

A promotional banner for Rogers Hi-Speed Internet. On the left, the text reads "GET MUSIC FASTER. SWITCH TO ROGERS HI-SPEED INTERNET." in white and red. In the center, there is a red button with the text "Do More >". On the right, there are several small images showing people using music-related services, and the Rogers logo is in the bottom right corner.

Stop-gap on legal aid

September 10, 2009

Attorney General Chris Bentley set out to "renew legal aid" and place it on "a strong, sustainable foundation for the future." But the changes and the boost to annual funding that he announced earlier this week, while welcome, are unlikely to achieve his aim.

For one, the defence lawyers – whose boycott pushed the province to act – are not backing down over what they are labelling "an insult." Nearly three-quarters of Ontario's defence lawyers are refusing to handle legal aid cases for homicides and guns-and-gangs offences until their fees are raised.

Bentley is urging the lawyers to end their boycott. He says he will consider granting one of their key demands – enhanced fees for complex trials, such as guns-and-gangs cases. He has also agreed to another demand: that defence experts be paid the same pay as crown experts. And he is making useful changes with respect to legal clinics and family law that should help more low-income Ontarians.

But overall, Bentley has opted for the route taken by previous governments: commit just enough money to sweep our beleaguered legal aid system back under the rug. That is, until the next crisis.

The defence lawyers, facing off against higher-paid prosecutors, say that Bentley must commit at least \$120 million a year in additional funding for legal aid to restore balance to the justice system. Instead, under Bentley's plan they'll share just \$60 million with two other arms of legal aid – family law and legal clinics.

But what defence lawyers are asking for is a tough sell in these economic times. Hence, we can expect continued conflict on this front.

Rather than rest on his laurels, as Bentley seems prepared to do, the attorney-general ought to be thinking out of the box and seeking out innovative ideas to create a truly solid future for legal aid. Just throwing more money at it, even if more were available, likely wouldn't fix all the problems.

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