



Legal Aid Ontario 1999-2004

Moving towards
completing the client service journey



FEBRUARY 2004

LEGAL AID ONTARIO
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**LEGAL AID ONTARIO
THE FIRST FIVE YEARS**

The legal profession has a long and proud tradition of providing legal aid services to Ontario's low-income population. Legal Aid Ontario (LAO) was established in April 1999 to carry on that tradition and to become more client-focussed. In the five years since, Legal Aid Ontario's accomplishments have marked the beginning of a whole new era in access to justice. Today, LAO provides service to over one million low-income people every year. LAO uses a variety of services targeted to the unique needs of its clients – at the right time in the right place.

As the first Chair of Legal Aid Ontario, I have been pleased to have helped lay the foundation for the organization's changes and improvements towards being a mature, client-focused organization. Under the direction of our board of directors, LAO has led the way in building new relationships with private bar lawyers, the government, community legal clinics, and many other stakeholders to help ensure the continued success of legal aid for the future.

A strong team of dedicated managers and staff has built the framework for a client-focused and quality service-oriented organization. The vision for the future is clear and is set out in the 2004-2005 Business Plan titled "Completing the Client Service Journey". This report looks back and highlights some of Legal Aid Ontario's achievements during these transitional years.

A handwritten signature in black ink, appearing to read 'SBL', with a small flourish at the end.

Honourable Sidney B. Linden
Chair

INTRODUCTION

Legal Aid Ontario (LAO) was established by the Government of Ontario in April 1999. LAO has a statutory mandate to provide legal assistance through a variety of services, including legal aid certificates, duty counsel services, community legal clinics and student legal aid societies.

Legal Aid Ontario is assisted in its quest to provide access to justice by more than 4,000 private lawyers who do legal aid work. In addition, more than 700 people volunteer as members of clinic boards of directors, and over 650 people volunteer hundreds of hours of their time on advisory committees and area committees.

LAO'S PRIORITIES:

- ❖ Delivering innovative client services
- ❖ Meeting unique client needs
- ❖ Improving support to lawyers providing legal aid service
- ❖ Strengthening support to clinics
- ❖ Securing stable funding, advocating for our clients
- ❖ Improving our decision making and the ways we do business

FIVE YEARS OF CHANGE

The Change Agenda

- ◆ Expanded community legal clinic coverage ensuring clinic law services in all areas of the province. This expansion brings the total number of clinics to 79 and includes five new general service clinics, two new French language clinics and two new specialty clinics dealing with landlord-tenant and income security law.
- ◆ Improved the legal aid tariff for the first time in 15 years. Legal Aid Ontario worked with lawyers' groups and other stakeholders to convince the provincial government to increase the hourly rate paid to lawyers by 10 per cent in 2002-2003. In addition, the duty counsel hourly rate was increased by 28 per cent. These increases have made doing legal aid work more affordable and better assured the availability of lawyers for low-income people.
- ◆ Improved relationships with the people who provide legal aid services. LAO has worked hard to improve services, supports and consultation with the private bar. It has also redefined and formalized the respective roles and responsibilities of LAO and community legal clinics and of LAO and student legal aid services societies.
- ◆ Improved consultation with and accountability to clients and other interested parties in the justice system. Eight new advisory committees have been established, consisting of almost 100 community representatives, lawyers and other service providers. The role of these committees is to ensure that people with an interest in legal aid have regular input on and access to LAO decisions.
- ◆ Launched a multi-year technological project called Total Service Network (TSN). Started in 2001, it will be implemented in 2004. TSN will replace LAO's outdated technology systems with one more flexible, integrated system. TSN's Internet-based system will build a new electronic business relationship with lawyers and streamline and simplify interaction with Legal Aid Ontario.
- ◆ Developed partnerships with organizations such as The Law Foundation of Ontario to support Pro Bono Law Ontario, which promotes and develops ways to provide pro bono legal services to low-income people for issues where legal aid is not available. LAO also participated in the establishment of the Ontario Justice Education Network (OJEN) and sits on its board of directors. OJEN operates training projects and justice education for students across the province.

DELIVERING INNOVATIVE CLIENT SERVICES

- ◆ Completed pilot projects and established four permanent full-time staff offices – the Refugee Law Office in Toronto and three Family Law Offices in Thunder Bay, Ottawa and Toronto.
- ◆ Established advice lawyers to provide family law services in all 35 Family Law Information Centres, operated by the Ontario Ministry of the Attorney General, and in numerous other community centres accessible to clients.
- ◆ Established permanent expanded family law duty counsel services in Hamilton, Oshawa and London. These offices allow duty counsel to focus their time on clients' cases while support staff provides more extensive service assisting with client documents and files.
- ◆ Expanded duty counsel to improve services. By the end of 2003, LAO had over 90 supervisory duty counsel who coordinate services with private lawyers and provide training. Private lawyers continue to provide 75 per cent of services.
- ◆ Developed the client access and service program. This is a multi-year project designed to better serve clients where they live and provide a wider range of services using a mix of certificates, staff lawyers, duty counsel and innovative partnerships with private lawyers. The first initiative is the opening of three criminal law offices in Barrie, Brampton and Ottawa.

MEETING UNIQUE CLIENT NEEDS

- ◆ Funded a pilot project that brings legal aid services to homeless people in Toronto. Neighbourhood Legal Services, a Toronto community legal clinic, works with four local community agencies to provide outreach and assistance to homeless people, and connect them with legal aid services.
- ◆ Established five youth court pilots across the province in response to the new Youth Criminal Justice Act established in April 2003. These pilots test the effectiveness of pairing specialized youth court duty counsel with community workers, who work together on planning alternatives to incarceration. The preliminary results of the pilot have been encouraging, showing a 90 per cent success rate in factors including referrals, completed plans and decisions accepted by the court.
- ◆ Introduced the use of video to take legal aid applications from clients who are in custody. Of the participants so far, 98 per cent of clients expressed satisfaction. The use of video in eight locations has provided faster access to LAO services, improved services and reduced costs. Four new locations will be added in 2004.
- ◆ Improved outreach and services to Aboriginal people. LAO has incorporated Gladue issues training into its annual duty counsel training and funded Nishnawbe-Aski Legal Services Corporation to conduct the Talking Together pilot project. This project is aimed at testing the use of 'community circle' principles to deal with the higher numbers of child protection cases in Aboriginal communities.
- ◆ LAO has also developed partnerships with the Ontario Federation of Indian Friendship Centres to use traditional Aboriginal community circles to divert Aboriginal people who have come into conflict with the law away from the mainstream court system. It operates out of four Indian Friendship Centres and serves people in more than 10 communities.

IMPROVING SUPPORT TO LAWYERS PROVIDING LEGAL AID SERVICES

- ◆ Expanded LAO LAW. LAO's legal research department provides fully electronic support and research assistance to lawyers who do legal aid work. LAO LAW is the only Web-based legal aid research service of its kind in Canada. It has recently expanded to include a monthly 'netletter', a weekly summary of case law targeted to specific areas of the law and a priority telephone hotline service for duty counsel lawyers.
- ◆ Provided ongoing continuing education for lawyers doing legal aid work. LAO has organized training on several new pieces of legislation; it is developing training on the Child and Family Services Act in cooperation with the Office of the Children's Lawyer and the Ontario Association of Children's Aid Societies; conducted training for all supervisory duty counsel and is working with the Barbra Schlifer Commemorative Clinic to develop specialized training in screening and risk assessment tools to serve victims of domestic violence in family court.
- ◆ Improved the Big Case Management program and hired its first full-time program manager. The program manages cases expected to cost more than \$20,000 to a maximum of \$75,000. In the first year of the program, 571 cases were handled and the average cost of the cases decreased by 10 per cent. At the same time, LAO established an Exceptions Committee, consisting of private lawyers and LAO senior managers, to review cases which may exceed the \$75,000 maximum.
- ◆ Established e-billing and direct deposit for lawyers. Approximately 98 per cent of lawyers are now paid by direct deposit. More than 20 per cent of lawyers' accounts are sent using our e-billing software. In addition, LAO's e-billing software is now more user-friendly. LAO is developing ways to encourage more lawyers to use the program in preparation for Total Service Network (TSN), LAO's new information technology project.

STRENGTHENING SUPPORT TO CLINICS

- ◆ Hosted, in collaboration with the Association of Community Legal Clinics of Ontario, a three-day international conference on clinic law in 2003. The conference attracted clinic staff and board members, community members, other members of the legal profession, academia and presenters from around the world. The conference firmly established LAO's and the clinic system's position as international leaders in community legal services.
- ◆ Developed a learning strategy for clinic staff and clinic board members. Last year, 725 staff and board members participated in training workshops and conferences.
- ◆ Refocused the Clinic Services Office (CSO) on customer service and support. In addition to the CSO, LAO provides services to all clinics such as IT purchases and support, facilities and leasing, disbursements, insurance and training.
- ◆ Planned relaunch of the Clinic Resource Office (CRO) Web site in 2004. New items will include litigation supports to clinics including formatted template documents, court forms and practice and advocacy materials. The office provides clinics with individualized research services including test case support and support for Charter challenges. The CRO is continuing a secondment opportunity involving an experienced private litigation lawyer to assist clinics with statutory appeals, judicial reviews, actions and applications.

SECURING STABLE FUNDING, ADVOCATING FOR OUR CLIENTS

- ◆ Strengthened its role as a world leader in providing legal aid services. Over the years, LAO's innovative work has been showcased at national and international conferences. In addition, LAO has regularly hosted delegations from countries around the world, including China, Chile, the United Kingdom, Argentina, Ireland and Vietnam.
- ◆ Participated in the Justice Summit, an initiative by the Ontario Ministry of the Attorney General, aimed at addressing systemic justice system issues, including court backlogs.
- ◆ Expanded the role of the Group Applications and Test Case Committee. The committee, comprised of private bar lawyers and supported by LAO staff, recommends to LAO which test cases and coroners' inquests should be funded. Objectives include ensuring that critical justice system issues are raised that could benefit LAO clients.
- ◆ Developed a program to reach out and attract new lawyers and law students to legal aid work. LAO participates in law school career fairs, hosts panel discussions and provides legal aid information to new lawyers called to the bar.
- ◆ Launched a law school awards program in 2004 providing up to \$2,000 annually to each of Ontario's six university law schools for the next three years. The awards program is aimed at improving awareness about legal aid and encouraging law students to consider legal aid work after graduation.

IMPROVING OUR DECISION-MAKING AND THE WAYS WE DO BUSINESS

- ◆ Established a new board governance structure including board policies, board committees and advisory committees with significant community representation.
- ◆ Restructured and reorganized provincial office departments; created a senior management committee, a new policy, planning and external relations division, and strengthened finance functions and in-house legal services.
- ◆ Created a new business analysis unit that provides regular detailed reports to senior management and the board about LAO's core business activities and costs.
- ◆ Relunched the LAO Web site and expanded content for clients and for lawyers. New features include a complete listing of all legal aid offices and community legal clinics, and policy manuals and services updates for lawyers.
- ◆ Strengthened evaluation and research activities. This department provides rigorous and comprehensive evaluation of LAO's pilot projects, and investigates potential new initiatives to recommend to senior management and the LAO board.
- ◆ Improved the contributions policies and procedures to ensure LAO collects money owed to it. LAO's client contributions program allows people who do not qualify for legal aid under current eligibility guidelines to get a legal aid certificate by agreeing to repay all or part of the amount as they are able. In 2003/2004, the program collected more than \$1-million.
- ◆ Improved support to staff through reorganized human resources and information technology services. LAO launched Learning@LAO - training programs and workshops for staff. In 2002-2003, 72 workshops were held which resulted in new training or retraining for 330 people.

LOOKING FORWARD

Legal Aid Ontario is continuing to move towards becoming a client-focused organization, offering a range of legal services. Our 2004 - 2005 business plan sets out an ambitious agenda for the future, including implementing our Total Service Network (TSN) technology project; rolling out the Client Access and Service Program; continuing to work with our community legal clinics to increase local decision-making while ensuring public accountability; and solidifying Legal Aid Ontario as a key partner in Ontario's justice system.

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