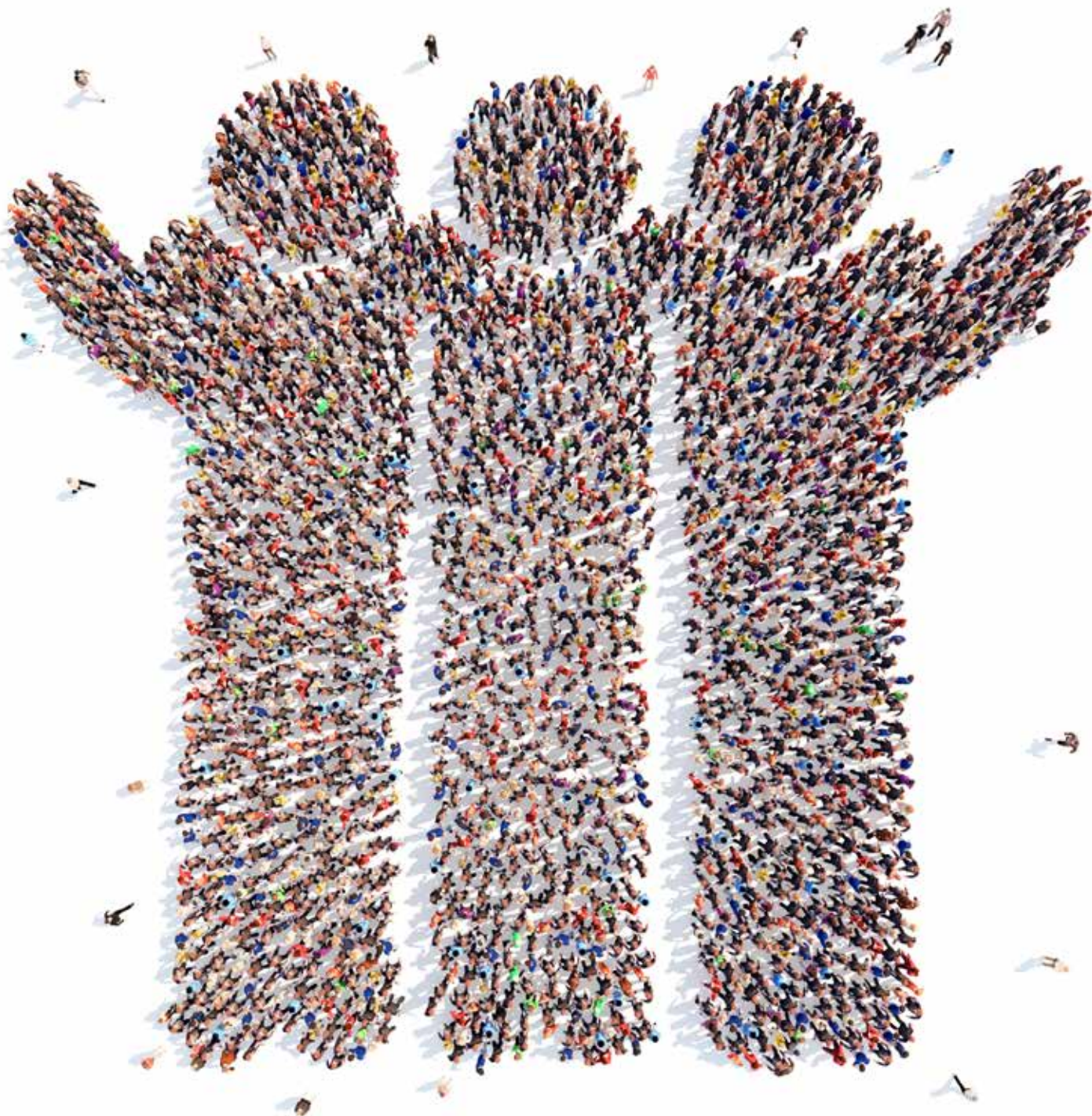




# LEGAL HELP ON THE FRONTLINES

2017 ANNUAL REPORT

 **The Law  
Foundation  
of Ontario**  
*Advancing access to justice*

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# Message from the Board Chair

## TRUSTED HELP

At The Law Foundation of Ontario, we want legal help to be available where people are. Frontline community workers (also known as trusted intermediaries) are often the first, and sometimes only, resource that the public will go to with a legal issue. In some situations, it is a trusted intermediary who helps a client understand that their problem has a legal element. Because members of the public feel comfortable confiding in frontline workers, they are more likely to take steps to resolve their legal problems.

Since January 2015, the Foundation has funded 30 grants totaling almost \$2M that focused exclusively on training and other supports for trusted intermediaries. During the same period, we made an additional 82 grants that in part benefitted trusted intermediaries through various granting programs.

One of the Foundation's strategic priorities is to better understand and communicate the impact of our funding. For that reason, we commissioned a research report, *Trusted Help: the role of community workers who help people with legal problems*, to gain practical insights into the importance and nature of the help that is being provided by trusted intermediaries and to learn how it could be strengthened.

This annual report is one of the ways we are sharing the findings and recommendations from this research with our grantees and the wider nonprofit and justice sectors. We are also applying what we learned to our own grantmaking processes.

## BALANCING INTERESTS

The Foundation's primary source of revenue is the interest earned on lawyers' and paralegals' mixed trust accounts. Recent interest rate increases have allowed us to consider new funding opportunities. For example, we launched a new granting program called Catalyst that will provide a three-year cycle of core funding to more nonprofit organizations that work in access to justice. The increase in revenue has also benefitted Legal Aid Ontario, as it receives 75% of the Foundation's revenue by statute.

However, the Foundation's revenue, because it is dependent on interest rates, remains volatile. As prudent financial managers, our granting approach is responsive to current needs but also plans for future challenges and opportunities.

## FAMILY LAW AND OTHER GRANTMAKING

We had another busy and significant year of grantmaking. Including the \$38.3M to Legal Aid Ontario, our national Access to Justice Fund, and all other granting, we invested over \$50.8M in 2017 to advance access to justice.

To help respond to the tremendous needs and challenges in the area of family law, we launched a dedicated call for applications to encourage new and breakthrough ideas in this area. You can read the highlights on page 18.

## BOARD OF TRUSTEE CHANGES

In early 2018, Ross Earnshaw, a partner at Gowling WLG in Kitchener and a Benchler, stepped down from the Board after three years of dedicated and diligent service. We could always count on Ross for his steady and wise advice.

We were pleased to welcome Paul M. Cooper, partner at Cooper Jørgensen, as the new appointee to the Board. Paul has significant experience helping people at their most vulnerable time to deal with life-changing legal issues, making him a very relevant voice at the Foundation and for our grantees.

Sincerely,



**Linda Rothstein**  
Chair, The Law Foundation of Ontario

# Granting highlights: exploring the role of trusted intermediaries who help people with legal problems

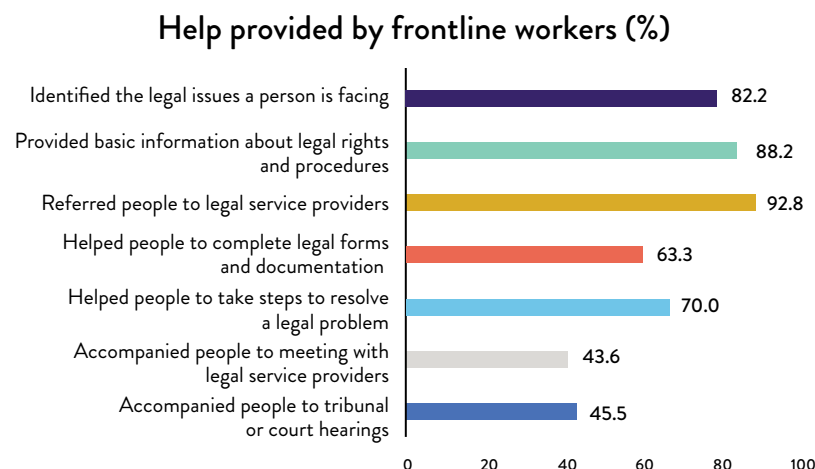
Ontarians are being connected to legal information and help through people like settlement workers, parks and recreation staff, counsellors, nurses, and librarians. What they all have in common is where and how they work: they are on the frontlines, providing help and services to people every day.

For the first time, new research commissioned by The Law Foundation of Ontario examined the role of frontline workers, also called ‘trusted intermediaries’, across the province in providing legal information and help.

“Trusted intermediaries are the first, and sometimes only, resource that people looking for help go to,” said Linda Rothstein, The Law Foundation of Ontario’s Board Chair. “Sometimes people don’t know that their issue is a legal one. This makes the trusted intermediary role critically important. They’re on the ground helping to identify the legal issues that their clients are facing and providing legal information and referrals, and other supports to help people resolve their legal issue.”

The research report, *Trusted Help: the role of community workers who help people with legal problems*, shares the findings from a literature review, file review, focus groups, interviews, and a survey of more than 400 people, including more than 230 frontline workers in non-legal organizations.

Trusted intermediaries are providing help in a variety of ways. The frontline workers who responded to our survey indicated that the most common activity is to provide referrals to legal service providers (93%) followed by providing basic information about legal rights and procedures (88%).



Trusted intermediaries are not doing this alone. Legal professionals are working with trusted intermediaries and community organizations to provide these supports to clients. Ontario's community legal clinics and other legal professionals have formed productive partnerships with community organizations. Lawyers, paralegals, and law students provide training, co-locate services, and develop referral networks. However, the research identified that more could be done to help trusted intermediaries connect with legal professionals to better serve the public. The greatest benefits to people with legal needs come when trusted intermediaries and legal professionals work in collaboration.

And, the benefits of the collaboration are two-way, not solely for the community organizations. Legal professionals shared how the consistent involvement of a trusted intermediary helped them better understand a client's full situation. By its nature, working collaboratively created a more holistic approach to serving the client. The legal professional could address the client's legal need and also learn about resources that could help with any related issues, such as housing and health, that the client might also be dealing with.

"For the first time, we have a rich and detailed picture of the contributions Ontario's community sector is making in helping people with legal problems," said Tanya Lee, CEO of The Law Foundation of Ontario. "Now, we need to engage the legal and community sectors and find more ways to learn from and work with each other. Ultimately, we are most interested in ways to better serve the public and advance access to justice. To do that, the legal and community sectors should share responsibility and collaborate to meet clients where they are and provide integrated help."

The Foundation commissioned this research in order to get a fuller picture of what trusted intermediaries are doing, what is working, and what could be done better. We have understood and supported the unique and important role of trusted intermediaries for many years. Since January 2015, the Foundation has funded 30 grants totaling almost \$2M that focused exclusively on training and other supports for trusted intermediaries and funded an additional 82 grants totaling almost \$13M that in part benefited trusted intermediaries.



# Key learnings

Trusted intermediaries play an important role in helping people access justice and/or legal support.

Trusted intermediaries build trusting relationships, offer much needed support, and “provide vital service with inspiring commitment”. They are eager to participate in training and receive supports so they can, in turn, help those who turn to them.

Trusted intermediaries provide people with legal information, make referrals to legal services, help clients fill out forms, and accompany people to meetings with legal service providers. Community workers can’t give legal advice, but they can and do help people better understand the law and navigate the legal system.

Legal clinics and other legal practitioners have formed productive partnerships with trusted intermediaries and support their work in a variety of ways. Nonetheless, trusted intermediaries often have trouble finding legal professionals to help them and their clients.

More can be done to link community organizations and trusted intermediaries to legal service providers. Connections, partnerships, and collaboration are key to advancing access to justice.

## **WHAT TRUSTED INTERMEDIARIES HAD TO SAY FROM THE RESEARCH SURVEYS**

“When people are provided with information, they are in a better position to make the best choices they possibly can. Often the trusted intermediary is the primary or only source of legal information.”

“Most people never see a lawyer, but they see community workers all the time.”

“People who end up being frontline community workers go into these jobs not knowing much about the law. But many issues their clients are facing have to do with the law, like housing and employment.”

“Frontline workers help when lawyers or paralegals become involved. They have a lot of information and understand the situation.”

“A little information can be dangerous. People may overstep their knowledge boundaries and clients will not get the right information.”

“There are understandable concerns but a conservative approach to engaging trusting intermediaries will leave many without access to any help solving their legal issue.”



Alexandra Derisier, a lawyer with Connecting Ottawa, collaborates with trusted intermediaries at community organizations to offer a holistic approach to providing legal help



At SKETCH, Niko Young helped train trusted intermediaries to better understand and help their young clients to identify and address their unique legal issues



Hamilton Community Legal Clinic lawyer, Marla Brown co-facilitated training sessions for trusted intermediaries on housing law and tenants' rights, focused on the experiences of newcomers



**Trusted intermediaries  
work on the frontline of  
community organizations,  
providing legal  
information, referrals,  
and other supports**

**MEET THREE GRANTEES WHO HELP THEM  
CARRY OUT THIS IMPORTANT ROLE**



A portrait of Alexandra Derisier, a Black woman with short, dark, curly hair, smiling. She is wearing a bright orange-red sleeveless top with lace detailing on the shoulders and a long, thin gold chain necklace with a tassel. The background is a dark, textured green.

Alexandra Derisier,  
Connecting Ottawa

## Network provides holistic approach to helping clients

People can find it difficult to understand their legal problems and the justice system. It's even more challenging for people dealing with communication barriers. Fortunately, Connecting Ottawa is here to help. Its mandate is to improve access to justice for people who do not speak English or French or who have to deal with a communication challenge because of a physical or sensory disability.

Connecting Ottawa is a unique project model, initiated and funded by The Law Foundation of Ontario. It is a network of more than 50 frontline service agencies that operate in a wide variety of sectors, such as legal, health, immigration, and social services. By working together, these organizations can better address clients' legal issues. Led by a coordinator, Connecting Ottawa's social worker and lawyer partner with frontline workers (sometimes called "trusted intermediaries") from these agencies to offer their clients legal information and referrals, and in some situations legal representation. Connecting Ottawa also offers continuing legal education to the trusted intermediaries so they are equipped to communicate information to their own clients and give referrals.

"We take a holistic approach to helping our clients. Health care workers, social workers, translators and interpreters, and accompanying volunteers, to name a few, are all people who contribute to the strength of our network," says Alexandra Derisier, a lawyer with Connecting Ottawa.

"There was one gentleman who was referred to us by the Catholic Centre for Immigrants who received help to obtain Canadian residence. He had already initiated the process of bringing his family to Canada but he became seriously ill and became almost deaf. It was therefore urgent that his family come to join him to take care of him. We developed a strategy with the help of various partners and had his family reunited more quickly," says Alexandra.

Connecting Ottawa brings the legal community and community organizations together to learn from one another and improve the services they provide to the public. Each year, trusted intermediaries refer approximately 450 clients to Connecting Ottawa, many of whom would not have otherwise been able to access the justice system, as they have the right to do.

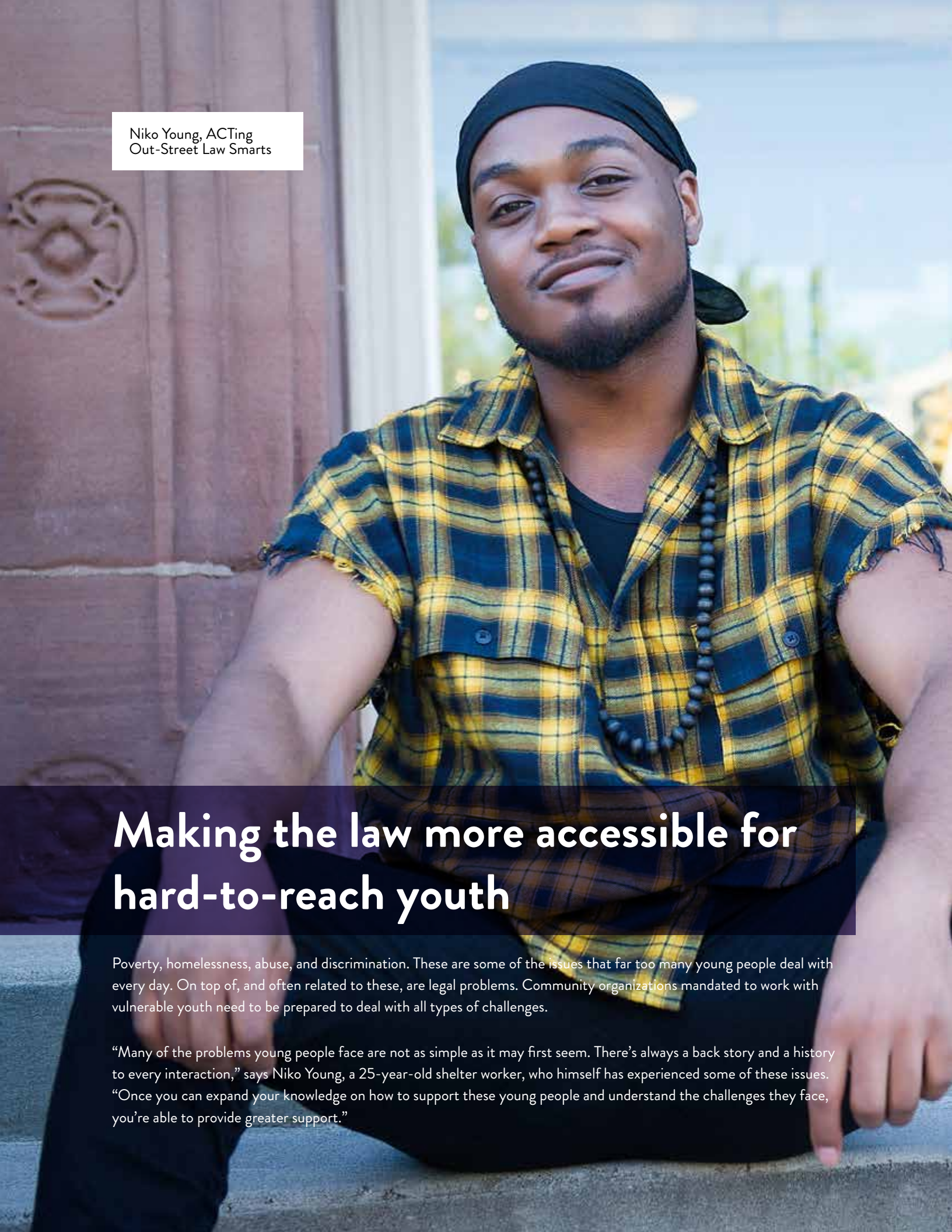
According to Alexandra: "They are true partners because they don't just refer clients to us, we work together. Yes, we help clients directly, but we also work a lot upstream. We offer training in various forms so that trusted intermediaries can help people as much as possible without having to reach out to us."

Trusted intermediaries are often the first, and sometimes only, resource that the public approaches with a problem, legal or otherwise. In some situations, clients need the help of a trusted intermediary to understand that their problem has a legal element. Because members of the public feel that they can confide in the frontline workers of local agencies, they are more likely to take steps to resolve their legal problems.

Obviously, trusted intermediaries cannot replace lawyers and do not give legal advice, but they do develop legal knowledge and become familiar with the laws and the different situations their clients face. And, this cooperation is beneficial for the legal community too. Legal professionals can see clients, and their legal problems, from a different perspective. It encourages legal practitioners to be increasingly creative and flexible.

Alexander Alfred, of the Vanier Community Service Centre, refers clients to Connecting Ottawa every year. "It's an amazing resource that helps us to help people, Alexander says. "And when in doubt or when the issue is beyond our legal capabilities, we know we can count on Alexandra and Connecting Ottawa to help, even in the most difficult cases."

"Access to justice has become a very important challenge and the subject comes up constantly in the news," Alexandra says. "We know just how complex and taxing it is for citizens to cope when they understand the language and have no problems communicating... Now imagine how it is for those who do have challenges. I love my work and I am very proud of what we do."



Niko Young, ACTing  
Out-Street Law Smarts

## Making the law more accessible for hard-to-reach youth

Poverty, homelessness, abuse, and discrimination. These are some of the issues that far too many young people deal with every day. On top of, and often related to these, are legal problems. Community organizations mandated to work with vulnerable youth need to be prepared to deal with all types of challenges.

“Many of the problems young people face are not as simple as it may first seem. There’s always a back story and a history to every interaction,” says Niko Young, a 25-year-old shelter worker, who himself has experienced some of these issues. “Once you can expand your knowledge on how to support these young people and understand the challenges they face, you’re able to provide greater support.”



Niko was a youth trainer, facilitator, and then supervisor for a training project called Acting OUT Street Law Smarts. The project was an initiative of SKETCH, a community arts enterprise based in Toronto. SKETCH works with diverse youth who are navigating poverty, and other issues that may be keeping them on the margins of society, to build leadership and self-sufficiency through the transformative power of the arts.

In partnership with lawyers and legal experts, this unique program was designed and run by youth to educate frontline workers about the most common legal issues young people experience and the best ways to help. Through a series of workshops, SKETCH youth trainers role-played dramatic scenes for service providers based on real-life scenarios they have faced. The project was funded by The Law Foundation of Ontario, receiving two grants over a four-year period.

“Ultimately, the program made the law more accessible for youth. It provided legal education about the sometimes not-so-accessible legal world,” says Rose Gutierrez, SKETCH program director. “We wanted to teach our participants how to put the power back into the hands of the youth so they could have easier access to knowing and upholding their rights.”

The service providers who attended the ACTing Out training do not offer legal advice. Yet, these providers have been entrusted to assist young people in situations where legal issues arise. And, they are often the first, sometimes only, people that youth approach for support. Through the SKETCH training, these workers learned how to support marginalised youth to identify legal issues, provide basic information related to the issue, and, when needed, refer them to legal resources. These frontline workers became trusted intermediaries between youth and the law.

“There’s nothing more effective than a young person who has been in your system showing you what is not working for them,” says Niko. “It was about everyone expanding their knowledge on how to support youth, particularly youth who identify differently, and understanding the legal challenges they face. I used my knowledge and my experience to create impact and change.”

The scenarios included ones that involved human rights violations, inequities in the law, housing and tenant rights, harassment, and employment rights. Service providers were asked to be players in each scene. They used their existing skills and knowledge to work through each problem.

“It was really effective for the service providers because they could recognize the stories and see what was and wasn’t working for the youth and then they were able to find ways to change so that, in the future, they could provide a solution that would work better,” says Niko.

A lawyer was part of each training session and would help identify the legal issues and how to effectively address them. This could be anything from the legitimacy of an eviction notice to understanding the gender information required on legal identification. The youth trainers would then provide feedback on how the frontline workers’ actions and words made them feel.

The program has had long-term lasting effects on both the frontline workers who participated and the youth who delivered the program.

“The participants gained knowledge on a whole range of legal issues, which they can now share with youth who come to them,” says Rose. “And, it changed how our young people navigate the world. The workshops turned them into leaders and they can now take those skills with them anywhere in the world. It’s life changing to know you’ve created change in your community.”

A photograph of Marla Brown, a woman with curly brown hair, smiling and wearing a blue jacket over a blue top. She is standing in front of a dark, textured wall. In the background, a street scene is visible with a red brick building, a traffic light, and a red sign that says "LETTERBOX".

Marla Brown, Hamilton  
Community Legal Clinic

## Training trusted intermediaries creates a ripple effect of good information in the community

For many new Canadians, having affordable, stable housing is vital to their successful transition to Canada. Displacement due to gentrification can threaten that essential foundation.

“Some landlords don’t act in good faith. And, as many tenants simply don’t have the knowledge or tools to advocate for themselves, they often just leave when asked to and then find themselves priced out of the neighbourhood,” says Cassandra Roach, Project Coordinator of the [Dis]placement Project.

The [Dis]placement Project provided training on housing law to community leaders, emerging community leaders, and service providers who support new Canadians in the Riverdale and Beasley neighbourhoods of Hamilton. The project was an initiative of the Social Planning and Research Council of Hamilton, Hamilton Community Legal Clinic, and Core

Collaborative Learning. It was funded by The Law Foundation of Ontario, through its Connecting Communities granting program.

This partnership between legal and community organizations was designed to improve the capacity of frontline workers so they can provide basic legal information and referrals to their clients. These service providers work at organizations whose missions are not to provide legal advice or representation. And yet, their clients trust them and they are often the first, and sometimes only, people their clients approach with a legal problem. They become trusted intermediaries between their clients and the law.

“It strengthens our communities to have these trusted intermediaries,” says Marla Brown, a lawyer at Hamilton Community Legal Clinic, who co-facilitated the training sessions. “It builds trust to have someone people can go to for information and referrals. It truly becomes about increasing access to justice.”

The workshops were designed and delivered using adult education best practices, like interactive exercises and case scenarios. They covered information about the Residential Tenancies Act, such as low fault and no fault evictions, maintenance and repairs, and above guideline rent increases. They also included details about municipal bylaws and zoning and how to properly complete certain forms and documents. Marla says they covered everything from filling out a maintenance request and writing demand letters to landlords, to understanding how to spot errors in eviction notices. And, workshop participants learned when an issue should become a referral to the legal clinic.

Evaluations from the [Dis]placement Project found that the training had a direct and positive impact in helping people connect with the legal services they needed. So far there has been a 30% increase of service providers directing new Canadians to the Hamilton Community Legal Clinic.

“There was a marked increase in the confidence of the people who attended, knowing they could now better support their clients affected by displacement,” says Cassandra.

One of the participants, Marla explained, was a Syrian refugee who had taken on a leadership role in his tenant association. “He became a ‘safe space’ for people to go to. He’s trusted and people now feel comfortable going to him if they have concerns because they know he has knowledge he can share with them.”

Deanna Burns also attended the [Dis]placement Project training sessions. She supports families through housing issues as the Landlord-Tenant Navigator at Good Shepherd in Hamilton.

“Gaining first-hand knowledge and resources on how to connect our community to the resources they need was important,” says Deanna. “So often someone gets an eviction notice and they think that now they’re going to experience homelessness. But that’s not necessarily the case and it was really helpful for me to learn how they can preserve their tenancy.”

The resources from the sessions have also been invaluable, she adds. “Now I have knowledge and tools that I can pass on to other people within my organization and within the community.”

That was the goal of training the trusted intermediaries, says Cassandra.

“In order to build the capacity of our community, we need to support each other. Training trusted intermediaries creates a ripple effect of good and accurate information going out into the community.”

# Access to Justice Fund highlights: three new granting opportunities to advance access to justice across Canada

The Law Foundation of Ontario's Access to Justice Fund (ATJF) was very busy in 2017. Throughout the year, it was receiving, assessing, and approving applications for three funding calls. Read some of the highlights below.

## INDIGENOUS PEOPLES' LEGAL NEEDS

### Purpose

Help address legal priorities identified by Indigenous communities, including efforts to revitalize Indigenous legal traditions and reduce the overrepresentation of Indigenous people in the child protection and criminal justice systems

### Examples of funded projects

- With Kasabonika Lake First Nation, the Indigenous Law Research Unit at the University of Victoria, Faculty of Law, will assist local lawmaking through the articulation of Anishinaabe legal principles and processes that inform essential constitutional and governance concepts such as citizenship, rights and freedoms, consent, authority, and civility.
- Ontario Federation of Indigenous Friendship Centres will lead a research project and engage with local Indigenous knowledge keepers about traditional legal and community justice approaches to explore how Indigenous communities dealt with conflicts and harmful behaviours traditionally and how those approaches can enhance the OFIFC's Aboriginal Community Justice Program.
- Native Law Centre will train justice stakeholders throughout Saskatchewan, including judges, defence lawyers, Crown attorneys, and court workers, on Gladue factors, including writing and understanding Gladue reports.
- Indian Youth Friendship Society contributed to establish an Indigenous People's Court in Thunder Bay to support justice-involved Indigenous people who are navigating the courts in a culturally appropriate way and Indigenous Elders will be engaged to work with local judiciary to facilitate healing for youth and adult offenders.

**21 grants  
approved  
totalling  
\$1.9M**

**Call  
completed**

## FIVE PRIORITIES

### Purpose

Help address the legal needs of or relating to: children and youth; consumers; public legal education, intake and referral; racialized groups; and refugees

### Examples of funded projects

- Society for Children and Youth BC will establish a children's lawyer to serve the legal needs of children in contested family law cases, child protection matters, and other legal matters faced by children.
- In partnership with legal experts, ACORN Canada will create materials for public legal education workshops to help marginalised communities in Toronto and Ottawa access justice related to consumer rights and fringe financial institutions.
- Rights Advocacy Coalition for Equality (R.A.C.E.) will hire a legal director to increase its organizational capacity to deliver legal education, including the development of a legal database of caselaw that focuses on race in the criminal justice system and deliver workshops for legal professionals that explore the barriers to justice faced by racialized accused.
- The Canadian Centre for International Justice will provide public legal education to refugees and immigrants who have survived serious international human rights violations, such as torture and war crimes, about the options for redress that may be available in Canada and globally.

**47 grants  
approved  
totalling  
\$3.9M**

**Call  
completed**

## **FAMILY LAW**

### **Purpose**

Advance access to justice in family law to reach and help people more effectively, including the use of technology, pilot projects, and applied research

### **Examples of funded projects**

- The Association des juristes d'expression française de l'Ontario, with Passerelle-I.D.É., will develop a French-language family law training course for trusted intermediaries who work with immigrants in Ottawa, Toronto, and Hamilton to help Francophone immigrants learn about family law and the justice system in Ontario, as well as gain support during their family law proceedings.
- Edmonton Community Legal Centre will expand its services to provide legal advice to clients throughout northern Alberta with the help of pro bono lawyers and various technologies, including Skype, Facetime, and WhatsApp. The effectiveness of each technology will be evaluated and will inform the best way to provide remote legal help.
- To help inform training improvements and other solutions, Family Service Toronto will conduct a gap analysis of the training and resources that are currently available to trusted intermediaries who prepare domestic violence survivors to work with family court lawyers.
- Working with a range of justice sector leaders, King's University College at Western University will mobilize and educate Ontario's family law bar and court staff and court connected mediators, in the use of limited scope services for Ontario family cases. It will focus on three areas: unbundled legal services; legal coaching; and a pilot program that provides private duty counsel services. The project will include an evaluation of all of these services.

**25 grants  
approved  
totalling  
\$3.2M**

**Call  
completed**

## FITTING AND ACCOUNTABLE STEWARD OF CY-PRÈS AWARDS

The Foundation created the unique and permanent 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. As of July 1, 2018, the ATJF had received 17 cy-près awards and funded close to \$25M to support more than 225 grants.

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 grantmaking; broad access to justice mandate; and long history of prudent financial management. 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.

Awards received as of July 1, 2018:

- *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)
- *Carom v Bre-X Minerals Ltd* (20 April 2017), Toronto 97-GD-39574 (ON SC)
- *Arshi v Iovate Health Sciences Inc* (6 February 2018), Toronto CV-09-377907-00CP (ON SC)

A photograph of Professor Reem Bahdi, a woman with dark hair and glasses, wearing a black blazer and a pearl necklace. She is smiling and holding a small, ornate award cup. Standing next to her is another woman with short brown hair, wearing a black top and a black beaded necklace, also smiling. They are in a room with bookshelves filled with books in the background. To the right, a blue banner for 'The Law Foundation of Ontario' is visible, featuring a stylized logo. A microphone is positioned in front of them.

# Champion of human rights, Professor Reem Bahdi receives 2017 Guthrie Award

The Law Foundation of Ontario was pleased to recognize Professor Reem Bahdi with the 2017 Guthrie Award.

Professor Bahdi is an author, researcher, and human rights expert, with particular expertise in the human rights of Arabs and Muslims within Canada. She was the Canadian Bar Association's first Equality Advisor and was instrumental in the creation of the Arab Canadian Lawyers Association.

Canada's first tenured Palestinian-Canadian law professor, Professor Bahdi is an associate professor at the University of Windsor's Faculty of Law and a visiting professor at Birzeit University's graduate program in democracy and human rights in the West Bank. She helped introduce a mandatory access to justice course at Windsor Law in 2003 and served as the law school's Associate Dean from 2012 to 2015.

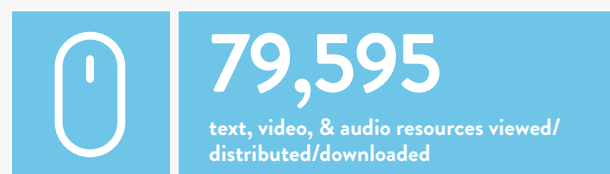
Professor Bahdi's own research focuses on the human rights of Arabs and Muslims after 9/11 and Palestinian judicial education. She has served as an expert witness, often on a pro bono basis, in many legal proceedings involving Canadian-Muslim rights and national security, including the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar.

From 2005 to 2012, Professor Bahdi established and managed an international development project called Karamah, which means 'dignity' in Arabic. Karamah promoted human dignity in the administration of justice in the West Bank and developed a model for judicial education to advance human rights.

**"Professor Bahdi has seized the opportunity to work on complex and cutting edge access to justice issues. She has dedicated her life to changing hearts, minds, and systems to champion human rights. And, remarkably, it seems she is just getting started." - Linda Rothstein, Chair, The Law Foundation of Ontario**

# 2017 granting in action

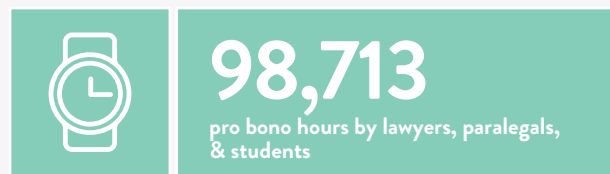
## Public legal education and information



## Justice education



## Pro bono



## Nonprofit justice sector



*As reported by grantees representing approximately 58% of the total grants funding awarded in 2017.*

# 2017 granting

## ACCESS TO JUSTICE FUND

### **ACORN Canada**

Consumer rights and fringe financial institutions: preventative and reactive public legal education workshops \$65,253

### **Ambrose University, Canadian Poverty Institute**

Justice sector coordination research project \$82,000

### **BC Association of Aboriginal Friendship Centres**

Provincial child welfare training advocate \$100,000

### **Bearskin Lake First Nation**

First Nation law relating to intoxicants, By-law #2010-01 \$70,900

### **Boost Child & Youth Advocacy Centre**

Supporting young victims of human sex trafficking through the justice system \$86,476

### **Calgary Legal Guidance Society**

Indigenous access to justice: Sahwoo Mohkaak Tsi Ma Taas  
(Blackfoot translation: before being judged) \$100,000

### **Canadian Centre for International Justice**

Community engagement in international justice \$92,400

### **Canadian Research Institute for Law and the Family**

Evaluation of Alberta's mandatory early intervention case conference pilot project \$15,000

### **Centre québécois du droit de l'environnement**

Project phoenix: at last public environmental law education, intake, and referral in Quebec \$95,000

### **Chippewas of the Thames First Nation**

Legal and policy tools for source water protection: a tri-First Nation (Chippewa/Munsee/Oneida) and Canadian Environmental Law Association initiative \$108,198

### **Clinique Juridique Juripop**

The urban lawyers \$40,000

### **Community Legal Assistance Services for Saskatoon Inner City Inc.**

Systemic initiatives that remove barriers and empower community \$100,000

**Community Legal Information Association of PEI Inc.**

Easy access and great results – a continuous improvement model for public legal education, intake, and referral

\$30,000

**Éducaloi**

Law in the classroom: accessible, relevant, interesting and instructive

\$96,876

The legal health of young mothers/La santé juridique des jeunes mamans

\$94,714

**Family Service Toronto**

Trauma-informed lawyering in family court

\$14,875

**For Youth Initiative**

RISE 2.0

\$86,137

**Fredericton Legal Advice Clinic 2015 Inc.**

Youth access to justice clinic and outreach program

\$99,800

**iHuman Youth Society**

Access to legal education exchange

\$24,557

**Indigenous Law Research Unit - Faculty of Law, University of Victoria**

Kipimoojikewin (“the things we carry with us”): how Anishinaabe law upholds local governance

\$148,240

**Justice Education Society of B.C.**

Virtual legal help and court forms

\$100,000

**JusticeTrans**

JusticeTrans

\$14,090

**L'Association des juristes d'expression française de l'Alberta**

Public legal education for Alberta francophones

\$100,000

**L'Association des juristes d'expression française de l'Ontario**

Tailor-made legal information!

\$54,500

**Legal Help Centre of Winnipeg, Inc.**

Consumer law clinic project

\$95,480

**Legal Information Society of Nova Scotia (LISNS)**

Public Legal Education Nova Scotia (PLENS) project

\$100,000

**Luke's Place Support and Resource Centre for Women and Children**

Family court and beyond: a survival workbook for women leaving abusive partners

\$78,500

**Mile End Legal Clinic**

Park extension legal clinic

\$99,000

|                                                                                                                                                                                                            |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>National Council of Canadian Muslims</b><br>Know your rights, know your responsibilities                                                                                                                | \$100,000             |
| <b>Native Law Centre</b><br>Gladue awareness project (GAP)                                                                                                                                                 | \$84,945              |
| <b>Ontario Justice Education Network</b><br>The access to justice simulation game                                                                                                                          | \$64,000              |
| <b>Prince Edward Island Parenting Coordination Society</b><br>Screening for family violence, abuse and power imbalances: a workshop for parenting coordinators and other dispute resolutions professionals | \$7,765               |
| <b>Pro Bono Quebec</b><br>Montréal Children's Hospital                                                                                                                                                     | \$97,976              |
| <b>Public Interest Advocacy Centre</b><br>Enhancing protection for payday loan users in Canada                                                                                                             | \$97,750              |
| <b>Public Legal Information Association of Newfoundland and Labrador</b><br>Creating an online access to justice portal for Newfoundland and Labrador                                                      | \$100,000             |
| <b>Reach Canada</b><br>REACH youth program                                                                                                                                                                 | \$14,797              |
| <b>Rights Advocacy Coalition for Equality (R.A.C.E.)</b><br>Rights Advocacy Coalition of Equality                                                                                                          | \$70,000              |
| <b>Ryerson University, Department of Psychology</b><br>Formative and summative evaluation of a program for crossover youth in Ontario                                                                      | \$92,264              |
| <b>Ryerson University, Legal Innovation Zone (LIZ)</b><br>Developing an online screening, education, and triage portal to resolve family disputes                                                          | \$100,000             |
| <b>Society for Children and Youth of BC</b><br>Children's lawyer initiative                                                                                                                                | \$300,000             |
| <b>Somali Canadian Association of Etobicoke</b><br>The Ontario justice system: understanding the Youth Criminal Justice Act                                                                                | \$69,100              |
| <b>The Ontario Federation of Indigenous Friendship Centres</b><br>Provincial Indigenous human rights training initiative [year 2]<br>Indigenous legal/justice traditions research project                  | \$37,398<br>\$100,000 |
| <b>Union des travailleurs et travailleuses accidentés ou malades</b><br>Questions de droits                                                                                                                | \$42,500              |

|                                                                        |                    |
|------------------------------------------------------------------------|--------------------|
| <b>Union of Ontario Indians</b>                                        |                    |
| Anishinabek Nation legal department child welfare awareness initiative | \$15,000           |
| Revitalization of Anishinabek Nation legal traditions initiative       | \$150,000          |
| <b>University of Ottawa, Faculty of Law (Common Law Section)</b>       |                    |
| Refugee Sponsorship Support Program (SSP): three-year service plan     | \$154,440          |
| <b>University of Windsor, Faculty of Law</b>                           |                    |
| Self-represented litigants (SRLs) case law database                    | \$14,688           |
| <b>UVic, Faculty of Law - Access to Justice Centre for Excellence</b>  |                    |
| Out-of-pocket: calculating the real costs of family court              | \$15,000           |
| <b>Total Access to Justice Fund</b>                                    | <b>\$3,919,619</b> |

## REGULAR GRANTING

|                                                                                                                                |           |
|--------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Afghan Women's Organization</b>                                                                                             |           |
| Get it right, know your rights!                                                                                                | \$12,782  |
| <b>Black Law Students' Association of Canada</b>                                                                               |           |
| 2018 annual conference                                                                                                         | \$20,000  |
| <b>Canadian Civil Liberties Education Trust</b>                                                                                |           |
| Program activities 2018                                                                                                        | \$221,100 |
| <b>Canadian Council for Refugees</b>                                                                                           |           |
| Improving access to justice for refugees and vulnerable migrants                                                               | \$15,000  |
| <b>Canadian HIV/AIDS Legal Network</b>                                                                                         |           |
| Saving lives through law: popularizing legislation removing a barrier to emergency response services in the event of overdoses | \$15,000  |
| Voices of sex workers: affidavit project                                                                                       | \$97,895  |
| <b>Canadian National Institute for the Blind- Ontario Division</b>                                                             |           |
| Know your rights project                                                                                                       | \$100,000 |
| <b>Community Legal Education Ontario</b>                                                                                       |           |
| CLEO's Centre for Research and Innovation                                                                                      | \$95,000  |
| Connecting Communities secretariat                                                                                             | \$114,000 |
| Your Legal Rights/Steps to Justice 2017-2018                                                                                   | \$140,000 |

## Connecting Communities

### Hispanic Development Council

Protecting Latino seniors under the umbrella of law and rights in Ontario

\$48,060

### KCWA Family and Social Services

Empowerment through knowledge: making the law accessible to marginalised non-English speaking communities

\$49,400

### KEYS Job Centre

Newcomers and law

\$49,901

### Muslim Resource Centre for Social Support and Integration

Building capacity of community leaders to respond to family violence in the context of early identification

\$50,000

## Connecting Ottawa/Connecting Region

Community Legal Services of Ottawa

\$256,560

### Council of Agencies Serving South Asians

Access to opportunities for refugees: a legal education project for refugee youth

\$56,000

### Ecojustice Canada

Canada's chemical valley

\$10,000

### Elizabeth Fry Society of Northwestern Ontario

Justice system involvement in the context of homelessness and housing insecurity among women: assessment of legal issues and program needs in Thunder Bay

\$14,937

### FCJ Refugee Centre

Migrant protection clinics

\$50,000

### Innocence Canada

Program activities (July-December 2017)

\$115,000

Program activities 2018

\$230,000

### La Passerelle-I.D.É

Access to justice in French for Ontario's francophone immigrants

\$30,000

### L'Association des juristes d'expression française de l'Ontario

Law day 2018

\$15,000

### Law Commission of Ontario

Program activities 2017-18

\$550,000

**Law in Action Within Schools**

|                              |           |
|------------------------------|-----------|
| Program activities 2018-19   | \$100,000 |
| LAWS summer job program 2018 | \$15,000  |

**Law school comprehensive grants 2018-19**

|                                                          |           |
|----------------------------------------------------------|-----------|
| 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 Western Ontario, Faculty of Law            | \$254,000 |
| University of Windsor, Faculty of Law                    | \$254,000 |

**Luke's Place Support and Resource Centre for Women and Children**

|                                                                              |           |
|------------------------------------------------------------------------------|-----------|
| Expanding virtual family law services to survivors of violence against women | \$100,000 |
|------------------------------------------------------------------------------|-----------|

**Metropolitan Action Committee on Violence Against Women and Children**

|                            |           |
|----------------------------|-----------|
| Program activities 2017-18 | \$293,575 |
|----------------------------|-----------|

**National Farmers Union – Ontario**

|                                                       |          |
|-------------------------------------------------------|----------|
| Providing legal tools and education for young farmers | \$12,000 |
|-------------------------------------------------------|----------|

**Native Law Centre**

|                                             |          |
|---------------------------------------------|----------|
| Support for the Native Law Centre's mandate | \$20,000 |
|---------------------------------------------|----------|

**Ontario Justice Education Network**

|                            |           |
|----------------------------|-----------|
| Program activities 2017-18 | \$850,000 |
|----------------------------|-----------|

**Osgoode Hall Law School**

|                                                                                     |          |
|-------------------------------------------------------------------------------------|----------|
| Access to justice: small claims court                                               | \$15,000 |
| Design thinking and technology: responding to the justice needs of Aboriginal youth | \$11,800 |

**Pro Bono Ontario**

|                                                   |           |
|---------------------------------------------------|-----------|
| 2018 special grant                                | \$300,000 |
| Program activities 2018                           | \$800,000 |
| Evaluation of Law Help Ontario                    | \$52,000  |
| Medical-legal partnership summer student position | \$10,000  |

**Pro Bono Students Canada**

|                                   |           |
|-----------------------------------|-----------|
| Program activities 2017-18        | \$541,396 |
| Strengthening governance, phase 3 | \$8,842   |

**Public Interest Articling Fellowship 2018-19**

|                                      |          |
|--------------------------------------|----------|
| Amnesty International Canada         | \$69,500 |
| Barbra Schlifer Commemorative Clinic | \$69,500 |

|                                                                                                                           |                     |
|---------------------------------------------------------------------------------------------------------------------------|---------------------|
| Canadian Centre for International Justice                                                                                 | \$69,500            |
| Canadian Civil Liberties Association                                                                                      | \$69,500            |
| Innocence Canada                                                                                                          | \$69,500            |
| Peacebuilders International (Canada)                                                                                      | \$69,500            |
| Public Interest Advocacy Centre                                                                                           | \$69,500            |
| <b>Reach Canada</b>                                                                                                       |                     |
| Legal referral community expansion project                                                                                | \$60,572            |
| <b>Romero House</b>                                                                                                       |                     |
| Redress for Roma refugees outreach and engagement project                                                                 | \$14,940            |
| <b>Roy &amp; Ria McMurtry Endowment Fund</b>                                                                              |                     |
| Second Chance Scholarship Foundation Inc. Roy & Ria McMurtry endowment 2016-17                                            | \$5,000             |
| <b>SKETCH Working Arts for Street-Involved and Homeless Youth</b>                                                         |                     |
| Arts in transformative justice                                                                                            | \$100,000           |
| <b>The Arab Community Centre of Toronto</b>                                                                               |                     |
| Ma'aloumat: promoting legal awareness of Canadian family law<br>for Arabic-speaking newcomers in the Greater Toronto Area | \$15,000            |
| <b>The Law Society of Upper Canada</b>                                                                                    |                     |
| The Action Group on Access to Justice                                                                                     | \$125,000           |
| <b>The Osgoode Society for Canadian Legal History</b>                                                                     |                     |
| Program activities 2018                                                                                                   | \$192,000           |
| <b>The Women's Centre of Halton</b>                                                                                       |                     |
| North Halton family law clinic                                                                                            | \$8,717             |
| <b>WoodGreen Community Services</b>                                                                                       |                     |
| Rooming house stabilization and eviction prevention program                                                               | \$82,445            |
| <b>Workers' Action Centre</b>                                                                                             |                     |
| Moving forward: public education on expanded protections for workers in precarious and<br>low-waged work                  | \$50,000            |
| <b>Total regular granting</b>                                                                                             | <b>\$8,559,422</b>  |
| <b>TOTAL 2017 GRANTING</b>                                                                                                | <b>\$12,479,041</b> |

# Class Proceedings Fund

## MESSAGE FROM THE CHAIR

The year 2018 will mark the Class Proceeding Fund's (the "Fund") 25<sup>th</sup> anniversary. As we review the year ending December 31, 2017 and embark on this anniversary year, it is important to reflect on where we came from and where we are going.

I joined the Class Proceedings Committee (the "Committee") in 2006 as a member and in 2015 I became the Chair. I think it is fair to say that the Fund has grown from being relatively unknown and underutilized to a significant part of the class action landscape. For example, in 1993, (its first year), it received two applications. In 1994 it received three and in 1995 it received none. Up until 2002, the Fund had only received a total of 33 applications and funded eight. However, as the years progressed more applications were brought, and more were funded. By the end of 2017, the Fund had received 246 applications and funded 146. We estimate that the Fund provides funding to 10% of class actions commenced in Ontario.

When I looked back over recent annual reports, each Chair's message has referred to outcomes that shattered previous years' records: a record number of applications; a record number of hearings; a record number of cases funded; a record amount of total disbursement funding; a record total Fund balance; and in some cases a record quantum of costs paid by the Fund. This year we again broke many records. We opened a record number of application files (37), held a record number of hearings (27), funded a record number of cases (18), and paid a record quantum of costs (\$3.5M) -- in part because of costs settled when a funded case proceeded to trial and was unsuccessful. These costs were partly offset by levies earned in funded cases which were successful (\$3.2M).

Over the years, a broad array of cases have been funded including:

- Alleged abuse at residential facilities where children and/or persons with disabilities have resided
- General Crown liability for alleged negligence
- Alleged Charter infringement as a result of the manner in which protesters were treated at the G20 Summit
- Alleged Charter infringement as a result of the manner in which inmates have been treated in prison facilities
- Professional negligence claims against auditors, accountants, financial advisors, lawyers, physicians, and hospitals
- Product liability claims arising from medical appliances, prescription drugs, and consumer products
- Consumer protection actions, including cases relating to interpretation of standard form contracts such as prepayment provisions in financial instruments
- Alleged misrepresentations to students in accredited colleges
- Undisclosed fees, alleged criminal rates of interest, and alleged breaches of privacy
- Employment cases, such as failure to pay overtime
- Pensions cases, including alleged mismanagement, breach of trust, and denial of pension benefits
- Franchise cases, including alleged breach of franchise agreements and duty of fair dealing
- Insurance cases, such as an alleged breach of Insurance Act, and misappropriation of policy-holders funds
- Competition law cases involving alleged price-fixing
- Environmental law matters alleging nuisance and negligence
- Securities law matters
- Copyright cases

Many of these cases have been successful. Some have not. Nevertheless, all of these cases provide access to justice, are in the public interest, and/or raise novel issues. As noted by former Chair Anne Molloy in *Edwards v. the Law Society* (1994), 36 CPC (3d) 116:

[16]...Generally speaking, the committee would lean towards funding a case which raises issues of broad public importance or which is directed towards improving the situation of persons or groups who are historically disadvantaged in society. One of the central purposes of the Class Proceedings Fund is to provide access to justice for those who would otherwise not be able to enforce their rights. It is in the public interest that the fund be administered so as to provide access to justice to those who otherwise would be unable to enforce their rights.

This year, we are in the midst of a wholesale review of all our policies and procedures so that we can accommodate the foreseeable ongoing growth. As stewards, this includes our ongoing meticulous consideration of how we can manage our risk and remain sustainable. We also provided a detailed submission to the Law Commission of Ontario in respect of its Class Actions: Objectives, Experiences and Reforms project.

I want to thank all the Committee members – I am sure it is far more work and time than any of them volunteered for. Hopefully the thoughtful discussions about the issues before us and the challenges we grapple with are of some recompense. I would like to thank as well our counsel Gina Papageorgiou; Director, Strategic Finance and Administration, Judy Mark, and administrative assistant, Linda Patki. Their dedication, hard work, and intelligence are extraordinary and essential to the work of the Committee without which we could not continue.

A handwritten signature in black ink, appearing to read 'Wendy Earle', with a stylized, cursive script.

**Wendy J. Earle**  
**Chair, Class Proceedings Committee**

# Class Proceedings Fund

## financial highlights

### NEW APPLICATIONS HEARD AND APPROVED – 2008-2017

|                           | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---------------------------|------|------|------|------|------|------|------|------|------|------|
| Hearings held             | 12   | 13   | 9    | 22   | 12   | 13   | 20   | 17   | 22   | 27   |
| New applications approved | 9    | 12   | 7    | 15   | 7    | 7    | 11   | 12   | 17   | 18   |

### 2017 RESULTS

#### Statement of financial position

|                                     | For the period from<br>Jan. 1, 2017 to Dec. 31, 2017 | For the period from 1994 to<br>Dec. 31, 2017 |
|-------------------------------------|------------------------------------------------------|----------------------------------------------|
| Opening balance                     | \$19,861,537                                         | \$500,000                                    |
| Total funding awarded               | (4,048,853)                                          | (24,642,181)                                 |
| Funding repaid/cancelled            | 1,241,220                                            | 7,637,303                                    |
| Administration costs/expenses       | (487,380)                                            | (4,540,080)                                  |
| Interest received                   | 348,269                                              | 3,334,257                                    |
| 10% levies received                 | 3,242,185                                            | 47,807,957                                   |
| Cost awards in favour of defendants | (3,506,975)                                          | (13,447,253)                                 |
| Balance as at Dec. 31, 2017         | \$16,650,003                                         | \$16,650,003                                 |

### 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>2017</u> | <u>2016</u> |
|--------------------------------|-------------|-------------|
| Pre-certification              | 25          | 19          |
| Appeal re: certification       |             |             |
| Discovery                      | 1           | 2           |
| Determination of common issues | 1           | 1           |
| Appeal re: common issues       |             |             |
| Post common issue stage        |             |             |
| <b>Total</b>                   | <b>27</b>   | <b>22</b>   |

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     |
|-------------------------|-----------|----------|----------------------------------|-----------|
| <b>2016</b>             |           |          |                                  |           |
| Pre-certification       | 14        | 3        | 2                                | 19        |
| Discovery               | 2         |          |                                  | 2         |
| Other (common issues)   | 1         |          |                                  | 1         |
| <b>Total</b>            | <b>17</b> | <b>3</b> | <b>2</b>                         | <b>22</b> |
| <b>2017</b>             |           |          |                                  |           |
| Pre-certification       | 17        | 6        | 2                                | 25        |
| Discovery               |           | 1        |                                  | 1         |
| Other (common issues)   | 1         |          |                                  | 1         |
| <b>Total</b>            | <b>18</b> | <b>7</b> | <b>2</b>                         | <b>27</b> |

\*Carried forward to the next year.

3. In 2017, financial support was awarded for eighteen (18) new cases under section 59.3(1) of the Act<sup>1</sup> and further financial support was awarded for eleven (11) cases which had previously been approved, as a result of supplementary funding applications under section 59.3(5) of the Act. In 2016, financial support was awarded for seventeen (17) new cases under section 59.3(1) of the Act and further financial support was awarded for eight (8) 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 \$4,048,853.

| <u>Type of disbursement</u> | <u>Total amount awarded 2017</u> |
|-----------------------------|----------------------------------|
| Administrative expenses     | \$ 595,213                       |
| Travel                      | 312,306                          |
| Examiners' charges          | 141,027                          |
| Experts' fees               | 2,837,662                        |
| Notice to class             | 91,783                           |
| Other                       | 70,862                           |
| <b>Total</b>                | <b>\$4,048,853</b>               |

Under regulation 771/92, this section includes only amounts awarded during 2017. Total amounts paid out by the Class Proceedings Fund (CPF) during 2017 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.

5. The total amount of money paid from the CPF to applicants under section 59.3 of the Act: 2017, \$2,862,888; 2016, \$1,080,364. At December 31, 2017, the balance of all awards outstanding which had not yet been paid to applicants was \$5,231,474.

6. In 2017, nine (9) funded proceedings were certified. In 2016, seven (7) funded proceedings were certified.

<sup>1</sup>References are to the *Law Society Act*.

7. In 2017, one (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. In 2016, four (4) 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 2017, four (4) defendants made applications to the CPF for payment of costs awards made in their favour pursuant to section 59.4 of the Act; two (2) applications were received in 2016. This results from the indemnification of plaintiffs against cost awards.

9. In 2017, \$3,506,975 was paid from the CPF to defendants under section 59.4 of the Act. In 2016, \$528,767 was paid from the CPF to defendants under section 59.4 of the Act. This results from the indemnification of plaintiffs against cost awards.

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 2017).

|                                                        | Administrative expenses | Travel expenses | Examiners charges | Experts' fees    | Notice to class | Other          | Total            |
|--------------------------------------------------------|-------------------------|-----------------|-------------------|------------------|-----------------|----------------|------------------|
| <b>2017</b>                                            | \$                      | \$              | \$                | \$               | \$              | \$             | \$               |
| Crown liability – general breach of duty               | 33,103                  | 19,850          | 7,309             | 33,700           | 24,713          |                | 118,675          |
| Crown liability – Charter infringement of human rights |                         |                 |                   | 11,300           |                 |                | 11,300           |
| Crown liability – Prisoners' rights                    | 84,500                  | 83,000          | 55,000            | 411,000          |                 | 500            | 634,000          |
| Investments / Securities                               | 51,289                  | 39,604          | 30,000            | 531,763          | 2,070           | 35,362         | 690,088          |
| Product liability – Medical products                   | 26,426                  | 1,807           | 273               | 1,845            |                 |                | 30,351           |
| Employment                                             | 35,000                  |                 |                   | 40,000           | 15,000          |                | 90,000           |
| Consumer protection – Interpretation of contracts      | 96,440                  | 23,560          |                   | 602,184          |                 |                | 722,184          |
| Product liability – Consumer products                  | 34,155                  | 31,485          | 20,445            | 260,000          |                 | 25,000         | 371,085          |
| Competition                                            | 80,000                  | 20,000          |                   | 366,370          |                 |                | 466,370          |
| General negligence                                     | 45,000                  | 30,000          |                   | 125,000          |                 |                | 200,000          |
| Solicitors negligence                                  | 40,000                  | 22,000          |                   | 300,000          |                 | 10,000         | 372,000          |
| Consumer protection – Breach of privacy                | 27,300                  | 19,000          | 13,000            | 64,500           |                 |                | 123,800          |
| Sexual abuse                                           | 17,000                  | 18,000          | 10,000            | 75,000           | 50,000          |                | 170,000          |
| General professional negligence – Investment advisor   | 25,000                  | 4,000           | 5,000             |                  |                 |                | 34,000           |
| Breach of trust                                        |                         |                 |                   | 15,000           |                 |                | 15,000           |
| <b>Total</b>                                           | <b>595,213</b>          | <b>312,306</b>  | <b>141,027</b>    | <b>2,837,662</b> | <b>91,783</b>   | <b>70,862</b>  | <b>4,048,853</b> |
| 2016                                                   |                         |                 |                   |                  |                 |                |                  |
| <b>All cases</b>                                       | <b>548,966</b>          | <b>224,343</b>  | <b>165,692</b>    | <b>1,917,299</b> | <b>26,984</b>   | <b>261,089</b> | <b>3,144,373</b> |

# 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 J. Earle**

Chair

Advocate and Arbitrator



**Sandra Barton**

Partner, Gowling WLG (from August 2017)



**Paul J. Evraire, Q.C.**

Special Counsel (Retired), Department of Justice



**Scott C. Hutchison**

Senior Partner, Henein, Hutchison LLP



**Jasminka Kalajdzic**

Associate Dean, Associate Professor, Faculty of Law, University of Windsor (until June 2017)



**Kim Twohig**

General Counsel (Retired), Ministry of the Attorney General



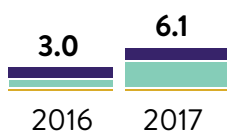
# 2017 financial highlights

## CONSOLIDATED RESULTS (\$M)

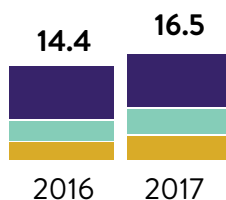
### Revenues



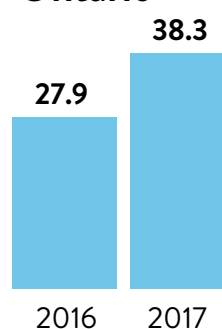
### Expenses



### Grants & awards authorized



### Legal Aid Ontario



## REVENUES

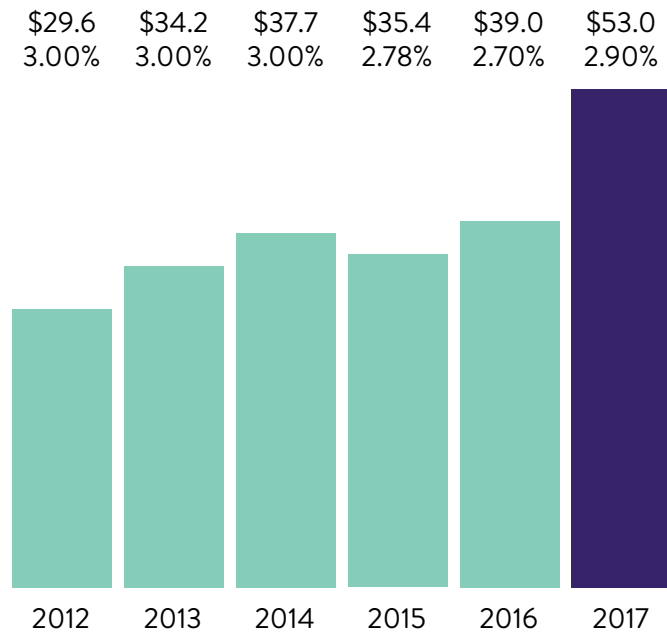
The Law Foundation of Ontario's main source of revenue is interest earned on Ontario lawyers' and paralegals' mixed trust accounts. These mixed trust accounts hold funds in trust for more than one client. By law, all such interest is paid to the Foundation. Revenues increased in 2017 due to higher mixed trust account balances, higher interest rates, and back interest received on accounts identified through the lawyers' and paralegals' annual filing. The prime rate increased twice while the level of mixed trust account grew though these balances may vary.

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 close to 10 additional Public Interest Articling Fellowships, allowing nonprofit organizations to take on exponentially more legal cases and clients.

The 2017 audited financial statements are available online at: [lawfoundation.on.ca/who-we-are/annual-reports](http://lawfoundation.on.ca/who-we-are/annual-reports)

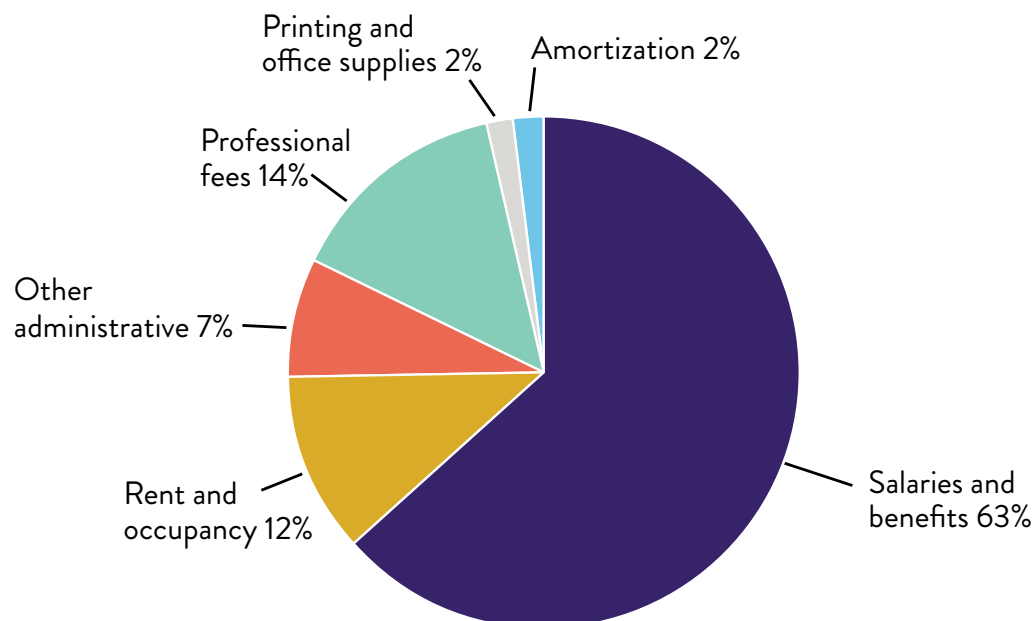
## Interest revenues and rates

Mixed trust account interest (\$M) | Average prime interest rate (%)



## EXPENDITURES

The Foundation continued to manage its expenses prudently while responding to changing needs and economic conditions. Operating expenses (excluding Class Proceedings Fund operating costs) were \$2.1M or 7.9% higher in 2017 as a result of projects initiated on evaluation and an increase in granting. This follows a decrease of 1.0% in 2016, and an increase of 7.1% in 2015.



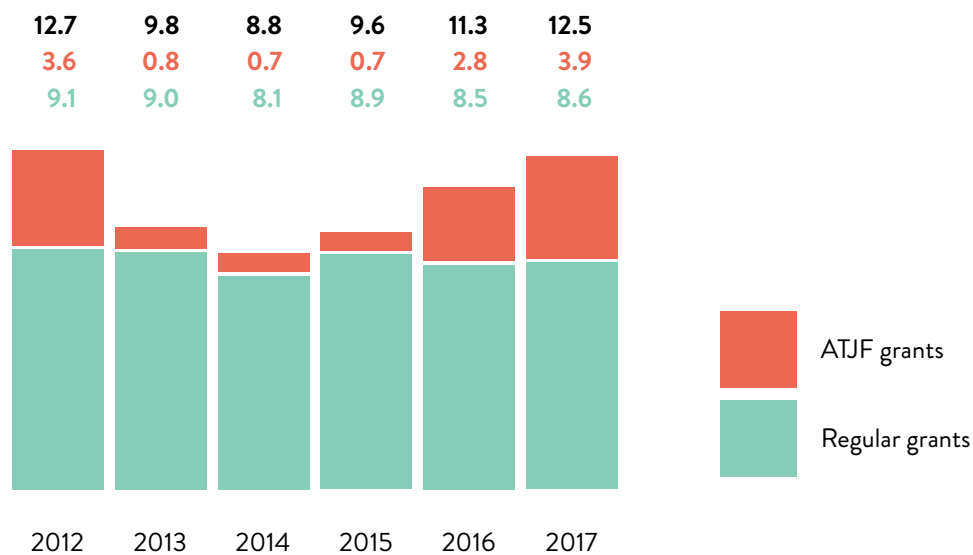
## FUNDING TO LEGAL AID ONTARIO

Seventy-five per cent of mixed trust account revenue net of operating expenses is paid to Legal Aid Ontario. The Foundation's contribution increased in 2017 to \$38.3M compared to \$27.9M in 2016.

## GRANTS AUTHORIZED

With its remaining funds, the Foundation awards grants that support improved access to justice. Total grants authorized in 2017 were higher because of increased Access to Justice Fund granting.

Grants authorized (\$M)



# 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 Ontario and two by the Attorney General of Ontario. The Foundation submits its annual report to the Attorney General for tabling in the Legislative Assembly.



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*Advancing access to justice*

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