

# THE GLOBE AND MAIL

## Legal aid takes hits in B.C., Ontario

Widening lawyer boycott in Ontario forces mentally ill litigants to fend for themselves; Layoffs in British Columbia could decimate regional offices

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Mentally ill people who need legal assistance in Ontario will now have to fend for themselves after a decision by mental-health lawyers to abandon legal-aid cases. And in B.C., critics say cuts to the legal-aid program will hurt society's most vulnerable in the name of deficit reduction.

The recent developments highlight the fragile state of legal aid in both provinces and the difficulty those with mental illness have in obtaining adequate legal representation.

In Ontario, the decision by the mental-health bar to refuse legal-aid cases extends a boycott by lawyers beyond the criminal-law community for the first time. It also opened up the prospect of a steady stream of mentally ill individuals litigating their own cases before judges of the Ontario Court of Appeal.

Meanwhile, B.C.'s legal-aid program came under attack over a plan to lay off 54 staff members, decimating regional offices in Kelowna, Kamloops, Prince George, Victoria and Surrey.

B.C. Attorney-General Mike De Jong defended the move as vital in a failing economic climate. However, NDP justice critic Leonard Krog said the Liberals have cut the legal-aid budget from \$96-million in 2001-02 to \$74-million in the current fiscal year.

"It is a crisis, notwithstanding what the Attorney-General said," Mr. Krog said Wednesday in an interview. "Don't tell me that you can eliminate 54 positions and continue to deliver services.

"The service cuts in legal aid impact on the most vulnerable," Mr. Krog added. "This comes at a time when the government has announced that we are going to spend a half-billion dollars to put a new roof on B.C. Place to house rock stars and sports fans."

In Ontario, Marshall Swadron, chair of the Mental Health Legal Committee, said in a letter to Legal Aid Ontario president Bob Ward that a lawyer who travels 30 kilometres to a hospital to represent a client at a two-hour review-board hearing nets \$26.83 an hour – not including the cost of office overhead.

"Our clients regularly face extreme deprivations of their liberty," Mr. Swadron wrote. "In treatment capacity cases, they risk being forced to accept powerful and potentially lethal medications against their will."

Anita Szigeti, a Toronto lawyer with a mental-health practice, said there has been a steady exodus of lawyers from the mental-health field – and young lawyers are unwilling to take their place because legal-aid

remuneration is so abysmal.

The effect of the boycott on cases before the Ontario Court of Appeal will be felt rapidly, given that most mentally ill litigants are “absolutely unable to function” on their own in a courtroom setting, Ms. Szigeti said in an interview Wednesday.

“There is very likely going to be some chaos,” she said. “These are innocent people with mental-health disorders, which makes it all the more heart-wrenching for lawyers who are participating in this. It is crushing because our clients are so extraordinarily vulnerable that they require a great deal of time, patience and support.”

Ms. Szigeti said the boycott will also have a profound effect on civil proceedings, where mentally ill hospital patients will either be deprived of treatment or may remain in hospital indefinitely because their cases cannot be properly heard.

“You are either going to have a lot of seriously mentally ill folks running around without treatment if they get discharged ... or you are going to have people being detained for extended periods of time at \$800 or \$1,000 a day, taking up beds while they are not receiving treatment,” she said.

Frank Addario, president of the Criminal Lawyers' Association, said in an interview: “The treatment of the mentally disordered is one of those yardsticks of social progress. They should be a priority, not an afterthought.”

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