

# Consultation outline: Minimum experience standards for roster standards



Legal Aid Ontario (LAO) is consulting about proposed minimum experience standards that prospective roster (formerly, panel) members must meet to join its roster and be eligible to provide legal aid certificate services and duty counsel services in specific areas of law.

1. Proposed addition to subsection 28(1) of the Legal Aid Services Rules to add a new c) so that it reads:

Obligations of roster members

28 (1) A roster member shall comply with the following:

- (a) the Act and these Rules;
- (b) the Legal Aid Service Standards set out in Schedule 1;
- (c) the Minimum Requirements to be Authorized to Provide Legal Services by Area of Law set out in Schedule (x)
- (d) the roster member's authorization, including any conditions or requirements imposed under subsection 27 (2);
- (e) any measure imposed on the roster member under section 33.

2. The draft minimum experience standards

## Overview

To be authorized to provide legal aid services, an applicant for enrolment on the roster must meet the minimum experience standards for the specified area of law. Roster members can be authorized to provide legal aid services to clients in more than one area of law (e.g., a roster member may have an authorization to provide family law and criminal law services, whereas prior to LASA 2020, they would have been a member of several different panels).

The proposed minimum experience standards focus on identifying requirements to join the roster. They consider:

- representation of clients in a minimum number of matters for a specified area of law
- representation in a minimum number of certain types of proceedings (e.g., consensual dispute resolution proceedings, fitness hearings).

## Resources

The proposed minimum experience standards will form a Schedule to the Legal Aid Services Rules

made under the authority of the [Legal Aid Services Act, 2020](#), proclaimed on Oct. 18, 2021. When reviewing the proposed minimum experience standards, it may be helpful to consider them alongside:

1. The [Legal Aid Services Rules](#) and in particular: Part 3 – Roster Management and rules 26 (Application for enrolment on roster), 27 (Authorizations) and 28 (Obligations of roster members)
2. Schedule 1 (to the Legal Aid Services Rules) – Legal Aid Service Standards

## **Special considerations**

### **Draft Gladue minimum experience standards**

LAO recognizes that Indigenous communities have long raised issues and concerns with the previous Gladue panel standards and have noted that the standards fail to ensure that consistently high quality services are provided to Indigenous clients across the province. These concerns have been documented in the Aboriginal Justice Strategy’s June 2021 report “Relationships First, Business Later - Part 1.”

The minimum experience standards proposed for roster members to provide criminal law services do not reflect the full and final standards that LAO will introduce for providing legal services to Indigenous clients. These draft minimum experience standards are intended to meet required timelines and to ensure that basic standards are in place.

LAO is committed to meaningful consultations with Indigenous communities and stakeholders to improve the quality of services that we provide to Indigenous clients. LAO anticipates that these consultations will take place once LAO has received, reviewed and considered two important reports that are currently being worked on:

- a review of LAO’s organization structure in terms of Indigenous legal services, being prepared by Dr. Beverly Jacobs
- a report on LAO funded Gladue services, being prepared by Dr. Jane Dickson.

### **Draft Immigration refugee minimum experience standards**

LAO recognizes that the proposed minimum experience standards for refugee and immigration, both general and appellate are less comprehensive than the standards that were previously in place, which included quality service expectations and best practice guidelines that were developed with refugee and immigration stakeholders.

The minimum experience standards are intended to be objectively enforceable standards that lawyers must meet to join the roster and provide legal services to clients. LAO is currently considering how the quality service expectations and best practice guidelines can continue to be an effective tool in ensuring that roster lawyers are providing high-quality services to refugee and immigration clients. We anticipate additional discussions with stakeholders on these topics soon.