

PUBLIC INTEREST LAWYERING: WORKING IN PARTNERSHIP

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When senior litigation counsel are retained to act *pro bono* in public interest litigation with clinics or the public service bar, the following must be kept in mind:

1. Counsel must realize that it is the public service lawyer who will have the most knowledge about the substantive legal issues involved;
2. Counsel and the public service lawyer must delineate their respective roles clearly, from the beginning, and must respect each others' roles and expertise;
3. Counsel must act as co-counsel with the public service lawyer;
4. Counsel must always consult about strategy and tactics with the public service lawyer in advance of the steps taken;
5. Counsel must always communicate to the client through the public service lawyer;
6. Counsel must realize that the client will only feel comfortable in the venue of the public interest lawyer. The office of Counsel will be intimidating, foreign and disconcerting.
7. Counsel must understand that it is the public service lawyer who is in the best position to understand the client's needs and wishes;

8. Counsel must realize that what he or she brings to the case is a service which is for the benefit of both the public service lawyer and the client;
9. Counsel must *listen* to the public service lawyer and seek to understand what is the true goal of the client and the litigation. It may not be just about winning the case;
10. Counsel must realize that what the public service lawyer is seeking in many cases is the support systems that the Counsel's firm can provide. Counsel must understand the resource constraints faced by public service lawyers. Counsel must not be offended by what at first blush may appear to be the self-serving interest of the public service lawyer;
11. Counsel must give to the case the same attention as any other case. *Pro bono* cases are not to be used simply as a training ground for junior lawyers. When Counsel's junior associates are assigned to the file, Counsel must supervise closely and remain actively involved in the conduct of the case.
12. Counsel must understand that he or she brings expertise which is relevant to only a small piece of the client's needs and that expertise is focused on achieving a result in the courtroom. Counsel must understand that the litigation may be only one part of a larger public interest strategy;
13. More so than in most cases, counsel must keep in contact with the public service lawyer;

14. Counsel's role relating to the presentation of the case in court must be clear from the outset. When the public service lawyer wishes to adopt an approach to the presentation of the case in court which Counsel considers ill-advised, Counsel must point this out clearly and firmly. The public service lawyer must accept this direction.
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