



August 22, 2019

Hon. Doug Downey
Ministry of the Attorney General
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SENT BY EMAIL

Dear Attorney General:

RE: Drastic funding cuts to Legal Aid Ontario

As President of the Hasting County Law Association (HCLA), I am writing to ask for your support on an issue of grave concern—the unwarranted and unprecedented funding cut to Legal Aid Ontario and the resultant cuts to local legal services including cuts to legal aid certificates, per diem duty counsel, and to our local non-profit community legal clinic, the Community Advocacy & Legal Centre (CALC). The HCLA represents 139 lawyers including members of the crown, judiciary, private bar and government. We would like you to reverse the cuts to Legal Aid Ontario's funding.

The impact of the cuts over the next two years will be a significant decrease in equal access to justice to vulnerable residents of Hastings, Prince Edward, and Lennox & Addington Counties, three jurisdictions where our members provide legal services. **A lack of equal justice is the single most important issue facing the legal profession and the justice system in Ontario and in Canada right now.** As a consequence of historic and prolonged inadequate funding to Legal Aid Ontario (even without these cuts), the number of self-represented litigants is increasing in our family courts, making the administration of justice inefficient and causing delays. Some recent observations include reduced duty counsel services/intervention, self-represented litigants taking up court time because they do not have the assistance of duty counsel, longer wait times for steps in the litigation process and an already overwhelmed court staff being asked to do more to try and fill the void caused by reduced/limited duty counsel services.

Despite being highly efficient and innovative, CALC is operating above capacity, even without these cuts, and has to reduce office hours in order to sustain their heavy workload. In the past three years, they have introduced new legal services for seniors, people with complex and intersecting medical and legal issues, an early intervention and prevention initiative with primary health care providers (justice & health partnerships), and help for people experiencing consumer law problems. These service improvements will be lost as the cuts are implemented and front-line legal services will be gradually reduced. As Malcolm Mercer, Treasurer of the Law Society so aptly stated: “This major reduction in such a short period of time will cause increased court delays and threatens to seriously disrupt the administration of justice.”

A little bit about our community. As reported in a 2018 article in the publication ‘InQuinte’, “Hastings County experiences higher rates of poverty than across the Province. According to Statistics Canada, the 2016 census shows that 16.3 per cent of residents are living in poverty.”

It is ironic that this access to justice is being imperiled in Ontario precisely when we know—from evidence produced by empirical research studies—that the “justice gap” is growing. The National Action Committee on Access to Justice in Civil and Family Matters continues to document this inequity. The Canadian Forum on Civil Justice has tabulated the costs to government when everyday legal problems are not resolved. Their report *The Costs of Justice in Canada* conservatively estimated “knock on” costs are at least 2.35 times greater than the annual direct expenditures on legal aid for just the added expense of income security programs and health care. These figures do not even include the impact on mental and physical health, the costs of unnecessary incarceration, loss of civil liberties, and consequences for families when family law matters are not adequately addressed on relationship breakdown. Studies quoted in the Canadian Bar Association’s 2013 *Equal Justice* report calculate a return on investment to government of approximately \$5 for every dollar invested in legal aid. The recently-released international Task Force on Justice’s report (Ottawa, May 30, 2019) *Justice for All* states that the expenditure on people-centred justice delivers a high return on investment because it reduces conflict and instability and allows people to participate fully in their societies and economies. Why would the government of Ontario cut back on legal aid at this very moment given this evidence, the estimated costs of inaction, and the promising rates of return on investment?

We are gravely concerned that the role that legal professionals play in ensuring access to justice, improving the legal health of vulnerable members of our society, and reducing the costs of injustice are not understood by this government. Please note that many of our members already provide pro bono legal services--an unacknowledged contribution to access to justice. Lawyers providing legal services on Legal Aid certificates in family and criminal law matters already subsidize the cost of providing these services as the current tariffs are inadequate to cover the necessary legal work, even before the drastic cuts were outlined to us.

We would like to see Legal Aid Ontario properly funded to provide our local residents with adequate help to meet their need for civil, criminal and family law help. We look forward to participating in the Modernization Review of Legal Aid to ensure that the government understands the valuable contribution that lawyers make when legal aid is adequately resourced such as to the rule of law, social stability, equity and fairness, and to improving health and well-being of individuals and the community.

Please advise us what action you might be taking on this critical issue.

Yours very truly,

Peter Robertson
President

cc. David Field, Legal Aid Ontario