



ending violence against women

Access to Legal Representation

by Pam Cross, LLB

Lack of access to legal representation is one of the biggest barriers for many women with family law issues. Most women do not have enough money in the bank to pay for a lawyer. Even those who can start out paying for their lawyer may run out of money before their case is finished.

There is some assistance provided by the government for those who cannot afford their own lawyer.

What is LAO?

LAO -- *Legal Aid Ontario* -- is a system that can pay for legal representation for those who cannot afford to pay for it themselves, in some situations. It operates using a "certificate" system, which allows people who are approved to hire any lawyer who accepts legal aid.

LAO determines which issues it will pay for a lawyer to handle and how many hours it will pay the lawyer to work on those issues. The lawyer can apply for additional hours if needed, but will not necessarily receive them.

Are there any limitations?

There are a number of limitations:

- people must meet the financial eligibility requirements
- not all family law issues are covered by legal aid
- not all lawyers accept legal aid, because the hourly rate they are paid is so low

Can the abused women's shelter help me?

Legal Aid Ontario provides violence against women agencies with *Family Violence Authorization Forms*. These can be given to women who need legal advice or information. Each form allows the woman to have up to 2 hours of advice at no cost. She can take this form to any lawyer who accepts legal aid.

How else can I pay?

If a woman is not eligible for legal aid, she will have to find her own resources to pay for a lawyer. This may mean borrowing money, cashing in savings or RRSPs, placing a mortgage (or an additional mortgage) on her home, asking her family to assist her or taking on a second (or third) job.

What is Duty Counsel?

Her only other choice is to represent herself. If she does this, she can seek the assistance of the Duty Counsel lawyer at the family court, but this lawyer can provide only limited assistance. The duty counsel lawyer can:

- provide legal information and advice
- prepare and review documents
- represent people in some motions
- assist with settlement negotiations

However, the duty counsel lawyer is there to assist everyone who needs help, and cannot provide the kind of in-depth assistance that women require when they are going to family court.

This resource contains general legal information only. It is not a legal document, nor is it a replacement for legal advice. Anyone in a situation involving family, immigration or refugee law is strongly urged to meet with a lawyer to understand fully their rights and responsibilities, the legal options available to them and appropriate legal processes. A lawyer can interpret the law and provide advice based on the personal facts and information in the specific case.

*For information about finding a lawyer in your community, contact Legal Aid Ontario at **1-800-668-8258** or **416-979-1446**.*

You can also visit Legal Aid Ontario online at www.legalaid.on.ca

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