

Lake 88.1 “In Focus” interview with LAO’s Andreas Von Cramon and Nathalie Champagne

Description: Transcript of April 8th, 2014 “In Focus” interview by Bob Perreault from Lake 88.1 FM in Perth and Andreas Von Cramon, Supervisory Duty Counsel Criminal/Family Law and Nathalie Champagne, District Area Director, Ottawa Region

Date: April 8, 2014

Start of recorded material

Angie:

Coming up 9 minutes after 12, and with another edition of In Focus. Here, once again, is Bob Perreault.

Bob:

Thank you very much Angie. We are very lucky, very fortunate, to have two people with us on this edition of In Focus. Andreas Von Cramon is here. Hello.

Andreas:

Hi, Bob. Thanks for having me.

Bob:

No problem at all. You are a lawyer. And we’re going to be talking about legal aid and expansion of services in Perth and surrounding areas today. And we are also joined by Nathalie Champagne, who is the District Area Director for Legal Aid. Welcome Nathalie.

Nathalie:

Hi, there.

Bob:

Hi, thank you so...

Nathalie:

Thank you for having us.

Bob:

Thanks for joining us. You're calling from Ottawa correct?

Nathalie:

I am.

Bob:

Okay, excellent. Now Andreas we'll start with you. First off your title is Supervisory Duty Counsel Family, Criminal Law in Brockville. But you have duties that surround that area as well.

Andreas:

Actually it's Brockville, Lanark, Leeds and Grenville. So I'm Supervisory Duty Counsel in both court jurisdictions.

Bob:

Okay.

Andreas:

And, yes, we do both criminal and family law duty counsel work. So we represent people in court in both criminal and family who don't have a lawyer. And we also operate a family law clinic out of the court to provide advice to people and to help them to prepare for family law cases, or to try to resolve their family cases outside the court.

Bob:

Now the criminal law part of it you don't need to make an appointment or anything like that. They can just go in and see you. Is that correct? Is that how it works?

Andreas:

Yeah, basically when a person's arrested with a charge they will be given a court date. And in both Perth and in Brockville there's a day of the week, in Perth it's Mondays where they have first appearance in court. So people generally will be scheduled for that day. And we make sure that we have duty counsel available that people can talk to.

Bob:

Okay.

Andreas:

And we can talk to the Crown attorney and find out information about the case and give clients advice at court on their court dates. So that's basically how we work.

Bob:

How in demand is legal aid around here?

Andreas:

Oh, the demand, I think, across the province is great.

Bob:

It is.

Andreas:

Duty counsel are kept very, very busy. And there's always a lot to do.

Bob:

There is. And specifically here in Perth you're expanding some of the services that are going to be offered here?

Andreas:

That's right. What we're doing is in family law we already have a clinic that runs at the Court House on Thursday afternoons from 1.30 to 4.30. And that's a first come, first served type of service. So people come in and they can meet with a lawyer and get some advice. And they may be able to get some basic help drafting documents and so forth. What we found though is that there are clients that need more service, more attention than the FLIC sometimes allows. And so we're expanding to provide some clinic hours every second week, on Tuesday mornings from 9 till 11, at the Lanark, Leeds and Grenville Legal Clinic at 10 Sunset Boulevard in Perth.

Bob:

Okay.

Andreas:

And those will be scheduled appointments. That's going to be a little bit different. So we're going to be taking referrals, both from the Family Law Information Service Centre that we offer at the Court House, and we're also taking referrals from the Lanark

Interval House. Because one of the identified needs is to provide a service for victims of domestic violence, so we're going to be helping those folks as well.

Bob:

Okay. You and I talked briefly beforehand, and Nathalie we will get to you I promise. Thank you for waiting patiently. But Andreas you and I were talking, one of the biggest problems is sort of getting people through the door. It's getting people to realize not only that this help is available, but what kind of help they can get. What are some of the typical things that you do, that people may not realize that you do. Like if someone's facing a certain situation?

Andreas:

Well that's a really good point. Is that very often people, you know, there's so much going on in people's lives when they're separating. It's such a difficult time. And the idea of going out and getting legal advice can seem very intimidating. So legal aid across the provinces has tried to develop a whole bunch of strategies to help people get access. We have telephone legal advice, we have clinics like the one we offer at the court where people can come in and meet with a lawyer and speak to a lawyer about the issues. And often I can't recommend strongly enough to people to make use of these services and to feel free to do that, to come in. Our focus is low-income Ontarians. So we do have financial qualifications for some of the work we do. But we do provide general advice to pretty much anyone who comes in.

Bob:

Really?

Andreas:

And at least that can help people understand what the court process is and to help make some decisions about what they can do and how they can resolve their legal issues. We also know about other services like mediation services that are offered at the court. And in many cases people can get the answers they need by getting advice from us and then being referred onto these other services.

Bob:

Okay. Nathalie?

Nathalie:

Yes.

Bob:

What are some of the biggest issues that are facing legal aid in Ontario today? Talk to me a little bit about access to justice.

Nathalie:

I guess the biggest issue facing low-income Ontarians today would be the qualification requirements for Legal Aid. So in order to qualify for legal aid a single person would have to make less than \$10,800 a year.

Bob:

That's to qualify?

Nathalie:

A maximum of 12,500. At 12,500 we would put the client on a repayment agreement where they would repay their legal fees at an amount of \$50 per month. So that would be for a single person. A single parent with one child the maximum is about \$18,000 a year. So those thresholds actually have not changed since 1996. And in 1996 I'd say the majority of folks that were earning that amount of money came under the national poverty line. And at this point in time, about half of those under the poverty line qualify for legal aid 18 years later.

Bob:

That's really astounding that the numbers haven't changed.

Nathalie:

No, they haven't changed. And what you need to also understand is that Legal Aid can't change the eligibility criteria. That really is up to the Ontario legislature.

Bob:

Really. And has it been brought up?

Nathalie:

Oh, yes. There's no question that it's been brought up time and again by not only legal aid, but by other folks and other stakeholders in the legal system.

Bob:

Do you have any MPPs who are sort of advocates for this? Because it would certainly seem like... especially MPPs who represent areas that are known to have low income earners and people who live below the poverty line, it would certainly seem like those numbers they're just shocking to me really. And I think those numbers would certainly turn people away and they would then not get the legal aid that they could possibly need in order to do things properly.

Nathalie:

I don't think that at this point in time we figure prominently in the legislature. I don't know that there's any particular MPP who's taken this on. But certainly I know that it is something that is being reported to constituency offices because we hear from them on a fairly regular basis about folks that don't qualify for legal aid. And I think that there's also some education to be done. I don't know that folks are necessarily aware of the criteria and how low it actually is.

Bob:

Mm, that's very interesting. Do you have any comment on that Andreas?

Andreas:

Well Nathalie's been talking primarily about the certificate service. So a legal aid certificate entitles a person to hire a lawyer to assist with their work. Duty counsel also financial eligibility criteria and they're a little bit higher than the cutoffs that you've heard about. We recommend to clients that they may want to access our legal aid website, legalaid.on.ca.

And there's information there about the financial eligibility criteria as well as a range of information and advice and links to other services that may be of assistance to them. So some people who don't get a certificate, they should know that they can still come into court and talk to duty counsel. And if we're not able to serve them at least we may be able to provide them with a referral to other services that might be able to help them out.

Bob:

Okay, that's very interesting the whole thing. Even then, the website sounds like it's a really good starting point for this.

Andreas:

Mm-hm, that's right.

Bob:

Nathalie, is that what you would suggest to people who are seeking legal aid? Like the first step may be the hardest for them but they have to take it. So where would you suggest they do that?

Nathalie:

I think that our website is a public website. And it's not only for folks that would be seeking legal aid. There is, for instance, a family law information program on our website which can be accessed by anyone which will give folks a roadmap, I think, in terms of dealing with their separation and all of the issues that can arise. An excellent

program. In fact legal aid is going to be translating it into a number of different languages in the next little while.

In addition to that there's also information, and it's public information, for anyone who has found themselves facing a criminal charge. It gives them some basic information about what their rights are, what the process will be and what to expect when they go into criminal court. So it gives information about what a bail hearing is and what's going to be required at a bail hearing. For folks that have immigration issues or who are wanting to make a refugee claim there's some information on the website about that too.

So definitely our website is a place that people can start looking at when they're facing a particular legal issue. And then if they require legal aid they should probably call our 1800 number or go to a duty counsel office to see what service they might require the most or what might be best suited for them.

Bob:

Okay. Nathalie, at a provincial level what is the most common thing that legal aid representation is being sought for? I ask this question on behalf of the people who are listening right now who may be in a situation and they're not sure if it's something that they can get help with. So what would you say is the most common, I guess, case that legal aid would be handling on a provincial level?

Nathalie:

Well Legal Aid has a number of different programs as Andreas was saying. So Duty Counsel, for instance, is one program that would be available to clients who are facing a criminal charge or who are starting a family law proceeding. And duty counsel is in a position to assist them to a certain point. So duty counsel would not normally ever do a trial but they can certainly help them negotiate resolutions.

And it all depends too on the seriousness of the charge. If a client is facing a criminal charge, for instance, where jail is probably if they're convicted, then that client may well be entitled to a legal aid certificate which would allow them to be represented by a private lawyer who accepted the certificate. So it really depends. There are some eligibility criteria I guess that would have to be considered.

In family law if people are separating but it's fairly amicable they may well be able to do it with the assistance of duty counsel. They could go to mediation and get some independent legal advice from duty counsel. In Ottawa we actually have a legal aid run mediation program as well. And on occasion we have taken it on the road to places like Perth and Brockville and Cornwall. So really we have a wider array of different programs that could be accessed.

Bob:

Well it certainly sounds like it's okay. So Andreas, locally here just because we're running short on time here, tell us when people can come and see you? I know it's not

any time, but give us the specifics of when they can come and see a counselor or something like that?

Andreas:

Right. For family law just to focus on that again...with criminal law they should come to court on the day that they're scheduled in court and there should be a duty counsellor there.

Bob:

Someone will be there to help them?

Andreas:

That's right.

Bob:

Okay, that's actually pretty important, because especially for a lot of the younger people who have never been through this and so on. They may not know what's going on and it may be a comfort to know that there is going to be someone there to help them once they do get there.

Andreas:

That's right. And in family law it's a little different. And there the person may have to take some initiative themselves. But a good place to start is the Family Law Information Centre at the Court House in Perth. And that's from 1.30 to 4.30. And there we'll meet with clients and again we're going to have these expanded hours offered at the legal clinic on Tuesday mornings, every second Tuesday morning where for clients that have higher needs who need help drafting documents, victims of domestic violence and some other clients we're going to have the opportunity to spend more time with them. So for general advice and as a starting point I would recommend the Family Law Information Centre at the Court House on Thursday afternoons.

Bob:

Okay, and any particular time or just...?

Andreas:

Yeah, 1.30 to 4.30.

Bob:

You just mentioned that, I apologize. Okay thank you so much for being here both of you today. Nathalie, you couldn't see me but I was nodding my head a lot. Very

interesting stuff, very interesting stuff. I don't know very much about the legal side of things and so on, that's why I just find it so fascinating. Nathalie, thank you so much for being here.

Nathalie:

Well thank you so much for your interest.

Bob:

No problem at all. And did we miss anything that you wanted to mention Nathalie before we go; I'll just give you a chance?

Nathalie:

Not anything in particular. There's lots to talk about but it's difficult to do in a short segment.

Bob:

Yeah, I would imagine. It sounds like the legal aid system in general certainly has its hands filled so to speak. And I really hope that things do improve as far those numbers go and things in general.

Nathalie:

Well thank you so much.

Bob:

You're very welcome. We appreciate you being here Nathalie. And also Andreas Von Cramon, thank you so much for being here today sir, really interesting stuff. And I really hope that we got some information out there to some people who may not have known that it was available for them, this service, and they can come and see you and get the help that they need legally.

Andreas:

Thank you very much for having me. It's a pleasure.

End of recorded material