



**Steve Hynes, director of the Law Centres Federation (LCF), was invited to speak at the tenth annual conference of the Association of Community Legal Clinics of Ontario (ACLCO), in Canada, in May 2007. In this article, he describes the similarities and differences between Law Centres® in the UK and their counterparts in Ontario.**

## Law Centres here, legal clinics over there

In common with the UK, Canada is enjoying high levels of economic prosperity. Much of Toronto, where the ACLCO's conference was held, feels similar to London – with tower blocks accommodating the media companies, financial institutions and legal firms that oil the wheels of commerce. These booming service industries power the economy, but like the UK there is a large underclass that is excluded from the prosperity that commercial enterprises bring.

Charles McDonald, director of Ottawa Legal Aid Services, has crunched the figures and estimates that around 15 per cent of Ontario's total population of over 12m can be defined as being on a low income. These people are entitled to help from one of the 79 community legal aid clinics that offer a bundle of civil law specialisms, mainly housing, benefits, immigration, employment and public law, which impact on low income communities.

Like Law Centres in the UK, the first legal clinics in Ontario were established in the early 1970s, but the system was quickly embraced by the state and put on a salaried service footing, with the important safeguard of community governance to ensure that the clinics reflected the needs of their communities. Significantly, and again like UK Law Centres, the legal clinics, from their inception, embraced a dual aim of providing casework services as well as resolving systemic legal issues through legal education, group action and community activism. This is reflected in the clinics' staffing: most of the legal

clinics employ community workers who undertake legal education and other community-based work, and all of the clinics employ specialist lawyers.

### Funding differences

The major difference with Law Centres is that the legal clinics are nearly 100 per cent funded by Legal Aid Ontario, which currently pays \$55 million to run the community legal aid clinics service; while, according to LCF's latest figures, Law Centres receive an overall average of 47 per cent of their funding from the Legal Services Commission (LSC). Within this figure there are variations with a few Law Centres being nearly 100 per cent dependent on the LSC and with some receiving less than 20 per cent of their funding from the commission.

Interestingly, one legal clinic has recently split from the ACLCO, mainly because of its desire to diversify its funding away from sole reliance on legal aid. ACLCO is cautious about this approach: 'President Reagan decimated the US legal aid system with large cuts in the federal programme. After this, while some funding was gained from private trusts by our counterparts in the US, this only replaced a small percentage of what was lost', says Lenny Abramowicz, ACLCO's executive director.

In the UK, many Law Centres are becoming masters of the art of applying for funding from various sources. Most recently, some Law Centres were successful in bidding to the Big Lottery Fund Advice Plus programme. With an

estimated one in 20 chance of success though, such funding can only be viewed as a useful addition to, rather than a substitute for, core funding.

John Fitzpatrick, chair of the LCF, says: 'Law Centres must not compromise their independence in the scramble for funding, and funders must acknowledge that unless a legal service is truly independent – it is not truly a legal service. The rule of law will be maintained only by independent legal services, not by services dictated by a central committee of bureaucrats and politicians.'

### Threat to Law Centres

Although in Ontario there are, admittedly, significant differences in the levels of legal aid entitlement than in the more generous UK criminal legal aid system, Legal Aid Ontario seems to be in a strong position after politicians' announcement of above inflation increases in its budget this year.

While the legal clinics system's future looks assured in Ontario, this is in stark contrast to UK Law Centres, which face an uncertain future with the introduction of fixed fees in October 2007 and competitive tendering by 2009. John Fitzpatrick says: 'The government needs to look again at a system that provides funding for Law Centres and, at the same time, guarantees their independence. If it fails to do so, we will lose some excellent centres and many ordinary people will be excluded from the civil justice system.'