



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

November 17, 2017

Hon. David Eby, QC
Attorney General
PO Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

via email: JAG.Minister@gov.bc.ca

Dear Attorney General,

Thank you for your letter dated October 16, 2017. The Canadian Bar Association BC Branch appreciates your comments about making access to justice a priority and the inclusion of a commitment to legal aid funding in your platform.

Thank you as well for meeting with me on September 14, 2017, and for your comments to the Benchers on September 29, 2017. Your ongoing efforts to engage in dialogue with the practicing bar are greatly appreciated.

As we said in our Budget 2018 submission to the Select Standing Committee on Finance and Government Services, we urgently need investment in legal aid particularly when it comes to family law cases. In particular, since the deep provincial cuts announced in 2002, there is in most cases no legal aid-funded representation available for family law services such as child custody and access as well as financial support and maintenance. The volume of unrepresented family litigants is unfortunately leading to unfair situations and taking up valuable court time. Even more unfortunately, many of these cases involve children.

In addition to lack of availability of family law legal aid services, we have concerns regarding another key result of underfunding of the legal aid system: the tariff. We applaud the commitment you made at the Bencher's meeting that the legal aid tariff will be addressed in the budget in February 2018. As set out in the August 31, 2017 letter from my predecessor, Michael Welsh, such action is necessary as the situation is getting dire. Mr. Welsh's concerns have been greatly reinforced for me during my first two months as CBABC President as I continue to meet lawyers who do legal aid work and are concerned about their ability to continue to do so in the future.

There are numerous stories of dedicated lawyers that simply cannot afford to provide legal representation in legal aid cases. Increase in the legal aid tariff has to be done hand-in-hand with increase in legal aid funding. If there are fewer lawyers that can afford to take on legal aid cases, it does not matter how much legal aid funding there is.

Serving the Lawyers of British Columbia

10th Floor, 845 Cambie Street, Vancouver British Columbia, V6B 5T3

tel: 604.687.3404 | toll free: 1.888.687.3404 | fax: 604.669.9601 | toll free fax: 1.877.669.9601 | cba@cbabc.org | cbabc.org

We recognize that addressing the legal aid tariff has political challenges. That is presumably why it has increased only once since 1991. We look forward to your leadership as the situation is now at a point where urgent action is needed in order to allow the system to remain viable.

As we have discussed with you, we need reinvestment in our justice system. We understand that there are many asks of government but all British Columbians should have the right to access justice.

We look forward to working with you on these issues of vital importance to ensure we have a just, democratic and fair society.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a long, sweeping horizontal line that curves slightly upwards at the end.

Bill Veenstra
President
Canadian Bar Association, BC Branch