



TRIAL LAWYERS ASSOCIATION OF BRITISH COLUMBIA

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MISSION

To support and promote diligence and excellence in advocacy and jurisprudence on behalf of consumers in British Columbia. Together, we strive to: protect the rights of individuals, preserve the jury system, enhance trial practice, ensure access to the courts, advance the interests of innocent parties, and maintain judicial integrity and independence.

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17 October 2011

Re: The Battle for Legal Aid and Duty Counsel Withdrawal

On behalf of the Trial Lawyers Association of British Columbia (TLABC), I am writing to ask that you respect and support the co-ordinated, province-wide withdrawal of legal aid duty counsel services (criminal). TLABC, through its Legal Aid Action Committee, is seeking to restore funding due to the major cutbacks and decreases our profession, and the citizens of the province, have been subjected to for the last 20 years.

In case you are not aware, lawyers in Penticton have refused to take duty counsel work for portions of the upcoming months (i.e. October - December), due to their concerns over the dire and still deteriorating situation of legal aid. TLABC is urging members of the Bar to honour the withdrawal, and to agree not to replace any "withdrawing" member.

More than 80 lawyers attended a Legal Aid Action Strategy Workshop on September 24. They decided that all lawyers doing legal aid work in the province should take part in a scheduled withdrawal of services, and thereby refuse to accept adult criminal duty counsel (in-custody and out-of-custody), including weekends and evenings.

The withdrawal schedule was established on an escalated basis, as follows:

- No one will accept a duty counsel referral for **January 1 - 7, 2012**
- No one will accept a duty counsel referral for **February 1 - 14, 2012**
- No one will accept a duty counsel referral for **March 1 - 21, 2012**
- No one will accept a duty counsel referral for **April 1 - 30, 2012**

Those who have already accepted referrals during these periods are asked to strongly consider withdrawing from the referral. TLABC can provide information and assistance on how to do that. Those who cannot withdraw due to court refusal or special circumstances are asked to consider an appropriate donation of their earnings to this campaign, the Battle for Legal Aid.

Additionally, TLABC will be asking all lawyers to participate in a walkout on Wednesday, November 30, 2011 during the lunch-time court recess. Lawyers who support the aim of restoring legal aid funding will also be asked to wear a ribbon demonstrating their support for this cause. Details of these specific efforts will be confirmed shortly.

While we hope this limited job action will be sufficient to convince our government to restore legal aid funding, it is anticipated that our efforts will have to be intensified and our tactics may need to go from subtle to severe.

Yours very truly,

Azool Jaffer-Jeraj
President