

## Lack of legal aid said to cost \$50M

By Jane Seyd, North Shore News October 23, 2011

CONTINUED underfunding of Legal Aid is costing the province money by clogging up the court system with people who don't have the legal know-how to deal with their cases, says a group representing B.C. lawyers.

That ends up costing taxpayers an estimated \$50 million a year, said Sharon Matthews, president of the B.C. branch of the Canadian Bar Association. "It costs all taxpayers to not have a properly funded system," said Matthews. "It's penny wise and pound foolish."

Matthews was in North Vancouver this week as part of a campaign to promote public understanding of Legal Aid, which the bar association says needs better funding from the province.

Legal Aid is a provincially funded service that provides help to people who can't afford lawyers and are facing serious legal issues.

In 2002, the budget for Legal Aid was cut by about a third, said Matthews - from about \$90 million to \$60 million.

The result has been a tightening up of the rules for who qualifies for Legal Aid, and more people who end up before a judge without a lawyer.

In provincial court, more than 90 per cent of family law cases now involve at least one person who doesn't have a lawyer, said Matthews. "The brunt of (cuts to Legal Aid) is being borne by women and children," she said.

Up to 40 per cent of people facing charges in provincial criminal court also don't have a lawyer.

Because people don't know what to expect in court and aren't prepared, "those cases take many more resources to work their way through the system," said Matthews. "The judge's job is to do justice . . . not to move them forward in a certain amount of time.

"They slow all of the cases down."

While eight out of 10 people who do have a lawyer end up making some kind of plea deal with prosecutors, that can't happen when someone is unrepresented and doesn't understand their legal rights, said Matthews.

Backlogs in the courts make it more likely that cases will end up getting tossed out, because people accused of crimes haven't had a trial in a reasonable period of time, she said.

New measures contained in the Conservatives' crime bill will make the situation worse, she said. "The courts are going to become more clogged and more congested."

Matthews said she understands there will probably be limited public sympathy for more tax dollars going to lawyers, or those accused of serious crimes.

But she said without a reasonable system of Legal Aid, everyone ends up paying. "It's resulting in unfairness," she said. "And it's economically not wise."

In March of this year, similar conclusions were reached by Len Doust who presided over a public commission on Legal Aid in British Columbia.

Doust concluded current Legal Aid funding is inadequate and "we are failing the most disadvantaged members of our community."

He recommended making more people - including "working poor" - eligible for Legal Aid.