

Meeting of Legal Aid Ontario clinic law advisory committee on May 10, 2017



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1 Committee members

John McCamus (Chair), Lisa Cirillo, Lorraine Duff, Shelley Gavigan, Lyndon George, Karen Mathewson, Trudy McCormick, Ryan Peck, Kevin Pinsonneault, Jeff Plain, John Rae, Derry Millar (LAO Board Liaison)

2 Welcome and introductions

The Chair opened the meeting and welcomed those present.

3 Minutes, September 28, 2016

The minutes of the September 28, 2016 meeting were approved. It was noted that advisory committee minutes, once approved, are now posted on the LAO website.

4 Legal Aid Ontario business planning slide deck and discussion

The Chair presented highlights of the [Legal Aid Ontario Board Advisory Committees spring 2017 meetings: Legal Aid Ontario updates and environmental scan](#) slide deck.

Committee members provided input and advice. The views expressed do not necessarily reflect the views of every member.

- It is very difficult to deliver programs and services that depend on government funding when there is no control over service demand. Prediction can only take you so far. Children's Aid Societies, for example, have no way to accurately predict the number of families that will be coming into care in any given year. Legal Aid Ontario has the same challenge.
- Legal Aid Ontario's refugee program pressures are a prime example of the impact of external events and policies on service agencies like Legal Aid Ontario. Everyone saw the Prime Minister welcoming refugees at the airport. The trouble is that very few recognize the full scope of the social and legal costs that follow.
- It was suggested that Legal Aid Ontario consider expanding its Refugee Law Office model, which provides excellent services. Refugee Law Office staff lawyers are among Ontario's best refugee lawyers. Although this may not solve the refugee funding shortfall, it is one idea to consider. Legal Aid Ontario should also take into consideration

that many clinics and Student Legal Aid Services Societies deliver refugee and immigration services.

- Concern was expressed about the potential impact of Legal Aid Ontario's financial situation on its services and programs. It was noted that duty counsel will be required to re-absorb demand from criminal law clients who would previously have been eligible for certificates. Members worried that Legal Aid Ontario might need to pull money out of other programs, including the clinic law program, in order to deal with unanticipated flares in demand, such as in the area of refugee law.
- The clinic system is coping with new pressures. For example, clinics that were funded to hire new staff to support eligibility expansion got very little new funding with which to train the new people.
- The Aboriginal Justice Strategy's investment in new services for Indigenous people in the southwest region is helping to increase participation in communities and bring about positive change. Work is underway in Hamilton, Windsor, St. Thomas and Waterloo. Hope was expressed that Legal Aid Ontario's financial difficulties will not place these important services in jeopardy.
- Several members found it troubling that the Deloitte report identified a risk to Legal Aid Ontario's plan for a balanced budget in its assessment of clinics as being "historically ... resistant to budget reductions or pressure to modernize/restructure". Clinic budgets are relatively small within the context of Legal Aid Ontario's overall budget, and clinics are not responsible for Legal Aid Ontario's current financial pressures. Far from being resistant to change, clinics have invested a great deal of time in transformation initiatives. Members worried that clinic staff could be demoralized by the way clinics have been characterized in this public document, and emphasized that the negative tone that is taken in relation to clinics, and which is absent from the rest of the report, is very unfortunate.
- Student Legal Aid Services Societies should have the opportunity to participate in training initiatives that support Legal Aid Ontario's client strategies, such as criminal mental health and cultural competency training. Student Legal Aid Services Societies serve the same clientele as Legal Aid Ontario and clinics, and would benefit from this training.
- Legal Aid Ontario's bail strategy and the work it is doing to bring about bail system improvements are important things that should be commended. It is disheartening to see the extent to which the bail system has fallen away from basic principles. Nothing that takes place in the criminal process is more important than bail.

5 Clinic update and discussion

The update on clinic initiatives and priorities was provided by Legal Aid Ontario's senior advisor, clinics. It was noted that the update focuses on Legal Aid Ontario initiatives that relate to clinics. At the next meeting there will be a focus on Legal Aid Ontario's longer-term strategic plan as it relates to clinics and Student Legal Aid Services Societies. The process is expected to take 12-18 months to complete.

Full implementation of the new Clinic Information Management System will begin in May 2017. Data migration to the new system is a complex undertaking, and some elements of the system still need to be worked on and modified. Performance measures data will begin to be captured through CIMS when it is implemented. The current system only enables reporting on case volumes. CIMS is more sophisticated and will help clinics to better tell their story. A joint working group is working on a community development logic model for the Clinic Information Management System.

Preliminary discussions have begun with the Association of Community Legal Clinics of Ontario on the Legal Aid Ontario -Clinic foundational document. It is now 15 years since the original memorandum of understanding and funding agreement were created. There is a need to update outdated references and look at how Transfer Payment Accountability Directive principles translate to the foundational document.

Work is ongoing on clarifying accountability for functions that support clinics, such as clinic learning and training supports, and management of the interpretation and translation fund that clinics and Student Legal Aid Services Societies draw on.

Work also continues on clinic transformation initiatives. The specialty clinic co-location build-out is complete and the feedback has been positive. Three clinics in Ottawa have also amalgamated as Community Legal Services of Ottawa.

Last March, \$3.3 million in financial eligibility funding was allocated through the Provincial Fund to support 23 new initiatives and projects, including some shared service delivery models. Many of the initiatives have received permanent funding.

A number of joint working groups involving Legal Aid Ontario and clinics continue to meet. Legal Aid Ontario and Student Legal Aid Services Societies are forming a working group to look at Student Legal Aid Services Societies issues including consistency in reporting and surplus retention. This will not be a formal review process, but is intended to be more of a discussion group.

Committee members provided input and advice. The views expressed do not necessarily reflect the views of every member.

- All clinics and Student Legal Aid Services Societies, as well as other community stakeholders, should be included in Legal Aid Ontario's longer-term strategic planning process.
- Members stressed the importance of ensuring that the Clinic Information Management System is accessible to all users, including users who may be blind or visually impaired, and that it is able to capture the information that will best assist clinics and Legal Aid Ontario in identifying service barriers and helping clients.
- Being able to assess the work that clinics do in the community will be very important to performance measurement. Community health centres have done work in this area.
- Clinics are likely to see an increase in housing and employment law issues as financial eligibility expands. There are some new clinic projects in the Greater Toronto Area that are focusing on employment law, including one that is a collaboration between six clinics. One issue that may cause problems for clinics providing employment law services is that because clients live and work in different places their home and place of work may not be in the same clinic catchment area.
- Precarious employment is becoming the new reality for more and more people in Ontario. Programs like Employment Insurance, designed with full-time permanent jobs in mind, are out of step with this new reality. A 2015 report from the Poverty and Employment Precarity in Southern Ontario project shows that between 40-50 percent of working adults in the Greater Toronto-Hamilton area are now in precarious employment.
- The pressure from Ontario Disability Support Program appeals is starting to ease, as first level decision-making improves.
- The number of seniors is increasing, as is the number of seniors living in poverty. For the first time, there are more people aged 65 or over in Canada than there are people under age 15. There will be an increase in the need for elder law services, including access to housing and community supports. The impact on seniors of the merger between Local Health Integration Networks and Community Care Access Centres, which coordinate access to home care and other community services, should be monitored. Legal Aid Ontario has one speciality clinic, the Advocacy Centre for the Elderly, which specializes in services for low-income seniors.
- The complexity of poverty and the prevalence of intersecting issues was noted. Clients may visit a clinic seeking help with one problem, but it usually emerges that they have others as well. Hub services that offer one-stop access provide a good model of care.
- Many new clinic initiatives are intended to serve clients whose first language may not be English. Effective outreach will place a greater demand on translation services.

6 Action items

1. Legal Aid Ontario will follow up on accessibility of criminal mental health and Aboriginal cultural competency training to Student Legal Services Societies.
2. Legal Aid Ontario will confirm whether the Clinic Information Management System could be used independently by clinic staff who are blind or visually impaired.

7 Other business

None raised.