

Legal aid to relax qualifying rules; Move comes 16 years after massive cuts wiped out coverage, even for the poor

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Ontario's legal aid plan gets 1,300 calls a day from people with legal problems, but if you're single and earn more than \$10,800 a year or a family making more than \$24,000 you're considered too rich to qualify for free assistance.

Now, 16 years after the Ontario government tightened the rules in a massive overhaul of legal aid, it seems that's about to change.

The two men in charge of the province's legal aid system admit those income cut-offs are "inadequate."

Legal Aid Ontario chair John McCamus and president Bob Ward say they plan to loosen the rules over the next three years so more people are eligible for free help from a lawyer.

The expansion, they say, will be funded through savings on the administrative side.

Raj Anand, a Law Society of Upper Canada bencher and a member of its access to justice committee, welcomed the move.

"I think the (current) financial eligibility guidelines are absolutely unacceptable," Anand said on Thursday after a report prepared by McCamus and Ward was distributed to members of the law society's governing body.

The report notes Legal Aid Ontario's cut-offs are substantially below the low-income threshold set by Statistics Canada.

In fact, if you're single and hoping to qualify for legal aid, you'd need to be earning substantially less than StatsCan's low-income threshold - the line at which a person is likely to be devoting a higher than average share of income to necessities such as food shelter and clothing.

For single Canadians living in rural areas, that was \$15,302 in 2009. In cities like Toronto, it was \$22,229.

StatsCan's low-income cut-offs vary according to community and family size, but the majority of legal aid's clients are young, single men charged with crimes.

Those currently earning between \$10,800 and \$12,500 might still qualify for legal aid, but could be required to repay some or all the money.

Canada is behind much of the world when it comes to legal aid qualifying guidelines, McCamus and Ward

say in their report.

For example, people eligible for legal aid in Canada earn approximately one-quarter of the country's per-capita income - \$42,850 in 2008 - while in the Germany you can earn six per cent more than the per-capita income and still qualify for state-funded legal assistance.

What is lost in those numbers, said Anand, is "the cost to government and society of having self-represented people" flooding into the courts, struggling to represent themselves and stretching out trials.

Judges in Britain recently had a similar warning after the government introduced a bill that would cut the equivalent of \$558 million (Canadian) in legal aid, by virtually abolishing legal aid in civil cases, something Ontario did 16 years ago.

The British Parliament is set to debate the proposed legislation over three days next week, starting Monday.

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