



LEGAL AID ONTARIO
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Fact Sheet

Duty Counsel Services

Duty counsel are staff or private bar lawyers (paid by Legal Aid Ontario) who assist people in need of immediate legal support in court for criminal, family and youth matters.

The duty counsel service represents the "emergency room" of the court system. They quickly assess a person's legal problems and provide efficient, cost-effective assistance. Duty counsel provides frontline advice, information and representation to individuals who would otherwise be unrepresented and unassisted in the courtroom.

Legal Aid Ontario provides duty counsel services in most Ontario courthouses, including a fly-in service to locations in northern and remote areas.

Clients have the right to represent themselves in court, but it is strongly recommended that they at least speak to duty counsel before going into the courtroom.

Criminal duty counsel

In criminal cases, duty counsel advise clients about the charge(s) against them and basic court procedure. Criminal duty counsel can:

- Give advice about legal rights, obligations and the court process
- Provide assistance in the courtroom with adjournments, bail hearings, guilty pleas, and sentencing
- Assist with diversion matters

Family duty counsel

In family cases, duty counsel provide legal advice, information and in some cases representation in court. In court, family duty counsel can:

- Give advice about legal rights, obligations and the court process
- Help negotiate and settle issues
- Review and help prepare court documents
- Provide assistance in the courtroom for child protection hearings, garnishment and support hearings, request adjournments, argue motions
- Provide assistance in interim, pre-trial and show cause hearings for issues like custody, access, child protection or support where the issues are not complicated
- Refer clients to other sources for assistance, such as mediation, a legal aid worker in the courthouse (if available), a district office or the toll-free telephone number to apply for a certificate, a community legal clinic or a private lawyer.

Mental health duty counsel

Mental health duty counsel attend psychiatric facilities that are designated under the *Mental Health Act* to advise people about their rights and how to take steps to protect their rights. They can also take applications for certificates.

Tenant duty counsel

Tenant duty counsel are available at most Ontario Rental Housing Tribunal (ORHT) locations across the province. They provide services to unrepresented tenants appearing before the ORHT. Tenant duty counsel can:

- Give advice about legal rights, obligations and the tribunal process
- Review and help prepare court documents
- Help with mediation, negotiation and representation in certain matters
- Provide public legal education and referrals for other services.

Specialized courts

Legal Aid Ontario supports specialized courts through experienced duty counsel who provide dedicated service to clients with special needs (e.g. mental health and drug courts) appearing in those courts. They also provide services at the *Gladue* (Aboriginal Persons) Court, and in every youth court across Ontario

24-hour duty counsel hotline

Brydges Hotline is a telephone service where clients can receive legal advice from duty counsel 24-hours a day, 365 days a year. It is available to all accused persons who are in police custody, including young persons (under 18) who have questions about the [Youth Criminal Justice Act](#) or [Extrajudicial Measures](#). The hotline is available in English and French, as well as any other language through an interpreter.

The person in custody needs to let the police officer know that they would like to speak to duty counsel. The officer will call the hotline, and duty counsel will call to speak with the accused within 45 minutes.

Family law advice lawyer

Legal Aid Ontario provides out-of-court family law assistance through the advice lawyer service. The advice lawyer service is available in over 130 courthouse [Family Law Information Centre \(FLIC\)](#) locations, to financially eligible members of the public who do not have a matter in court that day. Advice lawyers provide general advice and review legal documents.

Number of persons assisted by duty counsel

Duty counsel provides over a million assists to unrepresented persons each year.

Questions?

For more information on this topic contact media@lao.on.ca