

Legal Aid Modernization Project (2019) Terms of Reference (ToR)

1. Objective

The Legal Aid Modernization Project (the Project) has been established to transform the delivery of legal aid services to find better ways to provide services to more low-income Ontarians and to support financial sustainability over the long-term.

Key goals include:

1. Enhanced accountability,
2. Modernized service delivery that is integrated and nimble,
3. Addressing gaps in the continuum of services,
4. Streamlined 'one system' approach to service delivery that prioritizes the needs of low-income clients,
5. High-quality legal services and information,
6. Clear accountabilities and appropriate independence in required areas, and
7. Value for money.

2. Mandate & Scope

The mandate of the Project is to develop and implement reform proposals and legislative amendments that will contribute to moving the legal aid system towards sustainability and modernized service delivery to better meet the needs of low-income Ontarians.

The Project will be led by the Ministry of the Attorney General (MAG) in partnership with Legal Aid Ontario (LAO).

The Project is expected to achieve its mandate through research, analysis, consultation, recommendation and implementation. It is anticipated that work will be done in two concurrent streams:

1. Governance, including modernization of the *Legal Aid Services Act*,
2. Service delivery, including legal aid clinic reforms.

Reform proposals would be designed within the fiscal framework of the 2019 Budget and will consider:

- increased use of technology,
- offering more unbundled legal services,
- agile service delivery,
- more effective leveraging of paralegals,
- centralized means-testing,
- gravitating to multi-disciplinary hubs,
- identifying associated administrative savings, and
- transferring the Protocol for Management of Court Ordered Publicly Funded Counsel to LAO.

The Project will also build on the recommendations made by the Auditor General of Ontario in her 2018 Annual Report, as well as the work undertaken by the government's broader Agency Review Task Force.

3. Roles & Responsibilities

The project will be led by the Assistant Deputy Attorney General (ADAG), Strategic Initiatives, MAG, who will be responsible for:

- Setting the goals, objectives and strategic directions for the Project within its mandate as defined by these ToR;
- Directing the overall work of the Project to fulfill its mandate;
- Monitoring the performance of the Project;
- Ensuring that reform proposals are within the fiscal framework;
- Keeping the Attorney General (AG) and Deputy Attorney General (DAG) apprised of progress, issues or events that may concern the AG and/or DAG in the exercise of their responsibilities;
- Engaging MAG's ADAG of the Policy Division and the Chief Administrative Officer (CAO) as needed, on matters of mutual importance; and
- Liaising with the President and CEO of LAO.

The President and Chief Executive Officer (CEO) of LAO will be responsible for:

- Working in partnership with MAG to guide the work of the project to fulfill its mandate;
- Ensuring that reform proposals are within the fiscal framework and LAO's funding envelope;
- Ensuring that reform proposals can be operationalized by LAO and providing guidance on implementation timelines;
- Engaging stakeholders;
- Keeping the Chair and Board of LAO apprised of progress, issues or events; and
- Liaising with the ADAG, Strategic Initiatives.

The Chair of Legal Aid Ontario will be responsible for:

- Engaging stakeholders as required, and
- Providing strategic direction to LAO, in alignment with government objectives.

A project team will be responsible for:

- Working concurrently to develop and implement reform proposals in each of the two streams of work.
- Keeping the Project Lead(s) of the work stream(s) apprised of progress. Note that the project lead for each work stream is responsible for providing guidance to the team and ensuring that milestones and deliverables are met.
- Engaging key stakeholders in its work.

4. Consultations

The Project will engage key internal and external stakeholders in its work.

5. Reporting Requirements

The Project is not expected to generate a public report for consideration by government. Reporting will be done through regular machinery of government decision-making structures.

6. Duration

It is anticipated that the Project will conclude its work no later than March 31, 2020. However, key proposals will be implemented at critical junctures throughout the Project.

7. Confidentiality

The discussions and work products undertaken as part of the Project will be treated as confidential and not disclosed to individuals who are not employees or appointees of the Ontario government or Legal Aid Ontario.