The Dream Is Still Alive: Twenty-Five Years of Parkdale Community Legal Services and the Osgoode Hall Law School Intensive Program in Poverty Law

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Abstract
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THE DREAM IS STILL ALIVE®
Twenty-five Years of Parkdale Community Legal Services and the Osgoode Hall Law School Intensive Program in Poverty Law

BY FREDERICK H. ZEMANS*

Over twenty-five years have passed since Parkdale Community Legal Services opened its doors in Toronto, changing the face of poverty law and clinical legal education in Ontario. This article details the formative years of the Parkdale clinic and its ongoing partnership with Osgoode Hall Law School. Despite initial opposition from the legal profession the clinic has survived, evolving into an innovative educational tool and delivery model of legal services. The clinic has become an essential component of the mixed Ontario legal aid system and a pattern for other clinics and clinical education programs in Canada. This article documents the considerations in locating the clinic in Parkdale; the opposition of the legal profession to the opening of the clinic; the removal of the prohibition on advertising by the Law Society of Upper Canada; and the early development of the poverty law clinical program at Parkdale.

Plus de vingt-cinq ans se sont écoulés depuis que Parkdale Community Legal Services a ouvert ses portes, changeant ainsi le visage du droit de la pauvreté et de l'éducation relative au travail dans une clinique juridique en Ontario. Cet article raconte les années formatrices de la clinique de Parkdale ainsi que sa collaboration continue avec Osgoode Hall Law School. En dépit de l'opposition initiale de la profession juridique, la clinique a survécu, se transformant en un outil éducatif innovateur et un modèle de pourvoyeur de service juridiques. La clinique est devenue une composante essentielle du système mixte d'aide juridique de l'Ontario ainsi qu'un modèle pour les autres cliniques et les autres programmes d'éducation relative au travail dans une clinique juridique au Canada. Cet article traite aussi des facteurs qui ont été considérés lors du choix de l'emplacement de la clinique, de la levée de l'interdiction de la publicité par le Barreau de l'Ontario et des premiers développements du programme de droit de la pauvreté à la clinique de Parkdale.

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* Professor and Director of Clinical Education, Osgoode Hall Law School, York University. Professor Zemans was the founding director of both the Parkdale Community Legal Services and the Intensive Program in Poverty Law. He would like to thank Mark Oulton and Chris Hersh for their research assistance, Deanna Jubas for her administrative assistance, and Joyce Zemans for her continuing support in both the creation of and reflections on Parkdale. He dedicates this article to Sir Jack Jacob on the occasion of his ninetieth birthday. Jack Jacob was there in 1971 and offered his wisdom and moral support.
I. INTRODUCTION

This essay reflects on the early years at Parkdale and examines the impact of Parkdale Community Legal Services (PCLS) and the Osgoode Hall Law School clinical semester in poverty law. I congratulate the editors of the Osgoode Hall Law Journal for publishing the papers written for the twentieth and twenty-fifth anniversaries of the Parkdale program, along with other documents and papers relating to the clinic’s origins and evolution, as well as its academic and community commitment.

My perspective on Parkdale grows out of my unique opportunity as the founding director of the clinic and the first academic director of Osgoode’s Intensive Programme in Poverty Law. In January 1971, I commenced my association with Osgoode Hall Law School as a part-time member of the faculty, teaching civil procedure. During the 1970-71 academic year, the law school’s clinical training committee approved the establishment of a clinical training centre in a community law office to be run by the law school and to be the site of a full semester academic program. Subject to financing, faculty council approved the proposal on a two-year basis and the faculty recruitment committee launched a search for a new member of faculty to head the poverty law clinical program and to establish the neighbourhood law centre that would be the home of the new program. I was approached to apply for the position and decided to put my name forward. On 1 July 1971, I was appointed to the Osgoode faculty.

In reflecting on the quarter century of the Parkdale program, it is helpful to recall that in 1971, both funded legal aid services and law school clinical programs were recent innovations in Ontario. A

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1 The clinical training committee was chaired by Larry Taman, a third year student, and later deputy attorney general of Ontario from 1994 to 1997. This was the first and perhaps only occasion that a Faculty Council committee was chaired by a student. Members of the committee included, Professors Bill Neilson and Garry Watson, and third-year students Ian McDougall and Terry O'Sullivan. The committee was subsequently known as the clinical education committee.
Early History of the Clinic

A formalized legal aid system was only established in Ontario in 1951. Prior to that time, legal services for those who could not afford them were only available on an ad hoc basis. There was no formal system and the provision of pro bono services was entirely dependent on the good will of individual lawyers.

Prior to 1951, there had been several attempts to establish a formal system to provide legal services for the poor. In 1936, W.D. Matthews, then chair of the Junior Bar Committee of the Law Society of Upper Canada, established the Toronto Legal Aid Bureau. Although initially supported by the Law Society of Upper Canada (LSUC), financial support was withdrawn from the clinic two years later due to substantial opposition amongst lawyers.2

Significant pressure for a comprehensive legal aid scheme began in the late 1940s. The depression and the Second World War had created an increase in social problems with a resultant increase in the demand for legal services to the poor. The establishment of the welfare state in Britain also influenced Canadian public opinion, providing an example of government intervention in the delivery of legal services to the poor.3

Ontario passed its first legal aid legislation in the early 1950s.4 The initial scheme merely set up a centralized referral system in coordination with the LSUC—access to traditional legal services remained dependent on the willingness of lawyers to defend lower income clients on a pro bono basis.

In 1965, the attorney general established a committee of lawyers chaired by W.B. Common to examine the issue. The Report of the Joint Committee on Legal Aid recommended the establishment of a

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2 The first initiative in legal aid services in Canada occurred in 1921 when the Baron de Hirsch Institute began to offer financial help in legal matters to poor members of the Montreal Jewish community. As well, the social service organization of the Anglican Church, the Social Service Council of Canada and the labour unions began in 1924 to call for "the passing of remedial legislation in aid of poor persons charged with crime." See J.E. Jones, "Legal Aid for the Poor" (1931) 9 Can. Bar Rev. 272; and D. Hoehne, Legal Aid in Canada (Queenston, Ont.: Edwin Mellen Press, 1989.)

3 Great Britain, Committee on Legal Aid and Legal Advice in England and Wales, Report of the Committee on Legal Aid and Legal Advice in England and Wales presented by the Lord High Chancellor to Parliament (London: H.M.S.O., 1962) (reprint of 1948 report) [hereinafter Rushcliffe Report]. The Rushcliffe Report recommended the creation of a legal plan in the United Kingdom that was eventually introduced in 1951.

4 See Law Society Amendment Act, 1951, S.O. 1951, c. 45.
fully-funded judicare legal aid scheme, similar to that which had been introduced in the United Kingdom.5

In 1966, Ontario passed *The Legal Aid Act*,6 establishing the Ontario Legal Aid Plan (OLAP), a publicly funded "judicare" program. The program was based on the principle that legal aid was no longer a charity but a right. The program was and continues to be administered by the LSUC, employing private lawyers on a fee for service basis. Funding has come primarily from the provincial attorney general's department, the federal government, contributions by clients and the interest derived from lawyers' trust funds. OLAP was a mirror image of the British legal aid system; it was controlled by the governing professional body and geared to traditional legal cases, but was also supported by government funding and required that legal aid certificates be granted only to persons in economic need with legitimate legal problems. The Ontario program also provided legal services for young offenders and in some areas of tort compensation. In criminal courts of first instance the Scottish duty counsel system was also utilized.

Although early initiatives were strongly influenced by legal aid in England and Wales, developments in the United States would come to play a significant role in the evolution of the delivery of legal services to the poor in Canada. Across Canada the influence of the British judicare system and the American neighbourhood legal services program shaped the "Canadian compromise," a variety of mixed models of legal services in the ten provinces and northern territories.7

The most significant American influence on the Canadian legal aid system came out of the store front clinics that were created as part of the Johnson administration's "War on Poverty" in the late 1960s. American developments encouraged Canadian lawyers and law students to consider an alternative to the pure judicare model.

In the early 1970s, a report by the National Council of Welfare on the problems of low-income people criticized the judicare model on the grounds that it was oriented exclusively to criminal and family law, and did not address the many other important legal and social problems

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5 Ontario, Joint Committee on Legal Aid, *Report of the Joint Committee on Legal Aid [to the Attorney General of Ontario]* (Toronto: The Committee, 1965) (Chair: W.B. Common). The judicare model has been discussed at great length elsewhere but suffice to say that judicare emphasized the delivery of legal services through private lawyers, on a case-by-case basis, to be paid for on a tariff basis, through funds provided initially by the government of Ontario.

6 S.O. 1966, c. 80.

7 The contrast in legal aid models is particularly stark between Ontario and Quebec. Quebec has emphasized a staff delivery model with some community input, while Ontario continues to provide legal aid services primarily through the British judicare approach.
of low-income people, such as the plight of injured workers and tenants’ rights. Most members of the legal profession had limited experience and/or interest in these issues or such matters as immigration, child welfare and social security law. Gradually Canadians came to realize, as had American scholars and legal services lawyers, that practising law for the poor was an enterprise very different from traditional lawyering. Lawyers and social theorists such as Stephen Wexler asserted that the legal needs of the poor were not amenable to the individual case-by-base approach that OLAP had adopted.

A growing recognition that low-income people had needs different from affluent people led to the assertion that equal access to justice would not be attained by making the same services available to every citizen—that true equality required the existence of professionals with expertise in poverty law areas. The establishment of community clinics staffed by salaried lawyers who specialized in poverty law issues was clearly a way to address this concern.

From the outset, there were two central elements in Osgoode’s development of a poverty law program: exploring the possibilities of clinical legal education and developing an alternative model of legal aid services. The writings of Edgar and Jean Cahn informed Osgoode’s critique of OLAP and its funding application to the federal Department of Health and Welfare to establish a community-based legal clinic. The law school, and particularly its clinical training committee, had become interested in the development of university-based legal aid clinics by a number of American law schools. These programs generally engaged law students in full semester clinical programs. Osgoode applied to both the federal government for its new poverty law project and the Council on Legal Education for Professional Responsibility (CLEPR). Funded by the Ford Foundation (New York), to encourage American law schools, CLEPR was established to develop clinical legal education in

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community-based legal clinics. Osgoode was the only Canadian law school to receive funding from CLEPR.12

The clinical poverty law semester was the second major innovation of the Parkdale program.13 There is little doubt that the principal reason that major initiatives in clinical law teaching did not come to Canada until the early 1970s was the requirement of an “articling year by each of the ten Canadian law societies.”14 As well, Canadian law schools in the generation after the Second World War had concentrated on developing academic legal education, moving legal education away from skills training, and concentrating on developing a university-based model. This effort was strongly influenced by developments at the Harvard and Yale Law Schools, where many Canadian legal academics had done graduate work. The articling process, coupled with the concerns of many legal academics that clinical studies might weaken the newly established university law school academic model, tended to discourage Canadian law schools from experimenting with the clinical model or the clinical methodology.

The early Canadian clinicians argued that the strong supervision element built into the clinical experience distinguished law school clinical programs from even the best of articling experiences. Unlike most articling placements, the clinical semester in a poverty law clinic provided for case and client retrospection that emphasized professional responsibility, personal values and reflection on the needs of low-income communities. As in the United States, it was the initiation in 1971 of federal poverty programs to fund community law clinics that stimulated three Canadian law schools to initiate clinical training programs that

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12 Osgoode Hall Law School received a grant of $45,000 in May 1971 to be funded over two years; $30,000 in the first year and $15,000 in the second. As well, a further grant was received in 1975 to allow Osgoode to establish a clinical LL.M. program with the clinical fellows spending half of their academic year supervising and teaching law students in the clinical semester. A number of well-known clinicians including Richard Evans of Dalhousie Law School and April Katz of University of Victoria, Faculty of Law were CLEPR clinical fellows in the Parkdale program.

13 As discussed above, the creation of the first community-based legal clinic in Ontario is generally described as the primary purpose of the Parkdale project.

14 Articling is generally a one year internship between graduation from law school and admission to the bar. During this year, the prospective lawyer apprentices in the offices of a practising lawyer. The argument was routinely made that if students are required to work in a law office for a year under the supervision of a practising lawyer, then they should not be provided such practical training while in law school. This concern was responded to by early Canadian clinicians by a critique of the generally unstructured and often unsatisfactory educational experience provided by articling. See Law Society of Upper Canada, Special Committee on Legal Education, Report of the Special Committee on Legal Education (Toronto: LSUC, 1972) (Chair: B.J. MacKinnon) [hereinafter: The MacKinnon Report], recommending the abolition of articling in Ontario.
allowed undergraduate law students to actually provide client representation in a variety of poverty law matters.¹⁵

Thus, from its inception the PCLS program had a dual function: to deliver quality and strategic legal services to the Parkdale residents; and to provide a clinical semester in poverty law to second- and third-year Osgoode Hall law students.¹⁶ In 1975, Professor Roland Penner observed the interrelationship and creative tension between the academic program and the delivery of community-based legal services in his evaluation of the project for the Department of Health and Welfare:

> It is not possible however to separate one aspect from the other, particularly since there is at least an apparent conflict between quality legal services on a large scale and a legal education clinic operating on limited resources. This apparent conflict begs a fundamental question however, namely, what of legal education is proposed to be given through the clinical program?¹⁷

II. THE EARLY YEARS

A. The Project Proposals

The history of the formative years of Parkdale can be found in numerous submissions to funding agencies—particularly the federal Department of Health and Welfare and to the Ford Foundation's clinical training subsidiary (CLEPR) as well as in submissions to faculty council of Osgoode Hall Law School and to the LSUC. The 1970 grant proposal to the federal Department of Health Welfare for a demonstration project, written primarily by Larry Taman as chair of the clinical training committee, articulated the need for a community or neighbourhood clinic:

> Although there is a relatively comprehensive legal aid system in Ontario, it was not designed to provide legal services or advice on a community or neighbourhood basis. Even the provision of legal advice on an individual basis is exceedingly limited. In Metropolitan Toronto, only one legal aid office exists to service a population of over 2

¹⁵ The Dalhousie, Osgoode Hall, and Saskatchewan law schools received grants from the federal Department of Health and Welfare to develop models of community legal services that utilized law students as the primary deliverers of the services. These grants initiated the first Canadian clinical law programs and fostered the first full-time staffed community law offices in Nova Scotia, Ontario, and Saskatchewan.

¹⁶ Since the mid-1980s, a maximum of two upper-year students (per semester) of the Faculty of Law of the University of Toronto also participated in the Intensive Program in Poverty Law.

million people. This office is located in downtown Toronto in the business community where nobody lives. It is open only during normal business days and during hours when most people usually work. Although some legal counselling is given at this office, its primary purpose is to determine whether applicants are entitled to receive legal aid. Many poor people who experience problems, for example, concerning welfare rights, tenants' rights, consumer credit, mortgages, unemployment insurance, and so on, are frequently denied legal aid. Furthermore, the present legal system does not provide for general group legal counselling, nor does it provide people with information concerning their legal rights or help them to identify and classify their problems.

One of the unresolved issues in the project submission was the location of the proposed clinic. The model of legal services was discussed in general terms:

It is assumed that by locating legal service at the neighbourhood level and involving neighbourhood people in the development of the program and in its administration, these services can be developed in a way which will be more responsive to the neighbourhood, be more accessible to those who need the services, and enable people to be more informed of their rights.

The objects of the demonstration project articulated in the proposal were:

1. to develop a model for the provision of a neighbourhood legal service;
2. to help determine the extent of the need for legal services in low income communities;
3. to develop the experience on which the present legal aid system can be assessed as to its deficiencies in meeting the needs of disadvantaged groups and how it needs to be modified to better meet community needs for legal services;
4. to assist the residents of the community in solving individual and group problems.

The first challenge I faced on my appointment was to determine the community in which we would locate the clinic. The Health and Welfare grant proposal outlined the range of possibilities:

A number of communities in Toronto are under consideration as possible locations for a neighbourhood legal service but the community in which the service will be established has not yet been chosen. Communities being considered include Lawrence Heights, Alexandra Park, Rexdale, Donvale, the Ronscesvalles area, the Christie Pits area, etc. The actual choice of a location will be made on the basis of the expressed desire of the neighbourhood residents to have the project in their area, the size of the community, the existing structure of the community, the definition of the community as an administrative unit and the extent of existing services in the community. Whichever community is chosen it will be essential that it meet the definition of being a low income or poverty
Although federal funding had been solicited, the community had not been selected and there was a recognition that considerable preliminary research was required. The period from March to September 1971 had been set aside as a developmental phase for an in-depth consideration of the alternatives and to determine the most suitable community. Thus in April 1971, five outstanding law students were employed as summer students to assist in this research and development phase of the clinic and the academic program. Four of them were to be students in the first year of the program—Doug Ewart and Terry Hunter in the fall semester, Ed Belobaba and Mary Lou Goldfarb in the winter semester. Terry O'Sullivan, a graduating student who had been a member of the clinical training committee, was also employed in the development of the project.

Belobaba's report recognized that the major obstacle to the Rexdale area lay in the lack of community organizations and the difficulty of locating an appropriate site for the office. He concluded: "It is my feeling, based on interviews and studies in the last several weeks, that the Thistletown public housing project in Rexdale is not appropriate..."

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18 The proposal continued, under Project Description:

Size: It is difficult at this stage to determine the population or the size of the area which can be served due to the unknown nature of the need. However, an attempt will be made to maintain both group and individual services at a level which will be related to the resources of the project.

Scope of the Project: The project will attempt to limit itself to the kinds of services that the formal legal aid system does not provide; but in a general way the project will attempt to deal with the broad range of the legal needs identified in the statement of the problem. The project will address itself to group needs and educational needs of the community as well as to the service of individual clients.

19 The proposal to Health and Welfare stated that the project would consider demographic characteristics of various communities including the size and nature of the community, the state of existing community organizations and services, and the receptiveness of the population of an area to the location of a neighbourhood legal service in their community.

20 The proposal had indicated that the project, if funded, would attempt to select the community for the clinic by mid-summer and then create a local project committee to assist in determining the operating procedure for the clinic, including its location.
for an effective experience in a community poverty law program.”

It was only after close examination of the potential of Rexdale, Kensington, York Township, Cabbagetown and Riverdale, that Parkdale was chosen as the most appropriate location for the community clinic to house the Osgoode program. In Parkdale’s *February 1972 Report* to the Department of Health and Welfare, we described the appropriateness of the Parkdale site:

The community law office’s catchment area is defined as Bloor Street on the north, Lake Ontario on the south, Dufferin Street on the east and High Park on the west. Parkdale was a well-to-do neighbourhood during the 1920s. The large three storey detached houses south of Queen Street were then well-maintained single family homes. But time, the Gardiner Expressway and land speculation have changed the appearance and composition of the community.

Today, the majority of large homes are rooming houses with often as many as fourteen unrelated people living under one roof. The two movie theatres have long been empty and the only businesses still doing well are the three major beer parlours. Parkdale has remained a predominantly English speaking community being the major receiving area for Maritimers arriving in Toronto. There is a scattering of middle European groups including immigrants from Germany, Ukraine, Czechoslovakia and Poland. In the area of Dufferin and Dundas Street and to the east are a number of Italians and Portuguese. The Atlantic Centre, situated also on Queen Street West, offering social assistance to the Maritimers, estimates that about 15% of the Parkdale population is made up of East coast migrants. In the high rise apartment of Jameson Avenue, there is a concentration of West Indians. However, most of the Parkdale community can be described as white, English speaking and poor.

Parkdale is unstable in the sense that many transients move about, but apparently they move within the boundaries of Parkdale and not out of the area completely. Welfare workers tend to trade files within the area and seldom transfer cases to a new district. The seven welfare workers average approximately 150 cases each. This total of course does not include those residents receiving unemployment, Workmen’s Compensation or Family Benefits.

The Ontario Housing Corporation is beginning to make its presence felt in Parkdale. It is presently erecting a 348 family unit approximately one block from the community law office. We have also been informed that several other Ontario Housing Corporation buildings are planned for the immediate vicinity. Additional institutional housing in Parkdale includes approximately fifteen half-way houses, for individuals recently-released from mental institutions or prisons. There are also several nursing homes and an emergency housing unit.

Despite its name, Parkdale is a community without parks. There are virtually no recreational facilities for teenagers. The rate of glue-sniffing and drug use among the young of Parkdale is very high as are the crime and prostitution rates. It is estimated that 70% of the homes in the community are divided into rooming houses or flats with considerable sub-standard housing. The presence of municipal housing inspectors in the area is too little or to no avail. Parkdale itself provides little employment which makes it

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21 E. Belobaba, *A Study of Rexdale: as a Possible Location for the N.L.O.* (23 June 1971) [unpublished; on file with the author] [emphasis in original].
primarily a dormitory community. The lack of any casual employment in the area tends to evidence itself in the number of people who appear to be "hanging around" on the street and other public places.22

During the summer of 1971, we not only learned about Parkdale but also about its nascent community organizations. Doug Ewart and Mary Lou Goldfarb wrote in their introductory report on the Parkdale community:

Parkdale residents have formed few indigenous organizations. The Parkdale Coalition was formed to attempt to coordinate the various community groups and churches. The Coalition has recently become more of a force within the community but is still representative of only a small portion of the active community.

Although only the embryonic structure of the low-income community alliance existed, the interest of some community leaders and the formal invitation of the Parkdale Coalition were important factors in our decision to locate in Parkdale. By mid-July, the project had rented a premises at the corner of Elmwood and Queen Street West, in south Parkdale, with sixty feet of frontage on Queen Street. Formerly a surplus grocery, the storefront was located in the centre of the south Parkdale community, one block from the community library and one-half block from the community pubs.23 The use of the interior space

22 In the clinic's first report to the federal Department of Health and Welfare, I wrote: How it all began: ... The project got underway in late May when the Director and five law students commenced the task of searching for an appropriate location for a community oriented office. The project was most fortunate in having five dedicated students who devoted themselves to the launching of the project during the summer of 1971. It had been assumed before the summer that the experiment would be located in Rexdale in relatively close proximity to Osgoode Hall, the parent of the project. Mr. Belobaba spent considerable time in investigating the suitability of Rexdale as a location and his report is attached hereto. It became evident at an early date that Rexdale was inappropriate as a setting for the project. The suburban middle class community did have within it a large pocket of poverty within several Ontario Housing developments. The Ontario Housing Corporation residents were ostracized from the community and had virtually no relationship to their middle income neighbours. The area itself had only one focal point, that being the Rexdale Plaza on Albion Road which is a smaller version of Parkdale. It was the only possible location for a community law office in Rexdale but an unrealistic site, financially and physically. It became apparent that there was no location within the community that provided the proper setting or access to the low income community of Rexdale that the project would hope to reach.

Parkdale Community Legal Services, Report to Department of Health and Welfare (February 1972) [unpublished; on file with the author] at 1, 4-5 [hereinafter February 1972 Report].

23 My personal files on the Parkdale location contain a letter from Terence J. O'Sullivan to the Canadian National Railway (6 July 1971), requesting the rental of the Parkdale Railway Station for use as a community law office: It is the feeling of the individuals involved with the creation of the community law office that the Parkdale Railway Station would be an ideal setting for our innovative program.
was carefully considered and designed with the assistance of a young architect, Paul Roth.24

The *February 1972 Report* to the federal Department of Health and Welfare encapsulates the early months of the clinic:

> The office is still very much in its infancy. The first six months were hectic, exciting and exhausting. During this period of time there was only one full-time lawyer who was also responsible for the academic input and supervision of sixteen law students. Much of the time was spent during the fall discussing the role of the office in the community and the type of relationship that should be developed with the community. The Director was also required to spend considerable time informing the profession with respect to the aims and objects of a community law office. At times the very existence of the office seemed to be threatened. The office developed a democratic and horizontal method of decision making. Wherever possible all decisions were brought to the 'community of workers' within the office for their discussion and resolution. Although efficiency may have suffered a viable and vibrant process was created. It is hoped that the decision-making procedure developing within the office can be expanded to include the Parkdale community.25

Shortly after the opening of the clinic, social worker Joan Williams, a recent graduate with a specialization in community development, joined me as a member of the clinic staff. Ms. Williams developed an excellent working relationship with members of the community and the Parkdale social agencies. In October 1971, we held an open house at the clinic to acquaint the community with the clinic's services. We remained in regular contact with the Parkdale Coalition and the community newspaper, the *Parkdale Citizen*, published a series of articles about the office, initiating our community education program.

In late 1971, a residents' association, opposed to the development of a twenty-two storey apartment building on Landsdowne Avenue north of Queen Street West, retained the clinic. In the next eighteen months, we became increasingly involved in the opposition to this rezoning. Eventually, working with the residents, we developed a strategy of simultaneously opposing the rezoning and applying to the

We would appreciate any assistance that your department may be able to give us in arranging a two year rental of the station. Our federal budget provides for an annual rental for the community law office of $4,000.

There does not seem to have been a reply to this request and the project determined that the former Usher's Grocery store was a more suitable and available location.

24 The *February 1972 Report*, supra note 22 at 3:

> It is almost entirely 'open to the public' with the Director's office being the only enclosed area. There are three partially partitioned interview rooms. It is well-equipped with a Xerox machine, Dictaphones and a Sony tape recorder, all of which were donated by the respective corporations. The centres of activity have been placed in full view of the street to develop a feeling of accessibility. One quarter of the office is set-up as a library, research area and meeting space. This room is also visible from Queen Street.

City of Toronto Parks Committee to purchase the site for a park.\textsuperscript{26} Within the first year of the clinic's operation, community groups took over the second and third floor of 1267 Queen Street West. With the assistance of another federal program, the Local Initiative Program (LIP), the upper stories were converted into a community action centre that housed the offices of the Parkdale Tenants' Association and the Parkdale Single Parents' Association, both of which had close ties with the clinic.

B. Early Opposition to the Clinic

Not everyone was happy about our decision to locate in Parkdale. In February 1972, Dean Gerald Le Dain received the following letter from Sidney Robins, then treasurer of the LSUC:

For your information I am enclosing a photocopy of a letter dated February 16th, 1972, from the presidents of the South Parkdale Residents Association and the Ward 2 Property-Owners Association.

I mention also that I recently received a telephone call from one Irma Kaufman who identified herself as a social worker in which she sought to complain to me about the activities in Parkdale of Osgoode Hall and Mr. Zemans, who, she said, had ejected her from a meeting at the Parkdale office. I explained, of course, that the Law Society has no connection with the Parkdale office and suggested that she direct her complaints to York University and you.

I am not requesting any comment respecting either of these matters but I did think I should pass this information on to you.\textsuperscript{27}

The 16 February 1972 letter to the treasurer of the Law Society was signed by Gordon Thatcher, President, South Parkdale Residents Association, Terry Hryhor, President Ward 2 Property-Owners Association, and Catherine Culliton, Correspondent, and gives some insight into the impact of the clinic in Parkdale:

\textsuperscript{26} \textit{Ibid.} The clinic's sensitivity to community lawyering is confirmed:

The community at all times remained in control of the situation and organized the very active and effective group to oppose the rezoning. The office did the research and determined the requirements of the City of Toronto with respect to availability of parks.

The combined resources of the community and the office were eventually successful in convincing the City of Toronto Parks Committee that the site was ideal for a park and should be purchased from the developer.

The recommendations of the Parks Committee was accepted by the City of Toronto's Council and the clinic had its first successful community endeavour. The community members and also the clinic received considerable press coverage.

\textsuperscript{27} Letter of S. Robins (Treasurer of the LSUC) to Dean Gerald Le Dain (24 February 1972) [on file with author].
the activities of these people, we feel that they could damage the confidence of many people in the legal profession.

We are under the impression that the whole system of articling is designed to give the students-at-law some practical experience before being admitted to the bar. But this experience should be in law, not in attempts to bring about what some people call 'social reform' which appears to be the motivation of this group.

We suggest that this society should examine very closely the gamit [sic] of activities of those engaged in this operation as the bulk of their 'legal work' must be to act as an unnecessary referral agency, and their other activities of a social nature could be better handled by the qualified social workers in the agencies existent in the area.

From what we have observed and learned, this group supplemented by C.Y.C. workers and Local Initiatives Program grant recipients etc. has come into the Parkdale area quite recently, as they are penetrating other communities, mainly for political purposes which do not seem to be democracy oriented. The underminind [sic] of confidence in the legal profession and subsequently in the courts and our whole system of justice could well be their prime purpose.

We urge you Sir to examine closely the background and qualifications of those directing and assisting in this project and their ability to direct others in the practice of law in Canada.

By and large, however, community support was strong. Real opposition came not from Parkdale residents but from the LSUC and the province of Ontario. The Law Society's concern was reiterated in The Globe and Mail's lead editorial endorsing the actions of Attorney General Allan Lawrence. In August 1971, a formal expression of concern from the LSUC arrived in the form of a statement of these concerns from Thomas P. Callon, a bencher and chair of the Legal Aid Committee, addressed to Dean Le Dain. The letter indicates the perceived seriousness of the matter to the organized legal profession:

A special meeting of the Legal Aid Committee of The Law Society of Upper Canada was held in Toronto on Thursday of last week to consider some of the implications arising out of the proposed Community or Neighbourhood Law Office under the auspices of Osgoode Hall Law School. This special meeting of the Legal Aid Committee was preceded by a special meeting of representatives of the Legal Aid Committee, The


29 “A Clumsy Intervention” The [Toronto] Globe & Mail (17 May 1971), states in part: Osgoode Hall professors plan to provide extensive supervision in their storefront law office but don't want to operate it as a student legal aid society office. They want to use it as a research tool in gathering data and as a teaching device for providing clinical training. The idea may be acceptable once more details are made known. But it remains inexplicable why consultations were not first held with law society officials.
Osgoode Hall Law School. This special meeting of the Legal Aid Committee was preceded by a special meeting of representatives of the Legal Aid Committee, The Professional Conduct Committee, The Unauthorized Practice Committee and The Bar Admission Course.

A resolution was unanimously passed at the Legal Aid Committee meeting that you as Dean of the Osgoode Hall Law School be informed that the Committee is of the view that the provision of legal assistance by means of what has been described as a Neighbourhood or Community Law Office raises a number of problems which require resolution by Convocation.

The Committee further expressed serious reservations concerning a number of matters arising out of the proposed Neighbourhood or Community Law Office such as the issue of Legal Aid Certificates to professional staff in charge of such legal assistance and as to whether or not credit should be given for services under Articles to any student while engaged in such a programme. 30

The Committee, and no doubt Convocation, will continue to review and consider the implications of these proposed programmes and The Legal Aid Committee thought that this should be brought to your attention without delay.

As always, the Legal Aid Committee is available for any discussion concerning these matters which you might feel would be of assistance. 31

As might be expected, the law school took the expression of displeasure by the LSUC seriously. Dean Le Dain summoned me back from a family holiday in Temagami and the Osgoode team, including the dean, then Associate Dean Harry Arthurs, and I met to develop the law school’s strategy in response to the Law Society. Professor Arthurs proposed that we continue the preparations to open the clinic before the fall term and to develop for internal use a detailed view of the operation of the Neighbourhood Law Office. On 31 August, Dean Le Dain wrote to Thomas Callon stating that, while he would be pleased to meet with the committee to discuss the details of the Parkdale plan, it was an educational project for which students had enrolled for the coming academic year, and given the fact that term had begun, the law school

30 In a letter to me, James C. MacDonald (Director of the Bar Admission Course) (4 August 1971), indicated that the Legal Education Committee had not concluded its investigation of the application to have articling students work in the clinic. They specifically recommended that Mary Jane Mossman should commence her articles at McCarthy and McCarthy and assign them if the clinic was approved as a setting for articles. Allan McChesney's articles at Parkdale, commencing 1 September 1971, and Mary Jane Mossman's six-month articles in early 1972, both under my supervision, were ultimately approved by the Legal Education Committee of the LSUC.

31 Letter of T.P. Callon (Bencher, LSUC) to Dean Gerald Le Dain (5 August 1971) [on file with author].
was obliged to honour its commitment. The plan that he enclosed addressed a number of the issues raised by the LSUC:

Parkdale Community Legal Services Project

Plan of Operation

(1) The name of the office is to be "Parkdale Community Legal Services." The sign in the window will be in accordance with the requirements of the Professional Conduct Handbook. The hours of operation of the office, once they have been determined, will be indicated on the sign. There will also be a reference in the window to the Osgoode Hall Law School of York University.

(2) The office will conform, in respect of advertising, to the Rulings contained in the Professional Conduct Handbook. It is expected that the office will become known to members of the community through the normal channels of communication in the community.

(3) The office would welcome referrals from the local Area Director of the Legal Aid Programme, such as are presently made to the Student Legal Aid Society.

(4) The services to be performed by the Director, the Assistant Director, when appointed, and the students in the programme are those which they are respectively permitted by law to perform.

(5) As a basic rule, the office will only represent persons who cannot obtain legal services from any other source. The office will not undertake matters for which a Legal Aid Certificate is issued and for which a person is able to retain a lawyer. Where a Certificate has been issued and the person has been unable to retain a lawyer, the Director may accept the case but will act gratuitously and will not seek reimbursement from Legal Aid. If a person is refused Legal Aid and is unable to retain a lawyer, it will be within the discretion of the Director whether to undertake the case. The office will not act for paying clients. Any person who can obtain Legal Aid or is financially capable of retaining a solicitor will be referred to the proper source of legal services.

(6) If the case is one eligible for Legal Aid, the office will advise the individuals concerned of the availability of Legal Aid.

(7) In all matters where a law student is to represent and appear on behalf of a person, such person shall be advised that he is to be represented by a student and not by a lawyer and his written consent to this effect shall be obtained.

(8) If the Director undertakes to represent a person, the normal solicitor-client relationship will prevail, and the client will be told that no fee will be required. A written retainer will be obtained. The client will be required to pay for disbursements.

In fact, the protocol for PCLS would create the framework for the mixed delivery system of legal aid services in Ontario. The clinic stipulated that it would not compete with private practitioners who handled primarily criminal and family law cases under the judicare

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32 Letter of G. Le Dain to Thomas Callon (Treasurer, LSUC) (31 August 1971) [unpublished; on file with the author].
scheme. From the clinic’s perspective, such an agreement allowed PCLS to concentrate on poverty law and the problems of low income citizens and their communities. The confrontational mood cooled and threats of injunctions and citations by the benchers were abandoned. The prevailing relationship between PCLS and the profession was polite but distant.

C. Advertising

One of the Law Society’s principal concerns was that the clinic should conform to the standards of the profession with respect to advertising. Although Osgoode agreed to comply with the stringent requirements of the Rules of Professional Conduct, it was evident that the Professional Conduct Handbook had not considered the possibility of a neighbourhood law office and/or the unique needs of the low-income clients. After six months of operation, it became evident that the clinic needed to reopen the advertising issue with the LSUC. It was seen as critical for the clinic to be able to bring specific issues to the attention of the community, and at the same time provide greater information about the clinic itself—reflecting the need for a broad information campaign. A 23 November 1971 Globe & Mail report indicated the kinds of early efforts we made in this regard:

Using a neighbour’s telephone, [a tenant] called the Parkdale Community Legal Services, an experiment in storefront lawyering by Osgoode Hall Law School financed by the

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33 The 1973 Report to the federal Department of Health and Welfare discusses the growing number of cases referred by the clinic to OLAP:

The office continues to refer a significant number of cases to the Ontario Legal Aid Plan and recently, through arrangement with the York County Area Director, the office has been provided with the Initial Interview Form for clients applying for Legal Aid which can be completed in the office thereby assisting the applicant for Legal Aid to expedite the receipt of the Certificate.


34 Canadian Bar Association, Professional Conduct Handbook (Toronto: Canadian Bar Association, 1920).

35 It was clear from the earliest days of the clinic that advertising was required. In the [York University] Excalibur (28 October 1971), I was quoted as saying:

[I]t was likely that ... many Parkdale residents [were] unaware of the existence of the legal services office. As Zemans explained, law offices are not allowed to advertise and therefore they must depend on word of mouth. He hoped that the Law Society will soon recognize the unique situation of the non-profit making venture and allow some publicity in this particular case. Zemans feels that the Parkdale office at this time can become a real part of the community.
federal government and the Ford Foundation. She knew the clinic, which provides free legal services, from a leaflet left at her West Lodge Avenue apartment.\footnote{I would presume that the leaflet was from the Parkdale Tenants' Association, drawing attention to the initiation of litigation against Phil Wynn, owner of the West Lodge Towers apartments and the subject of litigation by PCLS over a lengthy period of time: See B. Bucknall, "Pajelle Investments Ltd. V. Herbold: On the Importance of Having a Convenient Enemy" (1997) 35 Osgoode Hall L.J. 685; and M. Truemner & B. Poesiat, "The West Lodge Files: Joining Clinic and Community to Overcome Tenants' Subordination" (1997) 35 Osgoode Hall L.J. 697.}

In spring of 1972, the Friends of Parkdale Community Legal Services was formed. Composed of community members and former clients, its initial goal was to exempt the clinic from the advertising prohibition. After a meeting between the Law Society and representatives of the Friends, PCLS submitted a brief to the Professional Conduct Committee of The Law Society of Upper Canada, formally requesting permission to advertise:

1. Parkdale Community Legal Services is an innovative project to determine the unmet legal needs for those people who cannot obtain legal services from any other sources. Advertisement of its services is necessary... to determine with more precision the actual need for such a service.

2. We believe Parkdale Community Legal Services is a method of bringing the process of justice into conformity with modern times, for one of the objectives of Parkdale is to break down the barrier between the legal profession and citizens who traditionally have not used its services. Advertising of Parkdale will help accomplish this objective by creating a communication channel to overcome the gap between citizens who use the legal profession service and those who do not.

3. It is generally concluded that many people suffer injustices due to lack of understanding of the law and unawareness of the availability of legal services. Our proposal is a mechanism by which the public can be informed of the functions of the law.

4. When the new service is offered, it is necessary for the public to be informed of its existence before it will be utilized. When the Ontario Legal Aid Plan was established an extensive advertising campaign was undertaken to inform the public. Similarly, when the Legal Aid Plan initiated clinics in Toronto and Ottawa, the respective communities were circularized and the clinics advertised in the community press. PCLS is in the same position as the Ontario Legal Aid Plan was at its outset and it is necessary to advertise the PCLS's existence before it also will be fully known and utilized.

5. Parkdale Community Legal Services provides a gratuitous service. The lawyers receive a fixed salary which is totally unrelated to the quantity of cases handled.

6. Unlike most law offices, Parkdale Community Legal Services does not use the name of its lawyers as its name. This is important in light of Rule 3(1) of the Canon of Ethics: "A member shall not directly or indirectly do or permit any act or thing to be done which can
reasonably be regarded as professional touting, advertising as designed primarily to attract professional work."^{37}

In its conclusion, the PCLS brief clearly placed the responsibility for the delivery of legal services in Ontario with the LSUC, reminding the Law Society of the public trust that such a professional monopoly imposes:\^38

The Law Society Act, 1970, gives the complete control of the delivery of legal services to the Law Society of Upper Canada. This monopoly imposes a duty on the profession to ensure that every person who is in need of such services has ready access at an affordable cost. Unfortunately, there is a gap between those who need legal services and those who can obtain same. This gap is attributable, at least in part to four causes:

1. Lack of awareness of legal services;
2. Ignorance of the public to the need and value of such services;
3. Lack of knowledge as to where to find a lawyer; and

Parkdale Community Legal Services by its unique character is an attempt to begin to eliminate these problems. There has been a recognition in the United States and Great Britain of the need for advertising to ensure that every citizen who needs legal services can obtain them. To the extent that Professional Conduct Rules prohibit advertising and discourage the utilization of available legal services for the improvement of substantive law or for solving individual legal problems, they perform a disservice to the public.

We would therefore propose the following amendment to Rule 3:

A GROUP FORMED SOLELY FOR THE PURPOSE OF RENDERING OR FURNISHING GRATUITOUS LEGAL SERVICES, MAY PUBLISH AND/OR DISTRIBUTE AND/OR DISSEMINATE INFORMATION ON THE NATURE OF ITS SERVICES.

Members of the profession continued, however, to be concerned about altering the prohibition against advertising. In 1968 an anonymous bencher of the LSUC published an article entitled, "Thou Shalt Not Advertise."^{39} The author took a strong position against advertising by professionals, drawing support from the Canons of Legal Ethics, incorporated as Ruling 1 of the Professional Conduct Committee and specifically on the reference to advertising in Canon 5, paragraph 3:

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^{37} Parkdale Community Legal Services, Brief to the Professional Conduct Committee of The Law Society of Upper Canada (Undated) [unpublished; on file with the author].

^{38} Ibid.

^{39} (1968) 2 L. Soc. Gaz. 32.
The publication or circulation of ordinary simple business cards is not per se improper, but solicitation of business by circulars or advertisements or by personal communications or interviews not warranted by personal relations, is unprofessional. It is equally unprofessional to seek retainers through agents of any kind. Indirect advertisement for business by furnishing or inspiring newspaper comment concerning causes in which the lawyer has been or is connected, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's position, and like self-laudations defy the traditions and lower the tone of the lawyer's high calling, and therefore should not be tolerated. The best advertisement for a lawyer is the establishment of a well merited reputation for personal capacity and fidelity to trust.

The article concluded with a strong plea to maintain the prohibition against advertising:

The professional restraint on advertising is not confined to the legal profession. Other professions have dealt with the problem in various ways. It may be inappropriate to adopt a slogan used by another profession, with the necessary alternation, and declare that: The bigger the sign the smaller the lawyer.

In May 1972, LSUC's Professional Conduct Committee appointed a three-person subcommittee of benchers, chaired by Samuel G.M. Grange of the law firm McMillan, Binch to address the issue.\(^{40}\) In its 16 June 1972 preliminary report the subcommittee recommended that PCLS be permitted to advertise until October 1972, provided that it confine the advertisement to the Parkdale area. The report noted specifically that the services would be for those who would be unable to afford lawyers' fees and for required services not covered by the OLAP.\(^{41}\)

The final report of the subcommittee, approved by the Professional Conduct Committee and later by convocation of the LSUC,\(^{42}\) stipulated that PCLS must clearly state that its services were for Parkdale residents only; that PCLS and OLAP would consider the effect of the reference to OLAP in advertising and that in the future, it might be better for there to be some association or at least some closer liaison between the two organizations that would make such reference appropriate; and that PCLS would continue to consider the advisability of defining more precisely the nature of its operation. The subcommittee concluded:

The Subcommittee is of the opinion that the advertising conducted so far by Parkdale has been in accordance with the permission granted, and is not offensive. The Subcommittee

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\(^{40}\) Mr. Grange subsequently became a member of the PCLS Board—a position he held with distinction until appointed to the Supreme Court of Ontario.

\(^{41}\) There was concern expressed to the sub-committee by Lyle Fairbairn, then assistant director of OLAP that the reference to the Plan in Parkdale's advertisements might reflect poorly on the Plan. He was also concerned about the issue of student participation in the delivery of legal services; nevertheless, the provisional report was issued.

\(^{42}\) Letter of Sam Grange to the author (24 October 1972) [on file with the author].
therefore recommends that permission be granted to Parkdale to continue its advertising. Parkdale has undertaken to continue to supply the Subcommittee with copies of all advertising distributed, and the Subcommittee suggests that it or some other appropriate body be requested to continue to examine such advertising and report from time to time to the Committee for further directions.43

PCLS considered the committee’s decision as a signal that the relationship between the clinic and the profession was improving. Certainly, the subcommittee’s encouragement of a closer liaison between PCLS and OLAP was an indicator of future development.44

By late November 1972, PCLS was evaluated by Robert Cooper of the Department of National Health and Welfare. The laudatory report concluded:

Within one year, Parkdale Community Legal Services has managed to provide high quality legal services, has been deeply involved with the community and has embarked upon successful law reform projects. It is an exceptional office with well-trained highly motivated staff and carefully thought-out strategies, policies and priorities. The reasons for the office's resounding successes may be understood by a consideration of three factors. Firstly, the office operates as a complement and supplement to a well-established legal aid plan; it does not have to concern itself with the traditional legal problems such as divorce and separation which generally sap the resources of neighbourhood legal offices. Parkdale can afford the luxury of focusing on the core poverty law problems. Secondly, its generous budget permits the hiring of personnel and the purchase of high-quality facilities without the need to skimp. Thus, two highly competent and experienced practitioners have been hired; a large well laid-out [sic] storefront was rented; and well-paid legal secretaries were hired. Thirdly, the students working at the office are full-time. Their work there is not challenged by other competing obligations. The individual case service appears exceptional. The office is truly accessible both because of its physical store-front set-up and because of its fluid office hours. A more distinctive sign would further encourage community residents. The office is fully equipped with the necessary law books, top legal staff and other legal materials. Careful surveillance of and assistance to students by the experienced lawyers lead to excellent student work. In the future, however, the office will have to devise methods of case-distribution to ensure student motivation to enter good work. A third lawyer would assist in alleviating the caseload of the others. The office requires more comprehensive statistics indicating the geographical area of the clientele, referral source, kinds of services offered by the office and case distribution to enable better planning in the future.

Last spring, there was a need for students to clarify their and the office goals, to identify with the community and to learn the needs of the target population. This has progressed well. The office is now well integrated into the community. It has developed much community interest and awareness. It has become well accepted in the community both by establishing links with the various groups and instigating the development of others. It is in the area of community involvement that the office has expended most of its recent efforts and where progress is most evident. Aggressive door-to-door advertising campaigns have begun. Full-time professionals have been hired.

43 Ibid. at 3.

44 In 1976, OLAP would directly fund the clinic.
Resident input on a policy level presently exists via bi-monthly office meetings to which residents are invited. This will soon be structured by the formation of either a Board of Directors with resident membership or a resident advisory committee. Finally, two community organizers were recently hired but both are unfortunately inexperienced and may thus have difficulty in fulfilling these vital roles.

The law reform and group representation work is progressing well with a number of successes recorded. More intensive efforts are required as is the need for the formation of a law reform unit composed of some personnel working exclusively in the area.

To sum up: Parkdale Community Legal Services is a very good model of a community legal office practicing poverty law with university input. As a teaching experience for law students, as a legal casework office for the poor, as a legal resource for the community and as an innovation base for needed law reforms, the Parkdale office performs essential functions in an exceptional manner.45

D. Management of the Clinic

In the law school’s 1971 submission to the Department of Health and Welfare, the following statement appears under the heading “Theoretical Framework”:

It is assumed that by locating a legal service at the neighbourhood level and involving neighbourhood people in the development of the programme and its administration, these services can be developed in a way which will be more responsive to the needs of the people in the neighbourhood, be more accessible to those who need the service and enable people to be more informed of their rights.46

Under “Project Description,” the following was submitted:

Once a location has been determined, the next step will involve setting up a project committee with community representation, establishing the precise location of the project offices, developing operating procedures such as hours, details of programme and establish working by-laws which will set out administration and policy-making responsibility and provide the framework for the administration of the project. During this phase, the full time staff will be recruited and a statement of their duties prepared.

The developmental stage should be completed at the end of six months and, by that time, the plans for the project should have developed to the stage where a neighbourhood office is open on a full-time basis and the project committee, with combined representation from the law school and the neighbourhood, is able to take over the administrative responsibility of the project. 47

45 R. Cooper, Evaluation of Parkdale Community Legal Services, November 1972 (Ottawa: Department of Health & Welfare, 1972) [unpublished; on file with the author]. Cooper was the director of the Pointe Ste. Charles clinic in Montreal that was also funded by the federal Department of Health and Welfare [hereinafter Cooper Report].


47 Ibid. at 5.
Under "Administrative Structure: The Operation Phase," the following appears:

The plan is to establish a project committee made up of representatives of the law school and of the community. The exact size and make-up of this community representation will be of such quality and quantity to provide the community with a meaningful input into, and an influence upon, the development of the project and on the specific services. 48

While the law school's stated intention was to involve the community at the organizational and administrative levels in its development of an innovative model of community legal services, events moved more slowly than anticipated. The February 1972 Report discussed community involvement in the management of the office:

Much time has been spent in deliberating the involvement of the community in the management of the office. At the moment an informal relationship has been created whereby the community participates at the Friday office meetings. There is an ongoing relationship between the various groups with the low income community of Parkdale and the office personnel. This relationship allows for frank and honest criticism of the office's policy and direction. Although the office may not yet have community control, we truly have significant community input into the type of services the office is, and should be, providing.

It is hoped that clients of the office can begin, in the near future, to have an input into the office. It is only after six months of operation that we can now determine who is the community of clients served by the office. It is planned to convene a meeting of former clients and to encourage them to form an organization which will hopefully be in a position to advise the office. Although we would like to see greater community input into the management of the office in light of the office's relationship to Osgoode Hall and York University, a formalized relationship does not seem feasible at the present time. 49

In his evaluation to the Department of Health and Welfare, Cooper discussed the history of community involvement after the clinic's first year of operation:

Community Policy Input

Since the area lacks community organization, and since the office has been strongly affiliated with the University and had problems with the Law Society, community input on the policy levels was not emphasized for the first few months. However, recently, the office has attempted to actively involve community residents on such a level; a meeting was held during the month of March with a turn-out of over forty people. The meeting involved an exchange of opinions and views as to the needs of the population, the problems of the legal office and ways of improving service. This has led to regularly scheduled bi-monthly meetings of interested residents with the staff. The office is considering the institutionalization of resident input by the formation of a Board of Directors with some community representation. However, some law faculty members and private attorneys are worried about the danger of such input: would the university

48 Ibid. at 9.
49 Supra note 22 at 10.
lose its control? Would the office engage in the unauthorized practice of law? Would the staff attorneys lose their independence? Concern over these questions has impeded the development of citizen participation in the decision-making process.

Besides focusing on this issue, the question of the mode of citizen participation remains undecided. Should there be a Board of Directors formed by combining the three basic constituencies of staff, community and university, or should the community members form a Citizen Advisory Board with their exclusive membership?

While those opting for the Advisory Board model do so for negative reasons—to deprive the community of any decision-making power—there are positive consequences in such a choice. Whereas community representatives on a Board of Directors would be only a part of other interests represented, The Citizen's Advisory Board could be composed exclusively of community members. Under the latter model, the resident may be more willing to articulate his ideas without hesitation and to participate actively. On the other hand, community representation in an advisory capacity only may be criticized as tokenism, paternalism and a lack of confidence in the community members' capacities to decide matters on their own in a reasonable fashion. Whichever model is chosen, meaningful tasks must be given: the setting of priorities, identification of community needs, communicative techniques, service satisfaction and project budgeting and financing. 50

In the broader context of community participation in the delivery of legal services, PCLS began to take public positions. Evidence can be found in PCLS's submission to the special subcommittee of the LSUC (the Fairbairn Committee) which reported in 1972 on Community Legal Services:

The method of delivering legal services to a community must reflect and be responsive to the particular need of the community. The Ontario Legal Aid Plan suffers from being a plan developed and administered by the legal profession. Although the plan provides for non-lawyers on its area committee, lay representation tends to be mere tokenism since the non-lawyers are generally from the same social and economic background as the legal profession. The low-income people of Ontario have had no say whatever in the type of legal services which they require. 51

In the June 1973 Report of the Clinical Training Committee to Faculty Council of Osgoode Hall Law School, the contradiction between PCLS's public positions and its own management was mentioned by its author, Professor Alan Grant: "It is to be noted therefore, that, at a time when Parkdale was exhorting the Law Society of Upper Canada to share power with the people, it was itself governed exclusively by professionals,

50 Cooper Report, supra note 45 at 25-26 [emphasis in original].

51 Parkdale Community Legal Services, Submission to the Law Society of Upper Canada Sub-committee on Community Legal Services (June 1972) [unpublished; on file with the author] at 16.
with only informal community advice and guidance being put forward at office meetings."

On 14 June 1972, Osgoode Hall Law School began to address the question of the long-term management of the Parkdale clinic. Faculty council passed the following motion:

That the Clinical Training Committee meet with the members and staff of Parkdale Community Legal Services, the students of the Clinical Training programme, interested members of faculty and of the legal profession and others, for the purpose of discussing their prospective roles in the future administration and direction of Parkdale Community Legal Services, such committee to report to Faculty Council at its meeting in September 1972.

This decision resulted in three initiatives:

1. An open meeting was held at Parkdale on 5 July 1972 at which members of the judiciary, legal profession, law school, and the community discussed the question of which organizational framework would best reflect the evolving role of the office in the Parkdale area and would at one and the same time, (a) reflect and service the needs of the residents; (b) provide high quality clinical legal training for the students; and (c) be an effective decision-making apparatus.
2. Notice was given to the law school, the legal profession and the community of the bi-weekly office meetings that were held at the clinic to discuss policy issues.
3. An interim report was submitted to faculty council on 13 September 1972 by the clinical training committee, which concluded that more time was required for consideration of the issues involved before any definitive proposal on the governance of Parkdale could be made.

The progress of the Thursday office meetings is traced in my February 1973 Report to the federal Department of Health and Welfare:

Throughout the past year, the office has held regular open meetings, for the most part on a fortnightly basis, which were attended by staff, students and members of the community. It was at these meetings that major policy decisions, including the allocation of budgetary resources, hiring of staff and office priorities were finally determined.

By the fall semester, it was recognized that there were a number of problems with this format. These problems included the fact that there were many matters being brought before the Office Meeting with which many people were not terribly concerned, primarily matters involving internal office administration. Additionally, the meetings were often too large to facilitate any efficient decision-making procedure and the membership at the

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52 Report of the Clinical Training Committee to Faculty Council of Osgoode Hall Law School on Parkdale Community Legal Services (June 1973) (Chairman: Alan Grant) [unpublished; on file with the author] at 4 [hereinafter Clinical Training Report].

53 Ibid. at 4-5.
meeting was not always consistent. It was also realized that the most successful meetings, both from the point of view of attendance and result were those at which there was a significant issue of policy to be debated and at which various position papers setting out the various aspect of the issues involved were presented prior to the meetings. The meetings surrounding the decision to hire two community organizers rather than professional social workers were excellent examples of such meetings.

Accordingly, during the fall semester a Long Range Planning Committee was established and one of its recommendations to the Office Meeting was that the regular Office Meeting continue to be the final decision-making body insofar as major policy decisions were concerned, but that these meetings be held less often than in the past (once every month rather than once every two weeks) and that a Steering Committee be set up. The function of the Steering Committee would then be two-fold: firstly, to deal with housekeeping and administration matters, and secondly, to spend some time debating, considering and recommending to the Office Meeting various policy alternatives. The membership of the Steering Committee is presently composed of the three office lawyers, three students, one lay advocate, one secretary and three community representatives who were elected at a special community meeting called for that purpose. One of the major undertakings of the Steering Committee will be to consider in depth the whole question of community involvement in the office and to recommend to the Office Meeting various alternatives for consolidating and increasing this involvement. 54

In its deliberations, the clinical training committee considered other developments in Canada with respect to community involvement in legal services, specifically Vancouver Community Legal Assistance, the recently introduced Quebec Legal Aid Act 55 and Dalhousie Legal Aid Services. 56 The latter project, also funded by the federal government, was administered in 1973 by five lawyers appointed by the law faculty, one at least being a member of the Nova Scotia Barristers’ Society and three law students appointed by the student body. Professor Ian Cowie, executive director of Dalhousie Legal Aid Services is quoted: “The composition of the Board will be altered in the near future when we introduce limited community participation at that level. We also are in the process of setting up a Community Advisory Committee to the Board.” 57

The clinical training committee also received position papers from the clinic staff. 58 The committee considered the literature and

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56 Ibid. at 6-7.
57 Ibid. at 8. The Osgoode Hall clinical training committee noted “it is clear that the Dalhousie project is in a state of transition and they confess to be looking to any developments made at Osgoode Hall Law School ‘with great interest.’”
58 Ibid. The report reproduced in full as Appendix “A” position papers from myself as director; assistant director, Richard Gathercole; staff lawyer, David Cornfield; Liz Zingraff and Terry Hunter, community legal worker and articling student respectively; and M. Swenarchuk an
found that two competing models of community clinic management were emphasized—the “independence” and “community control” models.\textsuperscript{59} The committee recognized that the choice of models lay between the extremes of the “independent” professional model and “community” control. They recommended a third model.

The Clinical Training Committee, however, would like to put forward a third model which treads the uneasy ground somewhere mid-way between these two extremes. In this “partnership” model, the competing claims of both the earlier models are given expression. In addition, it is thought to be quite unrealistic to emphasise the “service aspect” over the “education function” since we see them as inter-dependent, i.e., a law student who is the recipient of an excellent educational programme will be better able to service a client’s case, and a student who is subjected to the actuality of practice will have yet another perspective from which to evaluate the learning experience gained in an earlier, more academic atmosphere. Hostility and suspicion need not be the background to an endeavour which seeks to provide public service at one and the same time as academic excellence. As John M. Ferren has noted in his article ‘The Teaching Mission of the Legal Aid Clinic’:

The community will not fail to notice, therefore, that the law school’s commitment to educating its students is advanced by its undertaking to become a direct service institution with full-time professional personnel who are authorized to give priority to the needs of low-income residents. Despite natural distrust of university real estate acquisitions and rascally students, low-income residents are likely to test, and, if satisfied, accept, whatever bona fide assistance and support a university is willing to give them.\textsuperscript{60}

The report examined the capacity of the community to provide effective representation for the proposed “partnership model.”

The question still remains, however, whether sufficient people exist in the community who can be good representatives of their fellow-residents in a proposed “partnership” model. There is no doubt that prior to the arrival of Parkdale Community Legal Services at Queen Street West, the community was chronically under-organized. Much has been achieved, however, over the last two years in this respect as has been shown in the most recent Director’s Report:

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\textsuperscript{59} Ibid. at 8-9. The Committee referred to the writing of Monroe Freedman, director of the Philip Stern Community Law office in Washington D.C., who justified the independence model arguing that “lawyers totally released from external constraints serve a highly useful social purpose: they provide a perspective on the legal process and social change which cannot be achieved by those concerned with their own immediate problems.” Freedman acknowledged that “although I’m a very strong believer in participatory democracy, it doesn’t prevent me from being an elitist.” \textit{Ibid.} at 9.

Set against the “independence” model was the “community control” model, which subordinates the lawyer’s decisions on cases to handle to control by those whose interests are at stake in her work. This model is implemented by a board composed of true representatives of the constituency—rather than lawyers and inveterate board sitters—who have effective power to control the lawyer’s allocation decisions.

\textsuperscript{60} Ibid. at 10-11, citing J.M. Ferren, “The Teaching Mission of the Legal Aid Clinic” [1969] Ariz. St. L.J. 37 at 51 [emphasis in original].
In the past year, significant steps have been taken to involve the office in the community and vice versa. In addition to the hiring of the lay advocates and community organizers, and the community education programme, the office has continued to develop its relationships with various community groups including the Parkdale Tenants Association, Parkdale Single Parents Association, Information Centre for the West Indies, Parkdale Coalition and others. The office has also been actively involved with many of those groups in obtaining and renovating for a community centre, the firehall on Cowan Avenue within two blocks of the office. In addition, the office has acted for more than a dozen groups, ranging from day care centres, to half-way houses, in obtaining incorporations, charitable donations status and generally providing a broad range of services to these organizations.  

In June 1973, nearly two years after the clinic opened, the clinical training committee concluded that there existed, within the Parkdale community, sufficient interest and commitment to the legal clinic to establish a viable working partnership to allow the creation of an effective board of directors:

In the view of the Clinical Training Committee a foundation now exists from which to draw local people on to a Board of Directors so that the basis for a working partnership exists. The contracts made over the last two years in which citizen opinion has had opportunities to make itself heard both at open meetings and in Steering Committee should result in less “over-awed” community representation than has been the Vancouver experience.  

The committee recommended a board of governors for Parkdale of fourteen members, composed of seven representatives of the Parkdale community; two Osgoode faculty; two representatives of the legal

61 Ibid. at 10.

62 Ian G. Waddell, director of the Vancouver Community Legal Assistance Society, had written about his experience with community participation on the board:

Our constitution directs that five members of the Board must be from the community who are not members of the Law Society of British Columbia. We have found, however, that very often non-legal people from the community are sometimes intimidated by the legal jargon at Board meetings. Perhaps, it is better to have community more involved in committee work. In other words, it may not be necessary to have community group representatives on working committees.

This conclusion was also strengthened by Professor William Neilson’s evaluation of the Vancouver clinic:

In theory, it seems open to community representatives and the University of British Columbia students to control the Board of Directors as they have an eight to seven majority. However, the hallmark of the Vancouver system is that the so-called average consumer prefers generally to remain in the background or even not to attend the meetings. ... I tried every debating tactic to shake this conclusion but I must remain with it. The question of community control was considered but, at the moment, has a distinctly low profile.

W.A.W. Neilson, Report on Vancouver Community Legal Assistance Society (14 July 1972) [unpublished; on file with the author].
profession; two law students connected with the clinical training program; and the director of Parkdale [ex officio]. Community representation was seen as essential, "to reflect the painstaking efforts over the last two years to identify the community and to provide it with opportunities to keep the social goals of the programme highly relevant to local needs." In light of the dual nature of the project, faculty representation was also recognized as "essential":

It must never be forgotten that students in the Clinical Training Programme receive a full semester of credits for their involvement there and it is of the utmost importance that all decisions taken at the policy level should have regard to the prime importance of protecting the academic component of the Parkdale experience.

As well, the committee emphasized the need to have representation from the legal profession, law students, and the senior administration of the clinic:

Legal profession representation is seen as essential because such innovative schemes as Parkdale are bound to have an effect on the practice of law generally [witness already the effect on areas of professional advertising rules] and in addition part-time supervision has been gratuitously donated to the programme by practising lawyers who deserve to share in the evolution of the idea. Furthermore, should Parkdale ultimately be regarded as a model for the future delivery of part of the legal services in the Province, it could well be that the Law Society of Upper Canada will be the conduit through which Provincial finance will be made available.

Law students connected with the programme are seen as an essential component, since they will provide an excellent resource to the Board as purveyors of the service function and recipients of the academic component.

The Director of Parkdale is seen as an essential member of the Board since he is under the clearest duty to see that the academic component of the project remains strong and policy decisions made without regard to this vital factor would in the view of the committee reduce in turn the quality of the services provided to the public.

Upon reflection, it is remarkable that in only two years Parkdale was able to develop a management model that was accepted by the

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63 Clinical Training Report, supra note 52 at 7.
64 Ibid. at 11-12.
65 Ibid. In 1973, the clinical training committee did not recommend incorporation of the clinic: "We recommend that the initial year of operation of the Board be seen as experimental. For this reason it is not thought appropriate to sub-divide the responsibilities of the Board into a number of committees at this time."

The Parkdale board continues to be a partnership between the Parkdale community and Osgoode Hall Law School. A Memorandum of Understanding was entered into between the law school and the clinic in the mid-1980s to clarify the expectation of the law school with respect to the academic program. As well, PCLS was incorporated on 22 October 1979.
community and the law school and which has become an aspect of all seventy-one clinics currently operating in Ontario.66

E. The Clinical Education Program

In this section of the article, I discuss, albeit briefly, the development of the poverty law intensive program at the Parkdale clinic. Historically, the semester-long academic program, like the clinic, grew out of the 1971 proposal developed by Osgoode’s clinical training committee. The original program, approved by faculty council and submitted to the Department of Health and Welfare and CLEPR, proposed that students should receive twelve credits (equivalent to four courses) for the poverty law semester, to be evaluated on a pass-fail basis. Students were to receive two credits for their casework and community education activities and two seminars would be developed: the first on poverty law and the second on effective lawyering for low-income citizens.

Some of our pedagogy was based on observations of American clinical programs, particularly Gary Bellow’s and Earl Johnson’s clinical teaching at the University of Southern California in Los Angeles.67 During the first Parkdale semester (fall 1971), students in the program took the law school’s existing poverty law seminar, taught by Professors Ron Atkey and Irwin Cotler. For three years as the faculty member responsible for the Intensive Programme in Poverty Law, I taught the lawyering process seminar and during the second semester (winter 1972) I introduced the community law seminar which initially dealt with the substantive law required by students in the program. At the end of the first academic year, faculty council approved increasing the academic credit for the poverty law program at Parkdale from four to five courses (twelve to fifteen credits). Casework, supervision, and involvement with the clinic were considered worthy of three course credits to be complemented by the two seminars.

66 Mr. Justice Sam Grange, a former member of the Parkdale board, was appointed to consider the appropriate model for the administration of community-based legal clinics. He recommended the adoption of the Parkdale model of community direction for the Ontario clinics. See Ontario, Commission on Clinical Funding, Report of the Commission on Clinical Funding (Toronto: The Commission, 1978) (Commissioner: Hon. S.G.M. Grange).

67 Gary Bellow has been a member of the Harvard Law School faculty for over fifteen years, where he is director of The Legal Services Institute. Judge Earl Johnson is a member of the California Court of Appeals and remains actively involved in poverty law issues. He recently initiated the Access to Justice Library at American Law School in Washington, D.C.
The academic program was designed to accommodate sixteen to twenty students each semester. Students were responsible for: initial intake interviews; client representation in criminal and civil litigation and before various administrative tribunals; a variety of negotiations; and the development of both test case strategies and community law reform projects. Students participated in two seminars which, after the first year, were taught by the program’s academic director, with assistance from the clinic staff. The lawyering process seminar concentrated on developing strategic lawyering skills, particularly interviewing, counselling, negotiating, and trial advocacy. In addition, the seminar utilized the case presentation method to discuss the tensions encountered by the student in assuming the various lawyering roles. The second seminar was issue oriented and was designed to encourage students to critically examine those substantive areas of law encountered during the clinical semester. Students were required to lead a seminar and to prepare a term paper, researching relevant issues in poverty law.

From the outset, we attempted to avoid the development of a false dichotomy between the academic and practical components of the clinic’s work. The academic component was designed to allow students to be both participants and observers of the provision of legal services to low-income citizens and they were expected to maintain a critical distance from their lawyering experiences. Students were encouraged to consider PCLS as a developing legal model and to use the clinical semester for analysis and reflection.68

The academic component was graded entirely on a pass-fail basis and students were provided with an extensive descriptive evaluation of their semester’s work. This evaluation, prepared by the academic director, formed part of the student’s academic transcript.

68 The tendency in educational clinics is toward oral discussion and transmission of experiences. Experiences which are simply discussed but never written down are inevitably lost to other generations of lawyers and students. Fortunately, the Parkdale project was well-documented in both funding reports, as well as in public submissions and reports of the Clinical Training Committee. In 1976, the clinical training committee struck a sub-committee to review the academic component of the Parkdale program. Its report and the reports to CLEPR give us an insight into the development of the academic program. As well, Marion Lane Irvine, as a research assistant for the Long Range Academic Planning Committee of Faculty Council, produced an excellent review of the clinical literature: “Clinical Education: A Methodology in Learning” in F.H. Zemans, ed., Community Legal Services in Perspective (Toronto: Osgoode Hall Law School, 1974). In 1974, she undertook a critique of the Parkdale clinical program in “Raise High the Roof Beams, Carpenter or an Academic Reassessment of the Osgoode Clinical Training Program” (June 1973) [unpublished].
Others will discuss the continuing tension with respect to the content and emphasis of the academic program.\(^69\) From the earliest days, the question of appropriate levels of student caseloads was the subject of much debate by students, clinic staff, and the faculty. By the second year of the academic program, incoming students were expected to assume responsibility for thirty to forty files. In my March 1976 submission to the clinical training committee on "The Academic Component of the Parkdale Clinical Program," I urged that caseloads should be reduced through the use of paralegals or more stringent caseload criteria to provide high quality legal services to the community and a meaningful academic experience for students.\(^70\)

To strengthen the academic program, I urged PCLS and the law school to separate the direction of the clinic from the academic program:

I observed [at the University of Southern California and at Harvard] the success of their clinical programs came from the clear division between the field placements and the academic course. Gary Bellow was never the director of the community law office, student legal aid or public interest office in which his students received their clinical experience. Rather, Harvard retained staff lawyers in the various settings to supervise students or placed LL.M. Fellows in such roles. The Lawyering Process is taught at the law school by Professor Bellow, assisted by both a teaching assistant and his LL.M. Fellows to [supervise] approximately 60 students who are in a variety of placements. This latter idea should be explored at Osgoode as we move into establishing more clinical programs. An excellent course could be developed in the Lawyering Process which would be taught to students in the Parkdale Program, the Criminal Law Program and in an intensive C.L.A.S.P. semester. ... Having the seminar taught at Osgoode by a person other than the director allows for the seminar expectations to be clearly delineated ... .

Shortly after this memo was written, the division of the director's role between a clinic director and academic director was accepted by

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\(^70\) By 1976, student caseloads rose to between forty and fifty files. See F. Zemans, *Report of the Sub-Committee on the Academic Component of the Parkdale Programme to Professor Alan Grant, Chairman, Clinical Training Committee* (5 March 1976) [unpublished] at 3-4:

The role of the academic component in the Parkdale programme has been profoundly altered by the increasing workloads on the Parkdale office and by the shift in the perception of the nature of the student's role in the office. From the very outset there were students who completed the Parkdale semester without fulfilling fully the specified academic requirements of the program and who were given pass standing without any difficulty. This practice has, in effect, become the rule and the academic component of the programme, in the narrow and traditional sense of that term, is no longer a significant element in the students' Parkdale experience.
both the law school and the PCS board. The pressure of funding and determining the appropriate management model had dominated the clinic's agenda during the mid-1970s. I urged the law school to clarify its expectations of the clinical program and to give Professor Ellis "all the institutional support that we [Osgoode] can muster."

In my 1973 report to CLEPR, I discussed some of the specific results of the academic program:

(1) a recognition of the role of Clinical Training in the law school curriculum.

(2) a growing expectation of applicability of the clinical methodology to other substantive areas of law as well as to all years of the law school program.

(3) a growing interest within the student body both in the Parkdale clinical training program as well as further clinical offerings.

(4) the development by the law school of an LL.M. program in clinical training.

(5) a recognition by the law school faculty of the need for a meaningful partnership between the law school and the Parkdale community in the management of Parkdale Community Legal Services.

(6) the emulation by a number of Canadian law schools of the Osgoode clinical program.

In his evaluation of the clinic and the academic program, Professor Penner wrote about the impact of the academic program on participating students:

The impact of the program on those students who participated in the program is very difficult to measure objectively. Subjectively, a fairly large group of students who had been at Parkdale during three different terms, expressed themselves very strongly as having gained a great deal from the program. They compared the program favourably (but not necessarily invidiously) with their articling experience. Responding to my request for evaluation of the program in terms of becoming an effective lawyer, the students tended towards superlatives: "outstanding;" "fantastic;" "great;" ... they were full of praise for what had been taught them about how the law works and about their own abilities to conduct themselves with professional responsibility in dealing with clients. Most of them felt it was the most important part of their legal education.

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71 During the 1978-79 academic year, Archie Campbell, who had followed Ron Ellis and myself as both the director of the Parkdale Clinic and of the academic program, resigned. The law school and clinic could not agree on a candidate to assume the joint responsibilities and it was decided that it would be appropriate to appoint a clinic director and a member of faculty as co-directors of the Intensive Programme in Poverty Law at Parkdale.

72 The Clinical LL.M. Fellowship was also funded by CLEPR.

73 Penner Report, supra note 17 at 42.
III. CONCLUSION

Although the clinic inevitably engendered concern and opposition from various groups within the Parkdale community, it was quickly well-received by the low income community and successfully became integrated into and responsive to the special needs of its constituency. On PCLS’s fifth anniversary the clinic’s success was recorded in Brenda Zosky’s *Toronto Star* article:

Storefront lawyers survive 5 years in Parkdale clinic

Lawyers will be dancing in the streets with their clients tonight to celebrate the fifth anniversary of Parkdale Community Legal Services, the pioneering storefront law clinic on Queen Street West.

From the beginning Parkdale had to battle it out with opposition from the pin-striped legal profession.

But it’s tough to defeat single-minded, energetic idealism, and that has been possessed in plenty by the 250 lawyers and students who have served at the clinic at one time or another.

The clinic was funded by the Ministry of Health and Welfare for its first four years; it received a total of $250,000 from the ministry during that time. Now money comes from Legal Aid and the budget has grown to $250,000 annually.

The clinic’s most adamant critics admit there is value in the services that the drab, green centre provides for the 50,000 residents of Parkdale. Lawyer Ted Matlow, who has faced Parkdale staff across the courtroom perhaps more than any other Metro lawyer during long landlord-tenant disputes says: ‘The Parkdale experience has demonstrated that the legal aid system in Ontario has been sadly inadequate. Obviously there is a large segment of our society in need of legal assistance who have not had access to it before. Parkdale has very adequately filled that void.’

But Mr. Matlow, [now the Honourable Mr. Justice Matlow] did have some objections. The clinic had helped to organize the Parkdale Tenants’ Association in its fight against slum landlords in the community. The clinic set up a trust fund into which tenants could pay instead of paying their rent—an innovative tactic for a law office. Not surprisingly, Zosky reported that representatives of landlords had some concern:

Ted Matlow, lawyer for Phil Wynn says: ‘Parkdale to me, and I think to many others is personified by a group of radical do-gooders.’


75 *Ibid.* Ms. Zosky observed it in more dramatic terms as “a revolutionary tactic for a law office to be involved in. Basically it was a rent strike.”
'It's fine that people are made aware that its facilities exist. But Parkdale doesn't stop there when it wants to make a point. It goes out to actively seek clients and to organize them and to get them to do things that Parkdale thinks should be done. I cannot help thinking that the organization they are most benefiting is Parkdale itself.'

Patrick Sheppard, a lawyer who has worked with Parkdale and is now in private practice, says that the law clinic's image has improved vastly in the five years of its existence.

Five years ago, lawyers thought that other lawyers who wanted to work in strange places like Parkdale were the ones who couldn't make it downtown. I don't think that's true any more. There have been about 250 lawyers through the clinic now and those who know them and respect them are all over the legal profession.76

Judge H.T.G. Andrews, chief judge of the Provincial Court Family Division agrees:

They are providing a service that their clients wouldn't get because most of their clientele have an awe and mistrust of the whole legal profession and the downtown law offices.

In his 1976 evaluation, Roland Penner wrote:

It now appears that the interim funding from the Ontario Legal Aid Plan will be replaced by a permanent arrangement in the near future. Without such funding ... the nature and extent of clinical training at Osgoode would no doubt have to be drastically changed and, in some aspects, severely restricted. This would be a substantial loss to legal education in Canada, because the impact of the Parkdale experience on Canadian legal education has been and continues to be extensive. (Although there are other university sponsored legal aid clinics used for formal clinical legal education notably Dalhousie, Windsor, University of Western Ontario, Saskatoon and the University of British Columbia) Parkdale remains unique.77

In conclusion, I would like to reiterate my appreciation to the Osgoode Hall Law Journal for undertaking this special issue on twenty-five years of the Parkdale program. The task of responding to the editors' request that I document the origin and evolution of the Parkdale clinic offered me the excuse to open long-closed files, to re-examine what now seems ancient history, and to relive some of those early experiences. Many of the Journal's readers have participated in

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76 During the early years of the project, the writer received support and interest in the project from members of the profession and their law firms. The relationship of Parkdale with the Osler, Hoskin & Harcourt law firm is explored in Ron Ellis' article, supra note 28. In December 1972, I received a supportive letter from John Laskin (now a judge on the Court of Appeal of Ontario), then associated with the litigation department of Fasken & Calvin, expressing support and interest:

As I believe I mentioned to you a while ago, I previously raised the idea of Fasken & Calvin's participation at Parkdale during one of the meetings of our litigation department. The response at that time was generally enthusiastic and, of course, there are certain lawyers, like myself, who are particularly anxious to become involved.

Letter of J. Laskin to author (7 December 1972). Mr. Laskin became actively involved in the clinic and served as a member of its Board of Directors.

77 Penner Report, supra note 17 at 3.
Parkdale and share these memories. I feel privileged to have been there at the beginning.