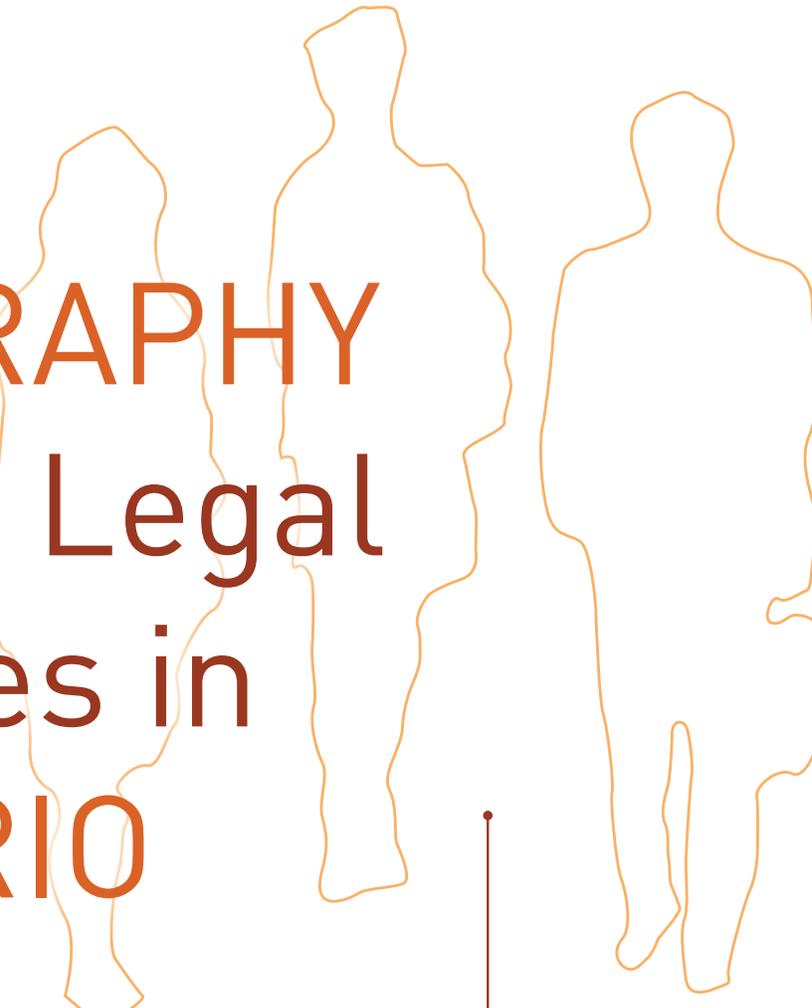


The GEOGRAPHY of Civil Legal Services in ONTARIO

Report of the
mapping phase of
the Ontario Civil
Legal Needs Project

**by Jamie Baxter
and Albert Yoon**



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by Jamie Baxter

University of Toronto

Faculty of Law

and Albert Yoon

University of Toronto

Faculty of Law

This report is the companion piece to the *Listening to Ontarians* report (May 2010) and completes the Ontario Civil Legal Needs Project.

Acknowledgements

The Geography of Civil Legal Services in Ontario is the report for the Mapping Project phase of the Ontario Civil Legal Needs Project. It is presented by the Project Steering Committee, consisting of:

- R. Roy McMurtry – Chair
- Marion Boyd – Bencher, The Law Society of Upper Canada
- John McCamus – Chair, Legal Aid Ontario
- Lorne Sossin – Past Vice Chair, Pro Bono Law Ontario

The Steering Committee extends its special thanks to Professor Albert Yoon of the Faculty of Law at the University of Toronto, and Jamie Baxter, Visiting Researcher at the Faculty of Law at the University of Toronto, for their outstanding contributions in analyzing the data and preparing this report. Completion of this Mapping Project would not have been possible without their expertise and hard work.

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Figures and tables in this report were created using maps and demographic information from Statistics Canada's 2006 Census data as well as lawyer and paralegal data from the Law Society and Legal Aid Ontario databases. The Steering Committee wishes to express its appreciation to the Government of Canada for the Census data – a valuable and publicly accessible resource.

The authors and editors have made best efforts to ensure that the links to external web pages provided in this report are current to the date of publication; however, we cannot take responsibility for future changes to the noted external web pages or links.

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Principal Researchers

Professor Albert Yoon, University of Toronto, Faculty of Law
Jamie Baxter, Visiting Researcher, University of Toronto, Faculty of Law

Graphic Design

WriteDesign.ca



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Message from the Chair

On behalf of the members of the Steering Committee for the Ontario Civil Legal Needs (OCLN) Project, I am most pleased to support the public release of this report, *The Geography of Civil Legal Services in Ontario*.

This report is a culmination of a three-year partnership between the Law Society of Upper Canada, Pro Bono Law Ontario and Legal Aid Ontario. It is also the product of the hard work and expertise of Professor Albert Yoon and visiting researcher, Jamie Baxter, both of the Faculty of Law at the University of Toronto. This project was also made possible through the financial support of the Law Foundation of Ontario.

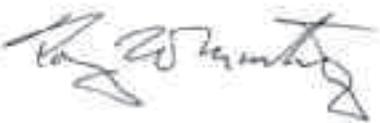
We now have access to the hard data that can be used to identify the civil legal needs of Ontario's low- and middle-income communities as well as the distribution of the legal service providers available to meet those needs. More importantly, this information and data is fully available to the public as well as the organizations and agencies that provide legal services and information to this cross-section of the Ontario population. I believe that this freedom of access to this information is a key component to the success of this project now and in the future.

While the public release of this report completes the third and final phase of the OCLN Project, it is in many ways the beginning. Now that we can identify where demand exists for civil legal services, as described in the *Listening to Ontarians* report, and we know where Ontario lawyers and paralegals are practising and in what areas of law they are practising, as described in this report, we have the opportunity to ask ourselves, "What's next?"

The Project partners, collectively and individually, will be working on answering that question in the coming year.

In the meantime, I thank you for your interest in the OCLN Project and hope that you find this report both illuminating and thought-provoking.

Yours truly,



R. Roy McMurtry
Chair, Steering Committee
Ontario Civil Legal Needs Project

Executive Summary



Executive Summary

Introduction

The Law Society of Upper Canada, Legal Aid Ontario, and Pro Bono Law Ontario share a common goal to improve access to justice for Ontarians. All three organizations already have in place a comprehensive range of programs and services designed to provide legal assistance to low- and middle-income residents with a civil legal issue. Those services are heavily utilized. Until recently, there was no empirical data on how well those services are received, where there are gaps in the assistance provided, and if existing resources could be better utilized.

The three organizations agreed in 2008 to undertake a joint research project – the Ontario Civil Legal Needs (OCLN) Project – to identify and quantify, for the first time, the civil legal needs of low- and middle-income Ontarians. This type of research has never before been undertaken on a province-wide basis in Ontario. The scale of this project called for the co-operation of organizations with an investment in Ontario’s civil legal system. The OCLN Project has been an active and effective partnership between the Law Society, Legal Aid Ontario and Pro Bono Law Ontario. The project also benefits from the support of the Law Foundation of Ontario.

The research has three phases: a phone survey to assess quantitatively the civil legal needs of low- and middle-income Ontarians, a series of focus groups with front-line legal and social service providers to identify gaps and areas for collaboration, and a mapping exercise to show the availability and range of existing services. The first two phases were completed in 2010, resulting in the publication of *Listening to Ontarians*, a report that summarizes the demand for civil legal services among low- and middle-income Ontarians. This document is the third and final phase of the research project.

The overriding goal of this phase of the project has been to collect data and to create a profile of the civil legal services market in Ontario for future use by not only the OCLN Project partners, but also by government, academia, front-line legal and social service organizations, and the public. We believe that this project creates an accurate picture of how and where the 20,203 lawyers who were in private practice in 2009 and the 3,695 paralegals providing legal services in 2011 work across the province. We hope that others will find value in our data, our

reports and other online resources in ways that enhance their own research and policy development.

The Mapping Report

The Geography of Civil Legal Services in Ontario is the work of Albert Yoon and Jamie Baxter. Mr. Yoon is an Associate Professor at the University of Toronto's Faculty of Law and Mr. Baxter is a Visiting Researcher, also at the University of Toronto's Faculty of Law. They have produced a comprehensive set of maps to help describe the market for legal services in Ontario, and to provide information useful in determining how this market might be structured differently to better serve middle- and low-income Ontarians with civil legal needs.

The mapping report examines how factors such as age and income of the general population will likely influence the demand for civil legal services. As well, the report looks at how the number of lawyers and paralegals in each region, their age, years of practice, and the area of law they practise may also influence access to justice.

Professor Yoon and Mr. Baxter used three sources of data for this report. General population data are from the 2006 Census data from Statistics Canada. Lawyer information is provided by the Law Society and Legal Aid Ontario, and paralegal demographic data were provided by the Law Society. Sources include a dataset of all lawyers of the private bar licensed to practise in Ontario as of October 2009 and all paralegals licensed to provide legal services in Ontario as of February 2011. The third source for data was supplied by Legal Aid Ontario. This included the amount of funding provided through Legal Aid Ontario's certificate program for subsidized legal services in Ontario as well as the geographic location of all lawyers who received Legal Aid Ontario certificate funding as of March 2010.

Each of the maps in this report relies on the census divisions used by Statistics Canada in the 2006 Census. These divisions are named in a reference map in Appendix B. The data are reported in quintile categories, representing equal fifths of the number of observations of the variables of interest (e.g., population, age, or income).

What did we learn from the Mapping Project?

The OCLN Project partners have distinct mandates and play very different roles within Ontario's legal system. Nevertheless, our interests overlap in this project because of its emphasis on the gathering of empirical data. Each of us can

consider the data through our respective lenses and use it to fulfil our mandates and enhance our policy development and program implementation processes.

This report has provided the opportunity to both answer and ask key questions about the market for civil legal services in Ontario. Many of our questions about the distribution and age of lawyers have been answered and our assumptions confirmed. We can use this information to assess the policies and programs we currently have in place. We can structure an evaluation process that can be tied to data.

More importantly, this report provides some surprising results. We can use this information to consider new questions about how we can enhance access to justice for Ontarians from a whole new perspective.

Demographic characteristics of Ontario's population

What are the key characteristics of Ontario's population, and how are they relevant to the demand for civil legal services spread across the province? The maps in Section 1 illustrate total population, age, income, education, immigration status, racialized status, Aboriginal status and language. By quantifying the client population that generates the demand for civil legal services in each district we can help predict the nature of demand. For example, those districts with large new immigrant populations can be expected to generate a relatively high demand for civil legal services in immigration law.

Where do lawyers and paralegals practise in Ontario?

Section 2 of the report switches the focus to lawyers and paralegals. Where do lawyers and paralegals practice in Ontario, in what languages, and in what areas of civil law? For lawyers, we report on civil litigation, employment law, family law, and immigration law. For paralegals, we look at workers' compensation claims, small claims court work, social assistance benefits claims, human rights, landlord and tenant claims, and property tax claims. Having identified, in Section 1, those districts with large new immigrant populations, we can now go to Section 2 to look at the number of lawyers practising immigration law who work in those districts. We can then begin to build a picture of the market for civil legal services, district by district, and by area of law. We would anticipate fewer access to justice issues, for instance, in a district with a small new immigrant population even if that district is in the lower quintiles for lawyers practising immigration law. By contrast, a district in a high quintile for French-speaking clients with few lawyers

and paralegals offering services in French will pose a greater challenge for clients in that district seeking legal help.

Age profiles of lawyers and paralegals and years in practice

We look at the median age of lawyers and of paralegals in each district, as well as the percent of lawyers called to the bar since 2006. These data help reveal districts with more acute risk to access to justice from the ageing of the local bar. Some of those districts with the highest numbers of older lawyers are among those districts in the highest quintile for recently-called lawyers. The risks associated with the graying of the bar are likely lower in such districts compared with districts with a high quintile for age and a low quintile for lawyers called to the bar since 2006. Combining age and length of practice data with the data on where lawyers and paralegals with certain specialties practice, yields another picture: where are newly-licensed lawyers or paralegals who focus on immigration law or employment law choosing to open their practice? Is it reasonable to assume that the general population demographics will help to influence the location a new lawyer or paralegal chooses, an idea called “territorial justice” that has been studied in the United Kingdom? A description of this research from England and Wales is included in Appendix A.

Legal Aid Ontario

Legal Aid Ontario plays a key role in access to justice by providing legal services to clients with limited means. Several delivery methods are used, including legal clinics, staff offices, the certificate program, duty counsel, and the funding of Aboriginal legal services corporations.

Section 2 includes maps that illustrate how legal aid funding through Legal Aid Ontario’s certificate program is allocated across the province, where legal aid lawyers and lawyers who provide legal services are located, and the breakdown of Legal Aid Ontario’s certificate provision for areas of civil law. Additional data describe funded legal clinics, staff duty counsel for criminal and family law issues, and pro bono contributions from the private bar.

Related and relevant research findings from outside Canada

Researchers in the United Kingdom have done more than any other jurisdiction to quantify the spatial distribution of legal service providers and the geographic dimensions of barriers to access to justice. Their data, however, are more than 20 years old. More recent work is being done in Alberta. In Appendix A there is a brief literature review of these two sets of research findings, and how they can be usefully compared with the geography of civil legal services in Ontario.

What we did not expect

As a result of this project, we have a number of opportunities to work independently and together to make a difference in enhancing access to justice for Ontarians as well as enhancing Ontarians' understanding and perception of what access to justice means to them. The following findings provide results that were a surprise to us.

We gathered data on the question in the Lawyers Annual Report relating to the number of lawyers who provide legal services pro bono and the number of hours they report as pro bono. The result is overwhelmingly positive and surprising. It also prompts us to ask more questions. Do lawyers all have the same understanding of what constitutes pro bono legal services? What do we, the Project partners, need to know about lawyers and pro bono? What information about pro bono legal services will best help the public, particularly those individuals who do not qualify for legal aid? How can we use the information we gather to further engage the profession and promote pro bono participation?

In looking at the practices of Ontario's paralegals, there is a very low percentage of paralegals who report that they provide services in human rights claims and property tax claims. Outside of the GTA, Middlesex and Algoma divisions, there are no paralegals reporting that they provide services related to human rights. North of Grey and Simcoe divisions, no paralegals report that they provide legal services in property tax claims. Numerous opportunities as well as questions present themselves because of this information. What are the reasons why the majority of paralegals are not pursuing this area of practice? Are there market factors at play? Are there education and training factors involved?

When we look at the results for where lawyers practise and what they practise, the results are impressive for both positive and potentially negative reasons. The average age of lawyers in the cities is much younger than in certain, less urban divisions in Ontario. How will this age disparity affect access to legal

services in the next five years? Will this information influence the decisions that law students and new calls consider for their careers? Could this information influence decisions that are made as to how technology could be used to enhance access to legal services? Are there localized factors to explain the variations in the legal services market, both from a demand and supply perspective?

The way ahead – What can be done with the data and results of this Project?

Listening to Ontarians and *The Geography of Civil Legal Services in Ontario* combine to provide the groundwork for the three Project partners and other members of the legal community to work together in identifying and developing innovative solutions to continue to improve the access to justice for low- and middle-income Ontarians. A range of solutions is required. Different people need different types of support based on their unique circumstances. A more vulnerable individual may need the assistance of a lawyer or paralegal while another individual may require access to clear and correct information.

We acknowledge that there are limits to how much this work can be applied to other contexts and projects. Further research would be required to achieve a definitive picture of how uniform access to justice is for civil legal needs clients across the province. The two reports of the Ontario Civil Legal Needs Project, however, provide valuable and new information that helps the public and the legal community understand the complexities of civil legal needs among Ontarians and the opportunities for enhancing the delivery of legal services now and in the future.

PART ONE
Introduction



PART ONE

Introduction

The Mapping Exercise

This report aims to sketch a preliminary “map” of civil legal services in Ontario by examining how factors in the market for these services vary across the province. Some of these factors, such as the age and income of the general population, will likely influence the demand side of civil legal services markets. Others, such as the number of lawyers and paralegals and their areas of practice, will determine, to some extent, how and where these services are provided. Our report is thus framed by the following questions about the geography of civil legal services in Ontario:

- What are the key demographic characteristics of Ontario’s population, and how are they relevant to the demand for civil legal services distributed across the province?
- Where do lawyers and paralegals practise in Ontario, in what languages, in what type of firm, and in what areas of civil practice?
- What is the current age profile of lawyers and paralegals in the province, and where are newly licensed practitioners practising?
- How is legal aid funding through Legal Aid Ontario’s certificate program allocated across the province, where are legal aid lawyers and lawyers who provide legal services pro bono located, and what is the breakdown of Legal Aid Ontario’s certificate provision for areas of civil law?

Taken as a whole, our mapping exercise yields a number of revealing visual representations that partially describe the market for civil legal services in Ontario, and provides valuable information about how this market might be better structured to serve those who experience barriers to accessing civil justice. The maps created for this report can potentially serve as valuable tools to address core policy questions related to issues such as lawyer and paralegal training and recruitment, incentivized service provision, and public funding for populations in need as components of access to justice in the province.

We wish to acknowledge at the outset the limits of our methodology, imposed mainly by the unavailability of data about the market for legal services. This study is not intended to paint a complete picture that fully describes either the demands

of those in need of civil legal services or the supply of services by private lawyers and paralegals or publicly subsidized and pro bono lawyers. Instead, we aim to present some basic information and insights into the geography of civil legal services as a starting point to focus future policy and action. At many points, the report raises key questions about how these services are and should be provided, and we attempt to elaborate on these questions and identify areas for further research throughout.

Our present attempt to map civil legal services in Ontario breaks new ground in Canadian research on this topic, but tracks a line of studies on the geography of legal advice-seeking that has emerged from the United Kingdom. British scholarship has heavily emphasized the concept of “territorial justice” in the provision of legal services, defined as a high correlation between standards of service provision and the relative needs of an area’s population.¹ Studies motivated by the idea of “territorial justice” have explored both the actual distribution of lawyers in urban and rural England and Wales, and the motivating factors behind lawyers’ choices about where to locate their professional practices. While the distribution of lawyers relative to population densities in urban and rural areas appears to be surprisingly uniform across England and Wales as a whole, researchers have identified localized gaps in the supply of legal services. These studies have also characterized some of the dynamics that exist between the urban fringe and commercial centres, which, in some areas of the United Kingdom, have apparently pulled legal service providers into urban cores and away from suburban areas. We provide a complete literature review describing these observations in Appendix A.

Listening to Ontarians: Report of the Civil Legal Needs Project

The Ontario Civil Legal Needs (OCLN) Project is a collaborative legal research project conducted in partnership between the Law Society of Upper Canada (Law Society), Pro Bono Law Ontario (PBLO) and Legal Aid Ontario (LAO). The purpose of the OCLN Project is to promote access to justice by identifying and quantifying the “everyday” legal problems experienced by low- and middle-income Ontarians and to identify the legal resources available to this group.

There are three phases to the Project. Phase I consisted of a quantitative telephone survey with 2,000 low- and middle-income Ontarians conducted

1 Ken Foster, “The Location of Solicitors” (1973) 36 *The Modern Law Review* 153.

in summer of 2009. For the purposes of this project, low- and middle-income Ontarians are defined as those living in households with annual incomes of \$75,000 or less.² Phase II, also conducted in summer of 2009, consisted of seven focus groups with front-line legal and social service providers as well as three focus groups with users of PBLO's Law Help Ontario service. This report on the geography of civil legal services in Ontario constitutes Phase III of the project. It consists of mapping existing civil legal services and legal information resources to identify the number, type, range and location of lawyers and paralegals. We report data on lawyers both in private practice and those who are paid for their legal services through LAO.

On May 31, 2010, the Steering Committee of the OCLN Project publicly released the Phase I and II final report, entitled, "*Listening to Ontarians: Report of the Ontario Civil Legal Needs Project*".³ The report, in English and French, as well as the quantitative and qualitative research reports (the telephone and focus group surveys prepared by Environics Research Group), can be found on the Law Society website at: <http://www.lsuc.on.ca/with.aspx?id=568>.

The *Listening to Ontarians* report highlighted the fact that civil legal needs are a pervasive and invasive presence in the lives of many low- and middle-income Ontarians. One in three low- and middle-income Ontarians have had a non-criminal legal problem or issue in the past three years and one in ten has had multiple legal problems.

The study showed clearly that when people do seek help from a lawyer or a paralegal, they are generally very satisfied. Furthermore, fully half of the low- and middle-income Ontarians who had civil legal needs were able to access free help or to resolve their legal problems for less than \$1,000 in legal service fees.

One in three respondents among low- and middle-income Ontarians said they prefer to resolve their legal needs by themselves with legal advice, but not necessarily with the assistance of lawyers or paralegals. Legal advice was sought from a variety of sources, both legal and non-legal. Ontarians often resolve their civil problems outside the formal justice system.

The survey revealed that people need help to understand and access the justice system. The very complexity of the legal system itself can become a barrier to

2 This figure is based on a calculation using the federal government's Low Income Cut-Off (LICO) amount. This cut-off does not represent a definitive demarcation of low- or middle-income earners. It is, rather, a figure that is likely inclusive of most low- and middle-income earners in Ontario.

3 Ontario Civil Legal Needs Project, "*Listening to Ontarians: Report of the Ontario Civil Legal Needs Project*" (Toronto, 2010) online: http://www.lsuc.on.ca/media/may3110_oclnreport_final.pdf.

access to justice. However, Ontarians do not want one-size-fits-all programs and initiatives as they work to resolve their civil legal needs. The study reinforces the necessity of differentiating the needs of low- and middle-income Ontarians, and of tailoring the responses appropriately. The survey revealed that Ontarians believe that access to justice in Ontario can be attained through multiple, diverse, and integrated access points and service responses within Ontario’s civil legal system.

The present report builds on and supplements the findings of *Listening to Ontarians* in two ways. First, by mapping general population demographics in Ontario such as age, income, and immigration status, the report provides further insights into distribution of some of the underlying factors that influence the demand for civil legal services. Second, the report attempts, where possible, to compare the geographic distribution of civil legal needs from the OCLN Quantitative Research survey data⁴ (OCLNS) with the distribution of legal services available to meet those needs. The maps provided herein make these connections by visualizing where legal services are supplied, how public funding is distributed through LAO, and how the demographic composition of the legal profession is currently structured around the province. As a result, the current report uses the available data to suggest possible spatial gaps in the supply of civil legal services provided by lawyers and paralegals in relation to existing and identified legal needs.

We begin this report with an overview of the data we used to map the general, lawyer, and paralegal populations in Ontario. We then describe in some detail the 42 maps we created to visualize the geography of civil legal services in Ontario, on both the supply and demand sides. Finally, we discuss our results and their limitations, and offer some preliminary recommendations based on our findings.

Data Description

We used three sources of data for our analysis. Results in Section I (“The General Population”) are based on 2006 Census data from Statistics Canada. In Section II (“The Lawyer and Paralegal Populations”), demographic data for the lawyer and paralegal populations as a whole were provided from the Law Society’s database on licensed lawyers and paralegals in Ontario. Our dataset includes all

4 Environics Research Group, *Civil Legal Needs of Lower and Middle-Income Ontarians: Quantitative Research* (Toronto: Ontario Civil Legal Needs Project, 2009) online: Law Society of Upper Canada http://www.lsuc.on.ca/media/may3110_oclnquantitativeresearchreport.pdf [OCLNS Quantitative Research].

lawyers of the private bar licensed to practise in Ontario as of October 2009⁵ and all paralegals licensed to practise in Ontario as of February 2011. This dataset includes information on the location of lawyers and paralegals by census division, on lawyers' and paralegals' ages, and on lawyers' year of call and civil legal practice areas.

Section II includes data on the amount of funding provided through LAO's certificate program for subsidized legal services in Ontario and on the geographic location of all lawyers who received LAO certificate funding, current as of March 2010.⁶ LAO also provided data on the number of certificates issued, LAO-funded staff positions in community legal aid clinics, and the number of full-time staff duty counsel by location, current as of March 2011. These data were provided directly from LAO's database of funding and lawyer statistics.

Section II also includes data on the number of lawyers contributing pro bono hours and the number of pro bono hours worked from the Law Society's 2009 Lawyer Annual Reports. These data are self-reported by lawyers in Ontario as part of the Law Society's mandatory annual reporting process.

Each of the maps created for this study present statistics by census divisions. Census divisions are second-level geographical units (i.e. below provinces) designated by Statistics Canada and used in the 2006 Census. These divisions consist of upper-tier municipalities, including counties, districts, regional municipalities and cities. We note that the City of Sudbury and its surrounding district are designated by Census Canada as two separate census divisions: Greater Sudbury (the city itself) and Sudbury (the district that encompasses the city). The Law Society, however, designates these divisions as a single geographical unit. The total census population as well as all data in Section II are therefore reported for the amalgamated region of Sudbury and Greater Sudbury as a whole. The remaining maps for population demographics in Section I, including age, education, language, racialized status and income report data for these divisions separately.

A reference map in Appendix B includes the official names for each of Ontario's 49 census divisions as designated by Statistics Canada. Readers should be aware

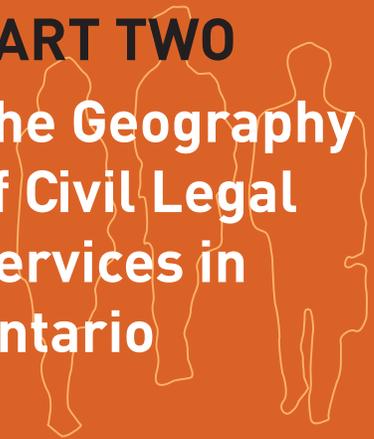
5 This dataset excludes Ontario lawyers who work for a municipal, provincial or federal government, as well as lawyers who work in the field of education, such as law professors. Our dataset also excludes lawyers who have had their licence temporarily or permanently suspended. Finally, our dataset excludes lawyers who are registered to practice in Ontario but are currently practising outside the province.

6 The original LAO data on LAO-funded lawyers was organized by six-digit postal codes. We re-organized these data by census division using the 2006 Census Postal Code Conversion File (PCCF) provided by Statistics Canada.

that some divisions on the maps in this report approximate the actual land area boundaries for coastal areas and islands along the Great Lakes, particularly in the Thunder Bay, Manitoulin and Bruce divisions. Please refer to the reference map in Appendix B for further information.

PART TWO

The Geography of Civil Legal Services in Ontario



PART TWO

The Geography of Civil Legal Services in Ontario

Introduction

Section I of this study (“The General Population”) maps key demographic characteristics of the provincial population using Canadian Census data from 2006. These characteristics include total population, age, educational attainment, income, racialized status, immigration status, Aboriginal status and language. These statistics provide a general picture of the underlying client population that generates the demand for civil legal services in each census division. We report these data because we assume that population demographics help to predict the nature of demand – for example, divisions with a large new immigrant population can be expected to generate a relatively high demand for civil legal services in immigration law.⁷ We emphasize, however, that the connection between population demographics and the dynamics underlying demand for civil legal services cannot be fully understood using the available census information alone.

Section II (“The Lawyer and Paralegal Populations”) sketches the distribution of the supply of civil legal services in Ontario. We discuss distributions of the number and mean age of lawyers and paralegals, practitioners newly called to the Bar of Ontario, lawyers who speak French, and the proportion of sole practitioners. Information on civil legal services in key practice areas is reported for civil litigation and for family, immigration and employment law, as well as for paralegal practice areas including workers’ compensation claims, small claims court work, social assistance benefits claims, human rights, landlord and tenant

7 See Ian Ramsay, “What do Lawyers Do? Reflections on the Market for Lawyers” (1993) 21 *International Journal of the Sociology of Law* at 369 (discussing, *inter alia*, greater population diversity and changing population dynamics as relevant factors in the changing demand for legal services).

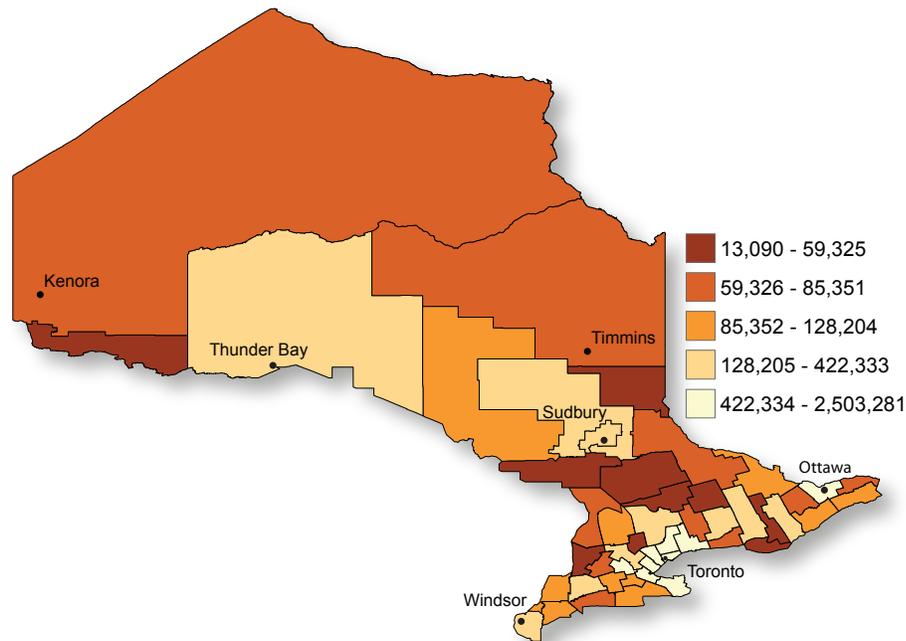
claims, and property tax claims. Finally, we discuss the distribution of Legal Aid and certificate lawyers across Ontario, in general and within civil practice areas, and report on funded community legal aid clinics, staff duty counsel for criminal and family law issues, and pro bono contributions from the private bar.

Taken together, the data from Sections I and II provide a preliminary description of the market for civil legal services in Ontario. Whenever possible, we attempt to draw on findings from the *Listening to Ontarians* survey to shade in details about the underlying demographic and geographic characteristics of civil legal needs in the province. We note, however, that without further analysis of the raw survey data (for example, at the census division level) and possibly without additional evidence, we can only make educated guesses as to the true demand for civil legal services, how they are distributed across census divisions, and whether or not these demands are being met by the current supply and geographic distribution of lawyers.

In each of the maps that follow we report the underlying data using quintile categories. Quintiles are values that divide a sample of data into five equal groups containing, as far as possible, equal numbers of observations of the variables of interests (e.g., population, age or income), *not* equal fifths with respect to the range of these variables. In the case of Ontario, where there are 49 census divisions, each map's quintile category contains results for between roughly 8 and 11 different divisions. We selected quintiles because, in some instances, there is little variation in the values of a given variable (e.g., percent of the population who are native French speakers); while in other cases the range is large, but the distribution is skewed (e.g., total population, where most census divisions have small values and only a few geographically compact urban areas have large values). The use of quintiles enhances differentiation of the results in both of these cases.

Section I: Ontario's General Population

Figure 1 – Total Population



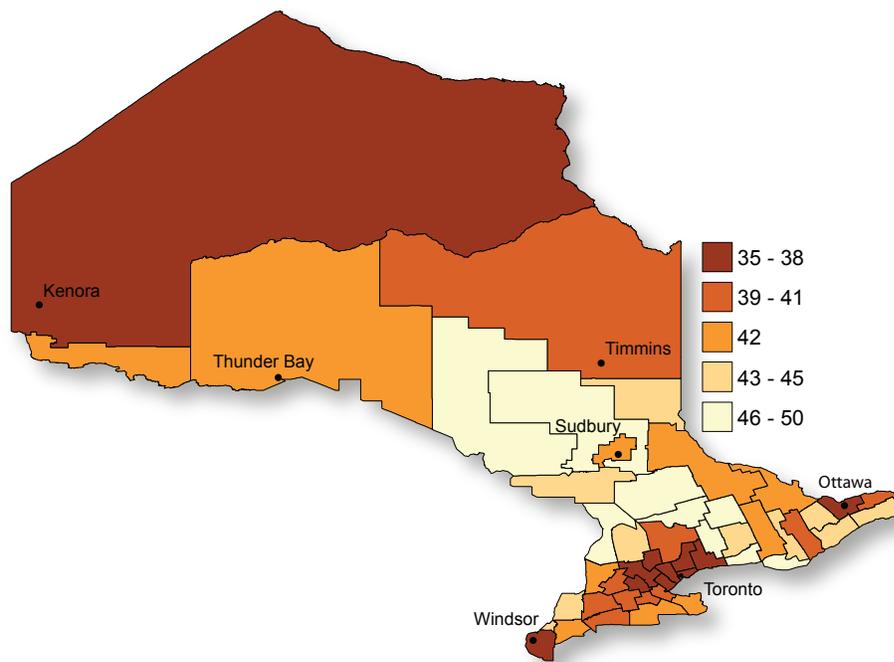
Population Size: Figure 1 reports the total 2006 census population for all census divisions in Ontario: 12,160,282. While demand for civil legal services will be determined by several factors in addition to population size, the census population provides a rough initial indicator of areas that are likely to experience high or low demand for civil legal services overall.

Toronto is the most populous division (2,503,281) and Manitoulin the least populous (13,090) in the province. Ontario's Golden Horseshoe region – composed of seven census divisions including Toronto, Niagara, Hamilton, Halton, Peel, York, and Durham – is by far the most populous region and accounts for more than half (53%) of the provincial population. Toronto alone accounts for over 20% of the population in Ontario. Ottawa (7% of the total population) is the only region outside of the Golden Horseshoe and its surrounding areas in the highest population quintile.

The least populated regions in Central Ontario are Haliburton (0.1%), Parry Sound (0.3%) and Muskoka (0.5%). Ontario's northern regions, while all being sparsely populated, vary widely in size. The northern-most region of Kenora (0.5% of the total population) alone comprises almost 38% of the Ontario's land area. Timiskaming, Rainy River and Manitoulin are comparatively smaller regions, with 0.3%, 0.2% and 0.1% of the provincial population respectively.

Recent population trends show gravitation to urban areas. The Golden Horseshoe's share of the total provincial population increased to 53% in 2006 from 51% in 1996. The divisions with the highest increases in population over this same period are all within the Golden Horseshoe (York, Peel, and Halton), although Toronto's share of the total population actually declined from 22% in 1996 to 21% in 2006. All regions in northern Ontario, with the exception of Manitoulin, have experienced a marginal decline in population over this period. Overall, 85% of Ontario's population (10,351,135 in 2006) lives in an urban area, representing an increase of 2% since 1996.⁸

Figure 2 – Total Population: Median Age



8 Statistics Canada, "Population urban and rural, by province and territory" (2009) online: <http://www40.statcan.gc.ca/l01/cst01/demo62g-eng.htm> (visited December 22, 2010).

Population Age: Figure 2 shows the median age of the total census population in 2006 is 39. We include population age because legal service demands can change considerably across different age groups. For example, the *Listening to Ontarians* survey of lower- and middle-income Ontarians found that older individuals were more likely to require legal advice related to the death of a family member, lack of will or power of attorney, and illness or poor health, whereas younger and middle-aged individuals were more likely to demand services in areas associated with housing or land, employment and custody of children.⁹ In addition, the survey results showed that among those who reported a legal problem, middle-aged people are more likely to have sought some form of legal assistance. Evidence from civil legal needs surveys in other countries confirms that age can influence the demand for civil legal services, although this relationship clearly varies between different jurisdictions.¹⁰ As a result, it is difficult to construct a reliable age profile for the overall demand for civil legal services using the available data. While not reported, the map showing mean population age produces similar results to Figure 2.

Median age varies considerably by census division. The highest concentration of the youngest regions (35 – 38 years) is in western and southern Ontario, in areas surrounding Toronto and through the Dufferin-Wellington-Waterloo region. The Essex and Ottawa regions are also in the lowest mean age quintile. All of these regions – the exception of Toronto (38 years) – are also among the most populous and contain or are in close proximity to major urban centres. This picture is consistent with the expected trend that cities will tend to be of lower median age because of the steady infusion of younger individuals for both post-secondary education and for work. Peel had the lowest proportion of seniors (age 65 and over) in 2006, at 9% of the population.

Younger median ages are not limited, however, to more densely populated census divisions. Kenora (35 years), in northern Ontario, is also in the youngest quintile and other northern regions of Rainy River, Thunder Bay and Cochrane

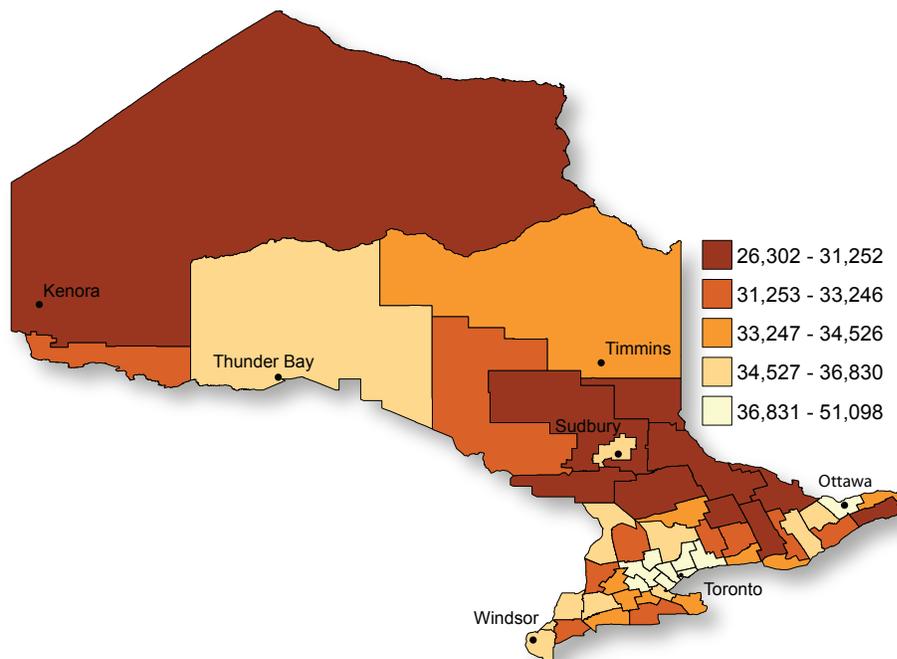
9 OCLNS Quantitative Research, *supra* note 4 at 20-22.

10 For example, Pascoe Pleasence et al., “Causes of Action: Civil Law and Social Justice” (London: Legal Services Commission, 2004) online: <http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/Causes%20of%20Action.pdf> at 15 show that in the England and Wales civil legal needs survey, respondents’ ages were highly significant predictors of 14 out of 18 of the problem types studied. The youngest respondents were most likely to report problems in the areas of rented housing, unfair treatment by the police, homelessness and mental health problems. Respondents 25 to 34 years old were most likely to report immigration, consumer, money/debt and domestic violence problems.

have relatively young populations. One explanation for this trend may be the high proportion of Aboriginal residents in these northern regions (41% in Kenora, 22% in Rainy River, 12% in Cochrane, and 11% in Thunder Bay). Canada's Aboriginal population is much younger than Canada's general population, with a median age 13 years lower than that of the Canadian population overall in 2006. In addition, Aboriginal women have a much higher fertility rate compared to non-Aboriginal women, and as a result, Canada's Aboriginal population is growing faster than the general population as a whole.¹¹

The region with the oldest median age in Ontario is Haliburton (50 years), followed by Parry Sound and Prince Edward (both 48 years). Haliburton had the highest proportion of seniors (24.7%) of any region in Ontario in 2006.

Figure 3 – Total Population: Mean Income



Population Income: In the 2006 census, the average or mean total household income in Ontario was \$38,099. Data on the mean income in each census division provide two insights relevant to access to justice issues in Ontario. First, income is likely correlated with the types of legal problems that individuals experience, although this relationship is difficult to characterize using the existing data. The *Listening to Ontarians* survey reveals that individuals with annual household

11 Statistics Canada, "Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census," Ottawa, Statistics Canada (2008) (Cat. No. 97-558-XIE).

incomes of less than \$20,000 are more likely to report family relationship and disability-related problems, while middle-income individuals (with annual household incomes between \$40,000 and \$75,000) are more likely to experience legal problems related to real estate transactions.¹² Likewise, social science research suggests that low-income individuals also tend to be among the most marginalized, and will therefore more frequently confront discrimination based on a range of personal characteristics.¹³ Second, mean income is connected directly with the ability to pay for civil legal services. We would expect that the demand for Legal Aid and other forms of subsidized or publicly-provided civil legal services to be higher in lower-income divisions, although recent research has demonstrated that there is also strong demand for subsidized services among the middle class.¹⁴ The *Listening to Ontarians* report also reveals that respondents with an annual household income of less than \$40,000 were more likely to have experienced problems with access to legal assistance.¹⁵

Mean income is highest in the Golden Horseshoe region (although lower in Hamilton and Niagara), in Dufferin, Wellington and Waterloo and in Ottawa – all major business, technology and/or industrial centres. Rural divisions in central-eastern Ontario are uniformly in the lowest income quintile, as is Kenora in the North and Stormont, Dundas and Glengarry in the East.

The standard deviation of mean income within a given census division provides some insight into the heterogeneity of individual incomes within that division. Census divisions with a high standard deviation may have significant access-to-legal-services needs, even if average income is high or above the means-based cut-off for individuals to receive legal aid.

Select divisions in rural Ontario have the highest standard deviations from mean income. Parry Sound has by far the most variation, with Lennox and Addington, Prince Edward, Haliburton, Sudbury, Lanark and Rainy River all having high standard deviations. Notably, the two divisions of Middlesex and Dufferin both have relatively high standard errors as well as high mean incomes, indicating that access-to-legal-services needs may still be prevalent in these areas.

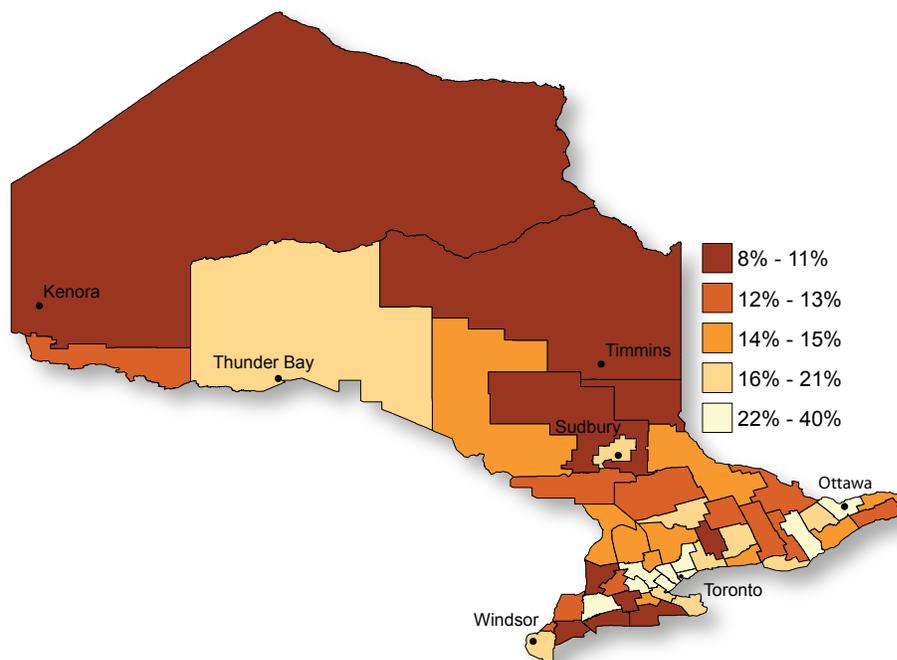
12 OCLNS Quantitative Research, *supra* note 4 at 20-21.

13 See Boris Palameta, "Perspectives on Labour and Income: Low Income Among Immigrants and Visible Minorities" (April 2004) online: Statistics Canada <http://www.statcan.gc.ca/pub/75-001-x/10404/6843-eng.htm>.

14 Michael Trebilcock, "Report of the Legal Aid Review 2008" Ontario Ministry of the Attorney General (Toronto, Ontario: 2008), online: http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/trebilcock/legal_aid_report_2008_EN.pdf.

15 OCLNS Quantitative Research, *supra* note 4 at 31.

Figure 4a – Population Age 25-64 Years: Percent with Bachelor’s Degree¹⁶



Educational Attainment: An individual’s level of education can impact on his or her access to justice in at least two ways. First, we would expect that highly educated individuals, on average, will have greater success in navigating the legal system on their own: for example, by seeking self-help remedies in Small Claims Court or by recognizing the need to seek legal representation. Second, research indicates a strong positive correlation between an individual’s level of education and his or her wage, meaning that high levels of education can be an indicator of ability to pay for civil legal services (see mean income mapped in Figure 3). Numerous economic studies show increasing returns to higher levels of education in Canada,¹⁷ and a recent study of returns to education over the past

16 These data include individuals whose highest level of educational attainment is a university degree or certificate, which includes either: a bachelor’s degree, university certificate or diploma above bachelors level, degree in medicine, dentistry, veterinary medicine or optometry, a masters degree or earned doctorate.

17 See Philip Oreopoulos and Kjell Salvanes, “How Large are Returns to Schooling? Hint: Money Isn’t Everything” NBER Working Paper No. 15339 (September 2009). For a survey of the literature from the United States, see Claudia Goldin and Lawrence Katz, “The Returns to Skill in the United States Across the Twentieth Century” NBER Working Paper No. 7126 (1999).

two decades has found that, controlling for work experience, these returns have generally increased over the past two decades.¹⁸

Figure 4a reports the proportion of the total population 25 to 64 years of age with a university-level bachelor's degree as their highest level of educational attainment. For Ontario, the 2006 Census result was 26%. By this measure, Ottawa is the most highly educated census division in Ontario, with 40% of individuals at the bachelor level, followed by Toronto (37%), Halton and York (both 33%). The least educated divisions in Ontario by this measure are Sudbury (8%) and Timiskaming (9%).

The pattern of educational attainment in Ontario closely tracks that of mean income in Figure 3, as the research literature cited above predicts. In this light, access to justice problems associated with low income and low levels of education are likely to be experienced disproportionately by divisions in the most northern regions of Ontario, as well as by some other areas in Ontario that are predominantly rural.

18 Brahim Boudarbat, Thomas Lemieux and W. Craig Riddell, "The Evolution of Returns to Human Capital in Canada, 1980-2005" Institute for the Study of Labour Discussion Paper No. 4809 (March 2010), online: <http://ftp.iza.org/dp4809.pdf>. See also Chinhui Juhn et al., "Wage Inequality and the Rise in Returns to Skill," (1993) 101 *J. Pol. Econ.* 410.

Figure 4b – Population Age 25-64 Years: Percent with High School Certificate¹⁹

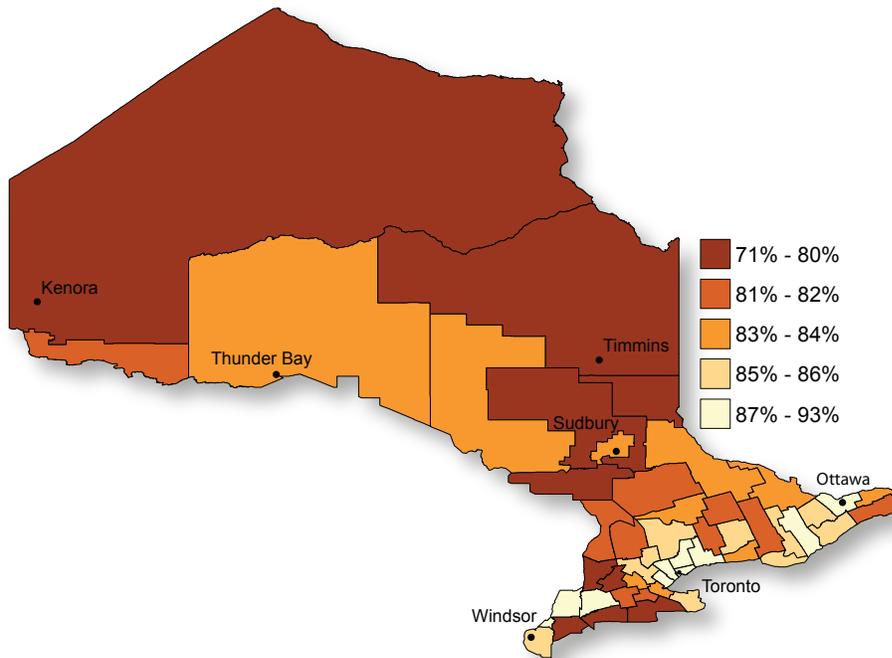
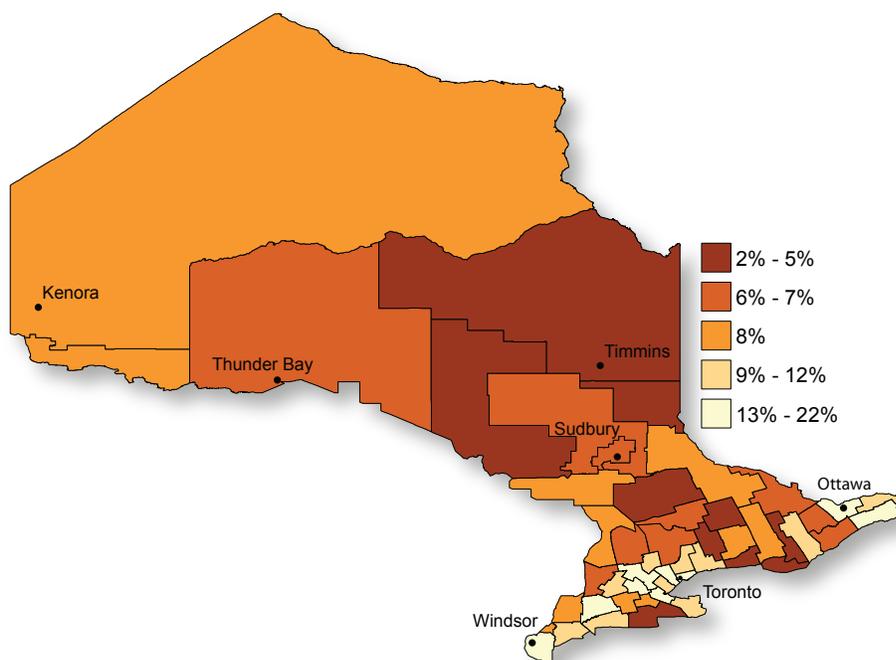


Figure 4b reports the proportion of the total population with a high school certificate. For Ontario, the 2006 Census result was 86.4%. Our results for educational attainment, as measured by individuals with a high school level education, reflect very closely the pattern we observe for individuals with a bachelor's degree (Figure 4a) and mean income (Figure 3). Districts with higher percentages with high school degrees also have higher percentages of bachelor's degrees. The only notable difference from Figure 4a is with respect to the division of Lambton, which has a proportion of individuals with a high school degree in the highest quintile, but a relatively low proportion of individuals with a bachelor's degree.

¹⁹ These data include individuals whose highest level of educational attainment is a certificate, diploma or degree, which includes: a high school certificate or equivalent, an apprenticeship or trades certificate or diploma, a college, CEGEP or other non-university certificate or diploma, or a university certificate, diploma or degree.

Figure 5 – Total Immigrant Population: Percent New Immigrants



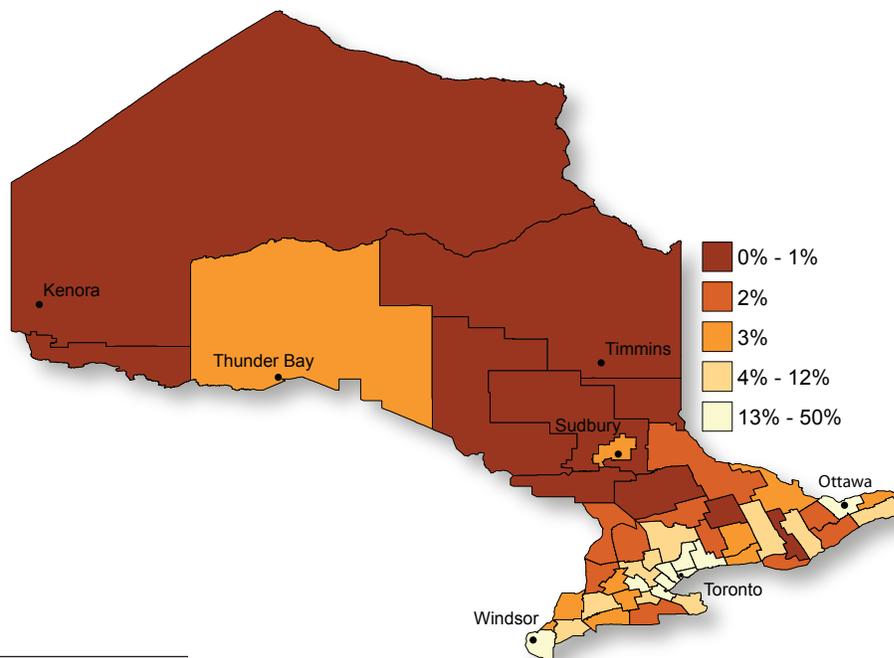
Immigration: Figure 5 provides information on the proportion of foreign-born individuals in each division who have immigrated to Canada in the period 2001 to 2006 as a proportion of the total immigrant population in each division. For the period of 2001 to 2006, the Census result for Ontario was 17.1%. New immigrants may have a specific profile associated with their demands for civil legal services. Certainly, these individuals are expected to generate a higher demand for immigration law services, but immigration status may affect other areas of legal service demand as well. For example, social science research has suggested that recent immigrants, especially those from developing countries, have substantially lower rates of homeownership, meaning that demand for civil legal services associated with homeownership may be low, while those concerned with rental housing may be relatively high.²⁰ New immigrants, in general, also tend to have lower average incomes and higher rates of homelessness compared to other Canadians – a trend that is apparently exacerbated in the outer suburbs of metropolitan areas where access to affordable housing is limited.²¹

20 Brian Ray and Eric Moore, “Access to homeownership among immigrant groups in Canada” (2008) 28 *Canadian Review of Sociology* 1.

21 Valerie Preston et al., “Immigrants and homelessness – At risk in Canada’s outer suburbs” (2009) 53 *Canadian Geographer* 288.

It might be expected that new immigrants will have less familiarity with the Canadian legal system overall and will more frequently experience language and other cultural barriers to access to justice. Survey results from the *Listening to Ontarians* report, however, suggest that new immigrants' perceptions of and relationships to the civil justice system are more complex. The survey found, for example, that individuals born outside of Canada were more likely to prefer resolving a legal problem by themselves with help from family or friends, but further results provide little specific insight into language or other barriers experienced by new immigrants in accessing legal advice services.²² The report does suggest that those born outside Canada are likely to follow particular pathways to legal advice. These individuals were more likely to use the Internet as a source of information about Legal Aid (although access to the Internet was less prevalent among these individuals)²³ and those experiencing legal problems related to immigration were found to be more likely to have turned to paralegals and immigration consultants for advice.²⁴ These data suggest that further specialized research into the civil legal needs of non-English and non-French speaking Ontarians would be helpful to address potential challenges confronting new immigrants.

Figure 6 – Total Population: Percent Racialized Communities



22 OCLNS Quantitative Research, *supra* note 4 at 35.

23 *Ibid.* at 38 and 41.

24 *Ibid.* at 28.

Racialized Communities: Figure 6 reveals the proportion of the census population in each census division that is racialized, meaning individuals, other than Aboriginal persons, who self-identify as non-Caucasian in race or non-white in colour. For Ontario, the 2006 Census result was 22.8%. Racialized community populations might be expected to have unique demand profiles for certain civil legal services, either because they are new immigrants to Canada (see Figure 5) or because they are at relatively greater risk of discrimination and other forms of marginalization.

Predictably, the Golden Horseshoe area contains the highest proportion of racialized individuals, which corresponds to the fact that this area is a main destination for new immigrants.²⁵ Table 1, next page, reports data from Citizenship and Immigration Canada on the top ten source countries for permanent residents in 2009. Peel Region has the highest proportion of racialized individuals at 50% of the total population, with Toronto close behind at 47%. Outside of the Golden Horseshoe, Ottawa (20%), Essex (14%), Waterloo (13%) and Middlesex (12%) all have relatively large racialized populations.

25 According to the 2006 Canadian Census, 37.5% of Canada's total immigrant population resides in Toronto. 40.4% of Canada's recent immigrants reside in Toronto. Statistics for the proportion of the total immigrant population for other urban centres are: Ottawa (3.3%), Hamilton (2.7%), and London (1.4%). See Statistics Canada, "Distribution of total population, total immigrant population and recent immigrants, Canada and census metropolitan areas, 2006 and 2001 censuses" online: <http://www12.statcan.ca/census-recensement/2006/as-sa/97-557/table/t3-eng.cfm>.

Table 1 – Canada: Permanent Residents by Source Country

Source Country	Number of individuals granted permanent resident status in Canada in 2009
People's Republic of China	29,049
Philippines	27,277
India	26,122
United States	9,723
United Kingdom	9,566
France	7,300
Pakistan	6,214
Iran	6,065
Republic of Korea	5,864
Morocco	5,222
Algeria	4,785

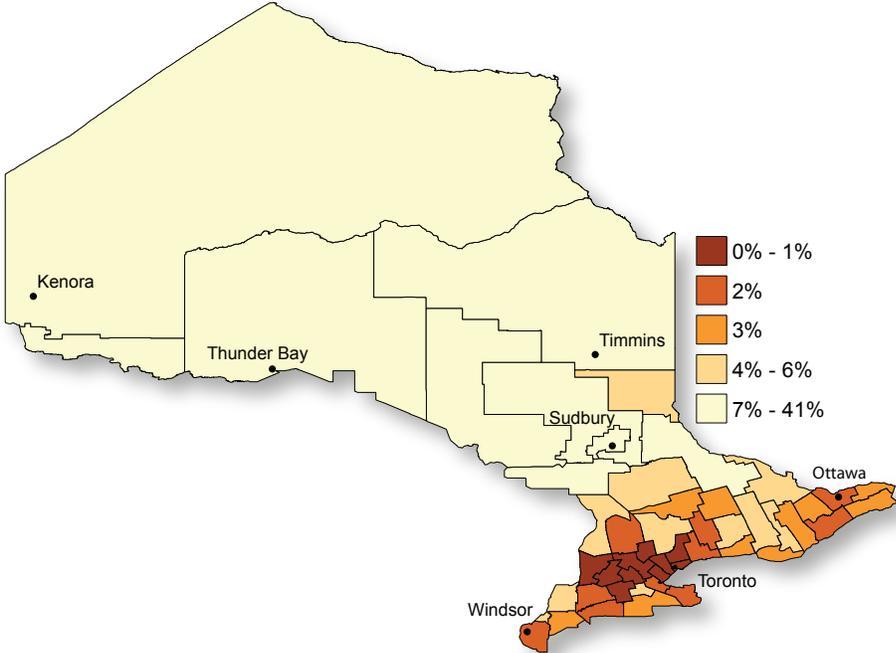
Source: Citizenship and Immigration Canada, "Canada Facts and Figures: Immigrant Overview – Permanent and Temporary Residents" (2009) online: <http://www.cic.gc.ca/english/pdf/research-stats/facts2009.pdf>

All regions in Ontario north of Simcoe have very small racialized populations of 2% or less. Kenora, Parry Sound, Timiskaming, Rainy River and Manitoulin all have less than 1% racialized populations. Rural regions in Western Ontario (Huron and Bruce) and Central-Eastern Ontario (Prince Edward, Lennox & Addington and Lanark) have racialized populations of 1% or less.

Apart from a few census divisions in northern Ontario, the proportion of racialized individuals in all divisions has increased between 1996 and 2006. The largest increases have been in the Golden Horseshoe region: Peel (an increase of 19%), York (+13%), Toronto (+10%) and Durham (+7%). The majority of rural areas in Ontario have seen much lower increases in the proportion of racialized population of 1% or less.

Collectively, Figure 6 shows that outside of the most populated divisions, the population is either predominantly white or, in the northern-most divisions, predominantly Aboriginal or white.

Figure 7 – Total Population: Percent Aboriginal

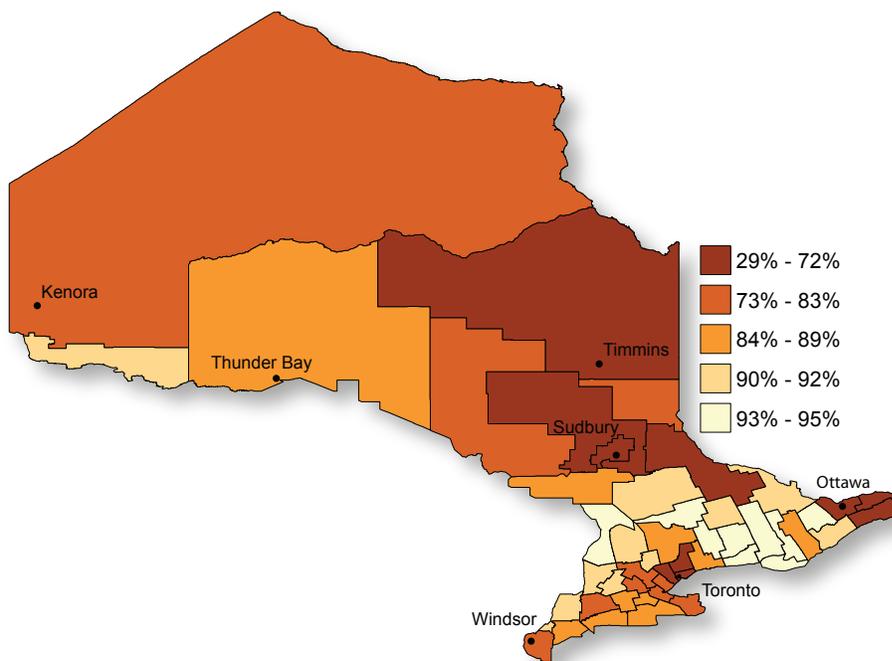


Aboriginal Population: The results of the 2006 census show that the Aboriginal population in Ontario constitutes 2.0% of the total population. Figure 7 reveals that divisions in northern Ontario have much higher proportions of Aboriginal individuals compared to those in the south of the province, particularly those areas in the lowest quintile, who are clustered in the southwest region. Kenora has the largest population of Aboriginal individuals relative to total population size at 41%, Manitoulin has 39%, and Rainy River 22%. The proportion of Aboriginal individuals in other divisions drops off quickly and is relatively much lower in all major urban areas in the south.

Research has demonstrated, however, that Aboriginal population dynamics in Canada can be complex, and we are cautious not to oversimplify the demographics of Aboriginal communities by presenting the basic population data in Figure 7. There are certainly large numbers of Aboriginal peoples living in Ontario’s urban areas when compared to the total Aboriginal population in the

province, as well as a strong presence of organizations and services in many urban centres directed to meet the specific needs of Aboriginal communities. Overall, the estimates from the 2006 Census suggest that 62% of Aboriginal peoples in Ontario live in urban areas.²⁶ As well, for First Nations peoples (Status and non-Status Indians), there are often specific patterns of migration between reserve communities and urban centres related to social and economic factors such as the availability of employment opportunities.²⁷ According to Aboriginal Affairs and Northern Development Canada (then Indian and Northern Affairs), 49% of First Nations peoples who hold Registered Indian status lived on reserves in Ontario in 2007.²⁸

Figure 8a – Total Population: Percent Mother Tongue (English)



Mother Tongue: The need for civil legal services may be particularly acute for those who do not speak one of Canada’s official languages as their first language (mother tongue) – a problem that is exacerbated when the non-official language

26 2006 Census of Canada: Aboriginal Identity, Statistics Canada (2011), online <http://www12.statcan.ca/census-recensement/2006/rt-td/ap-pa-eng.cfm>.

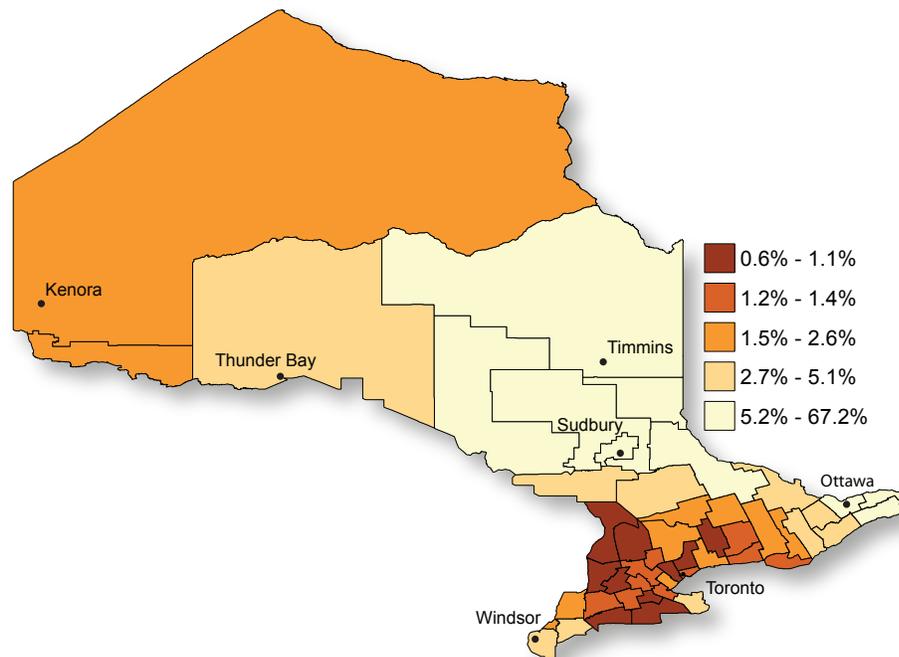
27 *Ibid.* at 41.

28 Indian and Northern Affairs Canada, “Registered Indian population by sex and residence 2007” (2008) Minister of Indian Affairs and Northern Development, online <http://www.aadnc-aandc.gc.ca/eng/1293203029384/1293203189571> at xvi.

speaker also has a lower-income and/or is poorly educated. Read in conjunction with each other, Figure 8a to Figure 8c provide some background for future efforts to provide translation services and to train or recruit multi-lingual lawyers and paralegals.

The 2006 census revealed that, for 68.4% of people in Ontario, English is their mother tongue. While more than 73% of a division's population are native English speakers in the top four quintiles in Figure 8a, there are clearly some regions in which a much smaller proportion of the population report English as their native language. Some of these regions are predominantly French speaking (Figure 8b), while others are major urban centres or areas in the northern-most parts of Ontario with a large number of individuals whose mother tongue is not one of the two official languages (Figure 8c).

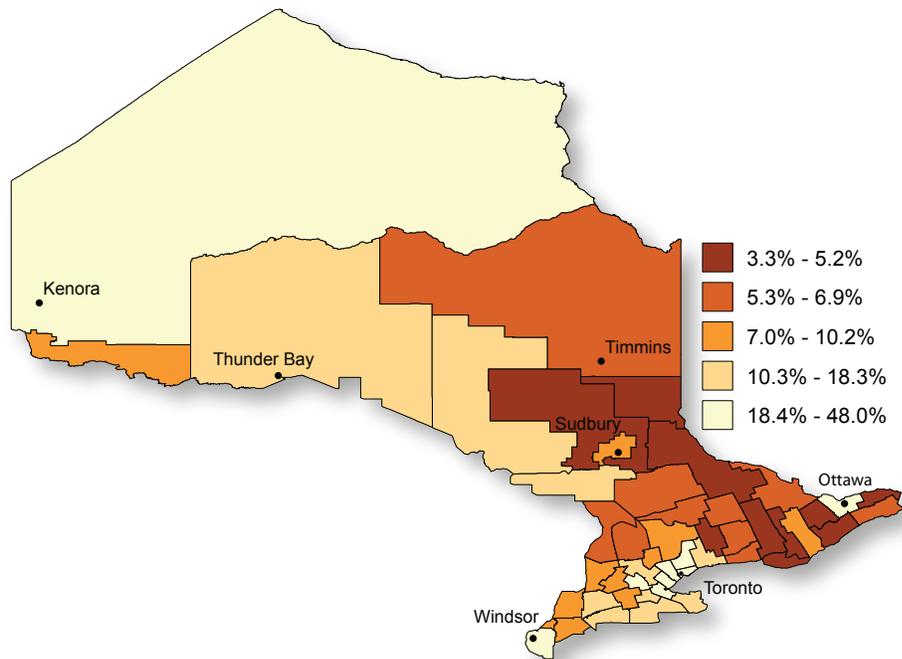
Figure 8b – Total Population: Percent Mother Tongue (French)



According to the 2006 Census, 4.1% of people in Ontario speak French as their mother tongue. There are a number of regions in Ontario with a large proportion of native French speakers. Divisions in the most southeastern area of the province surrounding Ottawa all have high proportions of native French speakers – the division of Prescott and Russell is the only division in Ontario where over half (67%) of the population speaks French as their first language. The mid-northern divisions of Cochrane, Sudbury, Greater Sudbury, Nipissing and Timiskaming also have large populations of native French speakers. Rural

divisions in the southwestern and south-central regions of Ontario outside of the Golden Horseshoe generally have the highest percentages of native English speakers and correspondingly small numbers of individuals who speak French as their first language.

Figure 8c – Total Population: Percent Mother Tongue (Non-Official Language)

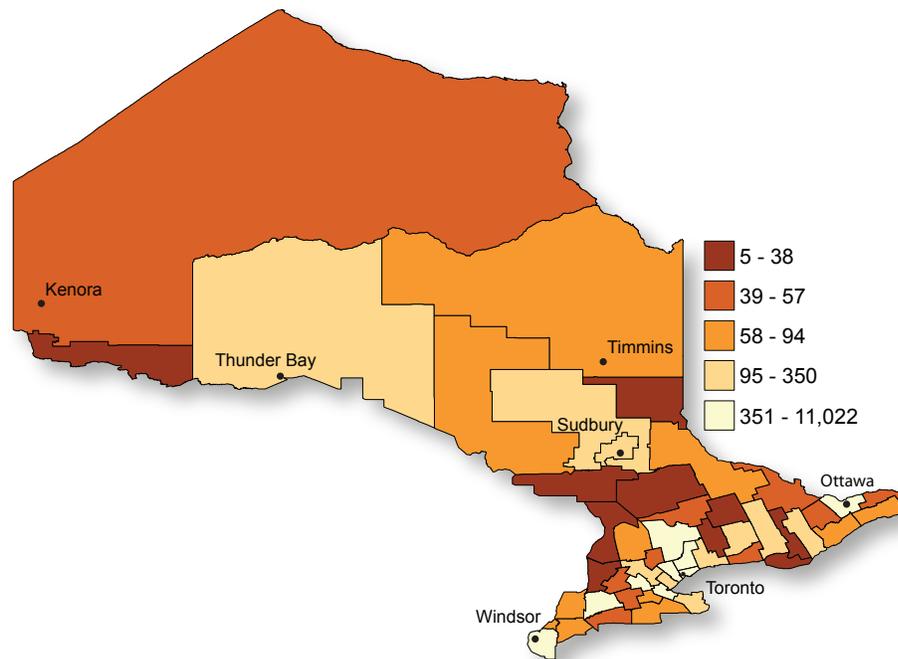


In the 2006 Census, 26.1% of people in Ontario did not speak English or French as their mother tongue. There are three census divisions in Ontario where more than 40% of the area's population speak a non-official language as their mother tongue: Toronto (48%), Peel (45%) and York (45%). Several other divisions with large urban centres also have large populations of native non-official language speakers, mainly concentrated in southern Ontario. Kenora is the exception, with 24% of its population speaking a non-official language as their mother tongue. This statistic is presumably related to the large proportion of Aboriginal peoples in Kenora who speak an Aboriginal language as their mother tongue (see Figure 7).

As expected, we note that the divisions with the highest proportion of non-official native language speakers in Figure 8c are generally the same as those with a large percentage of new immigrants (Figure 5) and racialized individuals (Figure 6). The role of immigration, racialization and language in structuring the demand for civil legal services are therefore all expected to be closely interconnected.

Section II: The Lawyer and Paralegal Populations

Figure 9a – Total Lawyer Population



Lawyer Population: Figure 9a represents the total number of lawyers in private practice in each census division in Ontario as of October 2009.²⁹ These quantities provide a general description of the geographic distribution of lawyers across the province, and serve as an indicator of the general supply of civil legal services, although certain practice areas will be much more heavily represented in some areas compared to others (see Figure 14a to Figure 14d).

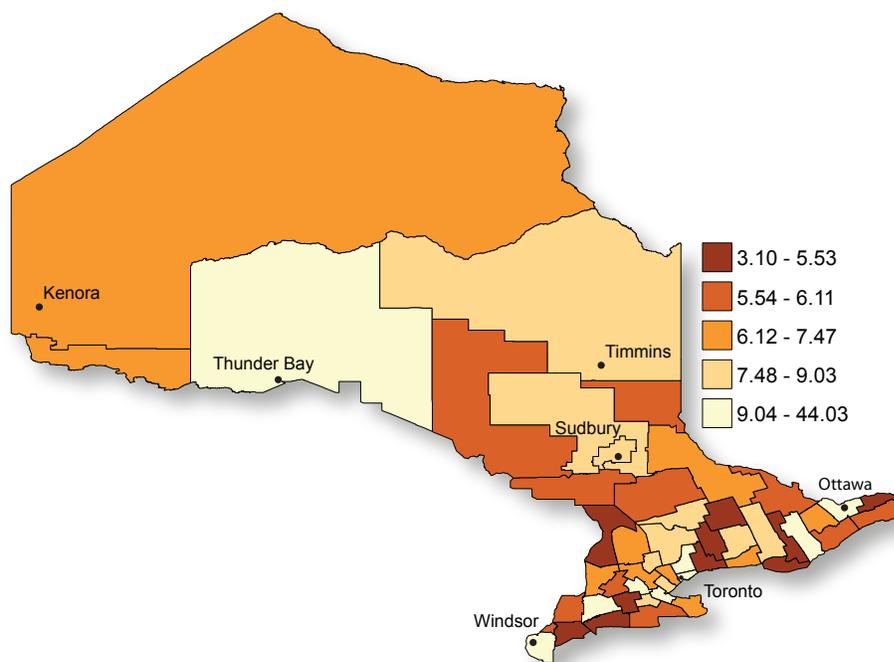
As suggested by Figure 9a, the majority of lawyers (54%) in private practice in Ontario are located in Toronto. This percentage far exceeds other census divisions with a high density of lawyers. Ottawa (8%), York and Peel (both 4%) account for another 16% of Ontario lawyers. While most private practice lawyers are situated near major cities, some rural divisions have a considerable lawyer

²⁹ The dataset for this mapping exercise contains 20,203 lawyers in private practice in Ontario. According to the 2009 Law Society Annual Report, the total number of lawyers in Ontario as of December 31, 2009 was 40,979.

population. For example, Simcoe has a relatively large quantity of lawyers compared to other more urban divisions, with 367 lawyers, or just under 2% of the total in Ontario.

Generally, however, census divisions with small populations have correspondingly low numbers of lawyers. The division of Haliburton has only 5 lawyers in private practice and Manitoulin has 8 lawyers—both less than 0.5% of the provincial total. Across Ontario, there are 31 census divisions that have fewer than 100 lawyers in private practice. While both Thunder Bay and Sudbury have a larger quantity of practising lawyers (155 and 146 respectively), these higher numbers are to be expected in divisions that contain large urban centres that service a dispersed rural population.

Figure 9b – Lawyers Per 10,000 Census Population



Because Figure 9a reports the absolute numbers of lawyers, one cannot determine how it relates to the underlying population of each census division. Figure 9b reports the ratio of lawyers to the total census population in each division, capturing the density of legal practitioners relative to the underlying population. For the dataset, there are 16.61 private practice lawyers per 10,000 Census (2006) population.

Controlling for population, Toronto has by far the highest density of lawyers with just over 44 lawyers per 10,000, or 1 lawyer for every 227 people in the division. Ottawa (1:473), Middlesex (1:620), Hamilton (1:824), Frontenac (1:832),

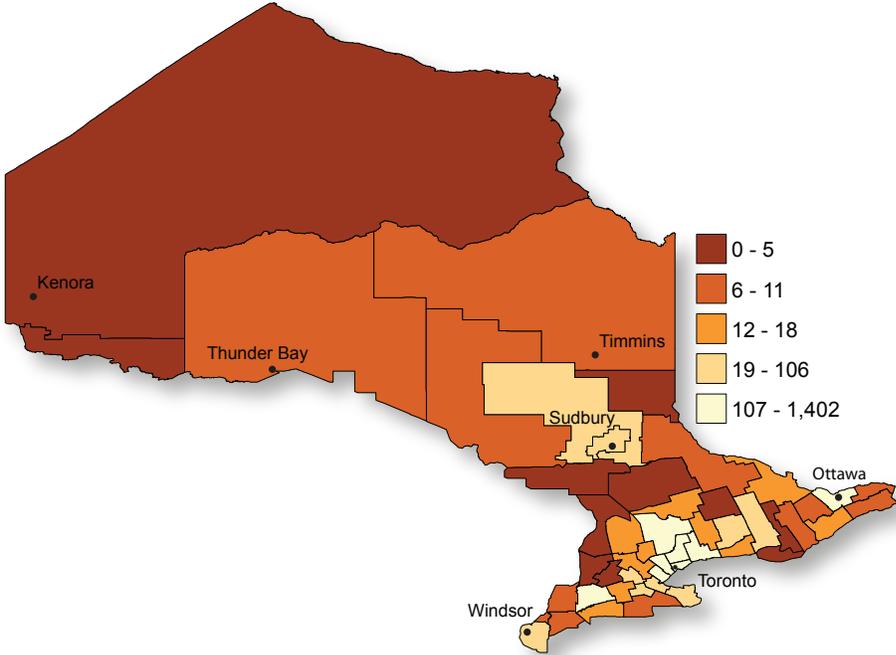
Essex (1:859), Waterloo (1:952) and Thunder Bay (1:962) all have ratios of better than 1 lawyer per 1,000 people.

The northern-most census divisions in Ontario (including Rainy River, Kenora, Cochrane, Thunder Bay and Sudbury) all have more lawyers per capita than those divisions in north-central Ontario (Algoma, Manitoulin, Parry Sound and Timiskaming), directly to the south.

Conversely, the ratio of lawyers to the total population is lowest in census divisions of southwestern Ontario (Bruce, Lambton, Oxford and Elgin), south-central Ontario (Durham, Kawartha Lakes, and Haliburton) and eastern Ontario (Lennox & Addington, Prince Edward and Prescott & Russell).

The lack of Canadian research into the factors influencing where lawyers choose to practise leads us to look at the experience in England. The pattern of a “gravitational pull” on lawyers toward densely populated urban centres observed in the United Kingdom could, to some extent, be a factor for those divisions next to Ottawa and surrounding Middlesex, where the city of London is located. This effect could also be a factor for those divisions located between the cities of London and Windsor. The density of lawyers in Durham, located close to Toronto, may also be affected by a gravitational pull from the province’s densest urban area, although the result is much less evident in other divisions surrounding dense urban areas in Toronto and extending around Lake Ontario to Hamilton and Niagara.

Figure 10a – Total Paralegal Population



Paralegal Population: Paralegals are important legal service providers for Ontarians, particularly for low- and middle-income individuals.³⁰ One in ten Ontarians who sought legal advice in the three years prior to the *Listening to Ontarians* survey turned to a paralegal.³¹ The survey also demonstrated, however, that individuals remain uncertain as to what kinds of civil legal services paralegals can provide, and how their roles differ from those of lawyers.³²

Figure 10a maps the total paralegal population as of February 2011 in each census division.³³ This population is heavily concentrated in the urban areas of the Golden Horseshoe, as well as in Ottawa, Middlesex and Simcoe. In fact, divisions in the top quintile in Figure 10a contain over 80% of the total number of paralegals in the province. There appear to be very few practising paralegals in the northern divisions of the province, with the exception of Sudbury.

Figure 10b – Paralegals Per 10,000 Census Population

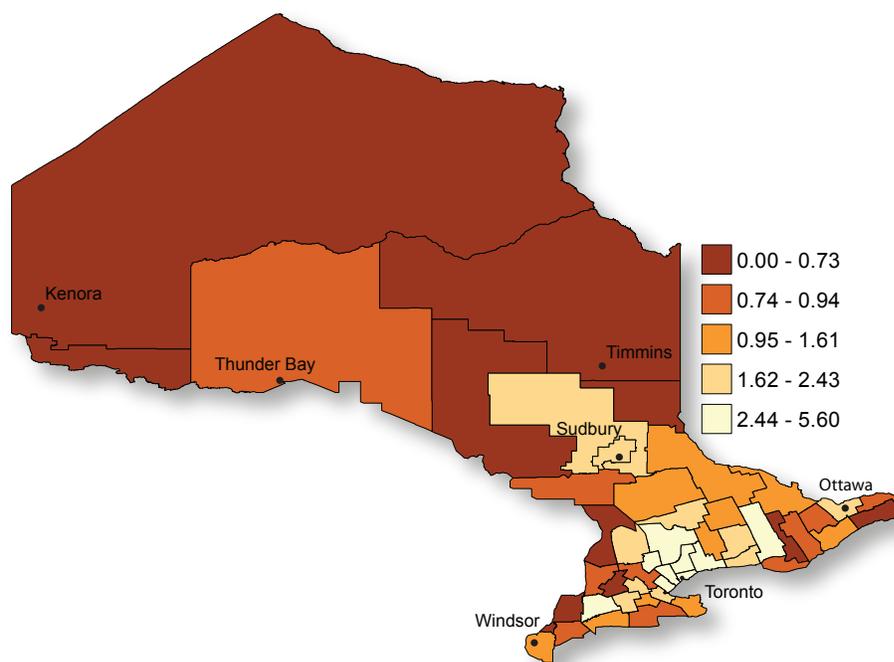


Figure 10b reports the number of licensed paralegals per 10,000 of the total census population. As with Figure 9b describing the lawyer population, this map shows the number of paralegals relative to the total census population in each

30 *Listening to Ontarians*, *supra* note 3 at 20.

31 *Ibid.* at 36.

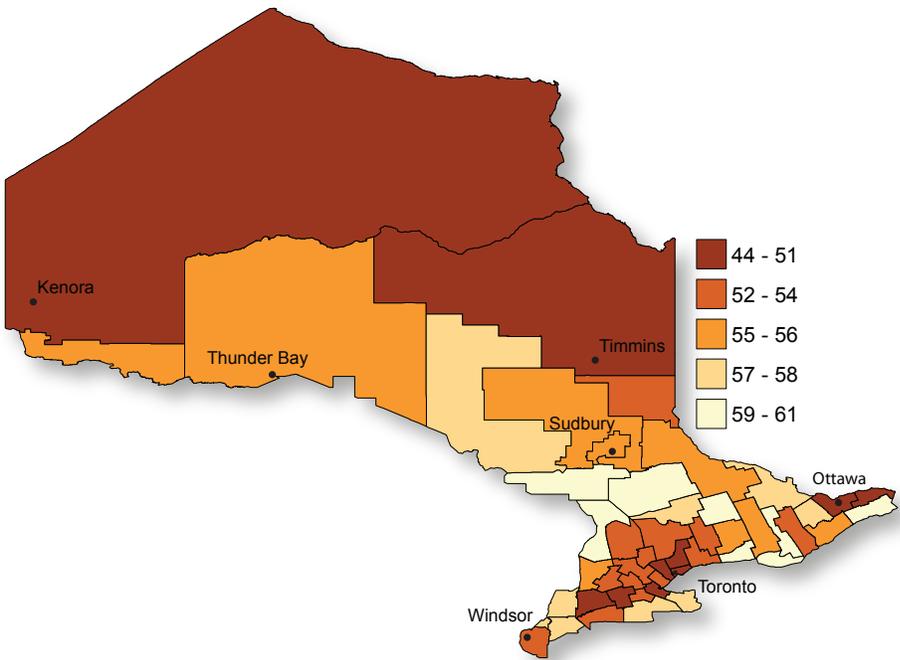
32 *Ibid.* at 20.

33 As of February 2011, there were 3,695 licensed paralegals in Ontario.

division, thereby capturing the density of paralegals relative to the underlying population. For Ontario, there are 3.04 paralegals per 10,000 Census (2006) population.

This map closely tracks the patterns observed for the total paralegal population (Figure 10a), although the division of Hastings has a noticeably high concentration of paralegals relative to its population. Even though divisions in northern Ontario are more sparsely populated compared to divisions in the south of the province, the relative densities of paralegals compared to population in these northern regions are generally in the lowest quintile.

Figure 11a – Total Lawyer Population: Median Age



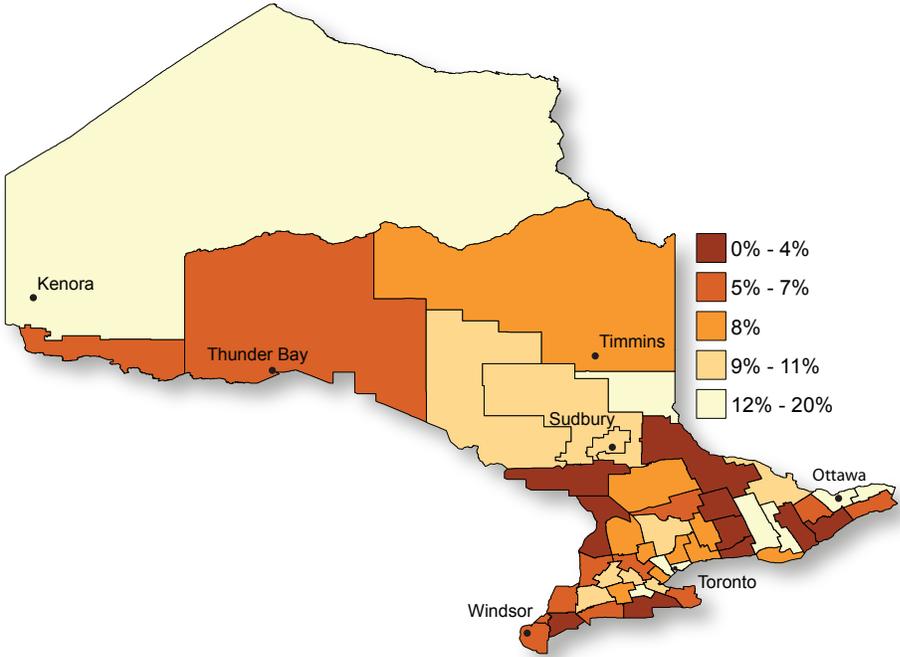
Lawyer Age: For the dataset, the median age of lawyers in Ontario is 48. We examine the median age of lawyers because it provides insight into how civil legal services may change in certain regions in the near future. For example, a division with a high median age suggests that the existing supply of lawyers may change potentially quickly and dramatically as lawyers retire. Conversely, a division with a lower median suggests a more stable supply of civil legal services over the short or medium term.

The age profile of lawyers across Ontario, shown in Figure 11a, generally tracks that of the population as a whole, with the youngest divisions in the southern part of the province mainly being those with large urban centres including

Windsor, London, Waterloo, Hamilton, Toronto and Ottawa. Greater employment opportunities in these centres could represent a drawing factor for recent law school graduates to begin their legal careers here. Law schools are also present in a number of these cities (specifically, Toronto, Ottawa, Windsor and London). Theoretically, it is reasonable to expect that graduates from those law schools may often choose to stay on in these cities to complete their early years of practice before moving elsewhere. Part of the rationale for this choice may be that strong professional connections to the local legal community are frequently formed during time in law school, creating an incentive to stay in that same locality to take advantage of those connections, particularly when they are most valuable early in a young lawyer's career.

The northern divisions of Timiskaming, Cochrane, and Kenora are also in the lowest quintile for lawyers' median age. The underlying reasons for this result are more difficult to discern. We note that each of these divisions has a high percentage of LAO-funded lawyers overall (45%, 60%, and 71% respectively). Job opportunities for newly called lawyers through LAO programs could be a motivating factor for recent law graduates and younger lawyers to take up these types of jobs in remote northern divisions more readily than senior lawyers. We might expect that a strong work experience, greater autonomy to direct their own practice, and opportunities to be involved in public interest work will outweigh the disadvantages of lower wages and a remote location for young lawyers, whereas the disadvantages of these arrangements would be perceived as comparatively more costly by senior lawyers.

Figure 11b – Total Lawyer Population: Percent Called to the Bar Since 2006



New Lawyers in Ontario: In addition to the median age of lawyers, we also report the proportion of lawyers in each census division called to the Bar of Ontario since 2006 in Figure 11b. If read in conjunction with Figure 11a, this map provides further insight into predicted changes in the supply of civil legal services in the future. A higher proportion of recently called lawyers represents a larger influx of new lawyers into the area. As discussed under Figure 11a, this influx of new lawyers into some census divisions may not represent a supply of lawyers settling into permanent practice, but rather it could signify a turnover of new lawyers who practise in these divisions for a few years after law school before moving elsewhere.

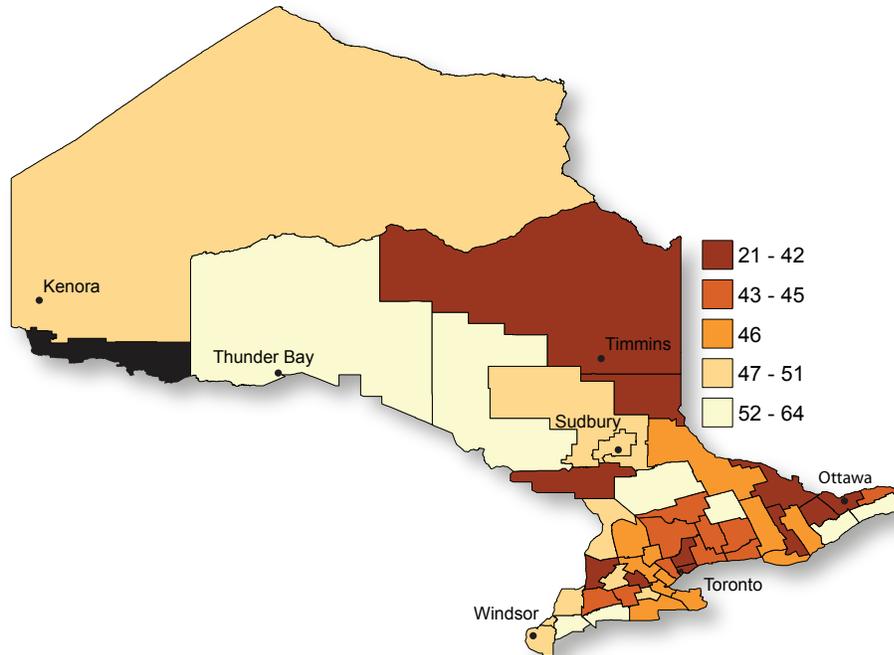
For the dataset, the total number of lawyers called in Ontario since 2006 is 2,551. This number represents 12.6% of the total number of lawyers included in this mapping exercise. The highest proportions of new lawyers are in the northern divisions of Kenora and Timiskaming (each at 20% of the total lawyer population). The relatively high number of newly called lawyers in these divisions may support the hypothesis that new lawyers may be more willing to practise in remote areas because of important career benefits, more interest in public

interest work, and/or greater lifestyle flexibility. Without further study of this phenomenon, however, this hypothesis remains highly speculative.

Toronto, at 15% of lawyers called to the Bar since 2006, also falls in the highest quintile, consistent with the findings for young lawyers, described above.

As one might expect, census divisions with the lowest percentage of new lawyers tend to be those where the mean age of lawyers is the highest. An exception to this trend is Nipissing, in northeast Ontario, which has a lawyer age profile in the middle quintile (55 years), but a very low proportion of new lawyers (2% of the total lawyers in the division). Conversely, while Prince Edward in eastern Ontario is in the highest lawyer-age quintile (60 years), it has also experienced a mid-level influx of young lawyers (8% of the total lawyers in the division). These circumstances in both Nipissing and Prince Edward suggest that challenges associated with maintaining a supply of civil legal services in these divisions may be mitigated somewhat compared to divisions with both an older lawyer population and a low proportion of new lawyers. It may also reflect the fact that in divisions with a small lawyer population, the addition of even a few new lawyers can meaningfully change their lawyer profile.

Figure 11c – Total Paralegal Population: Median Age³⁴

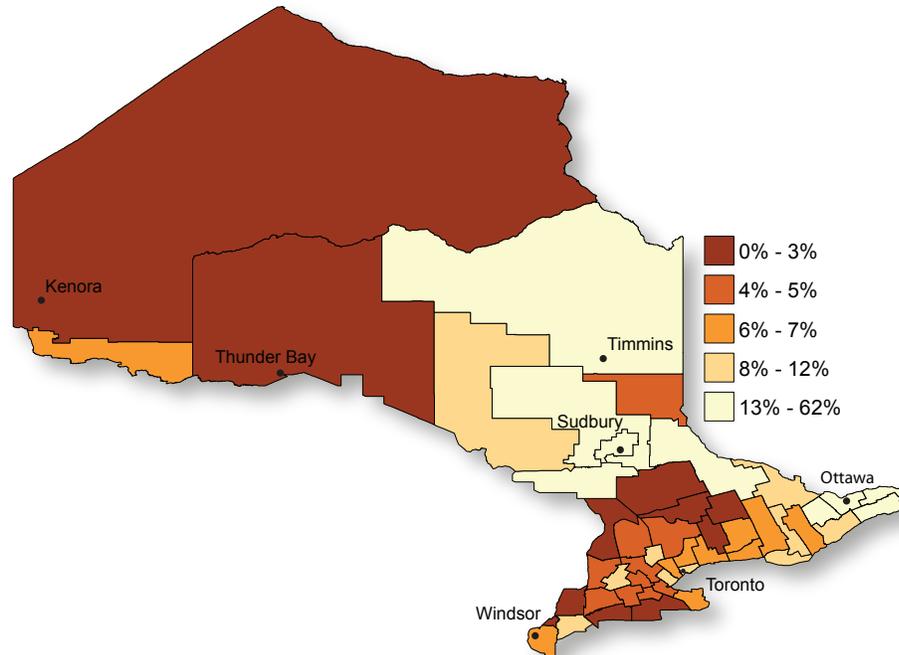


34 Note: the census division of Rainy River is excluded from this map because there were no paralegals practising in that division as of the reporting date for these data.

Paralegal Age: Figure 11c reports on the median age of paralegals in Ontario, which is 42. The range of median ages for paralegals across census divisions is significantly larger than that of lawyers in Figure 11a. This increased range is accounted for mainly by the younger median age of paralegals in several divisions, including Manitoulin (33 years), Renfrew (35 years) and Timiskaming (37 years), but there are also noticeably older divisions as well: Haliburton (64 years) and Parry Sound (63 years). The statistic for Lennox & Addington, at 21 years, appears to be a clear outlier but refers to the age of the single paralegal practising in this area.

Paralegals in several northern divisions appear to be older, rather than younger, than their counterparts in other areas of the province, which is inverse to the relationship we observed for lawyers in the North in Figure 11a. In fact, only four divisions in Ontario have median ages for paralegals older than those of lawyers in the same division, and three of these divisions are in the North (Kenora, Thunder Bay, and Parry Sound).³⁵ We are cautious about extrapolating these findings to more general trends, however, because of the very small number of paralegals practising in some regions (see Figure 10a).

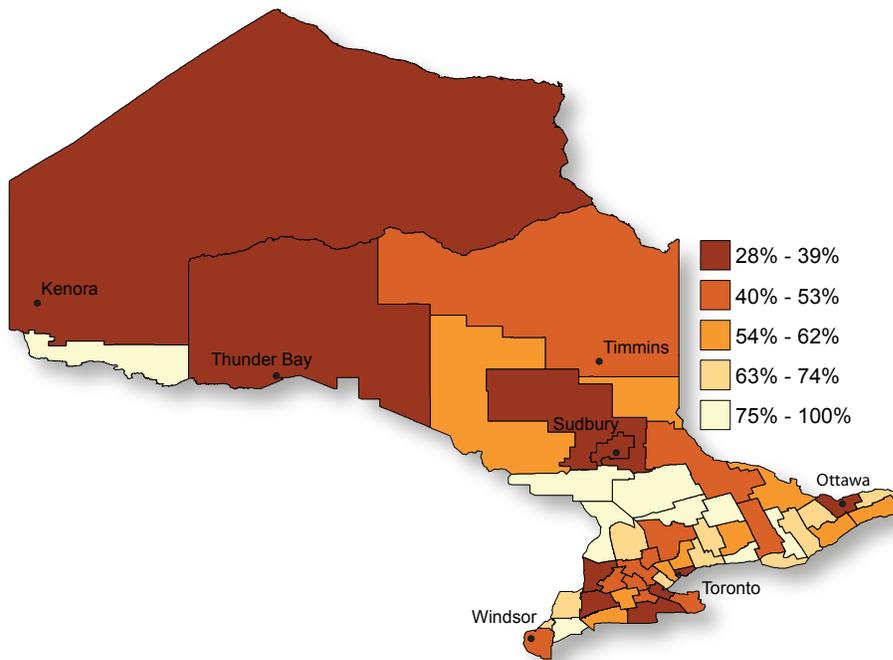
Figure 12 – Total Lawyer Population: Percent Speaking French



35 These divisions had paralegal median ages in excess of lawyer median ages: Kenora (+4 years), Thunder Bay (+3 years), Parry Sound (+3 years) and Haliburton (+3 years).

French-speaking Lawyers: Figure 12 reports the supply of civil legal services available in French.³⁶ For the dataset, 9.1% of lawyers speak French. In general, census divisions with a high proportion of native French speakers (see Figure 8b) also have high percentages of French-speaking lawyers. We observe, however, that a number of divisions in northern Ontario have a high ratio of native French speakers to French-speaking lawyers, suggestive that civil legal services in French may be under-provided in this region as a whole.

Figure 13 – Total Lawyer Population: Percent Sole Practitioners



Practice Size: For the dataset, 37% of lawyers are sole practitioners. Figure 13 reports the proportion of lawyers in sole practice for each census division. Sole practitioners are defined as lawyers who practise individually, including those who share offices with other lawyers. Sole practitioners in rural areas will likely tend to be generalist lawyers who offer a range of civil legal services, especially in areas where the number of lawyers relative to population size is small. By contrast, in urban areas where individuals have access to a range of different civil

36 No data were available on the provision of paralegal services by language in Ontario.

legal services, lawyers are probably more likely to specialize in a particular area or areas of legal practice.³⁷

Census divisions concentrated in a region to the south of Sudbury (Manitoulin, Bruce, Parry Sound, Muskoka and Haliburton) all have a high proportion of sole practitioners. These divisions also have high mean ages for lawyers, a low number of LAO-funded lawyers, and generally lower lawyer densities overall, controlling for population – suggesting that these sole practitioners are the primary legal option for individuals seeking legal counsel within those census divisions.

Divisions in northern Ontario tend to have a lower proportion of sole practitioners, although Rainy River is a marked outlier from this trend, with 86% of the division's lawyers in sole practice.

Toronto, Ottawa and Middlesex all have a percentage of sole practitioners in the lowest quintile, which may be the consequence of a high proportion of multi-service firms employing a large number of lawyers. Also, the higher density of lawyers in these divisions facilitates the creation of multi-member firms. The remainder of the densely populated southern Ontario region shows a mixed profile of sole practice. No clear pattern emerges across these divisions, although a number of divisions in southwest Ontario have proportions of sole practitioners in the lowest two quintiles.

Areas of Civil Practice

The following ten maps report the number of lawyers and paralegals, as a proportion of the total number of lawyers and paralegals in each census division, who practise in each of four key civil justice areas (civil litigation, employment, family and immigration) and six areas of paralegal speciality (workers' compensation claims, small claims court work, social assistance benefits claims, human rights, landlord and tenant claims, and property tax claims). Lawyers and paralegals included in these study groups are those who self-reported that 30% or more of their legal work was dedicated to a given practice area.

These maps therefore indicate the supply of specified civil legal services relative to the total supply of legal services in each division. The OCLN Quantitative Research report³⁸ provides some insight into the general demand for

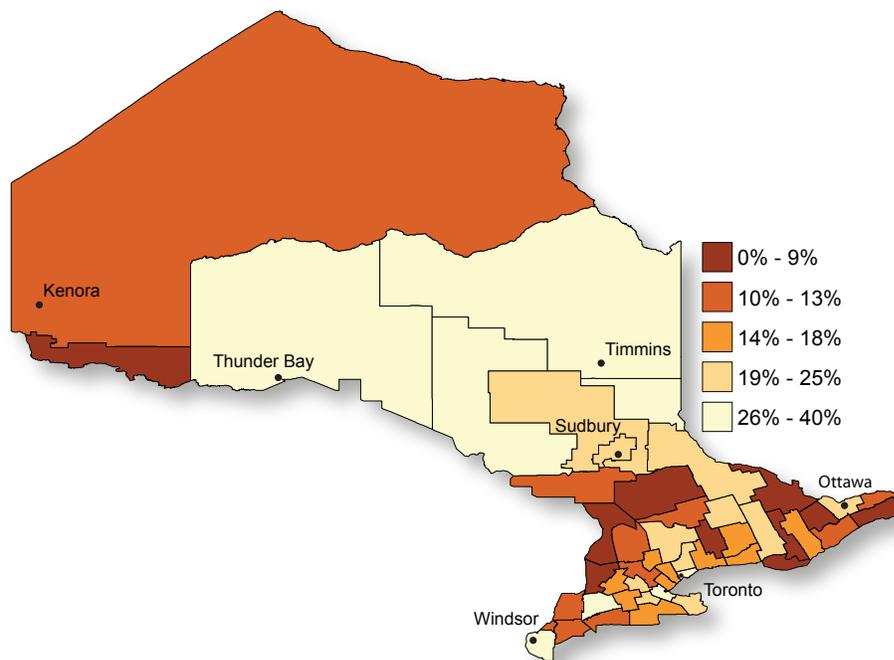
37 See Luis Garicano and Thomas N. Hubbard, "Managerial Leverage is Limited by the Extent of the Market: Hierarchies, Specialization, and the Utilizations of Lawyers' Human Capital" (2007) 50 *J. L. & Econ.* 1 (stating that "The fraction of lawyers who field specialize tends to be greater in larger cities").

38 *supra*, note 4.

civil legal services in each of these specified areas, and we make note of these data where possible. Without a more detailed analysis of the survey data by census division, however, these maps convey limited information about the relative or effective supply of specified civil legal services by geographic area.

The first four of these maps – which describe lawyer-provided services – reveal that the reported specified practice areas form a relatively large proportion of legal services being provided in many urban centres, especially in Toronto. The exception to this trend appears to be family law lawyers, for whom concentrations tend to be highest in select rural areas. The concentrations of specified practice areas for paralegals are somewhat less uniform, and it is difficult to draw general conclusions from the maps that follow. We observe that, as with civil litigation, employment and immigration law, a relatively large proportion of paralegals focus in social assistance benefits work in Toronto. Somewhat surprisingly, other areas of paralegal practice such as human rights claims, landlord and tenant claims, and small claims court work do not appear to be prominent service areas for paralegals, relative to the total paralegal population, in most major urban centres.

Figure 14a – Total Lawyer Population: Percent Civil Litigators



Civil Litigators: For the dataset, 25.8% of lawyers practise civil litigation. Figure 14a reports the proportion of civil litigation lawyers in each census

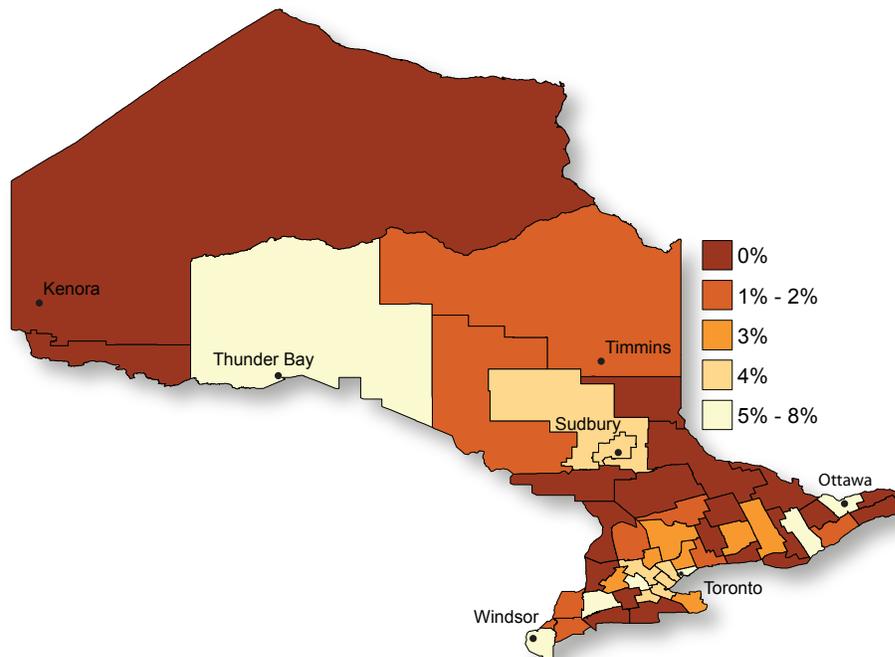
division. This area of practice covers a broad range of services and includes those lawyers who represent either plaintiffs or defendants in civil legal matters.

As shown in Figure 14a, the density of civil litigation lawyers does not follow a clear pattern in Ontario. In keeping with the overall distribution of lawyers, a high proportion of civil litigation lawyers practise in or around the urban centres of Windsor, London, Hamilton and Toronto. Middlesex has the highest proportion of these lawyers (40%), followed closely by Hamilton (36%). Twenty-eight percent of the lawyers in Toronto report focusing their practice in civil litigation. Given the high concentration of total lawyers in Toronto, this density represents over 60% of the total number of civil litigators in the province.

Surprisingly, the northern division of Cochrane, Timiskaming, Thunder Bay and Algoma all have percentages of civil litigators in the highest quintile. While sparsely populated northern divisions are sometimes assumed to be under-supplied by lawyers who focus their practices in select areas, Figure 14a to Figure 14d paint a more complicated picture. Some northern divisions have a relatively high proportion of lawyers in one or more of the specified civil practice areas. Others – namely the two divisions of Kenora and Rainy River – tend to have a very low proportion of lawyers practising in each of the civil areas studied.

A sizeable area of central-western Ontario (Huron, Bruce, Grey and Muskoka divisions) has a proportion of civil litigators in the lowest quintile. As noted in Figure 13, controlling for population, these divisions have very high densities of sole practitioners, as well as high mean ages for lawyers, a low number of LAO-funded lawyers, and generally lower lawyer densities overall. Low densities of civil litigators are also found in the eastern divisions of Renfrew, Lennox & Addington, Lanark, and Stormont, Dundas & Glengarry.

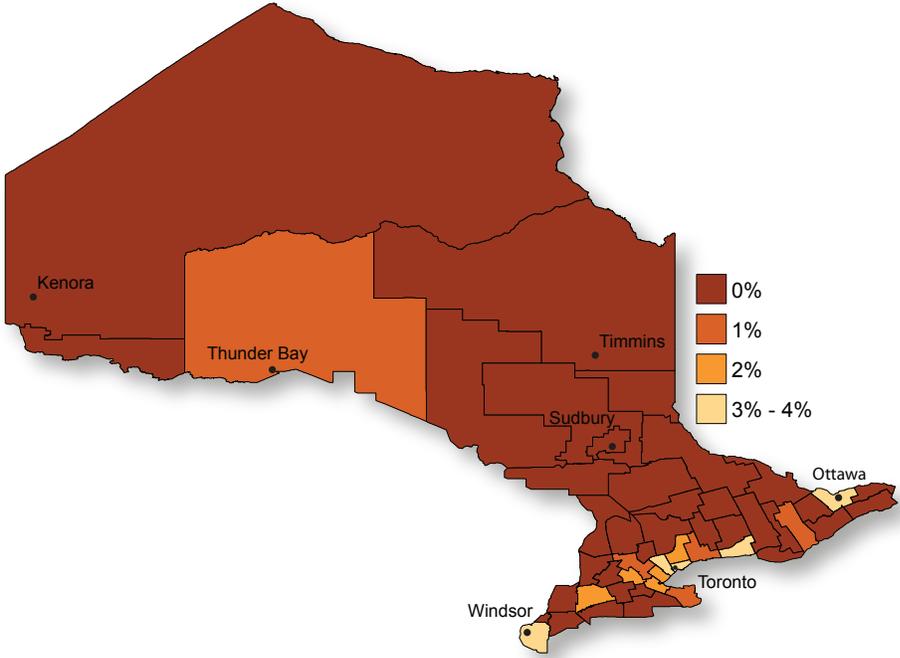
Figure 14b – Total Lawyer Population: Percent Employment Lawyers



Employment Lawyers: Lawyers with a focused practice in employment law (defined as representing either employer or employees) as a ratio of total lawyers are reported in Figure 14b. For the dataset, 5.2% of lawyers practise in this area. Similar to civil litigators, there are large proportions of these lawyers in Windsor, Middlesex, and Toronto, and high ratios generally in the regions surrounding Hamilton and Waterloo. Other census divisions in the highest quintile in southern Ontario include Dufferin, Frontenac, and Ottawa. Again, Toronto has the largest share of these civil practice lawyers by far, with 64% of employment lawyers practising in this division alone.

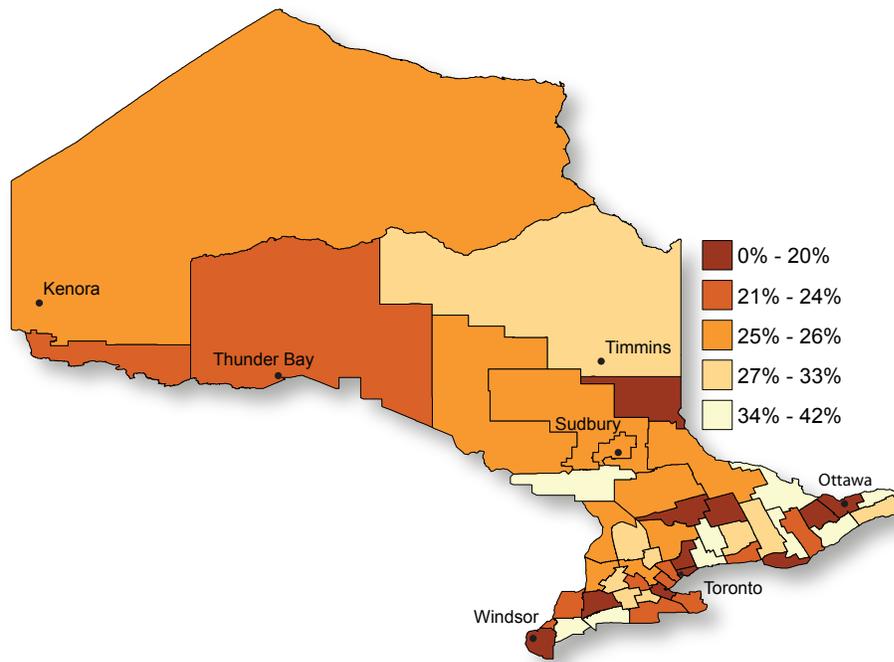
As with civil litigators, Thunder Bay in northern Ontario also has a large fraction of the employment lawyers in Ontario. Together with Figure 14a, Figure 14b suggests that Thunder Bay may operate as a key access point to civil practice lawyers for specific practice areas in the most northern regions of Ontario.

Figure 14c – Total Lawyer Population: Percent Immigration Lawyers



Immigration Lawyers: Lawyers practising immigration law constitute 2.1% of the dataset. Figure 14c reveals that the variation in the distribution of immigration lawyers is the smallest of any of the specified civil practice areas we examined. Given that Toronto is a central destination for new immigrants for Canada as a whole, it is perhaps no surprise that a full 71% of all immigration lawyers in Ontario practise in this division. At the same time, immigration lawyers represent only 3% of the total lawyers in Toronto. Windsor and Ottawa also have relatively high proportions of immigration lawyers. Given that Windsor is a key border city and Ottawa is an administrative centre for immigration review as well as close to the Federal and Supreme Courts, it is again not surprising that they have a proportionately high number of lawyers in this practice area.

Figure 14d – Total Lawyer Population: Percent Family Lawyers



Family Lawyers: Overall, 12.7% of the lawyers in the dataset practise family law. Unlike Figures 14a through 14c, no clear patterns emerge from Figure 14d as to the distribution of family lawyers relative to total number of lawyers. While lawyers focusing in family law greatly outnumber immigration and employment lawyers throughout the province, districts vary considerably from one another. It is worth noting, however, that Toronto – a magnet for lawyers in the other specified practice areas we examined – has a ratio of family lawyers in the lowest quintile, and only 27% of Ontario’s family lawyers overall. The absence of higher concentrations of family lawyers in Ontario’s urban areas generally suggests that lawyers in this practice area may be more evenly distributed throughout the province compared to lawyers in other civil practice areas.

Figure 15a – Total Paralegal Population: Percent Workers' Compensation Claims

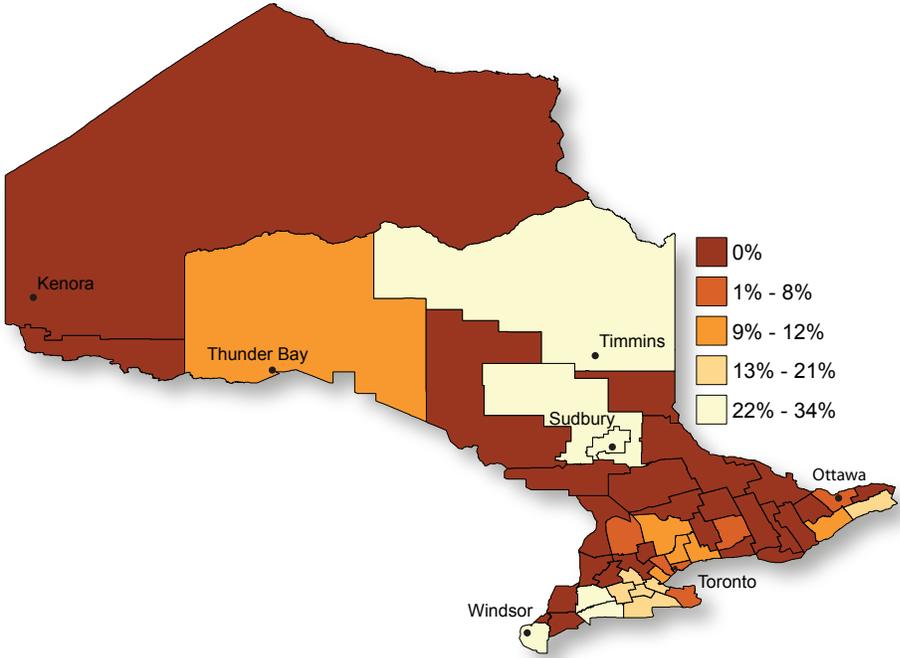


Figure 15b – Total Paralegal Population: Percent Small Claims Court

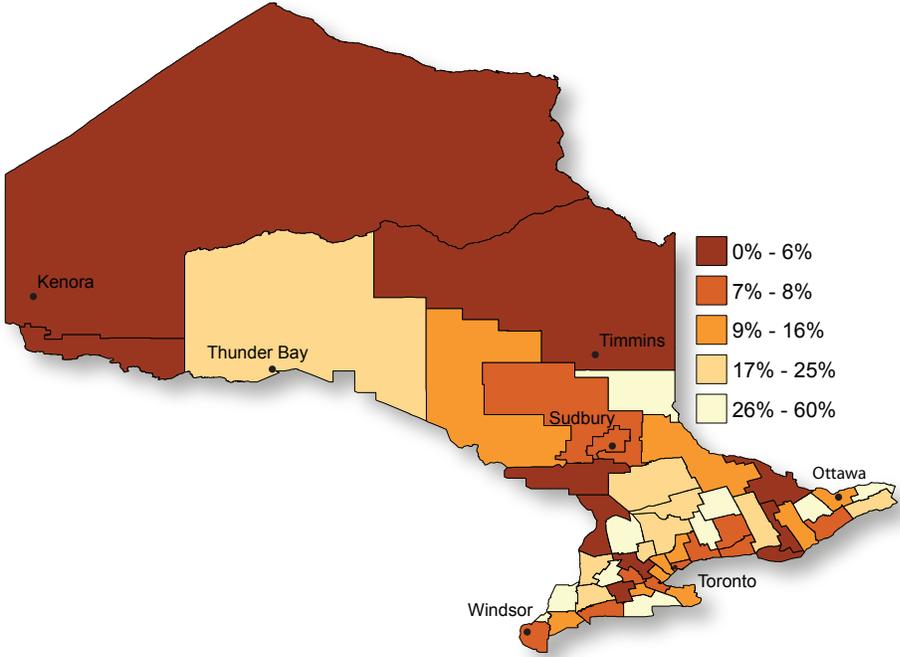


Figure 15c – Total Paralegal Population: Percent Social Assistance Benefits Claims

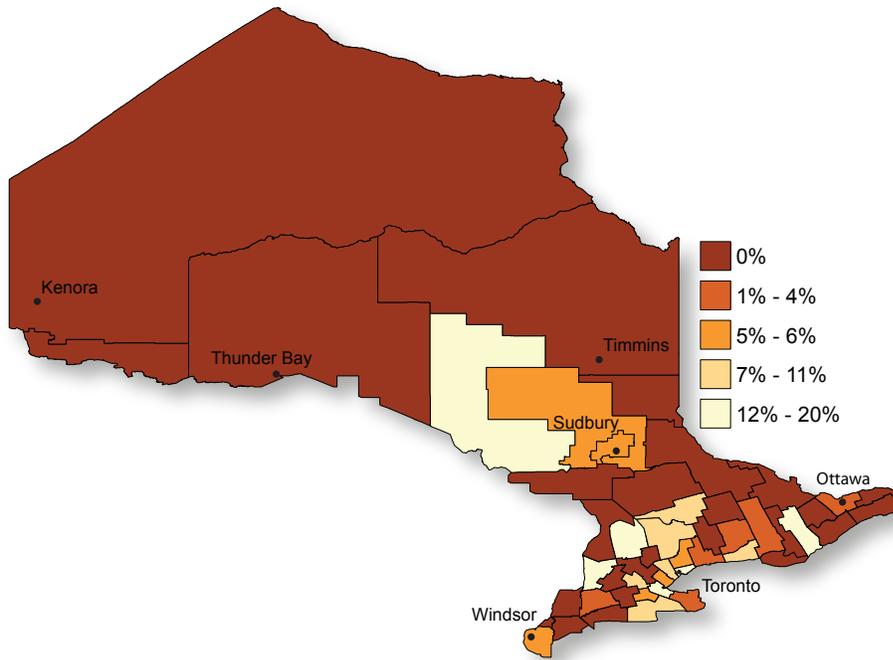


Figure 15d – Total Paralegal Population: Percent Human Rights Claims

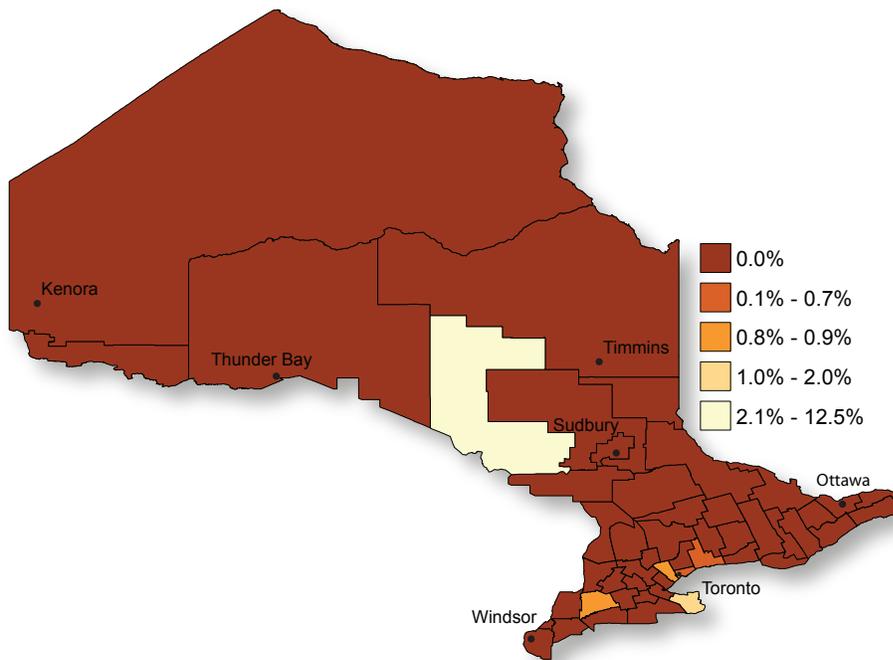


Figure 15e – Total Paralegal Population: Percent Landlord and Tenant Claims

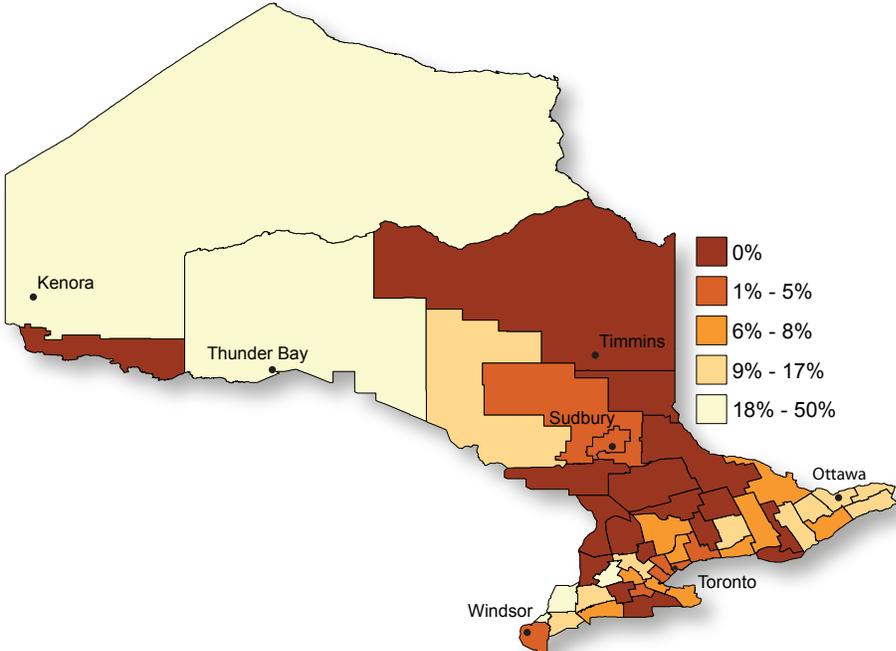
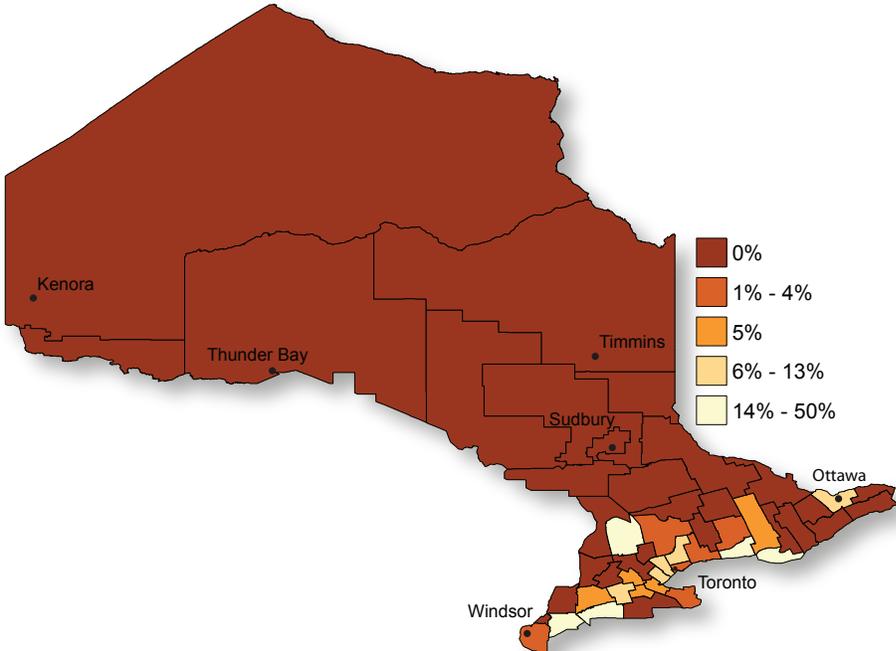


Figure 15f – Total Paralegal Population: Percent Property Tax Claims



Paralegal Practice Areas: As we have observed, the maps in Figure 15a through f make it difficult to draw reliable generalizations about the paralegal practice areas that are dominant in each census division, although a few specific observations are available:

- **Workers' compensation claims:** 8.5% of paralegals in Ontario specialize in this area. They tend to be more densely located in or near urban areas such as Sudbury, Essex and Hamilton. One explanation for this urban gravitation may be that these areas are significant industrial and manufacturing centres with employment profiles suggesting that rates of work-related injuries may be proportionally higher compared to other divisions.
- **Social assistance benefits claims:** the proportion of paralegals concentrating their practice in this area varies widely across urban areas, but overall, the proportion of paralegals in this area is 10.53%. In Toronto, for example, more than 17% of paralegals report that they do a significant amount of their work in this area. In Hamilton this proportion is 13%. By contrast, in Ottawa and Durham this statistic is only 2%.
- **Human rights claims:** only six divisions in all of Ontario have paralegals who specialize in this area, and the proportion of paralegals who do so is less than 2% in five of these divisions. Overall, 0.4% of paralegals provide services in this area.
- **Small Claims:** 9.8% of paralegals provide services in this area.
- **Housing and property issues:** 5.06% of paralegals provide services in landlord tenant issues and 5.82% provide services in issues relating to property tax.

As with median paralegal age (Figure 11c), the above statistics on paralegal practice areas should be read with some caution because the total number of paralegals in some divisions is very small. For example, while we observe that 50% of the paralegals in Kenora specialize in landlord and tenant claims (Figure 15e), there are only two practising paralegals in this division as a whole. Clearly, small changes in paralegals' choice of practice area in such divisions can generate highly variable results that provide little insight into current patterns of service provision.

Legal Aid Ontario (LAO) Lawyer Population

Because Legal Aid Ontario (LAO) serves an integral role in providing civil legal services to clients with limited means, we examine their presence separately. LAO provides funded legal aid services in Ontario by several methods, including

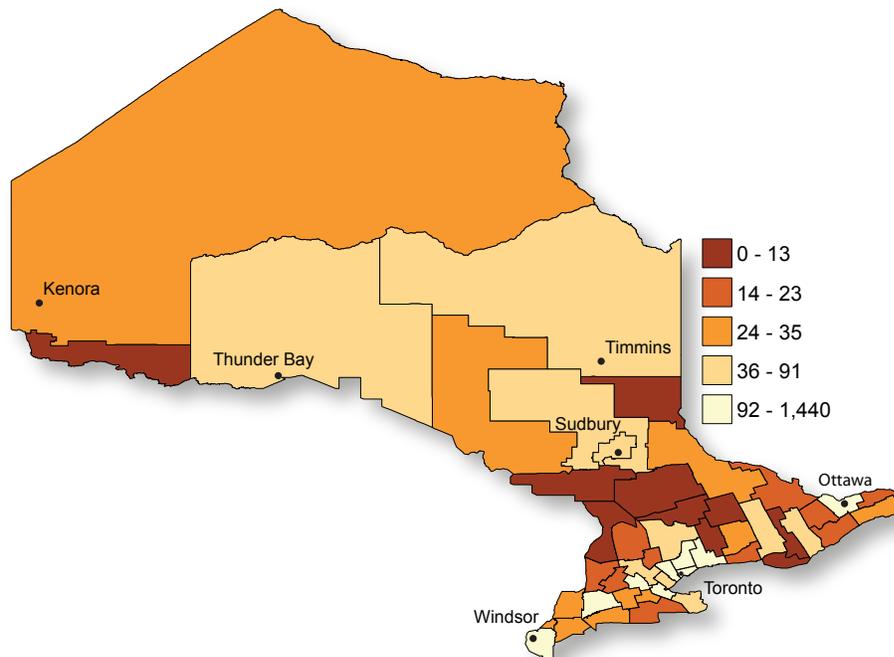
issuing certificates to lawyers, funding legal aid clinics, operating legal aid staff offices, funding Aboriginal legal services corporations and providing duty counsel.³⁹ It is important to note some important qualifications to the analysis in this section: First, LAO provides a range of civil law services, only some of which are included in the analysis that follows. For example, LAO funds community clinics and duty counsel across Ontario. Clinics provide exclusively civil law services. Duty counsel provide family law services across Ontario. Second, the lawyers who provide certificate services may and often do provide services in more than one jurisdiction, particularly in rural or remote locations. In other words, lawyers often provide legal aid services in both their “home” jurisdiction and in surrounding areas. As a result, data for individual census divisions do not necessarily present a complete picture of the legal aid or certificate activity within that area. Finally, it is important to note that regional and local variations in legal aid funding often respond to local conditions and needs that are not readily apparent by analyzing statistics alone. Our data in the present report encompasses both civil and criminal legal services, but is limited to legal aid services provided by certificate lawyers. Under this program, LAO uses financial eligibility criteria to assess individual need and then issues certificates to eligible individuals. Legal aid users can then take these certificates to any lawyer who accepts legal aid cases, and the lawyer is reimbursed according to a tariff system prescribed by regulation.⁴⁰

Figure 16a and Figure 16b explore the relative distribution of LAO certificate lawyers in Ontario. Figures 16a to c and 17a to d map the distribution of LAO certificate funding in total, per capita, and across specified civil legal practice areas.

39 See the *Legal Aid Services Act*, S.O. 1998 Ch. 26 at s. 14(1) for a non-exhaustive list of legal aid services that LAO is authorized by statute to provide.

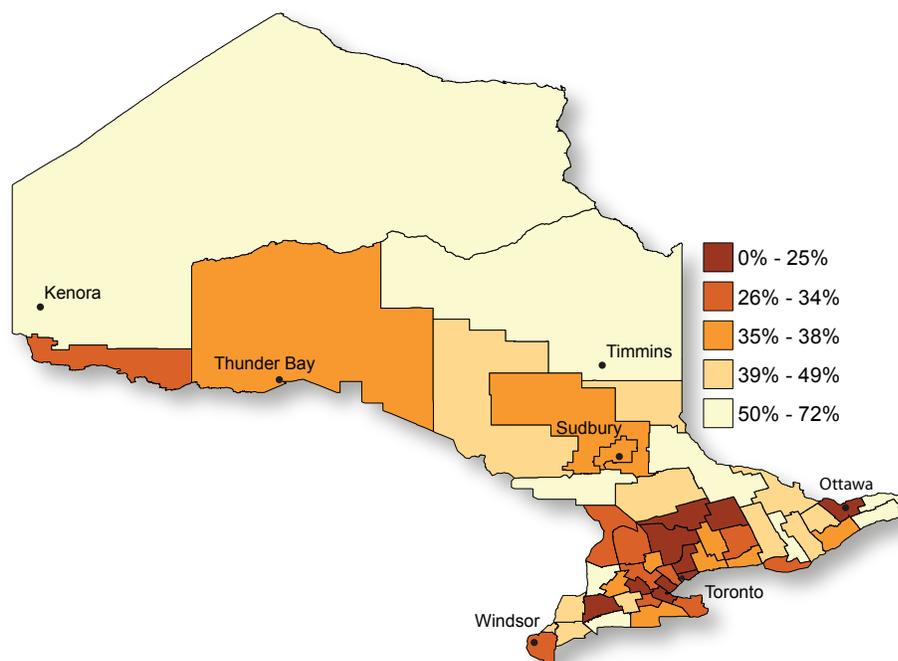
40 Trebilcock, *supra* note 14 at 20.

Figure 16a – Total LAO Certificate Lawyers



LAO Certificate Lawyers: Figure 16a shows the total number of lawyers in each census division who performed legal work funded by LAO’s certificate program, current as of March 2010. In this year, there were 3,852 certificate lawyers in total practising in Ontario. The majority of census divisions have 35 or fewer certificate lawyers, and all of these lawyers are located in predominantly rural areas. Ten divisions have 13 or fewer certificate lawyers, with Haliburton uniquely situated as having none. Urban census divisions tend to have much higher numbers of LAO certificate lawyers, although there is a wide range within the highest quintile. Toronto has 1,440 certificate lawyers, representing 37% of all LAO certificate lawyers in Ontario. In other divisions within the highest quintile—including Ottawa with 7% of this total, Peel 6%, and Hamilton and York each with 4% of all certificate lawyers – the numbers are much lower.

Figure 16b – Total Lawyer Population: Percent LAO Certificate Lawyers

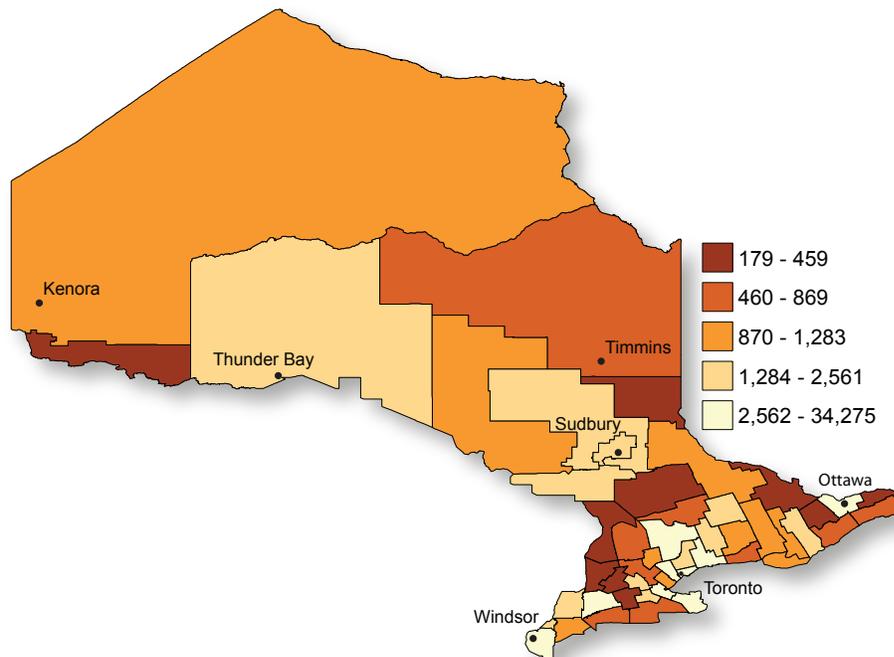


When looking at the ratio of LAO certificate lawyers to the total lawyer population (Figure 16b), however, Toronto has the lowest proportion of lawyers who receive LAO certificate funding (13%) of any division in Ontario, with the exception of Haliburton. While this ranking appears low, given its size and the demographic profile of the residents as described in Section I, it also reflects that Toronto, as a major financial and commercial centre, attracts a robust number of lawyers in private practice.⁴¹ Similar to Toronto, the ratio of LAO certificate lawyers to all lawyers in the division is lowest for other densely populated urban areas in Ontario, including York (16%), Ottawa (17%) and Halton (17%).

Conversely, certificate lawyers make up the largest percentage of total lawyers in Lennox & Addington (72%), Kenora (71%), Manitoulin (63%), and Cochrane (60%). For these divisions, access to civil legal services will be more dramatically affected by changes in LAO funding and policy. Rainy River appears to be something of an anomaly among northern divisions in this respect. Only 29% of the lawyers in this census division receive LAO funding through the certificate program, compared to higher rates in nearby areas.

⁴¹ Because Figure 9a (total number of lawyers) is based on 2009 data, and Figure 16a (total LAO lawyers) is based on data from 2010, we cannot determine a precise ratio of LAO lawyers for either year.

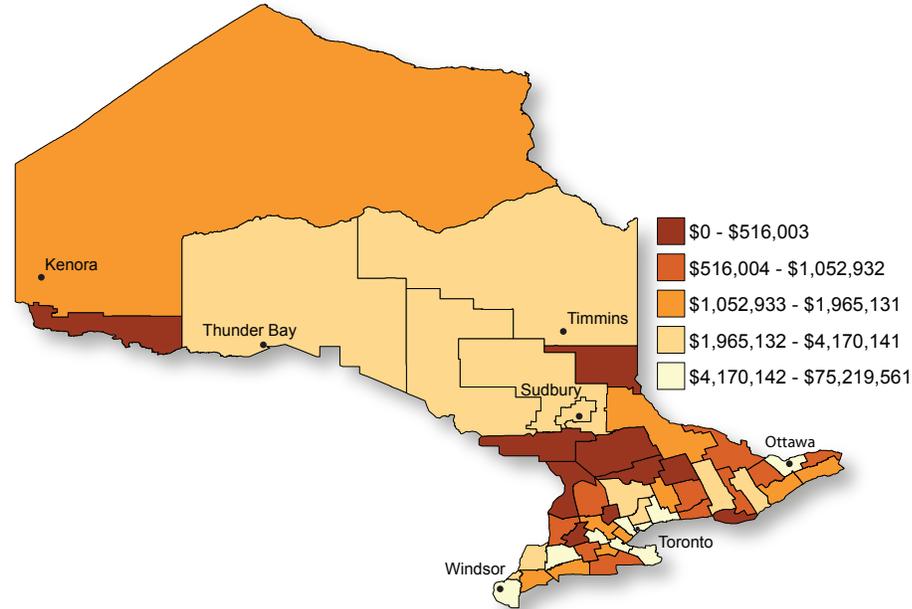
Figure 16c – Total Lawyer Population: Total Legal Aid Certificates



LAO Certificates: In 2009-10, LAO issued a total of 109,310 legal aid certificates in the areas of criminal, family, refugee, and civil law. Figure 16c presents the distribution of LAO certificates across Ontario, including all criminal, family, refugee and civil certificates. The distribution of LAO certificates closely tracks that of LAO certificate lawyers reported in Figure 16a. These totals tend to be heavily weighted to Toronto and the Golden Horseshoe region because, according to LAO, a high proportion of criminal matters and refugee matters are litigated in this region. As the following figures on LAO funding suggest, criminal matters are most numerous and therefore receive a larger share of LAO certificates and funding than civil law areas.

Legal Aid Ontario (LAO) Funding

Figure 17a – Total LAO Certificate Funding



Total LAO Certificate Funding: In 2009-10, LAO’s total expenditures on the certificate program were \$182.7M, excluding LAO’s expenditures on duty counsel, community legal clinics, student legal aid societies, and administration, among other costs. Figure 17a indicates the annual LAO certificate funding distributed to each census division. This distribution is expected to correlate with a number of factors, including the total population and average level of income. This data does not include LAO funding for community clinics, duty counsel, or other services.

Toronto receives 41% of the total LAO certificate funding in Ontario – an even greater proportion than its share of LAO certificate lawyers (37%). Toronto’s share of this funding over the reporting period was over \$75 million. As with the number of LAO certificate lawyers, there is a wide range of funding in the highest quintile, with Ottawa receiving just under \$13 million (7%) and Hamilton, Peel, Essex and Middlesex receiving \$7 to \$8 million (4%) each. Rainy River and Prince Edward counties both receive less than 0.1% of the LAO funding in Ontario (about \$15,000 each).

Several divisions in the North, including Thunder Bay, Cochrane, Algoma and Sudbury, appear to be well-funded relative to their population. These areas receive amounts in the second-highest quintile.

This data should be distinguished from the distribution of LAO certificates, which shows different distribution patterns. LAO advises that this apparent discrepancy is explained by the fact that lawyers who provide certificate services may and often do provide services in more than one jurisdiction, with the result that legal aid *funding* is allocated to the lawyer’s “home” jurisdiction even though legal aid *services* are actually provided elsewhere.

Figure 17b – LAO Certificate Funding Per Capita

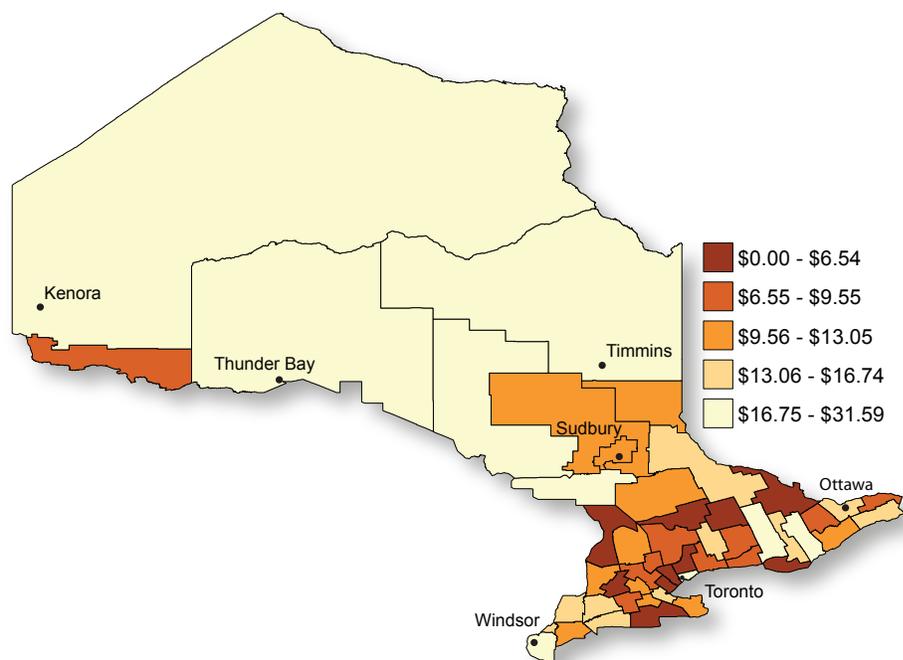


Figure 17b presents a view of how LAO funding through the certificate program is distributed in relationship to the total population in each census division. It is clear from this map that regions in the North – with the exception of Rainy River – are comparatively well-funded. Cochrane has the highest funding per capita at \$31.59, followed closely by Kenora at \$30.51.

Toronto, at \$30.05 per capita, also has a high level of certificate funding – in direct contrast to the relatively low funding rates in its surrounding region. Essex, where the city of Windsor is located, also has a relatively high funding rate compared to other urban areas outside Toronto, at \$17.75 per capita.

Referring back to the population distribution of mean income in Figure 3, it is clear that districts with the lowest mean incomes are not necessarily those that attract the highest rates of per capita LAO funding. For example, Renfrew, in eastern Ontario, has a mean income in the lowest quintile, but receives only \$6.54 per capita. Conversely, Toronto receives a high level of LAO funding,

notwithstanding having one of the highest average incomes of any division. As noted above, this dynamic may be accounted for by a wide variation in incomes within a single census division, meaning that there is still a significant low-income population in need of subsidized legal services. It may also reflect a wide variation in the underlying demand for subsidized legal services. Finally, the distribution of legal aid funding is no doubt influenced by local conditions and needs, including variations in local court procedures, the presence of LAO staff lawyer resources, the service priorities of the local community clinic, and the presence of local institutions (such as prisons), which may drive demand for certain civil law services.

Figure 17c – LAO Certificate Funding Per Certificate Lawyer

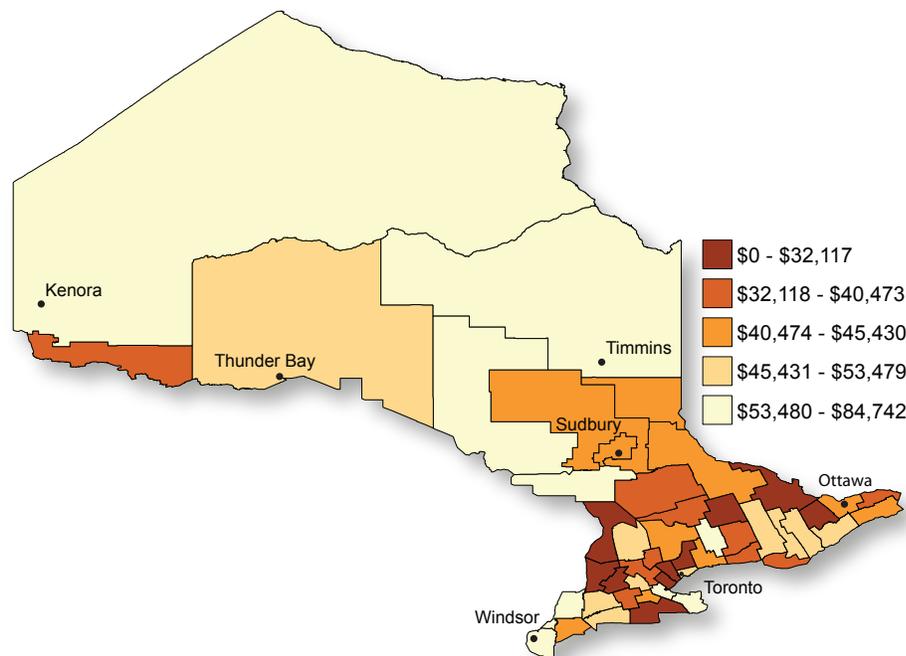


Figure 17c maps LAO certificate funding in relationship to the number of lawyers who receive certificate funding. A high rate of certificate funding per lawyer suggests that LAO certificate lawyers in these divisions may work primarily – or perhaps even exclusively – for legal aid clients, while lower rates perhaps suggest that most lawyers in these divisions provide LAO certificate services for only a part of their practice. Kawartha Lakes has the highest level of per lawyer certificate funding at just under \$85,000. Cochrane, Algoma and Kenora in the North all have per lawyer certificate funding rates over \$60,000.

Unfortunately, Figure 17a to Figure 17c collectively provide only an incomplete picture of the market for LAO certificate services at best, as they do not tell

us about the relative costs of providing these services in a given division. The number of lawyers in these areas represent only one component of costs. We would expect that the cost of legal services in the North to be much higher than in other regions because transportation infrastructure and information technology services are relatively more expensive and because divisions in the North are generally further from the legal institutions and ancillary services available in Ontario's major urban centres.

Figure 18a – LAO Civil Litigation Certificate Funding Per Capita

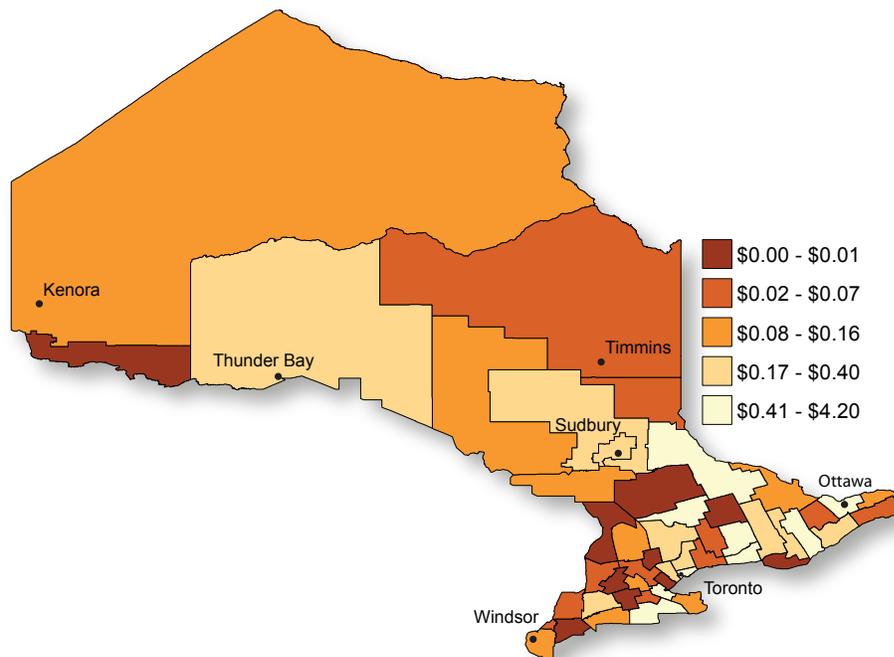


Figure 18a to Figure 18d report LAO certificate funding per capita across specified practice areas: civil litigation, immigration law, family law and criminal law. Overall, the picture that emerges from these maps is that funding for specific practice areas varies widely with geography.

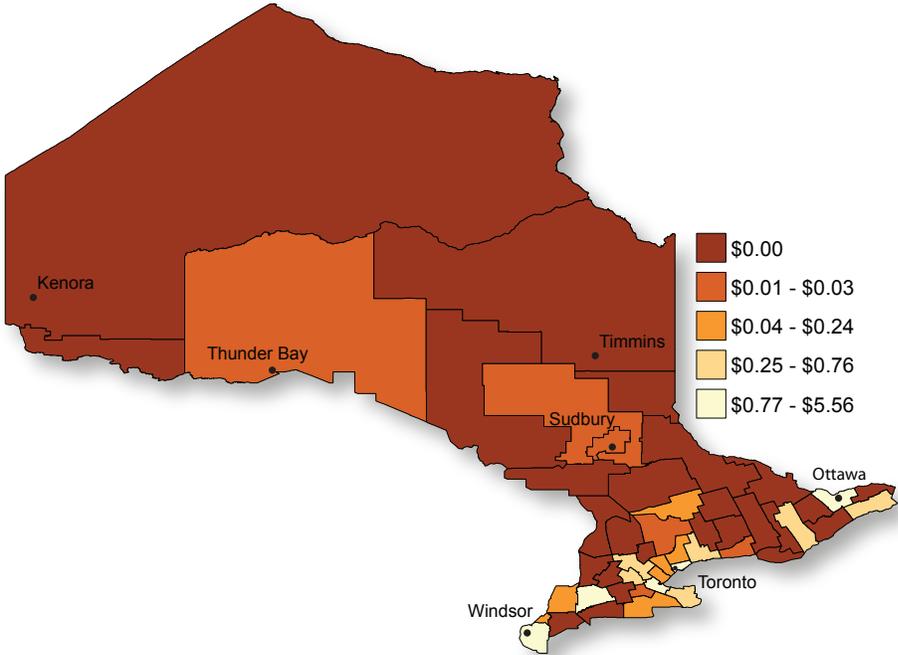
While LAO funds some civil litigation services through community legal clinics, in recent years, certificate coverage for most civil law matters has been eliminated.⁴² In 2009-10, LAO issued a total of 5,417 civil law legal aid certificates, approximately 5% of LAO's total certificates that year. Current funding priority

42 Michael Trebilcock et al., Report of the Ontario Legal Aid Review: *A Blueprint for Publicly Funded Legal Services* (1996), Chapter 13: 'Other' Civil Law Legal Aid Services; Ontario Ministry of the Attorney General (Toronto, Ontario, 1996); online: <http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/olar/ch13.asp>

at the clinics appears to be given to provide civil legal services and information related to cases involving sexual assault, mental health, disability benefits, parole or prison matters. Where legal advice through clinics is unavailable, LAO certificate funding may be available for workers' compensation matters, Social Assistance Review Board cases, and landlord and tenant matters.⁴³

The pattern for civil litigation funding through LAO certificates cannot be explained through statistics alone. Frontenac and Northumberland, in eastern Ontario, have the highest rates of per capita funding in this area at \$4.20 per person and \$1.85 per person respectively, which may reflect the presence of several prisons and correctional institutions in the area. Toronto also has a relatively high level of funding for subsidized civil litigation at \$1.19 per capita. Several census divisions in Ontario – mainly rural division but also urban areas such as Halton – receive little to no LAO certificate funding for civil litigation. In these areas, more study is needed to understand the complete picture of legal aid activity in the area.

Figure 18b – LAO Immigration Law Certificate Funding Per Capita

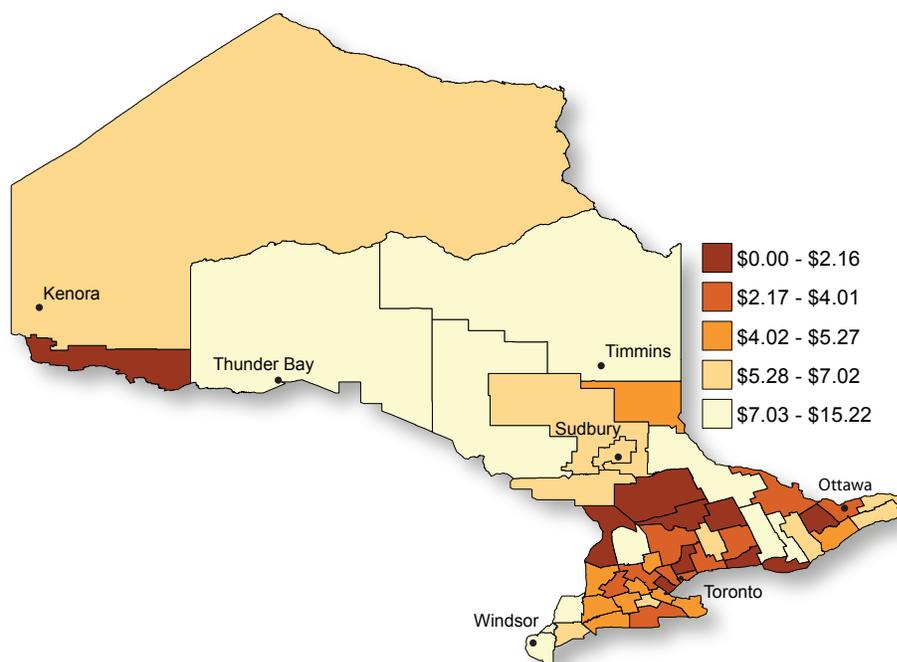


In 2009-10, LAO issued a total of 12,904 refugee law legal aid certificates, approximately 12% of LAO's total certificates that year. As revealed in Figure

⁴³ *Ibid.*

18b, the pattern for immigration law funding is much starker. Toronto receives by far the highest level of funding per capita (\$5.56), followed by Essex, Ottawa, Hamilton, Middlesex and Waterloo. The fact that new immigrants are overwhelmingly attracted to these main urban centres and that there is a paucity of lawyers focusing on immigration law overall (Figure 14c), this pattern of LAO funding distribution for immigration services is not unexpected. More than 70% of the census divisions in Ontario receive almost no funding for these services (less than \$0.05 per capita).

Figure 18c – LAO Family Law Certificate Funding Per Capita

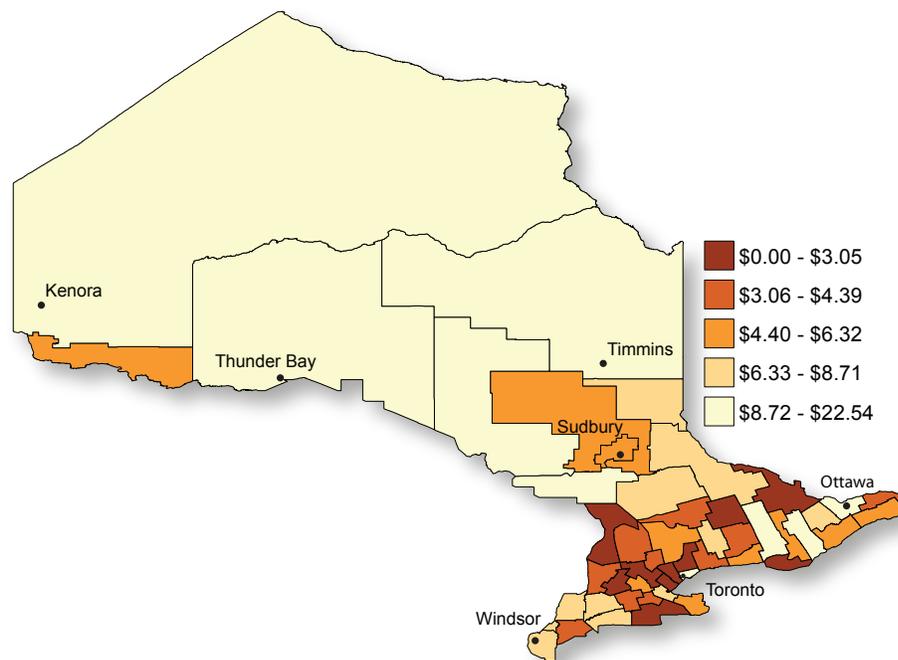


In 2009-10, LAO issued a total of 27,488 family law legal aid certificates, approximately 25% of LAO’s total certificates that year. As with civil litigation services, LAO funds only a subset of legal services within the family law area through its certificate program. Funded matters or services include: domestic abuse or violence, child custody, access and support issues in “contested matters”, and divorce and separation matters.⁴⁴ In contrast to the other specified practice areas, the highest rates of LAO certificate funding for family law matters (Figure 18c) goes to regions outside of Toronto and the Golden Horseshoe. Cochrane

⁴⁴ Legal Aid Ontario, “Family Law” (2010) online: http://www.legalaid.on.ca/en/getting/type_family.asp.

(\$15.22), Algoma (\$9.48) and Thunder Bay (\$8.57) in the North all receive the highest rates of family law LAO certificate funding, as do Lennox & Addington (\$10.10), Hastings (\$8.02) and Nipissing (\$7.30) in the east, and Essex (\$8.36) and Lambton (\$8.06) in the southwest. While it is possible that the demand for family law legal services may be greater in these areas, we are not aware of such evidence, although it is important to keep in mind the limited subset of funded family law services available through LAO certificates in further assessing any variations in demand. A potential explanation could be that the greater density of lawyers – including lawyers who focus on family law – in the Golden Horseshoe provide alternative options for clients to seek assistance in resolving family law matters. A second potential explanation is the presence of LAO family law staff lawyers in these areas.

Figure 18d – LAO Criminal Certificate Funding Per Capita



Although criminal law is not a focus of this study, we include Figure 18d to better understand how LAO certificate funding is allocated between criminal and civil matters across divisions. In 2009-10, LAO issued a total of 63,501 criminal law legal aid certificates, approximately 58% of LAO’s total certificates that year. While not a definitive explanation, the relative allocation between these general areas of law provides some insight into the pressing needs for civil legal services. We note that the lion’s share (more than 45%) of LAO certificate

funding in Ontario is allocated to criminal law cases (see Appendix C). Criminal law funding is heavily allocated to Ontario's northern divisions and to Toronto. LAO certificate funding for criminal law services in Toronto consumes more than 16% of the total LAO certificate funding in the province, likely as a result of the concentration of criminal court services in this division. Kenora receives by far the highest rate of per capita funding at \$22.54, followed by Cochrane (\$16.35) and Manitoulin (\$15.40). Toronto receives \$11.90 per capita in criminal law LAO certificate funding.

Community Legal Clinics and Staff Duty Counsel

In addition to the LAO certificate program, which subsidizes criminal and civil legal service provision to individual certificate holders by private lawyers, LAO funds community legal clinics by providing staff funding. In 2009-10, LAO funded more than 80 community legal clinics across Ontario. Community clinics provide civil law legal services, primarily but not exclusively in the areas of social assistance and housing law. LAO does not hire clinic staff directly. Rather, the organization provides funding for staffing positions to clinics, which then hire their own legal and non-legal staff. Many clinics receive non-LAO funding in order to hire additional staff, however we do not include these non-LAO funded positions in the table to follow on the next page. We provide a brief description of how LAO-funded, clinic-based resources are distributed in Ontario across four regions: the Greater Toronto Area, Central & Eastern, Northern, and Southwest. We also include statistics for "specialty" clinics that target the legal needs of specific groups and communities, such as the elderly, African-Canadians, tenants, children and youth, and Aboriginal peoples. All of the clinics with specialty designations are located in the GTA, however they each carry province-wide mandates and their services are not therefore limited to a specific local area.

Table 2: LAO-funded Staff in Ontario’s Community Legal Clinics

Region	Number of Clinics	Number of Staff						Total
		Executive Director	Lawyer (including duty counsel)	Community Legal Worker	Officer Manager	Support Staff	Articling Student	
GTA	22	20	47	49	28	13	2	159
Central & Eastern	16	17	33	16	17	14	0	97
Northern	11	10	11	22	13	8.5	0	64.5
Southwest	15	15	36.5	21	19	16	1	108.5
Specialty (GTA)	17	12	43	26	15	12.5	1	109.5

The statistics provided in Table 2 include legal professionals who provide legal services directly, office and support staff, and trainee articling students. A best estimate of the number of direct legal service providers by region would therefore include lawyers, executive directors (who are themselves usually lawyers), and community legal workers. Community legal workers provide a wide range of legal services under the supervision of a lawyer.

LAO also provides funding for full-time staff duty counsel services in the areas of criminal and family law. Duty counsel clients must meet financial eligibility criteria for some types of duty counsel assistance. In family cases, duty counsel advise clients about issues, including their legal rights, negotiation and settlement, and the preparation of court documents and provide information about basic court procedure.

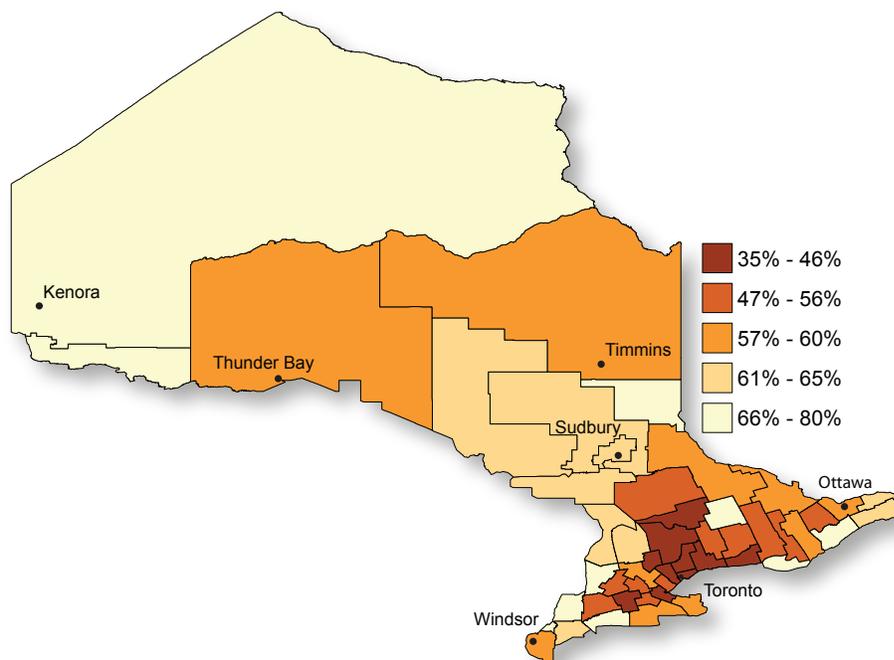
In addition to the full-time positions funded by LAO, members of the private bar are hired on a per diem basis by LAO to act as duty counsel where demands require and where counsel are available. These per diem duty counsel represent a flexible pool of lawyers that supplement the services provided by lawyers hired in full-time positions. According to LAO, a total of 89 criminal, 30 family, and 33 “hybrid” criminal and family full-time staff duty counsel currently provide services in Ontario. More than 40% of these full-time staff duty counsel supply services in the Greater Toronto Area, with the remaining full-time positions distributed across the province.⁴⁵

⁴⁵ At the time of writing, LAO was unable to provide geographic data on *per diem* duty counsel in Ontario.

LAO also provides important provincial family law services that are not accounted for in the certificate, legal aid clinic or duty counsel statistics in this section. For example, the Family Law Information Program (FLIP) is a free, online resource designed for adults in Ontario whose relationship with their spouse or partner is breaking down. FLIP provides legal and practical information on topics such as child custody, support payments, property settlements, and shared parenting. This web-based program helps to illustrate that studying the spatial distribution of civil legal services is increasingly complex, as more and more information resources and even opportunities for “virtual” person-to-person assistance are provided using technologies that can potentially overcome some geographic barriers.

Pro Bono Services

Figure 19a – Total Lawyer Population: Percent Lawyers Providing Legal Services Pro Bono



Lawyers Providing Pro Bono Services: There has been a growing emphasis in recent years on legal services provided pro bono (for free) by the private bar as a significant component of access to civil justice in Ontario and elsewhere.⁴⁶

46 See Lorne Sossin, “The Public Interest, Professionalism, and Pro Bono Publico” (2008) 46 *Osgoode Hall Law Journal* 131.

Individual lawyers may participate in the pro bono legal service provision by volunteering on a case-by-case basis, or they may participate in broader access and advocacy projects, many of which are coordinated by Pro Bono Law Ontario. In the dataset, 46.7% of Ontario lawyers reported that they provided legal services pro bono in 2009.

Figure 19a illustrates the proportion of lawyers in each census division who reported through the Lawyer Annual Report that they provided legal services pro bono in 2009. It should be noted that it is not clear from the question in the Lawyer Annual Report that is used to gather information about pro bono participation rates, whether services were provided in association with legal aid work or client development activities or in some other circumstances. More research would need to be conducted to assess whether and how much of pro bono legal services is reaching individuals who cannot access legal aid or afford to hire a lawyer.

Haliburton has the highest proportion of lawyers who reported that they provide services pro bono (80%), followed by Rainy River (79%), Huron (76%), Lambton (75%), and Leeds & Grenville (74%). Divisions with the lowest percentage of private practice lawyers who reported that they provide legal services pro bono are: Muskoka (35%), Oxford (38%), Dufferin (39%) and Toronto (42%). In general, it appears that divisions inside and to the immediate north of the Golden Horseshoe have the lower proportions of lawyers who reported that they provide legal services pro bono compared to other areas in the province. Notably, none of the divisions with densely populated urban centres in southern Ontario fall within the top two quintiles of Figure 19a.

Figure 19b – Total Pro Bono Hours

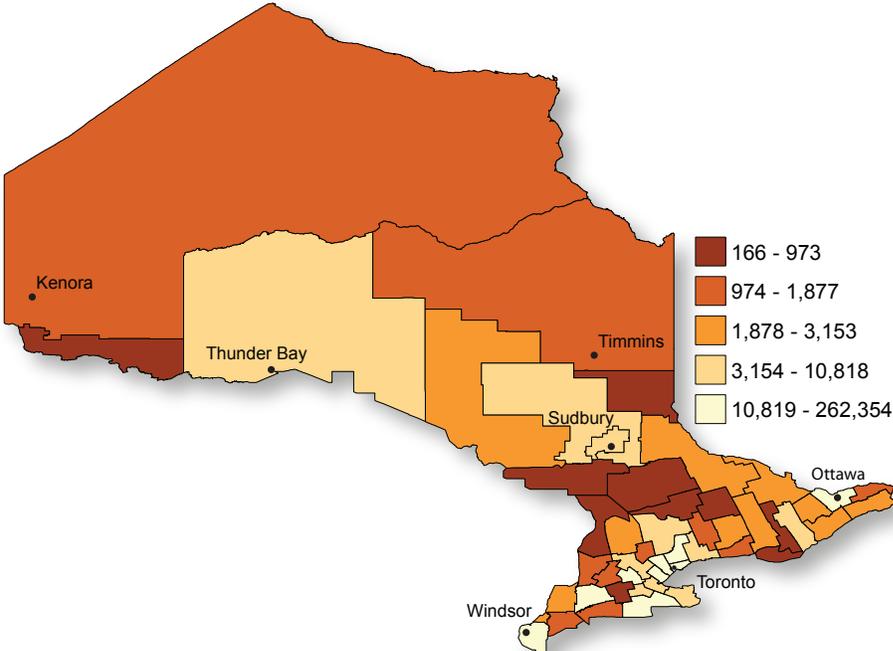


Figure 19b maps the total number of pro bono hours reported by lawyers in the 2009 Lawyer Annual Report in each census division. The total number of pro bono hours reported by lawyers in the dataset for 2009 was 521,804 hours or 25.8 hours per lawyer. While the absolute totals of pro bono hours contributed in the urban regions in southern Ontario are predictably high, comparison with Figure 19a suggests that a contributing lawyer’s relative share of this work will vary depending on the number of lawyers who provide legal services pro bono in each division. The division of Haldimand-Norfolk reports by far the largest share of pro bono work per contributing lawyer: 35 lawyers contributed 14,171 hours during the reporting period, amounting to, on average, 405 hours of services pro bono per lawyer for 2009. By contrast, lawyers in Kenora and Timiskaming reported 37 and 27 hours per contributing lawyer, respectively, for 2009.

PART THREE

Discussion



PART THREE

Discussion

Introduction

Having mapped our data on the general, lawyer, and paralegal populations, this section provides a synthesis of our results on the geography of civil legal services in Ontario, and contains some preliminary recommendations based on these findings.

The maps in Section I (“The General Population”), based on data from the 2006 Canadian Census, tell a partial or limited story about the demand for civil legal services in Ontario based on previous social science studies and assumptions about the interrelationship between population demographics, the types of legal problems that certain groups are likely to experience, and the means that these groups are likely to use to access civil justice. Results from Section II (“The Lawyer and Paralegal Populations”) provide a somewhat more complete picture of the *supply* of civil legal services by the private bar in Ontario, within both the general market for civil legal services and through publicly-supported LAO services for individuals of limited means.

The utility of our mapping exercise is limited by how reliably we can extrapolate the nature and distribution of demand for civil legal services from general population demographics. Personal characteristics such as age, income, education, language and racialized status and immigration status likely influence the demand for civil legal services. However, there is clearly a larger universe of underlying factors that will shape the types of legal problems that individuals experience and the legal services and information resources they use to solve or address these problems. This report is a preliminary step towards identifying the factors that influence individuals’ choices when they are faced with a civil legal problem.

We are encouraged, however, that a growing body of recent research has begun to address the dimensions of market demand. Both in Canada and internationally, civil legal needs surveys are being administered by governments and public legal organizations in order to better understand and characterize the demand for civil legal services. The Canadian Department of Justice conducted national telephone

civil legal needs surveys in 2004,⁴⁷ 2006,⁴⁸ and 2008.⁴⁹ In 2009, the OCLN undertook its first survey of low- and middle-income Ontarians. Its first report, *Listening to Ontarians*, was released in May 2010.⁵⁰ The OCLN, and subsequent research based on the data it produced, are now beginning to address the inherent limitations posed by using only demographic statistics to characterize the demand for civil legal services.⁵¹ Future work that will connect the supply-side data used in our current study with demand-side data from civil legal needs surveys presents a good opportunity for further and more comprehensive research.

We also caution, however, that any comprehensive analysis of the province's civil legal needs encompasses more than an assessment of the current consumption of civil legal services. As with any market, the demand for civil legal services – i.e. the quantity of services that individuals consume – depends on the supply of these services, including the current availability of lawyers and the costs of these services. Low consumption of legal services does not necessarily reflect a low need of civil legal services, nor does high consumption necessarily correspond to a high need. A comprehensive model requires an understanding of how individuals prioritize legal issues as they arise and the range of costs of civil legal services within the province.

With those caveats, we make the following observations on the results of this Mapping exercise:

Population

Because the general population of Ontario is heavily skewed towards urban areas, particularly the Golden Horseshoe region (Figure 1), it is perhaps unsurprising that the lawyer (Figure 9a) and paralegal (Figure 10a) populations follow a similar pattern. While the relative paucity of lawyers and paralegals in rural districts is

47 Ab Currie, "Legal Problems and Vulnerable Groups in Canada" *JustResearch Edition No. 13* (2005), online: Department of Justice Canada <http://www.justice.gc.ca/eng/pi/rs/rep-rap/jr/jr13/p5e.html>.

48 Ab Currie, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians* (Ottawa: Department of Justice Canada, 2007) http://justice-canada.net/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/rr07_la1.pdf [Currie, "Legal Problems of Everyday Life"].

49 The results of the 2008 survey have not yet been released.

50 *Listening to Ontarians*, *supra*, note 3.

51 See Jamie Baxter, Michael Trebilcock and Albert Yoon, "The Ontario Civil Legal Needs Project: A Comparative Analysis of the 2009 Survey Data" [forthcoming].

cause for concern, it does not necessarily reflect lower access to justice or legal services than in the urban districts. As Figure 9b shows, any access to justice or legal services obstacles with respect to lawyers in sparsely populated districts stem from a low density of lawyers per square kilometre, not necessarily lawyers per capita. As a result, access to legal services provided by lawyers is affected by factors including longer travel distances and time, with the accompanying higher costs, for clients to access legal services, among other factors. By contrast, many divisions with few paralegals in total are also likely to have relatively few paralegals per capita, meaning that some sparsely populated regions may experience “dual barriers” related to lawyer and paralegal density per capita and per square kilometre.

Some urban districts, while having more lawyers per square kilometre, actually report fewer lawyers per capita than rural districts. On the other hand, the *Listening to Ontarians* report finds that individuals living in rural and remote communities, particularly in the North, face barriers in the civil legal system. Without additional information on the consumption of civil legal services, the nature of specific barriers to access and the structure of service delivery itself, we cannot necessarily infer that spatial access to civil legal services in these rural areas is more inhibited than in urban districts.

Age

Among the general population, the youngest divisions are predominantly located in and around Toronto and Ottawa, and the oldest in the rural regions (Figure 2). While the lawyer population follows a similar trend, the age disparity among lawyers is far greater between the youngest and the oldest divisions (Figure 11a). Many of these older divisions also have relatively few newly licensed lawyers (Figure 11b). The age profile of paralegals differs somewhat from that of lawyers and the general population, at least insofar as several rural regions have paralegal populations on the younger end of the spectrum. Some of these differences, however, may be attributed to less available data and, consequently, a smaller number of observations available for paralegals in each division.

It is difficult to extrapolate any reliable conclusions about the implications of the age profile of lawyers and paralegals going forward, but we can make some preliminary suggestions about possible connections between the age of these lawyers and paralegals and the distribution of civil legal services in Ontario. Divisions with a high median age of lawyers that also have a low number of these lawyers may be more vulnerable to a decline in access to civil legal services in the near future as existing lawyers exit the profession and are not replaced. For

example, the division of Prince Edward has a median lawyer age of 61 years (at the very highest end of the spectrum) as well as a low number of lawyers (12) and a low density of lawyers per size of population. Likewise, Haliburton, Parry Sound, Manitoulin and Bruce may face similar dilemmas in the coming years. To the extent that individuals rely heavily on lawyers within their divisions, these rural divisions will face greater problems of access. However, such a stark example provides a clear opportunity for the development of recruitment strategies for younger lawyers and paralegals to these areas.

The standard deviation of lawyer age provides an indicator of how much variation among lawyer ages exists within a given census division. Challenges to access to civil legal services in the near future that are related to lawyer age will not be as easy to predict in divisions with a high standard deviation. Timiskaming, Huron, Sudbury and Haldimand-Norfolk have the highest standard deviations of lawyer age in Ontario. We note that Haliburton and Manitoulin have the lowest standard deviations of lawyer age, further underscoring the potential for challenges to access to civil legal services in these locations.⁵²

Education and Income

Consistent with the economic literature, the maps show a close relationship between education and income. The districts with the highest educational attainment (Figure 4a and b) are typically also those with the highest income (Figure 3). We exercise caution in drawing strong inferences, because statistics based on the population mean or median tell us little, if anything, of the distribution of these populations. Districts with high average income or high educational attainment may nevertheless have a sizeable number of individuals who struggle to access legal representation.

A modest interpretation of the figures, however, is consistent with a significant socioeconomic difference between rural and urban divisions which likely gives rise to contrasting civil legal needs. In urban divisions, access to legal services has an economic component but unlikely a geographic component: the market for lawyers may be expensive, but there are many lawyers. In rural regions, access to legal services has both an economic and geographic component: services are possibly expensive and there are relatively few lawyers.

52 Reported standard deviations for these census divisions are: Timiskaming (14.74), Huron (13.70), Sudbury (13.34), Haldimand-Norfolk (13.27), Manitoulin (7.03) and Haliburton (5.83).

The aforementioned maps (Figures 1 to 4) raise the following questions that fall outside the scope of this project but we believe warrant further investigation. First, how do lawyer fees vary across the province? Controlling for practice area (e.g., family, employment), how do fees differ in rural and urban districts? Does the density of lawyers within a district (or subunit of the district) affect fees (i.e., more lawyers foster greater competition thereby leading to reduced fees)? Second, how sensitive are individuals to geographic constraints in seeking legal representation? Do individuals in rural divisions often hire lawyers from urban divisions? Does the propensity to hire a lawyer outside one's division vary considerably by income or education? Is there a relationship between the specific type of civil legal service need and how individuals choose a lawyer and from where?

Much has been written on the geographic distribution of physicians, with recent work suggesting that challenges surrounding provision of care stem not from a shortage of physicians but how they sort geographically.⁵³ While the medical profession offers some relevant insights for the provision of civil legal services, there are key differences between the two professions that require caution in drawing parallels. Having medical services in geographic proximity is necessary for acute care, whereas it may be possible to provide some civil legal services without lawyers and paralegals being located physically close to their clients. Accordingly, the need for geographic proximity to civil legal service providers to achieve greater access to justice remains an open question.

Racialized and Immigrant Populations

Given that Toronto and Ottawa – and their surrounding communities – have the highest percentage of racialized community members (Figure 6), it logically follows that they also have the highest percentage of new immigrants (Figure 5). What is surprising is that some of the divisions with the smallest percentage of racialized members rank among the highest for new immigrants (e.g., Rainy River, Kenora). While it is impossible to discern a trend from a single year, these figures warrant further examination. It may reveal that some divisions within Ontario are undergoing dramatic shifts in their population demographics. If so, then the civil legal services requirements within these divisions may correspondingly change in the near future.

53 See Scott A. Shipman, et al, "Geographic Maldistribution of Primary Care for Children", *Pediatrics* (available at <http://pediatrics.aappublications.org/content/early/2010/12/20/peds.2010-0150.abstract>).

Aboriginal Population

Figure 7 shows a clear division between southern Ontario, which has a relatively small Aboriginal population compared to its overall population size, and northern Ontario, where Aboriginal peoples represent a much larger share of the total population. These data reveal little, however, about the demographics and related legal demands of urban Aboriginal communities and of First Nations peoples living on reserve in the southern part of the province. Nor do we know the extent to which the legal needs of urban and northern/rural Aboriginal individuals and communities differ from each other, or how these civil legal needs are answered. We note that several specialized legal and related community agencies directed to the needs of Aboriginal peoples are located in Toronto, but also observe that the mandates of these organizations and the services they provide range from localized to province-wide.

Language

Ontario is a predominantly English-speaking province (Figure 8a), but there are clearly communities in both urban centres and in the northern-most regions of Ontario that will likely experience significant barriers to the provision of civil legal services when information and advice is accessible only in Canada's official languages (Figure 8c). As primary destinations for new immigrants, Toronto, Ottawa, Windsor and other centres predictably face the challenge of ensuring that civil legal services are accessible in a wide range of languages. Some of these language groups may be small in number, but their need for lawyers who speak their language may be crucial, and quite likely unmet. Aboriginal communities in the North, where diverse traditional languages risk being lost altogether, will undoubtedly grapple with their own unique concerns surrounding the provision of civil legal advice and information.

Given that Prescott and Russell is the only majority-Francophone division (Figure 8b), it is no surprise that the distribution of French-speaking lawyers are concentrated in that division and other centres with the largest French-speaking communities (Figure 12). We again exercise caution in drawing strong inferences from these maps. For example, these maps cannot tell us what percentage of individuals who need a French-speaking lawyer actually hire one, nor can it tell us how this percentage varies across urban and rural communities. The figures suggest, however, that Ontarians have access to legal services in French. The research does not provide information about whether Franco-Ontarians are

using those legal resources and what the reasons might be as to why they choose to use the available resources or not.

Sole Practice Lawyers: Figure 13 shows that sole practitioners comprise a sizeable percentage of the lawyer population. On average, the highest percentages are in rural divisions, and the lowest percentages are in urban divisions. The inferences we draw about how this distribution affects the availability of legal services depend on underlying assumptions about how practice size influences the structure of service provision. For example, sole generalist practitioners may supply a broad range of civil legal services across a number of different practice areas.⁵⁴ Whether and the extent to which this generalist model of sole practice persists – a question that itself deserves further research – will impact on what types of access sole practitioners can provide. The degree to which sole practitioners are able to and do collaborate with other lawyers will also impact on access to service provision. Where collaboration between lawyers benefits the client, lawyers who are able to create and utilize these networks more effectively will be at a competitive advantage. Conversely, geographical or other barriers that impede collaboration between sole practitioners may act as one mechanism that affects the overall supply of civil legal services.

Sole practitioners may also face specific challenges related to supplying civil legal services that should be accounted for in interpreting our results. As part of a 2004 study by the Law Society on sole practitioners and lawyers in small firms, a survey of Ontario lawyers asked respondents to identify the main reason for shortages of legal services in their practice communities.⁵⁵ All respondents identified the affordability of providing legal services to clients, attrition in certain practice areas, and low demand for legal services because of socio-economic conditions in general as the main reasons for these shortages. But significant proportions of sole and small firm practitioners also identified the following factors:

- Insufficient numbers of lawyers serving the community;
- A shortage of lawyers practising in specific languages;
- A fuller range of services being offered in large metropolitan areas;

54 According to a study by the Law Society of Upper Canada, a majority of individuals in Ontario obtain legal services from sole practitioners and small firms in the areas of real estate, wills, estates and trusts, and family law. See David Kraft, Stephen Arsenault and Olga Ialanskaia, "Sole Practitioners and Lawyers in Small Firms" (Toronto: Law Society of Upper Canada, online: Report to the Task Force Examining the Ongoing Survival of Sole Practices and Small Law Firms http://www.lsuc.on.ca/media/convapr04_sstf_report.pdf at 38.

55 *Ibid.* at 70.

- Aging and retiring practitioners; and
- High incomes offered by large urban firms attracting lawyers to this practice environment.

None of the above factors were identified by lawyer respondents in firms with six or more lawyers, suggesting that sole and small practice service providers – many of whom are located in rural areas – may be disproportionately affected by these influences, where they exist.

Paralegal vs. Lawyer Population

While parallels exist between the paralegal (Figure 10a and b) and the lawyer population (Figure 9a and b), some differences between the two emerge. For example, paralegal services appear to be much more readily available (relative to population size) in divisions with main urban centres compared to predominately rural divisions, particularly in the North. By contrast, the density of lawyers in Figure 9b varies significantly across the province. While northern divisions appear to have very low supplies of paralegal services, at least some of these divisions have relatively high densities of practising lawyers compared to population size.

As with our observations about the lawyer population, further data on the consumption of legal services is required to draw definitive findings about access to paralegal services. We note, however, that the extent to which spatial access to providers of legal services is a barrier to accessing civil justice, the effects of this barrier will be especially pronounced for the provision of paralegal services. It is clear that paralegal services are even more highly concentrated in urban areas compared to the lawyer population, and that paralegals are, in general, sparsely located in the North.

In conceiving of paralegal- and lawyer-provided services as part of a single system of service provision, it is also important to consider to what extent the markets for paralegal- and lawyer-provided services overlap. Questions about whether lawyers and paralegals compete or are complementary, and in which practice areas these dynamics are relevant, are significant prerequisites to interpreting how the distribution of paralegals and lawyers impacts access to civil legal services in Ontario.

LAO Certificate Lawyers

The absolute number of LAO certificate lawyers in divisions across Ontario (Figure 16a) roughly tracks the distribution of lawyers overall (Figure 9a). Urban

divisions in southern Ontario have the highest total number of lawyers, as well as the highest number of LAO certificate lawyers. Examining the distribution of LAO certificate lawyers as a proportion of total lawyers (Figure 16b), however, provides one way to characterize the relative importance of LAO certificate funding in relation to the total supply of legal services in each division. In areas in the North, as well as in select rural regions in the southwest and southeast of the province, lawyers who accept LAO certificate work represent over half of the total number of lawyers. As a basic starting point, this rural emphasis implies that access to legal services through the subsidization of those services in divisions in the upper quintiles in Figure 16b will be disproportionately affected by any changes to the LAO funding scheme, insofar as potential changes could alter incentives for LAO certificate lawyers to locate to certain areas and/or to take on higher legal aid caseloads.

The efficacy of legal aid depends not merely on the number of LAO certificate lawyers, but on the depth of their commitment to legal aid. In other words, certain lawyers or firms may provide a disproportionate share of certificate services in an area. Together, these factors will influence a lawyer's or firm's ability to meet existing demand for legal aid certificate services. In the end, the ability to meet demands likely varies from lawyer to lawyer and from one firm to another, based on their potential client population and current demands. One question raised by these maps is whether the presence of LAO certificate funding causes all civil legal services (both funded and non-funded) to be more affordable for clients, particularly in rural regions, due to its effect of increasing availability of services, at least in certain practice areas. In other words, does the availability of subsidized or free civil legal services result in making eligible clients more resilient against the urgent need for civil legal services, thereby increasing their willingness to wait for unsubsidized lawyers to offer more affordable legal fees? Where private-market lawyers respond to these conditions by lowering their service fees, the provision of LAO-funded services may have implications even for non-funded clients. Alternatively, do private practice lawyers who receive LAO funding to represent low-income clients simply segment the market for civil legal services at the expense of other client populations?

We do not attempt to answer these questions within the present study, but these market dynamics deserve more detailed consideration, especially in areas of the province where publicly-funded LAO services represent a large proportion of the total activity in the legal services sector.

A closer look at the median age of lawyers (Figure 11a) raises additional questions about the demographic characteristics of LAO certificate lawyers. For example, the high proportion of young lawyers in rural divisions with relatively

larger numbers of LAO certificate lawyers suggests that age may be one important factor in predicting why publicly-funded lawyers practise where they do.

While these speculations would need to be corroborated by an appropriate statistical analysis, they lead to a range of potential outcomes. On the one hand, a consistent influx of young, public service-oriented lawyers into regions in the most northern parts of Ontario may represent a promising trend in the potential to attract new legal talent to remote areas. On the other hand, if some divisions are experiencing a high rate of professional turnover, resulting from young lawyers moving in to practise and then leaving after only a few years, this pattern has the potential to result in some negative impacts for individuals and communities. For example, clients may find it difficult to forge long-term relationships with legal service providers. The result is that an individual could incur high information costs such as the search costs associated with finding new sources of legal services for the same or successive legal problems. Similarly, new lawyers may find it takes time to understand the legal needs of their respective communities, thereby leading to a longer transition period for them before they can serve clients.

LAO Certificate Funding

Total LAO funding through its certificate program is highly variable across the province, although it is no surprise that southern Ontario's densely populated urban divisions receive the highest absolute amounts of funding (Figure 17a). In terms of per capita funding (Figure 17b), however, it appears that the distribution of well-funded divisions is bifurcated between a select few urban centres (Toronto in particular, but also Windsor, Ottawa and Hamilton) and rural divisions in the North and in the eastern part of the province. This urban-rural split draws attention to the very different contexts in which the legal aid client population in urban and remote rural areas likely access, or attempt to access, subsidized civil legal services.

Perhaps most significantly, per capita LAO certificate funding alone does not tell us anything about the relative cost of providing civil legal services. Some urban centres may receive relatively large per capita funding shares, but the cost to lawyers of providing civil legal services in these divisions is uncertain. For example, we would expect that ready access to courts and other legal institutions and services in urban centres lowers the costs associated with legal service provision. Higher overhead costs in cities as compared to rural areas, however, represent significant cost disadvantages to practising in urban divisions. Likewise, the potentially higher costs associated with civil legal service provision

in very remote areas are a central factor in determining the extent to which per capita legal aid funding translates into improved access to legal services.

The data reveal that LAO certificate lawyers who practise in divisions with high per capita funding also earn more in LAO dollars per lawyer. There are no data on per lawyer incomes in each census division. Consequently, it is difficult to assess what proportion of these lawyers' total income is provided through their legal aid work. If the distribution of lawyers' incomes across the province is relatively uniform – or if, as we would expect, lawyers' incomes are lower for rural areas in general – Figure 17c would suggest that lawyers receive variable proportions of their annual income from LAO certificate funding. For legal aid lawyers in rural locations with a more homogeneous population in terms of income and/or access to civil legal service needs, a greater share of their work will likely be publicly-funded. By contrast, greater diversity in the incomes of the client population in urban areas increases lawyers' opportunities to offer a range of both legal aid and non-funded services. Again, these observations raise further questions about how the market for civil legal services is structured. For example, is the civil legal services market as a whole relatively uniform or is it segmented between legal aid and non-funded clients and providers?

As we examine the availability of legal services in each of the civil legal practice areas, it becomes apparent that the distribution of LAO certificate funding across the province varies depending on the type of legal service. Among the three main civil legal practice areas for which we have LAO data, family law attracts the largest share of funding per person and these funds are distributed mainly to rural areas. We note that although several divisions in the North receive high per capita rates of family law funding (Figure 18c), family lawyers in many of these divisions represent less than a quarter of the total lawyer population in the division (Figure 14d). The opposite is true for these divisions in the area of civil litigation – some divisions in the North with relatively large numbers of civil litigators (Figure 14a) receive per capita LAO funding in this practice area in the mid and lower quintiles (Figure 18a). These findings tentatively suggest that, at least for certain civil legal practice areas, some divisions with an under-supply of specialty lawyers attract appropriately high levels of LAO funding.

The distribution of LAO funding for immigration law (Figure 18b) is straightforward: the urban divisions in southern Ontario that attract high numbers of both new immigrants and immigration lawyers also receive by far the highest levels of per capita funding. Toronto is the leader in this trend. Divisions outside of these core urban areas receive little or no immigration law funding, and there is presumably lower demand for these kinds of civil legal services in rural and remote locations. Data on LAO funding for employment law services

were not available for this study, but we note that the high concentration of employment lawyers in urban areas (Figure 14b) is similar to the trend for immigration lawyers. Thunder Bay and Sudbury appear to be exceptions in the case of employment law, each with a high proportion of employment lawyers. Further research would be useful to examine whether, and how, LAO funding for employment law services are being allocated in these divisions.

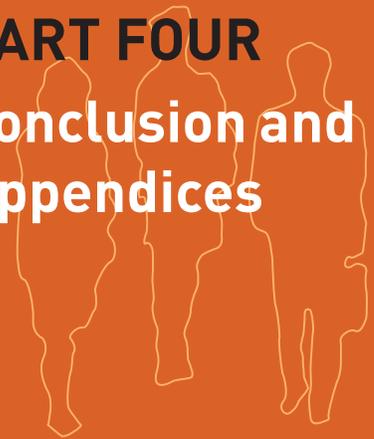
Criminal law services (Figure 18d) attract a large share of LAO funding relative to the civil legal areas we studied, particularly in the North. While the focus of our study is on civil legal matters, LAO's focus on funding criminal legal services suggests that, in some divisions, the provision of civil legal services for individuals may compete with considerations related to the criminal law system.

Legal Services Provided Pro Bono

Figure 19a suggests that there may be some important work to be done in facilitating, supporting and promoting the provision of pro bono legal services in some areas of the province. As a proportion of the total lawyers population, relatively fewer lawyers report that they provide legal services pro bono in Toronto and the Golden Horseshoe region. By contrast, the data suggest that pro bono legal services may currently be a significant dimension of legal services provision in the North, as well as several divisions in southwest and eastern Ontario. We note that the patterns we observe in the proportion of pro bono lawyers are similar to those we observe for the proportion of LAO certificate lawyers (Figure 16b), although we hesitate to draw any specific conclusions about connections between, or mutual influences on, these modes of service provision without further information. Further, as earlier noted, the results of the Lawyer Annual Report's question regarding the provision of pro bono services provides limited opportunity for analysis because of its generalized nature. Paralegals are not currently asked about their pro bono activities in the Paralegal Annual Report.

PART FOUR

Conclusion and Appendices



PART FOUR

Conclusion

This report presents the geographic distribution of civil legal services in Ontario and also examines its relationship with the demographic characteristics of the general population and its lawyers and paralegals. In so doing, we attempt to better understand the supply and demand of civil legal services. The figures show clearly that individuals from certain census divisions – primarily rural – face different challenges to legal representation than their urban counterparts.

Based on the information presented in this report, we caution against any policies that attempt to improve access to justice simply by increasing the number of lawyers or paralegals in sparsely populated, predominantly large divisions. The policy implications of this geographic study cannot be answered without additional research. The demographic statistics of the general population serve only as proxies for the actual demand for civil legal services. The OCLN Project survey report⁵⁶ provides a starting point to identify and characterize this demand. Nevertheless, more direct research is needed to truly quantify demand. It would be instructive to examine rates of consumption or utilization of civil legal services across census divisions. The characteristics of the distribution of lawyers and paralegals are, we believe, an accurate measure of supply, since it is reasonable to assume that these service providers choose where to practise based in large part on where professional opportunities exist. That said, these measures are only proxies for the provision of civil legal services. Similarly, we recommend an examination of the provision of legal services (e.g., geography of clients, hours billed, hourly rates) across the province. This information will provide a more accurate assessment of the ability of Ontario's civil legal system to meet the legal needs of its residents.

⁵⁶ OCLNS Quantitative Research, *supra* note 4.

APPENDIX A

Literature Review

Growing concern about barriers to accessing civil justice, especially for socially and economically marginalized groups, is motivating renewed attempts to measure access to civil legal services from both the demand and supply-side perspectives. Evidence-based data are required to identify gaps in public and private legal service provision and to assess reforms to legal aid programs and other subsidized advice services and incentive schemes. A substantial body of international literature has emerged over the last decade to measure the demand for civil justice services by identifying the incidence of legal problems through the use of individual and household civil legal needs surveys. Common methodologies are developing in this area, led by research in the United Kingdom,⁵⁷ and further developed in other common law countries and extended elsewhere.⁵⁸

Empirical research that measures and assesses the supply of civil legal services, however, has lagged behind. More specifically, the spatial distribution of legal service provision and geographic dimensions of barriers to access remain severely under-studied. Research from the United Kingdom remains the most exhaustive source of quantitative data on this topic, but the principal study on the distribution of solicitors in England and Wales was conducted more than

57 Civil legal needs surveys and their analysis were pioneered by Hazel Genn in the late 1990s and extended through periodic research by the Legal Services Commission: H. G. Genn and S. Beinart, *Paths to Justice: What People Do and Think About Going to Law* (Oxford: Hart Publishing, 1999); Hazel Genn and Alan Paterson, *Paths to Justice Scotland: What People Do and Think About Going to Law* (Oxford: Hart Publishing, 2001); Pleasence et al., *supra* note 10; Pascoe Pleasence et al., “Civil Justice in England and Wales: Report of the 2007 English and Welsh Civil and Social Justice Survey” (London: Legal Services Research Centre, 2008) online: Legal Services Research Centre <http://www.justice.gov.uk/downloads/publications/research-and-analysis/lsrc/2007CSJS.pdf>.

58 For a review of these studies in Canada and internationally and an analysis of data from the recent Ontario Civil Legal Needs Survey, see Baxter, Trebilcock and Yoon, *supra* note 51. See also Ab Currie, “The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians” (Ottawa: Department of Justice Canada, 2007), online: http://justice-canada.net/eng/pi/rs/rep-rap/2007/rr07_la1-rr07_aj1/rr07_la1.pdf.

20 years ago.⁵⁹ In Canada, qualitative findings that have begun to emerge from a new project in Alberta⁶⁰ demonstrate promise for identifying key geographic barriers — especially those connected to social and economic conditions of justice system users — but these results have yet to be usefully paired with statistical data on the distribution of legal advice services in that province.

Our brief review of the relevant literature is thus restricted to the main findings from studies in the United Kingdom, which provide helpful comparators in our analysis of data from Ontario.

The “Geography of Advice Seeking”: Findings from the United Kingdom

Researchers in the United Kingdom have pioneered the relatively few studies available on the geography of civil legal services.⁶¹ These studies seek to answer two central questions: (1) Does the spatial distribution of lawyers and other legal advice-providers disadvantage certain groups of people according to their location and other demographic characteristics, such as economic status? and (2) What are the relevant factors that influence where lawyers locate their practice?

59 This study is the Access to Justice in Rural Britain Project (AJRBP). For the most complete analysis of data coming out of this project see M. Blacksell, K. Economides and C.

Watkins, *Justice Outside the City: Access to Legal Services in Rural Britain* (Essex: Longman Scientific & Technical, 1991).

60 Glynnis Lieb et al., “The Alberta Legal Services Mapping Project: Final Report for the Calgary Judicial District” (Edmonton: Canadian Forum on Civil Justice, 2009) [Alberta Mapping Project report].

61 Some preliminary attempts have apparently been made in the U.S. to incorporate the use of Geographic Information Services (GIS) mapping tools into policy-making processes for legal aid agencies. The Office of the Inspector General for the Legal Services Corporation (LSC), the national non-profit funder for civil legal aid, developed a two-phase project using GIS mapping to “visualize the geographic distribution and changes of the poverty and the LSC income-eligible populations.” Phase I was conducted with the Georgia Legal Services Program and the Atlanta Legal Aid Society. Phase II “further evaluated the usefulness of legal services mapping while developing a Core Legal Services Map List, Map Book, and neighborhood-scale maps. The map templates, methods and categorizations were further refined and tested in a larger number of grantees serving both urban and rural poverty [communities] in Southern California, Montana and Georgia.” For the 2003 final report for Phase I and the 2005 Evaluation Report for Phase II, refer to: <http://www.oig.lsc.gov/mapping/mapping.htm>.

The Distribution of Solicitors

Ken Foster’s study on the location of solicitors in England and Wales in the 1970s was the first to apply the criterion of “territorial justice”, made popular in research on the provision of social and medical services, to assess barriers to access to civil legal services.⁶² Foster defines “territorial justice” as a high correlation between standards of service provision and the relative needs of an area’s population. The central criterion of territorial justice implies that the available supply of public services should be distributed in accordance with need. Framing questions surrounding access to justice in this way draws a focus toward the spatial distribution of legal service provision and has set the tone for future studies of the geography of advice seeking in the UK.

Foster’s research demonstrated that the location of solicitors varied within towns, between urban and rural areas, and between regions nationally. He observed that solicitors tend to practise in the centre of larger urban areas, in close proximity to commercial and financial institutions and to court buildings and other legal institutions. The improved efficiency with which legal practices in closer proximity to these institutions operated created a variegated landscape of service provision even within densely populated urban centres. At the urban-rural divide, Foster also observed that, in every major town for which he collected data, the ratio of population to solicitors was less than half of that of the surrounding rural area. Finally, Foster demonstrated that solicitors in rural areas overall were apparently attracted to the south coast of England and to some of the Northern counties, whereas those regions closer to London revealed a relatively low population-solicitor ratio. The so-called “gravitational pull” that London exerts on its surrounding regions has been the subject of further studies, discussed in the following pages.

More recent studies on the distribution of solicitors have adopted Foster’s “territorial justice” framework and have increasingly been motivated by debates on the delivery and funding of legal aid services in rural areas.⁶³ The concern, which has carried over into contemporary scholarship, has been that legal service provision generally is increasingly concentrated in urban commercial centres, to the detriment of suburban and rural areas.

The Access to Justice in Rural Britain Project (AJRBP), completed in 1988, set out to test this concern about territorial justice — reframed as “rural justice” — using a mixture of quantitative data-gathering and qualitative survey methods.

62 Foster, *supra* note 1.

63 Blacksell, *supra* note 59.

While the AJRBP's findings are now more than two decades old, it remains the most comprehensive study of the distribution of solicitors and other legal service providers in the UK. The most striking finding to come out of the AJRBP was that rural communities in the UK are *not* necessarily disadvantaged in terms of the number of solicitors per population.⁶⁴ Although there are high concentrations of solicitors in the main towns and cities, the AJRBP found that solicitors were actually *more* evenly distributed in rural than urban populations.

The AJRBP results suggested, however, that commercial urban centres tend to exert a strong “gravitational pull” on the location of solicitors, resulting in a pattern where areas in close proximity to urban centres have much lower densities of practising lawyers, even when compared to outlying rural areas further away from these centres. This trend has resulted in a “hollowing out” of civil legal services in areas close to London, and to a lesser extent, in areas close to other major centres. For those rural areas further outside the gravitation field of these centres, the negative effect on service provision was diminished.⁶⁵

The AJRBP left two main questions relevant to the geography of legal advice provision unanswered. First, the project revealed little about the distribution of areas of civil legal practice and the kinds of legal advice available. Iwan Davies and Lynn Mainwaring have examined the distribution of what they call high-level and low-level skills in the UK.⁶⁶ These authors observe that the relatively uniform distribution of advice provision nationally holds for a “core-practice” set of legal skills — namely the areas of law covering many civil legal needs such as conveyancing, wills and probate, personal injury and welfare law.⁶⁷ In the UK, a relatively small number of specializations account for an overwhelming majority of legal activity in the civil justice area: seven categories (conveyancing, employment, family, litigation, personal injury, and wills and probate) account for 87% of all activity in this group. By contrast, specialized areas of business and commercial-related law adhere to a pattern that strongly favours cities and rural regional centres.⁶⁸

⁶⁴ *Ibid.*

⁶⁵ I. Davies and L. Mainwaring, “Territorial justice and access to knowledge: the distribution of high-level legal skills in the regions of England and Wales” (2007) 14 *International Journal of the Legal Profession* 237 at 248.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.* at 238. The idea that rural solicitors are less specialized is corroborated by M. Blacksell, “Social justice and access to legal services: a geographical perspective” (1990) 21 *Geoforum* 489.

⁶⁸ Davies and Mainwaring, *ibid.*

It is likely that this preference for cities by solicitors in commercial specialties accounts for the main gravitational effect of urban centres observed in the AJRBP. Davies and Mainwaring suggest that this trend exists “partly because there is a self-reinforcing interdependence between the law and other centralised services, as well as central government, but also because high-value skills can more readily bear the cost of being supplied at a distance. This is generally not true of categories such as conveyancing and wills and probate, which clients expect to be able to access close to home.”⁶⁹

A second question left unanswered by the AJRBP relates to the distribution of civil legal services accessible specifically by low- and middle-income individuals. In the UK, subsidized legal advice comes mainly in the form of lawyers in private practice who hold contracts to provide legal aid or in the form of public bodies, both legal aid clinics and publicly funded paralegal advice agencies called the Citizens Advice Bureaux (CABx). For core civil justice problems, the central role of the CABx is as intake centres, where potential clients are assessed and then referred to legal aid subsidized private solicitors. The 1999 “Access to Justice” reforms in the UK reoriented the legal aid system toward a “contract for service” model, whereby lawyers were required to apply for contracts to provide subsidized legal services with the centralized Community Legal Service (CLS). These reforms included a cap on CLS expenditures by limiting the number of legal aid cases processed. The concern with this model was that legal aid lawyers would gravitate to cities, because these locations offered the greatest numbers of potential clients within the smallest travelling distance. The expected result was that the number of “access points” for subsidized civil legal services would be reduced.⁷⁰

No studies are available from the UK that yield quantitative data on the distribution of publicly-funded civil legal services, but the National Association of CABx commissioned a qualitative study of publicly-funded advice services in 2004.⁷¹ It conducted a series of case study surveys of CABx to assess access to civil legal services, particularly law practices providing specified civil legal services. CABx were asked about their experiences with referring potential clients to CLS-funded lawyers. The study’s main finding was that “significant parts of the country are inadequately serviced by legal aid lawyers or other appropriate services, and this is likely to intensify.”⁷² While no clear picture

69 *Ibid.* at 244.

70 J. Sandbach, “Geography of Advice: An Overview of the Challenges Facing the Community Legal Service” (London: Citizens Advice, 2004) at 5.

71 *Ibid.*

72 *Ibid.* at 6.

emerges from the study about access in the UK as a whole, the first-hand experiences of selected bureaux suggest that significant “advice deserts” may exist or be emerging. These advice deserts, however, are not only limited to rural areas; they may also be localized in major cities that are traditionally considered to be well-served. For example, the National Association of CABx study found that 37 per cent of bureaux surveyed in London thought that they operated in an advice desert, where CLS-funded referral lawyers were difficult to locate, despite strong public transport links in these areas.⁷³ Contributing factors to these urban and suburban advice deserts include the trend towards clustering services in downtown urban centres, increasing specialization and economies of scale in legal businesses, and a general decline in the number of legal practitioners bidding for contracted legal aid work.⁷⁴

More recently, a 2009 study by Britain’s Equality and Human Rights Commission suggests that geographic barriers may be especially prevalent in the field of discrimination advice services. Limited mapping exercises within this project demonstrate that discrimination advice services are under-provided across south England, Cumbria, Northumbria, East Anglia, parts of Wales, and significant areas in the lowlands and highlands of Scotland.⁷⁵

Overall, these studies present an increasingly complex picture of the relationship between the decisions of lawyers to locate in particular areas, the actual distribution of advice provision, and access to justice. Many of the researchers from the UK have acknowledged that the core concept of “access” is one that contains key geographic dimensions, but is by no means limited to spatial accessibility alone. Because little is known about the spatial distribution of lawyers and publicly-funded civil legal services in Ontario, the present study provides a necessary starting point for further research on the supply of civil legal services.

73 *Ibid.* at 29.

74 *Ibid.*

75 John Borland, Aled Griffiths and Osian Rees, “Responding to discrimination: the geography and geometry of advice provision in England, Scotland and Wales” (London: Equality and Human Rights Commission, 2009) at 49.

Solicitors' Decisions About Where to Practise

A second dimension of research on the “geography of advice seeking” is characterized by attempts to explain why solicitors choose to practise in some areas and not in others. This dimension is worth noting here, although the present study does not attempt to answer the questions raised by this research in any detail.

By observing a correlation between the location of solicitors and the level of retail sales per head in a given area, Ken Foster’s original study of solicitors in the 1970s suggested that these decisions were strongly governed by economic considerations.⁷⁶ Watkins, Blacksell and Economides’ work with data from the AJRBP has nuanced this analysis, noting that the location decisions of legal service providers are structured by a core tension between the need for proximity to courts and other public services and resources versus prospective clients in need of publicly-funded civil legal services.⁷⁷ These authors speculate that three main considerations likely drive solicitors to choose administrative, commercial and financial centres as the primary sites for their legal practice:

1. The need to make use of other institutions and services, which are themselves centrally located in urban centres;
2. For lawyers in certain areas of practice, the reality that these services may only be required infrequently;
3. Higher demand for a wider variety of civil legal services, particularly those that are more remunerative.

These benefits of locating in central urban locations will, to some extent, be offset by the benefits of locating in the countryside. The countervailing factors that may drive solicitors to choose rural areas are:

1. The higher relative status of solicitors in small town communities;
2. Greater opportunities to obtain an equity partnership in a rural law firm;
3. The aesthetic attractiveness of the countryside, the relatively cheap housing, and the lack of long-distance commuting.

Watkins, Blacksell and Economides also build on Foster’s original observation about the connection between the location decisions of lawyers and retail activity, noting a close positive correlation between the density of solicitors and levels of

⁷⁶ Foster, *supra* note 1 at 141.

⁷⁷ C. Watkins, M. Blacksell and K. Economides, “The distribution of solicitors in England and Wales” (1988) 13 *Transactions of the Institute of British Geographers* 39 at 52.

employment, the number of retired people living in the area, and the number of owner-occupied households.⁷⁸

These preliminary observations provide a strong impetus for further research to identify the motivating factors that explain why lawyers decide to practise where they do. Existing research suggests a strong link to economic factors – particularly those that draw solicitors in certain practice areas toward urban centres. These observations, however, have not been rigorously tested, leaving room to develop new evidence-driven models. As well, other important demographic and institutional factors remain to be identified.

The Alberta Legal Services Mapping Project

In 2009, the Alberta *Legal Services Mapping Project* (ALSMP) released its first report containing the results of its community-based mapping study of the Calgary judicial district.⁷⁹ Derived from earlier studies in Alberta concerned with services accessible by self-represented litigants, the community-based mapping methodology employed by the ALSMP attempts to identify a broad range of existing legal and related services. The final product of this approach is a web-based database of services available to the general public. To some extent, the ALSMP approach brings together supply and demand-side research by comparing available information about individuals’ needs with data on existing legal service outlets, including private solicitors, publicly-funded organizations and legal institutions such as courts and tribunals.

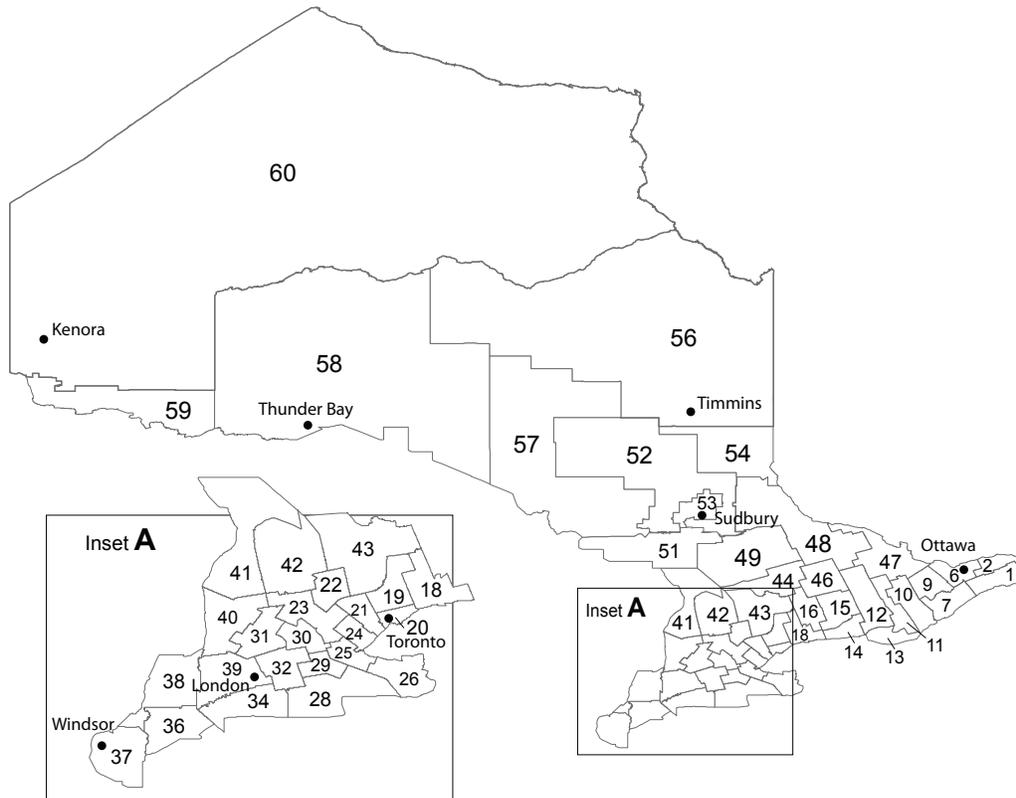
Despite its label as a “legal services mapping” project – and likely because of its focus on constructing a database of legal service providers rather than providing input into public-policy processes – the ALSMP report does not provide any comprehensive quantitative analysis of the distribution of legal service providers in Alberta. The project’s findings are therefore of limited use for comparative research purposes. The ALSMP community-based mapping methodology does, however, provide a good example of the ways in which qualitative survey and interview data may be used in conjunction with statistical research on legal service provision to paint a more detailed picture of access to justice challenges by assessing both the supply of advice providers and the actual experience of system users.

⁷⁸ *Ibid.*

⁷⁹ Alberta Mapping Project report, *supra* note 60.

APPENDIX B

Ontario Census Divisions Reference Map



1 Stormont, Dundas and Glengarry	23 Wellington	42 Grey
2 Prescott and Russell	24 Halton	43 Simcoe
6 Ottawa	25 Hamilton	44 Muskoka
7 Leeds and Grenville	26 Niagara	46 Haliburton
9 Lanark	28 Haldimand-Norfolk	47 Renfrew
10 Frontenac	29 Brant	49 Parry Sound
11 Lennox and Addington	30 Waterloo	48 Nipissing
12 Hastings	31 Perth	51 Manitoulin
13 Prince Edward	32 Oxford	52 Sudbury
14 Northumberland	34 Elgin	53 Greater Sudbury
15 Peterborough	36 Chatham-Kent	54 Timiskaming
16 Kawartha Lakes	37 Essex	56 Cochrane
18 Durham	38 Lambton	57 Algoma
19 York	39 Middlesex	58 Thunder Bay
20 Toronto	40 Huron	59 Rainy River
21 Peel	41 Bruce	60 Kenora
22 Dufferin		

Source: Spatial Analysis and Geomatics Applications (SAGA), Agricultural Division, Statistics Canada, "2006 Census Agricultural Regions and Census Divisions". Label numbers correspond to "Census Division Unique Identifiers" assigned by Statistics Canada.

APPENDIX C

Legal Aid Ontario Funding by Census Division

The following table, provided by LAO, reports the breakdown of legal aid funding in Ontario by census division as of March 2010. It shows funding in total and per capita for each division, as well as the percent of total funding allocated to each division by specialty practice area.

Census Division	Total Legal Aid funding	Legal Aid funding per capita	Percent of total Legal Aid funding			
			Civil Litigation	Family Law	Immigration Law	Criminal Law
Total	\$182,699,924	\$14.81	3.29%	28.04%	9.95%	45.24%
Toronto	\$75,219,561	\$30.05	1.63%	5.34%	7.62%	16.31%
Ottawa	\$12,993,067	\$16.00	0.22%	1.35%	0.72%	3.98%
Hamilton	\$7,831,764	\$15.52	0.12%	1.45%	0.30%	2.16%
Peel	\$7,097,793	\$6.12	0.17%	1.47%	0.08%	1.76%
Essex	\$6,983,317	\$17.75	0.03%	1.80%	0.37%	1.40%
Middlesex	\$6,538,312	\$15.48	0.09%	0.99%	0.25%	2.01%
Waterloo	\$5,344,438	\$11.18	0.03%	1.27%	0.10%	1.46%
Durham	\$4,625,445	\$8.24	0.02%	1.17%	0.11%	1.02%
Niagara	\$4,357,670	\$10.20	0.02%	1.01%	0.18%	1.15%
York	\$4,170,141	\$4.67	0.17%	0.54%	0.12%	1.24%
Simcoe	\$3,853,982	\$9.13	0.09%	0.93%	0.00%	1.07%
Frontenac	\$3,055,506	\$21.24	0.33%	0.52%	0.04%	0.73%
Thunder Bay	\$2,722,413	\$18.26	0.03%	0.70%	0.00%	0.73%
Cochrane	\$2,606,207	\$31.59	0.00%	0.69%	0.00%	0.74%

Census Division	Total Legal Aid funding	Legal Aid funding per capita	Percent of total Legal Aid funding			
			Civil Litigation	Family Law	Immigration Law	Criminal Law
Sudbury	\$2,339,514	\$13.05	0.02%	0.63%	0.00%	0.50%
Greater Sudbury	\$2,339,514	\$13.05	0.02%	0.63%	0.00%	0.50%
Hastings	\$2,299,596	\$17.62	0.01%	0.57%	0.00%	0.63%
Algoma	\$2,201,384	\$18.74	0.01%	0.61%	0.00%	0.56%
Lambton	\$2,013,244	\$15.70	0.00%	0.57%	0.01%	0.52%
Kenora	\$1,965,131	\$30.51	0.00%	0.24%	0.00%	0.79%
Halton	\$1,642,593	\$3.74	0.00%	0.25%	0.01%	0.59%
Stormont, Dundas and Glengarry	\$1,490,159	\$13.50	0.00%	0.41%	0.02%	0.38%
Wellington	\$1,416,036	\$7.07	0.01%	0.37%	0.03%	0.32%
Brant	\$1,301,961	\$10.41	0.00%	0.47%	0.00%	0.23%
Nipissing	\$1,233,620	\$14.57	0.02%	0.34%	0.00%	0.30%
Elgin	\$1,196,164	\$14.01	0.00%	0.24%	0.00%	0.39%
Chatham-Kent	\$1,133,791	\$10.44	0.00%	0.37%	0.00%	0.25%
Kawartha Lakes	\$1,101,642	\$14.78	0.00%	0.29%	0.00%	0.32%
Leeds and Grenville	\$1,073,375	\$10.82	0.01%	0.27%	0.00%	0.29%
Grey	\$1,052,932	\$11.39	0.00%	0.36%	0.00%	0.20%
Peterborough	\$1,046,127	\$7.86	0.04%	0.21%	0.00%	0.32%
Oxford	\$857,396	\$8.34	0.00%	0.25%	0.00%	0.22%
Prescott and Russell	\$765,661	\$9.55	0.00%	0.25%	0.00%	0.16%
Northumberland	\$728,513	\$9.00	0.08%	0.08%	0.00%	0.24%
Haldimand-Norfolk	\$683,875	\$6.34	0.03%	0.16%	0.01%	0.18%

Census Division	Total Legal Aid funding	Legal Aid funding per capita	Percent of total Legal Aid funding			
			Civil Litigation	Family Law	Immigration Law	Criminal Law
Lennox and Addington	\$678,744	\$16.74	0.01%	0.22%	0.00%	0.14%
Renfrew	\$637,635	\$6.54	0.00%	0.21%	0.00%	0.13%
Huron	\$575,275	\$9.70	0.00%	0.15%	0.00%	0.13%
Lanark	\$551,419	\$8.64	0.00%	0.08%	0.00%	0.22%
Dufferin	\$516,003	\$9.48	0.00%	0.13%	0.00%	0.12%
Perth	\$471,648	\$6.34	0.00%	0.15%	0.00%	0.11%
Parry Sound	\$456,876	\$11.17	0.00%	0.04%	0.00%	0.19%
Timiskaming	\$389,793	\$11.71	0.00%	0.08%	0.00%	0.13%
Muskoka	\$357,516	\$6.21	0.03%	0.06%	0.00%	0.10%
Manitoulin	\$276,544	\$21.13	0.00%	0.04%	0.00%	0.11%
Bruce	\$211,264	\$3.23	0.00%	0.04%	0.00%	0.08%
Rainy River	\$148,861	\$6.90	0.00%	0.01%	0.00%	0.07%
Prince Edward	\$146,502	\$5.75	0.00%	0.02%	0.00%	0.04%
Haliburton	\$0	\$0.00	0.00%	0.00%	0.00%	0.00%



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