

Community Justice Help: Advancing Community-Based Access to Justice

A summary

This is a summary of *Community Justice Help: Advancing Community-Based Access to Justice, A discussion paper* (Julie Mathews and David Wiseman).

Please consult the full paper for greater detail.

<https://cleoconnect.ca/cleo-research/learn-about-community-justice-help/>.



When people who have low incomes or face other social disadvantages need help, they often turn to community workers they know and trust. Community workers (staff and volunteers) typically provide services day-in, day-out, drawing on their deep understanding of a particular issue (e.g. settlement, housing, intimate partner violence), other supports available in the community and the context of their clients' lives.

People's life-affecting problems are rarely exclusively legal. Community workers offer holistic support to multi-faceted problems, including those that have a legal element. We refer to this kind of work as "community justice help" and to these workers as "community justice helpers."

The purpose of our proposal is to recognize and support community justice help to increase access to justice in Ontario. Many actions are needed to improve access to justice. We focus on community justice help because it is a pathway to improving access to justice for people who are disadvantaged.

Community justice help recognizes that lawyers and paralegals are not affordable or accessible to many people; that help from community workers is the only assistance many people will get; and that justice does not necessarily need to be accessed through lawyers and paralegals, and formal legal processes.

Enabling and supporting community justice help is both practical and appropriate. It is practical because community organizations are

already working with clients who have low incomes and providing good quality help. It is appropriate because frontline workers know their service communities and understand the social context of their clients.

We recommend that community justice help be enabled and supported, and propose a framework that describes the elements of good quality community justice help. The framework is based on existing good practices in Ontario's not-for-profit sector and has three key features:

- Community justice helpers have the knowledge, skills and experience to assist people with the legal elements of their problems and to navigate legal processes;
- They work within a not-for-profit organization and an ethical infrastructure that protects the dignity, privacy and consumer welfare of clients (they do not receive direct payment from clients); and
- They provide support that responds to their clients' needs in a holistic way, based on an understanding of the multi-dimensional nature of their needs, the social context of their lives, and the availability of other appropriate services in the community.



The framework includes markers or indicators for each feature that can be used as a guide by organizations offering community justice help.

Community justice help is an important and valid component of the broader ecosystem of access to justice services. All components of the ecosystem must be adequately funded and supported. Our proposal counts on a well-resourced legal aid system including, in Ontario, community legal clinics that provide poverty law services to people living on low incomes.

Our framework does not propose that community workers take on the role of lawyers or paralegals. Where community workers lack the required knowledge and skills, they refer clients to other sources of support, both legal and non-legal. Giving the best referrals is an essential part of providing good quality community justice help. Our research did not find evidence to support a generalized concern that community workers in Ontario provide services that go beyond their specific knowledge and skills.

There are strong quality assurance mechanisms in Ontario's not-for-profit sector to protect the public interest. In addition, many community justice helpers are members of regulated professions or occupations (e.g. registered social workers), or participate in certification or accreditation programs. Any new standards for community justice help should be voluntary and build on what exists.

Community workers in Ontario are already helping their clients with life-affecting problems with a legal element. However, there is a perception that crossing over the line between providing legal information and providing legal advice could result in an investigation or prosecution by the Law Society of Ontario (LSO). This perception impedes workers' ability to offer this help and to address openly the challenges they face.

This research was financially supported by The Law Foundation of Ontario; the authors are solely responsible for all content.

A [Community Legal Education Ontario / Éducation juridique communautaire Ontario](#) (CLEO) publication. For more information, or to provide feedback, please contact: communityjusticehelp@cleo.on.ca.

We believe this perception is actually a misperception. Community justice help already aligns with the regulatory framework overseen by the LSO for practising law and providing legal services in two ways:

- First, the language of the relevant rules permits frontline workers to provide community justice help where it is part of their normal professional or occupational activities; and
- Second, the substance of the three features of good quality community justice help is consistent with the underlying objectives of the LSO's current regulatory framework to protect the public interest.

We make three overarching recommendations:

- Where the three features of our proposed framework are present, people and organizations working in the access to justice area should recognize community justice help as an important and valid contribution to advancing meaningful access to justice;
- The LSO should recognize that community justice help already aligns with its regulatory regime that applies to the provision of legal services by interpreting the *Law Society Act* and by-laws in a way that does not discourage or prohibit community justice help; and
- Community workers in not-for-profit, community-based organizations who provide community justice help should be enabled and supported through practical tools and resources (e.g. best practice guidelines, checklists) developed by these organizations with the support and participation of justice sector partners.

We believe this intentional approach to supporting community justice help would be a meaningful step forward in advancing access to justice.

