

BY FACSIMILE AND REGULAR MAIL

February 21, 2002

The Honourable Gordon Campbell, MLA
Premier of B.C.
Room 156, Parliament Buildings
Victoria, BC
V8V 1X4

The Honourable Geoff Plant, MLA
Attorney General of B.C.
Room 234, Parliament Buildings
Victoria, BC
V8V 1X4

Dear Premier Campbell and Minister Plant,

I am writing on behalf of the more than 37,000 jurists across Canada who are members of the Canadian Bar Association, to urge you to reverse your decision to slash legal aid funding and close courthouses in British Columbia. This unprecedented course of action will dramatically erode the benefit and protection of the law for many B.C. residents, and destroy meaningful access to justice in the province, especially in civil law matters.

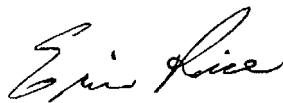
Our members see firsthand the grievous hardship that results from inadequate legal aid. British Columbia's legal aid plan already turns away many worthy recipients, especially women and children, immigrants, and low income people facing threats to housing or income security. Your proposed cuts of 40% will eliminate any chance they have of seeking their legal entitlements. The impact is not on abstract individuals pursuing trivial legal claims, but rather mothers trying to protect and care for their children and seniors trying to hold on to their housing or pension benefits. You have publicly acknowledged that cuts to legal aid will, in fact, hit exactly those populations the hardest. Surely this is intolerable to all caring Canadians.

Your related decision to close twenty-four courthouses will have similarly harsh repercussions for already vulnerable people. Shutting down courthouses in remote northern and interior communities will force people to travel to more distant locations at every stage of a court proceeding. This will add considerably to the burden and cost of seeking a judicial determination of any matter. This week, the CBA National Council unanimously passed the attached resolution, calling for a reversal of these decisions.

I urge you to make an immediate commitment to a properly funded legal aid plan, to at least the level of income generated by the tax on legal services and federal transfer payments. I urge you to review your decision to close courthouses, keeping in mind geographic and financial realities and the importance of equal access to justice for all. Finally, in consultation with the B.C. Branch of the CBA and other stakeholders, I urge you to undertake a comprehensive review of the justice system with a view to maintaining courthouses in local communities and determining where savings might be made to add funds to legal aid services.

My colleague Carman Overholt, President of the B.C. Branch of the CBA, is most willing to work with you to achieve these guarantees of equitable access to justice.

Yours very truly,

A handwritten signature in cursive script that reads "Eric Rice".

Eric Rice, Q.C.

Encl.

cc. Carman Overholt - President, B.C. Branch

BC Legal Aid Funding and Courthouse Closures

WHEREAS the Canadian Bar Association advocates legal aid as a public service essential for true access to justice;

WHEREAS the CBA advocates uniform national standards to achieve access to justice with an acceptable level of legal aid services across Canada;

WHEREAS in 1992, the British Columbia government introduced a tax on legal services, the only professional service to be so taxed, stating that all funds raised through that tax would be dedicated to legal aid;

WHEREAS the B.C. government has not kept this commitment, allocating the approximately \$80 million generated each year by the legal services tax to general revenues and not to legal aid;

WHEREAS the B.C. government receives an annual transfer payment for legal aid from the federal government;

Le financement de l'aide juridique et la fermeture des palais de justice en Colombie- Britannique

ATTENDU QUE L'Association du Barreau canadien préconise que l'aide juridique constitue un service public essentiel pour assurer un véritable accès à la justice;

ATTENDU QUE L'ABC préconise l'adoption de normes nationales uniformes pour favoriser l'accès de tous à la justice, assorties de services d'aide juridique d'un niveau acceptable dans l'ensemble du Canada;

ATTENDU QU'en 1992, le gouvernement de la Colombie-Britannique a décrété l'imposition d'une taxe sur les services juridiques, devenant ainsi les seuls services professionnels à être taxés, en arguant que l'intégralité des fonds ainsi recueillis serait versée à l'aide juridique;

ATTENDU QUE le gouvernement de la C.-B. n'a pas respecté son engagement, et a finalement affecté les 80 millions de dollars générés chaque année par les taxes sur les services juridiques aux budgets des fonds généraux et non pas à l'aide juridique;

ATTENDU QUE le gouvernement de la C.-B. reçoit du gouvernement fédéral un paiement annuel de transfert pour l'aide juridique;

Resolution 02-10-M

WHEREAS the B.C. government recently announced a 40% cut to legal aid over the next three years, reducing the amount spent from \$88 million to \$54 million by 2004-2005;

WHEREAS, at the same time, the B.C. government announced its plan to close 24 courthouses, many in northern and interior communities;

WHEREAS these plans will result in dramatically decreased services and will limit access to justice, especially for women and children in family law matters, for low income earners who require assistance with poverty law disputes, such as those pertaining to income support and housing, which usually involve the provincial government and for immigrants;

BE IT RESOLVED THAT:

- * the CBA urge the B.C. government to immediately reverse its decision to reduce legal aid funding and commit to a properly funded legal aid plan, financed in part by the legal services tax and the federal transfer payments;

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ATTENDU QUE le gouvernement de la C.-B. a dernièrement annoncé qu'il entendait réduire de 40% le budget alloué à l'aide juridique au cours des trois prochaines années, ce qui abaisserait le montant actuel de 88 millions \$ à 54 millions de \$ d'ici 2004-2005;

ATTENDU QUE le gouvernement de la C.-B. a annoncé en même temps son intention de fermer 24 palais de justice, dont la plupart sont situés dans les communautés du nord et de l'intérieur de la province;

ATTENDU QUE ces plans entraîneront une diminution radicale des services et limiteront l'accès à la justice, surtout pour les femmes et les enfants dans les causes en droit de la famille, pour les personnes à faibles revenus ayant besoin d'une assistance juridique lors de conflits concernant le droit des personnes à faibles revenus, tels que les litiges en matière de soutien du revenu et d'allocation d'hébergement qui, en général, les opposent au gouvernement provincial, et pour les immigrant(e)s;

QU'IL SOIT RÉSOLU QUE:

- * L'ABC exhorte le gouvernement de la C.-B. à annuler immédiatement sa décision concernant le financement de l'aide juridique et à s'engager à allouer à l'aide juridique le financement suffisant, lequel serait en partie assuré par la taxe sur les services juridiques et

Resolution 02-10-M

- * the CBA urge the B.C. government to review its decision to close 24 courthouses, to ensure equal access to justice for all; and

- * the CBA urge the B.C. Attorney General to conduct, in consultation with the CBA-British Columbia Branch and other stakeholders, a comprehensive review of the justice system with a view to maintaining courthouses in local communities and determining where savings might be made that could additionally fund legal aid.

Certified true copy of a resolution carried as amended by the Council of the Canadian Bar Association at the Mid-Winter Meeting held in Moncton, NB, February 16-17, 2002.

Résolution 02-10-M

les paiements de transfert fédéral;

- * L'ABC exhorte le gouvernement de la C.-B. à revoir sa décision de fermer 24 palais de justice et à assurer l'accès égal à la justice pour tous; et

- * L'ABC exhorte le procureur général de la C.-B. à mener, de concert avec la Division de la Colombie-Britannique de L'ABC et d'autres intervenants, un examen exhaustif du système de justice dans le but de maintenir les palais de justice dans les communautés locales et de voir s'il est possible de réaliser des économies qui seraient injectées en supplément à l'aide juridique.

Copie certifiée d'une résolution adoptée, tel que modifiée, par le Conseil de l'Association du Barreau canadien, lors de son Assemblée de la mi-hiver, à Moncton (N.-B.), les 16 et 17 février 2002.

John D.V. Hoyles
Executive Director/Directeur exécutif