

THE GLOBE AND MAIL

Ontario lawyers continue legal aid boycott; cash infusion 'an insult'

Say \$60-million infusion in annual funding by the province is not enough

KIRK MAKIN

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JUSTICE REPORTER

The Ontario criminal defence bar intends to continue boycotting serious legal aid cases in spite of a \$60-million infusion in annual funding by the province.

"It's a step in the right direction, but it is an incomplete solution to the two-decade long erosion of access to justice," Criminal Lawyers Association president Frank Addario said in an interview yesterday.

"We have seen this film before, and we know how it ends," Mr. Addario said. "A crisis produces a series of small increases to legal aid funding, the crisis is abated, and the government then ignores legal aid for a half decade or a decade until another legal aid crisis erupts."

Attorney-General Chris Bentley defended the addition to Legal Aid Ontario's current annual budget of \$288-million as being a remarkable achievement in tough economic times.

"I think it's a very strong signal that we are going to stand up for the most vulnerable Ontarians," Mr. Bentley said in an interview. "This investment marks the largest investment in legal aid in its history."

The move comes four months after experienced lawyers began boycotting serious cases and those involving "guns-and-gangs" legislation. The lawyers argue that compensation for legal aid work had risen by just 15 per cent since 1987, while the cost of living climbed 75 per cent.

"Portraying this as the largest funding increase in legal aid's history obscures the critical issue - namely, what amount of funding is required to fix the crisis once and for all?" Mr. Addario said. "The Attorney-General's announcement of only a 5-per-cent increase in funding to [Legal Aid Ontario] for four years falls far short of what is needed to fix the problem."

Paul Calarco, a senior Toronto defence lawyer, predicted that the offer will harden the resolve of boycotting lawyers.

"I see Mr. Bentley's offer as being an insult to the criminal bar," Mr. Calarco said yesterday. "Bentley was a criminal lawyer. So was [Premier Dalton] McGuinty. Have they forgotten what it takes to run a criminal justice system? Or are they trying so hard to play to public sentiment that they don't care?"

Mr. Bentley said that advisory groups will be set up to provide advice on how Legal Aid Ontario can best divide the new money between criminal, family, immigration and civil cases. He expressed a particular desire to help people resolve family law disputes through "collaborative and non-confrontational approaches."

Mr. Bentley also endorsed a move to "block funding" for criminal cases - a method which allots set amounts to particular legal services, regardless of how much time they take to perform.

While Mr. Bentley was vague about contingency plans for any continued boycott, he hinted that legal aid administrators may have to assign staff lawyers to handle serious cases.

"Legal Aid has an obligation to ensure that people in very difficult and desperate circumstances who need legal representation have legal representation," he said. "They will take the steps necessary to achieve that."

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