



Scope of Legal Aid Boycott (Revised September 16, 2009)

Effective June 1, 2009 the CLA Board asked members in any jurisdiction covered by the boycott to refuse to acknowledge Legal Aid certificates (that is, sign new certificates) in the following circumstances:

1. where the lawyer is a member of the LAO ESCM panel or is qualified to become a member of the ESCM panel, AND
2. where the certificate is for the defence of an individual who is charged with
 - (a) homicide, attempt/conspiracy/counseling/aiding or abetting/ accessory after the fact; or any conviction or sentence appeal for any of the above-noted offences, OR
 - (b) as the result of an investigation by the "Guns and Gangs" squad and/or is being prosecuted by the "Guns and Gangs" prosecution team, OR
 - (c) where the certificate is for representation on an appeal against conviction and/or sentence for any of the aforementioned offences.

Effective August 25, 2009 the request to members not to acknowledge these certificates applies regardless of when the offence was committed, when the accused was arrested or, in the case of an appeal, the date of the conviction or sentence. This applies to pre-existing unsigned certificates. Counsel are not expected to withdraw in cases where the certificate has already been acknowledged but are NOT to acknowledge any new certificates.

The request is for an indefinite period but it may be assumed that it will continue until the government meets with representatives of the CLA to engage in substantive discussions about the chronic problem with access to justice in Ontario.

In Kingston and the St. Lawrence Rideau region, this request also applies to Dangerous Offender matters. In Thunder Bay and the Northwest Region ONLY this request does not apply to gun-related offences but does apply to all "gang-related" charges. In Windsor the boycott extends only to homicides.

It remains CLA board policy that members should refuse a court appointment to act as counsel in circumstances where fees are to be paid by the Crown at Legal Aid rates (e.g. *amicus*, *O'Connor* applications, etc.).

For greater clarity, a refusal to acknowledge a legal aid certificate includes a refusal to agree in court or any other public forum to represent the client at legal aid rates in any manner whatsoever currently or at any time in the future.

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