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## Legal aid must be rescued

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Of all our cherished social programs, the least "sexy" (to borrow from federal minister Lisa Raitt) is legal aid. So perhaps it's not surprising, at the crass political level at least, that Ontario's legal aid system, broken for years and now threatening to come apart at the seams, still isn't getting the attention it needs and deserves from the provincial government.

That neglect is what has led Hamilton criminal lawyers to join their counterparts in Toronto, Kingston and Northern Ontario in a partial boycott, which will see them refuse legal aid cases for certain serious crimes, homicides and guns and gangs offences included.

Raitt, you may recall, was the unfortunate politician who referred to the medical isotope crisis as "sexy," meaning she could get mileage from it to fuel her political career. It's hard to imagine any provincial minister saying the same thing about rescuing legal aid. It provides legal defence to people who otherwise wouldn't be able to afford it and are facing criminal action. Some, probably many, of the people who need legal aid are not model citizens, including those charged with guns and gangs offences. The truth is you don't have to look very far to come up with a crowd of people who really don't give a fig about whether "those people" get adequate legal representation. Some of these are probably repeat offenders. Why keep spending our scarce tax dollars defending them?

Because, if our legal aid system isn't working, our justice system isn't working either. Let's face it, we already have a tiered system in which the more money you have, the bigger and better the legal team you can retain if you're charged with a crime. But what if you don't have a vast portfolio? What if you don't have a house to mortgage for legal bills? What if you're a minimum wage worker, wrongly charged with a crime you didn't commit? Where do you turn?

Legal aid is the answer, and that's why it needs to work properly.

Over the past 20 years, pay for judges has increased 83 per cent. Over the last 10 years, Crown attorneys have seen their pay increase by 57 per cent. In two decades, pay to legal aid lawyers has increased by 15 per cent. The unbalance and inequity goes beyond pay.

If the Crown hires a psychiatrist, it pays \$200. Legal aid pays \$130. If the government hires a private prosecutor, it pays \$192 per hour. But the maximum hourly rate for legal aid lawyers, not including expenses, is \$97 per hour. This isn't just two-tiered justice, it amounts to second class treatment of legal aid cases.

Why? What possible justification is there for treating an affluent accused person at one level, and a poor accused person at another lower level?

No, legal aid is not sexy. But it's vital. In a province and country with more than its share of wrongful convictions, it's vital that our legal system include an up-to-date, fair, properly resourced legal aid program, so that even the poorest among us is afforded our constitutionally mandated right to fair and competent defence. Successive governments have failed to grasp this. This one needs to step up.

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