

# Trouble finding lawyer

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A man charged with first degree murder may have difficulty finding a lawyer unless the province drastically changes the way legal aid certificates are funded.

Ottawa lawyer Lorne Goldstein made this point Tuesday when he appeared in Pembroke criminal court on behalf of Ryan Guthro, 24, who is charged with first degree murder in connection with the Sept. 19 death of Ashley Commanda, of the Algonquins Pikwakanagan First Nation.

He made it clear, however, that his firm Webber Schroeder Goldstein Abergel had agreed to only represent Mr. Guthro for this one appearance because of the current province-wide boycott on high-profile legal aid cases by defence attorneys.

"As it stands, a man charged with murder is self-represented, which isn't fair to him, witnesses, the judge or Crown," Mr. Goldstein said outside the courtroom following Mr. Guthro's brief appearance.

Mr. Guthro has applied for legal aid but is yet to receive a certificate, although Mr. Goldstein expects it is forthcoming.

Unless the funding changes though, the firm cannot accept the certificate.

Mr. Guthro could retain the firm privately, which poses a problem since he has been in custody since Sept. 19, the defence attorney said.

"Legal aid has not been funding certificates properly and as a result the trial process is no longer fair," Mr. Goldstein said. "Crowns and judges have received a 100 per cent increase in salaries, but defence counsel is at a state where we're losing money by taking serious cases. No competent lawyer is going to take the case because they can't make any money at it."

The legal aid boycott began in Toronto in June, but defence lawyers in Renfrew County, Ottawa, Kingston, Waterloo, Cambridge, Hamilton, Sudbury, Barrie, Thunder Bay and Windsor did not join in the action until the beginning of September.

In mid-September, Ontario's Attorney General Chris Bentley announced an investment of \$150 million in Legal Aid Ontario over four years, including \$15 million this year.

In 22 years, the compensation paid to lawyers for legal aid work has risen only 15 per cent while the consumer price index has risen more than 75 per cent.

Mr. Goldstein requested disclosure be given to Mr. Guthro, who is also facing charges of choking, assault, assault with a weapon, sexual assault and forcible confinement. He only learned of the additional charges this week. He next appears in Pembroke court Nov. 17.

Tina Peplinskie is a Daily Observer reporter

With files from Sean Chase