

THE GLOBE AND MAIL

Legal-aid boycott now affects entire province

Four remaining regions join protest of eroding fee structure, with 700 criminal lawyers refusing to accept serious cases

Kirk Makin

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A boycott of the Ontario legal-aid plan enveloped the province for the first time yesterday, as criminal lawyers in four remaining regions repudiated a government injection of \$60-million into the struggling program's annual budget.

The added support of defence lawyers from Ottawa, Brockville and Halton and Niagara regions came four days after Attorney-General Chris Bentley proposed the budget increase, to take effect in stages over the next four years.

"I regret that the program has become so discredited in the legal community, but there is no point in pretending it hasn't reached that point," said Frank Addario, president of the Criminal Lawyers Association.

"If the problem is not solved during this crisis, my sense is that a two-tier system will get irretrievably established. That would be a real step backward for the justice system."

About 700 experienced lawyers have now ceased accepting serious cases or those that involve guns-and-gangs legislation as a protest against legal aid's eroding fee structure.

CLA leaders welcomed the proposed increase to the \$300-million program, but said it's not enough to attract experienced lawyers back to the plan. The highest rate a senior lawyer can be paid currently is \$97 an hour.

"All 120 members of the defence bar in Ottawa have joined the boycott," Norman Boxall, a CLA vice-president for the Ottawa area, said yesterday. "There is no dissent in our bar.

"There is also no joy in the bar in reaching a provincewide boycott," Mr. Boxall added.

"This is a last resort. The program needs to be fixed. It is unfortunate that the problem has arisen on this Attorney-General's watch because he is a supporter of legal aid, but this program has been neglected and sometimes actively chopped for two decades. The future of the program means that we need to insist on a solution – not partial measures."

Meanwhile, two other lawyers groups expressed mixed feelings yesterday about Mr. Bentley's funding proposal and his musings about how it should be utilized.

"Although the increase in funding is welcome, it is not adequate," said a resolution from the Refugee Lawyers Association.

The RLA also cautioned that any new funding for legal aid must be allotted fairly among the refugee, family, civil and criminal fields, and must be administered to best serve the needs of clients.

RLA president Raoul Boulakia commended Mr. Bentley for obtaining new funding, but he warned against any attempt to reinstitute a discredited “block-fee” method of paying lawyers to supply legal services to refugees.

Under a block-fee system, lawyers are paid a set amount for particular legal services, regardless of how much time and effort they expend on a case.

Mr. Boulakia said that they encourage less reputable lawyers to cut corners and complete cases rapidly in order to maximize their profit.

Sara Wunch, chairperson of the Family Lawyers Association, said that the FLA is also firmly opposed to block fees.

“When someone starts to mention block fees, we get very, very nervous,” she said in an interview. “We are waiting to see how that money is spent. We want input into how its going to be spent.”

Ms. Wunch also expressed skepticism about recent statements by Mr. Bentley that favoured putting more money into collaborative law and other methods of resolving family-law cases short of active litigation.

“This is not a new thing,” she said. “There are mediators in the family courts right now. If people thought that they could resolve their cases that way, I can assure you that nobody wants to take their matters to trial.”

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