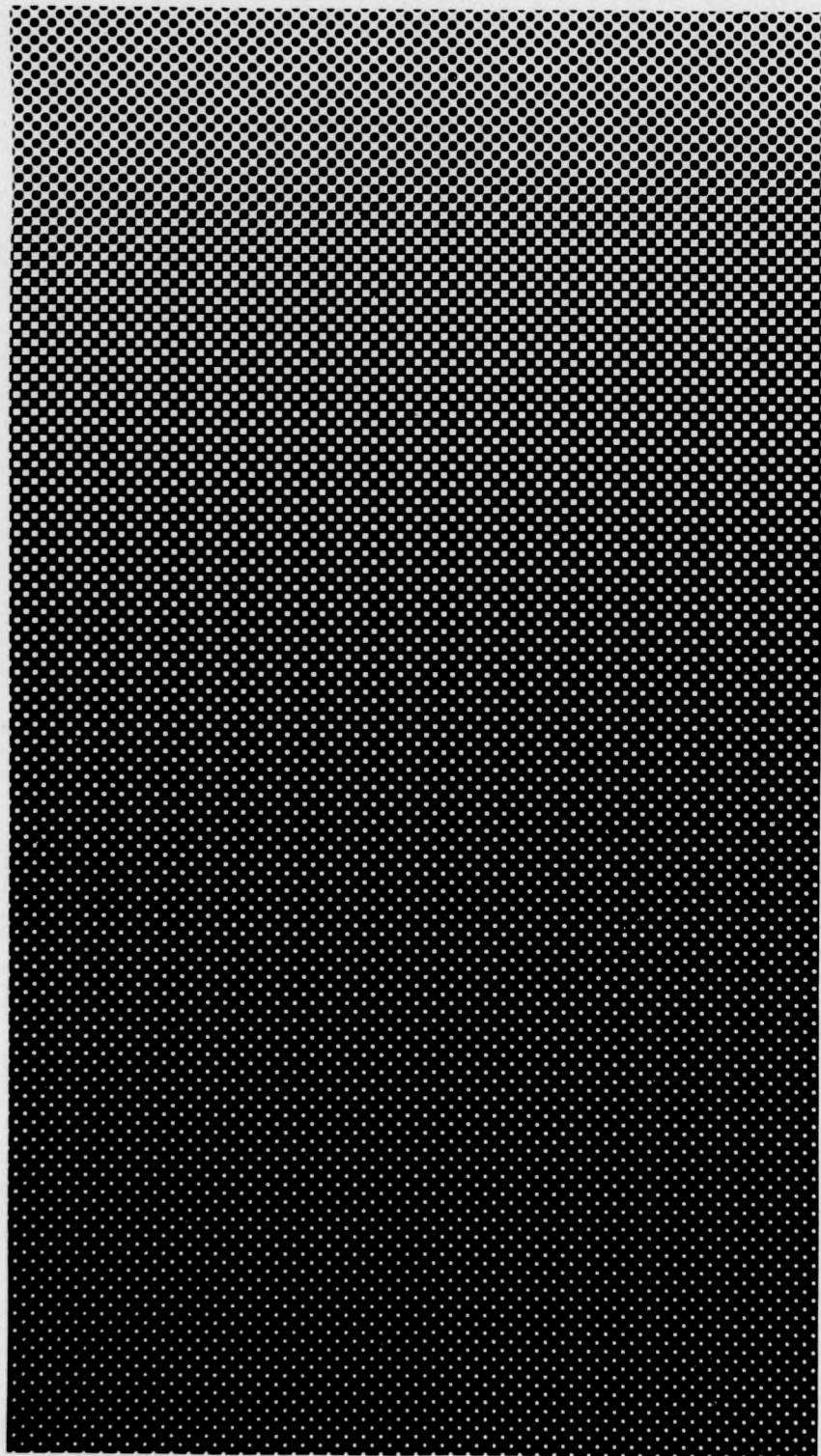


lost individuals find
 York's neighbourhood law
 service could be a
 community force

By TRISH HARDMAN



Can free legal aid provide effective community services? Or is it merely a playground for climbing lawyers?

Osgoode Hall has set up Ontario's first neighbourhood law office in the Queen and Dufferin St area to supplement Ontario's legal aid system.

One aspect of the clinical training program gives second and third year law students a situation in which to practise their legal skills. This part of the program is financed by the Council on Legal Education for Professional Responsibility, a division of the Ford Foundation.

The federal department of Health and Welfare is providing funds to stimulate the experimental community-oriented aspect of the programme. How can a free legal office provide effective services to the citizens of a particular area? The extent to which the Parkdale Legal Services Office can satisfy these two goals within the next two years, will determine if it continues under the financial auspices of Osgoode Law School and York University.

The 16 students involved in the program receive four course credits for their work in Parkdale. Each student is responsible to several clients. He or she is involved in interviewing, case analysis, negotiation, court cases and advisory work. Mary Jane Mossman, an articling student, spends half the year with the Parkdale office and half with a downtown law firm. Although she feels the law firm work will be very valuable, she enjoys the great personal responsibility she has for her cases — an involvement which she will not be allowed with the firm.

Each student has the chance to present cases in a limited number of courts — the criminal division of Provincial Court in summary conviction matters, in Family Court, and in Division Court. Moreover the students may argue for their clients before administrative agencies such as the Welfare Appeal Board, the Workman's Compensation Board or the Immigration Appeal Board.

fill legal gaps

One important aspect of the experiment is to demonstrate the need for neighbourhood law offices to fill the legal gaps left by the Ontario Legal Aid Plan. The law office is open to those who are not able to qualify for assistance under legal aid. In fact, one criteria of the project is that only clients who do not qualify are accepted. Others are

referred to the legal aid program and lawyers are recommended. The law office is located in the centre of the community it serves and is thus more easily accessible to its residents. Legal advice is available to anyone who walks off the street. No extensive system of red tape blocks the way between the client and legal help. The open architectural design of the office encourages an open and informal atmosphere. More private cases may be discussed in enclosed cubicles. The Parkdale Community Legal Services' approach also stresses preventative law, dealing with summary convictions family and welfare problems. These matters which concern the poor most are not adequately covered by the Legal Aid Plan. In many cases a settlement can be negotiated out of court.

The students try to educate their clients as to their legal rights. According to law student Eli Gutstadt, most of their clients were always on the receiving end as the wrathful arm of Justice dealt its blows. In court, an individual will usually plead guilty because he feels lost, and does not believe he can win any way. The Parkdale service, said Gutstadt, can show him how to use the legal system to solve his problems rather than to view it as the cause of them.

new approach to law

But the theoretical role of the Neighbourhood Law Office in the community demands a whole new approach to the law, with a view to changing present laws for the benefit of the poor and to act as a catalyst for community organization. The lawyers working in a neighbourhood law office should be encouraged to become part of the community it serves. A few students at Parkdale have moved into the surrounding area, but more are still closer to York than to Cabbagetown.

The NLO lawyer should ideally be more than just a lawyer for the poor. He should educate citizens about their collective rights and help them organize to demand that these rights be respected. The Parkdale site for the law office was chosen because it presented such a challenge to any extensive community

organization. The area is ethnically diverse with a mixture of Maritimers, Ukrainians, Pakistanis, West Indians, Greeks, Germans and many others. The population is very transient — individuals move in and out of the area or from one section of Parkdale to another. The community is largely a welfare community. Few jobs are available in the area itself.

As a result social dignity is lacking among most of the residents. As Doug Ewart pointed out in his article in Osgoode's *Obiter Dicta*, "If the law office can work here, if it can deliver legal services to this divided, diverse community, if it can engender some spirit of co-operation and mutual help, if it can help the community organize itself into a functioning, vibrant, strong community, then the model will have proven itself beyond question."

To what extent is the Parkdale law office acting as a community force? The hired staff includes a social worker, Joan Williamson, as well as staff director and Osgoode professor Fred Zemans and two secretaries. However, Williamson's role in the experiment does not seem to be clearly defined. The law office is working with other social and public health services in the community as well as the few citizens' groups that do exist — the Atlantic Centre, the Tenants' Committee, the Youth Board etc. Of these groups, however, only the Drop-In Centre developed on its own without being organized by outsiders. At a recent open evening at the law office, social workers, public health nurses and doctors, church organizers and the like turned up, but no organizees.

200 cases handled

In its first month and a half, the Legal Services Office has handled over 200 cases. In one case the young lawyers helped a ratepayers' association to argue effectively at City Hall for more parkland in Parkdale, and against new highrise development plans. In some cases, they try to encourage isolated individuals with the same landlord problem, for instance, to get together to fight their case more effectively.

Probably many Parkdale residents are unaware of the existence of the legal services office. As Zemans explained, law offices are not allowed to advertise and therefore they must depend on word of mouth. He hopes that the law society will soon recognize their unique

situation as a non-profit making venture and allow some publicity in this particular case. Zemans feels that the Parkdale Legal Services Office with time can become a real part of the community. He hopes the informal, open atmosphere of the office will break down the distrust that people instinctively feel for the law, and the awe with which they regard the process of law. One client who originally arrived with a landlord-tenant problem later returned with a welfare problem and then with a family dispute. Other clients arrive, on the recommendation of a satisfied friend.

rooted social problems

Zemans feels that legal precedents through chosen test cases is one effective method to change the law to the advantage of the poor. Moreover, he foresees a day when community members can settle disputes out of legal court in a neighbourhood court.

But what should be the scope of the office's community involvement? Gutstadt realizes that most of the legal problems handled by the office have their roots in social problems. Almost all acts of crime in the area are a result of drunkenness, and drunkenness is the popular reaction to a desperate situation — unemployment and poverty. He admits that the police in Parkdale 'exercise their discretion' by arrest more often than they would in other areas, and more often than is always necessary. However he does not feel that the role of a community lawyer is to organize. Radicalizing the community is not a lawyer's job. Gutstadt repeated the argument of a visiting social worker who advised them to stay out of political activism. Lawyers are not social workers; they are not trained to do social work. He advised them to get rid of their 'missionary attitude'. An unsuccessful or discontinued attempt at community organization may do more harm than good. Especially under this type of program where the students are working on a semester basis, they aren't there long enough to continue what they start. As law students they should help the community with what they know best. They

should stick to their own field.

A true community law office should be controlled by the community. Some groups are responsive but most are not. "What right do we have to organize those who don't want it?" Gutstadt asks. Some of his attitudes with regards to the program's purposes are changing, but he feels that as a new and experimental group they should not try to rock the boat until the effects of their project can be more fully evaluated.

political organizing needed

Terry Hunter, another law student at the office, feels the boat very definitely needs rocking. From a Yale Law School reprint on law and the poor which he handed me, I may deduce his position as follows. The 'store front lawyer' should make a priority of helping and encouraging political organization among the poor in our society. The individual case approach is piecemeal and doesn't even begin to solve the social discrimination which is the root of most problems.

He could help groups to organize for and by themselves and then put his services at their disposal. But 'without community consciousness, there can be no community control of the law office.' He could encourage organization by choosing only community oriented cases. He would put aside the lawyer's traditional objectivity which defends the rights of every individual to be defended, for a more definite stand. For instance, he would not defend the landlord in any landlord-tenant dispute. This is a position that the Parkdale group as a whole has not considered. The community lawyer would educate clients as to their rights so that gradually they would become more and more independent of his particular skills and would be able to defend themselves in most cases. Even test case reform is secondary to political organization because it is not as effective, and because it relies on a legal system which does in fact discriminate against the less fortunate.

These two opinions reflect the wide diversity of approach among the Parkdale group itself. The Community Legal Services Office is certainly worthwhile, as it fills a gap in the present legal system. It may work out eventually to be a model to provide effective neighbourhood legal services. However, it seems that the

present schizophrenia at the Parkdale office is a simple reflexion of the program's inherent contradiction. Is Parkdale a training school for aspiring lawyers or is it an experimental model of how to provide effective community-oriented legal services?

few really interested

Most of the students entered the clinical training programme for practical experience in the traditional legal duties. According to Zemans, only a few students have indicated a particular interest in continuing with Poverty Law.

Thus most of the students would be more interested in gaining some sort of personal experience from the program than in improving the general welfare of the community they're serving. Moreover, the rapid turnover of students (every six months or a year) would prevent them from building any sense of community involvement and dedication demanded of a community-oriented lawyer. Similarly, the clients who had built up trust in an individual law student or semester group, must readapt every year to a new group of individuals. This situation may be tolerable in a case by case situation, but would prove a disaster in any attempt for community organization.

Osgoode Law School cannot, under the present set-up, fulfil the two goals of the Parkdale program without doing injustice to the potential of both the training program and the community service program. The two goals may co-exist within the same model. However, it seems if Osgoode is really serious about the possibilities of a new kind of community oriented legal service, it should redefine one part of its training program in terms of specialized training in community law, provide for a more harmonious balance between theoretical and practical concepts, ensure financial continuation of the program with the support of a dedicated core of teachers and students, and clarify the goals of the neighbourhood law office project with an aim to establish a working model for Canadian neighbourhood law offices — a model which may in its turn provide stimulus for many more similar attempts.