

Delivering Community Justice Services at Scale: Ontario, Canada

Around the world governments and civil society organizations are partnering to deliver community-based legal assistance at scale. This series of five country cases from Canada, Moldova, Sierra Leone, South Africa and Ukraine highlights a spectrum of efforts to sustainably institutionalize the delivery of community based legal services.

Canada: Country and Legal Context

In Canada's federal system, each province is responsible for designing and implementing its own legal aid scheme. Ontario is the most populated of the ten provinces and three territories and home to nearly forty percent of all Canadians. The province's legal aid system is administered by [Legal Aid Ontario](#) (LAO), an independent but publicly funded and publicly accountable non-profit corporation established by the [Legal Aid Services Act 1998](#).

Ontario is a national leader in the provision of legal aid services that respond to a broad spectrum of traditional legal needs as well as those arising from poverty. Furthermore, significant policy work has been done in recent years to respond to national legal needs research and to the challenges of social inclusion including those being faced by Aboriginal people, people with mental health issues, and people who have suffered domestic violence. More specialized services strategies will soon be developed for responding to barriers and unmet needs experienced by members of racialized communities.

Ontario's [Ministry of the Attorney General](#) funds LAO to provide legal aid services, including family and criminal law, as well as clinic law ("poverty law") services provided by Community Legal Clinics (CLCs). LAO provides criminal and family law services through a system of staff lawyers, per diem duty counsel (private bar lawyers being paid per diem rates by LAO to attend at court, provide advice, and speak to matters), private

From the Ontario CLC Mission Statement

"Community legal clinics in Ontario across the province are helping to build fair and equitable society by protecting rights of low income Ontarians. They serve most vulnerable in society in those legal areas most critical to low income Ontarians, like access to housing, education, health care, income protection and pensions, just to name few. Beyond representation, the clinic staff composed of lawyers, paralegals and community workers, educates low income clients about their rights, engage in law reform and community development, and steps beyond traditional lawyer-client model to achieve change that affects the entire low income community."

bar lawyers receiving payment by legal aid certificates (the old *judicare* model based on capped fees for services rendered for clients who possess certificates) and other fee-for-service arrangements (such as block fees), a toll-free legal advice line, and assistance provided by law students at university law school legal clinics. Poverty law includes legal rights like housing, income support, employment, education, and human rights (issues related to the social determinants of health), and also includes rights for victims of crime, consumer law and debt issues, immigration law and the environment.

Clinic law services are provided by a model unique in Canada to the province of Ontario. LAO funds a network of seventy-six (76) community-based legal clinics across the province. These independent community-governed non-profit organizations range in size from four to nearly thirty (30) staff. The majority of clinics are [geographically-based](#) to ensure that poverty law services are provided to low income residents in every county jurisdiction in Ontario. Additionally, seventeen (17) [specialty clinics](#) provide legal services for specific client populations (First Nations, youth, seniors, people with disabilities, ethno-racial groups) or to address specific communities of interest or issues like the environment, income security, housing, and injuries at work.

LAO, and its precursor the Ontario Legal Aid Plan, has been in existence for almost 50 years. Initially legal aid consisted of only *judicare* services, offered under the Legal Aid Act of 1966. These services were limited in scope and not adequate to meet the legal needs of the poor. Civil society began the first CLC, funded by the Ford Foundation, in effort to meet unmet legal needs and to fill gaps in the services available. These early CLCs advanced three principles: (i) a focus on the legal and real needs of the poor, utilizing special personnel that included both lawyers and community workers; (ii) the need for community involvement in decision-making, especially the need to involve low income communities and legal aid clinic clients in the decisions about legal aid services; and (iii) maintaining the independence of the CLCs. In the mid-1970s, the government created task-force to assess implementation of the legal aid act. This task-force recognized critical importance of the work of the CLCs and urged the government to establish a new independent legal aid corporation. Their Report recommended that CLCs be given support by the legal aid corporation. The report said that without further funds CLCs would cease: “We urge the government and other funding sources to respond quickly, before it is too late. These groups form a solid foundation on which to build and develop community legal services. They must not be allowed to die.” This report was a turning point which led to public funding and institutionalization of CLCs.

Today CLCs are considered a “system,” and are members of the [Association of Community Legal Clinics Ontario](#) (ACLCO). In 2012, clinics collaboratively developed a [strategic plan](#) to enhance poverty law

services, which is described further below. Priority-setting for meeting local needs continues to be the responsibility of individual clinics.

Organizational Structure

The *Legal Aid Services Act 1998* (“Act”) and regulations govern the operation of LAO and the CLCs. LAO enters into and maintains a Memorandum of Understanding with each CLC, requiring clinics to reapply for funding each year, with approved annual budgets encapsulated in a Funding Agreement.

Legal Aid Ontario has eleven board members, including a chairperson. Members are appointed by Ontario’s Attorney General according to selection provisions set out in the Act. Board members are expected to have a broad range of knowledge, skills, and experience. Expertise and knowledge is sought in management, law, the operation of courts and tribunals, the operation of clinics, and the special legal needs and social and economic circumstances of people living on a low income and of disadvantaged communities.

Each of the seventy- six CLCs in Ontario is an independent not-for-profit community-based organization with representative Boards of Directors of ten or more elected from the community. CLCs are subject to the *Corporations Act* and federal and provincial charity legislation if they are registered charitable organizations.

1. CLC Staffing

Staffing at each CLC can vary from four to thirty staff. The most common staffing model for clinics of ten staff or less is for the CLC’s Executive Director to be a lawyer and to also practice law in addition to managing the CLC. Depending on the size of the CLC, other common core positions include a manager of clinic operations or an office manager, legal director, lawyers, intake workers and legal secretaries or assistants, and community legal workers (some of whom are licensed paralegals). Depending on needs and demographics, some clinics also employ interpreters or translators. Many CLCs are also required to provide services in French and in English as Canada is an officially bilingual country. Other interpretation and translation services, and in particular telephone interpretation services, are paid for centrally by Legal Aid Ontario (for the two hundred possible languages used by new Canadians). Social workers and Aboriginal workers have been added to some clinics on an experimental basis as part of new initiatives to improve client service by offering more holistic approaches.

2. Training and Quality Assurance

CLCs were early adopters of quality assurance programs, developing the first framework for quality assurance for CLC operations and legal service delivery in 1988, many years before quality assurance began to apply to other LAO-funded programs. CLCs have historically used an annual self-assessment tool with their Board and staff to evaluate their operations, and also had in-depth, extensive, and periodic Quality Assurance visits from specially-trained LAO staff who prepare detailed reports, provide accolades for strong performance, and make recommendations for improvements. The last iteration of the CLC Quality Assurance Framework was a collaborative effort in 2009: the program is currently under review again but it appears it will move to an “audit” rather than a quality assurance framework. CLCs had intended the Quality Assurance Program to gather promising practices for their Knowledge Management initiative described in the next paragraph but as it is a LAO program, it has not yet been possible to realize this fully.

Additionally, in the past five or six years, CLCs have developed and implemented a strategic plan for a comprehensive Knowledge Management, Sharing & Creation initiative following a two-year action research project. New resources have included a centralized project management site for inter-clinic collaborations and a CLC system-wide intranet is now being developed which will substantially aid these efforts. CLC staff are also experimenting with wiki technology to build an employment law resource, to supplement the legal research services offered by LAO’s Clinic Resource Office (described below).

In addition to these significant quality assurance measures, the Law Society of Upper Canada (LSUC) regulates both lawyers and [paralegals \(since 2007\)](#) through a licensing system, although supervised community legal workers in CLCs are currently exempted by regulation from the licensing requirement. As a condition of membership in the LSUC, lawyers and paralegals must complete annual mandatory Continuing Practice Development (CPD) requirements which clinic staff already far exceed.

The CLC system has a strong and continuous emphasis on learning and training to ensure the quality legal services, innovative approaches, and good management practices characterize Ontario’s unique clinic system. Strategic planning, funding decisions, and oversight and accountability mechanisms for supporting clinic learning and training are the mandate of the Provincial Learning Action Committee (PLAC). This joint LAO/CLC committee made up of appointed LAO and CLC staff and Board members as well as a Provincial Learning Manager for Clinics employed by LAO, funds and supports a broad range of activities. These include regional training programs, community development training, legal issue strategy development and law reform, and communities of practice for specific areas of legal practice like income security, workers’ compensation, housing issues, etc.

The Clinic Resource Office (CRO) is an important centralized resource provided by LAO for CLCs: their staff energies are focused on legal research, substantive law training activities, and supporting test case litigation. They prepare legal research memoranda, maintain a comprehensive website, annotate crucial legislation with important poverty law cases, and assist clinics to develop law reform strategies. They maintain comprehensive email list-servs for CLC staff in most areas of law that are practiced and also for communities of practice organized around service and management issues.

3. Specialization

In addition to general CLCs that provide a broad range of poverty law services at a local level, LAO supports many specialty CLCs (most with a province-wide mandate) that focus on the legal needs of special client groups like seniors ([Advocacy Centre for the Elderly](#)), youth ([Justice for Children and Youth](#)), people with Disabilities ([ARCH – Disability Law Centre](#)), injured workers ([Injured Workers' Consultants](#) and [IAVGO](#)); members of specific racial or ethnic groups (for example [Metro Toronto Chinese and Southeast Asian Community Legal Clinic](#)); or focus on special legal issues like the environment ([Canadian Environmental Law Association](#)). Additionally, [Community Legal Education Ontario](#) (CLEO) provides public legal education resource for all CLCs. This helps to build the capacity of CLCs to efficiently and effectively improve legal literacy and legal capability. CLEO's work helps CLCs to work more strategically with "trusted intermediaries," community partners of all kinds to whom people with legal difficulties often go for help when they don't know where else to turn.

Legal Services Provided

CLCs have a mandate to offer a broad range of community-based and client-oriented services. In addition to the services provided to individual clients, staff provide public legal education/community development and law reform/systemic advocacy support.

CLC staff provide referrals, legal information, legal advice, brief services, and actual representation to individual clients and to eligible groups. Decisions about the type of legal service and the areas of law served are based on case selection policies set by local CLC Board of Directors that prioritize the type of work to be done and vary depending on local need. Legal services are provided by CLCs over the telephone and in person at numerous venues including their own main office or satellite offices, from social service hubs, from community partner agencies, and from locations like food banks, churches or public libraries. Some CLCs respond to email inquiries. There is also a new on-line intake system being piloted for certain types of legal problems powered by A2J Author software, and other information technology initiatives. Through their community development work, and contingent on local need, CLC staff may provide outreach services, legal literacy training, and create public legal education resources

including websites, newsletters and social networking approaches, community organizing and capacity-building, and, in some cases, participatory action research around issues of poverty and homelessness.

CLCs also focus on law reform and systemic advocacy activities, including conducting test case litigation, and undertaking special initiatives including producing reports, participating in government committees, presenting to standing committees, and meeting with politicians about law reform issues. CLCs also help groups to organize petitions and make other deputations to government, request audits, and produce report cards. Periodically CLC staff and Boards conduct legal needs studies, using the findings to also advocate for change in the myriad of ways that are possible in a democratic country. Boards of Directors set the priority for this work through strategic plans and annual action plans.

Eligibility

Potential clients or groups become eligible for CLC services if they meet financial eligibility guidelines set by provincial regulation and reside within geographic catchment guidelines that are set by LAO. The local case selection policies aforementioned form part of the vetting process; these policies determine whether a client will be able to get referrals, information, summary advice, brief services or representation from CLC staff. Referrals and “first time” legal information are often provided without the strict application of financial eligibility guidelines: these practices vary from CLC to CLC, and from time to time depending on the level of demand for service and the expertise of the staff. Groups are eligible for services pursuant to special guidelines set by Boards of Directors.

Financing

Ontario’s provincial government provides the majority of funding for most of the CLCs through which clinics are able to cover their personnel and operating costs. Funding levels are established through annual Funding Agreements as aforementioned between LAO and CLCs. On average just over eighty percent of all funds for legal aid come from provincial and federal governments. Client contributions, cost recoveries, contributions from the legal profession, interest on accounts and Law Foundation of Ontario (LFO) grants make up the non-government sources of funding for Legal Aid Ontario. A portion of LAO’s funding is then designated for CLCs.

In 2013/14, CLCs received approximately 72 million Canadian dollars of funding from LAO which includes the cost of some centralized support services. Recently CLCs have received additional funding to cover the cost of new services as LAO has increased their Financial Eligibility Guidelines for the first time since 1995, and to fund projects to support innovative approaches and CLC Transformation initiatives.

Centralized Support and Coordination

Centralized support is provided by both LAO and [Association of Community Legal Clinics of Ontario](#) (ACLCO). LAO provides further program and administrative support to the CLCs. This includes training support through the Provincial Learning Manager for Clinics and legal research support through the CRO as aforementioned, centralized Information Technology (IT) services, property and liability insurance for clinics and their Boards, entitlement to a group benefits package (unless a CLC opts out and then receives funding in lieu), a Registered Retirement Savings Plan administrator (clinic staff are not eligible for a pension), and an Employee Assistance Program (EAP) that also provides some Human Resources support.

The IT support includes equipment and software purchases, a shared email directory for all LAO and clinic staff, an intranet called The Source for LAO-related information, and a Wide Area Network (WAN), and Citrix servers for remote access, and Blackberry servers. LAO also provides a customized but antiquated software program to record clinic work and generate statistical and other reports. In collaboration with CLCs, LAO is in the process of creating new client and project management software called the Clinic Information Management System (CIMS) that will be implemented in the fall of 2015; it is built on Microsoft Client Relationship Management (CRM) software.

Some centralized supports are offered by the ACLCO; CLCs want their association to take over clinic learning, training, and systematic advocacy and law reform strategy development in the near future. At the present time the centralized support includes advocacy on behalf of clinics to LAO, the Law Society, and government, and other justice system partners. ACLCO also hosts an annual conference for clinic Board and staff and regional meetings. As aforementioned, a provincial Knowledge Management Lead (a special innovation funding grant from LAO funds this position on a pilot basis) provides a knowledge-sharing IT platform, documents and shares information amongst clinics, supports clinic Knowledge Champions and is developing an intranet. Recently a part-time Policy Counsel was hired to undertake provide support for CLCs, develop policy on issues related to clinic practice, foster clinic collaboration and coordination, and assist in building a repository of best practices.

Spotlight on individual clinics

[Community Advocacy & Legal Centre](#) (CALC) is a general service CLC with a geographic mandate to serve a three-county area in Eastern Ontario. Serving two small urban centres and a large rural and remote population through one main office and six part-time satellites, CALC staff offer a broad range of holistic legal services. In addition to providing traditional legal services to individual people that

range from referrals and legal information to advice, brief services and representation, CALC staff also engage in community development and law reform work. Community development strategies include a wide spectrum range of outreach activities of all kinds, developing public legal education materials and learning opportunities, and organizing local community groups and coalitions. Examples of this work over the years have included bringing together and working with injured workers, tenants, people living in poverty, a local domestic violence initiative, an affordable housing and action network and a poverty reduction roundtable. A particular strength has been the focus on developing appropriate learning supports for [trusted intermediaries](#). CALC staff have also instigated participatory action research projects as part of their coalition building and systemic advocacy approach. In 2010, CALC worked with OSF and the International Renaissance Foundation to host an eight-day study tour of Ontario's CLCs for emerging Ukrainian CLCs. CALC staff prepare [annual reports](#) detailing their work and also issue semi-annual [newsletters](#) in addition to a website, and a vibrant social networking strategy that includes [Facebook](#) and [Twitter](#).

[Community Legal Education Ontario](#) is a specialty clinic that provides public legal education resources for all clinics. Key initiatives they are responsible for include the publication of a plethora of [legal information pamphlets](#), on-line resources including the new [Shared Steps](#) initiative, a training [webinar series](#), the [Connecting Communities](#) Initiative to build the legal capability of communities and trusted intermediaries which includes the [Public Legal Education Learning Exchange](#). CLEO has also recently launched a research initiative on the effectiveness of public legal education funded by the Law Foundation of Ontario.

Impacts

In the over forty years since the clinic system was first founded, clinics have had a tremendous impact on advancing the legal rights of the low-income communities they serve. Clinic advocates have been responsible for precedent-setting decisions at all levels of courts and tribunals in many areas of the law including rights to income security, housing, and human rights. Clinics have provided a voice for vulnerable people before countless government consultations and legislative reviews. They have, for example, also participated in inquests and similar investigations. Staff have been engaged in numerous law reform campaigns covering all poverty law areas and justice issues, and have participated in many legislative committee hearings over the years. Clinic advocates have won awards and settlements in tens of thousands of cases to help ensure adequate nutrition and housing and much more.

Case data is managed at the individual clinic level and, to date, it has not been possible to undertake a high level analysis of the overall financial and social impact of clinic work. Statistics from LAO indicate that in 2011-12, clinics represented clients in 22,928 cases; provided 41,242 brief services, provided

legal advice 110,281 times; provided 50,207 referrals; and engaged in 4,999 outreach activities, including law reform, community development and public legal education, for a total of [229,657 activities in one year](#). It is anticipated that this level of activity will increase substantially given that the clinic system will grow by approximately 100 positions by April 1 2016, as a result of the recent investment by the Ontario government in legal aid services (to increase the financial eligibility guidelines).

Although clinics record significant additional data in the current LAO statistical program, and provide comprehensive information about clinic activities in their annual funding applications, LAO does not yet aggregate this data and report it out. This data includes qualitative outcomes for clinic outreach, community development, public legal education, systemic advocacy and law reform work. However, interesting information can be gleaned from annual reports from clinics such as [CELA](#), [CALC](#), and [South Ottawa CLC](#).

Clinics are continually engaged in efforts to be responsive to the needs of their communities, to innovate and to transform their services to make their funding dollars go further and have a greater impact. A recent [presentation](#) at an Eastern Ontario CLCs regional conference highlighted some of the initiatives that have been undertaken. In recent years, additional funding has been provided to CLCs to experiment with new ways of understanding community need (see the example from the [Eastern Region Clinic Transformation Project](#)). For a list and description of these transformation initiatives across the province, please visit the ACLCO website at: <http://www.aclco.org/Projects.html>.

Beginning in 2015, ACLCO will produce an annual report about the work of clinics that will be available on their [website](#). In 2010, a brief [publication](#) was produced to highlight some of the historic work of clinics. A full history of the achievements and the impact of Ontario's CLCs remains to be written.

Lessons Learned

The strength of Ontario's network of CLCs is derived from their focus on community-based governance, responsiveness to local community needs, and independence from the funder and from government. This has been critical to their success, in addition to stable annual base funding for clinic operations that does not vary significantly from year to year. Additional important attributes have been:

- Ongoing legal needs and community capacity assessment processes
- Good governance by elected and concerned local/representative community Boards of Directors

- Creation of individual CLC mission, vision, values statements and robust strategic, operational and project planning processes
- Clearly articulated accountability structures with the funder, community and the Law Society of Upper Canada
- Collaboration and partnerships with community organizations serving a similar client base
- Legal services rooted in the community
- Holistic approach to legal services, including legal and non-legal strategies, and a broad spectrum of approaches ranging from individual client services to community development to law reform and systemic advocacy.
- Program-owned evaluation processes and commitment to a quality assurance framework
- Knowledge-management , sharing and creation has proven critical for leveraging resources more effectively and working more efficiently
- A commitment to inter-clinic collaboration on many levels
- A growing capacity for individual and collective reflective practice, to undertake research, to encourage work-based learning, to integrate new legal needs findings and other relevant research into service delivery, and for clinics to function as “learning organizations”
- Recruitment of staff who are committed to social justice and access to justice, including community legal workers who bring a strong community connection to their work
- Strong and growing connections to community partners and “trusted intermediaries”

Additional Resources

For more information on the community legal clinic program in Ontario please see:

- [Mary Jane Mossman, “Community Legal Clinics in Ontario”](#) (1983). Professor Mossman explores the forces that led to the establishment of the community clinics, their relationships to the judicare system and the purposes behind the government's assumption of responsibility for funding and defunding clinics: service to low income people, community involvement and representation and independence from funding sources.
- Janet Mosher, [“Poverty Law” -- A Case Study Prepared for the Ontario Legal Aid Review](#) (1997)
- Lenny Abramowicz, [The Critical Characteristics of Community Legal Aid Clinics in Ontario](#) (2004)
- Michele M. Leering, [“Responding to the needs of our communities: Transforming CLC Services 2015”](#) prepared for the International Legal Aid Group Conference (2015)

Prepared by:

- Michele M. Leering, leeringm@lao.on.ca
- Peter Chapman, OSF, peter.chapman@opensocietyfoundations.org

With contributions from :

- Zaza Namoradze, OSF
- Intern, OSF
- Ivana Petricone, ACLCO
- Heather Morgan, LAO

