

# community justice

# ONTARIO

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## LAW IN ACTION

**ON THE SECOND TUESDAY OF EVERY MONTH** in a small store-front office in the town of Bancroft, in eastern Ontario, two lawyers offer legal advice to mostly low-income clients with a range of mostly everyday problems: arguments with a landlord; disputes with an employer; difficulties claiming social assistance; and much more. The advice is free, and no appointment is necessary; most of the clients could not otherwise afford to talk to a legal specialist.

The weekly clinic is operated by the Community Advocacy and Legal Center, a non-profit community legal clinic set up in 1980, part of a province-wide network of Community Legal Clinics.

Clinic law services are provided by a model unique in Canada to the province of Ontario, publicly funded and administered by Legal Aid Ontario (LAO). LAO funds a network of 76 such community-based legal clinics across the province. These independent community-governed non-profit organizations range in size from four to nearly thirty staff. Additionally, seventeen clinics support specific client populations (First Nations, youth, seniors, people with disabilities, ethno-racial groups) or address specific issues including the environment, income security, housing, and injuries at work.

## HISTORY

Ontario's first Community Legal Clinic (CLC) was launched by civil society in the 1970s, funded by the Ford Foundation, to supplement the formal legal aid then available for court cases. In the mid-1970s, a government task-force recognized the value of the clinics in a report that led to public funding and legislative institutionalization of CLCs in the province. Ontario's Ministry of the Attorney General now funds LAO both to provide formal legal aid services, including criminal and some civil legal issues, as well as clinic law ("poverty law") services provided by CLCs.

## ORGANIZATION

Ontario's Legal Aid Services Act 1998 govern the operation of LAO and the CLCs. LAO enters into and maintains a Memorandum of Understanding with each CLC, requiring clinics to reapply for funding each year, with approved annual budgets encapsulated in a Funding Agreement.

LAO has eleven board members, including a chairperson. Members are appointed by Ontario's Attorney General according to selection provisions set out in the Act. Expertise and knowledge is sought in management, law, the operation of courts and tribunals, the operation of clinics, and the special legal needs and social and economic circumstances of people living on a low income and of disadvantaged communities.

Each of the seventy-six CLCs in Ontario is an independent not-for-profit community-based organization with representative Boards of Directors of ten or more elected from the community. CLCs are subject to the Corporations Act and federal and provincial charity legislation if they are registered charitable organizations.

## OVERSIGHT

The Law Society of Upper Canada regulates both lawyers and paralegals (since 2007) through a licensing system. As a condition of membership in the LSUC, lawyers and paralegals must complete annual mandatory Continuing Practice Development (CPD) requirements which clinic staff already far exceed. CLCs themselves implement a robust internal Quality Assurance Program which includes the implementation of an annual self-assessment tool as well as periodic Quality Assurance visits from specially-trained LAO staff.

## SERVICES PROVIDED

Ontario's CLCs offer a range of community-based and client-oriented services including legal information, legal advice, referrals, brief services, and legal representation to individual clients and to eligible groups. Services are provided in person, over the phone and through email. Staff also provide collective support through public legal education, community development efforts as well as law reform, strategic litigation and advocacy.

## ELIGIBILITY

Potential clients or groups become eligible for CLC services if they meet financial eligibility guidelines set by provincial regulation and reside within geographic catchment guidelines that are set by LAO. The local case selection policies aforementioned form part of the vetting process; these policies determine whether a client will be able to get referrals, information, summary advice, brief services or representation from CLC staff. Referrals and "first time" legal information are often provided without the strict application of financial eligibility guidelines: these practices vary from CLC to CLC, and from time to time depending on the level of demand for service and the expertise of the staff. Groups are eligible for services pursuant to special guidelines set by Boards of Directors.

## FUNDING

In 2013-14, CLCs received around C\$72 million (about \$53 million) of funding from LAO which includes the cost of some centralized support services. On average just over eighty percent of all funds for legal aid come from provincial and federal governments. Client contributions, cost recoveries, contributions from the legal profession, interest on accounts and Law Foundation of Ontario (LFO) grants make up the non-government sources of funding for Legal Aid Ontario. A portion of LAO's funding is then designated for CLCs.

## CENTRALIZED SUPPORT

Centralized program and administrative support is provided by both LAO and Association of Community Legal Clinics of Ontario (ACLCO). This includes training and legal research support and other services including shared insurance, IT, and benefits support.

## IMPACTS

**In the over forty years since the CLC system was first founded, clinics have had a tremendous impact on advancing the legal rights of the low-income communities they serve. CLCs have helped millions of Ontarians. In 2011-12, CLCs represented clients in 22,928 cases; provided 41,242 brief services, provided legal advice 110,281 times; provided 50,207 referrals; and engaged in 4,999 outreach activities, including law reform, community development and public legal education, for a total of 229,657 activities in one year. This level of direct client support continues to increase with additional investment by the Ontario government in legal aid services.**

**Clinic advocates have also delivered systemic change. CLCs are responsible for precedent-setting decisions at all levels of courts and tribunals in many areas of the law including rights to income security, housing, and human rights. Clinics have provided a voice for vulnerable people before countless government consultations and legislative reviews. Clinic advocates have won awards and settlements in tens of thousands of cases to help ensure adequate nutrition and housing and much more.**