

# INCREASING ACCESS TO LAO SERVICES: THE EMBEDDED LAWYER PROGRAM

2021-22 ANNUAL REPORT

SEPTEMBER 2022



LEGAL AID ONTARIO  

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# LAO Services in the Community

Since 2016, Legal Aid Ontario (LAO) has been providing legal services through a medical-legal partnership in the Moss Park area of Toronto.

Clients who manage complex mental health disabilities and homelessness are served through direct access to an LAO Staff Lawyer at a low-barrier, community mental health agency.

Clients access holistic legal and non-legal services onsite. The Staff Lawyer employs a holistic defence model and screens each client for multiple legal needs to ensure they get the legal help they need when they need it.

## Holistic Defence Services:

- Provide criminal defence services; and
- Address the legal consequences of criminal justice sector involvement.

These include a loss of housing, income and/or immigration status. Holistic defenders additionally address the underlying issues that brought an accused person in contact with the criminal justice system through an interdisciplinary model<sup>1</sup>.

<sup>1</sup> For more information: see <https://www.apainc.org/wp-content/uploads/2017/08/Holistic-Defense-Toolkit.pdf>



Figure 1: Clients without access to telephones, internet and homes face barriers accessing justice sector services. The Embedded Counsel Project is designed to remove them. Photo: The Toronto Star

## 2021-2022 Project Highlights

- In person client services maintained in French and English
- Over 240 clients served
- 64% of clients identified 2 or more legal issues
- 12 evictions prevented
- 22 criminal charges withdrawn
- 24 clients were issued LAO certificates through a coordinated fast track application with LAO's Centralized Services
- Public legal education and outreach activities resumed
- Client services provided through a hybrid model, including in-person, video-conferencing and telephone services.

# The Embedded Lawyer Model

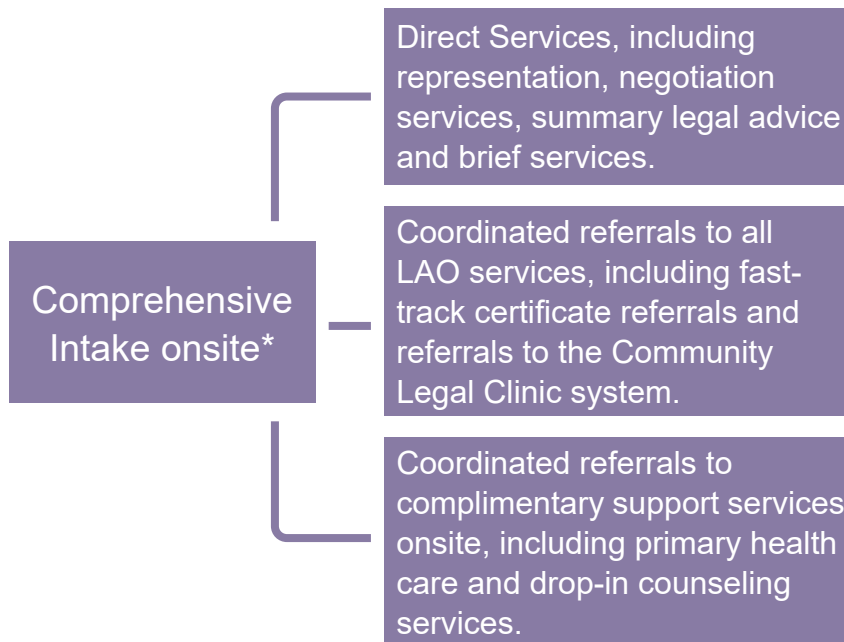


Figure 2: A high proportion of residents in Moss Park are involved in the criminal justice system and face poverty, homelessness, mental health and addictions disabilities. Photo: BlogTO

## The Process

Clients are screened for multiple legal issues and collateral legal consequences that flow from criminal justice system involvement. Research shows that criminal justice involved clients are not aware of the potential collateral consequences which flow from a criminal charge and proactive screening is required.

Public legal education, community outreach and secondary consultations build community trust. Eligible clients may receive legal services in the following areas: criminal, quasi-criminal, family, immigration and refugee law, and limited civil and administrative matters.

## The Impact

Clients benefit from having one person manage their legal issues and may choose to engage one lawyer to address a number of matters. Research reveals that this model of holistic defence produces better case outcomes and helps to ensure that the negative impacts of criminal justice sector

### The partner agency

- Low barrier community mental health agency in Moss Park
- Serves over 3,500 annually
- A virtual justice hub and access point for those with-out phones, internet services and/ or those who re-quire accommodation
- Primary health care delivered onsite with the Inner City Health Associates
- Drop-in addictions, anger management and housing help groups
- Involvement in the Moss Park Community Justice Centre (CJC)

involvement are minimized<sup>2</sup>. Merely being charged with a crime can trigger negative civil legal consequences and criminal justice involvement can contribute to a cycle of homelessness and poverty<sup>3</sup>.

## The Future of Legal Aid Ontario Services

Through its' formal partnership with Sound Times Support Services, LAO continues to provide high quality, responsive and innovative legal services to vulnerable clients. It is heavily aligned with organizational priorities, including LAO's Five Year Strategic Plan<sup>4</sup>.

The program ensures that LAO services are streamlined and responsive to client need. Through this model, clients who have traditionally faced barriers accessing justice sector services get the legal support they need when they need it. This includes homeless clients with complex mental health and addictions disabilities, many of whom are Indigenous and/or racialized. The partnership additionally allowed LAO to maintain direct client services to this vulnerable client group throughout the public health emergency.

The program is subject to an annual evaluation which incorporates partner agency and client feedback to ensure that services are designed to meet client need.

There are over 10,000 homeless people on the street on any given night<sup>5</sup> and this number is expected to rise<sup>6</sup>. For

2 See: <https://harvardlawreview.org/2019/01/the-effects-of-holistic-defense-on-criminal-justice-outcomes/>

3 *No Fixed Address. The Intersection of Justice Involvement and Homelessness*. John Howard Society; The Canadian Observatory on Homelessness. See: <https://johnhoward.on.ca/download/no-fixed-address/>

4 The strategic goals that guide the organization's work include: 1. Client-centred focus 2. Demonstrated value for money 3. Innovative Services 4. Engaged Staff 5. Effective Collaboration. See: [Legal Aid Ontario Strategic Plan](#)

5 [freddvictor.org/facts-about-homelessness-in-toronto](http://freddvictor.org/facts-about-homelessness-in-toronto)

6 Toronto's homeless population increased 60% between 2013 and 2018. Toronto Street Needs Assessment. 2018. <https://www.toronto.ca/wp-content/uploads/2018/11/99be-2018-SNA-Results-Report.pdf>



Figure 3: Picture of one of the outdoor patios onsite. The LAO Staff Lawyer meets with clients and conducts public legal education sessions in the spaces.

### Annual evaluation

This year:

- 100% of the staff members surveyed believed the Embedded Counsel Program increased access to LAO services for the clients served at the agency
- Staff commented that clients were able to access timely and responsive legal advice without having to wait for a call back or having to go through a long, complicated process.

clients living on the street without access to a telephone or access to the internet, an access point in the community is one of the only ways that they can access LAO services.

Embedded counsel initiatives and community partnerships help to ensure that LAO maintains its' commitment to high quality legal services for low income Ontarians, in particular to disadvantaged client groups.

## Cost savings

### To Legal Aid Ontario

- Sound Times Support Services contributes 2.5 support staff personnel, a private office, PPE and cleaning supplies.
- Having one staff member screen clients for legal issues streamlines access to services, avoids the duplication of labour and enhances the client experience.

### To the Province of Ontario

- Over the past year, 22 clients had their charges withdrawn, resulting in approximately \$502, 964 savings in court costs alone. \*
- 24 clients were issued certificates through a fast-tracked process with LAO's Centralised Services team, decreasing wait times for processing and allowing clients to obtain private counsel as soon as possible.

### To the City of Toronto

- Over the past year, 12 clients maintained their housing representing cost savings of over \$70,000 to the City of Toronto.\*\*

\* Court/trial proceedings ranged between \$1,445 and \$44,280, depending on whether the unit of analysis was per contact, case, or conviction. For the purpose of this report, an

average cost was utilized. The actual cost is likely higher as this cost was calculated in 2014. See: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2015-r022/index-en.aspx#s53>

\*\* Based on average shelter costs times average length of stay and based on the length of stay per 'episodic user' rather than 'chronic shelter' user. This number is likely higher given the growing number of chronic shelter users. See: [www.toronto.ca/wp-content/uploads/2017/12/93f0-SSHA-2017-Operating-Budget-Notes.pdf](http://www.toronto.ca/wp-content/uploads/2017/12/93f0-SSHA-2017-Operating-Budget-Notes.pdf) and <https://www.homelesshub.ca/sites/default/files/attachments/Published%20Paper.pdf>

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