

# Law Reform and Legal Research



In 2017, the Law Foundation provided \$765,700 in funding for law reform work in BC.

Twenty research projects were funded on issues such as housing, mental health, police accountability, family law, and financing litigation.

## 2017 Annual Report



# Report from the Chair

*It is an honour to report to you as the chair of the board of governors of the Law Foundation of BC.*

*In 2017, the Law Foundation finances improved after a number of years of decline due to low interest rates. The foundation is now in a position to consider its priorities for new funding in the future, and had preliminary discussions on those priorities at its December 2017 planning session.*



**Eileen Vanderburgh, Chair**

## Finances

The foundation is grateful to those financial institutions that provide competitive rates of return on lawyers' pooled trust accounts. We acknowledge the favourable interest rate agreements provided by HSBC Bank Canada, Canadian Imperial Bank of Commerce, Bank of Montreal, Vancouver City Savings Credit Union, Coast Capital Savings Credit Union and First West Credit Union. We thank members of the profession who choose financial institutions accordingly, as this ensures that the foundation receives the highest possible rates of return.

We are pleased to announce that in 2017 the Bank of Nova Scotia improved the rate that it pays on lawyers' pooled trust accounts, which will have an ongoing positive effect on Law Foundation income.

*An additional \$5 million will be available for new spending, some of which will be for one-time projects, some for continuing programs, and some for new initiatives.*

Two increases in interest rates, together with high trust balances, have led to the Law Foundation having a surplus at the end of 2017. At its planning session in December 2017, the board discussed how to use excess funds — how much to return to the Grant Stabilization Fund and how much to earmark for program and project funding and new initiatives. The decision was made to return \$2 million to the fund in 2017.

An additional \$5 million will be available for new spending, some of which will be for one-time projects, some for continuing programs, and some for new initiatives.

An issue of concern last year was the potential negative effect on trust balances of the new provincial property purchase tax on foreign buyers and the new federal mortgage rules. The impact of these factors is still largely unknown.

## Grants

In 2017, the foundation assessed 213 applications for funding, and approved \$17.9 million in funding for 74 continuing programs, as well as 14 on-track programs, 16 project grants and 71 other grants. Recognizing the need for ongoing work in the community in our five statutorily mandated areas, the foundation allocated over \$16.6 million of this amount to continuing and on-track programs. This report includes details of these grants.



**Coady MacEachern**, supervising lawyer, Dze L K'ant Friendship Centre Society; **Bill McIntosh**, program director, Law Foundation; **Beverly Slater**, supervising lawyer, Terrace and District Community Services Society

## Highlights of 2017

Highlights of the Law Foundation's work in 2017 included:

- The Supervising Lawyers' Conference was held in October and brought together most of the lawyers who supervise legal advocates from around the province who are funded by the Law Foundation.
- The Child and Youth Legal Centre opened and is now helping children with their legal issues and working to ensure that children's voices are heard in family and child protection matters.

- The foundation continued to support two Family Law Advocacy projects in Quesnel and Kelowna. A recently completed evaluation received very positive feedback on these projects and results show promise for family law advocacy as a way of assisting people with their family law problems.
- The board supported funding for more public interest articling positions.
- Funding for legal advocacy groups was increased by \$5,000 per advocate.
- The board adopted vision statements for all of the Law Foundation mandate areas.

*The Child and Youth Legal Centre opened and is now helping children with their legal issues and working to ensure that children's voices are heard in family and child protection matters.*

## Priorities in 2018

In 2018, some of the foundation's priorities include:

- Closely monitoring the economic environment — including interest rates, the NAFTA negotiations, and trust balances — to see how increased income might be sustainable.
- Considering thoughtfully and strategically the use of increased revenue for the support of continuing programs, for projects, and for new initiatives.
- Periodic funding strategy reviews of Law Foundation mandate areas.
- Continuing to implement the foundation's response to the Truth and Reconciliation Commission's report and Calls to Action, which began with cultural competency training at the 2016 board of governors' meeting, and training for legal advocates and many supervising lawyers at this year's Provincial Training Conference.
- Playing a leading role in access to justice in BC.
- Pursuing other sources of revenue, including class actions.
- Continuing to implement the foundation's strategy for supporting public legal education in BC.
- Supporting the Child and Youth Legal Centre.

These priorities will, we hope, impact the Law Foundation's work to improve access to justice for the people of BC.

## Governors

In 2017, we said farewell to several valuable members of the foundation's board: Anita Dalakoti, Don Kawano, QC, and Justice Len Marchand.

Anita Dalakoti was appointed to the board by the Attorney General in 2012, and during that time she served on the Finance, New Grants, Policy and Planning, and Special Needs Fund Committees (as chair of the latter for two years). Anita contributed her considerable financial knowledge to the board during challenging times.

Don Kawano, QC, was appointed to the board by the BC Branch of the Canadian Bar Association in 2016. He served on the New Grants, PLEI, and Special Needs Fund Committees. As a senior family lawyer and active member of his community, Don brought an always useful perspective to the board.

Justice Len Marchand joined the board in 2017, serving briefly until he was appointed to the BC Supreme Court in Kelowna in June. Justice Marchand is a member of the Okanagan Indian Band. From 2013 to 2017, he sat in the Kamloops Provincial Court and presided at the First Nations Court. During his brief time on the board, Justice Marchand provided valuable input to our work.



*Justice Len Marchand, governor, Law Foundation; Louise Richards, executive director, Jennifer Murphy, president, and Erik Nelson, poverty law advocate, Kamloops and District Elizabeth Fry Society*

Early in 2017, W. Laurence Scott, QC, joined the Law Foundation board as an appointee of the BC Branch of the Canadian Bar Association. He graduated from the University of Windsor law school, and was called to the Ontario Bar in 1990 and the BC Bar in 1993. He is a partner at Quay Law Centre in New Westminster. Laurence is trained as a family law arbitrator, a family law mediator, and as a parenting coordinator. He has been active in the New Westminster Bar Association, serving two terms as president. He was also a member of the Court Services Committee and chair of the Legal Aid Committee of the BC Branch of the Canadian Bar Association. Mr. Scott was named Queen's Counsel in 2016.

Entering 2018, we welcome two new governors and look forward to impending appointments by the Attorney General of two other members.

Kathleen Kendall is one of the Law Society's appointments to the Law Foundation board for Yale County. Ms. Kendall graduated in law from the University of British Columbia in 1983. From 1985 through 2010, she worked with the Legal Services Society as both a staff and a managing lawyer working on administrative and family law cases and providing public legal education in her community. Since 2010, Ms. Kendall has run a private practice but also works as lead family duty counsel for Kamloops.

Zulie Sachedina, appointed to the board by the BC Branch of the Canadian Bar Association, has more than 15 years of experience in health and resource management, human rights, international development and administrative law. She has an LLB and a Master of Health Science from the University of Toronto, and was called to the bar in 1992. In addition to her work as vice-president and general counsel at Providence Health Care, Ms. Sachedina is a trustee of the Healthcare Benefit Trust.

We are pleased to welcome all of our new board members!

2017 saw staff changes at the Law Foundation. Program Director Heather Wojcik left the foundation to become a legal analyst at Ending Violence BC, and as her replacement we welcomed Tim Bailey, who previously practised at Elgin Cannon and Associates as an immigration lawyer. We also welcomed a new program assistant, Diane MacFarlane, who has a wealth of experience, most recently at the Capilano Golf Club.



Law Foundation staff, December 2017 (left to right): Sandra Morgenstern, *program assistant*; Veenu Saini, *program director*; Wayne Robertson, QC, *executive director*; Bill McIntosh, *program director*; Amy Tam, *program assistant*; Tim Bailey, *program director*; karima budhwani, *program director*; Lois Shelton, *legal advocate training manager*; Diane MacFarlane, *program assistant*; JoAnne Kaulius, *finance director*

## The Future

In closing, I would like to thank the Law Society and its members for its on-going support of the Law Foundation. My sincere appreciation also goes to the governors and staff of the Law Foundation for their hard work. In particular, I would like to acknowledge the volunteers and staff of Law Foundation-funded programs for their invaluable contribution to ensuring that British Columbians have access to the best possible legal information and services.

Thank you.

**Eileen Vanderburgh**

Chair 2017

# About the Law Foundation

## What Does the Law Foundation Do?

British Columbia led the way in 1969 when it established the first law foundation in North America. Since then, every other jurisdiction in North America has followed BC's lead by establishing a law foundation.

The Law Foundation of BC is a non-profit foundation created by legislation to receive and distribute the interest on clients' funds held in lawyers' pooled trust accounts maintained in financial institutions. Pooled trust accounts are used to hold client funds for short periods, until it becomes feasible to distribute those monies to the client or others. Typically, some funds held in this way are purchase monies in real estate transactions, while others are things such as retainers, settlement proceeds, and estate funds.

Because of the difficulty and cost of ascertaining how much interest in pooled trust accounts was attributable to each client's funds, and because the amount of interest related to each client was usually small, for many years financial institutions paid no interest on these accounts, although the total funds in the pooled account might be substantial. As a result, the financial institutions profited from the use of the funds in the pooled trust accounts without charge.

British Columbia lawyers pioneered a change to this practice in 1969 when they persuaded the provincial government to enact legislation requiring financial institutions to pay interest on these pooled trust accounts to the Law Foundation, which would then use the interest to benefit the public of British Columbia.

The legislation directed the Law Foundation to distribute these funds in five areas:

- legal education
- legal research
- legal aid
- law reform
- law libraries

The foundation recognizes that, while its objects are legal in nature, the income is to be allocated to programs that will benefit the general public of British Columbia.

From its inception through 2017, the Law Foundation has approved grants totalling just over \$565 million to support important law-related programs in British Columbia.

## How Does the Law Foundation Work?

The Law Foundation is administered by a board of governors (the board), which is responsible for making all decisions concerning grants. It has 18 volunteer members:

- the Attorney General (or his/her appointee);
- 3 persons, not lawyers, appointed by the Attorney General;
- 12 members of the Law Society or the judiciary appointed by the benchers to represent geographical areas of the province; and
- 2 members of the Law Society appointed by the BC Branch of the Canadian Bar Association (CBABC).

The Law Foundation is independent of the government, the Law Society and the CBABC, although its governors are appointed by these bodies. The board has 7 standing committees:

- Class Actions
- Fellowships and Research
- Finance and Administration
- New Grants
- Policy and Planning
- Public Legal Education and Information
- Special Needs Fund

The board and the committees meet regularly during the year. A staff of 10 assists the board.

## Law Foundation Strategic Plan

The mandate, mission statement, vision and values have been adopted by the board of governors as policy guidelines. In 2015, the board set strategic priorities for the next five years. These are the principles upon which funding decisions are based.

### Mandate

Our legislative mandate is to fund legal education, legal research, legal aid, law reform and law libraries for the benefit of British Columbians.

### Mission Statement

To advance and promote a just society governed by the rule of law, through leadership, innovation and collaboration.

### Vision

A society where access to justice is protected and advanced.

### Values

- Integrity
- Diversity
- Respect
- Sustainability

## Strategic Priorities 2016 – 2020

- Increase Law Foundation income and allocate resources prudently.
- Support effective and efficient programs that address both current and emerging needs.
- Encourage, identify and support innovation in our grant-making, our grantees and our justice system.
- Continue the ongoing evaluation of Law Foundation programs and projects.

## What Are the Law Foundation's Program Objectives?

The Law Foundation seeks to ensure access to justice through its program objectives, which are:

### 1. Legal Education

To promote legal education programs and services in British Columbia to make the law more accessible through:

- a. increasing public awareness of the law and the justice system;
- b. providing education to groups with particular legal needs; and
- c. assisting in the academic and professional development of those providing legal services to ensure those services are of the highest quality.

### 2. Legal Research

To advance the knowledge of:

- a. law,
- b. social policy, and
- c. the administration of justice

through the identification of areas and issues needing study and analysis and the encouragement and support of projects to address those needs.

### 3. Legal Aid

To assist in the provision of legal services, including:

- a. advice to and representation of economically disadvantaged persons; and
- b. support of community service and non-profit organizations that address issues that benefit groups of disadvantaged persons or the public.

To facilitate public access to the justice system.

Legal aid includes the Legal Services Society, community-based advocacy, public interest law and other legal aid.

## 4. Law Reform

To encourage and support projects promoting changes to the law and the administration of justice in accord with current knowledge, values and technology.

## 5. Law Libraries

To assist law libraries and resource centres to keep their materials current.

To encourage and support projects designed to improve the utility and accessibility to both the legal profession and the public of legal and law-related materials.

## How Are Grants Made?

The Law Foundation's funds are used for the purposes of legal education, legal research, legal aid, law reform and law libraries. A grant application must fall within one or more of these categories to be considered for funding support, and it must establish that it will result in a clear benefit to the people of British Columbia. Grants are normally restricted to non-profit organizations.

The foundation sets its grants budget and funding guidelines on an annual basis. Those seeking grant support are urged to discuss their proposals with foundation staff before committing time and resources to put together funding requests. If a project appears to fit within the mission statement, program objectives and funding guidelines for that year, a formal proposal with more detailed information will be requested.

Application deadline dates can be obtained by contacting the Law Foundation.

The Law Foundation  
of British Columbia  
1340 – 605 Robson Street  
Vancouver, BC V6B 5J3

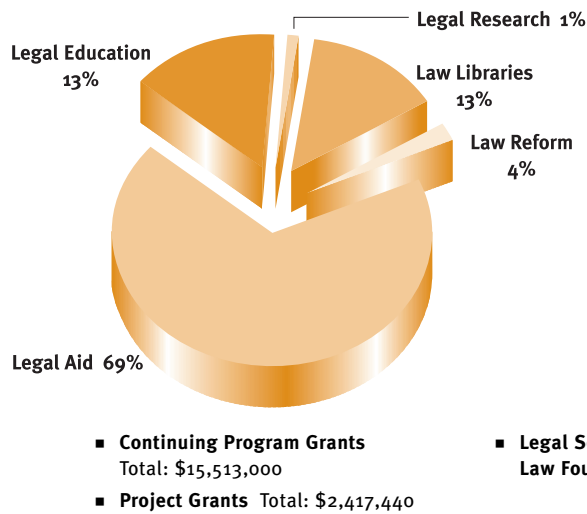
Tel: 604-688-2337  
Fax: 604-688-4586  
info@lawfoundationbc.org  
www.lawfoundationbc.org

# Programs and Projects Funded in 2016

The Law Foundation provides support for the law-related programs and projects described in this Annual Report.

Grants are divided into Continuing Programs and Projects. For reporting purposes, they are listed in the Annual Report under one of the Law Foundation's five statutorily mandated objectives (see pie chart). However, many of the organization's activities fall under more than one of the mandated areas.

Within each subsection, grants are listed from highest to lowest dollar amounts, rather than alphabetically by name.



## Grants Approved in 2017

<b>Legal Education</b>	<b>\$ 2,407,500</b>
<b>Legal Research</b>	<b>161,000</b>
<b>Legal Aid</b>	<b>12,281,240</b>
<b>Law Reform</b>	<b>765,700</b>
<b>Law Libraries</b>	<b>2,315,000</b>
<b>Total</b>	<b>\$17,930,440</b>

■ **Legal Services Society/  
 Law Foundation Research Fund Grants** \$304,000

## Continuing Programs

### LEGAL EDUCATION

#### Professional Legal Education

##### Law Society of BC

The Professional Legal Training Course at Thompson Rivers University in Kamloops, and bursaries for students who must relocate to attend **\$215,000**

##### Law Foundation

An education and training fund for the professional development of Law Foundation-funded advocates, including an annual advocates' conference, a new advocates' training program, an executive directors' roundtable, a supervising lawyers' conference and other events **\$180,000**

##### University of Victoria, Faculty of Law

Public interest work placements **\$65,000**

##### Community Legal Assistance Society

David Mossop, QC, Public Interest Articling Fellowship **\$60,000**

##### Law Foundation Graduate Fellowships

Graduate fellowships for graduate legal studies by BC lawyers and graduates of BC law schools **\$60,000**

*Moir Aikenhead:* Continuation of work on how law reform could address the issue of internet-facilitated gender-based violence against women

*Jennifer Doreen Bergman:* Researching the unmet mental health service needs of children and how laws in Canada could stimulate increased use of services

*Allan Hanna:* Developing a model for the application and implementation of traditional Indigenous laws and principles in contemporary society

*Kyle Andrew McCleery:* Examining the impact of indefinite detention on accused persons in BC found not criminally responsible by reason of mental disorder

##### Peter A. Allard School of Law

Public interest work placements **\$45,000**

##### Provincial Court of British Columbia

A program that allows law students in Provincial Court judicial internships to attend circuit courts around BC **\$20,000**

##### University of Saskatchewan, Native Law Centre

A program for Indigenous students planning to enter law school, and the centre's research and publishing on Indigenous legal issues **\$20,000**

## Public Legal Education

### Justice Education Society of BC

Programs to provide legal education and information about the justice system to the public **\$345,000**



*Sonia Poulin, executive director, Justice Education Society*

### People's Law School Society

Province-wide public legal education and information programs **\$330,000**

### BC Branch of the Canadian Bar Association (CBABC)

The Lawyer Referral Service to provide low-cost legal information; Law Week 2017; and Dial-A-Law, a province-wide legal information telephone service **\$232,000**

### **PovNet Society**

An online poverty resource and networking tool for anti-poverty advocates, community workers and the general public, which includes PovNetU online courses **\$90,000**

### **Mediate BC Society**

A public legal education program focussed on building awareness of mediation and other dispute resolution services **\$60,000**

### **Debate and Speech Association of BC**

Participation of high school students in the province-wide Law Foundation Cup Debates on legal topics **\$20,000**

## **LEGAL RESEARCH**

### **Law Foundation Legal Research Fund**

A fund to advance the knowledge of law, social policy and the administration of justice by supporting legal research by BC law professors, members of the legal profession, and other faculty and non-profit organizations with expertise in carrying out legal research, distributed as follows in 2017:

*University of British Columbia:*

Over-criminalization of HIV nondisclosure **\$19,000**

*University of British Columbia:*

Access to justice for unmarried couples 5 years after the *Family Law Act* **\$16,000**

*Dementia Justice Society of Canada:*

Vulnerability of criminal defendants with dementia **\$15,000**

*University of Victoria:* The need to reform Canadian law on fitness to stand trial **\$14,000**

*University of British Columbia:* 5 years later: An analysis of family law reform in BC **\$11,000**

*University of Victoria:* Police accountability: Access to justice for affected families **\$11,000**

*University of Victoria:* Preservation of, and access to, "lost" case law on Vancouver Island **\$9,000**

*University of the Fraser Valley:* Pursuing an apology: Assessing the impact of apology legislation in Canada **\$5,000**

### **The Foundation for Legal Research**

Research on various legal issues, with an emphasis on research with practical applications **\$20,000**

## **LEGAL AID**

### **Legal Services Society**

Support for Indigenous services, Family LawLINE, community engagement and public legal education for low-income people **\$2,955,000**

## **Community-Based Advocacy**

**\*Please note:** some advocacy groups received a one-time retroactive payment in their 2017 grant to match earlier increases given to other such groups.

### **Poverty Law Advocacy Services**

The following advocacy programs provide legal assistance and information to low-income people in the cities and regions listed.

### **First United Church Community Ministry Society**

Vancouver's Downtown Eastside **\$205,000\***

**Abbotsford Community Services Society**  
Abbotsford, Mission, Chilliwack and Hope areas **\$170,000**

**Together Against Poverty Society**  
Greater Victoria area **\$160,000**

**Community Connections Society of Southeast BC**  
Travelling advocate in the East Kootenay region **\$90,000**

**Nelson Cares Society**  
West Kootenay region **\$90,000**

**Haida Gwaii Legal Project Society**  
Haida Gwaii region **\$88,000\***

**Active Support Against Poverty Society**  
Prince George area **\$85,000**

**Contact Women's Group Society**  
Williams Lake area **\$85,000**

**Fort St. John Women's Resource Society**  
Fort St. John area **\$85,000**

**Kamloops and District Elizabeth Fry Society**  
Kamloops area **\$85,000**

**Ki-Low-Na Friendship Society**  
Central Okanagan region **\$85,000**

**Nanaimo Citizen Advocacy Association**  
Nanaimo area **\$85,000\***

**Nicola Valley Community Justice Services Society**  
Nicola Valley region **\$85,000**

**Penticton and Area Access Centre**  
Penticton area **\$85,000**

**Port Alberni Friendship Center**  
Port Alberni area **\$85,000**

**Powell River Community Services Association**  
Powell River area **\$85,000\***

**Dze L K'ant Friendship Centre Society**  
Smithers area **\$80,000**

**Maple Ridge/Pitt Meadows Community Services**  
Maple Ridge, Pitt Meadows areas **\$80,000**

**North Shore Community Resources Society**  
North Vancouver area **\$80,000**



*Doug King, executive director, Together Against Poverty Society*

**Quesnel Tillicum Society**  
Quesnel area **\$80,000**

**SHARE Family and Community Services**  
Coquitlam, Port Coquitlam, Port Moody, Anmore, Belcarra and adjacent areas **\$80,000**



*Brittany Johnson, vice chair, Sonja Bakker, executive assistant, and Cyndi Stevens, executive director, Port Alberni Friendship Center; Bill Younie, QC, governor, Law Foundation; Janice Amos, outreach legal advocate and John Bennie, supervising lawyer, Port Alberni Friendship Society*

**Sources Community Resources Society**  
Surrey/Delta/White Rock area   **\$80,000**

**Terrace and District Community Services Society**  
Terrace area   **\$80,000**

**South Peace Community Resource Society**  
Dawson Creek area   **\$75,000**

**Wachiay Friendship Centre**  
Courtenay area   **\$70,000**

**Upper Skeena Counselling & Legal Assistance Society**  
Hazelton area   **\$65,000**

**Prince Rupert Unemployed Centre Society**  
Prince Rupert area   **\$55,000\***

**Social Health and Economic Development Society**  
Bella Coola area   **\$48,000**

### ***Specialized Advocacy Services***

The following advocacy programs provide services in specific areas of law or to particular populations.

**Disability Alliance BC Society**  
A specialized advocacy, legal education and referral program for people with disabilities   **\$280,000**

**TRAC Tenant Resource & Advisory Centre Society**  
A legal information and advocacy service for tenants and landlords on residential tenancy issues, with an information line available throughout BC   **\$240,000**

**Kettle Friendship Society**  
A mental health advocacy program providing legal information and assistance on residential tenancy and child protection matters in the Lower Mainland   **\$170,000**

**MPA — Motivation, Power and Achievement Society**  
Courtworkers to assist people with mental illnesses in the criminal justice system   **\$130,000**

**West Coast Domestic Workers' Association**  
A specialized advocacy service and legal education program for live-in caregivers and other low-wage temporary foreign workers. In early 2018, the association changed its name to Migrant Workers Centre   **\$130,000**

**Abbotsford Community Services Society/Progressive Intercultural Community Services Society**  
Advocacy services and legal education for seasonal farm workers in the Fraser Valley and Lower Mainland   **\$120,000**

**CHIMO Community Services Society**  
A volunteer-based and legally supervised poverty law advocacy program   **\$85,000**

**MOSAIC**  
A legal information and assistance advocacy program for low-income immigrants and refugees in the Lower Mainland   **\$85,000**

**Atira Women's Resource Society**  
Advocacy services for women in Vancouver's Downtown Eastside on poverty, family and criminal law problems   **\$80,000**

**Battered Women's Support Services**  
Family law advocacy for women in the Lower Mainland who have experienced abuse   **\$80,000**

**Seniors First BC Society (Formerly BC Centre for Elder Advocacy and Support)**  
A legal information and advocacy program for older adults in BC   **\$80,000**

**Sources Community Resources Society**  
Family law advocacy services for women in Surrey and surrounding areas   **\$80,000**

**Watari Research Association**  
A system negotiator at Vancouver's Downtown Community Court to support repeat offenders with mental disorders   **\$80,000**



*Natalie Drolet, staff lawyer/executive director and Resochita Arma, chair of the West Coast Domestic Workers' Association; Aleem Bharmal (centre), executive director, Community Legal Assistance Society*

### **Family Services of Greater Victoria Society**

An advocacy program providing legal information and assistance on family law issues to south Vancouver Island **\$65,000\***

## **Public Interest Law**

### **Community Legal Assistance Society**

Five lawyers who provide a combination of direct and systemic advocacy services, as well as a lawyer working on the Community Advocate Support Line, a telephone service providing legal advice and support to advocates **\$870,000**

### **BC Public Interest Advocacy Centre**

Representation of the public interest in regulatory matters and systemic advocacy for disadvantaged people **\$450,000**

### **West Coast Environmental Law Association**

Law reform, legal research, legal education and legal aid supporting the public interest in environmental legal matters **\$425,000**

### **BC Civil Liberties Association**

Test case litigation, legal education and law reform to protect the civil liberties and human rights of British Columbians **\$175,000**

### **Ecojustice Canada Society**

Test case litigation on public interest environmental law issues **\$175,000**

### **West Coast LEAF Association**

Law reform, test case litigation and legal education to advance equality for women **\$175,000**

## **Other Legal Aid**

### **Access Pro Bono Society of BC**

Advice and some representation services provided to low-income people by volunteer lawyers **\$415,000**

### **University of Victoria, Faculty of Law, Law Centre Clinical Program**

A clinical program for law students providing legal services to low-income people in the Greater Victoria area **\$340,000**

### **Greater Vancouver Law Students' Legal Advice Society**

A law students' legal advice program at the Peter A. Allard School of Law that operates free clinics in the Greater Vancouver area **\$295,000**

### **Peter A. Allard School of Law, Indigenous Community Legal Clinic**

A clinical program for law students providing legal services to the Indigenous community **\$190,000**

### **Multiple Sclerosis Society, BC & Yukon Division**

The Volunteer Legal Advocacy Program to provide legal information, advocacy and representation to people with multiple sclerosis **\$65,000**

### **Pro Bono Students Canada, Peter A. Allard School of Law**

Placement of volunteer law students with public interest organizations in need of legal assistance **\$35,000**

### **Pro Bono Students Canada, University of Victoria, Faculty of Law**

Placement of volunteer law students with public interest organizations in need of legal assistance **\$30,000**

## **LAW REFORM**

### **BC Law Institute**

Law reform research leading to improvements in the law and the administration of justice **\$360,000**

### **BC Freedom of Information and Privacy Association**

A law reform and public legal education program about freedom of information and privacy legislation **\$150,000**

## **LAW LIBRARIES**

### **BC Courthouse Library Society (Courthouse Libraries BC)**

Legal information, training, and reference services for lawyers and the public throughout BC **\$2,245,000**



*Kensi Gounden, chief executive officer, BC Courthouse Library Society (Courthouse Libraries BC)*

### **Law Society of BC**

Contribution to the operating costs of the CanLII Virtual Law Library **\$70,000**



*Maggie Valenzuela, legal administrative assistant, Devon Page, executive director, Shauna Blair, philanthropy officer, Kegan Pepper-Smith, articling student, Lori Williams, vice-chair, and Margot Venton, staff lawyer, Ecojustice Canada Society; Sean Rowell, governor, Law Foundation*

# In the Spotlight

## Pivot Law Reform Work

At its March 2017 meeting, the Law Foundation's Board of Governors approved a grant to Pivot Legal Society (Pivot) for its Homelessness and Police Accountability Programs. Pivot has worked since 2001 as a human rights organization located in Vancouver's Downtown Eastside. It has a board of four lawyers, four members-at-large and four Downtown Eastside community members.

Pivot's Homelessness Program recognizes that for homeless people who are currently being displaced and exposed to the elements, the liberty to sleep in a park, set up a survival structure and congregate in informal settlement communities could constitute a vast improvement in their quality of life. The program's goals are to reorient public narratives to recognize and prioritize the rights of people experiencing homelessness; increase public awareness of the ways in which bylaw enforcement efforts may be both harmful and unconstitutional; work with municipalities so that they understand their duty to provide safe locations for homeless campers; place these experiences of homelessness into the larger legal and policy discussions regarding the right to adequate housing; and to develop strategies to protect the rights of people experiencing homelessness by defending homeless communities against injunction applications and bringing civil actions on their behalf.



Front row: *Katie Koncan, development manager, Caitlin Shane, community engagement lawyer, Silas the dog, DJ Larkin, legal director and Jin Chien, staff lawyer, Pivot Legal Society*

Middle row: *Katrina Pacey, executive director, Pivot Legal Society; Camia Weaver, policing policy consultant (via Skype); Darcie Bennett, director of strategy, Pivot Legal Society; and Geoff White, governor, Law Foundation*

Back row: *Peter Kim, communications and digital engagement manager, Anna Cooper, staff lawyer, Pivot Legal Society*

The Pivot Police Accountability Program works with marginalized communities to establish a system of accountable policing aimed at ending the criminalization of poverty, providing accountability when excessive force is used, and ensuring equal access to policing services. The program's goals are to reform laws, policies, and practices relating to police service dog use, police-involved deaths where mental health is a factor, and racial discrimination in policing. They are consulting with community, advocacy and institutional stakeholders and making submissions to government, including the Director of Police Services about their research.

## Child and Youth Legal Centre

The Child and Youth Legal Centre is an initiative to provide direct legal services to children and youth in BC to allow their voices to be heard. Young people will be able to access legal services relating to family matters, child protection, and other children and youth legal matters. There will be an emphasis on addressing the needs of immigrant and refugee, street involved, LGBTQ and Indigenous children and youth.

The centre, established through the Society for Children and Youth for British Columbia, is currently funded by the Law Foundation until 2020 (thanks in part to a class action award) and the Law Foundation of Ontario's Access to Justice Fund, with additional support from the Notary Foundation of BC, the Law Society of BC and the Office of the Representative for Children and Youth.

Staff lawyers for the centre are Donna Maser and Suzette Narbonne (see photo, page 14). Ms. Maser has practised family law for 20 years. She has been on the Attorney General's roster providing legal advice to children in care, has prepared "Hear the Child" reports, and has represented children in guardian disputes. From 1992 through 1998 she was on staff with the Sto:lo Tribal Council/Sto:lo Nation in Chilliwack. Suzette Narbonne has a long history

of working to improve access to justice. She started her career with Legal Aid Manitoba conducting clinics in First Nations communities. Moving to BC in 1995, Ms. Narbonne focussed on family law, child protection, criminal litigation and human rights work. She has been a member of the Law Foundation and Legal Services Society boards and was a Bencher of the Law Society of BC.

The Law Foundation is proud to be part of the coalition of groups that have made this centre possible. As noted by Eileen Vanderburgh, chair of the Law Foundation, "So often the most vulnerable in our society do not get the representation they need in the legal system. The Law Foundation has always advocated for a just society, and providing legal services for some of our most vulnerable citizens is integral to our mission. By supporting this program, we hope to begin to meet the need for legal services in BC for children and youth, evaluate its work, and aim to provide long-term legal support for children and youth in BC."

For more information, please contact the centre at 778-657-5544 or 1-877-4562-0037, or email [cylc@scyofbc.org](mailto:cylc@scyofbc.org).

# Celebrating Law Reform and

## Law Reform

**Two of the continuing programs funded by the Law Foundation that do law reform are the BC Law Institute, and the BC Freedom of Information and Privacy Association.**

*The **BC Law Institute (BCLI)**, which celebrated its 20th anniversary in 2017, is an independent law reform agency that carries out scholarly legal research, writing, and analysis for the purpose of improving and modernizing the law. Their work involves a continuum of activities—identifying and prioritizing issues for law reform work, developing and getting approval for project plans, doing the research and writing on law reform issues, and mobilizing around law reform issues.*

*A division of the BCLI is the **Canadian Centre for Elder Law (CCEL)**, a specialized research and policy arm of the BCLI that focuses on legal issues pertaining to older adults. Established in 2003, the CCEL is national in scope and conducts scholarly research, outreach, and public legal education in the area of elder law.*

*One project that gained attention in 2017 is research recently completed by the BCLI titled “Financing Litigation.” This paper looks at six financing models—unbundled legal services, third-party litigation funding, alternative fee arrangements, crowdfunding, legal expense insurance, and publicly funded litigation funds.*

**Other law reform projects** funded in 2017 to do law reform work looked at Indigenous legal issues, homelessness, police accountability, and children’s rights.



W. Laurence Scott, QC, governor, Law Foundation; Mike Larsen, president, and Vincent Gogolek, executive director, FIPA

**The BC Freedom of Information and Privacy Association (FIPA)** has worked since 1991 to promote and defend freedom of information and privacy rights in Canada. The association is an important legal resource and watchdog on privacy issues. FIPA’s goal is to empower citizens in BC and the rest of the country by expanding their access to government-held information, and to empower them to have control over their own personal information. To achieve that goal, FIPA has direct advice services for the public that are provided by phone or email, and a website that provides current information on privacy issues. The group does ongoing public legal education, public interest advocacy and legal research, litigation, and law reform.

*In 2017, FIPA ran its seventh BC Information Summit to consider major changes on the horizon for freedom of information systems at the federal and provincial levels.*

# Legal Research

## Legal Research

Although legal research is a relatively small proportion of the Law Foundation's overall budget, many researchers have received some funding over the years and a number of significant findings have come out of their work.

*The foundation supports two funds on an ongoing basis:*

- The **Graduate Fellowships Fund** gives fellowships to BC lawyers or graduates of BC law schools who want to do graduate legal studies. In 2017, fellowships research addressed violence against women, mental health issues and service needs, and Indigenous legal issues.
- The **Law Foundation Legal Research Fund** supports legal research by BC law professors, members of the legal profession, and non-profits with expertise in carrying out legal research. Research topics funded have dealt with the impact of family law reform in BC, criminal law issues, police accountability, legal issues affecting Indigenous people, and human rights issues.

*Other funds are distributed through:*

- The **Legal Services Society and Law Foundation Research Fund** for research on, and evaluation of, legal aid and other access to justice programs to enhance the quality of, and access to, justice for British Columbians. A committee of the Law Foundation, the Legal Services Society, and the Notary Foundation authorizes grants by the fund. This year, much of the funding has gone to evaluations that will help assess current work and future needs in different areas.

# 32

legal research projects funded through Continuing Programs, Project Grants, and the Legal Research Fund

# 8

legal research projects funded through the Law Foundation's Legal Research Fund

# 19

legal research projects funded by the Foundation for Legal Research

# 1

legal research project funded through Law Foundation project funding

# 4

graduate fellowships

- The **Foundation for Legal Research (FLR)**, a Law Foundation continuing program, promotes scholarly legal research in Canada with an emphasis on research that has practical application. In 2017, the FLR awarded 19 research grants in all areas of the country.

*Each year, the foundation also funds:*

- **Other research projects** – this year a project was funded to look into how policy-making in BC can align with the UN Declaration on the Rights of Indigenous Peoples.

# Projects

## LEGAL EDUCATION

### Professional Legal Education

**Canadian Bar Association (BC Branch)**  
Rural Education and Access to Lawyers Initiative **\$75,000**

**Law Foundation Public Interest Awards**  
Awards to fund second and third-year students who demonstrate commitment to the public interest, combined with academic achievement  
*Peter A. Allard School of Law* **\$40,000**  
*University of Victoria, Faculty of Law* **\$30,000**  
*Thomson Rivers University, Faculty of Law* **\$20,000**

**Thompson Rivers University, Faculty of Law**  
Public interest work placements **\$33,000**

### Public Legal Education

**PLEI Publishing Standards and Common Metrics Committees**  
Consulting support to advance collaboration and common objectives **\$58,700**

**People's Law School Society**  
Content innovation of People's Law School materials **\$50,000**

**People's Law School Society**  
*Common Credit/Debt Problems: A resource manual for advocates* **\$49,000**

**Parent Support Services of BC**  
Workshops for service providers around BC on kinship care and family law matters **\$40,000**

**Providing Alternatives Counselling and Education (PACE) Society**  
Legal education and assistance for sex workers to address discrimination they experience **\$40,000**

**West Coast LEAF Association**  
"Only Yes Means Yes" project **\$40,000**



Society for Children and Youth of BC Gala: *Wayne Robertson, QC, executive director, Law Foundation; Suzette Narbonne, child and youth lawyer and Donna Maser, managing lawyer, Child and Youth Legal Centre; Stephanie Howell, executive director and Nina Purewal, chair, Society for Children and Youth BC; Judge Patricia Bond, governor and Veenu Saini, program director, Law Foundation*

**TRAC Tenant Resource & Advisory Centre Society**  
*Tenant Survival Guide* rewrite, reprint and distribution **\$20,000**

**Disability Alliance BC Society**  
Helpsheets, guide and webinar on CPP Disability and other benefits **\$11,000**

**Justice Education Society**  
Collaborative work on public legal education **\$10,000**

**People's Law School Society**  
Collaborative work on public legal education **\$10,000**

**Peter A. Allard School of Law**  
Mining justice conference on corporate accountability and law reform **\$7,000**

**Canadian Superior Court Judges Foundation**  
Enhancement of "Try Judging/Essayez de Juger" program **\$7,000**

**Kelowna Community Resources Society**  
Legal education for newcomers and their employers in the Central Okanagan **\$6,000**

**Cerebral Palsy Association of BC**  
Mental health in the workplace: Rights and responsibilities of youth with disabilities **\$5,000**

## LEGAL RESEARCH

**Canadian Centre for Policy Alternatives**  
Aligning BC policy-making with the UN Declaration on the Rights of Indigenous People **\$40,000**

## LEGAL AID

### Community-Based Advocacy

**Seniors First BC Society (Formerly BC Centre for Elder Advocacy and Support)**  
An elder law clinic that provides legal representation and information services **\$200,000**

**Society for Children and Youth of BC**  
A Child and Youth Legal Centre to provide services to children and youth throughout BC from 2017 through 2020 **\$180,000**

**Ki-Low-Na Friendship Society**  
Family law advocacy for low-income people in the Central Okanagan region **\$80,000**

**Opportunities Career Services Society**  
Legal advocacy for low-income people in the Campbell River area **\$80,000**

**Quesnel Tillicum Society**  
Family law advocacy for low-income people in the Quesnel area **\$80,000**

**Fort St. John Women's Resource Society**  
Work to develop a comprehensive community safety plan for vulnerable Indigenous women in Northern BC **\$45,000**

**South Peace Community Resources Society**  
Extension of the Northern Navigator family mediation project **\$30,000**

## Public Interest Law

**Environmental Law Centre Society,  
University of Victoria, Faculty of Law**  
An associates program providing pro bono representation services on public interest environmental issues \$175,000

**West Coast Prison Justice Society**  
Research into the use of force in prisons \$35,000

## Other Legal Aid

**Thompson Rivers University,  
Faculty of Law**  
A clinical program for law students providing legal services to low-income people \$225,000

**Peter A. Allard School of Law,  
Innocence Project**  
A clinical program to assist individuals convicted of a serious offence who assert their factual innocence \$50,000

**Rise Women's Legal Centre**  
Project to provide legal services to women in remote areas of BC \$45,000

**Pro Bono Students Canada, Thompson  
Rivers University, Faculty of Law**  
Placement of volunteer law students with public interest organizations in need of legal assistance \$30,000

**Peter A. Allard School of Law and  
Greater Vancouver Law Students' Legal  
Advice Society**  
Pilot project to consider expanding the Greater Vancouver Law Students' Legal Advice Program into a credit program \$15,000

## LAW REFORM

**Pivot Legal Society**  
Homelessness and police accountability programs \$175,000

**Native Courtworker and Counselling  
Association of BC**  
Finding Solutions initiative to find better justice outcomes for Indigenous families \$40,000

## First Call: BC Child and Youth Advocacy Coalition

BC child labour standards improvement project \$32,000

## LEGAL SERVICES SOCIETY/LAW FOUNDATION RESEARCH FUND

**Law Society of BC**  
Cost of Legal Service Delivery Research Project \$77,000

**Legal Services Society**  
MyLawBC Evaluation Project \$75,000

**Legal Services Society**  
Lawyer Supply Project \$50,000

**Justice Education Society of BC**  
Machine Translation and Legal Help Research Project \$35,000

**Legal Services Society**  
User testing of MyLawBC and Family Law Website Videos Project \$25,000

**Rise Women's Legal Centre**  
Evaluation of the Family Law Program \$17,500

**Tim Roberts and Associates Consulting**  
Triple Aim Measurement Framework Project \$9,000

**Yvon Dandurand**  
Access to justice metrics research \$9,000

**Tim Roberts and Associates Consulting**  
Evaluation of Family Law Pilot Programs Project \$6,500

## TECHNOLOGY GRANTS

This year, 29 groups funded by the Law Foundation, received one-time grants totalling \$170,500 from the Technology Grant Fund to address their technology needs.

## MISCELLANEOUS GRANTS

Support for organizations to address the following emergent needs recognized throughout the year:

**BC Courthouse Library Society  
(Courthouse Libraries BC)**  
Staff training

**Comox Military Family Resource Centre**  
Workshop on navigating the family justice system for military families

**Okanagan Advocacy and Resource  
Society**  
Start-up and transition costs for the North Okanagan Advocacy Program

**BC Freedom of Information and Privacy  
Association**  
Overlap coverage for new executive director

**Kitimat Community Development Centre**  
Transition for housing support program

**Penticton and Area Access Society**  
Office improvement costs

**People's Law Schools Society**  
Consumers 150 Conference

**West Coast LEAF Association**  
Indigenous cultural safety training

**West Coast LEAF Association**  
Phone system replacement

**Powell River Community Services  
Association**  
Training and support for the poverty law advocate

**Atira Women's Resource Society**  
Rights on Reserve Toolkit for Aboriginal Women

**Rise Women's Legal Centre**  
Indigenous cultural safety training project

**Social Health and Economic  
Development Society of Bella Coola**  
Laptop and portable printer for advocacy program

**Thompson Rivers University**  
Workers' legal learning exchange

**Tides Canada Initiatives Society-G2  
Give Green Canada**  
*Green Legacies Guide*

**Total Miscellaneous Grants \$88,240**

# Farewells

*In 2017 the Law Foundation said goodbye to several people who are leaving the field after many years working to improve access to justice in BC.*

*Without the commitment of people such as these, British Columbians would have much less access to justice.*

*Thank you, all.*



Peter Beaudin

**Peter Beaudin** worked with Disability Alliance BC (DABC) from 2007 to the end of 2017, having previously worked for many years at the BC Human Rights Coalition. While at DABC, Peter worked as the Canada Pension Plan Disability (CPP-D) advocate and is an expert in this field. During his career with DABC he helped hundreds of people with disabilities to access CPP-D. He has also trained other community advocates on CPP-D and participated on a number of government and community CPP-D committees. While Peter has retired from DABC, he continues to train and support new advocates on CPP-D.

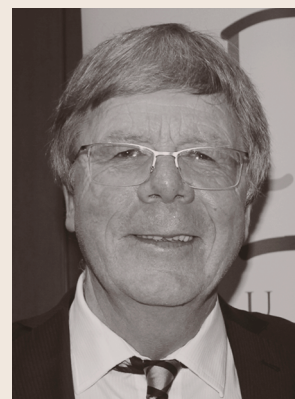


Johanne Blenkin

**Johanne Blenkin** served as CEO of Courthouse Libraries BC from 2004 until 2017. Important contributions during her tenure include increasing public access to the libraries and overseeing the library's digital shift from a print-only system to one where legal resources are available electronically—and not only in large cities. She spearheaded innovative approaches to providing legal information. Clicklaw, LawMatters and Clicklaw Wikibooks emerged as popular services that support the public and public libraries' needs for legal information. Johanne also launched a set of remotely available

tools and resources available to BC lawyers wherever they had a device and an internet connection. She further pioneered a program of free training for lawyers. In 2017, the year she stepped down, Courthouse Libraries BC's training program expanded to offer 38 webinars serving over 2,500 attendees. In addition to Johanne's role at Courthouse Libraries BC, she taught legal research at law schools in Alberta and British Columbia, presented often at seminars and conferences, served on CanLII's board of directors, and was active on Law Society of BC and Canadian Bar Association BC Branch committees in the areas of legal education and access to justice. In her last several years at the library, Johanne devoted considerable energy into getting the Access to Justice BC Committee started.

**Rick Craig** worked for almost 40 years in public legal education, international development and human rights work. He was an active member of, and leader in, the PLEI community in BC and Canada. In 1979, Rick started work on the law courts education program, and continued through the years to promote public legal education and fight for access to justice through the justice education society. He pioneered the Society's schools program and fostered outreach by judges in the community. He led the development of society programs for aboriginal communities, immigrants and people with special needs as well as being involved for over 40 years in international programs to promote human rights. He also contributed to the building of justice systems in Latin America, Africa and Asia.



Rick Craig



**Brenda Kobzey**

**Brenda Kobzey** recently retired from Opportunities Career Services Centre in Campbell River. After working for all levels of government in her previous life, and taking time off to raise her three boys while navigating some of the bureaucratic systems as a single mom, becoming a legal advocate was a natural choice for Brenda. She took an advocacy training course put on by a local agency and started volunteering as a receptionist/intake worker. During those early years, she spent any spare time reading statute manuals related to advocacy. When the advocacy job became available, she was offered the position and spent the better part of two decades working in that role. Along the way, she formed excellent working relationships with other service providers in her community as well as a friendship with her long time assistant, Heather Brownhill. Brenda enjoyed the relationships with other advocates, both online and in person at events such as the Provincial Training Conference.



**Ulf Kristiansen**

Recently retired from the Prince Rupert Unemployed Centre Society, **Ulf Kristiansen** has a long history of advocacy. He has always been passionate about helping marginalized people, particularly those with family and child protection issues. Ulf worked for over 20 years as a lawyer for the Legal Services Society and later as an advocate in Prince Rupert. He also plays harmonica in a blues band, and now that he is retired we hope to hear more of his great music.

From 2012 until 2017, **Martha Jane Lewis** was executive director of Seniors First (formerly BC Centre for Elder Advocacy and Support). Over the course of her career, she worked with many groups in BC as either an advocate or executive director: she was executive director of TRAC Tenants' Rights Advisory Committee and worked as a legal advocate at North Shore Community Resources. In all these positions Martha Jane was a very public face, advocating for the causes she was working on, and a knowledgeable resource on legal issues in her area.

**Stacey Tyers** provided advocacy services in Terrace for over a decade—first with the Terrace Anti-Poverty Group Society, and then for seven years as an advocate and then manager at Terrace and District Community Services. During her time as an advocate, she helped many clients, mentored other advocates and worked to improve services for her clients. Stacey served on the boards of the Community Legal Assistance Society and PovNet, and was a member of Access to Justice BC. For over six years, she also served as a city councillor in Terrace.



**Martha Jane Lewis**



**Stacey Tyers**

# Financial Statements 2017

## Independent Auditor's Report

December 31, 2017



### To the Governors of The Law Foundation of British Columbia

We have audited the accompanying financial statements of The Law Foundation of British Columbia, which comprise the statement of financial position as at December 31, 2017, and the statements of changes in net assets, operations, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements, and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the foundation's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the foundation's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of The Law Foundation of British Columbia as at December 31, 2017, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

*Tompkins Wozny, r.c.*

Chartered Professional Accountants  
Vancouver, Canada March 10, 2018



**Tompkins Wozny**  
Chartered Professional Accountants

## Statement of Financial Position

The Law Foundation of British Columbia  
As at December 31

	2017 \$	2016 \$
<b>ASSETS</b>		
Cash	1,799,904	2,282,775
Investments [note 4]	57,334,984	47,402,904
Prepaid expenses and other	45,055	11,249
Property and equipment [note 5]	18,754	16,514
	<b>59,198,697</b>	<b>49,713,442</b>
<b>LIABILITIES AND NET ASSETS</b>		
<b>Liabilities</b>		
Accounts payable and accrued liabilities [note 6]	166,239	174,153
Legal Services Society/ Law Foundation Research Fund [note 8]	2,067,261	2,277,695
Grants payable [note 10]		
— within one year	14,235,929	13,080,874
— long term	1,723,470	2,445,000
<b>Total liabilities</b>	<b>18,192,899</b>	<b>17,977,722</b>
<b>Net assets</b>		
Equity in property and equipment	18,754	16,514
Grant Stabilization Fund [note 11]	40,987,044	31,719,206
<b>Total net assets</b>	<b>41,005,798</b>	<b>31,735,720</b>
	<b>59,198,697</b>	<b>49,713,442</b>

Commitment [note 15]

See accompanying notes to the financial statements

Approved by:

  
Governor

  
Governor

## Statement of Changes in Net Assets

Year ended December 31

	EQUITY IN PROPERTY AND EQUIPMENT \$	GRANT STABILIZATION FUND \$	NET ASSETS \$
<b>2017</b>			
Balance, beginning of year	16,514	31,719,206	31,735,720
Increase (decrease) in net assets for the year	(6,980)	9,277,058	9,270,078
Acquisition of property and equipment	9,220	(9,220)	—
	<b>18,754</b>	<b>40,987,044</b>	<b>41,005,798</b>
<b>2016</b>			
Balance, beginning of year	11,093	30,803,215	30,814,308
Increase(decrease) in net assets for the year	(5,665)	927,077	921,412
Acquisition of property and equipment	11,086	(11,086)	—
	<b>16,514</b>	<b>31,719,206</b>	<b>31,735,720</b>

See accompanying notes to the financial statements

## Statement of Operations

Year ended December 31

	2017 \$	2016 \$
<b>INCOME</b>		
Interest received on lawyers' trust accounts	26,014,209	17,355,497
Investment income (net) [note 12]	2,221,577	1,709,810
Unclaimed trust funds and other income [note 13]	518,682	750,072
	28,754,468	19,815,379
Access to Justice Fund [note 9]	—	550,000
	28,754,468	20,365,379
<b>EXPENSES</b>		
Amortization of property and equipment	6,980	5,665
Audit and annual report	50,496	51,818
Consulting and legal	75,253	98,464
Meetings and travel	155,362	153,448
Office and other	111,815	103,719
Rent and occupancy costs	227,031	225,328
Salaries and employee benefits	1,048,178	987,243
	1,675,115	1,625,685
Access to Justice Fund [note 9]	—	550,000
	1,675,115	2,175,685
<b>Net income before grants approved</b>	27,079,353	18,189,694
<b>Program and project grants approved [note 14]</b>	17,930,440	17,797,980
Less program and project grants refunded or unused	121,165	529,698
	17,809,275	17,268,282
<b>Increase in net assets for the year</b>	9,270,078	921,412

See accompanying notes to the financial statements

## Statement of Cash Flows

Year ended December 31

	2017 \$	2016 \$
<b>OPERATING ACTIVITIES</b>		
Interest received on lawyers' trust accounts	26,014,209	17,355,497
Investment income realized (net)	1,395,591	1,244,729
Unclaimed trust funds and other income received	518,682	567,524
Expenses paid	(1,707,558)	(1,564,882)
Program and project grants paid (net)	(17,676,001)	(16,456,597)
<b>Cash provided by operating activities</b>	8,544,923	1,146,271
Legal Services Society/ Law Foundation Research Fund activities (net)	(10,183)	16,401
Funds administered for others (net)	97,700	(10,129)
	8,632,440	1,152,543
<b>INVESTING ACTIVITIES</b>		
Property and equipment purchased	(9,220)	(11,086)
Purchase of investments (net)	(9,106,091)	(448,476)
<b>Cash used in investing activities</b>	(9,115,311)	(459,562)
<b>Increase (decrease) in cash for the year</b>	(482,871)	692,981
Cash, beginning of year	2,282,775	1,589,794
<b>Cash, end of year</b>	1,799,904	2,282,775

See accompanying notes to the financial statements

## Notes to Financial Statements

The Law Foundation of British Columbia

December 31, 2017

### 1. NATURE OF ACTIVITIES

The Law Foundation of British Columbia (the foundation) was established in 1969 under the *Legal Profession Act* of British Columbia as a tax-exempt not-for-profit organization to receive and distribute interest on clients' trust funds held in lawyers' pooled trust accounts. The foundation is administered by a board of governors who are responsible for distributing these funds, and related investment and other income, to provide legal aid, legal research, law reform, legal education and law libraries for the benefit of the general public of British Columbia. The foundation also periodically administers other funds and programs.

### 2. SIGNIFICANT ACCOUNTING POLICIES

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations and reflect the following significant accounting policies:

#### **Cash Basis — Interest on Lawyers' Pooled Trust Accounts**

The foundation uses the cash basis of reporting interest earned on lawyers' pooled trust accounts.

The foundation assumes that solicitors who hold funds in trust for or on account of clients comply strictly with Section 62 of the *Legal Profession Act* and Part 3, Division 7, of the Rules of the Law Society of British Columbia. These rules require that interest earned on funds held in lawyers' pooled trust accounts be remitted to the foundation.

#### **Investments**

Investments consist of money market, bond and equity funds [note 4] comprised of stocks and bonds that are traded on stock exchanges by the fund managers.

Investments are recorded at fair market value. Realized gains (losses) are reported based on their settlement date. Unrealized gains (losses) are reflected as a write-up (write-down) within net investment income. Interest and dividends earned, but not received, are recorded on an accrual basis by the fund managers.

#### **Program and Project Grants Approved**

The foundation expenses grants in the current year that provide annual operating funding to organizations covering 12-month periods beginning in the current and subsequent calendar years, plus grants for special projects that may be payable over several years. Grants are reflected as an expense that reduces the Grant Stabilization Fund as they are approved by the foundation's board of governors. Grants that are not yet paid are reflected as grants payable.

All approved grants contain restrictions on the use of the funds that may result in a portion of the grants payable being withheld, or grants that have been disbursed may be refunded. Grants payable are reversed when the foundation becomes aware that the funds are no longer required or when grant conditions have not been met. Grants refunded to the foundation are reported on a cash basis.

Grants made that are conditional on the receipt of matching funds by the grantee are included in program and project grants approved and grants payable. Unmatched grants may be reversed, transferred to other programs or projects, or the matching condition may be waived, as subsequently approved by the foundation.

Expenditures on programs that are operated by the foundation are included in program and project grants approved as they are disbursed.

#### **Property and Equipment**

Expenditures on property and equipment are capitalized and amortized on a straight-line basis as follows:

- Furniture and equipment 5 years
- Computers and accessories 3 years

One-half the normal amortization is recorded in the year the asset is acquired.

#### **Restricted and Administered Funds**

##### **a) Child Welfare Fund**

The Child Welfare Fund is an externally restricted fund that is reported as both income and expense as qualifying expenses are incurred or grants are awarded, in accordance with the deferral method of accounting. Grants not yet paid are grouped with the foundation's grants payable.

##### **b) Legal Services Society/Law Foundation Research Fund (research fund)**

As the foundation administers, but does not exclusively control, the expenditures from the research fund, direct expenditures and grants approved are treated as a reduction of the fund. Grants not yet paid are grouped with the foundation's grants payable. Interest is added annually to the fund.

##### **c) Access to Justice Fund**

The purpose of the foundation's Access to Justice Fund (the fund) is to receive and distribute *cy-pres* settlement funds arising from class actions, or other funds received by the foundation for access to justice purposes. Direct expenditures and grants approved are reported as both income and expense as qualifying expenses are incurred or grants are awarded, in accordance with the deferral method of accounting. Grants not yet paid are grouped with the foundation's grants payable.

### Use of Estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of income and expenses during the reported period. Significant areas requiring the use of management estimates relate to the determination of the useful lives of capital assets, the determination of certain accrued liabilities, and the dollar value of grants to be paid out within one year. Actual results could differ from the estimates.

### Cash

Cash is defined as cash on hand and cash on deposit net of cheques issued and outstanding at the year-end.

The statement of cash flows is prepared on a net cash basis, and cash flows from operating activities are presented using the direct method.

## 3. FINANCIAL INSTRUMENTS

The foundation's financial instruments consist of cash, investments, accounts payable and accrued liabilities and grants payable.

### Measurement of Financial Instruments

The foundation initially measures its financial assets and financial liabilities at fair value.

The foundation subsequently measures all of its financial assets and liabilities at amortized cost, except for the investments that are quoted in an active market, which are measured at fair value.

Financial instruments measured at amortized cost consist of cash, accounts payable and accrued liabilities and grants payable.

### Risk of Financial Instruments

The foundation is exposed to various risks through its financial instruments. The following analysis provides a measure of the foundation's risk exposure at the balance sheet date.

#### Credit risk

Credit risk is the risk that one party to the financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The foundation's main credit risk relates to bond fund investments and bank deposits.

#### Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The foundation is exposed to this risk mainly in respect of its accounts payable and grants payable. As the majority of the foundation's investments consist of pooled funds, it is the opinion of management that the foundation is not exposed to liquidity or cash flow risk with respect to its investments, nor is it subject to significant concentrations of credit risk. The foundation also sets investment policies and monitors its investments to minimize liquidity risk.

### Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk.

#### Currency risk

Currency risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The foundation's exposure to currency risk is indicated by its ownership of international bonds and debentures, as described in note 4. The foundation does not engage in hedge transactions.

#### Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The foundation is exposed to interest rate risk on its investments in bond funds where bond interest rates versus market interest rates will affect the price of the bonds and, therefore, the bond fund investment price. The foundation's interest income received on lawyers' trust accounts is also subject to interest rate risk.

#### Other price risk

Other price risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk or currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. The foundation is exposed to other price risk through its investment in equity-based fund investments.

4. INVESTMENTS	COST \$	MARKET \$
<b>2017</b>		
CC&L Group Money Market Fund A [Nil units]	—	—
CC&L High Yield Bond Fund I [417,205 units]	4,210,519	3,943,961
CC&L Equity Income & Growth I Fund [469,699 units]	5,564,111	5,693,313
CC&L Bond Fund A [3,832,751 units]	40,551,875	39,278,031
CC&L Q Group Global Equity Fund [789,683 units]	8,729,355	8,419,679
	59,055,860	57,334,984
<b>2016</b>		
CC&L Group Money Market Fund A [9,449 units]	94,491	94,491
CC&L High Yield Bond Fund I [498,170 units]	5,084,569	4,783,080
CC&L Equity Income & Growth I Fund [266,068 units]	3,203,605	3,504,512
CC&L Bond Fund A [3,160,013 units]	33,672,284	32,604,705
CC&L Q Group Global Equity Fund [605,431 units]	6,634,889	6,416,116
	48,689,838	47,402,904

The CC&L High Yield Bond Fund I consists of Canadian bonds and debentures that make up approximately 49.0% [December 31, 2016 – 48.6%] of its portfolio and international bonds, debentures and other foreign content that make up approximately 51.0% [December 31, 2016 – 51.4%] of its portfolio. The CC&L Equity Income & Growth I Fund consists of Canadian equities and mutual funds that make up approximately 93.7% [December 31, 2016 – 92.2%] of its portfolio and foreign equities that make up approximately 6.3% [December 31, 2016 – 7.8%] of its portfolio. The CC&L Bond Fund A consists of Canadian government and corporate bonds and debentures that make up approximately 100.0% [December 31, 2016 – 100.0%] of its portfolio. The CC&L Q Group Global Equity Fund consists of approximately 96.4% foreign equities [December 31, 2016 – 98.6%] and domestic equities and currency of approximately 3.6% [December 31, 2016 – 1.4%] of its portfolio.

At December 31, 2017, the average yield on all the investments was 5.00% [December 31, 2016 – 4.20%].

The foundation's investment policy allows for Canadian equities, global equities and high-yield bonds of up to 40% of the market value of its portfolio and short-term bonds of up to 20% of the market value of its portfolio, with universe bonds and short-term investments making up the remainder.

## 5. PROPERTY AND EQUIPMENT

	COST \$	ACCUMULATED AMORTIZATION \$	NET BOOK VALUE \$
<b>2017</b>			
Furniture and equipment	27,047	12,609	14,438
Computers and accessories	10,980	6,664	4,316
	38,027	19,273	18,754
<b>2016</b>			
Furniture and equipment	23,593	10,093	13,500
Computers and accessories	7,340	4,326	3,014
	30,933	14,419	16,514

## 6. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

	2017 \$	2016 \$
Operating	94,555	107,394
Funds administered for others	46,075	48,375
Government remittances — payroll taxes	23,988	16,654
— WorkSafeBC	1,621	1,730
	166,239	174,153

## 7. CHILD WELFARE FUND

In 2009, a \$50,000 grant was received from the BC Representative for Children and Youth for the purpose of child welfare evaluation and research, of which \$20,000 was unspent at the end of 2012. In 2014, an additional grant of \$20,000 was received and \$21,000 was spent, leaving a balance of \$19,000.

In 2015, the foundation received \$158,138, in trust, from a class-action award for use as part of the foundation's Child Welfare Fund. Including an unused grant amount of \$5,409 returned to the fund, the balance at December 31, 2015, totals \$182,547.

In 2016, a grant of \$30,000 was received from the Notary Foundation of BC for the purposes of funding the BC Children's Lawyer's Office. The cumulative total amount in the fund of \$212,547 was transferred to other income and a grant of \$600,000 was made to the Society for Children & Youth of BC for the BC Children's Lawyer's Office.

There was no activity in the Child Welfare Fund during the 2017 year.

## 8. LEGAL SERVICES SOCIETY/LAW FOUNDATION RESEARCH FUND (RESEARCH FUND)

The Legal Services Society of BC and the foundation established the research fund with a grant of \$1,000,000 each pursuant to a deed of trust dated March 31, 2008. The purpose of the research fund is to support research on and evaluation of legal aid and other access to justice programs to enhance the quality of and access to justice for British Columbians. The foundation administers the research fund, and an advisory committee consisting of one nominee from the Legal Services Society, the foundation, and the Notary Foundation approves distribution of the funds. Investment income earned on unexpended funds is added to the research fund.

	2017 \$	2016 \$
Research fund, beginning of year	2,277,695	2,282,457
Direct expenses	—	(8,066)
Grants — approved	(304,000)	(109,000)
— returned to fund	390	27,251
Investment income allocated [note 12]	93,176	85,053
	2,067,261	2,277,695

## 9. ACCESS TO JUSTICE FUND

In 2015, the foundation received \$550,000 from a class-action award, which funds are to be paid out to Access Pro Bono Society of BC. In 2016, the \$550,000 was granted to Access Pro Bono Society of BC.

#### 10. GRANTS PAYABLE

The foundation has approved grants with multi-year payment schedules that are estimated to be payable in the following years:

	2017 \$	2016 \$
Opening grants payable	15,525,874	14,143,025
Grants approved		
— Law Foundation of BC [note 14]	17,930,440	17,797,980
— Access to Justice Fund	—	550,000
— LSS/LF Research Fund	304,000	109,000
— Grant administered for others	150,000	—
Payments		
— Law Foundation of BC	(17,676,001)	(16,456,597)
— LSS/LF Research Fund	(103,359)	(60,585)
— Grant administered for others	(50,000)	—
Grants refunded or unused		
— Law Foundation of BC	(121,165)	(529,698)
— LSS/LF Research Fund	(390)	(27,251)
Ending grants payable	15,959,399	15,525,874
Less portion payable within one year	(14,235,929)	(13,080,874)
Long term grants payable	1,723,470	2,445,000

\$100,000 is being held in trust to be paid out by the foundation as a grant administered for others.

#### 11. GRANT STABILIZATION FUND

The foundation has a goal of insulating continuing programs from fluctuations in the foundation's income that result from changes in the prime rate and the balances in lawyers' pooled trust accounts that generate income to the foundation. To accomplish this goal, the foundation has built up a stabilization fund that declines in years in which the foundation's net income before grants approved is less than the grants approved, and increases when net income before grants approved is greater than the grants approved.

#### 12. INVESTMENT INCOME (NET)

Investment income (net) comprises:	2017 \$	2016 \$
Interest and dividends earned	1,625,341	1,458,834
Write-down of investments to market value	(433,942)	(1,258)
Gain on sale of investments	1,259,931	466,339
Investment advisory fees	(136,577)	(129,052)
	2,314,753	1,794,863
Less investment income allocated to the research fund [note 8]	(93,176)	(85,053)
	2,221,577	1,709,810

#### 13. UNCLAIMED TRUST FUNDS AND OTHER INCOME

##### Unclaimed Trust Funds

Under the Law Society of British Columbia's (the society) unclaimed trust fund procedures, lawyers submit unclaimed trust funds to the society. The society holds the funds for five years before remitting the money to the foundation. The total received for 2017 was \$227,062 [2016 – \$245,764].

##### Other Income

In 2007, the Law Society of British Columbia Pro Bono Funding Task Force (the task force) recommended that the society allocate a portion of annual lawyers' practice fees to fund pro bono services. The task force noted that the foundation was uniquely well suited to determining recipients of pro bono grant funds, and the benchers decided to transfer one percent of the general fund portion of annual lawyers' practice fees to the foundation to be used for funding pro bono programs. This amount was increased to \$340,000 in 2014, of which \$48,380 is to be paid towards the rent and applicable taxes for Access Pro Bono Society of BC, \$60,000 to access to justice initiatives, which was allocated to the BC Children's Lawyer's Office, and the balance to pro bono initiatives. The total other income received for 2017 was \$291,620 [2016 – \$291,761].

Also in 2017, \$Nil [2016 – \$212,547] was transferred to other revenue from the Child Welfare Fund for the funding of the BC Children's Lawyer's Office

#### 14. PROGRAM AND PROJECT GRANTS APPROVED

	2017 \$	2016 \$
Major continuing program and project grants in excess of \$1,000,000 were made to:		
Legal Services Society of BC	2,955,000	2,955,000
BC Courthouse Library Society	2,280,000	2,445,000
Other continuing program grants	10,153,000	9,540,000
Other project grants	2,542,440	2,857,980
	17,930,440	17,797,980

#### 15. COMMITMENT

##### Premises Lease

In addition to shared building operating costs and property taxes, the foundation is committed to the following annual rent payments, which are exclusive of GST, until April 30, 2023, for its office premises. The required payments are as follows:

	ANNUAL RENT PAYMENTS \$	TOTAL RENT COMMITMENT \$
2018 (1 Year)	129,381	129,381
2019 – 2022 (4 Years)	136,992	547,968
2023 (4 Months)	—	45,664
		723,013

**The Law Foundation  
of British Columbia**

Suite 1340  
605 Robson Street  
Vancouver, BC V6B 5J3  
Tel: 604-688-2337  
Fax: 604-688-4586

info@lawfoundationbc.org  
www.lawfoundationbc.org

**On the front cover:**

Kathleen Cunningham, executive director and  
Lisa Peters, QC, board chair, BC Law Institute

Photographs:  
Brian Dennehy, Bill McIntosh,  
Sandra Morgenstern, Veenu Saini,  
Lois Shelton

Editing: Jacqueline Wood

Design and production:  
Linda Coe Graphic Design Limited

Printed in Canada on recycled paper



**Board of Governors**

*As of January 2017*

From left to right (front row):

**Kerry Cook**

*New Grants Committee (Chair)  
Public Legal Education and Information  
Committee*

**Geoff White**

*Class Actions Committee  
Finance and Administration Committee (Chair)  
Policy and Planning Committee*

**Eileen Vanderburgh**

*Chair of the Board of Governors  
Ex-officio member of all committees*

**Jan Lindsay, QC**

*New Grants Committee  
Policy and Planning Committee (Chair)  
Public Legal Education and Information  
Committee*

From left to right (back two rows):

**Don Kawano, QC**

*Public Legal Education and Information  
Committee  
Special Needs Fund Committee*

**Frederick F. Fatt**

*Fellowships and Research Committee  
New Grants Committee*

**Jim Sullivan, QC**

*Class Actions Committee (Chair)  
Policy and Planning Committee*

**Lindsay LeBlanc**

*Finance and Administration Committee  
New Grants Committee*

**Ajeet Kang, QC**

*Fellowships and Research Committee (Chair)  
Policy and Planning Committee*

**Judge Patricia Bond**

*Finance and Administration Committee  
Public Legal Education and Information  
Committee*

**Sean Rowell**

*Finance and Administration Committee  
Policy and Planning Committee*

**Kurt Sandstrom, QC**

**Bill Younie, QC**  
*Finance and Administration Committee  
Public Legal Education and Information  
Committee (Chair)*

**Deanna Ludowicz, QC**

*New Grants Committee  
Special Needs Fund Committee*

**W. Laurence Scott, QC**

*Class Actions Committee  
New Grants Committee*

**Anita Dalakoti**

*Finance and Administration Committee  
Special Needs Fund Committee (Chair)*

**Absent**

**Judge Len Marchand** (resigned June 2017)