

CLINIQUE JURIDIQUE  
DU MILE END  
COLLEGE ANDRE GRASSET  
ROCKABILLY JIVE

annual newsletter  
october 2015  
volume no. 8

# THE MILE END LEGAL CLINIC

PROMOTING ACCESS TO JUSTICE  
SINCE 2002

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# THE CLINIC IN A NUTSHELL



## SERVING THE COMMUNITY

For over 13 years, the Mile End Legal Clinic and its network of lawyers and law students have been dedicated to making justice more accessible to ordinary people. We believe that no one should face legal problems without the knowledge necessary to protect and exercise their rights. Since its beginnings, the Clinic has helped many people by informing them of their rights and offering them support throughout the legal process.



## OUR CLIENTELE

Our student interns provide legal information to anyone who comes to the Clinic, and our volunteer lawyers provide in-depth legal support to individuals and families who cannot afford a lawyer and do not qualify for Legal Aid. Our clients come from across Montreal and beyond, and the legal issues we address span many different areas of law.



## LAWYER INVOLVEMENT

We recruit volunteer lawyers to train and supervise our law students and to provide free legal information and advice to our clients.



## REFERRALS

We recognize that our clients are often beset not only with legal issues, but struggle also with poverty, trauma, or mental health issues. We thus provide referrals to lawyers and Legal Aid as well as to non-legal community services.



## WHY WE DO IT

A person's financial status should not determine their ability to understand and defend their rights. We want our legal system to be more accessible and to live up to the ideal of justice for all. Our Clinic is dedicated to improving the ability of lower-income individuals and families to navigate the justice system.



## STUDENT TRAINING

We train future lawyers by providing hands-on internships to law students from McGill University and the Université de Montréal.



## OUR SISTER ORGANIZATION

Since 2008, the Tyndale Legal Clinic has offered free legal information and advice at the Tyndale St-Georges Community Centre in Montreal's Little Burgundy neighbourhood. The late Me Colin K. Irving offered these consultations until his passing in June 2013.

Thanks to support from the Law Foundation of Ontario and our volunteer lawyers, the Mile End Legal Clinic continues to offer legal consultations at the Tyndale Legal Clinic every Monday between 6:00 and 7:00 p.m. (810 Richmond Square).



# A WORD FROM OUR TEAM

M<sup>E</sup> CHRISTINE PAQUIN



As my third year as Executive Director of the Mile End Legal Clinic comes to a close, I am honoured to have the opportunity, in this my third issue of our annual newsletter, to take stock of the work we have carried out over the past 12 months. The data we have collected and the feedback we have received from those who rely on our team reveal that we have delivered high quality services to the Montreal community. In addition, the number of lawyers who volunteer their time with us increased over the 2014-2015 period, and we have been able to expand the services we offer to the residents of Little Burgundy by way of the Tyndale Legal Clinic, our sister organization.

This year, we focused much of our energy on addressing the rights of the elderly. To this end, we initiated workshops on mandates in case of incapacity and have two new workshops, planned in collaboration with health care social workers, scheduled for the fall. We held our first-ever fundraising event on June 16, 2015. Attended by both jurists and non-jurists, the event raised funds much needed to keep our activities and services running. Our fundraising efforts must be constant and I would like to thank all those who were able to join us on June 16<sup>th</sup>. You have given our team the energy it needs to tackle a new year.

That said, I'm leaving my position as Executive Director. To all of those who have supported me, I thank you for the confidence you placed in me and for your presence. My time at the Clinic has been extremely fulfilling. I leave not only with a sense of accomplishment, but also more convinced than ever of the importance of our work. I know the Clinic will continue to distinguish itself as a provider of access to justice, and that I can count on your continued involvement, which is essential to its success.

Thank you!

I have held the position of Coordinator for the Mile End Legal Clinic since October 2014, and this has been a very stimulating experience for me. Christine and I have worked hard to ensure that we offer our clients follow-up consultations that are thorough and prompt. We have also worked to develop partnerships with other community organizations and to make the Clinic and its services more widely known in order to assist as many people as possible.

M<sup>E</sup> VALÉRIE GOBEL



I am also very proud to have initiated a mediation project at the Clinic. With the participation of accredited volunteer mediators, we have, since May 2015, offered parties to a dispute the possibility of opting for an alternative method of conflict resolution—one that is facilitated by the Clinic. This permits individuals in the midst of disagreement to reach a mutually satisfying solution quickly. In the process, we relieve our already-overburdened court system of further strain. In so doing, our service model can be said to approach a “multifunctional” model of service delivery: that is, we offer both legal counsel and promote amicable forms of dispute resolution.<sup>1</sup>

It is by virtue of the involvement of our volunteer lawyers and the financial assistance of our donors that we can continue not only to develop new projects, but also to pursue the mission at the heart of our work—to promote access to justice. Thanks to all of those who have offered us their support!

<sup>1</sup> As described by Pierre Noreau et Alexandra Pasca in their article, « Les grands modèles de justice de proximité : bilan d'une nouvelle pratique juridique » (2014) 44 R.G.D. 305-351.

# YEAR IN REVIEW

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## JULY – AUGUST 2014

Thanks to support received from the Law Foundation of Ontario in 2013, the Clinic successfully implemented a new case management system, hired a much needed part-time administrative assistant, and redesigned its website.

## SEPTEMBER 2014

On **September 7**, McGill University held its 6<sup>th</sup> annual Christie Community Bike Ride. The event raised \$5,800 for the Tyndale Legal Clinic. The Christie Bike Ride honours the memory of Dugald Christie, a Vancouver-based lawyer who offered free legal services to low-income individuals, by raising money for different Montreal-based community organizations. Over 50 people participated in the 50 km ride. Thanks to the efforts of members of McGill University's Faculty of Law, the money raised will allow the Clinic to continue to offer legal information and support services to the Little Burgundy community in the 2015-2016 period.

## OCTOBER 2014

M<sup>e</sup> Valérie Gobeil began her tenure as Clinic Coordinator. M<sup>e</sup> Gobeil was called to the Bar in

2012 and has been an active volunteer lawyer with the Clinic since 2013.

On **October 2**, the Clinic hosted an informal “6 à 9” social gathering at Le Sandbox. The event was held to thank volunteers for their time and services and was attended by more than 50 of the Clinic's friends and supporters.

On **October 8**, volunteer notary Maria Manolakos led a workshop on mandates and wills at Action Centre-Ville, a community center for people aged 50 and older. More than 50 people benefited from the workshop.

On **October 20**, Clinic founder M<sup>e</sup> Geeta Narang took part in a panel discussion on social movement lawyering at McGill University's Faculty of Law. The panel explored ways that jurists can use their skills to support grassroots struggles for change.

## NOVEMBER 2014

To better serve the Little Burgundy community, the Tyndale Legal Clinic extended its hours of operation from every second Monday of the month to every Monday from 6:00 to 7:00 p.m.



*Students at the Christie Community Bike Ride. Photo: Matthias Heilke*

On **November 4**, volunteer lawyer M<sup>e</sup> David Éthier of Irving Mitchell Kalichman led a presentation on mandates and wills at Groupe des Aidants du Sud-Ouest, an organization that provides support to caregivers who care for those aged 50 and over.

On **November 5**, M<sup>e</sup> Christine Paquin gave an overview of the services the Clinic offers to caregivers at Alternatives communautaires d'habitation et d'intervention de milieu (ACHIM), a community organization that provides information and resources to seniors living at home.

On **November 12**, the Clinic participated in Public Interest Career Day at McGill University's Faculty of Law. The event highlighted work, study, and volunteer opportunities in the areas of human rights law, public interest law, and international law.



M<sup>e</sup> Sasha Mandy and M<sup>e</sup> Emma Lambert. Photo: Talia Joundi

## JANUARY – MARCH 2015

With the support of the Plateau-Mont-Royal borough, the Clinic offered a series of 10 workshops in housing law. Now in its fourth year, the workshop series is led by lawyers specialized in this field and helps arm local tenants, like those facing repossession or eviction, with the information needed to defend their legal rights and interests.

## APRIL 2015

For the second year in a row, the Clinic took part in the Bar of Montreal's *Salon Visez Droit*. The

four-day forum, held at Complexe Desjardins, joined over 40 lawyers and legal organizations to offer free legal consultations to the public. A Clinic representative was present to discuss the services we offer and our mission to make the law more accessible to all.

The Clinic was invited to participate in the *Forum québécois sur l'accès à la justice civile et familiale*. The invitation is significant in that it will allow the Clinic to take part in discussions around the implementation of an action plan for the amelioration of access to justice in Quebec. The forum will bring together representatives from the Superior Court, the Quebec Court, the Ministry of Justice, the Bar of Montreal, as well as other key players in the legal community.

## MAY 2015

The Clinic offered its first mediation session. With the help of a volunteer lawyer and accredited mediator, two parties to a conflict came to a mutually satisfying solution without recourse to the courts. Many more mediation sessions are anticipated.

The Clinic facilitated two workshops on access to justice for the francophone coordinators of local chapters of *Pro Bono Students Canada*. The first workshop considered the possibilities for the development of *pro bono* programs in Quebec. The second workshop dealt with the sometimes-nebulous distinction between the giving of legal counsel and the giving of legal information. The workshops were held in Toronto.

The Clinic received three grants from Service Canada's Canada Summer Jobs program for the funding of three summer student positions. With the assistance hired as a result, the Clinic was able to remain open through July 2015.

## JUNE 2015

On **June 16**, the Clinic hosted a *Pasta Opera* cocktail fundraiser. For more details on this memorable event, please see the following page.





# A NIGHT AT THE PASTA OPERA

The Mile End Legal Clinic's first-ever gala fundraiser was held on June 16, 2015 at the Rialto Theatre. Emceed by Davide Bazzali and Kate Puxley, the dazzling duo behind Cuisine Opera, the aptly titled "Pasta Opera" offered a night of live Italian opera, a cocktail dinner (complete with freshly made ravioli), a silent auction and raffle, and a live pasta-making demonstration. The Pasta Opera raised over \$14,000 and was attended by over 130 guests, including many from the legal community.



Mr. Harvey Campbell, M<sup>e</sup> Sara Gauthier, and Ms. Mireille Racicot



M<sup>e</sup> Bernard Grenier, M<sup>e</sup> Geeta Narang, and M<sup>e</sup> Isabel Schurman



Mr. Scott McNicoll and Prof. Alexandra Popovici

The evening's success represents an important milestone for the Clinic and speaks to the meaningful connections that we have forged with jurists, academics, and elected officials in the last few years. The event also enabled us to reaffirm our role in the Montreal community and to dream bigger: to pursue new projects that will help us reach more people and to plan future fundraising initiatives that will support our grandest ambitions.



M<sup>e</sup> Christine Paquin and M<sup>e</sup> Michèle Moreau



M<sup>e</sup> Aisha Topsakal and M<sup>e</sup> Allen Mendelsohn



Justice Karen Kear-Jodoin

Photos : Koralie Woodward

A special thank you is owed to the members of Clinic's Board of Directors—M<sup>e</sup> Simon Dupuis, M<sup>e</sup> Sara Gauthier, Prof. Alana Klein, M<sup>e</sup> Allen Mendelsohn, M<sup>e</sup> Michèle Moreau, M<sup>e</sup> Geeta Narang, and M<sup>e</sup> Aisha Topsakal—without whom this evening would not have been possible.

# MEDIATION AT THE MELC

It is today commonplace to note that the Canadian justice system is growing more and more out of reach for ordinary citizens. The high cost of legal services compel many to abandon their rights altogether, and others to represent themselves in court. The latter reality has placed a greater strain on the courts, which are already plagued by chronic delays. In order to help relieve this added stress to the courts, and to combat the high emotional toll that litigation exacts on disputants, the Mile End Legal Clinic has, since May 2015, made mediation services available to those who turn to us for help and advice.

Whereas the traditional justice system is adversarial in nature, mediation is a form of alternative dispute resolution that aims to produce amicable solutions to legal issues. While many models of mediation exist, the mediation project as introduced to the Clinic by M<sup>e</sup> Valérie Gobeil recognizes that it is parties themselves who are best placed to come up with mutually agreeable solutions.<sup>1</sup> When it comes to mediation, our job is therefore to maximize party self-determination and mediator neutrality. To maintain this neutrality, we do not engage in mediation ourselves but facilitate the process by connecting participants with an accredited volunteer mediator and by providing a safe space in which parties can voice their perspectives.

While the project is still in its infancy, we believe that mediation will bring manifold benefits to our clients. It is important to remember that the “access to justice” crisis involves more than financial inaccessibility. For those suffering with mental health issues, the inhospitable and sometimes intimidating nature of court proceedings can function as an insurmountable barrier to the legal system. Further, for those for whom neither French nor English is their native tongue, navigating the Palais de Justice or following the instructions of court clerks and judges may prove impossible. Low levels of

native or second-language literacy may also make it difficult for disputants to read documents received in the court, complete required forms, or provide requested documents. For some of our clients, to forgo their “day in court” may be preferable to the stress and shame that court proceedings may bring.

Mediation will provide our clients with the opportunity to more comfortably and effectively communicate the full range of their needs and interests, and to have these heard and acknowledged in a way not otherwise possible in court. Whereas in court proceedings outcomes are imposed, in mediation, the authority to fashion workable solutions is placed squarely in the hands of disputants. Not only does this reality increase the probability that mediated solutions will be respected, but it also empowers disputants by enabling them to take meaningful control over proceedings and outcomes.<sup>2</sup>

Not all cases are amenable to mediation. Mediation is most effective—and most necessary—when parties to a conflict are private citizens with personal relationship to preserve or restore. Legal conflict often implicates family members or close friends, and traditional efforts to resolve legal disputes can undermine or terminate some of one’s most important relationships. By privileging reconciliation, mediation enables affected parties to reintegrate into their communities.

At the Clinic, we see the introduction of mediation services as consistent with our holistic approach to providing access to justice more generally. As Professor Alana Klein, President of the Clinic’s Board of Directors, has written: to provide greater access to *justice* does not always mean to provide greater access to official law, but to recognize that justice itself may sometimes be more readily built between ordinary citizens in everyday life.<sup>3</sup>

<sup>1</sup> Following the mediation model employed by the Harvard Mediation Program. <sup>2</sup> See also Susan M. Yates, “Accessing Justice through Mediation: Pathways for Poor and Low-Income Disputants” (2007) Center for Analysis of Alternative Dispute Resolution Systems and Center for Conflict Resolution. <sup>3</sup> Alana Klein, “Of Justice And Its Scales: Looking Back On (Almost) Forty Years Of Rod Macdonald’s Scholarship On Access To Justice” (2014) 59:3 McGill LJ 761.

# A NOTE FROM THE PRESIDENT OF THE BOARD

As supporters of the Mile End Legal Clinic, most of you reading this newsletter understand one key concept that informs the movement for access to justice: that formal law loses its meaning if only those with resources are able to benefit from it. This is a problem that access to justice organizations like the Clinic have long understood and sought to remedy. And so we offer legal services—legal information and advice, lawyer’s letters, negotiation, representation in court—to those who cannot afford it, knowing all the while that this goes only partway to remedying the essential problem that the rich get to use and rely on the law while the poor cannot.

In the wake of the recent death of McGill Prof. Rod Macdonald, who was mentor and teacher to many of us here at the Clinic, we have been taking some time to reflect on what access to justice really means. Prof. Macdonald was a great scholar of access to justice. For many years, he pioneered and promoted projects that gave better access to official law, laying a lot of the groundwork for the kinds of projects we’ve long engaged in at the Clinic—legal information videos, community forums, even plain language contracts designed to prevent disputes from arising in the first place.

Over time, however, he started to ask himself whether promoting this access to official law was really the same as promoting access to justice. Even if it were to provide access to the “have-nots,” did our legal institutions actually deliver the justice sought? More often than not, the answer was no. For example, in a study of those who did manage to bring their claims in small claims court, he found that those most likely to win and to be satisfied with their experience were white, male, educated, and professional. And conversely, those least likely to be satisfied (independent of outcome) were those least familiar with the process: inevitably, society’s most disenfranchised. There could be many reasons for this: maybe our state institutions are inhospitable; maybe the solutions people find in the law don’t match their idea of justice; maybe they find better justice elsewhere: through their families, their unions, or their religious institutions.

If we, proponents of access to justice, begin to ask whether our institutions actually deliver *justice*, our task becomes much broader. We must not be satisfied with the simple task of giving people access to official law. Rather, we must work to ensure that that state law is substantively *just*—and so we must advocate for better laws that actually meet the needs of the poor, and help make it possible for poor people to contribute to making those laws in the first place. We must also ensure that people who want to seek justice elsewhere than in courts are able to do so—and so we must, for example, connect people with resources that will help overcome the exploitation they face in their everyday relationships.

PROF. ALANA KLEIN



This broader understanding of access to justice is challenging: it calls on us to address and respond to the uneven distribution of power in our society. This is no small feat. And yet, this is something we already do at the Clinic. We are moving toward mediation in our services, which permits us to emphasize client-generated, creative solutions that focus on the justice our clients seek, beyond what official law promises. We facilitate our clients’ access to social and other services, recognizing that legal problems cannot be separated from the challenges our clients face in their everyday life around housing, around child care, around work. We are engaging with the province about broadening its own conception of access to justice through the *Forum québécois sur l'accès à la justice civile et familiale*. Finally we are constantly asking ourselves critical questions about how we can shift the uneven distribution of power in our society in our role as community lawyers and lawyers-to-be. This requires us to humble ourselves as experts in law, but not in life.



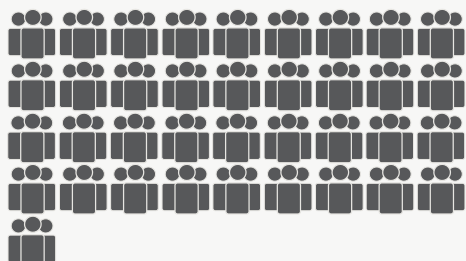
# BY THE NUMBERS

**JULY 2014 - JUNE 2015**

*Stats and figures include those seen at the Tyndale Legal Clinic.*

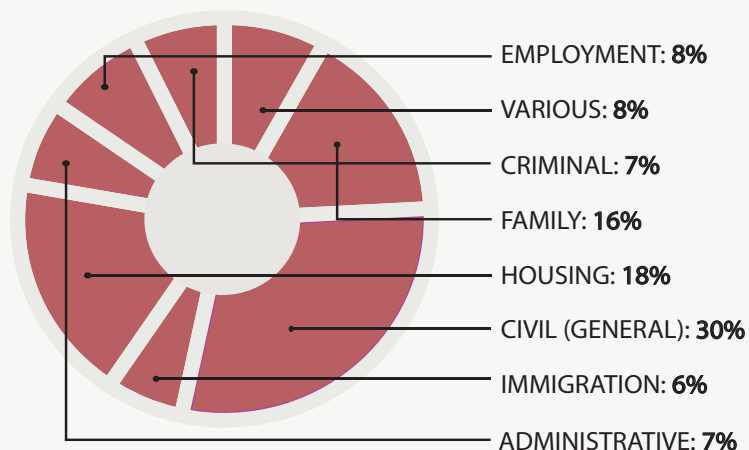


**390 TOTAL CONSULTATIONS**

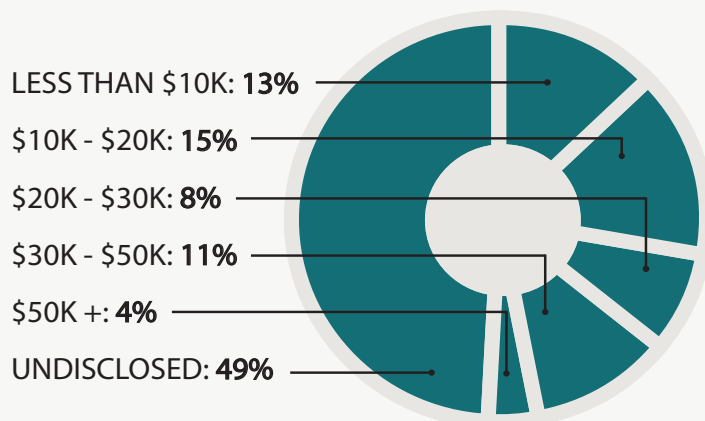


**370 TOTAL CLIENTS**

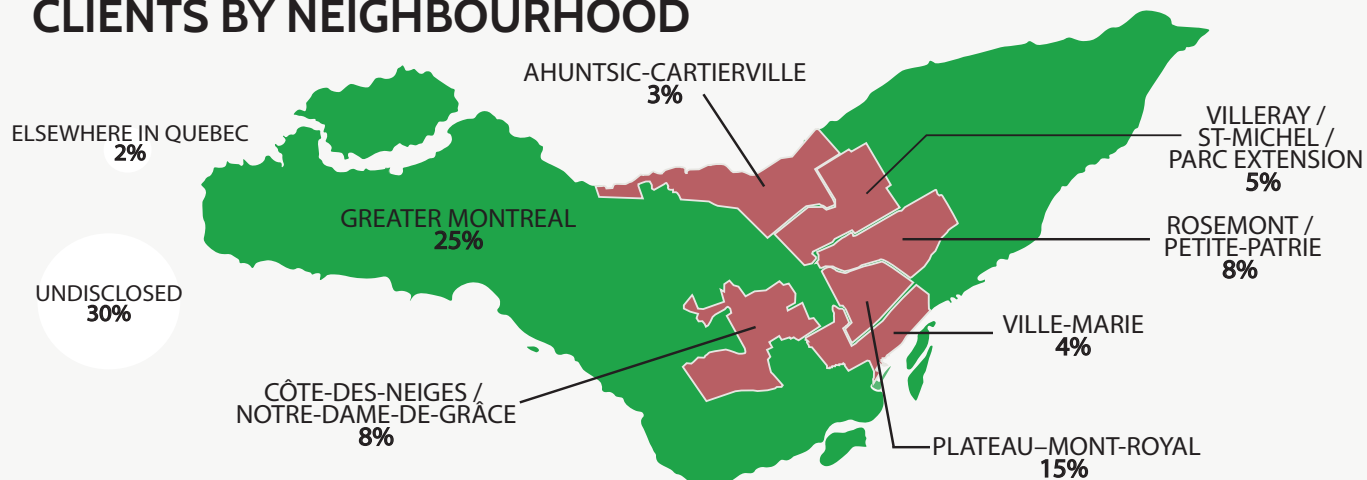
## CASES BY AREA OF LAW



## CLIENTS BY INCOME



## CLIENTS BY NEIGHBOURHOOD



# FUNDRAISING CAMPAIGN 2015-2016

*= One Hour of Your Time =*

The members of our board of directors call on their colleagues in the legal community to donate the equivalent of their hourly rate. Demand for our services is increasing. We rely on private donations to fund the vast majority of our operations. Your financial support is essential if we are to continue delivering high quality legal services to the public. All donations are welcome.

The Mile End Legal Clinic is a registered charity under the federal Income Tax Act. To make a donation, please send a cheque to:

**MILE END LEGAL CLINIC  
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**Or, make your donation online by visiting [www.CanadaHelps.org](http://www.CanadaHelps.org)!**

Please note that a tax receipt will be issued for all donations made online via CanadaHelps and for all donations made by cheque of \$25 or more. Please be sure to include your full mailing address with your donation so that we may send you your tax receipt.



Mr. Davide Bazzali, Ms. Kate Puxley, and M<sup>re</sup> Allen Mendelsohn

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**Students (Fall 2014/Winter 2015):** Daniel Bitton, Anne-Sophie Bordeleau, Éliane Boucher, Arielle Corobow, Jordan Jenkins, Alexandra MacBain, Kadriye Merve Bilgic, Xavier Morand Bock

**Students (Spring/Summer 2015):** Anne-Sophie Bordeleau, Chantal Desereville, Philippa Duchastel De Montrouge, Anne Iavarone-Turcotte, Julie Lesage, Sarah Munsch

**Volunteer Lawyers (Mile End Legal Clinic):** M<sup>e</sup> Fanny Albrecht, M<sup>e</sup> Amélie Aubut, M<sup>e</sup> Lan Au, M<sup>e</sup> Sarah Barsalou, M<sup>e</sup> Audrey Bocktor, M<sup>e</sup> Frédérique Bourque, M<sup>e</sup> Natacha Calixte, M<sup>e</sup> Svjetlana Cvitkovic, M<sup>e</sup> Ioana Maria Delapeta, M<sup>e</sup> Julien Dolbec, M<sup>e</sup> David Éthier, M<sup>e</sup> Amélie Fahey, M<sup>e</sup> Aline Faustch, M<sup>e</sup> Sergio Famularo, M<sup>e</sup> Magalie Gingras, M<sup>e</sup> Julie Goineau, M<sup>e</sup> Tatiana Gomez, M<sup>e</sup> Paulo Gouveia, M<sup>e</sup> Simon Gruda-Dolbec, M<sup>e</sup> Neil Hazan, M<sup>e</sup> Maxime Hébrard, M<sup>e</sup> Valérie Laberge, M<sup>e</sup> Amélie Lacroix, M<sup>e</sup> David Laflamme, M<sup>e</sup> Joanie Lapalme, M<sup>e</sup> Chloé Le Tourneux-Perron, M<sup>e</sup> Julien L'Abbée Lacas, M<sup>e</sup> Gabriela Machico, M<sup>e</sup> Sheena Magli, M<sup>e</sup> Sasha Mandy, M<sup>e</sup> Alexandre McCormack, M<sup>e</sup> Caroline Moreau, M<sup>e</sup> Jessica Lipes, M<sup>e</sup> Brigitte Objois, M<sup>e</sup> Émilie Paquin-Holmsted, M<sup>e</sup> Michael Patry, M<sup>e</sup> Benjamin Prud'homme, M<sup>e</sup> Elsa Rizkallah, M<sup>e</sup> Emmanuelle Rouleau, M<sup>e</sup> Nick Scheib, M<sup>e</sup> Samuel Singer, M<sup>e</sup> André-Anne Tessier, M<sup>e</sup> Vanessa Udy

**Volunteer Lawyers (Tyndale Legal Clinic):** M<sup>e</sup> Audrey Bocktor, M<sup>e</sup> Annabel Busbridge, M<sup>e</sup> Julie Sauriol, M<sup>e</sup> Krysten Dagostino, M<sup>e</sup> Frédéric Savoie

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## FREE CONSULTATIONS EVERY WEDNESDAY

FROM 4:00 TO 7:00 P.M.

Mile End Community Mission

99 Bernard Street West



Some of our spring/summer 2015 student interns. From left to right: Anne-Sophie Bordeleau, Chantal Desereville, Sarah Munsch, and Anne Iavarone-Turcotte.

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