

Legal aid cuts a step back on access to justice: FOLA

By AdvocateDaily.com Staff

The provincial government is shirking its duties on access to justice, [The Federation of Ontario Law Associations \(FOLA\)](#) chair Michael Winward tells AdvocateDaily.com.

The Law Society of Ontario (LSO) recently released a consultation [paper](#) seeking input from lawyers, paralegals, legal and community organizations, and the public on its current initiatives.

Meanwhile, many candidates in the upcoming benchers elections are touting their desire for greater access to justice as part of their platforms, albeit without including many specifics.

But Winward, partner with Hamilton law firm [Mackesy Smye LLP](#), says there's a natural limit to the legal regulator's abilities in this realm, despite its legislatively mandated duty to improve access to justice.

"The elephant in the room in the access-to-justice discussion is what the LSO can do as a regulator in terms of providing legal services to people of modest means," he says. "That's where the LSO is more of junior partner to the provincial government, which can actually fund those services.

"That's a function of the state, but the government has shown its cards with a budget that cut legal aid by 30 per cent," Winward adds.

Although his expectations were low for any access-to-justice improvements ahead of the budget announced April 11, Winward says he was shocked by the scale of the [cuts](#), which also barred Legal Aid Ontario from performing any services in the areas of refugee or immigration law.

"It's a dramatic and sudden cut that strongly signals that this provincial government doesn't take access to justice seriously," he says.

FOLA has created a special election resource page for candidates and voters who are currently choosing the next set of benchers to sit at Convocation for a four-year term expiring in 2023. Voting closes at the end of April, and Winward has noticed access to justice seems to be a hot topic in the campaign.

"None of them is very detailed about where they think the LSO can improve in terms of facilitating access to justice," Winward says.

Indeed, he says the regulator has already made significant efforts in recent years to meet its statutory obligations in the area, by:

- creating the lawyer referral service which connects members of the public to service providers
- taking the lead in facilitating the provision of unbundled legal services, which involves splitting legal matters into discrete tasks so that self-represented litigants can get professional help from lawyers on parts of their case
- expanding the scope of paralegal practice in family law — over the objection of many lawyers — to specially trained paralegals

“I’m not sure how much more the LSO can do other than advocating strongly and forcefully for the government to step up and provide better funding for the provisions of legal services to people of modest means,” Winward adds.