

Meeting of Legal Aid Ontario family law advisory committee on October 16, 2017



LEGAL AID ONTARIO

AIDE JURIDIQUE ONTARIO

1 Committee members

John McCamus (Chair); Nicholas Bala; Leighann Burns; Danette Edwards; Nikki Gershain; Jean Hyndman; Marian Jacko; Charlotte Murray; Joanna Radbord; Sherrill Rogers; Louise Toone; Carol Hartman (Legal Aid Ontario Board Liaison)

1.1 Guests

Fara Wali; Jane Withey

2 Welcome and introductions

Chair John McCamus opened the meeting and welcomed those present.

3 Minutes, May 9, 2017

The minutes of the May 9, 2017 meeting were approved.

4 Presentation on Steps to Justice

Guest presenters Fara Wali and Jane Withey presented to the committee on Steps to Justice, which provides online access to information addressing common legal problems of low-to-middle income Ontarians. Launched in January 2017, Steps to Justice is the result of collaboration between justice sector partners. It is a practical resource that helps people to take action on their own.

Areas of law covered include family, housing, and employment law. Links to other services and resources are also provided. Live chat is available to help users navigate the website. The content is reviewed and has been edited for plain language. It can be embedded on other websites, so that people can see the information in more than one place. To date, 34 organizations have embedded Steps to Justice content.

French language translation is currently underway. The next step will be development of “guided pathways” to walk people through the family court process. The software will assist users, through a series of questions, to complete forms online. The goal is to have 60 guided pathways and fillable forms available by the end of December, 2019.

Members of the committee provided comments and feedback.

- There was interest in how users are referred to Steps to Justice. Many reach the website directly as the result of an online search. Others link from other sites, including the Legal Aid Ontario website.
- There are opportunities to connect on Indigenous issues, including in the area of child protection. Clinics are a good source of suggestions.
- Family Law Information Centres are well placed to increase awareness. Their staff have received training on Steps to Justice and they distribute bookmarks to clients. Some Family Law Information Centres have computer terminals with access to Steps to Justice.

5 Legal Aid Ontario business planning slide deck and discussion

The Chair presented an overview of the [Legal Aid Ontario updates and business planning discussion slide deck](#), highlighting recent developments and matters for the committee's consideration.

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

- Members identified opportunities for connecting and collaborating on training. The Ministry of the Attorney General's Indigenous Justice Division has developed effective cultural competency training that Legal Aid Ontario could explore. Legal Aid Ontario could connect with the Office of the Children's Lawyer on Indigenous child protection training. The Motherisk Commission is also working on training and Legal Aid Ontario could consult with them.
- Legal Aid Ontario was urged to share its staff training with the private bar, wherever possible.
- The mental health training that was provided to Legal Aid Ontario's criminal law staff would also be useful for family duty counsel. Mental health issues also arise in the family law context.

- Legal Aid Ontario should be aware of the potential impact of new legislation on human trafficking. The experience in Manitoba, where almost all cases involved minors, may be helpful to predicting the number of potential cases. Legal Aid Ontario's potential role is unclear at this point. The Office of the Children's Lawyer may be providing legal representation, through a special panel, to impacted minors.

6 Family law services and Domestic Violence Strategy update and discussion

The update on family law and Domestic Violence Strategy initiatives and priorities was provided by Legal Aid Ontario's family law policy counsel and by policy counsel leading the Domestic Violence Strategy.

The Domestic Violence Strategy was released on September 12, 2017, following an extensive consultation process that included 30 public consultations and meetings with approximately 500 people around the province. The Strategy paper provides a blueprint for the next three years. Strategy initiatives fall into three main areas: reducing barriers and making it easier to access services; providing training to Legal Aid Ontario staff, legal clinic staff and private bar lawyers; working with others to provide supports.

The Strategy will be piloting initiatives and introducing new services in stages, as recommended in the Deloitte report. This year, the Strategy is creating a provincial working group and improving its ability to identify different kinds of abuse through better screening processes. Legal Aid Ontario has also developed a "find a lawyer" webpage, which allows clients to indicate their preference for a lawyer on Legal Aid Ontario's panel list with training and experience in this area. A random list of lawyers who meet the criteria is generated.

A number of initiatives are underway in the area of family law. Legal Aid Ontario's family issues committee considers issues of concern to the private bar and Legal Aid Ontario staff. Legal Aid Ontario has prepared resources for staff and panel lawyers on the service requirements under the *Hague Service Convention*. Legal Aid Ontario is looking at how duty counsel may provide services to clients who are not physically present in plans to review and update its family panel standards this year. Draft standards have been prepared and will be consulted on in winter/spring 2018. The new standards will include a domestic violence component.

Legal Aid Ontario is developing a proposal to expand access to mid-level case management, currently only available for crown wardship cases, to other matters in family law. This will likely be done on a pilot project basis.

Legal Aid Ontario has developed a website page on mentoring opportunities at Legal Aid Ontario. Legal Aid Ontario is also working with the Family Lawyers' Association on a "Legal Aid Ontario 101" education and information session for family lawyers.

Legal Aid Ontario and Ministry of the Attorney General staff made a presentation to Family Responsibility Office staff in June 2017. Legal Aid Ontario has contacted the Ministry of the Attorney General to express support for expanding funding to Pro Bono Students Canada's Family Law Project. Legal Aid Ontario attended the Motherisk Commission's two-day symposium in September 2017.

In August 2017, Legal Aid Ontario responded to the Office of the Chief Coroner on recommendations from the inquest into the death of Katelynn Sampson, and will be reviewing its family law services and policies for services to teens and young adults to ensure that they accord with Katelynn's Principle. Legal Aid Ontario also responded to a consultation request from the Ministry of the Attorney General on increasing children's participation in custody and access litigation.

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

- There was support for enabling duty counsel to assist clients who are appearing in court remotely. Remote court appearances enable cases to go ahead when they are scheduled. They save money and time. Remote appearances in criminal court are becoming a focus for remand prisoners, but correctional institutions have no idea what to do about prisoners who have family court matters. Getting someone who is in detention to their family court appearance on time seems to be a lower priority. Processes would need to be developed to support duty counsel in representing clients appearing remotely, such as flagging matters and getting information about them to duty counsel so that they can review it prior to the appearance.
- There was interest seeing the results of Legal Aid Ontario's client surveys as well as knowing how those surveys are conducted. Privacy and confidentiality must be respected, and this is especially important when a client is experiencing domestic violence. Legal Aid Ontario's surveys are done in person at courts and through website links. No outreach is done by phone or email without permission. With domestic violence clients, the surveys are only done through a lawyer who understands the safety risk to their client. It was suggested that lawyers could forward the survey with the copy of their final bill, in appropriate cases. Legal Aid Ontario also has a complaints process, and solicits feedback from clients who request a change of solicitor.
- It was suggested that Legal Aid Ontario look at holding settlement conferences earlier in the court process. Clients could be asked to come in for a settlement meeting when they are getting close to using up the hours on their certificate. Legal Aid Ontario's settlement conferences tend to occur sometime after the court settlement meetings are

held. Legal Aid Ontario schedules conferences earlier where lawyers request it, but clients at times wish to hear from the judge first and there may be resourcing issues in some areas that affect when the conferences are held.

7 Action items

1. Legal Aid Ontario will connect with the Office of the Children’s Lawyer and with the Motherisk Commission on Indigenous child protection training.
2. Legal Aid Ontario will continue to consider opportunities to make its staff training available to the private bar.
3. Legal Aid Ontario will bring the issue of making remote court appearances more available to family law litigants who are in detention to the attention of the Criminal Modernization committee.
4. Legal Aid Ontario will share its client survey results with the committee.

8 Other business

None raised.