

KAY**LAW OFFICE**

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January 6, 2010

D. Mayland McKinnon, QC, Chair,
Legal Services Society Board of Directors
400 – 510 Burrard Street
Vancouver, BC V6C 3A8
VIA FACSIMILE: 604-682-0914

Hon. Michael de Jong
Attorney General for British Columbia
Room 232
Parliament Buildings
Victoria, BC V8V 1X4
VIA FACSIMILE: 250-387-8411

Re: Legal Services Funding and Withdrawal of Services by the Kamloops Bar

I write as chair of the Kamloops Legal Aid Tariff Lawyers' Committee. Effective January 11, 2010, members of the Kamloops bar will stop providing all duty counsel services. This decision was not made lightly, but is regarded as measured response to the Legal Service Society's decision to close regional offices and to the Provincial Government's failure to protect and maintain sufficient funding for legal aid services in British Columbia.

Over the past year, the LSS Board has approved several tariff reductions, in both criminal and family law services. They have had a significant affect on access to justice for low- income clients and families. Such reductions include: representation for Category I offences under the criminal tariff, the elimination of certain collaborative measures for child protection cases, and the virtual elimination of the extended family service tariff.

The recent decision by the LSS Board to eliminate five regional offices represents the final straw, and cannot be tolerated. We appreciate that the LSS Board is trying to respond to a significant loss of revenue; but we do not accept that this is the only, or best, measure they could choose. Nor do we accept that the Provincial Government bears no responsibility to help bridge the gap.

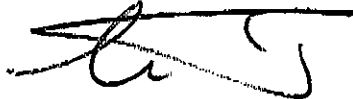
Many of our members are familiar with local agents and the call centre. We have witnessed undue delays in counsel being retained, sometimes for weeks, and occasionally months. While local agents can be useful in very small communities, their use should be the exception rather than the rule. A call centre is better than nothing, but does not even come close to providing the kind of service most of our clients need.

The Kamloops Legal Aid Tariff Lawyers Committee is very concerned by the public assurances offered by or on behalf of the LSS Board – assurances we know to be exaggerated or downright false. We expect nothing less than a strong voice of advocacy on behalf of our mutual client group from the LSS Board. In this regard, the LSS Board has been an utter failure.

We are also concerned by the silence from the Provincial Government – except to say that there is no funding issue – when this represents an historic erosion of the funding of legal aid services in relation to on-going increases in spending in all other aspects of the justice system.

The Committee is willing to meet with representatives of both LSS and Government to address our concerns. If you wish to have such a meeting, we would further encourage you to ask either the Attorney General or his Deputy to attend with you.

Sincerely,



Graham A. Kay
Barrister & Solicitor
Chair, Kamloops Legal Aid Tariff Lawyers' Committee

CC:

Carole James, MLA
Leonard Krog, MLA
Dr. Terry Lake, MLA
Hon. Kevin Krueger, MLA
Mayor Peter Milobar (Kamloops)
Chief Shane Gottfriedson, Tk'emlups Indian Band
Cathy McLeod, MP
James Bond, President, Canadian Bar Association, BC Branch
Robert D. Holmes, President, Trial Lawyers Association of BC
G. Glen Ridgeway, QC, President, Law Society of BC
Kenneth M. Walker, Bencher Kamloops District
David Dundee, Canadian Bar Association Yale County Representative