

Fighting abuses of power

Pro bono work Law firms address lack of access to justice

BY KATHRYN LEGER, SPECIAL TO THE GAZETTE MAY 14, 2010



Kathryn Leger writes the Strictly Legal column in The Gazette.

Photograph by: Richard Arless Jr., The Gazette

Lawyer Geeta Narang doesn't mince words when she talks about the business of providing free legal consulting for those who suffer abuses of power simply because they are uninformed.

"There is so much crap that happens out there - it is wild," said Narang of the injustices and administrative problems that grab her attention at the Mile End Legal Clinic she established eight years ago.

The service she provides is free to clients who walk in Wednesday evenings in premises donated by the Anglican Mile-End Mission.

"It is insane and it could have taken half an hour to fix!" Narang added, referring to a problem she, another volunteer lawyer, and a team of student lawyers was in the process of addressing.

Narang cites the case of an immigrant couple who won a cash settlement against a landlord because of rats and cockroaches in their apartment, but then found themselves facing eviction until the clinic stepped in and negotiated a resolution.

The couple figured they could deduct the settlement money from the rent, but failed to notify the landlord in writing they would be doing so. The landlord then filed for eviction on ground of non-payment of the rent and won. In addition to no notice, insufficient language skills had prevented the couple from explaining their situation.

"These cases become so big and complicated for no reason because lawyers don't intervene earlier," Narang said.

The mission of the Mile End Legal Clinic is to provide access to justice to people who can't afford a lawyer by informing them of their rights and supporting them through the judicial process.

While not all cases can be taken, or sometimes there is no legal case, arming people with information and sometimes accompanying them to hearings often leads to relatively quick - and at least understandable - solutions or an ability to deal with process.

Colin Irving, a veteran Montreal corporate litigator with Irving Mitchell Kalichman LLP, met Narang through a mutual friend and, after working with her each Wednesday for the last three years, decided to start his own walk-in clinic Tuesday evenings at Tyndale St-Georges Community Centre in the Little Burgundy neighbourhood.

"A lot of people are frightened of the law and frightened of lawyers," Irving said. "They don't like to approach lawyers and don't have the money to pay lawyers - lawyers' fees are terribly high - and a lot of them don't qualify for legal aid, or don't know how to go about getting it." As with the Mile-End Clinic, Irving operates a walk-in service and has some help from student lawyers who earn university credits for their effort and get a dose of a world of need they might not see - especially if they work at one of the city's bigger law firms, where the rate for young lawyers can easily start at \$200 to \$300 an hour.

"The law practice of the major firms in Montreal is almost entirely with big companies nowadays," Irving said. "The rates are so high it is quite hard to take on individual clients, although we can and do." Since last year, 15 Montreal law firms are contributing to a bank of 15,000 volunteer annual hours available from about 100 lawyers through Centre Pro-Bono Québec Inc., also known as Pro Bono Québec.

It began operating last year as a province-wide initiative following several years of work within the Quebec Bar, which also was concerned with the lack of access to justice for many people. Its mandate is to try and promote and coordinate pro bono legal work under one roof.

Unlike the free consultation clinics in Montreal that will take information on any request for aid or refer, Pro Bono Québec is for now limiting its efforts to cases "that are exceptional, raise issues of public interest or in which citizens or groups of citizens lacking the financial resources to defend their rights could suffer permanent harm." Pro-Bono Québec, while not yet well-known, has received 250 requests for legal help in the past year - about half of those from the city of Montreal, Michèle Moreau, the lawyer who is the organization's executive director, said.

Moreau said Pro Bono Québec has accepted 17 cases and is looking at ways to make its services more accessible to more people without opening the floodgates to hundreds or thousands of requests.

Some lawyers would like to see mandatory pro bono work and more community legal clinics - a service that is much more widely available in other Canadian provinces - to handle family law questions or issues like employment severance, problems with welfare calculations and housing difficulties.

The Quebec Justice Department has three such one-stop centres in the planning, but there is no word on when they will begin operating.

Moreau said one positive trend beginning to gather steam is the increasing emphasis law firms are placing on their pro bono work.

In jurisdictions like the United States, pro bono involvement has become an essential marketing tool.

"It is a way to differentiate a firm from other law firms," Moreau said.

"In the U.S., when a company is looking for a legal services provider and launch a bid process, one of the questions they ask now is 'what kind of pro bono do you do, do you have a policy and is it done by younger lawyers or senior lawyers?' because it shows involvement with and interest in the community." Corporations also are getting on board, with legal departments of companies also taking part in corporate pro-bono challenges, Moreau said.

"It is coming here slowly and surely and we had one doctor who came to speak to one of our law firm meetings who said it is scientifically proven if you do something good, it is better for your health." Whatever the motivation, lawyers like Garang and Irving on the front lines in walk-in legal clinics and telephone help lines in Montreal (see listing at right) say the benefits go beyond winning any case.

"You have to do it because it is right," Narang said.

"Sometimes even telling someone in some cases: 'I am so sorry, I don't see a legal solution, but I hear your pain,' is really appreciated. They walk away and feel like they have just had access to someone in power and are proud to say, 'my lawyer says,' and they feel good."

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