

More lawyers join boycott of legal aid

Almost 300 defence lawyers have joined the Criminal Lawyers' Association boycott

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JUSTICE REPORTER

A powerful voice for the legal establishment - The Advocates' Society - and a former director of Ontario's legal aid program have thrown their support behind a massive boycott of the financially strapped program.

"Numerous studies have confirmed that the system that exists today is in dire need of additional funding to allow it to function adequately and to truly serve the interests of those citizens who are most vulnerable amongst us," said Peter Cronyn, president of the 3,900-member society.

Janet Leiper, who acted as the head of Legal Aid Ontario for several years before returning to private practice, said that the erosion of legal aid has had an inescapable effect on the quality of the court system and society at large.

"The consequences for the underfunding of legal aid are everywhere," Ms. Leiper said in an interview. "It affects people facing conviction and jail; people in family court; families facing eviction; the homeless; and people with mental illness or physical disability."

Almost 300 defence lawyers - including most of those in the Toronto area who have at least five years of experience - have joined the Criminal Lawyers' Association boycott. The cases they have refused to take include homicides and those stemming from "guns and gangs" legislation.

Legal aid pays a top rate of \$98 per hour to experienced defence counsel. The same lawyers typically charge private clients \$300-\$400.

Yesterday's moves increase the pressure on Ontario Attorney-General Chris Bentley to mend the legal aid plan to provide sufficient compensation to attract experienced lawyers back to serious or legally complicated cases.

Mr. Bentley has repeatedly said he is working hard in cabinet to increase legal aid, but that the plan was allowed to decay under previous Progressive Conservative Party governments.

"We love to speak of our values and we show off our system to international delegations," Ms. Leiper said. "Yet, the failure to adequately fund legal aid ignores those values. The shocking part is that the additional funding required to address the legal aid imbalance is only a tiny fraction of what is spent annually on health care in Ontario. It is a small price to pay for a healthy justice system."

Criminal Lawyers' Association president Frank Addario welcomed the new expressions of support yesterday. "It's good to see the wider bar stepping up," he said. "The impact of a chronically underfunded social program felt by women and children with family law problems, refugees fleeing persecution, tenants challenging landlords, the homeless, the elderly and the disabled. If you don't want to push aside poor people, you need to fund the program."

Marie Henein - vice-president of The Advocates' Society - said that the underfunding ultimately rebounds on taxpayers, since trials consume more time than is warranted and complex cases must be retried because of legal errors.

"Increasing the legal aid tariff is a critical aspect of the overall efficiency of the criminal justice system, and, in the end, will serve to work well with other initiatives introduced by the AG," she said.

Ms. Henein also noted that the recent Code/LeSage Report - which looked at the root causes of runaway trials - said: "Senior members of the judiciary, senior Crown counsel and senior police officials forcefully submitted that it is much better to conduct a long complex trial with one of the leading members of the bar because they will generally focus on the real issues in the case, they will consistently prepare in advance and they will have no reason to unduly prolong the case..."

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