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# Low-income accused too often the focus of budget cuts

By Jennifer Pritchett, Associate Editor



A third-party review of Legal Aid Ontario finances that found LAO “will require significant support to enable it to meet its targets” isn’t surprising, but fails to address the bigger issue of how the judicial system can be streamlined to ensure fair access to justice for all,

says Toronto criminal lawyer [Jordana Goldlist](#).

“Why are the most vulnerable participants in this system — low-income accused — the targets of the financial restraints?” she asks.

Goldlist, principal of [JHG Criminal Law](#), points to how LAO announced in December 2016 it was cutting back on services to deal with a \$26-million deficit, and this review, prepared by Deloitte and obtained by the [Toronto Star](#), hints at more to come.

She says LAO — which provides support to the most economically disadvantaged in society — seems to be constantly under pressure to find ways to be cost efficient. But she would like to see more attention paid to other areas of the court system, including in the Crown’s offices and at the administrative level.

“No one in this review seems to want to assess the resources wasted on, for example, prosecutions with no reasonable prospect of conviction that collapse on the day of trial,” she says. “Such matters are a regular occurrence in every Ontario Court of Justice.”

Goldlist describes the language in the report as “interesting” as it describes who would most be impacted by cuts to LAO.

“Difficult choices may need to be made with due regard to the fact that it operates in a complex stakeholder system and is delivering an important service to support the lowest-income Ontarians,” it says.

The *Star* notes that LAO announced in December it would no longer issue certificates for criminal lawyers in cases where there is not a “substantial likelihood of incarceration.”

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Goldlist says it would be “absurd” to have lawyers or other LAO staff who don’t run trials assess the “substantial likelihood of incarceration.

“It ignores the impact of a criminal record in general, probation orders, and the immigration- and family law-related consequences of criminal proceedings,” she says.

To deny a person the right to an experienced trial lawyer in these circumstances flies in the face of justice, she says.

“Instead, it advances the idea of a social system designed to keep people stuck,” she says. “If someone is denied a lawyer at first instance and ends up with a criminal record, it increases the risk of recidivism due to difficulties in finding employment.

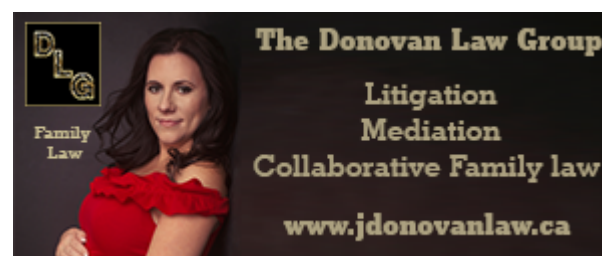
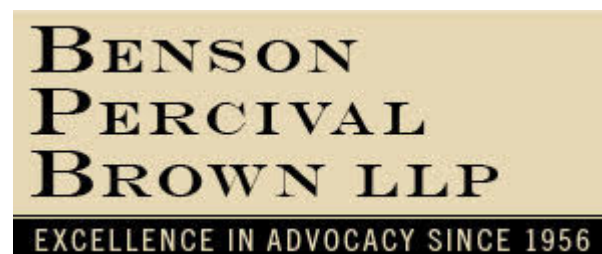
"The end result is a criminal record that eventually will allow for that person to secure legal aid because they have either increased the severity of their crimes or they have racked up sufficient entries on their record that they are now looking at incarceration.”

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