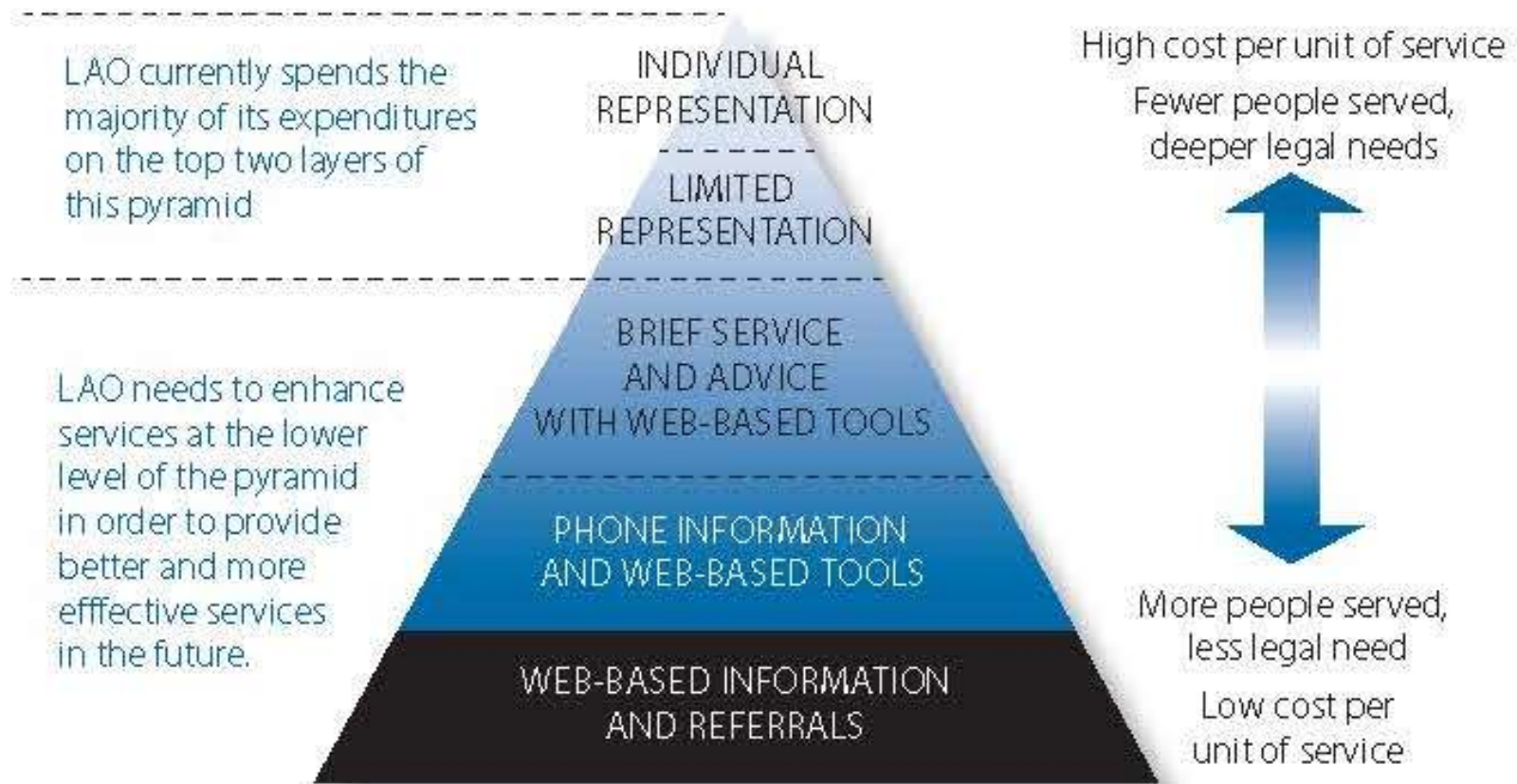


Expenditures by Program Area – 2011/12

2011/12 EXPENDITURES – \$373 MILLION



New approach post-2009 for LAO family, criminal and immigration services



http://www.legalaid.on.ca/en/publications/downloads/annualreport_2012.pdf

Client Intake and Advice - LAO



Access to Broader Family Legal Services - Earlier

1. Legal assistance – to educate, inform and coach on self-help and how to make next court appearances more meaningful
2. Forms, document preparation and help with putting together legal client matter packages to help expedite court proceedings
3. Legal advice – to offer opinions and recommendations as to best next steps to resolve your legal matter



Poor people and the law

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.

Stephen Wexler, *Practicing Law for Poor People*, 79 Yale Law Journal 1049 (1970)

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 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.

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.

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

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

Ontario's Legal Clinics

A broad spectrum of strategies, grounded in community needs & capacities

- 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 report, "Poverty Law: A Case Study prepared for the Legal Aid Review" at http://www.communitylegalcentre.ca/about_us.htm.



Your Community Legal Clinic

Home

About Us

News

Legal Information

Links

Services

Events

Contact Us



TENANT HOTLINE

Deaf Services (in ASL)

SEARCH OUR SITE



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?

Latest News



Become a Member!

- [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?](#)

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This site provides general information only, specific to Ontario, Canada. It is NOT legal advice. Please call us or a lawyer in your area for advice on your particular situation. Visit the [Legal Aid Ontario](#) site to find a clinic in your area.

This site is best viewed in Internet Explorer 7.0 or higher with screen resolution of 1024 x 768 or higher. Problems with our site? Email the [webmaster](#). Copyright © 2011, Community Advocacy & Legal Centre. All Rights Reserved. Charitable Registration Number: 12464 4171 RR0001

Clinics & Poverty Law – Common Areas of Law

“General Service” Clinics



Landlord & Tenant



Workers' Rights



Income Security and
Benefits



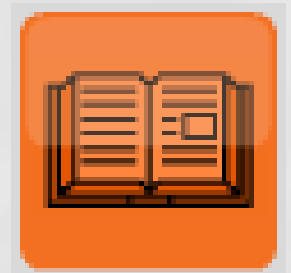
Consumer Law



Criminal Injuries
Compensation



Human Rights



Education Rights

High level outcomes we want to achieve



“Speciality” Clinics

JUSTICE
FOR CHILDREN
AND YOUTH

IAVGO
Industrial Accident Victims' Group of Ontario

ACE
Advocacy Centre
for the Elderly

 **CLEO**

HALCO
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

University of Ottawa Community Legal Clinic



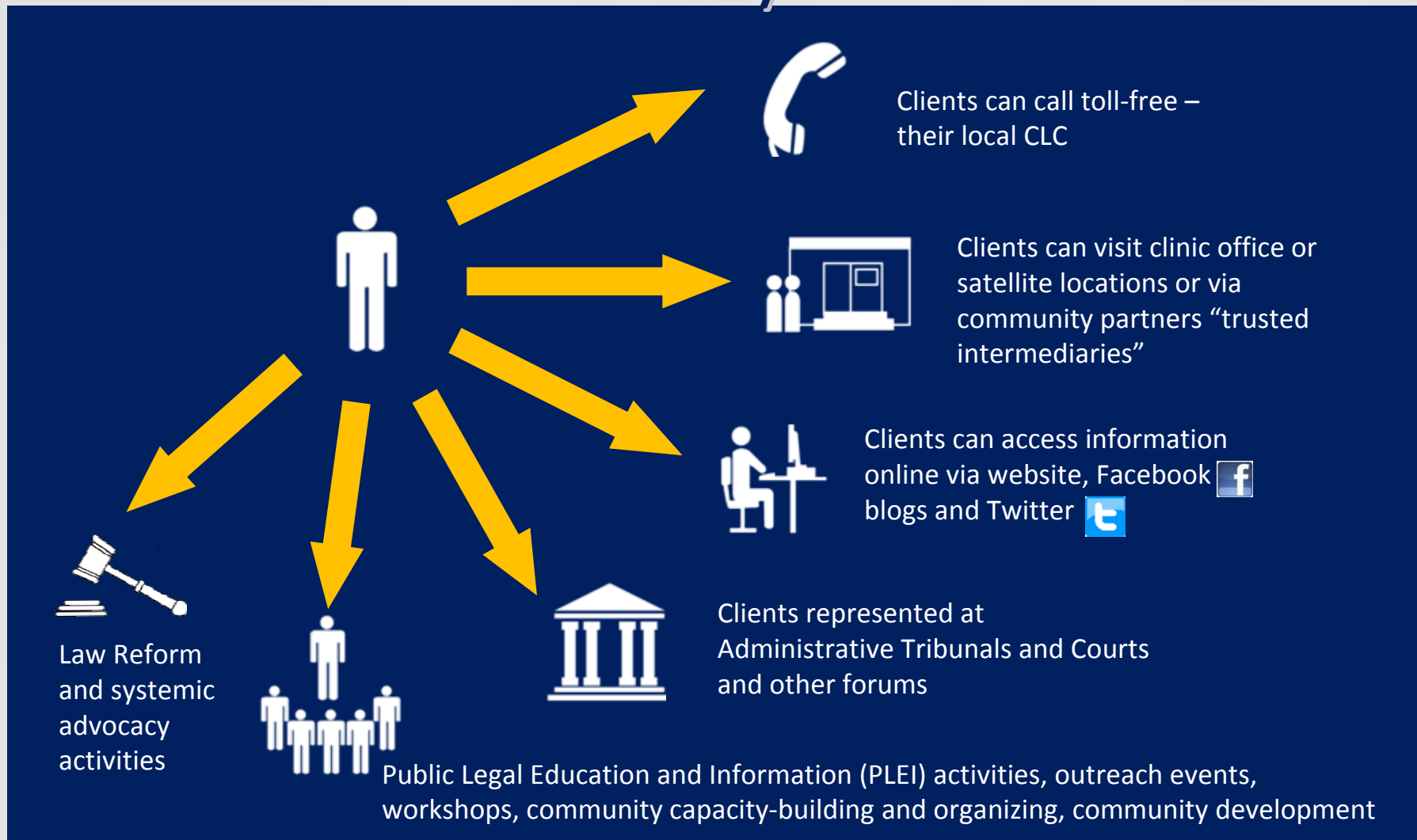
Clinique juridique communautaire de l'Université d'Ottawa



UNIVERSITY OF
TORONTO
FACULTY OF LAW



Clinics and Poverty Law Services



The Domino Effect

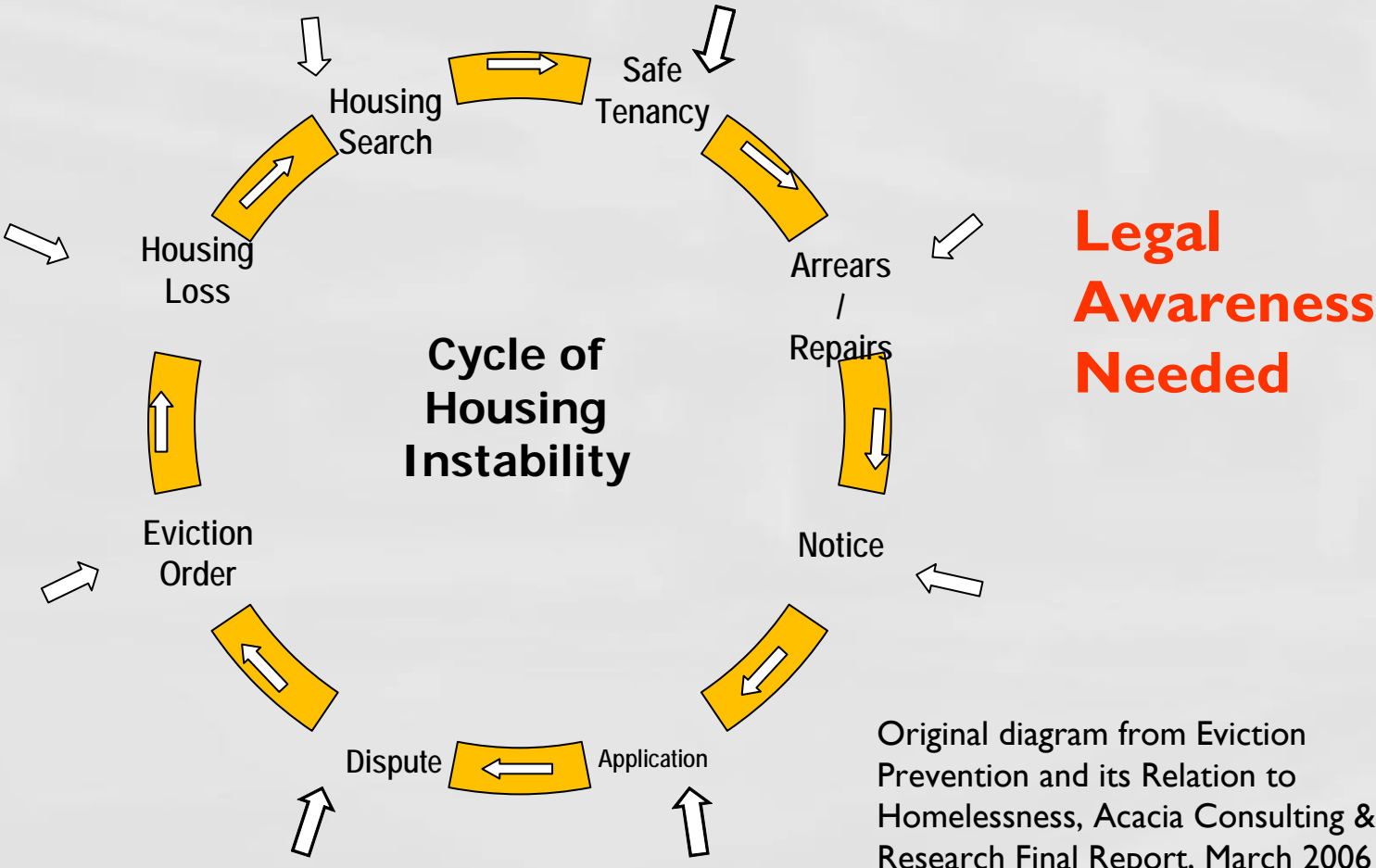


Preventative Legal Services

Access to Justice - Challenges in rural areas: A poverty law perspective, May 8 2012 Queen's University Professionals in Rural Ontario: An Interdisciplinary Approach

6

Experimental “Appropriate Intervention Point” Analysis



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

Access to Justice Challenges

Responding proactively and positively

www.lawfoundation.on.ca/wp-content/uploads/The-Connecting-Report.pdf

 **The Law Foundation of Ontario**
Building a better foundation for justice in Ontario

Connecting Across Language and Distance:
Linguistic and Rural Access to Legal Information and Services



**Increasing Access to Family Justice
Through Comprehensive Entry Points
and Inclusivity**

FINAL REPORT
February 2013

<http://www.lco-cdo.org/family-law-reform-final-report.pdf>



**Paths to Justice: Navigating with the
Wandering Lost**

**Providing Access to Justice in Rural
and Linguistic Minority Communities
in South-Eastern Ontario**

Report and Recommendations of the Five County
Connecting Region Project

To

The Law Foundation of Ontario

and

Community Partners in the Counties of Frontenac,
Hastings, Lennox & Addington, Northumberland and
Prince Edward

March 2011

Please do not cite without permission of the authors.
Please contact leeringm@lao.on.ca.

**The National Self-Represented Litigants Project:
Identifying and Meeting the Needs of Self-Represented
Litigants**

Final Report

May 2013

Dr Julie Macfarlane

Supported by grants from the Law Foundation of Ontario, the Law
Foundation of Alberta, and the Law Foundation of British Columbia/ Legal
Services Society of British Columbia



Action Committee on Access to
Justice in Civil and Family Matters
Comité d'action sur l'accès à la
justice en matière civile et familiale

National Action Committee on Access to Justice
in Civil & Family Matters

Prevention, Triage and Referral Working Group

Final Report

Responding Early, Responding Well:
Access to Justice through the Early Resolution Services Sector

February 12, 2013

"Resolved that the Action Committee approve the Working Group report for distribution and
consultation on March 12, 2013"

www.communitylegalcentre.ca/connectingregions/docs/PathsToJusticeFinalReport2011.pdf

www.representing-yourself.com/PDF/reportM15.pdf

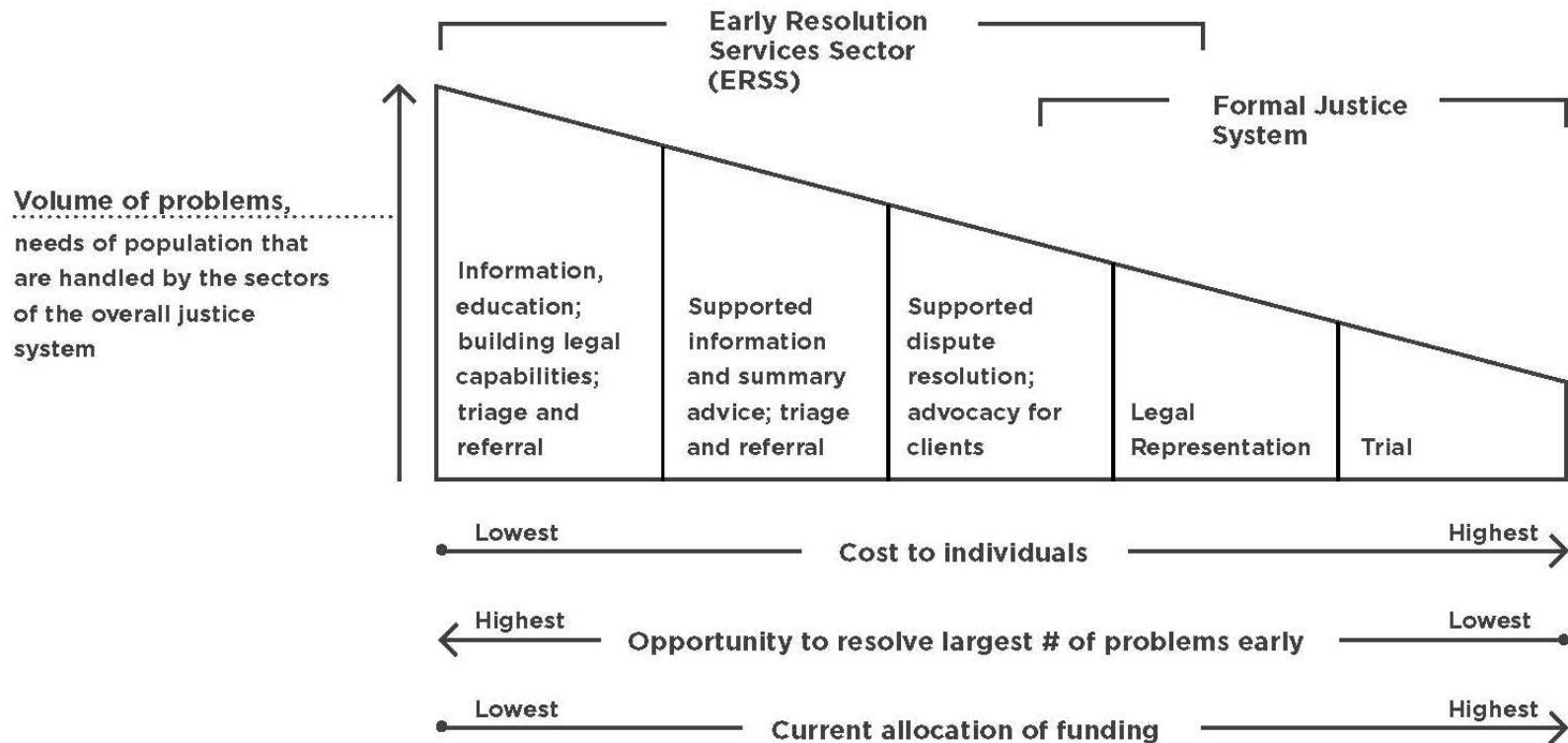
www.cfcj-fcjc.org/collaborations

Growing challenges

- Access to Justice gap incl. unmet legal need
- 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

Changing our concept of legal services

Figure 2: The ERSS and Formal Justice System: Volume of needs vs. cost and funding allocations



Action Committee on Access to Justice in Civil and Family Matters. *Access to Civil and Family Justice: A Roadmap for Change* (Ottawa: October 2013), 12. Retrieved from <https://www.ciaj-icaj.ca/images/stories/eventsPDF/AC%20Report%20-%20English%20October%208,%202013.pdf>

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Responding proactively and positively

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LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO



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Justice in Civil and Family Matters
Comité d'action sur l'accès à la
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www.representing-yourself.com/PDF/reportM15.pdf

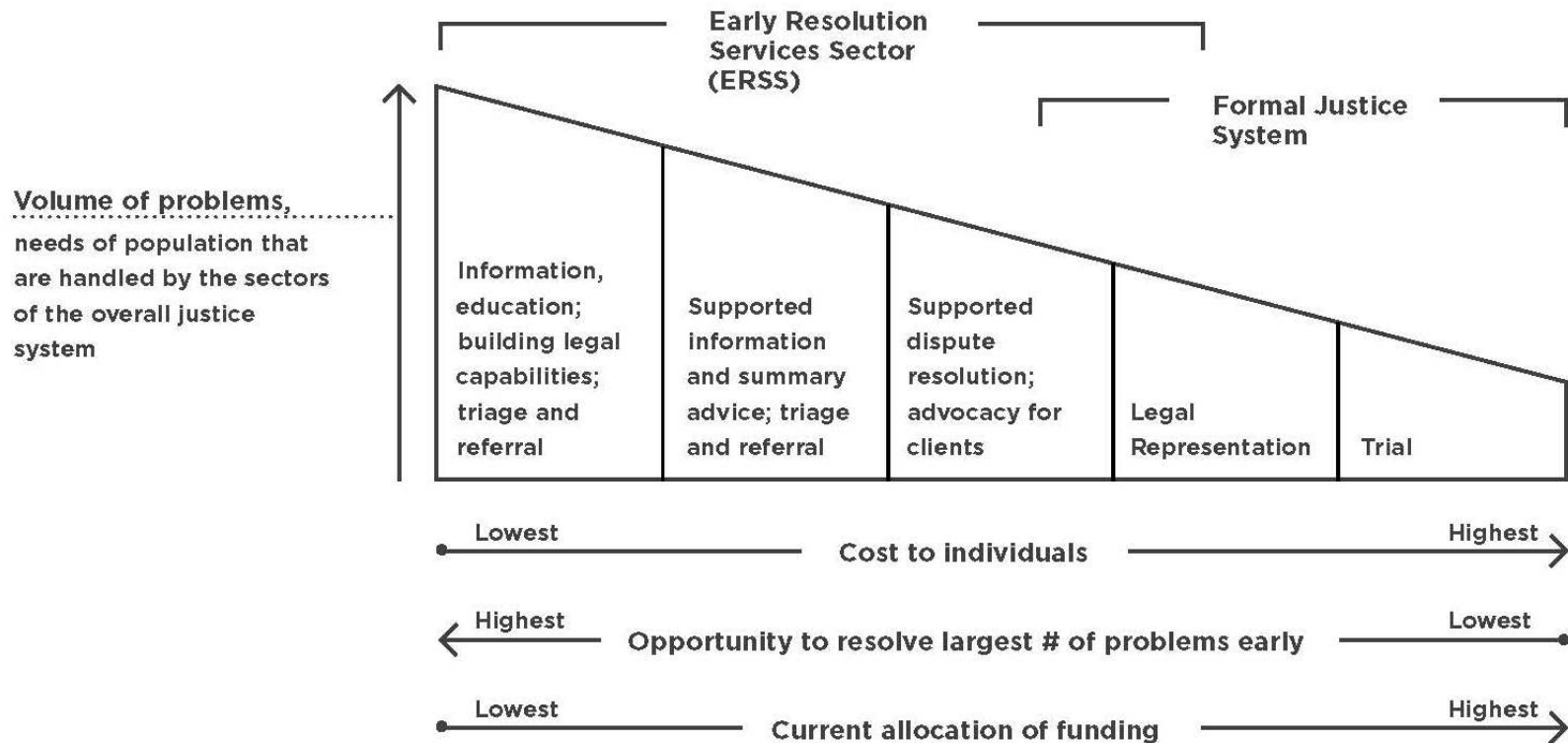
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How to set priorities





"Never, ever, think outside the box."

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 Delivery

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.

Curran, L. *Encouraging Good Practice in Measuring Effectiveness in the Legal Service Sector*. (Legal Workshop, Australian National University College of Law: May 2013), 3.

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.

Neiman, T. Reflections on Holistic Advocacy, *Management Information Exchange Journal*, 34, 36–37 (Fall 1999)

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 or 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).

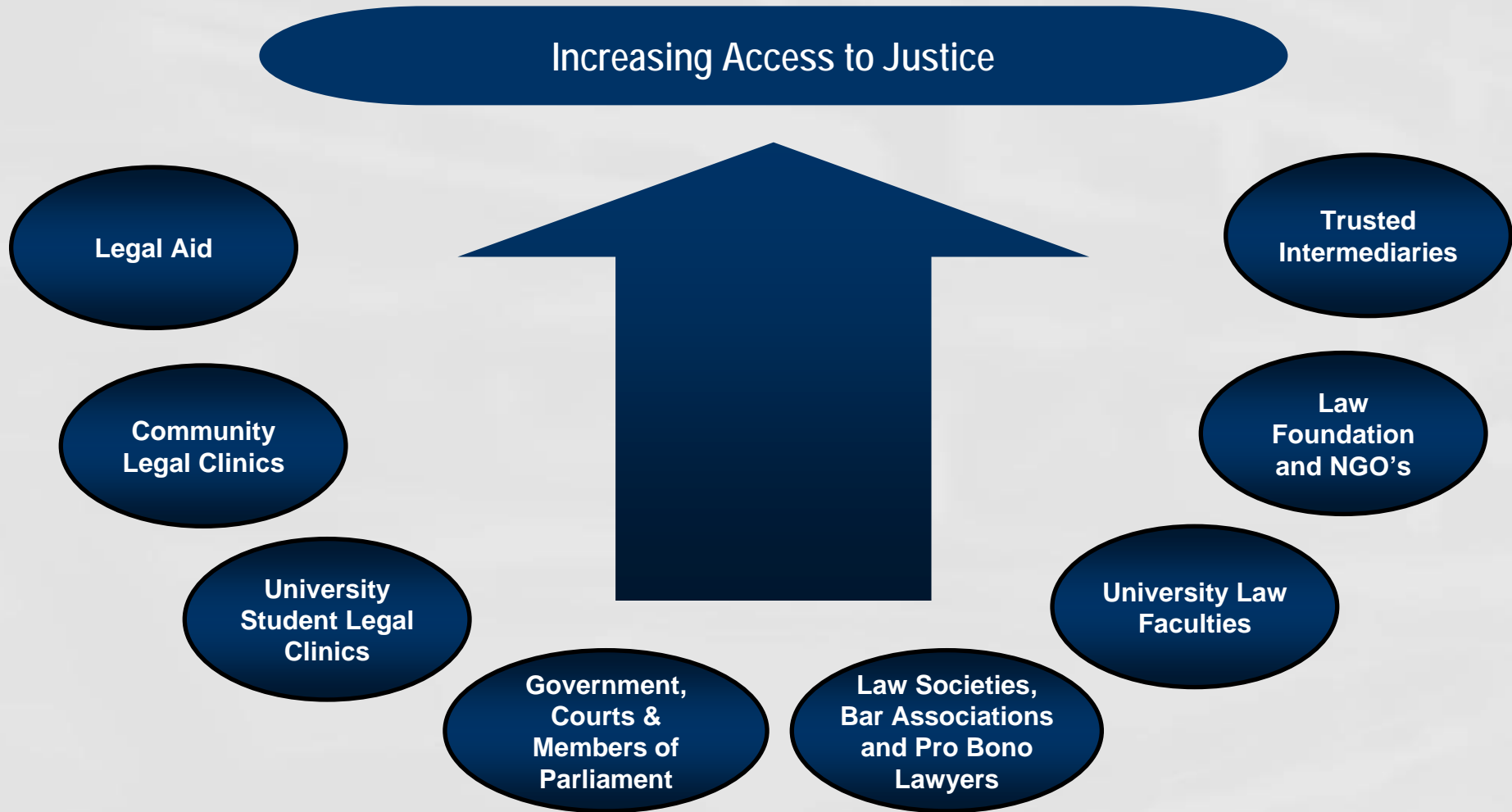
Moorhead, R. *Coping with Clusters? Legal Problems Clusters in Solicitors' and Advice Agencies*. Paper to the International Legal Aid Group, 2007, 19-20. Retrieved November 13, 2013 from http://www.ilagnet.org/jscripts/tiny_mce/plugins/filemanager/files/Antwerpen_2007/Conference_Papers/Coping_with_Clusters_Legal_problems_clusters_in_solicitors_and_advice_agencies.pdf.

Lessons Learned from the Field?

- “Systems” approach – “A2J partners” – the usual suspects and with community partners
“trusted intermediaries” – “legal capability”
- Developing “learning organizations”
- Knowledge management, sharing and creation
- “Reflective practice” and “action research”
- Promoting transformative leadership
- Evaluation and learning - outcome and performance management
- Technology use

Working with Access to Justice Partners

Creating strategic alignment and possibilities for increased collaboration



ILAG 2013

Navigating with the Wandering Lost:

The Critical Role of Trusted Intermediaries
in Increasing Access to Justice



Michele Leering, Executive Director/Lawyer
Community Advocacy & Legal Centre



Dr. Ab Currie, Senior Research Fellow
Canadian Forum on Civil 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



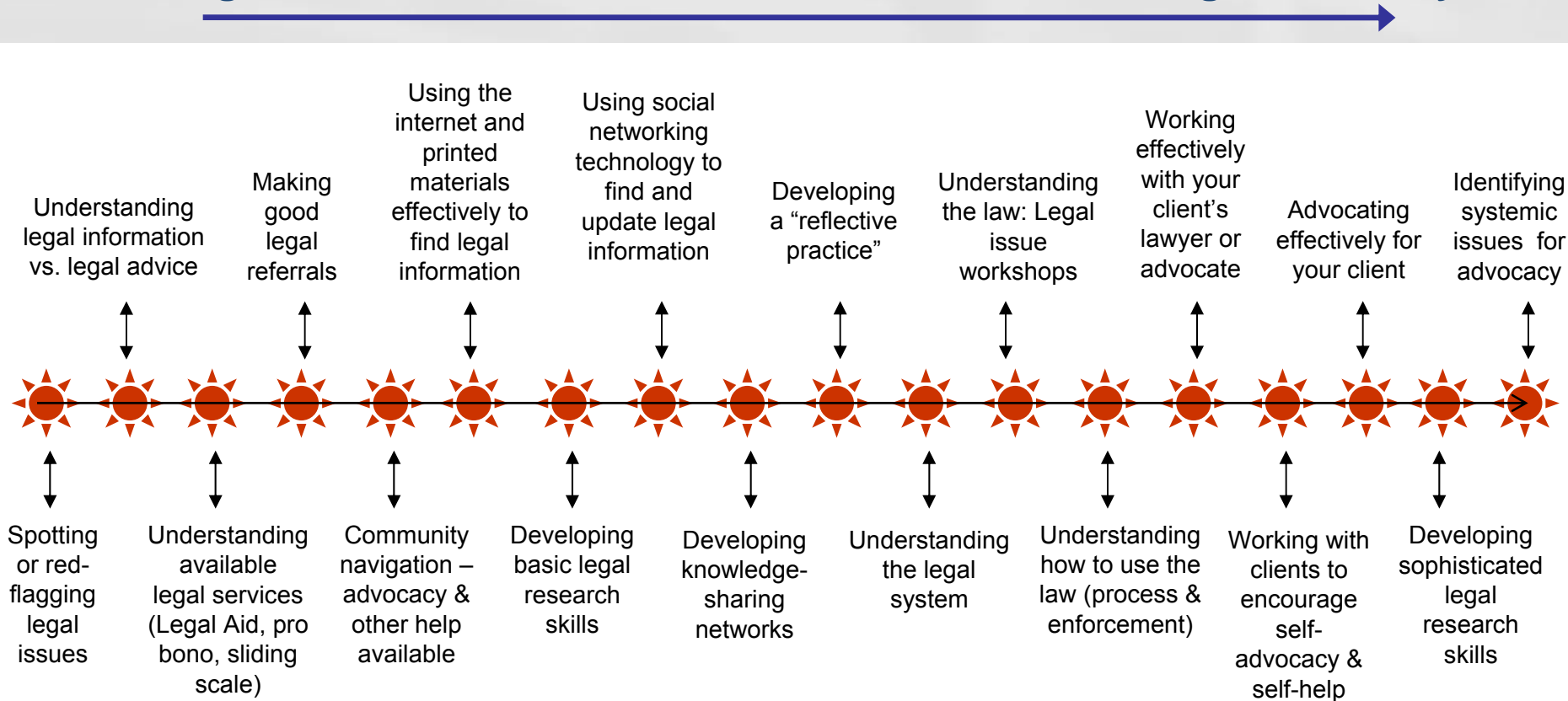
Who are “Trusted Intermediaries”?



Possible “Spectrum” of Legal Literacy and Capability Training for “Trusted Intermediaries”

Legal Awareness

Legal Advocacy



June 2013

Experimental “Legal Health” Checklist Approach

Legal Issues Checklist - What Happened Before What Happened

Other underlying issues to canvass when the presenting issue is:

ONTARIO WORKS

Level 1	To Canvass		Resulting Legal Issue
	Level 2	Level 3	
Reason for having to apply for Ontario Works?	Job loss	Wages owing?	ESA Claim
		Termination pay or severance	ESA Claim, WD
		Union Grievance	
		EI denied	EI appeal
	Injury	Work related – WSIB in pay?	WSIB
		Criminal injuries?	CICB appl.
		Possible ODSP or CPP application	ODSP / CP appl.
	Change in family status	Domestic Violence	CICB
		Family Law Issues	Support in variation?
	Illness	Disability lasting < 1 year	EI benefits sick
Disability expected to last >1 year		ODSP, CPP	

ONTARIO DISABILITY

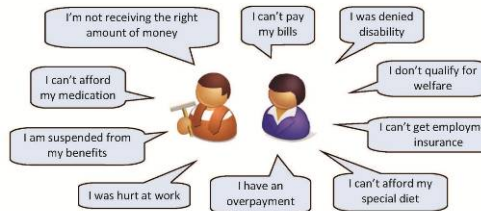
Level 1	To Canvass		Resulting Legal Issue
	Level 2	Level 3	
What is cause of disability?	Injury	Work-related? WSIB in pay?	WSIB
		Criminal injuries?	CICB
Is there other income to apply for?	Mental Health	PTSD, Depression, Anxiety? From Sexual assault, child abuse?	CICB
		In relation to Work?	CPP-D application STD/LTD?
	In relation to debt?	Mortgage Insurance? Debt/credit card insurance?	Other appl.

LEGAL HEALTH CHECKLIST FOR TRUSTED INTERMEDIARIES AND ACCESS TO JUSTICE PARTNERS

(UPDATED: OCTOBER 2013) PAGE 1 OF 2

Income Security

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



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.

CALC
Community Advocacy & Legal Centre

158 George Street, Belleville, Ontario, K8N 3H2
613-966 8686 or 1-877-966-8686 / TTY: 613-966-8714 or 1-877-966-8714

The Halton Legal Health Check-Up



Halton Community Legal Services

Seeking solutions to the legal problems in everyday life that may be harmful to your health

Credible Portal to Legal Information

The screenshot shows the homepage of the 'your legal rights' website. At the top left is the logo with a green door icon and the text 'your legal rights'. To the right are social media icons for RSS, Facebook, Twitter, and YouTube, and a search bar. Below the logo is a navigation menu with links: HOME, LEGAL TOPICS, COMMON QUESTIONS, SERVICES, TRAINING, NEWS & EVENTS, and FEEDBACK & HELP. A 'Text Resize' control with three 'A' icons is on the right. The main heading reads 'RIGHTS HERE. RIGHTS NOW.' Below this is a grid of legal topics, each with an icon and a title. A 'SHARE' button with social media icons and a '123' counter is on the right of the grid. Below the grid is a section titled 'Are you new to Your Legal Rights?' with a paragraph of text and links for 'About' and 'Share your feedback'. There is also a 'Subscribe to our email mailing list' form with a 'Subscribe' button and a 'Learn more' link. To the right is a 'LATEST FROM YOUR LEGAL RIGHTS' section with a list of categories: 'LATEST RESOURCE' (highlighted), 'LATEST SERVICE', 'LATEST TRAINING', and 'LATEST NEWS/EVENT'. The 'LATEST RESOURCE' entry is 'Parenting Plan Tool' with a brief description and a 'Read more' link. At the bottom, there is a footer with a disclaimer: 'This site contains general legal information for Ontario, Canada. It is not intended to be used as legal advice for a specific legal problem.' The footer also features the 'a project of CLEO' logo and the 'The Law Foundation of Ontario' logo with the tagline 'Building a better foundation for justice in Ontario'.

your legal rights

SEARCH

HOME LEGAL TOPICS COMMON QUESTIONS SERVICES TRAINING NEWS & EVENTS FEEDBACK & HELP

Text Resize +A A A

RIGHTS HERE. RIGHTS NOW.

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

SHARE 123

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	
Education Law	Health and Disability	Legal System	

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

[Learn more](#) >

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

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a project of **CLEO**

Funded by **The Law Foundation of Ontario**
Building a better foundation for justice in Ontario

Weekly alerts to interesting legal information

“Common Question”



RIGHTS HERE. RIGHTS NOW.

Latest Common Questions

[What rules does my employer have to follow about public holidays?](#)

Question:

What rules does my employer have to follow about public holidays?

 Send  Tweet

[View all Common Questions](#)

Latest Resources

[Consumer Protection Toolkit: Identity Theft](#)

This toolkit looks at identity theft: how it happens, how to prevent it, what the signs are that show you may be a victim, and what to do about it. It also reviews strategies and remedies for community workers who assist victims of identity theft. It includes a webinar giving an overview of identity theft and one on assisting victims, Quick Tips, and a Law Talk column.

Produced by:

Community Law School (Sarnia-Lambton) Inc.

Related Common Question:

[My neighbour just told me that he is a victim of identity theft. What is identity theft, and how can I avoid becoming a victim?](#)

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KMT's Vision Statement

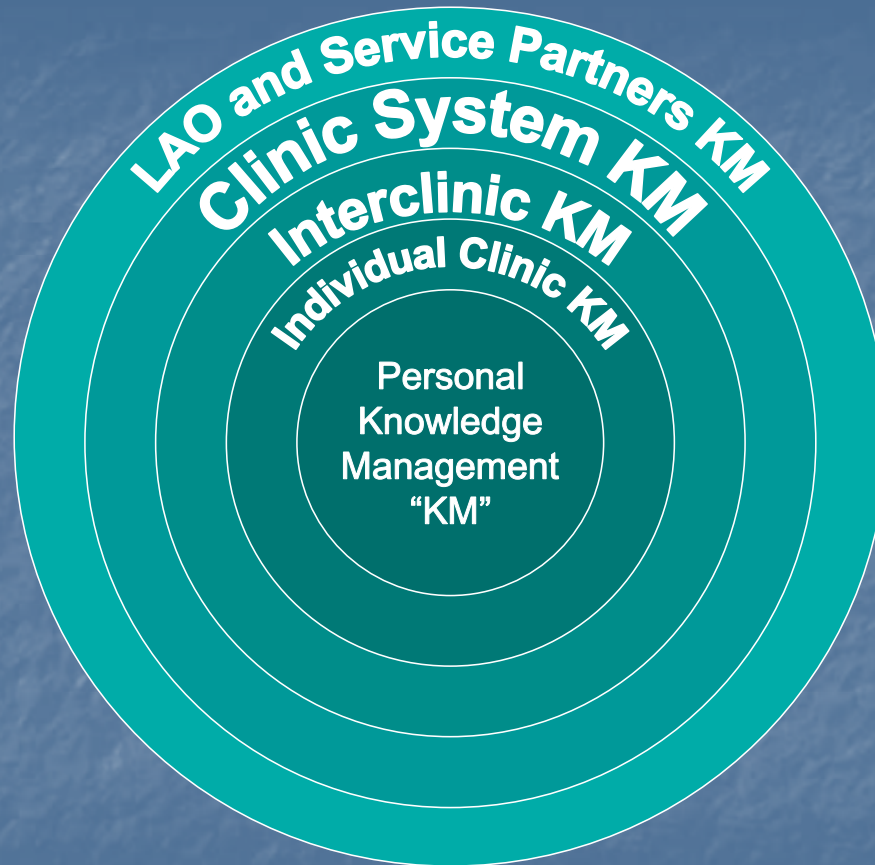
To improve our collective delivery of high quality, effective, and efficient poverty law legal services we will:

- ✓ **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.

“Knowledge Management Systems”

- What do we mean by this? Customize it!
- Culture is more critical than technology
- Work processes must integrate KM components





Becoming a “Learning Organization”

“An organization where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together.”

(Peter Senge – Fifth Discipline, 1995)

Creating more resilient organizations - The Learning Organization: Five Disciplines (Senge)



Tools for a Learning Organization

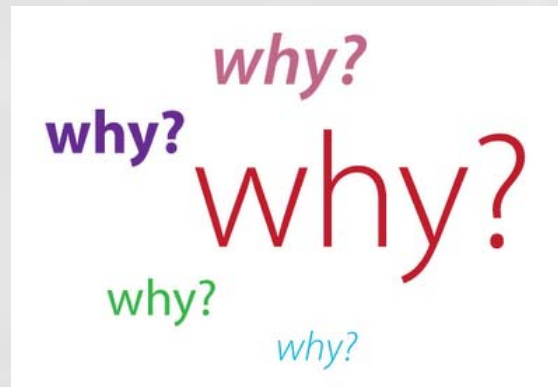
Organizing
Deep Dive
Journeys

Encouraging
“Double Loop”
Learning

Creating
Reflective &
Generative
Dialogue

Prototyping –
Promising
Practices

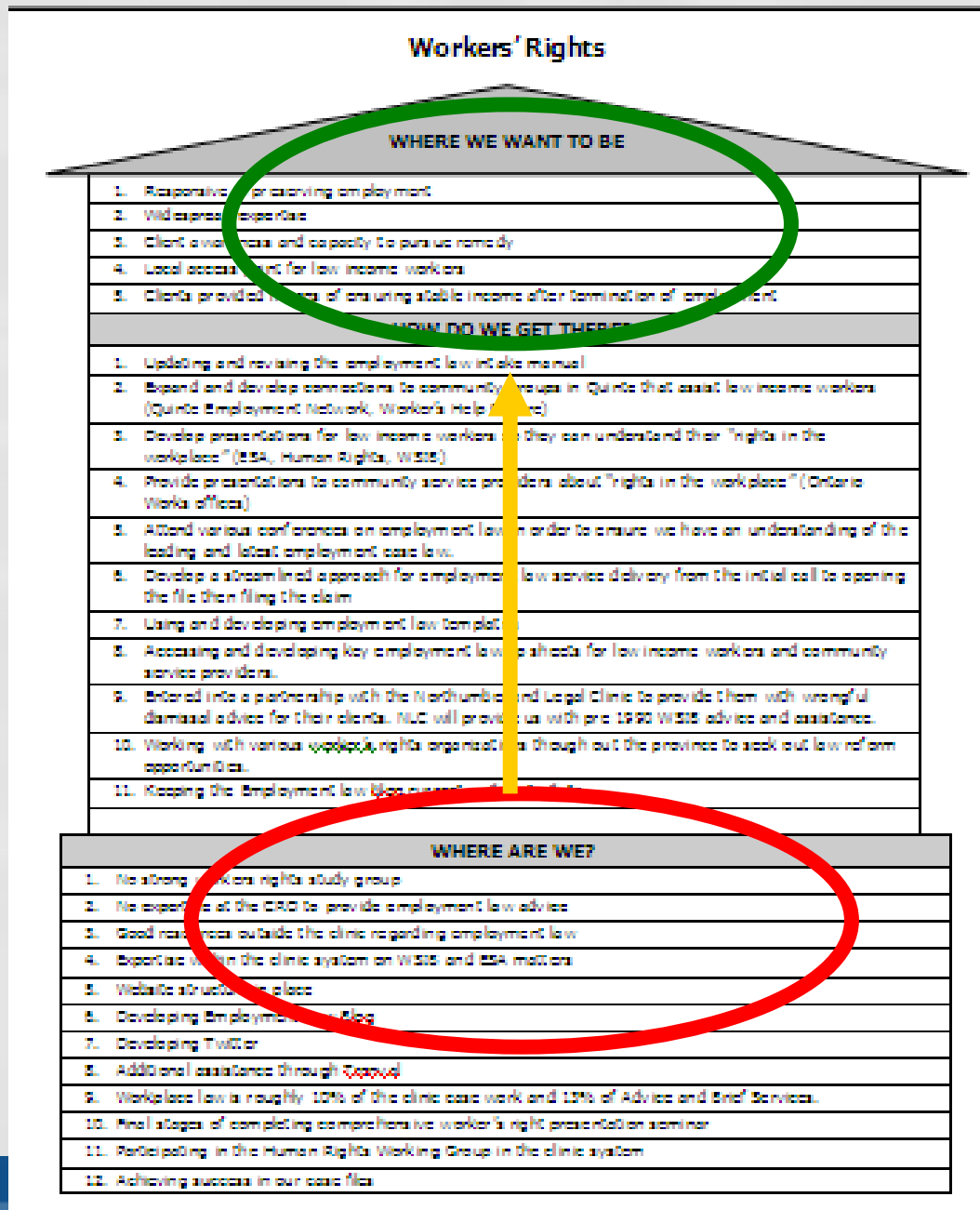
The Five Whys*



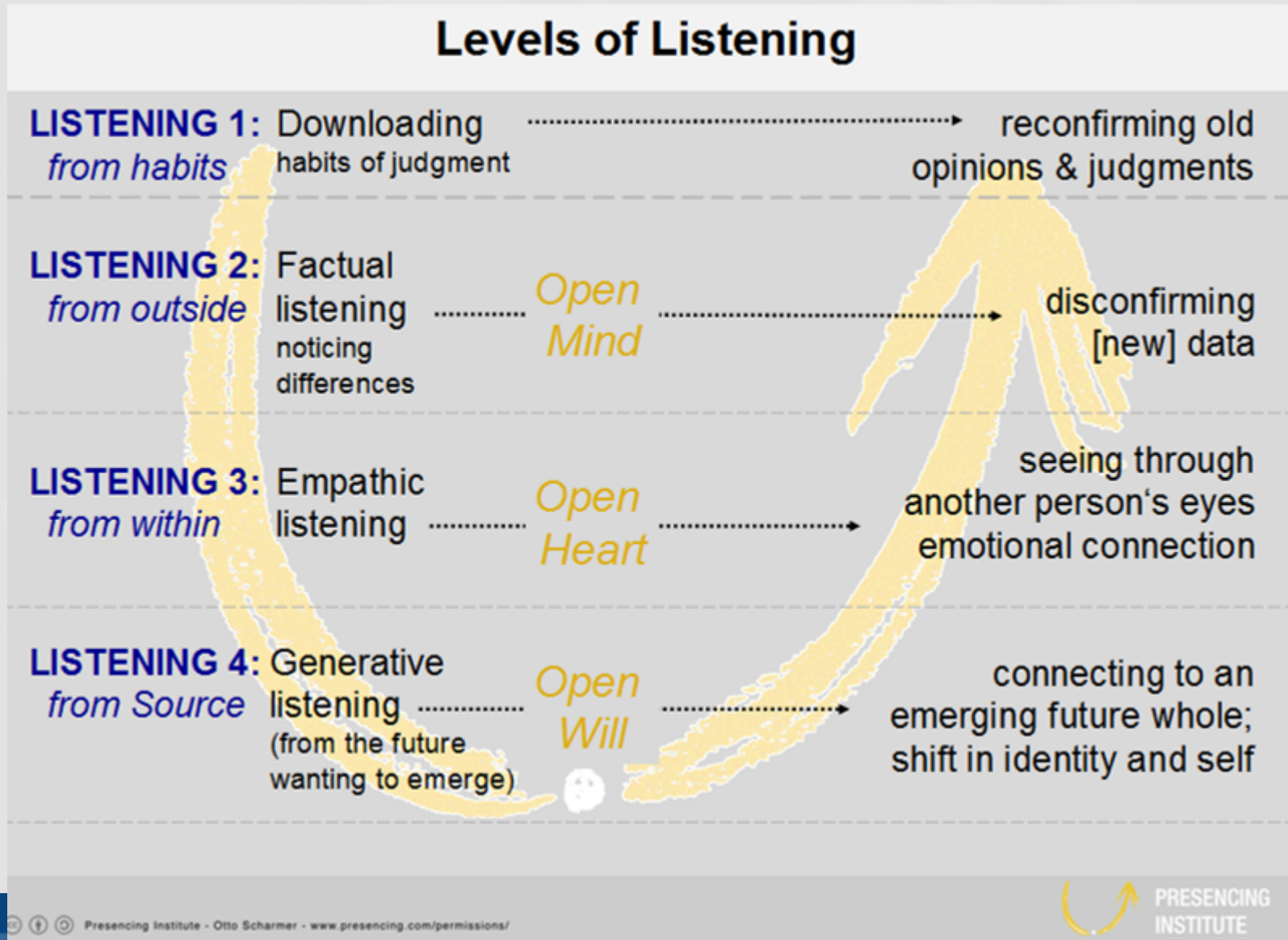
Facilitating
Appreciative
Inquiry
approaches

Strategic Tension Chart: Where We Want To Be

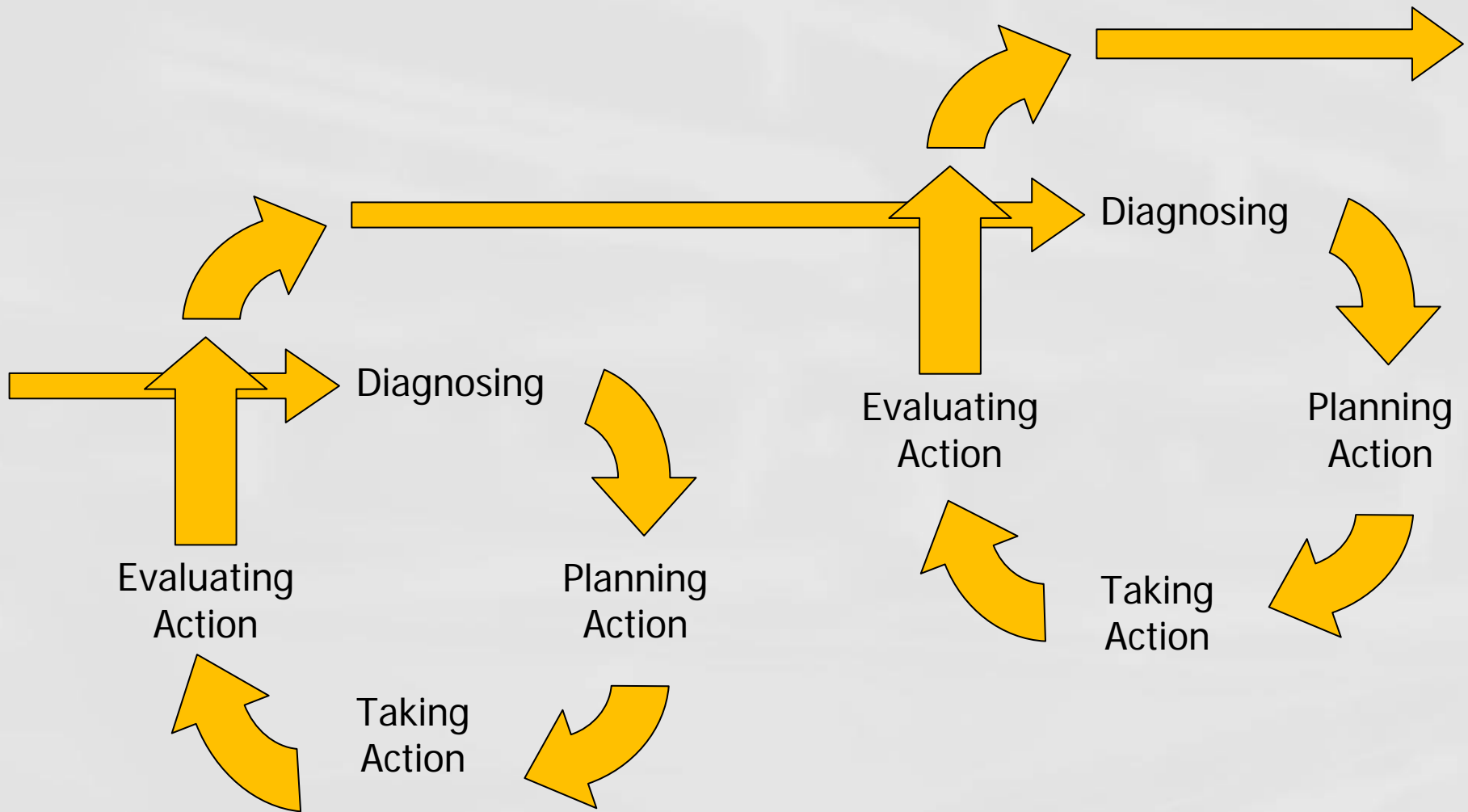
(R. Fritz)



Tools for a Learning Organization: Levels of Listening (Scharmer)



Tool for a Learning Organization: Action Research



Appreciative Inquiry

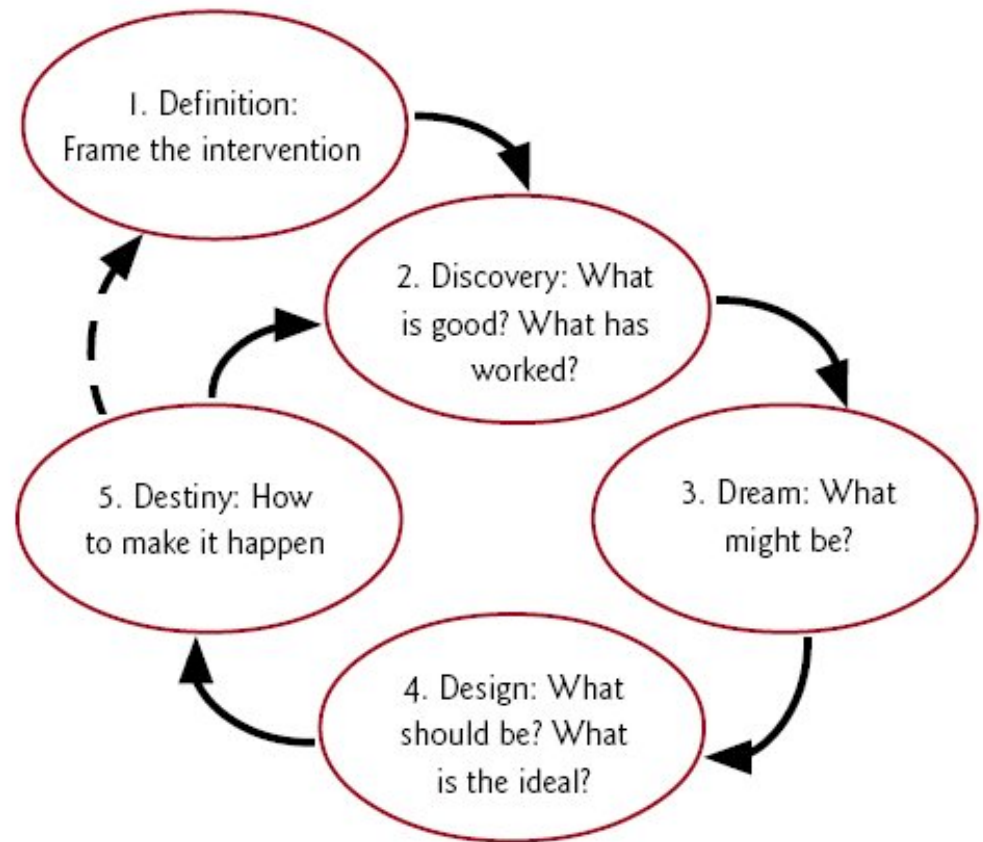
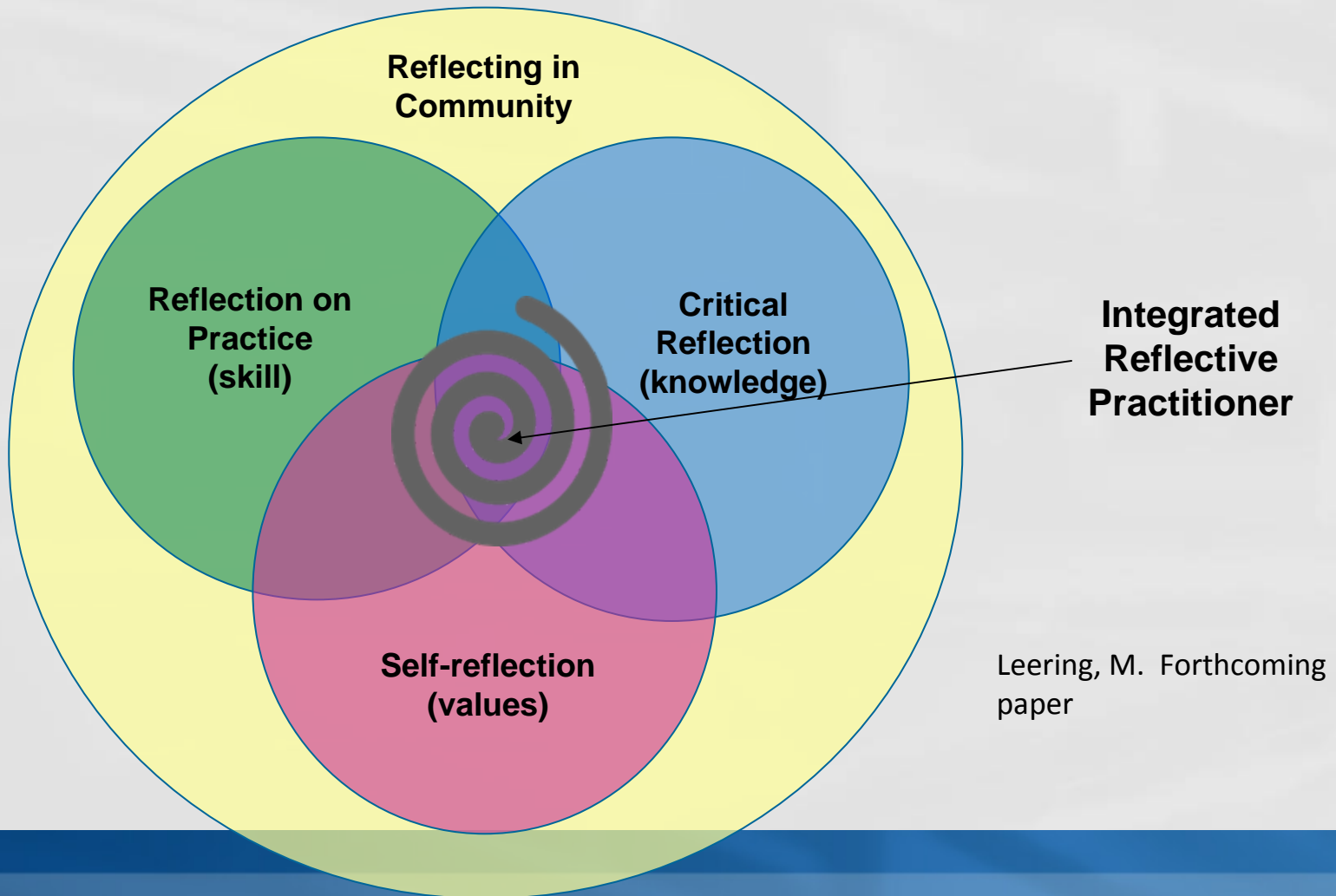


Figure 1. The appreciative inquiry '5-D' model (see Cooperrider et al., 2003; Watkins and Mohr, 2001; Whitney and Trosten-Bloom, 2003 and the AI Commons website)

Encouraging Reflective Practice: A Working Conceptualization



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



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 (2005)

Questions?

For further information:

- leeringm@lao.on.ca
- www.communitylegalcentre.ca
- <http://www.facebook.com/CommunityLegalCentre>
- www.legalaid.on.ca
- Reviews of Legal Aid – McCamus (1997), and Trebilcock (2008)