



## ABOUT US

For more than 90 years, the John Howard Society of Ontario has worked to keep the humanity in justice.

Today we continue to build a safer Ontario by supporting the people and communities affected by the criminal justice system. Our 19 local offices deliver more than 80 evidence-based programs and services focused on prevention, intervention and re-integration across the province. These range from helping youth develop the life skills that will let them achieve their full potential, to assisting families navigate issues of criminal justice, to providing job training for those leaving incarceration so they can contribute to their community in a meaningful way. We promote practical, humane policies while raising awareness of the root causes of crime and calling on Ontarians to share responsibility for addressing them. Within our criminal justice system, we work toward the fair treatment of all. As the system evolves to reflect our changing society, we ensure that no one is left behind.

We believe that policy should be grounded in the day-to-day reality of the people it impacts. That's why our Centre of Research & Policy specializes in bridging the gap between analysis and frontline service delivery. By collaborating closely with our local offices, the Centre's team of analysts and researchers develops policy positions that truly reflect the needs of each community, advances those positions to governments and other organizations, educates the public on the critical issues, and evaluates program efficacy to guide future work. Through it all, they're committed to ensuring that innovative ideas can translate into real action.



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Finally, we would like to thank JHSO Volunteers Hannah Barrie, Brandon Rodrigues and Hudson Manning for their significant contribution of time and research skills which greatly assisted in the development of this report.

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## CIVIL LEGAL ISSUES & NEEDS: DEFINED

Throughout this report, we refer to both civil legal issues and civil legal needs. We define civil legal issues as judiciable issues (a resolution is available through a formal legal process involving courts, administrative tribunals and/or regulatory bodies) that are not criminal law or prison law issues. They are often related to basic needs\* and can include, but are not limited to: loss of access to income support and maintenance programs, child custody or other family law matters, wrongful dismissal from employment, evictions from housing, issues relating to consumer debt, wills and estates, and the public education system. Civil legal issues require access to legal services, advice and resources and, therefore, can create civil legal needs among those who are experiencing these issues.

Based on the above, we define civil legal needs as the requirement for timely, accessible and responsive legal services, advice, and resources to address civil legal issues collaterally related to justice-involvement.

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\* Legal Services Corporation. The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans. (2017). at page 21. Available online: <http://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>

## INTRODUCTION

Every year thousands of Ontarians become involved in the criminal justice system. In addition to criminal legal consequences, involvement in the criminal justice system can trap these individuals in a complex web of civil legal issues that threaten access to basic needs such as housing and income. These civil legal issues further marginalize justice-involved populations and contribute to poor socio-economic conditions, all while increasing the likelihood of recidivism. To make matters worse, civil legal issues can continue to haunt individuals far after the resolution of their criminal justice involvement.

There is a critical barrier to responding more holistically to these myriad and intersecting legal challenges: justice-involved individuals, and the frontline social service providers helping them, are often not able to successfully identify civil legal issues as issues that could have a legal remedy. In short, the lack of ability to issue-spot civil legal issues, and triage them accordingly, prohibits justice-involved individuals and frontline social service providers from identifying civil legal needs, securing referrals to appropriate legal services, and thereby preventing the escalation of reversible issues.

Even in cases where justice-involved individuals do recognize when they are experiencing a civil legal issue and require assistance, our research findings, detailed in this report, demonstrate that these same individuals perceive these issues as less serious than criminal legal issues and, worse, as an unavoidable and normalized consequence of their disadvantaged position in society. These two beliefs can result in systems avoidance and hesitation in seeking assistance with meeting civil legal needs. Justice-involved individuals requiring assistance with civil legal needs do not typically seek help from legal professionals or legal services providers. Instead, they initially engage their social networks or individuals known as “trusted intermediaries,” – people and organizations that can act as a bridge to accessing legal information, services and resources. Organizations like the John Howard Society.

This report summarizes the unique, robust research that the John Howard Society of Ontario (JHSO) conducted to map the civil legal issues and needs experienced by justice-involved populations across Ontario, and the barriers they face to addressing them. Our research findings

highlight the challenges, both at the individual and structural level, that prevent justice-involved individuals and the trusted intermediaries who help them from effectively responding to their civil legal needs.

These research findings also provide clear direction on the necessary resources and partnerships that are required to begin breaking down these barriers. Based on our results, we have proposed an innovative program model that aims to meet the civil legal needs of Ontario's justice-involved population through the training and empowerment of trusted intermediaries. The program model adopts best practices from existing programs from other jurisdictions and is informed by evidence from the research. It is our vision to build a program model that is applicable and replicable across jurisdictions.

We begin our report by summarizing the existing literature on the civil legal needs of the justice-involved population and the potential role of trusted intermediaries in meeting these needs. We note the sparse amount of research on this specific topic and draw lessons, where applicable, from broader research on the civil legal needs of the general public and low socioeconomic status individuals. From here, we present our findings from research efforts carried out across the province of Ontario using data collection methods that allowed us to hear directly from justice-involved individuals, frontline workers and legal service providers. Finally, our report concludes by analyzing these findings, examining existing legal services and resources in Ontario and across the globe, and outlining the key pillars of our Civil Legal Needs Program.

## JUSTICE INVOLVEMENT AND CIVIL LEGAL NEEDS: A COMPLEX WEB

There is extensive literature documenting how low socioeconomic status (low SES) populations interact with the civil legal justice system. Low SES and justice-involved populations experience civil legal issues in a similar manner, given the overlap between the two populations. These disadvantaged populations tend to experience civil legal issues differently than the broader general public. The broader general public often experiences civil legal issues on a one-off basis (e.g. a divorce, a small claims court matter, or a real estate transaction), and where multiple civil legal issues are experienced over time, these issues are often unrelated to one another. For the general public, experience with the justice system at large, if any, is often contained within the civil justice system and seldom involves interaction with the criminal justice system. The civil legal needs of more affluent members of the general public are addressed by accessing responsive and accessible legal services on an as-needed basis and often cease to be a problem following their resolution.

Low SES populations, unlike their more affluent counterparts, tend to take a decidedly non-legal approach to resolving civil legal issues. Indeed, the literature shows that individuals with low SES often take no action at all to address their civil legal issues. Those who do attempt to address these issues often use “non-legal system” methods, and do not typically seek help from legal professionals<sup>123</sup> One reason for not seeking help from legal professionals and service providers is that doing so runs counter to personal narratives regarding self-sufficiency.<sup>4</sup> Instead, friends, family, and members of their social network are often cited as the preferred resource or support for meeting civil legal needs.

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<sup>1</sup> Ontario Civil Legal Needs Project Steering Committee. Listening to Ontarians: Report of the Ontario Civil Legal Needs Project. (2010) at page 10. Hereinafter Listening to Ontarians. Available Online: [https://lawsocietyontario.azureedge.net/media/iso/media/legacy/pdf/m/may/may3110\\_oclnrreport\\_final.pdf](https://lawsocietyontario.azureedge.net/media/iso/media/legacy/pdf/m/may/may3110_oclnrreport_final.pdf)

<sup>2</sup> The Justice Gap at page 2.

<sup>3</sup> Tan, Tracy. Legal Problems Faced in Everyday Lives of British Columbians. Legal Services Society of British Columbia. (2008).

<sup>4</sup> Ibid at page 1289.



Additional reasons for not seeking professional legal services vary, but typically fall into the following categories: they do not know where to turn for professional help, or they do not view their civil legal issue as a legal issue, especially in instances where the issue is not an obvious legal issue.<sup>5</sup>

In contrast with the general public, justice-involved individuals can experience multiple, overlapping civil legal issues that are a direct consequence of, and exacerbated by, justice-involvement. We can see this overlap in a number of areas. As an illustration, housing-related civil legal issues include evictions resulting from drug offences, restraining orders, and/or unit takeovers. Examples of overlapping income maintenance-related civil legal issues include allegations of fraud and/or overpayments related to incarceration. Employment-related civil legal issues can arise, for example, when accusations of theft occur in the workplace, or when a person is terminated from a workplace due to criminal charges.

In addition, the civil legal issues that arise from justice-involvement can also result in a vicious cycle of recidivism and re-incarceration. When low SES populations come into conflict with the law, the barriers they already face in meeting their civil legal needs are compounded. These barriers can include: poverty and its attendant challenges (i.e. limited mental and emotional bandwidth due to focus on meeting immediate needs such as food and shelter, instability relating to homelessness);<sup>6</sup> the impact of incarceration on accessing timely legal services;<sup>7</sup> and the impact of prior experiences in the criminal justice system on an individuals' willingness to engage with civil justice system actors, including legal services providers.

Justice-involved individuals' perceptions and experiences with broader public institutions and/or the criminal justice system influence their willingness to engage with the civil justice system, especially when those experiences are negative.<sup>8</sup> Experiences among justice-involved

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<sup>5</sup> The Justice Gap at page 33.

<sup>6</sup> Lauren Sudeall & Ruth Richardson. Unfamiliar Justice Indigent Criminal Defendants' Experiences with Civil Legal Needs 52 UC Davis Law Review 2105 (2019); Georgia State University College of Law, Legal Studies Research Paper No. 2019-13. Available at SSRN: <https://ssrn.com/abstract=3369244>. at page 2138. Hereinafter – Unfamiliar Justice

<sup>7</sup> Community Legal Education Ontario. Legal Information Needs of Persons who are Incarcerated. (2019). Available Online: <https://cleoconnect.ca/wp-content/uploads/2019/04/CLEO-PLEH-for-incarcerated-persons-final-paper-with-appendices-January-2019.pdf>

<sup>8</sup> Greene, Sarah. Race, Class and Access to Civil Justice. 101 Iowa Law Review 1234-1322 (2016) at page 1279.

individuals with the civil legal system and broader public institutions are often punitive and “criminal-like”. These experiences can provoke feelings of shame, degradation and confusion, leading to avoidance with these institutions altogether.<sup>9</sup> Those with negative views of and experiences with either system often conflate the civil and criminal justice systems with one another and determine that any “legal” system is to be distrusted and avoided.

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<sup>9</sup> Ibid at page 1294.

## TRUSTED INTERMEDIARIES

Similar to low SES populations, justice-involved individuals requiring assistance with civil legal needs do not typically seek help from legal professionals or legal service providers. Instead, they initially engage with their social networks or individuals known as “trusted intermediaries,” – people and organizations that can act as a bridge to accessing legal information, services and resources.<sup>10</sup> Trusted intermediaries are often front-line social service workers who, given their proximity to justice-involved individuals, and crucially, the earned trust that they build with their clients, are in an advantageous position to both identify and provide legal information, knowledge, and assistance to meet civil legal needs.

When individuals navigate civil legal justice institutions, there are several different “entry points” that trusted intermediaries can strategically occupy to provide direct and more immediate access to legal support. Specific activities that can be administered by trusted intermediaries at these entry points can include the translation of legal information, legal issue spotting or triaging, locating relevant legal documents, and communicating with lawyers and paralegals.<sup>11</sup> It is crucial, therefore, that trusted intermediaries make efforts to place themselves at strategic entry points and endeavor to seek out and establish contact with clients “where they are” rather than requiring clients to seek them out.<sup>12</sup> It is critical to note, however, that “trusted intermediaries” sometimes operate within a ‘grey zone’ of access to justice, as they are not legally trained, and can sometimes feel hesitant to provide legal guidance, for fear of being wrong.<sup>13</sup>

JHSO received funding from the Law Foundation of Ontario’s (LFO) Catalyst Program to conduct in-depth research examining the civil legal needs of justice-involved individuals, and the barriers they face to accessing support. The research conducted by JHSO provides further

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<sup>10</sup> Chol, Karen; Lassonde, Julie; Mathews, Julie; Smith, Carol Lee, and Thomson, George. *Trusted Help: The Role of Community Workers as Trusted Intermediaries Who Help People with Legal Problems*. Law Foundation of Ontario. (2019) at page 8. Hereinafter *Trusted Help*.

<sup>11</sup> *Ibid* at page 15.

<sup>12</sup> *Unfamiliar Justice* supra note 6 at 2156

<sup>13</sup> *Trusted Help* supra note 10 at page 4.

insight into the existing research and expands on many of the themes found throughout the above research, in particular, how justice-involved populations perceive and respond to their civil legal needs in Ontario. The results also provide additional insight into how trusted intermediaries can better address the civil legal needs of the justice-involved population.

## SCOPING THE PROBLEM: MEASURING THE CIVIL LEGAL NEEDS OF JUSTICE-INVOLVED ONTARIANS

As summarized above, there is extant literature across jurisdictions (including Ontario), which examines the civil legal issues and needs experienced by low SES populations. There is limited research, however, on the unique civil legal needs of justice-involved individuals in any jurisdictions, including Ontario. Our research aims to fill this gap by examining the civil legal needs experienced by justice-involved individuals, scoping the barriers and challenges in meeting those needs, and identifying best practices for trusted intermediaries to help meet these needs.

### METHODOLOGY & DESIGN

The design of the research employed a combination of exploratory<sup>14</sup> and descriptive designs<sup>15</sup> utilizing a mixed-methods approach. Our objectives were to further understand and scope the civil legal needs of justice-involved individuals. The research questions focused on the barriers experienced by justice-involved individuals and trusted intermediaries, the necessary resources required by trusted intermediaries to implement a program, and ways to build on existing partnerships with legal service providers to support the implementation of a program model.

Throughout the project, data was collected and analyzed across three groups: justice-involved individuals, frontline workers, and stakeholders from Community Legal Aid Clinics. Participants were recruited from the clients and staff of the John Howard Society local offices across the province. JHSO has 19 local offices across Ontario that deliver programs and services that range from prevention through to reintegration. JHS

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<sup>14</sup> An exploratory research design is conducted when there are few or no earlier studies to refer to. The focus is on gaining insights for later investigation or undertaken when problems are in a preliminary stage of investigation.

<sup>15</sup> A descriptive research design answers who, what, when, where and how a given phenomenon is associated with an issue; it cannot conclusively answer to why.

local offices are often the first point of contact for individuals who are justice-involved or at-risk of justice involvement. Each local office provides a variety of direct services and programming to address criminogenic risks, needs, and social determinants of health in a manner responsive to JHS clients and their circumstances. These programs and services are implemented by a range of frontline workers with diverse skills sets and expertise and are specifically designed to assist individuals who are in conflict with the justice system; including adults, youth, incarcerated individuals, post-release individuals, and victims of crime. Given that JHS specializes in serving justice-involved and at-risk clients, and the proximity of JHS frontline workers to this segment of the population and the criminal justice system, JHS clients and frontline workers were an ideal sample group to conduct the research.

Overall, three main themes were explored throughout the project. First, we explored the civil legal needs and issues experienced by those involved in the justice system by seeking input directly from justice-involved individuals across Ontario. Second, we examined the capacity, and any potential barriers, among frontline workers to implement a program to meet the civil legal needs of their clients. Finally, we explored partnerships between frontline workers and stakeholders in Ontario's Community Legal Aid Clinic system, and sought ways to leverage these partnerships and strengthen capacity among both organizations to meet the civil legal needs of justice-involved individuals. Data was collected through four methods including, surveys, one-on-one interviews, group interviews and focus groups. Table 1 (see Appendix 1) provides further details for each tool including the sample, a description of the tool, the data collection process and the response rate.

#### OVERVIEW OF RESEARCH PARTICIPANTS

- **44** justice-involved individuals participated in **one-on-one interviews**
- **29** trusted intermediaries engaged across **4 focus groups**
- **3** groups of stakeholders **interviewed** from Community Legal Aid Clinics
- **199** justice-involved individuals completed the **Civil Legal Needs: Client Survey**
- **133** trusted intermediaries completed the **Civil Legal Needs: Frontline Survey**

## JUSTICE-INVOLVED INDIVIDUALS

Data on the civil legal issues and civil legal needs of justice-involved individuals was collected through a survey and one-on-one interviews. Overall, the justice-involved population surveyed had a diverse demographic profile. The majority of the individuals surveyed were between the ages of 18 to 44 (68%) and identified as male (82%). In terms of income, approximately half made under \$22,000. Income levels are an important factor to consider given the financial eligibility requirements for receiving assistance from legal aid resources generally and Community Legal Aid Clinics specifically.<sup>16</sup> Possible income sources would include benefits, such as Ontario Works or Ontario Disability Support Program, as well as wages from employment.

Approximately one-quarter of the individuals had previously experienced a period of incarceration. Most respondents indicated that they have not been incarcerated despite their involvement in the criminal justice system. This is an important point to consider and reinforces the fact that justice-involvement, and the associated civil legal issues that arise from justice-involvement, occur among justice-involved individuals whether they have been incarcerated or not.

### DEMOGRAPHIC SNAPSHOT

#### AGE

18 – 29:	<b>33%</b>
30 – 44:	<b>35%</b>
45 – 54:	<b>12%</b>
55+	<b>20%</b>

#### GENDER

MALE:	<b>84%</b>
FEMALE:	<b>15%</b>
NON-BINARY:	<b>0.5%</b>
NOT SPECIFIED:	<b>0.5%</b>

#### INCOME

\$22,000 & UNDER:	<b>52%</b>
\$22,000+:	<b>29%</b>
NOT SPECIFIED:	<b>19%</b>

#### INCARCERATION

3+ MONTHS:	<b>19%</b>
PAST MONTH:	<b>4%</b>
THIS WEEK:	<b>1%</b>
NEVER:	<b>69%</b>

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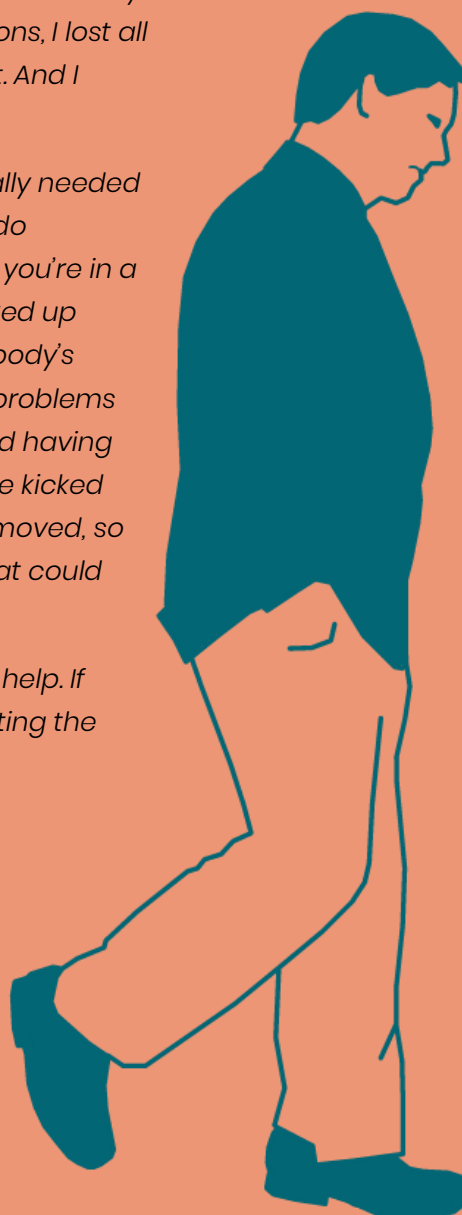
<sup>16</sup> <https://www.legalaid.on.ca/news/details-on-legal-aid-ontarios-financial-eligibility-increase-for-2020/>

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*Now just recently ... I had a sponsor for my alcoholism, he let me stay at his place with him, he paid the rent for himself and myself, so I was able to have the extra month to go look for a place, and the moment he left, the landlord came in and said you're not technically on the lease, so he removed me, he called the police and the police were like oh yeah, you're just a squatter, and they told me to leave, they took the keys right out of my hand, I lost my cat, I lost all my possessions, I lost all my food, and I was just left on the street. And I didn't find that fair or anything.*

*There's been a lot of times when I've really needed somebody to help me, because I can't do everything myself, and especially when you're in a situation where you feel like you're backed up against a wall, and that you feel like nobody's going to want to help you, or that your problems aren't relevant, it's hard to reach out and having no resources, because no one should be kicked out in the middle of the winter, or be removed, so there hasn't really been any services that could prevent something like that.*

*You can only ask so many times for the help. If you're being neglected, you end up getting the crappy end of the stick sometimes.*





### CIVIL LEGAL NEEDS OF JUSTICE-INVOLVED INDIVIDUALS

During one-on-one interviews, individuals were asked whether they had experienced any of four common civil legal issues related to housing, income maintenance, family law, and employment. Those who answered “yes” were asked to explain, in their own words, what happened. Their answers revealed the most frequent of these issues faced by justice-involved individuals and how exactly these issues manifest themselves among this population. Housing issues (75%; n=32) were by far the most common issue that justice-involved individuals faced, followed by income maintenance (55%; n=24), then employment (50%; n=22), with only a few experiencing family law issues (34%; n=15).

Justice-involved individuals who experience housing issues frequently find themselves in situations where they can no longer afford rent and are either evicted through a formal legal process or simply move out on their own.



*I just left. I just didn't pay my rent because I couldn't afford it ... I just knew I couldn't afford it and I had to leave*

In addition, they are also at risk of losing stable housing due to periods of incarceration.



*Yes, I was incarcerated, and I did not hand my lease in on time. I was trying in every way to get a hold of housing to let them know that I was not there. I didn't know what to do.*

In terms of government-administered income maintenance programs, justice-involved populations are at risk of overpayment<sup>17</sup> and/or reductions in income support due to incarceration, which creates additional barriers to reintegration upon release.

Not being paid for completed work, not being paid the correct or fair wage, and being paid late are common employment-related civil legal issues among justice-involved populations.

The individuals we interviewed who had experienced family-related civil legal issues described having previously gone to court for custody issues which were related to drug use and/or incarceration and most revealed they were unaware of how to address these issues.

“

*I had gone to jail and when I had gotten out, I went to a group home, because I was in jail for the month, they didn't give me any spending money. I just had enough money to cover my rent and that was it. I hadn't seen any money for a month after that.*

“

*I let it go. Sometimes, people don't quite come up with what you agreed upon. So you have to take the loss. Cause it's a verbal contract sometimes too, so it's not, nothing's written down.*

“

*"Yeah I'm actually kind of going through that now, at this present time. Basically my ex is taking me to court for child support and stuff. Which is understandable. But I'm not working right now, so I can't."*

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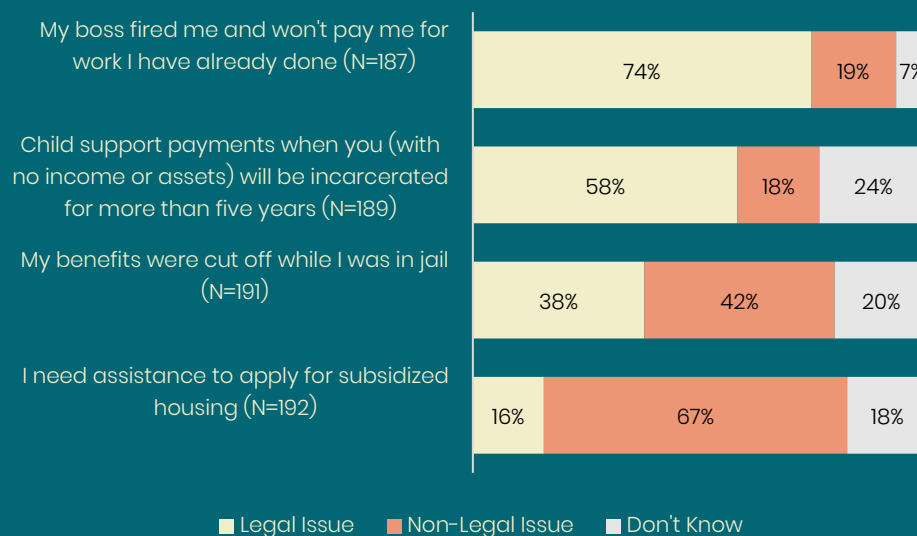
*"I have a daughter; she was adopted out years ago. I was in jail when she got put up for adoption and they finalized it without my say...I want to [get help], I just don't know who to talk to."*

<sup>17</sup> This is dependent on jurisdictional regulations concerning whether incarcerated individuals are entitled to income maintenance programs.

## AWARENESS OF CIVIL LEGAL ISSUES

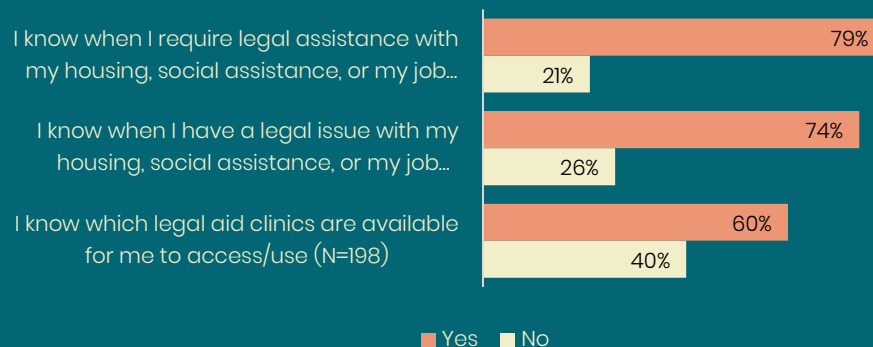
To gauge the ability to correctly distinguish a civil legal issue from a non-legal issue, four scenarios describing separate issues relating to housing, family, income maintenance, and employment were presented to justice-involved individuals and they were asked to identify which, if any, describe a civil legal issue. The first three scenarios in Figure 1 fall into the category of “civil legal issue” as defined at the outset of this report: a judiciable issue with a legal remedy available through a formal legal process. The fourth scenario, “I need assistance to apply for subsidized housing”, does not describe a civil legal issue. As illustrated in Figure 1 below, with the exception of the first scenario, a notable percentage of those surveyed either incorrectly identified the scenario or indicated that they “did not know” whether the scenario described a civil legal issue. Interestingly, respondents who were 55+ years of age were the only age group to correctly identify the “subsidized housing” issue as a non-civil legal issue; this may be attributable to additional years of experience dealing with housing issues. Arguably, Figure 1 below reinforces the need to increase awareness among the justice-involved population of whether the particular issues they are experiencing are, in fact, civil legal issues. While some responses show encouraging signs regarding the ability to correctly identify civil legal issues among the justice-involved population, the significant percentage of those who misidentified or could not answer the question warrants attention, particularly around matters relating to income benefits, upon which many justice-involved individuals rely.

**FIGURE 1: IDENTIFYING CIVIL LEGAL ISSUES**



Despite the significant proportion of survey respondents who were not able to correctly identify civil legal issues when presented with real world scenarios, many professed that they have knowledge and awareness of both when they are experiencing civil legal issues, and when they require assistance with their civil legal issues (see Figure 2). This contradiction raises serious concerns that those who are experiencing a civil legal issue unbeknownst to them, will consequently incorrectly assume that they do not require legal assistance. Also troubling is the fact that, while most indicated a level of awareness of the availability of assistance from professional legal services, a sizable proportion indicated they did not know which legal aid clinics are available to them.

**FIGURE 2: KNOWLEDGE AND AWARENESS OF COMMUNITY LEGAL AID CLINICS AND CIVIL LEGAL ISSUES**



Regardless of a respondents' ability to correctly identify a civil legal issue, a common viewpoint expressed throughout one-on-one interviews was that civil legal issues are less worthy of attention, and less serious in comparison to criminal legal issues. This perspective is influenced by a further belief among justice-involved individuals that these issues can be resolved independently without legal assistance.

A notable theme emerged among those interviewed who knew they were experiencing civil legal issues: a widespread, normalized resignation that these issues are an inevitable part of their lives, and are not worth being addressed. This normalization seems to coincide with another belief articulated among those interviewed: because individuals are marginalized and/or justice-involved, it is acceptable to be taken

advantage of and neglected by the system. The above perspectives may help explain why justice-involved individuals do not seek legal assistance in addressing their civil legal needs.

**FACILITATOR:** *"Have you ever lost housing?"*

**RESPONDENT:** *"Oh yeah, I have for not paying my rent. [My landlord] was understanding because of my situation he actually helped me move out, he paid for a moving truck, he knew my situation, it takes a long time and cost them money to take you to court."*

**FACILITATOR:** *"So, if you didn't move out and you wanted to stay, who do you think you would have asked to help you with this issue?"*

**RESPONDENT:** *"I would think I would have to move because it's his place."*

**FACILITATOR:** *"Is there any individual or service that you thought maybe I should ask for help?"*

**RESPONDENT:** *"No, I never even thought of that. I just thought that once they said you have to go then you have to go [emphasis added]."*

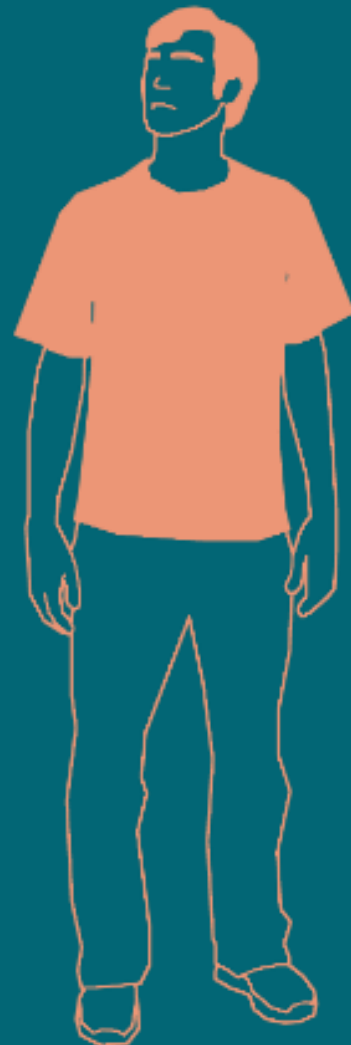
**RESPONDENT:** *"Have I ever lost housing? No, I chose to move. I chose to move because I moved from one spot to another spot...But before that, most of the places I was looking at around here didn't want to rent to me because I was on OW."*

**FACILITATOR:** *"Did you ask anybody for help about that, about the fact that somebody didn't want you to rent their apartment because you're on OW?"*

**RESPONDENT:** *"I talked to my [OW] worker and they told me that's wrong. I'm like yeah, but that doesn't stop [landlords] from skirting around the fact that they don't want to rent to you because you're on OW, by using words like 'preferred'... Just another way of excluding."*

**FACILITATOR:** *"Have you asked anyone else for help with that issue?"*

**RESPONDENT:** *"I did back in the day when I was at the shelter and they just told me to look for another. Cause there's nothing they could – you can't force a person to rent to you if they don't want to rent to you. I'm like okay then. And same answer no, no, no. Some of the places I looked at were [low income housing] ~~stums~~. Then I had someone tell me **beggars can't be choosers** [emphasis added]. I do got a problem with that."*



### ACCESSING PROFESSIONAL LEGAL SERVICES TO ADDRESS CIVIL LEGAL ISSUES

As shown in Figure 3 below, the belief among justice-involved individuals that they do not require assistance with their civil legal issues is the most commonly cited reason for not seeking assistance from professional legal services such as Community Legal Aid Clinics. This finding should be interpreted with caution as this belief may be the consequence of an inability to recognize an issue as a civil legal issue. A lack of general awareness of both how to contact Community Legal Aid Clinics and the services they provide may help explain why justice-involved individuals do not seek or receive assistance from professional legal services. Finally, individuals may not seek assistance from a Community Legal Aid Clinic due to a belief that they would not meet the financial eligibility guidelines. It is clear from Figure 3 that further work is needed to better inform the justice-involved population about how to access Community Legal Aid Clinics, what services are provided, and the requirements for financial eligibility.

**FIGURE 3: REASONS WHY CLIENTS HAVE NOT  
RECEIVED HELP FROM COMMUNITY LEGAL CLINICS  
(N=95)**



Results from the one-on-one interviews offered insight not captured by the surveys into why justice-involved individuals do not seek assistance from professional legal services such as Community Legal Aid Clinics. Individuals avoid approaching Community Legal Aid Clinics for help as the process for seeking out and receiving assistance was often time-consuming. Many also described being shuffled back-and-forth between organizations/resources and being forced to wait long periods before receiving help (a major impediment in a moment of crisis). It is clear from the interviews that ease of access to timely assistance from Community Legal Aid Clinics is a key component to meeting the civil legal needs of the justice-involved population.

**FACILITATOR:** *"So, is there a certain individual or service that you use when experiencing civil legal issues?"*

**RESPONDENT:** *"Right now, my go-to is the staff here [John Howard Society] 'cause they're here – I trust them."*

**FACILITATOR:** *"Is having a trusting relationship – is that important?"*

**RESPONDENT:** *"Yeah. And they're really good."*

**FACILITATOR:** *"Do you find that they help you with your issues directly?"*

**RESPONDENT:** *"Yeah, [staff is] really good at that."*



A vast majority of justice-involved individuals prefer accessing legal information by speaking directly to a legal professional. This preference reinforces the importance of establishing strong referral pathways between trusted intermediaries and professional legal services providers. While a preference exists for speaking directly to legal professionals, internet resources are the primary tools used by justice-involved individuals when seeking legal information and advice; however, accommodations are necessary for those who require assistance using a computer.

Special consideration should be given for providing legal services to justice-individuals experiencing incarceration. The loss of housing, loss or reduction of income-maintenance benefits, and additional barriers to re-entry make access to timely legal services especially necessary for those who are incarcerated. Access to legal information targeting civil legal issues are not typically offered to incarcerated individuals by corrections staff and other corrections actors, even when specifically asked for by those incarcerated. Internet access is typically unavailable within correctional institutions. Legal professionals may also face difficulties regarding in-person access given strict rules to visiting clients within correctional institutions. Access to legal advice and information via a phone line<sup>18</sup>, often proves inadequate as it is hard to maintain reliable contact with organizations or legal services providers.

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<sup>18</sup> This was the resource most commonly identified by respondents who had previously been incarcerated

## INSIGHTS FROM THE FRONTLINES: TRUSTED INTERMEDIARIES & STAKEHOLDERS

Data on the role of trusted intermediaries in meeting the civil legal needs of justice-involved individuals was collected through a combination of surveys, focus groups and interviews with frontline workers and stakeholders. As discussed previously, data was collected from across Ontario, with JHS frontline workers serving as an ideal sample. Responses were categorized by region with the majority of trusted intermediaries being from Central Ontario, with fewer from Western, Eastern and Northern Ontario.

### DEMOGRAPHIC PROFILE

#### SURVEY RESPONSES BY REGION

CENTRAL/GTA:	38%
SOUTH:	22%
WEST:	16%
EAST:	13%
NORTH:	11%

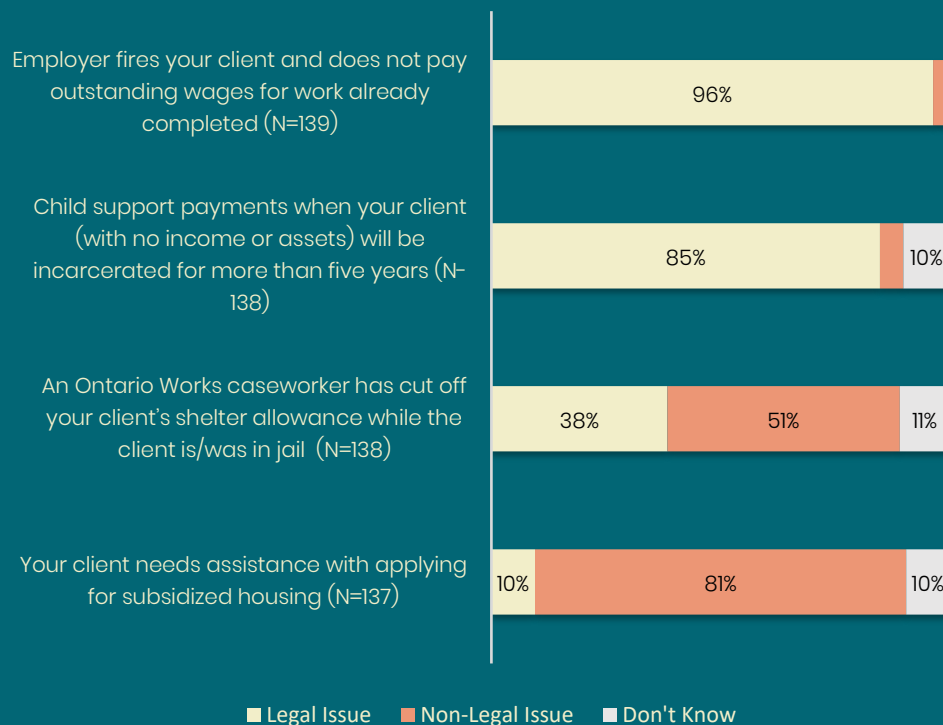
#### FOCUS GROUP REGIONS

DURHAM REGION:	34.5%
SARNIA & LAMBTON:	17%
THUNDERBAY & DISTRICT:	14%
YORK REGION:	34.5%

## AWARENESS OF CIVIL LEGAL ISSUES

Correctly identifying when a client has civil legal issues is a crucial first step for trusted intermediaries to meeting clients' civil legal needs. Overall, frontline workers were better able to distinguish between legal and non-legal issues compared to justice-involved individuals. The majority of workers correctly identified scenarios related to employment/work and child support as civil legal issues. Most were also able to successfully identify applying to subsidized housing as a non-legal issue. Findings suggest that frontline workers may, however, have difficulty correctly identifying issues with government-run programs such as income maintenance/support programs as civil legal issues. The potential benefit of focused training and information on how to identify civil legal issues remains clear from the above; due to the overlapping nature of civil legal issues, being able to correctly identify a variety of civil legal issues will ensure that each of these issues are meaningfully addressed.

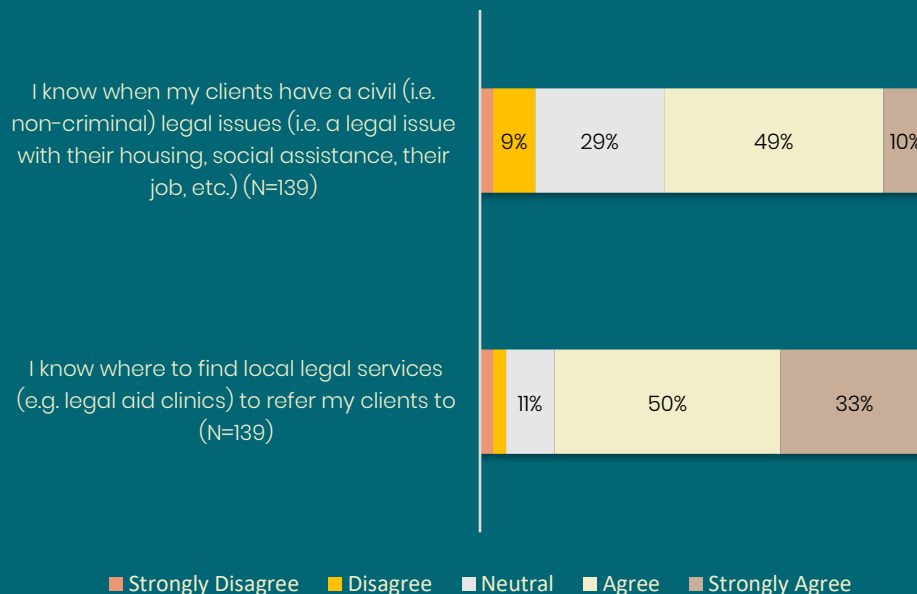
**FIGURE 5: IDENTIFYING CIVIL LEGAL ISSUES**



There were no notable regional variations between frontline workers ability to accurately identify civil legal issues. Findings suggest that the level of awareness and knowledge across frontline workers is consistent across all regions in Ontario.

Figure 6 illustrates the knowledge and awareness of civil legal issues among trusted intermediaries. While most frontline workers indicated that they know when clients have civil legal issues, it is important to note that a sizable proportion of the respondents (40%) indicated otherwise. Encouragingly, the vast majority of frontline workers profess knowledge of where to find local legal services.

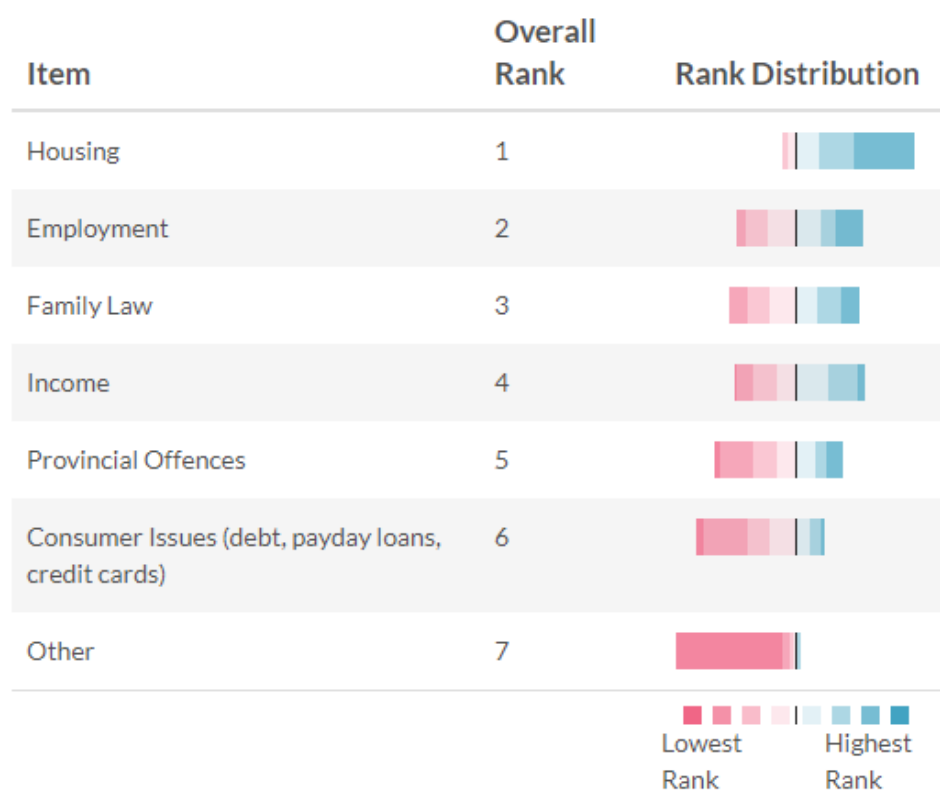
**FIGURE 6: KNOWLEDGE AND AWARENESS OF CIVIL LEGAL ISSUES**



## TRUSTED INTERMEDIARIES' INSIGHTS ON THE CIVIL LEGAL NEEDS OF JUSTICE-INVOLVED INDIVIDUALS

Frontline worker survey respondents were asked to rank various civil legal issues based on how frequently they occur among the justice-involved population. Those related to housing were by far the most commonly identified by frontline workers, followed by employment, family law, and income maintenance.

**FIGURE 7: PREVELANCE OF LEGAL ISSUES AMONG JUSTICE-INVOLVED**



Frontline worker focus group participants also identified housing-related issues as the most common civil legal issues experienced by justice-involved individuals. Unlike the survey responses, income maintenance issues were identified more frequently than employment issues and family law.

### SOURCING LEGAL INFORMATION

Similar to the findings from the justice-involved clients, frontline workers confirmed the most common methods clients accessed and obtained legal information are from legal professionals directly, discussions with their peers, and using self-informing practices (i.e. internet, books). To access legal services, justice-involved clients make use of Community Legal Aid Clinics, referrals from other organizations, lawyers, and courthouse programs. Frontline workers believe justice-involved clients would respond most positively to receiving legal information and advice directly from lawyers or paralegals.

**FIGURE 8: MOST COMMON WAYS CLIENTS OBTAIN LEGAL INFORMATION (N=130)**



Several considerations for successful program delivery to justice-involved individuals were revealed during discussions with the trusted intermediaries. A variety of programming options based on individual needs and learning styles should be offered, including one-on-one support for those who require more assistance with justice system navigation. Readily available “drop-in” options that provide information and support to individuals during a crisis should also be routinely offered. Intake tools or checklists may assist with early identification of existing or

potential civil legal issues. Lastly, creating a comprehensive, easily navigable website that compiles legal information resources into a single portal will help frontline workers provide timely and up to date information to their clients. Particular attention should be given to remote and rural areas: frontline workers from Northern Ontario suggested that there was a need for more resources available for their justice-involved clients as they have fewer local resources available:



*The resources are limited up here in the north for clients and having more clinics to access services would be ideal.*

Consideration must also be given to vulnerable and marginalized individuals who are hesitant to approach services from unfamiliar organizations that they do not yet trust. There is value in implementing programs/services with trusted intermediaries like the staff at John Howard Society and within other organizations that have established trusting relationships with the clients and community at large. Trusted intermediaries take pride in establishing a strong presence and high levels of trust within their community:



*"I think we [JHS] are the automatic go-to. Even people who aren't involved in our services we have showing up at our door asking if we can help them...we have a really good connection with our community.*

## BARRIERS TO ACCESSING LEGAL SERVICES & RESOURCES

Trusted intermediaries across the province identified three common barriers that prevent them from effectively connecting justice-involved individuals to legal services and resources, and that prevent justice-involved individuals from accessing these services and resources: issues around comprehension of legal information, difficulty with navigating the civil legal system, and, the urgency for a program to provide direct and immediate assistance.

Given a lack of formal legal education and training, frontline and other specialized workers admit difficulty with understanding legal information. This difficulty highlights the need for accessible, “plain-language” legal information not only for trusted intermediaries, but also for justice-involved individuals. Given that frontline workers and other specialized service providers have received training and education relating to their respective roles and still struggle with understanding legal information, justice-involved clients may experience more difficulty accessing and making use of legal information, especially those in crisis:



*And if it's hard for us to even understand it, I can't imagine for a client, what that could mean.*

Due to the vulnerable nature of justice-involved individuals and the possibility of limited literacy and comprehension skills, navigating the justice system is a near impossibility for some. There is a high need for providing one-on-one assistance to help justice-involved individuals navigate complex legal systems. One frontline worker noted the additional barriers to systems navigation created by the above limitations:





*In addition to mental health and those things, like in terms of long-term disabilities and being able to navigate the most basic systems and even having an understanding of those basic systems or remembering information...people need an everyday advocate to assist them. We are requiring these people to access multiple different places, organizations, to fill out different forms and they don't have the capacity to do that, and most likely never will...those individuals need assistance every step of the way. Every day. Every week.*

Readily available, rapid assistance during a crisis is essential. If a client is unable to access assistance during a moment of crisis, a client may give up and leave their existing civil legal issues unaddressed. As articulated by one frontline worker who described the overwhelming urgency for immediate assistance required by a crisis as “tyranny of the moment”:



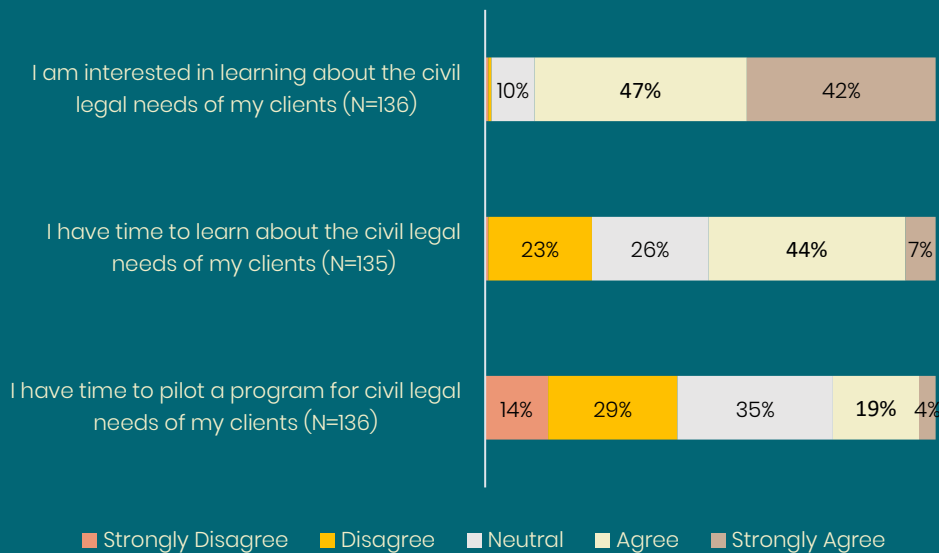
*Because they do live in this **tyranny of the moment** [emphasis added], so they want what is quick and easy and what they need now. They aren't always thinking about their legal needs and the other things that are going on.”*

The sheer vastness of the Northern Ontario region increases the difficulty of providing rapid resources to justice-involved individuals. This geographic-related issue applies to any region serving remote communities and must be considered in designing a program model to support trusted intermediaries.

### WILLINGNESS AND CAPACITY TO ENGAGE IN PROGRAMMING

Frontline workers expressed interest in piloting a program and learning about the civil legal needs of justice-involved individuals (see Figure 8). Availability, time constraints, and unpredictable work environments must be considered in any proposed program model. These concerns were articulated consistently across all regions.

**FIGURE 9: INTEREST AND CAPACITY OF FRONTLINE WORKERS TO PILOT PROGRAM**



There was interest expressed by frontline workers across all regions in learning more about the civil legal needs of their clients; however, concerns regarding available resources (i.e. staff and resource levels, time constraints) exist. A consensus exists among frontline workers that their confidence levels regarding meeting civil legal needs would be improved if they were provided with formal, accessible training. As described in the following quotes, preference for online training sessions that are accessible for frontline workers in accordance with their unpredictable schedules is preferable.

“

*Not training people individually, you train for the masses. To have something public, like a helpful website that everyone can go to. It is useful to have individual trainings, but that isn't accessible to everyone and also there is a lot of staff turnover. So, if you are putting together proposals for training or things like that, I think having a tool that is accessible to the masses, in real time, can reflect changes and is on the internet, I think that would be an appropriate way of doing it.*

“

*I think if we were linked to the proper supports and hyperlink or a set of modules that we could work on at our own pace, but knowing that it is the very specific resource we are referring to, so that we aren't googling things and trying to find links. Very specific information and we just plug along. Most of the training we do for the agency is done in that way using modules where you can start and finish at your own pace.*

“

*It could have multiple facets where you're looking at the training portion for staff. Don't have someone running around Ontario all at once training staff once, that's not helpful or efficient and it wastes a lot of money. I could have a staff that comes and goes within a year, so having someone just talking online recorded that I can bring staff to over and over again and just refresher training, like that is, I'm not sure why we don't do that more often, but that is the best way to deliver information to the masses. We have all this great technology why don't we use it?"*



### DESIRE TO BUILD PARTNERSHIPS AND INCREASE COLLABORATION

A positive relationship, open communication and an eagerness to collaborate exists between frontline workers and Community Legal Aid Clinics across Ontario. A desire to strengthen these relationships, communication and collaborative efforts was made evident during interviews with frontline workers:

*“If we could get a good connection with them [community legal aid clinics] and we could refer over, that would help better support us. Because we can only do so much, our capacity is only 10 people right. So, if we were able to refer and have a good working relationship with them then they could help support us as well. That would be awesome.”*

In terms of program development, the ability for staff from Community Legal Aid Clinics to visit community offices and present legal information/delivering legal training on-site offers an excellent opportunity for further collaboration between organizations in meeting the civil legal needs of justice-involved individuals.

Staff from Community Legal Aid Clinics are also enthusiastic about collaborating with frontline service providers. Clinic staff are willing to conduct public legal education activities at community organizations working with justice-involved individuals. Furthermore, community legal aid clinic staff have an interest in working together to assist common clients, identifying and strengthening referral networks with organizations, and meeting directly with frontline workers to learn more about their mandate and programming.

*“JHSO frontline workers can attend our offices and give us an update on what programs that they have. That’s a really useful, sort of relationship-building opportunity for us and similarly we’ll go to people’s organizational staff meetings and present on the services that we provide that inspires new referrals.”*

## DISCUSSION

The goal of this research was to better understand how justice-involved individuals experience civil legal issues and to scope the barriers, challenges, and best practices in meeting the civil legal needs that arise from these issues. Throughout the findings, differences between demographic factors were small, demonstrating that regardless of one's age, gender identity, or level of income, civil legal issues exist and give rise to civil legal needs when one comes into conflict with the law. The findings from our research builds on the broader existing research across jurisdictions, and provide a strong foundation upon which to design a program model for trusted intermediaries that is tailored to meet the unique civil legal needs of justice-involved individuals.

Consistent with the literature that focuses on low SES populations more broadly, our research demonstrates that justice-involved individuals experience difficulty correctly identifying when they are experiencing civil legal issues. While many justice-involved individuals discussed having experienced what are actually civil legal issues, a notable percentage did not view these problems as civil legal issues – that is, issues that had a legal remedy. Unsurprisingly then, these same individuals did not see themselves as being in need of legal services and resources to address their problems.

While it is important to note that some justice-involved individuals do recognize when they are experiencing a civil legal issue and require assistance, our findings demonstrate that these same individuals may perceive these issues as less serious than criminal legal issues and, worse, as an unavoidable and normalized consequence of justice-involvement. These two beliefs can result in systems avoidance and a disinterest in seeking assistance with meeting civil legal needs. Encouragingly, some justice-involved individuals expressed both an awareness of existing civil legal issues and a desire to learn more about how to address these issues and how to access existing resources and services to meet their civil legal needs.

Existing research emphasizes the importance of having a trusted intermediary when seeking assistance with legal issues of all types. This point is extremely prevalent among our research as justice-involved individuals emphasized that they tend to favour seeking assistance from

organizations they trust, including the John Howard Society. Other types of resources which justice-involved individuals would like to see made more available include legal advice from a lawyer or paralegal, having supports that are readily available to provide direct help in a moment of crisis, and internet-based resources. Lastly, our research confirmed that little to no resources exist within correctional institutions to meet the prevalent civil legal needs of incarcerated individuals.

Overall, frontline workers are knowledgeable and aware of certain civil legal issues (those associated with housing, employment, and family law); however, there was a gap regarding civil legal issues related to income maintenance and support programs. Considering income maintenance is a common issue faced by justice-involved individuals, it is imperative that frontline workers receive training and information to help better identify and address these issues. Frontline workers indicated that they feel confident in identifying when their clients are facing a civil legal issue but would be interested in learning more if given the appropriate resources and time. This demonstrates the importance of ensuring that the schedules and availability of staff are taken into consideration and accommodated when program material is piloted. When providing legal information about civil legal issues, frontline workers obtain this information from a variety of outlets; however, frontline workers emphasize that justice-involved people would respond most positively to direct referrals to professional legal services.

Existing research has highlighted the various barriers to re-entry and re-integration experienced by justice-involved individuals as a result of failing to address civil legal issues. The current research has shed additional light on the specific barriers including limited comprehension of provided legal information, difficulty navigating the complexities of the civil and criminal justice system, and the urgency of responding to clients' needs. Throughout the findings, regional differences were small; however, the main difference was that organizations in Northern Ontario and other remote areas have limited resources yet a larger catchment area, creating various geographic based barriers to meeting the civil legal needs of their justice-involved clients.

The current study also highlights the enthusiasm for increased collaboration between trusted intermediaries and Community Legal Aid Clinics. An open and collaborative relationship exists between clinics and frontline service providers, however, a more coordinated and formal relationship would improve outcomes for justice-involved people. Both parties are eager to further strengthen this relationship to mutually assist one another in addressing their client's needs.

Overall, our research confirms a high demand among trusted intermediaries and the justice-involved population for timely and accessible legal services and resources to meet the civil legal needs of justice-involved individuals. In addition, our research confirms that creating and delivering formal training and legal information to trusted intermediaries that is tailored to the specific issues facing justice-involved individuals, and providing methods to assist with efficient systems navigation, will help ensure that trusted intermediaries occupy a strong position to recognize and address the civil legal needs of justice-involved individuals. In the spirit of the above research, JHSO has examined and incorporated best-practices from existing program models across global jurisdictions and applied the findings from our research to build a made-in-Ontario Civil Legal Needs Program.

## **IDENTIFYING SOLUTIONS: BUILDING A MADE-IN-ONTARIO CIVIL LEGAL NEEDS PROGRAM**

Existing practices, resources, research and programs administered in several jurisdictions across the world offer insight into effective program models that identify and meet the civil legal needs of justice-involved populations. Program models in the United States of America and Australia offer unique approaches to specifically targeting the civil legal needs of justice-involved individuals. Research conducted in Denmark champions an “outreach” model that provides comprehensive and coordinated legal and non-legal services during incarceration, pre- and post-release. Lessons that can be gleaned from these jurisdictions are highlighted below. In addition, existing legal aid services and resources in Ontario are comprehensive and are generally accessible across all regions of Ontario; these existing resources are also outlined in the following section. Strengthening the collaboration and referral pathways between these existing legal aid services and trusted intermediaries across Ontario will be key to meeting the unmet civil legal needs of justice-involved individuals.

### **ENVIRONMENTAL SCAN**

#### **UNITED STATES OF AMERICA**

Both positive and negative lessons can be learned by examining several legal-aid programs and models from the United States of America. The “holistic defence” model implemented at the state and municipal level throughout the United States of America offers several best practices to adopt into a program model specifically designed to assist justice-involved individuals with their respective civil legal needs. The holistic defence model encourages public defenders and other criminal justice system actors to conduct their work as members of interdisciplinary teams to address the “collateral consequences”, including civil legal



consequences,<sup>19</sup> of incarceration and justice system involvement.<sup>20</sup> As an illustration, the Community Legal Services of Philadelphia provides legal representation and advice on civil legal issues while also offering programming that addresses the collateral civil legal consequences that flow from having a criminal record. Community Legal Services of Philadelphia also undertakes impact litigation and advocacy to challenge the constitutionality of laws that restrict employment of individuals with certain criminal records.<sup>21</sup> The Civil Action program developed in New York City by the Bronx Defenders (BD) provides justice-involved individuals access to civil lawyers that provide legal representation at civil courts and tribunals to address the civil legal collateral consequences of justice-involvement.<sup>22</sup>



<sup>19</sup> Top civil legal needs have been identified as: employment, drive license reinstatement, housing, child custody, child support payments, domestic violence, disability benefits, immigration, and education.

<sup>20</sup> Jweird, Maha; Yang-Green, Allie. White House Legal Aid Interagency Roundtable: Civil Legal Aid Research Workshop Report NCJ 249776 (2016). Hereinafter: Re-entry and Civil Legal Aid Available online: <https://www.ncjrs.gov/pdffiles1/nij/249776.pdf>

<sup>21</sup> Ibid at page 13.

<sup>22</sup> Civil Action Practice. Retrieved from <https://www.bronxdefenders.org/our-work/civil-action-practice/>

Funding restrictions put in place by the single largest funder of legal aid services in America, the Legal Services Corporation (LSC), create barriers to meeting the specific civil legal needs of justice-involved individuals. LSC is an independent non-profit corporation that funds civil legal aid organizations throughout the United States. Most of the organizations that receive funding from the LSC for civil legal aid focus their services and resources on re-entry and re-integration programs, with an emphasis on criminal record expungement.<sup>23</sup> Organizations receiving funding from the LSC, are prohibited from representing clients with certain civil legal issues including evictions from public housing involving illegal drugs.<sup>24</sup> Additionally, organizations receiving funding from the LSC are prohibited from providing legal representation in civil matters for clients incarcerated in Federal, State or local prisons.<sup>25</sup> Restrictions that prevent legal services providers from addressing common civil legal issues such as evictions create barriers that impede efforts to ensure that justice-involved individuals successfully re-enter society. In addition, restrictions that prevent legal service providers from providing representation in civil matters while their clients are incarcerated impede efforts to deliver these services in a timely and direct manner, thus increasing the possibility that existing civil legal issues will become exacerbated and more difficult to address post-release.

The lessons from the above is clear: program models that seek to effectively meet the civil legal needs of justice-involved individuals should promote, rather than prohibit, the delivery of holistic, widely accessible legal services that take a comprehensive view of clients' legal needs.

## AUSTRALIA

Direct legal services, legal information, and public legal education (PLE) resources addressing civil legal issues exist throughout Australia for justice-involved individuals generally, and incarcerated individuals specifically.<sup>26</sup> Several legal services providers grant access for incarcerated individuals to on-site, in-person visitations from legal

<sup>23</sup> Re-entry and Civil Legal Aid (*Italics*) supra note 20 at page 13.

<sup>24</sup> <https://www.lsc.gov/lsc-restrictions-and-funding-sources>

<sup>25</sup> [https://www.ecfr.gov/cgi-bin/text-](https://www.ecfr.gov/cgi-bin/text-idx?SID=f1840eb4261a3dee42bf9bb2b56e94cc&mc=true&node=pt45.4.1637&rgn=div5)

[idx?SID=f1840eb4261a3dee42bf9bb2b56e94cc&mc=true&node=pt45.4.1637&rgn=div5](https://www.ecfr.gov/cgi-bin/text-idx?SID=f1840eb4261a3dee42bf9bb2b56e94cc&mc=true&node=pt45.4.1637&rgn=div5)

<sup>26</sup> Victorian Legal Assistance Forum. A Sector-wide Approach to the Legal Needs of Victorian Prisoners. (2015). Available Online: [http://www.vlaf.org.au/cb\\_pages/files/Attachment%204%20-%20Unmet%20legal%20need%20in%20prisons%20FINAL.pdf](http://www.vlaf.org.au/cb_pages/files/Attachment%204%20-%20Unmet%20legal%20need%20in%20prisons%20FINAL.pdf)

services providers to receive general legal advice.<sup>27</sup> Telephone and on-site legal clinics that provide legal advice and information on civil and family law matters are also widely available. Several legal services providers offer legal information and PLE resources directly to incarcerated individuals across Australia during in-person sessions and paper-based handbooks and leaflets.<sup>28</sup> Finally, specialized programs and projects exist across Australia that target specific civil legal issues faced by incarcerated and justice-involved individuals, including issues relating to tenancies, debt, and those unique to Australia's Aboriginal community.<sup>29</sup> The above program models' emphasis on meeting justice-involved individuals "where they are" in a direct, timely manner should be adopted by any program that seeks to meet the civil legal needs of justice-involved individuals.

## ONTARIO

No legal aid services and resources that currently exist in Ontario specifically target the civil legal needs of justice-involved individuals. It must also be noted that currently existing civil legal aid services and resources in Ontario are usually only accessible to justice-involved individuals who are pre or post-incarceration due to significant barriers that impede legal services providers from gaining access to incarcerated clients and correctional institutions within their respective catchment area(s). Additionally, existing civil legal aid services and resources tend to be siloed from one another and their counterparts in the criminal justice system. However, with the right amount of coordination and collaboration between existing legal aid services and resources in Ontario and trusted intermediaries, the potential exists to begin working towards meeting the civil legal needs of justice-involved individuals across the province in a more holistic manner. Leveraging this potential to increase collaboration between legal aid services and trusted intermediaries offers real promise to fill the gap left by the lack of legal aid services tailor-made for justice-involved individuals with co-occurring civil legal needs. A more thorough overview of existing civil legal aid services and resources in Ontario follows.

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<sup>27</sup> Referrals for ongoing advice and representation can be made to legal aid lawyers that specialize in civil, family and criminal law matters following a lawyer's initial visit.

<sup>28</sup> *Victorian Prisoners*, *supra* note 26.

<sup>29</sup> *Ibid.*

## LEGAL AID ONTARIO

Legal Aid Ontario provides legal services and resources to low-income individuals through duty counsel programs, community legal aid clinics, public legal education, summary legal advice, self-help resources, and legal representation. The civil legal issues covered by Legal Aid Ontario are comprehensive and include issues experienced by justice-involved populations: family law, child custody matters, refugee/immigration hearings, and poverty law-related matters such as housing, income security, employment and workplace safety. Poverty law-related legal services and resources are administered through a province-wide network of Community Legal Aid Clinics. Access to the above services are subject to financial eligibility guidelines updated annually.<sup>30</sup>

### SPOTLIGHT: LEGAL AID ONTARIO INSTITUTIONAL DUTY COUNSEL PROGRAM

In 2018, Legal Aid Ontario began a project to place lawyers directly inside a small number of provincial correctional institutions. The official role of the Institutional Duty Counsel (IDS) is to ensure a streamlined bail hearing process, however, the role of IDS may expand to include gathering data on non-bail related needs and gaps, making referrals to Community Legal Aid Clinics, and assisting incarcerated individuals with other legal needs.<sup>31</sup> This program has the potential to fill an existing gap in meeting civil legal needs of incarcerated populations by providing direct and on-site legal services prior to release.



LEGAL AID ONTARIO  
AIDE JURIDIQUE ONTARIO

<sup>30</sup> <https://www.legalaid.on.ca/news/details-on-legal-aid-ontarios-financial-eligibility-increase-for-2019/>

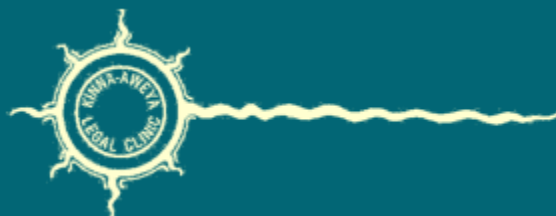
<sup>31</sup> <https://www.legalaid.on.ca/documents/meeting-of-legal-aid-ontario-criminal-law-advisory-committee-on-may-15-2018/>

## COMMUNITY LEGAL AID CLINICS

Community Legal Aid Clinics have a geographical and community-based presence across each region of Ontario. Community Legal Aid Clinics are staffed by lawyers, community legal workers, paralegals and administrative staff who work to provide legal representation, summary legal advice/information and public legal education for various civil legal needs including, but not limited to: housing, income maintenance (such as Ontario Works, Ontario Disability Support Program, Canada Pension Plan, Old Age Security, Guaranteed Income Supplement), employment (including human rights and workplace safety), criminal injury compensation, and workers' rights. Legal practice areas vary according to each clinics' resources. To qualify for legal services and representation from a Community Legal Aid Clinic, clients must be facing a legal issue in a practice area serviced by the clinic; must live in the geographic/community catchment area serviced by the clinic; and must meet the financial eligibility threshold determined annually by Legal Aid Ontario. Given their proximity to justice-involved communities and their support networks, Community Legal Aid Clinics are in an advantageous position to both identify and address the particular and region-specific civil legal issues that arise in their respective communities. This community-based knowledge should be leveraged by any province-wide initiatives to meet the civil legal needs of the justice-involved population.

### SPOTLIGHT: KINNA-AWEYA LEGAL CLINIC

Kinna-aweya Legal Clinic is a Community Legal Aid Clinic that provides legal advice and assistance to residents of the district of Thunder Bay. What differentiates this clinic from other Community Legal Aid Clinics, is its particular focus on serving Indigenous people who need assistance with poverty law issues. Attention must be given to the unique and unequal manners in which justice-involved populations from specific communities experience interaction with the civil and criminal justice system(s). Examining the practices and policies of community based legal services providers with a focus on serving particular communities can offer insight into these unique challenges and models for inclusion.



### **SPECIALTY LEGAL AID CLINICS**

There are twenty specialty legal aid clinics in Ontario that provide legal services to members of particular communities (e.g. the Black Legal Action Centre provides legal services to low- or no-income Black residents of Ontario). Unlike Community Legal Aid Clinics, the legal services provided by Specialty Legal Aid Clinics are not limited to clients within specific geographic boundaries and catchment areas – services are offered to members of respective communities throughout Ontario. These clinics are in an advantageous position to identify the unique, province-wide and/or regional civil legal issues faced by members of particular communities. In addition, staff from these clinics have developed specialized training on identifying and responding to specific poverty law issues experienced by members of particular communities in a culturally-sensitive and responsive way.

### **STUDENT LEGAL AID SERVICES SOCIETIES**

Student Legal Aid Services Societies (SLASS) are legal aid clinics that operate out of Ontario's seven law schools. These clinics typically service poverty law and related civil legal issues, but capacity and resources vary. The Legal Aid Ontario financial eligibility guidelines apply to these clinics; however, SLASS clinics can exercise discretion to serve clients whose income sources are above the financial eligibility guidelines. SLASS are in a unique position to tackle civil legal issues that do not always require intervention by lawyers or those issues that can be addressed with supervision by lawyers.

### **SPOTLIGHT: QUEEN'S UNIVERSITY PRISON LAW CLINIC**

Queen's University's Law School has a dedicated "prison law" clinic with a mandate to provide legal services to incarcerated persons in the Kingston area. The Prison Law Clinic does not provide legal services for civil legal issues; however, the program has unique access to correctional institutions and is connected to the Queen's University School of Law Legal Aid Clinic which does provide legal services for civil legal issues.



Queen's Law Clinics  
Prison Law Clinic

## **NON-PROFIT ORGANIZATIONS, PROGRAMS, AND LEGAL AID ONTARIO FUNDED INITIATIVES**

Our scan revealed several not-for-profit organizations, institutions and Legal Aid Ontario-funded initiatives providing legal services and resources to low-income individuals in Ontario. The organizations provide direct access to legal professionals and legal advice, but do not typically provide full legal representation: services are often limited to legal advice, brief services and referrals to external legal professionals and non-legal services. Like their Community Legal Aid Clinic counterparts, these organizations and their respective programs are ideally positioned to act as intermediaries for justice-involved individuals given their resources (legally trained staff members and volunteers, especially) and interaction with communities with higher rates of justice system involvement.

### **SPOTLIGHT: ST. MICHAEL'S HEALTH JUSTICE PROGRAM**

This program is a partnership between the St. Michael's Hospital Academic Family Health Team, St. Michael's Hospital and several nearby legal aid clinics (ARCH Disability Law Centre, Aboriginal Legal Services, HIV & AIDS Legal Clinic Ontario & Neighbourhood Legal Services). The Health Justice Program provides direct legal services through the provision of legal information, referrals, brief services, legal education and systemic advocacy. Clients are referred to the program through a doctor, nurse practitioner, social workers or other health care provider.<sup>32</sup> This partnership offers an excellent example of the benefits of coordination and training between trusted intermediaries and professional legal service providers.



<sup>32</sup> <http://www.stmichaelshospital.com/programs/familypractice/health-justice-program.php>

## LEGAL INFORMATION / PUBLIC LEGAL EDUCATION (PLE) RESOURCES

Legal information and PLE resources assist individuals in recognizing, understanding, and exercising their legal rights and obligations. These resources may also assist individuals in navigating complex legal systems while self-representing. Some of the existing resources in Ontario are directly aimed at justice-involved individuals. Most resources are available in an online format, although because incarcerated individuals in Ontario lack access to internet while incarcerated, these resources are inaccessible to those inside correctional institutions. The most visible and leading organization providing legal information and public legal education in Ontario is Community Legal Education Ontario (CLEO). CLEO is currently researching how to deliver legal information and public legal education to incarcerated individuals throughout Ontario<sup>33</sup>. Coordinating the development and delivery of legal information and education to incarcerated individuals is a priority for CLEO; increased collaboration and partnership between CLEO and trusted intermediaries with direct access to incarcerated individuals offers the opportunity to fill the widening gap associated with the legal information needs of justice-involved individuals and the ability of these individuals to access these resources.

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<sup>33</sup> See "Legal Information Needs of Persons Who Are Incarcerated" Working paper produced by CLEO. Available online: <https://cleoconnect.ca/tcdownloads/prisoners-legal-information-needs-final-paper-january-2019/>

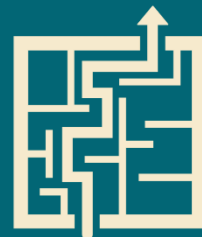


## A CIVIL LEGAL NEEDS PROGRAM MODEL FOR ONTARIO

Our research findings demonstrate the need for better legal education to help frontline social service staff issue-spot and triage civil legal issues for justice-involved populations, in order to help connect them with available legal services. What is abundantly clear from the data is that justice-involved individuals requiring assistance with civil legal needs do not typically seek help from legal professionals first, if at all.

John Howard Society frontline staff, as well as staff at other social services organizations across the province, are well-positioned to act as trusted intermediaries and help deliver legal education, information, and referrals to legal services to justice-involved populations. Justice-involved populations trust the staff organizations like the John Howard Society, whereas they tend to have inherent mistrust for legal and judicial systems. Proper training of trusted intermediaries through the use of legal education and tailored tools is essential to leverage this uniquely held position.

Taking the findings of our research, our goal is to develop a program model that delivers legal education content directly to trusted intermediaries to enhance their capacity to 1) recognize, triage and ultimately 2) respond and refer appropriately to address the civil legal needs of justice-involved populations. No program like this exists in Canada, and so it will be breaking new ground. The proposed program model is based on three core components: 1. legal information, education and training; 2. access to legal services; and 3. system navigation.



## 1. LEGAL INFORMATION, PUBLIC LEGAL EDUCATION & TRAINING

For both trusted intermediaries and justice-involved individuals, the availability of reliable, relevant and timely legal information, education, and training is a critical first step to identifying and responding to civil legal issues. Unless trusted intermediaries and justice-involved individuals recognize when everyday issues are, in actuality, civil legal issues, they cannot begin to take the necessary steps to address them. Accordingly, the immediate focus of our program to meet the most pressing civil legal needs<sup>34</sup> of justice-involved individuals will be partnering with key stakeholders to develop, test, deliver and revise accessible and responsive legal information, education and training resources (in-person and online) directly to trusted intermediaries and justice-involved populations. The goal of these resources is to build capacity among trusted intermediaries to recognize when everyday issues give rise to civil legal needs.

A high volume of legal information, education, and training resources exists in Ontario, however most do not directly address how justice-involved individuals experience civil legal issues. To address this gap, our program aims to leverage existing resources and re-orient them for an audience of trusted intermediaries and justice-involved individuals. While doing so, we will also develop an online web hub and portal to house this content. This online portal will ensure trusted intermediaries have immediate and equitable access to these unique resources. After these resources are uploaded to this portal, we will continue to revise and update this content throughout our project life cycle.

Future efforts of our program will explore or create opportunities to deliver legal information and education in a manner similar to that of Australia, where legal information and education is readily available to incarcerated populations and delivered in-person by legal professionals and trusted intermediaries. The existing programs and resources from Australia provide a sound model to build on.

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<sup>34</sup> Based on the interviews with both justice-involved individuals and frontline staff, immediate priority will be building training modules in the areas of housing and income maintenance. For instance, training in the following subject areas: Eviction Prevention, Landlord Tenant Board Hearing Process & Rent Subsidies; ODSP & OW reinstatement, rules regarding eligibility for ODSP/OW and incarceration; and, The Role of Trusted Intermediaries: Legal Issue Spotting and Intro to Community Legal Clinics & Legal Referrals

## 2. ACCESS TO LEGAL SERVICES

In addition to triage efforts by trusted intermediaries, justice-involved individuals require timely, direct, and equitable access to legal services and resources. Our program model will work to ensure access to these services and resources by leveraging existing Ontario-based legal aid services and resources including Community Legal Aid Clinics, programs run directly by Legal Aid Ontario, and other legal services providers. A key part of our program model will be establishing partnerships and strengthening existing relationships between these services and trusted intermediaries to ensure the creation of timely and mutual referral pathways. We will also examine ways to expand access to existing legal aid services and resources to those currently incarcerated. Specifically, we will seek opportunities to support and liaise with programs such as the Institutional Duty Counsel program to explore opportunities to further expand access to our program model to incarcerated individuals.

Civil, criminal and poverty law legal services providers in Ontario operate and are funded/streamed separately without accounting for the intersectional nature of legal issues experienced by justice-involved individuals. Program models such as the Bronx Defenders Civil Action program, where criminal defence attorneys have direct access to civil legal services providers and other “holistic” services have not been established in Ontario. To help fill this gap, our program will explore partnerships with and raise awareness of the intersection between civil and criminal legal issues among the criminal defence bar and other related organizations and stakeholders across Ontario.

### 3. SYSTEMS NAVIGATION

The sheer complexity of navigating the civil legal system creates barriers for justice-involved individuals to meet their civil legal needs and address their issues. These barriers often result in justice-involved individuals not addressing their civil legal issues or being unable to recognize their issues as civil legal issues. To assist with overcoming these barriers, trusted intermediaries can establish a presence at various intervention points and assist justice-involved individuals with legal systems navigation. In order to ensure the success of the training program for trusted intermediaries at John Howard Society offices, JHSO's Legal Program Coordinator will act as a systems navigation resource to JHS local office staff who will serve as trusted intermediaries. Responsibilities for the Legal Program Coordinator will include providing support and guidance to JHS frontline staff by identifying appropriate legal service resources available in communities across Ontario, support systems and partners to ensure appropriate referrals are made for justice-involved clients. In addition, the Legal Program Coordinator will ensure that available legal services and referral pathways are mapped out, up to date, and responsive to the changing landscape regarding the availability of legal services to low-income and justice-involved Ontarians. This navigation and frontline support model will be evaluated and if proven to be effective, could present a best practice model that could be scaled or replicated in other agencies province-wide.

## CONCLUSION

Left unaddressed, the civil legal issues experienced by justice-involved populations result in a downward spiral of further marginalization and recidivism. Our research confirms that ensuring the availability of timely, responsive and accessible legal services and resources is crucial to addressing these issues and meeting the civil legal needs of justice involved populations. Our research also confirms that trusted intermediaries occupy a unique and strategic position when it comes to bridging the divide between justice-involved populations and available legal services and resources.

Ontario stands out among the provinces of Canada in that there is widespread availability of comprehensive, community based legal aid services and resources. Sustainable and predictable funding and support for these services and resources can provide a bedrock upon which to build a Civil Legal Needs program. Ontario stands ready to provide an example to other jurisdictions of the positive outcomes that can occur when a well-funded, robust and comprehensive network of legal aid services work closely with trusted intermediaries to meet the civil legal needs of justice-involved populations. It is critical, however, that increased collaboration and coordination of services between actors in the criminal, poverty and civil legal systems is championed to ensure the breakdown of silos that result in cyclical involvement between each system.

The most troubling revelation from our research is the widespread belief among justice-involved populations that civil legal issues are an inevitable and normalized part of their lives, and that given their position of marginality, it is a *fait accompli* that they can be taken advantage of by landlords, employers and others. It is the aim of our program model that, with the proper training and resources, legal aid services and trusted intermediaries from any jurisdiction can work together to provide far more than access to legal services and resources; with the right amount of collaboration and coordination, they can also help justice-involved individuals recognize that their needs are worth seeking redress for, and working to set them on the path to exiting from the destabilizing cycle of criminal and civil legal system involvement.

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### COMMITTEE MEETING MINUTES

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### LEGISLATION

*Restriction on Representation in Certain Eviction Proceedings*. 45 C.F.R. § 1633 December 1996.

## APPENDIX 1: SUMMARY OF METHODS

Table 1: Summary of Methods				
Sample	Instrument /Method	Description	Data Collection	Response
Justice-involved individuals.	Civil Legal Needs Survey	Contains 12 questions designed to provide insight on justice-involved individuals' knowledge and awareness of civil legal needs, willingness to engage with public legal education resources, where they obtain legal services, and their overall civil legal needs.	Surveys were sent electronically to all 19 JHS local offices and were administered to clients by JHS local office staff via paper and pencil. JHSO staff entered the survey data into SurveyGizmo.	194 JHS clients – 176 completed the survey to its entirety, while 17 completed it partially.
	One-on-one Interviews	Questions were designed to gain insight on how justice-involved populations perceive and experience civil legal issues, and any supports and resources they have used to address these issues.	JHSO's Centre staff attended 4 JHS local offices and interviewed justice-involved individuals who had signed up for an interview. Following the interview, respondents were compensated with a \$20 gift card for their time.	45 JHS clients from Durham Region (n=14), Sarnia (n=11), Thunder Bay (n=12) and York Region (n=8).
Trusted intermediaries	Civil Legal Needs Survey	Contains 14 questions designed to provide insight into trusted intermediaries' knowledge and awareness of civil legal needs, willingness and capacity to engage in programming, the civil legal needs of justice-involved population, and knowledge mobilization.	The survey was distributed by JHSO via email to all JHS local office Executive Directors. The email contained the survey's SurveyGizmo URL and instructions for administering the survey to their respective offices' frontline staff.	179 JHS front-line staff – 133 completed the survey to its entirety, while 46 completed it partially.



	Focus Groups	Open-ended questions were designed to gain insight on how trusted intermediaries perceive client's experiences with civil legal issues and how they address these issues. Questions were also asked to gain insight on trusted intermediaries' willingness and capacity to implement a program and their thoughts and opinion on a proposed program model.	Prior to visiting local office, JHS staff were invited to participate in a focus group. Focus groups were conducted at four different local office locations with frontline staff members who were able to participate.	4 focus groups with JHS frontline-staff from Durham Region (n=10), Sarnia (n=5), Thunder Bay (n=4) and York Region (n=10).
Stakeholders	Group Interviews	Interview questions were designed to gain insight on the type of services stakeholders provide, their current relationship with local JHS offices, their willingness to provide support to their local JHS office (i.e. referrals, public education), and service issue overlaps.	JHSO's Centre staff contacted Community Legal Aid Clinic staff and arranged to interview legal services staff. Group interviews were conducted via telephone and recorded with consent.	3 group interviews with community legal aid clinics in Sudbury, Thunder Bay and York Region.

Effective.

Just.

Humane.