



Osgoode Hall Law Journal

Volume 35, Number 3/4 (Fall/Winter 1997)
Special Issue on Parkdale Community Legal Services
(PCLS)

Article 1

Foreword

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Introduction

Citation Information

Flagg, Mitchell. "Foreword." Osgoode Hall Law Journal 35.3/4 (1997) : 413-418. <http://digitalcommons.osgoode.yorku.ca/ohlj/vol35/iss3/1>

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FOREWORD

Parkdale Community Legal Services (PCLS) has been a project in the making for slightly more than twenty-five years. This special issue of the Osgoode Hall Law Journal has been slightly more than six years in the making. Both have been labours of love.

The idea for this special issue first arose in 1991, at the time of the clinic's twentieth anniversary conference. The Journal planned to publish the papers from the event, together with the personal reflections of some of the people who were "there at the beginning." Although several papers trickled in, many of them were essentially speaking notes from the conference and the effort of collecting and updating them proved to be unwieldy to coordinate. As time passed, the project faded in and out of the board of editors' sights.

During the summer of this year, Professor Ryder and three senior editors dusted off the files that had been building up, with an eye to publishing some of the documents and speeches from the twentieth- and twenty-fifth anniversary conferences. We were looking for a way to round out one of the issues we were then working to fill. At the time, no one envisioned the book that you are now opening. Gradually, it dawned on the "summer board" (Karin Rasmussen, Andrea Taylor, Professor Bruce Ryder, and myself) that there was a mountain of gold to be published about the clinic, very little of which had made it into our files. Soon we had videotapes of wonderful panels from the twenty-fifth anniversary conference, piles of interesting student papers from the poverty law seminar, and a box of photographs representing a who's who of the clinic over the years, among many other things. The project was quickly taking on a life of its own.

An effort to "round out" an issue of the Journal soon metamorphosed into an entire issue, then this special double issue. Everywhere we turned yielded new files and articles, documents, and ideas. While we were putting the issue together, several contributors to the issue as well as others at Osgoode who have been involved with Parkdale came to the Journal office to share their recollections about the clinic. Professor Bill Angus told us about staff meetings that routinely ran to 3 a.m., and nearly ended in fistfights among participants. Professor Shelley Gavigan said that no other institution has affected her life as deeply as Parkdale. People who had not set foot in the clinic in a dozen years or more became quite emotional, even teary-eyed, when describing their Parkdale experiences. It is that emotion that we tried to capture in the development of the issue. In today's world of shrinking or

rudderless legal aid programs, debates about how best to provide legal services to poor people that were begun a quarter-century ago remain as relevant as ever, perhaps more than ever.

Parkdale Community Legal Services opened its doors at 1267 Queen Street in September 1971 on a shoestring budget and amid a climate of considerable hostility from Ontario lawyers, who feared losing business to a student-run clinic. It was the first clinic of its kind in the province, operated for and by members of the community, and providing free legal services to people who could otherwise not afford to hire a lawyer—or who felt that lawyers' offices were inaccessible to them. Its financial viability and legal status to operate were both precarious in the early years—with both aspects being challenged many times—and it was nearly shut down on several occasions. But the clinic survived and thrived. Its unique governance structure—a board of directors controlled jointly by representative of the law school, the community, and the legal profession—has been emulated across Ontario and across the country.

PCLS has proved to be a major engine of law reform, social activism, and innovation in clinical legal education. It has always been a hotbed of emerging ideas about all of those things, and has attracted some of the most passionate students, staff members, lawyers, and academics ever to be associated with Osgoode Hall Law School. This issue represents our attempt to tell much of the history and to explain the debates within and outside the clinic.

Much of the Parkdale clinic's history is to be found in unpublished documents—letters in the files of former academic directors and deans, external evaluations of the clinic, funding applications, clinic policy statements, etc. We have attempted to assemble much of this historical record in the issue. Our authors have successfully placed the documents in context, explaining (from their own points of view) such things as the policy against representing landlords in landlord-tenant disputes, the clinic's efforts on behalf of street prostitutes in the late 1980s, and recent clinic-led community initiatives such as "Psychiatric Survivor Pride Day." We have brought together the voices of current and former students, professors, community legal workers, and staff lawyers, in an attempt to provide as complete a picture of PCLS's activities as possible.

The issue is organized roughly in two halves or parts. The first part contains articles and documents that detail the history of the clinic and competing visions of its role as a service and teaching facility. Parkdale's first twenty-five years were filled with ongoing, passionate debates about the appropriate educational methodology for a poverty

law clinic, as well as more fundamental questions about the role of a clinic within a law school curriculum. Among other things, three former academic directors of PCLS, Ron Ellis, Shelley Gavigan, and Fred Zemans, each have written about their efforts to navigate through the minefield of the “service versus education” debate.

Like most clinics associated with law schools, Osgoode and Parkdale have never quite settled the underlying issues but have managed to maintain a mostly amicable partnership. There have been occasional hiccups along the way, with both “sides” threatening to pull the plug at various times. Similarly, the nature of the relationship has appeared to change over time, sometimes assuming parent-child dimensions and other times approximating sibling rivalry.

The second part of the issue has been set up to highlight specific activities of the clinic, such as landlord and tenant, immigration, workers’ rights, advocacy on behalf of psychiatric survivors, and criminal law. The clinic’s law reform initiatives have changed in focus over the years, depending on such factors as the immediate needs of the clients, the interests of the students, and the particular expertise of the staff lawyers or community legal workers who are employed at any time.

We endeavoured to select articles that exemplify a broad cross-section of the clinic’s work since it opened. For example, Brian Bucknall reflects on the clinic’s legendary 1976 victory in the Supreme Court of Canada against a landlord who failed to keep apartments in good repair. Patrick Case and David Draper revisit the clinic’s intervention before the 1986 *Task Force on the Law Concerning Trespass to Publicly Used Property as it Affects Youth and Minorities*. As well, Roger Smith provides a comparative analysis of the clinic movement in England and Wales.

Interspersed throughout both “halves” of the issue are personal accounts of Parkdale people, including the musings of several students about their experiences at PCLS, reprinted from *Obiter Dicta*, Osgoode’s student newspaper. In addition, Dorothy Leatch, the clinic’s receptionist and one of its longest-serving staff members, shares her thoughts about a generation of law students and clients from her viewing post at the front lines of the clinic movement.

As one of the academic requirements of the intensive program in poverty law, Parkdale students must submit a law-reform research paper. Students are encouraged to draw on their life experiences, including brushes with the “sharp legal things” that affect them and their clients in law-reform work. Three recent student papers appear in the issue—by Leah Rachin, Cherie Robertson, and Diana A. Romano. We are proud to be publishing these critical and probing articles, each of which tackles

the variety of tensions facing students who are thrown into real-life poverty law for four or eight months.

Building this special issue from the ground up has been a truly collaborative effort. It is unlike anything the Journal has taken on before and it called for creative solutions that transcended normal procedures for a law journal. As new questions presented themselves, the board of editors was constantly forced to re-write its own rules. Did it make sense to solicit “sequels” to newspaper articles written in the heat of the moment—twenty-six years ago? (Yes.) How much could we “edit” an original letter or task force submission without changing its essential meaning? (Not very much.) To what extent did an article have to be “academic” before it was worthy of publication? (The standard varied). Can you say *that* without citing some authority? (Sometimes yes, sometimes no.)

There are a number of people who deserve thanks for their extraordinary efforts to help us in producing this issue. Marilyn Clarke, a third-year Osgoode (and Parkdale) student, was a tremendous resource, especially during the summer. She left no stone unturned when searching in the PCLS storage room for obscure memos or other materials. She drew our attention to a wealth of information about the clinic’s past. Professor John McCamus, the Journal’s Editor-in-Chief from 1990 to 1996, established an excellent foundation for the issue by gathering many of the papers from the clinic’s twentieth anniversary conference and by encouraging many of those authors to update and resubmit their work. Professor Mary Jane Mossman, a former clinic director, knows almost everyone who has ever set foot in the clinic and provided an enormous amount of insight about Parkdale’s history. She also encouraged Brian Bucknall and Ron Ellis to write articles for this issue, for which we are extremely grateful. We received similar assistance from Professors Bill Angus, Simon Fodden, Shelley Gavigan, Dianne Martin, and Fred Zemans, all former academic directors of PCLS.

Professor Toni Williams helped us by reviewing and revising the text of the panel discussion that she chaired at the clinic’s twenty-fifth anniversary conference in November 1996. Similarly, we thank Professors Joel F. Handler, Janet Mosher, Roger Smith, and Lucie White for revising substantially their papers from the twentieth- and twenty-fifth anniversary conferences. Professor Handler’s article about welfare reform in the United States was published in volume 35(2) of the Journal.

No issue of the Journal could ever be published without the dedication of the Journal’s administrative assistant, Joan M. Shields. For more than twenty years Joan has been at the heart of the Journal’s

production operations. She coordinates our advertising and subscriptions, as well as all aspects of office management. As usual, Joan was an amazing resource for this book, including helping the editors to send more “last minute” courier packages than for any issue we have yet produced. We cherish Joan’s institutional memory, good humour, creative insights, and total professionalism.

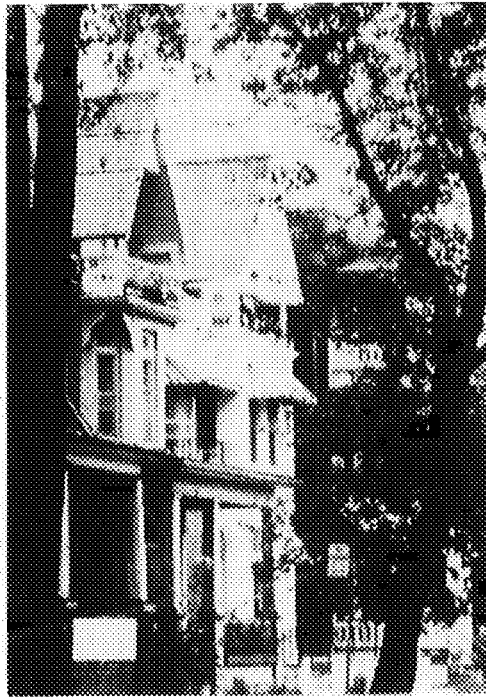
The issue was also made possible by Professor Ryder’s strong leadership of the Journal since he became Editor-in-Chief earlier this year. Throughout the planning for this issue he encouraged the board to consider the widest possible range of writing about Parkdale, including many of the less conventional pieces that appear in the following pages. The board is grateful for his energetic stewardship and for his sharp eye as an editor.

The entire board of editors was intimately involved in preparing the issue, but four editors deserve additional praise for their contributions. Andrea Taylor spent a great deal of time organizing and cataloguing the various documents we first perused during the summer. Meghan McCreary and Kareena Wilding both edited a large number of articles—under very tight deadlines—and encouraged several of the clinic staff members to write excellent articles. Erik Knutsen produced all of the graphic design for the issue, including the cover, the new logo, and the photo pages.

In addition to our usual translators, Robyn Sendel and Marc Lacoursière, the board of editors wishes to thank Marie-Andrée Vermette, Legal Methodology Coordinator, Faculty of Law, McGill University, for proofreading and translating abstracts for this issue into French. Finally, we must thank the production staff at University of Toronto Press, especially Jim Paterson and Toning Tan, for providing invaluable technical assistance.

On behalf of the board of editors, it has been a pleasure to put together this special issue of the Journal. I hope that it will mean as much to you as it does to us.

Mitchell Flagg
Managing and Production Editor 1997-98
December 1997



Neighbourhood scenes



Second location of PCLS on 1239 Queen Street West in the seventies