



Posted on 10/10/07

Bringing law to a lawless land

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There is Africa, and then there is Liberia. As he leafs through his personal collection of snapshots taken on recent trips to the West African nation -- still grappling with the devastation of a 23-year civil war -- Toronto corporate lawyer Jim Dube points out everyday sights in downtown Monrovia, the capital: children playing among long-overturnd cars, burned-out buildings, a cemetery occupied by squatters. The unemployment rate is a staggering 80 per cent.

"There is no infrastructure," he says. "This is not like Nairobi or Johannesburg."

Mr. Dube, who has spent close to four decades in the legal wars on Toronto's Bay Street, has recently returned from a five-week stay in the country, which is so worn down by war that the United Nations deploys its second-largest mission there. He was there to assist the government of Ellen Johnson-Sirleaf, Africa's first female head of state. She won the November, 2005, elections held at the end of a two-year transitional period following a 2003 peace deal ending the brutal civil war that began with a coup in 1980.

Ms. Johnson-Sirleaf's young government doesn't expect to work miracles - the recent restoration of streetlights in Monrovia was greeted as a major step forward. But it is ambitious in many ways: Among other legal initiatives, it is seeking redress for the years of brutality and theft perpetuated by previous regimes. Mr. Dube, an insolvency and civil-fraud lawyer more familiar with the elegant courtrooms of Toronto's Osgoode Hall than the dingy, sparsely equipped hearing rooms in Monrovia, is among the mostly North American experts who are providing assistance. In Mr. Dube's case, that means volunteering to do a number of things that are completely new to him, entirely on a pro bono basis. "I've never drafted laws in my life but I was asked to do it and I did," he says. "Thank God for laptops. I could plug into the system here and say 'Help!' "



While working pro bono has a long tradition among Canadian lawyers (although recently retired Ontario Chief Justice Roy McMurtry has been chiding the profession for not doing enough), it has mostly been in their own backyard. Ontario's relatively young pro bono organization, Pro Bono Law Ontario (PBLO), formed to increase the participation rate and visibility of such work, deals only with domestic projects. While numbers are not known, it appears that few Canadian lawyers at the top of the business law pyramid do pro bono work in developing countries.

Mr. Dube, however, may be part of a new breed of baby boomers who don't plan on sitting out retirement. Now 63 and contemplating the end of active practice at one of the country's largest business law firms, Blake Cassels & Graydon LLP, he turns 65 next year and says he was looking around for something to do.

"I'm not ready yet for the five o'clock buffet at the mall," he says during a conversation in his corner office at Toronto's Commerce Court West. With a long-standing interest in Africa, last fall he approached a U.S.-based organization, the non-profit International Senior Lawyers Project (ISLP). The group, founded in 2000, matches experienced lawyers with pro bono projects that focus on the rule of law and human rights around the world.

They connected him with the struggling government in Liberia, where officials with advanced legal training are few. Despite its historic connection with the United States (it was founded by freed slaves in the 1820s) and a legal and government system based on U.S. models, the extended civil war has robbed the country of expertise in virtually every sector. Mr. Dube's job, as he describes it, is to be duty counsel for the Liberian government. But instead of tidy restructurings and civil-fraud claims for big banks, he has been plunged into a world where the big legal issues are about rescuing a nation, not a wealthy corporate client.

In a five-week period in April and May, for instance, he drafted a constitutional case for the government and took it to the Liberian Supreme Court. The issue? Whether or not the previous government is constitutionally immune from charges of "economic sabotage," a formal charge, for diverting millions of dollars in foreign aid that began flowing into the country after the 2003 peace accord. Another matter involved the country's national social security system. The executives of the plan were charged with theft but a jury acquitted them; it transpired that the jurors had been bribed. But when the bailiff was charged - his papers contained a written record of the payoff - he was also acquitted. Mr. Dube is now using his skills in the area of civil fraud to pursue the plan's former executives into the U.S., where it is believed the money has been used to purchase assets.

If a judgment is obtained in Liberia, then U.S.-based firms that are associated with the ISLP can use their considerable expertise to enforce the judgment in the United States.

Then there was the three-day conference in a province five hours from Monrovia by jeep over wretched roads, designed to educate local prosecutors about many of the most basic elements of courtroom rules and techniques. The material is almost uniformly grisly; where a young lawyer in a large corporate firm in Canada may study the niceties of a commercial case, the case studies of young Liberian lawyers run more to subjects like the common problem of child rape.

Sometimes, Mr. Dube says, it can be difficult to explain to North Americans why the effort is worthwhile. "It's like starting from square one," Mr. Dube says. "The reaction can be: 'That's impossible, there's no way, it's like a drop in the Sahara,' you just mentally close the door and leave them behind. You can't do that. Even if you go and just have an impact among a few people ... they in turn will have an impact on others."

Asked why Canada's large pool of highly trained, top-echelon business lawyers have traditionally kept a low profile on the pro bono front, particularly in comparison to their counterparts in the U.S., Mr. Dube says it may be related to the professional training of Canadian lawyers. Staying in the background is considered the appropriate stance when it comes to a client's affairs. But he also thinks that this may be changing. He says younger members of his firm have been volunteering their assistance on his project, providing much of the cutting-edge research he needs.

And he agrees that there is a vast pool of knowledge in corporate legal circles, waiting to be tapped. (Indeed, one of his partners, long-time pro bono proponent Paul Schabas, is chair of PBLO and is currently involved with a project in Belize.) "I think you have a lot of lawyers of my vintage who have done well. We're secure in our own lifestyles and we should be prepared to help others," he says. "We could pool our resources - think of the countries that are coming up that are going to desperately need our help."

Mr. Dube is realistic about what can be done - progress in places like Liberia tends to be agonizingly slow. Nevertheless, he says it's worth the effort. "There's not going to be a rainbow at the end of the story, but you can move it forward a little bit."

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