

TICKET DEFENCE PROGRAM

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For immediate release

LAW SOCIETY DENIES ACCESS TO JUSTICE FOR OTTAWA'S HOMELESS

OTTAWA, November 17th – On the eve of National Housing Day, an Ottawa community organization is decrying the Law Society of Upper Canada's violation of homeless people's rights as guaranteed by the *Canadian Charter of Rights and Freedoms*.

The Law Society of Upper Canada (LSUC), which was granted in 2007 the power to regulate paralegals in Ontario, has recently denied the Ticket Defense Program (TDP) the ability to represent street-related charges in court. TDP, an unfunded group of volunteers, has provided free representation for tickets related to panhandling, sleeping outside, and other non-criminal charges since 2003. Despite TDP's repeated attempts to meet the LSUC's requirements for a non-profit exemption to its new paralegal regulations, designed for a for-profit sector, the LSUC has ruled that TDP will not be exempted. As a result, hundreds of Ottawa's homeless have been deprived of legal representation on street-related charges – charges which can and have led unrepresented people to eventually be incarcerated.

Martha Jackman, a University of Ottawa constitutional law professor and Law Society Medallist, is appealing to Ontario's Attorney General to intervene. "The LSUC's decision to deny TDP the ability to represent persons who are charged under *Safe Streets Act* and related legislation violates fundamental *Charter* guarantees of life, liberty and security of the person and of substantive equality," Jackman states. "The denial of the basic right to legal representation for members of such a marginalized and vulnerable group cannot be justified in a free and democratic society."

Mark Ertel, President of the Defence Counsel Association of Ottawa and a member of TDP's legal advisory committee, is equally concerned. "Ticket Defence Program provides a high-quality legal service," he says, "one which lawyers cannot afford to provide *pro bono* and which community legal clinics are not set up to offer. They offer Ottawa's homeless people their only functional access to the justice system for these charges."

Sean McKenny, former Chair of the City of Ottawa's Task Force on Homelessness and the Safe Streets Act, criticizes the LSUC's refusal to allow TDP to continue its work. "As an unfunded, volunteer-run organization, TDP has made a real difference in the lives of poor people, who deserve the same access to the legal system as everyone else. The local community recognized this in 2006 by awarding them the Dorothy O'Connell Award for Anti-Poverty Activism."

The group is calling all concerned individuals to ask their local Member of Provincial Parliament to convey these concerns to Ontario's Attorney General. They are also encouraging people to contact the Attorney General and the Law Society of Upper Canada directly. TDP member Samantha McGavin will also be drawing attention to the group's situation tomorrow at the Community Forum on Homelessness at the University of Ottawa, where she will be sharing a panel with homelessness researchers and Ottawa Chief of Police Vern White.

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Ticket Defence Program website: <http://www.flora.org/legal/tickets>