

SENT BY E-MAIL & FACSIMILE (416) 326-4016

June 26, 2009

Honourable Chris Bentley
Attorney General for Ontario
McMurty-Scott Building
720 Bay Street, 11th Floor,
Toronto, Ontario
M5G 2K1

Dear Mr. Attorney General,

Re: An Open Letter Regarding Legal Aid Funding for Defence Counsel from Ontario Law Professors

As law professors, we wish to endorse the current campaign to relocate resources to support fair pay for defence counsel in an effort to reduce delay in the administration of the criminal justice system.

We believe that there is a significant link between the under-funding of defence counsel and the current inefficiency of the criminal justice system. There are numerous studies which have documented the compelling public policy reasons for increasing the rate paid to defence counsel in legally-aided cases. Many of the most vulnerable members of our society (for example, the mentally-ill) are over represented in the criminal justice system. These are the people who end up unrepresented or under-represented as a result of a chronically under-funded legal aid system. Not only does this offend a fundamental principle of our democratic system, it also has practical implications for the day-to-day administration of justice and its integrity.

While more resources have been steadily added to every other part of the criminal justice system (i.e. police, prosecutors and judges), there will be no significant improvement to efficiency without the fair resourcing of the criminal defence component of the system.

Accordingly, we urge the government to take appropriate and timely action to remedy this deteriorating situation.

Yours truly,

Sharryn Aiken, Associate Professor, Faculty of Law, Queen's University

Constance Backhouse, Distinguished University Professor and University Research Chair, Faculty of Law (Common Law), University of Ottawa

Reem Bahdi, Assistant Professor, Faculty of Law, University of Windsor

Kevin Banks, Assistant Professor, Faculty of Law, Queen's University

Stephanie Ben-Ishai, Associate Professor, Osgoode Hall Law School

Alan Brudner, Albert Abel Professor of Law, Faculty of Law, University of Toronto

Ruth Buchanan, Associate Professor, Osgoode Hall Law School

Bruce Chapman, Professor, Faculty of Law, University of Toronto

Carys Craig, Associate Professor, Osgoode Hall Law School

Emir Aly Crowne-Mohammed, Assistant Professor, Faculty of Law, University of Windsor Ontario

Aaron Dhir, Assistant Professor, Osgoode Hall Law School

Susan Drummond, Associate Professor, Osgoode Hall Law School

Anver M. Emon, Assistant Professor, Faculty of Law, University of Toronto

Paul Emond, Associate Professor, Osgoode Hall Law School

Trevor Farrow, Associate Professor, Osgoode Hall Law School

David Freeman, Associate Professor, Faculty of Law, Queen's University

Martin Friedland, Professor Emeritus, Faculty of Law, University of Toronto

Shelley Gavigan, Professor, Osgoode Hall Law School

Joan Gilmour, Associate Professor, Osgoode Hall Law School

Doug Hay, Professor, Osgoode Hall Law School

Jacqueline Huston, Adjunct Professor, University of Ottawa, Faculty of Law (Common Law)

Allan Hutchinson, Distinguished Research Professor, Osgoode Hall Law School

Shin Imai, Associate Professor, Osgoode Hall Law School

François J. Larocque, Assistant Professor, Faculty of Law (Common Law), University of Ottawa

Sonia Lawrence, Associate Professor, Osgoode Hall Law School

Michael Lynk, Associate Professor and Associate Dean (Academic), Faculty of

Law, University of Western Ontario

Ravi Malhotra, Assistant Professor, Faculty of Law (Common Law), University of Ottawa

Allan Manson, Professor, Faculty of Law, Queen's University

Peter Mazzacano, Visiting Professor, Osgoode Hall Law School

Kent McNeil, Distinguished Research Professor, Osgoode Hall Law School

Jennifer Nedelsky, Professor, Faculty of Law, University of Toronto

Obiora Okafor, Professor, Osgoode Hall Law School

Lisa Philipps, Associate Professor, Osgoode Hall Law School

Stephen G.A. Pitel, Associate Professor, Faculty of Law, University of Western Ontario

Kent Roach, Prichard-Wilson Chair of Law and Public Policy, Faculty of Law, University of Toronto

Craig Scott, Professor, Osgoode Hall Law School

Chris Sherrin, Assistant Professor, Faculty of Law, University of Western Ontario

Penelope Simons, Associate Professor, Faculty of Law (Common Law), University of Ottawa

Brian Slattery, Professor, Osgoode Hall Law School

Lorne Sossin, Associate Professor and Associate Dean, Faculty of Law, University of Toronto

Joanne St. Lewis, Assistant Professor, Faculty of Law (Common Law), University of Ottawa

James Stribopoulos, Associate Professor, Osgoode Hall Law School

Don Stuart, Professor, Faculty of Law, Queen's University

François Tanguay-Renaud, Assistant Professor, Osgoode Hall Law School

David Tanovich, Associate Professor, Faculty of Law, University of Windsor

Malcolm Thorburn, Assistant Professor, Faculty of Law, Queen's University

Samuel E. Trosow, Associate Professor, Faculty of Law, University of Western Ontario

Gus Van Harten, Assistant Professor, Osgoode Hall Law School

Alan Young, Associate Professor, Osgoode Hall Law School