



## Lawyers join legal aid boycott

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Barbara Brown

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Hamilton criminal lawyers have joined the Ontario legal aid boycott that began last month in Toronto and has spread to Steeltown, Kingston and Thunder Bay. Members of the local Criminal Lawyers' Association say they are tired of waiting for Ontario Attorney General Chris Bentley to prop up the cash-starved legal aid plan and address inequities in the criminal justice system. "We took this step reluctantly," said Robert Gee, past president of the Hamilton Criminal Lawyers' Association.

"The Hamilton area has been hard hit by the recession. Just (Wednesday), National Steel Car announced 600 layoffs. The newly unemployed and the middle class depend on a program that can't meet the demands on it." Gee said the province has poured a lot of money into policing and prosecuting guns-and-gangs cases in the past decade, while on the other side of the justice scales, government-funded legal aid lawyers have seen their pay eroded by inflation and stagnant funding. Forty lawyers from Hamilton, who handle 100 per cent of the local criminal cases, say they will no longer accept legal aid certificates for serious cases such as homicides and prosecutions under guns-and-gangs legislation.

"Ontario has a two-tier legal system and we want the public to know that. You need to fund social programs in tough times or they fail their promise," Gee said. Frank Addario, provincial president of the association, has said that in the past 20 years legal aid lawyers have had their pay go up 15 per cent, compared with 83 per cent for judges and 57 per cent for Crown attorneys in just the past 10 years.

While legal aid lawyers get \$97 an hour, there are restrictions on the hours they can bill for different types of legal proceedings. They are permitted only two hours for legal-aid bail hearings, for example, but after interviewing a client, reviewing the disclosure of evidence, rounding up family members to post bail and then actually running the hearing in court, the lawyer can end up spending 10 hours on the file.

"Do the math," said Gee. "You end up working for \$19 an hour." Fundamental equality of justice is directly affected by underfunding, said Gee. While the Crown pays \$200 for a report from a forensic psychiatrist in a murder case, legal aid allows the defence only \$130 for its expert witness.

Jeffrey Manishen, who has more than 30 years of criminal law experience, said unrealistic fee schedules and the stress of defending serious criminal charges caused him to stop taking legal aid homicide cases several years ago. He said the plan no longer pays for travel time and mileage for out-of-town cases and regularly declines to pay for hours that have been spent in defence of criminal charges. "My only hope is that the tariff will be reviewed and increased to make this course of action by many dedicated and experienced criminal lawyers unnecessary."