



A Test of Wills – Legal Aid Ontario

The Ombudsman continues to monitor complaints about Legal Aid Ontario (LAO) to ensure its practices reflect the new policies and procedures for court-ordered publicly funded counsel that were implemented in response to his 2008 report, *A Test of Wills*.

That report set out the results of the Ombudsman's investigation into how Richard Wills, a self-described millionaire who murdered his longtime lover, got the province to pay his defence bills of **\$1.1 million**, even though he deliberately impoverished himself by divesting his assets to family members. Two special court orders required the Ministry of the Attorney General to pay Mr. Wills' costs, and it in turn relied on LAO to vet the defence lawyers' bills.

The Ombudsman found that although LAO assured the Ministry it was doing so, it approved nearly **\$609,000** worth of bills from one lawyer before Mr. Wills fired him. In all, Mr. Wills had 11 different lawyers, seven of them paid for by Ontario taxpayers.

The Ombudsman concluded that LAO's failure to adequately administer the funding arrangement in the Wills case was unreasonable and wrong. Since then, in response to the Ombudsman's recommendations, LAO has taken several steps to prevent this from recurring, including increasing senior management oversight of all cases costing more than \$75,000, reviewing its handling of "big cases" and establishing a protocol and process for the management of court-ordered publicly funded counsel. LAO also implemented a corporate-wide program that outlines its expectations of behaviours that conform to the values and ethics of a public-sector organization.

The Ministry initiated legal action to have Mr. Wills' legal bills assessed and to recover his assets. With LAO, it continues to actively evaluate the effectiveness of the new protocol to ensure the careful and effective expenditure of public funds whenever a court orders publicly funded counsel. In response to the Ombudsman's recommendation for legislation regarding transferring assets in order to qualify for legal aid, the Ministry advised that it would evaluate the need for this based on the progress of the LAO protocol and its ongoing litigation with Mr. Wills.

In February 2010, the Ontario Court of Appeal dismissed Mr. Wills' application for legal aid to allow him to appeal his murder conviction.

Collateral Damage – Mental health services for soldiers' children

Since the Ombudsman's March 2007 investigation into the provision of mental health services for children of military members based at Canadian Forces Base Petawawa, SORT investigators have continued to monitor the situation. In 2007, the Ombudsman found that the number of soldiers' children in need of counselling services had grown tenfold as a result of the ongoing military mission in Afghanistan. Due to a lack of resources, these children were waiting up to six months for treatment at the local children's mental health provider, the Phoenix Centre for Children and Families.

In response to the Ombudsman's recommendations, the provincial government provided the Phoenix Centre with immediate funding and created a \$2-million contingency fund to provide children's mental health support to communities facing crisis or extraordinary circumstances. The Minister of National Defence also confirmed the federal government was open to further discussions with the province to ensure that the mental health needs of CFB Petawawa's