



PUTTING PEOPLE AT THE HEART OF JUSTICE.

2015 ANNUAL REPORT



The Law
Foundation
of Ontario

Advancing access to justice



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Message from the Board Chair

In 2015, The Law Foundation of Ontario had a busy and productive year grantmaking and building new partnerships. It was also a year of growth, and we made time to review what we do and why we do it.

PLANNING FOR THE FUTURE

We undertook a strategic planning process for 2016-2020. This included candid conversations with Board and staff and many of our stakeholders.

We looked to the past to take stock of our strengths and set our strategic directions for the future. Building on our existing expertise and relationships, we reaffirmed our goals: strengthen our grantmaking; better understand the impact of our funding; have a stronger voice on access to justice; and maximize funding.

CLEARER VISION

As part of our strategic planning, we renewed our vision, mission, and guiding values. We made them simpler and, we hope, more inspiring, focussing our Board and staff around a common, bigger purpose: *Putting people at the heart of justice.*

Our strategic planning process reminded us that we're all driven by the same cause. We work in law because we believe in equality and justice for everyone. Whether we work in the courtroom or the community, all of us who are connected to the Foundation are inspired to put people, and their needs, at the centre of our justice system.

GRANTMAKING

Our granting activity was as busy as ever. We funded \$9.6 million for 77 new and ongoing projects. With the \$25.2 million to Legal Aid Ontario, we invested \$34.8 million in 2015 to advance access to justice.

Thanks to the influx of new cy-près awards, we re-opened our national Access to Justice Fund. We launched new calls for grant applications in the areas of: Indigenous peoples' legal needs; children and youth; public legal education, intake and referral; racialized groups; refugees; consumers; and investor rights.

SECURING REVENUE

We continue to face the financial challenges of low interest rates, as our primary revenue comes from the interest earned on lawyers' and paralegals' mixed trust accounts. Interest rates and our ability to collect all interest on those accounts directly affects how much we can send to Legal Aid Ontario and use for grantmaking. We encourage lawyers and paralegals to be vigilant in ensuring that their financial institution is directing the interest on their mixed trust accounts to the Foundation.

This year we completed a project that will help us secure more revenue and reduce the reporting burden on the professions by streamlining the reporting of mixed trust accounts. We worked closely with the Law Society of Upper Canada to integrate the professions' annual filing to make it a one-step process to report mixed trust account information to the Foundation. This project involved several process, technology, and communications changes for both organizations. The change took effect January 1, 2016.



NEW LEADERSHIP

We saw many changes at the Foundation this year. Our CEO since 2007 (and a Trustee from 1993 to 2002), Elizabeth Goldberg retired in 2015. Liz has been a trailblazer for women in the legal profession and leaves a strong and lasting legacy for The Law Foundation of Ontario.

We welcomed Ross Earnshaw to the Board of Trustees. Tanya Lee accepted the CEO role and worked with the Board in establishing our new strategic directions. Kirsti Mathers McHenry joined our strong and vital staff as the Foundation's Director of Policy & Programs. The Class Proceedings Committee also saw a leadership change, with Wendy Earle replacing outgoing Chair Val Edwards. Val was highly respected and admired for her extraordinary commitment and tenacity, dedicating 15 years of service to the committee, 10 of those years as Chair.

And, a final leadership change is my own. This is my final message on behalf of the Foundation as I move to the role of Treasurer with the Law Society of Upper Canada. I'm very pleased Linda R. Rothstein has accepted the Chair role and I know I'm leaving the organization in very capable hands.

I'm inspired by the tremendous work of Foundation grantees, partners, Board, and staff, and what we accomplish together as we keep our hearts and minds on the issues, and the people, that matter most.



Paul Schabas
Chair, The Law Foundation of Ontario

Our vision

Putting people at the heart of justice.

WHAT DOES IT MEAN?

The law exists to help people. The Law Foundation of Ontario envisions a justice system that's always compassionate and committed to helping people, especially those who are vulnerable and marginalized. People, and their needs, should be at the centre of our justice system. We envision services that wrap around people and a system that adapts to them – not the other way around. No one should have to struggle to get in or through the justice system. People are also at the heart of our work at the Foundation and this inspires our funding and relationships with others.

Our mission

Through granting and collaboration we invest in knowledge and services that help people understand the law and use it to improve their lives.

WHAT DOES IT MEAN?

The Law Foundation of Ontario carries out its two main roles – as a grantmaker and collaborator – in a proactive and strategic way. The decisions on how to best spend our time and dollars are based on the positive difference they will ultimately make in people's lives.

Granting highlights:

HELPING PEOPLE UNDERSTAND THE LAW AND USE IT TO IMPROVE THEIR LIVES

The Law Foundation of Ontario is committed to advancing people's access to justice.

The phrase 'access to justice' can mean many things. Generally, it encompasses the promotion of equity and fairness and the elimination of barriers, including financial, linguistic, and geographical barriers. It can also apply to the way legal information, services, and systems are available, understandable, and usable. One way the Foundation describes access to justice is that it's when people can understand the law and use it to improve their lives.

Each year, the Foundation awards millions of dollars to carefully selected grantees to create innovative projects, provide important services, and conduct ground-breaking research. Since its creation in 1974, the Foundation has funded over \$258 million in grants and directed over \$727 million to Legal Aid Ontario.

The Foundation makes grants to a wide range of organizations and initiatives. The majority of the activities funded fit within one, or more, of these four broad areas:

BRINGING CREDIBLE
AND ACCESSIBLE **PUBLIC**
LEGAL EDUCATION AND
INFORMATION TO THE PUBLIC
TO HELP THEM ADDRESS THEIR
LEGAL PROBLEMS

JUSTICE EDUCATION
TO INCREASE PEOPLE'S,
PARTICULARLY YOUTH'S,
KNOWLEDGE OF THEIR LEGAL
RIGHTS AND THE JUSTICE
SYSTEM

ENABLING LEGAL
PROFESSIONALS AND
STUDENTS TO DONATE THEIR
TIME AND EXPERTISE TO
PROVIDE DIRECT **PRO BONO**
SERVICES TO THE PUBLIC

BUILDING THE CAPACITY OF
THE **NONPROFIT JUSTICE**
SECTOR TO UNDERSTAND
PEOPLE'S LEGAL NEEDS AND
HOW TO BEST ADDRESS AND
SERVE THEM

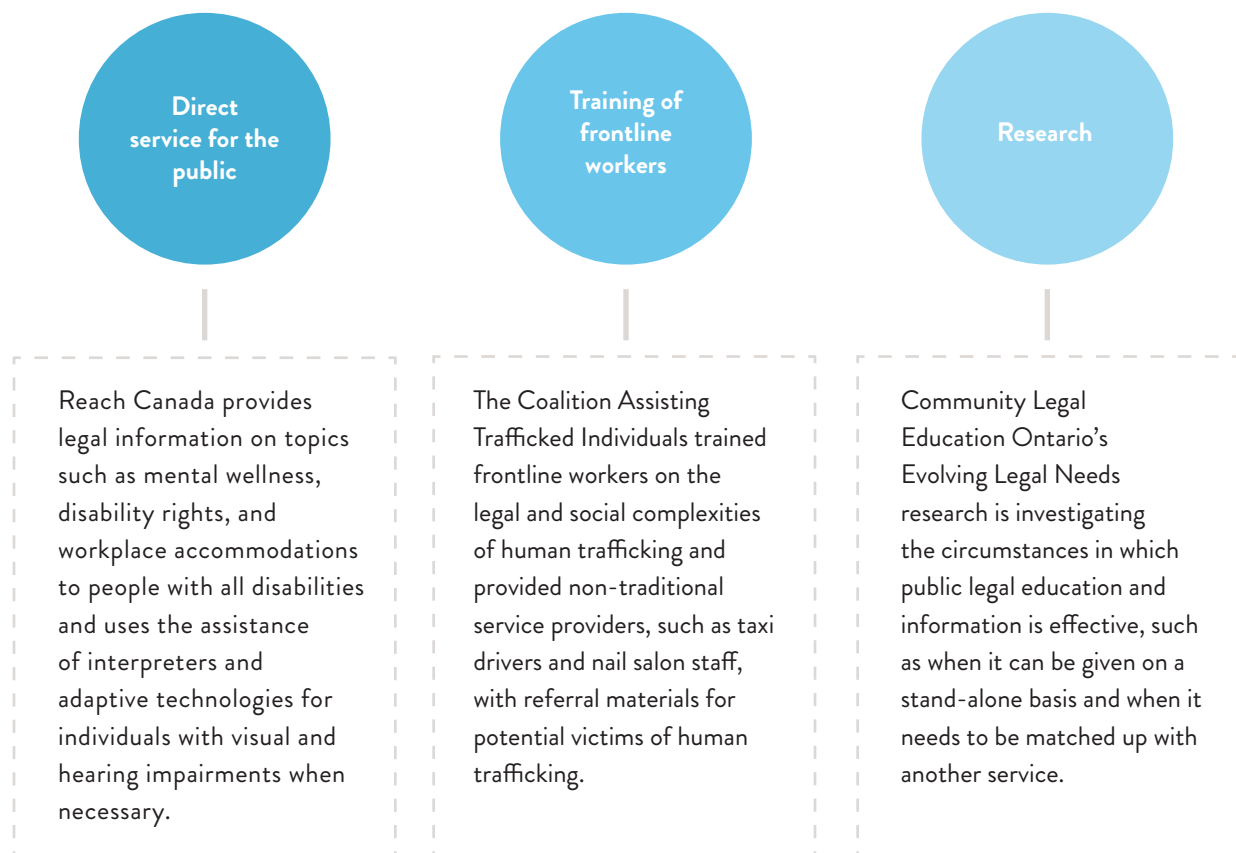
Public legal education and information (PLEI)

Bringing credible and accessible public legal education and information to the public to help them address their legal problems

Apartments, jobs, and marriages; all everyday things we rarely think of as legal issues. But, when something happens and we face eviction, harassment at work, or a divorce, the legal consequences come into sharp focus. Almost everyone will need credible and practical legal information to deal with a legal issue at some point in their life.

Public legal education and information (PLEI) helps people learn about specific laws and their rights and it helps them understand the available options to deal with their legal situation. PLEI helps to prepare people to address their legal problems, whether on their own or with the help of a lawyer, paralegal, or community-based frontline worker, such as a settlement worker.

THE FOUNDATION FUNDS PLEI THROUGH:



Within a three-year period, 48.4% of the adult Canadian population – or approximately 11.4 million adult Canadians – will experience at least one everyday legal problem they consider to be serious and difficult to resolve.

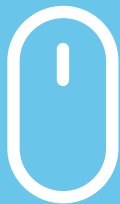
– *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, Canadian Forum on Civil Justice, 2016.

How we're helping



860

frontline workers trained



2.3 million

webpages of legal information viewed

* As reported by grantees representing approximately 1/3 of the total grants funding awarded in 2015.

Jenny and the
Sudbury Workers
Education and
Advocacy Centre
help workers
understand and
uphold their
rights



Advocating for the rights of young workers

Being charged a fee for your Record of Employment; earning student minimum wage even after you qualify for general minimum wage; receiving burns to your face and mouth because no safety precautions were provided; getting fired because you requested a medical leave; these are real situations that young clients of the Sudbury Workers Education and Advocacy Centre (SWEAC) have faced.

“We always say, we’re not here to tell you employers are bad,” explained Jenny Fortin, SWEAC’s Executive Director. “But there are some employers who rely on the fact that youth don’t know their rights, or are too afraid to speak up, and they exploit it.”

SWEAC helps to improve the working conditions of workers of all ages in non-unionized, low-wage, and precarious employment. It offers public legal education and information (PLEI) about employment standards, health and safety, and human rights. The Law Foundation of Ontario funded SWEAC’s first outreach program to help the organization connect with people in the outlying areas of Sudbury, including going into schools to teach youth about their rights as workers. Since it began in 2014, SWEAC has provided direct service to over 300 people and has reached over 1,400 people with its PLEI outreach.

Jenny easily empathizes with the youth that come to SWEAC because she was a lot like them. Jenny was born and raised in Sudbury and has a history of precarious work.

“I grew up in a socially minded household and was always told about social issues and the impact they had on the whole society, not just the individual,” Jenny said. “It wasn’t until I started working in retail that I really felt first-hand the inequalities between management and employees and how a lot of people were really scared about bringing any problems to management.”

Most youth come to SWEAC because they believe they’re not being paid properly or they’re being harassed at work. Most interventions are as straightforward as SWEAC helping the young person with a phone call or letter to the employer to inform them that they’re not following the law. This type of action is often enough to resolve the issue. Other situations warrant further action, such as making a claim under the employment, health and safety, or human rights legislation.

“One of the successful human rights claims we helped with was for an individual who is part of the LGBTQ community,” Jenny said. “He was constantly bullied at work, to the point where he had to get medication to help him deal with the harassment. The resolution was a cash settlement but also that the staff at this workplace be trained on human rights and harassment and be given information about the LGBTQ community.”

“The majority of young people are eager, hard workers,” Jenny added. “Many need these jobs to survive or help supplement their parents’ income. It’s not just for spending money. We want employers to treat them fairly and as equals.”

Justice education

Increasing people's, particularly youth's, knowledge of their legal rights and the justice system

From the day we're born, the law is a part of our lives. Driving a car, buying a house, making a will; each of these actions involve laws that govern our legal rights and responsibilities. And, like most things in life, the more we know about something, the easier it is to make good decisions and keep problems from happening, or at least keep them from getting any bigger.

Justice education increases people's, and particularly youth's, knowledge of their legal rights and the justice system, which are central to their ability to understand and participate in Canada's democracy.

THE FOUNDATION FUNDS JUSTICE EDUCATION THROUGH:



In Canada, over 20% of the population take no meaningful action with respect to their legal problems and over 65% think that nothing can be done, are uncertain about their rights, do not know what to do, think it will take too much time, cost too much money, or are simply afraid.

– Access to Civil and Family Justice: A Roadmap for Change, Action Committee on Access to Justice in Civil and Family Matters. October 2013.

How we're helping




115
trainings



4,185
youth and adults educated

* As reported by grantees representing approximately 1/3 of the total grants funding awarded in 2015.



Through Level's
Dare to Dream
program, Thomas
gives young
students an inside
and inspiring view
of the justice
system

Seeing the people behind the justice system

“Lawyers are people too. They, and all legal professionals, have specific roles to play in society and in the justice system.” That’s what Thomas Milne helped a group of grade 7 and 8 students to understand.

Thomas is an associate at Nahwegahbow Corbiere Genoodmagejig Barristers & Solicitors. He is also Dare to Dream’s volunteer Program Coordinator for Mnjikaning Kendaaswin Elementary School in Rama, Ontario.

A program of Level, Dare to Dream provides justice education and outreach for First Nation, Métis, and Inuit youth. Through collaborations with Indigenous leaders, the legal community, and nonprofit organizations, Dare to Dream helps youth expand their understanding of the justice system and legal professions, develop critical thinking and leadership skills, and believe in their own capacity to succeed.

Dare to Dream started in Toronto in 2012 with 25 students and 10 volunteers. Today, it’s delivered in nine urban and on-reserve schools in three provinces and has approximately 250 students and 90 legal and student volunteers. The Law Foundation of Ontario has provided funding to Dare to Dream since 2014.

Fellow lawyers as well as paralegals, police officers, social service workers, and Elders, helped Thomas lead the students through case scenarios, a mock sentencing circle, and a mock trial. There was also an impromptu field trip and an in-class visitor that were very special for the youth and grownups alike.

The Federal Court judge, the Honourable Justice Leonard S. Mandamin was in Rama First Nation to receive Elder testimony for a court case over which he was presiding. The students got to observe Justice Mandamin receive Elder testimony. Afterward, Justice Mandamin introduced all the lawyers and court staff involved in the hearing and he held a question and answer session in the courtroom with the students, and again with them later in their classroom.

“Meeting Justice Mandamin was a very special moment,” Thomas said. “He is Anishnawbe and knows Anishnaabemowin so he explained several Indigenous legal concepts to the students in Anishnaabemowin. He held a terrific presentation about practicing law and drew a bit of a crowd at the school.”

Coincidentally, Thomas and Justice Mandamin are both from Manitoulin Island (Mnidoow Mnising). Thomas grew up in Little Current (Webejiwong in Anishnaabemowin) and Justice Mandamin is from Wikwemikong, however both are members of Wikwemikong. Thomas and Justice Mandamin could relate to the students, but more importantly, the students could relate to them.

“One of the students wants to go to law school now,” Thomas said. “I think the kids always understood this could be a career choice but I think as you start growing up, you start seeing the world a little differently; you start seeing limitations and barriers. I hope that, with the experience we gave them, they’re able to break those down. The students could see the volunteers were once in their position, even the judge and now he’s working in one of the top courts in Canada.”

Pro bono services

Enabling legal professionals and students to donate their time and expertise to provide direct legal services to the public

Many legal problems should not be faced alone. Our laws and legal systems can be complex. A person with little or no legal experience can easily be overwhelmed and find themselves at a real disadvantage without the input of a legal professional.

One way to get more people access to legal help is through pro bono services. These are legal services that are provided at no cost because lawyers, paralegals, and students donate their time and resources. Pro bono services are based in communities and universities and the help given ranges from general legal information to full legal representation.

Pro bono services are possible because of the generosity and dedication of volunteers. The time and expertise shared by lawyers, paralegals, and students make concrete and life-changing differences in the lives of the people they support.

THE FOUNDATION FUNDS PRO BONO SERVICES THROUGH:



While there is no comprehensive Canadian data on the number of unrepresented litigants, estimates range from 10 to 80%, depending on the court and the subject matter.

- Reaching equal justice: an invitation to envision and act. A summary report by the Canadian Bar Association Access to Justice Committee, August 2013.

How we're helping

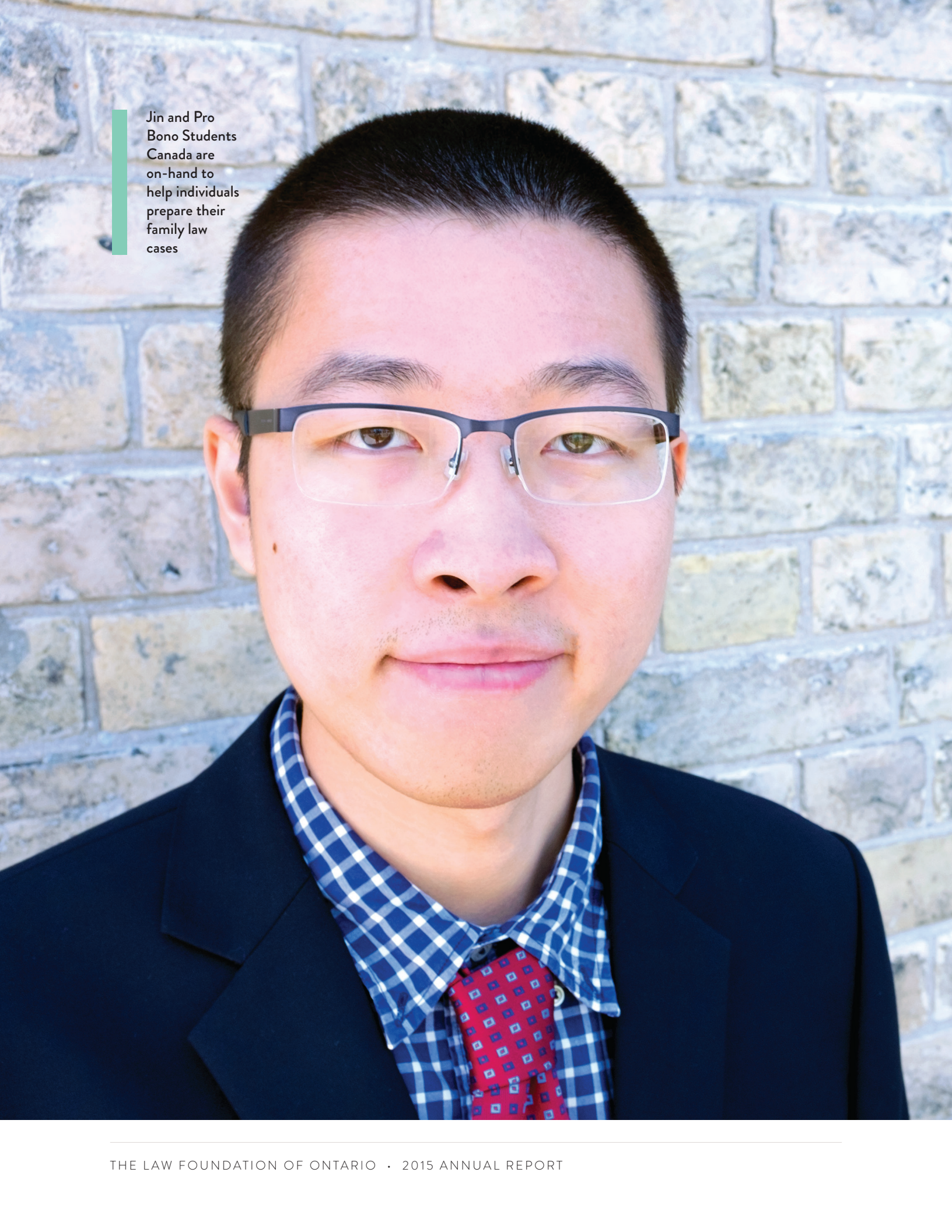


17,898
clients served



74,506
pro bono hours by lawyers, paralegals,
& students

* As reported by grantees representing approximately 1/3 of the total grants funding awarded in 2015.

A portrait of a young man with short dark hair and glasses, wearing a dark suit jacket, a blue and white checkered shirt, and a red tie with a small white pattern. He is standing in front of a light-colored stone wall. In the top left corner, there is a green vertical bar and a text block.

Jin and Pro
Bono Students
Canada are
on-hand to
help individuals
prepare their
family law
cases

Bringing relief and “real life” legal help to families

“I always wanted to do family law. It’s a field not many people are interested in because it’s highly emotional and many people just don’t like to deal with other people’s personal issues. But it’s also an area where there are a huge number of people who need legal help and I definitely see it first-hand working as a pro bono student.”

Jin Tan is Pro Bono Students Canada’s Family Law Project Coordinator for Osgoode Hall, York University’s law school. In this volunteer role, Jin recruits and trains law student volunteers and covers shifts at the family law courts.

“Pro bono is a way for me to apply what I’m learning in school. I want to see how law works in real life because I know there’s a gap between how law works in books and how law works for everyday individuals.”

The Pro Bono Students Canada Family Law Project started in 1997 at a provincial family law court in Toronto. Run in partnership with Legal Aid Ontario, the project enlists and trains law students to help low income, self-represented litigants in family courts to fill out court forms. Students help clients to prepare their cases and put their best foot forward before a judge.

Under the supervision of Legal Aid Ontario lawyers, law students work with clients to help them prepare their legal documents for their cases. In a court situation, just telling your story is not enough. Clients need to present the facts and request the remedy they want - both of which need to be connected back to the relevant law.

Without legal knowledge, this can be a difficult task. The law students help clients document their situation and present it in a context and language that is appropriate to the court.

Thanks in part to funding from The Law Foundation of Ontario’s Access to Justice Fund, the Family Law Project has expanded to 14 cities across Canada. In Ontario, the project runs 10 months of the year. Last year, 159 student volunteers helped well over 2,400 clients to complete 4,400 court forms.

Some court forms take priority over all others. Ex parte motions are emergency motions when a child could be in immediate danger.

“I worked for hours one day to get an ex parte in front of the judge because the client’s daughter had been taken by the former partner.” Jin said. “I was surprised to see the client back the next day. I was worried something went wrong. But, she said, ‘I just wanted you to know that because of what you did, I got my daughter back’. I was very proud of that.”

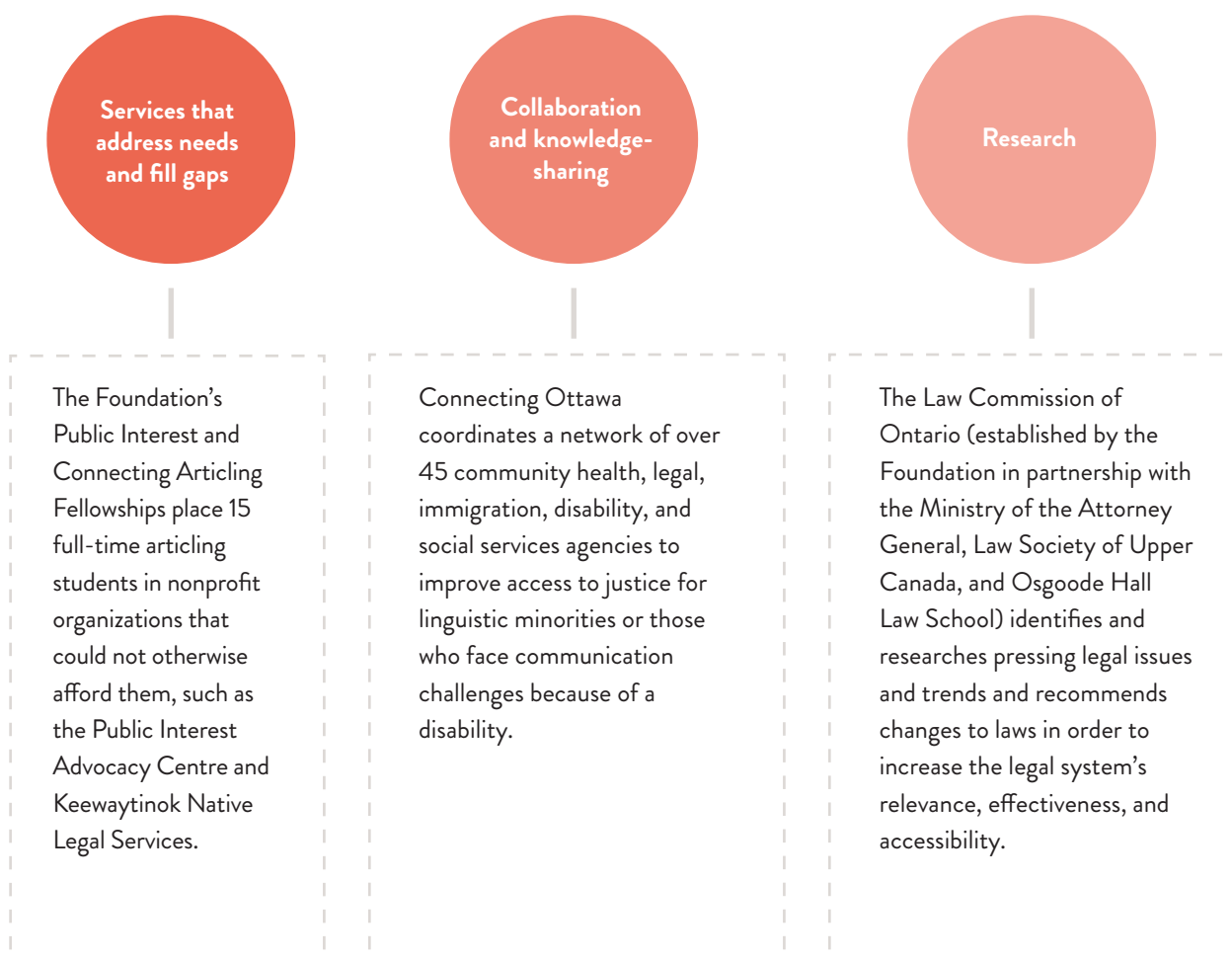
Nonprofit justice sector

Building the capacity of the nonprofit justice sector to understand people's legal needs and how to best address and serve them

The Law Foundation of Ontario funds, and in fact helped establish, a number of organizations that make up Ontario's nonprofit justice sector. Collectively, these organizations provide legal services that would not otherwise be available and they expand our knowledge of people's legal needs. Supporting the work of these organizations creates a stable and informed sector that the public can count on.

The nonprofit justice sector provides public legal education and information, pro bono services, and justice education to members of the public directly and through the training of frontline workers, such as faith leaders and social workers. Organizations across the sector regularly share research and best practices to help each other make the best decisions possible about what services are needed and how best to deliver them.

THE FOUNDATION SUPPORTS THE NONPROFIT JUSTICE SECTOR THROUGH:



In Ontario, there are 16.61 private practice lawyers and 304 paralegals per 10,000 Census population.

– *The Geography of Civil Legal Services in Ontario, Final report of the mapping project phase for the Ontario Civil Legal Needs Project, November 2011.*

How we're helping



13

significant legal research reports published



384

organizational partnerships

* As reported by grantees representing approximately 1/3 of the total grants funding awarded in 2015.



The creation of LawConnect delivers more efficient and holistic legal education and information to service providers and the public

A marriage to make Ontario's PLEI services stronger

There's nothing blue but there is something old, something new, and something borrowed in the recent 'marriage' of Ontario's sole-purpose public legal education and information (PLEI) organizations.

Long-standing grantees of the Foundation, Community Legal Education Ontario (CLEO) and Ontario Justice Education Network (OJEN) came together to create a unique union.

Like many modern marriages, CLEO and OJEN are each keeping their own identities. They're not merging but they are collaborating under a distinct banner called LawConnect to make each other stronger and deliver more holistic PLEI.

Both organizations specialize in PLEI but, in general, the type of PLEI and clients are different. CLEO, a community legal clinic, provides practical legal rights information to low income and disadvantaged communities, often through intermediaries such as settlement or housing workers. OJEN partners with schools and community organizations to educate young people about the justice system and how it works. There are areas, though, where CLEO and OJEN's expertise and audiences do, or could, meet up.

"Given our unique and complementary roles we realized that if we joined forces we could do our work better and reach more people," explained CLEO's executive director, Julie Mathews. "For example, some of the youth that OJEN works with need specific information about their legal rights as well as information about how the justice system works. Many of the people CLEO is reaching also need to understand how the justice system works and how they can act as early as possible to try to minimize an escalation of their legal problem."

CLEO and OJEN moved in together. Beyond the obvious cost-savings of sharing an office and resources, being in one space inspires the cross-pollination of their strengths, expertise, and connections.

One of LawConnect's first projects is a provincial PLEI conference taking place in October 2016. LawConnect, with The Action Group on Access to Justice (a Foundation grantee and an initiative of the Law Society of Upper Canada), is developing conference programming that benefits from each organization's experience and covers the spectrum of PLEI. OJEN's expertise in education and its connections to professionals in the justice sector combined with CLEO's substantive legal expertise and relationships with frontline workers in the nonprofit sector creates a broader conversation about how PLEI and justice education can advance the access to justice agenda.

The Foundation played a unique match-making role in this pairing.

"The Law Foundation of Ontario saw this opportunity and was completely instrumental in bringing it together," said OJEN's executive director, Jessica Reekie. "At no point were we pressured to merge. That's an important point because it recognizes we're distinct organizations. We're complementary but we do have differences — which I think was a key understanding in this process."

Access to Justice Fund: Advancing access to justice across Canada

The Law Foundation of Ontario created the unique and permanent Access to Justice Fund (ATJF) after receiving its first cy-près award in 2009. Since then, the Foundation has been receiving and directing cy-près awards to fund access to justice initiatives across Canada. To date, the ATJF has received 15 cy-près awards and supported more than 100 grants worth close to \$15.2 million in total.

With additional cy-près awards, the ATJF can continue to develop funding calls and make grants in a variety of areas that aim to improve access to justice for the people of Canada.

In 2015 and 2016, the ATJF made calls for applications in three areas:

INDIGENOUS PEOPLES' LEGAL NEEDS

The legal needs of Indigenous peoples are longstanding and complex. Child protection and interaction with the criminal justice system remain areas of priority, as are additional priorities identified by Indigenous organizations and communities. This is the second round of ATJF granting in this area. It builds on the momentum and relationships developed by the Foundation, and law foundations across Canada, through previous grantmaking.

►► Applications continue to be accepted for this call | 6 grants approved to date



INVESTOR RIGHTS

Many Canadians invest in the market to provide needed income during retirement, save for a home, or support a child's post-secondary education. Investing can be complex, even for those with high financial literacy. Precipitated by a condition of a cy-près award received, the ATJF is supporting projects that will provide information and resources to help Canadians understand the risks and protect their rights as they navigate the often challenging investment landscape.

►► 14 Letters of Intent received | 8 grants approved

FIVE-PRIORITY AREAS

Different populations and communities have different access to justice needs, especially populations that are more vulnerable or have traditionally been marginalized. A broader call for applications was made for projects that have the potential to bring real improvements to the following groups and priority areas:

- Children and youth
- Consumers
- Racialized groups
- Refugees
- Public legal education, intake, and referral

►► 162 Letters of Intent received | Funding decisions in process

FITTING AND ACCOUNTABLE STEWARD OF CY-PRÈS AWARDS

Many courts have approved The Law Foundation of Ontario as a fitting and accountable recipient of both fixed and residual cy-près awards given its: experience and expertise in granting; broad access to justice mandate; and prudent financial management.

Awards received as of June 30, 2016:

- *Cassano v Toronto Dominion Bank*, 2009 CanLII 35732 (ON SC)
- *Skopit v BMO Nesbitt Burns Inc* (8 November 2010), Essex County CV-10-15239 (ON SC)
- *Smith Estate v National Money Mart*, 2010 CanLII 1334 (ON SC)
- *Wein v Rogers Cable Communications Inc*, 2011 CanLII 7290 (ON SC)
- *Markson v MNBA*, 2012 CanLII 5891 (ON SC)
- *Carom v Bre-X Minerals Ltd*, 2014 CanLII 2507 (ON SC)
- *Krajewski v TNOW Entertainment Group* (February 2014)
- *Lee Valley Tools v Canada Post Corporation* (15 October 2014), Toronto 06-CV-320840 CP (ON SC)
- *Occhiuto v Agropur Cooperative and Natrel Ontario Inc* (15 August 2014), Toronto 05-CV-283533CP (ON SC)
- *Lawrence v Atlas Cold Storage Holdings Inc* (4 December 2014), Toronto 04-CV-263289CP (ON SC)
- *Mlinaric v North American Palladium Ltd* (16 September 2014), Windsor CV-11-16787 (ON SC)
- *Edwards v Swisher Hygiene Inc* (13 February 2015), Windsor CV-13-20282CP (ON SC)
- *Poole v PetroMagdalena Energy Corp* (26 October 2015), Windsor CV-11-16208 (ON SC)
- *Martin v Southwestern Resources Corp* (15 January 2015), Vancouver S075049 (BC SC)
- *Simmonds v Armtec Infrastructure Inc* (31 May 2016), Toronto CV-11-16465 (ON SC)

2015 granting

ACCESS TO JUSTICE FUND

Community Legal Education Ontario

Evolving Legal Services Research Project - Phase Two \$263,050

Law Society of Nunavut

Public Legal Education of Nunavut \$100,000

Lifeline Syria

Pro Bono Legal Support Program for Syrian Refugee Sponsors \$89,400

Connecting Communities

Communication Disabilities Access Canada

Increasing Access to Legal Information for People with Speech and Language Disabilities \$50,000

Interfaith Initiatives for Civic Engagement

The Spirit of the Law: Educating the Faith Sector on Poverty Law \$50,000

People to People Aid Organization (Canada)

Supporting our Community: Our Health Our Laws \$43,422

Port Colborne Association for Resource Extension

No Longer the Norm: A Legal Information Training Project on Sexting and Cyberbullying \$48,750

Sexual Assault Centre London

Human Trafficking: Increasing our Community's Capacity to Respond Through Legal Education \$43,140

The Ontario Federation of Indigenous Friendship Centres

Provincial Aboriginal Human Rights Initiative \$24,850

Total Access to Justice Fund \$712,612

REGULAR GRANTING

Association des juristes d'expression française de l'Ontario

Journée du droit 2016 \$14,000

Association in Defence of the Wrongly Convicted

Program Activities 2016 \$230,000

Black Law Students' Association of Canada

25th Annual National Conference \$15,000

Canadian Civil Liberties Education Trust

Program Activities 2016 \$221,100

Connecting Articling Fellowship 2016-2017

Algoma Community Legal Clinic \$54,625

Community Advocacy & Legal Centre \$54,625

Keewaytinok Native Legal Services \$58,175

Metro Toronto Chinese and Southeast Asian Legal Clinic \$54,625

South Asian Legal Clinic of Ontario \$54,625

The Legal Clinic \$54,625

Connecting Articling Fellowship 2017-2018

Algoma Community Legal Clinic \$60,000

Community Advocacy & Legal Centre \$60,000

Keewaytinok Native Legal Services \$60,000

Metro Toronto Chinese and Southeast Asian Legal Clinic \$60,000

South Asian Legal Clinic of Ontario \$60,000

The Legal Clinic \$60,000

Community Leadership in Justice Fellowship

Oil by Rail: Regulatory Failure and Justice for the People of Lac-Mégantic

Canadian Centre for Policy Alternatives \$50,000

University of Ottawa, Faculty of Law, Common Law Section \$15,000

Community Legal Education Ontario

CLEO Centre for Research and Innovation 2016-2017 \$95,000

Your Legal Rights 2015-2016 \$162,240

Connecting Communities Secretariat \$114,000

Community Living Ontario

Community Living Ontario Wills and Estate Planning Guide \$15,000

Conestoga College

Ontario College Libraries: QuickLaw for 14 college libraries that have accredited paralegal programs \$100,000

Criminal Lawyers' Association	
Young Lawyers Conference, October 2015	\$50,000
The Mark J. Sandler Professional Development Bursary for Recent Call Lawyers	\$10,000
FCJ Refugee Centre	
Precarious Migrant Protection and Support Program	\$50,000
John Howard Society of Ontario	
On the Record: A Legal Educational Workshop Series on Police Record Checks in Ontario	\$5,000
King's University College, Western University	
Views of the Child Reports in Ontario	\$99,790
Lanark County Community Justice Program Inc.	
Promising Young People	\$15,000
Law Commission of Ontario	
Program Activities 2015-2016	\$550,000
Law in Action Within Schools	
Program Activities 2016-2017	\$100,000
Summer Job Program 2016	\$15,000
Law School Comprehensive Grants 2016-2017	
Lakehead University, Faculty of Law	\$153,000
Osgoode Hall Law School	\$306,000
Queen's University, Faculty of Law	\$254,000
University of Ottawa, Faculty of Law, Civil Law Section	\$153,000
University of Ottawa, Faculty of Law, Common Law Section	\$306,000
University of Toronto, Faculty of Law	\$254,000
University of Windsor, Faculty of Law	\$254,000
Western University, Faculty of Law	\$254,000
Level	
Dare to Dream	\$10,000
Luke's Place Support and Resource Centre for Women and Children	
Providing Virtual Family Law Services to Survivors of Violence Against Women	\$95,000
Mennonite Coalition for Refugee Support	
LGBTQ Project	\$15,000
Metropolitan Action Committee on Violence Against Women and Children	
Program Activities 2015-2016	\$293,575
Native Law Centre	
Program Activities 2016-2017	\$20,000

Ontario Justice Education Network	
Program Activities 2015-2016	\$850,000
Increasing OJEN's Administrative Capacity through a CMS and CRM Upgrade	\$15,000
The Osgoode Society for Canadian Legal History	
Program Activities 2016	\$178,185
Pro Bono Ontario	
Program Activities 2016	\$800,000
Pro Bono Students Canada	
Strengthening Governance, Phase 2	\$9,120
Program Activities 2015-2016	\$541,396
Public Interest Articling Fellowships 2016-2017	
Amnesty International Canada	\$69,500
Association in Defence of the Wrongly Convicted	\$69,500
Barbra Schlifer Commemorative Clinic	\$69,500
Canadian Centre for International Justice	\$69,500
Canadian Civil Liberties Association	\$69,500
Peacebuilders International	\$69,500
Public Interest Advocacy Centre	\$69,500
Reach Canada	
Accessibility for Persons with Sight and Hearing Impairments	\$15,000
Roy & Ria McMurtry Endowment Fund 2015-2016	
Lakehead University, Faculty of Law	\$5,000
Second Chance Scholarship Foundation Inc.	\$5,000
Schizophrenia Society of Ontario	
Justice and Mental Health Program: Increasing the Capacity of SSO's Designated Representative Service	\$62,105
SKETCH Working Arts for Street-Involved and Homeless Youth	
Acting OUT-Street Law Smarts	\$100,000
South Ottawa Community Legal Services	
Connecting Region - Connecting Ottawa	\$256,560
The Dream Team & Houselink Community Homes	
Tenants' Rights Workshops	\$15,000
The Law Society of Upper Canada	
The Action Group on Access to Justice (TAG)	\$400,000

University of Ottawa, School of Information Studies

Mapping the Front End: Legal Information Seeking Practices

\$65,008

Workers' Action Centre

Expanding the Dialogue: Public Education and Capacity Building on
Precarious Employment and Low-Waged Work

\$87,424

Total Regular Granting

\$8,876,303

TOTAL 2015 GRANTING

\$9,588,915



Class Proceedings Fund

MESSAGE FROM THE CHAIR

In June 2015, Valerie Edwards, the Chair of the Class Proceedings Committee (CPC) stepped down after 15 years of service and I became the new Chair.

It has been a profound honour to have worked with Valerie. Her leadership was thoughtful, proactive, and expertly balanced the public interest and fiscal responsibility. I hope very much to continue the same excellent stewardship which Valerie and all past Chairs of the Committee have shown.

The number of applications received by the Class Proceedings Fund (CPF) in 2015 was slightly lower than in 2014 but, in general, consistent with the trend of more and more applications being made to the CPC over the past decade. Funding awards in 2015 were much higher than in past years, largely as a result of significant expenditure on expert reports in funded cases. Cases certified and settled were also lower than in the past several years; however, this is likely due to timing and the usual ebb and flow of how the cases proceed. Costs paid to defendants in 2015 (\$676,520) were moderately higher than in 2014, (\$258,750) but still much lower than in 2012 when the CPC paid a record \$2,916,515 in costs to defendants.

We continue to monitor the implications of growing numbers of applications, the levels of disbursement funding required for these cases, as well as projected successful versus unsuccessful outcomes to ensure the sustainability of the CPF.

In the summer of 2016 we will be holding a retreat with a specific focus on risk management. Our goal is to further improve our processes and procedures so that we can ensure that the important work of the CPC will continue.

As the new Chair of the CPC, I am pleased and honoured to work with the members of the Committee — Paul Evraire, Jasminka Kalajdzic, Kim Twohig, and Scott Hutchison — and our Counsel, Gina Papageorgiou and Legal Assistant Linda Patki. I could not wish to work with a more hardworking, experienced, and capable team who are so deeply committed to the work of the CPC and its goals. I also wish to make a special mention of the Committee's Secretary, Judy Mark, who ensures that the Committee is always up-to-date with the CPF's most current financial information. Her work is and has always been critical to the CPC's success and is greatly appreciated.



Wendy Earle
Chair, Class Proceedings Committee

Class Proceedings Fund financial highlights

NEW APPLICATIONS HEARD AND APPROVED – 2006-2015

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Hearings Held	8	3	12	13	9	22	12	13	20	17
New Applications Approved	5	2	9	12	7	15	7	7	11	12

2015 RESULTS

Statement of Financial Position

	<u>For the period from Jan. 1, 2015 to Dec. 31, 2015</u>	<u>For the period from 1994 to Dec. 31, 2015</u>
Opening balance	\$ 19,313,255	\$ 500,000
Total funding awarded	(3,589,906)	(17,448,955)
Funding repaid/cancelled	610,065	5,432,075
Administration costs/expenses	(360,932)	(3,548,392)
Interest received	339,932	2,622,794
10% levies received	1,114,211	38,604,094
Cost awards in favour of defendants	(676,520)	(9,411,511)
Balance as at Dec. 31, 2015	\$ 16,750,105	\$ 16,750,105

AS REQUIRED BY O.REG.771/92, S.13, WE REPORT AS FOLLOWS:

1. Number of new applications made, by stage in proceeding, at the time of application.

<u>Stage in the Proceeding</u>	<u>2015</u>	<u>2014</u>
Pre-certification	16	20
Appeal re: Certification		
Discovery		
Determination of Common Issues	1	
Appeal re: Common Issues		
Post Common Issue Stage		
Total	17	20

2. New applications granted and refused or pending/withdrawn, by stage in the proceeding, at the time of application.

Stage in the Proceeding	Granted	Refused	Deferred/Pending*/ Stayed, etc.	Total
2014				
Pre-certification	11	3	6	20
Discovery				
Other (Common Issues)				
Total	11	3	6	20
2015				
Pre-certification	11	4	1	16
Discovery				
Other (Common issues)	1			1
Total	12	4	1	17

*Carried forward to the next year.

3. In 2015, financial support was awarded for twelve (12) new cases under section 59.3(1) of the Act¹ and further financial support was awarded for seventeen (17) cases which had previously been approved, as a result of supplementary funding applications under section 59.3(5) of the Act. In 2014 financial support was awarded for eleven (11) new cases under section 59.3(1) of the Act and further financial support was awarded for nine (9) cases which had previously been approved, as a result of supplementary funding applications under section 59.3(5) of the Act.

4. Total awards, by disbursement type is \$3,589,906.

Type of Disbursement	Total Amount Awarded 2015
Administrative Expenses	\$ 516,446
Travel	152,683
Examiners' Charges	102,811
Experts' Fees	2,347,668
Notice to Class	186,683
Other	283,615
Total	\$3,589,906

Under regulation 771/92, this section includes only amounts awarded during 2015. Total amounts paid out by the CPF during 2015 may vary as amounts awarded are reimbursed to applicants on an ongoing basis after funded disbursements have been duly incurred and paid by the applicant.

1. References are to the *Law Society Act*.

5. The total amount of money paid from the CPF to applicants under section 59.3 of the Act: 2015, \$2,079,284; 2014, \$1,329,046. At December 31, 2015, the balance of all awards outstanding which had not yet been paid to applicants was \$2,855,599.

6. In 2015, 2 funded proceedings were certified². In 2014, 5 funded proceedings were certified.

7. In 2015, 1 applicant who had received financial support settled their proceedings such that the classes involved in these proceedings would receive or will receive a monetary payment.³ In 2014, 5 applicants who had received financial support settled their proceedings such that the classes involved in these proceedings would receive or will receive a monetary payment.

8. In 2015, 7 defendants made applications to the CPF for payment of costs awards made in their favour pursuant to section 59.4 of the Act; four applications were received in 2014. This results from the indemnification of plaintiffs against cost awards.

9. In 2015, \$676,520 was paid from the CPF to defendants under section 59.4 of the Act. In 2014, \$258,750 was paid from the CPF to defendants under section 59.4 of the Act. This results from the indemnification of plaintiffs against cost awards.

2. *Hodge v Neinstein* [2015] O.J. No. 6466 and *Dine v Biomet Inc et al*, 2015 ONSC 7050

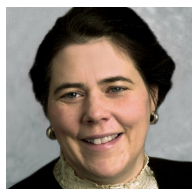
3. *Dennis Caponi v The Canada Life Assurance Company, A.P. Symons, D Allen Loney and James R. Grant*. Approved by order dated May 1, 2015.

10. Proceedings for which plaintiff was awarded financial support under section 59.3 of the Act (these included both newly approved cases and previously approved cases for which supplementary funding was awarded during 2015).

	Administrative Expenses	Travel Expenses	Examiners' Charges	Experts' Fees	Notice to Class	Other	Total
2015	\$	\$	\$	\$	\$	\$	\$
Crown liability – Charter infringement	59,000	10,000	20,000				89,000
Crown liability – general breach of duty	8,052	7,197		84,250	36,753		136,252
Crown liability – prisoners' rights	46,000	29,000	5,000	175,000	20,000	25,000	300,000
Investments / Securities	80,126	17,371	12,638	821,931	1,189		933,255
Product liability – medical products	12,220	22,433	4,976	12,119		148,097	199,845
Product liability – drugs						40,433	40,433
Employment	38,000	7,000	5,000	185,000		30,000	265,000
Solicitors' negligence	61,995	133		75,000	741		137,869
Consumer protection – interpretation of contracts	40,000	2,000	25,000	33,000			100,000
Consumer protection – breach of privacy	20,151	2,034	3,955	39,040		5,085	70,265
Competition	27,327	10,360	5,500				43,187
Franchise	5,820		5,640	114,980			126,440
Insurance	15,755	11,655	102	93,906			121,418
Residential schools	102,000	33,500	15,000	713,442	128,000	35,000	1,026,942
Total	516,446	152,683	102,811	2,347,668	186,683	283,615	3,589,906
2014							
All Cases	269,459	24,013	28,592	1,344,275	120,000	66,256	1,852,595

Class Proceedings Committee

The Class Proceedings Committee has five members, one appointed by each of The Law Foundation of Ontario and the Attorney General of Ontario, and three appointed jointly.



Wendy Earle

Chair

Advocate and Arbitrator



Valerie A. Edwards

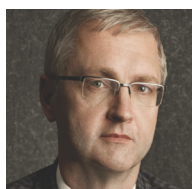
Chair (until June 2015)

Partner, Torkin Manes LLP



Paul J. Evraire, Q.C.

Special Counsel (Retired), Department of Justice



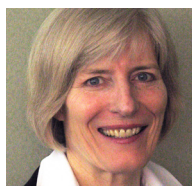
Scott C. Hutchison

Senior Partner, Henein, Hutchison LLP (from June 2015)



Jasminka Kalajdzic

Professor, Faculty of Law, University of Windsor



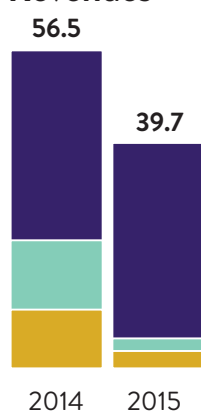
Kim Twohig

General Counsel (Retired), Ministry of the Attorney General

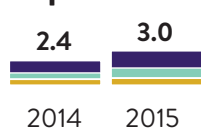
2015 financial highlights

CONSOLIDATED RESULTS (\$M)

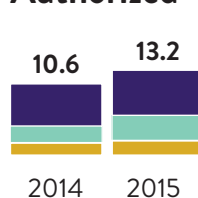
Revenues



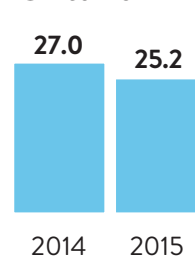
Expenses



Grants & Awards Authorized



Legal Aid Ontario



■ LFO ■ CPF ■ ATJ

REVENUES

The Law Foundation of Ontario's main source of revenue is interest earned on Ontario lawyers' and paralegals' mixed trust accounts. These mixed trust accounts hold funds in trust for more than one client.

By law, all such interest is paid to the Foundation.

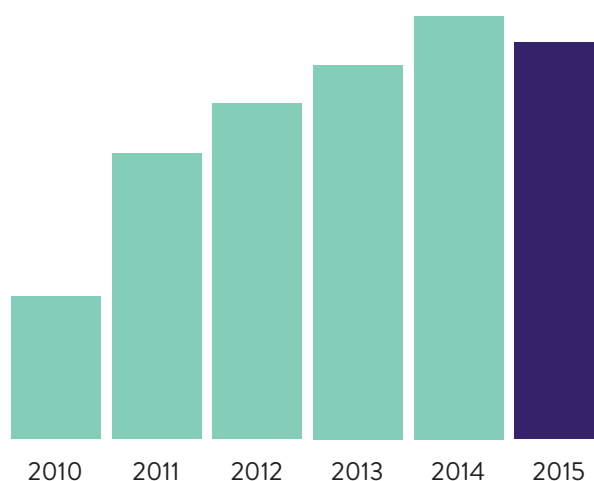
Revenues were lower in 2015 due to two reductions to the prime rate despite moderately higher mixed trust account balances. Mixed trust account revenue remains lower than the average for the last 10 years because the prime rate continues to be near historic lows.

The Foundation periodically negotiates rates of return with all financial institutions that are authorized to hold mixed trust accounts for lawyers and paralegals. Some of these agreements are more favourable than others and the Foundation continues to seek improvements in all of them. To illustrate the importance of these negotiations, if the bank with the worst terms matched the bank with the best terms, the additional interest generated could fund 10 more Connecting Articling Fellowships that would provide legal services in their own language to people who do not speak English or French.

Interest Revenues and Rates

Mixed Trust Account Interest (\$M) | Average Prime Interest Rate (%)

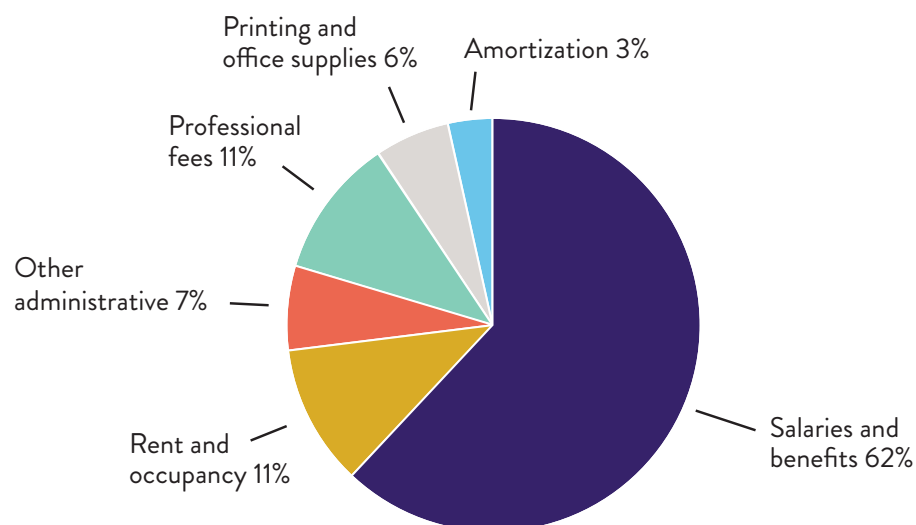
\$13.8	\$26.5	\$29.6	\$34.2	\$37.7	\$35.4
2.60%	3.00%	3.00%	3.00%	3.00%	2.78%



The 2015 audited financial statements are available online at: lawfoundation.on.ca/who-we-are/annual-reports

EXPENDITURES

The Foundation continued to manage its expenses prudently to respond to needs in these difficult economic conditions. Operating expenses (excluding Class Proceedings Fund operating costs) were \$1.9 million or 7.1% higher in 2015. This follows no change in 2014 and decreases in operating expenses of 8.0% in 2013.



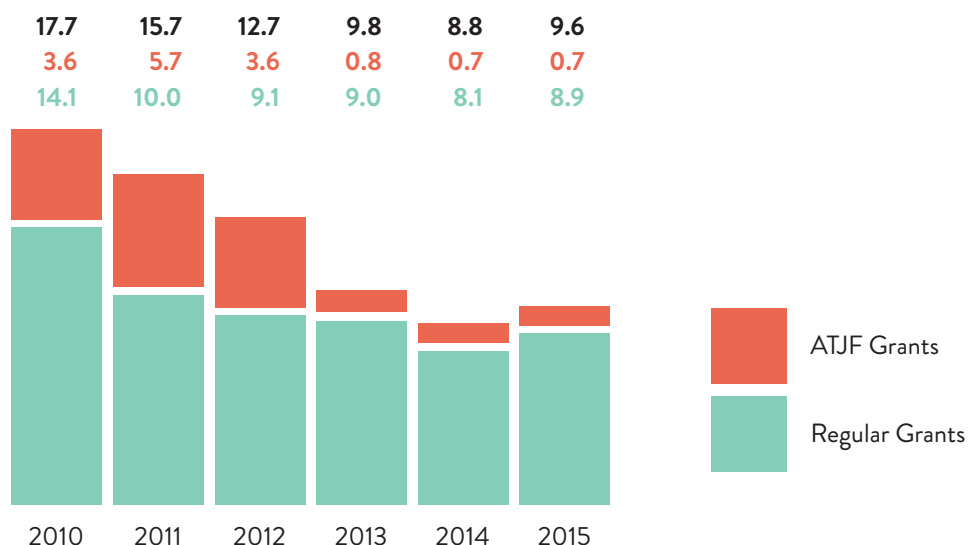
FUNDING TO LEGAL AID ONTARIO

Seventy-five per cent of mixed trust account revenue net of operating expenses is paid to Legal Aid Ontario. The Foundation's contribution decreased in 2015 due to the reductions in prime rate.

GRANTS AUTHORIZED

With its remaining funds, the Foundation awards grants that support improved access to justice. Total grants authorized in 2015 were higher as some grants were deferred from 2014.

Grants Authorized (\$M)



Public legal education trailblazer receives 2015 Guthrie Award

The Law Foundation of Ontario was pleased to recognize Julie Mathews with the 2015 Guthrie Award.

Since 2000, Ms. Mathews has been the Executive Director of Community Legal Education Ontario (CLEO), the province's leading public legal information and education organization. CLEO brings resources to people who face barriers to accessing the justice system, including income, disability, literacy, isolation, and language.

At CLEO, Ms. Mathews has been the driving force behind creative and innovative projects such as Connecting Communities, Your Legal Rights, PLE Learning Exchange, Evolving Legal Services research, and the Libraries and Justice Project. Her leadership and knowledge in public legal education are second to none. Her ability to mobilize original thinking, diverse collaborations, new technology, and the all-important

Highly respected in the nonprofit and justice sectors, Ms. Mathews is an innovator, thought-leader, and relationship-builder with an unwavering commitment to access to justice.

voice of those being served, has earned her respect as a trailblazer in her field.

Established in 1996, the Guthrie Award acknowledges outstanding individuals and organizations for their contributions to access to justice and excellence in the legal profession.



Board Chair Paul Schabas presents Julie Mathews with the 2015 Guthrie Award

Community Leadership in Justice Fellowship explores the public toll of disasters

Bruce Campbell, a leading policy expert in Canada and Executive Director of the Canadian Centre for Policy Alternatives, was awarded a Community Leadership in Justice Fellowship in 2015.

The focus of Mr. Campbell's fellowship is public disasters and their associated regulatory failure. Specifically, he is furthering his study of the causes and consequences of the 2013 Lac-Mégantic rail disaster.

Mr. Campbell's existing relationship with community members in Lac-Mégantic affords him a unique opportunity to bring the voices of those affected by such disasters to the forefront and is extremely important to the furthering of access to justice and its intersection with policy work.

The Common Law and Droit Civil Sections at the University of Ottawa's Faculty of Law and the University of Ottawa's Human Rights Research and Education Centre (HRREC) are hosting Mr. Campbell for the 2016 academic year.

The Law Foundation of Ontario established the Community Leadership in Justice Fellowship in 2006 to provide a unique professional development opportunity for leaders in the nonprofit sector and to build bridges between community and academia in the areas of law reform, legal advocacy, and the justice system.



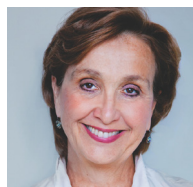
Governance and staffing

BOARD OF TRUSTEES

The Law Foundation of Ontario is governed by a five-person voluntary board of trustees. Three trustees are appointed by the Law Society of Upper Canada and two by the Attorney General of Ontario. The Foundation submits its annual report to the Attorney General for tabling in the Legislative Assembly.



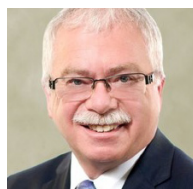
Paul B. Schabas, Chair (until June 2016)
Partner, Blake, Cassels & Graydon LLP



Linda R. Rothstein, Chair
Partner, Paliare Roland Rosenberg
Rothstein LLP



Christopher Clifford
Partner, Bergeron Clifford LLP



Ross F. Earnshaw
Partner, Gowling WLG



Stephen Rhodes
Deputy Minister, Ministry of Transportation

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Chief Executive Officer (until July 2015)

Tanya Lee
Chief Executive Officer

Tracy Au
Office Assistant

Monica Carreon Diez
Program Coordinator

Alida De Lorenzi
Grants Officer

Patricia Doherty
Program Coordinator

Kathryn Hunter
Grants Officer

David Kinsman
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Marlene Law
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Judy Mark
Director, Strategic Finance and Administration

Kirsti Mathers McHenry
Director, Policy & Programs

Maria Motakis
Executive Assistant to the CEO

Nathalie Noël
Communications Specialist

Gina Papageorgiou
Counsel, Class Proceedings Committee

Linda Patki
Legal Assistant, Class Proceedings Committee

Barbara Stewart (until September 2015)
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