



The Law Society of
Upper Canada | Barreau
du Haut-Canada

TAB 9

Report to Convocation June 26, 2014

Access to Justice Committee

Access to Justice Committee

Marion Boyd (Co-Chair)
Cathy Corsetti (Co-Chair)
Adriana Doyle (Vice-Chair)
Michael Lerner (Vice-Chair)
Mary Louise Dickson
Robert Evans
Avvy Go
Michelle Haigh
Susan Hare
George Hunter
Virginia MacLean
Susan McGrath
Janet Minor
Barbara Murchie
Jack Rabinovitch
Susan Richer
Baljit Sikand

Purpose of Report: Information

**Prepared by the Equity Initiatives Department
(Marisha Roman, Aboriginal Initiatives and Policy Counsel – 416-947-3989)**

COMMITTEE PROCESS

1. The Access to Justice Committee (the “Committee”) held its regular meeting on June 11, 2014. Committee members Marion Boyd (Co-Chair), Cathy Corsetti (Co-Chair), Adriana Doyle (Vice-Chair), Michael Lerner (Vice-Chair, telephone), Mary Louise Dickson, Robert Evans, Michelle Haigh, Virginia MacLean, Susan McGrath, Barb Murchie and Baljit Sikand participated. Raj Anand and Brian Lawrie also attended. Staff members Julia Bass, Denise McCourtie (telephone), Diana Miles, Marisha Roman, Grant Wedge and Sheena Weir attended.
2. The Committee received an update from Diana Miles on the *Your Law: Family Law in Ontario* portal. The Committee supported maintaining the site in its current form, pending a review of progress of The Action Group on Access to Justice (TAG) initiative at the end of 2014.
3. The Committee received an information report from Zeynep Onen on the Law Society’s Professional Regulation Division’s intake process for complaints relating to claims in the Independent Assessment Process, addressing specific needs of the complainants based on discussions with the Indian Residential Schools Adjudication Secretariat (IRSAS) and others.
4. An update was provided on the current distribution status of the Law Society’s “*Handling everyday legal problems*” public information guide. As of June 4, 245,171 copies of the guide (of a total of 326,000) had been distributed to the public.

FOR INFORMATION

**PROGRESS REPORT ON THE TAG INITIATIVE AND
PLANNING FOR NEXT STEPS**

5. This report includes an overview of the TAG Reference Group and its process, an update on the June 3 TAG Launch event and its outcomes, as well as an update on the TAG Resource Centre.

TAG REFERENCE GROUP

6. The Law Society has created a Reference Group to oversee the planning for the TAG Forum as well as future access to justice initiatives. To date, it has met three times: May 21, June 2, and June 17, 2014.

7. The members of the Reference Group currently include:
 - Marion Boyd, Co-chair, Access to Justice
 - Meredith Brown, Executive Director, Innovation, Ministry of the Attorney General
 - Chris Cheung, Acting Director, Policy and Public Affairs, Ontario Bar Association
 - Cathy Corsetti, Co-chair, Access to Justice
 - Elizabeth Goldberg, Executive Director, The Law Foundation of Ontario
 - Howard Goldblatt, Chair, Equity and Aboriginal Issues
 - Patricia Hughes, Executive Director, The Law Commission of Ontario
 - Sunny Kwon, Counsel, Justice Policy Development Branch, Ministry of the Attorney General
 - Julie Mathews, Executive Director, Community Legal Education Ontario
 - Sarah McCoubrey, formerly Executive Director, Ontario Justice Education Network

Dave McKillop, Vice-President, Policy, Research and External Relations, Legal Aid Ontario

Lori Newton, Office of the Chief Justice, Ontario Court of Justice

Sandra Yuko Nishikawa, Chair, Equity Advisory Group

Lorne Sossin, Dean, Osgoode Law School

8. The first meetings focused on discussing the following:
 - a. The June 3 Launch event. Outcomes of the meeting included identifying invitees, providing an update on the report *Inventory of Legal Organizations*, and planning the elements of the working session. The group identified potential speakers, clarified the role of the Law Society's facilitation of the working session and discussed the format of the session, including asking a "pop-question" and three prompt questions for further information from the participants about their expectations and interests;
 - b. The proposed TAG logo and identifiers.
 - c. The structure of how the TAG Forum will operate, including potential clustering of issues so that partners can work together collaboratively and achieve results. The results will be reported to the overall Forum.
 - d. Feedback from the June 3 Launch event, identification of cluster issues and development of options for future activities for working groups on cluster issues.

9. The Reference Group may be expanded over time, and will continue to meet on a regular basis to guide the TAG process.

DEBRIEF – JUNE 3 TAG LAUNCH EVENT

10. On June 3, the Law Society hosted the TAG Launch event. The event featured an update and information-sharing session with approximately 90 participants. The audience included TAG stakeholders who had participated in the October 2013 TAG Symposium, members of the TAG Reference Group, invited guests and

benchers. The update and information-sharing session was followed by a reception.

11. Prior to the June 3 event, invited participants were asked to complete a survey as well as provide an update on the inventory of access to justice initiatives in Ontario. The Law Society provided, in a “TAG bag”, the results of the survey as well as the updated *Inventory of Legal Organizations* report, the “*Handling everyday legal problems*” guide, the bookmark promotion piece for the Legal Information for Everyone project, and an advance copy (English) of the Colloquium Report from the Action Committee on Access to Justice in Civil and Family Matters. The document highlighting the results of the survey is provided at [Appendix 1](#). Other documents are available to benchers through the **TAG Resource Centre**.
12. Grant Wedge, Executive Director of Policy, Equity and Public Affairs, moderated the event.
13. Bencher Howard Goldblatt spoke first about the Law Society’s vision and commitment to its role as facilitator and participant in the TAG Forum.
14. Other featured speakers presented examples of current collaborative initiatives in Ontario that use the combined resources and efforts of legal sector stakeholders to enhance access to justice within a variety of legal contexts. The speakers included the following and their presentation slides are included in the **TAG Resource Centre**:
 - a. Julie Mathews talked about the process of rebranding and reconfiguring the Your Legal Rights website to the Shared Steps website. The purpose of the initiative is to move away from an information clearinghouse and provide a self-directed guide to legal information and resources for users;

- b. Justice McEwen with Alan Mark from the Advocates' Society discussed the efforts and the successes of the Superior Court Reform Task Force with regard to reducing wait times;
 - c. Professor Trevor Farrow of the Osgoode Hall Law School presented on the Child Protection Course Pilot project, developed in partnership with Legal Aid Ontario, for the 2013-2014 academic year. Professor Farrow indicated that Osgoode plans to continue the program into the next academic year;
 - d. Chief Justice Annemarie Bonkalo talked about the success of the Ontario Court of Justice Child Protection initiative; and
 - e. David McKillop presented on the Legal Aid Mental Health Strategy that was developed through consultation with external experts in this field.
15. Following the featured speakers, Grant Wedge opened the floor to speakers from the audience for a "Pop-Up Session". Participants were asked to speak about any innovative initiatives that they were involved in or that they would like to see with regard to enhancing access to justice in Ontario. The issues and ideas presented covered a broad range of topics and included the following:
- a. The Ontario Bar Association is aware that the greying of the bar is a reality in smaller centres in Ontario and this presents both an urgent need as well as an opportunity to engage younger lawyers;
 - b. The Human Rights Legal Support Centre utilizes the services of paralegals as well as lawyers to provide an array of legal supports for clients, including information in approximately 140 languages and unbundled legal services. It has also embarked on providing Aboriginal-specific services in Thunder Bay and in partnership with the Ontario Federation of Indigenous Friendship Centres;
 - c. A representative of the Colour of Poverty/Colour of Change Network, indicated the importance of including diversity in the TAG process. She noted that the Provincial Racial Justice Report Card would be released on June 4, 2014 through the Colour of Poverty/Colour of Change Network. It

utilizes a research tool to present disaggregated diversity data. The report is available at <http://mtcsalc.org/en/what-s-new/>. The Colour of Poverty/Colour of Change initiative would be willing to share this tool with TAG;

- d. The Federation of Asian Canadian Lawyers represents Asian and South Asian lawyers, many of whom can provide legal services in the language of their communities. The FACL website also features video vignettes of FACL member lawyers speaking in Asian languages about legal issues. FACL suggests that the Law Society consider translating some of its website or including links to legal information websites that provide resources in other languages;
- e. A program that provides training for public librarians in smaller centres enables them to effectively direct the public to legal information. This program, funded by the Law Foundation of Ontario, was presented as an example of a successful engagement of non-lawyers in providing legal information;
- f. As an example of an initiative in the United States, a judge from the District of Columbia highlighted the success of the Access to Justice Commissions in the U.S., in particular the Maryland Access to Justice Commission (<http://www.mdcourts.gov/mdatjc/>). These commissions, which are located throughout the U.S., bring together the judiciary, the bar, as well as public interest groups and enable an ongoing dialogue about regional access to justice;
- g. Recognizing that long civil litigation trials are a reality across the province, not just in Toronto, one option to respond to this challenge could be to engage members of the civil litigation bar, including trial lawyers, on Rules Committees;
- h. Legal Aid Ontario has committed to implementing its Aboriginal Strategy and is doing so by placing legal aid lawyers within First Nations communities to enhance contact between the community and LAO. This

pilot project has enhanced the capacity of Legal Aid lawyers as well as awareness in the First Nations community of Legal Aid services;

- i. Another example of a successful initiative that could be borrowed from the United States to reduce backlog in the civil courts is the use of adjudicators as well as Junior Masters for pre-trial matters as opposed to judges. In this way, judges would be able to focus on adjudicating trial matters;
 - j. The Social Justice Tribunal of Ontario is “a cluster of seven expert adjudicative tribunals” designed to provide simplified procedures and enhance the public’s access to administrative tribunals. Its mandate features several collaborative initiatives, including making enhancements to the procedures of the Landlord and Tenant Board, in recognition of the special circumstances involving tenants of Toronto Community Housing.
 - k. The Ontario Justice Education Network (OJEN) is an example of an initiative that fulfills its mandate through the engagement of thousands of volunteer lawyers throughout Ontario. OJEN has found no shortage of volunteer opportunities for lawyers.
16. Participants were then asked to fill out 3 answer cards and provide feedback to the TAG Reference Group about potential future steps for TAG.
 17. The reception portion of the program featured Jeff Hirsch, on behalf of Justice Thomas Cromwell, the Chair of the Action Committee, who provided an overview of the Colloquium Report from the Action Committee on Access to Justice in Civil and Family Matters. The report highlights the outcomes of the Colloquium held in Toronto on January 27 and 28, 2014.
 18. The program ended with remarks from the Treasurer and closing remarks from Grant Wedge.

UPDATE ON TAG RESOURCE CENTRE

19. As a resource for benchers, a **TAG Resource Centre** has been created in the Resource Centre folder on Boardbooks. This TAG Resource Centre is a library housing reports and research related to access to justice, generally, and the TAG initiative, specifically. It will be updated and re-organized from time to time as research reports are released. This folder is accessible through the “Resource Centre” icon on the main page of Boardbooks.

APPENDIX 1



TAG – THE ACTION GROUP ON ACCESS TO JUSTICE/GROUPE D’ACTION SUR L’ACCÈS À LA JUSTICE

You were asked “*In 100 words or less, share one innovative access to justice project or idea that you think has made an impact.*” The forty responses revealed key themes in the innovations already underway in Ontario, ideas of innovations in other jurisdictions and organizations that are collaborating to meet access to justice needs. The survey remains open through June. Ideas can be added by going to:

<http://fluidsurveys.com/s/TAGgreatideas/>

Leveraging the skills of law students to help fill gaps

Funding articling student positions in public interests organizations and legal clinics has increased the capacity of community based organizations and trained a new generation of young lawyers in the public interest sector. Pro Bono Students Canada exposes and engages students across Canada in a broad range of supervised, engaging A2J projects. Students draft forms and help clients navigate the Family Courts. These projects enhance the reputation of the bar, train students, and create a pipeline into family law.

Court Simplification makes justice more accessible

Innovations in the courts that have made it easier and cheaper to pursue court resolution including the use of telephone conferences to deal with routine procedural matters, increasing the monetary limits for small claim actions, use of Settlement Conferences in Small Claims Court and plain language, how-to-guides posted online by administrative tribunals. Coordination between parts of the system, as happens in the Roundtable on Complex Criminal Trials, brings the necessary resources into the process early on. Legal services from duty counsel providing summary advice on Small Claims and Superior Court matters, family law information centres, paralegals, duty counsel and legal aid, on site mediation in family matters and dispute resolution officers in courthouses all connect people with services when they need them.

Research into needs

CLEO's Connecting Project provided a basis for legal and social agencies to collaborate in identifying needs and helped to make the case for LFO funding to 60 collaborations between multidisciplinary legal and social services increase the capacity of front-line workers at community organizations. Multilanguage access has become easier as trusted

intermediaries become aware of available resources feel more confident accessing them, effectively addresses the multidimensional aspect of legal problems for persons who have difficulty accessing the traditional legal system.

Provide early information to prevent complex legal problems

Initiatives that help people anticipate legal issues and ask for help connects them with legal services and understand legal issues before they become complex. Project such as METRAC's public legal information webinars for women and their service providers, medical-legal partnership like the PBLO project at Sick Kids or OJEN/ROEJ's Young Mom's project for new mothers living in shelters or residential care build awareness, confidence in legal resolution and ideas about how to avoid legal conflicts.

Help Self-represented Litigants navigate the system

A number of projects focus on people in the midst of a legal dispute without representation.

Innovations like the unbundling of legal services at the Human Rights Legal Support Centre, PBLO's Law Help Ontario's continuum of services from procedural information through to representation and Legal Aid Ontario's toll-free number providing summary legal advice and referrals in over 200 languages provide direct legal services. The Migrant Worker Coalition connects vulnerable workers to explain rights and provide representation on employment issues. The Self-Represented Litigants project has created attention to and a forum for learning from the experiences of those who navigate the courts without assistance.

Ideas for Next Steps

- Generate an access to justice fund from lawyer and paralegal fees and increased court filing fees
- Raise legal aid eligibility rates for criminal or family justice system
- Provide front end and back end debt relief to law students
- Providing "coaching" to self-represented litigants to enable them to move forward on their own
- Set up a "legal brokerage" assisting family law litigants to get legal advice from lawyers at a reduced fee (see Family Law Access Centre in Manitoba)
- Replicate the American Bar Association's "incubator" initiative providing mentoring, office and business support, financial assistance to lawyers building a practice that serves otherwise underserved clients