

CFUW Policy: Legal Aid Provision in Canada

CFUW, 2003 CFUW Charlottetown (Prince Edward Island)

RESOLVED, That the Canadian Federation of University Women urge the federal, **provincial** and territorial governments of Canada to enact "access to justice" legislation which will ensure that **adequate** legal aid is an integral component of the Canadian justice system.

Background

In February 2016, the Times-Colonist reported that Justice Robert Johnston adjourned a trial that had been going on for more than 40 days because a clerk wasn't available. He said, "The province of British Columbia has failed in its constitutional obligation to properly fund the administration of justice." Other experts cite wasted time and wasted money. Taxpayers are footing the bill for crown counsel while private litigants are paying lawyers anywhere between \$500 and \$1,000 an hour.

In December 2015, CBC reported that a BC woman, after spending \$15,000 in legal fees in one year attempting to get a divorce, decided to represent herself in court. Research from the University of Windsor law school shows that more than half of the people whose cases were studied started with a lawyer but ran out of money and felt obliged to continue on their own. And yet, self-litigation results in unprecedented delays, bottlenecks and overall strain on the judicial system.

The fundamental goal of our civil and criminal justice systems is to provide access to justice for members of our society. And yet, for many individuals the high cost of litigation has become prohibitive and precludes true access to justice. For many years now, only the very rich or those who qualify for legal aid can afford to go to court. Women are far more likely than men to be caught in this gap: not rich enough to hire a lawyer and not poor enough to qualify for legal aid.

All Candidates Meeting Question

I am a member of the Canadian Federation of University Women, which in the Victoria area has more than 250 members. Nationally we have held a policy urging governments, including provincial governments, to "ensure that adequate legal aid is an integral component of the Canadian justice system." For many years, BC's justice system has struggled with underfunding and shortages of staff. It now faces rising numbers of self-litigants who cannot afford legal fees. And women are far more likely than men to be caught in this gap: not rich enough to hire a lawyer and not poor enough to qualify for legal aid. If your party forms the government, what steps will you take to ensure that all British Columbians have true and equal access to justice?