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PARKDALE COMMUNITY LEGAL SERVICES: A DREAM THAT DIED[®]

BY DOUG EWART*

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The people of Parkdale have once again been ripped-off. This time, however, it was not by a bunch of villain-hearted nasties from the welfare department or violence-prone heavies from the police department. This time it was by Osgoode Hall Law School.

Parkdale, you see, out of Toronto's numerous poor communities, was chosen to be the recipient of this school's clinical training plant. Of course at the time we put it there, those of us working on the project last summer didn't see it as a plant. Nor did the people of Parkdale see it as a rip-off.

We all thought, or so we said, that we were trying to set up a community law office. We knew that we would have the resources to hire a full-time lawyer, a social worker; and a couple of secretaries, and that about 20 students a term would work virtually full-time in a law office which would provide free legal services to a given poor community in Toronto. But we were committed to not utilizing these resources to merely set up another law office in the community.

The distinction is a vital one. What we then planned to set up was an office which, while its initial attraction would be the provision of free legal services on a case-by-case basis, would do much more than that. Our reading, discussions, observation, and experience had made very clear the need to transcend law as it is now taught and practised.

It was clear to us, that as Robert Kennedy had stated nearly a decade earlier, the poor have no conception of the law as an instrument they can use in their own interests. They see it only as something which oppresses them. If generations of negative experiences with the law

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were to be broken down, an aggressive outreach program would have to be the central focus of the project.

More, however, would be required. What would be needed was a concrete offer of service and support, and the engendering of a feeling of trust and confidence by the office.

Building this feeling of trust would be central to the success of the office. Through experience the poor have found it more prudent to be exploited in silence than to speak up and risk consequences which can be catastrophic, and in the face of which they are powerless. It would require far more than ephemeral offers of help to overcome this generation-old defence-mechanism.

Thus we hoped that the professionals, students and staff of the office would come to see the community as home. As many as possible should live there; all should endeavour to spend as much time there as possible. Not only does familiarity breed understanding and trust, but in time those associated with the office would come to understand, as only a resident can, the needs, frustrations and hopes of the community.

It was clear to us then that taking the law to the people, physically and psychologically, was only the first step. For poor people do not have isolated legal problems: rarely do they have individual legal problems. By far the majority of their legal problems occur only because they are poor. It seemed like a waste of resources to solve a particular problem, then send the client back to the very milieu which created it.

Clearly, then, the office would have to work towards removing the present inequities in the legal system. Beyond this, the poor would have to be elevated from their position of subservience and fear to one of equality and freedom. They themselves must gain the power to make these changes, and also to end the present discriminatory enforcement of apparently equal laws, and enact laws which are in their class interests. In numbers the poor have strength: in solidarity they have the power to force vast social changes.

BAND-AIDS NOT ENOUGH

It was then obvious that it would be blatant hypocrisy to accept a job working with the poor yet fail to encourage the one thing that can help them end their exploitation: organization. Thus while the office would devote a considerable amount of its resources to providing band-aid service to the victims of our society, it would constantly work towards ending this victimization.

As a poor people's office it would have to look beyond, and encourage community residents to look beyond, the immediate problems to see the global causes. And it would constantly have to direct its efforts towards giving the poor organizational strengths.

As a first step in the process, we were all committed to turning the office over to the community for its direction and control. In this way we would demonstrate vividly to the poor that they do have the power and the ability to determine their own destiny. As well, we would end the absurdity of middle class professionals debating what the poor really want.

These were the basic philosophical premises from which we began when we opened our doors on September 1. Although at this point there had been some major disputes among us, with some of the group apparently relaxing these assumptions, I don't think that any of us would then have guessed that less than a year later the office would be well on the road to being just a legal factory: another first-aid center on the edge of the battlefield that characterises the lives of the poor.

PARKDALE "PURGE"

Yet that is exactly what has happened. The process, while far from complete, is being encouraged and entrenched by the current legal staff. The people who fought for those goals, and who opposed the current trend, have all been either pressured into resigning if they had jobs, or refused jobs when they applied.

The astute observer, not blinded by optimism, could have seen this coming before the doors opened. By August, clinical training, as well as community law was being stressed. The difference of course, is vast. The latter centralizes working towards the social change necessary to end the exploitation of the poor; the former seeks to use the victims of this exploitation to train lawyers for Bay Street. Gradually the pendulum swung, until finally clinical training was the priority.

RESOURCES WASTED

The process, however, was incremental. Fall term students, in a *de jure* sense at least, won an equal share in the office's management and operation. As a result, the office meetings, held twice weekly, were characterized by serious debate over the role of the office. This led to a heightening of everyone's interest and enthusiasm, and in time their

political consciousness. This process peaked when in November the office voted unanimously to implement community control as soon as possible. There was a general awareness that our role must be to serve, not just service, the community.

While we realized that the process of turning the office over to the community would be a slow one, we had hoped that by May when the office was up for refunding, the monies could be paid directly to the community for dispensation, rather than to York University. This, however, was not to be. We had clearly pushed the machine as far as it would be pushed.

Fights over the primacy of the law school and the emphasis of the office became more frequent. A [Local Initiatives Project] LIP application, conceived as a joint project by the office and the community, worth about \$55,000 to the community was placed in jeopardy in order to draw the office back from its advancement into the community.

In January, a new group of students entered the office. They were immediately inundated with cases. Yet, instead of making special efforts to continue the office meetings which had proved so valuable in the development of students and of the office, they were allowed to slide. Set for once a week, they were cancelled or postponed at random.

The emphasis was clearly on individual problem solving: all attempts to analyze the role and function of the office were subjugated to production. The social and political goals of the office and of the community were forgotten.

SECRET BUDGET MEETING

Community participation in office meetings began to be discouraged. In the fall it had been decided that all community persons attending such meetings would have equal participation and voting rights. While this was not changed in the spring, the right was rendered hollow by the random timing of these meetings and the failure to publicize them when they were held.

The most blatant example of this was the first budget meeting held this spring. It was called during a student seminar at the law school, and was held immediately following that seminar in the faculty common room. This, one might say, rendered community participation somewhat difficult. Meetings continue to be held without notice. Agendae, when utilized, are rarely distributed prior to the meetings.

Those now running the office seem to have forgotten that community people, who have families and jobs outside the law office, cannot spend their time sitting in the waiting area waiting for a meeting to be called. It is vital that they be informed well in advance not only when the meetings will be held, but what will be discussed. Yet, although neither of these things are done, community people are criticised when they don't show up, and meetings are conducted merrily in their absence.

Following a dismal defeat over the issue of community participation in the selection of the high school principal, an issue into which the office had rushed with no real consideration of community interest, the office quickened its retreat.

In April, a newsletter was prepared as an initial attempt to reach the real poor of Parkdale. Our information was that these people were not even aware of the office's existence, although they were the most exploited members of the community. Clearly, reaching them was vital if the office genuinely wanted to fulfill its role.

NEWSLETTER SUPPRESSED

When the newsletter, which basically described the office and its services (including the fact that it was free, a fact which our clients had told us was generally unknown in the community), was prepared and brought to an office meeting, it was suppressed. Why? Because it might be construed as advertising, something which might offend the Law Society or the Law School.

Meanwhile, those who most needed the office's assistance continued to be exploited without knowing that help was only a few minutes walk away. Two months later, nothing has been done, and nothing is planned, to reach these hard core poor. No one seems too worried about this.

The office has decided to hire a third lawyer, increasing the legal emphasis of the project. It took a concerted fight by community residents and some students to retain a social worker's position in the office. The project continues to expand, with total funding, including the director's salary which is paid by Osgoode, exceeding \$115,000 annually. Yet the provision for community outreach by such means as publicity and education drives has not been expanded. In fact the director has stated that his personal priority is to hire a fourth lawyer.

Thus both internally and externally the office has moved away from community law. Internally, the emphasis is being placed on

traditional legal solutions. Students are not encouraged to work in the community, or to stress non-legal remedies to their client's problems. Rather the stress is on case work production. Externally, the office has made community participation in its operation extremely difficult.

Occasionally one still hears the rhetoric of the old dream, but the practice of the office belies this. Students, staff and community people are no longer urged to discuss and analyze the role and function of the office. Yet without such analysis and discourse, the office is stagnating.

What we felt last year is still valid today. The office must go beyond merely attending to the victims of a society which makes people poor and the penalizes them for that state. Clearly it must direct the brunt of its efforts towards advancing the only solution to perpetual exploitation: organization. Of course, aid to the victims is still needed in the short run. But without a long run approach and plan, such efforts are doomed to futility if only because there are insufficient resources to handle even a fraction of the legal needs of the multitude of victims.

Not only has the office clearly opted not to adopt this emphasis or even to move towards it, but it has refused to even make the necessary effort to reach those in Parkdale who are the most exploited. Our own clients, who tend to be the most sophisticated and aware of the poor tell us that after nine months of operation the very existence of the office is a little-known fact in the community. Because the necessary outreach efforts are not being made, the hard-core people continue to be the most exploited in Parkdale as well as in our society.

The office is clearly abusing the trust through which it controls the vast resources of money and manpower that have been made available to Parkdale. Instead of utilizing these resources where they are most needed and can accomplish the greatest long run good, the office is using them to consolidate and perpetuate its own existence. Indeed, one of the main arguments against distributing literature about the office in the community was that so doing might put the office in jeopardy.

The office no longer sees its success or failure in terms of inroads made on the vulnerability of the poor to, and their powerlessness in the face of, exploitation, but in terms of at best individual case victories, and at worst in terms of its own empire building. Not having committed itself to fighting the fact, rather than the face, of poverty, not having tried to educate the community concerning their rights, not having engaged in any serious outreach efforts, not having encouraged and supported community involvement in the decision-making process of the office, the office by having utilized its resources to further its own long run goals, has ripped-off the community and must stand with its exploiters.

To continue to advocate and apply stop-gap legal solutions to problems that are demonstrably social and political, is to ignore totally the reality of poverty, while insuring its perpetuation. In so doing it secures long and lucrative careers in “poverty law” for middle-class lawyers. To make a living solely because others are poor while not taking the steps which you know are the only ones that can end that poverty is more than hypocritical, it is criminal. But then, the poor don’t have any courts ... yet.

The Parkdale office was not going to be the millennium. But it could have worked towards bringing people together to solve their own problems and thus begin to control their own lives. Instead, it has created another social agency; another place where the poor can wait in line for help.

The dream has died.

