

importance and have legal merit; the issue should have consequences for a number of people; duplication should be avoided (two individuals espousing the same cause in the same or another case should not receive financial assistance).

It is important to note two conditions that have been modified since 1982. The first of these, pertaining to interventions in court cases by third parties, stipulated that interveners should *not* be funded, especially when the Attorney General of Canada is an intervener in a case. The second postulated that assistance should not be given when the authorities concerned had given an appropriate assurance of action that would modify the legislation or action under the challenge so as to ensure full compliance with the Constitution.

Attempted modifications in 1982 recognized the potential conflict of interest when the federal government makes decisions about which outside groups might receive assistance to challenge federal legislation. The government proposed to establish an advisory committee to the Secretary of State to assist in decisions regarding applications for money. There is no indication that this committee was ever established, and the Department of Justice continued to advise on whether an application met the program's criteria. (It is interesting to note that by August 1984, the Attorney General of Canada had intervened in five cases that had also received funding from the Court Challenges Program.) The Department had to approve all accounts for legal expenses before payment.

At the end of August 1985, the Court Challenges Program had given funds to, or approved support of, 18 cases (including the six cases funded in the period from 1978 to 1982). The program was considering applications for funding in four other cases (including one case in New Brunswick with four separate applicants). The program's administrators also appeared to find the funding criteria somewhat restrictive because they were seriously considering providing money through the Court Challenges Program to *La Chaussure Brown's Inc. et al. v. the Attorney General of Quebec*. Although this application did not meet the criteria for funding, the case dealt with the issue of freedom of expression (the Quebec sign law).

Although the Court Challenges Program had a 1984–1985 budget of only \$200,000 to support the cost of litigation, some of the applicants also received very substantial supplementary funds for research and documentation from the Official Languages Program at the Department of the Secretary of State. In August 1985, the Program reported that out of 22 cases which had received or applied for funding since 1978, five had also been assisted by the Official Languages Community Program³ up to a total amount of \$98,009.