



LEGAL AID ONTARIO

AIDE JURIDIQUE ONTARIO

Quality Service Office

Annual Report 2004 - 05

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PART ONE: QUALITY INITIATIVES

OVERVIEW: WORKING IN PARTNERSHIP

QSO works in partnership with all of LAO's programs to support them in their pursuit of excellence. We have a dual focus: quality service to clients and supporting our partners who serve them. To this end, the QSO team collaborates with our colleagues in the provincial office, staff offices, area offices, clinics, and Student Legal Aid Service Societies (SLASSs), on a variety of quality initiatives, all designed to enhance the quality of service we provide to our clients.

This past year presented a range of opportunities for LAO to strengthen our partnerships with the legal profession, as QSO consulted with the criminal and family certificate bar, the judiciary, the Ontario Children's Lawyer, the County and District Law Presidents' Association, the Law Society of Upper Canada, the Ontario Bar Association, and other stakeholders, all of whom share a mutual goal of quality legal services. These partnerships are the underpinning of the panel standards system and are critical to their success.

The past year also provided an opportunity to be innovative by working in partnership with other organizations to develop "electronic libraries" for lawyers so LAO can respond to their learning needs by making continuing legal education accessible province-wide. QSO also established a new partnership with the Institute for Citizen Centred Service in the development of a Common Measurement Tool, a survey instrument that will measure clients' and lawyers' level of satisfaction with LAO services.

There were other "firsts" this past year. QSO worked with clinics and SLASSs to introduce client service measures and the new clinic self-assessment tool, which was tested and is now ready for implementation. The past year marked the first annual Sid Linden Award ceremony, a program designed to recognize individuals who have made an outstanding contribution to LAO clients and communities. And, this past year LAO was honoured for the first time with two awards, by the Public Sector Quality Fair, ranking us among the best in the arena of quality organizations.

Various articles in the "Road to Excellence" section of "Outlook" and in a number of professional publications, have kept LAO staff and the legal profession informed of LAO's quality initiatives and have nurtured a quality culture.

In review, it has been an exciting year that has been focused outward and has laid the foundation for expanding our partnerships and exploring new possibilities for innovation.

"LAO strives to be a world leader in supporting and assuring excellence in high-quality legal aid services to clients and communities"

LAO Quality
Vision

SETTING A STANDARD OF EXCELLENCE

LAO is the first legal aid plan in Canada to develop standards for private sector lawyers. It is important that in serving our vulnerable clients that they are never placed at risk. LAO ensures quality legal services to clients by requiring a minimum level of skills/knowledge necessary to serve a client well, without creating barriers to panel participation.

PHASE ONE: REFUGEE AND DUTY COUNSEL PANEL STANDARDS & SUPPORTS

The refugee and duty counsel standards were launched in July 2004, and November 2004, respectively. Early anecdotal feedback indicates that they are having a positive effect on the overall quality and effectiveness of the panels. The standards provide an objective frame of reference for area directors to discuss poor performance and clarify LAO's expectations. Moreover, it presents an opportunity to discuss a plan for improvement with a number of supports at hand such as remedial training.

Refugee Panel Update

The Refugee Lawyers' Association (RLA) continues to support this quality initiative. The Association wants to ensure compliance with the standards and fully supports any course of action pursued by LAO regarding the few lawyers about whom there may be concerns. The number of lawyers seeking to acknowledge refugee certificates remains stable. In 2002-2003, 388 lawyers billed on refugee certificates. As of April 2005, the number of lawyers admitted to the refugee panel was 358.

97% of the 113 refugee practitioners who attended the June 2004 training session (free of charge) reported that the session was very useful and would enable them to provide higher quality advice and representation to clients.

Duty Counsel Panel Update

As of May 2005, a total of 1344 duty counsel have been empanelled. It should be noted that this data comes from an area office survey of actual "body counts" of empanelled duty counsel under the new standards. Previous statistics were based on the number of lawyers submitting accounts over a 2-3 year period (which could have included lawyers in small areas who may have served as duty counsel to assist the court, but were not on the 'panel') and accordingly, the data cannot be compared with reliability. The most recent figures from the Business Analysis office dating back to 2003-2004, indicate a total of 1740 billing duty counsel, prior to standards implementation. Currently, there are 65 designated supervisory duty counsel positions, 58 staff duty counsel positions, and 7 staff lawyers who do duty counsel work - the increase in staff positions may result in a decrease in the number of per diems required in a few areas, as reported in Ottawa.

As required by the standards, this past year's 36 newly recruited duty counsel must shadow experienced duty counsel during a three-month probation period and then have a performance review by the supervisory duty counsel, who determines whether to admit the lawyer to the panel or extend the probation. Annual performance reviews will

begin in November 2005, the anniversary date of implementation, and continue from that date. Lawyers conditionally accepted, but who fail to meet the standards on review, will no longer be scheduled as duty counsel.

The learning needs of new per diem duty counsel are initially met by the shadowing sessions with experienced duty counsel - ongoing learning needs will be met by in-person and electronic seminars in criminal and the Open Bar series in family law.

PHASE TWO: CRIMINAL AND FAMILY PANEL STANDARDS

This year's focus on criminal and family panel standards was an ambitious undertaking that will have an impact on over 4,000 private bar lawyers once the standards are implemented in the fall of 2005. Building consensus with criminal and family lawyers across the province was based on a broad consultation process over seven months. The project was divided into five phases: a research phase with advice from stakeholders; meetings with advisory committees to the Board; consultations with 12 focus groups with lawyers across the province; meetings with the judiciary; and meetings with the Law Society of Upper Canada and the Ontario Bar Association.

During the consultation process, QSO consulted over 150 individuals with questions, not answers, listened to their input and developed recommendations on the basis of common themes. On March 11, 2005, the LAO Board approved both the criminal and family standards both of which require minimum related experience and annual mandatory training. *see attached standards*

Technical Support for Standards

The development of criminal and family standards created a need to enhance technical support for area directors who are responsible for the initial empanelment of a lawyer, and for tracking lawyers' ongoing compliance with the standards. This is a critical component to maintaining the integrity of the standards - we want to ensure that only lawyers who meet the standards are representing LAO clients. Accordingly, QSO has retained a consultant to work closely with provincial office staff and area directors to identify the most streamlined way of integrating the empanelment process into Peoplesoft, and to design a province-wide electronic tracking system to support area directors in the management of their panels.

Implementation Stage

This fiscal year, QSO is working closely with an oversight implementation committee and five sub-committees, comprised of area directors and internal stakeholders in the provincial office, to identify operational issues related to the implementation of criminal and family standards and to ensure a smooth transition when they come into effect. It is expected, pending organizational readiness, that the criminal and family standards will be implemented in late fall 2005.

ACCESSIBLE LEARNING FOR LAWYERS: ELECTRONIC LIBRARIES

LAO values its partners in the legal profession and is committed to enhancing the supports provided to them to assist them in serving our clients well. During the province-wide consultation process with the bar, we heard that mandatory CLE is not a reasonable standard unless LAO can provide professional development that is accessible, both financially and geographically. This past year, LAO forged an innovative partnership with the judiciary and private bar to provide accessible, affordable training in family law across the province via videotaped seminars – a first step toward developing electronic libraries. A total of 18 “Open Bar” videotaped family law seminars will be distributed to area offices in the fall to serve as a focus for local learning sessions. LAO also recorded the two refugee law seminars, basic and advanced levels, offered during our June training session, and we are exploring new partnerships with the criminal bar and in areas of mental health and prison law to develop similar innovative training materials. In the fall of fiscal year 2005-06, a complete inventory of electronic seminars will be listed on LAO’s website and lawyers will be able to order DVD copies on-line at a nominal cost.

In fiscal year 2005-06, LAO will be enhancing support to the certificate bar with a structured mentoring system, expanded support by LAO Law, and the provision of a one stop shopping orientation package for new lawyers.

CLINICS

Self Assessment Tool & Client Service Measures

Consistent with QSO’s strategic direction to empower and support clinics in self-assessment and the monitoring of their own operations, two quality initiatives were launched this year: client service measures (CSMs) and the self-assessment tool (SAT). Clinics will track and report on three client service measures in the areas of client satisfaction, timeliness and access and report their results to QSO in November 2005.

Clinics will assess their own strengths and areas needing improvement using the self-assessment tool (SAT) over the next year and will report results anonymously in November 2006. The data will be used to identify systemic training needs.

Sharing of Best Practices

QSO worked with the QSO/Clinic Advisory Committee to establish a new mandate. Part of this mandate will involve participation in the development, refining and sharing of best practices for clinics. QSO continues to support clinics with precedents.

Provincial Learning Advisory Committee

QSO is actively involved in the Clinic Provincial Learning Advisory Committee (PLAC) and in particular, is co-leading the implementation of board manual development workshops across the province with the assistance of retained consultants.

On-site Quality Review

QSO conducted an on-site review in two phases over the past year. Phases 1 & 2 focused on file management practices and policies. QSO continues to support the clinic and assist it with the implementation of recommendations, including quarterly file reviews. Two QSO staff attended the clinic in February and June 2005 to conduct these comprehensive file reviews. In addition, QSO staff led a file management workshop for clinic staff and students in May 2005.

STUDENT LEGAL AID SERVICES SOCIETIES (SLASS)

At their annual general meeting, QSO presented to SLASS a roll-up report of the findings and recommendations emerging from the site visits over the previous two years. Strengths and areas requiring improvement were highlighted and discussions were held with the directors regarding how to move forward. Emphasis will be placed on the sharing of best practices and information among SLASS and how this process can be facilitated.

Like clinics, SLASS will track and report on client service measures (CSMs) in the area of client satisfaction, timeliness and access and report on results in the fall 2005.

A SLASS self-assessment tool has been drafted and will be completed and launched this coming year.

SID LINDEN AWARD PROGRAM

In April 2004, the LAO Board approved the Sidney B. Linden Award program to honour annually an exceptional individual who has demonstrated a commitment to helping low income people access justice in Ontario. Communications and Quality Service Office staff collaborated to develop the award program that culminated in the presentation of the first Sidney B. Linden Award posthumously to Diane Martin on April 11, 2005. The Honourable Sidney B. Linden, the First Chair of Legal Aid Ontario and the person after whom the award was named, attended.

INTEGRATION OF INTERNATIONALLY TRAINED LEGAL PROFESSIONALS

QSO is partnering with the Policy Department on a project to integrate internationally trained legal professionals into the profession and legal aid. QSO staff led meetings in February and March 2005 to explore options to achieve this objective. Funding is being sought from the Ministry of Training, Colleges and Universities for this project.

The project will focus on removing barriers internationally trained legal professionals face as immigrants to Canada by, for example, advocating for a simple, expedient accreditation process, and increasing access to employment and occupation specific training opportunities through internships and articling positions.

NISHNAWBE ASKI LEGAL SERVICES CORPORATION

QSO continues to offer support to NALSC as it implements recommendations stemming from its QSO quality review, conducted in 2003. Recommendations were prioritized in consultation with the Executive Director to assist with the implementation phase.

COMMUNICATIONS

Over the past year, QSO worked closely with communications staff on a communications strategy to enhance organizational understanding of LAO's quality vision and to promote a quality culture. This strategy included several LAO-wide Director's updates; a 'What is quality service?' poster series; a thorough review and updating of website and intranet information relating to QSO, and regular articles in the "Road to Excellence" section of Outlook.

News regarding the launch of refugee and duty counsel standards was featured in "Outlook", the "Law Times", the Law Society of Upper Canada website, "Ontario Lawyers Gazette", and the Ontario Bar Association newsletter.

QSO has its own "Quality Support" page on the "Source". While still maintaining clinic best practices, bulletins, and QSO clinic advisory committee updates, this web page now includes information relevant to all of our LAO clients, such as various links to valuable articles and websites to assist in developing best practices and outcome measures.

"Everyone who comes to reception is greeted with a smile!"

Cecilia Luis,
Reception

"Having a positive attitude and always doing that little bit extra to ensure a job is done right on time."

Ralph Reda
Resource Centre

COMMITTEE INVOLVEMENT

QSO staff are actively involved in a number of committees including consultations with advisory committees to the Board, and membership on the employee recognition "Going the Extra Mile" (GEM) awards committee, the clinic Provincial Learning Advisory Committee (PLAC), the clinic Information Technology Advisory Committee (ITAC), and LAO's Accessibility Committee. These committees keep staff connected with the organisation at various levels.

BROADENING OUR HORIZONS

Focusing outward, QSO connected with various individuals and organizations to promote LAO's quality initiatives, and to learn from others. A preliminary meeting was held with Justice Stephen Goudge, to explain our panel standards and the current electronic library initiative and to explore how we might partner with a working committee chaired by Justice Goudge, to videotape a seminar on professional ethics, to be made available province-wide. We hosted teleconferences with the other provinces to discuss the Common Measurement Tool and how the provinces might align with our client and lawyer surveys to allow for cross-jurisdictional analysis. In addition, QSO made presentations to China and Bangladesh on a range of LAO quality initiatives

REACHING OUT TO COMMUNITY

A member of the QSO team organized a Habitat Toronto event that involved two days on a build site and 30 LAO employees. This successful event provided an opportunity to reach out to our local community and the housing needs of low income Ontarians, as well as promote team building among LAO staff.

PUBLIC SECTOR QUALITY FAIR AWARDS

In November 2004, LAO was honoured with a silver award for the Total Service Network Project, and with a bronze award for the refugee and duty counsel standards, respectively, by the Public Sector Quality Fair. This is an annual event adjudicated by the National Quality Institute that showcases best practices across the public sector.

PART TWO: CLIENT SERVICE MEASURES

PROVINCIAL OFFICE CLIENT SERVICE MEASURES - OVERALL ANNUAL RESULTS

	% of measures target met or exceeded	% of measures target not met	% of measures not taken
1st Quarter (April-June 2004)	72%	21%	7%
2nd Quarter (July-Sept.2004)	76%	18%	6%
3rd Quarter (Oct.-Dec.2004)	69%	23%	8%
4th Quarter (Jan-March 2005)	79%	13%	7%
Average of %s	74%	19%	7%

The 2004-2005 provincial office client service measures results are better than last years and reflect an on-going commitment by Provincial Office staff to client service. This year's average of 'targets met or exceeded' is 74% compared with 72% last year.

For the past four years, LAO Provincial Office departments have reported on client service measures quarterly. LAO has learned a great deal from this initiative and staff are commended for their demonstrated commitment to client service measurement. Beginning in fiscal 2005-2006, departments will no longer report client service measures

results to QSO although managers are encouraged to continue tracking and monitoring client service measures. The next phase of client service measurement will be the implementation of the Common Measurement Tool LAO-wide, with the exception of clinics, which will measure client satisfaction with services. (See p. 10, Common Measurement Tool)

AREA OFFICE CLIENT SERVICE MEASURES - OCTOBER 2004 TO MARCH 2005

Seven client service measures were tracked by Area Offices in the new PeopleSoft application for six months from October 2004 to March 2005.

Client Service Measure	Standard/Target
Time from <u>completed</u> application to issuance of certificate or refusal	Certificate issued/refused in 5 business days, in 80% of cases.
Time from client's request to appeal to the communication of Area Committee decision	Will vary by area depending on volume and frequency of scheduled area committee meetings.
Time to respond to in-custody application: (a) Provincial, b) Federal, c) Youth, d) Video conference	In-custody applications are handled within 48 hours of receipt of paper application in 80% of cases.
Authorization turnaround-time from receipt of opinion letter to date authorization or refusal issued.	Authorization issued/denied within 6 business days of receipt in 80% of cases.

The results suggest errors likely occurred in data entry as a result of the new software and data entry learning curve. Steps were taken to improve the accuracy of data entry processes. The results for fiscal 2005-2006 will provide an accurate measure of client service in these seven key areas.

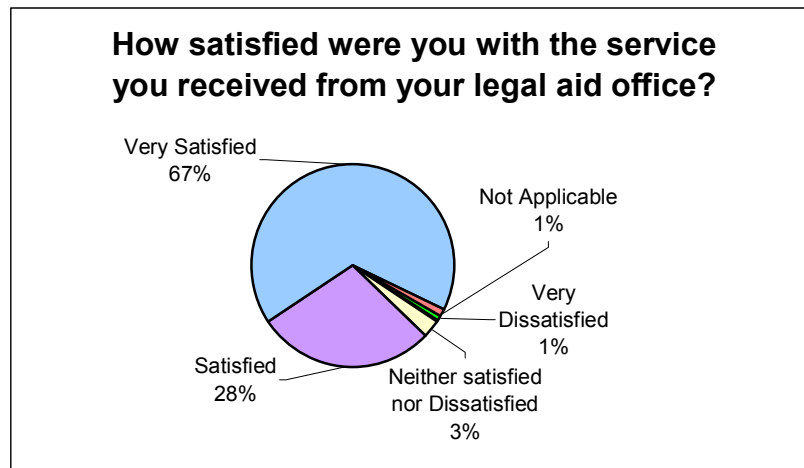
COMMON MEASUREMENT TOOL – PHASE 1: AREA OFFICES CLIENT & LAWYER SURVEYS

The QSO collaborated with the Institute for Citizen-Centred Service (ICCS) to develop the common measurements tool (CMT) survey which consists of core questions covering overall satisfaction, timeliness, knowledgeable staff, and meeting client/partner needs. The Institute has agreed to analyse the results of common measurement tool surveying and to benchmark results with other public sector organizations across Canada, including legal aid providers. Over the past year, the area offices used a common measurements tool survey with both clients and lawyers. The CMT survey results point

to a significant level of client and lawyer satisfaction with area office services. 95% of clients and 94% of lawyers are satisfied or very satisfied. The CMT results for 2004-2005 are consistent with, and in some areas, slightly better than the non-CMT results from 2003-2004, where comparisons are possible. Results of the client and lawyer surveys were analysed in-house and are captured below.

CLIENT SURVEY RESULTS

Survey Question	Agree/Strongly Agree
Staff were courteous and pleasant	97%
I was told what I needed to do to apply for legal aid	93%
The service was accessible by phone	60% (n/a response 32%)
The office was conveniently located	91%
The hours of operation were convenient	87%
Overall satisfaction with service	95%



Survey Question	1 hr. or less	Greater than 1hr.
How long did you wait before being interviewed?	91%	9%

Area office	Number of clients responded to the survey	No. of clients waited for 1-2 hours for interview	No. of clients waited for more than 2 hours for interview
02 - Brantford	34	8	1
04 - Ottawa	164	29	30
23 - London	54	11	1
28 - Oshawa	67	6	2
31 - Brampton	7	2	2
45 - Hamilton	65	15	4

Area office	Number of clients responded to the survey	No. of clients waited for 1-2 hours for interview	No. of clients waited for more than 2 hours for interview
46 - Toronto + Satellite offices	324	15	2
52 - Scarborough	110	13	9
54 - North York	17	1	2

Area offices provided the following reasons for lengthy 'wait times': PeopleSoft implementation difficulties and training, insufficient staffing, and illness.

Overall, client comments were very positive. The only exception was 'wait times'.

One area office uses appointments to even out the workflow and provide more timely service. Another has created an intake information sheet for clients, while another is exploring the use of evening hours. One office is examining its procedures to determine where efficiencies can be gained to provide better client service. And another provides telephone application service to clients where an area office is not readily accessible.

"You've done everything you possibly could for me".

Area Office Client

Client suggestions include better reception hospitality (magazines, TVs), better information on LAO website regarding 'what clients should bring', extended hours of operation, and more staff.

LAWYER SURVEY RESULTS

Survey Question	Response Time - Days	
Response to general inquiries	1-3 days	92%
Response to urgent authorizations	1-2 days	66% (n/a response 17%)

Most offices respond to urgent authorizations within 1 to 2 days. The following chart shows area offices with urgent authorization times exceeding 5 days:

Area Office	No of lawyers responded	Urgent Authorization	
		5 - 6 days	7 or >7 days
04 - Ottawa	46	3	4
08 - Windsor	7		3
12 - Halton	10		2
13 - Belleville	15		3
45 - Hamilton	27		4

It should be noted that these results may have been affected by the implementation of Peoplesoft.

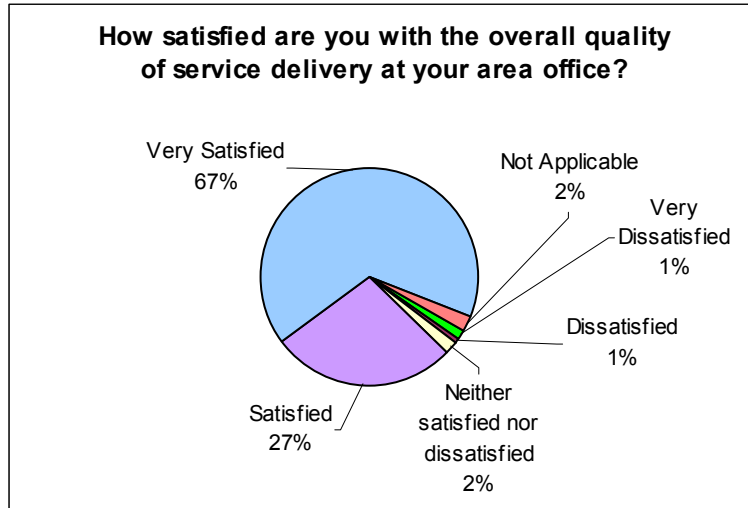
Survey Question	Response Time - Weeks	
Response to non-urgent authorizations	1-2 weeks	72% (n/a response 10%)
Response to opinion letters	1-2 weeks	70% (n/a response 12%)
Area committee scheduling	1-3 weeks	36% (n/a response 57%)

Some area offices commented that response time results might be inaccurate. Some lawyers did not read the response time categories, i.e. weeks, days. Others attributed delays in response time to PeopleSoft issues, insufficient staffing (shortages and part-time area directors), and waiting for information from lawyers to complete authorization processing.

Some area offices commented that poor ratings might be the result of lawyer frustration with provincial office. Lawyers identified timely payment from legal accounts and timely response to requests for disbursement authorizations and payments as problematic. Two lawyers suggested the need for a provincial office survey.

One area office instituted a standard operating procedure to cover staff absences, another holds area committee meetings every two weeks with two different panels. Another area office calls counsel to convey verbal authorizations where LAO paper work is delayed.

Survey Question	Agree/Strongly Agree
Overall satisfaction with time takes to get service	91%
Overall satisfaction with staff who provide service	96%
Overall satisfaction with accessibility to service	93%
Overall satisfaction with quality of service	94%



Overall, lawyer comments were positive. Lawyer suggestions for improvements included taking applications at a courthouse, providing more support for video applicants (relying on jail staff to submit requests is unacceptable), and more funding to increase limits for services.

COMMON MEASUREMENT TOOL – PHASE 2: LAO-WIDE SURVEYING

In the upcoming year, a common measurements tool survey (CMT) will be launched LAO-wide, with the exception of clinics. Provincial, area, and staff offices, and duty counsel will be asked to use the LAO-wide CMT survey to measure client/partner satisfaction, twice a year, in September and March. The survey will provide the organization with a ‘snapshot’ of client and partner satisfaction, and will allow for benchmarking with other publicly funded programs, including other legal aid programs in Canada. Legal Aid Ontario is the first legal aid program in Canada to adopt the CMT.

“I find (your staff) to be exceptionally professional, responsive, courteous, polite and a real joy to deal with”.

Area Office
Certificate
Lawyer

APPENDIX A

Criminal Panel Standards

The following are LAO's mandatory requirements for admission to and retention on the criminal panel:

Minimum Related Experience

(1) Every lawyer shall have the following minimum related experience for both admission to and continued standing on the criminal panel:

- (a) A minimum of 15 completed criminal law files in the previous year, including at least three contested trials, preliminary inquiries or appeals; or
- (b) A minimum of 20% of practice concentration in criminal law over the previous 2 years and on an ongoing basis.

Note: An applicant who has been certified as a specialist in criminal law by the Law Society of Upper Canada shall be deemed to meet the above standard.

Equivalencies

(2) Notwithstanding the above minimum requirements, an area director shall have the authority to recognize experience that is equivalent to, or exceeds the standard, on the basis of the following:

- (a) The applicant has recognized expertise and substantial recent involvement in criminal law, as determined by the area director.

Exemptions

(3) Notwithstanding the above minimum requirements, an applicant may request from an area director an exemption from the minimum related experience standard. An area director shall have the authority to grant an exemption on the basis of the following:

- (a) The applicant is employed and supervised by a member of the criminal panel; or
- (b) The applicant has recognized criminal law expertise demonstrated by recent experience in teaching criminal law, and possesses the required practical skills related to the practice of criminal law, as determined by the area director; or
- (c) The applicant has had substantial experience as criminal court duty counsel as determined by the area director; or
- (d) The applicant has had substantial articling experience with a recognized criminal practitioner as determined by the area director; or
- (e) For lawyers new to the practice of criminal law, the applicant shall sign an agreement to:
 - (i) acquire the minimum related experience within two years; and
 - (ii) attend training courses as required by the area director; and

- (iii) utilize mentoring for a period of time determined by the area director, by a criminal practitioner approved by the area director.

Mandatory Professional Development:

(1) Every panel member shall complete annually a minimum of 6 hours of continuing legal education in criminal law, which shall consist of any of the following:

- (a) Attending or teaching legal education programs provided by LAO, the Law Society of Upper Canada, the Ontario Bar Association, the Criminal Lawyers' Association, the Advocates' Society, any county or district law or criminal lawyers' association; commercial programs; or
- (b) Viewing or auditing CLE program materials, videos or recordings produced by any of the above associations.

Note: An applicant who has been certified as a specialist in criminal law by the Law Society of Upper Canada shall be deemed to meet the above standard.

Equivalencies

(2) Notwithstanding the above minimum requirements, an area director shall have the authority to recognize professional development that is equivalent to, or exceeds the standard, on the basis of the following:

- (a) Teaching or writing published materials on criminal law; or
- (b) Providing criminal law mentoring in a structured mentoring program established by LAO; or
- (c) Having recognized expertise and substantial recent involvement in criminal law, as determined by the area director.

Admission to the Criminal Law Panel

3. To be admitted to the criminal law panel, applicants shall sign an agreement to comply with the standards set out by LAO for criminal law panel lawyers.

Consideration of Local Conditions

4. The criminal panel standards shall apply across the province. In response to area directors' concerns regarding the need to ensure an adequate supply of lawyers to serve clients' needs, the standards may be applied in a flexible way if deemed necessary in consideration of the following local conditions:

- (a) a shortage of lawyers in the area willing to do criminal certificate work; or
- (b) the area director deems it necessary to rebuild and/or refresh the panel to meet current or future needs.

In the interest of ensuring quality service, an area director shall have the discretion to require an applicant to enhance his/her knowledge of criminal law through professional development and/or being mentored, as deemed appropriate.

Appendix B

FAMILY PANEL STANDARDS

The following are LAO's mandatory requirements for admission to and retention on the family law panel:

Minimum Related Experience:

(1) Every lawyer shall have the following minimum related experience for both admission to and continued standing on the panel:

- (a) Substantial involvement in a minimum of 10 family law files in the previous year, including matters of custody and access or crown wardship, child and spousal support, property, and divorce; or
- (b) A minimum of 20% of practice concentration in family law in one or more of the above areas over the previous two years and on an ongoing basis.

Note: An applicant who has been certified as a specialist in family law by the Law Society of Upper Canada shall be deemed to meet the above standards.

Equivalencies:

(2) Notwithstanding the above minimum requirements, an area director shall have the authority to recognize experience that is equivalent to, or exceeds the standard, on the basis of the following:

- (a) The applicant has recognized expertise and substantial involvement in family law proceedings of extraordinary length or complexity; or
- (b) The applicant has had substantial experience as counsel for a Children's Aid Society or for the Office of the Children's Lawyer.

Exemptions:

(3) Notwithstanding the above minimum requirements, an applicant may request from an area director an exemption from the minimum related experience standard. An area director shall have the authority to grant an exemption on the basis of the following:

- (a) The applicant has had substantial experience as family court or FLIC duty counsel as determined by the area director; or
- (b) The applicant is employed and supervised by a member of the family panel; or
- (c) The applicant has had specialized practical training and education in fields related to family law, as determined by the area director ; or
- (d) The applicant has recognized family law expertise demonstrated by recent experience in teaching family law, and possesses the required practical skills related to the practice of family law, as determined by the area director; or
- (e) The applicant has had substantial articling experience with a recognized family practitioner, as determined by the area director, or

- (f) For lawyers new to the practice of family law, the applicant shall sign an agreement to:
- (i) acquire the minimum related experience within two years; and
 - (ii) attend training courses as may be required by the area director; and
 - (iii) be mentored for a period of time as deemed appropriate by the area director, by a lawyer approved by the area director.

Mandatory Professional Development:

(1) Every panel member shall complete a minimum of six hours of continuing legal education in family law on an annual basis, which shall consist of any of the following:

- (a) Attending or teaching legal education programs provided by LAO, the Law Society of Upper Canada, the Ontario Bar Association, the Advocates' Society, any county or district law associations, a regional family law association; commercial programs; or
- (b) Viewing or auditing CLE program materials, videos or recordings produced by any of the above associations.

Note: An applicant who has been certified as a specialist in family law by the Law Society of Upper Canada shall be deemed to meet the above standard.

Equivalencies:

(2) Notwithstanding the above minimum requirements, an area director shall have the authority to recognize professional development that is equivalent to, or exceeds the standard, on the basis of the following:

- (a) Teaching or writing published materials on family law; or
- (b) Providing family law mentoring in a structured mentoring program established by LAO; or
- (c) Having substantial recent involvement in and recognized expertise in family law as determined by the area director.

Specialized Child Protection Sub-Panel:

(1) Pursuant to section 23(2) of the *Legal Aid Services Act*, an area director may establish a local sub-panel of the family law panel requiring specialized training and related experience in the area of Child Protection (*Child and Family Services Act*). Admission to a Child Protection sub-panel shall have the following additional requirements:

- (a) The applicant shall have substantial experience in Child Protection proceedings in a minimum of 10 CFSA files in the previous year, or a minimum of 20% of practice concentration in Child Protection proceedings over the previous two years and on an ongoing basis, either representing parents, or as counsel for the Ontario Children's Lawyer or a Children's Aid Society ; and
- (b) Sub-panel members shall attend an annual six-hour educational seminar related to Child Protection, provided or approved by LAO. This requirement shall meet the standard for professional development set out in section 2.

(2) Notwithstanding the above minimum requirements, an applicant may request from an area director an exemption from the minimum related experience standard on the basis of the following:

- (a) The applicant is employed and supervised by a member of the CFSA sub-panel; or
- (b) The applicant agrees to be mentored for a period of time as deemed appropriate by the area director, by a CFSA panel-member, in one or more CFSA proceedings; or
- (c) The applicant shall agree to participate as a junior with an experienced member of the CFSA sub-panel in one or more CFSA proceedings, as required by the area director.

In areas with a significant volume of Child Protection matters, area directors are encouraged to establish such a sub-panel.

Admission to the Family Law Panel

To be admitted to the family law panel, applicants shall sign an agreement to comply with the standards set out by LAO for family law panel lawyers.

Consideration of Local Conditions

(1) The family panel standards shall apply across the province. In response to area directors' concerns regarding the need to ensure an adequate supply of lawyers to serve clients' needs, the standards may be applied in a flexible way if deemed necessary in consideration of the following local conditions:

- (a) a shortage of lawyers in the area willing to do family certificate work; or
- (b) the area director deems it necessary to rebuild and/or refresh the panel to meet current or future needs.

(2) In the interest of ensuring quality service, an area director shall have the discretion to require an applicant to enhance his/her knowledge of family law through professional development and/or being mentored, as deemed appropriate.