



June 11, 2019

Via email: assistance@liberal.ca; Justin.Trudeau@parl.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Leader, Liberal Party of Canada
350 Albert Street, Suite 920
Ottawa, ON K1P 6M8

Dear Party Leader,

We are writing on behalf of the Canadian Bar Association, as you prepare for the coming federal election campaign, to urge your party to commit to access to justice for all Canadians.

The Canadian Bar Association is a national association of lawyers, law student, notaries and academics, with a mandate that includes seeking improvements in the law and administration of justice, and access to justice. We are here to help with the legal expertise of over 36,000 members, who live in every jurisdiction of Canada.

Many people believe legal problems only happen to others. But, over three years, 45% of Canadians will have a problem needing a legal solution. And predictably, people with less money have more legal problems.

Equal access to justice is not a reality in Canada now. Legal aid, Canada's most important access to justice program, is too often inconsistently available, even for essential legal needs. As federal contributions have waned, some provinces and territories have tried to fill gaps. As a result, services vary as to who gets help and for what across Canada, much more than for other essential public services. A single mother working for minimum wage might get a lawyer for a child custody problem in one province, but in the next province be directed to a website or self-help materials.

For criminal matters, we know too well about Canada's excessive incarceration of certain populations, including Indigenous people and people with mental illnesses. For all those accused of crimes, and especially for vulnerable people, legal help at the appropriate time can make the difference between a just and unjust result.

Providing legal aid is expensive, but not providing legal aid costs more:

- Unrepresented people slow the court process, costing taxpayers money.
- Unrepresented people get worse results, and lose rights they should have, like support for their children (which may result in greater reliance on publicly funded programs).
- Ignored legal problems grow and spread – an unfairly evicted tenant may become homeless, a person wrongly fired from a job may go on social assistance.
- Cost benefit research shows that \$1.00 spent on legal aid saves about \$6.00 on other government services.

We believe it is incumbent on you, as a political leader, to address this reality and ensure that the federal government shows strong leadership on this file.

We ask that you show leadership in two ways: by committing to dedicated federal legal aid funding; and by adopting guiding principles for a national, integrated system of public legal assistance to improve access to justice and meet the needs of disadvantaged people across Canada.

People need to have faith in Canada's legal system and the fairness of our democracy. The CBA asks you to include reaching equal justice in your election platform. We ask to meet with you to discuss this issue at your earliest convenience. We will contact you soon to arrange a time that fits your schedule.

Yours truly,

(original letter signed by Raymond G. Adlington)

Raymond G. Adlington
CBA President

(original letter signed by Frank P. K. Friesacher)

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Nicholas M. Cann, Q.C.
President,
CBA-Saskatchewan

(original letter signed by Jessica Lott Thompson)

Jessica Lott Thompson
President,
CBA-Yukon



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

June 11, 2019

Via email: info@greenparty.ca

Elizabeth May
Leader, Green Party of Canada
PO Box 997, Station B
Ottawa, ON K1P 5R1

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THE CANADIAN
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June 11, 2019

Via email: andrew.scheer@parl.gc.ca

The Honourable Andrew Scheer, PC, MP
Leader of the Opposition
Conservative Party of Canada
1720-130 Albert St.
Ottawa, ON K1P 5G4

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(original letter signed by Jessica Lott Thompson)

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CBA-Yukon



June 11, 2019

Via email: jagmeet@ndp.ca

Jagmeet Singh
Leader, New Democratic Party of Canada
Suite 300, 279 Laurier Avenue West
Ottawa, ON K1P 5J9

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Jessica Lott Thompson
President,
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Le 11 juin 2019

Par courriel : dg@bloc.org

Yves-François Blanchet
Chef du Bloc québécois
3750, boul. Crémazie Est, bureau 402
Montréal (Québec) H2A 1B6

Monsieur,

En ces temps de préparation de la campagne électorale fédérale, nous vous adressons la présente au nom de l'Association du Barreau canadien (ABC) pour appeler votre parti à se mobiliser en faveur d'un meilleur accès à la justice pour tous les Canadiens et les Canadiennes.

L'ABC est une association nationale d'avocats et d'avocates, de notaires, d'étudiants et d'étudiantes en droit et de professeurs et de professeures de droit, dont le mandat comprend la recherche de solutions pour 'améliorer le droit, l'administration de la justice et l'accès à la justice. Elle mise, pour ce faire, sur l'expertise juridique de plus de 36 000 membres répartis à travers le Canada.

Beaucoup de gens pensent que les problèmes juridiques n'arrivent qu'aux autres. Mais au cours des trois prochaines années, 45 % des Canadiens et des Canadiennes se retrouveront dans cette situation. Il est donc à prévoir que les moins nantis connaîtront davantage de difficultés juridiques.

Encore aujourd'hui, tous n'ont pas également accès à la justice au Canada. Le Programme d'aide juridique, le plus important programme canadien d'accès à la justice, est trop souvent appliqué de manière inconstante, même lorsqu'il s'agit de besoins juridiques essentiels. À mesure que les subventions fédérales déclinent, certains territoires et provinces tentent de combler les brèches. Les bénéficiaires et la nature des services fournis varient donc grandement d'une région à l'autre du Canada, beaucoup plus que dans le cas d'autres services publics cruciaux. Une mère célibataire travaillant au salaire minimum pourra donc obtenir un avocat pour la garde d'un enfant dans une province, tandis qu'elle devra se contenter d'un site Web ou de documents de références dans une autre.

En ce qui concerne les affaires pénales, nous savons trop bien que le Canada incarcère à outrance certaines populations, notamment les Autochtones et les personnes atteintes de problème de santé mentale. Pour toutes les personnes accusées d'un crime, en particulier lorsqu'elles sont vulnérables, une aide juridique opportune peut faire pencher la balance entre la justice et l'injustice.

L'aide juridique est onéreuse, mais son absence coûte encore plus :

- Les personnes non représentées ralentissent le processus judiciaire, ce qui entraîne des frais pour les contribuables.
- Les personnes non représentées obtiennent des résultats beaucoup plus défavorables et perdent des droits dont elles devraient jouir, comme des indemnités pour leurs enfants (ce qui peut accroître la dépendance à l'égard de programmes publics).

- Les problèmes juridiques ignorés se répandent en s'aggravant; ainsi, un locataire injustement évincé peut devenir itinérant, une personne indûment licenciée, recourir à l'aide sociale.
- Les analyses coûts-avantages montrent qu'un dollar dépensé en aide juridique génère une économie d'environ six dollars pour d'autres services gouvernementaux.

Nous pensons qu'il est de votre devoir, en tant que chef de parti, de tenir compte de cette réalité et de faire en sorte que le gouvernement fédéral fasse figure de proue dans ce dossier.

Nous vous demandons de prendre les devants de deux façons : en vous engageant à œuvrer pour qu'un financement fédéral soit accordé à l'aide juridique, et en adoptant des principes directeurs pour la création d'un régime national intégré de services d'assistance juridique publics, qui améliorera l'accès à la justice et répondra aux besoins des personnes désavantagées dans tout le Canada.

Les gens doivent avoir foi en le système judiciaire canadien et en l'équité de notre démocratie. L'ABC vous demande d'inclure dans votre programme électoral l'atteinte d'une justice équitable pour tous et toutes. Comme nous aimerions aborder cette question avec vous le plus rapidement possible, nous vous solliciterons bientôt pour fixer une date convenant à votre horaire.

Nous vous prions d'agréer, Monsieur, l'expression de notre considération respectueuse.

(Lettre originale signée par Raymond G. Adlington)

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Président, ABC

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