



**EVALUATION OF THE LEGAL AID
ONTARIO PILOT STAFF FAMILY LAW
OFFICES**

Final Report

Prepared for

Legal Aid Ontario

Participating Staff

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EXECUTIVE SUMMARY

In the spring of 1999, Legal Aid Ontario initiated an evaluation of three pilot family law staff offices in Toronto, Ottawa and Thunder Bay. This evaluation had three primary objectives:

- To compare the family law staff offices with the judicare model of legal aid service delivery, in terms of average case costs and service quality.
- To compare the quality of service among the three family law staff office models.
- To compare the cost and time efficiencies among the three family law staff office models.

The information needs of this evaluation were addressed through the following types of data collection and analysis:

- Reviews by a family law expert of the complexity of samples of cases completed by the FLOs and by the private bar on certificate in Toronto, Ottawa and Thunder Bay.
- A telephone survey of clients of the FLOs and of the private bar on certificates. The main aim of this survey was to measure client satisfaction as an indicator of service quality.
- A mail survey of the family bar in Toronto, Ottawa and Thunder Bay. The main goal of this survey was to examine the family bar's perspectives on the quality of the work of the FLOs and of the impact of the FLOs on their communities.
- Cost data for services provided by the FLOs and for family certificate work completed by the private bar in the three cities.
- Interviews with key informants in each location which focussed on perceptions of the role played by the FLOs in local service delivery, the relationship of the FLOs to the private bar and progress made by the FLOs in achieving their objectives.

Site-specific Findings

The **Toronto** FLO attains high levels of satisfaction among its clients. It also enjoys a good reputation among members of the bar familiar with its work and among the agencies with which it interacts. The analysis of case complexity indicates that the caseload of the FLO is somewhat more complex than that of the private bar in Toronto (on certificates). Given its size (5.5 full-time lawyer equivalents) and consequent operating costs, however, it has not achieved cost-competitiveness with the private bar on certificate. To some degree, this may reflect its expressed operating philosophy of providing services beyond those covered by the tariff. It may also reflect staff utilization levels which, while rising, have not reached the point where LAO case closing targets will be met.

The **Ottawa** FLO closely resembles an efficient private practice which specializes in family legal aid clients. Client satisfaction levels are close to those reported by private bar clients in Ottawa. The FLO has achieved a high profile within the legal community in Ottawa, and enjoys a positive reputation for the quality of its work and the competence of its staff. Office costs across the two-year period 2000/02 are competitive with the costs of certificate cases completed by the private bar. This reflects the office's expressed philosophy of offering the same types and amounts of services as the private bar on certificate, the experience and competence of the staff and their consistency high levels of utilization.

Despite the challenges created by some early staff turnover, the **Thunder Bay** FLO has become a key feature of the family legal aid scene in Thunder Bay. Client satisfaction levels are typically higher than those reported by clients of the private bar. The Thunder Bay FLO also enjoys a sound reputation in the legal community, both for the quality of its work and the competence of its staff. Most view the FLO as a positive addition to the community, in the sense that it is filling a real need (due to the reluctance of many lawyers to take family certificates). The FLO is also seen as providing significant leadership in the community in improving access to legal services. While the average costs for cases completed in 2000/01 were substantially above those of cases completed by the private bar, average FLO case costs were below private bar certificate costs in 2001/02. This improvement likely reflects the recent stability of the staffing of the office, as well as efforts to raise utilization levels.

General Findings

The review of case complexity established the relatively greater complexity of the Toronto FLO caseload compared to the Toronto private bar certificate caseload, and the essentially equal complexity of the Ottawa and Thunder Bay FLO and private bar caseloads.

The survey of clients supports the general conclusion that, from the clients' perspective, the quality of services provided by the pilot FLOs was at least as high as that provided by the private bar on certificate.

The data from the bar survey present a generally positive or at worst, neutral perception of the FLOs among private family lawyers in the three locations who have dealt with FLO staff lawyers as opposing counsel. The FLOs are generally seen as improving access to family law services, especially in Thunder Bay. Among lawyers familiar with FLO staff as opposing counsel, most reported perceiving no difference in service quality or competence of counsel.

Service cost contrasts across the three offices were stark. They ranged from well above private bar certificate costs to somewhat below these costs. Completing family law cases at lower average cost than the current tariff dictates represents a significant achievement, given the current discontent with the tariff. In order for the FLOs to be consistently cost-competitive with the private bar on certificates, high levels of staff utilization and restricting the range of services provided to those typical of the private bar on certificate will be required.

I INTRODUCTION

In the spring of 1999, Legal Aid Ontario (LAO) issued a Request for Proposals (RFP) to prepare an evaluation framework for, and conduct an evaluation of, three pilot family law staff offices located in Toronto, Ottawa and Thunder Bay. This evaluation had three primary objectives:

- To compare the family law staff offices with the judicare model of legal aid service delivery, in terms of average case costs and service quality.
- To compare the quality of service among the three family law staff office models.
- To compare the cost and time efficiencies among the three family law staff office models.

The RFP for this project called for the work to be conducted in two phases. The first phase consisted of the development of an evaluation framework, or plan, for the conduct of the evaluation proper. The resulting framework report was submitted to Legal Aid Ontario for review in February of 2001, and approved with minor modifications shortly thereafter.

Once the framework report was approved, work began on the evaluation itself. According to the project schedule, the evaluation was to be completed by July of 2002. As agreed, an interim report of progress was prepared and submitted at the end of November of 2001. It summarized the progress made to that date on the key data collection activities of the evaluation, and described the work remaining to be done to complete the evaluation.

This report presents the complete findings of the evaluation. Before we present these findings, we provide a brief discussion of the background to this evaluation.

A. BACKGROUND

The opening of the three family law staff offices by Legal Aid Ontario represented a significant departure from the organization's previous reliance on the judicare model of service delivery. Historically, the Ontario Legal Aid Plan (as LAO was known up until April 1, 1999) relied almost exclusively on the private Bar to provide services to eligible applicants for criminal and family legal aid. Direct service delivery by OLAP staff was limited largely to duty counsel services and to other poverty law services provided through the Plan's clinic system.

This reliance on the judicare model to provide the bulk of its services in the criminal and family law areas came under extreme pressure in the mid-1990s as the Plan was forced to work within a fixed budget, and the demand for legal aid services rose. Prioritization of areas of service delivery resulted in dramatic reductions in the availability of both criminal and family legal aid. This impact was, however, greatest in the family law area. The disproportionate nature of this impact between criminal and family legal aid raised questions

about the accessibility of legal aid, particularly to women who form the bulk of the clientele of family legal aid services. This situation prompted concerns not only about the accessibility of the services in general, but also about the extent to which this pattern of availability reflected a gender bias.

In response to this overall situation, several recent reviews of the Ontario Legal Aid Plan recommended that consideration be given to examining the merits of service delivery models other than *judicare*. Notable among these reviews are the 1995 *Report of the Special Advisor to the Attorney General on Legal Aid* (prepared by Stanley Beck), the 1997 report prepared by Frederick Zemans and Patrick Monahan entitled *From Crisis to Reform: A New Legal Aid Plan for Ontario*, and the 1997 *Report of the Ontario Legal Aid Review* (prepared under the leadership of John McCamus for the Attorney General).

Despite the general reliance on *judicare* referred to above, Legal Aid Ontario has some experience in the use of staff lawyers to deliver services to legal aid clients. In some locations, duty counsel services are provided by LAO staff lawyers. Also of note here are the (former) Divorce Law Office Pilot Project and the Refugee Law Office Pilot Project. During its period of operation, the Divorce Law Office Pilot Project provided service province-wide to clients who qualified for a legal aid certificate and were seeking an uncontested divorce. This office was opened in 1995; its services were rolled into the staff family law offices when they opened in 1999. The Refugee Law Office Pilot Project opened in 1994 and represents claimants in the Metro Toronto area before the Refugee Division of the Immigration and Refugee Board and in judicial review applications before the Federal Court.

Against this backdrop, OLAP (as it was then known) was instructed by the Legal Aid Committee of the Law Society (its governing body up until April 1, 1999) to prepare a proposal for a series of pilot projects to test alternative service delivery models. The aim of these pilot projects was to determine whether:

- The Plan can improve access to services.
- Services can be provided more cost-efficiently.
- The quality of services provided can be improved through the exercise of more control over who provides these services and the qualifications they have, and through more intense monitoring of the services clients receive.

In February 1998, the Law Society gave approval for Plan management to proceed with an extensive list of pilot projects in the family, immigration, other civil and young offender service areas. Proposals for alternative service delivery pilots in the area of adult criminal law were not approved at that time.

Prominent among the list of alternative service delivery approaches approved for pilot testing in the family law area were three family law staff offices located in Toronto, Ottawa, and Thunder Bay. These pilot staff family law offices opened in May and June of 1999 and were to run for three years, at a minimum.

B. KEY ELEMENTS OF THIS EVALUATION

Evaluation of the pilot staff family law offices presented a number of methodological challenges. Prominent among these were

- Assessing case complexity
- Assessing service quality
- Assessing service costs

As noted above, the primary goal of this evaluation was to compare the pilot staff offices with the judicare model of service delivery on these key aspects of their performance. For the purposes of this report, separate chapters follow on the assessment of case complexity, the use of surveys of clients and the private family bar to assess service quality, and service costs. For the purpose of cost comparisons, a costing model developed by LAO for general use was applied to data from the FLOs and from legal accounts submitted by the private bar for family law services.

By way of introduction, Chapter II presents descriptive profiles of each of the FLOs. Chapter III describes the use of file reviews to examine the comparative complexity of the cases handled by the private bar on certificates and those handled by FLO staff, and presents the findings of these reviews. Chapter IV discusses the use of a telephone survey of clients to measure client satisfaction as an indicator of service quality. It also provides the findings of this survey. Chapter V discusses the use of a mail survey of the family bar in Toronto, Ottawa and Thunder Bay to examine the family bar's perspectives on the quality of the work of the FLOs. It also provides the findings of this survey. Chapter VI summarizes the results of a series of interviews with selected key informants in each location. These interviews focussed on perceptions of the role played by the FLOs in local service delivery, the relationship of the FLOs to the private bar and progress made by the FLOs in achieving their objectives. Chapter VII presents the findings of the comparative analysis of FLO and judicare service costs. Finally, Chapter VIII summarizes and discusses the overall conclusions of this evaluation.

II DESCRIPTION OF EACH FLO

A. TORONTO

1. Profile of staff

During the timeframe covered by this evaluation, the staff complement of the Toronto FLO has grown from two lawyers plus the Director in May of 1999 to the current five lawyer full-time equivalents (FTEs), initially two and now three paralegal FTEs and two administrative FTEs. Among the lawyers, there has been no real turnover, but for maternity leave. Two of the three current paralegals have been with the FLO since its opening. The third current paralegal joined the office in November of 2000. One of the administrative staff has also been with the FLO almost since its opening. The second position has been occupied by two individuals; the second of these having joined the office in September of 2001. Overall, this office has experienced very little turnover among its staff. Some of these individuals were previously employed by the Divorce Law Office (the ongoing work of which transferred to the Toronto FLO when it opened).

All but two of the lawyers who have worked in the Toronto FLO since its opening report having ten or more years of family law experience. All had some experience in private practice prior to joining the FLO. Of the five 'core' lawyers, three are women. One of the lawyers is able to provide services to FLO clients in French and Spanish (in addition to English).

The paralegals in the Toronto FLO report from five to fifteen years of family law experience. Two are men. One is able to provide limited services in French.

2. Office location

The Toronto FLO is located near the Toronto LAO area office in downtown Toronto. It is in the same building as the Superior Court, and within a few blocks of the Family Court at 311 Jarvis. As originally conceived, it was to serve clients whose legal aid applications were taken in any of the Toronto, Scarborough, Etobicoke or North York area offices and who did not engage a private lawyer to take their certificates. The FLO is, therefore, some considerable distance from both the three area offices other than Toronto, and the other Family Courts in the GTA.

3. Operating philosophy

Staff of the Toronto FLO describe the office's operating philosophy as that of providing the services their clients need, even if these services fall outside the range of service types which the tariff anticipates, and/or require more time than the tariff allows.

4. Accessibility

The Toronto FLO is located within easy walking distance of public transit. It is wheelchair-accessible and provides a toy/TV room for the children of visiting clients. The office does not offer TTD access for hearing-impaired callers. Normal business hours are 9-5, Monday to Friday, with after hours service available by appointment.

5. Profile of clients

The Service Encounter System (SES) captures a number of characteristics of applicants for legal aid. This section presents data on several of these characteristics separately for FLO clients and clients of the private bar on family certificates. These data include all applications for family legal aid made in the Toronto, North York, Scarborough and Etobicoke area offices of Legal Aid Ontario between September 1, 1999 and September 30, 2001.

Client Characteristics	FLO Clients	Clients of Private Bar on Family Certificates
Gender	76% Female	70% Female
Average Age at Application	36.7	35.6
Canadian Citizen or Landed Immigrant	90%	95%
Ontario Resident	86%	96%
English-speaking	99%	100%
On Social Assistance	31%	35%
Eligible for a Free Certificate	89%	88%

Overall, these data indicate that the basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Toronto. That said, FLO clients are somewhat less likely than private bar clients to be Ontario residents (86% vs. 96%).

6. Summary of docketing data

This section summarizes available data on the utilization of the staff of the Toronto FLO. It reports utilization (meaning time billable to clients) as a percentage of available time (deemed to be six hours per day – a target set by LAO management as reflective of similar targets elsewhere). Data are reported separately for fiscal year-to-date (YTD) and for the most recent complete fiscal year (2000-2001). Average utilization data are reported separately for the six lawyers and three paralegals in the Toronto FLO. Data for paralegals include time spent on uncontested divorces.

Average Staff Utilization in Toronto FLO

	Reporting Period	
	Fiscal 2000-2001	Fiscal 2001-2002
Lawyers	60.1%	76.0%
Paralegals	42.7%	52.6%

7. Caseload statistics

This section summarizes data on the caseloads of the Toronto FLO. It reports counts of active cases and cases closed. Data are reported separately for certificate cases and uncontested divorces, and for the months of March of 2001 and 2002, as well as for the two most recent complete fiscal years (2000-2001 and 2001-2002).

		Reporting Period		
Case Counts	March 2001	Fiscal 2000-2001	March 2002	Fiscal 2001-2002
Active Certificate Cases	304	NA	259	NA
Certificate Cases Closed	18	29	43	297
Active Uncontested Divorces	255	NA	237	NA
Uncontested Divorces Closed	6	46	16	172

8. Profile of case types

Legal Aid Ontario's administrative systems, as well as those used in the FLOs, collect a number of types of data which reflect the composition of the cases handled by the FLOs and the private bar on family certificates. Uncontested divorces are excluded from the table below as cases of this type are not handled by the private bar on certificate.

	Cases handled by the FLO	Cases handled by the Private Bar on Family Certificates
Minor Aid Classification:		
Contested divorces	3%	1%
FLSA/CLRA	67%	61%
CFSA	13%	22%
Variations	17%	16%
Original Wording:		
FC01	35%	37%
FC03	46%	38%
Average number of hours per original wording	8.8	9.1
Average total number of hours authorized	17.4	21.2
Average number of additional authorizations	1.4	1.8

Other than a somewhat higher proportion of FLSA/CLRA cases in the FLO caseload, and of CFSA cases in the private bar caseload, the data in the table above indicate that the caseloads of the Toronto FLO and the Toronto family bar on certificates do not differ greatly. The same is true of their patterns of hours authorized and numbers of additional authorizations.

9. Interface with local community

The Toronto FLO established a Program Advisory Committee (PAC) as a formal means of informing and involving local stakeholders in the operations of the FLO. Its membership includes the LAO Area Directors from Toronto, Scarborough, North York and Etobicoke, and family court administrator, as well as members of the local family bar, and

representatives of agencies referring clients to, or receiving client referrals from the FLO. To date, the PAC has met three times – twice in 2000 and once in 2001.

In addition to the PAC, outreach activities by FLO staff lawyers (especially the Director) have included meetings with, and presentations to agencies and organizations working with potential clients of the FLO, some of which are sources of referrals to the FLO and/or sources of assistance to FLO clients. These activities are an ongoing element of the operations of the FLO.

B. OTTAWA

1. Profile of staff

During the timeframe covered by this evaluation, the staff complement of the Ottawa FLO has consistently included three lawyers, two paralegals and one administrative staff. Among the lawyers, there has been no turnover since the office opened. One of the two paralegals has also been with the FLO since its opening. The second paralegal position has been occupied by two individuals, the second of these having joined the office in November of 1999. The administrative staff position has been occupied by two individuals, the second of these having joined the office in April of 2000. Overall, this office has experienced very little turnover among its staff.

The lawyers working in the Ottawa FLO report having between fourteen and sixteen years of family law experience. All had some experience in private practice prior to joining the FLO. Two of the three lawyers are women. One of the lawyers is able to provide services to FLO clients in French.

The paralegals currently in the Ottawa FLO report from five to nine years of family law experience. Both are women. One is able to provide services in French.

2. Office location

The Ottawa FLO is located next door to the Ottawa LAO area office in central Ottawa. It is also within a few blocks of the Courthouse on Elgin Street.

3. Operating philosophy

The operating philosophy of the Ottawa FLO is that while every client should receive the same types of legal services as do legally-aided clients of private lawyers, the FLO does not provide non-legal services. FLO staff do not go beyond making referrals to sources of outside help. Overall, the services provided by the Ottawa FLO are not seen as being very different from those available from the private bar on certificate. Any differences in the time spent on individual cases arise from the office's policy of 'taking all who come', including a

higher proportion of particularly needy or demanding clients (compared to the private bar on certificate).

4. Accessibility

The Ottawa FLO is located within easy walking distance of public transit. It is wheelchair-accessible, but offers only limited space and entertainment for the children of visiting clients. The office does not offer TDD access for hearing-impaired callers. Normal business hours are 830-5, Monday to Friday, with after-hours service available by appointment in exceptional circumstances.

5. Profile of clients

The Service Encounter System (SES) captures a number of characteristics of applicants for legal aid. This section presents data on several of these characteristics separately for FLO clients and clients of the private bar on family certificates. These data include all applications for family legal aid made in the Ottawa area office of Legal Aid Ontario between September 1, 1999 and September 30, 2001.

Client Characteristics	FLO Clients	Clients of Private Bar on Family Certificates
Gender	66% Female	64% Female
Average Age at Application	35.6	34.1
Canadian Citizen or Landed Immigrant	95%	94%
Ontario Resident	89%	92%
English-speaking	96%	95%
On Social Assistance	42%	44%
Eligible for a Free Certificate	84%	86%

Overall, these data indicate that the basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Ottawa.

6. Summary of docketing data

This section summarizes available data on the utilization of the staff of the Ottawa FLO. It reports utilization (meaning time billable to clients) as a percentage of available time (deemed to be six hours per day – a target set by LAO management as reflective of similar targets elsewhere). Data are reported separately for fiscal year-to-date (YTD) and for the

most recent complete fiscal year (2000-2001). Average utilization data are reported separately for the three lawyers and two paralegals in the Ottawa FLO. Data for paralegals include time spent on uncontested divorces.

Average Staff Utilization in Ottawa FLO

Reporting Period		
	Fiscal 2000-2001	Fiscal 2001-2002
Lawyers	86.6%	81.5%
Paralegals	64.8%	71.2%

7. Caseload statistics

This section summarizes data on the caseloads of the Ottawa FLO. It reports counts of active cases and cases closed. Data are reported separately for certificate cases and uncontested divorces, and for the months of March of 2001 and 2002, as well as for the two most recent complete fiscal years (2000-2001 and 2001-2002).

Case Counts	Reporting Period			
	March 2001	Fiscal 2000-2001	March 2002	Fiscal 2001-2002
Active Certificate Cases	300	NA	272	NA
Certificate Cases Closed	43	374	15	277
Active Uncontested Divorces	73	NA	60	NA
Uncontested Divorces Closed	2	35	1	69

8. Profile of case types

Legal Aid Ontario's administrative systems, as well as those used in the FLOs, collect a number of types of data which reflect the composition of the cases handled by the FLOs and the private bar on family certificates. Uncontested divorces are excluded from the table below as cases of this type are not handled by the private bar on certificate.

	Cases handled by the FLO	Cases handled by the Private Bar on Family Certificates
Minor Aid Classification:		
FLSA/CLRA	69%	60%
CFSA	14%	25%
Variations	17%	16%
Original Wording		
FC01	23%	22%
FC03	54%	47%
Average number of hours per original wording	9.9	10.7
Average total number of hours authorized	12.6	20.6
Average number of additional authorizations	0.6	1.4

Other than a somewhat higher proportion of FLSA/CLRA cases in the FLO caseload, and of CFSA cases in the private bar caseload, the data in the table above indicate that the caseloads of the Ottawa FLO and the Ottawa family bar on certificates do not differ greatly. The same, however, is not true of their patterns of hours authorized and numbers of additional authorizations. Both the average total hours authorized and the average number of additional authorizations are significantly higher for the private bar than for the Ottawa FLO (despite similar average numbers of hours per original wordings).

9. Interface with local community

The Ottawa FLO established a Program Advisory Committee (PAC) as a formal means of informing and involving local stakeholders in the operations of the FLO. Its membership includes the Ottawa LAO Area Director and a family court administrator, as well as members of the local family bar, and representatives of agencies referring clients to, or receiving client referrals from the FLO. To date, the Ottawa FLO's PAC has met eight times.

In addition to the PAC, outreach activities by FLO staff lawyers (especially the Director) have included meetings with, and presentations to agencies and organizations working with potential clients of the FLO, some of which are sources of referrals to the FLO and/or sources of assistance to FLO clients. These activities are an ongoing element of the operations of the FLO.

C. THUNDER BAY

1. Profile of staff

During the timeframe covered by this evaluation, the staff complement of the Thunder Bay FLO has typically included two lawyers, one paralegal and one administrative staff. Currently, the office complement consists of the Director, one staff lawyer, two paralegals and a receptionist. Only the Director has been with the FLO throughout the three years since it opened. The second position was occupied by two individuals between 9/99 and 9/01, with another lawyer filling this position as of October of 2001. The paralegal position has been occupied by four individuals in the evaluation timeframe. The administrative staff position has been occupied by two individuals, the second of these having joined the office in July of 2000. In contrast to the Toronto and Ottawa FLOs, this office has experienced considerable turnover among its staff.

The Director of the Thunder Bay FLO has 17 years of family law experience. The individuals occupying the second lawyer position reported between five and seven years of family law experience. All had some experience in private practice prior to joining the FLO. Two of the four lawyers are women. None of the lawyers is able to provide services to FLO clients in French.

The paralegals who have occupied this position in the Thunder Bay FLO reported from two to sixteen years of family law experience. All but one have been women. One has been able to provide services in French.

2. Office location

The Thunder Bay FLO is located in the same building as the LAO area office in central Thunder Bay, and within a few blocks of the Courthouse.

3. Operating philosophy

The operating philosophy of the Thunder Bay FLO was described as being essentially the same as that of many private lawyers on a legal aid certificate, albeit with perhaps greater sensitivity to clients' needs and feelings. While the FLO strives for efficiency, it emphasizes a comprehensive approach to meeting client needs. The office is prepared to 'go the extra mile' for its clients. This may include services which the private bar may be unable to offer, given the time limits imposed by the tariff. Referrals are made to appropriate sources for other types of legal services, for counselling and for other personal needs

4. Accessibility

The Thunder Bay FLO is wheelchair-accessible, near public transit, and ‘kid-friendly’ in that there are toys and a TV/VCR available for children visiting the office with a parent. While normal office hours are 9-5 Monday to Friday, after-hours service is available on an as-needed basis. The office is not equipped with a TDD communications device for the hearing-impaired.

5. Profile of clients

The Service Encounter System (SES) captures a number of characteristics of applicants for legal aid. This section presents data on several of these characteristics separately for FLO clients and clients of the private bar on family certificates. These data include all applications for family legal aid made in the Thunder Bay area office of Legal Aid Ontario between September 1, 1999 and September 30, 2001.

Client Characteristics	FLO Clients	Clients of Private Bar on Family Certificates
Gender	77% Female	69% Female
Average Age at Application	33.8	33.4
Canadian Citizen or Landed Immigrant	98%	98%
Ontario Resident	97%	97%
English-speaking	100%	100%
On Social Assistance	33%	33%
Eligible for a Free Certificate	85%	87%

Overall, these data indicate that the basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Thunder Bay.

6. Summary of docketing data

This section summarizes available data on the utilization of the staff of the Thunder Bay FLO. It reports utilization (meaning time billable to clients) as a percentage of available time (deemed to be six hours per day – a target set by LAO management as reflective of similar targets elsewhere). Data are reported separately for fiscal year-to-date (YTD) and for the most recent complete fiscal year (2000-2001). Average utilization data are reported separately for the two lawyer FTEs and one paralegal FTE in the Thunder Bay FLO. Data for paralegals include time spent on uncontested divorces.

Average Staff Utilization in Thunder Bay FLO

	Reporting Period	
	Fiscal 2000-2001	Fiscal 2001-2002
Lawyers	74.4%	92.1%
Paralegals	42.1%	45.3%

7. Caseload statistics

This section summarizes available data on the caseloads of the Thunder Bay FLO. It reports counts of active cases and cases closed. Data are reported separately for certificate cases and uncontested divorces, and for the months of March of 2001 and 2002, as well as for the two most recent complete fiscal years (2000-2001 and 2001-2002).

		Reporting Period		
Case Counts	March 2001	Fiscal 2000-2001	March 2002	Fiscal 2001-2002
Active Certificate Cases	263	NA	124	NA
Certificate Cases Closed	0	56	31	288
Active Uncontested Divorces	125	NA	56	NA
Uncontested Divorces Closed	0	3	9	136

8. Profile of case types

Legal Aid Ontario’s administrative systems, as well as those used in the FLOs, collect a number of types of data which reflect the composition of the cases handled by the FLOs and the private bar on family certificates. Uncontested divorces are excluded from the table below as cases of this type are not handled by the private bar on certificate.

	Cases handled by the FLO	Cases handled by the Private Bar on Family Certificates
Minor Aid Classification:		
Contested divorces	1%	1%
FLSA/CLRA	73%	73%
CFSA	11%	15%
Variations	16%	12%
Original Wording:		
FC01	62%	62%
FC03	23%	20%
Average number of hours per original wording	6.1	6.4
Average total number of hours authorized	16.3	20.4
Average number of additional authorizations	1.2	1.6

The data in the table above indicate that the caseloads of the Thunder Bay FLO and the family bar on certificates are almost identical. The same is true of their patterns of hours authorized and numbers of additional authorizations, although the private bar shows somewhat higher averages for both total hours authorized and numbers of additional authorizations.

9. Interface with local community

The Thunder Bay FLO established a Program Advisory Committee (PAC) as a formal means of informing and involving local stakeholders in the operations of the FLO. Its membership includes the local LAO Area Director, and a family court administrator, as well as members of the local bar, and representatives of agencies referring clients to, or receiving client referrals from the FLO. To date, the PAC has met nine times – seven times in 2000 and twice in 2001.

In addition to the PAC, outreach activities by FLO staff lawyers (especially the Director) have included meetings with, and presentations to agencies and organizations working with potential clients of the FLO, some of which are sources of referrals to the FLO and/or sources of assistance to FLO clients. These activities are an ongoing element of the operations of the FLO.

III ASSESSMENT OF CASE COMPLEXITY

A. BACKGROUND

Case complexity was deemed to be a critical issue in this evaluation because of the assumed association between complexity and the demands placed on the lawyers providing the services to individual clients. Related to this was the question of potential differences between the caseloads of the family law offices and the private bar (certificate cases only) in terms of their average complexity. If cases handled by the FLOs were, on average, more complex than those handled by the private bar on certificate, then it was imperative that this factor be taken into account in any comparative analysis of case costs or client satisfaction.

Accordingly, considerable effort was directed to the task of assessing the complexity of the cases handled by the FLOs in comparison to those handled by the private bar on certificate. This effort entailed the following steps:

- Development of a preliminary list of factors which might logically contribute to the complexity of a family law case.
- Converting the list of factors into a draft checklist.
- Pilot testing the draft checklist on a sample of completed cases.
- Revising the draft checklist as needed based on the experience of the pilot test.
- Reviewing the checklist with the FLO Directors.
- Finalizing the checklist for use in actual data collection. A copy of the final checklist is Appendix A to this report.
- Drawing a sample of completed cases for which client consent was obtained by LAO for the file review. The sample plan called for 150 files from Toronto, 75 from Ottawa and 50 from Thunder Bay (split evenly between cases completed by the FLOs and the private bar on certificate).
- Contacting the lawyers identified in LAO or FLO records as having handled the cases to arrange to review the file, complete the checklist and discuss the file with the lawyer to ensure that the checklist accurately reflected the complexity of the case.
- Entering the data from the completed checklists into a spreadsheet for analysis.

B. THE SAMPLE OF COMPLETED CASES

It will be important at this point to elaborate on the ‘core’ sample of completed cases used in both the file reviews, and the telephone survey of clients (described in Chapter IV below). For the purposes of this evaluation, samples of completed cases from both the FLOs and the private bar in Toronto, Ottawa and Thunder Bay were required. Eligible cases were those for which certificates were issued after 1 September 1999 and which were completed before the end of March 2002. Cases involving appeals, or the preparation of opinion letters only, were excluded due to their low frequency and limited interest, respectively.

Due to considerations of client confidentiality, however, it was not possible to simply draw random samples of completed cases for either the file reviews or the telephone survey. Instead, it was necessary for LAO staff to obtain explicit consents from clients to use information on their cases for these purposes. Some of these consents were obtained from clients as they applied for their certificates in LAO Area Offices. Most, however, had to be acquired on case completion through telephone contacts by LAO staff. Needless to say, this was a resource-intensive exercise.

In all, 724 FLO cases were identified as eligible for inclusion in the sample. Client consent was obtained for 226 (30%) of these cases. The breakdown of these cases by location is as follows:

- Toronto: 279 completed cases (75 consents).
- Ottawa: 306 completed cases (100 consents).
- Thunder Bay: 157 completed cases (51 consents).

The random sample of eligible cases completed by the private bar included 2,394 cases. Client consent was obtained for 437 (18%) of these cases. The breakdown of these cases by location is as follows:

- Toronto: 1,357 completed cases (254 consents).
- Ottawa: 638 completed cases (101 consents).
- Thunder Bay: 399 completed cases (82 consents).

It is important to note that the main cause of attrition in the initial samples was not client refusal to consent. Of the 246 FLO clients with whom contact was made, only 20 (8%) explicitly refused consent. Similarly, of the 480 private bar clients contacted, only 43 (9%) refused consent. The main difficulty experienced in seeking these consents was LAO’s inability to contact the clients in the first place, due to the telephone numbers provided on their applications for legal aid being incorrect, or no longer in service, and clients not returning repeated messages.

There is one final point which should be noted in relation to the sample of completed cases which were reviewed. Given the timeframe of the evaluation, it is possible that the most lengthy cases are underrepresented in the sample. Presumably, this potential limitation

would apply equally to the FLO and private bar cases. However, to the extent that one pool of cases is, in general, more complex than the other, it may be that these most complex cases are more underrepresented in one sample than another. Underlying this possibility is the recognition that more complex cases will, other things being equal, generally be of longer duration. On the other hand, not all long cases will necessarily be comparatively complex.

C. COOPERATION WITH DATA COLLECTION BY THE PRIVATE BAR

In addition to identifying elements of case complexity which should be assessed in the evaluation, the pilot answered an important question about gaining access to private bar files as part of the evaluation. Once we were able to speak to the lawyers involved, cooperation with the file review was forthcoming in all but a few cases. The only real problem we encountered was in scheduling mutually-convenient times and locations to meet. Despite early concerns about whether the client consents would be sufficient to gain the lawyers' cooperation, only one of the lawyers we contacted declined to participate for reasons of client confidentiality. This experience gave us confidence that a rollout of this approach to a larger sample of completed cases was feasible.

D. NUMBER OF FILES REVIEWED

As of the end of April of 2002, reviews of 368 files had been completed. The breakdown by location and service model (FLO or private bar) is shown below in Exhibit III-1.

Exhibit III-1 Counts of completed file reviews by location and service delivery model (targets in parentheses)

Location	FLO	Private Bar
Toronto	75 (75)	75 (75)
Ottawa	96 (50)	52 (50)
Thunder Bay	46 (25)	24 (25)

The counts in Exhibit III-1 show that the file review targets were been met or exceeded in all three locations and for both FLO and private bar files. Relative to the pre-established targets, there was a sizable 'surplus' of reviews of FLO files in both Ottawa and Thunder Bay.

E. NUMBER OF FILES ANALYZED

While the file reviews were underway, the reviewers became aware that the sample of FLO files, in particular, included a number for which only limited services were provided. To some extent, this may reflect the fact that in Ottawa and Thunder Bay, the reviewers covered many more files than the targets called for.

In order to ensure that the samples of FLO and private bar files to be analyzed were balanced, in the sense that they did not include differing proportions of cases for which only the most limited services were provided, we examined each sample in terms of the total hours billed to individual files. We began by eliminating from the analysis database all files for which two hours or less were recorded. Use of this two-hour cutoff left an evident imbalance in the FLO and private bar samples. This process was repeated using a cutoff of three hours, with a similar (albeit less dramatic) result. The process was again repeated with a four-hour cutoff. Use of this criterion produced a database containing 294 file reviews. The breakdown of this reduced database by location and service delivery model is in Exhibit III-2 below.

Exhibit III-2 Counts of completed file reviews by location and service delivery model restricted to files on which more than four hours were spent (targets in parentheses)

Location	FLO	Private Bar
Toronto	71 (75)	70 (75)
Ottawa	54 (50)	49 (50)
Thunder Bay	30 (25)	20 (25)

Comparison of the cell counts in Exhibits III-1 and III-2 reveals that use of the four-hour cutoff reduced the total number of reviews in the database by 72 files (from 368 to 294). However, the reductions were not evenly spread over the location/service model pairings. The reductions were greatest for the Ottawa FLO (down to 54 from 96), and the Thunder Bay FLO (down from 46 to 30). Elsewhere, the reductions ranged from only three to five files.

The fact that use of the four-hour cutoff had no significant impact on four of the six location/service model pairings confirms the logic of its use. The disproportionate number of files with very few hours spent in the Ottawa and Thunder Bay FLO data would have undermined our efforts to fairly compare the complexity and costs of the FLO and private bar caseloads. Accordingly, the analyses reported in the remainder of this chapter were restricted to files which satisfied the four-hour criterion.

F. FINDINGS

By way of introduction to this presentation of findings, it will be helpful to remind readers of the form in which the complexity data were captured for each file reviewed. The

interview guide/coding form (copy appended) listed 61 complexity factors which might be present in a case file. For each of these factors, a code was recorded by the reviewer in consultation with the lawyer responsible for the case. Three codes were permitted for each factor:

- Absent (coded as ‘0’).
- Present but of little or no impact (coded as ‘1’).
- Significant impact on conduct of case (coded as ‘2’ or, in extreme cases ‘3’ or ‘4’).

1. The basic data

As a basic description of the data, tables were prepared which list, for each factor, the percentage of the files reviewed in which the factor was either ‘present but of little or no impact’ or had a ‘significant impact on the conduct of the case.’ Separate tables were prepared Toronto, Ottawa and Thunder Bay (labelled Exhibits III-3, III-4 and III-5 respectively). In each of these three tables, the data for the FLO files and private bar files are presented separately for comparison. The tables are presented starting on the following page.

An initial examination of these three tables reveals wide variation across factors and location/service model pairings. Looking first at the ratings of ‘significant impact,’ the proportions of files in which a factor was rated at this level ranged from 0% to 55%, with most values falling in the single-digit range. The highest proportion found for ‘present but of little or no impact’ was 67%.

Exhibit III-3 Presence of Individual Complexity Factors in Files of Completed Cases by Service Delivery Model: Toronto

Complexity Factors	Service Delivery Model			
	Family Law Office		Private Bar	
	Little or No Impact	Significant Impact	Little or No Impact	Significant Impact
Legal Issues Addressed in Case	%	%	%	%
Custody	49	18	57	7
- Moving from joint to sole	3	4	4	6
- mobility issues	9	3	4	4
- jurisdictional dispute	3	0	0	1
- abduction – Hague Convention	1	3	0	0
- Children’s lawyer	10	13	6	7

Access	38	16	47	6
- supervised	4	6	13	6
- denial of access	4	11	16	6
Child Support	48	7	23	6
- basic	20	4	30	0
- extraordinary expenses	13	3	4	0
- undue hardship claim	1	0	0	0
- establishing income	9	10	3	4
- 3 year averaging/imputing income	11	13	1	0
- need for cross-exams on income	0	3	0	0
Spousal Support	17	3	3	1
Property	16	4	3	1
- constructive trust	0	1	0	1
Restraining Order	24	14	17	0
Exclusive Possession	3	1	0	1
Child Protection	0	0	3	0
- allegations	7	0	6	3
- supervision	0	0	3	1
- society wardship	4	1	0	0
- with access	1	1	0	0
- without access	0	0	0	0
- crown wardship	0	1	0	0
- hard line, zero tolerance by CAS	0	1	0	3
- number of parties	0	0	0	3
Characteristics of Opposing Side	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Opposing counsel unreasonable, inexperienced, intransigent, slow, overworked, unresponsive, lacking technical programs (to calculate hardship under Child Support Guidelines, or spousal support tax impact), pursuing frivolous claims,	4	18	3	11
Serial lawyers	3	14	1	1
Failure to disclose financial info	11	32	9	7
Late disclosure requiring adjournment	3	18	9	3
Need for cross-examinations	0	1	0	0
Self represented	23	14	41	9
Self employed	9	3	0	0
Unemployed	7	0	7	0
Province/country of residence not Ontario	6	3	3	0

Context	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Abuse	17	37	21	17
Addiction issues/medication	10	13	9	9
Social worker involvement	6	11	6	11
Culture/language/other communication barriers (impaired hearing, illiteracy, etc.)	14	21	13	9
Need for interpreter	3	7	6	3
Poverty issues (no phone/address)	6	4	7	1
Emotional/physical state of client and/or spouse	17	38	10	37
Extended family/friends involvement	10	20	6	14
- supporting affidavits, etc.	1	9	1	4
Number of parties	4	3	6	7
Lack of disclosure by own client	3	7	7	1
Serial applications/layered legal issues ie. Criminal, protection and family law	13	9	7	1
Previous relevant court actions	20	4	14	4
- need to get and review file, other evidence, etc.	24	6	16	4
Serial lawyers prior to being retained	4	6	6	0
Inherent court delays	3	3	3	0
- waiting time, adjournments, lost files,	16	7	14	6
- uneven application of Rules/procedures by counter staff	0	3	0	0
Strange/unexpected judicial decisions	4	6	1	0
LAO – limited hours for basic certificate	0	0	3	0
LAO – requirement to request discretionary increases	9	0	26	0
LAO - time constraints	3	0	0	0

Exhibit III-4 Presence of Individual Complexity Factors in Files of Completed Cases by Service Delivery Model: Ottawa

Complexity Factors	Service Delivery Model			
	Family Law Office		Private Bar	
	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Legal Issues Addressed in Case				
Custody	41	11	37	16
- moving from joint to sole	2	4	14	6
- mobility issues	6	4	4	4
- jurisdictional dispute	4	2	2	8
- abduction – Hague Convention	0	20	0	8
- Children’s lawyer	6	4	8	2
Access	17	17	18	2
- supervised	4	0	4	8
- denial of access	7	2	10	16
Child Support	17	6	12	0
- basic	26	4	18	2
- extraordinary expenses	0	0	2	0
- undue hardship claim	0	0	2	0
- establishing income	0	6	0	0
- 3 year averaging/imputing income	2	0	0	0
- need for cross-exams on income	4	2	0	0
Spousal Support	11	4	6	0
Property	9	4	4	2
- constructive trust	0	0	0	0
Restraining Order	4	4	20	6
Exclusive Possession	2	2	0	2
Child Protection	4	0	2	4
- allegations	4	2	6	4
- supervision	17	0	10	4
- society wardship	2	0	8	4
- with access	0	0	10	4
- without access	0	0	0	0
- crown wardship	0	0	2	4
- hard line, zero tolerance by CAS	0	0	2	0
- number of parties	0	0	2	2

Characteristics of Opposing Side	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Opposing counsel unreasonable, inexperienced, intransigent, slow, overworked, unresponsive, lacking technical programs (to calculate hardship under Child Support Guidelines, or spousal support tax impact), pursuing frivolous claims,	0	9	4	6
Serial lawyers	4	2	6	4
Failure to disclose financial info	4	7	10	4
Late disclosure requiring adjournment	6	4	2	4
Need for cross-examinations	2	2	0	0
Self represented	32	4	22	2
Self employed	4	0	8	0
Unemployed	2	0	8	0
Province/country of residence not Ontario	13	4	2	4

Context	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Abuse	15	9	16	29
Addiction issues/medication	11	7	22	10
Social worker involvement	6	31	6	8
Culture/language/other communication barriers (impaired hearing, illiteracy, etc.)	4	6	6	6
Need for interpreter	0	2	0	0
Poverty issues (no phone/address)	0	2	4	6
Emotional/physical state of client and/or spouse	13	35	14	39
Extended family/friends involvement	7	6	14	10
- supporting affidavits, etc.	6	2	4	8
Number of parties	0	6	8	6
Lack of disclosure by own client	2	9	6	6
Serial applications/layered legal issues ie. Criminal, protection and family law	17	2	18	18
Previous relevant court actions	24	6	10	6
- need to get and review file, other evidence, etc.	30	13	8	12
Serial lawyers prior to being retained	20	0	2	2
Inherent court delays	4	0	4	6
- waiting time, adjournments, lost files,	7	0	10	4
- uneven application of Rules/procedures by counter staff	2	0	0	0

Description of Each FLO

Strange/unexpected judicial decisions	2	2	0	0
LAO – limited hours for basic certificate	0	0	2	4
LAO – requirement to request discretionary increases	2	0	22	2
LAO - time constraints	0	0	4	0

Exhibit III-5 Presence of Individual Complexity Factors in Files of Completed Cases by Service Delivery Model: Thunder Bay

Complexity Factors	Service Delivery Model			
	Family Law Office		Private Bar	
	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Legal Issues Addressed in Case				
Custody	67	55	3	5
- moving from joint to sole	0	0	0	0
- mobility issues	3	0	0	0
- jurisdictional dispute	0	0	0	0
- abduction – Hague Convention	0	5	0	0
- Children’s lawyer	0	5	0	0
Access	33	20	0	0
- supervised	7	0	0	10
- denial of access	3	0	13	0
Child Support	63	25	3	15
- basic	3	10	7	5
- extraordinary expenses	10	5	0	0
- undue hardship claim	0	0	0	5
- establishing income	13	5	13	0
- 3 year averaging/imputing income	10	0	10	0
- need for cross-exams on income	0	0	0	0
Spousal Support	23	20	0	0
Property	13	5	0	0
- constructive trust	0	0	0	5
Restraining Order	7	10	0	0
Exclusive Possession	3	0	0	5
Child Protection	0	0	0	0
- allegations	7	0	3	0
- supervision	0	10	0	0
- society wardship	0	15	0	0
- with access	0	5	0	0
- without access	0	0	0	0
- crown wardship	0	0	0	0
- hard line, zero tolerance by CAS	0	0	0	0
- number of parties	0	0	0	0

Characteristics of Opposing Side	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Opposing counsel unreasonable, inexperienced, intransigent, slow, overworked, unresponsive, lacking technical programs (to calculate hardship under Child Support Guidelines, or spousal support tax impact), pursuing frivolous claims,	20	0	7	20
Serial lawyers	3	0	0	0
Failure to disclose financial info	17	5	23	0
Late disclosure requiring adjournment	0	5	13	5
Need for cross-examinations	3	5	0	0
Self represented	27	25	20	10
Self employed	3	0	3	0
Unemployed	7	0	3	0
Province/country of residence not Ontario	0	0	10	0
Context	Little or No Impact %	Significant Impact %	Little or No Impact %	Significant Impact %
Abuse	10	15	37	15
Addiction issues/medication	7	10	27	15
Social worker involvement	3	0	0	5
Culture/language/other communication barriers (impaired hearing, illiteracy, etc.)	13	0	10	10
Need for interpreter	0	0	0	0
Poverty issues (no phone/address)	17	5	3	10
Emotional/physical state of client and/or spouse	10	25	47	35
Extended family/friends involvement	3	5	7	10
- supporting affidavits, etc.	0	0	3	0
Number of parties	3	20	0	20
Lack of disclosure by own client	7	10	7	10
Serial applications/layered legal issues ie. Criminal, protection and family law	10	15	0	5
Previous relevant court actions	0	0	7	0
- need to get and review file, other evidence, etc.	7	25	3	5
Serial lawyers prior to being retained	0	10	0	0
Inherent court delays	0	0	0	0
- waiting time, adjournments, lost files,	13	15	10	25
- uneven application of Rules/procedures by counter staff	0	0	0	0
Strange/unexpected judicial decisions	0	0	3	15

LAO – limited hours for basic certificate	0	5	0	0
LAO – requirement to request discretionary increases	0	10	0	0
LAO – time constraints	0	0	0	0

2. Statistical analysis of the ratings of ‘significant impact’

In order to better understand and reach some general conclusions about the comparative complexity of the FLO and private bar certificate caseloads in the three locations, a statistical analysis was employed. The approach followed is referred to as analysis of variance. Analysis of variance is most often used to test for the significant or reliability of differences between means or averages. In this case, we began by pooling the data from the individual factors into three groupings of factors, reflecting the groupings on the coding form. These were:

- Legal issues addressed in the case (encompassing 30 factors)
- Characteristics of the opposing side (encompassing 9 factors)
- Context (encompassing 22 factors)

The first use of analysis of variance was limited to the means or averages (pooled across each of the three groupings) of factors reported to be of ‘significant impact.’ The analysis assessed the statistical significance of differences across locations, service models and location/service model pairings.

Looking first at FLO/private bar comparisons in Toronto, the average complexity ratings for ‘significant impacts’ are shown in Exhibit III-6 below.

Exhibit III-6 Average complexity rating for ‘significant impacts’ pooled across groupings and total: Toronto

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	2.9	1.9
Opposing Side	2.4	0.7
Context	4.7	2.9
Total	10.1	5.5

The tests of statistical significance performed on these average ratings revealed reliable (meaning other than due to chance) differences in complexity between the Toronto FLO and private bar (on certificate) caseloads on the opposing counsel, context and total groupings.

Looking next at FLO/private bar comparisons in Ottawa, the average complexity ratings for ‘significant impacts’ are shown in Exhibit III-7 below.

Exhibit III-7 Average complexity rating for ‘significant impacts’ pooled across groupings and total: Ottawa

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	1.6	2.3
Opposing Side	0.7	0.6
Context	2.4	4.2
Total	4.7	7.2

The tests of statistical significance performed on these average ratings revealed no reliable (meaning other than due to chance) differences in complexity between the Ottawa FLO and private bar (on certificate) caseloads.

Looking lastly at FLO/private bar comparisons in Thunder Bay, the average complexity ratings for ‘significant impacts are shown in Exhibit III-8 below.

Exhibit III-8 Average complexity rating for ‘significant impacts’ pooled across groupings and total: Thunder Bay

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	1.1	1.1
Opposing Side	1.8	0.9
Context	3.7	4.0
Total	6.6	6.0

The tests of statistical significance performed on these average ratings revealed no reliable (meaning other than due to chance) differences in complexity between the Thunder Bay FLO and private bar (on certificate) caseloads.

The analysis of variance also enabled us to look for reliable differences in average rated complexity across locations (pooling the FLO and private bar data). The only statistically significant difference identified by this analysis was on the ‘opposing counsel’ grouping, with the Ottawa ratings lower than the ratings for Toronto and Thunder Bay (which did not themselves differ).

In summary, the analysis of variance identified only a few statistically significant differences in the ratings data for ‘significant impacts on the conduct of the cases (reviewed).’ These were between the Toronto FLO and private bar (on certificate) caseloads on the opposing counsel, context and total groupings. The direction of these differences reflected greater complexity for the FLO cases than the private bar certificate cases.

3. Statistical analysis of the ratings of ‘significant impact’ and ‘present but of little or no impact’ combined

For completeness, the analyses reported above were repeated incorporating the ‘present but of little or no impact’ ratings. The logic here was that some of the lawyers interviewed about their cases may be more likely than others to see a factor as having had a significant impact. By adding the ‘present...’ ratings to the averages, we were able to see whether adopting a more inclusive definition of impact would make a difference to the overall conclusions.

Looking first at FLO/private bar comparisons in Toronto, the average complexity ratings for ‘significant impacts’ combined with ‘present’ are shown in Exhibit III-9 below.

Exhibit III-9 Average complexity rating for ‘significant impacts’ and ‘present’ (combined) pooled across groupings and total: Toronto

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	5.8	3.5
Opposing Side	3.0	1.4
Context	6.6	4.8
Total	15.2	9.7

The tests of statistical significance performed on these average ratings revealed reliable (meaning not due to chance) differences in complexity between the Toronto FLO and private bar (on certificate) caseloads on the legal issues, opposing counsel, context and total groupings.

Looking next at FLO/private bar comparisons in Ottawa, the average complexity ratings for ‘significant impacts’ combined with ‘present’ are shown in Exhibit III-10 below.

Exhibit III-10 Average complexity rating for ‘significant impacts’ and ‘present’ pooled across groupings and total: Ottawa

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	3.4	5.0
Opposing Side	1.3	1.2
Context	4.1	5.2
Total	8.8	11.4

The tests of statistical significance performed on these average ratings revealed one reliable (meaning not due to chance) difference in complexity between the Ottawa FLO and private bar (on certificate) caseloads. This was on the legal issues grouping, with the private bar cases being, on average, more complex in terms of the legal issues addressed.

Looking lastly at FLO/private bar comparisons in Thunder Bay, the average complexity ratings for ‘significant impacts’ combined with ‘present’ are shown in Exhibit III-11 below.

Exhibit III-11 Average complexity rating for ‘significant impacts’ and ‘present’ (combined) pooled across groupings and total: Thunder Bay

Complexity Factor Grouping	FLO	Private Bar
Legal Issues	3.7	3.0
Opposing Side	2.6	1.3
Context	4.8	5.7
Total	11.1	10.0

The tests of statistical significance performed on these average ratings revealed no reliable (meaning not due to chance) differences in complexity between the Thunder Bay FLO and private bar (on certificate) caseloads.

In summary, use of the broader definition of complexity (‘present’ and ‘significant impact’ combined) had only a modest impact on the results of this analysis. Exhibit III-12 summarizes the pattern of significance obtained from the two sets of analyses.

Exhibit III-12 Comparison of the patterns of significance obtained from analyses of ratings of ‘significant impact’ only and combined ‘significant impact’ and ‘present but of little or not impact.’

Complexity Factor Grouping	Differences found significant for ‘impact’ only	Differences found significant for ‘impact’ and ‘present’ combined
Legal Issues	None	Toronto FLO vs. private bar Ottawa FLO vs. private bar
Opposing Side	Toronto FLO vs. private bar	Toronto FLO vs. private bar
Context	Toronto FLO vs. private bar	Toronto FLO vs. private bar
Total	Toronto FLO vs. private bar	Toronto FLO vs. private bar

Given the clarity of the concept of ‘significant impact on the conduct of the case’, and of the similarity of the patterns of significance shown in Exhibit III-12, the overall conclusion reached is that of generally higher average complexity for Toronto FLO cases relative to Toronto private bar certificate cases in terms of:

- Characteristics of opposing counsel
- Contextual factors
- Total complexity (defined as the sum of the ratings across factors)

Again speaking in general terms, no significant differences in case complexity were observed when comparing the Ottawa FLO cases with Ottawa private bar certificate cases, or when comparing Thunder Bay FLO cases with Thunder Bay private bar certificate cases.

This is not to say, however, that comparison of individual complexity factors between the FLO and private bar caseloads within locations did not reveal any significant differences. Our analysis of differences at the level of individual complexity factors is presented in the following section of this chapter.

4. Analysis of individual complexity factors

In this analysis, chi-square statistics were employed to compare ratings on individual complexity factors. Consistent with the overall analytic approach, the FLO and private bar caseloads were compared within each of the three locations. In this application of chi-square analysis, the proportions of each set of ratings (FLO vs. private bar within locations) coded as

‘absent,’ present but of little or no impact,’ or ‘significant impact on the conduct of the case’ were tested for significant (meaning not due to chance) differences. The results of these analyses are presented in Exhibits III-13, III-14 and III-15 for each of the three locations. The presentation consists of listings of individual complexity factors found to be different in terms of the distributions of the complexity ratings, with an indication of the direction of these significant differences.

Exhibit III-13 Individual complexity factors found to differ between the FLO and private bar caseloads: Toronto

Complexity Factor	Direction of Difference
Legal Issue: Denial of Access	FLO more complex
Legal Issue: Child Support	FLO more complex
Legal Issue: Three-year Averaging/Imputing Income	FLO more complex
Legal Issue: Spousal Support	FLO more complex
Legal Issue: Property	FLO more complex
Legal Issue: Restraining Order	FLO more complex
Characteristics of Opposing Side: Serial Lawyers	FLO more complex
Characteristics of Opposing Side: Failure to Disclose Financial Information	FLO more complex
Characteristics of Opposing Side: Late Disclosure requiring Adjournment	FLO more complex
Characteristics of Opposing Side: Self-represented	FLO more complex
Characteristics of Opposing Side: Self-employed	FLO more complex
Context: Abuse	FLO more complex
Context: LAO Requirement to Request Discretionary Increases	Private Bar more complex

Exhibit III-14 Individual complexity factors found to differ between the FLO and private bar caseloads: Ottawa

Complexity Factor	Direction of Difference
Legal Issue: Moving from Joint to Sole Custody	Private Bar more complex
Legal Issue: Access	FLO more complex
Legal Issue: Denial of Access	Private Bar more complex
Legal Issue: Restraining Order	Private Bar more complex
Legal Issue: Society Wardship with Access	Private Bar more complex
Context: Abuse	Private Bar more complex
Context: Social Worker Involvement	Private Bar more complex
Context: Serial Applications/Layered Legal Issues	Private Bar more complex
Context: Need to Get and Review File, Other Evidence	FLO more complex
Context: Serial Lawyers Prior to Being Retained	FLO more complex
Context: LAO Requirement to Request Discretionary Increases	Private Bar more complex

Exhibit III-15 Individual complexity factors found to differ between the FLO and private bar caseloads: Thunder Bay

Complexity Factor	Direction of Difference
Legal Issue: Child Support	FLO Bar more complex
Legal Issue: Society Wardship	Private Bar more complex
Characteristics of Opposing Side: Failure to Disclose Financial Information	FLO more complex
Context: Number of Parties	Private Bar more complex

In examining Exhibits III-13, III-14 and III-15, readers should be aware that differences which, in practical terms would likely be viewed as inconsequential, may be sufficiently large to generate a significant chi-square for individual complexity factors. Consistent with the discussion above of the more general pattern of complexity, the individual factor results confirm the relatively greater complexity of the Toronto FLO caseload compared to the Toronto private bar certificate caseload, and the essentially equal complexity of the Ottawa and Thunder Bay FLO and private bar caseloads.

G. SUMMARY AND CONCLUSIONS

Case complexity was deemed to be a critical issue in this evaluation because of the assumed association between complexity and the demands placed on the lawyers providing the services to individual clients. Related to this was the question of potential differences between the caseloads of the family law offices and the private bar (certificate cases only) in terms of their average complexity. If cases handled by the FLOs were, on average, more complex than those handled by the private bar on certificate, then it was imperative that this factor be taken into account in any comparative analysis of case costs or client satisfaction. Accordingly, considerable effort was directed to the task of assessing the complexity of the cases handled by the FLOs in comparison to those handled by the private bar on certificate.

For the purposes of this evaluation, samples of completed cases from both the FLOs and the private bar in Toronto, Ottawa and Thunder Bay were required. Eligible cases were those for which certificates were issued after 1 September 1999 and which were completed before the end of March 2002.

Due to considerations of client confidentiality, it was not possible to simply draw random samples of completed cases for either the file reviews. Instead, it was necessary for LAO staff to obtain explicit consents from clients to use information on their cases for these purposes.

In all, 724 FLO cases were identified as eligible for inclusion in the sample. Client consent was obtained for 226 (30%) of these cases. The random sample of eligible cases completed by the private bar included 2,394 cases. Client consent was obtained for 437 (18%) of these cases.

The interview guide/coding form used to review completed files listed 61 complexity factors which might be present in a case file. For each of these factors, a code was recorded by the reviewer in consultation with the lawyer responsible for the case. Three codes were permitted for each factor:

- Absent (coded as ‘0’).
- Present but of little or no impact (coded as ‘1’).
- Significant impact on conduct of case (coded as ‘2’ or, in extreme cases ‘3’ or ‘4’).

As of the end of April of 2002, reviews of 368 files had been completed. The breakdown by location and service model (FLO or private bar) is shown below.

**Counts of completed file reviews by location and service delivery model
(targets in parentheses)**

Location	FLO	Private Bar
Toronto	75 (75)	75 (75)
Ottawa	96 (50)	52 (50)
Thunder Bay	46 (25)	24 (25)

The counts above show that the file review targets were been met or exceeded in all three locations and for both FLO and private bar files. Relative to the pre-established targets, there was a sizable ‘surplus’ of reviews of FLO files in both Ottawa and Thunder Bay.

In order to ensure that the samples of FLO and private bar files to be analyzed were balanced, in the sense that they did not include differing proportions of cases for which only the most limited services were provided, we examined each sample in terms of the total hours billed to individual files. Through an iterative process, a four-hour cutoff was identified as optimal. Use of this criterion produced a database containing 294 file reviews.

In order to better understand and reach some general conclusions about the comparative complexity of the FLO and private bar certificate caseloads in the three locations, a statistical analysis called ‘analysis of variance’ was employed. Analysis of variance is most often used to test for the significant or reliability of differences between means or averages. In this case, we began by pooling the data from the individual factors into three groupings of factors, reflecting the groupings on the coding form. These were:

- Legal issues addressed in the case (encompassing 30 factors)
- Characteristics of the opposing side (encompassing 9 factors)
- Context (encompassing 22 factors)

The first use of analysis of variance was limited to the means or averages (pooled across each of the three groupings) of factors reported to be of ‘significant impact.’ The analysis assessed the statistical significance of differences across locations, service models and location/service model pairings.

This use of analysis of variance identified only a few statistically significant differences in the ratings data for ‘significant impacts on the conduct of the cases (reviewed).’ These were between the Toronto FLO and private bar (on certificate) caseloads on the opposing counsel, context and total groupings. The direction of these differences reflected greater complexity for the FLO cases than the private bar certificate cases.

The analysis of variance also enabled us to look for reliable differences in average rated complexity across locations (pooling the FLO and private bar data). The only statistically significant difference identified by this analysis was on the ‘opposing counsel’ grouping, with the Ottawa ratings lower than the ratings for Toronto and Thunder Bay (which did not themselves differ).

For completeness, the analyses reported above were repeated incorporating the ‘present but of little or no impact’ ratings. The logic here was that some of the lawyers interviewed about their cases may be more likely than others to see a factor as having had a significant impact. By adding the ‘present...’ ratings to the averages, we were able to see whether adopting a more inclusive definition of impact would make a difference to the overall conclusions.

The tests of statistical significance performed on these average ratings revealed reliable (meaning not due to chance) differences in complexity between the Toronto FLO and private bar (on certificate) caseloads on the legal issues, opposing counsel, context and total groupings. Use of the broader definition of complexity (‘present’ and ‘significant impact’ combined) had only a modest impact on the results of this analysis.

The final step of the complexity analysis looked at differences at the level of individual complexity factors. Consistent with the discussion above of the more general pattern of complexity, the individual factor results confirmed the relatively greater complexity of the Toronto FLO caseload compared to the Toronto private bar certificate caseload, and the essentially equal complexity of the Ottawa and Thunder Bay FLO and private bar caseloads.

IV THE TELEPHONE SURVEY OF CLIENTS

A. BACKGROUND

In outlining the dimensions of the proposed assessment of service quality, the Request for Proposals for this evaluation indicated that the study should examine both “client satisfaction and case outcomes” as elements of service quality. These were to be examined across the three pilots and in relation to services provided through the judicare system to clients with similar family law problems.

A 1998 review of the literature on assessing the quality of legal services revealed that little empirical work had been done in this area. In part, this was due to the inability of most clients of legal services to reliably assess the quality of the services they had received; legal training is required for this. They were, however, capable of assessing the transactional aspects of their relationship with their lawyers. It was on this element of service quality that our approach focused. (The alternative to client assessments, peer review, is generally regarded as too intrusive and too costly for widespread use.)

Turning briefly to case outcomes as a measure of service quality, the literature notes that family law cases do not lend themselves as readily to case outcome analysis as do criminal cases. Some areas of family law, however, are potentially more amenable to case outcome analysis than others, e.g., child protection hearings, contested custody cases and paternity cases. In this evaluation, case outcome analysis was limited to client reports of the extent to which the outcome they initially sought was achieved.

In drafting the instrument for the survey of clients, a search of the literature identified two sources of particular relevance. These were:

- A recent program of research headed by Professor Clark Cunningham at the Washington University School of Law in St. Louis, has developed a brief checklist of the transactional elements of legal services which might usefully be incorporated into a survey questionnaire for clients of both the FLOs and private lawyers on certificates. This list consists of a series of statements which clients rate on a five-point scale from ‘strongly agree’ to strongly disagree’.
- A large-scale telephone survey of clients of a range of legal services including family law conducted for the American Bar Foundation by William Felstiner at Duke University. The extensive questionnaire touched on a number of issues of relevance to the current evaluation.

Selective use was made of these resources as the questionnaire to be used in the current evaluation was drafted. We also examined some instruments developed by LAO to assess service quality as part of the evaluation of other alternate service delivery models.

Where possible, use was made of these materials in order to both meet the particular needs of this evaluation of the family law staff offices, and provide some degree of comparability with other similar instruments in use by LAO.

B. DETAILS OF PRETEST

A small pretest was conducted on October 22 (afternoon) and October 24 (evening) of 2001. The purpose of this pretest was to identify any required changes to the survey instrument. It also provided a preliminary indication of respondent availability.

C. FINDINGS/NEED TO MODIFY QUESTIONNAIRE

Based on the pretest, it appeared that the majority of respondents would likely be available only in the evenings. We identified several required changes to the questionnaire, which have been incorporated, including changes that permit an interview with individuals who say their cases are not yet completed.

Family Law Office. Of the seven records for which we were provided with a lawyer name, completions were obtained with two individuals. In this limited sample the phone numbers for the FLO respondents appeared to be good, with no changed or not-in-service numbers. There was one active refusal and one person who was adamant that she had already completed the survey, possibly becoming confused with a recent consent-taking call.

Private Bar. Three completions were obtained with private bar clients. In 15 numbers dialed, there were three numbers changed and two not in service.

D. SAMPLING

As was the case for the review of case complexity (Chapter III above), client consent was required in order to use LAO client data to prepare a survey sample frame. The actual work of gaining these consents was carried out by LAO. In all, 261 FLO clients were identified as eligible for inclusion in the survey sample. The breakdown of these clients by location is as follows:

- Toronto: 117 consenting clients.
- Ottawa: 95 consenting clients.
- Thunder Bay: 49 consenting clients.

The random sample of eligible cases completed by the private bar included 710 consenting clients. The breakdown of these cases by location is as follows:

- Toronto: 376 consenting clients.

- Ottawa: 233 consenting clients.
- Thunder Bay: 101 consenting clients.

E. FINAL QUESTIONNAIRE

The final version of the client survey instrument is Appendix B to this report.

F. SURVEY FINDINGS

The two waves of the client survey obtained completed interviews with 570 clients. This yielded a survey response rate of 59% (570 completions out of a sample of 971 consenting clients). The 570 completions can be broken down by service type (FLO or private bar) and location (Toronto, Ottawa or Thunder Bay) as follows:

Breakdown of completed interviews

Service Type	Toronto	Ottawa	Thunder Bay
FLO	84	58	33
Private Bar	179	147	69

1. Clients' experiences in finding a lawyer to accept their certificates

The survey asked clients how many lawyers they had contacted before they found one to accept their case. Their responses to this question are summarized in Exhibit IV-1, by service type and city.

Examination of Exhibit IV-1 reveals that almost three clients out of four received services from the first lawyer they approached. This percentage was slightly lower for private bar clients in Thunder Bay (58%). No more than eleven percent of the clients in any service type/city pairing reported having to approach more than two lawyers before finding one to accept their case.

Clients who contacted more than one lawyer were asked for the reasons given by the lawyers they contacted unsuccessfully for not taking their cases. In decreasing order of frequency of mention, the reasons given were: the clients deciding to find another lawyer, the lawyers not accepting legal aid clients, the lawyers being too busy, the lawyers not practicing when contacted, the lawyers not practicing family law, and conflicts of interest.

Exhibit IV-1 Reported Numbers of Other Lawyers Contacted Before Case Accepted by Service Type and City

Number of Lawyers Contacted Unsuccessfully	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	Tbay	Ottawa	Toronto
None	73%	76%	72%	71%	69%	58%	73%	70%
One	14%	12%	16%	14%	14%	22%	12%	14%
Two	5%	3%	3%	6%	6%	12%	5%	6%
Three	4%	6%	3%	4%	3%	3%	3%	3%
Four or more	4%	3%	5%	4%	6%	3%	8%	5%
Average	0.6	0.5	0.7	0.6	0.9	0.9	0.9	0.9
N	175	33	58	84	395	69	147	179

2. How clients learned about the lawyers who accepted their cases

The survey asked clients how they first learned about the lawyers who accepted their cases. The responses to this question are summarized in Exhibit IV-2 by service type and city.

As shown in Exhibit IV-2, FLO clients were most likely to identify Legal Aid Ontario (55% of FLO clients overall), family or friends (12%) or other lawyers (11%) as their sources of referral to the FLO. By comparison, private bar clients were most likely to identify family or friends (29%), LAO (25%) and the Yellow Pages/calling around (14%) as their referral sources. Among private bar clients, those in Toronto were least likely to have relied on LAO, and most likely to have been referred by family or friends, or to have used the Lawyer Referral Service.

Exhibit IV-2 How Clients Learned About the Lawyers Who Took Their Cases by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	Tbay	Ottawa	Toronto
From Legal Aid Ontario	55%	52%	67%	48%	25%	29%	31%	17%
Referred by Family or Friend	12%	12%	10%	13%	29%	26%	29%	31%
Yellow Pages/Called Around	3%	9%	2%	1%	14%	19%	10%	16%
Referred by Other Lawyer	11%	12%	10%	11%	11%	7%	16%	8%
Lawyer Referral Service	5%	3%	0%	10%	8%	3%	4%	14%
Used Lawyer Before	2%	3%	2%	2%	3%	0%	5%	3%
Walk-in	2%	2%	2%	6%	3%	6%	0%	4%
Other	9%	9%	7%	11%	7%	7%	8%	6%
N	175	33	58	84	395	69	147	179

3. Client Assessments of the Convenience and Comfort of Their Lawyers' Offices

The survey asked clients whether or not they found their lawyers' offices to be easy to get to, to offer convenient office hours and to be comfortable. Their assessments of these elements of the accessibility and comfort of their lawyers' offices are summarized in Exhibit IV-3.

As shown in Exhibit IV-3, the survey responses of the clients indicate that they typically found their lawyers' offices to be both convenient and comfortable. This was true for both FLO and private bar clients across the three cities.

Exhibit IV-3 Client Assessments of the Convenience and Comfort of Their Lawyers' Offices by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Office Easy to Get to	91%	97%	93%	88%	92%	88%	97%	89%
Office Hours Convenient	90%	94%	90%	88%	93%	94%	96%	90%
Office Comfortable	95%	100%	95%	93%	92%	88%	96%	89%
N	175	33	58	84	395	69	147	179

4. Reported use of interpreters

Reported use of interpreters by clients when speaking to their lawyers was generally infrequent (4% of FLO clients, 1% of private bar clients). Readers should note that clients who required interpreters are almost certainly under-represented in the survey sample, as the process of gaining consents was conducted in English only.

5. Reported Waiting Period for First Appointment with Lawyer

As another indicator of service accessibility and quality, survey clients were asked how long they had to wait for their first appointments once their lawyer had agreed to accept their cases. Exhibit IV-4 summarizes these data by service type and city.

Exhibit IV-4 reveals that FLO clients typically reported waiting somewhat longer for their first appointments than did private bar clients. This was especially true of FLO clients in Thunder Bay, only 30% of whom reported waiting less than one week. Across the board, however, only about 8% of clients reported waiting three weeks or more for their appointments.

Exhibit IV-4 Reported Waiting Period for First Appointment with Lawyer by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	Tbay	Ottawa	Toronto
Less Than a Week	35%	30%	41%	33%	48%	48%	51%	46%
1 – 2 Weeks	42%	58%	41%	37%	33%	35%	36%	30%
3 Weeks or More	11%	12%	10%	11%	7%	7%	4%	8%
N	175	33	58	84	395	69	147	179

6. Reported Number of Face-to-Face Meetings with Lawyers

The survey asked clients to estimate the number of face-to-face meetings they had with their with lawyers. Their responses to this question are summarized in Exhibit IV-5 by service type and city.

Exhibit IV-5 Average Reported Number of Face-to-Face Meetings with Lawyers by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	Tbay	Ottawa	Toronto
	5.3	6.2	4.4	5.6	5.3	4.6	6.4	4.7
N	175	33	58	84	395	69	147	179

As shown in Exhibit IV-5, no overall differences were observed between FLO clients and private bar clients with respect to the reported number face-to-face meetings they had with their lawyers. On this measure, Ottawa FLO clients were more similar to private bar clients in Thunder Bay and Toronto than to clients of the other FLOs.

7. Client Assessments of Responsiveness to Their Telephone Calls

The survey asked clients about their experiences when contacting their lawyers’ offices by telephone. More specifically, they were asked if they had to wait a long time for

their calls to be answered, and whether they were treated with courtesy and respect when calling. They were also asked how long they typically had to wait for their calls to be returned. Exhibit IV-6 summarizes their responses their answers to these questions by service type and city.

Exhibit IV-6 Client Assessments of Offices’ Responsiveness to Their Telephone Calls by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Had to Wait a Long Time for Telephone to be Answered	11%	0%	10%	16%	10%	7%	7%	13%
Treated with Courtesy and Respect	93%	94%	88%	95%	94%	96%	93%	94%
Most Calls Returned Same Day	51%	73%	49%	43%	59%	68%	55%	58%
Most Calls Returned within a Day or Two	30%	21%	29%	35%	30%	23%	35%	28%
N	175	33	58	84	395	69	147	179

Exhibit IV-6 indicates that the telephone services provided by the private bar generally were rated slightly more positively than were those provided by the FLOs. Most clients reported favourably on their experiences contacting their lawyers by telephone.

8. Clients Assessments of How Their Lawyers Handled Their Cases or Dealt with Them Personally

The survey asked clients to indicate their level of agreement with each of a series of statements describing how their lawyers handled their cases and dealt with them personally. Exhibit IV-7 summarizes these data by displaying the percentages of clients in each service type/city pairing who agreed (either somewhat or strongly) with each statement. The statements themselves are shown in Exhibit IV-7.

Exhibit IV-7 Proportions of Clients Agreeing (Either Somewhat or Strongly) with Statements Describing How Their Lawyers Handled Their Cases or Dealt with Them Personally by Service Type and City

Statements About Lawyer	Service Type							
	Family Law Office				Private Bar			
	Overall	TBay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Made Client Feel Comfortable	85%	91%	72%	91%	86%	87%	88%	83%
Said Things Client Did Not Understand	11%	6%	10%	13%	21%	20%	17%	24%
Treated Client with Respect	89%	94%	78%	94%	87%	90%	86%	87%
Did Not Understand What was Most Important to Client	17%	6%	19%	19%	23%	22%	19%	27%
Listened to Client	84%	94%	76%	87%	84%	87%	86%	82%
Was Interested in Client as a Person	73%	85%	61%	76%	70%	71%	74%	68%
Explained Things Clearly	86%	88%	80%	88%	84%	88%	86%	81%
Was Honest with Client	87%	91%	79%	88%	87%	87%	89%	85%
Asked Confusing Questions	12%	9%	14%	12%	16%	13%	14%	19%
Was Someone Client Could Trust	81%	85%	72%	86%	80%	84%	83%	75%
Made Client Feel S/He Had Some Control Over Case	73%	82%	60%	78%	72%	75%	71%	72%
Kept Client Informed of Progress of Case	75%	85%	59%	83%	81%	84%	80%	79%
Allowed Client to Say Everything S/He Wanted to Say to Lawyer	85%	88%	72%	94%	85%	88%	89%	81%
Made Certain That Client Understood Documents to be Signed	87%	91%	83%	89%	88%	88%	91%	86%
N	175	33	58	84	395	69	147	179

Taken together, the data in Exhibit IV-7 present a picture in which client assessments do not differ markedly between the FLO clients and private bar clients. On some measures, the FLOs are rated more positively. These include ‘said things client did not understand’ (11% of FLO clients vs. 21% of private bar clients), ‘did not understand what was most important to client’ (17% of FLO clients vs. 23% of private bar clients) and ‘asked confusing questions’ (12% of FLO clients vs. 16% of private bar clients). On other measures, the private bar clients rated their lawyers more positively than did the FLO clients, e.g., ‘kept client informed of progress of case’ (81% of private bar clients vs. 75% of FLO clients).

There were some more consistent differences by service type/city pairings however. On most, but not all measures, the Ottawa FLO was rated lowest among the FLOs. On some measures, this office received ratings similar to those given to the private bar. On a few measures, it received the lowest ratings of any service type/city pairing.

9. Client Concerns About Their Safety or Privacy

Clients were asked whether or not they had had any concerns about either their own safety or privacy, or those of other members of their families while their cases were proceeding. Exhibit IV-8 summarizes their responses to these questions by service type and city.

Exhibit IV-8 Proportions of Clients Reporting Concerns About Their Safety or Privacy by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Clients Reporting Concerns About Their Personal Safety or That of Family Members	34%	12%	36%	41%	38%	28%	37%	41%
Clients Reporting Concerns About Their Personal Privacy or That of Family Members	17%	6%	21%	19%	21%	13%	17%	28%
N	175	33	58	84	395	69	147	179

As shown in Exhibit IV-8, the percentages of clients reporting safety or privacy concerns varied by service type/city pairing. Safety concerns were reported most often by FLO and private bar clients in Toronto (41% on both), followed by FLO and private bar clients in Ottawa (36% and 37%, respectively). Those clients who had reported safety

concerns were asked to rate how seriously their lawyers took these concerns. Overall, three out of four of these clients reported that their lawyers took these concerns either very or quite seriously. FLO and private bar clients did not differ on this measure.

Overall, privacy concerns were reported less frequently than safety concerns. Again, clients in Toronto and Ottawa were more likely to report these concerns than were clients in Thunder Bay, regardless of service type. FLO clients were also less likely to report these concerns than were private bar clients (17% vs. 21%). Again, those clients who had reported privacy concerns were asked to rate how seriously their lawyers took these concerns. Overall, FLO clients were more likely than private bar clients to report that their lawyers took these concerns either very or quite seriously (90% vs. 76%).

10. Client Satisfaction with the Pace of Their Cases

The survey asked clients to indicate whether or not they were satisfied that their cases had moved forward as quickly as possible. Exhibit IV-9 summarizes these data by service type and city.

Exhibit IV-9 Proportion of Clients Reporting Satisfaction That Their Case Moved Forward as Quickly as it Could by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	TBay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Satisfied with Pace of Case	76%	85%	71%	76%	75%	78%	69%	79%
N	175	33	58	84	395	69	147	179

Overall, the data in Exhibit IV-9 indicate no difference between FLO and private bar clients on this measure. While the Ottawa FLO clients are least likely to be satisfied (71%), they do not differ markedly from private bar clients in Ottawa (69%).

Those clients who were not satisfied with the pace of their cases were asked whether the perceived slow pace was ‘mostly due to your lawyer,’ ‘mostly due to the opposing side’s lawyer,’ ‘mostly due to the courts,’ or ‘whether the reasons for the slow pace were not explained to you.’ Responsibility was most often assigned to the clients’ lawyers (32% overall), followed by the courts (22% overall) and the opposing sides’ lawyers (20% overall). FLO and private bar clients did not differ on this measure.

11. Client Perceptions of Level of Effort Expended by Their Lawyers on Their Behalf

The survey asked clients to assess the level of effort expended by their lawyers on their behalf in terms of three statements. Exhibit IV-10 lists these statements and summarizes clients' responses to them by service type and city.

Exhibit IV-10 Client Perceptions of Level of Effort Expended by Their Lawyers on Their Behalf by Service Type and City

Lawyer Seen by Client to Have . . .	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Pushed Too Hard on Client's Behalf	3%	0%	5%	2%	3%	3%	3%	3%
Made Every Reasonable Effort to Obtain the Best Possible Result	74%	85%	60%	80%	75%	75%	78%	74%
Did Not Try Hard Enough to Obtain Best Possible Result	21%	15%	33%	16%	20%	20%	18%	21%
N	175	33	58	84	395	69	147	179

As shown in Exhibit IV-10, overall differences between FLO and private bar clients on these items were small. However, the data for clients of the Ottawa FLO stand out as being either comparable to, or more negative than those for the private bar.

12. Explanation of Options

Clients were asked whether or not their lawyers explained their options to them when important choices needed to be made. Exhibit IV-11 summarizes their responses by service type and city.

Once again, overall differences between the responses of FLO and private bar clients were small, with most clients indicating that their alternatives were, in fact, explained to them. The lowest percentage (72%) was recorded for clients of the Ottawa FLO.

Exhibit IV-11 Proportions of Clients Reporting That Their Lawyers Explained Their Options When Important Choices Needed to be Made by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	TBay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
	82%	91%	72%	86%	85%	83%	86%	84%
	175	33	58	84	395	69	147	179

13. Other Service Needs

The survey asked clients whether or not, while their cases were proceeding, they had experienced needs for services which their lawyers could not provide. Exhibit IV-12 summarizes their responses to this question by service type and city.

Exhibit IV-12 Proportions of Clients Reporting Needs for Services Which Their Lawyers Could Not Provide by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	TBay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Reported Need for Services Which Lawyer Could Not Provide	13%	6%	19%	12%	9%	7%	10%	9%
N	175	33	58	84	395	69	147	179

FLO clients were more likely to report having experienced the need for services which their lawyers could not provide than were private bar clients (13% vs. 9%). This overall difference is driven by the data for the Ottawa and Toronto FLOs (19% and 12%, respectively) and may reflect the comparatively ‘needy’ nature of at least some of the clients served by the FLOs and/or the operating philosophies of individual FLOs. The types of services mentioned most often by those clients reporting service needs were, in decreasing order of frequency: counselling or psychological help, children’s aid and accounting or auditing services. Three out of four clients with service needs which their lawyers could not meet, reported that their lawyers did not help them to access these services. FLO and private bar clients did not differ on this measure.

14. Overall Client Satisfaction With their Lawyer and their Case

The survey asked clients to indicate their level of satisfaction with various characteristics of their lawyers and how their cases were handled. Exhibit IV-13 summarizes these data by displaying the percentages of clients in each service type/city pairing who reported being satisfied (either somewhat or completely) with each characteristic of their lawyer/case. The characteristics themselves are shown in Exhibit IV-13.

As shown in Exhibit IV-13, the clients surveyed for this evaluation were, with few exceptions satisfied with their lawyer's knowledge of family law, with the way their case was handled and with the overall quality of the services they received. Overall differences between FLO and private bar clients on these measures were small. Among FLO clients, those served by the Ottawa FLO were somewhat less satisfied than were the clients of the other FLOs; they tended to be more similar to clients of the private bar.

The area of least satisfaction across the board was the time taken to complete these clients' cases. Even on this measure, however, close to three out of four clients were at least somewhat satisfied.

Exhibit IV-13 Proportions of Clients Expressing Satisfaction (Either Somewhat or Completely) With their Lawyer and their Case by Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
The Lawyer's Knowledge of Family Law	87%	91%	84%	87%	84%	87%	88%	81%
The Way Their Lawyer is Handling/Handled Their Case	78%	88%	67%	80%	77%	83%	78%	74%
The Time it is Taking/Took to Complete The Case	72%	84%	63%	74%	73%	70%	74%	73%
The Overall Quality of Service Received From the Lawyer	80%	85%	76%	81%	79%	84%	80%	75%
N	175	33	58	84	395	69	147	179
The Outcome of the Case (IF FINISHED)	73%	84%	63%	74%	73%	69%	74%	73%
N	138	31	49	58	351	65	125	161

Exhibit IV-13 also presents data on overall client satisfaction with the outcomes of their cases (if applicable). These data follow the pattern noted above, with no overall difference between FLO and private bar clients on this measure. Differences were observed, however, across sites within service types. Clients of the Ottawa FLO again more closely resembled private bar clients than clients of the other FLOs.

15. Perceptions of Final Case Outcome

Clients were asked whether the final outcome of their case was better, about the same as, or worse than they expected, when they first consulted their lawyer. Exhibit IV-14 summarizes their response to this question by service type and city.

Exhibit IV-14 Client Perceptions of Final Case Outcome Compared to Initial Expectations by Service Type and City

Final Outcome . . .	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	TBay	Ottawa	Toronto
Better Than Expected	52%	61%	47%	52%	41%	40%	35%	47%
About the Same	28%	26%	27%	31%	37%	34%	46%	32%
Worse Than Expected	19%	13%	27%	16%	19%	23%	17%	20%
N	138	31	49	58	351	65	125	161

Overall, FLO clients were more likely than private bar clients to report that the outcome of their case exceeded their expectations (52% vs. 41%). They were equally likely to regard their outcome as worse than expected (19%). Again, the responses of Ottawa FLO clients more closely resembled those of private bar clients than those of clients of the other two FLOs.

16. Prospective Use of Same Lawyer

The survey asked clients whether or not they would use the same lawyer again given similar circumstances. Exhibit IV-15 summarizes their answers by service type and city.

Exhibit IV-15 Proportions of Clients Reporting that They Would Use the Same Lawyer Again Given Similar Circumstances By Service Type and City

	Service Type							
	Family Law Office				Private Bar			
	Overall	Tbay	Ottawa	Toronto	Overall	Tbay	Ottawa	Toronto
	79%	85%	66%	86%	73%	78%	73%	72%
N	175	33	58	84	395	69	147	179

As shown in Exhibit IV-15, FLO clients overall were slightly more likely than private bar clients to report that they would use the same lawyer again, given similar circumstances (76% vs.73%). This overall finding again masks a difference among the FLO clients, with clients of the Ottawa FLO least likely to report that they would use the same lawyer in the future. In this regard, they more closely resembled private bar clients than the clients of the other FLOs. It is interesting to compare the survey data with actual counts of re-use of the same lawyers by FLO and private bar certificate clients within the evaluation timeframe. The percentages of clients who actually used the FLO same lawyer more than once were, by location: Toronto – 2.9%, Ottawa – 6.2% and Thunder Bay – 5.7%. These figures are comparable to the following private bar data, again by location: Toronto – 7.9%, Ottawa – 7.3% and Thunder Bay – 5.7%.

Finally, those clients who indicated that they would not use the same lawyer in the future were asked what alternative they would choose among: using the FLO (or a different lawyer at the FLO), finding a different legal aid lawyer, paying a private lawyer, representing themselves or something else (unspecified). Among FLO clients, the alternatives chosen, in decreasing order of frequency, were: a different legal aid lawyer (41%), a privately-retained lawyer (38%), self representation (11%) and the FLO (3%). Among private bar clients, the alternatives chosen were: a different legal aid lawyer (53%), a privately-retained lawyer 23%), self-representation (15%) and the FLO (11%).

G. SUMMARY AND CONCLUSIONS

The evaluation framework acknowledged that reliance on surveys of clients to assess the quality of the legal services they have received is problematic. In part, this is due to the inability of most clients of legal services to reliably assess the quality of the services they had received; legal training is required for this. Clients are, however, capable of assessing the transactional aspects of their relationship with their lawyers. It was on this element of service quality that this evaluation focused. Case outcome analysis was limited to client reports of the extent to which the outcome they initially sought was achieved.

In drafting the instrument for the survey of clients, a search of the literature identified two sources of particular relevance. These were:

- A recent program of research headed by Professor Clark Cunningham at the Washington University School of Law in St. Louis, has developed a brief checklist of the transactional elements of legal services which might usefully be incorporated into a survey questionnaire for clients of both the FLOs and private lawyers on certificates. This list consists of a series of statements which clients rate on a five-point scale from ‘strongly agree’ to strongly disagree’.
- A large-scale telephone survey of clients of a range of legal services including family law conducted for the American Bar Foundation by William Felstiner at Duke University. The extensive questionnaire touched on a number of issues of relevance to the current evaluation.

Selective use was made of these resources as the questionnaire to be used in the current evaluation was drafted. We also examined some instruments developed by LAO to assess service quality as part of the evaluation of other alternate service delivery models. Where possible, use was made of these materials in order to both meet the particular needs of this evaluation of the family law staff offices, and provide some degree of comparability with other similar instruments in use by LAO.

The two waves of the client survey obtained completed interviews with 570 clients. This yielded a survey response rate of XX% (570 completions out of a sample of XXX consenting clients). The 570 completions can be broken down by service type (FLO or private bar) and location (Toronto, Ottawa or Thunder Bay) as follows:

Service Type	Toronto	Ottawa	Thunder Bay
FLO	84	58	33
Private Bar	179	147	69

In point form, the findings of the telephone survey of clients were as follows:

- Approximately three clients out of four received services from the first lawyer they approached. No more than eleven percent of the clients in any service type/city pairing reported having to approach more than two lawyers before finding one to accept their case.
- FLO clients were most likely to identify Legal Aid Ontario, family or friends or other lawyers as their sources of referral to the FLO. By comparison, private bar clients were most likely to identify family or friends, LAO and the Yellow Pages/calling around as their referral sources.

- Clients indicated that they typically found their lawyers' offices to be both convenient and comfortable. This was true for both FLO and private bar clients across the three cities.
- FLO clients typically reported waiting somewhat longer for their first appointments than did private bar clients. Across the board, however, only about 8% of clients reported waiting three weeks or more for their appointments.
- No overall differences were observed between FLO clients and private bar clients with respect to the reported number face-to-face meetings they had with their lawyers.
- The telephone services provided by the private bar were rated slightly more positively than were those provided by the FLOs. Most clients reported favourably on their experiences contacting their lawyers by telephone.
- The survey asked clients to indicate their level of agreement with each of a series of statements describing how their lawyers handled their cases and dealt with them personally. Overall, these client assessments did not differ markedly between the FLO clients and private bar clients. On some measures, the FLOs are rated more positively. On others, the private bar received higher ratings. On most, but not all measures, the Ottawa FLO was rated lowest among the FLOs. On some measures, this office received ratings similar to those given to the private bar.
- The survey asked clients to indicate whether or not they were satisfied that their cases had moved forward as quickly as possible. Overall, the data indicated no difference between FLO and private bar clients on this measure.
- The survey asked clients to assess the level of effort expended by their lawyers on their behalf. Overall differences between FLO and private bar clients were small. However, the data for clients of the Ottawa FLO stand out as being either comparable to, or more negative than those for the private bar.
- Clients were asked whether the final outcome of their case was better, about the same as, or worse than they expected, when they first consulted their lawyer. Overall, FLO clients were more likely than private bar clients to report that the outcome of their case exceeded their expectations. Again, the responses of Ottawa FLO clients more closely resembled those of private bar clients than those of clients of the other two FLOs.
- The survey asked clients whether or not they would use the same lawyer again given similar circumstances. FLO clients overall were slightly more likely than private bar clients to report that they would use the same lawyer again, given similar circumstances. This overall finding again masks a difference among the FLO clients, with clients of the Ottawa FLO least likely to report that they would use the same lawyer in the future. In this regard, they more closely resembled private bar clients than the clients of the other FLOs.

Overall, the results of this survey of clients lead to the general conclusion that, from the clients' perspective, the quality of services provided by the pilot FLOs was at least as high as that provided by the private bar on certificate.

V THE MAIL SURVEY OF THE FAMILY BAR

A. BACKGROUND

The members of family bar in Toronto, Ottawa and Thunder Bay are key stakeholders in this evaluation of the FLOs. Historically, there has been considerable resistance, in principle, to the use of a staff model to provide legal aid services. Concerns have been voiced that introducing staff offices might reduce one or both of, the volume of legal aid work available to the private bar, and the quality of legal services provided to clients on legal aid. These concerns fall within the broader context of dissatisfaction with the current legal aid tariff, and reluctance on the part of some lawyers to accept as much certificate work as they have in the past. It has been widely reported that senior lawyers, in particular, are reducing their participation in legal aid.

In order to seek a thorough understanding of the perspectives of the private bar, the evaluation framework proposed a mail survey of lawyers on LAO's family panels in Metro Toronto, Ottawa and Thunder Bay. The timing of this survey was towards the conclusion of the evaluation process in order for the staff law offices to both become established in their procedures and to have developed some broader reputation within the local legal community.

One of the key types of information gleaned through this survey was the perceptions of the quality of service offered by staff law offices in comparison to that provided by private lawyers on certificate. Any perceptions that FLO staff are less constrained than lawyers on certificates in terms of how much time they are able to spend on individual cases was also of interest. These issues and others were reflected in the survey instrument.

B. DETAILS OF PRETEST

A small-scale pretest of the draft mail survey was conducted in October of 2001. In all, eight lawyers were sent copies of the questionnaire with an explanatory cover letter asking them to complete and return the questionnaire by fax along with any comments or concerns about the instrument. For convenience, six of the lawyers were located in Ottawa, with the other two in Toronto and Thunder Bay. Of the eight, four returned their completed questionnaires, two notified us that they no longer practiced family law, and two did not respond at all. One provided comments by telephone.

C. FINDINGS/NEED TO MODIFY QUESTIONNAIRE

While all of the lawyers who returned their questionnaires had answered all of the questions that applied to them, one of the lawyers strongly urged us to eliminate or reduce the section of the instrument which posed questions about legal aid in general, rather than about the FLOs. Given the typical experience of low response rates to surveys of professionals, we recommend that this advice be acted on. Accordingly, the final version of the survey instrument included only a subset of the draft's general questions about legal aid. It also included two new questions specifically on respondents' positive and negative experiences with their local FLO.

D. SAMPLING

An important question in regard to the mail survey of the private family bar was how best to construct a sample frame. Potential sources of data and contact information for this survey included LAO panel membership and legal accounts data, and Law Society membership data. Ideally, the sample would include both family law practitioners who do (or at least have recently done) legal aid work and those who have not.

Our understanding was that LAO panel data are not routinely updated to reflect such changes in the status of panel members as retirement, death, relocation or decisions not to take legal aid certificates. One means of identifying active family lawyers from among panel members would be to first identify all lawyers in Toronto, Ottawa and Thunder Bay who had billed against a family certificate in the past two years or so. Presumably this approach would identify both active 'billers' and some family practitioners who had decided to abandon family legal aid work within that time frame. Then, the only gap would be family lawyers who were not on a family panel in that same period.

This gap was filled by requesting a current listing of LSUC members in the three locations who identified family law as one of their areas of practice. This list was then run against LAO billing data to identify family lawyers who had billed LAO for a family certificate. On this basis, a sample was constructed to include:

- 945 private lawyers who had worked on a family certificate since 1/4/99.
- 1727 lawyers who had not billed LAO for family law work since 1/4/99, but who indicated family law as an area of practice in their LSUC membership renewal for the year 2000.
- 603 lawyers who met both of these criteria.

These files do not overlap, meaning that the total available sample was something under 3275 (depending on address completeness, etc.). In light of the plan to stay with an initial mailout of 1000 or so, we needed to sample from these 'pots' in some fashion. Given the somewhat messy nature of all three, no obvious sampling strategy

recommended itself. In order to think more clearly about this, we sorted each file by postal code. The idea here was to shed some light on the geographical representativeness of each file. Our findings were as follows:

- For the LAO file, the breakdown is Ottawa - 23%, Toronto - 69%, Thunder Bay - 8%.
- For the LSUC file, the breakdown is Ottawa - 20%, Toronto - 78%, Thunder Bay - 3%.
- For the 'both' file, the breakdown is Ottawa - 23%, Toronto - 71%, Thunder Bay - 6%.

On this basis, there was no reason to favour one data file over another.

After some thought and discussion of this issue with LAO, a decision was taken to use all 945 names from the "both" list and 25% from each of the other lists (for a total sample of approximately 1275 - again subject to address completeness checks). The rationale here was that the 'both' file should receive priority, as it includes lawyers who recently did certificate work and who report family law as an area of practice for 2000. Use of the LSUC file was expected to ensure that the sample would capture some private bar family lawyers who do not accept certificates.

E. FINAL QUESTIONNAIRE

The final version of the bar survey instrument is Appendix C to this report.

F. SURVEY FINDINGS

1. Response Rates.

In all, completed survey responses were received from 258 family lawyers, for an overall response rate of approximately 20%. While not spectacular, this response rate is well within the expected range for mail surveys of professionals. In examining the response rate, it is instructive to break the rates down by the source of the samples.

- For the LAO file, the response rate is 23%.
- For the LSUC file, the response rate is 9%.
- For the 'both' file, response rate is 27%.

Clearly, higher response rates were obtained from lawyers who participate in the delivery of family law services to legally-aided clients. The response rates were also broken down by location with the following results: Toronto – 18%, Ottawa – 23% and Thunder Bay – 38%.

2. Profile of Respondents

By way of introduction to the actual results of the survey proper, we present a profile of the lawyers who participated in the survey.

Year of Call. Exhibit V-1 breaks down the year of call of participating lawyers into three categories corresponding approximately to LAO’s three tier levels of experience. These data are presented by location.

Exhibit V-1 Breakdown of Year of Call of Lawyers Completing Survey, by Location

Year of Call	Location		
	Toronto	Ottawa	Thunder Bay
Up to 1992	70%	68%	46%
1993-1997	18%	16%	19%
1998 to present	10%	16%	31%

As shown in Exhibit V-1, the profiles of experience of participating lawyers in Toronto and Ottawa are very similar, with more than two of three reporting years of call prior to 1993. Participating lawyers in Thunder Bay were more likely to report more recent years of call.

Practice Type. Exhibit V-2 breaks down the reported practice types of participating lawyers into four categories. These data are again presented by location.

Examination of Exhibit V-2 again reveals similar profiles of practice types for participating lawyers from Toronto and Ottawa, with more than two of three being sole practitioners. Participating lawyers in Thunder Bay were more likely to be associates in a firm than was the case for the two larger locations.

Participating lawyers who were either partners or associates in a law firm were also asked to report the number of lawyers in their firm. The largest average firm size

was reported by lawyers in Toronto (13.4), followed by Ottawa (6.1) and Thunder Bay (4.9).

Exhibit V-2 Breakdown of Practice Types of Lawyers Completing Survey, by Location

Type of Practice	Location		
	Toronto	Ottawa	Thunder Bay
Sole practitioner, expenses not shared	44%	40%	35%
Sole practitioner, expenses shared	26%	25%	12%
Partner in a law firm	17%	18%	20%
Associate or employee of a law firm	13%	18%	35%

The survey also asked lawyers to report the approximate percentage of their clients who retain their services for family law matters, and of these, the approximate percentage who are on legal aid certificates. Looking first at the reported percentages of family law matters, participating lawyers in Ottawa and Thunder Bay were similar in reporting that, on average, 64% and 65% (respectively) of their clients retained their services for family law matters. In this respect, participating lawyers in Toronto were slightly lower at 55%.

With respect to the percentages of these family law clients who are on legal aid, the reported averages by location were as follows: Toronto – 37%, Ottawa - 30% and Thunder Bay – 41%.

Gender. The reported gender of participating lawyers was found to vary across the three locations, with those in Ottawa more likely to be female (52%) than was the case for either Toronto (30%) or Thunder Bay (23%).

3. Survey Findings Specific to the FLOs

The survey questionnaire was divided into two parts, the first of which dealt specifically with respondents’ perceptions of the FLO in their communities. This section summarizes the responses to these questions by location.

Awareness of the FLO. Respondents were asked a general question about their level of awareness of the FLO in their community. Their responses to this question are both of interest in their own right, and were used to categorize their responses to later questions. Exhibit V-3 presents the data on awareness of the FLOs in four categories, by location.

Exhibit V-3 Reported Level of Awareness of FLO, by Location

Awareness of FLO	Location		
	Toronto	Ottawa	Thunder Bay
Not aware of FLO at all	29%	14%	0%
Had heard of the existence of the FLO but no more	25%	5%	8%
Generally familiar with the FLO but have not had any direct dealings with any of the staff lawyers as opposing counsel	21%	13%	15%
Have had direct dealings with one or more of the lawyers at the FLO as opposing counsel	25%	68%	69%

As shown in Exhibit V-3, awareness of the FLO among survey participants was highest in Thunder Bay, with 69% of respondents reporting direct dealings with FLO staff lawyers as opposing counsel, and no one being completely unaware of the FLO in that community. A similar profile was reported by Ottawa lawyers, albeit with 14% being unaware of the Ottawa FLO. As might be expected given the size of the city, reported awareness of the FLO was lowest among Toronto respondents, with 29% unaware and 25% having heard of the existence of the FLO but no more.

Perceptions of the FLOs. The survey asked respondents to report their level of agreement with a series of statements about the FLOs. Exhibit V-4 lists these statements and presents participants’ levels of agreement with each statement for lawyers ‘**familiar with FLO staff lawyers as opposing counsel**’ only, by location.

Examination of Exhibit V-4 reveals varying patterns of responses across items and locations. Proceeding item-by-item, the following findings are of note:

- With respect to the statement that *'FLO staff lawyers are able to spend more time on their files than are private lawyers on certificates'* Toronto lawyers are most likely to disagree (46%) compared to Ottawa (33%) and Thunder Bay (11%). Across the three locations, approximately one lawyer in four reported agreeing with this statement. Many lawyers in Ottawa especially (47%) responded 'don't know' to this item.
- With respect to the statement that *'the FLO handles more than its share of the most demanding clients'* lawyers in Toronto are more likely to disagree (26%) compared to those in Ottawa (37% agree) and especially Thunder Bay (67% agree). In both Toronto and Ottawa, many lawyers (37% and 42% respectively) responded 'don't know' to this item
- With respect to the statement that *'the FLO handles more than its share of the most complex cases'* Lawyers in Toronto and Ottawa were more likely to disagree (33% and 35% respectively) than were those in Thunder Bay (17%). Again, in both Toronto and Ottawa, many lawyers (35% and 40% respectively) responded 'don't know' to this item
- With respect to the statement that *'the quality of the work of the FLO staff lawyers is subject to closer supervision than is the work of the private bar on certificates'* approximately one in three lawyers in Toronto and Ottawa disagreed compared to 22% in Thunder Bay. In both Toronto and Ottawa, many lawyers (40% and 47% respectively) again responded 'don't know' to this item
- With respect to the statement that *'the FLO is improving access to family law services in your community'* agreement was high across all locations, especially Thunder Bay (83%).
- With respect to the statement that *'the FLO is handling cases that should be left to the private bar'* agreement was fairly high in Toronto (42%). Opinion was more neutral in Ottawa. In Thunder Bay, 56% of respondents disagreed with this statement.
- With respect to the statement that *'the FLO has broadened the range of services available to legal aid recipients in your community'* opinion was mixed in both Toronto and Ottawa. In contrast, 56% of respondents in Thunder Bay agreed with this statement.

Taken together, these data present a generally positive or at worst, neutral perception of the FLOs among private family lawyers in the three locations who have dealt with FLO staff lawyers as opposing counsel. Only one in four respondents sees FLO staff lawyers as able to spend more time on their files than are private lawyers on certificates. The FLO caseloads in Ottawa and (especially) Thunder Bay are seen as comprising a relatively higher proportion of the 'most demanding clients.' The FLO caseload in Thunder Bay is seen as comprising a relatively higher proportion of the 'most complex cases.' The quality of the work of the FLOs is not generally seen as being subject to closer supervision than is the work of the private bar on certificates. The FLOs are generally seen as improving access to family law services, especially in Thunder Bay (83% of respondents). Some lawyers in Toronto and Ottawa see the FLOs as handling cases that should be left to the private bar (42% and 33% respectively). This opinion is not widespread in Thunder Bay (56% disagree). Limited support was reported in Toronto and Ottawa for the proposition that the FLOs have broadened the range of services available to legal aid recipients in these communities. This is not the case in Thunder Bay, where 56% of respondents agree with this statement.

Exhibit V-4 Level of Agreement by Lawyers ‘Familiar with FLO Staff Lawyers as Opposing Counsel’ with Statements About the FLOs, by Location

	Location											
	Toronto (N=43)				Ottawa (N=43)				Thunder Bay (N=18)			
	Agree	Neutral	Disagree	DK	Agree	Neutral	Disagree	DK	Agree	Neutral	Disagree	DK
FLO staff lawyers are able to spend more time on their files than are private lawyers on certificates	23	14	46	16	19	22	33	47	28	39	11	22
The FLO handles more than its share of the most demanding clients	16	21	26	37	37	2	19	42	67	6	17	2
The FLO handles more than its share of the most complex cases	12	21	33	35	9	16	35	40	39	11	28	22
The quality of the work of the FLO staff lawyers is subject to closer supervision than is the work of the private bar on certificates	9	16	35	40	7	14	33	47	22	28	22	28
The FLO is improving access to family law services in your community	40	14	28	19	42	9	30	19	83	11	6	0
The FLO is handling cases that should be left to the private bar	42	19	23	16	33	30	26	12	17	22	56	6
The FLO has broadened the range of services available to legal aid recipients in your community	30	21	26	23	33	9	28	30	56	22	6	17

Perceptions of Comparative Service Quality. The survey asked respondents to rate the quality of the services provided by the private bar to legally-aided clients compared to those provided by the staff of the FLOs, assuming that similar work is involved. Exhibit V-5 summarizes the responses to this question, broken down by level of awareness of the local FLO (‘familiar with FLO but not as opposing’ vs. ‘familiar with FLO as opposing counsel’) and location.

Exhibit V-5 Comparative Ratings of the Quality of Service Provided by the FLOs and the Private Bar on Certificates Assuming Similar Work Required, by Location

	Location					
	Toronto		Ottawa		Thunder Bay	
	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel
Private bar legal aid work much better quality	20%	21%	25%	12%	25%	6%
Private bar legal aid work a little better quality	3%	9%	13%	14%	25%	6%
No difference	29%	44%	13%	54%	0%	61%
FLO work a little better quality	6%	7%	13%	12%	0%	11%
FLO work much better quality	0%	0%	0%	0%	0%	11%
Don't Know	40%	19%	38%	9%	50%	6%
N	35	43	8	43	4	18

Among lawyers in Toronto whose level of awareness of the local FLO was limited to ‘familiar with FLO but not as opposing counsel’ most reported either ‘no difference’ on this measure (29%) or ‘don’t know’ (40%). The numbers of lawyers with this level of awareness in Ottawa and Thunder Bay are too small (8 and 4, respectively) to provide reliable data on this measure.

Among lawyers familiar with FLO staff as opposing counsel, most reported perceiving no difference in quality (44% of Toronto respondents, 54% of Ottawa respondents and 61% of Thunder Bay respondents). Setting aside the ‘don’t knows’ (highest in Toronto at 19%) those who see private bar work as either much or a little better quality were more prevalent in Toronto (30%) and Ottawa (26%) than in Thunder Bay (12%). Those who see the work done by the FLO in their community as either much or a little better quality were least prevalent in Toronto (7%) and Ottawa (12%) and most prevalent in Thunder Bay (22%).

Perceptions of Comparative Competence. The survey asked respondents to rate the competence, on average, of private lawyers handling family matters on legal aid certificates to that of FLO staff lawyers in their communities doing comparable work. Exhibit V-6 summarizes the responses to this question, again broken down by level of awareness of the local FLO (‘familiar with FLO but not as opposing’ vs. ‘familiar with FLO as opposing counsel’) and location.

Exhibit V-6 Comparative Ratings of the Competence of Private Lawyers Serving Legally-Aided Clients to That of FLO Staff Lawyers Doing Similar Work, by Location

	Location					
	Toronto		Ottawa		Thunder Bay	
	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel
Competence of private lawyer much better than FLO Staff lawyers	31%	21%	25%	16%	25%	6%
Competence of private lawyers the same as FLO staff lawyers	49%	63%	50%	61%	50%	78%
Competence of private lawyers worse than FLO staff lawyers	0%	7%	0%	14%	25%	11%
Don't Know	17%	9%	13%	9%	0%	6%
N	35	43	8	43	4	18

Among lawyers familiar with FLO staff, but not as opposing counsel, half perceive no difference in general competence between the private bar on family certificates and the FLO staff lawyers in their communities. A further 25-31% (depending on location) perceive the general competence of private lawyers as higher than that of the FLO staff lawyers.

Among lawyers familiar with FLO staff as opposing counsel, the comparative assessments of the competence of the FLO staff lawyers were more positive. Almost two of three perceive no difference in general competence, while a minority reported perceiving private lawyers as generally less competent than the FLO staff lawyers in their communities (7% in Toronto, 14% in Ottawa and 11% in Thunder Bay). This data suggest that as members of the private family bar become more familiar with the FLO staff lawyers and their work, their assessment of the competence of these individuals becomes more positive.

Perceptions of the overall contribution of the FLOs. The survey asked respondents whether or not, on balance, they regard the FLO as a positive addition to the range of services available to legal aid clients in their communities. Those who responded either positively or negatively to this question were asked to explain their answers. Exhibit V-7 summarizes the responses to this question, again broken down by level of awareness of the local FLO (‘familiar with FLO but not as opposing’ vs. ‘familiar with FLO as opposing counsel’) and location.

Exhibit V-7 Perceptions of Whether or Not the FLO is a Positive Addition to the Range of Services Available to Legal Aid Clients in Each Community, by Location

	Location					
	Toronto		Ottawa		Thunder Bay	
	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel	Lawyers familiar with FLO but not as opposing counsel	Lawyers familiar with FLO as opposing counsel
FLO a positive addition	63%	51%	75%	49%	50%	72%
FLO not a positive addition	17%	28%	25%	23%	25%	6%
Don't Know	17%	21%	0%	28%	25%	22%
N	35	43	8	43	4	18

Examination of Exhibit V-7 that somewhat more than half of the lawyers surveyed in Toronto and Ottawa see the local FLO as a positive addition to their community. In Thunder

Bay, this proportion rises closer to three in four (among lawyers familiar with FLO staff as opposing counsel). The remainder are divided among those who do not see the local FLO as a positive addition, and those who responded ‘don’t know’ to this question.

Lawyers who view the FLO as a positive addition cited the following reasons for this opinion: the FLO expands the options available to legal aid clients, the FLO staff are able to specialize in family law matters, and the FLO lawyers may be less restricted in the hours they can devote to more demanding clients.

Lawyers who do not view the FLO as a positive addition most often referred to the need to increase the tariff to make family legal aid work more attractive to the private bar.

Assistance Provided to the Private Bar by the FLOs. The survey asked lawyers whether or not the local FLO had been of any direct assistance to them in their family law practices. The proportions of positive responses to this question varied widely by location: Toronto - 10%, Ottawa – 13% and Thunder Bay – 46%. The way in which this assistance was provided most often involved referrals of clients to the FLOs.

Specific Concerns About the FLOs. The survey asked lawyers who reported any direct dealings with the FLO if they had any specific concerns about how the FLO is organized or operates in their communities. Again, the proportions of positive responses to this question varied somewhat by location: Toronto - 12%, Ottawa – 14% and Thunder Bay – 18%. While no single reason for such concerns was cited frequently, some mention was made of concerns about FLO competence or bias, aggressive negotiating practices and competition with the private bar.

4. Survey Findings on the Accessibility of Legal Aid

In addition to posing questions specifically about the pilot FLOs, the survey of the family bar in Toronto, Ottawa and Thunder Bay conducted for this evaluation also asked a series of more general questions about LAO and the accessibility of family legal aid in Ontario. The results of these enquiries are summarized in this section of our report.

Perceived Achievement of Global Objective. One of LAO’s expressed objectives is to provide access to legal services for people of modest means in the province. The survey asked lawyers for their opinion on the extent to which this objective was being met for family law services. Exhibit V-8 summarizes their responses by location.

Exhibit V-8 Reported Perceptions of the Extent to Which LAO is Meeting its Objective of Providing Access to Legal Services for People of Modest Means, by Location

LAO Meeting this Objective . . .	Location		
	Toronto	Ottawa	Thunder Bay
Very well	9%	8%	4%
Fairly well	28%	27%	30%
Not very well	29%	37%	23%
Not well at all	18%	18%	31%
Don't know	13%	10%	12%
N	169	63	26

As shown in Exhibit V-8, approximately one lawyer in three sees this objective as being met either very or fairly well, regardless of location. A further 50% or so see this objective as being met either not very well or not at all well.

Ratings of Suggested Approaches to Increase the Accessibility of Legal Aid. The survey asked respondents to express their level of agreement with three potential strategies which LAO might consider in its efforts to increase the accessibility of legal aid. Exhibit V-9 both lists these strategies and summarizes the responses by location.

As shown in Exhibit V-9, the strongest support was expressed for an increase in the tariff, especially in Toronto. Support was weakest for broadening the scope of work of paralegals. The strategy of using (more) staff lawyers 'to provide some services now being provided by the private bar on certificates' received a moderate level of support in Toronto and Thunder Bay (31% and 27%, respectively). Support for staff-delivered services was lower in Ottawa at 17%.

Exhibit V-9 Proportions of Lawyers Agreeing (Either “Strongly” or “Somewhat”) with Statements About the Use of Legal Aid Resources, by Location

	Location		
	Toronto	Ottawa	Thunder Bay
The tariff should be increased to make it economically more attractive for the private bar to assume more cases	93%	90%	88%
Legislation should be enacted to broaden the scope of work of paralegals so that paralegals can assume more cases	10%	6%	12%
The use of staff lawyers should be expanded to provide some services now being provided by the private bar on certificates	31%	17%	27%
N	169	63	26

Perceived Need for Changes to the Financial Eligibility Guidelines. The survey asked respondents for their opinions on whether or not changes should be made to LAO’s financial eligibility guidelines. The options presented were:

- More people should be eligible
- Fewer people should be eligible
- No change is necessary
- Don’t know/not sure

Exhibit V-10 summarizes the responses received by location.

Exhibit V-10 Opinions of Lawyers on Whether the Financial Eligibility Guidelines Should be Changed, by Location

	Location		
	Toronto	Ottawa	Thunder Bay
The guidelines should be changed so that more people are eligible	67%	52%	46%
The guidelines should be changes so that fewer people are eligible	5%	10%	4%
No change in the guidelines is necessary	17%	25%	23%
Don't know	10%	10%	23%
N	169	63	26

Examination of Exhibit V-10 reveals that lawyers in Toronto were more likely than those in the other two locations to support changes to the financial eligibility guidelines which would expand eligibility. There was little support in any location for tightening the guidelines. In Ottawa and Thunder Bay, no need for change was seen by approximately one lawyer in four.

Perceived Need for Changes to the Coverage of Family Legal Aid. The survey asked respondents for their opinions on whether or not changes should be made to the list of family law matters covered by LAO. The options presented were:

- The types of family matters covered should be broadened
- The types of family matters covered should be narrowed
- No change is necessary
- Don't know/not sure

Exhibit V-11 summarizes the responses received by location.

Exhibit V-11 Opinions of Lawyers on Whether the Coverage of Family Legal Aid Should be Changed, by Location

	Location		
	Toronto	Ottawa	Thunder Bay
Coverage of family legal aid should be broadened	58%	49%	50%
Coverage of family legal aid should be narrowed	5%	10%	4%
No change in coverage is necessary	23%	32%	27%
Don't know	11%	6%	15%
N	169	63	26

As shown in Exhibit V-11, about half of the lawyers surveyed favour a broadening of the coverage of family legal aid. Support for this is strongest in Toronto. Again there was little support expressed for narrowing family legal aid coverage. Approximately one lawyer in four (slightly higher in Ottawa) saw no need for any change to the coverage of family legal aid.

Lawyers who indicated support for broadening the coverage of family legal aid were asked to identify those areas where such broadening was needed. The most frequently mentioned expansions were: divorce matters, variations, support issues, property issues and changes to the tariff to allow more time for individual cases.

Agreement with Potential Criticisms of LAO. The survey asked respondents to state their level of agreement with each of eight potential criticisms of LAO's services and procedures. Exhibit V-12 both lists these potential criticisms and summarizes the survey responses by location.

The data in Exhibit V-12 show a generally high degree of consistency across the three locations. The expressed levels of agreement with each of the suggested potential criticisms of LAO were:

- Fees paid by LAO are too low (92% overall)
- Quality of service is compromised by the tariff (91% overall)
- Intellectually demanding cases that tend to be time-consuming are not adequately compensated by LAO (87% overall)
- Procedures for approving disbursements are overly time-consuming (75% overall)

- Billing procedures are too time consuming (72% overall)
- Legal aid clients tend to be overly demanding/time consuming (66% overall)
- LAO is not timely in payment of fees (39% overall)
- Certificate cases are typically quite routine and have low interest for me (10% overall)

Exhibit V-12 Proportions of Lawyers Agreeing (Either “Somewhat” or “Strongly”) with Potential Criticisms of LAO’s Services and Procedures, by Location

	Location		
	Toronto	Ottawa	Thunder Bay
Quality of service is compromised by the tariff	78%	86%	89%
Procedures for approving disbursements are overly time-consuming	75%	81%	65%
Fees paid by LAO are too low	91%	95%	88%
Billing procedures are too time consuming	70%	76%	73%
LAO is not timely in payment of fees	38%	44%	23%
Legal aid clients tend to be overly demanding/time consuming	63%	76%	65%
Certificate cases are typically quite routine and have low interest for me	10%	10%	8%
Intellectually demanding cases that tend to be time-consuming are not adequately compensated by LAO	85%	92%	89%

The data in Exhibit V-12 portray a situation in which concerns about the tariff loom large. Notwithstanding these concerns, only a small minority of the lawyers surveyed (10%) agreed with the statement ‘Certificate cases are typically quite routine and have low interest for me.’ This would seem to imply that family legal aid work continues to be attractive to many lawyers despite their misgivings about the tariff and LAO administrative procedures.

Lawyers’ Perceptions of the Effectiveness of Existing Mechanisms to Ensure Quality of Work Done on Legal Aid Certificates. Lawyers were asked whether they thought that existing mechanisms to ensure the quality of work done on legal aid certificates are effective. Exhibit V-13 summarizes the responses to this question by location.

Exhibit V-13 Lawyers’ Perceptions of the Effectiveness of Existing Mechanisms to Ensure Quality of Work Done on Legal Aid Certificates, by Location

	Location		
	Toronto	Ottawa	Thunder Bay
Existing mechanisms seen as effective	28%	29%	27%
Existing mechanisms not seen as effective	39%	41%	23%
Don’t know	32%	25%	42%
N	169	63	26

As shown in Exhibit V-13, only about one lawyer in four sees current mechanisms to control the quality of certificate work as effective. In Toronto and Ottawa, the most frequent response to this question was negative. In Thunder Bay, ‘don’t know’ was the most frequent answer to this question.

G. SUMMARY AND CONCLUSIONS

The members of family bar in Toronto, Ottawa and Thunder Bay were key stakeholders in this evaluation of the FLOs. Historically, there has been considerable resistance, in principle, to the use of a staff model to provide legal aid services. Concerns have been voiced that introducing staff offices might reduce one or both of, the volume of legal aid work available to the private bar, and the quality of legal services provided to clients on legal aid. In order to seek a thorough understanding of the perspectives of the private bar on these and other issues, the evaluation framework proposed a mail survey of lawyers on LAO’s family panels in Metro Toronto, Ottawa and Thunder Bay. The timing of this survey was towards the conclusion of the evaluation process in order for the staff law offices to both become established in their procedures and to have developed some broader reputation within the local legal community.

One of the key types of information gleaned through this survey was the perceptions of the quality of service offered by staff law offices in comparison to that provided by private lawyers on certificate. Any perceptions that FLO staff are less constrained than lawyers on

certificates in terms of how much time they are able to spend on individual cases was also of interest.

Using lists of family lawyers maintained by LAO and the Law Society of Upper Canada, a sample frame of 1275 family lawyers in Toronto, Ottawa and Thunder Bay was created. Survey questionnaires were mailed to these lawyers in the spring of 2002. Completed responses were received from 258 lawyers, for an overall response rate of 20%.

In point form, the findings of the survey of the private family bar in Toronto, Ottawa and Thunder Bay are as follows:

- Awareness of the FLO among survey participants was highest in Thunder Bay, with 69% of respondents reporting direct dealings with FLO staff lawyers as opposing counsel, and no one being completely unaware of the FLO in that community. A similar profile was reported by Ottawa lawyers, albeit with 14% being unaware of the Ottawa FLO. As might be expected given the size of the city, reported awareness of the FLO was lowest among Toronto respondents, with 29% unaware and 25% having heard of the existence of the FLO but no more.
- The survey asked respondents to report their level of agreement with a series of statements about the FLOs. These statements were:
 - the FLO handles more than its share of the most demanding clients,
 - the FLO handles more than its share of the most complex cases,
 - the quality of the work of the FLO staff lawyers is subject to closer supervision than is the work of the private bar on certificates,
 - the FLO is improving access to family law services in your community,
 - the FLO is handling cases that should be left to the private bar,
 - the FLO has broadened the range of services available to legal aid recipients in your community.

Taken together, these data present a generally positive or at worst, neutral perception of the FLOs among private family lawyers in the three locations who have dealt with FLO staff lawyers as opposing counsel. Only one in four respondents sees FLO staff lawyers as able to spend more time on their files than are private lawyers on certificates. The FLO caseloads in Ottawa and (especially) Thunder Bay are seen as comprising a relatively higher proportion of the ‘most demanding clients.’ The FLO caseload in Thunder Bay is seen as comprising a relatively higher proportion of the ‘most complex cases.’ The quality of the work of the FLOs is not generally seen as being subject to closer supervision than is the work of the private bar on certificates. The FLOs are generally seen as improving access to family law services, especially in Thunder Bay (83% of respondents). Some lawyers in Toronto and Ottawa see the FLOs as handling cases that should be left to the private bar (42% and 33% respectively). This opinion is

not widespread in Thunder Bay (56% disagree). Limited support was reported in Toronto and Ottawa for the proposition that the FLOs have broadened the range of services available to legal aid recipients in these communities. This is not the case in Thunder Bay, where 56% of respondents agree with this statement.

- The survey asked respondents to rate the quality of the services provided by the private bar to legally-aided clients compared to those provided by the staff of the FLOs, assuming that similar work is involved. Among lawyers familiar with FLO staff as opposing counsel, most reported perceiving no difference in quality
- The survey asked respondents to rate the competence, on average, of private lawyers handling family matters on legal aid certificates to that of FLO staff lawyers in their communities doing comparable work. Among lawyers familiar with FLO staff, but not as opposing counsel, half perceive no difference in general competence between the private bar on family certificates and the FLO staff lawyers in their communities. A further 25-31% (depending on location) perceive the general competence of private lawyers as higher than that of the FLO staff lawyers. Among lawyers familiar with FLO staff as opposing counsel, the comparative assessments of the competence of the FLO staff lawyers were more positive. Almost two of three perceive no difference in general competence, while a minority reported perceiving private lawyers as generally less competent than the FLO staff lawyers in their communities.
- The survey asked respondents whether or not, on balance, they regard the FLO as a positive addition to the range of services available to legal aid clients in their communities. Somewhat more than half of the lawyers surveyed in Toronto and Ottawa see the local FLO as a positive addition to their community. In Thunder Bay, this proportion rises closer to three in four (among lawyers familiar with FLO staff as opposing counsel). Lawyers who view the FLO as a positive addition cited the following reasons for this opinion: the FLO expands the options available to legal aid clients, the FLO staff are able to specialize in family law matters, and the FLO lawyers may be less restricted in the hours they can devote to more demanding clients.
- The survey asked lawyers whether or not the local FLO had been of any direct assistance to them in their family law practices. The proportions of positive responses to this question varied widely by location: Toronto - 10%, Ottawa – 13% and Thunder Bay – 46%. The way in which this assistance was provided most often involved referrals of clients to the FLOs.
- In addition to posing questions specifically about the pilot FLOs, the survey of the family bar in Toronto, Ottawa and Thunder Bay conducted for this evaluation also asked a series of more general questions about LAO and the accessibility of family legal aid in Ontario. Taken together, the responses to these questions indicate concerns about the accessibility of family legal aid. Support was expressed for broadening the expanding both the eligibility and coverage of family legal aid, and especially for increasing the tariff for family legal aid services. Increased use of staff lawyers received only moderate support as a means of improving access to legal aid.

VI KEY INFORMANT INTERVIEWS

This chapter summarizes the results of a series of interviews with selected key informants in each FLO location. The interviewees included FLO Directors, FLO staff, LAO Area Directors in FLO catchment areas, and representatives of local family bar and bench. Some of these individuals were members of the FLOs community advisory committees.

The interview content included perceptions of the role played by FLOs in local service delivery, the relationship of the FLOs to the local family bar, and the accessibility and quality of the services provided by FLO staff. Copies of the key informant interview guides are provided in Appendix D to this report (one version for FLO staff, a second version for all others). In the remainder of this chapter, the findings of these interviews are presented for each of the three FLO locations.

A. TORONTO

The key informant interviews in Toronto involved the following individuals:

- Five LAO Area Directors (Toronto, Scarborough, North York, Etobicoke and Peel).
- Three other members of the Toronto FLO's Project Advisory Committee (one private lawyer, one court administrator, one agency representative (also a lawyer)).
- Two other private lawyers.
- Three lawyers employed by Toronto Children's Aid
- Nine Toronto FLO staff members (six lawyers, three paralegals).
- Three family court judges.
- The LAO Coordinator of Family Duty Counsel.

The results of these discussions are summarized in the remainder of this section.

1. How our informants first became aware of the Toronto Family Law Office

Many of the FLO staff members, as well as other lawyers became aware of the plans for the FLO through the job postings in the Ontario Reports. Some had also had positions or working contact with the FLOs predecessor, the Divorce Law Office. LAO Area Directors were generally kept informed of the plans for the FLO through communications with the Provincial Office. More generally, our informants became aware of the FLO through its early efforts to raise a profile in the local service delivery network for low-income persons,

especially women and victims of family violence. Members of the PAC were, of course, aware of the FLO through their meetings and related contacts with FLO staff.

2. Initial reactions to the concept of Legal Aid Ontario using staff lawyers to provide family law services

Despite some early skepticism reported among some members of the private bar, most of our informants were either favourable to the staff delivery concept from the outset, or have warmed to it as the FLO has become established. The potential advantages of the staff model (relative to the private bar on certificates) mentioned by our informants include greater specialization by staff lawyers, better quality control, the ability to respond more quickly to urgent cases, the possibility of providing more comprehensive services, and the ability to accept a higher proportion of the most demanding clients. In spite of these general endorsements, however, most informants expressed a preference for a choice of counsel, including the private bar, and would not want the staff model to completely supplant the private bar as a provider of family legal aid services.

3. Extent and context of contacts with staff of the FLO

Other than the members of the PAC, most of our informants reported regular, if not always frequent contact with the staff of the FLO. Most of these contacts occurred in relation to individual cases handled by the FLO, or to referrals of FLO clients.

4. Impressions to date of how well the FLO has succeeded in meeting its objectives of access, cost efficiency and service quality

Access. Most informants perceive the FLO as having had a positive impact on the accessibility of family legal aid, especially for clients who otherwise might have had a hard time finding a private lawyer to take their certificate. Many acknowledged the growing reluctance of the private bar to take legal aid certificates, even when the client was not seen as unusually demanding. Also noted was the perceived willingness of the FLO to accept urgent cases (e.g., those involving taking children into care) and Hague Convention cases.

Cost-efficiency. Our informants generally had no comment on the cost efficiency of the FLO other than to wonder whether the perceived willingness of the FLO to devote more time to some clients than the tariff allows may undermine efforts to achieve cost-equivalency with the private bar. Some also suggested that the acknowledged low level of the current tariff may make it very difficult for the FLO to be as cost-efficient as the private bar (without a sizable increase in the tariff).

Quality. In terms of the perceived quality of its work, the Toronto FLO is given high marks by our informants. The staff are seen as experienced, competent and responsible in terms of their use of public resources to represent their clients' interests. Many report that the FLO receives referrals from many sources, including the private bar and the judiciary.

5. Perceived differences in client characteristics and/or services provided between the cases handled by the FLO and those handled by the private bar on certificate

The Toronto FLO is seen as accepting a higher proportion of the most difficult and demanding clients than the private bar on certificate. It is also seen as providing both more time and a broader range of services to clients who need them.

6. Perceived impacts of the FLO on the private bar or the family courts

Despite some early concerns that the FLO would take work away from the private bar, the bar is now seen as generally supportive of the FLO. This reflects the perceived willingness of the FLO to accept referrals from the private bar of clients whom the private bar cannot or prefer not to accept themselves. This includes clients whom the private bar sees as too needy (in one way or another) for them to accept given the current tariff time limits and/or the process for increasing time on certificates.

Within the family court at 311 Jarvis, FLO staff are seen as competent responsible and helpful (in ways that the best of the private bar also demonstrate). The FLO has also received some direct referrals of clients from the bench, which is taken as an endorsement of their role in the community. Of particular assistance here is the FLOs help in reducing the number of unrepresented litigants appearing before the courts.

7. Overall perceptions of the FLO as a positive or negative addition to the community

While some of our informants have adopted a ‘wait and see’ attitude, most regard the Toronto FLO as a significant positive addition to the community. Reasons cited most often for this view include the FLOs willingness to take difficult and emergency cases, the competence and professionalism of the staff, and the good working relationships the FLO has established with its referral sources.

8. Concerns about the way in which the FLO is organized or operates. Suggestions or recommendations for improvements

Few of our informants had concerns or made specific suggestions for improvements to the way in which the Toronto FLO is organized or operates. The comments offered were as follows:

- The concern mentioned most frequently had to do with the location and visibility of the office itself. Some suggested that the signage in the Toronto LAO Area Office could be more prominent and helpful in assisting clients to consider the FLO. Others noted the distance from the outlying Area Offices and suggested that

a second FLO nearer to the Yonge/Sheppard courthouse might prompt more clients to use the services of the FLO.

- Two informants questioned the adequacy of the salaries paid by the FLO.
- One private lawyer expressed concern that the FLO may ‘flog’ minor issues in some cases to ‘keep them alive.’
- One Area Director wondered how the FLO handles the need for clients to be financially reassessed. Such reassessments for private bar clients are handled by the Area Offices. It was not clear to this individual how the FLO deals with these situations.
- Also related to financial reassessments, one judge was concerned with the FLO’s inability to continue to act for individual clients whose reassessment renders them no longer eligible for certificate services.

B. OTTAWA

The key informant interviews in Ottawa involved the following individuals:

- The Ottawa LAO Area Director.
- Three other members of the Ottawa FLO’s Project Advisory Committee (one court administrator, two agency representatives).
- Four Ottawa FLO staff members (three lawyers, one paralegal).
- Three staff lawyers at the Children’s Aid Society.
- LAO Family Duty Counsel.

(In spite of repeated attempts, we were unsuccessful in securing the cooperation of any family court judges in Ottawa.)

The results of these discussions are summarized in the remainder of this section.

1. How our informants first became aware of the Ottawa Family Law Office

The Ottawa has maintained a close working relationship with the Ottawa LAO Area Office from the outset. FLO staff most often referred to the job posting in the Ontario Report as their first source of information about the FLO (prior to its opening). Those of our informants who work at service agencies reported that they were made aware of the FLO through its community outreach efforts. As a result, the FLO was added as a referral source for clients of these agencies.

2. Initial reactions to the concept of Legal Aid Ontario using staff lawyers to provide family law services

Without few exceptions, our informants reported a favourable reaction to the proposed staff model. This reflected their recognition of the difficulty that some clients were experiencing in finding private lawyers to accept their family certificates. Other positive aspects of the FLO cited by our informants included the enhanced accountability of the staff model, and the improved continuity and consistency of service which a team approach provides. While there was some recognition that the private bar might be concerned about a loss of clientele, this was offset by the view that ‘there was plenty of this work to go around.’

3. Extent and context of contacts with staff of the FLO

As noted above, the Area Office is in regular contact with the FLO. The same is true of the court administrator we spoke to, who indicated that FLO staff interact with court staff as often and in a manner which is essentially identical to that of any busy private family practice. Agency representatives reported that they regularly hear from their clients who have been referred to the FLO.

4. Impressions to date of how well the FLO has succeeded in meeting its objectives of access, cost efficiency and service quality

Access. With respect to the objective of improving access to family legal aid, our informants view the FLO as having addressed this goal through its policy of ‘taking (almost) all comers’ and being available to take on emergency matters. The private bar is seen as recognizing the value, both to clients and to the bar itself, of having the FLO as a place to send clients who might not be able to find a private lawyer willing to take their case. This is seen as particularly (perhaps only) true of clients perceived to be ‘difficult’ for whatever reason.

The proximity of the FLO to the Area Office is seen as helpful in terms of its contribution to improving the accessibility of family legal aid in Ottawa. The general availability of a paralegal to meet in person with ‘walk-ins’ (in contrast to most private offices which would be more likely to require an appointment) is also seen as a positive aspect of the office’s service.

Only two concerns were expressed about the accessibility of the FLOs services. The first had to do with the limited hours available on certificates. The second concerned the FLOs sensitivity to women’s issues.

Cost-efficiency. Our informants typically had no opinion to offer on the comparative cost-efficiency of the Ottawa FLO. The staff of the FLO report that their general policy is to adhere to the same tariff limits as would the private bar. They are also very ‘settlement-oriented.’ In routine cases, the efficiency of the office and the absence of any financial incentive to ‘push’ a case may result in the FLO consuming less time than would the private

bar. On the other hand, the FLO is able to match the hours spent by the opposing side when the (opposing) client is not on legal aid.

Quality. The Ottawa enjoys a very good reputation for the quality of its work, particularly in comparison to less experienced members of the private bar (who provide an increasing proportion of family legal aid). FLO staff are seen as experienced, competent and responsible in terms of their adherence to tariff time limits. It was also suggested that the presence of the FLO may be indirectly improving the overall quality of the family legal aid work handled by the private bar by reducing the number of cases handled by inexperienced ‘dabblers.’

5. Perceived differences in client characteristics and/or services provided between the cases handled by the FLO and those handled by the private bar on certificate

The Ottawa FLO is seen by some as accepting a higher proportion of the most difficult and demanding clients than the private bar on certificate. In spite of this, it is nonetheless seen as providing services which are essentially undistinguishable from those provided by the private bar on certificate, in terms of both time and range of services.

6. Perceived impacts of the FLO on the private bar or the family courts

None of our informants view the FLO as having had any significant impact on the private bar. The FLO is seen as fair and responsible in its use of its resources. It also provides a helpful service to the private bar by taking clients on referral from private lawyers. In terms of court operations, the FLOs ‘take all comers’ policy may have reduced the numbers of unrepresented litigants in court.

7. Overall perceptions of the FLO as a positive or negative addition to the community

Without exception, our informants regard the Ottawa FLO as a significant positive addition to the community. Reasons cited most often for this view include the FLOs willingness to take difficult and emergency cases, the competence and professionalism of the staff, and the good working relationships the FLO has established with its referral sources. At a more general level, anything which increases access to justice is seen as positive.

8. Concerns about the way in which the FLO is organized or operates. Suggestions or recommendations for improvements.

Few concerns were expressed by our informants about the organization or operations of the Ottawa FLO. These were:

- A general need more funding for legal aid to increase the hours available for family clients.
- The FLO could demonstrate greater sensitivity to abuse issues.
- FLO staff should be allowed to travel outside Ottawa to provide services throughout LAO Area 4.
- FLO could be physically closer to the courthouse and more integrated into other services available there for family law clients (e.g., duty counsel and the FLOC).

C. THUNDER BAY

The key informant interviews in Thunder Bay involved the following individuals:

- The Thunder Bay LAO Area Director.
- Five other members of the Thunder Bay FLOs PAC (one private lawyer, four agency representatives).
- One other private lawyer.
- The Director of the Thunder Bay FLO.
- One family court judge.

The results of these discussions are summarized in the remainder of this section.

1. How our informants first became aware of the Thunder Bay Family Law Office

Our informants generally reported good advanced notice of the Thunder Bay FLO starting up. Some informants were involved in this, and were invited to be on the local advisory committee.

2. Initial reactions to the concept of Legal Aid Ontario using staff lawyers to provide family law services

The concept of LAO using staff lawyers to deliver family legal aid services received a very positive response from our informants. Many were familiar with the clinic model, so understood this form of delivery of service and were glad that LAO was funding it. The individual chosen as the FLO Director was very well regarded in the community; this added to the generally positive reaction to the opening of the FLO.

3. Extent and context of contacts with staff of the FLO

The shelter workers we spoke to have continuous contact with the FLO through bringing clients to the FLO and observing FLO staff working with/for their clients in court. The private bar lawyer informant refers clients and has files where the FLO represents the other side. The Judge we spoke to sees FLO staff in court and receives their uncontested divorce applications. The Thunder Bay Area Director shares the same building as the FLO, provides settlement conferences for FLO clients, and regards FLO staff as colleagues.

4. Impressions to date of how well the FLO has succeeded in meeting its objectives of access, cost efficiency and service quality

Access. The Thunder Bay FLO is seen as filling a real need, as many local private bar lawyers do not take legal aid cases. As well, the FLO responds well to emergency cases, although one shelter worker indicated a delay in clients getting the initial interview with the FLO.

Cost-efficiency. Some concern was expressed by our informant in the private bar that the FLO has an unfair advantage in that additional hours for work on a file are more readily available. In general terms, the private bar would prefer to see the tariff raised, so that they could offer more family legal aid services.

Quality. The FLO is seen as providing a very high standard of competent, thorough service. All staff members are very well regarded in the community. The community is proud of the service level and availability, and sees clients as being well treated.

5. Perceived differences in client characteristics and/or services provided between the cases handled by the FLO and those handled by the private bar on certificate

The clients of the FLO are seen as similar to those of the private bar on certificate. However, the services provided by the FLO are rated as either superior to those given by the private bar (five informants) or comparable those provided by the best private bar lawyers.

6. Perceived impacts of the FLO on the private bar or the family courts

The Thunder Bay FLO Director is seen to be showing leadership in setting up programs, such as continuing legal education workshops for the private bar. The FLO also takes up the slack in outlying areas where no lawyers are available. One informant perceives irony in this situation: the existence of the FLO means that some members of the private bar feel justified in not taking legal aid cases.

The FLO was reported to have had a positive impact on the courts. Its activities have reduced the number of unrepresented litigants. FLO staff are seen as providing specialized

services, and not churning through cases. The Director has been observed to be working to re-organize court processes and bring in related services that a FLIC would provide e.g., full time family duty counsel which is now in place.

7. Overall perceptions of the FLO as a positive or negative addition to the community

Without exception, our informants perceive the Thunder Bay as a very positive contribution to the local community. It is seen as having increased access and raised the level of quality of the services available to legal aid clients. To our informants, the staff model means a more consistent type of service and more accountability to the community and referral sources.

8. Specific concerns about the way in which the FLO is organized or operates. Suggestions or recommendations for improvements

Few concerns were expressed by our informants about the organization or operations of the Thunder Bay FLO. These were:

- To add more lawyers and paralegals to the FLO, perhaps by bringing in private bar lawyers on a part time basis.
- Expand coverage of the FLO to outlying areas poorly served with lawyers.
- Ensure that the FLO remains sensitive to women abuse issues and can provide speedy service in emergency cases.
- More advertising (yellow pages).
- Continue outreach in community with info sessions, workshops etc.
- The Judge we consulted suggested that court and other counsel always know that a client is legally aided when represented by the FLO. The concern here is that this breaches confidentiality or fairness, as perceptions flow from knowing that the client is legally-aided.

VII COST COMPARISONS

As noted in Chapter I above, this evaluation of the pilot staff Family Law Offices had three primary objectives. Two of these objectives made specific reference to service costs. These were:

- To compare the family law staff offices with the judicare model of legal aid service delivery, in terms of average case costs and service quality.
- To compare the cost and time efficiencies among the three family law staff office models.

Clearly, questions of comparative cost form a significant part of the coverage of this evaluation. In order for staffed services to represent a viable means of providing legal aid, the costs of these services must be in some reasonable relationship to the costs of the judicare model. At the present time, meeting this standard poses a serious challenge to the staff model. Legal Aid Ontario is under considerable pressure from the legal profession to raise the tariff for, among other things, family legal aid services. Addressing these concerns is a priority of the organization. For the time being, however, the costs of the FLOs will necessarily be compared to the costs under the current tariff. In the event that the tariff for family legal aid is increased, the cost analysis presented in this report may need to be revisited.

A. DATA SOURCES

The following data sources were examined in support of this comparative cost analysis:

- *Monthly Time by Task Summaries* prepared by LAO for each of the FLOs for March of 2001 (reflecting fiscal 2000/2001) and for March of 2002 (reflecting fiscal 2001/2002). Of relevance to this cost analysis, these reports present breakdowns of time docketed by FLO staff into a number of billable and administrative categories.
- *Monthly Management Report - Daily Time Summaries* prepared by LAO for each of the FLOs for March of 2001 (reflecting fiscal 2000/2001) and for March of 2002 (reflecting fiscal 2001/2002). Of relevance to this cost analysis, these reports present breakdowns of time docketed by FLO staff into the following categories: *billable to certificates, special duty counsel, family violence, uncontested divorces* and *administration*.
- *Monthly Management Report - Case Summaries* prepared by LAO for each of the FLOs for March of 2001 (reflecting fiscal 2000/2001) and for March of 2002 (reflecting fiscal 2001/2002). Of relevance to this cost analysis, these reports present counts of certificate cases completed.

- *Monthly Expense Reports* prepared by LAO for each of the FLOs for March 2001 (reflecting fiscal 2000/2001) and for March 2002 (reflecting fiscal 2001/2002). These reports present breakdowns of budgeted and actual FLO costs.
- Files of data for all family cases handled by the FLOs and the private bar in Toronto, Ottawa and Thunder Bay within the timeframe covered by this evaluation (April 1999-March 2001, inclusive). Data available in these files included a range of client and case characteristics acquired from administrative databases.

B. ASSUMPTIONS OF THIS COST ANALYSIS

For the purposes of this cost analysis, the following assumptions were made:

- The costs of receiving and processing applications for legal aid do not differ between FLO-handled cases and cases handled by the private bar on certificate. This assumption reflects the fact that applications for clients of both service delivery models are taken in LAO Area Offices. Accordingly, these costs are borne by neither the FLOs nor the private bar.
- Data from the first year of operation of the FLOs (fiscal 1999/2000) reflect the challenges and costs of opening the offices and establishing their operating routines. Only data from fiscal 2000/2001 and 2001/2002 were used in this cost analysis.
- Differences in average case complexity between the FLO and private bar certificate caseloads need be accounted for only in Toronto (as discussed in Chapter III).
- No difference between FLO and private bar cases in terms of costs recovered.
- The only data available on the costs of certificate services provided by the private bar comes from LAO legal accounts data for cases completed in the evaluation timeframe in the three FLO locations.

C. TIMEFRAME CONSIDERATIONS

Before starting the detailed work of comparing the costs of the services provided by the FLOs to those provided by the private bar on certificate, some decisions were required in terms of the timeframes to be covered. As noted above, data from fiscal 1999/2000 were set aside for this purpose because the offices were in ‘start-up’ mode during that first year of operation. This left two years of operating data which could contribute to the cost analyses: fiscal 2000/01 and 2001/02.

The key question to be addressed here was whether or not the individual FLOs had achieved ‘steady state’ levels of workload in either or both of these two years. Two variables were examined in our efforts to answer this question. These were:

- Monthly counts of ‘active billable certificate cases.’
- Counts of certificate cases closed annually.

Exhibit VII-1 presents these data for each of the three locations and two fiscal years.

Exhibit VII-1 Monthly Counts of Active Billable Certificate Cases by Year and Location

Month	Toronto 00/01	Toronto 01/02	Ottawa 00/01	Ottawa 01/02	TBay 00/01	TBay 00/01
April	182	306	351	281	141	279
May	196	319	359	306	151	284
June	217	333	342	314	160	274
July	230	343	304	328	115	285
August	245	248	291	314	129	163
September	254	255	315	309	143	167
October	260	269	334	318	157	153
November	272	283	313	298	171	156
December	277	295	331	279	192	163
January	283	269	337	265	215	120
February	289	268	320	248	240	111
March	304	259	300	272	263	124
Average	250.8	287	324.8	294.3	173.1	189.9
Cases closed per year	29	297	374	277	56	288

Inspection of Exhibit VII-1 reveals a number of points relevant to this discussion:

- Monthly counts of active billable certificate cases vary considerably (see the row called ‘range across months’). This is less true for the Ottawa FLO than for the other two offices.
- The average monthly counts of billable certificate cases for fiscal years 2000/01 and 2001/02 are fairly stable within locations (250.8 vs. 287 for Toronto, 324.8 vs. 294.3 for Ottawa and 173.1 vs. 189.9 for Thunder Bay). Variations across locations are to be expected, given the different sizes of the three offices.
- The counts of cases closed per year are highly variable except in Ottawa.

In considering the implications for the cost analysis of the data in Exhibit VII-1, three options were weighed for each location:

- Use data from only one of the two available years.
- Use data from both years and report them separately.
- Use data from both years and pool them for reporting purposes.

Given that the issue to be addressed here was whether or not each FLO had attained its ‘steady state’ level of operations, a final factor had to be considered. This final factor was the extent to which the FLOs were meeting the targets set by LAO for caseload. As we understand it, the current targets are two cases in and out per week per lawyer. This means that each FLO lawyer should generate approximately 100 closed certificate cases over the course of a year (the targets for FLO Directors are half of the targets for staff lawyers). For each office, the implications of this target are as follows:

- For the Toronto FLO, the presence of six lawyers (including the Director) should generate 550 completed certificate cases per year.
- For the Ottawa FLO, the presence of three lawyers (including the Director) should generate 250 completed certificate cases.
- For the Thunder Bay FLO, the presence of two lawyers (including the Director) should generate 150 completed certificate cases.

In relation to these targets, only the Ottawa FLO has met or exceeded LAO expectations for case completion in both of the years under examination. Average monthly counts of active cases were also similar for the two years (324.8 and 294.3). Clearly, data for the Ottawa FLO for both years should contribute to the cost analysis. The only question is whether to report the years separately or pooled together.

The target was exceeded by the Thunder Bay FLO in 2001/02 only. However, the completed case count for this year (288) was close to double the target, meaning that if the two years were pooled, the target for the two-year period would be met. Average monthly counts of active cases were also similar for the two years (173.1 and 189.9). This suggests

pooling the data for the two years for the purposes of the analysis and reporting of comparative costs for Thunder Bay.

The Toronto FLO fell short of the target in both years. This is particularly true for 2000/01, a year in which only 29 cases closed (attributed in part to ongoing problems with staff workstations). Clearly, use of the 29 closed cases in 2000/01 to calculate average costs for completed cases is not reasonable, as approximately 250 certificate cases were (on average) active in any given month of 2000/01. The question remains as to the reasonableness of using the 2001/02 Toronto data for this purpose.

In order to inform this decision, we turned back to the Ottawa and Thunder Bay data. In particular, we looked at the relationship between the average monthly counts of active billable certificate cases and the annual counts of certificate cases closed. For Ottawa, where the LAO targets were exceeded, we found that the average monthly counts of active billable certificate cases (324.8 for 2000/01 and 294.3 for 2001/02) and the annual counts of certificate cases closed (374 and 277) were close to each other for both years. For Thunder Bay, where the LAO targets were exceeded in 2001/02 only, we found that pooling the data for the two years produced average monthly counts of active billable certificate cases (182) and annual counts of certificate cases closed (172) which were close to each other.

The foregoing analysis suggests a rationale for analyzing the 2001/02 data for Toronto. Like the Ottawa data for both years, and the pooled data for Thunder Bay, the 2001/02 data for Toronto show a close proximity between the average monthly counts of active billable certificate cases (287 vs. 297). On this basis, and despite the fact that the annual total number of certificate cases closed by the Toronto FLO in 2001/02 does not meet the LAO target, the analyses reported in the remainder of this chapter employed data for Toronto for fiscal 2001/02 only.

D. FINDINGS

This section presents the findings of the comparative cost analysis separately for Toronto, Ottawa and Thunder Bay. Pursuant to the discussion above, the analysis was repeated for each of fiscal 2000/2001 and 2001/2002 for Ottawa, for the two years pooled for Thunder Bay and only for 2001/02 for Toronto.

1. Toronto

Fiscal 2001/2002 (only)

Total hours directly billable to certificates:	10260
<u>Less</u> hours consumed by Uncontested divorces	-1263.65

Old divorces	-183
Special duty counsel	-59.15
Family Violence	-20.55
Net hours before administration	8733.65
<u>Plus</u> administrative hours attributable to certificate work	2098.75
Total hours attributable to certificate work	10832.4
Overall total hours for 2001/02 (sources as above)	13666.55

Therefore, 79.3% of the total hours for the year is attributable to certificate work.

Total operating cost of Toronto FLO for 2001/02	\$937885
Operating cost net of disbursements	\$848232
Net operating costs attributable to certificate work	\$672648
Number of certificate cases closed in 2001/02	297

Therefore, average cost per completed case in 2001/02 was \$2265

Private Bar Costs per Case

All cases closed in Toronto in 2001/02 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 2161 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 1344 FLA/CLRA cases was \$1605.98
- The average fee for 506 CFSA cases was \$2148.78
- The average fee for 311 Variations was \$1373.13
- The overall average for the 2161 cases was \$1699.57

Commentary. The average costs for certificate cases completed by the Toronto FLO were 33% higher than the costs for similar cases completed by the private bar on certificate. In the final section of this chapter, account is taken of the comparatively higher complexity of the Toronto FLO's caseload, pursuant to the analysis of case complexity reported in Chapter III.

2. Ottawa

a) Fiscal 2000/2001

Total hours directly billable to certificates:		6357
<u>Less</u> hours consumed by	Uncontested divorces	-233.35
	Special duty counsel	-17.1
	Family Violence	-21.6
Net hours before administration		6084.95
Plus administrative hours attributable to certificate work		750.4
Total hours attributable to certificate work		6835.35
Overall total hours for 2000/01 (sources as above)		7859.3

Therefore, 87% of the total hours for the year is attributable to certificate work.

Total operating cost of Ottawa FLO for 2000/01	\$521192
Operating cost net of disbursements	\$484924
Net operating costs attributable to certificate work	\$421884
Number of certificate cases closed in 2000/01	374

Therefore, average cost per completed case in 2000/01 was \$1128.03

Private Bar Costs per Case

All cases closed in Ottawa in 2000/01 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 668 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 417 FLA/CLRA cases was \$1454.47
- The average fee for 189 CFSA cases was \$1823.12
- The average fee for 62 Variations was \$1246.83
- The overall average for the 668 cases was \$1539.50

Commentary. In this fiscal year, the average costs for cases completed by the Ottawa FLO were 27% below the average costs of similar cases competed by the private bar on certificate.

b) Fiscal 2001/2002

Total hours directly billable to certificates:	6654.25
<u>Less</u> hours consumed by	
Uncontested divorces	-268.2
Special duty counsel	-2.6
Family Violence	-24.6
Net hours before administration	6358.85
Plus administrative hours attributable to certificate work	850.65
Total hours attributable to certificate work	7209.50
Overall total hours for 2001/02 (sources as above)	7957.40

Therefore, 90.6% of the total hours for the year is attributable to certificate work.

Total operating cost of Ottawa FLO for 2001/02	\$525,537
Operating cost net of disbursements	\$490,181
Net operating costs attributable to certificate work	\$444,104

Number of certificate cases closed in 2001/02	277
Therefore, average cost per completed case in 2001/02 was	\$1603.26

Private Bar Costs per Case

All cases closed in Ottawa in 2001/02 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 877 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 497 FLA/CLRA cases was \$1440.04
- The average fee for 271 CFSA cases was \$1949.96
- The average fee for 109 Variations was \$1273.01
- The overall average for the 877 cases was \$1576.85

Commentary. In this fiscal year, the average costs for cases completed by the Ottawa FLO were 2% above the average costs of similar cases competed by the private bar on certificate.

3. Thunder Bay

a) *Fiscal 2000/2001*

Total hours directly billable to certificates:	2472.45
<u>Less</u> hours consumed by	
Uncontested divorces	-205.35
Special duty counsel	-0
Family Violence	-0
Net hours before administration	2267.1
<u>Plus</u> administrative hours attributable to certificate work	647.3
Total hours attributable to certificate work	2914.4

Overall total hours for 2000/01 (sources as above) 3571.95

Therefore, 81.6% of the total hours for the year is attributable to certificate work.

Total operating cost of Thunder Bay FLO for 2000/01 \$369904

Operating cost net of disbursements \$346277

Net operating costs attributable to certificate work \$282562

Number of certificate cases closed in 2000/01 56

Therefore, average cost per completed case in 2000/01 was \$5045.75

Private Bar Costs per Case

All cases closed in Thunder Bay in 2000/01 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 269 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 197 FLA/CLRA cases was \$1301.69
- The average fee for 40 CFSA cases was \$1552.94
- The average fee for 32 Variations was \$1009.51
- The overall average for the 269 cases was \$1304.29

Commentary. In this fiscal year, the average costs for cases completed by the Thunder Bay FLO were 387% of the average costs of similar cases competed by the private bar on certificate.

b) Fiscal 2001/2002

Total hours directly billable to certificates: 3925.3

Less hours consumed by Uncontested divorces -107.35

	Special duty counsel	-0
	Family Violence	-0
Net hours before administration		3817.95
Plus administrative hours attributable to certificate work		737.55
Total hours attributable to certificate work		4555.5
Overall total hours for 2001/02 (sources as above)		5238.85

Therefore, 87% of the total hours for the year is attributable to certificate work.

Total operating cost of Thunder Bay FLO for 2001/02	\$411748
Operating cost net of disbursements	\$351056
Net operating costs attributable to certificate work	\$305419
Number of certificate cases closed in 2001/02	288

Therefore, average cost per completed case in 2001/02 was \$1060.48

Private Bar Costs per Case

All cases closed in Thunder Bay in 2001/02 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 299 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 213 FLA/CLRA cases was \$1474.06
- The average fee for 56 CFSA cases was \$2072.50
- The average fee for 30 Variations was \$1182.46
- The overall average for the 299 cases was \$1556.88

Commentary. In this fiscal year, the average costs for cases completed by the Thunder Bay FLO were 32% below the average costs of similar cases completed by the private bar on certificate.

c) *Fiscal 2000/01 and 2001/2002 Pooled*

Total hours directly billable to certificates:		6397.75
Less hours consumed by	Uncontested divorces	-312.7
	Special duty counsel	-0
	Family Violence	-0
Net hours before administration		6085.05
Plus administrative hours attributable to certificate work		1384.9
Total hours attributable to certificate work		7470.0
Overall total hours for 2000/02 (sources as above)		8810.80

Therefore, 84.8% of the total hours for the pooled years is attributable to certificate work.

Total operating cost of Thunder Bay FLO for 2000/02	\$7781652
Operating cost net of disbursements	\$697333
Net operating costs attributable to certificate work	\$591338
Number of certificate cases closed in 2000/02	344

Therefore, average cost per completed case in 2000/02 was \$1719.00

Private Bar Costs per Case

All cases closed in Thunder Bay in 2000/02 were selected. Cases with minor aid types other than FLA/CLRA, CFSA or variations were then removed from the file, leaving 568 cases.

The average fees for these cases were then calculated with the following results:

- The average fee for 410 FLA/CLRA cases was \$1390.88

- The average fee for 96 CFSA cases was \$1856.00
- The average fee for 62 Variations was \$1093.12
- The overall average for the 568 cases was \$1436.65

Commentary. Over the pooled years 2000/01 and 2001/02, the average costs for cases completed by the Thunder Bay FLO were 20% above the average costs of similar cases completed by the private bar on certificate.

E. COMPLEXITY-ADJUSTED COSTS (TORONTO 2001/02 ONLY)

Based on the analyses reported in Chapter III above, it was concluded that the average complexity of the caseload of the Toronto FLO was higher than that of the Toronto private bar on family certificates for the time period covered by the evaluation. Accordingly, it was deemed necessary to adjust the average costs for cases completed by the Toronto FLO to reflect this complexity differential.

In order to calculate the size of this adjustment, it was first necessary to establish the magnitude of the relationship between the complexity of the 294 cases in the database of reviewed cases, and the resources consumed to complete these cases. The magnitude of this relationship was established by computing the correlation between complexity and total hours spent on each case. The value of this correlation was found to be 0.629. Given that correlations can range only between -1.0 and 1.0, this value of 0.629 represents a high positive correlation (positive here means that as complexity increases, so does total hours spent).

The next step in this analysis made use of a concept in statistics called ‘variance accounted for.’ Under this concept, squaring a correlation is taken to reflect the proportion of the variation in one variable which can be explained by (or attributed to) another variable. In this case, we are trying to estimate the proportion of the variation in total hours spent on individual cases which is due to the complexity of those cases. In this instance, squaring the observed correlation of 0.629 yields a value of 0.40. Accordingly, we estimate that 40% of the variation in total hours spent can be explained in terms of variation in complexity.

The final step in this analysis is to apply this complexity adjustment to the average cost of cases completed by the Toronto FLO. This adjustment was applied to the data presented in Chapter III and in section D.1 of this chapter. For convenience, these data are repeated below:

- The average total complexity rating of the cases completed by the Toronto FLO was 10.1.

- The average total complexity rating of the cases completed by the Toronto private bar on certificate was 5.5.
- The average cost per case completed by the FLO in 2001/02 was \$2265
- The average cost per completed by the Toronto private bar on certificate was \$1699.57.

Recognizing that the private bar cases are not without complexity, but only of lower average complexity than those completed by the FLO, we first calculated the difference to be 4.6 (10.1-5.5) and expressed this difference as a ratio of the complexity of the FLO cases, yielding a value of .46 (4.6/10.1). This ratio was then multiplied by the squared correlation to yield an adjustment factor of .18 (.40 x .46).

Applying this 18% adjustment factor to the average cost of cases completed by the Toronto FLO produces a 'complexity-adjusted average case cost' of \$11857.30 (.82 x \$2265), a value which is still above the (unadjusted) average cost of certificate cases completed by the Toronto private bar of \$1699.57.

F. LOOKING AHEAD

In retrospect, the three-year timeframe of both the FLO pilots, and this evaluation may have been somewhat short. Only in the Ottawa FLO did the annual volumes of cases opened and closed attain steady levels for the two years examined in the cost analyses. Even in that office, the drop in the numbers of cases closed between 2000/2001 and 2001/2002 may reflect a trend which may be repeated in the other offices over time. It may be that the timeframe limitations of this evaluation have resulted in a situation in which a small but significant number of very demanding cases handled by the FLOs have fallen outside the scope of the evaluation because they were not completed early enough to be included. If so, this would be consistent with the view held by both FLO staff and many key informants that the FLOs handle a disproportionate share of the most demanding clients and cases. While this situation, if true, cannot be addressed by the current evaluation, it may be useful in any future tracking of FLO performance to ensure that the most resource-consuming cases are both identified and included in cost comparisons with the private bar on certificate.

VIII SUMMARY AND CONCLUSIONS

In the spring of 1999, Legal Aid Ontario opened three pilot staff Family Law Offices (FLOs) in Toronto, Ottawa and Thunder Bay. Shortly thereafter, an evaluation of these pilot offices was started. This evaluation had three primary objectives:

- To compare the family law staff offices with the judicare model of legal aid service delivery, in terms of average case costs and service quality.
- To compare the quality of service among the three family law staff office models.
- To compare the cost and time efficiencies among the three family law staff office models.

Two sets of questions are implied by these objectives. The larger set is concerned with comparing the judicare and staff delivery models. The second set is concerned with comparisons across the three pilot offices. Given that the conclusions presented in this report must necessarily draw from data on the three pilot sites, we begin this chapter by summarizing our findings with respect to each of the three FLOs. The second part of this chapter steps back from the individual offices and draws conclusions about the staff model itself.

A. SUMMARY OF FINDINGS WITH RESPECT TO THE INDIVIDUAL FAMILY LAW OFFICES

1. Toronto

Key findings with respect to the Toronto FLO are as follows:

- The operating philosophy of the Toronto FLO is described as that of providing the services their clients need, even if these services fall outside the range of service types which the tariff anticipates, and/or require more time than the tariff allows.
- The basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Toronto.
- The average staff utilization of the lawyers in the Toronto FLO was 60.1% in 2000/01 and 76.0% in 2001/02.
- The Toronto FLO closed 29 certificate cases in 2000/01 and 297 in 2001/02.

- Other than a somewhat higher proportion of FLSA/CLRA cases in the FLO caseload, and of CFSA cases in the private bar caseload, the data indicate that the caseloads of the Toronto FLO and the Toronto family bar on certificates do not differ greatly. The same is true of their patterns of hours authorized and numbers of additional authorizations.
- The analysis of case complexity conducted for this evaluation variance identified statistically significant differences in the ratings data for ‘significant impacts on the conduct of the cases (reviewed)’ between the Toronto FLO and private bar (on certificate) caseloads. The direction of these differences reflected greater complexity for the FLO cases than the private bar certificate cases.
- The Toronto FLO was responsible for 12% of all family legal aid cases closed in that community in 2001/02.
- Clients indicated that they typically found their lawyers’ offices to be both convenient and comfortable. This was true for both FLO and private bar clients.
- FLO clients typically reported waiting somewhat longer for their first appointments than did private bar clients.
- FLO clients, on average, reported more face-to-face meetings with their lawyers than did private bar clients.
- The telephone services provided by the private bar were rated slightly more positively than were those provided by the FLOs. Most clients reported favourably on their experiences contacting their lawyers by telephone.
- The survey asked clients to indicate their level of agreement with each of a series of statements describing how their lawyers handled their cases and dealt with them personally. Overall, these assessments were slightly more positive for FLO clients than for private bar clients.
- The survey asked clients to indicate whether or not they were satisfied that their cases had moved forward as quickly as possible. Overall, the data indicated no difference between FLO and private bar clients on this measure.
- The survey asked clients to assess the level of effort expended by their lawyers on their behalf. Differences between FLO and private bar clients on this measure were small, with FLO clients responding slightly more positively.
- Clients were asked whether the final outcome of their case was better, about the same as, or worse than they expected, when they first consulted their lawyer. Overall, FLO clients were more likely than private bar clients to report that the outcome of their case exceeded their expectations.

- The survey asked clients whether or not they would use the same lawyer again given similar circumstances. FLO clients were more likely than private bar clients to report that they would use the same lawyer again, given similar circumstances.
- Overall, the results of this survey of clients lead to the general conclusion that, from the clients' perspective, the quality of services provided by the Toronto FLO was at least as high as that provided by the private bar on certificate.
- Awareness of the FLO among private lawyers surveyed for this evaluation was comparatively low among Toronto respondents, with 29% unaware and 25% having heard of the existence of the FLO, but no more.
- The bar survey asked respondents to report their level of agreement with a series of statements about the FLOs. Taken together, these data present a generally positive or at worst, neutral perception of the FLOs among private family lawyers in Toronto who have dealt with FLO staff lawyers as opposing counsel. Only one in four respondents sees FLO staff lawyers as able to spend more time on their files than are private lawyers on certificates. The FLO caseload in Toronto is not seen as comprising a relatively higher proportion of the 'most demanding clients.' or the 'most complex cases.' The quality of the work of the FLO is not generally seen as being subject to closer supervision than is the work of the private bar on certificates. The FLO is generally seen as improving access to family law services. Some lawyers in Toronto see the FLO as handling cases that should be left to the private bar. Limited support was reported in Toronto for the proposition that the FLOs have broadened the range of services available to legal aid recipients in these communities.
- The bar survey asked respondents to rate the quality of the services provided by the private bar to legally-aided clients compared to those provided by the staff of the FLO, assuming that similar work is involved. Among lawyers familiar with FLO staff as opposing counsel, 44% reported perceiving no difference in quality
- The bar survey asked respondents to rate the competence, on average, of private lawyers handling family matters on legal aid certificates to that of FLO staff lawyers doing comparable work. Among lawyers familiar with FLO staff, but not as opposing counsel, roughly half perceive no difference in general competence between the private bar on family certificates and the FLO staff lawyers in their communities. A further third perceive the general competence of private lawyers as higher than that of the FLO staff lawyers. Among lawyers familiar with FLO staff as opposing counsel, the comparative assessments of the competence of the FLO staff lawyers were more positive. Almost two of three perceive no difference in general competence, while a small minority (7%) reported perceiving private lawyers as generally less competent than the FLO staff lawyers.
- The bar survey asked respondents whether or not, on balance, they regard the FLO as a positive addition to the range of services available to legal aid clients in their community. Somewhat more than half of the lawyers surveyed in Toronto see the

FLO as a positive addition to their community. The following reasons were cited for this opinion: the FLO expands the options available to legal aid clients, the FLO staff are able to specialize in family law matters, and the FLO lawyers may be less restricted in the hours they can devote to more demanding clients.

- The survey asked lawyers whether or not the local FLO had been of any direct assistance to them in their family law practices. Positive responses to this question were given by 10% of the lawyers surveyed in Toronto. The way in which this assistance was provided most often involved referrals of clients to the FLO.
- Most key informants interviewed in Toronto perceive the FLO as having had a positive impact on the accessibility of family legal aid, especially for clients who otherwise might have had a hard time finding a private lawyer to take their certificate. Many acknowledged the growing reluctance of the private bar to take legal aid certificates, even when the client was not seen as unusually demanding. Also noted was the perceived willingness of the FLO to accept urgent cases (e.g., those involving taking children into care) and Hague Convention cases.
- Our informants generally had no comment on the cost efficiency of the FLO other than to wonder whether the perceived willingness of the FLO to devote more time to some clients than the tariff allows may undermine efforts to achieve cost-equivalency with the private bar. Some also suggested that the acknowledged low level of the current tariff may make it very difficult for the FLO to be as cost-efficient as the private bar (without a sizable increase in the tariff).
- In terms of the perceived quality of its work, the Toronto FLO is given high marks by our informants. The staff are seen as experienced, competent and responsible in terms of their use of public resources to represent their clients' interests. Many report that the FLO receives referrals from many sources, including the private bar and the judiciary.
- The Toronto FLO is seen by our key informants as accepting a higher proportion of the most difficult and demanding clients than the private bar on certificate. It is also seen as providing both more time and a broader range of services to clients who need them.
- Despite some early concerns that the FLO would take work away from the private bar, the bar is now seen as generally supportive of the FLO. This reflects the perceived willingness of the FLO to accept referrals from the private bar of clients whom the private bar cannot or prefer not to accept themselves. This includes clients whom the private bar sees as too needy (in one way or another) for them to accept given the current tariff time limits and/or the process for increasing time on certificates.
- While some of our informants have adopted a 'wait and see' attitude, most regard the Toronto FLO as a significant positive addition to the community. Reasons cited most often for this view include the FLOs willingness to take difficult and

emergency cases, the competence and professionalism of the staff, and the good working relationships the FLO has established with its referral sources.

- The average costs for certificate cases completed by the Toronto FLO in 2001/02 were 33% higher than the costs for similar cases completed by the private bar on certificate. Applying the 18% adjustment factor to the average cost of cases completed by the Toronto FLO produces a ‘complexity-adjusted average case cost’ of \$1857.30, a value which is above the (unadjusted) average cost of certificate cases completed by the Toronto private bar of \$1699.57.

In sum, the Toronto FLO attains high levels of satisfaction among its clients. It also enjoys a good reputation among members of the bar familiar with its work and among the agencies with which it interacts. The analysis of case complexity indicates that the caseload of the FLO is somewhat more complex than that of the private bar in Toronto (on certificates). Given its size (5.5 full-time lawyer equivalents) and consequent operating costs, however, it has not achieved cost-competitiveness with the private bar on certificate. To some degree, this may reflect its expressed operating philosophy of providing services beyond those covered by the tariff. It may also reflect staff utilization levels which, while rising, have not reached the point where LAO case closing targets will be met.

2. Ottawa

Key findings with respect to the Ottawa FLO are as follows:

- The operating philosophy of the Ottawa FLO is that while every client should receive the same types of legal services as do legally-aided clients of private lawyers, the FLO does not provide non-legal services. FLO staff do not go beyond making referrals to sources of outside help. Overall, the services provided by the Ottawa FLO are not seen as being very different from those available from the private bar on certificate. Any differences in the time spent on individual cases arise from the office’s policy of ‘taking all who come’, including a higher proportion of particularly needy or demanding clients (compared to the private bar on certificate).
- Administrative data indicate that the basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Ottawa.
- The average staff utilization of the lawyers in the Ottawa FLO was 86.6% in 2000/01 and 81.5% in 2001/02.
- Other than a somewhat higher proportion of FLSA/CLRA cases in the FLO caseload, and of CFSA cases in the private bar caseload, the caseloads of the Ottawa FLO and the Ottawa family bar on certificates do not differ greatly. The same, however, is not true of their patterns of hours authorized and numbers of

additional authorizations. Both the average total hours authorized and the average number of additional authorizations are significantly higher for the private bar than for the Ottawa FLO (despite similar average numbers of hours per original wordings).

- The comparative analysis of the complexity of the Ottawa FLO and private bar certificate caseloads identified no statistically significant differences in the ratings data for ‘significant impacts on the conduct of the cases (reviewed).’
- The Ottawa FLO was responsible for 24% of all family legal aid cases closed in that community in 2001/02.
- Clients indicated that they typically found their lawyers’ offices to be both convenient and comfortable. This was true for both FLO and private bar clients across the three cities.
- FLO clients typically reported waiting somewhat longer for their first appointments than did private bar clients.
- FLO clients reported fewer face-to-face meetings with their lawyers than did private bar clients.
- The telephone services provided by the private bar were rated slightly more positively than were those provided by the FLOs. Most clients reported favourably on their experiences contacting their lawyers by telephone.
- The survey asked clients to indicate their level of agreement with each of a series of statements describing how their lawyers handled their cases and dealt with them personally. Overall, these client assessments did not differ markedly between the FLO clients and private bar clients. On some measures, the FLOs are rated more positively. On others, the private bar received higher ratings. On most, but not all measures, the Ottawa FLO was rated lowest among the FLOs. On some measures, this office received ratings similar to those given to the private bar.
- The survey asked clients to indicate whether or not they were satisfied that their cases had moved forward as quickly as possible. Overall, the data indicated no difference between FLO and private bar clients on this measure.
- The survey asked clients to assess the level of effort expended by their lawyers on their behalf. Overall differences between FLO and private bar clients were small. However, the data for clients of the Ottawa FLO stand out as being either comparable to, or more negative than those for the private bar.
- Clients were asked whether the final outcome of their case was better, about the same as, or worse than they expected, when they first consulted their lawyer. Overall, FLO clients were more likely than private bar clients to report that the outcome of their case exceeded their expectations. Again, the responses of Ottawa

FLO clients more closely resembled those of private bar clients than those of clients of the other two FLOs.

- The survey asked clients whether or not they would use the same lawyer again given similar circumstances. Clients of the Ottawa FLO were less likely than clients of the private bar to report that they would use the same lawyer in the future.
- Overall, the results of this survey of clients lead to the general conclusion that, from the clients' perspective, the quality of services provided by the Ottawa FLO was similar to that provided by the private bar on certificate.
- The survey of the private family bar conducted for this evaluation revealed that awareness of the FLO among survey participants was high in Ottawa, with 68% of respondents reporting direct dealings with FLO staff lawyers as opposing counsel, and only 14% being completely unaware of the FLO in that community.
- The bar survey asked respondents to report their level of agreement with a series of statements about the FLOs. Taken together, these data present a generally positive or at worst, neutral perception of the FLOs among private family lawyers in Ottawa who have dealt with FLO staff lawyers as opposing counsel. Only one in five respondents sees FLO staff lawyers as able to spend more time on their files than are private lawyers on certificates. The FLO caseload in Ottawa is seen by some (37%) as comprising a relatively higher proportion of the 'most demanding clients.' The quality of the work of the FLOs is not generally seen as being subject to closer supervision than is the work of the private bar on certificates. The FLO is generally seen by the bar as improving access to family law services. Some lawyers in Ottawa (33%) see the FLO as handling cases that should be left to the private bar. Limited support (33% of respondents) was reported in Ottawa for the proposition that the FLO has broadened the range of services available to legal aid recipients in that community.
- The bar survey asked respondents to rate the quality of the services provided by the private bar to legally-aided clients compared to those provided by the staff of the FLOs, assuming that similar work is involved. Among lawyers familiar with FLO staff as opposing counsel, most (54%) reported perceiving no difference in quality
- The survey asked respondents to rate the competence, on average, of private lawyers handling family matters on legal aid certificates to that of FLO staff lawyers in their communities doing comparable work. Among lawyers familiar with FLO staff, but not as opposing counsel, half perceive no difference in general competence between the private bar on family certificates and the FLO staff lawyers in their communities. A further one in four perceive the general competence of private lawyers as higher than that of the FLO staff lawyers. Among lawyers familiar with FLO staff as opposing counsel, the comparative assessments of the competence of the FLO staff lawyers were more positive. Almost two of three perceive no difference in general competence, while a minority (14%) reported perceiving private lawyers as generally less competent than the FLO staff lawyers in Ottawa.

- The survey asked respondents whether or not, on balance, they regard the FLO as a positive addition to the range of services available to legal aid clients in their communities. Approximately two-thirds of the lawyers surveyed in Ottawa see the FLO as a positive addition to their community. Lawyers who view the FLO as a positive addition cited the following reasons for this opinion: the FLO expands the options available to legal aid clients, the FLO staff are able to specialize in family law matters, and the FLO lawyers may be less restricted in the hours they can devote to more demanding clients.
- The survey asked lawyers whether or not the FLO had been of any direct assistance to them in their family law practices. Positive responses to this question were given by 13% of survey respondents in Ottawa. The way in which this assistance was provided most often involved referrals of clients to the FLOs.
- With respect to the objective of improving access to family legal aid, our key informants view the Ottawa FLO as having addressed this goal through its policy of ‘taking (almost) all comers’ and being available to take on emergency matters. The private bar is seen as recognizing the value, both to clients and to the bar itself, of having the FLO as a place to send clients who might not be able to find a private lawyer willing to take their case. This is seen as particularly (perhaps only) true of clients perceived to be ‘difficult’ for whatever reason.
- The proximity of the FLO to the Area Office is seen as helpful in terms of its contribution to improving the accessibility of family legal aid in Ottawa. The general availability of a paralegal to meet in person with ‘walk-ins’ (in contrast to most private offices which would be more likely to require an appointment) is also seen as a positive aspect of the office’s service.
- Our informants typically had no opinion to offer on the comparative cost-efficiency of the Ottawa FLO. The staff of the FLO report that their general policy is to adhere to the same tariff limits as would the private bar. They are also very ‘settlement-oriented.’ In routine cases, the efficiency of the office and the absence of any financial incentive to ‘push’ a case may result in the FLO consuming less time than would the private bar. On the other hand, the FLO is able to match the hours spent by the opposing side when the (opposing) client is not on legal aid.
- The Ottawa enjoys a very good reputation for the quality of its work, particularly in comparison to less experienced members of the private bar (who provide an increasing proportion of family legal aid). FLO staff are seen as experienced, competent and responsible in terms of their adherence to tariff time limits. It was also suggested that the presence of the FLO may be indirectly improving the overall quality of the family legal aid work handled by the private bar by reducing the number of cases handled by inexperienced ‘dabblers.’
- The Ottawa FLO is seen by some as accepting a higher proportion of the most difficult and demanding clients than the private bar on certificate. In spite of this, it is nonetheless

seen as providing services which are essentially undistinguishable from those provided by the private bar on certificate, in terms of both time and range of services.

- None of our informants view the Ottawa FLO as having had any significant impact on the private bar. The FLO is seen as fair and responsible in its use of its resources. It also provides a helpful service to the private bar by taking clients on referral from private lawyers. In terms of court operations, the FLOs 'take all comers' policy may have reduced the numbers of unrepresented litigants in court.
- Without exception, our informants regard the Ottawa FLO as a significant positive addition to the community. Reasons cited most often for this view include the FLOs willingness to take difficult and emergency cases, the competence and professionalism of the staff, and the good working relationships the FLO has established with its referral sources.
- In fiscal 2000/01, the average costs for cases completed by the Ottawa FLO were 27% below the average costs of similar cases competed by the private bar on certificate.
- In fiscal year 2001/02, the average costs for cases completed by the Ottawa FLO were 2% above the average costs of similar cases competed by the private bar on certificate.

In sum, the Ottawa FLO closely resembles an efficient private practice which specializes in family legal aid clients. Client satisfaction levels are close to those reported by private bar clients in Ottawa. The FLO has achieved a high profile within the legal community in Ottawa, and enjoys a positive reputation for the quality of its work and the competence of its staff. Office costs across the two-year period 2000/02 are competitive with the costs of certificate cases completed by the private bar. This reflects the office's expressed philosophy of offering the same types and amounts of services as the private bar on certificate, the experience and competence of the staff and their consistency high levels of utilization.

3. Thunder Bay

Key findings with respect to the Thunder Bay FLO are as follows:

- The operating philosophy of the Thunder Bay FLO was described as being very different from that of the private bar on a legal aid certificate. While the FLO strives for efficiency, it emphasizes a comprehensive approach to meeting client needs. The office is prepared to 'go the extra mile' for its clients. This may include services which the private bar is unable to offer, given the time limits imposed by the tariff. Referrals are made to appropriate sources for other types of legal services, for counselling and for other personal needs.

- Analysis of administrative data indicates that the basic demographic characteristics of FLO clients are not markedly different from those of legally-aided private bar clients in Thunder Bay.
- The average staff utilization of the lawyers in the Thunder Bay FLO was 74.4% in 2000/01 and 92.1% in 2001/02.
- The profiles of the caseloads of the Thunder Bay FLO and the family bar on certificates are almost identical. The same is true of their patterns of hours authorized and numbers of additional authorizations, although the private bar shows somewhat higher averages for both total hours authorized and numbers of additional authorizations.
- The comparative analysis of the complexity of the Thunder Bay FLO and private bar certificate caseloads identified no statistically significant differences in the ratings data for ‘significant impacts on the conduct of the cases (reviewed).’
- The Thunder Bay FLO was responsible for 49% of all family legal aid cases closed in that community in 2001/02.
- Clients surveyed indicated that they typically found their lawyers’ offices to be both convenient and comfortable. These ratings were somewhat more positive for FLO clients than for private bar clients.
- FLO clients typically reported waiting somewhat longer for their first appointments than did private bar clients.
- FLO clients typically reported more face-to-face meetings with their lawyers than did private bar clients.
- The telephone services provided by the FLO were rated slightly more positively than were those provided by the private bar. Most clients reported favourably on their experiences contacting their lawyers by telephone.
- The survey asked clients to indicate their level of agreement with each of a series of statements describing how their lawyers handled their cases and dealt with them personally. Overall, these client assessments did not differ markedly between the FLO clients and private bar clients. On most measures, the FLOs are rated slightly more positively. On a few others, the private bar received slightly higher ratings.
- The survey asked clients to indicate whether or not they were satisfied that their cases had moved forward as quickly as possible. FLO clients were somewhat more than private bar clients to respond positively on this measure (85% vs.78%).

- The survey asked clients to assess the level of effort expended by their lawyers on their behalf. FLO clients typically gave somewhat more positive responses to this item than did private bar clients.
- Clients were asked whether the final outcome of their case was better, about the same as, or worse than they expected, when they first consulted their lawyer. FLO clients were more likely than private bar clients to report that the outcome of their case exceeded their expectations (61% vs. 40%).
- The survey asked clients whether or not they would use the same lawyer again given similar circumstances. FLO clients were slightly more likely than private bar clients to report that they would use the same lawyer again, given similar circumstances.
- Overall, the results of the survey of clients lead to the general conclusion that, from the clients' perspective, the quality of services provided by the Thunder Bay FLO was at least as high, and often higher than that provided by the private bar on certificate.
- Awareness of the FLO among participants in the bar survey was high in Thunder Bay, with 69% of respondents reporting direct dealings with FLO staff lawyers as opposing counsel, and no one being completely unaware of the FLO in that community.
- The bar survey asked respondents to report their level of agreement with a series of statements about the FLOs. Taken together, these data present a generally positive or at worst, neutral perception of the FLOs among private family lawyers who have dealt with FLO staff lawyers as opposing counsel. Only one in four respondents sees FLO staff lawyers as able to spend more time on their files than are private lawyers on certificates. The FLO caseload in Thunder Bay is seen by many as comprising a relatively higher proportion of the 'most demanding clients.' The FLO caseload in Thunder Bay is also seen by some as comprising a relatively higher proportion of the 'most complex cases.' The quality of the work of the FLOs is not generally seen as being subject to closer supervision than is the work of the private bar on certificates. The FLO is widely seen as improving access to family law services in Thunder Bay (83% of respondents). A minority of lawyers in Thunder Bay (17%) see the FLO as handling cases that should be left to the private bar. Agreement is also high (56%) with the statement that the FLO has broadened the range of services available to legal aid recipients in the community.
- The bar survey asked respondents to rate the quality of the services provided by the private bar to legally-aided clients compared to those provided by the staff of the FLOs, assuming that similar work is involved. Among lawyers familiar with FLO staff as opposing counsel, most reported perceiving no difference in quality. Among lawyers familiar with FLO staff as opposing counsel, almost two of three perceive no difference in general competence, while a minority (22%) reported

perceiving the work of the FLO as better than the work of the private bar on certificate.

- The bar survey asked respondents to rate the competence, on average, of private lawyers handling family matters on legal aid certificates to that of FLO staff lawyers in their communities doing comparable work. Among lawyers familiar with FLO staff as opposing counsel, the great majority (78%) perceive no difference in general competence, while a minority (11%) reported perceiving private lawyers as generally less competent than the FLO staff lawyers in their communities.
- The bar survey asked respondents whether or not, on balance, they regard the FLO as a positive addition to the range of services available to legal aid clients in their community. Almost three quarters of the lawyers surveyed in Thunder Bay (familiar with FLO staff as opposing counsel) see the FLO as a positive addition to their community. Lawyers who view the FLO as a positive addition cited the following reasons for this opinion: the FLO expands the options available to legal aid clients, the FLO staff are able to specialize in family law matters, and the FLO lawyers may be less restricted in the hours they can devote to more demanding clients.
- The bar survey asked lawyers whether or not the local FLO had been of any direct assistance to them in their family law practices. A substantial 46% of the lawyers surveyed in Thunder Bay gave a positive or positive response to this question. The way in which this assistance was provided most often involved referrals of clients to the FLO.
- The Thunder Bay FLO is seen by our key informants as filling a real need, as many local private bar lawyers do not take legal aid cases. As well, the FLO is seen as responding well to emergency cases.
- Some concern was expressed by our key informants in the private bar that the FLO has an unfair advantage in that additional hours for work on a file are more readily available. In general terms, the private bar would prefer to see the tariff raised, so that they could offer more family legal aid services.
- The Thunder Bay FLO is seen as providing a very high standard of competent, thorough service. All staff members are very well regarded in the community. The community is proud of the service level and availability, and sees clients as being well treated.
- The clients of the FLO are seen by our key informants as similar to those of the private bar on certificate. However, the services provided by the FLO are rated as either superior to those given by the private bar (five informants) or comparable to those provided by the best private bar lawyers.

- The Thunder Bay FLO Director is seen to be showing leadership in setting up programs, such as continuing legal education workshops for the private bar. The FLO also takes up the slack in outlying areas where no lawyers are available.
- The FLO was reported to have had a positive impact on the courts. Its activities have reduced the number of unrepresented litigants. FLO staff are seen as providing specialized services, and not churning through cases. The Director has been observed to be working to re-organize court processes and bring in related services that a FLIC would provide e.g., full time family duty counsel which is now in place.
- Without exception, our key informants perceive the Thunder Bay FLO as a very positive contribution to the local community. It is seen as having increased access and raised the level of quality of the services available to legal aid clients. To our informants, the staff model means a more consistent type of service and more accountability to the community and referral sources.
- In fiscal 2000/01, the average costs for cases completed by the Thunder Bay FLO were 387% of the average costs of similar cases completed by the private bar on certificate.
- In fiscal 2001/02, the average costs for cases completed by the Thunder Bay FLO were 32% below the average costs of similar cases completed by the private bar on certificate.
- Over the pooled years 2000/01 and 2001/02, the average costs for cases completed by the Thunder Bay FLO were 20% above the average costs of similar cases completed by the private bar on certificate.

In sum, and despite the challenges created by some early staff turnover, the Thunder Bay FLO has become a key feature of the family legal aid scene in Thunder Bay. Client satisfaction levels are typically higher than those reported by clients of the private bar. The Thunder Bay FLO also enjoys a sound reputation in the legal community, both for the quality of its work and the competence of its staff. Most view the FLO as a positive addition to the community, in the sense that it is filling a real need (due to the reluctance of many lawyers to take family certificates). The FLO is also seen as providing significant leadership in the community in improving access to legal services. While the average costs for cases completed in 2000/01 were substantially above those of cases completed by the private bar, average FLO case costs were below private bar certificate costs in 2001/02. This improvement likely reflects the recent stability of the staffing of the office, as well as efforts to raise utilization levels.

B. GENERAL CONCLUSIONS

The purpose of this final section of this evaluation report is to take a step back from the detail of earlier chapters and draw some general conclusions about how well the staff model of providing family legal aid services has fared in comparison to the judicare model. As described throughout this report, the three pilot staff offices have operated in quite different ways. They have also operated in very different communities. These differences both pose a challenge to reaching general conclusions, and offer insights which would not have been possible had the offices been more similar.

As noted earlier in this report, this evaluation had three primary objectives:

- To compare the family law staff offices with the judicare model of legal aid service delivery, in terms of average case costs and service quality.
- To compare the quality of service among the three family law staff office models.
- To compare the cost and time efficiencies among the three family law staff office models.

Looking first at the issue of service quality, it is evident that the staff offices have achieved service quality levels which are as high or perhaps higher (at least from a client perspective) than those typical of the private bar on certificate. Client satisfaction levels were highest in those offices which explicitly sought to offer a range and amount of services beyond those which the private bar on certificate typically provides. This raises a question of the cost of this ‘enriched’ level of service.

Service cost contrasts across the three offices are stark. They range from well above private bar certificate costs to somewhat below these costs. As noted earlier in this report, completing family law cases at lower average cost than the current tariff dictates is no small achievement, given the current discontent with the tariff among the private bar, and the resulting pressure on LAO to raise the tariff amounts.

So what is the ‘bottom line’ conclusion of this evaluation in terms of comparative costs? It is that FLO costs can match private bar certificate costs given the following:

- Levels of utilization by FLO staff lawyers sufficient to achieve LAO targets for caseload.
- Restricting the range and amount of services offered to all but a few clients to those services which a private lawyer on a certificate would also provide.
- A sufficient inflow of new cases to ensure that LAO targets are met.

Close attention to these factors will be necessary if the staff model is to achieve and maintain levels of cost and quality comparable to those of the private bar on certificate. Even the current balance is precarious, however, being sensitive to the impact of changes to the tariff, and pressures on the FLOs to expand their range of services or accept increasing proportions of the most demanding clients.