

2018 Ontario Election

Backgrounder: Legal Aid and Community Legal Clinics

The Benefits of Legal Aid Funding

Legal aid is the critical foundation of access to justice for Ontarians. As more Ontarians find it harder than ever to afford a lawyer, many resort to representing themselves in court or at tribunals. Many others simply don't take steps to address their legal problems. And while both responses to the unaffordability of legal services leave people without the advice and representation they need, they also increase costs, both to the legal system and to related social services.

International research shows what we've known for years; treating legal aid as an essential service – like health care or education – reduces costs to the legal system and across government. For every dollar spent on legal aid:

- In Australia, government sees a return of \$1.60 - \$2.25
- In Florida, the government saves \$4.78
- In New York, there is a return to government of \$5.00.

Right now, only those with annual incomes of less than \$21,144 for an individual or \$30,980 for a family of four qualify for legal clinic services in Ontario. Eligibility cut-offs for other legal aid services can be even lower.

As international studies show, expanding legal aid services – and therefore the number of people who can access quality legal representation – could more than pay for itself. More importantly, doing so would contribute to a more just and equitable Ontario.

“The most advanced justice system in the world is a failure if it does not provide justice to the people it is meant to serve. Access to justice is therefore critical. Unfortunately, many Canadian men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system.”

- Former Chief Justice, Beverley McLachlin

“Legal Aid, and in particular community law, is perhaps the single most important mechanism we have to make the equal rights dream a reality.”

- Former Ontario Chief Justice, R. Roy McMurtry

Community Legal Clinics: A Vital Part of Community Building

74 community legal clinics serve individuals and families in communities across Ontario. Funded by Legal Aid Ontario, through modest capped budgets, they offer a broad range of legal services to address the needs of their communities and the inequities confronting low-income Ontarians. Community legal clinics are non-profit organizations, rooted in the communities they serve and governed by boards of directors drawn from these communities.

Community legal clinics serve the most vulnerable Ontarians on issues that are most critical to them, including housing, income security, education, health care, disability programs, workers' rights, human rights, and environmental issues. Much of the work that clinics do is aimed at ensuring that people with low incomes are able to meet their most basic needs, which in turn gives them the ability to live with health and dignity as active members of their communities.

Because the work they do has a significant positive impact on the health, vitality and economic activity of local communities, community legal clinics are a critical part of strategies to reduce poverty and improve well-being in Ontario. And community legal clinics distinguish themselves by tailoring the services they offer to the specific needs of people in their communities.

In 2016, community legal clinics:

- Represented 20,568 people at courts or tribunals
- Gave 153,569 people detailed legal advice and assistance
- Carried out 6,293 public legal education, community development, and law reform projects and initiatives.

The Need for a Commitment to Adequate and Stable Funding

In 2014, the Province of Ontario committed to making legal aid services available to more Ontarians. The province pledged to increase funding to Legal Aid Ontario so that, within ten years, everyone who is living on incomes at or below Statistics Canada's Low Income Measure will be eligible to get legal help.

As of 2017/18, Legal Aid Ontario has received \$86.7 million in additional funding. 400,000 more Ontarians are now eligible for legal aid services. Thousands of new clients have been served by community legal clinics and LAO's certificate program, and a wide range of new legal services are now being offered. At the end of the ten-year funding commitment, one million more Ontarians will qualify for high quality legal services available through legal aid.

- ***In this provincial election, we are asking all political parties to commit to the 10-year funding commitment announced in 2014***

In addition, predictable improvements in funding for legal aid services must be assured. This could be accomplished through periodic adjustments to legal aid funding using a defined formula and a benchmark, such as the Consumer Price Index.

- ***We also ask all political parties to commit to an objective, permanent review process to determine reasonable funding increases in the future***

The opportunity to ensure that all low-income Ontarians can get the legal help they need cannot be lost. And we cannot return to the days when funding was only increased in response to a crisis.

Questions for Candidates

Given the benefits of legal aid funding, whether ensuring access to justice for low-income Ontarians, decreasing government expenditures in other areas, or improving the health, vitality and economic activity of local communities across Ontario, **will you commit to:**

- 1. Maintain the 10-year funding commitment to legal aid announced in 2014?**
- 2. Putting in place an objective, permanent review process to determine reasonable funding increases in the future?**