



Posted on: April 7, 2008

## LAWYERS BIKE TO WORK FOR ACCESS JUSTICE

April 7, 2008

David Hay

*Originally published in Momentum Magazine, BC Edition*

If you've been injured in a bike accident involving a motor vehicle, your challenges can be significant. In serious cases, not only must you cope with acute trauma and associated disability, you must also face a prospect of doing battle with an insurance company whose bias, in my respectful view, is systemically stacked against the cyclist.

Fortunately, in these cases, which invariably require representation, most lawyers will act on a contingent fee basis. That is, the cyclist only pays a fee based on the recovery of compensation. In addition, lawyers like me will finance the expenses of the exercise (the bulk of which are medical/legal reports) until its conclusion.

However, there are many serious legal problems requiring counsel which do not lend themselves to a contingency fee arrangement. The increased complexity and ever quickening pace of change in the law means that the need for legal counsel has increased dramatically over the last 20 years. However, severe provincial government cutbacks to the Legal Services Society has dramatically decreased the ability of the vast majority of low-income British Columbians with legal problems to obtain help from Legal Aid. It is critical to our system of Justice, and the perception of Justice in society, that all citizens have effective access to Justice in the sense that they can be properly advised and have proper access to the courts. Even in cases involving relatively minor disputes, members of a civilized community must feel confident that these disputes can be resolved fairly and effectively.

Western Canada Society to Access Justice is a non-profit society who directors are volunteer lawyers dedicated to Justice for those who cannot afford it. Its stated mission is to "provide first-class free legal assistance to all persons who cannot obtain legal aid or afford a lawyer". To this end, the society has developed pro bono clinics across Western Canada and presently operates over 60 free clinics in British Columbia alone.

On July 31, 2007 Dugald Christie, a lawyer and political activist, and the progenitor of Access Justice, was



RICHARDS  
BUELL  
SUTTON

*Established in 1871*

killed by a van on his bicycle while riding across Canada in support of his cause. To remember Dugald, and to supplement my firm's sponsorship of Bike to Work Week this year, I and some of the directors of Access Justice are organizing a Lawyers Bike to Work Week Ride. The ride will take place at 9:00 a.m. on May 29, 2008. The route will begin at the north plaza of Library Square and end at the steps of the Court House on Nelson and Hornby Streets. The Law Society has given us permission to ride in our gowns.

The marriage of Access Justice and Bike to Work Week was to me a perfect union. I am happy to preside over the wedding. The pursuit of greater openness, transparency and accountability with a desire to boost public confidence in the Justice system is something all cyclists, committed to social and environmental change, can embrace.

Cyclists need the law, and the law needs cyclists. I hope all my readers will support the principles for which Access Justice stands. In terms of Bike to Work Week and Access Justice, I hope this is the beginning of a great friendship.

David Hay is a litigation lawyer and partner at Richards Buell Sutton, LLP. He has a special interest in bike injury and can be contacted directly at 604.661.9250 or by email.



700 - 401 W GEORGIA ST.  
VANCOUVER, BC V6B 5A1  
CANADA

TELEPHONE  
604 682 3664

FAX  
604 688 3830

[RBS.CA](http://RBS.CA)