

Pro Bono NEWS



Pro bono rolls out provincially

For the past year PBLO has devoted its energies to devising creative solutions to poverty law issues across the province. Our Regional Access to Justice Project has relied on teams of judges, benchers, legal aid clinics, social service providers and leading lawyers in different cities to develop unique projects that will address the unmet legal needs in their communities. Thanks to a generous grant from the Ontario Trillium Foundation, PBLO will be able to provide each of the seven projects with \$25,000 seed money in addition to technical, communications and grant-writing support.

While each project is as unique as the community that implements it,

they all share an approach to poverty law that extends well beyond traditional income maintenance efforts. One project, being coordinated by Community Legal Clinic, Simcoe Haliburton, Kawartha Lakes (CLC), is



taking an aggressive two-pronged approach to address the root causes of poverty: one for barristers and the other for solicitors.

Knowing that an individual's earning power is related to their education, CLC is

designing a special education project for barristers. Like the Child Advocacy Project, barristers will be able to help children obtain the special education services guaranteed to them by law and make sure they are not being unfairly disciplined.

The solicitor's project will focus

on community economic development and will provide pro bono support to community organizations mandated to provide affordable

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Taking legal services to the people

CLC ISN'T THE ONLY GROUP

coming up with innovative solutions to access to justice issues. Pro Bono Committees have recognized that many people are not getting the help they need because they do not or cannot access traditional legal services. As a result, they are taking legal services to the people.

▶ Windsor and Ottawa are planning to bring summary advice clinics into community groups that focus on newcomer and settlement issues.

▶ Thunder Bay wants to develop an ask-a-lawyer radio show that can be broadcast across northwestern Ontario.

Do the public good.

Disability law for pro bono lawyers CLE

ARCH: A LEGAL RESOURCE FOR

Persons with Disabilities, Pro Bono Law Ontario and the Law Society of Upper Canada will be hosting CLEs for lawyers interested in providing legal services to persons with disabilities. *The CLE will cover the basics of disability law and will be free for lawyers who agree to take on one pro bono matter referred by ARCH in the next year.* The first CLE will be held in Toronto on Nov. 27, 2003. Please contact Theresa Sciberras at ARCH: 416-486-8255 x 229 or scibert@lao.on.ca.



PRO BONO LAW ONTARIO

Pro Bono NEWS

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Design WriteDesign

PBLO in the clinic context

Since opening in January 2002, PBLO has tried to facilitate a change in the way pro bono services are being organized and delivered in Ontario. In Toronto, seven leading firms are formalizing their pro bono policies and are preparing to embark on partnerships that will leverage their extensive resources to

assist community legal clinics, social service providers and community development groups.

These organizations have a long and proud history of commitment, hard work and achievement in protecting and promoting the rights of those who suffer from barriers to access to justice. Indeed, Legal Aid Ontario stands at the forefront of our society's efforts to break down these barriers, and we will do what we can to supplement these efforts.

As a result of funding obtained by PBLO, another seven projects outside Toronto will leverage the resources of the private bar to improve the capaci-

ties of local clinics or to assist individuals who cannot access traditional legal aid services.

The partnerships PBLO facilitates are important because they match

the resources of the private bar with the expertise in poverty law and low-income clients that legal clinics and social service agencies bring to the table.



FROM THE CHAIR

When these elements are harnessed, service providers are better able to help their existing clients and are better able to reach out to others. Moreover, approaches to addressing the legal needs of the most vulnerable members of society become more flexible and creative.

I am especially pleased to see the exciting collaborations that many community legal clinics are developing, and PBLO is anxious to help wherever we can. The need to form linkages between pro bono and legal aid is pressing, and I am pleased to see that, together, we are moving in the right direction. •

— RAJ ANAND, PBLO CHAIR

Do the public good.

New partnership will help survivors of domestic violence

PBLO is partnering with the Barbara Schlifer Commemorative Clinic and New Directions to create an educational video, pamphlets and workshops geared towards survivors of domestic violence. The Domestic Abuse Survivors' Empowerment Project (DASEP) is made possible by a grant awarded by the Ministry of the Attorney General's Domestic Violence Community Coordination Grant Program.

DASEP is designed to assist those who are overwhelmed by the process of putting their lives back together while trying to navigate a foreign and

The project is designed to assist those who are overwhelmed by the process of putting their lives back together while trying to navigate a foreign and seemingly hostile legal system

seemingly hostile legal system. Volunteer lawyers who are dedicated to helping survivors of domestic abuse will work with the legal clinic and New Directions to create the materials and workshops. All the materials

will give survivors the tools they will need to effectively communicate their desired outcomes and concerns with their lawyers. DASEP will create resources that will empower survivors and help them manage the lawyer-client relationship.

"I think it's really important that PBLO participate in a project like this," says PBLO's Project Development Coordinator, Yonit Fuhrmann. "Domestic abuse is a problem that cuts across socio-economic, ethnic, and even gender lines. We need to find more ways to help survivors."

Video production begins in October 2003. •



Provincial pro bono projects

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housing or job creation as well as micro-entrepreneurs in low-income neighbourhoods.

Lynn Burns, PBLO's Executive Director, hopes to see the projects up and running by early winter 2003. "There's a lot of work ahead of us, but it's been inspiring to see the dedication and creativity of the pro bono councils across the province." •

Legal aid and private lawyers join forces for Charter case – *pro bono*

Since 1998, lawyers from legal aid and the private bar have united to overturn a law, which they contend is out of step with the times and in violation of the principles that Canadians hold dear: Section 43 of the *Canadian Charter of Rights and Freedoms*, or the right of parents and educators to use force to discipline children.

Proponents of the law, who, to-date, have been supported by the government and the courts, argue that its repeal would effectively pit the state against families, and interfere with the abilities of families to raise their children. In contrast, opponents contend that the law relegates children to the status of second-class citizens, denying them equality and personal safety rights guaranteed to every Canadian under the *Charter*. They point out that Section 43 has been successfully used to justify beating toddlers with belts and striking adolescents in the face and neck as disciplinary measures.*

The legal battle – which has lasted five years – would look much differ-

* <http://www.repeal43.org/acquittals.html>



Paul Schabas and Cheryl Milne took the Section 43 case to the Supreme Court of Canada on June 6, 2003

ent today were it not for the collaboration between Cheryl Milne, a staff lawyer at the Canadian Foundation for Children, Youth and the Law (CFCYL) and Paul Schabas, a Blake Cassels and Graydon partner whose litigation practice emphasizes constitutional and human rights law, and who has done the case *pro bono*. This case is the largest one the legal clinic has ever taken on. Since funding was obtained from the Court Challenges Program, Milne and Schabas have devoted hundreds of hours preparing

affidavits, conducting cross-examinations, arguing motions and arguing the case before the Ontario Superior Court and the Ontario Court of Appeal. On June 6, 2003 they presented arguments before the Supreme Court of Canada.

For Schabas and Blake's there was no question about donating the firm's substantial resources to the case and carrying the file with CFCYL well after funds from the Court Challenges Program had been exhausted. "This is an important

public policy issue,” says Schabas, “and a great example of how the private bar can partner effectively with a legal clinic. Moreover, Blake’s takes being a good corporate citizen very seriously.”

It is a sentiment shared by others and evidenced by the participation of Advocate’s Society lawyers Michael Barrack (McCarthy Tetrault) and Greg Richards (Weir Foulds). They too provided *pro bono* services and argued for the interveners Child Welfare League of Canada and the Ontario Association of Children’s Aid Societies.

While there has been tremendous resistance from the government and the Court has yet to decide the case, many believe that it has already had a tremendous positive influence. “It’s brought issues into the public eye. It has stirred debate, and has done a lot to educate the public,” says Schabas.

Cheryl Milne adds: “the courts have really grappled with how to interpret the law to ensure children’s safety. The law is in a better state today because we brought the case.”

The Supreme Court’s decision, which was reserved, is expected by December 2003. •



Michael Barrack and Greg Richards worked *pro bono* for the interveners

The facts on violence against youth and kids

VIOLENCE AGAINST CHILDREN

and youth is a serious problem in our society. According to Statistics Canada’s *Family Violence in Canada: Statistical Profile 2003*, children and youth were reported as being the victims of 60 per cent of reported sexual offences despite only repre-

senting 20 per cent of the nation’s population.

Other disturbing figures:

- ▶ The number of physical assaults against children and youth outnumber sexual assaults by a rate of 3:1.
- ▶ Youth under 18 represent 12 per cent of all homicide victims.
- ▶ The most common method of killing children under 6 in family-related homicides is beating, followed by strangulation.

USING SECONDMENT TO SUPPORT LEGAL AID

BY YONIT FUHRMANN
AND PHYLLIS GORDON

Many of Toronto’s leading law firms understand that legal aid clinics should not be expected to shoulder the burden of meeting our most vulnerable citizens’ needs by themselves. For Blake Cassels & Graydon LLP, this commitment manifests itself in secondment programs that support a number of clinics including ARCH: A Legal Resource Centre for Persons with Disabilities.

Blake’s secondment program began informally in the mid-nineties through the assistance of Paul Schabas, a Blake’s partner. The program consists of a three-month placement during which an articling student works at ARCH and has his/her salary paid by the firm. Today, the program places two students with ARCH each year, in effect providing ARCH with six month’s assistance.

While at ARCH, the students are assigned a variety of work, which often involves direct client communications, legal research, drafting legal correspondence and preparation of legal documents, including drafting affidavits, leave applications and facta

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USING SECONDMENT

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for test case litigation. On occasion, students have worked on ARCH's front-line summary advice and referral calls. Students have also assisted in law reform writing and public legal education presentations. ARCH has tried to offer "hands-on" experience to the students by assigning them primary carriage of human rights files under the supervision of a staff lawyer.

For Blake's, the benefits of this program are tangible. Mary Jackson, the firm's Director of Legal Personnel, explains that the program enables the firm to support the clinic in a meaningful way – leveraging its resources to improve ARCH's ability to help people while giving students valuable professional experience. Adina Schwartz, a Blake's associate who recently completed a 2002 placement at ARCH, adds that: "the experience opens your mind to a whole different sphere of law. It engenders social conscience, and the work definitely contributed to my development as a lawyer."

The secondment program has had a great impact on ARCH's capacity to offer quality services to its clientele. The high quality students have done a great deal to supplement the clinic's

Law firms setting standards for pro bono involvement

ON MAY 29, 2003 MANAGING

partners from Toronto's most prominent law firms met to discuss the future of pro bono involvement.

Guests of the *Managing Partners Roundtable* included Esther Lardent of the Pro Bono Institute, and Jim Sandman, a partner at Arnold & Porter LLP. The two were on hand to discuss ways that pro bono can mesh with the culture and practices of large law firms.

Following a general question and answer session, managing partners met with Lardent, Sandman and Lynn Burns, PBLO's Executive Director, to discuss the logistics specific to their firms' pro bono policies and future projects.

This was the third *Roundtable*. The



At the *Managing partner's Roundtable* partners left the meetings with new ideas for their law firm policies, which inform the degree and nature of their future pro bono projects.

These meetings have already born fruit. Osler Hoskin & Harcourt has recently formed a partnership with HIV & AIDS Legal Clinic of Ontario to provide the clinic with test case litigation support. Three other firms are on the cusp of formalizing their own pro bono partnerships. •

very over-extended staff. Their research and writing skills have been applied to the clinic's public interest litigation and law reform activities.

But more important to Phyllis Gordon, ARCH's Executive Director, is the value of the exchange that is strengthened with a downtown law firm. "ARCH benefits because of the maturity, energy and commitment the placement students bring to us.

Most important, persons with disabilities benefit in the long run as more lawyers become exposed to the importance of their full participation in all aspects of society, and learn some of the issues involved in a disability law practice," says Gordon. PBLO will be releasing a *Best Practices for Secondments* manual in early 2004. •

AGM 2003

Celebrating the first year of PBLO

BY MICHIKO MOORE

On May 15 2003, Pro Bono Law Ontario held its Annual General Meeting celebrating its first year of operation. It was an opportunity to reflect and chart a course for the future, and renew its commitment to eliminate barriers that obstruct access to justice for marginalized groups across Ontario.

The evening provided the occasion to honour dedicated individuals whose tireless efforts made this past year's achievements possible.

Maureen Adams, Vice President of Allocations and Community Services at the United Way of Greater Toronto, gave an inspirational keynote



Justice Rosie Abella, Ron Maines and Veronica Lacey at the PBLO annual meeting in May 2003.

address outlining the critical issue of “community-capacity building.” She emphasized that community service organizations, such as PBLO, whose mandate is to promote social justice

are essential in keeping our communities healthy and vibrant.

New board members were announced at the AGM: Ruth Carey, Executive Director of the HIV & AIDS

Legal Clinic of Ontario; Bill Bogart, Professor of Law at the University of Windsor; and Ronald Foerster, partner at Borden Ladner and Gervais.

Ron Manes, founding chair of PBLO, was presented with a gift for his immeasurable contributions to Pro Bono Law Ontario. The evening also provided the occasion to honour dedicated individuals whose tireless efforts made this past year's achievements possible.

Raj Anand and Lynn Burns provided an in-depth report on PBLO's activities over the past year describing the numerous programs and projects implemented. •



Chief Justice McMurtry and Raj Anand at the annual meeting.

Presenting the PBLO Access to Justice awards

On May 28, 2003 PBLO presented its first Access to Justice awards as part of the Law Society of Upper Canada's Access to Justice Symposium.

Toronto's Brian Schnurr and Associates received the PBLO *President's Award* in recognition of the firm's support of HIV & AIDS Legal Clinic Ontario (HALCO), among other organizations. With help from the United Way, the firm created a program where community agencies could refer poor people who were elderly, disabled or chronically ill to have wills drawn up for free.

Over the years, the lawyers and

staff of Brian Schnurr and Associates have gone out of their way to respond to the needs of HALCO's clients, visiting hospitals homes and hospices to take instructions in situations that were often very difficult.

PBLO presented the *Distinguished Service Award* to the Association in Defence of the Wrongfully Convicted (AIDWYC). The organization was founded in 1993 and is dedicated to the prevention and reversal of wrongful convictions.

AIDWYC's team of volunteer lawyers has spent countless hours over many years reviewing the cases of those who were wrongfully convicted. Often, these lawyers subsidize

the high cost of championing their cases by paying for things like travel costs, incidentals and disbursement fees out of their own pockets.

PBLO congratulates Brian



A Distinguished Service Award went to the Association in Defence of the Wrongfully Convicted

Schnurr and Associates and AIDWYC for their outstanding contributions. •



Brian Schnurr and Associates receive their President's Award

PBLO THANKS

Pro Bono Law Ontario wishes to acknowledge the following organizations for their continued support:



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TRILLIUM
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The Law Society of
Upper Canada

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Together we're building
bridges to justice.