



LEGAL AID ONTARIO  

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**Providing Criminal Legal Aid Service  
to Low-Income Ontarians  
with Unique Needs**

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**Monday, October 26, 2009**

# Presentation Objectives

- (1) Understand LAO's mandate, role, structure and service delivery models
- (2) Learn about LAO's clients (focus on Aboriginal, mentally ill, and homeless clients)
- (3) Review past initiatives
- (4) Identify lessons learned and best practices
- (5) Learn about current initiatives

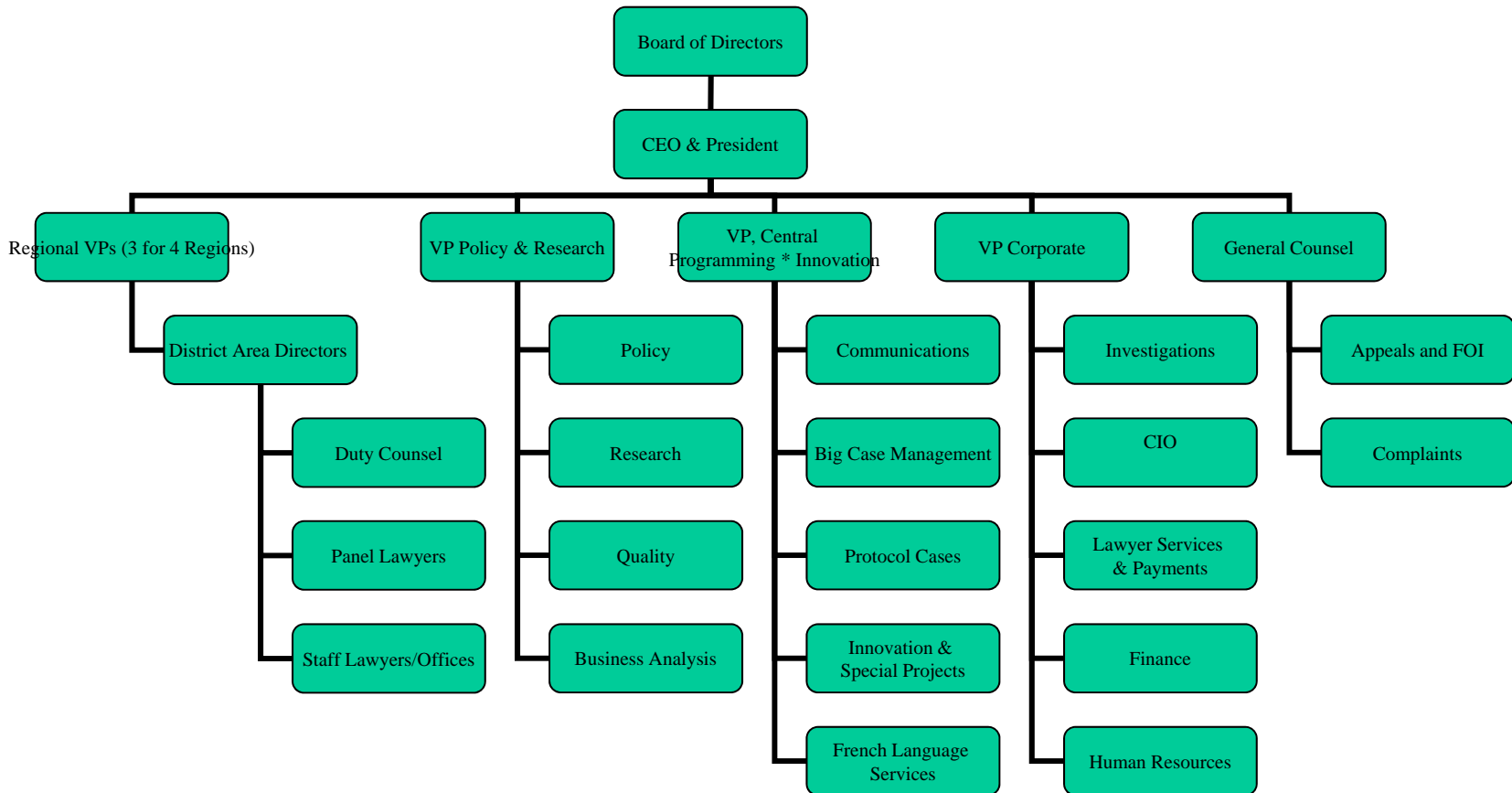
# LAO's Mandate

- Provide consistently high-quality legal aid services in a cost-effective and efficient manner to low-income Ontarians
- Provide legal aid services through an independent corporation within a framework of accountability for the expenditure of public funds

# LAO's Role in the Criminal Justice System

- LAO is the second largest justice agency in the province
- Annual operating budget of \$362 million (2008)
- Provides well over 1 million assists to Ontarians annually

# LAO's Structure - Overview



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# LAO's Service Delivery Models

- Certificates: Approximately 64,000 criminal certificates issued
- Duty Counsel: Approximately 840,000 assists to individuals who would otherwise have appeared unrepresented
- Staff Offices (including 3 Criminal Law Offices): provide full representation to clients (from bail hearing to trial)
- Clinics (79 clinics, including 17 speciality clinics): provide poverty law services
- Student Legal Aid Services Societies (SLASS): Law students opened over 1100 criminal case files and provided summary advice and referrals to many more clients

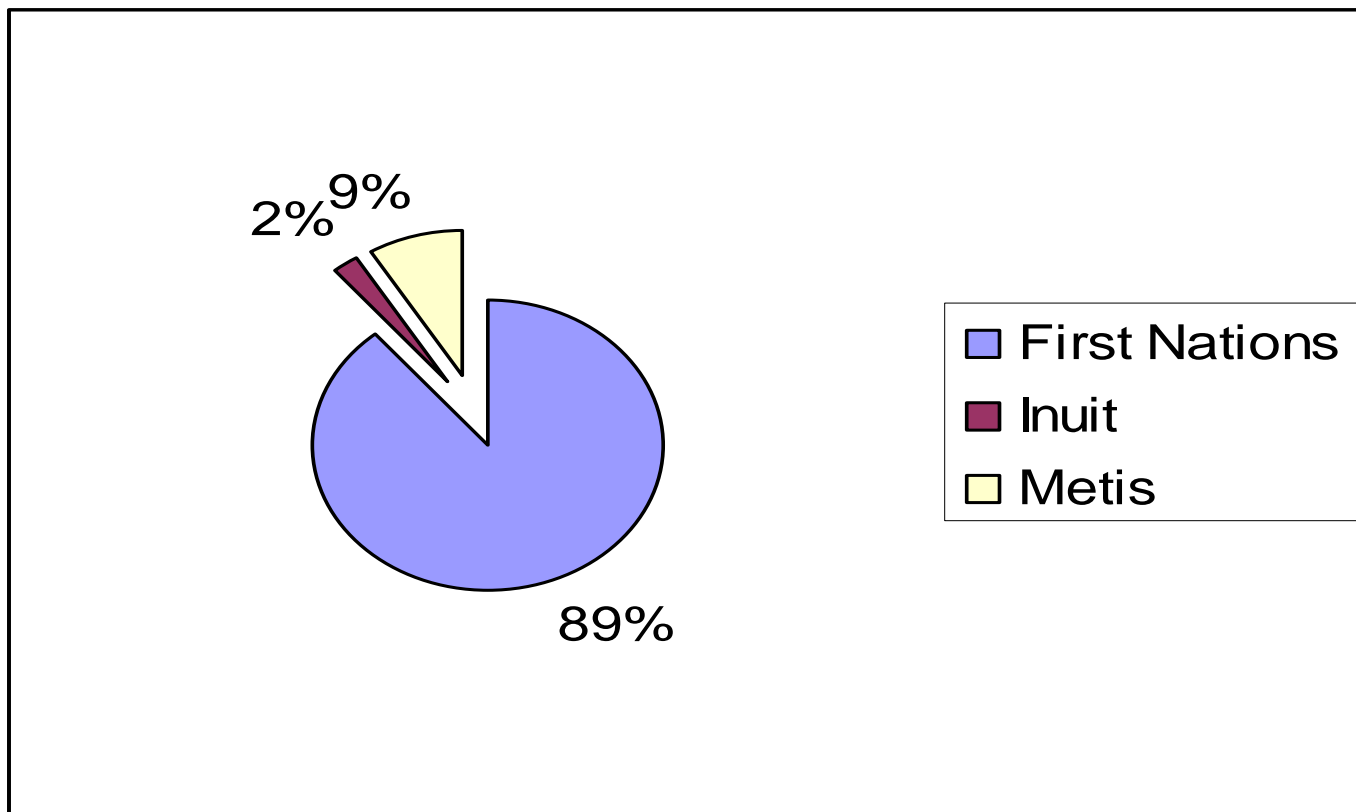
# LAO Clients

- LAO helps almost 4,000 people every day
- People who have little to no income
  - Clients may qualify for a “contribution agreement” or for free legal aid depending on their circumstances
- Many clients are accused of crimes
- Other major client groups include:
  - Women who have experienced domestic violence
  - Refugee claimants
- Only people who meet strict financial eligibility limits receive legal aid

# LAO's Aboriginal Clients

- LAO recently began tracking how many legal aid clients are Aboriginal
- Early numbers show the following:
  - 10% of clients who receive a criminal certificate are Aboriginal
  - Lawyers billed LAO for Gladue submissions in 10% of cases

# How Aboriginal clients self-identify



# LAO's Clients with Mental Illnesses

- No method to track clients with mental illness (MI) or serious mental illness (SMI)
- Can track clients who access services unique to clients with MI or SMI:
  - This fiscal year almost 1300 clients were provided certificates for Consent and Capacity Board matters
  - This fiscal year 16 clients were provided certificates for Ontario Review Board matters

# Inferences about LAO's Clients with Mental Illnesses

- Large percentage of people involved with the criminal justice system suffer from a mental disorder (estimates vary)
- The number of people with mental disorders who come into conflict with the justice system is increasing at the rate of about 10% per year (CMHA)
- The unemployment rate of persons with serious mental illness is commonly reported to range from 70 - 90% (CMHA)
- Conclusion: People with mental illnesses, and in particular people with serious mental illnesses, are increasingly likely to come in conflict with the criminal justice system and to be economically marginalized; in other words, they are likely LAO's clients.

# LAO's Homeless Clients

- From May – September 2009, LAO issued certificates to 1500 clients who identified as homeless or were living in a shelter:
  - More than 56% of homeless certificate clients were from the GTA Region
  - 27% were from the South West Region
  - Only 3.75% were from the Northern Region
  - Almost 13% were from the Central East Region

# Intersections

- Legal clinics find that a large proportion of clients who come to them with legal problems related to housing are persons who are also dealing with mental health issues.
- CMHA has identified a direct correlation between mental illness and homelessness.
- Consent and Capacity Board certificates: 2% of clients were Aboriginal
- 3% of clients who identify as homeless or living in a shelter are Aboriginal

## Past Initiatives:

- Duty Counsel in Mental Health Court (Several courts across the province)
- Criminal Law Offices (Barrie, Brampton and Ottawa)
- Outreach to Homeless Clients (Toronto)

# Duty Counsel in MHC (Ongoing)

- Mental Health Duty Counsel assist with:
  - bail hearings
  - release plans
  - fitness hearings
  - entering clients into “Mental Health Diversion” (reconnecting people with the civil mental health care system)
  - sentencing

## Duty Counsel in MHC cont'd

- Duty Counsel work with court-workers who provide support to accused persons in such areas as housing and psychiatric care
- Duty counsel connect mentally ill accused with community supports
- Good working relationships with Mental Health Courtworkers are important

# Criminal Law Offices (Ongoing)

- Criminal Law Offices (CLOs) are staff offices that provide a full range of services to clients, assisting accused persons from before bail until the final resolution of their charges, including trials.
- CLOs provide services in areas of greatest client need, focusing on mentally ill clients, Aboriginal clients and clients with intersecting legal needs.
- LAO's staff offices fill service delivery gaps and have become experts in the special procedures, services and community supports needed to assist clients with unique needs.

## CLOs cont'd

- One of the most important contributions of the CLOs has been their influence in increasing the recognition of the needs of particular client groups.

# Outreach to Homeless Clients (14-month pilot)

- Legal services were delivered off-site in shelters and drop-ins
- Same legal staff consistently provided services
- Legal staff addressed a broad range of legal and non-legal issues
- Staff lawyers obtained legal aid certificates for clients; clients never had to attend at an Area Office. (Building block for SOAP discussed later)
- 57% of the clients served appeared to be struggling with a substance abuse problem or mental health issues, or both

# Lessons Learned:

Tools to provide high-quality services to clients with unique needs

- Training
- Continuity of representation
- File management
- Good working relationship with other service providers
- Specialization

# Best practices

- Training
- Specialization
- Flexibility
- File management
- Client input/feedback
- Community agency input/feedback

# Current Initiatives

- Simplified Online Application Portal (SOAP)
- LAO in the courthouse
- Client Surveys
- Gladue Extension
- Aboriginal Self-Identification Question
- Telephone and Web-Based Services

# Discussion Questions

- What best practices have your organizations found to provide services to
  - Low-income Ontarians?
  - Clients with mental illnesses?
  - Aboriginal clients?
  - Homeless clients?
- Are LAO's findings consistent with your organization's experiences and lessons learned?
- What other populations have unique needs and how does your organization meet those needs?