

JDG 9

IMPROVE FUNDING STRATEGIES

9.1 COORDINATE TO SPEND MONEY WELL - Learn what the real costs of legal issues are and divert funding to prevent legal issues and minimize the demand on other social services.

9.2 BETTER FUND LEGAL AID - Increase funding of legal aid, to make more people eligible and to expand the types of legal problems that are eligible.

9.3 MAKE SURE THE MONEY LASTS - Maintain the focus on access to justice to ensure that improvements can be sustained and changes are funded indefinitely.

Stable funding for legal services is critical to existing and new access to justice services. Improved funding strategies would see more money allocated to legal aid in Canada, as well as to preventative approaches to understanding and managing conflict. It also means strategic use of that money by leveraging opportunities to work together, to avoid duplication and to learn from each other. Understanding the impact of unresolved legal conflict on people's finances, as well as on publicly funded services is also a part of a complex funding strategy.

In 2019, there was a significant dialogue across the country on the value of funding access to justice. An important study highlighting the positive return on investment in justice funding was countermanded by legal aid cuts in some provinces. The justice sector urged the bolstering of core funding for legal aid, showing support and recognition for the value of legal aid at all levels of government.

Organizations saying this is
their primary impact on A2J: **1**

Projects aligned: **16**

Reframing the Dialogue

Focusing political attention on the societal value of access to justice was the goal of several initiatives. A significant report from the Canadian Forum on Civil Justice entitled “Investing in Justice: A Literature Review in Support of the Case for Improved Access”, concluded that in most cases, the rate of return on investment in justice services and programs was found to be between CAD \$9 and \$16 for every CAD \$1 that is spent. The report examines a range of justice delivery mechanisms and initiatives in Canada, the U.S., South Africa, England and Wales, Australia and Bangladesh. Civil legal aid, community-based justice services, pro bono services and legal empowerment initiatives are just some of the justice mechanisms explored in terms of their return on investment and social return on investment potential.

“Across a diversity of justice programs, services and mechanisms around the world, spending on justice results in significant economic and other benefits that generally exceed the value of the investment.”

Investing in Justice (CFCJ)

In 2019, several CBA submissions advocated for greater access to justice:

- The CBA Immigration Section and OBA Immigration Section urged the federal government to address a funding gap for immigration and legal aid services in Ontario.
- The CBA requested that the federal government work with provincial and territorial governments to make Canada’s constitution officially bilingual.
- The CBA Criminal Justice Section commented on the access to justice implications of Bill C-75.
- The CBA Federal Court Bench and Bar Liaison Committee commented on the Federal Court’s strategy to improve access to justice including through modernization.
- The CBA’s Young Lawyers and Students Sections wrote to urge an expansion of a federal student loan forgiveness program for healthcare professionals working in underserved communities to include doctors and lawyers.

Supporting Legal Aid through Advocacy, Analysis and Financing

Legal aid was a focus across Canada as some provinces experienced significant cuts in funding and a number of legal aid plans underwent modernization reviews. The justice sector vocally supported the sustainability of legal aid as a critical element of our democracy and the rule of law.

The CBA conducted an important national engagement campaign entitled Legal Aid Matters to put access to justice on the candidates’ radar in the 2019 federal election. The CBA wrote to the federal party leaders and asked them to commit to dedicated federal legal aid funding, and adopting guiding principles for a national, integrated system of public legal assistance to meet the needs of disadvantaged people across Canada.

The CBA met with representatives of several national parties to discuss these issues. It also developed resources for CBA members and members of the public including:

- an online tool to allow them to write to candidates
- fact sheets to keep them informed
- messages they can share on social media

The government of British Columbia engaged Jamie Maclaren QC, to undertake a comprehensive review of legal aid service delivery models. The review focused on the effectiveness and efficiencies of legal aid service delivery in BC from the point of view of citizens who use legal aid services. A report, “Roads to Revival,” was submitted by the independent reviewer, and included 28 recommendations for government to consider in improving legal aid service delivery and funding strategies.

Likewise in BC, the government reached a 3-year agreement with the Legal Services Society and All, the association of legal aid lawyers, to increase legal aid tariff rates and establish a framework for future negotiations and ongoing policy consultations. The government of BC increased funding to the Legal Services Society, including through a \$4.3 million cost sharing agreement with Justice Canada. This funding has allowed for the expansion of family law services, including more hours for family law cases, increased duty counsel hours, expansion of Indigenous client support for family and child protections cases, as well as representation for extended family members in child protection cases.

In Ontario, the government established the Legal Aid Modernization Project, with the goal of developing proposals for modernized, client-focused and sustainable service delivery. Legal Aid Ontario worked in partnership with the Ministry of the Attorney General on proposals for

a modernized LAO as well as updated legislation that would support implementation of the new direction. A key part of the process was a stakeholder roundtable consultation process led by LAO's Chair involving over 115 individual participants and more than 80 written submissions. The consultations, which stressed the importance of client-centric service delivery, informed LAO's input to the province on modernized legal aid services and legislation. In December 2019 the Ontario Government introduced the Legal Aid Services Act, 2019 for first reading. It is expected to become law in 2020, and will help LAO to serve clients better.

Funding A2J Efforts

Progress in access to justice continues to require ongoing and project-based funding across Canada. In 2019, dedicated funds by Law Foundations and governments were critical to these initiatives.

Money spent in 2019 on A2J:



\$65,545,958

+75M

MONEY FROM LAW FOUNDATIONS*

* taken from available Law Foundation annual reports

The Access to Justice Fund of the Ministère de la Justice du Québec is allocated to funding projects or activities aimed at citizens and focused on access to justice. In 2019, the Fund funded:

- nearly \$2 million over two years to improve access to justice for the Inuit population
- \$1.5 million to support the mission of the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) to reduce processing times for complaints and to follow up on requests for youth protection
- \$575,000 to 27 community organizations involved in the fight against homophobia and transphobia
- more than \$2.6M at the Juripop Legal Clinic to provide free legal advice and support to victims of sexual violence.

The Justice Partnership and Innovation Program (JPIP) Fund, administered by Justice Canada provides grants and contributions to support projects and activities that encourage the development of new approaches, promote

access to justice, improve the capacity of service providers, foster the establishment of referral networks, and/or increase awareness of services available to victims of crime and their families. Specific funds are earmarked annually to provide support to survivors of human trafficking and sexual assault. In 2019, the JPIP awarded \$8,870,958 in grants and contributions supporting access to justice and the enhancement of justice services.

JPIP by Justice Canada
awarded



\$8,870,958

in grants and contributions

As an ongoing part of the response to the Report of the Inquiry into Missing and Murdered Indigenous Women and Girls, Justice Canada established and supported Family Information Liaison Units in every province and territory to increase family members' access to information that they are seeking from government agencies about their missing and murdered loved ones.

Funding from the Department of Justice Canada announced in 2018 for a \$50M investment in addressing sexual harassment in the workplace was put into action by the provinces. For example, in Saskatchewan, a coalition of local stakeholders are responsible for the allocation of those funds: the Saskatoon Industry-Education Council; Saskatchewan Chamber of Commerce; Sexual Assault Services of Saskatchewan; CREATE Justice, College of Law, University of Saskatchewan; and Saskatchewan Human Rights Commission. The strategy - to be implemented by the coalition and others - aims to dispel the myths and misinformation surrounding sexual harassment, train employees and employers, increase public awareness, and provide access to employment counselling for people who have experienced sexual harassment in the workplace.