



West Coast LEAF NEWS ALERT February 4, 2009

An open letter and petition to the Attorney General of British Columbia

The recent continuation of [cuts to legal aid in BC](#) will have a devastating impact on women, particularly those living in poverty, women of colour, Aboriginal women, and other marginalized women. These cuts are taking place at a time when Canada is already being criticized for its failure to meet its international obligation to ensure that women have equal access to the justice system.

A [recent study](#) released by the [Legal Services Society of BC \("LSS"\)](#) found that more than 80% of low-income British Columbians are dealing with legal issues that are serious and difficult to resolve, yet both the quality and quantity of legal services available to low income people continue to erode. The most recent erosion of legal services in BC includes:

- cuts to the tariffs for family, immigration and criminal law;
- stricter screening processes and eligibility requirements for clients;
- the closing of the family law clinic;
- reductions in staff lawyers; and
- reductions in services for people who cannot access legal representation through LSS, including cuts to the staffing of the LawLINE and family and other duty counsel.

Reducing the legal aid tariffs to private bar lawyers is unacceptable. Even at current tariff rates, lawyers cannot effectively serve their clients. The low number of hours funded under the legal aid tariff in family matters, child protection cases, and immigration/refugee cases seriously undermines the capacity of lawyers to provide the quality of legal services low income British Columbians so desperately need.

One impact of the [2002 cuts](#) was to make it challenging for women to find lawyers willing to take legal aid cases in the few instances that women were found eligible for legal aid coverage. These most recent cuts will make that much, much worse.

This latest round of cuts will mean that community groups and women's organizations will be expected to fill an even larger service gap without additional resources or training. Women who are unable to access advocacy services will continue to be forced to navigate the system on their own, with potentially devastating consequences for themselves and their families.

Services provided by staff lawyers, such as those provided through the family law clinic, need to be expanded not eliminated. LSS staff lawyers are able to take cases that private lawyers simply cannot take on with the kind of file management and care many of the clients accessing the clinic require. Most often these are cases that involve critical family issues, that may have been lingering in the system for a long time, and involve complicating factors, such as, insecure immigration status, litigation harassment by an ex partner, a history of domestic violence and/or mental illness.

Cuts to the LawLINE and family law duty counsel, as well as the decision not to proceed with the Justice Access Centre in Vancouver, will make it next to impossible to access timely legal information and advice for those who can not afford legal representation, do not qualify for legal representation, or are not aware of community legal services. Significant reductions in extended service referrals for family law, combined with stricter standards for approving immigration referrals will only increase the number of self-represented litigants attempting to navigate the system without support.

The Legal Services Society's position that these cuts are necessary in light of the current fiscal environment ignores the reality that these short-term savings will lead to greater costs down the road. Direct costs to the provincial government will include an increasingly backlogged court system, an increase in health costs ([see a recent LSS study on the connection between health and legal problems](#)), and a cost to income assistance programs and other social services. Without legal representation, some women may abandon their fight for the spousal and child support that they are entitled to in law.

There will also be indirect costs to individuals, families and society, including, greater social services costs as women's health and ability to work and care for their children is impacted by legal problems that are left unresolved or unfairly resolved.

It is imperative that this latest round of cuts to legal services in British Columbia be reversed. However, this latest crisis is indicative of a broader failure on the part of both the provincial and the federal governments to ensure equal and adequate access to the justice system. This crisis reflects the continued inability of LSS to fulfill its stated [mission](#) "*to provide innovative and collaborative legal aid services that enable people with low incomes to effectively address their issues within the justice system*".

In November 2008, the [United Nations Committee on the Elimination of Discrimination Against Women](#) stated in its [Concluding Observations on Canada](#), "The Committee is concerned at reports that financial support for civil legal aid has diminished and that access to it has become increasingly restricted, in particular in British Columbia, consequently denying low-income women access to legal representation and legal services." This latest round of cuts to legal services in BC demonstrates a lack of commitment on the part of both the LSS and the federal and provincial governments to address the concerns raised by CEDAW.

An [Ipsos Reid survey commissioned by LSS](#) found that 97% of British Columbians agree that everyone should have access to the justice system and that 78% agree that government should give the same priority to funding legal aid as to other social services such as health care and education. **Now is the time to restore services and to begin to develop a comprehensive strategy to build a legal aid system that ensures that women have equal access to the justice system and reflects the needs and values of all British Columbians.**

[To join the organizations and individuals that support this statement, please click here.](#)

About [West Coast LEAF](#)

West Coast LEAF's mission is to achieve equality by changing historic patterns of systemic discrimination against women through BC-based equality rights litigation, law reform and public legal education.

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