



DCLC
Durham Community Legal Clinic

VIA EMAIL: consultation@lao.on.ca

September 6, 2019

Legal Aid Ontario
Atrium on Bay
40 Dundas Street West, Suite 200
Toronto, Ontario
M5G 2H1

Re: Legal Aid Modernization Project

Background

I am the Executive Director of Durham Community Legal Clinic (DCLC). I started in this role on Sept. 3, 2019, making me remarkably fresh in the position. Despite this, I would like to add some comments to the Legal Aid System Modernization Project (the "Project").

Prior to assuming this role I was in private practice, in an innovative setting where the primary focus was promoting access to justice. In 2013, I received the Queen Elizabeth II Diamond Jubilee Medal for promoting changes in the legal system for marginalized populations. In 2016, I received the Ontario Bar Association Foundation's inaugural award for promoting Public Legal Education (PLE).

These experiences are highly relevant for the Project, given the emphasis in private practice in ensuring efficiency and the proper use of resources.

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Summary

My position on the Project is that our clinics are uniquely positioned to respond and adapt to funding pressures and ensure a client-focused and efficient delivery of legal services. These potential efficiencies are even more evident than with the certificate program and duty counsel services.

The ability to provide a short submission in this context, and within the brief timeframes I am operating within, do not allow for a full exposition about how we intend at DCLC to achieve these goals, but there are already a number of initiatives underway which include extensive collaboration with community partners.

I would invite LAO to host additional series of discussions, and allow for clinic EDs taking the lead in this manner, to explain how clinics can better fulfill LAO's core mandate goals. My concern is that LAO decision-making that occurs without a clear understanding of what is transpiring in Ontario's 73 clinics may result in administrative determinations that rely on gross generalizations or that fail to appreciate initiatives that are already underway within the clinic system.

Strength in Structure

Ontario's legal aid clinics are dispersed across the province, strategically placed to best assist communities who are at need. Low-income clients may not always have the resources or the ability to travel long distances to obtain legal services, and proximity to at-need populations is a crucial element of the clinic system.

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At DCLC, we recently moved earlier this year to a new office in the center of an economically depressed community. Our very presence in a retail area where other key governmental services are provided means that we receive numerous walk-in clients, who had no previous exposure or awareness of the existence of legal clinics or the support that LAO offers in this regard. We also have several satellite clinics, being fully aware that for rural clients the large geographical distances can serve as a barrier to access. Whether these individuals actually receive services immediately or not is secondary, as these interactions create greater awareness of the services and resources available.

Our local focus is also apparent in our governance structure, as we are overseen by volunteer boards who are knowledgeable about the communities we serve and their specific needs. The complexities of legal problems and how they manifest in different communities, especially in their intersection with health, financial, and social challenges, means that a centralized and uniform approach towards the delivery of legal services will invariably generate greater inefficiencies and gaps in service. These volunteer board members provide some of the most efficient contributions to the legal aid system, as their participation is not compensated. Any efforts to overhaul this system threatens to disenfranchise or frustrate these key volunteer supports, and the loss of their support would invariably increase administrative expenses within the legal aid system.

In addition to the community-based clinics, we have specialty legal clinics who offer specialized insights into areas of need. Despite my brief time in this role, we have already seen some collaboration with specialty clinics to address certain nuance or complexities that emerge on some files. These clinics not only assist with legal reform and provide insight into specialty needs to funders and government decision-makers, they are an invaluable resource to the community clinics that collaborate with them. The ability to

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foster this type of collaboration has a direct impact on the quality of services that we provide, and obtaining this expertise outside the legal aid system would be far more cost-prohibitive.

Prevention and Promotion

Given the clinics' focus on low-income populations, it is important to emphasize that the provision of these services relating to income, housing, access to human rights, education, issues in the workplace, all relate to crucial aspects of our clients' lives. The removal, withdrawal, or compromising of these services in any way would invariably create further disruption in the lives of our clients, which would invariably result to even further legal issues.

The impact of these legal issues is also discernible in other aspects of society, such as health care. Individuals who do not obtain proper legal assistance are likely to have more and worse medical issues, often related to the disruptions in their life and the stressors that legal issues can impose on them. The cost to taxpayers for these additional medical services may not be directly traceable to an individual's social issues such as legal problems, but there is ample research and evidence demonstrating the interconnection between these factors.

At DCLC we go even further, and offer a tax clinic to our clients. This means that we assist individuals in filling out their taxes, and doing so on time and accurately. By improving financial literacy, we encourage clients to be more independent and autonomous financially, and the direct assistance for taxes increases government revenue by ensuring taxes are paid. Administrative fees spent in pursuing individuals who are late on their taxes or rectifying mistakes on their previous filings are avoided by ensuring clients have assistance in this manner.

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In an ideal situation, clients do not encounter a legal issue to begin with. For this reason, the public legal education activities that clinics engage in are absolutely essential. Without these activities the rates and incidents of legal issues in society will go up, which would put an additional strain on our courts and tribunal system. Many of our clients would not receive this preventative information in post-secondary education centers or their other social circles, making the community nature of this preventative work so important.

Education and preventative activities are often the first to be targeted for reductions when cuts are implemented, because there are usually more time-sensitive files that require immediate attention. LAO should be cautious in how it implements its next steps in modernizing, to ensure that these continuing activities are not scaled back or cut prematurely. These measures may appear to be appealing, but have hidden costs associated that will be incurred by taxpayers in the long-term. Cost shifting from inexpensive preventative activities towards remedial and acute response strategies only increases the taxpayer burden across society, and will also impact the needs that LAO will face in the years to come.

Reducing Administrative Barriers

The centre at DCLC has already taken the initiative to reduce administrative barriers and to provide services seamlessly with minimal administrative barriers through our Access to Justice HUB. Current partners include a tax clinic, welcome centre, family support worker, unemployed help center, mental health organizations, and housing organizations. The travel time, duplication efforts during screening and intake, and information gaps, of having all of these organizations coordinating under the direction of a legal clinic provides innumerable systems savings.

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Similar initiatives are underway in Windsor-Essex Bilingual Legal Clinic, Unison Health and Community Services, Rexdale Community Legal Clinic, and several others. Community legal aid clinics are not just the leaders in legal aid, we are the leaders in community. This role simply cannot be underemphasized.

I believe that many clinics across Ontario would be interested in learning from these models, and adopting the best practices that have been identified, keeping in mind that every clinic still maintains its own unique purpose and focus. However, innovation rarely happens in an environment of instability and uncertainty, and community clinics need to hear a clear message of financial support from LAO before exploring ways to improve and streamline services.

These innovative models, and a demonstration of the impacts that community legal clinics can have in the broader society, should be used by LAO to demonstrate to the province that our activities allow clients to identify resources through a non-governmental agency that they can trust and rely upon. Many people struggling with social and legal issues are more reluctant to approach authoritarian institutions or individuals, and as a result experience even greater marginalization. Our goal should be to improve services and to do so in a manner that is effective and efficient.

Conclusion

At this juncture, it does not appear as if LAO has fully engaged the large number of community legal clinics across the province about the best ways to enact modernization. The complexities of the issues that clinics face necessitate that LAO collect detailed feedback, on more than one instance, and operate from a position that those on the front-line are better positioned to identify the needs of the clients.

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My hope is that before any wide-sweeping changes are implemented by LAO that further consultation, discussion and engagement will occur. I am happy to participate and support these efforts should they proceed in this manner.

Sincerely,

Omar Ha-Redeye

AAS, BHA (Hons.), PGCert, JD, LLM
CNMT, RT(N)(ARRT)

Executive Director

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