

Civil Litigation

Toronto Lawyers Association, law firms rush to Pro Bono Ontario's aid to keep help centres open

By **Amanda Jerome**

(November 23, 2018, 8:29 AM EST) -- An outpouring of support from the legal profession has made a difference at Pro Bono Ontario (PBO), as the organization expects the Law Help Centres, in danger of closing on Dec. 14, will remain open in the short term until more sustainable funding can be secured.

Members of the profession who have been urging the provincial government or the Law Society of Ontario to provide sustained funding, have turned out their own pockets to keep PBO's Law Help Centres open.

The court-based centres in Toronto and Ottawa assist over 18,000 Ontarians facing the justice system alone.



Dirk Derstine, Derstine Penman, Criminal Lawyers

Dirk Derstine, a partner at Derstine Penman, Criminal Lawyers and president of the Toronto Lawyers Association (TLA), said the TLA's board realized the situation was dire and decided to make a \$35,000 donation to fill PBO's short-term fundraising goal to keep the doors of the centres open until more sustainable funding can be secured.

"I think that everybody in the justice system recognizes what a crucial role Pro Bono Ontario plays in the administration of justice," he said, noting that it provides people a shot at getting help and also saves the judicial system a lot of time.

"It's a wonderful program and it's a program that ought to be funded by government," he added.

"Even though the TLA doesn't feel that we're the people that should be paying for this, and we can't

pay for it long term, we were unprepared to let it fall apart because of the inactivity of others. We've dug deep and made it happen," he said.

Derstine stressed that the justice system is amply aware of the importance of PBO and comments made by judges, such as Chief Justice of Canada Richard Wagner and senior members of the bar highlight that sentiment.

The TLA president hopes that other organizations will be inspired to take action and that TLA felt it was essential "to throw Pro Bono Ontario a lifeline to try and preserve it."

Brett Harrison, of McMillian LLP and TLA treasurer, said he believes that lawyers have a special privilege that comes with certain obligations.

"If we're not willing to stand up as a profession and ensure there is a functioning judicial system and access for the most vulnerable in our society, then I don't know who is," he stressed.

Derstine agreed with Harrison, noting that PBO operates because of the pro bono work done by lawyers.

"Speaking for myself, I am sad that the government has not made it a priority to assist in the funding of this particular organization for the reason that it saves the administration of justice a fortune in time," he said, adding that due to the "unwillingness of certain governmental organizations" to fund PBO, then the profession has to get involved.

"It wasn't enough to be shocked and sad about this. We had to move forward. On many occasions people say that they send their hopes and prayers but hopes and prayers don't put food on the table. At the end of the day you have to act," he explained.



Chief Justice Richard Wagner

Justice Wagner highlighted the importance of these centres in a speech he delivered at the Atlantic Advocacy Symposium on Nov. 21 in Halifax. He praised the work lawyers are doing to improve access to justice but acknowledged that they "can't do it alone."

"Other actors need to play a role. We as judges need to do what we can on the bench. That may mean taking a more hands-on approach than we're used to, to make sure justice is done. But those of us working within the system, with our limited resources, can only do so much. Governments have a responsibility as well," he explained.

Justice Wagner said he was "disheartened to learn about the impending closure" of the PBO's Law Help Centres, "given the critical role they play in helping unrepresented litigants navigate civil and small claims court."

"They save valuable judicial time and resources. The estimated economic benefit to the courts is \$5 million year. These are efficient programs, which yield a \$10 to \$1 return on investment, while giving people access to the legal services they need: that should be an easy decision," he added, noting that this crisis is happening at a time when legal aid spending is also falling.

Justice Wagner called pro bono services "critical," explaining that the more difficult it becomes for "people of a certain class, income, or education level to get justice" the more the justice system puts public confidence at risk.

"Look at the self-represented middle class parent fighting for child custody. Look at the person accused of a minor crime whose legal aid lawyer struggles to competently do the work in the limited hours legal aid will pay for. Even with people like all of you working very hard to prevent it, every day our system fails someone," he stressed.

To deny access to justice is to deny people their dignity, Justice Wagner explained, adding that access to justice is also an "economic driver." He cautioned that a person who is denied justice isn't going to be a positive and productive member of society and will have a harder time motivating themselves to work for the future.

"This affects all of us, and I am personally very concerned. I encourage all of you to continue to stand up for access to justice, whenever and wherever you can. We on the bench hear you, and support you," he said.

Firms across the province have also rallied to action, making large donations to keep the centres open. Lenczner Slaght Royce Smith Griffin LLP is one of those firms, committing \$10,000 to the cause.



Rebecca Jones, Lenczner Slaght Royce Smith Griffin LLP

"Lenczner Slaght has a long tradition of pro bono service, and values the work done at the Law Help Centres," said partner Rebecca Jones.

"We wanted to help provide emergency support to the Law Help Centres but are hopeful that a long-term funding solution can be found," she added.

Cassels Brock & Blackwell LLP also announced a \$10,000 donation to PBO on its website, noting that "law Help Centres allow counsel of all backgrounds — from sole practitioners to those practising at large, full-service firms like Cassels Brock — to provide low-income Ontarians with direct, effective legal advice."

"These centres also promote efficiency in the civil justice system and have generated millions in savings for Ontario courts," the announcement states.

Law students from the University of Toronto are also rallying around this issue, sending a letter to Attorney General Caroline Mulroney. The letter calls the pro bono work they do "rewarding."

"We strongly encourage you to take a leadership role in doing whatever is possible to secure a stable source of funding for these help centres. The administration of justice, and indeed the people of

Ontario, require this action from you," the letter says.

The letter states that the students are shocked that the government hasn't funded PBO in light of the closing law help centres and they "can't imagine how a government that cares about access to justice and the efficient administration of justice would allow this to happen."

Brian Houghton, the litigation projects manager at PBO, said the organization hosts approximately 100 law students and foreign trained lawyers who are completing their National Committee of Accreditation exams. He noted that two to four students volunteer each day at each of the law help centres.

PBO executive director, Lynn Burns, confirmed the organization expects the Law Help Centres will remain open in the short term, and will make a formal announcement detailing its fundraising efforts soon.

Photo of Chief Justice Richard Wagner by Supreme Court of Canada Collection

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