



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

VIA EMAIL

June 11, 2020

Roman Baber, MPP
Chair, Standing Committee on Justice Policy
99 Wellesley Street West
Queen's Park
Toronto, ON

Dear Mr. Baber:

I am writing on behalf of CLEO (Community Legal Education Ontario / Éducation juridique communautaire Ontario) to provide our comments to the Standing Committee on Justice Policy with respect to Bill 161 (*Smarter and Stronger Justice Act, 2020*). Thank you for accommodating our request to appear before the Committee.

Please find below CLEO's comments on Bill 161. I would kindly ask you to share a copy with all Committee members and any designates.

I look forward to contributing to this discussion and address any questions or concerns that you and other Committee members may have.

Yours truly,

Julie Mathews
Executive Director

My name is Julie Mathews. I'm here on behalf of CLEO. Our full name is Community Legal Education Ontario/ Éducation juridique communautaire Ontario. We produce and disseminate information about the law for people across Ontario. Thank you for inviting me to present to you today.

In my remarks, I will briefly describe how people across Ontario are accessing legal information about their rights and responsibilities, and CLEO's role in that. And I will make a few comments on Bill 161 and its potential impact on CLEO.

CLEO is an organization that wears many hats. We are a specialty community legal clinic serving communities across the province living on low incomes or experiencing other social disadvantage. We are a "public legal education and information", or PLEI, organization; this is our sole purpose, and we've been doing this work for over 45 years. We hang our hat in the literacy field as well, specializing in clear language, easy-to-understand legal information. Working closely with our sister legal clinics and non-legal nonprofit organizations that serve their local communities, our information resources are driven by community needs.

We provide information on issues in family law, employment law, consumer and debt, housing, social assistance, and immigration and refugee law. We are perhaps best known for our Steps to Justice legal information website <<https://stepstojustice.ca>>, and its French sister site, Justice pas-à-pas <<https://justicepasapas.ca>>. These sites are models of justice sector collaboration: we worked, and continue to work with, the Ministry of the Attorney General, the Superior Court and Ontario Court of Justice, Legal Aid Ontario, the Law Society of Ontario, and numerous legal clinics in developing and sharing content through Steps to Justice. We saw 4.5 million visits to the site last year.

Turning to Bill 161, which aims to modernize Ontario's legal aid system. CLEO would like to seize on the opportunity offered by this legislation to ensure that CLEO's key role as the primary public legal information provider in Ontario is clarified and supported.

This does not mean that CLEO can or should be the only legal information provider in Ontario legal clinics; many other legal and community organizations provide legal information geared to their communities, and we collaborate with, support, and share their work. But with our sole-purpose, province-wide mandate, we are uniquely placed to develop core legal information on high-need legal topics that we, and our numerous legal and community partners, can disseminate to people across the province.

Let me offer a recent example of CLEO's impact and our ability to respond quickly to developments. In the midst of COVID-19, people across Ontario are seeking – some with desperation – to find practical, action-oriented information they need to remain in their apartment, stay safe from domestic abuse as they isolate, apply for CERB, and deal with their employer's requests to return to work. As the COVID-19 crisis has torn apart people's lives, CLEO has stepped up, quickly and effectively, working with legal clinics and other partners to produce and deliver information that people are asking for.

We launched a body of COVID-19-related information on Steps to Justice and Justice pas-à-pas on March 16, shortly after COVID-19 was recognized as a public health crisis, and, since then, we have added to and updated the information to reflect continual changes to government programs and people's evolving concerns. Ontarians can find a total of 235 detailed questions and answers in English and French, in 12 areas of law, in the COVID-section of our Steps to Justice and Justice pas-à-pas sites < <https://stepstojustice.ca/covid-19>>. We've had over 400,000 views of one question alone – about applying for the CERB.

Many organizations have Steps to Justice content embedded in their own websites, so automatically received the COVID content. We also let a wide network of community organizations, city councillors' offices, MPPs' offices, and community legal clinics know that the information was available, and many of them have linked to, and are relying on, this information.

We didn't stop there; the demand for quick and accessible information during COVID-19 has been overwhelming, from many quarters. What else did we do? We doubled the number of live chat sessions we offer – we now host two, two-hour sessions a day – helping members of the general public to find the information they need in response to their COVID-19 legal inquiries, and often directing them to their local clinic.

And, we realized that front-line workers at small nonprofits are fielding a lot of questions from community members. We set up zoom webinars intended specifically for those front-line workers to ask questions of legal experts – primarily expert lawyers from legal clinics – so that those on the front lines would be better equipped and more confident helping their community members.

Between 250 and 425 front-line community workers have attended each CLEO-coordinated webinar, including Ontario Works staffers, public school board and adult learning staff, staff from YMCA offices across the province, workers at offices of the Canadian Hearing Society (we provide ALS interpretation), women's crisis centres, public health units, offices of many municipalities, and MPP constituency offices (so please check with your staff to check on whether they found the webinar useful).

Finally, many people are worried about catching the virus, and the impact that might have on their health care and families. Again, responding nimbly and quickly, people can now find guided pathways on Steps to Justice to help them do their own power of attorney <<https://stepstojustice.ca/guidedpathways/POA>>. The guided pathways take people through a series of questions and, based on their answers, generate forms or documents – a greatly enhanced document assembly tool, if you will. Soon, people will be able to access a guided pathway to do their own simple will.

These two pathways join CLEO's 39 guided pathways that help people prepare their own family court forms. The Ministry of the Attorney General has been highly supportive of our work in

this area – funding our development of these family law pathways and working closely with us on them. I encourage you to take a look: <https://stepstojustice.ca/family-law-guided-pathways/about>>.

The digital age is transforming the ways in which we can offer legal information, and CLEO is seizing on those opportunities.

How can we afford to do our work – to reach so far, and in so many ways? CLEO seeks and receives multi-year funding from Legal Aid Ontario, the Department of Justice Canada and the Law Foundation of Ontario. For the last few years, we have received additional project funding from the Ministry of the Attorney General, the Ministry of Government and Consumer Services, and the Canadian Bar Association Law for the Future Fund. In the fiscal year recently ended, CLEO was carrying out work on more than a dozen separately-funded projects.

In short, we leverage our core funding to get more, and to do more. The fact that so many funders are willing to step up and support our work attests to its quality, and helps us to punch well above our weight.

CLEO may not be a household name, and that's okay with us. The driving force behind our work is not the promotion of CLEO, but rather, a passion for the empowerment of people: knowledge is power, or at least it's a prerequisite of power! Practical legal information, addressing the real difficulties of real people – that they can access free of charge, understand, and rely and act on – that's what CLEO is all about. This is the sole focus of our work and mandate, which means that we are truly experts in our field.

So, why am I telling you this – what's the problem? What's stopping us from continuing to do the work I just described? What does this have to do with Bill 161?

Bill 161 is intended to modernize Ontario's legal aid system so that is more efficient and more effective. The legislation is fairly vague about how this will happen, giving more authority to Legal Aid Ontario (LAO) to use its discretion in many areas.

Speaking broadly, CLEO is concerned about this shift in authority. In our view, it is important – in the interests of both efficiency and effectiveness – that the determination of the highest priority legal needs, and the best way to respond to them, is made by those closest to home – by local legal clinics working in their communities.

We fully support the submissions of the ACLCO and other clinics in recommending amendments to Bill 161, including the recognition of the foundational role of legal clinics in providing poverty law services; a broader definition of poverty law services; and the important role of clinics and their independent boards in determining local needs. We also fully support the call to amend the proposed legislation to impose a positive obligation on LAO to fund poverty law services.

Turning to CLEO specifically, and as I mentioned earlier in my submission, we believe that the modernization effort offers an opportunity to clarify and strengthen CLEO's role as the primary provider of public legal information in the province. And, on the flip side, we worry that Bill 161, with its potential shift of decision-making authority to a large centralized agency, poses a risk to CLEO's ability to respond nimbly and quickly when people need legal information.

The problem with giving LAO such wide discretion is that a highly centralized body is too removed from real people having real difficulties. It is too big to be nimble and flexible as CLEO is. Even under existing legislation, there is unnecessary duplication and lack of coordination with respect to the provision of legal information to the public, and the proposed legislation has the potential of making those problems worse.

These concerns could be mitigated by recognizing CLEO's role and accountability as the primary provider of public legal information in the Act itself, or by giving the Attorney General the authority to make a regulation with respect to CLEO and its primary role as the provider of public legal information in the province. This would effectively signal that, as clinics are the foundation of poverty law, the private bar is the foundation of criminal and family law, so too is CLEO the foundation of legal information for the public.

In summary, as Bill 161 and its regulations evolve, we are looking for tangible, clear support for CLEO in its role as Ontario's primary public legal information provider. Ontarians will continue to seek information to help them deal with their law-related problems, and we think it's important that they be able to find it. Knowledge of legal rights and responsibilities is essential for people to be able to participate in our justice system and, indeed, for meaningful access to justice. We ask that you support CLEO in doing its job by affirming the government's support for our foundational mandate.