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Roman Baber, Chair
The Standing Committee on Justice Policy
Queen's Park

June 11th, 2020

Re: Bill 161, Smarter and Stronger Justice Act, 2020

Dear Chair Baber and Committee Members,

I write to you today as concerned member of the public, one who works alongside many of the community and specialized clinics funded by Legal Aid Ontario, in my own work at a neighbourhood multiservice agency. We have a cooperative relationship with our local legal aid clinics, working together both to solve the often-complex issue facing individuals and in identifying broader system barriers. Clinics are an important and core part of our policy ecosystem.

The bill before you today will harm some of the most marginalized residents in the province and create a system that is less responsive and able to meet community needs. I state this for the following reasons:

- The Bill attacks the autonomy of clinics, denying rights to appeal and neutering community-driven Boards of Directors. These Boards have, over decades, proven to be responsive, identifying and adapting to emerging community needs.
- The threat of foreshortened funding contracts with Legal Aid Ontario create instability among clinics and across community partners.
- The proffered steps towards cost recovery in cases punishes those who have the least: Legal Aid clients who are eligible only because they are in the lowest income bands. The principle of open access to justice is harmed by this proposal.

Community speaks to the value of community legal clinics: a view from some clients

I offer to you some of the comments I have heard from community members I know who have accessed a specialized Legal Aid clinic, some in tears, about the value that access to justice through the community-based legal clinics have had to them and in improving their circumstances.

At a meeting to discuss the topic of cuts to the clinics, the following concerns were strongly expressed:

- Sharon spoke on government's responsibility to help vulnerable, injured people. "Help us fix the system."
- Alicia spoke about the "last resort" support offered by the local Legal Aid Clinic. She spoke to the isolation and humiliation she felt before she found support. The education about her legal rights was pivotal.

- Nadia, an injured worker, worried about re-injury and being pushed back to work if legal support disappeared. She also welcomed the peer, emotional support she found there.
- Peter spoke of the emotional and economic costs of long-delayed cases. The Clinic, through its outreach and its legal supports, changed him into an active community member.
- Erin described how the system and the parts work together, like an organism. So, to sever a part is to hurt it all. She says this as someone who has not had to use a clinic.
- Blaise described a recent emotional low, buoyed by seeing the community advocacy supported by a Legal Aid Clinic working heroically for people like him.
- Ann described the stark shifts in people's life circumstances that might bring them to a clinic, and so it can be a real shock for them. They are not "just" low-wage workers. Waiting for income supports for over a year is a denial of livelihood. People lose houses.
- Seeta spoke about finding a community of peers, even as he awaited surgery for nerve damage and as WSIB denied. The Clinic was able to provide vital supports.
- Dave, another injured worker, talked about the four years he has awaited a decision on his case. The specialized programming at his Legal Aid Clinic gave people like him the ability to speak, to see representation, to find community and support. Its potential loss is disastrous and may cost lives, he says.
- Mariam, a mother of young children, found she would not be compensated as she needed and hoped. She became angry and depressed. The local Clinic gave her the confidence to go forward, and then to become an active support for others.
- Gaston described these cuts as an essential matter of justice, and how community-based advocacy is a core function of Legal Aid clinics.
- Anne spoke to how her world turned upside down when she need help and how the ongoing connection and support from the clinic makes life easier.

Summary

Legal Aid Clinics are more valuable as local actors, driven by community members. I will point you to some of the research I read which shows that

- People who are served by agencies which are smaller and less centralized report higher satisfaction levels.
- People access services which are located in their communities.

I am frightened by the provisions within the bill that make Clinics more precarious, more centralized and less autonomous. So I strongly urge re-consideration.

Sincerely,



Diane Dyson
Director, Research & Public Policy
The Neighbourhood Group