

## **Chair of Legal Aid speaking notes**

### **Brantford Opening of the Courts**

I am honoured to have the opportunity to address you today for the opening of the courts, a tradition, I might add, that dates back to the 12<sup>th</sup> Century, when it was referred to as the Opening of the Assizes. The word assize meant the sitting of a court or assembly and consisted of commissioners appointed by the King.

These appointees were usually knights and other persons of importance, who would travel around the kingdom to settle disputes and conduct trials. They had the assistance of an assembly of men, usually twelve, who would perform duties similar to those of a modern day jury.

As the disputes, or cases, became more complex, it became necessary to appoint judges to deal with issues. There was also a requirement to employ lawyers who had the knowledge needed to do the work of the courts.

In the early days, the Opening of the Assizes was a significant social event that included much fanfare. On these occasions, trumpeters would announce the arrival of Judges and all those in attendance would be dressed in their finest. The occasion would also include speeches and, in later ceremonies, an assize sermon which would often take hours to be heard.

Have no worries, my remarks today will be much shorter than those of earlier times and I promise there is no fire and brimstone in my comments.

On this occasion, we celebrate not only the traditions of the courts, but also the justice system. The opening of the courts offers us an opportunity to reaffirm and reflect upon the importance of the courts of law in the life of Canadians and the

vital role of all partners in the justice system, including the courts and Legal Aid Ontario, in fulfilling equal access to justice regardless of economic or social standing.

As some of you may know, I was recently appointed as the Chair of Legal Aid Ontario, so I would like to take this opportunity to talk to you about the evolution of legal aid services in Ontario and the strides Legal Aid Ontario is taking to expand services and maximize resource for low-income people in Ontario and ensure that the organization has the right tools in place to continue to make a valuable contribution to the justice system.

The provision of legal aid services in Ontario has undergone significant changes in the past 60 years. Although providing affordable or pro bono services is a long-standing practice within the legal profession, Ontario did not have a formalized legal aid services system until 1951 and it wasn't until 1967 that Ontario Legal Aid Plan was created based on the legal aid plans operating in England and Scotland. At that time, the plan was administered by the Law Society of Upper Canada and financed by the Government of Ontario, and provided assistance for primarily criminal law matters.

In the early 1970's, Legal Aid Ontario began funding community legal clinics to broaden the legal services available to low-income people by providing help with landlord/tenant issues, social benefits problems and injury/disability claims.

In 1996, the Provincial Government asked me to lead a team of law professors and researchers in conducting a comprehensive review of the legal aid services in Ontario. From the review, a report, titled "A Blueprint for Publicly Funded Legal Services", was released in September 1997.

The report made 92 recommendations including:

- Establishing an independent provincial body to govern legal aid
- Experimentation with alternative service delivery models such as the use of staff lawyers, contracting and wider use of duty counsel, with more focus on serving client needs
- Expansion of the community legal clinic system.

Building on the results from the review, in 1998, the Ontario government enacted the *Legal Aid Services Act* in which the province renewed and strengthened its commitment to legal aid. The *Act* established Legal Aid Ontario, an independent but publicly funded and publicly accountable non-profit corporation, to administer the province's legal aid program.

Today, Legal Aid Ontario operates 51 offices in 48 communities across the province and funds 80 community legal clinics throughout Ontario, including 17 specialty clinics that provide assistance to clients in such areas of law as worker's compensation, housing, income security, and worker's health and safety.

In major urban centres, mid-sized towns and in remote rural communities, Legal Aid is available to low income individuals and disadvantaged communities for a variety of legal problems, including criminal matters, family disputes, immigration and refugee hearings and poverty law issues such as landlord/tenant disputes, disability support and family benefits payments.

Today, Legal Aid Ontario provides assistance to hundreds of thousands of low-income people through its many programs and services, including in-house legal services, community legal clinics, duty counsel, student legal services and the legal aid certificate program, which gives low-income people access to legal

representation from a pool of thousands of private lawyers who undertake legal aid work.

Since its inception, Legal Aid Ontario has grown, evolved and changed greatly to meet the immense challenge of ensuring low-income Ontarians receive access to the fair and equitable justice that is their right in a free and democratic society such as ours. However, even bigger changes lie ahead as Legal Aid Ontario positions itself to be as effective as possible, especially in the face of a rapidly changing public environment that is creating vast opportunities and challenges for all public institutions.

LAO needs to make certain that the appropriate tools and mechanisms are in place to ensure that we continue to support the justice system.

Whether it be the Duty Counsel Program, which provides legal assistance in every courtroom in Ontario to more than 750,000 people a year, or community legal clinics and student legal aid societies which provide a range of legal services to more than a quarter million people a year, or the more than 100,000 legal aid certificates issued each year, all of our services play an important role in the administration of justice in Ontario.

Earlier this year, the Ontario Legislature approved an additional \$51 million dollars over three years for Legal Aid Ontario. This new funding demonstrates the value the people of Ontario hold for a fair and equitable justice system and the trust they have placed in us to ensure that every dollar is spent to the highest level of effectiveness and efficiency.

Respecting this trust, we have established a goal – or Value Agenda – for ourselves to match the value of our 2010 budgetary base increase of \$19 million with program and administrative efficiencies over the next five years. In other

words, we commit that by 2012, our internally generated improvements will create an additional \$19 million of legal aid value, matching the government's \$19 million increase to our base funding for 2010. This target represents annual savings of approximately 1% of our current budget.

In so doing, we will ensure that the savings we generate are re-invested in two key areas: more service to clients and modernizing Legal Aid Ontario in all areas of the organization.

It is an ambitious goal, but it is achievable. To ensure we achieve this significant increase in legal aid impact, we have adopted a management strategy that will govern the next five years of LAO's development. Our new strategy is being driven by the implementation of five key management principles at every level of our operation.

They are:

**Innovation:** we will establish an even more vigorous corporate culture that allows ideas to come forward and embraces new approaches to solving problems.

**Measurement:** we will create and implement modern tools to measure LAO's performance, identify our successes, and inform our decisions.

**Prioritization:** we will establish inclusive and accountable processes and criteria for making clear and principled decisions on LAO's priorities and the allocation of resources.

**Accountability:** we will ensure that clear, sound management and financial accountability systems are in place throughout LAO so there is no doubt as to where the responsibility lies for taking action and making decisions at all levels;

and we will ensure that the legislation governing LAO and setting out its precise roles and functions will be scrupulously followed.

**Co-ordination:** we will give full expression to our legislated mandate to maximize impact for clients by improving the coordination of legal aid services and ensuring that LAO is managed to ensure synergy among all of its programming and administrative functions.

I am please to say, that we are already seeing positive results from our new management strategy.

We have implemented a new corporate reporting structure within the organization that is set up across four geographic regions in Ontario. The new organizational design will allow us to be more responsive to the needs of clients and staff by improving the co-ordination of services and by fully engaging local stakeholders in Legal Aid Ontario programs.

In keeping with our value agenda, we have already identified areas where we can generate savings. We recently negotiated a lease for new office space close to the Eaton Centre in downtown Toronto that will generate almost \$900,000 in annual savings. In addition to the savings, the move will help facilitate increased co-ordination of services and resources by co-locating the Legal Aid Ontario Provincial Office, Toronto Area Office and the Family Law and Refugee Law Offices on a single floor at the new location.

Let me just remind you that these savings will all be reinvested in expanding services for clients and ensuring LAO remains a modern and efficient organization.

The Ontario government's recent infusion of \$51 million of funding to LAO over three years is a significant example of the commitment of the people of this province to helping low-income Ontarians have access to the vital legal services they need.

This new funding provides LAO with the stability to make long-term strategic planning decisions and to begin implementing a combination of short and long-term strategies to meet the evolving and diversified needs of our clients and the justice system in Ontario including:

- Increasing the legal aid tariff rate paid to private bar lawyers to ensure that there will be a steady stream of legal aid service providers to serve clients. This in turn means that legal needs can be addressed more comprehensively, and at an earlier stage, before problems become more complex.
- Re-examining LAO's financial eligibility criteria to determine the appropriate poverty benchmark against which to assess LAO clients, and to develop a new simplified test that balances simplicity with fairness to individual applicants.
- Strengthening family law services by increasing the number of family certificates issued annually by 750. In addition, Legal Aid Ontario has allocated one time funding for a pool of 500 'reserve' family certificates to deal with fluctuations in demand for family law services over the next three years.
- Boosting funding for big cases to ensure that adequate resources are available to provide legal coverage for these types of cases without jeopardizing other legal aid services.

- Expand the community legal clinic system by providing funding for the South Asian Community Legal Clinic
- Strengthening poverty law services with increased funding for clinic salaries and operating costs and improving French language services.
- Developing an organizational wide strategy for improving services for Aboriginal clients, including working closely with staff of the Ministry of the Attorney General to ensure a high level of coordination between LAO and the Ministry of the Attorney General Aboriginal strategies.
- The funding allocated towards the expansion of the CLEO program will expand CLEO's Six Languages Text and Audio Project by either making more information available to the existing six language groups (Arabic, Chinese, Somali, Spanish, Tamil, and Urdu), or creating information in additional languages.
- Improving case management in clinics to support clinics day-to-day operational activities and business planning. It will also improve the information provided to clinic boards and LAO to assist both groups in fulfilling their performance management obligations.

More locally, LAO is in the final stages of hiring a member of the Six Nations Community to assist us in our consultation in developing the strategy.

As well, LAO has extended funding for Gladue Caseworkers in Brantford for another year. As you may know, Gladue Caseworkers write reports at the request of defence counsel, the Crown Attorney or the judge on the life circumstances of an Aboriginal offender. These reports also contain

recommendations that the court can consider in sentencing in light of the circumstances of the offender.

The Community Legal Clinic – Brant, Haldimand, Norfolk, one of the 80 community legal clinics across Ontario that are funded by Legal Aid Ontario, created a new staff position last year for an Outreach/Community Development Worker. Through this new position, an additional 900 hours of outreach and community development were provided to the local community that had not been previously available.

For those of you who work in the courts, you might be surprised to know that Duty Counsel services provided assistance on nearly 12,000 occasions and 1100 local residents received a legal aid certificate and received legal help from a private lawyer of their choosing.

Legal Aid Ontario fills an important role in the Brantford community; as it does in communities across Ontario, in ensuring low-income residents have access to justice.

As I am sure you will all agree, access to justice is the cornerstone of a democratic society. As you have heard, LAO is by no means a static organization, but rather a dynamic and evolving one that is poised to address both known and unknown challenges and continue to fulfill its role as a partner in the justice system and its mandate of administering a cost effective and efficient system to provide legal services for low-income people in Ontario.

Thank you.