

CLIENT-CENTERED SERVICES

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This document summarizes what Legal Aid Ontario (LAO) has heard from clients, service providers and community organizations.

CLIENT-IDENTIFIED BARRIERS TO ACCESSING LEGAL AID SERVICES

Have we considered that clients may not know about their legal rights and legal services?

- Clients may not know about their legal rights, local resources, and availability of legal aid services, for:
 - Non-refugee cases;
 - Humanitarian and Compassionate (H&C) applications; and
 - Non-litigation child protection certificate services.
- Clients may not know where to take certificates or where to go for referrals.

Have we addressed language barriers?

- Clients may not speak/read English or French.
- There is a lack of information about LAO in other languages.
- Interpretation services are limited.

Have we considered those clients who cannot call, go online, or travel?

- Clients may not have access to telephone/Internet services or public transportation.
- Clients may face geographic and financial barriers making it difficult to attend appointments, court etc.
- Incarcerated people cannot leave prison to access services.
- Correctional institutions may refuse to provide agencies with access to incarcerated people because the needs of inmates are often associated with the conditions of their confinement.
- If unrepresented and working with family duty counsel, clients likely have to make multiple visits to court which is particularly difficult for clients living in rural communities, who are disabled, or who have childcare or transportation challenges.

Have we addressed the availability of services and service providers?

- Immigration and refugee clients cannot find lawyers who will take on certain cases (e.g., Humanitarian and Compassionate applications, stay motions) due to low tariff rates.
- There are no services for persons in custody that address non-criminal legal needs (e.g., housing, income security, immigration, family) during and after the criminal process.

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- LAO generally relies on a “risk to liberty” test to determine whether to issue a criminal certificate and does not always consider a client’s unique needs, significant impact of “secondary consequences”, or whether there is a triable issue.
- The child protection bar in some areas is quite small.
- Francophone clients have expressed difficulty in receiving some services in French, and in finding French-speaking lawyers to take on their cases in certain areas of the province.
- Lawyers often lack knowledge of Indigenous laws, culture, and history of colonization.
- It is difficult to find a lawyer for cases that may require additional time due to French proceedings, interpretation needs or where there are race-related issues (e.g., profiling).

Have we considered whether the services are culturally competent?

- Indigenous clients may view the legal aid application process as invasive and humiliating.
- Racialized clients have reported experiencing differential or discriminatory treatment by service providers.
- Racialized and Indigenous clients have reported difficulty finding culturally competent lawyers.

Will clients be bounced around?

- Clients may have to go to multiple service providers due to lack of centralized triage and referral service. For example:
 - Immigration and refugee services in the clinics are patchwork.
 - Family law clients have to deal with non-legal issues before dealing with legal issues (e.g. woman planning to leave abusive relationship needs safety plan, housing).
 - Criminal law clients can get “bounced” within the certificate application process.
 - Family law clients that rely on duty counsel services may need to explain their case repeatedly because they may be helped by a different lawyer each time they attend court.
 - Clients who mistakenly attend clinics to apply for legal aid certificates or call LAO’s call centre for clinic law services are referred elsewhere.
 - Clients mistakenly call specialty clinics or clinics that are not in their catchment area and are referred elsewhere.
- Clients do not always receive comprehensive up-front assessment of their needs (legal and non-legal) and options (e.g., possibility of an out-of-court resolution).

General/other

- Clients may experience long call centre wait times.
- Applications for legal aid can only be made Monday to Friday during regular business hours.
- The “risk to liberty” test is inconsistently applied across the province.

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BEST PRACTICES IDENTIFIED TO INCREASE ACCESS TO SERVICES

Are we meeting clients where they are (or expecting them to come to us)?

- Provide legal services through community-based organizations, e.g., Indigenous service providers in Lambton County.
- Travel to different communities and/or facilities to take certificate applications, triage legal and non-legal needs, and provide advice, brief services and even representation.
 - Indigenous communities
 - Detention centres
 - Mental health centres
 - Community-based organizations
- Conduct outreach and provide information to community-based organizations in multiple languages. e.g., Violence Against Women (VAW) community.
- Create multiple entry-points and channels for intake.
- Clarify/standardize eligibility criteria to ensure consistency across Ontario and make eligibility decisions faster.

Are we helping clients address their multiple legal and non-legal needs?

- Help clients understand the legal aid and justice systems as well as their rights and responsibilities in a culturally relevant way, e.g., Indigenous justice navigator.
- Provide services to prevent first conviction even where there is no risk to liberty.
- Provide inmates with services for non-criminal areas of need (e.g., Queen's Clinic).
- Provide inmates with pre- and post-release supports.
- Ensure service delivery is integrated (e.g., when providing mediation, ensure that legal information, advice, and document preparation are also provided).

Are services culturally competent/relevant?

- Fund programs that offer culturally relevant services and build community capacity, e.g., *Gladue* Reports and Restorative Justice Programs.
- Provide services in different languages and easy access to interpreters via LAO's call centre, in-person, and at clinics.

General/other

- Increase call centre staffing to reduce wait times.
- Increase use of LAO's online client portal to get Consent and Declaration (C&D) agreements signed by clients quickly and easily.

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CLIENT-IDENTIFIED ISSUES IMPACTING QUALITY OF LEGAL AID SERVICES

Can clients complain or raise concerns about the quality of services?

- The complaints process can feel ineffective and impractical.
- LAO does not permit clients to change their lawyer except under exceptional circumstances (i.e., rigid application of change of solicitor policy).
- Clients experience differential or discriminatory treatment because they are racialized, using LAO certificates, incarcerated etc.

How can we ensure that lawyers do not take on too much work?

- Duty counsel's workload can impede them from giving sufficient time and attention to files.
- Private bar lawyers can take on more clients than they can effectively represent/assist.
- LAO does not cap the number of cases panel lawyers can take on, only the number of hours they can bill.

How can we ensure that clients make informed decisions?

- Clients do not know what constitutes high quality service.
- LAO cannot recommend lawyers to clients because of s.85 of the *Legal Aid Services Act*.
- Lawyers may not take the time to provide sufficient explanation and/or pressure clients to plead guilty.
- Inmates may be funnelled to specific lawyers for a certificate via other inmates.

How can we ensure that service providers are qualified?

- Despite being a requirement to be on the *Gladue* panel, *Gladue* counsel often lack knowledge about Indigenous laws, culture, and history of colonization.
- Criminal panel lawyers may plead a client out when the matter should have gone to trial.
- Some lawyers do not seem comfortable raising race-based arguments.
- LAO does not provide supports to lawyers who want to raise race-related issues.

Are our policies and practices contributing to unjust outcomes?

- Some clients feel that lawyers plead them guilty just for ease, and possibly to make money faster.
- LAO does not appear to consistently enforce panel standards.

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BEST PRACTICES TO ENSURE HIGH QUALITY LEGAL AID SERVICES

Are we hearing from and working with marginalized communities?

- Engage in regular communication with service providers and communities to learn about what is and is not working.
- Permit community organizations (e.g., Aboriginal Legal Services) to issue certificates for child protection matters, etc., to add a measure of control over lawyers who accept certificates.

Are the services culturally competent/relevant?

- Specifically target inequitable outcomes in the justice system (e.g., bail pilot).
- Produce *Gladue* Reports to ensure that appropriate *Gladue* submissions are made.
- Indigenous Bail Verification and Supervision programs have increased the number of Indigenous accused getting bail and culturally relevant services.
- Deliver services that are grounded in Indigenous culture through Indigenous organizations.

Are service providers qualified?

- Create specialized panels to work with particular clients (e.g., Domestic violence panel).
- Prevent problematic lawyers from joining panels through more robust screening.
- Commit resources to enforce panel standards.
- Quickly provide the Law Society of Ontario (LSO) with information on poor performance (e.g., formal protocol between LAO and LSO).
- Improve access to the complaints process and change of solicitor for clients.

Do we need to provide training?

- Ensure staff have specialized knowledge of local resources and are able to propose restorative processes and sentences for Indigenous clients.
- Create tools for lawyer professional development, for example:
 - Refugee Practice Handbook, online video training modules
 - Racism and unconscious bias, cultural assessment reports
 - Domestic violence awareness
 - Mental health

Are we achieving the outcomes that are best for the client?

- Work to prevent a first conviction even where there is no risk to liberty.
- Encourage alternatives to custodial sentences and criminal records (e.g., connection to GED programs, mental health and addictions counseling, mentorship).