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SENT BY EMAIL

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Hon. Doug Downey
Attorney General of Ontario
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Dear Minister Downey and LAO,

RE: MCLS Submission to the Legal Aid Modernization Project Consultation

We thank you for the opportunity to provide you with Mississauga Community Legal Services' ("MCLS") submission regarding the LAO/MAG Modernization Project Consultation. We expressed some of the points in this letter directly to the Attorney General when he visited our clinic on August 26, 2019 and met with us, as well as our staff and the Vice Chair of the Board. We would like to thank him, MPP Natalia Kusendova and MPP Sheref Sabawy for taking the time to meet with all of us to discuss the essential role that our clinic plays within the community.

Our Work

Community legal clinics such as MCLS are the experts in poverty law services. We provide direct front line legal services to low income residents of Mississauga. We provide assistance at a point in our clients lives when they most desperately need help: at the time that they are facing eviction, loss of job, loss of disability benefits, or other serious legal problems.

Legal clinics such as ours assist vulnerable people with the essentials of life: keeping a roof over their heads and providing money to put food on the table. We help people maintain their housing, which keeps them from resorting to living in shelters or ending up in the hospital emergency rooms. Our services help ensure that those individuals who are eligible for government benefits, like social assistance and WSIB, are not illegally denied those

benefits so that they have money in their pocket for basic needs such as food, resulting in better health outcomes while saving health care dollars.

MCLS provides low income residents of our community with access to counsel to better understand their situation, rights and case, which leads to legal matters being resolved more quickly and more efficiently, reducing delays and eliminating unnecessary litigation.

Poverty in Mississauga

Our clinic serves a low income population totaling 128,019 people (2015 census). Mississauga is the province's 3rd largest city and the 6th largest city in the country, yet our city has traditionally been the second most underfunded municipality in Ontario when it comes to funding for clinic services. The chronic underfunding only started to be addressed in 2015 when the province increased the financial eligibility criteria for legal aid services, which meant more FEG (Financial Eligibility Guideline) funds for under resourced clinics such as MCLS.

More recently in March of 2018, LAO allocated additional FEG funds for under resourced clinics. We received these funds in November and, with this investment, our clinic expanded our legal services to meet the needs of those that are the most vulnerable in Mississauga. However, the Province announced in Budget 2019 that it would cut it's transfers to LAO by 35% (\$133 million) and that this amount will rise to a 44% cut by 2021. This decision put an end to under resourced clinics receiving FEG funds.

Just as the clinic was finally at a place to grow and address the neglected legal needs of our community, we were hit with a reduction of funding, elimination of supportive services such as the Clinic Learning and Training Program, as well as a loss of critical legal aid services for our clients in the areas of Refugee, Family and Criminal law. This is all happening during a time when the affordable housing crisis for Mississauga residents has been worsening and people are struggling to make ends meet. There is just no affordable housing available for those on social assistance, and these same clients have been hit with recent cuts and resulting changes made to the Social Assistance Program and the elimination of the Transitional Child Benefit, which puts the poor in our community in even deeper poverty.

Modernization Project

Legal Aid Ontario funds clinic law services and, while no system is perfect, community clinics have enhanced access to justice to every part of this province through responsible management, a responsive delivery of services, and—when presented with the opportunity, the development of innovative services for Ontarians.

We will discuss how the principles in the Legal Aid Services Act (“LASA”) have enabled us to do this and offer suggestions on improving legal aid services in this province.

Responsible Management

Legal clinics are independent and are each governed by a volunteer Board of Directors who have a strong connection with the residents who receive its services. This key LASA principle has helped this clinic and its community on numerous occasions.

The Board members are all volunteers who have a connection to our community and as such possess local awareness of the resources, and evolving legal needs that matter most to our community.

We have been able to draw upon the skills, resources and critical community connections of our Board Members, to support and enhance our clinic. In particular, our Board, with their collective experience and network in our community, has connected our staff with important decision makers and organizations in Mississauga, which has supported our client work. The Board has been an incredible resource.

In particular the Board has been instrumental throughout the years in negotiating all of our collective agreements with our union as we have had a director with human resource expertise on our negotiating team. Our Board has also been involved in developing our Bylaws, designing our website, and has been a constant resource for us.

The Board has also guided the work of the clinic through our annual Planning Day meetings where we meet with the staff to review last year's achievements, the environmental scan, and community-focused goals for next year. Our meetings have resulted in the creation of satellite clinics and the expansion of our services into immigration and employment law to reflect the needs of Mississauga's diverse population and by its workers in precarious working situations.

We have a recruitment committee in place to ensure that the core qualifications of our Board compliments and fits the skill sets of what is required to govern the clinic. Our Board members thus have the skill sets required to support the work of the clinic in the areas of human resources, workplace safety, financial, and accounting just to name a few.

Utilizing the expertise of our Board members for the betterment of our clinic has been an efficient and cost effective use of our resources.

Responsive Delivery of Services

MCLS was created to provide clinic law services for Mississauga's low income residents. Under LASA, these services include legal advice and representation, law reform, community development, and public legal education ("PLE"). These key elements are each important and complement each other to provide access to justice for the most vulnerable people living in our society. As a local clinic, we learn about the unique challenges that our clients face, and are able to be responsive to the particular needs of our community. These challenges and needs are always evolving, and our strategies consistently adapt to meet our community's needs.

MCLS has been providing access to justice to our community for over 40 years. We know that it is far more cost effective to empower residents by providing them with information about their legal rights than to only address their legal issues when they are in crisis. This is why we have always emphasized reaching out to our community partners for PLE opportunities and why we have created a weekly PLE series at our office for residents.

Our law reform work has also been a major component in advocating for our clients. We are often sought as important stakeholders when decision makers want to hear about the impact of their decisions on low income people. Our work benefits from our independence from the government. This allows us to act without fear or favour of whoever is in government when we are conducting this work. Our staff have appeared at provincial pre-budget consultations, have met with elected officials to improve social assistance laws, and social housing legislation, and have provided input when the city was creating rental protection and adequate temperature bylaws. Like PLEs, law reform initiatives are a cost effective means to effect significant change in our community.

We are a key stakeholder due to our expertise and due to our position as the only agency that provides legal services for Mississauga's low income residents. The fact that our focus is local strengthens our position as an organization that understands the particular legal needs of this community and enhances our work on behalf of the city's residents. This position helps us identify pockets in the city that need our services, and we can shift resources to address those needs more swiftly than if services were run from a central location such as Toronto, for example.

The success of our clinic system is based on our responsiveness and adaptability of the needs of our local communities. This is a fundamental characteristic of the clinic model that should remain unchanged.

MCLS has been able to remain nimble, resourceful and responsive, without the delays and added costs common in bureaucratic organizations.

- We have been able to accommodate PLE requests on very short notice (one week);
- We work to reduce expenses and keep operating costs low as possible. During our office renovations we moved our own office furniture instead of hiring movers, we continued to keep our clinic operational even though half the office was under renovation, and we reduced our Board room and kitchen space to allow for more office space to house staff and volunteers. We also identified an opportunity to reduce our parking expenses by purchasing a monthly parking pass in the building where the Landlord and Tenant Board/Social Benefits Tribunal sits, since MCLS staff frequently attend and represent clients at this location; (These are just a few examples)

- We were able to secure a lease with favourable terms (one month's free rent and a rent reduction) that was within budget in a two hour meeting with the landlord.

In summary, our independence and our community focus has enhanced our effectiveness in serving our community in a responsive and cost effective manner.

Innovative Delivery of Services

As mentioned, our clinic has been able to deliver services in innovative ways, while concurrently maintaining a community-responsive approach. Whether it is expanding services through shared resources, creating an online tool to address the legal needs of rural communities, or taking a van and going out to communities to offer services the clinic system has historically been a driver of innovation because we are locally focused, nimble and responsive organizations.

The community legal clinic system is a knowledge-sharing community by its nature. We connect with clinics and experts across the province, share strategy, information and news which is relevant to our areas of practice and community engagement. This improves each clinic's efficiency.

This clinic has been able to create innovative ways to enhance access to justice.

- We have added a litigator dedicated to housing law to meet the increasing legal needs of vulnerable Mississauga residents.
- We have added a social worker to our team to help connect our clients to existing programs in our community to deal with their non-legal needs (i.e. those with mental health issues requiring support, women who are coping with domestic violence or instability within the home).
- We quickly adapt existing PLE presentations to address changes in law and policy that will affect our community, and deliver these presentations at the earliest opportunity.
- We created and manage an employment law program that enhances the capacity for the clinics in southwestern Ontario to provide these services in their communities. It is a cost effective program having only three employment lawyers who all work remotely. These lawyers are training clinic staff to offer these services, providing legal services to low income communities that had never had such access in the past, and they have organized and worked with migrant workers to improve their lives. The program's success is largely due to the strength of the local clinics that it serves.

All of these innovative approaches were due to the influx of FEG funds which ended, as mentioned, this year.

Suggestions for Improving Legal Aid Services to obtain Fair Access to Justice

We believe that the modernization project is an excellent opportunity for our province to improve access to justice, while also working to make our legal aid system more efficient. We believe that there are a number of ways that access to justice can be enhanced. Some of our suggestions and ideas are outlined below. We would be happy to discuss these suggestions in more detail at a later date.

- Expanding our funding agreements from one year to a 3 year term to allow clinics to engage in long-term planning. Annual funding agreements are repetitive, take considerable time to complete and do not allow for multi-year planning.
- Secure and predictable funding would allow clinics to commit to long term leasing and sustainable planning for service delivery to the community and its community partners;
- Providing clinics with the resources and flexibility for long term planning will also enable us to provide job security to our staff.
- Using technology such as a shared online web portal or phone applications, enabling Ontarians to access the full array of services offered by LAO (LAO introduced an app two years ago. Let's improve it.)
- Acknowledging that those who work in this field are not in it for the money. Clinic professionals are paid lower than those in the private sector but choose to work in poverty law because they have a passion for this work.
- Sustainable, predictable funding and an appreciation that the funder and provincial government should support and maintain the passion of staff will ensure an efficient, client-focused legal aid system
- Reinstating LAO's budget to the 2018-2019 level.
- Continue funding LAO each time there is an increase in the Financial Eligibility Guideline. As mentioned earlier, the funding had helped under resourced clinics and has spurred innovation in the delivery of legal aid services.
- Ensuring that the legal aid system be statutorily mandated to provide "poverty" or clinic law services in recognition that a properly funded legal aid system increases the efficiencies of tribunals and courts and saves government money by reducing the need for other social services.

- Recognizing that certain specialty clinics (such as the Clinic Resource Office, the Income Security Advocacy Centre and the Advocacy Centre for Tenants Ontario) are critical supports for community clinics and they make us more efficient and effective in our client work.

The demand for poverty law services in Mississauga is growing and the legal problems that our clients experience are becoming more complex. The focus of Legal Aid's modernization should be on change that results in enhancing the quality of service that we already provide our low income clients rather than change that results in a reduction or removal of key resources and tools that enable community legal clinics to provide adequate service to the most vulnerable members of our community.

Community clinics and legal aid are a critical part of Ontario's justice system. Cutting our funding does not eliminate the legal needs of the poorest and most vulnerable, but it does take away their rights to access quality legal services. We must preserve the fundamental elements of the clinic model so that clinics can continue to have the tools and resources to deliver quality legal services to low income residents of our community.

Yours truly,
MISSISSAUGA COMMUNITY LEGAL SERVICES



Douglas Kwan
Co-Executive Director



Sabrina Karmali
Co-Executive Director