



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

STATEMENT BY

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The Canadian Bar Association

**on
Legal Aid**

OTTAWA

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Good Afternoon, my name is Bernard Amyot of Montreal and I am President-elect of the Canadian Bar Association, which represents some 37,000 lawyers across Canada. Let me give you a CBA perspective on the importance of legal aid.

The Canadian Bar Association believes that legal aid is the key to the courthouse door. For those without the economic means, that key is beyond their reach. All of us – regardless of means - must be assured of effective and equal access to the judicial system when our fundamental interests are at stake. The CBA believes that these needs are as fundamental as health care or education.

Without legal aid, the rights of those who cannot afford legal services fall by the wayside. We are not talking about minor disputes but rather critical situations where shelter, health, safety, livelihood and the interests of children are at stake.

For example, civil legal problems encompass family law, poverty law or immigration and refugee law. Disputes can arise when a disability pension is mistakenly terminated, employment insurance is wrongfully denied, or when a landlord evicts an elderly tenant without lawful reason. These are serious situations where an individual's fundamental interests are in jeopardy.

For more than ten years the CBA has

- actively defended funding for legal aid in **criminal** matters. and
- advocated for stable, transparent and realistic government funding for **civil legal aid** services.

In our view, governments share the responsibility for ensuring adequate and consistent minimum levels of legal aid across Canada.

Funding for **criminal legal aid** is directly provided by the federal government. Demand for criminal legal aid has dramatically increased under the government's "law and order" agenda, while the federal contribution has not increased at all.

Funding for **civil legal aid** has been less than transparent and certainly inadequate. In our view, the federal share provided to assist the provinces and territories must be specifically dedicated for that purpose. Responsibility for civil legal aid should clearly lie with the federal Justice Minister.

Legal representation is necessary to navigate the complexities of our judicial system. The CBA has always advocated and will continue to press for adequate criminal and civil legal aid services for those who do not have the means to access the system.

Without legal aid, the concept of access to justice is meaningless.