

Pro Bono NEWS



Lawyers train to help children and youth

WITH FILES FROM THE ADVOCATES' SOCIETY

Last month, 27 lawyers from firms such as Lerner & Associates, Gowling Lafleur Henderson LLP and Miller Thompson LLP, attended a three-hour training session in preparation for the pro bono services they will provide for at-risk children and youth through the Child Advocacy Project (CAP).

CAP was initiated by Pro Bono Law Ontario, a unique legal resource centre that brokers relationships between legal service providers and/or community agencies, and law firms. "Many children out there are in need of legal representation and are not getting it," explains Ron Manes, President of Pro Bono Law Ontario's Board of Directors. "We need volunteer lawyers to help."

Pro Bono Law Ontario negotiated a partnership between Justice for Children and Youth and The Advocates' Society to implement the Child Advocacy Project. Bruce Carr-Harris, then president of The Advocates' Society, called on his membership to support the initiative by providing pro bono legal services.

Society members responded to the call and last August the first group of volunteer lawyers was trained at a formal workshop (see story at right) led by Martha MacKinnon, Executive

continued next page

How legal help benefits special ed students

THE CHILD ADVOCACY PROJECT workshop – organized by Nancy Reason, Director of Education, The Advocates' Society, and Katie Wood, Project Coordinator, Pro Bono Law Ontario – began with an overview of special education law, where Martha explained the relevant legislative requirements contained in the Education Act.

Approximately 12–20 per cent of students are involved in the special education process in Ontario. Before a student can receive special education, s/he must be identified as "exceptional" either because s/he is gifted, learning disabled, autistic, or for other reasons. The responsibility for making this determination rests upon the shoulders of a Board-run Identification Placement and Review Committee (IPRC). When the placement is made, an individual education plan is

continued next page



Do the public good.

continued from front page

Director of Justice for Children and Youth.

Once trained, Pro Bono Law Ontario will contact the volunteer lawyers to arrange for them to meet with clients identified by Justice and Children and Youth. Lawyers will provide summary advice, and full representation at hearings and appeals. There is also the potential for volunteer lawyers to become involved in test-case litigation related to everyone's constitutional right to education.

"This is an incredible opportunity for lawyers to create real change in the lives of children," says Katie



Seated (L-R): anonymous; faculty members Robert Weir, of Borden Ladner Gervais LLP and Martha MacKinnon, of Justice for Children and Youth. **Standing** (L-R): Timothy Hill, Robert Berman.

Wood, Project Coordinator, Pro Bono Law Ontario. "The issues are of real importance, and need the attention of lawyers from across Ontario."

Society and Pro Bono Law Ontario board member, Michael Barrack, of McCarthy Tetrault LLP, and Lynn Burns, Executive Director of Pro Bono Law Ontario, have been tireless in organizing and promoting The Child Advocacy Project. "This project is sorely needed," explains

Burns. "When we neglect to ensure our children and youth are receiving appropriate educational services, we are neglecting the future of Ontario. We need to invest in our children, and the Child Advocacy Project is just one step in that direction."

The next training session will take place on October 31, 2002, at Campbell House. If you are interested in attending, please contact The Advocates' Society, 416-597-0243 x111. •

continued from front page

developed for the student. Students enduring this process require counsel before and at IPRC hearings and subsequent appeals before the Special Education Tribunal.

To illustrate the need for representation in a discipline matter, faculty members staged a mock expulsion hearing, playing the role of the student, the student's lawyer, the school board trustees, the school board's lawyer, the principal and the principal's lawyer. Other issues discussed included standing, and appeals. •

Pro Bono NEWS

Pro Bono News is the quarterly newsletter of Pro Bono Law Ontario, which is funded by The Trillium Foundation, Canadian Heritage, Legal Aid Ontario, The Law Foundation and the Law Society of Upper Canada. Contact Pro Bono News at 130 Queen St. W., Toronto, ON, M5H 2N6, 416-947-3938.



PBLO Executive Director Lynn Burns

Communications Director and Editor Elisha Wagman

Contributing Editor Yonit Fuhrmann

Design WriteDesign

South Asian Legal Clinic offers free legal advice

BY ELISHA WAGMAN

A crowd of clients with impending legal matters ranging from immigration issues to landlord/tenant disputes, recently lined-up for the first free legal clinic hosted by the South Asian Legal Clinic of Ontario (SALCO).

The clinic is the brainchild of Anu Baksi and Kiron Datta, two conscientious and ambitious professionals who are determined to make justice accessible for members of the South Asian community. “We recognized that existing legal services did not adequately meet the needs of marginalized South Asians,” explains Datta. “The community desperately needed a legal resource and referral centre that could respond to the diverse linguistic and cultural needs of South Asians.”

However, in order to undertake such a significant project, Datta and Baksi recognized that they would need support. They turned to Lynn Burns, Executive Director of Pro Bono Law Ontario (PBLO), for assistance.

Within months, Burns and PBLO Project Director Mehreen Raza

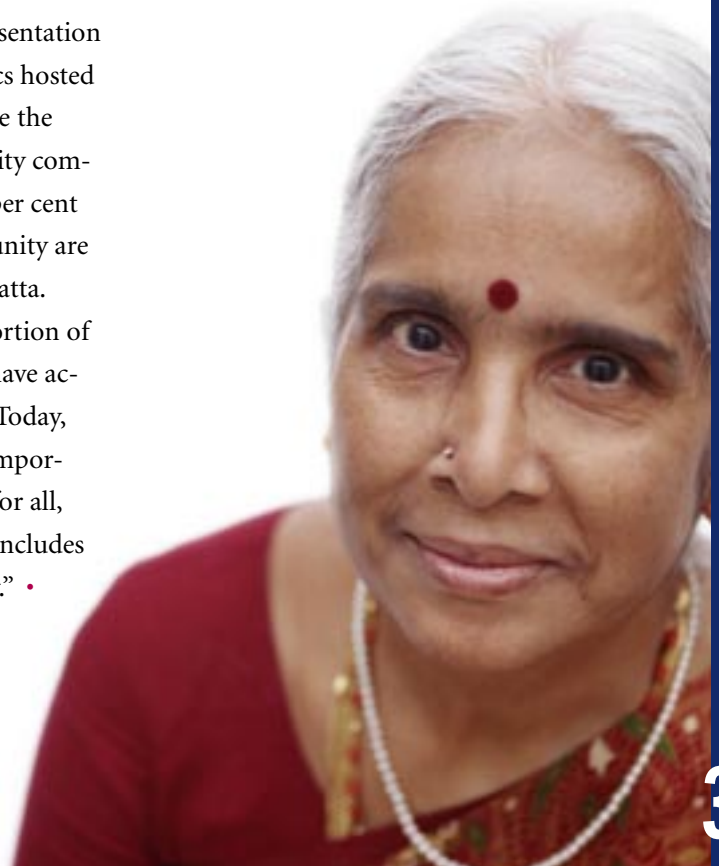
helped SALCO apply for and acquire project funding, assemble a Board of Directors, solicit the support of more than 70 South Asian lawyers, organize and deliver educational legal seminars, and launch free legal clinics for the South Asian community.

“In such a short period of time, we have accomplished so much, and we have already helped so many people in crisis,” says Raza. “SALCO is making a significant difference in the community and will continue to do so in the years to come.”

This is certainly true for the multitude of clients receiving free summary advice, and legal representation thanks to the free legal clinics hosted by SALCO. “South Asians are the second largest visible minority community in Toronto, and 38 per cent of individuals in the community are low-income earners,” says Datta.

“Without SALCO, a large portion of the community would not have access to legal representation. Today, most people recognize the importance of access of to justice for all, and thanks to SALCO, that includes the South Asian community.” •

“The South Asian Legal Clinic of Ontario is making a significant difference in the community and will continue to do so for years to come.”





Board of Directors (L-R): Raj Anand, Hon. Colin L. Campbell, Roberta Jamieson, Ron Manes, Hon. Stephen Goudge, Paul Schabas, Susan Ursel, Veroncia Lacey. **Missing:** Michael Barrack, Ronald Daniels, Malcolm Heins, Angela Longo, The Hon. Roy McMurtry, Ivana Petricone, David Scott.

Meet the PBLO Board of Directors

It is my pleasure to introduce you to the driving force behind Pro Bono Law Ontario – our esteemed Board of Directors. Thanks to these 16 people, access to justice for all Ontarians is becoming a reality.

– Lynn Burns, PBLO Executive Director

The Hon. Roy McMurtry

CHAIR OF ADVISORY BOARD

The Chief Justice of Ontario practiced law as a trial counsel for 17 years before being elected to the Ontario Legislature in 1975. He was appointed to the Cabinet of the Premier, William G. Davis, as the Attorney General for Ontario, a position he held until 1985. As Attorney General for Ontario, Mr. McMurtry played a major role in the patriation of the Canadian Constitution in 1982 and the creation of the Canadian Charter of Rights. During that period he also served for four years as the Solicitor General for Ontario.

In 1985, Mr. McMurtry was appointed Canada's High Commissioner (Ambassador) to Great Brit-

ain, a post which he held until late 1988. In 1991 he was appointed Associate Chief Justice of the Superior Court, Trial Division and Chief Justice of that court in 1994. In February 1996 he was appointed Chief Justice of Ontario.

Ron Manes

Mr. Manes practices exclusively in trial and appellate advocacy in all areas of commercial litigation and tort litigation – from shareholders' actions to medical malpractice actions – and appears in all levels of trial and appeal courts including the Supreme Court of Canada. He contributes regularly to various advocacy programs as a lecturer, demonstrator and writer. Mr. Manes is a four term elected Bencher (Governor) of the Law Society of

Upper Canada, Past Chair of the Certification Board and presently Chair of the Access to Justice Committee. He also serves as President of the Board of Trustees of the Law Foundation of Ontario.

Mr. Manes is a past recipient of the Canadian Bar Association award for Distinguished Service and was named Lawyer of the Year by the Advocacy Resource Centre for the Handicapped.

Raj Anand

Mr. Raj Anand is a partner with WeirFoulds LLP where he practices in the areas of human rights, constitutional and administrative law, labour relations, civil litigation, professional negligence and discipline. He is a former Chief Commissioner of the Ontario Human Rights Commission and presently acts for complainants and respondents before the Ontario and Canadian Human Rights Commissions. He served in the 1986-1987 Task Force to the Ontario Government on the Law Concerning Trespass to publicly-used Property as it Affects Youth and Minorities. In 1997 he was the first recipient of the Advocates' Society Award of Justice.

Currently, Mr. Anand chairs the Minority Advocacy and Rights Council.

4 Do the public good.

Hon. Stephen Goudge

Stephen Goudge was called to the Bar of Ontario in 1970 and appointed a Queen's Counsel in 1982. He was managing partner of the firm Gowling, Strathy & Henderson in Toronto where he engaged in a general litigation practice and appeared in courts in all levels in Ontario and the Supreme Court of Canada.

Justice Goudge was also a lecturer at the University of Toronto Faculty of Law in Labour Law and Native Rights from 1974 to 1985. In 1989 he was appointed Counsel to the Office of the Premier of Ontario. He was active in the Canadian Bar Association – Ontario and the Canadian Civil Liberties Association, elected Bencher of the LSUC from 1991 to 1996 and was appointed to the Court of Appeal for Ontario in 1996.

Hon. Colin L. Campbell

Hon. Colin Campbell was appointed to the bench in June 1998. Previously a partner McCarthy Tetrault, Justice Campbell practiced litigation counsel with generalized practice in all courts. He was appointed a Queen's Counsel in 1979 and is a member of the Alberta and North West Territory Law societies. Justice Campbell was a Fellow at the American College of Trial Lawyers, a Bencher at the L.S.U.C. from 1988 to 1994 as well as President of the Lawyers Professional Indemnity Corporation 1990 to 1993.

Angela Longo

Ms. Angela Longo was appointed President and Chief Executive Officer of Legal Aid Ontario (LAO) in December 2000.

Ms Longo was previously the Assistant Deputy Minister for the Ontario government's Smart Card Project. From 1995 to 2000, Ms Longo served as an Assistant Deputy Attorney General (ADAG) and established the Business Improvement Division of the Ministry of the Attorney General, and later served as ADAG of the Family Justice Services Division.

She has led several high profile, major ministry business transformations including: restructuring of the Family Responsibility Office, launch of the new LAO, expansion of the Domestic Violence Courts initiative and rejuvenation of the Office of the Public Guardian and Trustee.

Ron Daniels

Ron Daniels is Dean and Professor at the Faculty of Law, University of Toronto. He was appointed to the Faculty of Law in 1988, where he teaches corporate law, securities and finance, mergers and acquisitions and regulation of financial institutions. He has been Dean of the Faculty since 1995.

Professor Daniels is active in public policy formulation, and has contributed to several policy related task forces, including Chair of the Ontario Market Design Committee, the committee that was charged with the task of developing the market rules for the new Ontario electricity market. He was recently appointed as Chair of the Provincial Government's Panel of the Future of Government.

Prof. Daniels is a founding member of International Lawyers and Economist Against Poverty. He is past-President of the Council of Canadian Law Deans and of the Council of Ontario Law Deans.

Malcolm Heins

In January 2001, Malcolm L. Heins was named Chief Executive Officer of the L.S.U.C. For the previous six years, he had been President and Chief Executive Officer of the Lawyers' Professional Indemnity Company (LPIC).

In 1999, Mr. Heins was awarded the Law Society of Upper Canada Medal. He was also awarded the 2002 Award of Distinction by the Metropolitan Toronto Lawyers Association, an award honouring excellence and sustained contribution to the profession and the public.

Roberta Jamieson

A ten-year Ontario Ombudsman, Roberta Jamieson has won international acclaim for her passion, willingness to take risks, and high involvement in the field of dispute resolution.

The first Canadian Aboriginal woman to earn a law degree, Roberta was also the first woman appointed Ontario's Ombudsman. Raised on the Six Nations of the Grand River, she learned to be an effective conciliator and negotiator within her large family – a skill that would define her career.

Lauded for developing and promoting non-adversarial methods of conflict resolution, Jamieson

has collaborated with legal and political experts in Asia, Africa, Europe and North America to advance democracy through institutional change.

Veronica Lacey

Veronica Lacey is President and Chief Executive Officer of The Learning Partnership, a not-for-profit organization dedicated to strengthening public education in Canada. She has held positions of Principal, Superintendent, Director of Education and Secretary Treasurer of the North York Board of Education. Veronica was appointed Ontario's Deputy Minister of Education and Training in 1996. She is also a Senior Fellow at OISE, U of T.

Her many awards include: Distinguished Educator Award, the Ontario Institute for Studies in Education and the Governor General's Award for community involvement. Most recently, she was awarded an honorary Doctor of Letters from Brock University in June of 2002.

Ivana Petricone

Ivana Petricone is the Clinic Director of the Rexdale Community Legal Clinic and Executive Member of the Association of Community Legal Clinics of Ontario.

Paul Schabas

Paul Schabas is a litigation partner at Blake, Cassels & Graydon LLP in Toronto. Since his call to the Bar in 1986, Paul has practiced in the areas of media law, constitutional and human rights law, and civil and criminal law.

Paul has been counsel on numerous defamation trials and freedom of expression cases, including several appearances in the Supreme Court of Canada. He has argued leading Charter cases deal-

[continued next page](#)

Front to back: Angela Longo, Hon. Colin Campbell, Lynn Burns





Ron Manes, Chair of the PBLO Board of Directors

continued from previous page

ing with equality rights, judicial independence, fundamental justice and search and seizure.

Paul is a director of several non-profit organizations, including the Canadian Civil Liberties Association and the National Youth Orchestra of Canada. He is the Canadian member of the International Advisory Panel on Free Expression of Interights, in London, England.

David William Scott

Called to the bar in 1962 and appointed a Queen's Counsel in 1976, David Scott is a past President of the County Carleton of Law Association and was a Bencher of the LSUC from 1991 to 1999. He is a Fellow of the Patent and Trade-Mark Institute of Canada, and has acted as a director of numerous social and philanthropic organizations, including the United Way and the John Howard Society.

In February 2001, the LSUC conferred an Honorary L.L.D. upon Mr. Scott. The same year, the University of Ottawa conferred an Honorary D.U. upon him. Mr. Scott was recently nominated as President-Elect of the American College of Trial Lawyers for a term commencing in October 2003.

Susan Ursel

Susan Ursel is a partner at Green & Chercover. Ms. Ursel has practiced in the areas of labour, employment, employment equity and human rights law. Her work also includes the development of educational seminars and presentations for clients with respect to issues on labour, human rights and employment equity. She has also served as a nominee on arbitration panels and in that capacity mediated settlements of a variety of issues.

Most recently, she appeared on behalf of "Families in Partnership" before the Supreme Court of Canada on the Chamberlain case, also known as the "Surrey Book Banning Case." •

WANTED:



LEGAL SUPERHEROES

Pro Bono Law Ontario is producing a calendar highlighting the profiles of 12 lawyers from across Ontario who, in the past year, have helped their community by doing pro bono legal work.



If you know a sole practitioner, a member of a medium- or large-sized firm, or an in-house counsel who has assisted their community by performing free legal

services, please contact Elisha Wagman at Pro Bono Law Ontario, 416-947-3938.

Nominations for the calendar are open until **Friday Nov. 22, 2002.**

What we can learn from law firm pro bono projects

BY PAUL SCHABAS, Blake, Cassels & Graydon LLP

In March of this year, a number of Toronto lawyers (including me) travelled to Washington, D.C., to attend the annual Pro Bono Institute conference. Most of those who went from Toronto are members of the Board of Pro Bono Law Ontario (PBLO). We wanted to learn how our counterparts organized law firm involvement in pro bono projects, and the extent to which we could learn from their experience.

Chief Justice McMurtry, a guiding force behind PBLO, led our group that included PBLO President Ron Manes, Raj Anand, Michael Barrack, Niels Ortved, Ron Foerstner, John Champion, and PBLO Executive Director Lynn Burns. From the outset of the conference, there were many comments on how well-represented Canada was at the conference, and how our presence encouraged many American lawyers.

The two-day conference was an eye-opener, from start to finish. At the outset, about 150 people introduced themselves to each other in the opening plenary session. Numerous

times we heard individuals introduce themselves from large American firms as the “pro bono partner,” or “pro bono co-ordinator.” Scratching below the surface of the titles, we discovered that some firms have pro bono departments, others have policies requiring all lawyers to do pro bono work, and that most firms have signed on to



the “pro bono challenge” issued by the American Bar Association, in which they commit to doing either three or five per cent of their billable hours as pro bono work. Many have committed to the higher number.

What we learned is that we have a long way to go in the implementation of a successful province-wide pro bono plan. In the United States, the work pro bono lawyers do ranges from test litigation and death penalty cases (thankfully something we don't have to grapple with), to welfare and employment insurance issues, housing and tenants' rights, estate problems, corporate work for charities and non-profits, to simply giving advice at social work agencies to people who have legal questions but

don't know where to go or otherwise don't have access to legal help.

We found lawyers have made an extraordinary commitment to doing pro bono work in the United States. It stems from both the desire to do it for its own sake, and the many benefits which the law firms obtain, such as profile in the community, enhanced reputation from acting as a good corporate citizen, a strengthened position in recruiting top legal talent, and enhanced relations with clients arising from teaming up to do community work. And while we think of pro bono work as legal work, we also heard how many firms have involved their entire staff (and even families) in community-based activities which have an extraordinary impact on workplace morale and work ethic.

I think we all came away impressed and inspired. While there are important differences between Canada and the United States – not the least of which is our government-funded legal aid system, which must be preserved and enhanced – we realized that there are many benefits to pro bono work which we had not really considered and that we can, and should, do much more to meet the unmet demands for legal services arising from an inability to pay, as well as an inability to even find lawyers to provide advice and representation. •

Volunteer lawyers service takes a new direction

The Volunteer Lawyers Service (VLS) was created by Ron Manes as a joint project with the United Way, Canadian Bar Association-Ontario and the Law Society of Upper Canada to provide free legal services to charitable and non-profit organizations that serve the public interest. Volunteer lawyers provide assistance in the form of legal advice, seminars/workshops, and by writing articles on legal issues.

While VLS has served a wide variety of community and social organizations, they have done so mostly in the Toronto area. So, VLS is currently restructuring its program with the goals of making it province-wide, expanding its capacity to serve more organizations, providing greater pro bono opportunities for lawyers, and promoting the pro bono ethic at large.

With the assistance of Pro Bono Law Ontario, VLS has taken a strategic approach to reaching its goals. The VLS website, www.volunteerlawyers.org, has been revamped. Organizations may now apply for services online and also access legal links and information on a variety of relevant topics.

A new case management system

designed for pro bono organizations was installed to help us better manage an increased caseload and provide quality assurance for lawyers and organizations.

Outreach to lawyers is another key component of the restructuring plan. The pro bono lawyers assisting VLS are its greatest assets. We are grateful for their commitment and are planning to publicly recognize their work.

We are also embarking on a drive across Ontario to recruit more lawyers, especially those with an interest in incorporation and by-laws, charitable status, employment matters, landlord/tenant issues, liability and insurance, taxation, board governance and nonprofit law.

We are looking for firms and lawyers to provide advice, review contracts, lead workshops, partner with community groups, mentor law students and even answer discrete legal questions.

To compliment these efforts, we are working with the umbrella organizations such as the United Way to make VLS more accessible and better known to social and community-based organizations across the province. •

PRO BONO PROFILE: **ZAHRA DHANANI**

MORE THAN TEN YEARS AGO

Zahra Dhanani made the decision to devote her expertise and passion to defending the most marginalized people living in Toronto. As a



lawyer and multi-linguist with extensive training in human rights, cultural sensitivity, diversity, spiritual consciousness, and mediation, she is a rare gem.

Zhara not only commits all of her professional time to the pursuit of justice by working as the Immigration and Refugee Lawyer for the Barbra Schliker Commemorative Clinic, she also devotes a lot of her personal time to working as a pro bono lawyer for the South Asian Legal Clinic of Ontario.

“I believe people should have access to justice,” explains Dhanani. “They deserve representation, and denying it can have a devastating impact. I know what it feels like to face barriers, so I am committed to helping others, towards making the world a better place.”

For more about Zhara Dhanani visit www.djzahra.com/professional.htm, or call 416-323-9149. •