



Harper Government Under Fire Over \$482 Million In Outside Legal Fees

Althia Raj, Huffington Post Canada, March 27, 2014

OTTAWA – The Conservative government has spent \$482 million on outside legal fees since it came to power in 2006. And more than \$447,045 to defend the Prime Minister, his staff and ministers, according to documents tabled in the House of Commons.

“It’s just a shocking number,” Liberal MP Sean Casey told The Huffington Post Canada Wednesday.

“They closed Veterans [Affairs]’ district offices and saved \$5 million bucks, [but] over the past eight years, they’ve spent half a billion on outside lawyers. It’s pretty stark.”

Casey, the Grits’ justice critic who requested the departmental costs, said the \$481,927,263 spent since April 2006, and shared between 27 departments and their agencies, is proof of how many lawsuits and appeals the Conservative government has initiated while in power.

The top spender was the Office of the Director of Public Prosecution, which spent roughly \$30 million a year on non-government lawyers to conduct federal prosecutions for a total of \$245 million. Other departments that relied heavily on outside legal services include: Foreign Affairs (\$80 million), Canada Revenue Agency (\$40.6 million), Aboriginal Affairs and Northern Development (\$25 million), Correctional Service Canada (\$17.4 million), Fisheries and Oceans (\$12.2 million) and Natural Resources (\$9.2 million).

Although the Department of Justice employs approximately 2,500 lawyers who defend the government on all types of matters, it also relies on private-sector law practitioners to carry out its mandate, spokeswoman Carole Saindon said Wednesday.

NDP ethics critic Charlie Angus said the government should use its very large in-house legal team rather spend half a billion dollars on outside law firms “while telling Canadians that the cupboard is bare.”

“It shows, I think, a disrespect for taxpayers and a disrespect for the legal expertise that we have in [the bureaucracy],” he said.

Angus requested the information about the use of private legal counsel by ministers and their staff.

He found that the vast majority of outside legal services used by Tory cabinet ministers and those under their employ were used to defend against probes by Commons' Ethics Commissioner Mary Dawson or investigations by Information Commissioner Suzanne Legault, who looks into abuses of the Access to Information regimen.

At Public Works and Government Services Canada, for example, \$194,988 was paid between 2011 and 2013 to Paul K. Lepsoe, the Conservative Party of Canada's former lawyer. Lepsoe's work was related to an ethics probe involving former minister Christian Paradis as well as an investigation into whether his political staff improperly interfered in the handling of Access to Information requests.

"A lot of the money is being spent on ethics problems and interfering on access to information," Angus said.

"When they are using outside law firms to deal with their ethical messes, I don't think the taxpayers should be paying the extra amount for it," he added.

Angus pointed to a \$10,500 fee paid to provide legal advice to David Van Hemmen, the executive assistant to Nigel Wright, Harper's former chief of staff who was implicated in the Senate scandal by the RCMP.

The Prime Minister's office, however, said it is common practice to seek outside legal advice when someone employed by Crown is being challenged by another part of the Crown.

"Under long-standing government policy, ministers of the Crown and their staff can receive legal assistance and/or indemnification for lawsuits against them within the scope of their official duties," Harper's director of media relations Stephen Lecce wrote in an email.

Documents suggest former Liberal prime minister Paul Martin used taxpayers' money to pay for outside legal help: \$20,461 for a assistance with an ethical investigation and \$16,214 to fight a civil action brought forward by Warren Kinsella.

Aboriginal Affairs, the only department that responded to queries about its outside legal fees, said it believes litigation should be a last resort and noted that the majority of its legal costs – two-thirds of its \$106 million bill in 2012-2013 – was incurred by hiring Department of Justice lawyers.

"Our government treats taxpayers' money with the utmost respect," said Erica Meekes, the press secretary for Aboriginal Affairs Minister Bernard Valcourt.

No government department conducted any studies to determine whether whether it would be cheaper to employ in-house lawyers rather than hire pricey outside firms, the documents show.

The Canadian Taxpayers Federation's Gregory Thomas said he finds \$482-million price tag surprising.

“When you are talking about half a billion dollars on something as intangible as legal fees, I think this is something that the government operations committee and the public accounts committee should be doing a special study of And they should be asking the government to justify these expenses,” he said.

Several departments, such as Foreign Affairs Minister John Baird's office, which spent \$14,787 in 2013 in outside legal fees, did not provide any details to justify the expense, other than to say it was for “Ministerial Legal Advice.”

“Because it's legal advice, there is a cloak of silence around it. What were the billing rates? How many hours were billed? How good was the advice? ... And what is the process for picking the law firms?” Thomas asked.

“Why doesn't the Auditor General do an examination of the value for money that taxpayers are getting for all this advice?”