Roadblocks to legal aid threaten justice

Justice depends on navigating a complex system with help of lawyers, and that requires legal aid funding

The Government of Alberta’s under-funded legal aid program is putting a strain on Canada’s picturesque image of upholding fundamental rights. Alberta courts rely heavily upon the advocates to defend themselves, something most people have the slightest idea of how to do. Most people would hire a defense lawyer and hope for the best. On the other hand, if you only make minimum wage, or are severely handicapped and receive assistance because of $28 a month, you are deemed too wealthy to qualify for legal aid — or a government-funded lawyer to defend you. Filer pick up your bags and head for the street, because the only way you’ll qualify is in the prosperous province of Alberta.

For the last few months, an impending budget shortfall has cut off many of those who need legal aid the most. The Government of Alberta has tried to wash their hands of the issue, referring to it as the federal government’s problem, yet the feds haven’t allowed them to, and funding for public legal aid institution across Canada in 10 years. While the Progressive Conservatives like this bill but over, they certainly don’t have a problem with increasing the portion of their budget by 25 per cent since last year, with another $15 million promised for the next. Criminal Services in Alberta will also see an increase of $3 million. These two millions could cover all of the toddler dollars in government spending to fill prisons and pardon the arrests which happen when times of giving impoverished citizens their day in court, there isn’t enough money to fix all the laws.

As more and more people are turned away from state-funded counsel, it will fall on the charity and goodwill of others. Student Legal Services (SLS) is a non-profit organization run by U of A law students, is one of a few struggling establishments around the country, those less fortunate who find themselves in trouble with the law. "We operate for those who aren’t able to afford a lawyer, or can’t get legal aid through the government," says van Engen, coordinator of the SLS.

As if in the pages of a Kafka novel, many of those accused stand in limbo between having to defend themselves and relying on lawyers who may be willing to work pro bono. Those who cannot qualify even for SLS representation, based on the severity of their charges, may have to hit up the local library and break up on their legal jargon. "This isn’t the time and last based on preparation, and if you’re a self-represented litigant, you wouldn’t even know where to start," van Engen said. "There’s really no replacement for defence counsel.

However, there’s apparently no problem in the eyes of the government in putting the sheep against the wolves, where anyone, including those who have just graduated from high school, are expected to defend themselves in court against qualified prosecutors, and the results may be dire for some.

"The consequences of not having a lawyer for a legal issue, in criminal justice especially, can be years of your life, your freedom, your liberty, your future," van Engen said.

Arguably the wealthiest province in Canada, Alberta lags dismal behind the other provinces in legal aid funding, where New Brunswick and P.E.I. are the only ones that spend less per capita. This sends a pretty clear message that the rights and liberties of the poor are of little concern to the government, and that they would rather see them thrown in prison than actually assisted. It should also be noted that there have been attempts to unwinding the long-held tradition of the Conservative’s to marginalise anyway, this breaks the law, but that’s because they simply haven’t changed. Rights apparently no longer have any meaning, and to make matters worse, few of us really care.

Michael Brown’s death and the war on drugs is further than Ferguson, further than the death of Trayvon Martin, past the LA riots of the ’90s and even beyond the assassina- tion of Martin Luther King Jr. This is a true issue dates back to the core of American history, and the per- petual stigmatizations of various groups within society.

This stigmatization does not only exist in a racial or cultural format. It also applies to the way authority figures are viewed. The underlying tensions that exist for centuries in North Amer- ica, especially in the United States, have only served to strengthen and further solidify a cycle of dis- trust that has been going on for generations. Children have grown up with parents who clearly re- semble people like James Brown’s parents who witnessed the death of Martin Luther King Jr. Those same grand parents were born into families with parents who drank from segregated water fountains and dined in separate restaurants. Each generation inherits the sense of disappointment found by those from the past, and passes on how they’ve been failed by soci- ety. The Korean war, the shooting of the black teen has re-opened lines of debate around the continent for issues. The moral and economic implications of officers in the Ferguson County Police Department, bringing us to question whether racial tensions will ever subside. His death must remind people the unfortunate truth that this is an issue firmly interwoven in American history.

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