

ALLIANCE FOR SUSTAINABLE LEGAL AID (ASLA) - REPRESENTATIVES: JEAN HYNDMAN AND VICTORIA STARR

The Family Lawyers Association is a member of the Alliance for Sustainable Legal Aid, ASLA. The mandate of ASLA is to develop an ongoing government relations strategy to educate federal and provincial representatives about the importance of,

- (a) The provision of appropriately funded and consistently high quality legal aid services in a cost-effective and efficient manner to low-income individuals throughout Ontario;
- (b) Innovation in the provision of legal aid services, while recognizing the private bar and clinics as the foundation for the provision of legal aid services.

The members of the Alliance are the following organizations, each of which has appointed one or two representatives to the Alliance:

- The Advocates' Society
- Association of Community Legal Clinics of Ontario
- County and District Law Presidents Association
- Criminal Lawyers' Association
- Family Lawyers Association
- Law Society of Upper Canada
- Mental Health Legal Committee
- Ontario Bar Association
- Refugee Lawyers Association

The last meeting was on October 20, 2011. Below are the topics discussed and material reviewed.

ASLA's focus right now is on developing a government relations strategy. So far, that strategy is to focus on the provincial and federal governments and ensuring that we are able to put ASLA issues on the radar of each party; the development of a "message track" letter for leaving with the people with whom ASLA representatives meet; and meeting with representatives from each party. By way of example, I attach a copy of two letters sent out by ASLA to the government: one to the old AG and one to the new AG.

ASLA has also been working on developing a stakeholder relations policy and on improving its relationship with Legal Aid Ontario so as to better understand its structure, policies and so that ASLA is included in discussions about changes to LAO and made aware of such changes early on. A copy of the latest draft of this policy statement is attached.

A Social Assistance Review Commission has been set up and ASLA has already written to them and heard back from them regarding the issues ASLA would like reviewed. A copy of ASLA's letter and the Commission's responding letter is attached.

ASLA is working on its long term objectives and the FLA is invite to make suggestions on the 2011 – 2012 ASLA objectives. Jean and I would welcome some input on the current concerns and issues the FLA would like ASLA to address.

SOME PRINCIPLES OF POSITIVE STAKEHOLDER RELATIONSHIPS

- Good relationships take time to build and are based on trust, mutual respect and understanding
- Earlier engagement fosters better and more meaningful relationships – take the long term view
- Don't wait until there is a problem to 'engage'
- Be transparent in defining goals
- Use plain language
- Be accountable for what you have undertaken. Show how you've incorporated feedback

BASIC BUILDING BLOCKS

i. Stakeholder identification and analysis

In addition to identifying 'who', it is as important to analyse what these stakeholders are all about. Consider their interests, their resource capabilities and ability to participate. Be prepared to agree to principles that are of mutual interest.

ii. Information disclosure

Meaningful information disclosure *supports* consultation. It is not consultation in and of itself.

iii. Stakeholder consultation

- Consultation is a two-way dialogue between an organization and its stakeholders.
- Targeted
- Early
- Informed
- Meaningful
- Documented and reported back

- Ongoing
- iv. Negotiation and partnership
 - Seek to identify and understand mutual or common objectives.
- v. Monitoring by and reporting to stakeholders - this would involve, at the end of a consultation process, reporting back to stakeholders such as ASLA on the input received, whether it was incorporated, and if not, why not. This would significantly improve transparency.

A CLOSING WORD ON TRUST

To create strong trust-based relationships, an organization's leaders must have a deep personal commitment to finding workable solutions. They must have a high level of emotional intelligence, good interpersonal communication and conflict resolution skills.

ASLA

The Alliance for Sustainable Legal Aid encourages Legal Aid Ontario to work with its partners, including the constituent members of ASLA, to adopt a formal stakeholder engagement plan.

ASLA is in a position to be a strong partner in the strategic planning and direction of legal aid services delivery in Ontario.

ASLA can provide real time participation in meaningful stakeholder engagement.

ASLA can be a vehicle for LAO to ensure that its communications are effective and distributed to the appropriate stakeholders.

ASLA would like to have formal relationships with LAO through its committee and board structures. As a first step, we would like some information on all your board and organizational committees in order to provide input as to where best we might be of assistance.



ALLIANCE FOR SUSTAINABLE LEGAL AID

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August 31st, 2011

The Honourable Frances Lankin, P.C
Dr. Munir Sheikh
Commissioners
Commission for the Review of Social Assistance in Ontario
2 Bloor Street West
4th Floor, Suite 400
Toronto, Ontario
M4W 3E2
Fax: 416-212-0413
Email: socialassistancereview@ontario.ca

Dear Commissioners:

Re: Social Assistance and Legal Aid in Ontario

I am writing to you on behalf of the Alliance for Sustainable Legal Aid (ASLA). ASLA is a coalition of the leading legal organizations in the province of Ontario. We are united in our shared belief that a sustainable legal aid program is the cornerstone of an accessible justice system for Ontario.

We remarked with interest the creation of the Commission for the Review of Social Assistance in Ontario. Social Assistance work, including representation before the Social Benefits Tribunal (SBT), comprises the single largest area of work performed by Ontario's seventy seven community legal aid clinics. Some clinics are overwhelmed by these cases, and have had to discontinue or decrease representation in other areas, such as employment law, human rights law or representation of injured workers. In addition, some members of the private bar appear before the SBT on legal aid certificates.

Most of our appearances before the SBT are to challenge a disability determination decision by the Ministry of Community and Social Services' Disability Adjudication Unit (DAU). A decision by the DAU that a person is not eligible for the Ontario Disability Support Program (ODSP) can have an enormous impact on that individual. Our experience is that represented clients are overwhelmingly successful in overturning the DAU's decisions at the SBT. This suggests to us that the determination of disability by the DAU is leading to a significant, and unnecessary, expenditure of legal aid resources. A more realistic initial disability determination process would be fairer for the individual,

and would free up significant legal aid resources that could be applied to other needed services.

We see your Social Assistance Review as an important opportunity to improve this process. ASLA supports the creation of a disability determination process that is accurate and effective, coupled with an adjudication procedure that is fair, speedy and transparent.

We look forward to changes that will reduce unnecessary expenditure of resources on legal services for low income individuals seeking to obtain basic income supports. But we also recognize that the best of systems and programs can fail its clients. Accordingly, appeal rights and accessible legal remedies are integral to the success and fairness of any program. We urge you to ensure the accountability of these programs provided through effective appeal mechanisms and accessible high quality legal representation.

Our members would be happy to meet with you to discuss this issue in further detail, and we offer our assistance in any way we can.

All of which is respectfully submitted.

Yours truly,

Alliance for Sustainable Legal Aid
Per: Phil Downes, Chair

On behalf of our member organizations:

Association of Community Legal Clinics of Ontario
County and District Law Presidents Association
Criminal Lawyers Association
Family Lawyers Association
Law Society of Upper Canada
Ontario Bar Association
Refugee Lawyers Association
The Advocates Society
Mental Health Legal Committee

cc: ASLA Board

28 September 2011

Mr. Phil Downes
Chair
Alliance for Sustainable Legal Aid
100-116 Simcoe Street
Toronto On M5H 4E2

Dear Mr. Downes,


On behalf of Commissioners Frances Lankin and Munir A. Sheikh, thank you for sharing the perspective of the Alliance for Sustainable Legal Aid on social assistance issues in Ontario.

Your recommendation regarding the disability determination process is appreciated and reinforces what we heard from individual legal clinics during our community visits this summer, and again in our meeting with the Community Legal Clinics' Provincial Steering Committee on Social Assistance.

The Commissioners have moved into the second phase of their work, reviewing submissions and research, and considering possible options for reform. They are also in the midst of their engagement with First Nations communities, and as such their schedules do not allow them to meet with you at this time. If you wish to follow up on your submission, please don't hesitate to contact Dahlia Klinger, Senior Policy Advisor, at (416) 212-8656.

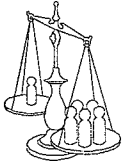
Thank you again for your input and your commitment to improving social assistance in Ontario.

Sincerely,



Leah Myers
Executive Lead
Commission for the Review of Social Assistance in Ontario





ALLIANCE FOR SUSTAINABLE LEGAL AID

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October 21st, 2011

Hon. Chris Bentley
Minister of Energy
Hearst Block
900 Bay St, 4th Flr
Toronto, ON M7A 2E1

Dear Minister:

On behalf of the members of the Alliance for Sustainable Legal Aid (ASLA), I would like to congratulate you on your appointment as Ontario Minister of Energy.

In your role as Attorney General of Ontario, you made significant new investments in the legal aid system on behalf of the people of Ontario. We thank you for your work for access to justice, and wish you every success in your new portfolio.

Again, our warm congratulations.

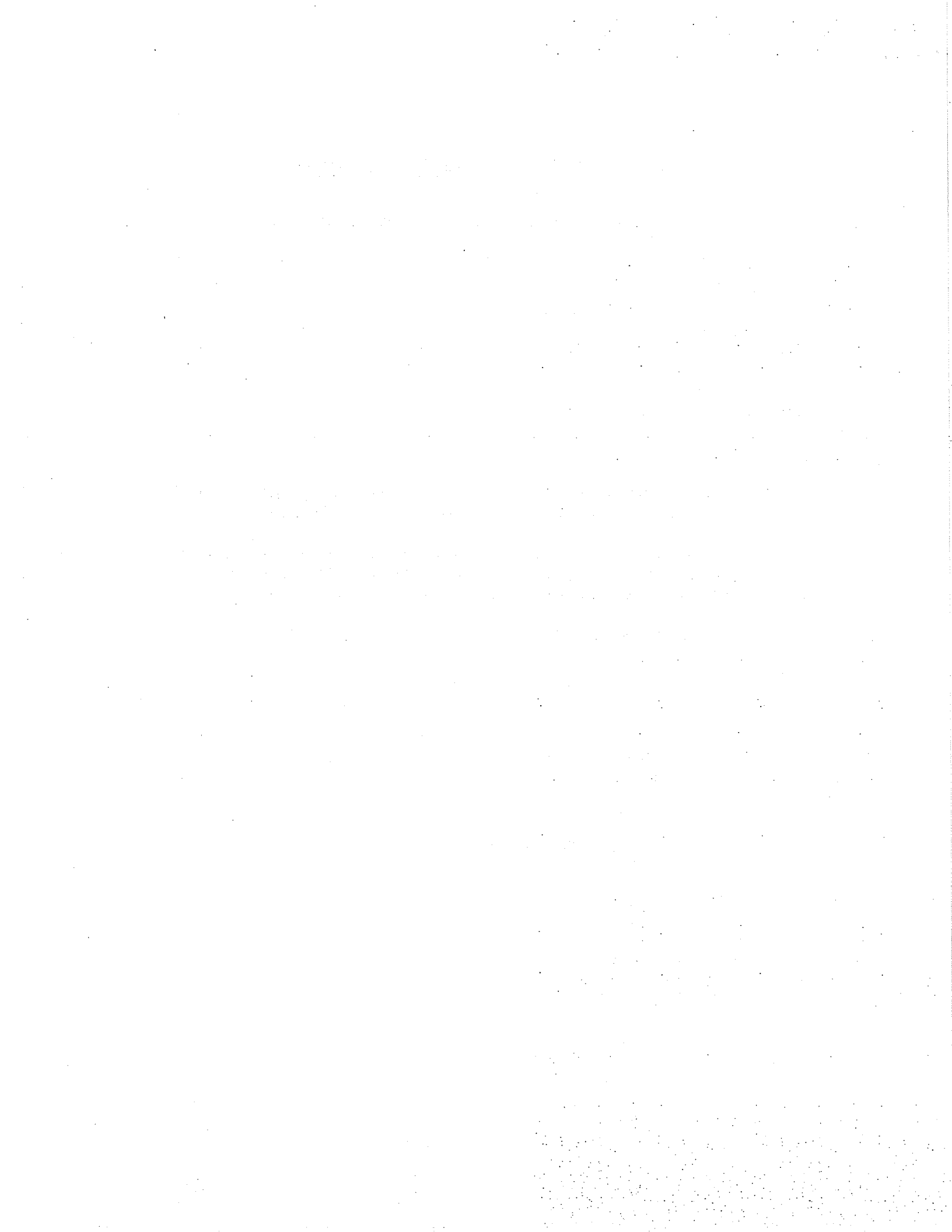
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October 21st, 2011

Hon. John Gerretsen
Attorney General of Ontario
720 Bay Street
Toronto, Ontario M5G 2K1

Dear Minister:

On behalf of the members of the Alliance for Sustainable Legal Aid (ASLA), I would like to congratulate you on your appointment as Attorney General of Ontario.

ASLA is a coalition of the leading legal organizations in the province of Ontario. We are united in our shared belief that a sustainable legal aid program is the cornerstone of an accessible justice system for Ontario. Your predecessor, the Hon. Chris Bentley, made significant new investments in the legal aid system, which will make an important contribution to improving access to justice for the people of Ontario. However, much remains to be done.

On behalf of all our members we look forward to working with you over the next four years, and wish you every success in this important portfolio. We would be pleased to offer our assistance in any way we can.

We would very much appreciate the opportunity to meet with you in the near future, and will contact your office in that regard.

Again, our warm congratulations.

Yours truly,

Alliance for Sustainable Legal Aid
Per: Phil Downes, Chair

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