



ALLIANCE FOR SUSTAINABLE LEGAL AID

AN ALLIANCE OF ♦ACLCO♦FOLA♦CLA♦FLA♦LSO ♦OBA♦RLA♦TAS♦MHLIC

April 29, 2020

The Honourable Doug Downey
Attorney General of Ontario
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Dear Minister,

The Alliance for Sustainable Legal Aid (ASLA) is writing to request your support for additional funding for Legal Aid Ontario (LAO) in light of the economic hardships created by the COVID-19 outbreak.

As you know, the Law Foundation of Ontario makes a major contribution to LAO funding. In the past fiscal year, the Foundation provided approximately 20 percent of LAO's total revenue. The Foundation's revenue is composed of interest on the trust accounts of lawyers and paralegals, and is dependent primarily on interest rates and the balances in mixed-trust accounts.

We expect the Foundation's financial situation to be drastically different this year than it was last year. Recently, the Bank of Canada cut its key interest rate to assist the country with the economic downturn resulting from COVID-19. The rate was cut by 50 basis points to 0.25 per cent, its lowest rate since June 2010. This is the third time the prime rate has been cut over the past month. We understand that this situation will likely result in a revenue decrease of up to \$60 million. Accordingly, the Foundation's contribution could fall from a high of over \$91 million in 2019/20 to less than \$30 million in 2020/21. This revenue loss, combined with the Province's 30 percent cut to its transfer payment from last year, could have dire consequences for LAO and the low-income Ontarians who depend on LAO for legal advice and representation at critical points in their lives.

The provincial government has recognized the fundamental importance of an effective justice system by establishing court services as essential during this crisis. The courts have complemented this government order by enabling hearings to continue for urgent matters and some courts have expanded their operations to hearing certain non-urgent matters remotely. Ontario's legal community has also done its part to maintain justice operations, for example, by developing and participating in the emergency family law referral telephone line.

Additionally, tribunals in the province are continuing to operate remotely, with many community clinics continuing to provide virtual representation at these hearings. Clinics have also shifted their workloads toward questions and issues about new government benefit programs that have been rolled out. Moreover, LAO has ensured that it can continue to provide critical legal support by pivoting its services to online and telephone assistance. This shift in services has involved increasing capacity by making more family staff lawyers available, providing summary legal advice via telephone, and waiving financial eligibility requirements for summary legal advice.

While all these efforts are important, their impact will be minimal if shortfalls in LAO funding prevent parties from obtaining the legal representation they require to move smoothly through the justice system.

Once social distancing ends and the province fully re-opens the courts and tribunals, there will be an even greater need for efficient dispute resolution, as parties seek to resolve long-delayed matters. Beyond the problems presented by backlogs, we expect to see an increased need for legal assistance as certain issues become exacerbated by the current crisis. Many workers, who have been laid off, need assistance to ensure they receive government benefits and other entitlements. As many tenants struggle to pay rent due to loss of income, legal assistance will be required to help them avoid eviction. Because of lockdown conditions, we have seen an increase in domestic violence and familial breakdowns. The onset of an economic downturn can also lead to increased crime rates and disputes related to mental health and addictions.

This is truly a sustainability issue. The public needs family, criminal, immigration and refugee legal services, as well as mental health services that are offered through LAO staff lawyers and the certificate program. These needs cannot be properly met without enhanced government funding.

When our judicial system returns to its regular operations, the legal representation provided by LAO will be more important than ever. Consequently, ASLA is requesting your assistance with funding in order to fill the gap left by the unanticipated loss in revenue.

Thank you in advance for your attention to this important matter. Should you have any questions or wish to discuss any aspect of our request, I am available at your convenience.

Sincerely,



Lenny Abramowicz
Chair

On behalf of our member organization:
Association of Community Legal Clinics of Ontario
Criminal Lawyers Association
Family Lawyers Association

Federation of Ontario Law Associations
Law Society of Ontario
Mental Health Legal Committee
Ontario Bar Association
Refugee Lawyers Association
The Advocates' Society
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