



August 14, 2019

via email

The following letter was sent to The Honourable Brian Pallister, Premier of Manitoba and Leader of the Progressive Conservative Party of Manitoba, Wab Kinew, Leader of the New Democratic Party, Dougald Lamont, Leader of the Liberal Party of Manitoba and James Beddome, Leader of the Green Party of Manitoba.

Subject: Provincial Election 2019 – A Platform for Justice

The Manitoba Bar Association (MBA), a branch of the Canadian Bar Association (CBA), is interested in hearing your party's thoughts on justice issues in advance of the provincial election on September 10, 2019. We are canvassing all provincial parties and will share the responses with our membership via our website, www.cba-mb.ca.

Formed in 1896, the CBA is a national association representing over 34,000 lawyers, judges, notaries, legal academics and law students from across Canada, including approximately 1,500 members in Manitoba. Our mandate includes seeking improvements in the law and administration of justice and access to justice.

Justice issues have long been at the forefront of the CBA's mandate. In 2013, the CBA's Access to Justice Committee prepared a report on these issues titled *Reaching Equal Justice: An Invitation to Envision and Act* ("**Reaching Equal Justice**"), available online at:

http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf

As lawyers in Manitoba, we have an interest in ensuring that our justice system is as effective as it can be and that our province has an adequately funded and appropriately functioning justice system. With that objective in mind, we invite you to answer the following questions as they relate to your party's plans for the justice system in Manitoba.

1. What steps will your government take to ensure and sustain access to justice in our province?

Many people believe legal problems only happen to others. But, over three years, forty-five percent (45%) of Canadians will encounter a problem requiring a legal solution, suggesting that over the course of their life, almost everyone will encounter such a problem. Many will not get the help they need because of perceived or actual barriers. Unresolved legal problems tend to escalate, and to exacerbate problems in other areas – health, social welfare and economic well-being, social exclusion and poverty.

2. What will your government do to ensure legal aid is adequately funded in our province?

The MBA had been a strong advocate for legal aid. Providing legal aid may be considered expensive, but not providing legal aid costs everyone more:

- Unrepresented people, without access to lawyers to represent them in court or alternative dispute resolution processes like mediation, parenting coaching, parenting co-ordination, etc. slow the resolution process down, costing taxpayers more money.

- Unrepresented people get worse results, and lose rights they should have, like support for themselves and their children (which may result in greater reliance on publicly funded programs).
- Ignored legal problems grow and spread – an unfairly evicted tenant may become homeless.
- Vulnerable groups of people who are discriminated against would not receive the advocacy they deserve – increasing social, legal and medical service costs while creating dislocation within the provincial community.
- According to the *Reaching Equal Justice: An Invitation to Envision and Act* report, cost benefit research shows that \$1.00 spent on legal aid saves about \$6.00 on other government services.

3. What will your government do to ensure that our justice system is appropriately resourced, especially in the North, to meet in a timely way, the legal needs for Manitobans? And what is your government's plan to modernize the justice system in Manitoba, through investments in technology?

An inadequately resourced justice system results in delays that lead to unmet legal needs. It is important that all residents of the province can access the justice system to resolve issues in a timely and effective way so that matters can be dealt with impartially, swiftly and before they become even more serious. Appropriate levels of staffing are required to ensure legal needs are met in a timely manner. In addition, investments in technology are required to streamline the court system to reduce inefficiencies and delays.

4. What steps will your government take to implement the Calls to Action set out in the Truth & Reconciliation Commission Final Report?

In its Final Report, the TRC made 94 Calls to Action, many of which were specifically directed at provincial governments. The CBA has long been a strong advocate for many of the subject matters contained within the Calls to Action and the MBA has signed on to the Winnipeg Indigenous Accord and has committed to offer education sessions for lawyers on appropriate cultural competency, conflict resolution, human rights and anti-racism based on the Call to Action #27 recommended by the Truth and Reconciliation Commission.

We look forward to receiving your reply to these questions, and any additional information regarding your party's justice platform that you may wish to share with our members.

Yours truly,



Mark Toews
President
Manitoba Bar Association