



April 28, 2009

The Honourable Jim Flaherty, P.C., M.P.
Minister of Finance
Department of Finance Canada
140 O'Connor Street
Ottawa, ON K1A 0G5

Dear Minister Flaherty:

I am writing on the suggestion of your colleague, Minister Nicholson, to ask for a meeting to discuss the federal government's funding for civil legal aid services in Canada.

As a professional association of practicing lawyers in Canada's courts every day, we are witness to serious problems because of shortfalls in legal aid funding. We estimate that well over half of litigants in family courts and administrative tribunals are now trying to navigate the justice system with inadequate or no professional advice. These individuals often already face serious disadvantages, for example as Aboriginal people, single mothers or people with physical or mental disabilities. While the obvious result is denied access to justice, it also seriously strains justice system resources. Also, people without recourse to legal protections and benefits are likely to require other forms of public assistance or intervention when their problems are not resolved fairly under existing laws.

Civil legal aid includes services needed by families in the midst of divorce or separation. Without professional legal advice, custodial parents may be unable to pursue child support due from a more affluent parent. Ultimately, it is the children who suffer, and the social and economic costs of child poverty are well known.

As a vehicle for the federal government's financial contribution, the Canada Social Transfer is certainly more flexible than the old Canada Assistance Plan. However, the current funding arrangement lacks transparency and accountability. Provinces and territories often cut back civil legal aid services to pay increased costs of criminal legal aid. Several provinces and territories no longer acknowledge any federal contribution to civil legal aid, under the CST or elsewhere.

The CBA has recommended a separate *Access to Justice Act*, similar to the *Canada Health Act*, to establish minimum standards of acceptable civil legal aid services across Canada. This mechanism could offer targeted funds to the provinces and territories for civil legal aid services.

500 - 865 Carling, Ottawa, Ontario Canada K1S 5S8

Tel/Tél. : (613) 237-2925 Toll free/Sans frais : 1-800-267-8860 Fax/Télécop. : (613) 237-0185

Home Page/Page d'accueil : www.cba.org E-Mail/Courriel : info@cba.org



~ 2 ~

We would like to meet with you and Minister Nicholson to talk about this and other ideas for fixing Canada's crisis in access to justice. Federal, provincial and territorial governments share a responsibility to assure access to justice. We hope to work together to find solutions to a complex problem.

Yours truly,

(Original signed by J. Guy Joubert)

J. Guy Joubert