



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

Staying Connected

— 2020 ANNUAL REPORT —

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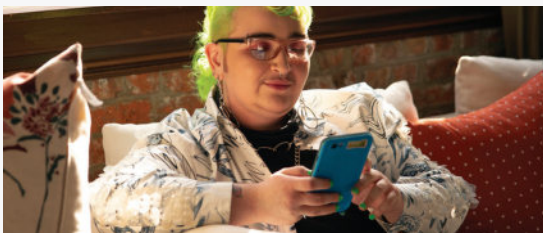
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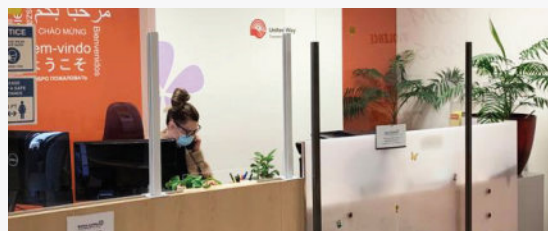
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Our vision

Putting people at the heart of justice.

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.

Advancing access to justice

Established by statute in 1974, The Law Foundation of Ontario is the sole foundation in Ontario with the mandate of improving access to justice.

Each year, The Law Foundation of Ontario awards millions of dollars to many carefully selected grantees. Through the work of grantees, and through funds paid to Legal Aid Ontario, the Foundation is carrying out its mission to advance access to justice in the province.





Messages from the Chair and CEO

Message from the Chair

Going into 2020, The Law Foundation of Ontario was in an enviable position. We had record revenues and several new and exciting granting initiatives in the works. Three months later, that all changed.

By mid-March, the COVID-19 pandemic caused an abrupt halt, not just to our work but to our lives and livelihoods. The pandemic did not affect all of us equally. Many of the people our grantees serve were further marginalized and harmed by the pandemic's impact on health, housing, and jobs.

For the Foundation specifically, we saw our projected revenue drop by 45% due to dramatically lower interest rates. Like so many others, we were forced to pause and re-evaluate our position and plans. Our Trustees and leadership team worked quickly and decisively to recalibrate and, very importantly, to reassure our grantees that we could make good on the funding agreements made with them.

Another shift in 2020 was to our investment strategy. We completed a thorough process, started the previous year, to optimize our investments with an updated investment policy and new investment managers. This is a vital undertaking at any time, but so much more so

during a year of such upheaval and financial uncertainty.

Finally, we had significant leadership changes this year too. We were thrilled to welcome Lisa Cirillo as CEO and Etienne Esquega as our newest Trustee. We said bittersweet goodbyes to outgoing CEO Tanya Lee, counsel Gina Papageorgiou, and Trustee Isfahan Merali.

As was true for everyone, our 2020 did not unfold as planned. Fortunately, the Foundation's prudent financial management and sound operational decisions allowed us to reimagine our grantmaking and to fulfill our commitments to the hundreds of grantees that count on us and to the millions of people in Ontario who deserve greater access to justice.



Linda Rothstein
Chair, The Law Foundation of Ontario



Linda
Rothstein,
Board Chair



Message from the CEO

The COVID-19 pandemic profoundly disrupted life as we know it around the world. It tipped us into a global recession, laid bare socio-economic fault lines, and continues to pose a significant risk to health and safety. 2020 will also be remembered as the year when urgent and pressing issues of racial equity and systemic discrimination became a global conversation.

At the same time, by forcing us to reimagine all aspects of the way we work and live, by thrusting the legal system into the modern age, and by showing us day-by-day that we are stronger together, the events of 2020 also brought many positive, long-overdue changes. Perhaps more than anything, they reinforced our collective humanity and the power of connection.

On a personal note, the year brought me the opportunity to join The Law Foundation of Ontario. The middle of a global pandemic is less than an ideal time to start a new role, but through the power of video conferencing, I have come to know the team, and they me. I credit the seamlessness of my transition to an incredibly capable staff team, deeply dedicated Trustees, and the Foundation's highly engaged grantee community.

Despite the precipitous drop in the Foundation's revenues, through careful stewardship, the

Foundation was able to sustain its granting commitments and make six new calls for applications. Some, like the second Measuring Impacts and Progress call and the Phase II Connecting Rural Regions call, allowed us to invest further in previously funded initiatives. Others, like the Responsive program, addressed urgent legal issues such as anti-Black racism in the workplace and decent housing for migrant workers. Including the funds remitted to Legal Aid Ontario, the Foundation invested \$56.3M to advance access to justice in Ontario in 2020.

2020 was a year of change, challenge, and connection. On behalf of the Foundation, I want to extend our heartfelt thanks to all our community partners. Your commitment, integrity, and resiliency are inspiring. We look forward to continuing to work with you in the brighter days ahead.



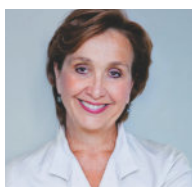
Lisa Cirillo
CEO, The Law Foundation of Ontario



Lisa
Cirillo,
CEO

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.



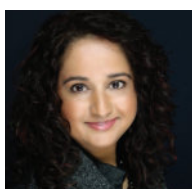
Linda R. Rothstein, Chair
Partner, Paliare Roland Rosenberg
Rothstein LLP



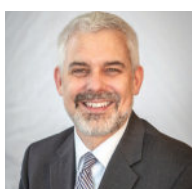
Paul M. Cooper
Partner, COOP-legal.com



Etienne Esquega (as of September 2020)
Principal Lawyer, Esquega Law Office



Isfahan Merali (until August 2020)
Senior Counsel, The Consent and Capacity
Board



Stephen Rhodes
Deputy Minister, Ministry of Energy,
Northern Development and Mines



Stephen Thiele
Partner and Director of Legal Research,
Gardiner Roberts LLP

Staff

Tanya Lee (until August 2020)
Chief Executive Officer

Lisa Cirillo (as of September 2020)
Chief Executive Officer

Tracy Au
Program Coordinator

Sharnette Beckett
Office Assistant

Nancy Caetano
Senior Administrative Assistant

Alida DeLorenzi
Grants Officer

Remissa Hirji
Associate Counsel,
Class Proceedings Committee

David Kinsman
Grants Officer

Marlene Law
Manager, Accounting and Administration

Judy Mark
Director, Strategic Finance and Administration

Nathalie Noël
Communications Specialist

Lili Pach
Grants Officer

Gina Papageorgiou (until May 2020)
Counsel, Class Proceedings Committee

Linda Patki (until August 2020)
Legal Assistant, Class Proceedings Committee

Patricia Santana (as of September 2020)
Senior Administrative Assistant,
Class Proceedings Committee

Tiffany Smith
Grants Officer

Arta Tafaj
Senior Administrative Coordinator

Helen Tewolde
Director, Policy and Programs

Trustees and staff at the
2020 Holiday Celebration





A wider role and audience for substantive law training

CLEO Connect, a program of Community Legal Education Ontario (CLEO), provides training, tools, resources, and connections that help community workers support their clients who have legal problems.

Government programs in response to the pandemic brought relief to people losing their jobs and income. They also brought a whirlwind of questions from people looking for up-to-the-minute information they could understand and trust.

An overwhelming number of frontline workers turned to CLEO/CLEO Connect for answers. By mid-March 2020, CLEO's communication channels, especially the live chat on its Steps to Justice website, exploded with questions, highlighting the devastating effects of the pandemic.

"It was a pretty immediate pounding of need that we heard," says Julie Mathews, Executive Director of CLEO. "We hadn't done substantive law training before because we recognize that legal clinics have the on-the-ground connections in their communities. But we just couldn't ignore the groundswell. We decided to facilitate webinars and bring in community and legal experts from clinics and elsewhere who could offer timely and practical information."

Within weeks, CLEO Connect pivoted from its usual trainings and launched its first *COVID-19 Hot Legal Topics* webinar. This evolved into a 15-webinar series that addressed the urgent questions that community workers were hearing from their clients about income assistance (CERB, EI), workers' rights, immigration, tenants' rights, and family law and domestic violence.

The webinars clearly met a need. More than 4,500 participants attended from organizations like: Ontario Works; health units; school boards; women's crisis centres; settlement agencies; municipalities; MPP constituency offices; and a variety of other nonprofits.

"COVID pushed us to recognize that we can play a useful role in substantive law training," says Julie. "We realized we could leverage our extensive networks and take advantage of our province-wide reach to get the information out quite widely."



COVID-19 Hot Legal Topics webinar
October 2020 with (clockwise):
Liz Majic (Connecting Ottawa),
Maggie Harkins (ASL interpretation),
Karen Dick (CLEO), Shalini Konanur
(South Asian Legal Clinic of Ontario),
Michelle Cader (CLEO)

Elders' Council named 2020 Guthrie Award recipient

The Elders' Council is the recipient of the 2020 Guthrie Award, The Law Foundation of Ontario's signature award to recognize exceptional access to justice champions.

The Elders' Council was established using Indigenous methodologies to support the work of the Indigenous Justice Division of the Ministry of the Attorney General. It consists of Indigenous Elders who are Knowledge Keepers representing First Nation, Inuit, and Métis communities from across Ontario.



“The Elders bring a compelling truth and integrity to their work. By sharing their knowledge and lived experiences directly with those within the justice sector, the Elders' Council is helping to transform not just opinions but policies and laws that could bring about meaningful change and improve access to justice for Indigenous people across the province.”

– Linda Rothstein, Board Chair



Provides formal advice to the Attorney General for Ontario, as well as to staff at all levels of government across various Ministries and Divisions



Helped develop and facilitates Bimickaway, an award-winning cultural competency training for justice sector workers



Facilitates conversations such as those at the Sharing Our Justice Bundles Gathering and ReconciliACTION Forum

The Elders' Council



Elder Janice Longboat
Mohawk, Turtle Clan
of Six Nations of the
Grand River



Elder Helen Cromarty
a Nishnawbe Aski
Nation Elder, a
member of Sachigo
Lake First Nation and
a residential school
survivor



Elder Sytukie Joamie
from Tuapait, outside
of Pannirtuuq,
Nunavut, now living
in Ottawa



Elder Pauline Shirt
born and raised in
Saddle Lake Reserve,
Alberta, now living in
Toronto



Elder Barney Batise
a Nishnawbe Aski
Nation Elder and
former Chief of
Matachewan First
Nation



Elder Dr. Marlene Pierre
an Ojibwe of the Fort
William First Nation,
born and raised in
Thunder Bay



Senator Verna Porter-Burnelle
citizen of the Métis
Nation of Ontario



Elder Sally Webster
born on the land near
Baker Lake, Nunavut,
now living in Ottawa



Elder Waasaanese (Alex Jacobs)
born at Lake Penage
on the Whitefish
Lake First Nation
Community



Elder Katsi Cook
Mohawk, of the Wolf
Clan, Mohawks of
Akwasasne



Elder Gilbert Smith
from Naicatchewenin
First Nation near Fort
Frances, Ontario



Elder Donna Debassige
Anishinaabe kwe, of
the Fish Clan from
Mnidoon Mnisig
(Manitoulin Island)
and a member of
the Wiikwemkoong
Unceded Territory



Consults with bodies such as the
Independent Review of Ontario
Corrections and the National
Inquiry into Missing and Murdered
Indigenous Women and Girls
Expert Hearings



Supports families of missing
and murdered Indigenous
women and girls and families
involved in coroner's
inquests



Co-facilitates Family Circles, which
bring together coroners, police officers,
and crown prosecutors to provide
information directly to family members
about loved ones' cases

Expanding to serve LGBTQ2S communities across Ontario



The 519 Community Centre's Legal Clinic offers pro bono general summary advice and legal support to LGBTQ2S communities, primarily in administrative, family, employment, and mental health laws, and has expanded to specialty legal clinics: Criminal Law, Immigration and Refugee, Trans ID, and Housing Law.

The 519 Legal Clinic provides legal services to 2Spirit, queer, trans, and non-binary communities, including those who are street-involved, homeless, or under-housed. Before COVID, service was exclusively by drop-in in downtown Toronto. That changed in March 2020 when The 519 was ordered to close its doors to the public due to the pandemic.

“The communities we serve relied on our in-person programming, particularly because we’re one of the very few organizations that provide gender-affirming services,” says Justin Khan, Public Interest and Legal Initiatives Director at The 519.

Within two months, the clinic re-launched, first by shifting to phone-based service, and later adding online services. Knowing that some clients didn’t have access to the needed technology, the clinic

reconfigured its physical space in keeping with public health guidelines so clients could come in and use a phone or laptop to make and have their appointments.

The hybrid model is here to stay. The clinic now offers legal help in-person, online, and by phone, allowing it to serve people across Ontario for the first time.

“The pandemic allowed us to reimagine what it means to provide access to justice and legal services to LGBTQ2S communities,” says Justin. “We’re now able to serve clients across the province. We have folks from remote communities and smaller towns reaching out for legal advice. If we were a drop-in space only, they wouldn’t be able to do that.”



The 519 Legal Clinic now offers services
in-person and by phone and Internet

2020 granting



General Fund **\$10,704,261**

Roy & Ria McMurtry Endowment Fund **\$5,000**

→ General Fund

Catalyst

Catalyst provides core funding to established nonprofit organizations working to advance access to justice. The funding supports organizations with a proven track record of high-quality services to improve their ability to adapt, innovate, take advantage of opportunities, and respond to emerging needs. In 2020, the Foundation's Board approved Year 3 (2021) Catalyst grants for the following organizations.

Aboriginal Legal Services	\$150,000	L'Association des juristes d'expression française de l'Ontario	\$149,170
Barbra Schlifer Commemorative Clinic	\$150,000	Law Commission of Ontario	\$550,000
Canadian Civil Liberties Education Trust	\$221,100	Law in Action Within Schools	\$150,000
Community Legal Education Ontario	\$385,000	Level	\$71,250
FCJ Refugee Centre	\$150,000	Luke's Place Support and Resource Centre for Women and Children	\$150,000
Innocence Canada	\$253,000	Ontario Justice Education Network	\$890,000
John Howard Society of Ontario	\$150,000	Pro Bono Ontario	\$880,000

Pro Bono Students Canada¹ \$621,520

**Sudbury Workers' Education and
Advocacy Centre** \$122,792

**The 519 Church Street
Community Centre** \$150,000

**The Osgoode Society for
Canadian Legal History** \$195,700

Workers' Action Centre \$149,707

The Connecting Project

The Connecting Project is an umbrella program that provides grants focused on improving access to legal information and services for people who do not speak English or French, live in rural or remote areas, and/or have communication impairments. In 2020, the Foundation's Board approved a Connecting Region grant as well as a Phase II Connecting Rural Regions grant for the following organizations.

Connecting Region \$279,750
Connecting Ottawa

**Legal Clinic of Guelph and
Wellington County** \$250,000
Wellington Halton Law Van

¹ Includes annual grant of \$595,396 plus \$26,124 in unspent Year 1 funding.





Fueling legal help for rural and remote communities

Part of our larger The Connecting Project, Connecting Rural Regions helps the Foundation to gain and share knowledge about the legal needs of people in rural and remote areas and the best practices to serve them.

The Legal Clinic of Guelph and Wellington County is receiving \$250K to further develop its successful Wellington County Mobile Legal Service pilot project, now called the Wellington Halton Law Van. This grant is the second and final phase of Connecting Rural Regions, our granting initiative to coordinate and integrate legal information, services, and referrals in rural areas in Ontario.

During its six-month pilot in 2019, the law van was staffed by outreach workers with Skype connections to a lawyer, paralegal, and community legal worker. They assisted close to 500 people, 87% of whom had no previous contact with the legal clinic.

Services included summary advice and referrals for family law, landlord and tenant, civil matters, wills, powers of attorney, criminal charges, employment and social assistance. About half acted on the assistance they received and 82% found it was helpful.

Building on its success, the Wellington Halton Law Van will hit the road again in 2021 for a three-year cycle. During this phase, it will be staffed by outreach staff and caseworkers and expand into new communities in Halton Region, as well as offering phone access to family law, one of the highest demand areas during the pilot.



The Legal Clinic of Guelph and Wellington County's "law van"

Community Leadership in Justice Fellowship

Community Leadership in Justice Fellowship (CLJF) is a paid fellowship that gives nonprofit leaders a unique professional development opportunity to further their careers and causes while building bridges between community and academia, leaving a lasting access to justice legacy for both. In 2020, the Foundation’s Board approved CLJF grants for the following organizations.

Powers of Attorney 101, How to Be a Power of Attorney in Ontario: A Free Course for Everyone

CanAge	\$60,000
University of Toronto, Factor-Inwentash Faculty of Social Work	\$15,000

Refugees as Transitional Justice Actors

Downtown Legal Services	\$65,000
York University	\$14,810





Fellowships to empower people with legal information

“ ”

“Though the fellowships are quite different, each aims to directly empower people with the legal information necessary to carry out important roles in our society.”

– Linda Rothstein, Board Chair

Prasanna Balasundaram and Laura Tamblyn Watts each received a Community Leadership in Justice Fellowship (CLJF). The CLJF gives senior-level employees in nonprofit organizations the opportunity to spend all or part of an academic year at an Ontario law school, university, or community college department dedicated to legal or justice studies.

Prasanna, Director of Downtown Legal Services (a legal clinic operated by the Faculty of Law at the University of Toronto), plans to research and develop resources to empower refugees and refugee-serving organizations to pursue accountability for gross violations of human rights and mass atrocities. Prasanna will be commencing

his fellowship in fall 2021. He will be hosted by the Centre for Refugee Studies, York University, and work with Professor Sean Rehaag, who is Director of the Centre for Refugee Studies and an Associate Professor at Osgoode Hall Law School.

Laura, CEO of CanAge, a Canadian seniors' advocacy organization, is creating a free online course to teach Ontarians how to decide to be and how to act as a Power of Attorney for Property and Personal Care. Laura, who began her fellowship in fall 2020, is being hosted by the University of Toronto, Factor-Inwentash Faculty of Social Work (FIFSW), where she works with Associate Professor David Burnes, Associate Dean, Academic at the FIFSW.



Community Leadership in Justice Fellowship recipients
Prasanna Balasundaram and Laura Tamblyn Watts

Law schools

The Foundation has a long history of supporting legal education. Funds are dedicated to access to justice initiatives, in particular experiential learning opportunities for students so they can provide legal assistance to community members. In 2020, the Foundation's Board approved grants for the 2021-2022 academic year for the following law schools. Allocations are set in relation to student enrollment.

Lakehead University, Faculty of Law	\$168,300	University of Ottawa, Faculty of Law, Civil Law Section	\$168,300
Lincoln Alexander School of Law at Ryerson University²	\$186,267	University of Toronto, Faculty of Law	\$279,400
Osgoode Hall Law School	\$336,600	University of Western Ontario, Faculty of Law	\$279,400
Queen's University, Faculty of Law	\$279,400	University of Windsor, Faculty of Law	\$279,400
University of Ottawa, Faculty of Law, Common Law Section	\$336,600		

Public Interest Articling Fellowship

The Public Interest Articling Fellowship (PIAF) allows nonprofit organizations to receive funding to host an articling student. The program helps respond to the significant need for legal assistance within the community while also giving law students valuable work experience in public interest law. In 2020, the Foundation's Board approved PIAF grants for the 2021-2022 articling year for the following organizations.

Amnesty International Canada	\$69,500	Innocence Canada	\$69,500
Barbra Schlifer Commemorative Clinic	\$69,500	John Howard Society of Canada	\$69,500
Canada Without Poverty	\$69,500	Peacebuilders International (Canada)	\$69,500
Canadian Civil Liberties Association	\$69,500	Public Interest Advocacy Centre	\$69,500

² Funding based on two student cohorts.

Responsive

The Responsive program funds projects to encourage new community-driven ideas, approaches, and relationships that can help address emerging needs and connect more people to legal information and supports, especially people who are not currently being reached. In 2020, the Foundation's Board approved Responsive grants for the following organizations.

Artists' Legal Advice Services	\$15,000	Centre for Equality Rights in Accommodation	\$100,000
Virtual Legal Clinic for Artists Pilot Project		Pro-Bono Legal Services and Public Legal Education for Vulnerable Renters	
Black Femme Legal Toolkit Committee	\$100,000	Christie Refugee Welcome Centre	\$94,800
Black Femme Legal Toolkit		The Centre for Refugee Children	
Canadian Artists' Representation	\$13,455	Community Justice Collective	\$14,700
Legal Clinic/drop-in		Protesters' Defence - KYR Materials and Trainings	
Canadian Muslim Lawyers Association	\$100,000	Community Law School (Sarnia-Lambton) Inc.	\$15,000
The Muslim Legal Support Centre Project		Website Upgrade Project	
Canadian National Institute for the Blind-Ontario Division	\$15,000	Egale Canada Human Rights Trust	\$13,990
Y.E.L.L. Youth Equality through Legal Learning		Reproductive Rights Webinars for LGBTQI2S Ontarians	
Canadian Women's Foundation	\$99,910	Indigenous Law Centre, University of Saskatchewan	\$20,000
ROSA		Support for Indigenous Law Centre	
Capital Rainbow Refuge	\$15,000	Justice for Children and Youth	\$100,000
Queer Refugee Hearings Program Toolkit		Childhood Arrivals Support & Advocacy Program	
Caregivers Action Centre	\$49,803	Law in Action Within Schools	\$15,000
Legal Education to Support Migrant Care Workers Navigate the New Caregiver Program		LAWS Summer Job Program	



Migrant Workers Alliance for Change	\$60,869
Legal Education to Ensure Migrant Workers' Access to Decent Housing	
Pro Bono Inmate Appeal Program	\$100,000
Pro Bono Inmate Appeal Program	
Regent Park Focus Youth Media Arts Centre	\$13,000
Criminal Harassment Unheard Voices Dissemination Project	
Regroupement Ethnoculturel des Parents Francophones de l'Ontario	\$12,500
Black, Young and Knowledgeable	

Sanctuary Students Solidarity & Support Collective	\$15,000
Sanctuary Students Unite! Exploring the Law (and its Limits) in our Lives	
University of Toronto, Factor-Inwentash Faculty of Social Work	\$100,000
Toolkit for Evidence-Based Child Protection Practice	
University of Windsor	\$12,265
Civil Procedure & Practice in Ontario	

Strategic

When revenue is available, the Foundation makes Strategic grants to explore new and emerging issues, expand our knowledge, and better understand the impact of our grantmaking. Building on a first call in 2018, the Foundation issued a second Measuring Impacts and Progress (MIP) call for applications in 2020. MIP grants support empirical research to help improve how the justice system serves the people of Ontario. In 2020, the Foundation's Board approved MIP grants for the following organizations.

Canadian Forum on Civil Justice	\$99,520
Measuring the Impacts of Legal Service Interventions - Phase 2	
Centre for Refugee Studies, York University	\$91,170
Refugee Law Portal	
Community Legal Education Ontario	\$18,000
Evaluating PLEI impacts across community organizations in Ontario	
Indigenous Bar Association	\$192,000
Accessing Justice and Reconciliation	

Law Commission of Ontario³	\$86,000
Protection Orders: An Empirical Foundation	
Legal Aid Ontario	\$75,600
Race, Identity and the Justice system: Do Justice Outcomes Differ Depending on Race and Identity?	
University of Western Ontario, Faculty of Law	\$39,213
The Impact of the COVID-19 Pandemic on Access to Family Justice in Ontario	

³ This grant was approved in February 2021.

Building capacity for community-based legal help



Our Capacity-building for an Inclusive Sector (CBIS) grants were a concentrated effort to support the development of legal programs within organizations that have direct and meaningful connections with underserved communities. It was also an opportunity for us as a grantmaker to identify and support organizations looking to evolve into leading players within the access to justice landscape. In late 2019, the Foundation funded a total of \$8.3M in grants to nine organizations.

Despite the pandemic, the Capacity-building for an Inclusive Sector (CBIS) programs launched in 2020.

CBIS grantees are small, community-based organizations that serve people who face unique barriers to justice such as Indigenous people, immigrants and refugees, and racialized groups. CBIS grants gave them the opportunity to build their legal expertise and capacity and establish a stronger and long-term presence within the access to justice landscape. These organizations will be better positioned to provide reliable and culturally appropriate legal support on an ongoing basis.

Most organizations used their CBIS grants to pilot or expand an intake and referral program.

For example, the Canadian Muslim Lawyers Association (CMLA) sought professional support to develop a strategy for long-term organizational growth. Having already piloted its Muslim Legal Support Centre (MLSC) with a previous Foundation grant, CMLA hired organizational development consultants to help establish the MLSC as a permanent, sustainable service. The MLSC provides culturally competent legal education and summary advice and referrals to low to moderate-income Muslim communities in the Greater Toronto Area. CMLA is implementing the consultants' recommendations, which include refining the mandate, developing a governance framework, and developing a communications strategy.

Capacity-building for an Inclusive Sector grantees

• Agincourt Community
• Services Association

• Arab Canadian Lawyers
• Association

• Canadian Council of Muslim
• Women

• Canadian Muslim Lawyers
• Association

• For Youth Initiative

• Hispanic Development
• Council

• Métis Nation of Ontario

• Place du Partage

• Somali Canadian Association
• of Etobicoke



Canadian Muslim Lawyers
Association launches its Muslim
Legal Support Centre



Are you a lawyer practicing in the areas of
Islamophobia, Anti-Black Racism or
Discrimination?

The Muslim Legal Support Centre is running
a summary advice clinic and needs your
help!

**Sign up today to give free legal
advice on Nov. 29th, 2020**

- First come first serve - Sign up today!
- Volunteer lawyers will be giving 50 mins of FREE summary legal advice
- Clinic will run from 12-5pm and you will be given a time slot

To register visit www.cmla-acam.ca/cmlaevents

→ Roy & Ria McMurtry Endowment Fund

The Roy & Ria McMurtry Endowment Fund was established in honour of the Honourable Roy McMurtry, and his wife Ria. The fund provides an annual grant to The Second Chance Scholarship Foundation, which awards scholarships to students who are, have been, or are at risk of becoming in conflict with the law and who are enrolled in a college or university program relating to legal education.

Second Chance Scholarship Foundation Inc.

\$5,000

Roy & Ria McMurtry Endowment 2020

→ Access to Justice Fund

The Access to Justice Fund is a unique national fund that provides grants to nonprofit organizations across Canada. The fund is supported by class action cy-près awards. Granting is made in priority areas as established by a national ATJF Consultation Group and as per a direction of a cy-près award. In 2020, the Foundation's Board made an ATJF grant to the following organization.

Action Committee on Access to Justice in Civil and Family Matters

\$50,000

Fostering National A2J Coordination



Adapting to meet women's urgent legal needs



The Barbra Schlifer Commemorative Clinic's Criminalization of Women Pro-Bono Program provides case management and summary legal advice to women and non-binary people who are or have been charged or convicted with a criminal offence and who have experienced gender-based violence.

When the pandemic closed courts abruptly in March 2020, the Criminalization of Women Pro-Bono Program's clients were left anxious and in limbo, not knowing when their case would proceed.

"Once the courts began operating again, we quickly adapted to help clients with bail variations, disclosure requests, and virtual court appearances," says Deepa Mattoo, Executive Director of the Barbra Schlifer Commemorative Clinic. "Without this assistance, they could have been at risk of breaching bail conditions and being subject to an arrest warrant for failing to appear or remain at their court matter."

The pandemic didn't just complicate clients' legal issues. Already experiencing trauma and isolation, clients' mental health deteriorated significantly. In response, staff implemented two initiatives that, although not new to the clinic, were firsts for the pro bono program.

"We established a process of making check-in calls to make sure clients knew they could still access us," says Deepa. "We also knew many wouldn't have cell phones or Internet access. We knocked on the doors of large companies to get donations of SIM cards, cell phones, and laptops."

Like the justice system itself, the pandemic challenged the program to find new ways of operating. In addition to its in-person support, the program now serves clients by phone and online.

"The landscape shifted, and some of that is positive," says Deepa. "It's clear, though, that the shift comes from a certain amount of privilege. I'm excited about the possibilities, but I'm also scared we'll believe everyone can appear online. Digital access is not safe or accessible for everyone. I want us to continue to consider the different service options, but to consider them based on people's needs."



The Barbra Schlifer Commemorative Clinic office renovations allowed it to keep meeting women's essential legal needs during the pandemic



Class Proceedings Fund

Message from the Chair

The COVID-19 pandemic transformed 2020 into a year of extraordinary disruption, change, and adaptation in all aspects of life. This was true for the legal profession. This was also true for the Class Proceedings Committee and the Fund it administers on behalf of The Law Foundation of Ontario.

As was the case for most law offices, the Foundation's offices abruptly closed in March 2020 and remained shut for the balance of the year. However, the work of our Committee continued. Almost immediately, we adapted by holding our March and April funding application hearings via teleconference, then moved to videoconference hearings for the balance of the year. The Committee heard a total of 19 new funding applications in 2020, which was the same number of new funding applications heard the previous year.

The progress of Committee-funded cases through the courts was considerably delayed in 2020 as hearings were postponed in the early stages of the pandemic lockdown and as the courts moved to online hearings. As a result, many certification motions and other hearings were delayed, contributing to a decrease in adverse cost awards against the Fund from a high of \$7,194,743 in 2019 to \$197,955 in 2020. While the adverse cost awards were unusually high in 2019 following the completion of several matters from previous years, the low number in 2020 is not expected to be repeated in 2021 as the volume of certification motions, appeals, and other court proceedings returned to pre-lockdown levels at the end of 2020.

In addition to these changes precipitated by the pandemic, Committee members bid farewell to

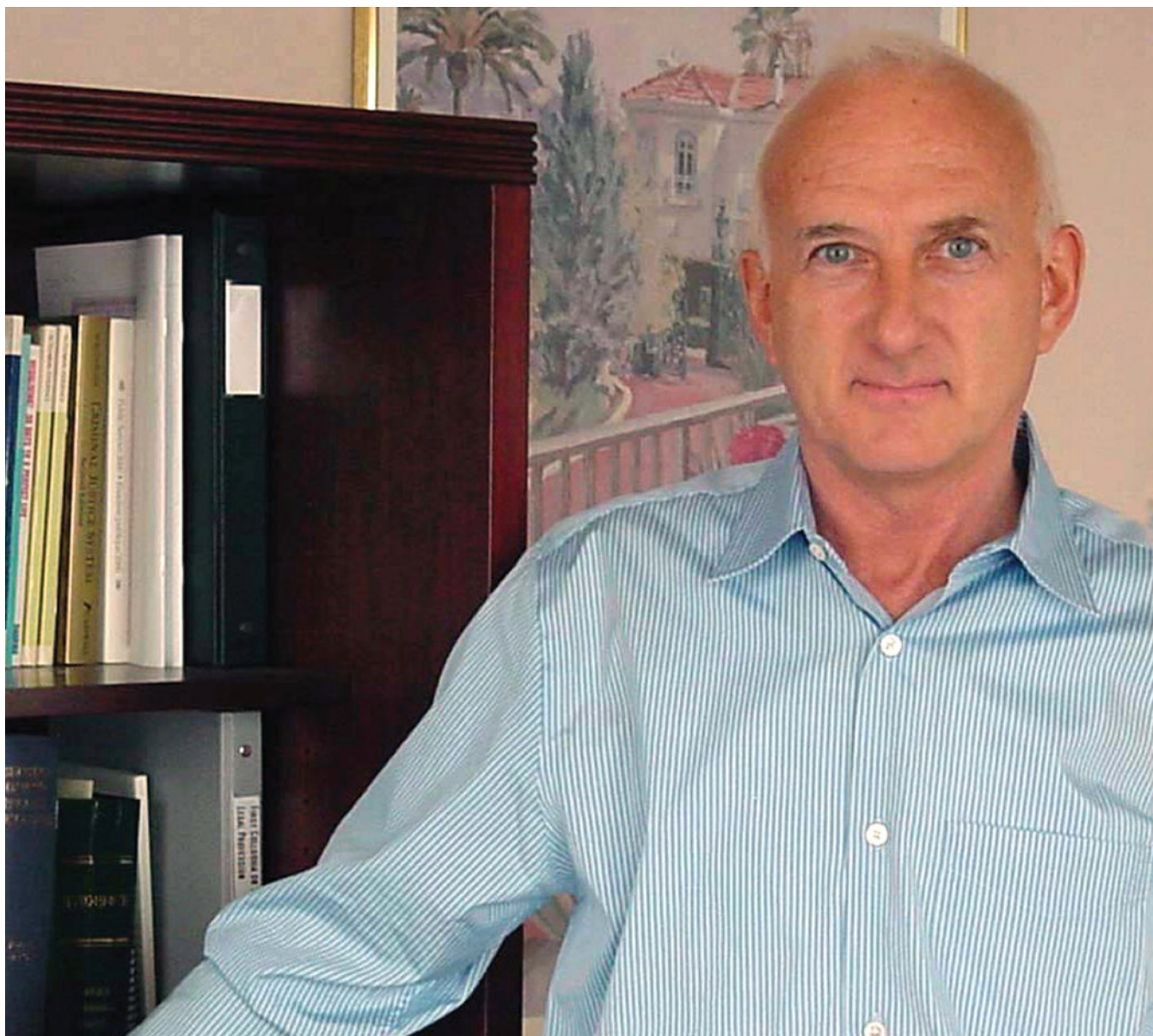
our Counsel Gina Papageorgiou following her appointment as a judge of the Ontario Superior Court of Justice in May 2020. Gina had provided exceptional service to the Committee since 2006 and, while we were sad to see her leave, we were fortunate to have the continuing support of Remissa Hirji who became Associate Counsel to the Committee in late 2019. Remissa carried on the work of the Fund during the challenges of 2020, including moving our hearings into an online format, reviewing funding applications, and managing our portfolio of funded cases. In addition, the members of our Committee were delighted to welcome Margaret Sims as Counsel to the Committee in early 2021.

For their continued and significant contributions to the work of the Fund and our Committee during last year's challenges, I acknowledge our former Chair and current member Wendy J. Earle, Committee members Sandra Barton, John P. Brown, and Scott C. Hutchison, as well as Judy Mark, the Foundation's Director of Strategic Finance and Administration, who has acted as Secretary to the Committee since June 2009.

The commitment and the talents of all these individuals during 2020 ensured that the Fund's primary goal of enhancing access to justice in Ontario could continue without interruption.



Paul Evraire, Q.C.
Chair, Class Proceedings Committee



Class
Proceedings
Fund



Paul Evraire,
Class Proceedings
Committee Chair

Class Proceedings Fund

financial highlights

The Class Proceedings Fund (the Fund) was established in 1993 to address a major recommendation of the 1990 report of Attorney General's Advisory Committee on Class Action Reform that a public interest fund be established to assist class action plaintiffs with disbursements and provide them with adverse cost award protection. The initial seed money allocated by The Law Foundation of Ontario to the Fund was \$500,000.

Over almost 30 years, under the *Law Society Act*, R.S.O. 1990, c. L.8 (LSA) and O.Reg 771/92 (the Regulation), the Class Proceedings Committee has considered funding applications and funded cases. Under the careful stewardship of the Foundation and the Class Proceedings Committee, the Fund has grown to allow it to continue to advance the goal of increasing access to justice in Ontario.

Highlights of 2020 judicial determinations in funded cases include:

- An employee overtime case, *Fresco v. Canadian Imperial Bank of Commerce*, achieved a significant milestone when the Court determined, in a summary judgment motion (2020 ONSC 6098), that CIBC had breached its obligations to pay overtime to its employees. While an appeal is pending, the work of quantifying damages is in progress.
- Plaintiffs were successful in the landmark five-week common issues trial relating to allegations of institutional abuse at a boarding school, *Cavanaugh v. Grenville Christian College*, (2020 ONSC 1133). The Court found in the plaintiffs' favour in all five common issues, finding that the defendants breached their duty of care and fiduciary duty obligations owed to the class made up for former students, and that the conduct merited an award of punitive damages. The judgment is under appeal and the appeal is scheduled for hearing in 2021. Individual issues are still to be determined.
- Plaintiffs were successful in three solitary confinement prisoners' right cases: summary judgment was granted, reconsideration was successful, or the appeal confirmed summary judgment in the solitary confinement prisoners' right cases of *Francis v. Ontario*, 2020 ONSC 1644, (aggregate damages of \$30M awarded), *Brazeau v. Canada (Attorney General)*, 2020 ONCA 184, (aggregate damages of \$20M) and *Reddock Brazeau v. Canada (Attorney General)*, 2020 ONCA 184, (aggregate damages of \$20M). The determination of the procedure for determining individual damages and the distribution of the aggregate damages award was not determined in 2020.
- In the securities class action, *Wright v. Horizons ETFs Management (Canada) Inc.* (2020 ONCA 337), the Court of Appeal found that there was a reasonable cause of action for the claims pleaded in negligence and permitted the plaintiff to amend his pleading to properly plead a claim under s.130 of the *Securities Act* relating to prospectus misrepresentation. Applications for leave to appeal to the Supreme Court of Canada have been denied, paving the way for the plaintiff to advance his action.

New applications heard and approved – 2011-2020

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Hearings held	22	12	13	20	17	22	27	21	19	19
New applications approved	15	7	7	11	12	17	18	14	8	10

2020 results

Statement of financial position

	For the period from Jan. 1 to Dec. 31, 2020	For the period from 1994 to Dec. 31, 2020
Opening balance	\$12,747,183	\$500,000
Total funding awarded	\$5,696,358	\$37,930,736
Funding repaid/cancelled	\$213,000	\$10,173,228
Administration costs/expenses	\$493,837	\$6,363,373
Interest and cy-près received	\$408,035	\$5,178,092
10% levies received	\$3,805,842	\$60,808,650
Cost awards in favour of defendants	\$197,955	\$21,579,951
Balance as at Dec. 31, 2020	\$10,785,910	\$10,785,910

Results and statistics (as required by O.Reg.771/92, S.13)

1. Funded case certification, settlement, and adverse cost award results

	Certified	Settled	Defendants obtaining adverse cost awards	Total amount paid out by the Fund for adverse cost awards
2019	2	9	15	\$7,194,743
2020	6	7	5	\$197,955

2. New funding applications

New applications made, granted, refused, and deferred, by stage in the proceeding, at the time of application.

Stage in the proceeding	Granted	Refused	Deferred*	Total
2019				
Pre-certification	8	7	1	16
Discovery		1		1
Other				
Appeal re: certification				
Determination of common issues		2		2
Appeal re: common issues				
Post common issue stage				
Total	8	10	1	19
2020				
Pre-certification	9	7	1	17
Discovery	1	1		2
Other				
Appeal re: certification				
Determination of common issues				
Appeal re: common issues				
Post common issue stage				
Total	10	8	1	19

*Carried forward to the next year.

3. New and supplementary funding awards

Funding awards were considered by the Committee for new funding applications and for supplementary funding applications for previously funded cases under section 59.3(1) and (5) of the *Law Society Act*. Total amounts paid out by the Fund during 2020 vary as funding awards may be made in advance of amounts being reimbursed to applicants. Amounts are reimbursed to applicants on an ongoing basis, after funded disbursements have been incurred and paid by the applicant.

	New awards	Supplementary awards	Total awards (new and supplementary funding applications)	Total amounts paid out (disbursement reimbursement)	Award amounts balance (awarded but not yet paid out) at Dec. 31
2019	8	23	\$3,197,037	\$4,099,680	\$5,139,789
2020	10	27	\$5,696,358	\$4,847,053	\$7,453,643



4. Funding awards by case category and disbursement type

2020 funding awards for both newly approved cases and previously approved cases by case category and by disbursement type.

	Administrative expenses	Travel expenses	Examiners' charges	Experts' fees	Notice to class	Other	Total
2019 all cases	244,046	114,534	61,037	2,416,163	175,657	185,600	3,197,037
2020 all cases	624,031	188,910	190,933	3,846,390	511,022	335,072	5,696,358
By case category							
Consumer protection	205,000	20,088	15,578	100,000			340,666
Consumer protection - interpretation of contracts	3,949		1,600		68,250		73,799
Consumer protection - misrepresentation	15,600	6,000					21,600
Crown liability - charter infringement/human rights	15,990	1,947	3,551				21,488
Crown liability - prisoners' rights	40,340	11,961	20,719	31,640			104,660
Crown liability - general breach of duty	59,794	36,085		77,291			173,170
Employment	32,459	19,840	40,173	298,705	28,250	33,900	453,327
Franchise	42,010	5,000	39,000	1,005,000	5,990		1,097,000
General negligence	24,500	3,000	18,500	440,000			486,000
General professional negligence	65,547	6,823	38,335	182,396	299,506	60,000	652,607
Investments/securities	46,000	35,000		832,850			913,850
Product liability - consumer products				124,446			124,446
Product liability - medical products	40,448	10,000	3,000	375,631	55,190	207,294	691,563
Residential schools	32,394	33,166	10,477	378,431	53,836	33,878	542,182

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.



Paul J. Evraire, Q.C.

Chair

Special Counsel (Retired), Department of Justice



Sandra Barton

Partner, Gowling WLG



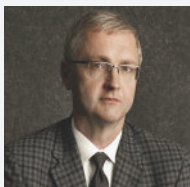
John P. Brown

Legal and Strategic Advisor, Indigenous Initiatives, McCarthy Tétrault



Wendy J. Earle

Advocate and Arbitrator



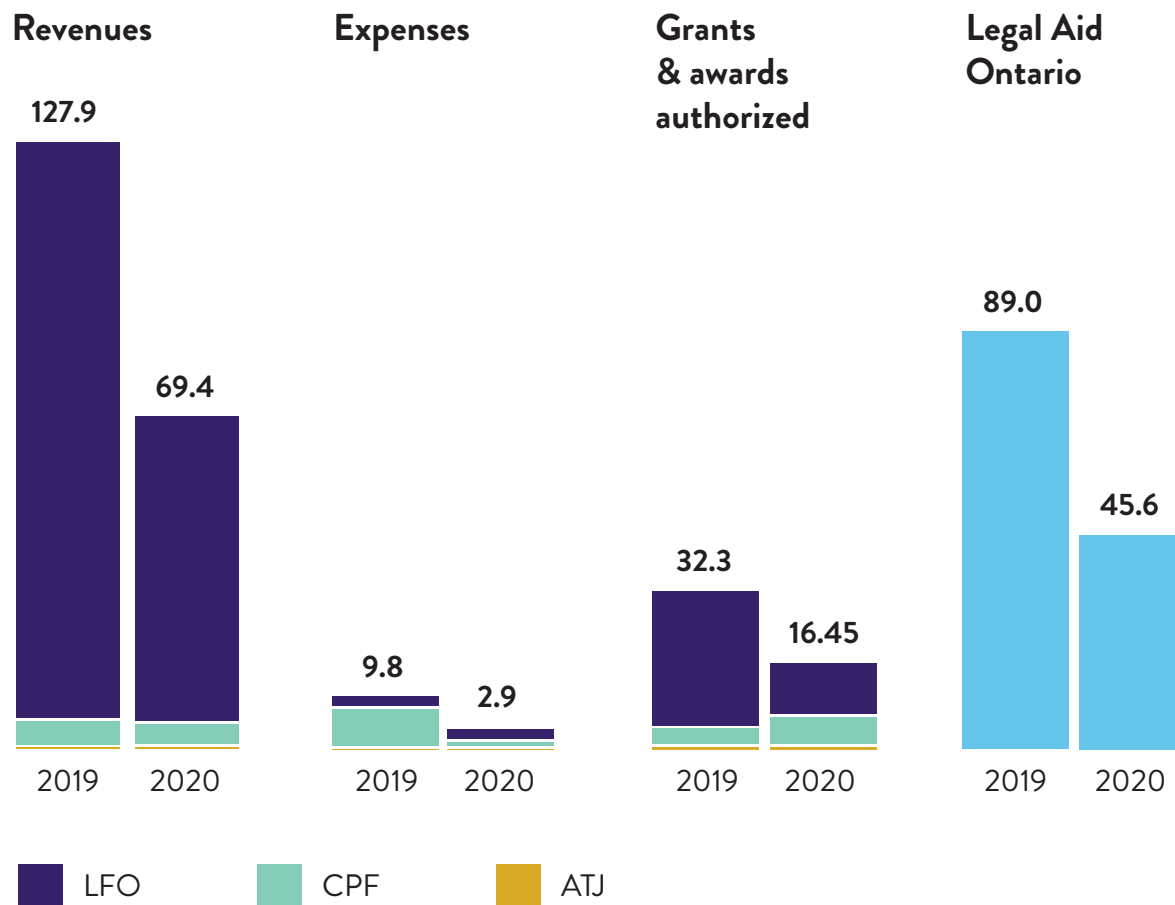
Scott C. Hutchison

Senior Partner, Henein, Hutchison LLP



2020 financial highlights

Consolidated results (\$M)



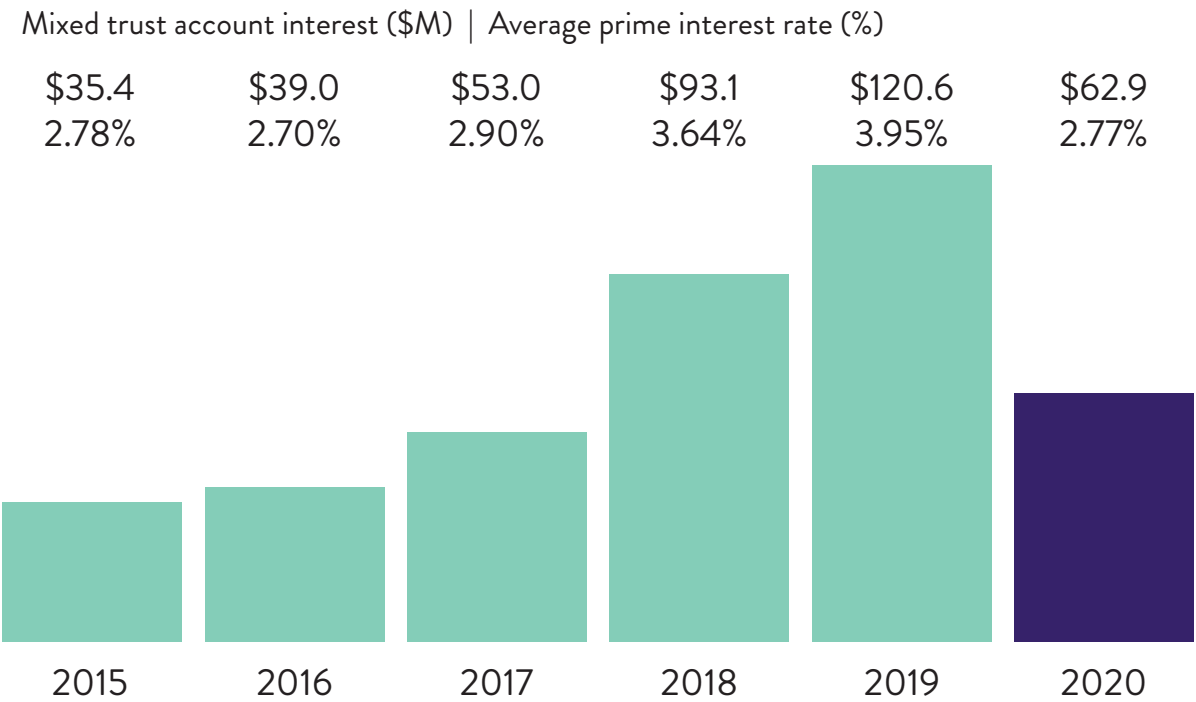
Revenues

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.

Mixed trust account balances stabilized and grew after a small reduction during the onset of the pandemic restrictions. Revenues decreased dramatically after interest rates were cut and the Prime Rate fell to 2.45% from 3.95%. Interest arrears continues to be identified through the lawyers' and paralegals' annual filing.

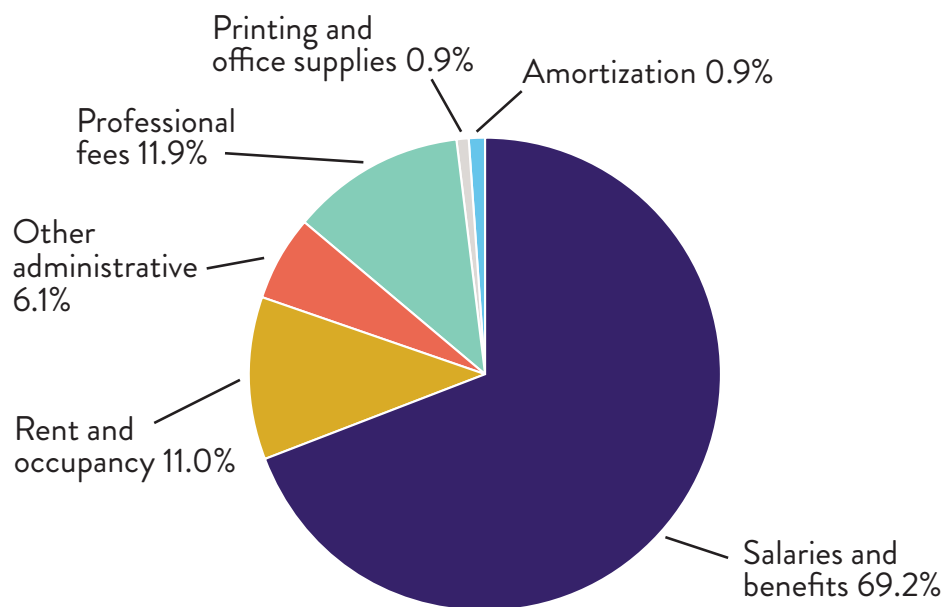
The Foundation periodically negotiates rates of return with all financial institutions that are authorized to hold mixed trust accounts for lawyers and paralegals. Some of these agreements are more favourable than others and the Foundation continue to seek improvements in all of them.

Interest revenues and rates



Expenditures

The Foundation continued to operate during the pandemic and expenses were managed closely with staff working from home for most of the year. Operating expenses (excluding Class Proceedings Fund operating costs) were \$2.2M or 5.5% higher in 2020. This follows a decrease of 5.2% in 2019.







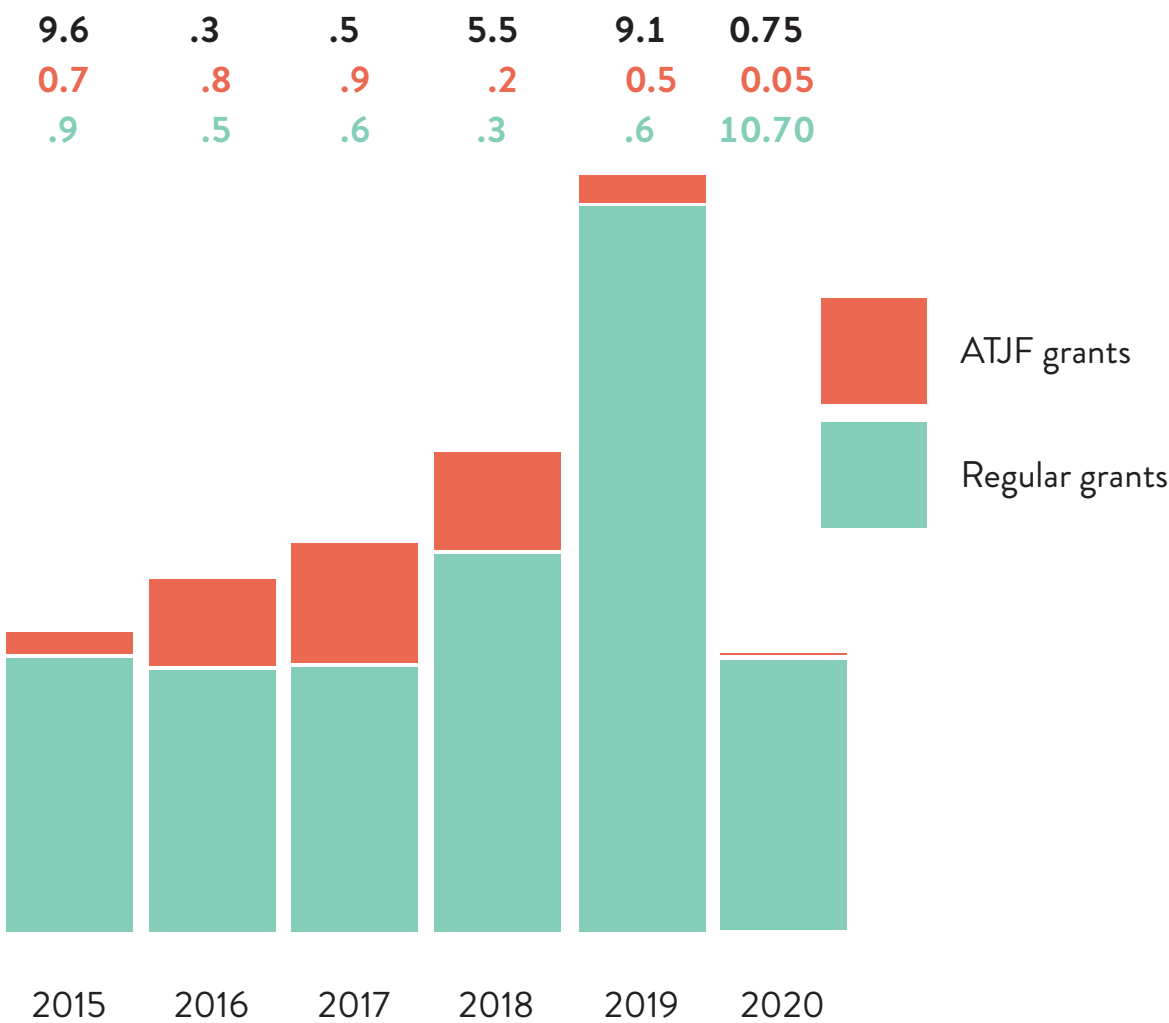
Funding to Legal Aid Ontario

As per the *Law Society Act*, 75% of mixed trust account revenue net of operating expenses is paid to Legal Aid Ontario. Due to interest rate cuts and the concomitant decrease in interest revenue, the Foundation’s contribution decreased to \$45.6M in 2020 compared to \$89.0M in 2019.

Grants authorized

With its remaining funds, the Foundation awards grants that support improved access to justice. Total grants authorized in 2020 were lower due to significantly decreased revenues as a result of the economic conditions arising from the pandemic. Grants authorized in 2019 included a one-time special grant to Legal Aid Ontario of \$15M.

Grants authorized (\$M)



The 2020 audited financial statements are available online at:
lawfoundation.on.ca/about-us/revenue-and-reporting/annual-reports/



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of Ontario**
Advancing access to justice

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