

# ACCESS TO JUSTICE THROUGH LEGAL CLINICS

## CHALLENGES, MISPERCEPTIONS, AND INFORMATION GAPS

We asked legal clinics about the work they do, the reach of their services, misperceptions about their work, and gaps and challenges in their work.\*

\*Information was gathered from clinics in different provinces and territories, with different mandates, different reporting requirements, and different levels of funding and resources. Responses varied by clinic. Responses are provided in no particular order.



**HERE'S WHAT WE LEARNED:**

# "WHAT INFORMATION/DATA DO YOU COLLECT/TRACK?"

Demographic data

*(name, gender, geographic location, newcomer status, etc.)*

Information about barriers to access clinic services

*(e.g. childcare needs, mental or physical disability barriers, etc.)*

Previous access to legal aid

Financial information

*(related to financial eligibility for clinic services)*

Type of matter/offence

Information about services/legal assistance being requested

Number of legal aid certificates issued

Number and type of hearings

*(defined by the type of matter)*

Number of mediated agreements

Number of calls to the clinic for legal assistance

"OUR CLIENTS ARE  
TREMENDOUS EXPERTS IN  
THEIR OWN LIVES, THEIR  
OWN COMMUNITY NEEDS."

Outcomes

*(decisions rendered, cases and remedies)*

Presentations and number of people reached

Media publications

*(blogs, op-eds, public campaigns, etc.)*

Social media reach

*(including engagement with posts, views for videos, etc.)*

Distribution rate of publications

*(brochures, reports, handouts, etc.)*

# "WHAT INFORMATION WOULD YOU BE INTERESTED IN HAVING? WHAT ARE SOME OF THE DATA GAPS YOU SEE?"



Provincial/Territorial data on unmet legal need
Coordination within the province/territory on the type of data that is being collected
Information on communities or groups that are underserved <i>(there's data on overrepresentation but there's interest in knowing who's missing; who is falling through the cracks, and why?)</i>
Background data on systemic issues, data on patterns of legal help requests to determine when an issue is rising to the level of a systemic issue

Information on where to refer people who the clinic can't help  
*(particularly individuals who have a specific question or issue they would like to address)*

Data insights based on client demographics  
*(particularly related to race)*

Information on people who don't act on their legal rights

Information on rates of recidivism

Information on the number of people who cannot pursue or abandon their legal matter



"We know there are information gaps in terms of people not appreciating that this is a legal problem that they could get help with. But how many people know it's a legal problem, have the support to see it through, whether that's our program or have the funds to hire a lawyer or feel like they can advocate for themselves in processes that are intended to be friendly to self-represented litigants. But, because of the challenges of [the legal process], they are going to drop off...I'm not sure that's being captured, the folks that are just opting out of the processes because of the administrative burdens on them."

With social workers, court workers, mental wellness counselors, addiction services, women's shelters, housing experts, women's organizations, et al

Collaborations

Research

Outreach

(e.g. legal research, research on areas of greatest need)

"IN WHAT WAYS HAVE YOU COLLABORATED WITH, OR DO YOU CURRENTLY COLLABORATE WITH OTHER SERVICES/ ORGANIZATIONS TO HELP CLIENTS RESOLVE THEIR LEGAL/ NON-LEGAL PROBLEMS?"

Community-building, relationship-building with non-profits and intermediaries



"We're regularly collaborating with other community organizations. They flag issues for us. So, they approach us and bring issues to our attention. They approach us and ask for services."

# "WHAT DO YOU CONSIDER SOME OF THE BIGGEST CHALLENGES CLINICS FACE?"

"ONE OF THE THINGS WE HAVE BEEN WANTING TO DO IS TO HIRE SOME KIND OF CLIENT SERVICES SUPPORT WORKER OR A SOCIAL WORKER AND ACTUALLY HAVE ONE ON STAFF."

Funding  
*(operating/core funding)*

Funding for legal advocacy

Funding for work-related technology

Legislative changes that affect some cost recovery processes

Getting the client long-term help; a lack of aftercare

Funding for non-legal service professionals

Staffing, lack of resources

Having to limit caseloads for some problem types that are outside of our primary mandate *(e.g. having to limit family law cases because of the volume of criminal law cases)*;  
Generally, having to limit services on the civil side

"[IN RURAL AREAS AND THE TERRITORIES] IT'S HARD TO FIND LAWYERS...WE'RE SO OVERWORKED... ONE MORE LAWYER WOULD MAKE OUR WORKLOAD A LITTLE BETTER."

# "WHAT DO YOU CONSIDER SOME OF THE BIGGEST OBSTACLES CLIENTS FACE?"

## **DELAY**

*(some legal pathways that promise accessibility and efficiency take years)*

## **A LOT OF CLIENTS BELONG TO VULNERABLE POPULATIONS**

*(dealing with homelessness, poverty, addiction issues, and other challenges). It can be difficult for them to keep track of things like appointments and court dates.*



"The administrative tribunal process is just so, it's so hard to in good conscience suggest people go that route."

"Since the pandemic...We just see people are really struggling a lot more than they were, with their own wellness and with addiction and homelessness. It's become much more difficult for our clients who are mostly quite vulnerable."

## **PROCESSES THEMSELVES ARE FAILING**

*(e.g. processes are not transparent; there's a lot of gatekeeping that happens at the outset; registering complaints for human rights matters, for e.g., and other matters can be difficult)*

# "WHAT DO YOU THINK ARE SOME OF THE BIGGEST MISPERCEPTIONS THAT GOVERNMENTS HAVE ABOUT CLINICS AND/OR ACCESS TO JUSTICE THROUGH LEGAL CLINICS?"

## **CLINICS ARE NON-PARTISAN**

Governments don't understand that we help them to do their job

"Our work is done in an evidence-based way. Our service has been around [for decades] and we are just as busy no matter who is in power. We don't take positions, we represent clients."

## **CLINIC'S ADDITIONAL VALUE**

Governments often do not see the value in the work clinics do outside of individual disputes related to criminal law and family law.



## **CLINICS CAN HELP GOVERNMENTS MAKE BETTER DECISIONS.**

Using an evidence base and hearing from clinics on regulatory process and other justice system changes provides a pathway for accountability and transparency.

"When they've gone through that whole process and then they make a decision based on an evidentiary record...it's a lot easier to defend those, than it is to defend secret cabinet decisions."

# "WHAT DO YOU THINK ARE SOME OF THE BIGGEST MISPERCEPTIONS THAT THE PUBLIC HAS ABOUT CLINICS AND/OR ACCESS TO JUSTICE THROUGH LEGAL CLINICS?"

## MISPERCEPTIONS ABOUT AVAILABLE LEGAL REMEDIES



## MISPERCEPTIONS ABOUT PROBLEMS THAT AREN'T LEGAL PROBLEMS



## PUBLIC MISPERCEPTIONS AROUND WHAT CLINICS DO



## GROWING PERCEPTION THAT LEGAL AID LAWYERS AREN'T DOING AS THOROUGH A JOB AS A PRIVATE LAWYER WOULD DO

"I think it's a misconception because we're so busy and we do so much in particular areas of law."

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Advancing access to justice