

## Lawyers fight to reinstate fair legal aid

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B.C. bar association wants province to restore \$30 million cut from 2002

You're a newly divorced mother. You're a young man accused of a crime. You're a senior being evicted from your apartment. You're a mentally-ill patient being admitted against your will. You're the 45 per cent of British Columbians who will come into contact with the legal system over the next three years, and between 40 and 90 per cent of you will have to deal with your grief while taking yourself to court. You'll flog your way through the legal system, awaiting a grim outcome, or maybe you'll just give up, because there's no one there to help you.

If this reality sounds bleak, make no mistake - it is, says Sharon Matthews, president of the Canadian Bar Association's B.C. Branch. Due to the province's \$30-million cut to legal aid in 2002, hundreds of thousands of B.C. citizens have gone without the assistance they desperately needed at a time when most of us are at our most vulnerable. Now, in a effort to draw attention back to the province's need for legal aid funding, the CBA just launched its new campaign and website, [WeNeedLegalAid.com](http://WeNeedLegalAid.com).

"It is our mothers, children and grandparents who are being most negatively impacted by the status quo . What we are seeing is that because of the under- funding of legal aid, more and more people are representing themselves," says Matthews, who has been practicing out of Vancouver for 18 years. "This means that our courts are being jammed up . and more criminal cases [are] being dismissed because they aren't heard in a timely manner."

While Law And Order fans may be used to the phrase "If you cannot afford a lawyer, one will be appointed to you in a court of law," Matthews is quick to point out the Canadian legal system has no such caveat - if you cannot afford a lawyer, you're left navigating the system alone.

In B.C., a one-day court hearing can range from \$1,860 to \$2,600, depending on whether the hearing is in provincial or Supreme Court. Last year, the Supreme Court heard 63,093 cases - civil, family and criminal - while the provincial court had 257,147 filings - traffic/bylaw, civil, family, youth and adult criminal. But while 80 per cent of those criminal cases were resolved in negotiations when a lawyer was present, 60 per cent of unrepresented cases saw the accused convicted, and 27 per cent received jail sentences.

Matthews and the CBA is asking the government to jump back on board pre-2002 levels and provide \$50 million for legal aid. And while it may sound like a large amount, Matthews says it would be as simple as a reallocation of funds, and the investment would pay for itself - in international studies, every dollar spent on legal aid saved between \$1.60 to \$30 for the country in time and resource expenditures.

Yet the group is taking a different approach: aiming the campaign at the public first. The campaign website showcases the often heart-wrenching stories of women and men who have been affected by the legal system, both with and without representation. Anyone is encouraged to post a story.

The CBA also just completed a province-wide Angus Reid poll, which showed nine out of 10 British Columbians believed every person should have access to a lawyer, even if they cannot afford one. Three in four regard legal aid as an essential service.

"Every day, there are people with legal problems not getting resolved at all. We're not talking 'my neighbour cut down my tree'; we're talking people going to jail and losing their children, or facing threats of violence - crisis legal need," says Matthews. "With the stress or trauma they're dealing with anyway in these cases, and the

complexity of the legal system, a lot of people will just give up. They won't exercise their rights, they won't go to their court dates, and often they'll receive sentences because of it."

Per year, Matthews says 5,414 lawyers in B.C. each donate about a week of their time and work 47.5 hours pro-bono. While more than a few of us are used to long hours and little pay, Matthews says lawyers are always "trying to do more with less."

"We're forever creating a more complex society, and so the legal system has to rightly step up to those complexities. Unfortunately, the ramifications of that are the challenges it takes to navigate through it all," she says. "We all pay for the justice system. B.C.'ers have made it clear this is our legal system, and we want to pay for something that works."