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B.C.'s ticked-off prosecutors suing their masters

Statement of claim says Crown counsel 'wronged and betrayed'

BY SANDRA McCULLOCH
Times Colonist staff

The 400 lawyers who represent the provincial government in court launched a suit Friday in B.C. Supreme Court against their bosses.

Crown prosecutors are angry at the "callous" treatment they've received from

the province during a protracted contract dispute, said Joseph Arvay, a lawyer for the B.C. Crown Counsel Association.

At issue is \$30 million in wages and other benefits recommended by an arbitrator and quashed March 3 by the government's Bill 21, the Crown Counsel Agreement Continuation Act.

The lawsuit demonstrates the lawyers feel "extremely wronged and betrayed by the Crown they've served so loyally and dutifully," said Arvay on Friday.

"This is definitely a last resort."

Premier Gordon Campbell reacted to the suit Friday by saying the Crown

lawyers have a pay raise coming in 2006.

"They are being treated just like the rest of the public service," Campbell said on his campaign bus.

The lawyers want the courts to rule Bill 21 unconstitutional because it quashes two arbitration rulings in their favour. The legislation imposes a four-year contract that provides no increases for the first three years and a 13 per cent increase in April 2006, the fourth and final year.

B.C.'s Crown prosecutors currently earn less than half of what defence lawyers do and significantly less than prosecutors in other provinces, said

Michael Van Klaveren, president of the B.C. Crown Counsel Association.

In Ontario, Crown lawyers earn an average of \$155,000, while in B.C., the average is \$95,000.

"It's a simple question of economics — you have to compete in the marketplace," said Van Klaveren by telephone from his Vancouver office.

The lawsuit "is an exhaustion of all other avenues, basically," he said.

The contract between the government and prosecutors expired Apr. 1, 2003. A renewal of the agreement went to arbitration, which came down in favour of the

prosecutors. But the province brought in legislation that the prosecutors say violates their charter rights.

The statement of claim also says that Labour Minister Graham Bruce and Attorney-General Geoff Plant abused their office in dealings with the Crown counsel. "Our agreement has been gutted. Prosecutors must uphold the rule of law as must the government. If we see the rule of law is not being upheld, we must challenge that," said Van Klaveren.

The prosecutors hope to have a civil trial in the fall, Arvay said.

— *With a file from Les Leyne*