

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)	"OUR CLIENTS ARE TREMENDOUS EXPERTS IN THEIR OWN LIVES, THEIR OWN COMMUNITY NEEDS."
Type of matter/offence	Outcomes (decisions rendered, cases and remedies)
Information about services/legal assistance being requested	Presentations and number of people reached
Number of legal aid certificates issued	Media publications (blogs, op-eds, public campaigns, etc.)
Number and type of hearings (defined by the type of matter)	Social media reach
Number of mediated agreements	(including engagement with posts, views for videos, etc.)
Number of calls to the clinic for legal assistance	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

(there's data on overrepresentation but there's interest in knowing who's missing; who is falling through the cracks, and why?)

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."



"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

Governments often do not see

CLINIC'S ADDITIONAL VALUE

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.

"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."

"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."

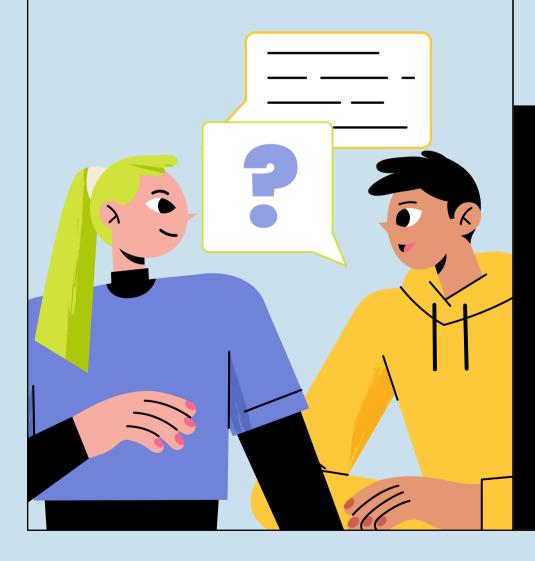
"WHAT DO YOU THINK ARE SOME OF THE BIGGEST MISPERCEPTIONS THAT THE PUBLIC HAS ABOUT CLINICS AND/OR ACCESS TO JUSTICE THROUGH LEGAL CLINICS?"



MISPERCEPTIONS ABOUT 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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Prepared by Lisa Moore, Canadian Forum on Civil Justice

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