

Boycott to continue despite \$150 million

Lawyers want details before celebrating 'historic investment'



By Robert Todd | Publication Date: Monday, 14 September 2009

Attorney General Chris Bentley calls it the largest investment in the history of Ontario's legal aid program, but lawyers in the province kept the champagne on ice last week and are waiting for more details on where the government's four-year, \$150-million investment will flow.



Attorney General Chris Bentley says the four-year boost for legal aid will protect Ontario's most vulnerable.

Bentley, in an interview with Law Times, calls the new funding a "historic investment that supports Ontario's most vulnerable" and added it will "transform the legal aid approach."

The new funding for Legal Aid Ontario is expected to raise its base funding by \$60 million a year by 2012. In 2013, Bentley hopes to put in place an "automatic indexation" system for legal aid that would aim to ensure that its funding increases in step with other segments of the justice system.

"I think we want to get to a position where we are able to make sure legal aid's budget is protected in the future," he says.

The government singled out four areas where it plans to direct the new resources: legal clinics, family law, big-case management, and cutting court delays.

It did not say how much money would flow to each of these areas. Advisory groups, chaired by representatives from legal aid and made up primarily of lawyers, will be set up to help direct the funds.

The government said the new investment in legal clinics will allow more people to get legal advice and help integrate anti-poverty and social services efforts.

The funds will help clinics become "a central part of new co-ordinated legal supports that respond to the full range of issues — from landlord and housing issues to employment issues — that those in difficult situations are faced with every day," according to a release from the Ministry of the Attorney General.

"We want [legal aid clinics] to be a key anchor of co-ordinated legal supports from the first-contact, very simple advice that you might get over the phone through a hotline or a web site, through to full legal representation," says Bentley.

"We want them to be able to lead the charge as we begin to bring together the efforts of different parts of government."

Avvy Go, director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, says the impact of the new funding will depend on how it's divvied up. The investment must help clients get lawyers for complex legal problems they can't deal with on their own, she says.

"I'm hopeful that legal aid and the attorney general recognize that, so that whatever new initiatives that they come up with are not just going to be about self help," she says. "Because those services are not going to be able to resolve the legal issues that my clients face."

The new money for family law is expected to provide "access to a faster, less confrontational, and simpler system," said the government.

Help for clients and service providers that deal with matters in "collaborative and non-confrontational" ways was singled out in the announcement, along with more upfront information for family law litigants.

Steven Benmor, a member of the Ontario Bar Association's family law section executive committee, calls the government's announcement "vague" and suggests it may be premature to pass judgment. It remains unclear, he says, just how much money will flow to family law initiatives.

“What we are hopeful for, however, is that there will be representation on these committees from the family law bar, specifically the certificate bar — not just the legal aid staff bar — and also from the OBA,” he says.

The government also is targeting big-case management. It said the new investment “will ensure efficient, focused, and effective defence of cases that avoid unnecessary steps, expense, delay, and wrongful convictions.”

The creation of a big-case management office was specifically announced. Bentley says it will handle big cases where it’s been unable to acquire outside lawyers.

The government will also use the new money for its Justice on Target initiative, which aims to cut down on court delays. It said a shift to payment through block fees — rather than hourly billing — will “encourage effective decision-making” and pledged “more rigorous quality management.”

The government also will use the funds to raise fees for defence expert witnesses, who currently receive \$110 an hour compared to the \$200 an hour paid to Crown experts.

Bentley did not directly answer questions on what the funds will do for criminal defence lawyers throughout the province participating in a boycott of homicide and guns-and-gangs cases.

Those lawyers say the current legal aid tariff, which tops out at \$97 per hour, is inadequate and is driving experienced lawyers away from the legal aid program.

“We’ve just announced the largest investment in legal aid in its history,” says Bentley. “It’s a history that we are quite aware of, those of us who have practised or continue to practise. That, I think, is an excellent start to a very strong access to justice for Ontario’s most vulnerable.”

Bentley says the fact the investment was made in the midst of an ongoing economic recession “is an extraordinary signal of commitment by our government.”

Criminal Lawyers’ Association president Frank Addario says the funding plan is a “good step.” But it’s not enough to end the boycott spearheaded by the CLA in June, he says.

“We’ve seen this film before, in which the response to a crisis is a small, incremental boost to funding that never attacks the underlying degradation of the plan that was allowed to take place with previous governments,” he says.

“Consequently, the reputation of the plan has not been restored to a point where junior and new lawyers want to join it, and senior, talented lawyers want to stay with it.”

With reports that LAO is facing a \$56-million budget shortfall — about \$40 million of that attributed to a drop in its annual allotment from the Law Foundation of Ontario — the new funds may do little to enhance the legal aid program in the short term.

“There are, I understand, some challenges there,” says Bentley. “The full nature of the challenges is not clear yet. I understand that legal aid will be developing a plan to deal with that. But what I would say as we look into the future is that those revenues will come back.”

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Mr K. Arma

| 2009-09-15

"The government singled out four areas where it plans to direct the new resources: legal clinics, family law, big-case management, and cutting court delays."

How can you possibly expect to cut Court Delays Mr Bentley when you continue to backlog the Courts with nonsense cases such as these

Mr

Huggins
http://toronto.ctv.ca/servlet/an/local/CTVNews/20090617/pitbull_oca_090617/20090617/?hub=TorontoNewHome

Mr
Truong
http://www.mississauganews.com/news/article/27668--bowser-another-rambo-case

and hundreds of others who are fighting back and who will continue to fight back against an unjust shoddy law that has no factual basis?

Don't you think the individuals impacted by Bill 132 should be accorded the same rights as the former Liberal Attorney General and every other Ontario Citizen....the right to be presumed innocent until proven guilty?

How will you continue to justify the enormous expense of these cases
http://www.chicobandido.com/2007/04/we-can-spend-your-money-and-you-cant-find-out-where-or-how-much/

as more people learn the truth?
http://www.ontla.on.ca/committee-proceedings/transcripts/files_html/2005-01-24_M009.htm#P672_181318

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