

## Spring 2018 Advisory Committee overview

Attention was drawn to Legal Aid Ontario's strategies. There are a number of strategies, which involve identification of an area of service provision or marginalized client group that requires a concentrated focus. The approach of the strategies is to examine existing services and what is known about the clients who use them, identify gaps, and look for opportunities to make improvements. All of the strategies involve a great deal of consultation. Once approved by the Board, each strategy returns to the Board on an annual basis with a report on achievements and proposals for initiatives to be undertaken the following year.

Legal Aid Ontario's first strategy, begun ten years ago, was the Aboriginal Justice Strategy. It was followed by the Mental Health Strategy, Domestic Violence Strategy and Bail Strategy. A Racialized Communities Strategy and Prison Law Strategy are in the development stage.

Financial eligibility for legal aid, which is set by regulation, was reduced during the cutbacks of the 1990s and was not adjusted again for nearly 20 years. Due to inflation, by 2012 only half of the people below the Low Income Measure (LIM) of Statistics Canada remained eligible for legal aid. In the 1990s all persons under LIM would have been eligible. In 2014 the current government responded to Legal Aid Ontario's business case for ameliorating this access to justice barrier with a series of increases that would address the erosion over a period of eight to ten years. On April 1, 2018, Legal Aid Ontario implemented the fifth 6% increase to financial eligibility since the first increase in 2014. The new funding provided by the province to support this program has been used to increase legal as well as financial eligibility. However there is a restriction, which is that the funding must be used on newly eligible clients or services. Legal Aid Ontario encountered financial difficulties and had to pull back on some of the new services, specifically expanded eligibility for vulnerable accused facing a conviction for the first time, when higher than predicted demand for these services exceeded the available funding.

Legal Aid Ontario's current financial situation going into fiscal year 2018-2019 has improved. Financial planning is difficult because revenue and demand for services are both subject to fluctuation. In fall 2017 Legal Aid Ontario was in a deficit position and

facing serious challenges, but since then two important things happened. First, the federal government provided one-time funding to assist with the spike in demand for refugee law services. Then, two interest rate increases were announced, and these increased the amount of funding that Legal Aid Ontario received from the Law Foundation of Ontario, which by statute provides legal aid with 75% of the income derived from lawyers' trust accounts. The Law Foundation money is an important source of income for Legal Aid Ontario but is subject to fluctuation. At the time of the 2008 recession, the drop in Law Foundation income that resulted was the equivalent of a more than \$50 million budget cut for legal aid.

With the recent positive financial developments, and a new instalment of provincial funding to support the latest financial eligibility increase, there are opportunities to make service improvements although a reduction in core funding may be inevitable since the Ministry is facing a budget cut. Meantime, two challenges that Legal Aid Ontario is working hard to address are long wait times at the legal aid call centre, and issues with the new clinic information management system.

In addition to preparing the annual business plan, this year Legal Aid Ontario is engaging in a longer-term planning process that is being led by the President and Chief Executive Officer. This process, which is just getting underway, will aim to define some access to justice objectives for the next five years. The process will involve significant consultations, including with the advisory committees, in the months to come.