



IN THE PUBLIC INTEREST

Research at Canada's only hands-on environmental law clinic helps give all of us our day in court

by **Patty Pitts**

Few citizens get to take their concerns to the Supreme Court of Canada—and that was the point University of Victoria law professor Chris Tollefson was trying to make when he appeared before its panel of judges this spring.

Tollefson argued that the practice of allocating court costs to the losing side of a suit launched in the public interest often deters citizens from seeking justice. In making his case, Tollefson was representing the UVic Environmental Law Centre (ELC), an organization he founded to give citizens a voice before the courts.

For more than a decade, the ELC has operated the country's only hands-on environmental law clinic, in partnership with the faculty of law. The clinic gives law students valuable experience (and course credit) conducting legal research and advocating for citizens' groups.

"Much of my research is aimed at making the courts more accessible for people without the funds or expertise to navigate the legal system," says Tollefson.

The ELC's list of clients include aboriginal groups, conservation organizations and community groups mobilized to action by environmental concerns. Several First Nations have sought legal help to secure greater involvement in fisheries and forestry management.

Community groups on Vancouver Island and the Lower Mainland have received assistance on issues ranging from high-voltage power lines being installed in their backyards, to gaining access to documents on the sale of crown land for development on a lake used for drinking water.

"Most citizens don't have the time or the skills to research and deal with cases such as these," says clinic director and law faculty member Calvin Sandborn. "Before they can respond, the development they're questioning is already built. Our clinic helps level the playing field and ensures citizen concerns are heard."

Tollefson and Sandborn review the requests made each term to the ELC and choose which cases go to the ELC advisory board for approval. Each year the clinic receives many more requests than it can handle.

But thanks to a recent \$640,000 grant from the

Quadra Island-based Tula Foundation, the ELC can now expand its services. The grant covers the clinic's expenses for the next three years, including Sandborn's position, as well as new full time paralegal and articling positions.

Tollefson sees a future in which citizens and community groups will play an increasingly influential role in environmental and resource management. In his forthcoming book, *Setting the Standard*, he investigates the impact the non-governmental Forest Stewardship Council (FSC) is having on how the world's forests are being managed.

The FSC, founded in Toronto in 1993, awards "green" certification to those who voluntarily comply with its strict set of environmental and social standards. It now certifies more than 75 million hectares of forest in 65 countries worldwide. "There is potential for civil society to leverage change on a global scale," says Tollefson.

That change is happening with each case ELC law students research on behalf of concerned and motivated citizens. Sometimes it convinces a local council to change a zoning bylaw, and sometimes it leads all the way to the Supreme Court of Canada.

Tollefson, left, and Sandborn.

EDGEwise

ELC law students have written several instructional booklets to help you navigate Canada's legal system. *A Citizen's Guide to FOI* provides tips on accessing government records, while *cleanair.ca: a citizen's action guide* is a reference source for protecting air resources. Both are available at www.elc.uvic.ca/publications/index/htm.

The ELC's reputation is spreading. This summer a University of Windsor law student received a social justice fellowship to work anywhere in Canada, and chose to work at the ELC. Similarly, a University of Minnesota law student has taken on a volunteer summer internship. The University of Ottawa is proposing an environmental law centre based on the UVic model.

The ELC welcomes volunteers to help with current environmental and legal issues. Volunteers get involved in environmental initiatives, hikes and social events. For more information about the Environmental Law Centre visit www.elc.uvic.ca.

UVic researchers were awarded more than \$82 million in external research grants and contracts in 2005-06, a 167 per cent increase since 2001.

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