



Submission to

Legal Aid Ontario & Ministry of the Attorney General

Modernization Review

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Introduction

In this submission, the staff and Board of Directors of the Community Advocacy & Legal Centre (CALC) contribute to the discussion about “modernizing” legal aid services. We situate our responses in our perspective, based on our experience and expertise, including international research. We note the international repute of Ontario’s community legal clinic system to contextualize the unique capability that Ontario’s clinics bring to the questions being considered by this review. We then set out a number of ideas that we believe are worthy of consideration as this review process moves forward. We would welcome the opportunity to provide further feedback or to answer questions that arise from this submission.

We also wish to endorse the submission of the Association of Community Legal Clinics of Ontario (ACLCO), and as a result will not repeat the important points ably made in that submission.

Community Advocacy & Legal Centre

CALC is one of Ontario’s community legal clinics: staff have served low-income and vulnerable populations in a three-county area in South-eastern Ontario for almost 40 years. Legal Aid Ontario (LAO) is CALC’s primary funder, and now funds ten staff positions. During the recent Clinic Transformation initiative funded by LAO for Eastern & Central clinics, CALC staff led three-year projects on Justice & Health Partnerships, Expanding Consumer Law Services, Enhancing Rural Justice, and Providing Holistic Legal Services. We continue to collaborate with clinic and LAO colleagues in East & Central Ontario to improve the quantity, quality, and diversity of legal services available, in particular through the new regional Joint Clinic Planning initiative. Information about CALC, its Board of Directors, the services staff provide, and its accomplishments can be found in our [Annual Reports](#).

Perspective & Expertise

In addition to the practice-based experience and ongoing action research of CALC’s staff, the clinic’s Executive Director has undertaken international research to explore effective legal aid and community legal service delivery systems as a Law Foundation of Ontario Community Leadership in Justice Fellow (2009), and during unpaid, self-funded study leaves. CALC has also hosted a number of international delegations (China, Ukraine, Argentina) interested in learning more about Ontario’s effective community legal clinic system and who then share their ideas for effective service delivery. Volunteering with the Open Society Foundation and Namati, CALC’s ED has also co-authored information pieces about Ontario’s innovative community legal clinic system: [Delivering Community Justice Services at Scale](#) and [Ontario’s system of paralegals](#). CALC also led a participatory action research project within Ontario’s community legal clinics in 2008 – 2010 to produce a report recommending how best to manage, share and create new knowledge in the clinic system that led to the current KnowledgeNOW initiative. This ongoing project, overseen by ACLCO, has improved the effectiveness and efficiency of legal clinics. More recently, we have begun to articulate how action research and reflective practice inform our approach to community-based legal practice, leading to effective and long-lasting solutions – [Enhancing the Legal Profession’s Capacity for Innovation: The Promise of Reflective Practice and Action Research for Increasing Access to Justice](#).

International Repute of Ontario's Community Legal Clinics: Some Examples

Internationally, Ontario's community legal clinic system is renowned for its focus on community-based justice and legal empowerment and the accomplishments of its clinics. For example, the work of some of Ontario's clinics and the way that clinics have conceptualized and achieved accessible justice has been cited in publications by the Organization for Economic Cooperation and Development (OECD) including [Leveraging the Sustainable Development Goals: Delivering Access to Justice for All](#) and [Equal Justice for Inclusive Growth: Putting People at the Centre](#).

The high profile of Ontario's clinics, and specifically, the holistic service model that they employ and exemplify inspired the Open Society Foundation's Justice Initiative (OSJI) to fund study tours of Ontario's community legal clinics for representatives from Ukraine (2010) and Argentina (2016). In 2016, OSJI also sponsored a half-day forum in Ottawa to learn about Ontario's clinics for delegates from Sierra Leone, Nepal, Indonesia, Ukraine, South Africa, and a number of other countries following the "Future Directions on Access to Justice Conference: Scaling Access to Leave No One Behind" conference sponsored by Canada's International Development Resource Centre.

Prelude: Some Observations of Note

We encourage the Ministry of the Attorney General and Legal Aid Ontario (LAO) to carefully consider the irreversible damage of the current unprecedented funding cuts and reduced services on the people LAO is mandated to serve, and the downside risk of current changes considered to the *Legal Aid Services Act (LASA)*, legislation that was carefully crafted following the 1997 [Report of the Legal Aid Review: A Blueprint for Publicly-funded Legal Services](#) (McCamus Report).

In our view, Legal Aid Ontario (LAO) has been responding creatively and sustainably to the recommendations of the ground-breaking and far-reaching McCamus Report, commissioned more than twenty years ago by then Attorney-General Charles Harnick. This report called for LAO leadership in ensuring access to justice and in identifying systemic issues of concern.

The legislative mandate for the legal aid system should assign a high priority to its role as a proactive change agent in researching, developing, publicizing, and promoting substantive and procedural reforms to the broader justice system; in turn, the system should develop the necessary human-resource capabilities (internal and external) to play this role effectively.
(McCamus Report, Chapter 6)

LASA was crafted to support this innovative work by LAO, and clinics have been funded to carry out some of this work as captured by their Funding Agreements and Memorandums of Understanding with LAO. To ensure maximum effectiveness, efficiency, and impact, this work must be allowed to continue.

Since *LASA*, the "access to justice" world has caught up with the McCamus Report and its visionary approach, and new research has also identified growing justice gaps. Canadian legal needs surveys documented the unmet civil legal needs and the impact and cost of unmet legal needs, and affirmed the reality seen every day by staff at Ontario's community legal clinics. The work of the national Action Committee on Access to Justice in Civil and Family Matters, and the Canadian Bar Association's Equal

Justice Report led to the Alliance of Legal Aid Plans of Canada recommending [benchmarks for the delivery of legal aid services](#) across Canada that provide good guidance for future direction and respond to the evidence of unmet need. The Australian's [National Strategy Framework for Legal Assistance 2015-20](#) emphasizes the importance of early intervention and prevention approaches, serving priority populations, and collaborative service planning, all commendable approaches that have been advanced by Ontario's community legal clinics. Progressive international developments captured by the United Nations' work on the Sustainable Development Goals, and goal 16.3 on access to justice, in particular, also affirm the approach being taken in Ontario. The OECD reports cited above also endorse this approach Ontario's approach: LAO (and clinic initiatives) need to be supported both in its governing legislation and by its funding allocation.

We need to continue to both support LAO's leadership to contribute to improving the justice sector and better justice outcomes, and to *recognize* that Ontario's community legal clinics play a *partnership* role in this endeavour, and are not mere *stakeholders*, particularly at a local service delivery level. We suggest that moving towards a *justice ecosystem* should be the objective of modernization, signalling the need for healthy partnerships between legal and non-legal service providers to ensure an efficient, effective and integrated justice system. Clinics are well poised to help with, and likely to *lead* this work at a local level if appropriately supported. We are concerned that the current fiscal reality handicaps LAO significantly, and that it will struggle to carry out its progressive mandate. Without a re-infusion of the funds that were cut, the kind of innovation that will be required to provide holistic, client-centred services, and the necessary shift in professional legal culture that will precede it will not be possible. A community lawyering approach rather than a traditional lawyering approach will be required, which would include learning from the lessons of community-based justice services that have been offered by Ontario's clinics for decades.

We encourage this current review to consider which recommendations from the McCamus Report should continue to inform the future work of LAO and the clinics it funds. Admirable progress had been made in developing specific strategies and evidenced-based responses for vulnerable groups including Aboriginal people, domestic violence victims, people facing mental health challenges, and prisoners, as examples, but much more remains to be done. These policy initiatives were trying to bring holistic and client-centred perspectives to the delivery of legal aid services. They need to be continued and supported. The impact of the cuts to LAO's funding has meant that at least one of those initiatives has been discontinued just as it was poised to pilot new initiatives. At the same time, other issues demand policy attention, including the need for a Rural Justice Strategy.

CALC contributions to the Review

In this section, we provide a brief overview of what we believe is necessary to move modernization forward. Please note that these contributions assume that community legal clinics will be statutorily protected in any new legislation in keeping with ACLCO's submissions; our work will continue to be overseen, supported and energized by community-elected members of Boards of Directors, and; that adequate funding will be provided to allow our innovative work to continue, in a true *partnership* with LAO staff, locally, regionally and provincially.

Creating a new discourse to enable appropriate legal service provision

One of the first opportunities we need to seize is to develop a new common language about how we conceptualize client-centred and holistic services and the service delivery principles, approaches and models that will be needed to support this approach. We need to come to a shared understanding and to *operationalize* these terms. Without defining the terms below, we identify that a new “discourse” that includes a shared understanding of what these terms mean and their implications would be helpful to shifting professional culture within LAO and within the legal profession. Here is a partial list of examples, listed in alphabetical order rather than necessarily by importance:

1. Action research
2. Basic justice care
3. Client-centred
4. Community capacity building
5. Community development
6. Community lawyering
7. Design thinking
8. Early intervention and prevention
9. Evidence-based
10. Holistic
11. Justice ecosystem
12. Legal capability
13. Legal empowerment
14. Legal health
15. Legal literacy
16. Performance measures
17. Program-owned evaluation
18. Learning organizations
19. Quality assurance vs. auditing
20. Partnership
21. Rural-proofing
22. Social determinants of health & health equity principles
23. Secondary consultations
24. Spectrum of networking, coordination, cooperation, collaboration
25. Systemic advocacy
26. Trusted intermediaries

Elaborating on what offering holistic legal services entails

The consultation documents revealed a particular interest in sponsoring holistic, client-centred legal services. Community legal clinics already provide services with this focus. A number of clinics, including CALC, have been making serious efforts to engage LAO in partnering with us to provide holistic, seamless, and client-centred services. We are committed to moving forward on this, and **recommend** in particular, **sub-regional pilot projects to experiment with approaches that could work on a broader scale.**

CALC has been attempting to collaborate with Legal Aid Ontario staff to improve local justice services with varying degrees of success since 1999. The full challenging history (with some intermittent bright spots) will not be recounted in this brief, but is partially recorded in the submission of our sister clinic Northumberland Community Legal Centre. They outline the efforts we have made and the difficulties we have experienced in getting LAO to implement our ideas, despite the enthusiasm we brought to the task, and that was shared by some LAO staff. For the purposes of this brief, we will focus on defining what we believe is encapsulated by holistic legal services, and provide examples of how holistic services could be provided based on our ongoing action research, most recently supported through a LAO Clinic Transformation grant to the East & Central Region Transformation Project, which in turn hosted – the “Holistic Legal Services” Transformation Action Group.

We first defined “holistic legal services” about a decade ago during a project optimistically named “Legal Aid Services Together @LAST”. Our LAO Service Coordination Network included the staff of five clinics, a university student legal services society, and LAO representatives.

“Holistic Service Delivery”:

A client-centered service that:

- (1) looks at the client as a whole to assist with their legal and non-legal issues as well as their empowerment and overall well-being
- (2) is tailored to assist the person with specific issues as parts of a whole rather than in a piecemeal way which could obscure circumstances that may be affecting their lives
- (3) may involve working with other legal and non-legal agencies, as well as other people whose rights may be affected, and
- (4) includes a preventative aspect to address legal issues before they develop into crises.

This approach entails:

Understanding: Seeing a client’s legal problems in their wider social context, and addressing the legal problem within that context. For instance, this might include acknowledging the impact of a client’s mental health, disability or caring obligations on their ability to solve their “legal” problems.

Diagnosing: Diagnosing and dealing with *all* of a client’s *legal* problems. This means going beyond the presenting problem, or the problem that a particular adviser may be geared up to deal with, to see what other legal needs might be present.

Delivering or networking: Ensuring a client receives appropriate levels of advice on their *legal* problems through appropriate provision by the adviser themselves, or through referral/signposting to colleagues or other providers in the system.

Broadening: Seeing a client’s non-legal problems as requiring some level of intervention if the client’s legal problems are to be addressed and delivering on those interventions directly or through signposting/ referring the client to the relevant services and ensuring those services are carried out.

Taking some strategic initiative: Identifying and tackling the root cause of a client’s legal problems rather than simply addressing symptoms.

Holistic approaches also include working in other ways to solve legal problems that may include systemic advocacy. This could mean advocating for better quality service delivery to prevent legal

problems from occurring, or for more appropriate implementation of policy guidelines or regulations that aren't been correctly interpreted or applied, requesting improvements to policies or regulations or advocacy for changes to policies, regulations, or laws that are discriminatory. Or we may create public legal education resources like tip sheets, self-help kits, web-based resources, or providing information through social media about emerging legal issues.

Over the years we've developed a number of approaches to support more holistic and seamless approaches to get people the legal help they need. Here are a few examples:

During one of our legal needs studies, a service provider commented that when she helped her clients who were experiencing legal difficulties, she felt she was "navigating with the wandering lost". We began to describe our approach as helping clients find "paths to justice". One of our first initiatives was to develop a "Where to Go for Help Guide" which is available online to anyone who needs it for themselves or for the people they help:

<http://communitylegalcentre.ca/tcodownloads/where-to-go-for-help/>.

Several years ago when LAO cut back significantly on family law services, many local service providers contacted us concerned about what to do for their clients who had been left without legal advice and support. Although clinics do not offer family law services, this expressed need for legal information and assistance had to be met. So we developed local "paths to family law justice" guides with the assistance of service providers and local legal experts, including LAO duty counsel and posted it to our website. Here's an example: <http://communitylegalcentre.ca/tcodownloads/hpe-familylawresource/>

Building on this paths to justice approach, to illustrate what we believe would help improve seamless services, we've used a table format from the Law Foundation of Ontario's [Report Connecting Across Language and Distance](#), to draft a document with concrete examples of what clients would experience and how the system would work if LAO and clinics truly moved to a "holistic client-centred approach" and shared it in meetings with LAO staff in 2018. Please see Appendix A.

Based on research we undertook during our recent project, which included "deep dive journeys" to the Integrated Legal Services Office in Ottawa, a Family Law Service Centre in Toronto, and the Client Service Centre in Toronto, we developed a new set of resources to support a more holistic and seamless approach to service delivery.

We see these resources as a first step in creating a more seamless client service experience. We have also created referral protocols and staff training resources.

First, we created a web-based resource that could help Legal Aid Ontario staff more quickly understand when and how to make referrals to clinic staff. This resource was developed as a template that could be easily shared with other clinics through CLEO's provincial website template project. Here's a link to the resource: <http://communitylegalcentre.ca/are-you-helping-someone-else/legal-aid-ontario-staff/>

And a screen shot:

The screenshot shows the CALC (Community Advocacy & Legal Centre) website. At the top left is the CALC logo. To the right are social media icons for Facebook and Twitter, and a link to 'Subscribe to our newsletter'. Below this is a search bar. A dark green navigation bar contains links for Home, About, Legal Information, Our services, News & Events, Contact Us, and Donate. The main content area has a breadcrumb trail: Home - Are you helping someone else? - Legal Aid Ontario staff, followed by a 'Print' icon. The main heading is 'Legal Aid Ontario staff'. Below it, a paragraph states: 'We have helpful information for staff who work for Legal Aid Ontario, including:'. This is followed by a bulleted list: 'Legal Aid Ontario's contact centre' and 'duty counsel in the courts'. Another paragraph explains the goal of seamless service. Below that, a section titled 'Here are some ways we can help you:' is followed by a detailed bulleted list of services, including housing, income, employment, workplace safety, consumer and debt, abuse/victims of crime, and human rights. On the right side, there is a dark teal box with text: 'CALC helps people living on a low income in Hastings, Prince Edward and Lennox & Addington counties, and Tyendinaga Mohawk Territory.'. Below this is a vertical list of categories, each with a question mark icon: 'Friends, neighbours and family', 'Community service agency staff', 'Legal Aid Ontario staff', 'Healthcare providers', 'Librarians', 'Indigenous groups', 'Local lawyers and paralegals', and 'Helping the Deaf'. At the bottom right, there are two boxes: one with the link 'Getting help from a legal clinic in your area' and another with 'CALC's Where To Go For Help chart'.

We also developed resources to help our clients and service providers (trusted intermediaries) understand better what to expect if they needed criminal or family law services provided by LAO staff. These resources were also designed to help CALC staff help people who call us make better connections to the LAO services that they need. Here's an example of the resource: <http://communitylegalcentre.ca/legal-info/getting-help-from-legal-aid-ontario/> .

And another screen shot:

The screenshot shows a webpage with the following content:

- Home - Other - Getting help from Legal Aid Ontario
- Print icon
- Getting help from Legal Aid Ontario**
- Legal Aid Ontario (LAO) offers help with legal problems that our legal clinic staff aren't able to help with like:
 - Family law,
 - Being in trouble with the law (criminal law), and
 - Immigration and refugee problems.
- We explain below how people living in our local area of [Hastings, Prince Edward and Lennox & Addington counties and Tyendinaga Mohawk Territory](#) can get help from LAO.
- You must be living on a low income to [qualify for their services](#) and have the type of legal problem they help with. What they can help with changes from time-to-time. Check with their [staff](#) to be sure you can get the help you need.
- Services provided by LAO include:
 - Legal information and advice over the phone (toll-free).
 - Getting help from Legal Aid in local courthouses.
 - Information on [LAO's website](#):
 - Getting legal help
 - Information you need when applying for legal aid
 - Preparing for court
 - Getting help from a private lawyer paid by Legal Aid Ontario.

On the right side of the page, there is a sidebar with a dark teal header box containing the text: "CALC helps people living on a low income in [Hastings, Prince Edward and Lennox & Addington counties](#), and [Tyendinaga Mohawk Territory](#)." Below this are four information icons (i) with the following text: "Getting help from Legal Aid Ontario", "Getting legal aid help by telephone", "Finding legal help in local courthouses", and "Help from private lawyers paid by legal aid certificates". At the bottom of the sidebar, there is a white box with the text: "CALC's [Where To Go For Help](#) chart lists information and services for many legal problems".

We believe that a number of approaches will be required to support the culture shift that will be required to offer more holistic, client-centred services. **We recommend a short-term task force to explore the new language that will support this work, as well as to explore what approaches have been tried to consider the lessons learned.** We recommend “deep dive journeys” – where LAO and clinic staff shadow each other at work to deepen understanding of how make LAO and clinic services more seamless. **Design-thinking workshops** will also help shift understanding about how better to design the client justice journey. Shifting from current mental models to new ways of thinking about services will be challenging, and require new competencies to be developed in staff who are used to traditional lawyering.

Community lawyering: Considering the competencies required

In order to carry out our work effectively as community lawyers working in legal clinics, we have had to develop special training opportunities for our staff. Law school doesn't prepare law students for the practice of law, and dramatically even less so for those working with vulnerable communities (unless

you've been able to take a clinical legal education course with a poverty law focus). We have articulated the competencies required for community lawyering and they include accountability, client focus, communications, community awareness, computer/internet literacy, conflict resolution and transformation, creativity and innovation, critical/strategic thinking, judgement and analytical skills, knowledge management, traditional legal knowledge and skills, project management, reflective practice, self-management, and teamwork. Collaborative lawyering also requires the capacity for interdisciplinary collaboration, awareness of adult learning principles, capacity for research and evaluation, cultural competency, trauma-informed approaches, and community capacity building.

We believe that these cultivating community lawyering competencies will be critical to providing holistic legal services in the future.

Supporting regional planning initiatives

Nine clinics in the Central & East Region have been collaborating on sixteen projects to improve clinic law service delivery, following a comprehensive needs and local capacity assessment. Most of these projects achieved robust outcomes, and have inspired clinics to continue their collaboration efforts despite the ending of the special project grants. These efforts include sharing four legal staff across the region, and entering into collaboration agreements for shared services. Furthermore, recently all fourteen clinics in the Central & East Region have come together in a Joint Clinic Planning initiative and set a number of new strategic directions to provide a more comprehensive range of services despite constrained resources.

A welcome addition would be community-based regional planning initiatives to support more seamless legal service delivery and to help fill growing justice gaps. There is much to be learned from developments in Australia including the Cooperative Legal Service Delivery Program in New South Wales, as well as Regional Legal Assistance Forums in other states. These forums often also host interest groups discussing the needs and approaches for special communities such as Indigenous peoples, domestic violence victims, prisoners, etc. as well as service delivery approaches like public legal education. Clinic staff would have much to contribute to these discussions. **We recommend that regional legal assistance initiatives include willing clinic staff as co-leads with Legal Aid Ontario staff, to maximize the engagement of people working in the justice sector as well as service providers**

Supporting trusted intermediaries to increase access to justice

Clinics have a long history of working with community partners that could help inform LAO's move to more holistic legal service delivery. We consider these partners as trusted intermediaries because typically our clients trust them more than they trust lawyers. These community organizations can include social service organizations, health care providers, faith groups, public libraries, members of parliament, advocacy organizations, municipal staff and many, many others. We have designed special approaches and resources for working with different groups. At CALC, we consider trusted intermediaries to fall into four different categories: this helps us think about the best way to reach them and how much support they will need to help people.



Partnering with “trusted intermediaries”, is an approach that responds to and resonates with the findings of access to justice studies by internationally-renowned legal needs researchers by supporting early intervention, prevention, and holistic approaches to meeting clients’ legal needs.

The Promise of Justice & Health Partnerships

Justice & Health Partnerships (JHP) have emerged in Ontario as an innovative method for connecting vulnerable clients with the legal help that they need. These partnerships are a formidable access to justice tool for raising legal rights awareness for vulnerable communities, and the legal literacy and legal capability of health care providers. These initiatives build cross-disciplinary approaches to improve legal, and physical and emotional health. Health care providers have a keen interest in collaboration to help their patients ameliorate challenges that they are facing with the social determinants of health and see legal partnerships as critical to that effort. This helps us leverage in new resources and approaches.

Ontario’s community legal clinics have been leaders in developing these partnerships, particularly since 2014, creating diverse models responsive to local need and capacity. A [recent mapping study](#) revealed that nine of Ontario’s eleven health justice partnership initiatives, involving twenty-seven health partners are led by community legal clinics. Early evaluation results of Ontario’s eleven partnerships are promising showing strong engagement with health care providers, promising early interventions, legal literacy improvements for service providers, improved financial and other impacts for clients, and unexpected value-added like health care student placements in clinics undertaking innovative special projects to improve clinic services, increase legal literacy, and the impact of health justice partnerships.

CALC has developed nine local partnerships and is helping to scale up this model in other communities. More information on CALC's work can be found here: <http://communitylegalcentre.ca/are-you-helping-someone-else/healthcare-providers/>. Appendix B is excerpted from the 2018 Law Foundation of Ontario comprehensive report on trusted intermediaries called "Trusted Help", and provides feedback from the lawyers and health care providers involved with these partnerships and details the impact.

Clinics have created a provincial virtual Community of Practice to support this work that meets quarterly to support emerging partnerships and build more robust partnerships. The Law Foundation of Ontario has recently funded four clinic-led new projects to scale up the model to other counties, to build a rural mental health justice partnership, to create an evaluation framework and resources for these partnerships, and to develop regional forums and online learning modules for health care providers.

This innovative approach begs for more involvement of LAO staff to help provide a more seamless services. These partnerships show much promise for working with vulnerable communities, particularly with clients with complex and intersecting legal and health needs.

Community legal clinics would be delighted to work more proactively and productively with Legal Aid Ontario, Ministry of the Attorney General, and Ministry of Health staff to share the results of these partnerships to date and the promise that they hold. We have been developing connections to health justice partnerships in Australia, the United Kingdom, and the United States to learn from their experiences and their research.

Appendices

Appendix A - Moving to a “holistic-client-centred approach”: How the system would work

LAO and Clinics moving to a “holistic client-centred approach”

DRAFT 3 – 29 March 2018

Recognizing a legal problem

What clients would experience	How the system would work
<p>People who consult community legal clinic staff would learn whether their problem has a legal component and how the law might be able to help them, including the “paths to justice” for LAO-handled legal problems.</p>	<ul style="list-style-type: none"> • Through questioning beyond the presenting issue, clinic staff will screen for other legal issues. • Clinic staff will be able to recognize a client’s presenting problems have other legal aspects arising from both traditional LAO-handled legal problems (family, criminal, immigration) and other clinic law issues (income security, housing, employment, work injuries, human rights, victim of crime, consumer & debt, education etc.). • Before referring out a client who is presenting with a family or criminal matter, clinic staff would canvass for other legal issues that might fall within clinic law • Clinic staff will make high quality “paths to justice” referrals for family, criminal and other LAO-handled problems to the appropriate local and provincial entry point. • Clinic staff will make warm handoffs to LAO staff in appropriate circumstances. The warm hand off process at the clinic’s end could involve xxx, and the warm receipt at the LAO end could involve xx.
<p>People who consult LAO staff would learn whether their problem has a legal component and how the law might be able to assist them.</p>	<ul style="list-style-type: none"> • Through questioning beyond the presenting issue, LAO staff will be able to recognize a client’s presenting problems have other legal aspects arising from both traditional LAO-handled legal problems (family, criminal, immigration) and clinic law issues (income security, housing, employment, work injuries, human rights, victim of crime, consumer & debt, education etc.) • LAO staff will make accurate and early referrals for clinic law problems to local legal clinic. • LAO staff will have access to accurate information about the services of all Ontario’s clinics • LAO staff will make warm handoffs to community legal clinic staff on clinic law issues in appropriate circumstances to intervene and prevent problems from escalating. • The warm handoff would involve LAO staff having direct access via a hotline to clinic staff. At the clinic end services of an intake worker or a clinic

What clients would experience	How the system would work
	<p>lawyer as appropriate would provide assistance to either the LAO staff member or the client needing urgent assistance.</p>
<p>People who receive correspondence from LAO will be alerted to possible common legal problems and help available from Ontario's clinics</p>	<ul style="list-style-type: none"> • All LAO correspondence to clients would contain a "one-liner" about the common legal problems for which they can consult general service clinics • Clinic correspondence would also remind clients, where appropriate, about legal help available from LAO. [Note that criminal and family problems are usually obvious to clients, whereas clinic (poverty law) problems are not.]
<p>Clients or trusted intermediaries visiting general service clinic websites will be able to find legal information in all areas of the law impacting on people living on a low income.</p>	<ul style="list-style-type: none"> • Clinic websites will be designed to help clients and trusted intermediaries common legal problems and signpost clients to credible legal information and help in all areas of law. • Clinics will adapt the "holistic approach" templates designed as part of the Provincial Websites' Template Project led by CLEO to local circumstances. • General service clinic websites will signpost to credible legal information in areas of LAO served by LAO but not by clinics. • General service clinic websites will signpost to areas of clinic law not served by that clinic but available from specialty clinics • General clinic websites will highlight the different types of legal services available beyond individual client help and how these services – legal information and literacy, community capacity building and organizing, systemic advocacy and law reform can be accessed.
<p>Clients or trusted intermediaries visiting LAO's website would be able to find legal information in all areas of the law impacting on people living on a low income.</p>	<ul style="list-style-type: none"> • LAO...
<p>Clients calling LAO after hours or on hold while attempting to reach the CCC would also be directed for help with clinic law problems.</p>	<ul style="list-style-type: none"> • LAO phone messages and automatic attendant ...

Information to understand the problem

What clients would experience	How the system would work
People with an identified legal problem would receive basic information from a legal professional employed by LAO, a clinic, or “trusted intermediary.”	<ul style="list-style-type: none"> • The legal community would support non- legal organizations in building their capacity to provide initial legal information and referrals, e.g., through advice, training, and interactive websites or hotlines for front-line staff. • Community workers would help legal professionals to understand the needs of vulnerable clients. • This partnership would help avoid what has been called “referral fatigue.”

Legal referral and summary advice

What clients would experience	How the system would work
Clients would easily obtain summary advice and referral to a legal professional.	<ul style="list-style-type: none"> • Legal referral services would coordinate their efforts to make their approaches consistent and to prevent “referral fatigue.” • LAO and clinics would help people navigate “paths to justice” within the network of legal aid services. • Where necessary, the link between the intermediary and the legal professional would be maintained to ensure post- referral support to the individual.

Legal help to rural/remote communities & other vulnerable client groups

What clients would experience	How the system would work
People living in isolation due to language or location or other characteristic (e.g., people living in rural and remote areas, women experiencing domestic violence, people with intellectual handicaps or issues with literacy, migrant workers) would receive timely, accessible legal help.	<ul style="list-style-type: none"> • LAO and clinics vulnerable clients would employ outreach strategies to help “hard-to-reach” persons receive the information they need in places they already go. • Outreach could include community and multilingual media; ESL curricula, literacy and school programs; and partnerships to provide community workshops and information sessions.
Indigenous clients receive holistic services from clinics and LAO.	<ul style="list-style-type: none"> • When clinics hold advice clinics for First nations Metis and Inuit clients, they can be connected immediately to LAO if they have a family or criminal matter.

What clients would experience	How the system would work
<p>People in rural and remote communities would have better access to direct legal services.</p>	<ul style="list-style-type: none"> • Legal service providers would implement programs and strategies for providing direct services in rural and remote areas. • Access would be enhanced through incentives and supports for legal professionals to practice in rural or remote areas, mobile services, law student placements, and articling positions in rural communities.
<p>Aided by technology, clients at a distance from legal services would have access to legal services.</p>	<ul style="list-style-type: none"> • The system would make strategic use of technology such as videoconferencing. The objective would be to connect vulnerable people or intermediaries with legal service providers at a distance.

Self-help

What clients would experience	How the system would work
<p>If individuals, upon receiving information, choose to proceed on their own or are declined service, self-help tools would be available to support them.</p>	<ul style="list-style-type: none"> • The system would aim to give vulnerable clients direct access to legal professionals. Self-help supports would be developed to help make best use of that access (e.g., to prepare for legal meetings). • Organizations with legal expertise (trusted intermediaries) would also develop tools to help people proceed on their own with parts of the legal process if necessary.

Appendix B - Excerpt from Trusted Help (Law Foundation 2018): Case Study of CALC Justice & Health Partnership

<https://lawfoundation.on.ca/download/part-2-trusted-help-the-role-of-community-workers-as-trusted-intermediaries-who-help-people-with-legal-problems-2018/>

2.4 Case study #1: Rural Justice & Health Partnership

Of the 200,000 people who live in the counties of Hastings, Prince Edward, and Lennox & Addington in Southeastern Ontario, approximately 32,500 are low-income residents, most of whom live in rural and remote areas. The Rural Justice & Health Partnership connects health care service providers with the Community Advocacy and Legal Centre, the legal clinic for this catchment area. The goal is to improve health outcomes and access to justice for people who are low-income, vulnerable, and marginalized.

The partnership embraces health workers as trusted intermediaries.

Health worker: It's tough to be all things to all people. In this kind of job, you really need to learn about things from a service perspective, because you need to be guided by the client and their needs – for how deep you go, for agencies and service supports in the area.

Underlying social conditions, including unresolved legal issues, have an impact on health.

Health worker: When the pieces of the puzzle come together, and people get the housing or disability benefits they need, there is a sigh of relief. It makes a big difference in their life, and lets them get on more with their health problems and improves wellness in general.

A health crisis often propels legal issues forward.

Health worker: You may have someone who is dying, who is functionally illiterate, whose family doesn't know how to cope and they don't get along at best of times, and the hospital is asking about a power of attorney. Patients need help with documents, with what it means to have power of attorney, and the process for putting that in place.

Legal clinic lawyer: When a client has a complicated family situation, or no family, a power of attorney can be so important. The person may not want to go down the hierarchy of substitute decision makers, or wouldn't want certain family members inheriting or handling their affairs. These are not simple, straightforward cases.

Timely intervention helps.

Legal clinic lawyer: We see a lot of clients where there is definite urgency to act. For lawyers the urgency to prepare documents also presents an interesting practice issue – you want to help quickly and right away, and you have a professional obligation too. For some issues, we may need to spend a lot of time.

“Legal is scary.”

Legal clinic lawyer: Often people are afraid to talk to lawyers. The health care worker can speak for us, and say, “It's ok to talk to the clinic.” They can do some of the groundwork and provide information about the legal help that's available. We see that information won't get to people any other way.

Health worker: The word “legal” is scary and services are not that available. But we are able to connect people with legal services in the community in a really positive way. We use a supportive approach, we're not threatening.

Training from the legal clinic and a “legal health checklist” help workers to flag legal problems in housing, social assistance, employment, workers compensation, criminal injuries compensation, human rights, consumer and debt, and powers of attorney.

Health worker: I know I've gotten better at identifying legal need. The coordinated care plan and user guide that everyone across the province is supposed to be using, in the legal section asks: “Do you have legal concerns affecting your health?” That's good and will cover some legal aspects, but we could probably flesh that out. The legal clinic has expanded our scope and perspective around the legal lens.

Health workers learn what the legal clinic has to offer and how to make referrals. A service provider hotline provides quick access to a clinic legal worker for advice.

Health worker: The fact that I can send an email and get an answer back so quickly – it's phenomenal to know that you have that resource, and to know that you're not a burden or a pain.

Health worker: Knowing what the legal clinic can offer, if anything comes up for my patients or in my practice, and if I feel like there is any match with areas identified on the legal health chart, I'll follow through with a phone call to determine if I've got it right.

Health worker: A primary benefit is the trust that's been instilled in our legal partners. When referral comes from a health care provider they trust, the referral is also trusted. That partnership has been of great benefit to all of us.

Communication between legal and health workers helps the clients they share.

Legal clinic lawyer: For those clients that we share, it makes me think of the adage, “it takes a village...” It takes a team of different professionals, working together. It's not enough to have just a doctor, just a nurse practitioner, just a lawyer. And you need a lot of communication between them. The project has helped create a safety net for people who really need it.

Health worker: I always have the legal clinic lawyer have a look at the client's self-report alongside the doctor's report for the Ontario Disability Support Program. We might then take it back to doctor. This is working really well. The exchange helps the doctor's legal knowledge.

The partnership approach is empowering.

Health worker: The Justice in Health network has changed the way that we think about client problems. It makes us think we have hopeful resources for them. It is empowering for them to get help to resolve a problem. The legal clinic is extremely welcoming, open to providing support in whatever way that would be helpful to us. The heart that they bring to it is so evident.

For more information on the Rural Health and Justice Partnership, Legal Health Checklist, partnership documents, or training for trusted intermediaries, see <http://www.communitylegalcentre.ca>.