



**Neighbourhood
Legal Services**
LONDON AND MIDDLESEX

June 3, 2019

By Email

Community and Protective Services Committee
City Clerk's Office
City of London
300 Dufferin Avenue
London, ON
N6A 4L9
Email: cpssc@london.ca

**Re: Request for Delegate Status to Speak at the Community and Protective
Services Committee Meeting on June 17, 2019 Concerning the Impact of Cuts to
Legal Aid on the Community and the City Budget**

Neighbourhood Legal Services is a poverty law clinic that assists/represents low-income Londoners and Middlesex County residents with legal issues in the areas of:

- Ontario Works ("OW")
- Ontario Disability Support Programs ("ODSP")
- Canada Pension Plan Disability ("CPP-D")
- Landlord/Tenant
- Criminal Injuries Compensation Board
- Employment

Due to the nature of our work, we are regularly made aware of the challenges and difficulties that low-income Londoners face, especially those who are in receipt of OW and ODSP. Part of the clinic's mandate is public legal education, law reform and advocacy. We promote the interests and concerns of low-income Londoners (those on social assistance, fixed incomes, and the working poor) so that they may be taken into consideration in public policy areas. We participate in many City of London groups and tables that deal with poverty and housing issues such as the Community Advocates Network, London for All Implementation Tables, London Homelessness Coalition, and the Child and Youth Network.

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At this time, I would like to draw your attention to the devastating cuts that the Provincial government has made to the Legal Aid system and highlight how these cuts may impact the city.

Legal Aid Cuts

The 2019 provincial budget introduced a massive cut to Legal Aid Ontario funding: approximately 35% of the funding has been cut for 2019-20 (\$133 million), but this figure will rise to 45% (\$164 million) within 3 years. This represents over half of the overall cuts to the Ministry of the Attorney General as a whole, even though Legal Aid Ontario funding only constitutes 20% of the Ministry's budget.

These cuts will have a sweeping effect on residents of London and on the community as a whole. Local legal clinics, immigrants and refugees, and the certificate system are all profoundly affected by these budget changes.

Cuts to the clinic system

Our clinic, Neighbourhood Legal Services (London and Middlesex), is directly funded by Legal Aid Ontario. There are 72 clinics such as ours that are spread throughout Ontario. As we noted in our introduction, local clinics offer a number of services that are profoundly beneficial to low-income residents of the City of London. These services include providing advice and representation on social assistance, housing, employment and criminal injuries compensation matters. We work closely with the City of London and community groups to help improve the lives of Londoners. Our overhead costs are low and we have a volunteer management board whose members are drawn from the community.

It is expected that legal clinics will face a \$15 million cut in our budgets this year. LAO hopes to find savings without cutting front-line staff, but there is very little left to cut in the clinic system. Most of the funding that does not go to our rent is used to pay the salaries of staff who are providing front-line services. The costs of such cuts will be mitigated this year because there are some one-time savings in the system. However, the cuts will increase each year and this will certainly lead to cuts to front-line staff and a reduction in service in upcoming years.

The government has said that our numbers are dropping, but they are wrong about that. The statistics included in the recent Auditor General's 2018 report show a steady *increase* in clients. Although we will try to meet the high demand for our services, we will inevitably serve less people and our engagement in law reform, public education, and community development initiatives will be substantially impacted.

Cuts to immigration services

The government cuts to Immigration and Refugee legal services are devastating. The province has instructed Legal Aid Ontario that no provincial funds whatsoever may be used to provide services to people on these matters. Since 2014/15, the provincial portion of LAO expenditures for these services ranged between 61% (in 2017/18) and 75% (in 2015/16). For 2019/20, as much as \$34 million had been allocated as provincial money for immigration and refugee services that will no longer be used, with only \$13-16 million coming from federal funding. This provincial cut disproportionately impacts some of the most vulnerable people in the province and is being introduced as part of a dispute with the federal government.

Cuts to Legal Aid certificates and duty counsel

There will also be drastic cuts to Legal Aid certificates for family and criminal law matters. The lack of representation is widely expected to actually increase costs to the administration of justice and result in hardship to those who seek to represent themselves. Family and criminal duty counsels who attend at the court house will also experience budget cuts, leaving even more people without legal support.

A short-sighted approach

Advocates for Legal Aid have shown that the cuts represent short term savings but will result in increased costs to the legal system. Research cited by the Canadian Bar Association has found that for every dollar spent on legal aid, the government saves an average of \$6 elsewhere.

Moreover, as former Attorney General Roy McMurtry has said, “our laws and freedoms will only be as strong as the protection that they afford to the most vulnerable members of our community ... Legal aid and in particular community law is perhaps the single most important mechanism that we have to make the equal rights dream a reality”. [George Thomson, Ontario’s legal aid cuts strike most vulnerable, *The Lawyer’s Daily*, May 16, 2019]

The deep cuts to Legal Aid Ontario represent a profoundly short-sighted move on the part of the provincial government, but there is still time to rescind the cuts or reduce the proposed cuts.

Resolution:

We ask that the Council of the City of London make the following resolution:

Be it resolved that the Council of the City of London will call upon the Premier and the Attorney General of Ontario to request that the province:

- 1) Make a commitment to promote access to justice;
- 2) Respect the commitment of the government to not decrease front line services;
- 3) Reduce or reverse the cuts to Legal Aid Ontario.

Yours truly,



Lawrence Burns
Staff Lawyer



Chelsea McMullan
Licensed Paralegal

Encls: Auditor General's Report 2018 (excerpt, Figure 3, page 260); Canadian Bar Association, "Legal aid is an integral part of the social safety net" (January 30, 2017); Stop the Cuts handout

Figure 3: Number of Active Clinic Files and Average Cost per Active File, 2012/13-2017/18

Source of data: Legal Aid Ontario

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	% Change 2012/13- 2017/18
# of clinic files	202,390	208,019	205,619	208,775	226,134	170,429	(16)
Average cost per file (\$)	357	363	408	442	385	503	41

Note: Prior to 2017/18, files included any services provided to a client, such as case representation, brief services, advice and referrals. Starting 2017/18, the new clinic system includes files only when case representation is provided to a client. As a result, the number of files recorded in 2017/18 is significantly lower than previous years. This also explains the higher cost per case in 2017/18.

Figure 4: Number of Persons Assisted by Duty Counsel, by Area of Law, 2013/14-2017/18

Source of data: Legal Aid Ontario

Area of Law	2013/14	2014/15	2015/16	2016/17	2017/18	% Change 2013/14- 2017/18
Criminal	467,510	438,343	434,772	456,594	504,636	8
Civil and others*	163,249	160,990	153,660	143,976	139,339	(15)
Total	630,759	599,333	588,432	600,570	643,975	2

* Others include family, tenant, and mental health matters.

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THE CANADIAN
BAR ASSOCIATION

Legal aid is an integral part of the social safety net

January 30, 2017

It's time for the federal government to take a leadership role in access to justice, the CBA's [Access to Justice Committee](#) says in a submission to the House of Commons Committee on Justice and Human Rights which is studying legal aid.

"Canada needs federal leadership in creating a properly funded, national legal assistance systems strategy, with services administered by each province and territory, and minimum national standards and comparable services available throughout Canada," the [submission](#) says.

"Better ways of delivering services to more people will be an ongoing challenge, but the foundation for access to justice through support for adequate access to legal assistance services must be an unwavering government commitment to national standards."

Nearly 50 per cent of Canadians will have a legal problem in any given three-year period but most will not seek legal help to resolve those problems. Legal issues tend to escalate, particularly for those at the low end of the income scale, creating long-term costs for society. Studies from the U.K. and Australia suggest for every \$1 spent on legal aid, \$6 of public funds are saved elsewhere – to the point where it is not unreasonable to suggest that publicly funded legal services "are a pillar of a just democratic society" and an essential public service along with education, health care and social services.

For the past 21 years however, since the government stopped dedicating funding to civil legal aid in 1995, provincial legal aid providers "feel pressure to put the scarce funding they receive to programs recognized as constitutionally guaranteed (criminal and child protection matters)." Compared to overall government spending, spending on legal aid is relatively flat or declining.

So what is to be done?

According to the Access to Justice Committee, the federal government needs to “assume a leadership role in the justice system that goes beyond legal aid.” It needs to coordinate funding to improve the system as a whole and reduce the stark regional disparities that currently exist; adopt the benchmarks for public legal aid developed by CBA and the Association of Legal Aid Plans of Canada.

And it could maybe start by providing dedicated funding for civil legal aid “at levels that will allow for benchmark compliance.”

The Access to Justice Committee pressed these points before the House of Commons Justice and Human Rights Committee when representative, Doug Ferguson, testified on December 13, 2016. During the hearings, it was evident that members of the Committee were relying on the CBA’s brief, commenting on the CBA’s concerns about the “patchwork of legal aid services across Canada... inconsistencies with respect to financial eligibility and the types of legal matters that are covered under legal aid,” and “stark regional disparities,” and questioning government officials about the benchmarks.

There are dozens of efforts, at both the provincial and national levels to improve access to justice, and the CBA concluded its submission by inviting the federal government to join those efforts.

[0] Comments

CBA (Canadian Bar Association) members may sign in to comment.

STOP THE CUTS: ACCESS TO JUSTICE FOR ALL!

The Ontario government recently cut funding to Legal Aid Ontario by 35%, to rise to a staggering 45% within the next 3 years. Community legal clinics, which are funded by Legal Aid Ontario, are facing a \$15 million budget cut in 2019 alone. These cuts will be **devastating** to low-income people across Ontario.

Legal clinics help vulnerable Ontarians:

- Get Ontario Works and Ontario Disability Support Program benefits
- Fight wrongful evictions
- Access WSIB benefits when they're injured at work
- Get the CPP-D, Old Age Security, and child benefits they're entitled to
- Uphold employment rights at work
- Apply for immigration and refugee status and challenge deportation orders
- Improve benefits and services for everyone by ensuring that government laws and policies are fair, don't discriminate, and uphold the Charter of Rights
- And much more...

But this massive cut to funding will mean reduced front line and advocacy services – even though Premier Ford promised his government would not cut services.

TAKE ACTION!

Send an email to Premier Doug Ford, Attorney General Caroline Mulroney and your local MPP, or telephone them directly.

Tell them you want them to stop the cuts, and that the cuts will directly impact the front-line services and advocacy that low-income Ontarians need to help keep a roof over their head and put food on the table. Tell them they're breaking their promise to not cut services to the people.

Premier Doug Ford

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416-325-1941

Attorney General Caroline Mulroney

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905-895-1955

Your Own MPP

Contacting your own MPP is very important.

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