

## Legal-aid fight boils up in St. Thomas

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A St. Thomas man charged after a July stabbing behind a downtown bar may have trouble finding a lawyer, thanks to a province-wide boycott of the legal aid system.

That's according to Robert Upsdell, a St. Thomas lawyer who acted as an agent for Lucas Rickwood, 27, when he appeared via video link in St. Thomas court, Tuesday. Rickwood was charged with attempted murder after a 28-year-old man was stabbed behind the Manx Arms Tavern on July 25. His case was adjourned until Friday while the Crown attorney's office arranges to have case-related information sent to Rickwood at the Elgin Middlesex Detention Centre.

Upsdell told Justice of the Peace Leonard Obokata that Rickwood wants to hire him, but he can't take on the case because the accused man needs legal aid to fund his defence.

As a member of the Criminal Lawyers' Association, Upsdell is among more than 500 lawyers province-wide who've joined a boycott of the legal aid system when it comes to lengthy cases -- particularly murder, attempted murder or gang-related issues.

Started June 1 in Toronto, the boycott has spread across the province and has support among lawyers in St. Thomas and London, Upsdell noted.

"Currently, he (Rickwood) would struggle trying to find a lawyer on a Legal Aid certificate," he told the court. Outside of court Upsdell said, "It's just become impossible for us to properly defend people with the rate of compensation that lawyers are able to get."

Upsdell said legal aid rules also restrict how much defence expert witnesses are paid. Crown experts receive twice as much for testifying, he noted.

"It makes it difficult for us to get experts in cases, particularly serious cases."

Frank Addario, president of the Criminal Lawyers' Association characterized the legal aid situation as a "crisis in the justice system" caused by two decades of chronic underfunding. He said the government has studied the issue but done nothing to fix it.

"They refused to sit down with us and discuss the required level of funding. What choice did we have but to announce the boycott?"

Addario explained when legal aid was established, the idea was to compensate defence lawyers for 80 per cent of their hourly costs. Today, the actual amount is less than one-third.

A spokesman from Legal Aid Ontario referred to a prepared statement on its website, which states, "Legal Aid Ontario is monitoring the situation to ensure our clients have access to quality legal services."

Steve Peters, Liberal MPP for Elgin-Middlesex-London, was unavailable for comment.

While Addario said he understands problems underprivileged clients may encounter, taking on a case without a solution to the legal aid issue would be "papering over the problem."

"We're saying to government, it's time to solve this problem."

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