September 4, 2014

Mr. Gary Newhouse

Barrister and Solicitor

Chair, Kensignton-Bellwoods Community Legal Services

(By email)

Dear Mr. Newhouse,

As some of the many individuals who were deeply involved in the original development of Ontario’s system of community-based legal clinics in the 1970’s and ‘80’s, we have remained interested observers and supporters of that system ever since. Based on that experience and our work in related fields, we have serious concerns about the Vision Report of the GTA Legal Clinic Transformation project. We are aware that you are hosting a meeting for the Chairs of the GTA clinics to discuss the Report, and thought that you may find it useful to have an overview of our concerns.

Although we accept the premise of an ongoing need to assess the efficiency and effectiveness of community legal clinics and their services, we are not persuaded that the single option presented by the Vision Report (the mega-clinic option) is appropriate, and we hope that the Boards of community legal clinics will consider developing an alternative “transformation” strategy for consideration by their communities. More specifically, we believe that, rather than closing the existing community clinics in Toronto, a better strategy would identify more creative ways to improve that system, that is, building on – not abandoning – what the community legal clinics have achieved over the past forty years. In our view, the effectiveness of poverty law services in the future (as in the past) depends on clinics adhering to the system`s foundational philosophy that community legal clinics must be community-*based* – that is, they must be both *in* and *of* the community they serve.

In the attached document, we have identified a number of issues that reveal how the Vision Report has abandoned the foundational philosophy of community legal clinics, a philosophy that has ensured so many successes on behalf of marginalized communities for so many years. We want to draw your attention briefly to two issues that are particularly fundamental:

1. The effective result of the Vision Report’s recommendations is to read the concept of “community base” out of the “clinic” system and its poverty law mandate.

The Report’s abandonment of any meaningful concept of community base is evident in the Report’s recommendation for three service centres for all of Toronto. The Report’s rationale is the need to optimize administrative efficiencies in these centres, a rationale that is based on an asserted need for 33 staff members in each centre. In our view, it is apparent that the criteria for this recommendation are “administrative criteria,” not “community” criteria.

Moreover, while the Vision Report refers to the geographic areas to be serviced by the new mega-clinics as “communities,” they are, in the context of a large urban centre such as Toronto, simply too large to accommodate the fundamental principles of “community,” principles that are inherent in the idea of a community-based legal clinic that is both *in* and *of* the community it serves.

1. In addition to discarding the *concept* of the community base, the Vision Report’s recommendations would lead to the abandonment of the deeply rooted, multi-threaded community base for legal clinics that currently exists – the base that has been painstakingly constructed by clinics since the concept first emerged in the 1970s.

The clinic system in Toronto is a known entity with a “brand” and a hard-earned reputation. Hundreds of thousands of clients have been helped by their neighbourhood clinics over the years. They and their families and friends know their clinic by its name and know where it is located. Local community organizations and other service partners have worked with the clinic, know it by its name and know where it is located. And each clinic’s community connections include the connections made with and through the board members and local staff – not just the current board members and staff but also the hundreds of board members and staff who have served their time, many of whom may have remained in the community and continue to provide support for clinics’ activities.

We believe that it is not at all appropriate that all of these community connections should be simply abandoned.

We agree that Ontario’s community based legal clinic system should continue to improve its administration and modernize its structures. However, we believe that the Vision Report’s recommendation is merely one option among many others that might achieve the goals of improving poverty law services provided by community clinics – *and without abandoning the fundamental principles of community, on which the clinic system and its many years of success are based.*

Because we believe that the community clinic system is at a critical juncture, we want to convey our sense of urgency and concern about the recommendations in the Vision Report. We hope that this letter and the attached information will assist you and your colleagues in your discussion of the Vision Report and its recommendations.

Thank you for your time and consideration of our letter.

Yours truly,

Ron Ellis, Doug Ewart, Thea Herman, Shin Imai, Mary Jane Mossman, Frederick Zemans

Attachments (2)

**Attachment 1; Background Information on Signatories**

To provide context for this letter and our concerns, we are also providing information about our connection to community legal clinics:

* Ron Ellis was Chair of Parkdale’s first Board of Directors in the early 1970s. He was also Director or Co-Director at Parkdale, and Board Chair or member from 1972-1981. He is a current member of the LAO clinic law advisory committee.
* Doug Ewart was involved in the establishment of the Parkdale clinic and then served there as a law student and editor of The Parkdale Tenant. From 1975-1995 he worked on, and for much of that time had the lead responsibility for, the development of government policy and funding for the clinic system. He was a member of the Clinic Funding Committee for three of those years. More recently he was the lead drafter of the McMurtry-Curling Report on the Roots of Youth Violence that explored many issues relating to strengthening disadvantaged communities.
* Thea Herman was a law student volunteer (1973-1976) and staff lawyer (1978-1981) at Toronto Community Legal Services. She later worked on the development of policy and funding for the clinic system at the Ministry of the Attorney General (1985-1993), and was also a member of the Clinic Funding Committee. She served as a Board member for the Centre for Spanish Speaking Peoples and ARCH.
* Shin Imai worked at Student Legal Aid Services at the University of Toronto as a student. He was then a staff lawyer at Keewaytinok Native Legal Services in Moosonee; Academic Director at Parkdale Community Legal Services; and Director of Clinical Education at Osgoode Hall Law School. He also served on the Board at the Centre for Spanish Speaking Peoples.
* Mary Jane Mossman was the first articling student at Parkdale in 1971-72. After joining the Osgoode faculty, she served as Acting Director at Parkdale in 1978 during the Grange Commission hearings. She was Clinic Funding Manager at OLAP 1979-1982, during a time of significant expansion of community clinics; and later served as a member of clinic Boards at Parkdale, Jane-Finch and ACE.
* Frederick Zemans was the first Director of Parkdale Community Legal Services (1971-1974), and continued to be involved in the academic program at Parkdale as a member of and director the Clinical Education program in the late 1980s and through the 1990s. Along with June Callwood he was a founding member of the board of Justice for Children and Youth. Along with Patrick Monahan, he was the co-author of “From Crisis to Reform; A New Legal Aid Plan for Ontario” as well as “A New Legal Plan for Ontario: Background Papers” in 1997 which provoked the Attorney General of Ontario to undertake the McCamus study and the development of the independence of Legal Aid Ontario from the Law Society of Upper Canada.