

LAW TIMES

Editorial: No time like the present

Law Times

Publication Date: Monday, 15 June 2009

Gretchen Drummie

Here's one definition of the word "time": the particular point in time when an event is scheduled to take place. Here's another: an indefinite, frequently prolonged period or duration in the future. And here are two uses of the word in recent quotes with respect to the sorry state of legal aid funding in this province:

"If anything about achieving the goal we all share was particularly easy, then it probably would have been done a long time ago." — Attorney General Chris Bentley. "I think there's a pretty firm belief throughout the bar that the time has come to bring this issue out." — Criminal Lawyers' Association president Frank Addario.

By this writing the legal aid boycott is in its second week with a whopping 340 lawyers signed on. In short, they are fed up with what no less than three reports have declared is an underfunded program. So, defence lawyers with a minimum of five years of experience are not taking on legal aid work on behalf of those charged with homicide or guns-and-gangs offences.

These lawyers have had their salaries boosted by a mere 15 per cent in the last 20 years, compared to a 57 per cent jump for Crown attorneys and an 83 per cent hike for judges. The maximum a lawyer will be paid to defend someone on legal aid is \$98 an hour, even in the instance of the complex cases. As Addario told Law Times last week, that measly figure "would cause most lawyers with overhead in a downtown office and with staff to giggle." That's putting it mildly.

The lawyers have been voicing their concerns for ages, but this time around they are well organized and seemingly getting their message across, despite an obvious public relations hurdle erected by a general public that misperceives \$98 an hour as a good buck and the lawyers a bunch of greedy whiners. Well, how many of them work many hours essentially pro bono at their jobs?

Addario told Law Times reporter Robert Todd that into the second phase of the boycott he thinks the movement has succeeded in communicating to other lawyers and the public that the "program is broken and needs fixing," and that it does not provide access to justice as intended. Proof: word the CLA has scored a face-to-face with Bentley. Good.

The AG has made it clear many times that he understands the issue — he did after all toil for 25 years on legal aid cases before moving to politics — and shares "the passion of those who are expressing a frustration." And he has said, "We really do need to find a way to renew legal aid. That's what I've been working very hard on . . ." He added the recession has delayed progress.

That may be the case, but it is certainly time for Bentley — whom Addario suggested is sympathetic to the struggle — to meet with the lawyers who are boiling over. Listen to Peter Zaduk, for example: "The government has been completely irresponsible in dealing with the criminal bar.

There is no way on earth they can justify basically freezing our wage at what it was 20 years ago." He said this after securing an acquittal in a murder trial. A meeting is a good first step; after all, this is clearly a reasonable bunch, proven by the fact they've cooled their jets for two decades before coming to this point. But in addition, something concrete has to emerge from this tête-à-tête.

The time . . . is now.