



## **Inequities in legal aid payouts leave the poor at risk [1/6]**

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Let's be blunt. We don't care about the legal aid crisis.

Who cares that lawyers are boycotting legal aid by not accepting legal aid certificates for the most serious cases?

Who cares that Legal Aid Ontario (LAO) has a \$56-million budget shortfall or that the legal aid tariff has increased by only 15% since 1987?

Who cares that legal aid pays lawyers \$77.56 to \$96.95 an hour and only allows 16 hours preparation time for most cases?

So what if lawyers take a financial hit or refuse to act on legal aid certificates? So what if they can't afford to pay their overhead (staff, rent, students, etc.) on \$96.95 an hour? Where are the votes in giving these lawyers more money? They aren't exactly Bay St. lawyers.

Who are these lawyers acting for anyway? According to LAO the clients are people with "little or no money left" after paying for "basic necessities, like food or housing." A lot of these people are on social assistance. Many legal aid clients are embroiled with the criminal justice system. In other words they are probably criminals, aren't they?

Where are the votes in supporting criminals who are welfare recipients or people of little means? Who cares if Crown expert witnesses get twice the amount Legal Aid will pay for defence witnesses? After all, it isn't as if anybody has ever been wrongfully convicted due to an inadequate expert witness or false testimony from an expert witness, right?

But of course, we care about doctors. That's why the Ontario government subsidizes most of the malpractice premiums doctors pay. The money goes to the Canadian Medical Protective Association. With this government money the CMPA can afford to hire lawyers to defend doctors sued for negligence.

These lawyers aren't limited to a maximum of \$96.95 an hour. They can bill pretty much what they want to and in a recent case the hourly rate went up to \$525.

The CMPA will also pay for the costs of defending a doctor charged with assault during the course of his practice. So the welfare recipient legal aid client gets the

under-\$100-an-hour lawyer while a doctor facing the same assault charge gets the gold-plated lawyer. Fair?

## DIFFERENT FOOTING

Here's what former Ontario Chief Justice Charles Dubin said in 1996: "Although it is in the public interest that any person charged with a criminal offence be properly represented, it seems difficult to justify public expenditures to place doctors on a different footing from other accused persons".

And isn't it wonderful that the same Ontario government that can afford to blow \$1 billion on an eHealth system that doesn't exist recently announced it is going to add \$150 million to legal aid over a four-year period?

This is the same government whose Lottery and Gaming Commission rakes in billions a year with a lot of that money coming from -- you guessed it -- the most vulnerable people who can ill afford to pay for their weekly lottery tickets and who need to rely on legal aid.

But it isn't as if the Ontario government is ignoring this problem. Why, in the last four years they've commissioned, paid for and received three different reports from experts -- the Code-Lesage Report, the Goudge Report and the Trebilcock Report.

Legal aid is a necessity for many people, like health insurance. What's the point of giving people rights if only the well off can access a lawyer to access or defend those rights? What's the point of having criminal trials if we aren't going to provide adequate representation for those who can't afford it? Why not just send the poor directly to jail or let others run roughshod over their rights?

So while the number of lawyers willing to take legal aid cases shrinks each year and vast numbers of unrepresented litigants appear in criminal and family courts, it is certainly good to know that our doctors have the very best legal services money can buy should they run afoul of any laws or negligently harm a patient while the most vulnerable wait for another report to be commissioned.

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