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Pro Bono Quebec hopes to improve access to justice

02/04/2009 by [Luis Millán](#)



"Remember, we can only afford to do all this pro bono because of how much anti bono pays."

Three years after [Guy Pratte](#) and [Alexander De Zordo](#) convened a meeting with the managing partners of Montreal's top law firms and the chief justices of Quebec courts to discuss the necessity of adopting a pragmatic approach towards pro bono, the [Barreau du Québec](#) finally forged ahead and recently announced the creation of a new not-for-profit organization, making Quebec the fifth jurisdiction in Canada to adopt a coordinated approach to pro bono service delivery.

"We got the ball rolling," De Zordo said humbly, a partner and regional chair of the [Borden Ladner Gervais Pro Bono Committee](#) in Montreal and member of the provisional board of directors of the new entity. "We found that the attribution of pro bono work was not as well structured in Quebec as in the other provinces. Everyone was in agreement."

The [Centre Pro Bono Québec](#) is the latest initiative striving to improve access to justice to low-and modest-income individuals by facilitating and coordinating pro bono legal services. Driven by increased pro bono engagement in the profession, province-wide pro bono organizations first made its appearance in Ontario and British Columbia six years ago before the movement lost steam for a number of years. It once again gained momentum after the [Pro Bono Law Alberta](#) was established last year, a development emulated by Saskatchewan this summer, with New Brunswick and Nova Scotia expected to follow suit in the coming months.

The emergence of province-wide pro bono networks is being propelled by waning government commitments to legal aid, market pressures as well as by a growing recognition that there are accrued benefits for both the profession and the public to organize the delivery of pro bono services.

"The issue has been forced upon law societies in that there are more and more demands for better access to justice, and one way of doing that is to organize the efforts of the profession so that the public is better able to access to justice," said Pamela Kovacs, the chair of the [Canadian Bar Association pro bono committee](#) and executive director of [Pro Bono Law Saskatchewan](#).

The drive to increase and formalize pro bono commitments is by no means a substitute for adequate government funding of legal aid plans nor a Trojan horse that signals a shift to displace legal aid with volunteerism, added [Gérald Tremblay](#), the [Barreau's](#)

batonnier. On the contrary. It is a compliment, designed to fill a gap that would exist even if the legal aid system was well-financed – and something that law societies, at least in Quebec, used to do before the appearance of legal aid in the 1970s, reminds Tremblay, who has no issue with law societies having a direct hand in forging pro bono networks. Indeed, the Barreau's involvement will add credibility to the initiative, raise awareness of pro bono activities, and opens up the program to the entire province.

“Pro Bono Québec has been put into existence to coordinate things that have always taken place,” said Tremblay, a partner with McCarthy Tétrault. “It is an additional means we are trying to add to the plethora of steps needed to be taken to alleviate the problem of access to justice. It is not a substitute. You should see the fight, the negotiations we have with the government to try and have legal aid admissibility levels raised, and raised because it is too low. So we are trying to fight a battle on two fronts.”

Armed with a bank of at an estimated 10,000 hours provided by 14 of the province's most prominent law firms, a donation evaluated at approximately \$3-million, Pro Bono Québec will act as a go-between lawyers and potential clients. Initially, clients in need of pro bono services will submit a request that will be reviewed by the executive director, and depending on its merits Pro Bono Québec will reach out to participating law firms.

The new organization, however, has yet to decide which practice areas will be given precedence, though it will certainly be excluding areas that fall within the realm of legal aid. Also, it is more than likely that the kinds of pro bono services that will be offered will hinge on the availability and expertise of lawyers offering their services. That would be a wise move, says Kovacs.

“Not all lawyers are well suited to pro bono services if they don't approach it from the right perspective,” said Kovacs, a former associate at the Regina firm of McKercher McKercher & Whitmore LLP who was selected as the winner of the CBA 2006 Young Lawyers Pro Bono Service Award. “Part of it is making sure that lawyers are volunteering in appropriate ways. Corporate lawyers, for example, aren't necessarily well-suited to be advising clients on the poverty line. But they are well-suited to do work with community groups, charitable and not-for-profit organizations who are in need of assistance.”

Lining up Quebec lawyers and law firms to offer pro bono services has not been a problem, said De Zordo. Lawyers who undertake pro bono legal work tend to do so out of respect for the long-standing professional obligation of giving back to the community and the sense of accomplishment it provides.

Moral and ethical obligations aside, a strong business case can also be made for pro bono. And that is something that a growing number of law firms are beginning to appreciate. As the legal profession evolves and moves away from the traditional client-lawyer relationship towards clients opting to select law firms based on formal requests of proposals (RFP), the importance of pro bono work has taken on added weight. “A growing number of RFPs have requirements dealing with community involvement and pro bono programs,” points out De Zordo. “Pro bono is good for business.”

It also does wonders for the image of the legal profession, adds Steeves Bujold of McCarthy Tétrault, a firm that has offered than 6,000 hours of pro bono work over the past year and entered a three-year partnership early this with the Quebec chapter of Avocats sans Frontières (Lawyers without Borders), an international organization that contributes to the protection of rights of the individuals and groups in developing countries or nations in crisis.

It is also why Bujold, who is involved in the firm's national pro bono committee, believes that that the Barreau's involvement in the province-wide pro bono organization is a positive step. “The Barreau must institutionalize and put in place the tools that will put clients in need in touch with lawyers who want to do pro bono work,” said Bujold. “The Barreau must also encourage pro bono initiatives and promote it throughout Quebec's legal community. The objective behind it all is certainly to help clients but one of the effects is that it also demonstrates to the public at large that lawyers also do good deeds.”

Tremblay couldn't agree more. “Society as a whole has to take measures that people are represented, and that falls within our mandate.”

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