



## Council of Agencies Serving South Asians (CASSA)

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Via Email Only

September 9, 2019

Dear Hon. Doug Downey:

### **Re: Legal Aid Modernization Project 2019**

The Council of Agencies Serving South Asians (CASSA) is a social justice non-profit umbrella organization of agencies, groups, and individuals that provide services to the South Asian communities in Ontario. Our mission is to facilitate the economic, social, political and cultural empowerment of South Asians by serving as a resource for information, research, mobilization, coordination and leadership on social justice issues affecting our communities.

Our organization has had a long-standing partnership with legal clinics, in particular the ethno-racial legal clinics serving racialized communities in Ontario, namely the Chinese and Southeast Asian Legal Clinic (CSALC), and the South Asian Legal Clinic of Ontario (SALCO). CSALC and SALCO have been a tremendous support to CASSA in working with us pro bono to develop legal education tools for racialized and marginalized communities. CASSA had also written to your predecessor, the Honourable Caroline Mulroney, to raise our serious concerns with respect to legal aid cuts. We are disappointed that the Government of Ontario has yet to heed the advice of organizations in the justice sector as well as groups representing marginalized communities, all of whom have unanimously denounced the deep cuts made to legal aid and the consequential impact on vulnerable Ontarians.

As the Ministry and Legal Aid Ontario (LAO) embark on the modernization of legal aid, we urge the Ministry and LAO to respect the foundational principles of the clinic model and work together with clinics to preserve the clinic model as a way to deliver poverty law service. We also firmly support the need for an independent agency like LAO to deliver legal aid services.

The decisions made in the Legal Aid Modernization Project 2019 will have a profound impact on members of racialized and other marginalized groups, who are over-represented among low-income Ontarians. LAO has said that it is guided by certain principles and aimed to “reduce the impact to particularly disadvantaged client groups” (e.g. Indigenous and racialized people). We ask the Ministry and LAO to keep these principles in mind when making decisions to amend the legal aid legislation.

We believe that the following foundational principles must guide the Modernization Project and any amendment to the *Legal Aid Services Act (LASA)*:

- **Accountability:** Clinic law services, offered by independent community clinics and governed by boards of directors, are accountable to the communities we serve
- **Equity and Inclusion:** The review of legal aid legislation should be guided by the values of equity and inclusion in its review. It should recognize that there should not be a one size fits all solution, and that the connection with clinics’ client communities is what drives the work of clinics.

- **Community boards:** The responsibility of clinic boards to determine the needs of their community and to ensure the delivery of clinic law services in accordance with those needs
- **Flexibility:** The ability to offer a broad range of services to meet those needs, including systemic work such as law reform, community development, test cases and public legal education
- **Core and stable funding:** The provision of core and stable funding for legal clinics will ensure low income people's legal needs are met and their access to justice will not be affected by changing government priorities.

We join the call on Ministry and LAO to:

- Ensure that the fundamental principles of the clinic model are currently enshrined in the *Legal Aid Services Act*, and must remain enshrined in any future enabling statute
- Reverse the cuts to Legal Aid as a first step to improving clinic law services in Ontario. This year's funding cuts have a significant impact on the services clinics can provide in every part of the province, and particularly to the communities whose clinics were disproportionately impacted.
- Recognize the ability of clinics to respond to community needs because clinics are rooted in the community and are governed by a community board. Clinics have the expertise to respond to changing needs of our low income clients and communities. Clinics are the bridge between communities served by our organization and the legal system; many of our organization's clients have no knowledge of legal aid or the legal system before contacting us and the clinics.
- Engage in discussions with clinics about ways to improve the clinic system, *after* the fundamental principles of the clinic model have been guaranteed and the framework for clinic law services has been enshrined in legislation. To engage in discussions of changes to the clinic system prior to receiving these guarantees would open the door for a significant restructuring of the clinic model or even the elimination of community clinics.

In light of the impact that changes to legal aid legislation will have on newcomers, asylum-seekers, low-income individuals, and other vulnerable groups that we serve, and the crucial role that legal aid plays in ensuring access to justice, an independent legal aid agency that is client-centred and for the people is needed to safeguard the rights of all, including the most marginalized.

Sincerely,



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Executive Director

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