

Legal Aid System Modernization Project consultations

Much has changed in the 20 years since the *Legal Aid Services Act, 1998*, which governs Ontario's legal aid system, became law. Many studies and Legal Aid Ontario's (LAO) own client surveys show that the legal aid system and the justice system as a whole are complex and difficult to navigate. LAO values our justice partners and recognizes that you and the clients you represent have an interest and involvement in the success of the legal aid system. That's why we're asking for your help to find ways to modernize the legal aid system and make long-term sustainability possible—so that we can help more low-income Ontarians, better.

The purpose of this consultation is to explore how to make the legal aid system more client-focused and efficient. Our hope is that through this process, and building on LAO's 2019 Strategic Plan, the legal aid system (including all service providers) can become more innovative in helping people access the legal services that they require. LAO continues to see opportunities to serve low-income people better and in a more cost-effective way.

The legal aid system's budget is not the question to be discussed in this engagement. There's room within *any* budget to improve the legal aid system. With your help, we will find and explore tangible ways to do so. Please don't constrain your thinking—feel free to suggest ideas that are completely outside of the current system. We are looking for any and all ideas that will better serve clients in a cost-effective way, no matter how radical.

Consultations will centre on the following goals:

- Enhanced accountability,
- Modernized service delivery that is integrated and nimble,
- Addressing gaps in the continuum of services,
- Streamlined 'one system' approach to service delivery that prioritizes the needs of low-income clients,
- High-quality legal services and information,
- Clear accountabilities and appropriate independence in required areas, and
- Value for money

Please find attached:

- The Ministry of the Attorney General's Terms of Reference for the Legal Aid Modernization Project (2019)
- A summary of what LAO has heard from clients during its core client strategy consultations and in its client surveys

Consultation questions

In preparation for your participation in consultations about the modernization of the legal aid system, we recommend you give thought to the following questions. Please consider all service channels—legal aid clinics, private bar, staff services, etc. Consultations may extend or diverge from these topics; however, we believe these questions will encourage thoughtful, creative examination of key issues and facilitate group discussion.

1. Clients' legal issues often intersect with each other, and with other issues they may be experiencing in areas such as health and social services. **How could the legal aid system meet the needs of clients in a holistic way and facilitate a seamless client experience?**
2. LAO has heard through its client consultations that clients can have trouble knowing about or accessing legal aid services. **How could LAO ensure that clients can more easily find a legal aid service to assist them?**
3. **What factors are effective indicators of client success?**
4. **What factors are most essential for an efficient, client-focused legal aid system?**
5. LAO has heard through its client consultations that some clients do not receive quality service. **How could quality assurance be strengthened within the legal aid system?**
For example:
 - A. Criteria for qualifying service providers
 - B. Governance (panel management and clinic oversight)
 - C. Performance management for panels and clinics to ensure high quality service
 - D. Quality Assurance audits of lawyers/third party service providers (including clinics)
 - E. Referrals
 - F. Other?
6. **How can we build a legal aid system that is both responsive to client need and sustainable?**
 - A. How can the legal aid system facilitate early resolution which benefits both the client and saves resources?
 - B. Onerous and outdated legal aid system processes (red tape) affect both clients and service providers. How can we make the legal aid system more efficient and responsive to both clients' and service providers' needs?
 - C. How can we ensure that resource allocation aligns proportionally with client need? What criteria should we use to decide which service areas or programs to fund?
 - D. What criteria should future decisions about eligibility be based on? (i.e., Auditor General's note that the gross-income threshold is not the only way to evaluate access to justice for low-income individuals¹.)

¹ Office of the Auditor General of Ontario, 2018 Annual Report, Chapter 3: Reports on Value-for-Money Audits, Section 3.05 (Legal Aid Ontario), Online: http://www.auditor.on.ca/en/content/annualreports/arreports/en18/v1_305en18.pdf