

# THE HAMILTON LAW ASSOCIATION

*The Hamilton Law Association exists to enable its members to become successful, respected and fulfilled in their profession.*

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November 4, 2009

The Honourable Chris Bentley, Attorney General  
Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto, ON  
M5G 2K1

Dear Mr. Bentley,

The Hamilton Law Association was founded in 1879 and represents over 900 lawyers practicing in the greater Hamilton area. The Trustees of the Hamilton Law Association have voted unanimously to express our Association's support for the ongoing Legal Aid boycott of cases involving homicides and "guns and gangs" by members of the Hamilton Criminal Lawyers Association and its affiliated association's province wide.

Despite repeated warnings by the legal profession for the past two decades, Legal Aid has been neglected. Successive governments have failed to meaningfully address the problem of the proper funding of the defence of those who are criminally accused and unable to pay for their own defence. These two decades of neglect however, have not extended to any other participants in the criminal justice system. Crown Attorneys and Judges have seen their salaries increase over the same period by amounts far in excess of the minimal increases to the legal aid tariff. Crown experts are paid significantly more than Legal Aid defence experts. New police officers have been hired in record numbers. This neglect has left Ontario with a two-tiered justice system.

Canada prides itself on being a compassionate and humane country that treats all its citizens equally. However, the chronic under-funding of Legal Aid has had a disproportionately negative effect on our most disadvantaged and vulnerable citizens. Two levels of justice, where the poor and vulnerable are provided inadequate and minimal levels of service in the face of a well-funded Crown, inevitably leads to miscarriages of justice.

The Hamilton Law Association recognizes and congratulates the Attorney-General for his recent funding announcement that will increase the Legal Aid budget by \$60 million in

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**President** *David Elliot* • **Vice-President** *Michael Winward*  
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four years' time. It is a good first step, but only a first step, as it does not adequately address two decades of neglect. Significant additional increases to the Legal Aid budget are required. As well, a regular and on-going tariff review mechanism, that will allow decisions about the Legal Aid tariff to be made outside the political sphere, is essential and needed now.

The Hamilton Law Association urges the Attorney-General to sit down with representatives of the Criminal Lawyers' Association and the other Legal Aid participants, to discuss and negotiate with them in order to address their legitimate concerns and bring about a resolution to the current boycott.

Yours truly,



David A. Elliot  
President  
2009-2010  
Hamilton Law Association

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cc Mr. Andrew Confente, President, Hamilton Criminal Lawyers Association