



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

February 7, 2014

The Honourable Charles Sousa  
Minister of Finance  
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Toronto, ON M7A 1Y7

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Dear Minister Sousa:

**Re: Pre-Budget Consultations – Legal Aid**

I am writing to you at your invitation for input into the pre-budget consultation process. During my term as Treasurer of the Law Society of Upper Canada, I have made access to justice my top priority.

In 2006, *The Law Society Act* was amended to include a legislative duty for the Law Society to facilitate access to justice for the people of Ontario. A year ago, the Treasurer's Advisory Group on Access to Justice (TAG) was formed to explore the Law Society's role in facilitating access to justice in Ontario. A recurrent theme in those discussions has been the importance of sustainable legal aid funding, identified as a central component to addressing access to justice needs in the province.

Financial eligibility guidelines for legal aid have been left unchanged *since their last reduction* of 22% in 1995. Almost 20 years later, the effect of frozen certificate eligibility levels have taken their toll. Today, less than 7% of Ontario's population is eligible for legal aid, representing a decrease of more than 10%. The current eligibility limit is \$10,800, startling when one considers a full time minimum-wage job pays just over \$21,000.

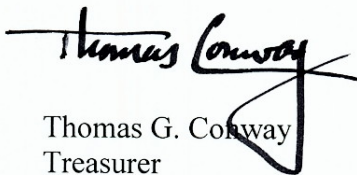
Add to this landscape these facts: more than half the parties in Ontario's family courts are unrepresented – leaving self-represented litigants to argue matters of custody, access and/or financial support for themselves or their children. In the criminal justice

system, unrepresented accused must defend themselves against serious criminal or complex criminal charges without legal assistance. Lack of legal representation may result in wrongful convictions and the failure to protect important Charter or statutory rights and has also led to overburdened dockets in both the Criminal and Family law court systems.

In 2010, the Attorney General entered into a Memorandum of Understanding (MOU) with the Criminal Lawyers Association and Legal Aid Ontario that provided new funding for four years but left unresolved the funding of the commitments for the final years of the MOU. Ontario is in need of a longer-term funding strategy that will ensure predictability and sustainability of Legal Aid Ontario including its certificate and clinic system.

Thank you for inviting input into the pre-budget consultation process.

Yours truly,



Thomas G. Conway  
Treasurer

copy: The Honourable John Gerretsen  
Attorney General

John McCamus  
Alliance for Sustainable Legal Aid