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September 6, 2019

VIA ELECTRONIC MAIL:

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David Field, CEO and President  
Charles Harnick, Board Chair  
Legal Aid Ontario  
Atrium on Bay  
40 Dundas Street West, Suite 200  
Toronto, ON M5G 2H1

Dear Mr. Field and Mr. Harnick:

**Re: Legal Aid Modernization Project – Justice for Children and Youth Submissions**

Thank you for providing Justice for Children and Youth (JFCY) with the opportunity to make submissions on Legal Aid Ontario's Modernization Project.

As you know, JFCY is a child rights organization and a specialty legal aid clinic with a provincial mandate. We are a highly successful legal aid service provider that exemplifies the ideals of the clinic system, providing expert, efficient, high quality service delivery to children and young people across the province. We have a fully engaged, volunteer governing Board of Directors, and outstanding staff led by our award- winning ED, Mary Birdsell. We are future-oriented and forward thinking, having recently undergone a strategic planning process that we are excited to act on. We value our independence, and take our oversight and accountability duties very seriously.

JFCY supports and endorses the submissions provided to you by the Association of Community Legal Clinics Ontario on August 29, 2019, as well as the submissions of the Specialty, Ethno-Racial, and Linguistic Community Legal Clinics provided to you on September 6, 2019. We also have a number of ideas, specific to children's law and access to justice for young people that we hope we will be able to continue to discuss with you.

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Our ED has participated in a number of consultations that you have hosted, and we appreciate that she has had the opportunity to respond to some of the questions raised during those meetings. We appreciate the desire to engage in modernization, and the pressure of doing so within the fiscal constraints arising from the most recent budget. It is our position that JFCY has been committed to maintaining an evolutionary approach to our services for a long time. We are consistently looking for ways to provide more efficient and effective services, especially as we have seen a dramatic increase in the demand for our services (from 2012 – 2017 we had a 50% increase), and an increase in the complexity of the legal, social, and personal circumstances of the young people seeking our services. In addition to our direct client service work, our test cases, and our public legal education efforts, we regularly engage in work with LAO, with other legal services providers, and with government, community, and civil society child and youth services providers to try and improve access to justice and achieve equity.

We wholeheartedly support the description of the unique and valuable qualities of specialty clinics described in the joint submission, and believe that JFCY exemplifies those qualities in our work. We also support the submission, and believe that JFCY is a model of the goals described in the Modernization Project documents. Our staff have unique and highly respected legal expertise, including expertise in working with vulnerable children and young people to advance their equity, that is unparalleled in Canada. Our staff and our work are recognized not only in Ontario and Canada, but internationally as well. We realize that it is hard to describe the nature and quality of the work we do in a letter, or in a large meeting, and with limited amounts of time. We believe that one modernization goal should be to improve communication between LAO and the clinics, and in doing so to improve the ways in which clinics and other LAO branches can work together to support each other's work.

In this submission we hope to describe briefly some suggestions that we believe would improve legal aid services for children and young people in Ontario. We look forward to discussing them with you in the coming weeks.

**Improved information sharing and communication mechanisms and activities.** It is our sense that there are many high-quality and excellent client service undertakings in clinics and in other parts of LAO. There are also areas and practices to be improved upon. It is our experience that there is room for improved relationships, communication, and information sharing between and among various branches or arms of LAO. This is not a small undertaking, but could have significant impact. Improved information sharing and communication would serve a large range of quality, culture, and commitment to excellence issues. Positive transformational results may be seen both at the macro and micro levels. For example, improved organizational and inter-organizational communication and information sharing would: improve awareness of and appreciation for quality activities; assist in the identification and sharing of best practices; improve service providers' ability to learn from both successes and failures of innovations; improve appreciation for excellent practice where it exists; and, help to address under-performance where that exists. JFCY welcomes the opportunity to discuss this suggestion in more detail.

**Mechanisms for identifying and sharing best practices**, as a specific aspect of improved communication, should be seen as a priority. Excellent service provision should be shared as an important way to improve quality across the system.

**Improved Reporting Mechanisms.** We appreciate that the issue of changes to the reporting structures has been raised as a possible area for improvement, and we support some of these suggestions. In particular we suggest that reporting mechanisms should be used to support other communications improvements, including championing the work of clinics, sharing best practices, and ensuring that clinics can meaningfully fill services gaps. In our experience there are many opinions in the clinic system regarding the current Annual Funding Application. We suggest that a consultation regarding improvements to the annual reporting system would be helpful. Perhaps the ACLCO could be asked to undertake such a consultation.

**Provide Resources to facilitate gathering meaningful empirical information.** JFCY has on a number of occasions been able to work with academics in efforts to meaningfully assess community needs, and the effectiveness of our activities. In the past we have been able to secure funding to do needs assessments, and program evaluations with academics interested in our work. Most recently we have been able to engage pro bono services of academics to help us gather empirical data to help us evaluate aspects of our service delivery, and legal practice. We hope that this will support us to understand the value of our efforts, and conduct meaningful and appropriate priority setting. It is our expectation that LAO could assist clinics to access this kind of expert evaluation, that would be appropriate to individual clinics, and to other aspects of LAO. Meaningful evaluation of human services is difficult, and context specific. Providing legal services to low income people, and in our case, to vulnerable children and youth is a complex endeavour. Ensuring that any evaluation is expertly and meaningfully done requires a thorough appreciation of the context, and can effectively and efficiently be done in consultation with academics and experts.

**Provide Resources to support satellite services.** As some of our colleagues at LAO know, we at JFCY are concerned about the quality and availability of expert legal services for children across the province. We have been engaged in many efforts throughout the years to try and provide CPD on child representation and child rights (e.g. with the LSO, OBA, and others, and by individual mentoring, and other efforts), but many concerns remain. JFCY staff provide legal services to young people in all parts of the province, but we feel that we could be more effective given the opportunity to develop more structured opportunities. We believe that few additional resources could be very efficiently used, especially by working co-operatively with other clinics, and other child and youth serving agencies with whom we are already well engaged. Our street youth legal services work is an example of our efficient partnerships with youth serving agencies to promote access to justice for children. JFCY welcomes the opportunity to discuss this suggestion in more detail.

**Support clinic capacity to serve as coordination centres for legal services.** This is work that we already do, and we know that other clinics also do so. Additionally, implementing our suggestion above regarding communication and information sharing, will as a natural consequence, develop this suggestion. The structural reasons for why we do

this work were described in some detail in the joint submission of the specialty, ethno-racial, and linguistic clinics. Young people, and adults who support them call us as a trusted child and youth service provider, and often as a trusted community partner, when looking for justice system support. As we do not have the resources to provide full-service representation for everyone who calls, and we specifically work to ensure that we are not duplicating resources that may be available elsewhere, we have developed a network of accessible referral options available for children and young people, in their areas of need. Doing this work effectively requires expertise in the representation of children and youth, our areas of law, and a depth of connection in the child and youth serving community, as well as in the legal service provider community. Again, JFCY welcomes the opportunity to discuss this suggestion in more detail.

**Improved compensation.** As you know we have been concerned about the inequitable compensation, in particular of lawyers in the clinics, and at JFCY in particular. The low compensation levels, and especially the comparison to compensation of LAO staff lawyers is a real vulnerability for us. We have no difficulty attracting excellent, highly skilled, and highly qualified lawyers. But, as they are paid between 35 – 45% less than their same level peers at LAO, (to say nothing of the extent of the disparity with MAG lawyers) retention has been a problem. Given that the development of expertise is essential to the success of our clinic, retention problems are serious and cannot be ignored. Unfair pay also undermines the morale of our staff, and, for that reason as well, we must address it.

**Legal Aid Services Act.** We emphatically support ACLCO’s submission that the clinic model for delivering clinic law services must continue to be protected in the Legal Aid Services Act (LASA). LAO has stated that “sustainability over the long term” is a goal of the Modernization Project. Sustainability requires not only financial efficiency and value for money but also stability within the system of legal aid delivery. Protecting the clinic model in LASA provides this stability so that the system isn’t at the mercy of political turnover both in the government and at LAO.

No doubt your staff will have some questions for us about our submissions. We’re ready to meet with you to elaborate on them and to provide further examples to illustrate our points. We look forward to having a meaningful dialogue with LAO about how our organizations can, together, improve access to justice for young people in Ontario.

Sincerely,

Anne Irwin

Board Chair  
Justice for Children and Youth