

\$150M boost fails to stop legal-aid boycott

McGuinty's plan falls short, Ottawa lawyers say

BY BERT HILL, THE OTTAWA CITIZEN SEPTEMBER 9, 2009 7:46 AM

An Ontario government plan to increase funding by \$150 million over four years wasn't enough to keep Ottawa criminal lawyers from joining a provincial boycott of high-profile legal aid cases.

Mark Ertel, president of the Defence Counsel Association of Ottawa, said the 120 members of the local bar will refuse new murder, manslaughter, gun and gang-related cases. The boycott won't apply to cases already in the courts, but could have an impact on 30 to 40 high-profile cases of the 4,000 new criminal cases started each year in Ottawa. The lawyers voted to join the protest last month, but the boycott officially began Tuesday.

With lawyers refusing cases, judges still have the authority to appoint defence counsel and order the province to pay the cost.

"We are the last major city to join the boycott because we were hopeful that something might be worked out. But the proposal by the government is so far from addressing the problems that it is hardly worth talking about," Ertel said.

He said the \$150 million in funding will raise the maximum that an experienced criminal lawyer can bill for a legal aid case from \$98 per hour now to \$118 in four years.

He said it costs \$60 to \$100 an hour now for rent, support staff and other costs to run a law office.

"The criminal justice system will become more unbalanced because Crown attorneys are well paid and don't have to deal with chronic underfunding to do their jobs."

Attorney General Chris Bentley said the new funding "is the single largest investment in Ontario legal aid history."

The province plans to put in \$15 million more this year, \$30 million next year, \$45 million in the third year and \$60 million in the final year.

The minister said the system will be reformed to deliver faster, less confrontational services to children, parents and other vulnerable groups.

The Criminal Lawyers' Association of Ontario said the funding fails to address past problems or future needs.

Frank Addario, president of the provincial association, said the proposal fails to provide stable funding

or a regular review process.

"We intend to send a clear and unmistakable message that the system is broken and the government has to fix it."

One major issue in dispute is how lawyers will be paid for big, complicated cases. The province is planning payment based on a flat or block fee rather than an hourly rate. It says the approach will promote more effective decision-making in case preparation.

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