



**TAG** – Treasurer’s Advisory Group on Access to Justice  
*Groupe consultatif du trésorier sur l’accès à la justice*

## **LEGAL ORGANIZATIONS AND ACCESS TO JUSTICE ACTIVITIES IN ONTARIO**

Background Paper for The Law Society of Ontario’s  
Access to Justice Symposium: “Creating a Climate for Change”

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for The Law Society of Upper Canada

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## Introduction

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This is the first of two background papers prepared for participants of the Access to Justice Symposium hosted by the Law Society of Upper Canada on October 29, 2013. It briefly describes legal organizations in Ontario and provides examples of their access to justice activities. The purpose is to stimulate discussion among Symposium participants about potential solutions, gaps and opportunities for collaboration. The paper is not intended to be comprehensive; rather it provides a brief “snapshot” and high level overview of access to roles and activities within the legal community.

Efforts to enhance access to justice involve a multitude of legal and non-legal organizations, often working in partnership with each other. The fact that this paper looks at legal organizations should not detract from the many non-legal organizations that play a vital role in legal information, referral, triage and prevention. They include Indian Friendship Centres, immigrant settlement agencies, shelters, violence prevention groups, disability organizations, health and social service providers, cultural and religious bodies, community centres, public libraries, and information and referral services (such as 211 Ontario).

The descriptions of legal organizations and their access to justice activities have been prepared with input from contacts from the organizations. The focus is on Ontario organizations, although some nationally based organizations have been included, especially those doing on the ground work in Ontario. We recognize that there is not always a clear line between a “legal” and “non-legal” organization, especially in the case of community organizations that provide information or education on legal topics. This paper is a draft that will be revised to add, modify or correct information following the Symposium discussions. Apologies to those we may have inadvertently omitted or insufficiently described.

**Table: Examples of Legal Organizations in Ontario**

<p><b>Legal Institutions</b></p> <ul style="list-style-type: none"> <li>• The Law Society of Upper Canada</li> <li>• The Law Foundation of Ontario</li> <li>• Legal Aid Ontario</li> <li>• The Law Commission of Ontario</li> </ul>	<p><b>Provincial and Local Services</b></p> <ul style="list-style-type: none"> <li>• Community legal clinics</li> <li>• Pro Bono Law Ontario</li> <li>• Ontario Justice Education Network</li> <li>• Community Legal Education Ontario</li> <li>• Barbra Schlifer Commemorative Clinic</li> <li>• Office of the Worker Adviser</li> <li>• Office of the Employer Adviser</li> <li>• Human Rights Legal Support Centre</li> </ul>	<p><b>National Services</b></p> <ul style="list-style-type: none"> <li>• Association in Defence of the Wrongly Convicted</li> <li>• Canadian Civil Liberties Association</li> <li>• Pro Bono Students Canada</li> <li>• Women’s Legal Education and Advocacy Fund</li> </ul>
<p><b>Legal Associations: General</b></p> <ul style="list-style-type: none"> <li>• Ontario Bar Association/Canadian Bar Association</li> <li>• The Advocates’ Society</li> <li>• County and District Law Presidents’ Association</li> <li>• Criminal Lawyers’ Association</li> <li>• Family Lawyers Association</li> <li>• Ontario Trial Lawyers Association</li> <li>• Refugee Lawyers’ Association of Ontario</li> <li>• Paralegal Society of Ontario</li> <li>• Licensed Paralegals Association</li> </ul>	<p><b>Legal Associations: Demographic</b></p> <ul style="list-style-type: none"> <li>• Arab Canadian Lawyers Association</li> <li>• Association des juristes d’expression française de l’Ontario</li> <li>• Canadian Association of Black Lawyers</li> <li>• Canadian Muslim Lawyers Association</li> <li>• Federation of Asian Canadian Lawyers</li> <li>• Hellenic Canadian Lawyers Association</li> <li>• Hispanic Ontario Lawyers Association</li> <li>• Indigenous Bar Association</li> <li>• Iranian Canadian Lawyers’ Association</li> <li>• Korean Canadian Lawyers Association</li> <li>• South Asian Bar Association of Toronto</li> <li>• Women’s Law Association of Ontario</li> </ul>	<p><b>Faculties of Law</b></p> <ul style="list-style-type: none"> <li>• Lakehead University, Faculty of Law</li> <li>• Osgoode Hall Law School, York University</li> <li>• Queen’s University, Faculty of Law</li> <li>• University of Ottawa, Faculty of Law</li> <li>• University of Toronto, Faculty of Law</li> <li>• University of Western Ontario, Faculty of Law</li> <li>• University of Windsor, Faculty of Law</li> </ul>
<p><b>Courts and Tribunals</b></p> <ul style="list-style-type: none"> <li>• Court of Appeal for Ontario</li> <li>• Superior Court of Justice</li> <li>• Ontario Court of Justice</li> <li>• Administrative Tribunals</li> </ul>	<p><b>Governments</b></p> <ul style="list-style-type: none"> <li>• Ontario Ministry of the Attorney General</li> <li>• Department of Justice Canada</li> </ul>	<p><b>Partnerships</b></p> <ul style="list-style-type: none"> <li>• Local, provincial and national partnerships and collaborations, involving legal and community organizations</li> </ul>

## Legal Institutions

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### The Law Society of Upper Canada

The Law Society of Upper Canada governs Ontario's lawyers and paralegals in the public interest to ensure that the people of Ontario are served by professionals who meet high standards of learning, competence and professional conduct. In 2006, the Law Society was given an explicit statutory mandate to facilitate access to justice for the people of Ontario. To further this objective, the Law Society established standing committees on Access to Justice and on Equity and Aboriginal Issues and co-sponsored the Ontario Civil Legal Needs research project which laid the groundwork for recent and future initiatives. Throughout 2013, the Law Society has been seeking advice on an enhanced role for itself through the Treasurer's Advisory Group on Access to Justice ("TAG"). TAG has also served to facilitate broader dialogue on access to justice in Ontario and is proposed to become a standing forum for this dialogue.

#### Sample Access to Justice Activities

- Law Society Referral Service – up to 30 minutes free consultation with a lawyer or paralegal
- "Your Law: Ontario Law" videos on basic concepts such as hiring a lawyer or a paralegal, real estate transactions, wills and powers of attorney, family law, and personal injury matters
- Family Law Portal – designed to integrate Internet information on family law for the public
- Five-year review of the implementation of paralegal regulation
- Review and revision of regulations and rules – unbundled legal services; alternative billing structures; etc.
- Equity and diversity training and model policies; public education in partnership with community groups

### The Law Foundation of Ontario (LFO)

The Law Foundation of Ontario funds programs that help people to understand the law and the justice system; help people to use the law to improve their lives; and foster excellence in the work of legal professionals. A priority for the LFO is improving access to justice for disadvantaged groups. The LFO's main source of revenue is interest received from lawyers' and paralegals' mixed trust accounts. Other sources of revenue are court ordered cy-près awards and investment income. LFO grantees include many legal and non-legal organizations that further access to justice including Legal Aid Ontario, law schools and other organizations mentioned in this paper (e.g., Association in Defence of the Wrongly Convicted, Barbra Schlifer Commemorative Clinic, Canadian Civil Liberties Education Trust, Law Commission of Ontario, Ontario Justice Education Network, Pro Bono Law Ontario, Pro Bono Students Canada).

#### Sample Access to Justice Activities

- Grants that fund ideas generated by non-profit community groups to improve access to justice
- Access to Justice Fund: using cy-près awards to fund national and regional projects
- Connecting Project: improving linguistic and rural access to justice
- Administration of the Class Proceedings Fund: providing financial assistance to parties involved in class action lawsuits in the public interest

- Payment of 75% of net income from mixed trust accounts to Legal Aid Ontario, as required by the Law Society Act

## **Legal Aid Ontario (LAO)**

Legal Aid Ontario has a statutory mandate to promote access to justice for low-income individuals throughout Ontario. Its role is to provide high-quality legal aid services in a cost-effective and efficient manner, to facilitate flexibility and innovation in the provision of legal aid services, to identify, assess and recognize the diverse legal needs of low-income individuals and of disadvantaged communities in Ontario, and to operate independently from the Government of Ontario but within a framework of accountability for the expenditure of public funds.

### **Sample Access to Justice Activities**

- Toll-free number, including summary legal advice for family and criminal law matters, available in 120 languages
- 56 legal aid offices in courthouses throughout the province
- Duty counsel services for people who arrive in criminal, family or youth courts without a lawyer
- Francophone legal advice line
- Issuing certificates to enable eligible low-income clients to retain a private lawyer for the most serious and complex cases
- Funding independent, community-based clinics to provide poverty law services
- Funding Student Legal Aid Services Societies operating out of Ontario law schools
- Refugee Law Office and current review of delivery of refugee law services
- Renewed Aboriginal Justice Strategy
- Mental Health strategy
- Public Legal Education website, LawFacts.ca, providing in-depth legal information and resources pertaining to criminal and refugee law. Content for Family, Aboriginal, and mental health law is coming Fall 2013.

## **The Law Commission of Ontario (LCO)**

The Law Commission of Ontario is an independent organization that researches issues and recommends law reform measures to make the law accessible to all Ontario communities. Its mandate includes stimulating critical debate about the law. It works on a wide range of projects, from short and narrow projects (focused on specific laws) to long projects that require multidisciplinary research and analysis (that might affect many laws). The LCO was created by an Agreement among The Law Foundation of Ontario, the Ontario Ministry of the Attorney General, the Dean of Osgoode Hall Law School, and The Law Society of Upper Canada (all of whom provide funding) and the Ontario law deans. It receives funding and in-kind support from York University.

### **Sample Access to Justice Activities**

#### Research Projects Underway

- Class Actions and Review of Class Proceedings Act
- Capacity of Adults with Mental Disabilities and the Federal Registered Disability Savings Plan
- Legal Capacity, Decision-making and Guardianship
- Modernization of the Forestry Workers Lien for Wages Act

- Specialized Procedure for Administration of Small Estates

#### Completed Projects

- Charging Fees for Cashing Government Cheques
- Division of Pensions on Marital Breakdown
- Family Law Reform
- Vulnerable Workers and Precarious Work
- Modernization of the Provincial Offences Act
- Framework for the Law as It Affects Persons with Disabilities
- Framework for the Law as It Affects Older Adults
- Law school curriculum modules for teaching about violence against women

#### Other Activities

- Roundtables on joint and several liability under Ontario Business Corporations Act and on family law
- Symposium on conversations about law reform
- Co-hosting conferences on elder law, e-health law and policy, and the law and ethics of investigative journalism

## Provincial and Local Services

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### Community Legal Clinics

Ontario’s community legal clinics are independent, non-profit corporations that receive the bulk of their funding from Legal Aid Ontario. Clinic lawyers and legal workers provide poverty law services that help low-income and disadvantaged people to meet their most basic needs: a source of income, a roof over their heads, human rights, access to health care, education, etc. The three defining characteristics of the clinics are local community governance, practice in poverty law, and legal response through a broad array of services.

ONTARIO COMMUNITY LEGAL CLINICS –SNAPSHOT		
There are <b>77</b> community legal clinics in Ontario.		
<b>60</b> clinics serve specific geographic communities.		
<b>17</b> clinics are “specialty clinics” that focus on particular areas of poverty law or client populations:		
<ul style="list-style-type: none"> <li>• African Canadian</li> <li>• Chinese and Southeast Asian</li> <li>• Children and youth</li> <li>• Community legal education</li> <li>• Corrections</li> <li>• Disability</li> </ul>	<ul style="list-style-type: none"> <li>• Elderly</li> <li>• Environment</li> <li>• HIV and AIDS</li> <li>• Income security</li> <li>• Injured workers (2)</li> </ul>	<ul style="list-style-type: none"> <li>• Landlords self-help</li> <li>• South Asian</li> <li>• Spanish-speaking</li> <li>• Tenants</li> <li>• Workers health and safety</li> </ul>

The Association of Community Legal Clinics of Ontario (ACLCO) serves its members as the voice of the clinic system to Legal Aid Ontario, the Law Society of Upper Canada, government, law schools, the media, and the general public.



## Sample Access to Justice Activities

### Ongoing Work

- Case work and legal representation in areas of law that particularly affect low-income individuals and communities
- Community development, public legal education and law reform activities to achieve systemic solutions to systemic legal issues confronting low income communities

### Examples of Strategic Initiatives and Partnerships

- Co-location of Rexdale clinic in a community hub, sharing space with local community agencies serving mutual clients
- A “connecting region” initiative led by the South Ottawa clinic to formally link agencies serving the low-income population in the South Ottawa community
- “Housing as a Right” test case led by Advocacy Centre for Tenants Ontario (ACTO) on behalf of four individuals and a community organization under ss. 7 and 15 of the Charter of Rights and Freedoms
- International conference on workers compensation - organized by academics, legal clinics, and injured workers - to be attended by injured workers from across the province (with Law Foundation funding)
- A Strategic Plan for Ontario’s community legal clinic system to expand client access to poverty law services; enhance capacity for systemic work; strengthen community connections; and enhance system-wide coordination and support
- The Knowledge Now project to enhance knowledge sharing among clinics, with support from the Legal Aid Ontario Innovations Fund

## **Pro Bono Law Ontario (PBLO)**

Pro Bono Law Ontario is a charity founded in 2001 to bridge the justice gap between lawyers who want to give back and the many Ontarians who can’t afford legal services and have a legal problem not covered by legal aid. PBLO creates and manages volunteer programs that connect these lawyers with low-income Ontarians – either directly or in partnership with charitable organizations working in the community. PBLO serves over 13,000 clients each year who have nowhere else to turn. The demand for these services increases each year. PBLO is funded by The Law Foundation of Ontario, The Law Society of Upper Canada, and private donations.

## Sample Access to Justice Activities

- Creating and managing pro bono projects, brokering partnerships and providing consulting services to other groups interested in organized pro bono projects, and addressing regulatory barriers to participation
- Creating and directly managing three streams of programs serving at-risk children and youth, unrepresented litigants, and charitable organizations
- Brokering partnerships to connect charitable organizations with law firms, law associations, and legal departments
- Working with law firms, law associations and legal departments to develop policies that facilitate pro bono participation on an institutional level
- Using technology to deliver legal information and self-help resources (like court form completion software) to the public
- Bringing legal services to people in need, e.g. Court based self-help centres and medical legal partnerships in Ontario’s children’s hospitals

## **Ontario Justice Education Network (OJEN)**

The Ontario Justice Education Network promotes understanding, education, and dialogue to support a responsive and inclusive justice system in Ontario. OJEN carries out its mandate through education and advocacy programs that focus on engaging Ontario's youth in a positive way with Ontario's justice system. OJEN receives funding from the Law Foundation of Ontario, the Department of Justice Canada, and the Ontario Trillium Foundation.

### **Sample Access to Justice Activities**

- Delivery of justice education projects across the province for approximately 200,000 young people annually, facilitating direct access to judges, justices of the peace, lawyers, and legal professionals, at no cost, in both official languages
- Development of preventative strategies for meaningful justice education provincially, nationally and internationally
- Training high school law teachers and providing free classroom resources
- Working with the Ontario Ministry of the Education to revise the high school curriculum relating to legal issues to reflect pressing and emerging legal needs
- Outreach to communities with historically negative interactions with the justice system to build knowledge and confidence and to introduce youth and families to sources of help (high-risk, newcomer, Aboriginal and Francophone youth and children)

## **Community Legal Education Ontario (CLEO)**

CLEO is an independent non-profit organization that specializes in public legal education and information. It produces clear, accurate, and practical legal rights information to help people who have low incomes or face other barriers, such as language or literacy, to understand and exercise their legal rights. It also supports other community groups in their public legal education work.

### **Sample Access to Justice Activities**

- Specialty community legal clinic produces clear language legal information resources on high-need legal topics, in a variety of languages and formats
- "Your Legal Rights" website offers legal information on a wide range of topics, in a variety of languages, compiled from legal information resources of more than 800 organizations
- Centre for Research & Innovation conducts research and projects to help build the capacity of community organizations to develop and deliver effective legal rights information
- Connecting Communities project fosters training partnerships between legal and community organizations to improve access to legal information and referral for people who do not speak English or French or who live in rural or remote communities
- Public Legal Education Learning Exchange supports organizations across Ontario in providing effective PLE for their communities by hosting a website and networking opportunities to share research, tools, and promising practices

## **Barbra Schlifer Commemorative Clinic**

The Barbra Schlifer Commemorative Clinic is a not for profit organization providing multi-disciplinary services (legal, counselling and language interpretation) to women who are victims of violence. The Clinic assists women build lives free from violence and ensures women's access justice and other vital services they require for their protection and long term well-being. This Clinic is not part of the LAO funded system of community legal clinics. It is funded primarily by the province of Ontario as well as the Ontario Women's Directorate, the City of Toronto, the United Way of Greater Toronto, the Canadian Women's Foundation, The Law Foundation of Ontario, the Pacifica Fund at the Toronto Community Foundation, and many other corporate and individuals donors.

### **Sample Access to Justice Activities**

- Legal help in family, immigration and criminal law
- Counselling support
- Interpretation and translation in more than 90 languages
- Advocacy for law reform and social changes that benefit women

## **Office of the Worker Adviser (OWA)**

The Office of the Worker Adviser educates, advises and represents non-union workers and their survivors when the worker has been injured at work. The OWA also represents non-union workers who have been threatened or punished for following health and safety laws. The OWA is an independent agency of the Ontario Ministry of Labour. Its services are free and confidential. The OWA was established by statute in 1985, along with the Office of the Employer Adviser and the Workplace Safety and Insurance Appeals Tribunal.

### **Sample Access to Justice Activities**

- Advice, education, and representation at the Workplace Safety and Insurance Board, the Workplace Safety and Insurance Appeals Tribunal, and the Ontario Labour Relations Board
- Self-help information for workers to handle their own claims or applications where appropriate
- Community partnerships with other groups that assist injured workers or who promote health and safety in the workplace
- Educational services in local communities on topics related to the OWA mandate
- System improvement partnerships and activities

## **Office of the Employer Adviser (OEA)**

The Office of the Employer Adviser provides Ontario employers with free and confidential advice, representation and education on workers' compensation issues under the *Workplace Safety and Insurance Act*, and on unjust reprisal issues under the *Occupational Health and Safety Act*. The OEA was created by statute in 1985 as an independent agency of the Ministry of Labour. It provides advice to any size employer and represents primarily employers who employ fewer than 100 employees in workers' compensation matters. It represents employers with fewer than 50 employees in reprisal disputes.

### Sample Access to Justice Activities

- Advice and representation of employers in workers' compensation appeals at the Workplace Safety and Insurance Board and the Workplace Safety and Insurance Appeals Tribunal
- Advice and representation of employers in unjust reprisal matters at the Ontario Labour Relations Board
- Publications designed to meet the day-to-day needs of employers regarding the workplace safety and insurance system
- Proactive strategies for employers to help them avoid becoming involved in unjust reprisal proceedings
- Online webinars and educational seminars to inform and educate employers about their rights and obligations

## Human Rights Legal Support Centre

The Human Rights Legal Support Centre is an independent agency funded by the Ontario Government through the Ministry of the Attorney General. It offers human rights legal services to people who have experienced discrimination contrary to Ontario's *Human Rights Code*. The Centre has regional staff in Windsor, Sault Ste. Marie, Thunder Bay, Guelph, Ottawa and Brampton.

### Sample Access to Justice Activities

- Legal assistance in filing applications at the Human Rights Tribunal of Ontario and legal representation at mediations and hearings
- Interpretation services in 140 languages, including American Sign Language
- Eligibility guidelines that give priority to disadvantaged applicants
- Special service protocol enabling Aboriginal clients to be served by an Aboriginal lawyer
- Policy to accommodate a variety of physical, mental, language and cultural needs
- Outreach to communities that face cultural and linguistic barriers in accessing the Centre's services
- Community and continuing legal educational programs on human rights

## National Services

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### Association in Defence of the Wrongly Convicted (AIDWYC)

AIDWYC is dedicated to identifying, advocating for, and exonerating individuals convicted of a crime that they did not commit and to preventing such injustices in the future through education and reform. AIDWYC has played a significant role in the exoneration of eighteen wrongly convicted Canadians.

### Sample Access to Justice Activities

- Reviewing and supporting claims of innocence in homicide cases
- Delivering Public Legal Education on topics related to wrongful convictions in marginalized communities
- Coordinating Continuing Legal Education events for lawyers, police, the judiciary and Aboriginal court workers in the hopes of preventing wrongful convictions
- Raising public awareness about miscarriages of justice through speaking engagements and the AIDWYC website and blog

- Intervening in legal cases which seek to rectify miscarriages of justice
- Participating in public inquiries related to wrongful convictions

## **Canadian Civil Liberties Association (CCLA)**

The Canadian Civil Liberties Association is a national, non-partisan, independent, non-profit organization that promotes respect for and observance of fundamental human rights and civil liberties and that defends, extends, and fosters recognition of these rights and liberties. The CCLA's work focuses on four thematic areas: fundamental freedoms, public safety, national security, and equality. CCLA has always been backed financially only by its members and supporters. It has neither sought nor received any government money.

### **Sample Access to Justice Activities**

- Defending human rights and civil liberties through public education, litigation, citizen's engagement, monitoring and research
- Convening conferences and public education programs through its foundation, the Canadian Civil Liberties Education Trust
- Engaging volunteers to keep informed of how civil liberties are observed throughout the country
- Intervention in court cases to represent a human rights and civil liberties perspective

## **Pro Bono Students Canada (PBSC)**

Pro Bono Students Canada is a national, award-winning program with chapters at 21 law schools across the country, including every Ontario law school. By exposing law students to the value of public service, PBSC aims to encourage the next generation of lawyers to make *pro bono* an everyday part of their practice.

### **Sample Access to Justice Activities**

- Placement of law student volunteers in community organizations, legal centres and clinics, law firms and courts and tribunals, training them to provide high quality, professional legal assistance to vulnerable populations and individuals and to non-profit organizations
- Supervised opportunities for students to develop legal skills while increasing access to justice in diverse communities across Canada. Flagship projects include:
  - Family Law Project: document preparation for unrepresented litigants
  - Tax Advocacy project: representing appellants in the informal procedure in the Tax Court of Canada
  - Wills Clinic: preparing wills and powers of attorney, and delivering public legal information sessions
- Campus events to promote the value of public interest lawyering and pro bono service

## **Women's Legal Education and Advocacy Fund (LEAF)**

Founded in 1985, LEAF is a national, non-profit organization that exists to advance the equality of women and girls through litigation, law reform and public education. LEAF addresses inequality and injustice issues experienced by the most marginalized women who are disproportionately disadvantaged

by poverty, racism, disability, colonialism and sexism. LEAF works to ensure Canadian courts provide the equality rights guaranteed to women and girls by Section 15 of the *Canadian Charter*.

### Sample Access to Justice Activities

- Intervention to help win landmark legal victories in crucial areas such as violence against women, discrimination, sexual harassment, sex discrimination in employment standards, social assistance, unfair pensions, family law and reproductive rights
- Involvement over the past twenty-eight years in over 150 cases on equality rights, addressing issues such as reproductive freedoms, pay equity, employment, housing, immigration, family law, sexual violence, sexual orientation and disability accommodation for women and marginalized groups

## Legal Associations: General

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Individual lawyers and paralegals contribute to access to justice in many ways. This can include pro bono services, unbundled legal services, alternative billing arrangements, and specialized firms. They also contribute through the legal associations to which they belong.

### Ontario Bar Association (OBA) and Canadian Bar Association (CBA)

The Canadian Bar Association (CBA) represents some 37,000 lawyers, judges, notaries, law teachers, and law students from across Canada. Approximately two-thirds of all practising lawyers in Canada belong to the CBA. The Ontario Bar Association (OBA) is a branch of the CBA and is the largest voluntary legal advocacy organization in Ontario, representing some 18,000 members on the frontlines of our justice system in no fewer than 38 different sectors and in every region of the province. The CBA-OBA mandate is, among other things, to improve and promote access to justice and equality in the legal profession and the justice system.

### Sample Access to Justice Activities

#### CBA Reaching Equal Justice

- Ongoing CBA initiative offering a comprehensive strategic framework to overcome existing barriers, with 31 targets for attaining equal justice by 2030. Each target offers actions that can begin immediately, interim actions or milestones to mark progress along the way, as well as the final target or end goal. The Reaching Equal Justice Report invites collaborative action by all members of the justice community, in an attempt to “balance the scales” of justice in Canada.  
[http://www.cba.org/CBA/equaljustice/secure\\_pdf/Equal-Justice-Report-eng.pdf](http://www.cba.org/CBA/equaljustice/secure_pdf/Equal-Justice-Report-eng.pdf)

#### CBA Legal Futures Initiative

- Report on the Future of Legal Services in Canada <http://www.cbafutures.org/>

#### Additional Activities: OBA

- OBA Access to Justice Committee, with pro-bono and paralegal subcommittees
- OBA Working Group on Court Delay
- OBA “Find a Lawyer” service for the public

#### Additional Activities: CBA

- CBA Access to Justice Committee
- CBA Legal Aid Liaison Committee, including Legal Aid Leader recognition program and Legal Aid Watch
- CBA Pro Bono Committee

### **The Advocates' Society**

The Advocates' Society is a professional association for advocates with over 5,000 members from the bench and bar throughout Ontario and across Canada. The Society is dedicated to promoting excellence in advocacy and the highest standards of professionalism within a fair and accessible system of justice. The Society is Canada's premier provider of advocacy skills training and plays a prominent role in contributing to justice reform initiatives, preserving and strengthening the role of advocates, and ensuring access to justice. The Society is also committed to giving back to the community, and administers and participates in a number of pro bono initiatives.

### **County and District Law Presidents' Association (CDLPA)**

The County & District Law Presidents' Association provides insight and comment on issues affecting the legal profession in Ontario, particularly around access to justice. In affiliation with the Toronto Lawyers Association, the CDLPA represents the interests of over 12,000 practicing lawyers through a volunteer Executive Board that is elected from among Ontario's 46 county law associations. Many of these lawyers are directly engaged in practice areas which focus on the legal needs of individuals in the province of Ontario, such as family, criminal, wills and estates and small business. They see and understand first-hand the challenges that exist within the current legal system, and are committed to finding solutions on behalf of the public they serve. This broad-based voice of the practicing bar of Ontario gives CDLPA a unique and powerful voice at the grassroots of the practice of law.

#### **Sample Access to Justice Activities**

- Finding ways to support solo practitioners and small/midsize firms in order to maintain their presence in all jurisdictions around the province for the benefit of their local communities
- Participation in the Alliance for Sustainable Legal Aid
- Participation in the Working Group on Real Estate
- Providing comments on other important practice issues impacting on the operation and accessibility of the justice system as they arise
- Regular submissions to the Law Society, the Province of Ontario, community justice partners, the media and the general public as part of CDLPA's commitment to being the voice of the practicing Bar in Ontario

### **Criminal Lawyers' Association (CLA)**

The Criminal Lawyers' Association is a specialty legal organization that serves as a voice for criminal justice and civil liberties in Canada. The CLA provides advice and perspective to governments and the judiciary on issues relating to legislation and the administration of criminal justice. It also assists its members in every aspect of the practice of criminal litigation. The Association is often called upon to seek intervenor status in cases before the Court of Appeal and the Supreme Court of Canada.

### Sample Access to Justice Activities

- Routinely make submissions to Legislative Committees at both the Commons and Senate level as well as Provincial Legislatures on all proposed Bills affecting criminal justice
- Advocacy for a strong, independent and well-funded legal aid program as a key to equal access to justice for persons charged with criminal offences
- Provision of continuing professional development programs for criminal law practitioners
- Active participant in court administrative committees throughout the province

## Family Lawyers Association (FLA)

The Family Lawyers Association is a group of lawyers in Ontario who are actively involved in family law and who wish to share their experiences with other lawyers throughout the province. The Family Lawyers Association provides information to its members and serves as a voice for its members on issues affecting the practice of family law.

### Sample Access to Justice Activities

- Participating in committees and initiatives in the areas of Legal Aid, law reform and various family law Bench and Bar Associations

## Ontario Trial Lawyers Association (OTLA)

The Ontario Trial Lawyers Association is an organization of more than 1,400 plaintiff lawyers, law clerks, articling students and law students. Its purpose is to promote access to justice for all Ontarians, preserve and improve the civil justice system, and advocate for the rights of those who have suffered injury and losses as the result of wrongdoing by others, while at the same time advocating strongly for safety initiatives. Priorities include a continued focus on advocacy for a fair civil justice system.

### Sample Access to Justice Activities

- Standing committee on Access to Justice
- Collaboration with community partners on initiatives that work for access to justice and a fair insurance system
- Regular submissions to promote fair access to court system without undue delays
- Safety initiatives to prevent injury from occurring
- Safety awards to recognize work in community
- Award for outstanding contribution to the goals of a fair trial and access to justice, as an advocate, in legal scholarship, continuing legal education, legal writing, journalism, politics or government
- Regular continuing legal education and promoting ongoing public education on access to justice

## Refugee Lawyers' Association of Ontario (RLA)

The Refugee Lawyers' Association of Ontario is an association of approximately 200 lawyers in the Province of Ontario in Canada advocating on behalf of refugees. The RLA shares information and updates regarding refugee determination in Canada, provides links to source country information, and comments on important court decisions in refugee law. The Association includes lawyers in private practice as well as Legal Aid clinic and staff lawyers.



### Sample Access to Justice Activities

- Advocating to ensure accessibility of lawyers for refugees and refugee claimants, adequate funding for Legal Aid, and minimum standards of representation for refugees and refugee claimants
- Working in cooperation with other legal service providers and associations to support a sustainable Legal Aid plan
- Sharing legal education and information for refugee lawyers

## Paralegal Society of Ontario (PSO)

The Paralegal Society of Ontario represents the interests of licensed paralegals across Ontario. It provides educational events, engages in government and college relations, and advocates for paralegals.

### Sample Access to Justice Activities

- Assists the public in finding a paralegal in various practice areas
- Commitment to educating the public about paralegals and the paralegal profession

## Licensed Paralegals Association (Ontario) (LPA)

The Licensed Paralegals Association (Ontario) is the largest collective of licensed paralegals directly offering legal services to Ontarians. By providing continuing professional development courses, current practice management tips, and ongoing mentoring, the LPA fosters an environment of continuous learning.

### Sample Access to Justice Activities

- Supports access to justice and encourages the public to confidently utilize the services of licensed paralegals in permitted areas of practice

## Legal Associations: Demographic

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Arab Canadian Lawyers Association (ACLA)

Association des juristes d'expression française de l'Ontario (AJEFO)

Canadian Association of Black Lawyers (CABL)

Canadian Muslim Lawyers Association (CMLA)

Federation of Asian Canadian Lawyers (FACL)

Hellenic Canadian Lawyers Association (HCLA)

Hispanic Ontario Lawyers Association (HOLA)

Indigenous Bar Association (IBA)

Iranian Canadian Lawyers' Association (ICLA)

Korean Canadian Lawyers Association (KCLA)

South Asian Bar Association of Toronto (SABA-Toronto)  
Women's Law Association of Ontario (WLAO)

Many associations, such as the examples listed above, serve as a voice for members of the legal profession from specific demographic groups. These associations play an important role in access to justice by helping to ensure that people from the groups have access to a strong cadre of legal professionals who understand their culture, language or specific needs and by advocating on public policy issues to advance legal and social justice.

Activities of such associations typically include:

- Serving as a spokesperson and networking forum for their members
- Promoting public awareness and reform of policies and laws affecting the target populations
- Promoting equal opportunity, legal scholarship, professional excellence, and community involvement
- Offering mentorship for students and practitioners
- Providing seminars, speakers' forums and other educational opportunities

## **Courts and Tribunals**

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### **Court of Appeal for Ontario**

The jurisdiction of the Court of Appeal for Ontario includes the consideration of civil and criminal appeals from decisions of Ontario's two trial courts, the Superior Court of Justice and the Ontario Court of Justice. At the Opening of the Courts of Ontario in September 2012, Chief Justice Warren K. Winkler stressed the importance of access to justice in upholding the rule of law. At the Opening in 2013, he said, "There is today an overwhelming consensus that if the justice system as we know it is to survive, it must undergo significant change to provide greater access to justice for the public".

#### **Sample Access to Justice Activities**

- Ontario Courts Accessibility Committee which is helping to increase the accessibility of courthouse facilities and proceedings, with membership from all levels of court, the Bar, the Ministry of the Attorney General, and people with disabilities
- Programs initiated with the bar, Pro Bono Law Ontario and Legal Aid Ontario to provide legal services for unrepresented persons during inmate appeals, mental health appeals, civil appeals, and motions
- Self-help packages on the website to guide individuals through the steps to bring an appeal or motion, with links to organizations that might be of assistance
- Chief Justice's Committee on Professionalism which gets lawyers more involved in making the system work smoothly

### **Superior Court of Justice**

The Superior Court of Justice has jurisdiction over criminal, civil and family cases, presiding in fifty-one locations in Ontario. In "Mapping the Way Forward", the Court's 2012 Annual Report, Chief Justice

Heather J. Smith stated, “In each of these three areas of law, the Superior Court remains dedicated to providing meaningful, effective, and timely access to justice”.

#### Prioritizing Children

Chief Justice Smith indicated in her Opening of Courts speeches, in both September 2012 and 2013, that in 2012 the Superior Court embarked on the “Prioritizing Children” initiative, which focussed on improving access to justice for families in crisis and children at risk, particularly in child protection proceedings. The Chief Justice has met with and has received commitments to support this initiative from the Treasurer, the law deans, CBA and OBA representatives, the Children’s Lawyer, and legal assistance organizations.

#### Scheduling Practices

Chief Justice Smith recently announced the 2013 strategic priority for the court. The court has embarked on a full scale internal review of its judicial scheduling practices, to maximize the effectiveness of its judicial resources and available facilities, to provide more timely access to justice, particularly in civil interlocutory proceedings

#### Reducing Wait Times

The court has begun an initiative for the Greater Toronto Area, to reduce the undue wait times for long motions and long trials, principally in Toronto. The judicial lead for this initiative, Justice Geoffrey Morawetz, will value the Bar’s input in resolving this issue.

#### Technology

To more effectively harness technology to improve access to justice, the Superior Court led two significant initiatives in 2013. First, the court developed its own protocol to allow all parties to easily access copies of the court’s digital audio recordings. Second, the court crafted and implemented a court-wide policy that permits the use of electronic devices in the courtroom for parties and their counsel, and for members of the press, because they function as the eyes and ears of the public.

#### E-Filing

While the court eagerly awaits the technology-based initiatives the Attorney General has planned, the court’s judges have proactively joined with the Bar to move towards the kind of accessible “e-filing” system that will ultimately become the backbone for the administration of justice. The thoughtful and detailed standards developed for delivering e-documents in Commercial List and Divisional Court cases will, no doubt, become the standard for the true “e-filing” system of the future.

### **Ontario Court of Justice**

The Ontario Court of Justice presides over adult criminal, youth criminal, family law, child protection, and provincial offence matters. The Ontario Court of Justice is the largest court in the country, with judges and justices of the peace sitting in close to 200 locations throughout Ontario. In her remarks at the Opening of the Courts of Ontario in September 2012, Chief Justice Annemarie E. Bonkalo stated that, “As society evolves, so too must our courts. Whether in family, criminal, youth or provincial offences matters, our Court always seeks opportunities to provide more innovative and accessible service delivery options.” During the 2013 Opening, she stressed the Court’s focus on access to justice and efforts to modernize the court and demystify the court process.

### Sample Access to Justice Activities

- Web-based user guides for defendants in provincial offences cases, accused persons in criminal trials, and self-represented persons at family law trials
- Fly-In Court Working Group report to enhance operations of criminal and family fly-in courts held in First Nations communities in the Northwest and Northeast Regions of Ontario
- Public legal education activities of judges and justices of the peace, in classrooms and other settings
- Streamlining of criminal, family and provincial offence processes
- Implementing in-court orders to reduce waiting time for litigants regarding document preparation
- Posting of court statistics for public transparency

## Administrative Tribunals

Many legal matters in Ontario are resolved through specialized adjudicative tribunals established by provincial or federal legislation. The nature and extent of access to justice activities in the tribunal sector can vary considerably depending on the individual tribunal or cluster of tribunals.

### Sample Access to Justice Activities

#### Policies and Procedures

- Service Equity Policy: created by the Society of Ontario Adjudicators and Regulators (SOAR) to provide equity and access for disadvantaged persons
- Training in cultural competencies by SOAR and the Council of Canadian Administrative Tribunals
- Training for adjudicators in mediation and accessibility
- Training on the impact of poverty and mental health on parties' ability to interact with the legal process (Social Justice Tribunals Ontario)
- "Active adjudication" to assist self-represented parties
- Voluntary mediation programs
- Access to interpreters during tribunal hearings
- Production of decisions in accessible formats

#### Clustering

- Improving access to justice is one of the goals behind the recent creation of three "clusters" involving seventeen of Ontario's tribunals:
  - Environment and Land Tribunals Ontario (ELTO)
  - Social Justice Tribunals Ontario (SJTO)
  - Safety, Licence Appeals and Standards Tribunals Ontario (SLASTO)
- Common information portals for clusters of tribunals

## Governments

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### Ontario Ministry of the Attorney General (MAG)

The Ministry of the Attorney General's role includes court services to support an independent judiciary, prosecution of offences, conducting civil litigation on behalf of government, services for victims and vulnerable persons, justice policy, and legislative drafting. MAG liaises with other Ontario government

ministries on access to justice issues and is responsible for a variety of arms-length agencies and tribunals.

### **Sample Access to Justice Activities**

#### Information and Guides

- Justice Ontario: a one-stop source of information about Ontario's legal system, including a toll-free telephone line with service in 173 languages. Topics include: Finding a lawyer, Tickets and fines, Lawsuits and disputes, Family and criminal law, Human rights, Wills and estates
- Nine guides for bringing or replying to a Small Claims Court claim, including the enforcement of court orders
- Culturally appropriate family law information for Aboriginal families, with materials in English, French, Ojibway, Cree and Oji-Cree

#### Technology

- Ontario Court Forms Assistant, an online program that guides litigants through a series of plain language questions to populate commonly used Small Claims Court and family law forms
- Pre-formatted, fillable forms available on the Ontario Court Forms website for Small Claims Court actions and non-contentious estate applications

#### Family Justice Services

- Expansion of mediation, mandatory information, and Information and Referral Co-ordinator services to all family courts in the province

#### Justice on Target (JOT)

- Addressing criminal court delay by using an evidence-based approach to increase the effectiveness of criminal court practices, e.g.:
  - Early information, forms and orientation to help accused persons prepare for court
  - Putting legal aid on-site in Ontario's courthouses so accused persons can apply immediately for legal aid and those who qualify can quickly retain counsel
  - Guidelines for holding low-risk offenders accountable through community service, restitution, charitable donation, or attending programming or counselling

## **Department of Justice Canada (DOJ)**

The federal Department of Justice acts as a policy department to oversee matters relating to the administration of justice that fall within the federal domain, helping to ensure a fair, relevant and accessible justice system for all Canadians. In addition to policy advice and program services, it provides a range of legal advisory, litigation and legislative services to government departments and agencies. The Department also serves as a central agency to support the Minister in advising Cabinet on all legal matters.

### **Sample Access to Justice Activities**

- Published research and reports on a variety of access to justice issues including criminal justice, family law, Aboriginal communities, and creating a more efficient and accessible justice system
- Participation in the National Action Committee on Access to Justice in Civil and Family Matters
- Aboriginal Court Worker Program
- Aboriginal Justice Strategy

- Legal Aid Program
- International Legal Programs
- Public Legal Education and Information Support
- Official Languages Initiatives
- Department of Justice Canada Pro Bono Pilot Project

## **Faculties of Law**

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### **Student Legal Aid Societies**

Student Legal Aid Services Societies operate out of Ontario's law schools. Under the supervision of full time lawyers, volunteer law students provide legal advice and represent clients in cases involving minor crimes, landlord and tenant disputes, immigration issues and tribunals. Funding and support are provided from the universities and Legal Aid Ontario. Law Schools also collaborate with community legal clinics such as the University of Windsor's Legal Assistance of Windsor program and Osgoode Hall Law School's long-standing partnership with Parkdale Community Legal Services.

### **Clinical Programs**

In addition to regular classroom courses, Ontario's law schools offer clinical programs with an intensive focus on particular areas of law, legal skills or client communities. Clinical programs provide law students with advanced skills and experience through experiential learning. Many clinical programs – including placement at a student legal aid society – focus on vulnerable groups. A recent example is the Disability Law program created by Osgoode Hall Law School in partnership with ARCH Disability Law Centre.

### **Pro Bono Services**

As described earlier, Ontario law students provide volunteer legal services through chapters of Pro Bono Students Canada. Students also volunteer through pro bono law school clinics such as the Ecojustice Clinic at the University of Ottawa.

### **New Faculty of Law at Lakehead University**

The Lakehead University Faculty of Law is Ontario's first new law school in Ontario in forty-four years. Its first class of students began in September, 2013. This law school is committed to improving access to legal services in Northern Ontario and throughout rural Canada – all places where there is a need for lawyers. It will focus on admitting students from towns across the north, as well as throughout the rest of Ontario and rural or small town Canada. It will emphasize access to justice in non-metropolitan communities by preparing graduates to practise in smaller centres and in smaller firms. In addition to the core curriculum, the program will focus on three main areas: Aboriginal Law and issues related to Aboriginal peoples; establishing a law practice in a small centre; and an emphasis on Natural Resources, with specialties in mining and forestry.

## Faculties of Law: Selected Access to Justice Activities

The table below provides additional examples of access to justice activities at Ontario faculties of law. The examples were drawn from a larger table entitled “Access to Justice Initiatives in Canadian Law Schools” that was submitted to the National Action Committee on Access to Justice in Civil and Family Matters (NAC).

<p><b>Osgoode Hall Law School, York University</b></p> <ul style="list-style-type: none"> <li>• Public interest requirements: all students must complete 40 hours of unpaid, public interest work before graduation</li> <li>• Innocence Project clinic: researches and investigates claims of wrongful conviction</li> <li>• Innovation Clinic: provides pro bono support to start-up companies</li> </ul>	<p><b>Queen’s University, Faculty of Law</b></p> <ul style="list-style-type: none"> <li>• Correctional Law Program: provides legal support to inmates</li> <li>• Queen’s Elder Law Clinic</li> <li>• Tory’s Public Interest Summer Internship and Dean’s Excellence Fund: awards to students completing internships in public interest programs</li> </ul>
<p><b>University of Ottawa, Faculty of Law</b></p> <ul style="list-style-type: none"> <li>• Public interest, social justice and sole practitioner fellowship programs: encourage law students to work in access to justice areas</li> <li>• Access to Justice &amp; Elder Law Community Legal Research Projects</li> <li>• University of Ottawa Refugee Assistance Project</li> </ul>	<p><b>University of Toronto, Faculty of Law</b></p> <ul style="list-style-type: none"> <li>• Advocates for Injured Workers</li> <li>• Centre for Spanish-Speaking People</li> <li>• International Human Rights Clinic</li> <li>• Engaged in multi-year Middle Income Access to Justice Initiative, culminating in international conference in 2011</li> </ul>
<p><b>University of Western Ontario, Faculty of Law</b></p> <ul style="list-style-type: none"> <li>• Dispute Resolution Centre</li> <li>• Sport Solution Clinic: offers legal services to athletes</li> <li>• Western Business Law Clinic: offers legal services to small businesses</li> </ul>	<p><b>University of Windsor, Faculty of Law</b></p> <ul style="list-style-type: none"> <li>• Compulsory course on Access to Justice</li> <li>• Law Enforcement Accountability Project on police accountability</li> <li>• Centre for Enterprise and Law clinic: provides legal information to start-up companies</li> <li>• Windsor Yearbook of Access to Justice: peer-reviewed journal</li> </ul>