

THE GLOBE AND MAIL

Facing wider legal-aid boycott, ministry agrees to negotiate fee structures

KIRK MAKIN

From Saturday's Globe and Mail Published on Saturday, Nov. 28, 2009 12:00AM EST Last updated on Tuesday, Dec. 01, 2009 3:30AM EST

JUSTICE REPORTER

Criminal lawyers in Ontario stopped short of expanding their legal-aid boycott to include sexual-assault cases yesterday, after the Ministry of the Attorney-General agreed to sit down and negotiate fee structures.

However, Criminal Lawyers Association president Frank Addario told a CLA convention that the boycott will be expanded swiftly if a 60-day truce with the ministry turns out to be an empty effort to quell the legal-aid revolt.

"This is the opportunity we have been asking for to sit down and explain to them why the amount of money put out there is inadequate to fix the program," Mr. Addario said. "This set of discussions is not going to go on endlessly. It will not take very long to figure out whether the other side wants to fix the problem."

Mr. Addario said that the government has also agreed to discuss the way legal-aid money is allocated and the creation of a mechanism to conduct a regular review of legal-aid fees.

It was the first conciliatory move by the province since Attorney-General Chris Bentley announced a \$60-million injection into the struggling program's annual budget last September.

Despite Mr. Bentley's assertion at the time that no more money would be forthcoming, the CLA scoffed at the increase as being insufficient to attract experienced lawyers back to the plan.

The highest rate a senior lawyer can be paid currently is \$97 an hour.

Approximately 700 experienced lawyers have ceased accepting serious cases or those that involve guns-and-gangs legislation as a protest. Mr. Addario told reporters yesterday that 105 trials - mostly homicide cases - have been affected.

After the speech - his last as CLA president - Mr. Addario received a lengthy standing ovation for leading the legal-aid fight.

"For the last 20 years, criminal lawyers have been masking a problem that was not of our own making," he told the convention. "A string of experts told the government to fix the program. It didn't listen."

Mr. Addario said that the boycott marks the first time that criminal lawyers have taken action against the steady erosion of legal aid without losing their resolve and adopting a "supine" position as soon as the province

counterattacked.

"Legal aid is not a charity, and the people who provide it are not volunteers," he said.

© Copyright 2009 CTVglobemedia Publishing Inc. All Rights Reserved.