

eligibility criteria were developed and conflict of interest guidelines set out. The choice of the Language Rights Panel involved consideration of a small number of candidates proposed by organizations concerned with official languages. For the Equality Rights Panel, the CCSD considered more than 120 candidates proposed by various interested organizations. Regional representation was taken into account in selecting both panels. They also contained a majority of members without formal legal training, although some members on each panel had a legal background.

Administrative staff hired by the Canadian Council on Social Development assist in the functioning of the panels. Initially, this consisted of a senior co-ordinator, three legal policy analysts and two support staff. These employees screen the applications and filter out those that do not meet the criteria set out in CCSD's agreement with the government. When an application is deemed to meet the initial criteria, the staff investigate and analyze the issues raised in the application with a view to assisting the panel to assess the legal merit and social impact of a potential court challenge.

This staff process involves reviewing case law and consulting with the government to track developments in policy, practice or legislation. It also means consulting with community leaders and experts to assess the potential social impact of a case as well as its legal merits. These consultations involve a considerable subsidy to the program in terms of voluntary effort and *pro bono* work on the part of those contacted by the staff. If the program had to pay for these services, its costs would increase substantially.

Once the case assessments have been compiled, the program staff send them to panel members in advance of a meeting where a decision is taken on whether funding is merited. The program staff then inform applicants of decisions and make summaries of each application available to the public. Once a case is approved, the program stays in contact with lawyers working on it and monitors progress.

## VI. THE CURRENT SITUATION

In its initial annual report for 1986-1987, the Equality Rights Panel raised concerns about the restrictions on the program that prevented financial assistance to important equality rights cases. The Panel reported that many applications had to be rejected as a result of the procedural barrier prohibiting assistance to cases concerning provincial legislation, policies or practices, regardless of their potential importance or their impact on disadvantaged groups. The Panel noted that many cases falling in areas within provincial jurisdiction took on national significance, particularly where the issues are similar in many provinces or where issues are related to provincial law or practice that is analogous to parallel provisions in federal law. The Panel also commented that the restriction of funding to cases based on sections 15, 27 and 28 of the *Charter* meant that requests for assistance for cases