

Ontario's Community Legal Clinics

2015 Annual Report

Together Making the Equal Rights
Dream a Reality

ASSOCIATION OF
COMMUNITY LEGAL CLINICS
OF ONTARIO

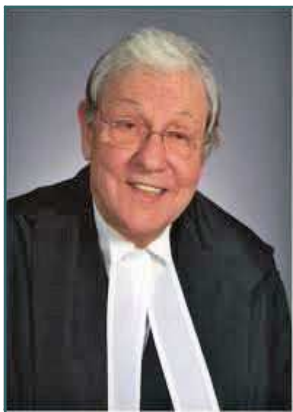
www.aclco.org



A Client's story:

A refugee from Rwanda, a single mom and now full-time university student living on student loans, was evicted for no good reason. For five years, she lived in the same apartment which she could only afford due to a large rent supplement she receives from the City. The client contacted her local clinic after the City informed her that her rent supplement had been cancelled because she had been away from her unit for more than 60 days. She had been in Africa to visit family and to mourn the death of her husband. The City took the position that it was too late to dispute the eviction.

Her Clinic advocated for the client and convinced the City to reinstate the rent subsidy, avoiding court proceedings and securing continued affordable housing for the client and her family.



The Clinics' Champion:

"Legal Aid, and, in particular community law, is perhaps the single most important mechanism we have to make the equal rights dream a reality."

Roy McMurtry

Justice for all:

Community Legal Clinics in Ontario

Community Legal Clinics across the province work to protect and promote the rights of low-income Ontarians. Whether speaking for a client who has been unjustly evicted from her apartment, or bringing to the Supreme Court of Canada arguments that underscore the impact of the law on thousands of disadvantaged people, Community Legal Clinics fight for justice for all who cannot afford counsel. Steadfast advocacy for equal access to justice and respect for the rights of all, regardless of ability to pay, ensures a just and equitable society for all Ontarians.

There are 76 Community Legal Clinics in Ontario, each with our own board of directors who reflect the community and direct the clinic's work. We serve the most vulnerable in our communities on issues most critical to people who live with poverty, like affordable and secure housing, education, health care, income security, disability programs and workers' rights, to name just a few. Beyond traditional legal representation, clinic staff also educate clients about their rights, undertake law reform and community development initiatives and employ tools rooted in community law to achieve positive change for the entire low-income community.

Most clinics serve a particular geographic area. In fact, every community in Ontario is served by a clinic. There are also specialty clinics for specific groups including people with disabilities, injured workers, children and youth. Each clinic identifies the most pressing legal needs of the community and then provides services to meet them.



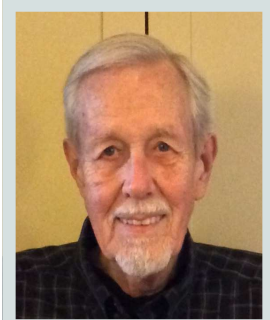
ACLCO Co-Chairs' Message

Trudy McCormick & Robert Evans

Welcome to the first *Ontario Community Legal Clinic System Annual Report* produced by the ACLCO. Clinics do essential work for their communities, however those communities are defined. We want to acknowledge this, and celebrate it. It has been an exciting year in so many ways. Extraordinary initiatives are in place throughout our system, increasing the breadth, depth and reach of poverty law services across the province. Celebrate our collective accomplishments captured in this report. Congratulate Clinic colleagues, all of the Board members that work so hard, volunteers who help us keep our system going, our community partners, and the many others who support Ontario's Community Legal Clinics with their commitment to social justice. Look to our future of working together collaboratively: with one another, with Legal Aid Ontario, and with our communities. This is a time for optimism and celebration.



Trudy McCormick



Robert Evans

ACLCO Executive Director's Message

Lenny Abramowicz



Lenny Abramowicz

The last few years have been exciting ones for Ontario's Community Legal Clinics. Beginning with the development of the Clinic system's Strategic Plan, the signing of Framework Agreements with Legal Aid Ontario, and the investment by the provincial government of new funds into legal aid and community legal clinics, we may be entering a new, even golden age for Ontario's community clinics. With a supportive government, a developing and cooperative relationship with Legal Aid Ontario, the respect and support of our justice sector partners and, increased resources to expand clinic law services, Clinics are poised to accomplish great things. These enhancements to our system are most welcome, because unfortunately, the need for our services remains acute.

The challenge for Ontario's Community Legal Clinics in the years to come is to follow our Strategic Plan by working collaboratively to build on our strengths, and intensify our impact throughout the province.

Community Legal Clinics:

An essential part of reducing poverty in Ontario

A large part of the work that community legal clinics do is aimed at ensuring low-income people have access to basic measures of income support and housing. These basic supports in turn result in improved health outcomes, improved opportunities for children to succeed in school and for low-income adults to participate in the labour market and the economy.

Broader economic impact of our interventions

Poverty has significant social and economic costs, for local communities and for society as a whole. There are the costs of immediate remedial action, such as food banks, shelters for the homeless and social assistance for the jobless. But poverty also creates significant secondary costs, in areas like health care, lost opportunity costs and intergenerational costs resulting from child poverty. The estimated total of these costs for Ontario is at least \$10.4 billion yearly.

People who are poor bear huge costs: living with deprivation and the stresses it imposes; strains within families; hunger and inadequate nutrition; inferior housing; alienation from mainstream society. This all takes a toll on health, self-esteem, the ability to participate in the labour market, and the ability of children to learn and thrive in school. The estimated increased health care costs related to poverty alone are \$2.9 billion a year in Ontario.

The work that Community Legal Clinics do to help low-income people secure access to our justice system is therefore not only an issue of justice. Services that result in a reduction of poverty also have an important economic return for the province. And the work of legal clinics in this effort has a significant positive impact on the health and vitality of local communities.

A strategic direction forward

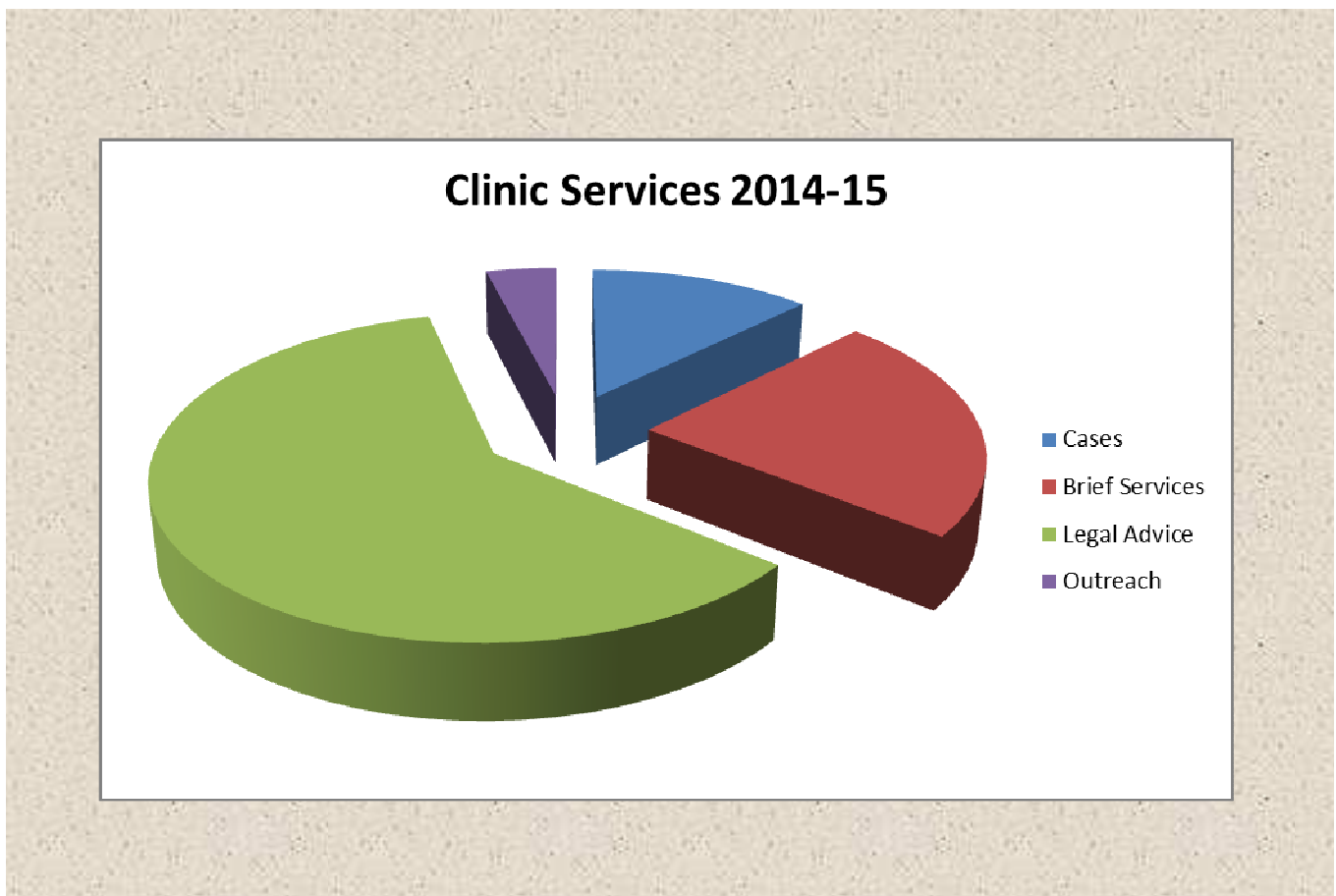
Legal clinics provide a wide range of services in response to the most pressing needs in their communities, as identified by their Board of Directors. The first-ever ***Ontario Community Legal Clinics Provincial Strategic Plan 2013-2017*** will improve access to justice for Ontario's poorest citizens. Clinics will collaborate collectively to provide the highest quality legal services by:

- ⇒expanding client and community access to poverty law services,
- ⇒enhancing our capacity to do preventive and systemic poverty law work,
- ⇒strengthening our community connections, and
- ⇒expanding our capacity for provincial coordination and support.

Full Spectrum of Clinic Services

Clinics offer a broad range of legal services reflecting the needs of their communities and the inequities confronting low-income Ontarians. Clinics offer legal representation in courts and tribunals, brief services, legal advice, public legal education, and referrals to other sources of assistance. Clinics lead and participate in law reform initiatives, community development and organizing, choosing the right tool in their legal toolkit to address the social justice issue most effectively.

Clinic Services	2014-15
Cases	22,322
Brief Services	41,148
Legal Advice	107,046
Outreach: Public Legal Education, Law Reform, Community Development	6,938
Referrals	44,449
Total	221,993

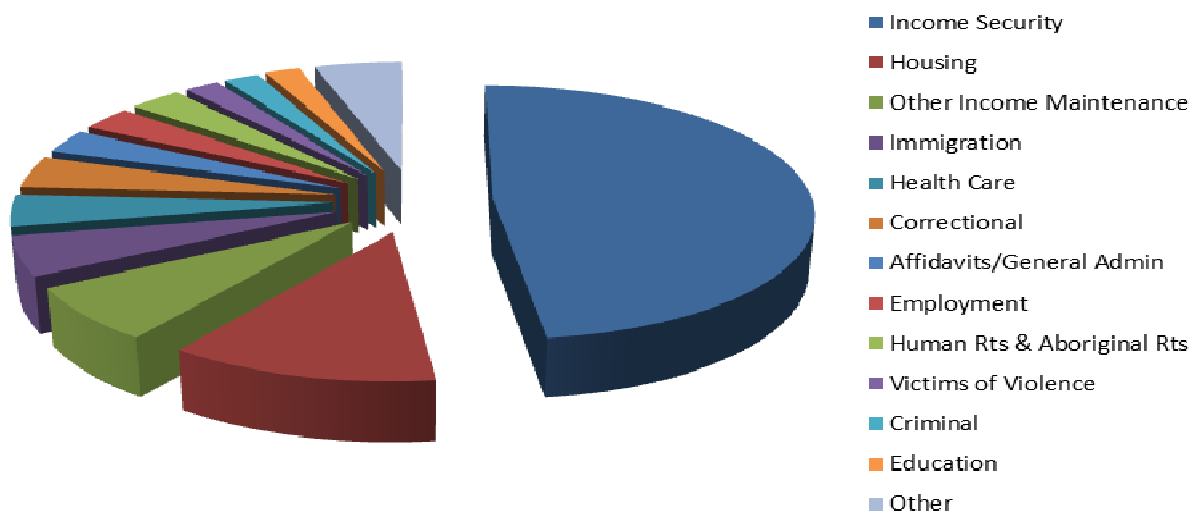


The Numbers

Community Legal Clinics serve the most vulnerable who have been pushed to society's margins—recent immigrants, people living with physical and mental disabilities, single mothers, people of colour, victims of abuse and torture, the elderly, among many others.

New Cases – Areas of Law	2014-15
Income Security (Ontario Disability Support Program and Ontario Works)	12,572
Housing	3,602
Other Income Maintenance	2,068
Immigration and Refugee	826
Health Care	477
Correctional Law	439
Affidavits and General Administrative	375
Employment	290
Human Rights and Aboriginal Rights	218
Criminal	101
Victims of Violence	75
Education and other Public Services	69
Other (incl. Family, Child Welfare, Environmental)	1210
Total	22,322

Poverty Law Areas - New Cases 2014-15



The Impact:

The Difference Clinics Make

Clinics across the province receive most of their funding from Legal Aid Ontario and operate on small, fixed budgets. Clinics implement creative and innovative approaches to stretch their budgets to serve the growing needs of clients. Employing dedicated teams of lawyers, community legal workers, paralegals and administrative staff who all work with other grass roots community and justice organizations, clinics stretch out their modest resources yielding significant benefits. Here are but a few examples of the impact of these benefits in 2015.

Outreach to Indigenous Communities

The Aboriginal Justice Outreach Initiative, YÉN:TENE, is an important initiative of the **Hamilton Community Legal Clinic** to build relationships with the Aboriginal community and to improve access to justice. Through YÉN: TENE, we have acknowledged the cultural genocide that is the legacy of residential schools. As both allies and friends, we are committed to supporting the reconciliation process.

In 2012, **Kinna-aweya Legal Clinic** began holding ID clinics to assist low-income individuals in obtaining basic identification, crucial in accessing housing, income support, health care, education, and other community services. Since then, the Clinic has helped over 600 clients obtain ID and access vital services. The Awenen Niin ID Bank provides secure and accessible ID storage to low-income individuals in the City of Thunder Bay. Elders Louis Brizard and Helen Young-Brizard gifted the traditional Ojibway name, which means, “Who am I?”.



Securing stable income for people with disabilities

Community Advocacy and Legal Centre—Belleville

Success Rate for Ontario Disability Support Program cases:	over 85%
Average Retroactive Award:	\$6,687
Total Retroactive Recoveries:	\$2.3 million

Collaboration between clinics and community partners resulted in significant gains for people receiving Ontario Disability Support. The **Income Security Advocacy Centre** has advocated for many years to improve the ODSP medical review process—with success arriving this year. Medical reviews to ensure continuing disability have been used by the Ministry as an inappropriate re-application process requiring a burdensome second round of proving one’s disability. This longstanding problem threatened to become a crisis when the Ministry devoted extra resources to conduct 65,000 medical reviews.

Joining forces with the Poverty Committee of the Ontario College of Family Physicians, the ODSP Action Coalition, Canadian Mental Health Association - Ontario, the Association of Ontario Health Centres, and Regent Park Community Health Centre, ISAC and the clinic system's **Steering Committee on Social Assistance** advocated for a

simple process that provides protections for vulnerable clients. The Ministry of Community and Social Services accepted all of our joint recommendations and has committed to work with stakeholders to develop a new medical review process that will focus on the appropriate legal issue – whether or not the client's medical condition has improved. The Ministry has also stated that these changes are part of a wider effort to improve ODSP decision making so that those who are eligible get their benefits sooner without the need for appeals.

Our clients say:

*I was treated with respect and compassion.
Services excellent.*

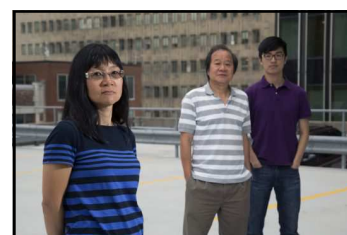
The right to housing

Over one million Canadians face a serious housing crisis. More than 40% of renter households struggle with housing affordability: the result of high rents, low incomes, and extremely little social housing. There are 168,711 Ontario households on active waiting lists for social housing. The average wait time is almost four years. A minimum of 235,000 people will experience homelessness in Canada in a year with 35,000 homeless on any given night. There is a direct link between homelessness, poor health and mortality.

This is the message that Community Legal Clinics have taken to the United Nations committee conducting a review of Canada's compliance with the International Covenant on Economic Cultural and Social Rights. The **Advocacy Centre for Tenants Ontario** accompanied a formerly homeless person to Geneva where together they made the case before the UN committee that Canada has failed to implement a rights-based national housing strategy with specific funding and construction targets for affordable housing.

Understanding the Colour of Poverty

A group of 68 immigrant restaurant workers were denied their pay in a variety of ways. The **Metro Toronto Chinese and Southeast Asian Legal Clinic** took action on their behalf and the owners of a number of Toronto-area businesses, including four now-closed Chinese restaurants, were ordered by the Ministry of Labour to pay employees more than \$675,000 in wages owed to them. It was one of the largest awards of its kind.



Our clients say:

Please keep up the amazing work! You people rock! Thanks for the help we received.

The **Hamilton Community Legal Clinic** continues the tradition of using social media to highlight Black History (February) and National Aboriginal History (June) months. This year, the focus was on local (Hamilton) heroes.

Helping newcomers to Canada secure their futures

The **South Ottawa Community Legal Services** resolved complex immigration issues for clients from Burundi, El Salvador, Ethiopia, Lebanon, Libya, Nigeria, Rwanda and Somalia. The issues ranged from representing refugee claimants to stopping removals from Canada of extremely vulnerable clients.

The Clinic helped thirteen families to obtain permanent residence in Canada on humanitarian and compassionate grounds. One family had serious medical and financial challenges with a parent who had suffered torture in their country of origin. Resolving their immigration status has assisted the family on the road to supporting themselves and contributing to their community.

Our clients say:

I am a new immigrant and had worked for minimum wages. I was treated unfairly by my employer. I was forced to quit my job to protect my health. I did not know what to do and how to support my family at that time. West Scarborough Community Legal Services helped me with my case and I was able to obtain Employment Insurance Benefits. Without their help, I would not be able to feed my children. Legal Services are much needed for people like me who are new immigrants and low wage workers to obtain our basic rights.



Legal literacy

In partnership with the Halton Catholic District School Board's adult ESL classes in Oakville, Milton and Burlington, lawyers from the **Halton Community Legal Services** presented information about tenant rights and tenancy in general to ESL students. The sessions informed students about housing and assisted them to expand their vocabularies. Teachers were given copies of the Halton Legal Health Check-Up to use in a group activity with students. Teachers used the Legal Health Check-Up as a literacy exercise, but students gain 'legal literacy' and useful information.

Mandatory Minimum Prison Sentence Challenge

HIV and AIDS Legal Clinic Ontario, along with the **African Canadian Legal Clinic**, provided oral argument in the *Lloyd* case before the Supreme Court of Canada, in coalition with the Canadian HIV/AIDS Legal Network, the Prisoners with HIV/AIDS Support Action Network, the British Columbia Centre for Excellence in HIV/AIDS, and the Canadian Association of People who Use Drugs. The case challenged the constitutionality of a one-year minimum prison sentence for certain drug trafficking offences.

Our clients say:

I would like to thank you from the bottom of my heart in helping with getting myself back on the Train of Life. With your hard work, honesty and time I am grateful for all.

HALCO and its partners argued that the mandatory minimum sentence in question violates sections 7 and 12 of the *Charter of Rights and Freedoms* because it prevents a judge sentencing an offender from considering the health consequences of a prison sentence on an offender who is drug dependent; and the reduced moral blameworthiness of a drug dependent offender where the offence committed is connected to that dependency.

It was also submitted that a drug dependent offender, particularly one living with HIV and/or Hepatitis C, is likely to suffer significant health consequences because of being imprisoned. A sentencing judge must be able to consider these potential health consequences when deciding on an appropriate sentence, as drug dependent offenders, including those living with HIV and or Hepatitis C, are likely to be captured by the mandatory minimum.

Community Health and Justice

2015 saw the launch of the *St. Michael's Hospital Legal Services Project*, the first such partnership between Community Legal Clinics and a large inner city hospital. **ARCH Disability Law Centre**, **Aboriginal Legal Services of Toronto**, **HIV and AIDS Legal Clinic Ontario** and **Neighbourhood Legal Services** have partnered with the Academic Family Health Team at St. Michael's Hospital in downtown Toronto. The partnership is working to achieve improved health outcomes through direct on-site legal services, interdisciplinary collaboration that includes systemic advocacy to address the social and environmental factors that negatively impact patient well-being. These include access to essential medications and decriminalization of controlled substances, right to housing, and precarious employment. The *Advocacy Centre for the Elderly, Justice for Children and Youth*, the *Canadian Environmental Law Association*, *Injured Workers Consultants*, and the *Centre Francophone* provide valuable counsel and support for this project.

Our clients say:

Sincèrement, votre service est réellement excellent.



The Next Generation of Clinic Practitioners

Many clinics, including ARCH Disability Law Centre, Legal Assistance Windsor, Parkdale Community Legal Services, IAVGO Community Legal Clinic, are engaged in partnerships with law schools and community colleges to introduce law students to the poverty law issues faced by persons with low-incomes and to help them learn the most effective ways of delivering legal services to our community. Students are supervised by experienced clinic lawyers, community legal workers and paralegals while providing hands on assistance to clinic clients, appearing on their behalf before tribunals and participating in public legal education, community development and policy advocacy on behalf of clinic clients and their communities.

The ACLCO's Executive Director regularly speaks to law students about the practice of poverty law in general, and the benefits of a career in the clinic system.



Our clients say:

Legal clinic is very important to our new immigrants. When they have landlord issues, workplace rights issues, this is the only place they can go for help.

2015 Innovation and Growth:

Due to high demand and limited funding, Clinics are used to looking for innovative ways to maximize our impact. Many have applauded us for “punching above our weight”. With recent increased funding from the provincial government and Legal Aid Ontario, Clinics across the province are implementing new collaborative and transformative initiatives. Here are just a few examples of those initiatives from 2015.

Specialty Legal Clinic Modernization Initiative - 55 U

Eight Specialty Community Legal Clinics along with the ACLCO are co-locating to common space. The Clinics involved anticipate that co-location will promote further collaboration and information exchange among the Clinics, develop a centre of excellence in specialty clinic practice, reduce overall leasing costs, and increase the efficiency of administrative systems. The co-location should be complete by the fall of 2016.

Connecting Ottawa/Connexion Ottawa

Low income and vulnerable clients who present with a legal issue often have complex cases that benefit from coordinated intervention by legal and social services. *Connecting Ottawa* takes a holistic approach and draws upon existing strengths within a network including Ottawa’s Community Legal Clinics and over 40 community health, legal, immigration, disability, and social services agencies. Together, the partners address the compounded barriers faced by linguistic minorities. A total of 642 clients have benefited from interventions by *Connecting Ottawa* over the past three years.

Employment Law Expansion

Many low-income earners work in precarious employment, many are vulnerable workers, and many are unaware of their rights or fear asserting them. Expanding traditional poverty law areas, several clinics are making plans to address the needs of these workers by providing employment law services in collaboration with community partners and other clinics.

Joint Planning and Service Delivery

The *Eastern and Central Region Transformation Project* plan for the coming year is the beginning of a bold process of regional collaboration to transform how legal clinic services are delivered in the region. Now, putting access to justice for clients and largely rural communities at the forefront and recognizing the value of community based legal clinics, the plan commits to regional planning to meet needs locally through regional collaboration. Together the clinics will reach new client and community groups, address new issues, develop new partnerships and pilot new approaches.

Boldness (Rural Accessibility)

Ontario’s vast geography presents considerable barriers to accessing justice and legal services. Several Clinics collaborating in the *Boldness Project* will meet many needs of clients living in rural and remote areas by using technology to provide referrals, legal education, self-help steps, and legal advice. The initiative will use libraries and library staff to bring legal services to people through libraries. Clinics will deliver more, expanded services through a 24-hour advice feature that will directly link the client back to the clinic at the earliest opportunity.

Recognitions and Awards

Julie Mathews

Julie Mathews, CLEO Executive Director, is this year's recipient of the Guthrie Award, awarded by the Law Foundation of Ontario to acknowledge the contribution of individuals and organizations to access to justice and excellence in the legal profession.

Laurie Joe

Laurie Joe of the West End Legal Clinic in Ottawa was granted the Ordre du Mérite by the French Lawyer Association of Ontario for defending French language rights as a francophile.

Kinna-aweya Legal Clinic

The Lakehead Social Planning Council Social Planning Award was presented to **Kinna-aweya Legal Clinic** in recognition of the Clinic's contribution to the quality of life in Thunder Bay.

Injured Workers' Consultants Community Legal Clinic

The Mayworks Festival presented IWC with the Min Sook Lee award for their use of the arts in public education for injured workers. IWC was lauded for "mastery of satire" in education and advocacy, providing a refuge and cultural home for injured workers through peer support, education, theatre and music.

Letter to the Editor of Thunder Bay newspaper from a landlord's lawyer:

Recently at the Landlord and Tenant Board, I witnessed a remarkable act of advocacy. **Claire Littleton** of the **Kinna-aweya Legal Clinic** was acting as tenant duty counsel, giving summary advice to tenants in English and French as well as representing clients of the clinic. Claire was supervising an articling student who was representing a single mother facing eviction. As the mother's baby got fussy sitting in the tribunal in his mother's arms, Claire, without hesitation, picked up the infant and began to walk him around the hearing room. As she soothed the baby, she was all the while supervising her articling student, making objections to the landlord's improper lines of questioning, making closing arguments, consulting with her client, examining her client, and ensuring that baby stayed quiet. They certainly don't teach that in law school.

While this was an especially remarkable performance by Claire, I'm writing this letter to recognize the valuable contribution that so many legal aid and clinic lawyers make. While most of them would make incredible additions to the private bar they stay committed to providing meaningful access to justice to clients and sacrifice the increased compensation that would come with a classic legal practice.





Association of Community Legal Clinics of Ontario



Who we are

The ACLCO is the representative body of Ontario's Community Legal Clinics. All organizations that identify themselves as community legal clinics in Ontario are members of the ACLCO. We are governed by an elected 13-person executive, comprised of staff and board members from Clinics from all regions of the province. We have developed expertise in poverty law services delivered through the community legal clinic model. We act in a leadership role to advocate for sustainable legal aid services and, are recognized throughout Canada and internationally as a champion of community based legal services.

What we do

The ACLCO communicates and collaborates regularly with government, funders, community and justice organizations regarding legal aid and community legal clinics. The ACLCO helps coordinate the clinic system's interactions with a variety of external justice partners.

Over the past few years, the ACLCO worked with other legal aid service provider groups, primarily through the Alliance for Sustainable Legal Aid, to pursue increased government funding for legal aid. Discussions with the Ministry of the Attorney General (MAG) led to a multi-year plan to raise the financial eligibility guidelines for legal aid services, along with funding to provide those services. Approximately \$10 million of this increased funding has been targeted for Clinics in the first three years.

Collaboration with the primary funder of Clinics, Legal Aid Ontario (LAO), remains an important focus for the ACLCO. We work with LAO to ensure robust and thriving poverty law services in Ontario. Recently, the ACLCO worked with LAO, and MAG, on an understanding that transformative initiatives in the clinic system would be clinic-designed, in line with the principles of community-based legal services, and would benefit our clients and communities.

In addition, the ACLCO works with LAO on a wide range of issues affecting the clinic system through the ACLCO Executive and a number of standing and ad hoc advisory committees.

The ACLCO is expanding its efforts to support community clinics. We continue to operate the KnowledgeNow program, promoting knowledge creation and sharing throughout the clinic system. And last year, the ACLCO's new Policy Counsel position began to play an important role in clinic support and leadership.

Next year the ACLCO will continue to work on behalf of Ontario's community clinics by ensuring the ongoing flow of new funding into legal aid and the clinic system, by strengthening the clinic – LAO relationship, by fostering strong relations between the clinic system and our justice sector partners, and by expanding the supports we provide to clinics throughout the province.

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Visit us on line at www.aclco.org

