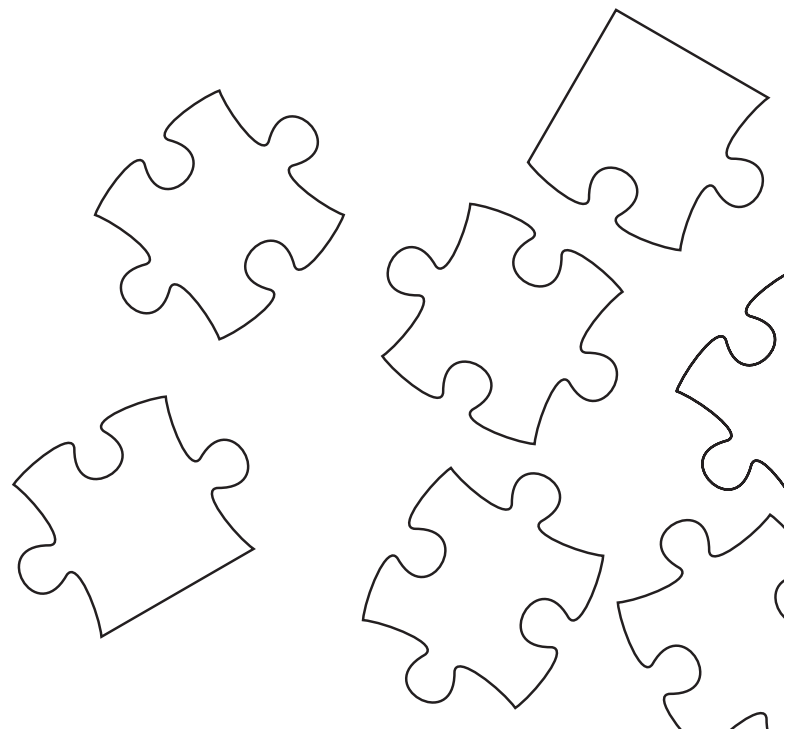


LISTENING to ONTARIANS

Report of the **Ontario Civil Legal Needs Project**

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Listening to Ontarians: Report of the Ontario Civil Legal Needs Project is the report of the project Steering Committee. The members of the project steering committee are:

- R. Roy McMurtry – Chair
- Marion Boyd – Bencher, The Law Society of Upper Canada
- John McCamus – Chair, Legal Aid Ontario
- Lorne Sossin – Vice Chair, Pro Bono Law Ontario

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Principal Researcher

Prof. Lorne Sossin



Consultants

Derek Leebosh, Environics Research Group



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WriteDesign.ca



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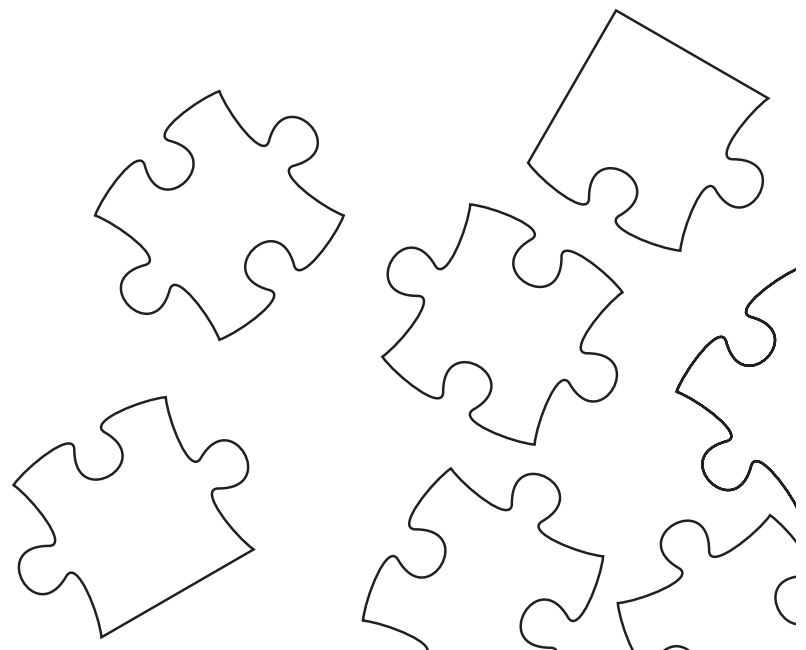
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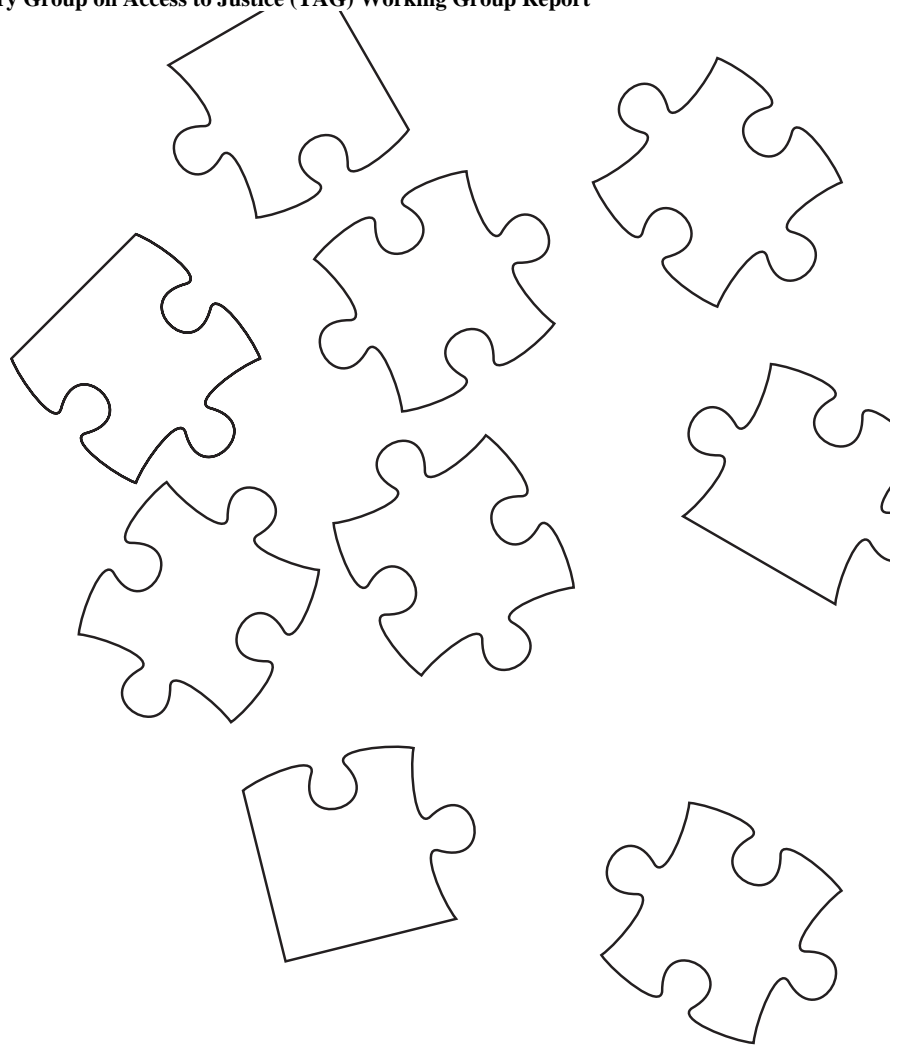
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**Report of the
OCLN Project
Executive
Summary**



REPORT OF THE OCLN PROJECT

Executive Summary

Most people agree that access to justice is a fundamental right in a democratic society. It is important to examine barriers that Ontarians with civil legal needs may be facing when they seek legal assistance to access the justice system. This report is intended to provide an overview of civil legal needs, examine how those needs are being met, identify gaps, and to suggest strategies for addressing those gaps.

The Law Society of Upper Canada, Legal Aid Ontario, and Pro Bono Law Ontario share a common goal to improve access to justice for Ontarians. All three organizations already have in place a comprehensive range of programs and services designed to provide legal assistance to low and middle-income residents with a civil legal issue. Those services are heavily utilized. Until now, there has been no empirical data on how well those services are received, where there are unmet civil legal needs, and if existing resources could address those needs more effectively.

The three organizations agreed in 2008 to undertake a joint research project to identify and quantify for the first time the civil legal needs experienced by low and middle-income Ontarians. The research has three phases: a phone survey to assess quantitatively the civil legal needs, a series of focus groups with front-line legal and social service providers to identify gaps and areas for collaboration, and a mapping exercise to show the availability and range of existing services. The first two phases are now complete. This report contains the findings of the first two phases, which are focused on civil legal needs. The third phase, devoted to mapping the supply of legal services, will be completed in the fall of 2010.

The three partners agreed that the research results are intended to provide a baseline of reliable data about civil legal needs in order to inform planning and priorities in their ongoing response to civil legal needs. The partners' hope is that this study serves as a catalyst for further collaboration, coordination and innovation to ensure access to justice for all Ontarians.

Accessing the justice system

This study underlines the need to help people demystify the justice system. For the hundreds of thousands of Ontarians who need help with a civil legal issue, the system is poorly understood or perceived to be inaccessible by many. By exploring the civil legal needs of low and middle-income Ontarians through a comprehensive research project, there is now for the first time a body of empirically sound data available for all to study and to use. Legal service providers, legal associations, social agencies, government and members of the justice system will all find in this report a thorough examination of the kinds of legal needs that arise among low and middle-income Ontarians, how they try to resolve those needs, and where resources could be better utilized.

Civil legal needs are a pervasive and invasive presence in the lives of many low and middle-income Ontarians. One in three low and middle-income Ontarians have had a non-criminal legal problem or issue in the past three years and one in ten has had multiple legal problems. Overall, almost four in ten people who had experienced a legal problem and sought assistance in the last three years reported that they were still working to resolve their most important problem.

The disruption that results in the daily lives of Ontarians when their civil legal needs cannot be met is significant. Unmet needs often cascade into greater problems for individuals and their families.

Civil legal issues include child custody disputes, wrongful dismissal, eviction from housing, powers of attorney, personal injury, and consumer debt. Resolving these issues can involve the courts, administrative tribunals, and regulatory bodies. The very complexity of the legal system itself can be a barrier to access to justice.

Satisfaction with existing services

People are generally very satisfied when they get assistance from private lawyers and other professionals in the civil legal system. Almost 70 per cent of low and middle-income Ontarians who have experienced a civil legal problem in the last three years sought legal assistance from a lawyer whom they paid. Eighty per cent of those people stated that they found the assistance helpful.

The programs and other services provided by the Project partners are well received by those who access them. These are significant strengths in Ontario's civil justice system. They provide a valuable foundation for the way ahead.

A significant challenge is to find ways to encourage more people to receive the full benefit of the existing resources available to them. People often can't find

legal help because they don't know where to look, or because they perceive they won't be able to afford it. The study reveals, however, that fully half of the low and middle-income Ontarians who had civil legal needs were able to access free help or to resolve their legal problems for less than \$1,000 in legal service fees.

One size does not fit all

The study reinforces the necessity of differentiating the needs of low and middle-income earners. There are vulnerability issues among many low-income Ontarians that compound the disruption and challenge created by a civil legal need. The specific legal issues are often different for the two groups. Middle-income Ontarians anticipate the need for legal assistance with wills, powers of attorney, or real estate issues. Low-income Ontarians are more likely to need legal help with disability-related issues, social assistance, personal injury or employment issues. More Ontarians in the lowest income group rely on non-legal sources of assistance for their problems, in particular friends and relatives.

Family law issues were seen by Ontarians across all income ranges as important to resolve. Other civil legal needs, however, can be disruptive and long-standing as well, including employment and personal injury issues. These findings suggest that there need to be multiple, diverse, and integrated access points and service responses.

Addressing legal needs on their own

One in three respondents among low and middle-class Ontarians said they prefer to resolve their legal needs by themselves with legal advice, but not necessarily with the assistance of a legal professional. Legal advice was sought from a variety of sources, both legal and non-legal. In addition, many civil problems are resolved outside the formal justice system.

These responses indicate there are opportunities for the Project partners to broaden access to reliable information and assistance about legal processes and sources of self-help.

The traditional legal service model

Legal service delivery traditionally assumes individual representation and direct legal support from a lawyer or paralegal in a traditional litigation model. More contemporary views augment the traditional model with an appropriate mix of alternative service models and providers based on an assessment of client needs.

The study also reinforces the value in continuing to rethink how legal services are provided to clients. Breaking down legal services into their component parts – or “unbundling” legal services – could in some cases provide clients the option of choosing which parts of a legal issue they resolve on their own and which parts are appropriate for professional help.

Innovations

The study highlights the need for innovation, and recognizes the important innovations which already have been developed. For example, self-help centres allow self-represented litigants to access the justice system even if they cannot afford to retain a lawyer for full representation privately, or qualify for pro bono or Legal Aid. Pro Bono Law Ontario’s pilot project, Law Help Ontario, is a court-based self-help centre which provides a continuum of services based on a triage system that assesses litigant need and allocates resources based on those needs. During the pilot period, the walk-in centre served 6,845 clients, provided over 12,500 brief legal services with the support of over 200 lawyers, who contributed more than 2,100 hours of free legal assistance.

Another resource for those without legal representation is the Lawyer Referral Service (LRS) of the Law Society of Upper Canada. This is a free, public, bilingual service that helps people find a lawyer by providing a toll-free number, with client service representatives who provide the caller with the name and phone number of a local LRS member lawyer who is able to deal with their legal issue. If the person calls the LRS member lawyer, he or she will receive a free consultation of up to 30 minutes. In 2009, 48,329 calls were received by this service.

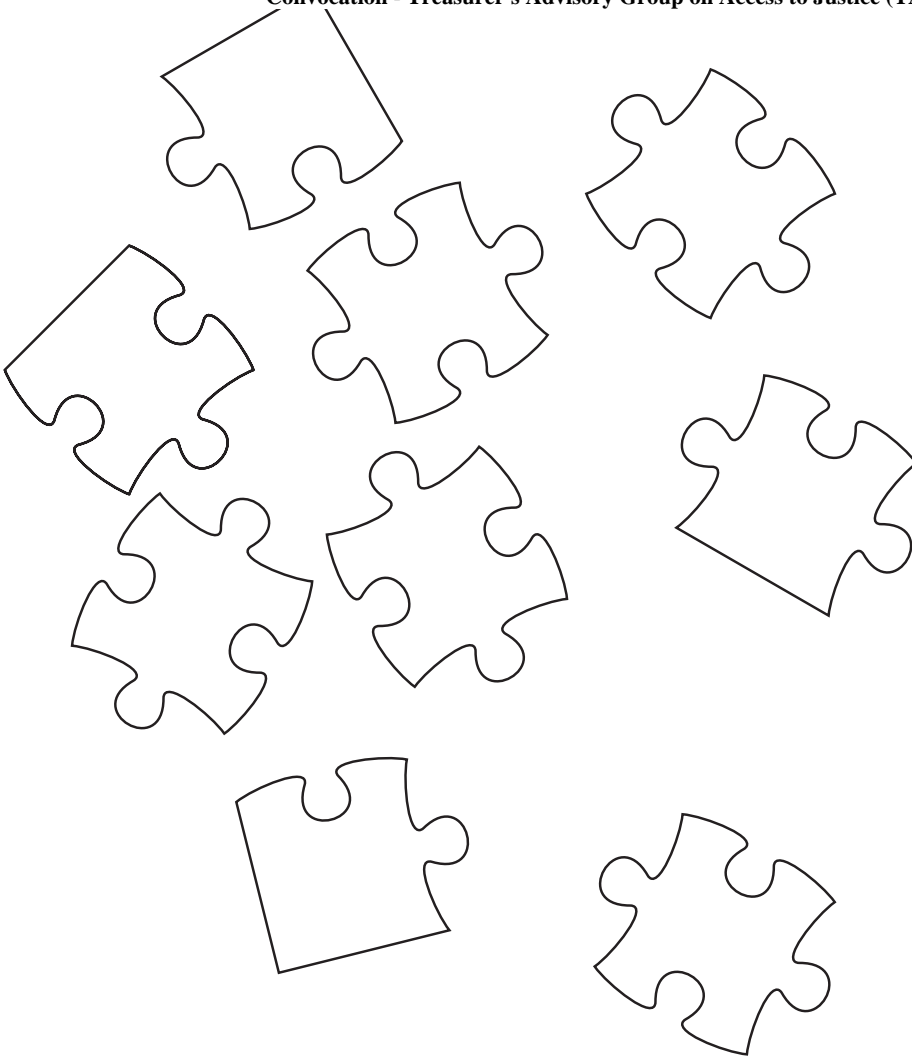
In addition to in-person self-help centres and referral resources, technology holds significant promise as a platform for the delivery of legal resources. According to the study, 84 per cent of low and middle-income Ontarians are connected to the Internet. The Internet is already an important means to convey legal information and resources. For example, CLEOnet, a project of Community Legal Education Ontario (CLEO), makes available an online collection of legal information and resources produced by community agencies and community legal clinics across Ontario. Technology creates opportunities beyond the transmission of legal information. For example, Law Help Ontario provides access to an online document assembly program that allows litigants to complete their court forms quickly and accurately. A total of 6,536 court forms were generated through this service in pilot period.

The survey revealed that most Ontarians are unaware of the online resources available to them through the Government of Ontario, the Law Society of Upper

Canada, Legal Aid Ontario and Pro Bono Law Ontario. Those who did use these resources, however, reported a very high satisfaction rate.

The way forward

The report lays the groundwork for the three Project partners and other members of the legal community to work together in identifying and developing innovative solutions to continue to improve the access to justice for low and middle-income Ontarians. A range of solutions is required. Different people need different types of support based on their unique circumstances. A more vulnerable individual may need the assistance of a lawyer or paralegal while another individual may require access to clear and correct information.



PART ONE

**Why are civil
legal needs
important to
all Ontarians?**

PART ONE

Why are civil legal needs important to all Ontarians?

The purpose of this report of the Steering Committee of the Ontario Civil Legal Needs Project is to describe and discuss the findings of the needs assessment survey and focus groups undertaken as part of this Project and to chart a path forward for addressing the civil legal needs of low and middle-income Ontarians.¹ A separate mapping initiative associated with this Project will focus on the availability of lawyers in various regions of Ontario and will be released separately.

Civil legal needs cover some of the most important areas of the lives of all Ontarians, including their families, their employment, their housing, their immigration and refugee status, and their economic well-being. Our study found that one-third of Ontarians reported having a civil legal need, and the majority of those people experienced disruption of their lives as a result. It may well be that the real number is even higher, as many people who experience a legal problem may not report it as such, either because they are not aware of their rights or because they simply do not identify their situation as a problem. In this sense, people interact with the civil justice system in complex ways. Some rely on the system to protect their rights and interests, while others face significant barriers to accessing the civil justice system. By choice or by necessity, many litigants navigate the civil justice system without legal representation.

Reinforcing these findings, judges have observed the particular difficulty facing low and middle-income communities. As Chief Justice McLachlin has observed,

¹ For purposes of this study, we define “civil justice” problems as legal disputes outside the criminal justice context.

Access to justice is quite simply critical. Unfortunately, many Canadian men and women find themselves unable, mainly for financial reasons, to access the Canadian justice system. Some of them become their own lawyers, or try to ... Hard hit are average middle-class Canadians. Those with some income and a few assets may be ineligible for legal aid and therefore without choices. Their options are grim: use up the family assets in litigation; become their own lawyers or give up. The result may be injustice.²

Incidents of injustice that are not redressed may lead to a loss of public confidence in the justice system. One of the most striking findings of this Project's assessment of civil legal needs is that almost 80 per cent of Ontarians believe that the legal system works better for the rich than for the poor. In a society committed to the rule of law and the principles of equality and fairness, this perception risks eroding public confidence in the justice system.

Another finding of our assessment of civil legal needs is that a majority of Ontarians seek out a lawyer in private practice to help them solve their civil legal problems, and, while they are highly satisfied with the service they receive, they would prefer to solve their legal problems on their own, though with legal advice. This finding alone speaks volumes about what lawyers and other professionals in the civil justice system are doing right, but it also reveals that Ontarians seek to take control of their legal issues themselves. In order to do this, however, they need to have access to reliable and accurate information and advice. This report will identify these types of opportunities – where the service and information providers in the civil justice system can enhance real access to justice for all Ontarians.

What is a civil legal need?

Before we proceed further, some key terms need to be defined. The civil justice system is most commonly understood by what it is not – that is, criminal law. In other words, all the legal needs that fall outside the sphere of criminal justice are grouped together as “civil justice.” This category includes a wide range of legal needs and cuts across matters dealt with by courts, administrative tribunals, and regulatory bodies. It is important to address the myth that civil legal needs, because they are diverse, are somehow less important to people or have less

2 “Justice Comes at Too High a Price: McLachlin” National Post, March 9, 2007, <http://www.canada.com/nationalpost/news/story.html?id=54c6a41b-4d85-460f-a21f-524087fbcf2e&k=18398>.

impact on society than criminal legal needs. Disputes over custody of children, wrongful dismissal, eviction from housing, powers of attorney, or consumer debt may affect individuals, families, and communities in deep and lasting ways. The telephone survey carried out as part of the Project revealed that three-quarters of low and middle-income Ontarians who had experienced a civil legal problem in the last three years found their problem to be disruptive to their daily lives.³

A “civil legal need” occurs when an individual or group encounters an issue or experiences a problem that falls within the domain of the civil justice system. The term “civil legal need” incorporates the idea that the problem or dispute someone is experiencing is justiciable (that is, it is capable of being resolved through a legal process).

Who are low and middle-income Ontarians?

This Project examined the legal needs of low and middle-income Ontarians, defined for the purposes of this study as those living in households with incomes of \$75,000 or less.⁴

In framing our discussion of legal needs, we must emphasize the importance of distinguishing between the needs of low-income Ontarians and middle-income Ontarians. While the needs of both are critical to access to justice, programs designed for one group may not be appropriate or effective for the other. For example, those who responded to the survey by indicating that they needed legal assistance in real estate transactions were also more likely to have a postgraduate or professional education and household incomes between \$40,000 and \$75,000.⁵ By contrast, those who were more likely to mention disability-related issues included those with household incomes of less than \$20,000 and members of equality-seeking communities in general.⁶

Consistent with the approach of distinguishing between low and middle-income Ontarians, civil legal needs may also be considered in the context of vulnerability. For the purpose of this Project, we measured vulnerability by

3 Answer to Question 37 of the telephone survey, *Civil Legal Needs of Lower and Middle-Income Ontarians: Quantitative Research* (Toronto: Environics Research Group, 2009) at 59 [“Quantitative Research”].

4 This figure is based on a calculation using the federal government’s Low Income Cut-Off (LICO) amount. This cut-off does not represent a definitive demarcation of low or middle-income earners. It is, rather, a figure we have chosen that is likely inclusive of most low and middle-income earners in Ontario.

5 *Quantitative Research*, supra note 3 at 13.

6 *Quantitative Research*, supra note 3 at 17.

comparing an individual's experience with a civil legal problem in relation to one or more influential factors. Our quantitative research revealed that the factors that appear to significantly increase a person's vulnerability include not only income, but also income source, gender, age, membership in an equality-seeking community,⁷ geographic location, and the type of civil legal problem encountered. On their own, not only do these factors compromise an individual's capacity and resources to address a civil legal problem, but they also compound the disruption and challenge created by the presence of a civil legal problem. In combination, their effect is complex.

For example, 24 per cent of our respondents to the survey were individuals who indicated that they had received income assistance in the last three years in the form of social assistance, housing supplements, child, or income support.⁸ This group represented 51 per cent of the Ontarians who earn less than \$20,000 per year.⁹ In the overall responses to questions throughout the survey, this group is among the groups more likely to identify experiencing a civil legal problem in the last three years,¹⁰ and they are among the groups more likely to mention family relationship problems.¹¹ They are also more likely to identify their problem as being very disruptive in their lives,¹² to seek resolution for their problem through a court,¹³ and to experience problems in accessing legal assistance.¹⁴ They are also among the groups more likely to decide not to seek legal assistance for a problem, even though they believe it would have helped them,¹⁵ and they are among the groups more likely to mention family relationship problems in this context.¹⁶ In the overall survey, family relationship problems stand out as being mentioned most often by low and middle-income Ontarians who have experienced a civil legal problem in the last three years for which they sought legal assistance or for which legal assistance would have been helpful (even though they did not seek such assistance).¹⁷

-
- 7 Equality-seeking communities identified in this survey include the following: Franco-phones, Aboriginal people, people with disabilities, members of racialized communities, gay men, lesbians and bisexuals, and trans-identified persons.
- 8 Answer to Question M of the telephone survey, Quantitative Research, *supra* note 3 at 74.
- 9 Quantitative Research, *supra* note 3 at 72.
- 10 Quantitative Research, *supra* note 3 at 15.
- 11 Quantitative Research, *supra* note 3 at 17.
- 12 Quantitative Research, *supra* note 3 at 59.
- 13 Quantitative Research, *supra* note 3 at 48.
- 14 Quantitative Research, *supra* note 3 at 31.
- 15 Quantitative Research, *supra* note 3 at 51.
- 16 Quantitative Research, *supra* note 3 at 53.
- 17 Quantitative Research, *supra* note 3 at 16.

When considering the experience of members of equality-seeking communities – particularly women and persons with disabilities – similar comparisons can be drawn. Women comprised 55 per cent of the survey group, and persons with disabilities comprised 16 per cent of the survey group. In Ontario's lowest-income group, women comprise 62 per cent of Ontarians who earn less than \$20,000 per year,¹⁸ and persons with disabilities comprise 42 per cent of that same group¹⁹ – a strikingly higher representation than in the overall group.

Women were among the groups more likely to identify experiencing a civil legal problem in the last three years²⁰ – and, in particular, they were among the groups more likely to mention family relationship problems.²¹ However, they were more likely than men to say that the process for resolving their family relationship problem was fair and to express strong satisfaction with the outcome.²² Women were also more likely to identify their problem as being very disruptive in their lives,²³ and they were among the groups more likely to seek non-legal assistance for a legal problem (either civil or criminal) through the police.²⁴ They were among the groups more likely to decide not to seek legal assistance for a problem, even though they believed it would have helped them,²⁵ and they were also among the groups more likely to mention family relationship problems in this context.²⁶

Although persons with disabilities are not found among the groups more likely to have experienced a civil legal problem in the last three years, they are more likely to identify a civil legal problem they encounter as being very disruptive in their lives.²⁷ The telephone survey results do not highlight persons with disabilities specifically as a group more likely to experience civil problems related to disability, although the inference is reasonable. While they are also among the groups more likely to mention experiencing problems in accessing legal assistance for their problem, the telephone survey revealed that this group

18 Quantitative Research, supra note 3 at 72.

19 Quantitative Research, supra note 3 at 72.

20 Quantitative Research, supra note 3 at 15.

21 Quantitative Research, supra note 3 at 17.

22 Quantitative Research, supra note 3 at 49.

23 Quantitative Research, supra note 3 at 59.

24 Quantitative Research, supra note 3 at 56.

25 Quantitative Research, supra note 3 at 51.

26 Quantitative Research, supra note 3 at 53.

27 Quantitative Research, supra note 3 at 59.

is more likely to seek resolution for a legal problem through a mediator,²⁸ and this group is also more likely to seek non-legal assistance for a legal problem through a government office, Member of Parliament (MP), or Member of Provincial Parliament (MPP)²⁹.

On the basis of these findings, a number of observations can be made about individuals who have received income assistance and women and persons with disabilities – and how likely they are to experience a civil legal problem such as family relationship issues, as well as the avenues they are likely to choose to resolve their problem. However, these findings do not enable us to draw a definite conclusion about the relationship between factors that increase an individual's vulnerability (such as income source, gender, or disability) and a particular civil legal need (such as family law) or about why individuals choose legal assistance or not. There are factors that connect these three groups, such as their higher representation among Ontarians earning less than \$20,000 per year, and there are also factors that distinguish them individually. More focused information is required.

Although identifying the factors of vulnerability and analyzing their effect on an individual's experience with a civil legal problem is an involved and complicated process, this information is nonetheless useful and descriptive. Throughout this report, these vulnerability factors are presented, along with the survey responses, to provide context for the results. These factors were also considered seriously by the Steering Committee as it identified the principles and strategies for addressing people's unmet civil legal needs in the final part of this report (Part Four).

Who are the Project partners?

This Project is a collaborative initiative of the Law Society of Upper Canada (the Law Society), Legal Aid Ontario (LAO), and Pro Bono Law Ontario (PBLO).³⁰ The Project has also received financial support from the Law Foundation of Ontario.

The Law Society is the governing body of the legal profession (lawyers and paralegals) in Ontario. Its mandate is to regulate the legal and legal services professions in the public interest. In the course of carrying out its function, the Law Society has a duty to act to facilitate access to justice and to protect the public interest.

²⁸ Quantitative Research, *supra* note 3 at 28.

²⁹ Quantitative Research, *supra* note 3 at 56.

³⁰ See Appendix B for a brief description of the mandates, missions, and access to justice activities of the three partner organizations.

LAO's mandate is to "promote access to justice throughout Ontario for low-income individuals by means of providing consistently high-quality legal aid services in a cost-effective and efficient manner." LAO provides legal aid services to low-income individuals and disadvantaged communities in Ontario for a variety of legal problems, including criminal matters, family disputes, immigration and refugee hearings, and poverty law issues, such as landlord/tenant disputes, disability support, and family benefits payments.

PBLO is the provincial organization dedicated to promoting opportunities for lawyers to provide pro bono legal services to persons of limited means. PBLO provides technical support and strategic guidance to law firms, law associations, and legal departments looking to provide free legal services to persons of limited means and to the community-based organizations that serve them. The organization manages three streams of projects in-house: children's projects, projects serving charitable organizations, and projects serving unrepresented litigants with civil, non-family matters.

Why it's important to understand what low and middle-income Ontarians think about civil justice and civil legal problems

The Project partners represent three very different facets of the civil legal system in Ontario. However, they share a common goal: working to enhance access to justice for all Ontarians. This Project was designed in such a way as to receive the opinions of the groups that we believe face the most significant barriers when attempting to solve their legal problems: low and middle-income Ontarians.

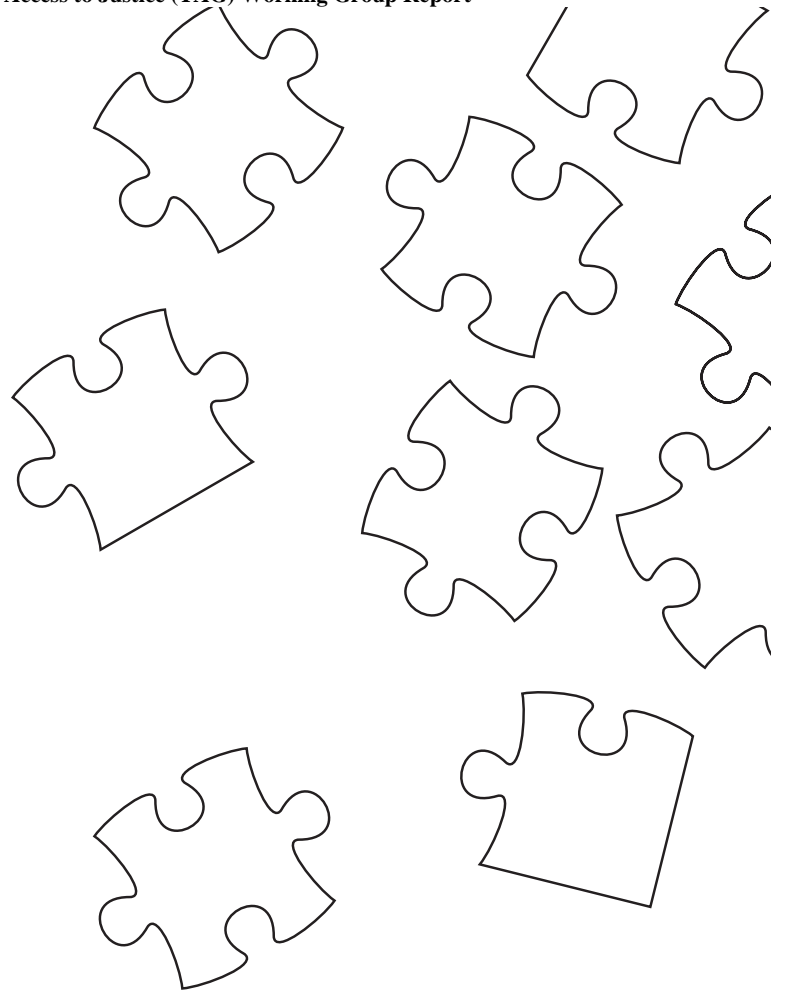
We are surrounded by stories of people in our communities who are struggling with an immigration, family law, employment, or consumer debt problem. These are the types of problems that affect most individuals in a very real way. Hearing directly from low and middle-income Ontarians and the legal service and information providers who assist them is an essential step in creating an accessible civil justice system in Ontario.

The tools we used to acquire a picture of the civil justice system in Ontario

The Ontario Civil Legal Needs Project consists of a telephone survey, focus groups, and a mapping initiative. It combines both quantitative and qualitative research methodologies to identify and quantify the "everyday" legal problems experienced by low and middle-income Ontarians – in a comprehensive manner.

How the findings of this study could affect low and middle-income Ontarians and their families

One of the purposes of the Project is to provide a point of departure for each organization (or organizations working in partnership) to design, develop, and deliver innovative new programs within the context of the distinctive governance and mandates of each organization. Our hope is also that the data and analysis presented in this report will provide a catalyst for other organizations to respond to the unmet needs set out in the report and that this report will stimulate further research, dialogue, and initiatives. Ultimately, the goal for the public release of this report is that it will serve as a catalyst for substantive changes and improvements in how low and middle-income Ontarians access the civil justice system and how they resolve their civil legal problems.



PART TWO

What low and middle-income Ontarians told us about their civil legal needs

PART TWO

What low and middle-income Ontarians told us about their civil legal needs

What have we learned about low and middle-income Ontarians, their civil legal needs, their perception of how legal issues are resolved, and their perceptions of the civil justice system?

Through our survey, we learned that more than one-third of Ontarians have had a legal need in the past three years. We also learned that civil legal needs have had a very serious impact on their lives and that this impact differed across income and equality-seeking communities.

An important finding of this Project is that most low and middle-income Ontarians resolved their legal problems with the assistance of a lawyer and that a strong majority of this group has been satisfied with the legal assistance received. However, there are certain areas of law where a higher proportion of people have legal problems and where their path to resolving those problems is long, complicated, or expensive or a combination of these three factors.

While many people seek assistance from lawyers, others experience substantial barriers to accessing legal assistance for a number of reasons, including income, language, and geographic access. Access issues are not experienced uniformly. Access is a more significant challenge in some areas of law, such as family law, and within particularly vulnerable communities, such as with members of equality-seeking communities. A combination of factors that increase vulnerability will also have a proportionately greater effect on an individual's experience with a civil legal problem. Further, civil needs reflect people's life experiences. For example, older people tend to have more estate law needs than younger people. This information tells us that there are opportunities to respond to unmet legal needs with more tailored legal services.

When asked to discuss trends in access to justice for low and middle-income Ontarians, both clients and providers of legal services stated that they believed demand for civil legal services is growing but that resources to support those

services are limited. This report will include a discussion of how to understand and prioritize resources, and it will suggest potential means to better meet demands within the limits of those resources.

While this Project aims to enhance the Project partners' understanding of the diversity of civil legal needs in Ontario, we recognize the limits of this study as well. The study does not capture the civil legal needs of all (for example, the homeless cannot be reached reliably through a telephone survey). Nor does this study attempt to address the complex range of dynamics that arise when the legal needs of particular groups, such as Aboriginal communities, are examined. That said, this report, when used in combination with other needs assessment techniques, will contribute to a comprehensive picture of civil legal needs in Ontario that should help policy makers, advocates, and service providers at every level of the justice system in Ontario respond more effectively to civil legal needs.

What are people's general impressions of Ontario's civil justice system?

The Project was designed to identify and quantify the "everyday" civil legal problems of low and middle-income Ontarians. We also asked the telephone survey and focus group participants about their perceptions of civil justice and the civil justice system in Ontario.

While the answers to these questions do not provide hard facts, they provide a sense of people's overall impressions of the civil justice system outside the context of a specific legal problem. They also provide a tool for interpreting people's perceptions about the fairness of the civil justice system when they consider their individual legal problem. The bulk of the survey questions related to this last issue.

When people were asked whether they thought "the laws and justice system in Canada are essentially fair," the majority (66 per cent) agreed. Even more people agreed that "courts are an important way for ordinary people to protect their rights" (82 per cent).

When considering access to justice and legal services and costs, most of those surveyed indicated that they believed "the legal system works better for rich people than for poor people" (79 per cent), and respondents were almost evenly split in deciding whether "a middle-income earner can afford to hire a lawyer if he or she needs one" (49 per cent agreed and 46 per cent disagreed).

People were less sure when they were asked whether they believed the following statement: "There are enough free or affordable legal services available if you were in need" (33 per cent agreed, 39 per cent disagreed and 17 per cent did not answer). Similarly, people expressed some uncertainty about whether "you

have to be extremely poor to get access to any free legal services in Ontario” (58 per cent agreed, 31 per cent disagreed, and 11 per cent did not answer).

Paralegals have been a regulated legal services profession since 2008. They provide key legal services to many low and middle-income Ontarians, but the Law Society regularly receives questions from the public about the differences between lawyers and paralegals. In order to gauge public awareness about these differences, survey participants were asked whether “lawyers and paralegals provide the same types of legal services.” Respondents were generally uncertain. Thirty per cent agreed, 21 per cent did not know, and 50 per cent disagreed with the statement.³¹

What are people’s “everyday legal problems”?

Our survey indicated that 35 per cent of low and middle-income Ontarians said they had experienced a civil legal problem or issue in the last three years.³² People mentioned a broad range of problems or issues that caused them or someone in their household to need legal assistance, including problems with a family relationship, wills and powers of attorney, real estate transactions, housing or land, employment, personal injury, money or debt, legal actions, disability-related issues, traffic offences, immigration, and small or personal business issues.³³

31 Quantitative Research, supra note 3 at 9.

32 Quantitative Research, supra note 3 at 15.

33 Quantitative Research, supra note 3 at 16.

TYPES OF LEGAL PROBLEMS – JUNE 2009

	TOTAL SAMPLE	HAD LEGAL PROBLEM
	%	%
Family relationship problems	12	30
Wills and powers of attorney problems	5	13
Housing or land problems	4	10
Real estate transactions	4	9
Employment problems	4	9
Criminal problems	3	9
Personal injury problems	3	7
Money or debt problems	2	5
Legal action problems	1	3
Neighbourhood problems/property damage	1	3
Traffic/speeding offences/violations/tickets	1	3
Disability-related issues	1	2
Consumer problems	1	2
Immigration problems	1	2
Small or personal business issues	1	2
Discrimination/harassment problems	1	2
Welfare or social assistance problems	1	1
Hospital treatment or release problems	*	1
Treatment by police	–	–
Other	3	8
None	62	1
Don't know/not applicable	*	*

* less than 1 per cent

One-quarter of the low and middle-income Ontarians surveyed indicated that they had experienced a civil legal problem or issue in the past three years for which they had sought legal assistance.³⁴ Fourteen per cent (1 in 7) said they had a civil legal problem or issue in the past three years for which they had not sought legal assistance, even though it would have been helpful.³⁵

Those who experience legal problems are generally more vulnerable,³⁶ including those who have received income assistance in the past three years, those not in the workforce, women and members of equality-seeking

34 Quantitative Research, supra note 3 at 11.

35 Quantitative Research, supra note 3 at 51.

36 Quantitative Research, supra note 3 at 4.

communities. Individuals born outside Canada and older people are least likely to report a legal problem.³⁷

Our survey also indicated that certain legal problems have a tendency to cluster, meaning that problems tend to group together. Almost 1 in 10 respondents experienced multiple legal problems.³⁸ The types of problems that cluster most among those with two or more problems include family relationship issues, wills and powers of attorney, housing and land and real estate.

While our survey measured the incidence of legal problems, it is equally important (if not more so) to consider the impact of those problems. A majority of low and middle-income Ontarians believed their legal problems were very disruptive. Three-quarters of those reporting problems said they experienced at least some disruption in their daily lives as a result of their legal problems or issue; significant proportions reported that they experienced stress-related or mental illness, loss of confidence, physical ill health, loss of employment or income, and relationship breakdown.

Those who were more likely to have found their legal problem to be extremely or very disruptive included the following: women, those with household incomes of less than \$20,000, members of equality-seeking communities (particularly people with disabilities), those who had received income assistance in the last three years, those with multiple legal problems, and those who did not seek assistance for their legal problems.³⁹ Strikingly, 1 in 7 individuals reported experiencing permanent physical or mental disability.⁴⁰ These findings suggest a connection between access to justice and broader issues of health, social welfare, and economic well-being.

Our survey also asked people about what they perceived would be their future legal needs. These low and middle-income Ontarians believed that in future they would likely experience legal problems relating to wills and powers of attorney (17 per cent), family relationship (14 per cent), and real estate transactions (12 per cent). Only 21 per cent anticipated that they would not experience legal problems in the future.

37 Quantitative Research, *supra* note 3 at 4.

38 Quantitative Research, *supra* note 3 at 1.

39 Quantitative Research, *supra* note 3 at 59.

40 Quantitative Research, *supra* note 3 at 61.

ANTICIPATED REASONS FOR NEEDING FUTURE LEGAL ASSISTANCE – JUNE 2009

	per cent
Wills and powers of attorney problems	17
Family relationship problems	14
Real estate transactions	12
Personal injury problems	7
Housing or land problems	7
Criminal problems	5
Employment problems	4
Legal action problems	3
Money or debt problems	3
Traffic/speeding offences/violations/tickets	2
Small or personal business issues	2
Immigration problems	2
Other	7
None, won't need a lawyer	21
Don't know / not applicable	19

What sources of legal information and legal services are available to people?

The sources of legal assistance for low and middle-income Ontarians are almost as diverse as their legal problems, and they often seek assistance from more than one source.

Our telephone survey suggested that, when faced with a legal problem, people most often seek assistance and information from a lawyer in private practice, followed by friends or relatives and the Internet.⁴¹ When actually dealing with their legal issue using legal assistance, two-thirds of the group consulted with a lawyer for whose service they paid. Almost 30 per cent sought some form of legal assistance. Roughly 1 in 5 sought assistance from the Law Society's Lawyer Referral Service and from a duty counsel each. Approximately 1 in 10 sought assistance from each of a community agency, a pro bono lawyer or program, a telephone advice line, a mediator, or a paralegal.⁴²

41 Quantitative Research, supra note 3 at 23.

42 Quantitative Research, supra note 3 at 26.

SOURCES OF INFORMATION AND ASSISTANCE – JUNE 2009

	per cent
Lawyer – private practice	41
Friend or relative (unspecified)	30
Internet site(s) (incl. Googling)	27
Legal aid	19
Friend or relative, who works as a lawyer	9
Other professional	8
Court	7
Phone book/Yellow Pages	6
Advocacy/community group/organization – non-legal	6
Government organization	5
Police	4
Community legal clinic	3
Company/business (including bank)	3
Member of Parliament/MPP	2
Published self-help source	2
Private agency/organization	2
Other	13
Don't know / not applicable	3

A striking finding of our survey is that two-thirds of the respondents who sought legal assistance for a civil justice problem engaged a private lawyer themselves. Those who were more likely to have turned to a lawyer they paid for included residents of the outer Greater Toronto Area (GTA) and Hamilton-Niagara, residents in medium-sized cities (10,000 to one million inhabitants), those aged 60 or older, those who had completed some university education, those with household incomes of \$40,000 to \$75,000, and those who had experienced problems related to wills or powers of attorney or real estate.⁴³ Among those who sought assistance from a lawyer they paid for themselves, 8 in 10 found this assistance very or somewhat helpful.

Smaller proportions sought assistance from a legal aid service (including a legal aid clinic, legal aid office, or duty counsel) or from the Law Society of Upper Canada's Lawyer Referral Service. Importantly, of those who received the assistance of a lawyer, the financial burden on those in need varied dramatically. Almost 3 in 10 Ontarians received services pro bono, while another 2 in 10 paid

⁴³ Quantitative Research, *supra* note 3 at 26.

less than \$1,000 for the legal assistance they received. Indeed, our survey revealed that only a third of those who retained a lawyer paid more than \$1,000.⁴⁴

Those more likely to have received legal services free of charge included residents of the City of Toronto, those aged 18 to 29, those who had not graduated from high school, those with household incomes of less than \$20,000, those who had received income assistance in the last three years, and Aboriginal people.⁴⁵

Respondents most likely to have paid more than \$1,000 for their legal services included residents of Niagara-Hamilton and the GTA; people aged 45 to 59; people who earned more than \$40,000; members of racialized communities; people with real estate, legal action, immigration, or consumer issues; people with multiple legal problems; and people who found their problems extremely disruptive.⁴⁶

THE DEPTH AND IMPACT OF CIVIL LEGAL NEEDS IN THE AREA OF FAMILY LAW

Family law is an issue common to both low and middle-income earners.

Of the various problems for which respondents sought legal assistance, the statistics for family law stood out. Of those surveyed who indicated they had experienced a family law problem, 81 per cent sought legal assistance, and 30 per cent of that group indicated they had difficulty obtaining that legal assistance.

While both the incidence and impact of family law is troubling, the dilemma for service providers is how to address family law needs while still delivering effective programming to help address equally important legal needs (such as those relating to employment, housing, consumer debt and estates issues).

How do people try to solve their civil legal problems?

The majority of low and middle-income Ontarians solve their legal problems by seeking out a lawyer. In terms of resolving their civil legal problems, about the

44 Quantitative Research, *supra* note 3 at 29.

45 Quantitative Research, *supra* note 3 at 29.

46 Quantitative Research, *supra* note 3 at 30.

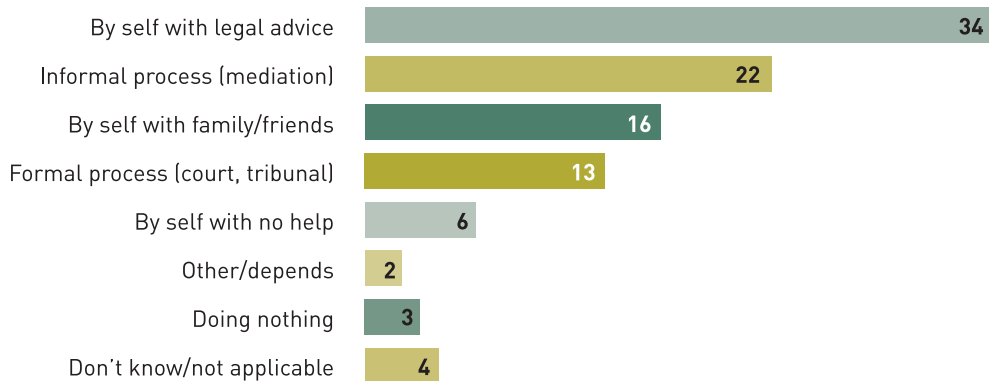
same number of people – 1 in 4 – resolved their legal problem by going to court or a tribunal or by reaching a consensual agreement.⁴⁷

NATURE OF RESOLUTION – JUNE 2009

	per cent
After going to court or a tribunal	26
Agreement was reached between you and the other party	24
I/we the lawyer signed necessary papers	11
Through a lawyer/legal assistance (unspecified)	9
Through mediation	8
The problem just sorted itself out	5
Solved the problem on your own without any help of anyone else	4
Was not resolved/still unresolved	4
Transfer of ownership/custody.	3
Help from someone other than a mediator or family and friends.	3
Successful transaction	2
Received compensation	2
Other	11
Don't know / not applicable	6

When they were asked how they would prefer to resolve their legal problem, low and middle-income Ontarians in general were most likely to indicate that they would prefer to resolve a legal problem by themselves, though with legal advice (34 per cent); smaller proportions indicated that they would prefer a legal problem to be resolved through an informal process such as mediation (22

PREFERRED WAY OF RESOLVING LEGAL PROBLEM JUNE 2009



⁴⁷ Quantitative Research, supra note 3 at 48.

per cent), by themselves with help from family or friends (16 per cent), or by themselves without any help (6 per cent). Approximately 13 per cent of Ontarians (or 1 in 8) were likely to prefer to resolve their problems through a formal process such as a court or tribunal.⁴⁸

Those most likely to mention going to court or a tribunal included people aged 18 to 29, those who had received income assistance in the last three years, those with family relationship legal problems, and those whose problems were very disruptive to them.⁴⁹ Those most likely to reach an agreement with the other party were men and people with money or debt problems.⁵⁰

While our focus is primarily access to legal assistance, we recognize that non-legal assistance may often be as important in resolving legal problems. The source of non-legal assistance most often relied upon was that of friends and relatives. Those most likely to seek assistance from friends and family represented a very wide spectrum of people, but some patterns emerged. Vulnerable groups tended to use this source of non-legal assistance the most.⁵¹ The sources of non-legal assistance seen as most helpful by those who used them were support groups and spiritual or religious organizations.⁵²

EXPERIENCE WITH NON-LEGAL ASSISTANCE – JUNE 2009

	Used this Source	Found very/Somewhat helpful
	%	%
Friends/relatives	25	85
Self-help through Internet	17	86
Police	12	73
Government office/MP or MPP's office	11	62
Religious/spiritual organization	5	92
Resources through employer	5	74
Support group	5	93
Community centre	5	88
Union	4	74
Cultural organization*	3	86
Somewhere else	6	78

* Small sample sizes in "Found very/somewhat helpful" column

48 Quantitative Research, supra note 3 at 35.

49 Quantitative Research, supra note 3 at 48.

50 Quantitative Research, supra note 3 at 48.

51 Quantitative Research, supra note 3 at 55.

52 Quantitative Research, supra note 3 at 57.

For more than a quarter of the respondents to our survey, the Internet represents a significant source of legal information and assistance. Internet penetration is relatively high among low and middle-income Ontarians, with 84 per cent having access to the Internet at home, work, school or somewhere else.⁵³ While some groups remain more likely to be “unwired” – for example, 40 per cent of those who are 60 years of age and older have no regular access to the Internet – for those under 30 years of age, a remarkable 97 per cent have access to the Internet, and the rate remains high in rural and northern communities and among Aboriginal peoples.⁵⁴ Among those who sought self-help through the Internet, almost 9 in 10 found this assistance to be at least somewhat helpful.

Those most likely to seek assistance through the Internet were a varied group of people, but the following sub-groups stand out: residents of the GTA; men; those with at least some university education; and those with employment, discrimination, harassment, or consumer issues.⁵⁵ This finding is of particular interest when we compare it to the results of our focus group sessions. In the focus groups, legal and social service providers caution that the Internet is useful as a source of legal information only for individuals who have access to a private computer and sufficient computer literacy and knowledge of legal issues to be able to interpret the information provided. The telephone survey did not provide us with data as to whether the information people found on the Internet was accurate. It only indicated that they found it helpful.

The Project partners themselves provide online legal information resources to assist all Ontarians. The survey revealed that most Ontarians are unaware of the online resources available to them through the government of Ontario, the Law Society of Upper Canada, LAO and PBLO. Specifically, they were asked about their familiarity with the Ministry of the Attorney General’s Justice Ontario website (www.attorneygeneral.jus.on.ca/english/justice-ont/), the Law Society website (www.lsuc.on.ca), the Law Society’s Lawyer Referral Service site (www.lsuc.on.ca/public/a/faqs/---lawyer-referral-service/), the LAO site (www.legalaid.on.ca), and PBLO’s Law Help Ontario (www.lawhelpontario.org). Although only 1 to 8 per cent of those surveyed had heard of any of the websites, their satisfaction levels were very high (81 per cent and higher).⁵⁶

Overall, those most likely to have accessed the websites tended to be residents of Toronto, the GTA or Eastern Ontario, and were people who have experienced a legal problem in the last three years (whether they had accessed assistance or

53 Quantitative Research, *supra* note 3 at 41.

54 Quantitative Research, *supra* note 3 at 41.

55 Quantitative Research, *supra* note 3 at 56.

56 Quantitative Research, *supra* note 3 at 41.

not). They also tended to have had multiple legal problems, to have had at least some university education, and to be under 30 (with the exception of the Law Society websites which tend to attract people aged between 45 and 59).⁵⁷ Some patterns were found linking familiarity with the site and the type of legal problem experienced. People with an immigration law problem were more likely to use the LAO website.⁵⁸ Those with money or debt problems were more likely to use the Justice Ontario website and the Lawyer Referral Service.⁵⁹

What are the most difficult problems for people to resolve, and how long does it take to resolve those problems?

Our survey suggested that some kinds of legal problems or issues are more likely to be resolved than others. For example, problems involving housing or land and wills or powers of attorney were the most likely to be resolved within one year.⁶⁰ Problems involving employment, money or debt issues, personal injury and family relationship were the least likely to be resolved within a year.⁶¹ Furthermore, personal injury and family relationship problems were identified as the problems most likely to remain unresolved for three years or more.⁶² For people with employment problems, just over 1 in 2 were still working to resolve their problem. A similar proportion of people whose problems involved personal injury were also still working to resolve them.⁶³ Most also had household incomes of less than \$20,000 or had received income assistance in the last three years.⁶⁴

57 Quantitative Research, supra note 3 at 41–43

58 Quantitative Research, supra note 3 at 42

59 Quantitative Research, supra note 3 at 43

60 Quantitative Research, supra note 3 at 3.

61 Quantitative Research, supra note 3 at 46.

62 Quantitative Research, supra note 3 at 46.

63 Quantitative Research, supra note 3 at 47.

64 Quantitative Research, supra note 3 at 46.

LENGTH OF TIME TO RESOLVE PROBLEM – JUNE 2009

Type of problem	Net: < 1 yr.	1 mo.	2-5 mo.	6-11 mo.	Net: 1 yr. or more	12-23 mo.	24-35 mo.	3 yrs. or more	still unresolved
Housing/land*	63	32	26	5	10	7		3	23
Will/power of attorney	55	32	12	11	7	3	3	–	23
Real estate	50	28	20	2	7	4	1	1	24
Employment*	28	16	12	–	14	6	5	2	55
Money/debt*	27	9	4	14	25	17	7	–	40
Personal injury*	25	7	12	7	19	2	6	11	49
Family/relationship	24	4	8	11	27	15	4	8	44

* Small sample size

What people told us about the resolution process for their civil legal problems

Low and middle-income Ontarians who sought legal assistance gave the highest rating in terms of fairness to the resolution process for real estate, wills and powers of attorney problems. This group was also most likely to express satisfaction with the outcomes of their experiences with these issues.⁶⁵ People who had sought legal assistance for problems related to family, employment and personal injury (which, coincidentally, represent some of the most adversarial types of proceedings) reported that they felt the resolution process should be rated lowest in terms of fairness.⁶⁶ Overall, of those people who had experienced a will or power of attorney problem in the last three years, 53 per cent described the resolution process as very fair, and 72 per cent were very satisfied with the outcome.⁶⁷ For real estate problems, 50 per cent found the resolution process very fair,⁶⁸ and 66 per cent of low and middle-income Ontarians were very satisfied with the outcome.⁶⁹ For family relationship problems, 13 per cent of people found the resolution process very fair.

65 Quantitative Research, supra note 3 at 49.

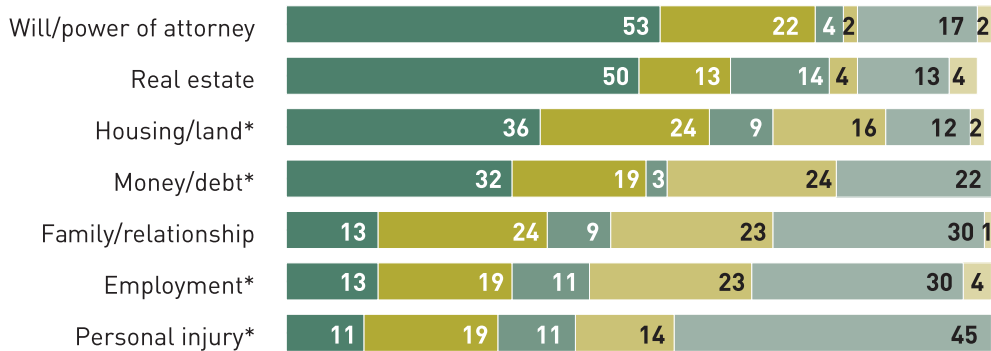
66 Quantitative Research, supra note 3 at 49.

67 Quantitative Research, supra note 3 at 50.

68 Quantitative Research, supra note 3 at 49.

69 Quantitative Research, supra note 3 at 50.

PROCESS FOR RESOLVING LEGAL PROBLEMS – JUNE 2009



* small sample size



Overall, roughly 1 in 7 Ontarians who had experienced a civil legal problem in the past three years recognized that they needed legal assistance but did not seek any.⁷⁰ Within this group, those with the lowest incomes, people living in Central Ontario and the outer GTA, women, members of equality-seeking communities, and those who had received income assistance in the past three years had not sought legal assistance.⁷¹ For most people in this category, the admitted barrier was the perceived high cost of a lawyer.⁷²

70 Quantitative Research, supra note 3 at 51.

71 Quantitative Research, supra note 3 at 51.

72 Quantitative Research, supra note 3 at 53.

REASON FOR NOT SEEKING LEGAL ASSISTANCE – JUNE 2009

	%
Cost too much/could not afford a lawyer.	42
Did not believe that I would qualify for legal aid or free assistance	8
Not important enough.	6
It would take too much time.	5
Didn't know what to do	5
Thought nothing could be done	4
Did not know where to get legal assistance	4
Issue resolved itself.	3
Too stressful.	2
No lawyer available nearby practicing in the area I required help with	2
Further retribution/threatening remarks	2
Other	10
Don't know/not applicable	6

Those most likely to cite cost or inability to afford a lawyer included people living outside of the GTA and particularly residents of Eastern Ontario; women; middle-aged people; and those with legal problems related to wills and powers of attorney, real estate, housing, or land issues.⁷³ Almost 1 in 10 low and middle-income Ontarians indicated that they did not seek legal assistance for their civil legal problem because they believed they would not qualify for legal aid or free legal assistance.⁷⁴ Those most likely to take this position were members of equality-seeking communities in general and people with family relationship issues.⁷⁵

Where people reported that they had legal problems for which they did not seek legal assistance, the types of civil legal problems covered a broad range of legal problems. However, one-quarter of respondents reported that they had family relationship issues, and roughly 1 in 10 reported employment and housing or land problems.⁷⁶ People who did not seek legal assistance for their family relationship problems were most likely to be women, younger people, those born in Canada, those who had received income assistance in the last three years, or those with postgraduate education.⁷⁷ People who did not seek legal assistance for

73 Quantitative Research, supra note 3 at 54.
 74 Quantitative Research, supra note 3 at 53.
 75 Quantitative Research, supra note 3 at 54.
 76 Quantitative Research, supra note 3 at 52.
 77 Quantitative Research, supra note 3 at 53.

employment problems tended to live in Southwestern Ontario, to have at least some university education, or to be Francophones.⁷⁸ People who did not seek legal assistance with housing or land problems tended to live outside the GTA, have household incomes of between \$20,000 and \$40,000, or to be gay, lesbian, or bisexual.⁷⁹

Do people's civil legal needs differ depending on their income level?

While our survey focused primarily on people with household incomes of less than \$75,000, the results gave us an opportunity to determine whether differences exist between the legal needs, the path to resolution, and the perception of fairness in the civil legal system for the most vulnerable people in the lowest income category. For the purpose of this analysis, we focused on the responses of people who were earning less than \$20,000 per year.

Among the lowest income earners, a significantly higher proportion were women (62 per cent) as compared to the representation of women in the overall survey group (55 per cent).⁸⁰ People in the lowest income category were more likely than other low to middle-income Ontarians to be single, divorced, or widowed.⁸¹ They were more likely to be members of equality-seeking communities – particularly persons with disabilities. They were also more likely to be unemployed or retired or to be receiving disability benefits – and almost half were receiving income assistance.⁸²

While the rate of incidence of legal problems within this group was consistent with Ontarians in the total survey group, people earning less than \$20,000 were most likely to report a higher incidence of legal problems in certain areas. Family relationship problems remained the top problem. Following this were criminal problems, disability-related issues, and welfare or social assistance issues.⁸³ When asked to predict what their future civil legal problems might be, low-income earners tended to believe that they would experience problems with family relationships (17 per cent, compared with 14 per cent for all respondents). They were less likely to believe that they might have a legal problem with a will or power of attorney (11 per cent, compared to 17 per cent) or real estate (5 per cent compared to 12 per cent).⁸⁴

78 Quantitative Research, supra note 3 at 53.

79 Quantitative Research, supra note 3 at 53.

80 Quantitative Research, supra note 3 at 72.

81 Quantitative Research, supra note 3 at 72.

82 Quantitative Research, supra note 3 at 72.

83 Quantitative Research, supra note 3 at 68.

84 Quantitative Research, supra note 3 at 72.

INCIDENCE OF LEGAL PROBLEMS – JUNE 2009

	COMBINED HOUSEHOLD INCOME	
	LESS THAN \$20,000	TOTAL SAMPLE
	%	%
Any problem	38	35
Family relationship problems	16	12
Wills and powers of attorney problems	5	5
Criminal problems	5	3
Personal injury problems	4	3
Housing or land problems	3	4
Employment problems	3	4
Money or debt problems	3	2
Disability-related issues	3	1
Real estate transactions	2	4
Welfare or social assistance problems	2	1
None, won't need a lawyer/did not have problems	58	62

THE DEPTH AND IMPACT OF POVERTY ON LEGAL NEEDS

Lower-income-earning individuals tended to have more contact with the legal system and government organizations, specifically in the income support context, and they tended to experience more civil legal issues in their lives than higher income groups.⁸⁵ They also tended to feel their daily lives were disrupted by their civil legal issue, increasing their vulnerability and making them prone to experiencing negative physical and psychological impacts as a result of their civil legal problems.⁸⁶

Ontarians in the lower income level tended to seek out legal assistance at rates similar to those of people at higher income levels, but they sought advice from a legal clinic at much higher rates (53 per cent⁸⁷ compared to 28 per cent⁸⁸). One-quarter of people earning less than \$20,000 did not seek legal assistance, but a higher percentage of this group believed they would have benefited from legal assistance as compared to the percentage

85 Quantitative Research, supra note 3 at 59 and 72.

86 Quantitative Research, supra note 3 at 59–62.

87 Quantitative Research, supra note 3 at 69.

88 Quantitative Research, supra note 3 at 2.

of the total survey group who believed they would have benefited from legal assistance.⁸⁹

More Ontarians in the lowest income group relied on non-legal sources of assistance for their problems – in particular, friends and family (31 per cent⁹⁰ compared to 25 per cent in the overall survey group⁹¹). More Ontarians in this income bracket also reported a higher rate (15 per cent) of problems in accessing legal assistance and double the rate of incidence among people earning between \$40,000 and \$75,000.⁹² In spite of this, the reasons they cited were consistent with the reasons cited by people with higher incomes. One-quarter of the lowest-income earners believed that the cost of legal assistance was a barrier to accessing services,⁹³ compared with 42 per cent of the overall survey group.⁹⁴

In dealing with their legal problems, a higher rate of Ontarians in this group reported that their problems disrupted their daily lives (85 per cent compared to 71 per cent for higher-income earners).⁹⁵ Further, they were two to three times more likely to report experiencing another personal issue because of a legal problem than Ontarians in higher income brackets.⁹⁶

What are the legal services and legal information options that people believe are working well now?

People indicated that they sought legal assistance for their civil legal needs from a variety of sources. Lawyers in private practice were consulted most often for legal assistance in the last three years, and satisfaction levels were also highest with lawyers (81 per cent satisfied).⁹⁷ Legal clinics and Legal Aid Ontario offices were consulted for legal assistance by roughly 1 in 3 low and middle-income Ontarians, and within this group, satisfaction levels were also high (66 per cent).⁹⁸

89 Quantitative Research, supra note 3 at 69.

90 Quantitative Research, supra note 3 at 69.

91 Quantitative Research, supra note 3 at 69.

92 Quantitative Research, supra note 3 at 70.

93 Quantitative Research, supra note 3 at 70.

94 Quantitative Research, supra note 3 at 53.

95 Quantitative Research, supra note 3 at 71.

96 Quantitative Research, supra note 3 at 71.

97 Quantitative Research, supra note 3 at 26.

98 Quantitative Research, supra note 3 at 27.

One in 5 people who required assistance used the Lawyer Referral Service of the Law Society,⁹⁹ and three-quarters of this group expressed satisfaction with the service.¹⁰⁰

Almost one in five people (18 per cent) sought legal assistance from duty counsel (lawyers who provide services free of charge at courts). Almost three-quarters of those who used this service were satisfied with the legal assistance they received.¹⁰¹

The highest levels of satisfaction with legal assistance were expressed by people who received help from a pro bono lawyer or program (84 per cent), although the number of people who accessed the service was roughly 1 in 10 (13 per cent).¹⁰² The same proportion of people accessed legal assistance through a community advocate or agency, and 7 in 10 expressed satisfaction with that service.¹⁰³

One in 10 of low and middle-income Ontarians who sought legal advice in the past three years turned to a paralegal. The majority (62 per cent) expressed satisfaction with the service they received.¹⁰⁴ People most likely to have turned to a paralegal were residents of the GTA, Hamilton-Niagara and Eastern Ontario; people who had received income assistance in the last three years; members of equality-seeking communities; and those who had experienced a problem related to immigration.¹⁰⁵

ENHANCING PUBLIC CONFIDENCE IN LAWYERS AND PARALEGALS

Our Project revealed that when people accessed information and services provided by the Project partners, they were satisfied with the services they received. The challenge is to find ways to encourage more people to rely on the existing resources that are available to them. This process will involve re-examining how best to communicate and interact with the public. It will

99 The Lawyer Referral Service (LRS) is a free, bilingual call-in service. Upon request, the LRS provides the name of a lawyer who will give a free consultation of up to 30 minutes to help an individual determine his or her rights and options. The LRS website is <http://www.lsuc.on.ca/public/a/faqs---lawyer-referral-service/>.

100 Quantitative Research, supra note 3 at 27.

101 Quantitative Research, supra note 3 at 27.

102 Quantitative Research, supra note 3 at 28.

103 Quantitative Research, supra note 3 at 28.

104 Quantitative Research, supra note 3 at 28.

105 Quantitative Research, supra note 3 at 28.

also involve supporting the lawyers and paralegals who provide essential services to Ontarians.

One such measure that could enhance the public's confidence in Ontario's lawyers and paralegals, as well as providing support to these two groups, is a compulsory continuing professional development (CPD) program. In February 2010, The Law Society of Upper Canada approved a CPD requirement of 12 hours per year for practising lawyers and licensed paralegals who provide legal services, to come into effect January 1, 2011. According to Law Society Treasurer W. A. Derry Millar, "The introduction of the CPD requirement confirms both the Law Society's commitment to regulation in the public interest and the commitment of lawyers and paralegals to providing the highest level of service to clients."

This program is also in effect in other Canadian provinces, including British Columbia, Saskatchewan, New Brunswick, Nova Scotia and Quebec. As part of such a program, lawyers are required to undertake a minimum number of hours of continuing professional development and legal education each year or in a stated period of years. The goal of the program is to enable the regulatory bodies to ensure that lawyers maintain their competency and commitment to lifelong learning throughout their legal careers. It recognizes that the law is dynamic and that individuals who provide legal services must be aware of, and keep pace with, ways in which the law develops.

The Law Society also supports lawyers and paralegals in their professional responsibility obligations with respect to civility. Initiatives of Law Society Treasurer W. A. Derry Millar, taken in response to public reports,¹⁰⁶ included the development of civility protocols for reporting instances of incivility in courts, and the Civility Forum, a series of province-wide meetings from November 2009 to February 2010 to discuss the challenge of civility in the profession.

One in 10 people accessed legal assistance through a telephone advice line in the last three years, and approximately 7 in 10 expressed satisfaction with the service they received. The same proportion of people used the services of

106 "Report of the Review of Large and Complex Criminal Case Procedures", The Honourable Patrick J. Lesage and Professor Michael Code, November 2008 for the Ministry of the Attorney General, Ontario. See http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lesage_code/.

a mediator, but in this case, fewer than 6 in 10 expressed satisfaction with the service they received.¹⁰⁷

More than 1 in 5 indicated that they used other sources of legal assistance, including lawyers, court clerks, the Internet, employers, counsellors, and the Yellow Pages. The satisfaction rating for these other sources was more than 80 per cent.¹⁰⁸

Survey participants were also asked to identify all the sources of information or assistance that they sought out in order to try to resolve their legal problem, and the results were similar. Four in 10 sought out a lawyer in private practice (41 per cent), 1 in 3 consulted with friends or relatives (30 per cent), and slightly less than that ratio (27 per cent) sought information through the Internet.¹⁰⁹ Of all the sources of information that people sought out, private practice lawyers received the highest rating for usefulness (24 per cent), followed by friends or relatives (11 per cent) and the Internet (10 per cent).¹¹⁰

HELPFULNESS OF SOURCES OF ASSISTANCE – JUNE 2009

	USED THIS SOURCE	FOUND VERY / SOMEWHAT HELPFUL
Lawyer that you paid for	65	81
Legal clinic/legal aid office	28	66
Lawyer Referral Service through The Law Society of Upper Canada	20	73
Duty counsel	18	72
Pro bono lawyer or program	13	84
Community advocate/agency	13	70
Telephone advice line	12	69
Paralegal	10	62
Mediator	10	57
Immigration consultant	2	84
Somewhere else	21	82

¹⁰⁷ Quantitative Research, supra note 3 at 28.

¹⁰⁸ Quantitative Research, supra note 3 at 29.

¹⁰⁹ Quantitative Research, supra note 3 at 23.

¹¹⁰ Quantitative Research, supra note 3 at 24.

Survey participants were presented with a potential solution for enhancing access to legal services: legal expense insurance. Legal expense insurance is meant to provide coverage for legal accidents, such as loss of employment or a defect in the construction or reconstruction of a house. Most often, it does not cover family issues or criminal issues because of the higher level of risk to insurers.¹¹¹

Low and middle-income Ontarians were asked whether they would consider purchasing legal expense insurance if it was available in Ontario, and more than two-thirds of people (67 per cent) said they would not be interested.¹¹² The main reason cited for their lack of interest was that they did not believe they would need it (56 per cent). Almost 1 in 3 believed that it would be too expensive or that they would not be able to afford it.¹¹³

Given the success of legal expense insurance in other jurisdictions and the entrée of new legal expense insurance providers into the Ontario market, this product has potential to enable low and middle-income Ontarians to gain enhanced access to legal services in the future.

What are the barriers that Ontarians see in the civil legal system?

When people were asked to identify the reason why they chose not to seek out legal assistance for a legal problem, by far the main reason that most people (42 per cent) cited was their perception that legal assistance would cost too much or that they could not afford a lawyer.¹¹⁴ Other reasons included the fact that they did not believe they would qualify for legal aid or free legal assistance (8 per cent); they did not think their problem was important enough (6 per cent); pursuing a legal remedy would take too long (5 per cent); and not knowing what to do (5 per cent).¹¹⁵

111 This product is widely available in Europe and has been in existence in Quebec for more than 10 years. Legal expense insurance is sold as an insurance product by registered insurers. It can be a stand-alone product (as it is in Quebec) or sold in conjunction with house or car insurance (as is common in Europe).

112 Quantitative Research, *supra* note 3 at 63.

113 Quantitative Research, *supra* note 3 at 65.

114 Quantitative Research, *supra* note 3 at 53.

115 Quantitative Research, *supra* note 3 at 53.

REASON FOR NOT SEEKING LEGAL ASSISTANCE – JUNE 2009

	%
Cost too much/could not afford a lawyer	42
Did not believe that I would qualify for legal aid or free assistance	8
Not important enough	6
It would take too much time	5
Didn't know what to do	5
Thought nothing could be done	4
Did not know where to get legal assistance	4
Issue resolved itself	3
Too stressful	2
No lawyer available nearby practising in the area I required help with	2
Further retribution/threatening remarks	2
Other	10
Don't know/not applicable	6

Overall, however, fewer than 1 in 10 low and middle-income Ontarians indicated that they had experienced problems with access to legal assistance.

TYPES OF PROBLEMS ACCESSING LEGAL ASSISTANCE – JUNE 2009

Cost/too expensive	31
Refused/did not qualify for legal aid	20
No lawyer available nearby practising in the area I required help with	11
Unable/difficult to find the information I was looking for	10
Lack of communication/information	6
Couldn't arrange convenient meeting time/office not open	3
Health/medical issue	3
They referred me on to someone/somewhere else	3
Unable to contact	3
Didn't know how to contact legal assistance	3
They were not able to help because they had too much work	2
Status card/immigration status	2
Time-consuming	2
Lack of accommodation for my disability	2
Other	9
Don't know/not applicable	11

Those most likely to report problems accessing legal assistance include residents of Central Ontario, people aged 30 to 59, households with incomes of less than \$40,000, members of equality-seeking communities (particularly

persons with disabilities), those who have received income assistance in the last three years, people with multiple legal problems, people who found their problems very disruptive, and those whose problems related to discrimination or harassment.¹¹⁶

The survey results also revealed that the people who identified cost as a barrier to accessing legal assistance tended to be residents of Eastern Ontario, people aged 45 and older, university graduates, people who did not seek legal assistance for their legal problems, and those with a problem related to real estate or employment.¹¹⁷

People with family relationship problems tended to be more likely to mention not qualifying for legal aid. In addition, people with employment law problems were more likely to say that they could not find a lawyer practising in the area where they needed help.¹¹⁸

What do the organizations and people who provide low and middle-income Ontarians with legal services and information say about Ontarians' everyday legal problems and how they try to resolve them?

In order to round out the picture we acquired from talking with low and middle-income Ontarians directly, the Project also provided us with an opportunity to speak with smaller groups of lawyers, paralegals and legal and social service agency employees from throughout the province. These discussions were conducted as focus groups, allowing participants to speak in detail about their perceptions of the issues facing Ontarians as they try to resolve their civil legal issues.

When asked about the more common problems their clientele encountered, legal aid providers and social service agencies noted the following: family relationship, housing and employment problems, and issues relating to government income support programs. Lawyers tend to provide services to people with consumer and debt problems, as well as family relationship problems (particularly issues relating to custody and child support).¹¹⁹

The focus groups also revealed that the lower the income level of an individual, the more “enveloped by the law” a person’s life is. It is the experience of legal service providers that low-income individuals tend to have greater contact with

116 Quantitative Research, *supra* note 3 at 31.

117 Quantitative Research, *supra* note 3 at 32.

118 Quantitative Research, *supra* note 3 at 32.

119 Civil Legal Needs of Lower and Middle-Income Ontarians: Qualitative Research with Stakeholders (Toronto: Environics Research Group, 2009) at 1 [“Qualitative Research”].

government support programs, and this contact can have far-reaching effects on an individual's circumstances.¹²⁰

The focus group participants were also asked to identify what they perceived to be the barriers that their clientele faced in trying to resolve their legal issues. Financial barriers were seen as common to both low and middle-income earners. The financial threshold for qualifying for legal aid was seen as too low to help even low-income earners. In addition to actual legal costs, the focus group participants pointed out a number of associated costs of accessing services that their clientele were not generally aware of and therefore not prepared for. Among these costs were those related to transportation, obtaining documentation, trial costs outside of the lawyer's services (such as expert witness fees), and childcare costs (as childcare would sometimes be needed to enable a client to attend hearings and trials). Lawyers pointed out that a middle-income earner will make a choice to pursue a legal action by considering the time it will likely take to resolve the issue and whether the costs of pursuing a claim could outweigh the potential reward.¹²¹

The focus groups also identified systemic barriers. The complexities of the legal system, as well as the qualification process for legal aid, were identified as the top barriers for low and middle-income earners, respectively. With specific reference to civil legal issues, legal aid provides very limited coverage for civil legal issues, thereby having the greatest impact on low-income earners in their decision to pursue these types of cases. Further, paralegals are unable to accept legal aid certificates for their services, and this fact limits access to affordable legal services for low-income Ontarians.¹²²

Lack of knowledge about the legal system – and about the resources that are available to support individuals – was identified as another major barrier for both low and middle-income Ontarians. In the case of low-income individuals, lack of knowledge centred on accessing legal aid. For middle-income individuals, lack of knowledge related to accessing affordable legal services and information.

The focus groups identified some of the issues that could exacerbate an individual's negative physical and psychological reaction to his or her legal issue. Fear of becoming involved in the legal system, particularly for those individuals who had had previous experience with the civil or criminal legal system, acted as a deterrent to resolving legal issues. Intimidation by the court system, embarrassment and fear of stigmatization about having a legal problem, and fear of loss of privacy were further deterrents.

¹²⁰ Qualitative Research, see note 119 at 2.

¹²¹ Qualitative Research, supra note 119 at 7.

¹²² Qualitative Research, supra note 119 at 6–7.

The focus groups identified specific communities and groups that face barriers in the civil legal system, which accords with the description of vulnerable groups above: Francophones, people whose first language is not English or French, members of equality-seeking groups (particularly persons with disabilities), members of racialized communities, people with limited literacy, people living in remote or rural communities (particularly in the North), seniors and women.¹²³

The focus groups were asked to identify future trends in the civil legal process in Ontario. From the perspective of legal service provision, they foresaw that demand would continue to increase, putting additional pressure on their resources and capacity for providing legal services and information. As the Canadian population continues to age, legal issues specific to seniors, including powers of attorney and wills and financial management of estates, will increase – along with the potential for abuse of the elderly. Family legal issues will continue to increase, and economic uncertainty will create further instability in family relationships and in custody and support arrangements in the case of marital breakdown. Self-represented litigants will also likely continue to grow in numbers.

The focus group participants were able to identify measures and initiatives that have potential to improve access to civil justice for low and middle-income Ontarians. For example, restorative justice programs introduced into Aboriginal communities and organizations have resulted in lower incarceration rates in those communities, particularly in the case of youth. Alternative dispute resolution programs in child protection cases are also beneficial to families.

Contingency fees in civil litigation cases create opportunities for people not otherwise able to afford a lawyer's fees to pursue a civil case. Raising the maximum of Small Claims Court claims from \$10,000 to \$25,000 will also encourage people to pursue their claims, with or without representation. In addition, the growth of mediation is viewed as a progressive step. Statutory changes in legislation affecting low and middle-income Ontarians will benefit them, with changes to the Ontario Human Rights Tribunal process and the Landlord and Tenant Board. The introduction of external tribunals to Workplace Safety and Insurance Board and Canada Pension Plan proceedings is also seen as beneficial.¹²⁴

When asked about potential new modes of legal assistance for low and middle-income Ontarians, legal and social service providers were most supportive of holistic service models, where an individual could access both legal and social

¹²³ Qualitative Research, *supra* note 119 at 8.

¹²⁴ Qualitative Research, *supra* note 119 at 9.

services. They cautioned that the mix of services needs to be carefully planned to avoid creating conflicts, particularly in smaller communities.¹²⁵

Another idea that received some positive support involved rethinking how legal services are charged to clients. Breaking down legal costs into their component parts or “unbundling” legal services could be explored to give clients the option of choosing the part(s) of a legal issue with which they need professional legal help.¹²⁶ Public education websites and telephone hotlines can provide basic legal information, but legal and social service providers felt that these services cannot replace in-person service.¹²⁷

The focus group also generated ideas for improving the current system. For the most part, these ideas revolved around public legal education, including public self-help courses and public awareness campaigns; the promotion of the services of paralegals, mediation, and alternative dispute resolution; streamlining court processes, including making forms more accessible, providing more duty counsel and introducing case management where it is not currently available; and enhancing legal aid services through awareness campaigns and creating more volunteer student opportunities.

Putting the pieces of the puzzle together: What do Ontarians and the people who provide them with legal services and information agree on about the civil legal system?

The preceding sections of this report presented the results of the Ontario Civil Legal Needs Project’s telephone survey and focus groups. Both studies presented important, but different, pictures of civil legal needs in Ontario, which are summarized below. The implications of our findings will be discussed in more detail in the next section.

- Civil legal needs arise frequently in the lives of low and middle-income Ontarians. Our research shows that civil legal needs touch upon fundamental issues and life circumstances, and unresolved civil legal problems often create great personal hardship. Our research also demonstrates that there is an important connection between access to justice issues and broader issues of health, social welfare and economic well-being. This finding highlights the importance of civil justice both to individuals and to Ontario as a whole.

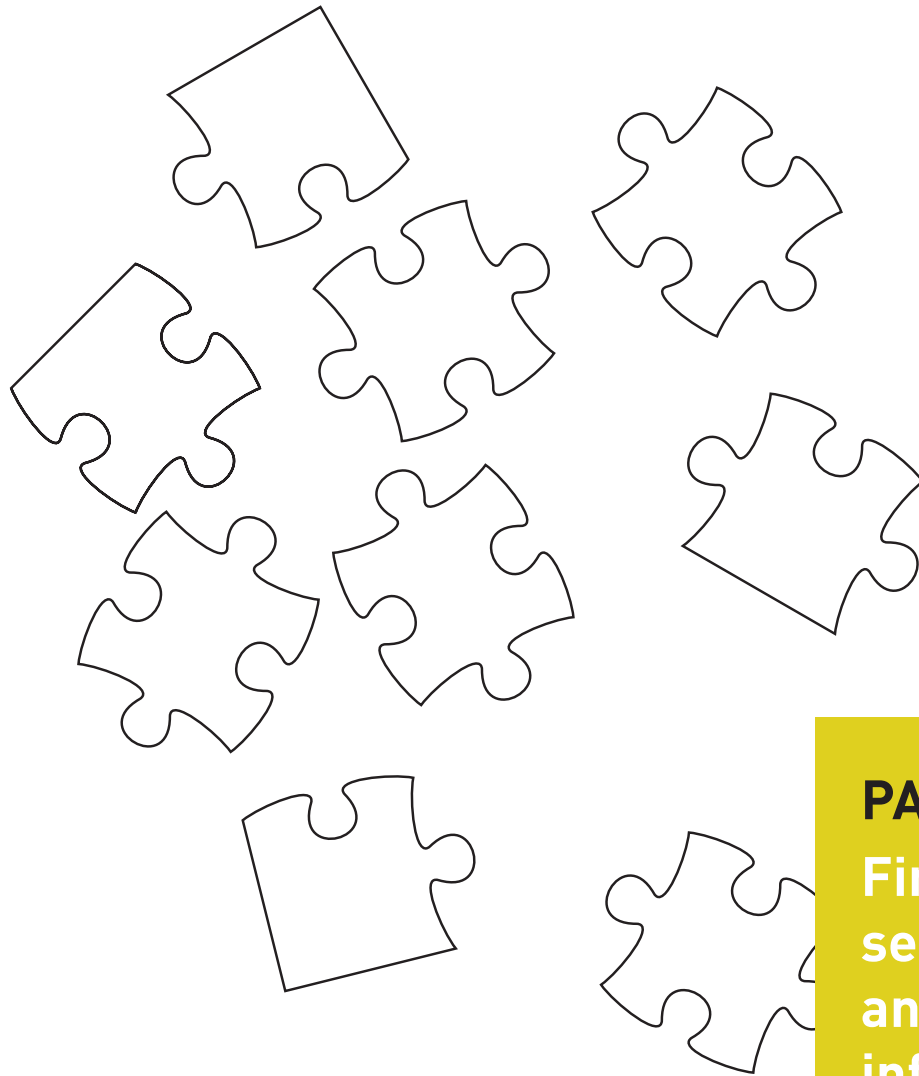
125 Qualitative Research, supra note 119 at 2.

126 Qualitative Research, supra note 119 at 3.

127 Qualitative Research, supra note 119 at 3.

- Our research confirms that civil legal needs may occur often but lead to minor inconvenience or they may occur infrequently but lead to devastating consequences. As a result, any system that allocates scarce resources must carefully balance the likelihood of a civil legal problem against its potential impact
- A high proportion of legal needs cluster and cascade. This finding has important implications for service delivery and design. The traditional model of legal services – be it private, publicly funded, or even pro bono – segregates and isolates legal needs into discrete, legally defined categories. Our research demonstrates that the civil justice system should try to break down these barriers and develop integrated or holistic models of service delivery.
- Every group of Ontarians experiences civil needs, but the poorest and most vulnerable Ontarians experience more frequent and more complex and interrelated civil legal problems. (According to our survey, this group includes people affected by factors related to gender, age, income and income source, equality-seeking status, geographic location, and the type of legal problem they encounter.) This finding suggests that service models and priorities must be targeted, designed, and delivered to meet the specialized needs of these communities.
- Family law issues occur across income ranges and are seen as important to resolve by the people who experience them. However, they are not the only issues people have, and other kinds of problems can be as difficult to resolve (e.g., some of the most disruptive issues and the longest ones to resolve are related to employment and personal injury).

- Low and middle-income Ontarians experience many barriers to access to civil justice, including the real and perceived cost of legal services, lack of access to legal aid and lack of access to information and self-help resources. Once again, the poorest and most vulnerable Ontarians experience the greatest barriers. Our survey and focus groups revealed that communities and groups that tend to experience a higher rate of barriers include members of equality-seeking communities (particularly persons with disabilities and people whose first language is neither French nor English), people with limited literacy, people living in remote or rural communities (particularly in Northern Ontario), older people and women. This finding suggests that the civil justice system needs to have multiple, diverse and integrated access points and service responses. It also suggests that strategies should be developed to improve economic and geographic access to lawyers and legal services.
- Our research confirms that people often address their legal needs on their own. Indeed, people generally often want to resolve their legal needs by themselves with legal advice but not necessarily with the assistance of lawyers. Service providers and Ontarians also agree that people tend to and want to access legal services and information from a variety of sources, both legal and non-legal, when faced with a civil legal problem. These findings suggest that access to civil justice for low and middle-income Ontarians depends on access to a wide spectrum of sources of legal information and services.
- Many civil problems are resolved outside the formal justice system. This suggests that the civil justice system has to help people identify and resolve issues outside the traditional system, including better education, information, improved legal knowledge, skills development and self-help.
- Finally, our research confirms that people are generally very satisfied when they receive assistance from private lawyers and other professionals providing services in the civil legal system. This suggests that Ontario is well served by its legal professionals and that any potential proposals to reform the civil justice system must build on the system's existing strengths.



PART THREE

**Finding legal
services
and legal
information**

PART THREE

Finding legal services and legal information

Where are legal services and sources of legal information located in Ontario?

The availability of lawyers must be a significant part of any serious discussion about access to civil justice in Ontario. The mapping initiative, which will be released subsequent to this report, will shed light on where and what lawyers practise in Ontario. Needless to say, not all lawyers are the same. And from the perspective of low and middle-income Ontarians, one particular type of lawyer is crucial to ensuring access to civil justice: sole practitioners and lawyers practising in small firms. As a recent report on sole practitioners and small legal firms put it:

When individual citizens in Ontario require the services of a lawyer to handle a wide range of legal matters such as real estate transactions, will preparation, estates work, representation in matrimonial, other civil disputes or criminal proceedings, advice for small businesses, and appearances before administrative tribunals, overwhelmingly they retain (small firms and sole practitioners). (Small firms and sole practitioners) report that 77% of the clients they represent are individuals.¹²⁸

Small firms and sole practitioners also deliver the majority of legal aid and pro bono services across the province. The distribution and sustainability of small firms and sole practitioners is thus crucial in order to respond to the legal service

128 Final Report of the Sole Practitioner and Small Firm Task Force (Toronto: Law Society of Upper Canada, March 24, 2005) at 16. This report was the first comprehensive analysis of sole practitioners and small law firms (defined as firms with fewer than five lawyers) in Ontario.

needs of low and middle-income Ontarians.

LAO provides or funds two kinds of civil legal services: poverty law services and family law services. Poverty law services are provided through community legal clinics, while most, but not all, family services are provided through private lawyers acting on legal aid certificates or as per diem duty counsel.

Legal aid is premised on a public-private partnership, in which the private bar is relied upon to deliver the majority of legal aid services across the province. While the number of lawyers working in community legal clinics has increased over 40 per cent between 1999 and 2009, LAO's management data also confirm that the number of private lawyers willing to provide family legal aid services has declined rapidly. It also confirms that LAO appears to be having trouble regenerating or renewing the family legal aid bar in sufficient numbers to keep the system sustainable in the long run. For example, there was a 29 per cent decrease in the number of private lawyers accepting family certificates between 1999/2000 and 2006/07. In 1999/2000, there were 855 more lawyers providing family legal aid services than in 2006/07. Young lawyers appear willing to take legal aid cases as they establish their practices. As they become more experienced, however, they leave legal aid. In 1999/2000, 855 "new" lawyers accepted family certificate services. By 2006/07, however, only 392 of that group remained, a decline of 46 per cent.

These statistics are dramatic in their own right. It must be remembered, however, that the time period sampled was actually a period when the legal aid tariff increased by 16 per cent across LAO's three experience levels. Not surprisingly, shortages are already apparent in some locations. Other trends include the following:

- Lawyers appear to be leaving both legal aid and small firms and sole practice.
- The bar providing civil legal services to individuals appears to be "graying."
- New lawyers do not appear to be participating in legal aid or small firms or as sole practitioners in sufficient numbers.

Once again, it is important to emphasize that many lawyers continue to respond to the civil legal needs of low and middle-income Ontarians. Our data and focus groups tell us, however, that in several geographic areas and some practice areas, supply problems already exist or supply is clearly vulnerable. These shortages are important first and foremost because of their potential effect on the families and individuals who are unable to access lawyers in those areas. A single mother who cannot find a lawyer to accept her family legal aid certificate could suffer extraordinary consequences. These situations should also be seen as early warning signs of serious, widespread threats to access to civil justice.

REGIONAL DIFFERENCES IN LEGAL NEEDS

Our Project has confirmed that civil legal needs are not experienced in the same way in all parts of Ontario.

For example, the survey results revealed that the people who identified cost as a barrier to accessing legal assistance tended to be residents of Eastern Ontario,¹²⁹ while those most likely to report problems accessing legal assistance included residents of Central Ontario.¹³⁰ People most likely to have turned to a paralegal were residents of the GTA, Hamilton-Niagara, and Eastern Ontario.¹³¹

Of those who reported a civil legal need, the highest proportion of people who did not seek any legal assistance (where such assistance would have been helpful) were residents of Central Ontario and the GTA.¹³²

Taken together, our survey and focus groups revealed a number of important insights:

- Many low and middle-income Ontarians experience civil justice legal problems, and those problems have significant impact on their lives.
- Most low and middle-income Ontarians seek out lawyers in private practice for legal information and assistance, and they are generally satisfied with the quality of the services they receive.
- A number of low and middle-income Ontarians are unable to obtain legal information and assistance, nor do they even bother trying, because of cost barriers and the limits of legal aid coverage and eligibility. Many of these people are more vulnerable than those able to obtain a private lawyer.
- A number of Ontarians, especially middle-income groups, wish to solve their legal problems themselves, and they rely on informal networks and the Internet to obtain legal information to do so.

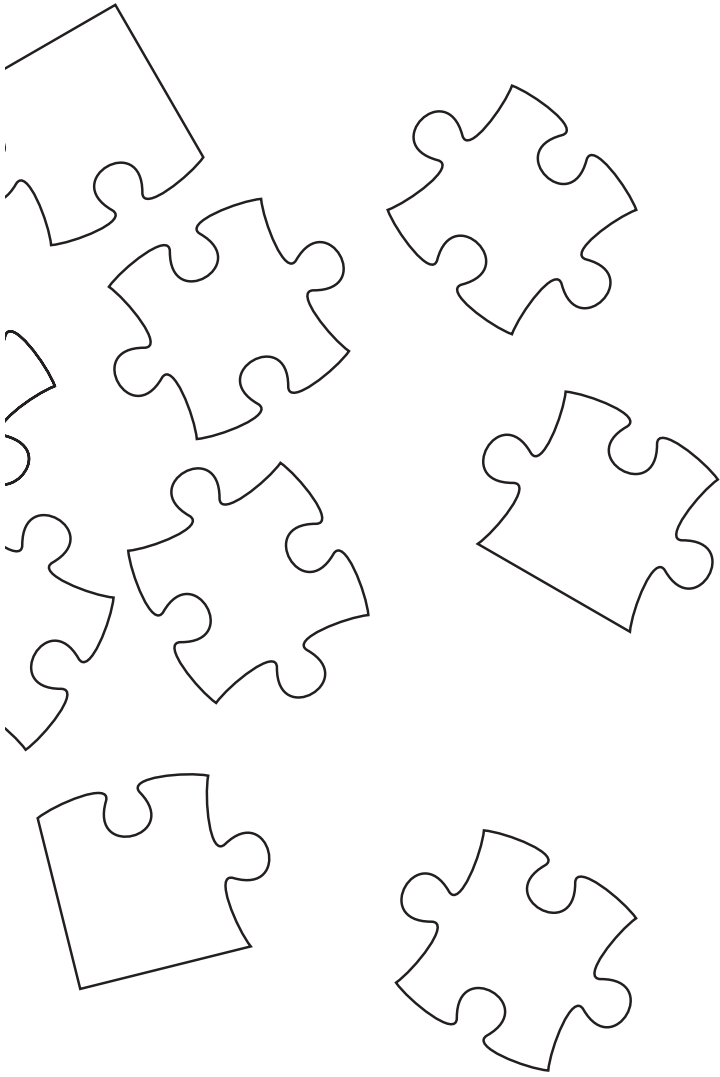
129 Quantitative Research, supra note 3 at 32.

130 Quantitative Research, supra note 3 at 32.

131 Quantitative Research, supra note 3 at 28.

132 Quantitative Research, supra note 3 at 51.

In light of these insights, it is clear that while the traditional model of legal service delivery continues to meet the needs of many, for those unable or unwilling to seek out a lawyer in private practice or through legal aid, models of legal service delivery will have to evolve. In the next section, we explore the ways in which innovation in delivering legal services might address the needs of low and middle-income Ontarians.



PART FOUR

**A path for
the future:
addressing
people's
unmet civil
legal needs**

PART FOUR

A path for the future: addressing people's unmet civil legal needs

The last section of Part Two (“Putting the pieces of the puzzle together”) summarized the important findings of our study. This section will discuss the implications of our findings and offer some general observations and ideas about potential strategies and solutions.

We must emphasize at the outset that we do not believe there is any single innovation or program that will respond to all the unmet civil legal needs of low and middle-income Ontarians. There are no one-size-fits-all solutions that will apply to all situations. Rather, our emphasis is on the need to tailor solutions to particular problems, and this may lead to a mix of services and programs working, to the extent possible, in complementary and coordinated ways.

We also wish to reiterate that the responsibility for access to justice transcends organizational boundaries. In the past, access to justice was often considered a legal aid issue. According to a more contemporary view, many institutions must be involved. Access to justice is not a matter that falls within the mandate or capacities of any single organization or institution. As a result, success or failure in addressing the unmet needs identified in this Project may well be determined by success or failure in establishing collaborative initiatives.

Civil legal needs reflect people's situations and life experiences

Civil legal needs are not static. They change in response to broad, societal factors (e.g., an economic downturn may cause a spike in consumer debt needs) or to factors within the justice system (e.g., a change to the rules of civil procedure or to the substantive areas of law may create new needs, such as the development of class actions and contingency fees).

The telephone survey and focus groups also revealed that legal needs are tied to an individual's life circumstances. Poor and vulnerable Ontarians often have

distinct needs. Middle-income Ontarians often have other needs. And every person's needs can change as their lives and circumstances change. For example, all Ontarians are hungry for a basic level of knowledge about their legal rights and opportunities for exercising those rights. Not everyone's informational needs are the same, however. Single individuals have less need of family law legal information and services relevant to married or common-law couples. The legal information required by a New Canadian is in many ways unique to that individual's particular stage in life as he or she adjusts to settlement in Canada. Those starting initiatives and projects designed to enhance access to civil justice for individual Ontarians should be mindful of the context of the target audience for their information, as this context will affect the content and the delivery mode of the information.

The issue is to understand civil legal needs and to target resources at the various client groups within the Ontario population. This Project provides a picture in time of the perceptions and challenges that various segments of the Ontario community are facing.

Expanding the range and reach of civil legal services

We believe that civil legal services can be made more accessible by rethinking some of the conventional assumptions about the reach and range of civil legal services.

The traditional model of legal service delivery almost inevitably assumes individual representation and direct legal support from a lawyer in a traditional litigation model. More contemporary views of legal service models augment the traditional model with an appropriate mix of alternative service models and providers based on an assessment of the client's need, the level of complexity of the service required, and the available financial resources. For example, LAO currently spends 95 per cent of its family law resources on individual and/or limited representation. This means that LAO uses a model that presupposes litigation as the principal method of resolving disputes. However, litigation may not be the most effective service for most family disputes and may not be protective of children's best interests. The modern standard of family justice service consists of early access to information, early assessment of cases, and the diversion of appropriate cases to alternative methods of dispute resolution. While access to lawyers is essential for many Ontarians, especially those with low incomes, for those with clustering or multiple legal problems and those with other issues that make them more vulnerable (especially middle-income Ontarians), access to civil justice means more than access to lawyers and courts.

For example, civil legal needs should be addressed through a variety of service providers, designed with the user's and the user's community priorities and needs in mind.

One of the important insights arising from our study is that people are generally satisfied with the legal assistance they find (whether it be a lawyer they pay for, a legal aid lawyer, duty counsel, a pro bono lawyer, a paralegal, or a telephone advice advisor). The challenge is matching people who are now without legal assistance to the kind of assistance they need in more efficient and effective ways. Moving from a static model of legal representation to a broad menu of options for the delivery of legal services will allow more unmet needs to be handled in more efficient and effective ways.

Context matters. A number of studies reinforce the conclusions of this study that the varying capacities of individuals make a "cookie-cutter" approach to legal services untenable. Self-help is a good example. Until the litigant's capacities (not just understanding of the law but mental and physical health, etc.) and a problem's complexities are known, it is not possible to determine whether self-help will be effective. Similarly, income cut-offs alone cannot be used to determine the fit of a program to an individual. This is the reason why upfront triage – assessing and prioritizing needs – is so important.

Finally, we should not lose sight of the value of prevention as a means of avoiding civil legal needs altogether. Prevention may be enhanced by better access to legal information (discussed below) or by public policy initiatives such as no-fault insurance schemes or proactive regulation in consumer protection, which remove the need for legal assistance to resolve problems.

Making civil legal services more economically accessible

People do not need, or want, full legal representation to solve every civil legal issue they encounter. In some cases, partial legal and paralegal representation, or "unbundled" legal services, may be the answer. A significant proportion of middle-income Ontarians can afford to pay for some legal services. Developing innovative programs to harness this market, whether through unbundling, legal expense insurance, or other forms of subsidized legal services, would represent an important step forward. For such initiatives to succeed, however, they must be accompanied by public education as to the potential benefits and cost savings associated with these initiatives. For example, while the option of legal expense insurance appears to hold significant promise to reduce cost and broaden access to legal services, our telephone survey revealed that slightly less than one-third (31 per cent) of the participants would have an interest in, or inclination to,

purchase legal expense insurance, and over half (56 per cent) did not believe it was needed. This result may indicate a lack of interest in this option or it may demonstrate a lack of understanding of its benefits.

If alternatives to the current retainer system for legal fees are considered, public education will also be a crucial step in ensuring the success of these programs. The telephone survey and the focus groups highlight the public's perception that legal services are expensive, even though the reality is that almost 30 per cent of Ontarians with a civil legal problem receive legal services free of charge, and almost 20 per cent pay less than \$1,000. Options that have been introduced in other jurisdictions include the unbundling of legal fees and block fees for legal services. Research is required to determine whether these types of fee models could work in the Ontario context.

Meeting family law needs

Our Project consistently revealed that family relationship breakdown is the primary reason why most Ontarians enter the civil justice system. The breakdown of a family relationship is also often at the heart of people encountering multiple civil legal problems, and it is at the centre of clustering civil legal problems. Family relationship problems are also among the most difficult, complicated, and time consuming to resolve. This reality translates into making them most disruptive to people's daily lives and most draining on their resources. Our survey revealed that more than 4 in 10 people (44 per cent) with a family relationship problem had not resolved their problem within three years.

Access to resources in family law in the form of information, legal and social assistance, and resolution of family law problems for low and middle-income Ontarians is a priority issue for the civil legal system. As identified in our Project results, addressing the gap in services and support in family law will require a range of services from all partners in our civil legal system.

Expanding self-help appropriately and creatively

Our data shows that a significant portion of the population has some desire to handle their civil legal problems on their own with legal advice. In 2007, Pro Bono Law Ontario launched Law Help Ontario, a pilot project located at 393 University Avenue in Toronto and funded by The Law Foundation of Ontario. The underlying philosophy of the project is that self-represented litigants have a fundamental right to access the justice system even if they cannot afford to retain a lawyer for full representation privately, or qualify for pro bono or Legal Aid. Law Help

Ontario strives to address self-represented litigants procedural and substantive barriers to justice so they can better navigate the justice system. Specifically, Law Help provides a continuum of brief services based on a triage system that assesses litigant need and allocates resources based on those needs. Law Help is a unique program in North America because it blends the best of self-help models with the best of duty counsel services; and because it leverages the skills of the private bar to deliver services on a pro bono basis. This way Law Help creates meaningful opportunities for lawyers--primarily junior associates--to enhance access to justice and to gain valuable, hands-on, civil litigation experience. During the pilot period, the walk-in centre served 6,845 clients, generated 6,536 court forms, and was supported by over 200 lawyers who provided more than 2,100 hours of free legal assistance.¹³³

Expanding the use of technology

In addition to in-person self-help centres and resources, technology holds significant promise as a platform for the delivery of self-help resources. According to the results of the telephone survey, 84 per cent of low and middle-income Ontarians are connected to the Internet. In spite of Ontarians' connectivity to the Internet and their desire to access information online to resolve their legal problems, however, there is a low rate of awareness of the sources of legal information that are accessible to Ontarians, specifically with online resources. The telephone survey pointed out that the organizations that serve the public and whose mandate is to provide legal information to the public are not at the top of mind of the public when they are looking for information on the Internet. The focus groups identified the need to ensure that what people access through the Internet is accurate and reliable and that people are directed to those sources.

Technology holds great promise in expanding the reach of affordable legal information, advice and representation. The Law Help centre's website, for example, logged 144,975 page views during its pilot period.¹³⁴ The Law Help Ontario website and walk-in centre also offer an automated document assembly program that allows litigants to complete their court forms. During the pilot period, 6536 court forms were generated¹³⁵ and 95 per cent of users reported that

133 Law Help Ontario Pilot Project Final Report (Toronto: Pro Bono Law Ontario, 2010) at 5 ["Law Help Ontario Report"].

134 Law Help Ontario Report, *supra* note 133 at 5.

135 Law Help Ontario Report, *supra* note 133 at 5.

they found it to be a useful service¹³⁶. Technology, though, is not itself a panacea, but rather a means to connecting those in need with service providers. The resources provided through the Law Help Ontario, the Law Society website and Lawyer Referral Service, the Ministry of the Attorney General's Justice Ontario website, the Legal Aid Ontario website, and other online sources of advice, information, and referrals suggests the potential of the Internet for empowering individuals to engage in self-help. Provided that the websites are accessible, online resources can enable individuals to self-select the right level of legal assistance for their problem. Knowledge of legal issues and computer literacy are two main concerns that must be addressed to ensure that online resources are accessible and useful to individual users.

As providers, platforms and services increase, issues of coordination and coherence are emerging. Any strategy of enhancing access to justice through computer and Internet-based initiatives will have to operate in a collaborative fashion to be effective.

Other options for optimizing online resources include virtual law firms and online brokers of legal services also suggest ways in which the private bar may reach those people in need more effectively. Online resources cannot replace person-to-person exchanges, however. Low and middle-income Ontarians expressed their preference to solve their legal problems on their own with legal advice but when dealing with their actual legal issue, two-thirds of Ontarians seek the advice of a lawyer they pay for.

Telephone legal advice hotlines do not replace the value of a person-to-person exchange when people are seeking out legal advice and information. Access to a telephone and the privacy needed to discuss legal problems may be a barrier to certain people or communities. To be effective, a telephone advice hotline must be more than a pre-recorded message. Staff for hotlines must be competent and provide referrals where appropriate.

As we discussed above, legal problems do not arise in isolation. The telephone survey indicates that people prefer to access legal advice and information from a variety of sources when they are faced with a legal issue. Our focus groups indicated that the overall concept of "one-stop shopping" for social services – including legal advice and assistance – could be efficient and preferable to a legal advice hotline or websites, because of the face-to-face communication possible with such a model.

136 Evaluation of Law Help Ontario as a Model for Assisting Self-Represented Litigants in the Ontario Superior Court of Justice at 393 University Avenue in Toronto: Final Report (Toronto: The Resource for Great Programs, Inc. 2009) at 6.

Educating Ontarians about their legal rights and legal services

Our Project revealed that, whatever informational, self-help, or advice services are available, we must also recognize that in some circumstances, access to a qualified lawyer or paralegal is the only means to a just and fair outcome for many low and middle-income Ontarians. Geographic, linguistic, and economic barriers to accessing lawyers and paralegals may be addressed through a mix of strategies, including the use of subsidized legal services, centralized interpretation and translation services, videoconferencing, and other technological assistance.

Along with access to services, public education about lawyers and paralegals and how their roles differ will enable Ontarians to understand that they have choices when it comes to legal services for their civil legal problems. Regulated paralegals are still a relatively new phenomenon, and according to the telephone survey, people who sought their legal advice tended to be from urban areas, members of equality-seeking communities, and people who had problems related to immigration.

Educating people about basic legal principles so that they can themselves better identify when they have a legal issue will open points of entry to the legal system. For example, the Barreau du Québec has launched public education programming through the public access television network. Programming focuses on basic access to justice issues and legal information. This example highlights that there are many modes of disseminating information to the public, including broadcast media, print media, the Internet, and telephone information lines.

Further, educating the public about the availability of lawyers and paralegals, the services available to people to access them (such as the Lawyer Referral Service and the Law Society's Lawyer and Paralegal Directory), and the relative costs of retaining their services will enable low and middle-income Ontarians to make informed choices when it comes to purchasing legal services.

More information and working together

Finally, we believe that accessibility to the civil justice system would improve if organizations committed to access to justice committed to sharing information and working together.

The desire to understand the legal needs of the public, how well the legal system in Ontario has responded to those needs, and where the system can work better has inspired a number of research initiatives and reports in recent years, as

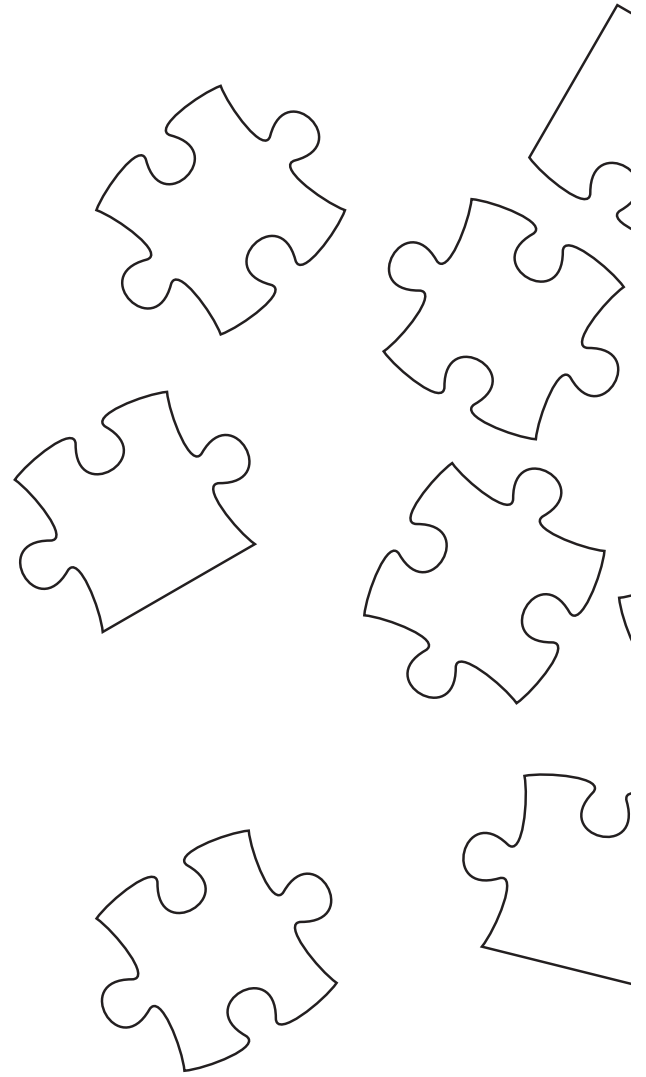
well as currently.¹³⁷ Research is an expensive proposition for an organization and often external funding from public sources is used to augment research budgets.

The data and information that is produced through this research is of utmost importance to the organizations involved, as well as to the Ontario public.

Essentially, this data and information belongs to everyone.

Moving forward, formalizing and coordinating the sharing of public data and information could be a cost-effective method of maintaining the check-up on the civil justice system in Ontario. It could also be an avenue to build on the foundation of research in recent years and lay out a path for future projects that can be more specialized or focused on specific groups and communities. As we identified at the beginning of this report, there were a number of sub-groups within our study group that we were not able to reach, particularly members of vulnerable communities. This Project can be a point of departure for other groups to look more closely at the civil legal needs of those groups.

137 See The Honourable Patrick J. Lesage and Professor Michael Code, "Report of the Review of Large and Complex Criminal Case Procedures" (November 2008), prepared for the Ministry of the Attorney General, Ontario (http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/lesage_code/); Michael Trebilcock, Report of the Legal Aid Review (Toronto: Ministry of the Attorney General, 2008) at http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/trebilcock/legal_aid_report_2008_EN.pdf; and George Thomson and Karen Cohl, Connecting across Language and Distance: Rural and Linguistic Access to Justice (2008) at http://www.lawfoundation.on.ca/pdf/linguistic_rural_report_dec2008_final.pdf.



APPENDIX A

The Ontario Civil Legal Needs Project process

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The Ontario Civil Legal Needs Project process

A. Steering Committee

The Project's Steering Committee consists of three individuals (Marion Boyd, Lorne Sossin, and John McCamus) representing the three participating stakeholders (the Law Society, PBLO, and LAO) and chaired by former Attorney General and former Chief Justice of Ontario, R. Roy McMurtry. The Steering Committee provided direction and oversight for the Project, including

- reviewing the study methodology;
- reviewing guidelines for prioritizing areas of inquiry and the allocation of resources;
- providing advice on the selection of third-party consultants;
- providing advice on the work of third-party consultants and providing oversight for the consultants' activities;
- providing oversight for study expenditures; and
- reviewing and approving the study's findings and final report.

B. Staff working group

Senior staff from the three participating organizations assembled the background material, supervised the conduct of the survey and focus groups, coordinated work on all aspects of the Project, and provided general administrative and logistical support to the Steering Committee.

C. Environics

After a competitive search, Environics Research Group ("Environics") was commissioned to undertake the empirical aspects of the civil legal needs study. In June of 2009, Environics conducted 2,000 22-minute telephone interviews

among low-income and middle-income Ontarians (defined as households with a combined income of less than \$75,000).¹³⁸ Survey participants were asked a comprehensive list of questions to determine whether they had experienced a problem with a legal dimension, what they did to resolve the problem, and how the problem affected them. Participants were also asked to provide basic socio-demographic information so that types or “clusters” of legal problems could be compared with broader categories of social need.

Environics also conducted a series of focus groups with front-line legal and social service providers. Additional focus groups were conducted involving unrepresented litigants who were users of PBLO’s court-based self-help project.

This research consisted of three in-person focus groups conducted in Toronto, Hamilton, and Ottawa, as well as four telephone focus groups conducted among residents of Central and Eastern Ontario, Southwestern Ontario, Northern Ontario, and the outer GTA. All groups were conducted between June 25 and July 16, 2009, among front-line legal and social service providers, including lawyers, paralegals, and representatives of social assistance services and legal aid clinics.

Recruiting guidelines were developed to ensure that each group was composed of a mix of legal and social services professionals. The participants were recruited from lists of legal and social service professionals in each region provided by the Project partners.

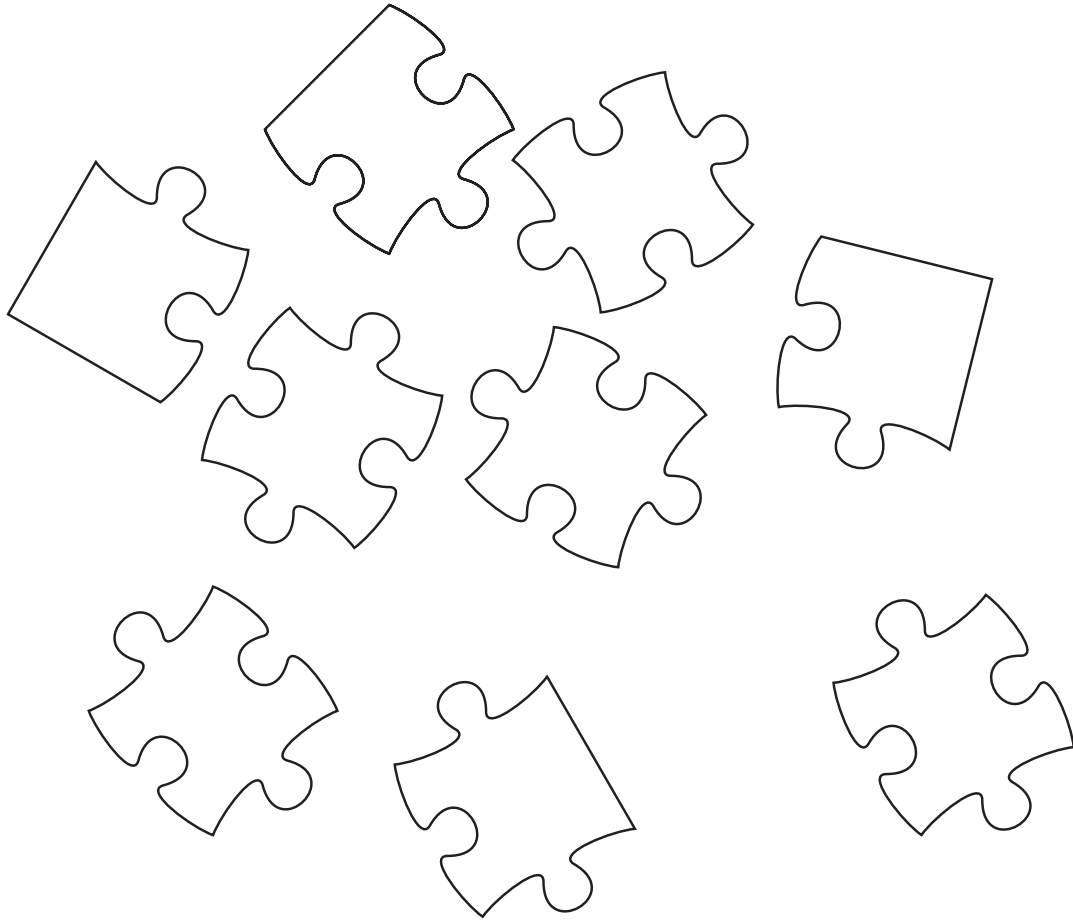
D. Mapping exercise

The Project also includes an Ontario-wide environmental scan or “mapping” exercise, to identify the number, type, range, and location of access to justice programs and initiatives (both private and public) directed toward low and middle-income Ontarians. By contrast, our first two Project phases, the telephone survey and focus groups, analyzed the legal needs of low and middle-income Ontarians. In other words, these Projects analyzed the demand for civil legal services. The mapping exercise will look at the supply of legal professionals available to meet those needs and the capacity of the existing legal services delivery system to meet the needs of low to middle-income Ontarians. Specifically, the mapping exercise (the results of which will be released separately from this report) will identify the number, type, range, and location of legal professionals across Ontario. “Mapping” research is important because it allows policy makers to identify geographic areas or areas of law that may be

¹³⁸ Results of the telephone survey are considered to be accurate to within plus or minus 2.2 percentage points, 19 times out of 20.

underserved or at risk. It also allows policy makers to make strategic decisions about how and where to prioritize resources.

The Ontario Civil Legal Needs Project is by no means the first organization to tackle this issue. The Law Society, the Ontario Bar Association, the County and District Law Presidents' Association (CDLPA), LAO, and the Law Foundation of Ontario have taken important steps in this regard. Much of our analysis and many of our recommendations in this area will build upon these efforts.



APPENDIX B

Organizational profiles



APPENDIX B

Organizational profiles of the Law Society of Upper Canada, Legal Aid Ontario, and Pro Bono Law Ontario

LAW SOCIETY OF UPPER CANADA (LAW SOCIETY, LSUC)

Mandate of the Law Society

Founded in 1797, The Law Society regulates Ontario lawyers and paralegals in the public interest. The Law Society ensures that these individuals,

- are licensed and insured
- are qualified to help their clients through the legal process
- meet standards of learning, competence and professional conduct.

Licensed paralegals can represent clients in the following types of matters:

- Litigation in Small Claims Court
- Traffic and other offences heard in Provincial Offences Court
- Hearings before tribunals (e.g. the Landlord and Tenant Board or the Workplace Safety and Insurance Board)
- Minor criminal charges under the Criminal Code heard in the Ontario Court of Justice.

Lawyers can help with all types of legal matters, including the following:

- Family matters, such as divorce, separation agreements and custody issues
- Criminal matters at all levels of court
- Civil litigation matters at all levels of court
- Wills, powers of attorney and estate matters

- Real estate matters, including buying and selling residential or commercial property
- Administrative law matters, including hearings before tribunals.

Finding a Lawyer or Paralegal

The Law Society provides resources to members of the public to assist them in finding a lawyer or paralegal. These resources include,

- the Client Service Centre, which is accessible by telephone, facsimile or email. A TTY line is available to provide access for people who are hearing impaired. Members of the public can make enquiries about whether a lawyer or paralegal is currently entitled to provide legal services in Ontario as well as information about the individual's discipline history.
- a fully accessible, bilingual website with features to accommodate visually-impaired people.
- an online Lawyer and Paralegal Directory. This directory enables members of the public who know the name of a lawyer or licensed paralegal to locate their contact information and access information about their status in the profession.
- the Lawyer Referral Service (LRS), which is a free, public, multilingual service that helps people find a lawyer. Individuals call a toll-free number and a client service representative gives that person the name and phone number of one local LRS member lawyer who is able to deal with the legal issue. The person calls the LRS member lawyer and receives a free consultation of up to 30 minutes.
- the Law Society's Certified Specialist program, which is intended to help members of the public identify lawyers who can meet their needs for specialist assistance in complex matters. Specialists are evaluated initially and periodically, and in accordance with specified standards of knowledge, skill, conduct and practice. The program is voluntary, and no lawyer in Ontario is required to be certified as a specialist in order to practise in the area of law covered by that specialty. However, only those certified by the Law Society may refer to themselves as specialists in their advertising, and are included in the Law Society's Directory of Specialists. The Directory of Certified Specialists is available online and a paper directory may also be requested from the Client Service Centre.
- the Client Service Centre will also provide contact information for Legal Aid Ontario (LAO) and the Law Help Ontario service of Pro Bono Law Ontario (PBLO).

Complaining about a lawyer or licensed paralegal

As the regulator for the legal profession, the Law Society receives and responds to written complaints from members of the public about lawyers and paralegals. Every complaint received is reviewed and assessed. The complaints form is available online through the Law Society website.

Where possible, the Law Society tries to help members of the public and the lawyer or paralegal deal with the issues. Where necessary, the Law Society investigates and takes disciplinary action in appropriate cases. Most complaints are resolved without a formal discipline hearing. Where the Law Society cannot help with a complaint, it tries to assist the individual by providing information about other sources of help.

Facts about The Law Society

- As of 2010, there are approximately 41,000 licensed lawyers in Ontario.
- As of 2010, there are approximately 21,000 lawyers in private practice.
- As of 2010, there are approximately 2,700 licensed paralegals in Ontario.
- The Law Society received the following number of enquiries from the public, lawyers and paralegals for 2009:
 - Call Centre – 249,872
 - Membership Services - 102,567
 - Administrative Compliance – 97,392
 - Complaints Services – 26,100
 - Total – 475,931
- Calls to the Lawyer Referral Service in 2009 – 48,939

A snapshot of a diverse profession

The Ontario legal profession is diverse and increasingly representative of the communities it serves. At the point of entry into the profession, the following percentages of Lawyer Licensing candidates self-identified as members of equality-seeking communities (as of December 31, 2009, unless otherwise noted):

- Women - 51.8%
- Racialized communities – 12.8%
- Francophones – 6.4%
- Aboriginal peoples – 1.9%
- Persons with a disability – 1.9% (as of June 2009)

The Office of the Registrar for the licensing process for both lawyer and paralegal candidates provides accommodations to meet the special needs of candidates through its support services office.

Access to Justice Initiatives

In addition to the Client Service Centre, online resources, the Lawyer Referral Service, the Directory of Certified Specialists, the Public Legal Education Task Force and Pro Bono Law Ontario, the Law Society's access to justice initiatives focus on helping to make sure the public is well served by the legal system of Ontario. These other initiatives include the following programs:

- **Access to Justice Committee**

The Access to Justice Committee is a standing committee of Convocation, the board of governors for the Law Society. Its directive is to develop, for Convocation's approval, policy options to facilitate access to justice for the people of Ontario, in keeping with the Law Society's statutory mandate.

- **Equity and Aboriginal Issues Committee and the Equity Advisory Group**

The Equity and Aboriginal Issues Committee (EAIC) is a standing committee of Convocation that develops, for Convocation's approval, policy options for the promotion of equity and diversity in the legal profession and for addressing all matters related to Aboriginal peoples and French-speaking peoples. As part of this policy development process, the EAIC consults with the Equity Advisory Group, Rotiio' taties, Association des juristes d'expression francaise de l'Ontario (AJEFO), women and equity-seeking communities. The Equity Advisory Group is a working group of the EAIC, which specifically assists the committee in the development of policy options for the promotion of equity and diversity in the legal profession.

- **Equity Initiatives Department**

To ensure access to justice, the Law Society integrates equity and diversity values and principles into its model policies, services, programs and procedures. The Law Society seeks to ensure that both law and the practice of law are reflective of all peoples in Ontario by actively participating with Aboriginal, Francophone and equity-seeking groups, through consultations, meetings and public education activities. The Equity Initiatives Department also provides resources for members of the public and the profession, such as publications and reports.

- **Compensation Fund**

The Law Society has two compensation funds for clients who have lost money because of a lawyer or a paralegal's dishonesty, which are paid for by lawyers and paralegals respectively.

- **Discrimination and Harassment Counsel (DHC)**

As part of the Law Society of Upper Canada's efforts to enable equity and diversity in the workplace and the profession, and to help stop discrimination and harassment, the Law Society provides a Discrimination and Harassment

Counsel service free-of-charge to the Ontario public, lawyers and paralegals. The Discrimination and Harassment Counsel confidentially assists anyone who may have experienced discrimination or harassment by a lawyer or within a law firm or legal organization or by a paralegal.

CONTACT INFORMATION

Website: www.lsuc.on.ca

Client Service Centre

Toll-free: 1-800-668-7380

General line: 416-947-3300

TTY: 416-644-4886

Language Line for enquiries in languages other than French and English: (1-800-874-9426, Client ID #754032)

Facsimile: 416-947-3924

E-mail: lawsociety@lsuc.on.ca

Mailing Address

The Law Society of Upper Canada, Osgoode Hall, 130 Queen Street West,
Toronto, Ontario Canada M5H 2N6

LEGAL AID ONTARIO (LAO)

In 1998, the Ontario government enacted the Legal Aid Services Act in which the province renewed and strengthened its commitment to legal aid. The Act established Legal Aid Ontario (LAO), an independent but publicly funded and publicly accountable non-profit corporation, to administer the province's legal aid program.

LAO's mandate is to "promote access to justice throughout Ontario for low-income individuals by means of providing consistently high quality legal aid services in a cost-effective and efficient manner."

LAO is the second largest justice agency in Ontario. LAO is one of the largest providers of legal services in North America covering a range of legal aid services such as criminal, family, mental health, aboriginal law, clinic law, and refugee law.

LAO operates offices in communities across the province and funds 79 community legal clinics throughout Ontario, including 17 specialty clinics that provide assistance to clients in such areas of law as worker's compensation, housing, income security, and worker's health and safety.

Legal aid is available to financially-eligible low-income individuals and disadvantaged communities for a variety of legal problems, including criminal matters, family disputes, immigration and refugee hearings and poverty law

issues such as landlord/tenant disputes, disability support and family benefits payments.

LAO provides many access to justice programs and services, including in-house legal services, community legal clinics, duty counsel, Student Legal Aid Services Society and the legal aid certificate program, which gives low-income people access to legal representation from a pool of several thousand private lawyers who undertake legal aid work.

FACTS ABOUT LAO

Operations

- Provided more than 1 million assists to Ontarians.
- Legal aid offices and 79 community legal clinics operated across Ontario.
- Duty counsel lawyers are available in courthouses across Ontario to assist un-represented litigants in criminal, family and some administrative matters.

Finance

- Annual operating budget of \$362 million (2008).
- The Ontario government provides the majority of legal aid funding.
- The federal government and Law Foundation of Ontario also fund LAO.
- Clients may contribute towards the cost of their legal representation.

Legal Aid Certificates

- 107,299 certificates issued in 2008.

Community Clinics

- Community Legal Clinics assisted 156,588 Ontarians (2008)

Duty Counsel

- Duty counsel provided 1,078,703 legal assists in 2008.
- Advice lawyers assist clients in over 130 locations, including all Family Law Information Centres.

Student Legal Aid Services Societies (SLASS)

- SLASSs are located at each of the six Ontario law schools.
- In-house legal offices.
- LAO operates a variety of in-house legal services, including three family law offices, a refugee law office, and criminal services across Ontario.

CONTACT INFORMATION

Website: <http://www.legalaid.on.ca>

Toronto: (416) 979-1446

Toll free: 1-800-668-8258

Facsimile: (416) 979-8669

Mailing Address: Provincial Office, Atrium on Bay, 40 Dundas Street West, Suite 200, Toronto, Ontario, Canada M5G 2H1

PRO BONO LAW ONTARIO (PBLO)

Pro Bono Law Ontario (PBLO) was founded in 2001 with a mandate to increase access to justice by promoting and facilitating opportunities for lawyers to provide pro bono (free) legal services to low-income Ontarians and the charitable organizations that serve them. PBLO engages in three core activities that flow from this mandate:

1. Facilitating pro bono participation by developing best practices and pro bono policies, addressing regulatory barriers to participation, and educating the private bar via publications, conferences, presentations and continuing legal education curricula. As a result of PBLO activities, 20 of Ontario's largest law firms have adopted pro bono policies that count pro bono time as billable time.
2. Brokering partnerships between community groups and legal service providers to provide free legal assistance to at-risk individuals and communities. Since launching, PBLO has brokered over 20 partnerships to support Aboriginal communities, children and youth, individuals with cancer, newcomers to Canada, victims of domestic abuse and urban renewal initiatives.
3. Managing three streams of pro bono projects in-house: children's projects, charitable organization assistance (Volunteer Lawyers Service), and litigation assistance projects for low-income individuals with civil, non-family, matters.

PBLO's project development activities adhere to the following guiding principles:

1. Pro bono projects should complement, not duplicate, services offered by Legal Aid Ontario.
2. Pro bono project development should be collaborative and address identified unmet legal needs.
3. Pro bono projects should be innovative and client centred.

PRINCIPLES IN ACTION

In 2007 PBLO launched Law Help Ontario in Toronto, Ontario's first self-help centre for unrepresented litigants – and one of the only programs in North America that uses pro bono lawyers to deliver services. Law Help Ontario provides a number of resources to help unrepresented litigants navigate the justice system including plain language information about court rules and procedure, an automated document assembly program, called A2J, to help users complete court forms, legal advice and representation at some court appearances. A2J is Ontario's first, free, web-based document assembly solution for unrepresented litigants.

The project website, www.lawhelpontario.org offers many of these resources online and allows users to chat with staff in real time about their legal issues.

Despite the fact that PBLO limits outreach to the court building at 393 University Avenue in Toronto, since its inception, Law Help Ontario has:

- Served 9,718 clients
- Generated 7,732 court forms
- www.lawhelpontario.org logged 207,624 page views, and
- Users downloaded 39,075 procedural resources.

In 2009, Law Help Ontario earned the American College of Trial Lawyers Emil Gumpert Award for improving the administration of justice. In 2010, Law Help Ontario received American Lawyer Magazine's Law and Technology News Award for most innovative use of technology in a pro bono project.

Another PBLO project, the Family Legal Health Project, takes into account the connection between access to justice issues and broader issues of health, social welfare and economic well-being. The program is managed in partnership with the Hospital for Sick Children, and uses legal remedies to address the social determinants of childhood health – non-medical issues that can adversely impact a child's health or a family's capacity to care for a sick child. In its first year, the project served over 200 clients with issues that included sub-standard housing conditions, employment problems that arose when parents had to take time from work to care for a sick child and even tax issues.

FACTS ABOUT PBLO

Operations

- Assisted over 9,000 clients in 2009 via its in-house projects.
- Operates out of 4 offices in Toronto, including head office, two Superior Court-based self help centres (at 393 University Avenue and 47 Sheppard Avenue East in Toronto), and the Hospital for Sick Children, which houses

the Family Legal Health Project to address the social determinants of childhood illness.

- Law Help Ontario, Ottawa will launch in spring 2010.
- 26 PBLO registered pro bono projects.
- Over 70 law firms participate in PBLO projects.

Finance

- Annual operating budget of \$1.3 million (2009).
- Core funding provided by The Law Foundation of Ontario and Legal Aid Ontario.
- Sponsored by The Law Society of Upper Canada, which provides funding, in-kind support and opportunities for collaboration.

CONTACT AND INFORMATION

Website: <http://www.pblo.org>

Telephone: (416) 977-4448

Toll free: 1-866-466-PBLO (7256)

Facsimile: (416) 977-6668

Mailing Address: Lynn Burns, Executive Director, 260 Adelaide St. E, PO Box 102, Toronto, ON M5A 1N1



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