

**Kinna-aweya Legal Clinic
Board Meeting Report
Coordinator of Legal Services
Sally Colquhoun**

Meeting Date: November 28, 2020

Client Service

We have been providing service more and more through in-person meetings with clients, and the increase in cases in the District in the last week has made us take a step back. We will not be opening files for Indian Day School Class Action applications between now and the end of the year, as we feel that those matters really require in-person meetings. I have encouraged staff to think carefully about whether they need to meet in person with clients, or can go back to sending forms to them by mail for signature and doing the file opening interview on the phone.

Most staff members are working in the office, and I have reminded them that if they want to work from home some of the time we can accommodate that.

During the period when we were primarily working for home in the spring and summer we refined our processes for doing file openings electronically, and started using the electronic tickler system. We are still having weekly Zoom meetings to keep in touch and discuss the many issues that come up that need to be dealt with sooner than our half-day staff meetings that are held every six weeks or so.

Statistics

The statistics report shows a big jump in the number of cases in October from less than our usual monthly average to higher than our usual monthly average. That is in part because of the ID clinic that was held.

The LTB is holding hearings again but only electronic hearings. Many of our clients and other low-income tenants aren't able to take part in electronic hearings. The LTB has stopped scheduling matters geographically and it is increasingly challenging to provide Tenant Duty Counsel Services. We are funded to provide that service two days a month, but with multiple hearing dockets every day of the week we are using much more staff time than two days a month. Providing that service doesn't show in our statistics very clearly. There are discussions taking place at the provincial level about how best to provide the service to low-income tenants.

Personnel

After being short-staffed for five months we were very pleased to have Claire McDowell start her contract as staff lawyer in September, replacing Claire Littleton who is on parental leave. Caycie Soke, another of our staff lawyers, is expecting a baby in early

May, so we will be hiring for another contract position to start at the end of April. There will likely be other personnel changes, including Pat Fenton's imminent retirement after being with the clinic for 40 years.

Our IPC student from Bora Laskin has been assisting with intake and casework and we will be sorry to see her placement end in a few weeks. We don't have a law student in the winter term. We have been asked by the coordinator of the Aboriginal Community Advocacy Program at Confederation College to host a placement student from that program starting in March.

Legal Aid Ontario

LAO have provided some funding to clinics for Covid-19 expenses such as physical changes to our office space.

The pilot project for performance measures has been slowed down because of the state of emergency and we are not sure yet when it will be expanded to other clinics. This year's funding application does ask for a breakdown of docketed time for the last three years.

Members of the ACLCO executive have been meeting every two weeks with LAO representatives to negotiate the new funding agreement and other foundational documents as part of the modernization project. I may have more information next week before the meeting.

We met with both of the federal Members of Parliament in the summer to discuss concerns about LAO funding but we are now advised that LAO is projecting a surplus for this year because of the decrease in demand for certificate services while the courts were suspended due to the pandemic.

Casework

We have developed a number of precedents for helping people with CERB issues and with the end of the program the surge of matters we saw during the summer has abated.

The LTB has a number of new adjudicators and is scheduling electronic hearings without any concern for low-income tenants who don't have the resources to take part in a video conference or a telephone hearing. They have changed their scheduling from doing dockets geographically to chronologically which is making it extremely challenging to provide Tenant Duty Counsel Services. They have also indicated that they will be scheduling hearings during the week between Christmas and the New Year, which Ontario tribunals have never done. Our office is closed that week, and I have already told the TDCP manager that we will not be able to provide TDC services. It is possible that matters that we are retained on will be scheduled that week, and the Board is not likely to grant an adjournment because our staff is not available.

The SBT has been holding hearings by telephone and we have video-conference hearings scheduled again in early 2021. We have upgraded the technology in our Board room to add a large-screen television which should make it possible to have the legal worker and the client on opposite sides of the table with plexiglass barriers between them. We continue to develop our process for attending hearings in our office safely.

Both of the appellate court matters that were filed in 2019 have now been resolved without a hearing, favourably for our clients.

Training

Several of our staff have been trainers in sessions organized by the ACLCO and CLEO for participants around the province.

We have been taking advantage of many other electronic training opportunities.

Community Development

1. ACLCO

The ACLCO staff have been instrumental in organizing training for staff with respect to various issues and helping us understand technical issues. They have also been meeting with LAO management about longer-term issues including the projected LAO deficit as a result of the loss of income from the Law Foundation.

2. Bora Laskin Faculty of Law

We had two students assigned to our ID Services project through Pro Bono Students Canada but one of them has had to withdraw. It is possible that one of the students who worked with us last year might be available to assist in the winter term. We will be starting the process of applying for an IPC student for the 2021/2022 school year soon.

3. SHIW Project

We have hired a second-year law student for the part-time position in this project funded by the federal department of justice. Claire McDowell is supervising her and Beth has done a tremendous job in getting this project underway and recruiting for members of an advisory board.

Other

1. Indian Day School Class Action

We have been meeting periodically with other organizations who are assisting clients in completing claim forms for the IDSCA in meetings organized by Nokiiwin Tribal

Council. We assisted in developing some written materials for Nokiiwin to distribute to their membership.

We started opening files again in September and have now put them on hold again.

There is potential for an overwhelming number of cases and we have developed criteria for when we will open a file.

2. SCSA

The Steering Committee has met electronically on several occasions. I am one of the northern representatives on this provincial legal clinic committee that works towards systemic solutions for social assistance issues. We have been trying to get the Social Benefits Tribunal to schedule a meeting with stakeholders so that we can raise a number of issues.

3. Media Reports

Caycie took part in a provincial press conference about the LTB, and I was subsequently interviewed by CBC radio and the Globe and Mail. Beth has also been contacted by the media about the ID Services project.

4. Immigration and Refugee Law Clinic

The Multicultural Association is applying for funding to create a legal clinic for immigration and refugee law matters. We have been asked to provide a letter of support and for a staff member to sit on their advisory committee.

Respectfully submitted,

Sally Colquhoun,
Coordinator of Legal Services.