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From Serving the Needs of the Few to Serving the Needs of the Many

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FROM SERVING THE NEEDS OF THE FEW TO SERVING THE NEEDS OF THE MANY

How the Rural Mobile Law Van is Extending the Reach of
Legal Aid in Wellington County and North Halton, Ontario

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The Canadian Forum on Civil Justice (CFCJ) is a national not-for-profit organization dedicated to civil justice reform and access to justice research and advocacy. Established by the Canadian Bar Association and affiliated with Osgoode Hall Law School, the CFCJ envisions an accessible, sustainable and effective justice system for all Canadians.



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TABLE OF CONTENTS

Serving the Needs of the Many	4
The Larger Terrain of Legal Aid	4
Meeting the Needs of the Many	5
1. Assisting more people.....	5
2. Assisting people who might not otherwise be helped.....	5
3. Assisting people with a wider range of problems than might otherwise be the case.....	6
4. Referrals.....	8
Good quality referrals	9
Conclusion	9

Serving the Needs of the Many

From the outset, the objective of the Rural Mobile Law Van project has been to expand service in underserved rural areas, first to rural Wellington County in the summer 2019 pilot project and then in the second three-year phase of the project from 2021 to 2024 to Wellington County and to the adjacent North Halton area as well. The mobile law van operates between May and the end of October. During the fall and winter when Canadian weather becomes too inclement for an outdoor service the winter “law van” moves to various indoor venues in the same towns where the Law Van visits in the summer. The summer van identifies unmet legal need by going out to where people live or spend much of their time, maximizing accessibility mainly by being highly visible in small towns throughout the area. The summer Law Van allows people to come to a high visibility location where it is parked for the day, where they can request free legal help in their own community, at a convenient time, and on their own terms. In this small rural area, the project is solving a big problem that was occurring in rural Wellington County and North Halton. At the same time the Law Van project is developing an approach that is addressing a big problem that has for a long time been a feature of legal aid. The Law Van has, within the confines of a small space and a short time frame, turned back a problem that has existed for legal aid generally since the beginning, a problem that has been becoming more pronounced in legal aid everywhere over time. That problem is the rationing of services to too few people. Although not an explicit objective from the outset, one way to understand what the Law Van is accomplishing is that it represents a way to serve the needs of the many rather than the needs of the few.

The Larger Terrain of Legal Aid

The rationing of service has long been a concern in legal aid.¹ Legal aid can broadly be characterized as being a highly budget-driven service that has been rationed by two main mechanisms, financial eligibility guidelines and coverage provisions. The rationing mechanisms serve to keep the level of service in line with the funding available. This has resulted in an institution inevitably geared toward serving the few, relative to the number of people in need. In criminal aid this is evident in the number of unrepresented accused appearing in court with only duty counsel advice. The problem is also evident in the number of unrepresented litigants appearing in family courts. The justice gap is even greater in non-family civil matters. Compared with criminal and family law, a major difference is that a very small proportion of people experiencing civil law problems make use of the formal justice system to deal with them. Legal problems research has demonstrated the ubiquitous nature of legal problems experienced by the public and the extent of unmet need in civil matters. Several important aspects of unmet need in civil matters, which do not exist in the same manner in criminal and family law, are that people experiencing many of these types of non-family civil problems are not aware of the legal aspects of the problem, of the potential seriousness, if there is help available and where.² Although some legal aid services assist people with a limited number of civil law problems, the system fails more than in other areas of law to identify the many people experiencing legal problems who would not come to the door of the legal clinic to ask for help. Providing assistance to more people in need requires adopting outreach strategies that can effectively identify people experiencing legal problems about which they are hesitating to take action or in which they are acquiescing because of a basket of barriers and uncertainties. This is where the summer Law Van and the winter venues are highly proactive forms of outreach that are making great progress in meeting the needs of the many. In doing so on a small scale, the project is pushing back the tide of meeting the needs of the few.

¹ Richard Moorhead and Pascoe Pleasence, *Access to Justice After Universalism*, *Journal of Law and Society*, 30:1, 2003; Regan, Francis, “The Swedish Legal Services Policy Remix: The Shift From Public Legal Aid to Private Legal Expense Insurance,” *Journal of Law and Society* 30 (1): 49-65; Organ, James, and Jennifer Sigafoos. *The impact of LASPO on routes to justice*. Manchester: Equality and Human Rights Commission, research report, 2018: 118; Hammerslev, Ole, and Olaf Halvorsen Rønning., *Outsourcing Legal Aid in the Nordic Welfare States*. Palgrave Macmillan 2018.

² Ab Currie, *Nudging the Paradigm Shift: Everyday Legal Problems in Canada*, *Canadian Forum on Civil Justice*, 2016

Meeting the Needs of the Many

The Rural Mobile Law Van began as a six-month project from May to October 2019 making one-day and half-day visits to 12 small communities in rural Wellington County, an area approximately 100 km west of the city of Toronto, Canada. This was a project developed by the Legal Clinic of Guelph and Wellington County, a community legal clinic that is part of the province-wide network of 79 community legal clinics in Ontario. After a one-year absence, the Law Van project began a three-year phase from 2021 to 2024. This time it is being carried out in partnership with Halton Community Legal Services, providing mobile service from May to October and from November to April in fixed locations such as libraries to 7 communities in Wellington County and adjacent North Halton.³

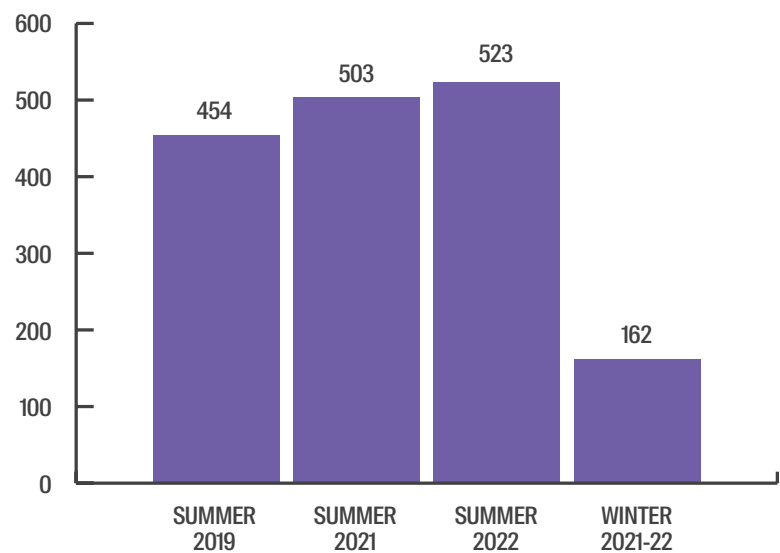
The success of the Law Van in serving the many is illustrated at the mid-point of the three-year project by three interim results.

1. Assisting more people

Figure 1 shows the number of people assisted by the summer mobile Law Van and the winter venues. The number of people has increased each year from the first summer in 2019 to both summer 2021 and 2022. The manner in which the Law Van is accomplishing this is important. The Law Van represents a pro-active offer of service made available in a way that maximizes accessibility. It does this by going out to the small rural communities where people live or spend much of their time, locating the van in places calculated to attract the attention of the maximum number of people passing by as they go about their daily activities.

The winter venues attract only about one third of the numbers of people coming to the summer Law Van.⁴ The winter venues are located in libraries and on the premises of other community organizations. Signage and social media posts announce the locations and schedules. However, in one important respect the summer van and the winter locations have essentially opposite ways of connecting with people. The summer Law Van goes out to where people are at, offering service in their place, on their time and on their terms. This maximizes accessibility. On the other hand, the winter venues invite people to go to the offices of particular organizations that may not be familiar to them. The winter venues are located where the physical environment may require some contact with the regular reception or with other aspects of the physical space that may be intimidating.⁵ Nonetheless the Law Van and the winter venues, viewed as forms of outreach, are meeting the needs of the many by attracting more people.

Figure 1: Number of People Served by the Summer Law Van and Winter Venues



2. Assisting people who might not otherwise be helped

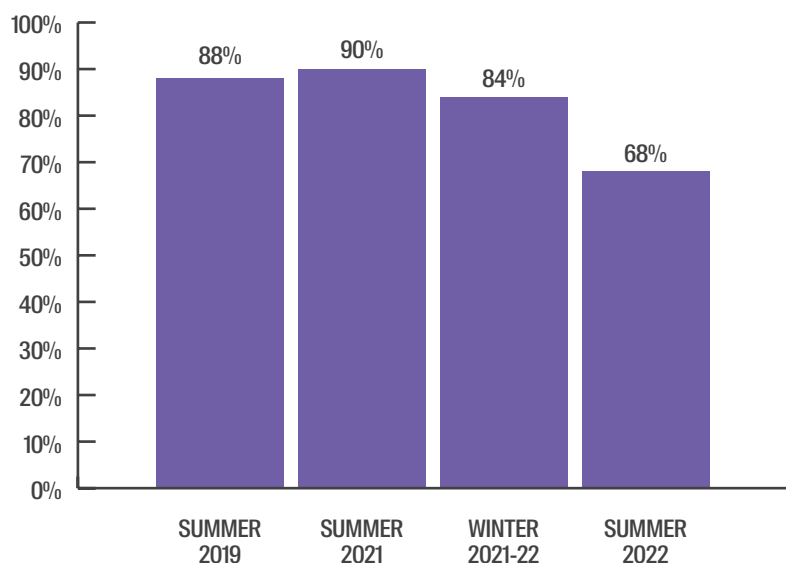
The second way in which the summer van and the winter venues are meeting the needs of the many is by engaging people who have had no previous contact with either the Halton or Guelph community legal clinics. These people may

³ For a more complete description of how the Law Van operates see Ab Currie, *Someone Out There Helping: Final Report of the Rural Mobile Van Project*, Canadian Forum on Civil Justice, 2020

⁴ The 162 individuals includes people who received assistance virtually (9) and by telephone (38).

⁵ This observation was provided by Maddy Smith, the Rural Community Worker on the project.

Figure 2: Percent of Users Having No Previous Contact With The Community Legal Clinic or the Law Van



not otherwise have received help with their legal problem. Figure 2 shows that from the summer of 2019 to the summer 2022 between about 85% and 90% of people assisted at the Law Van or a winter location said they had no previous connection with the community legal clinic. It is not known if the individuals had sought or received help from other sources. They are nearly all first-time users of either of the legal clinics involved.

In the summer of 2022, the percentage of people approaching the Law Van having no previous contact with either community clinic declined to just under 70%. The percentage of people indicating no previous contact with the community legal clinics might be expected to decline over time as people become more familiar with the service. However, the 70% figure remains a

high level of first-time users as represented by the absence of previous contact with the clinics.

3. Assisting people with a wider range of problems than might otherwise be the case

A third way in which the summer Law Van and its winter counterpart are serving the needs of the many is by helping people with a wide range of legal problems. Because the mobile Law Van and the winter venues represent a highly accessible proactive offer of service they are open to requests for assistance by people experiencing a wide range of problems. People are not deterred by an application process or by information that the clinic does not deal with this or that issue. They come in and say: this is my problem. Can you help? The summer van and the winter venues are no wrong door, no wrong number kinds of services. The response is never sorry, we don't do that. The response is always we are here to help. This represents a third way in which the Law Van project meets the needs of the many, by providing help "on-demand" for a wide range of problems.

In the summer of 2022, a small number of problem types made up the majority of problems for which people asked for assistance. Individuals requesting help with housing problems made up the largest proportion of issues at 30.1%, followed by family law making up 14.4% and a variety of non-family civil law problems at 11.1%. These three categories made up over half of all requests for assistance, 55.6%. The fourth largest number of requests involved wills and powers of attorney with 10.6% of people requesting assistance, followed by people requesting help with social assistance problems equaling 6.3% of people and then criminal law at 2.8%. Just over three quarters of all people requesting assistance made up the six largest problem categories. However, there were 23 other problem types each with numbers of requests, including employment law, 9 requests for assistance, provincial offences at 7 requests, consumer and bankruptcy with 2 requests each, human rights, fraud, debt, police actions and victims issues each with one person requesting assistance. The wide range of problems for which people received assistance in summer 2022 indicates that the Law Van provides assistance with a wide range of problems. The two community legal clinics also respond positively to requests for assistance that fall outside of their main areas or expertise.

These results are remarkably consistent from the original pilot project in 2019, with the summer of 2021 and the winter of 2021-2022. Tables 1a and 1b show problem types indicating the point at which the number of people asking for assistance for particular problem types reaches 50% and 75% of all requests for help. All remaining problems are combined in an "other" category because the frequencies are typically very small, one or two occurrences per type of problem. The other category indicates the wide range of problems for which people are provided assistance.

Housing and family law problems are consistently the top two problems for which people request assistance. In each summer or winter season, three problem types account for about half of all problems for which help is needed. Five or six types of problems account for three quarters of all requests for assistance. Wills and powers of attorney are ranked third among requests for assistance at the summer Law Van in 2021 and at winter venues in 2021-2022 and ranked fourth at the summer Law Van in 2012 and 2022.

Table 1a: Requests for Assistance by Problem Type, Summer 2022 and Winter 2021-2022

SUMMER 2022			WINTER 2021-22		
	%	Cum %		%	Cum %
Housing	30.1%		Housing	33.3%	
Family	14.4%	44.5%	Family	18.5%	51.8%
Civil Law ⁶	11.1%	55.6%	Wills/POA	11.7%	63.5%
Wills/POA	10.6%	66.2%	Employment	6.0%	69.5%
Social Assistance ⁷	6.3%	72.5%	Social Assistance	4.9%	74.4%
Criminal	2.8%	75.3%			
Other	24.7%	100.0%		25.6%	100.0%
N = 523			N = 163		

Table 1b: Requests for Assistance by Problem Type, Summer 2022 and Summer 2019

SUMMER 2021			SUMMER 2019		
	%	Cum %		%	Cum %
Housing	22.0%		Family	26.7%	
Family	22.0%	44.0%	Landlord Tenant	13.6%	40.3%
Wills/POA	12.4%	56.4%	Civil Law	11.2%	51.5%
Civil Law	10.2%	66.6%	Wills/POA	10.8%	62.3%
Employment	7.2%	73.8%	Criminal	8.8%	71.1%
Social Assistance	4.2%	78.0%	Employment	7.8%	78.9%
Other	22.0%	100.0%	Other (including 6% social assistance)	21.1%	100.0%
N = 501			N = 464		

⁶ The civil law category includes matters such as disputes over contracts, small claims court and consumer debt taken to small claims or Superior Court.

⁷ For the information of readers not familiar with the Ontario social support system, the social assistance category is made up primarily of problems related to one support program, Ontario Disability Support Payments (ODSP).

4. Referrals

Meeting the needs of the many could not be accomplished without the extensive use of referrals to other organizations. The resources and areas of expertise available at the Law Van and the winter venues could not cover the range of problems that people bring to the door asking for help. A network of access to justice services, including the two community legal clinics, to which referrals can be made is an essential part of meeting the needs of the many. Therefore, referrals to other sources of help figure prominently in the assistance offered by the Law Van and winter venues. Figures 3a, 3b and 3c show types of assistance provided by percent for summer 2021 and 2022 and winter 2021-2022. Consistently, about 60% to two thirds of all assistance provided is a referral to another agency.

Figure 3a: Summer 2022, Type of Service, Percent

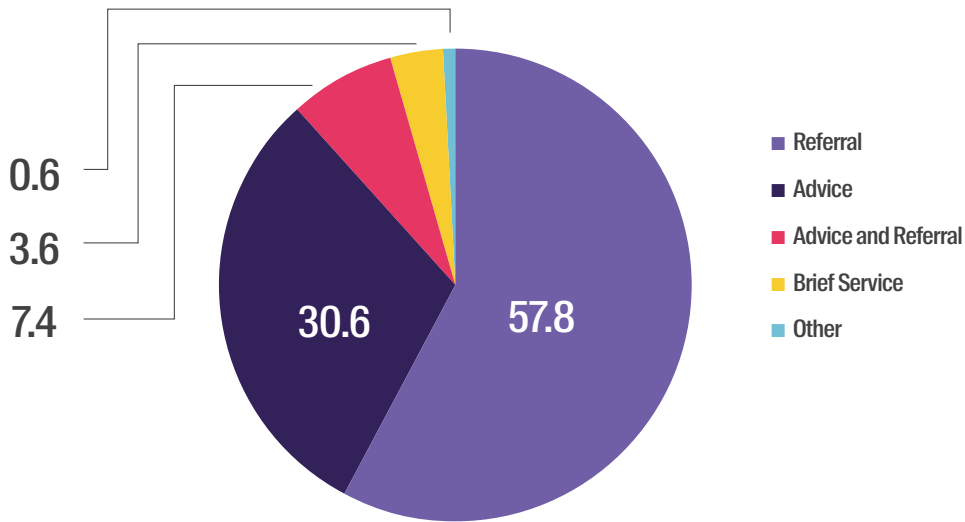


Figure 3b: Winter 2021-2022, Type of Service, Percent

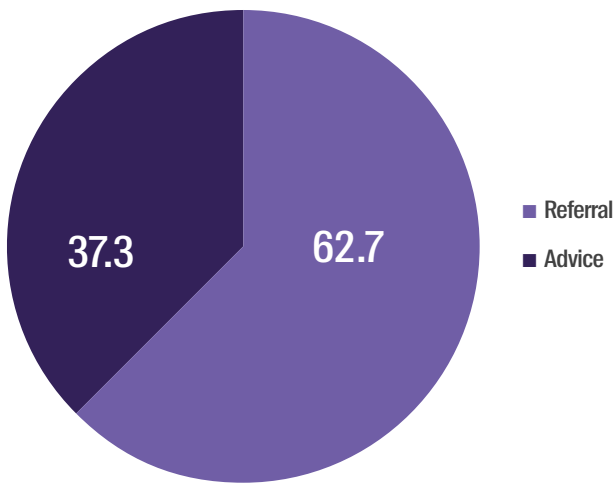
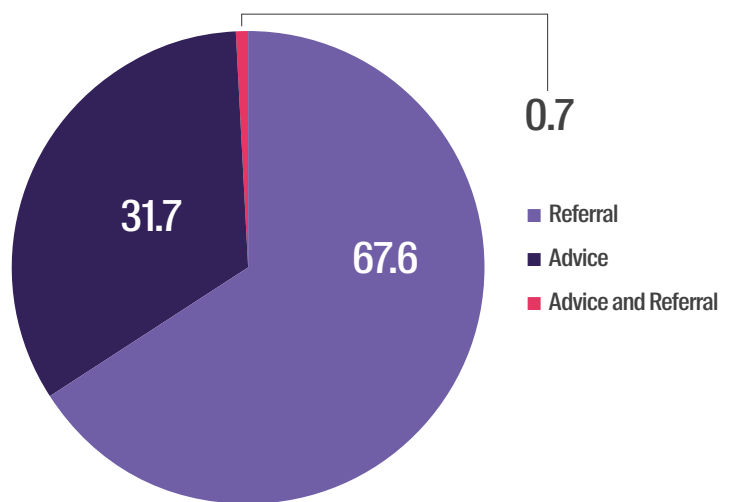


Figure 3c: Summer 2021, Type of Service, Percent



Based on data from the summer 2022 Law Van presented in Table 2, the majority of people are referred to sources of legal assistance for legal advice or information. This makes sense because people come to the Law Van and the winter venues requesting help with legal problems. Referrals to sources of legal assistance make up a total of 51.1%, including referrals to the Law Society lawyer referral service and to Pro Bono Ontario, to the community legal clinics and to the private bar.

Table 2: Referrals for Assistance, Summer Law Van 2022*

Type of Referral or Organization	Number	Percent
Legal (e.g. lawyer referral or pro bono)	41	23.8%
Community Legal Clinic	30	17.4%
Family Law Information Centre	25	14.5%
Community Organization	22	12.8%
Government Department	17	9.9%
Private Bar	17	9.9%
Organization Providing Legal Information (e.g. Community Legal Information Ontario or Canadian Law Information Council)	9	5.2%
Member of Federal Parliament or Provincial Legislature	2	1.2%
Other	9	5.2%
Total	172	100.0%

*The numbers represent referrals rather than people referred. If an individual had two problems and was referred to two sources of help, both referrals are counted.

Good quality referrals

It is not known if people are following up with the referrals, whether they were appropriate and if they were helpful. Legal needs research has identified referral fatigue⁸ as a problem in which people abandon efforts to find help because of one or more unhelpful referrals. This raises the question as to whether the effectiveness of referrals should be an objective of the Law Van project.

Good referrals may be related to sustainability. When faced with a problem people do not seek legal remedies, people first of all want to have their problems resolved.⁹ Good referrals are important for people. Moreover, good referrals are important for the reputation of the Law Van project within the community. There are limitations to examining the issue of referrals and sustainability. The organizations to which referrals are made would most likely not identify referrals from the Law Van and winter venues. Nonetheless, discussions with these agencies about referrals at a general level might leverage some working relationships or connections that would lay the groundwork for strengthening a network of access to justice services with the Law Van.

Conclusion

The primary objective of the Rural Mobile Law Van project is local, meeting the legal and justice needs of the people in rural Wellington County and North Halton. At the same time the project resonates with a legal aid issue that is global. The Law Van project stands out as a successful attempt to push back against the tide of increasingly limited resources that are not adequate to meet the needs of the public. This is the perennial challenge of legal aid, being asked to do more with less. On a positive note, it is the reason why innovation has been a constant in legal aid. The quantitative evidence shows that the Law Van project is extending the reach of legal aid, gaining ground in meeting the needs of the

⁸ Making Referrals For Legal Services, Community Legal Education Ontario, September 2019

⁹ Rebecca L. Sandefur, Access to What? Daedalus, American Academy of Arts and Sciences, Winter 2019

many. Beyond the numbers, there is a subtle alchemy that makes this project work.¹⁰ First, it is a highly effective form of outreach that takes the service out to where people are at, where they live or spend much of their time. Second, the effective use of social media is important. It goes beyond posts on community Facebook pages about the schedule of the van and the winter venues to being the subject of the normal patterns of social media communication among people in the communities. Third, the Law Van has become part of the rural communities being served. The Law Van fits within the rural culture of the area. Showing up week in and week out, year after year has earned the Law Van an accepted place in the community as being from around here. Finally, the network of access to justice services that support referrals is another essential element that allows the Law Van and the winter venues to assist people with a range of problems beyond the areas of expertise in which advice can be provided.

These elements combine to extend the reach of this legal aid project from serving the needs of the few to serving the many. However, encouraging all to apply and helping all who do apply might be even further extended. The winter venues can be developed to limit barriers and encourage more people to use them. The number of places within the rural area that the summer Law Van and the winter venues can service is limited. Although the summer Law Van maximizes accessibility in the towns, many people may not have easy access to what currently exists because of transportation or mobility problems. Expanded digital outreach using multiple social media platforms such as Instagram, Twitter and Facebook might provide additional ways of assisting people with public legal information, legal advice and referrals.

¹⁰ Ab Currie, Strengths and Opportunities for Sustainability The Rural Mobile Law Van and Winter Venues in North Halton and Wellington County, Canadian Forum on Civil Justice (forthcoming) 2023.