



**THE LAW
FOUNDATION
OF NEWFOUNDLAND
AND LABRADOR**

**Annual Report
2014**

Law Foundation of Newfoundland and Labrador

Board of Governors

Aubrey L. Bonnell, Q.C., Chair
Daniel M. Boone, Q.C., Vice-Chair
Jeffrey P. Benson, Q.C., Past Chair
F. Geoffrey Aylward, Q.C.
Sheri H. Wicks, LL.B.

(Two vacancies on Board of Governors, effective January 28, 2015, awaiting appointments by Minister of Justice and Public Safety, pursuant to Sections 65. (2) (a) and (b) *Law Society Act, 1999*, Part IV, Law Foundation.)

Lawrence E. Collins, B.A., C.I.P., C.G.A., Executive Director

The Law Foundation provides grants to advance public understanding of the law and access to legal services. Its objects for funding are legal education, legal research, law reform, legal aid, legal referral service, law libraries and law scholarships.

The first meeting of the Board of Governors was held on February 26, 1979, when the work began to allow for the proclamation of Part IV of the *Law Society Act* on February 1, 1980.

The Board of Governors consists of seven members. Five governors, including the Chair, are appointed by Benchers of the Law Society of Newfoundland and Labrador and two by the Minister of Justice and Public Safety.

In January, 2015, the Chair thanked Adam J. Sparkes, Q.C., former Secretary-Treasurer and Governor and L. Wade Locke, Ph.D., former Governor, whose four year terms had ended, for their valued contribution.

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Website

The Law Foundation website, www.lawfoundationnl.com, includes information about offered programs, copies of annual reports and forms, including the standard grant application form and IOLTA Form LF1, and related links.

The Law Foundation of Newfoundland and Labrador is heritage partner for the *History of Law and the Courts*, www.heritage.nf.ca on the Newfoundland and Labrador Heritage Web Site at Memorial University. This public history project presents the Province's rich heritage in a format that combines text, graphics, audio and video. Six major areas, involving heritage partners, are featured: Natural Environment, Aboriginal Peoples, Exploration and Settlement, Government and Politics, Society, Economy and Culture, and the Arts. In addition to this cultural and academic knowledgebase being available on the Internet to university students and the general public, as a further educational resource high school students are able to access high school curriculum-specific modules on the law and constitutional issues.

LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

ANNUAL REPORT 2014

The Law Foundation of Newfoundland and Labrador approved funding totalling \$16,253,023. for the period 1980 to 2014 inclusive, on a year by year basis, to over fifty separate recipients, with several of these receiving a number of grants for different projects, for the following objects:

(a) legal education and legal research	13.54%	\$ 2,200,983.
(b) law reform	0.87%	126,809.
(c) legal aid	58.10%	9,442,929.
(d) legal referral service	0.30%	49,069.
(e) law libraries	24.09%	3,915,733.
(f) law scholarships	3.18%	517,500.
	<u>100.00%</u>	<u>\$ 16,253,023.</u>

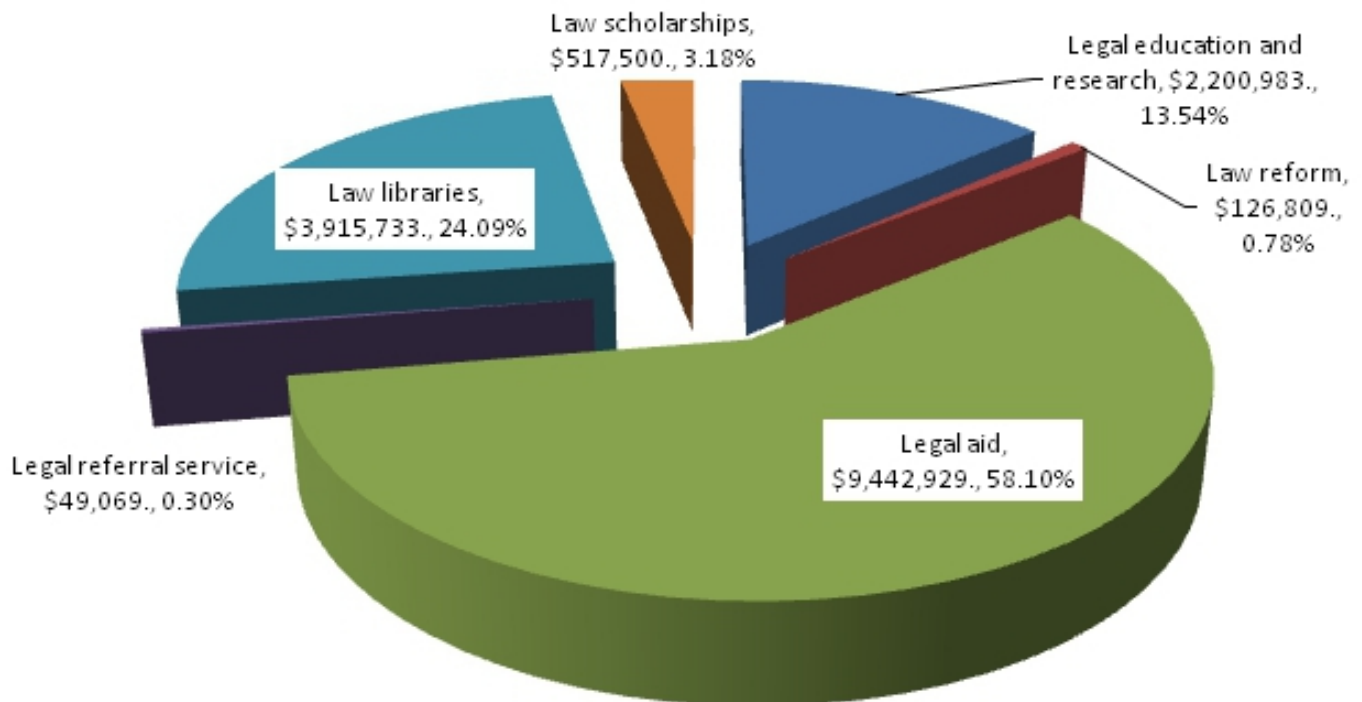
The Law Foundation in 2014 had revenues of \$704,112. (3.00% annual composite prime – acp), an increase of \$68,833. from 2013 revenues of \$635,279. (3.00% acp).

The Foundation's equity position at December 31, 2014, its fiscal year end, was \$694,930. comprising the Reserve Account of \$694,930. and \$NIL in undistributed revenue.

In 2014, the Legal Aid contribution increased by \$43,950., the grants to grantees under the other five objects of the Foundation, other than to Legal Aid, increased by \$41,925. to \$190,425. and \$12,000. was transferred with standing Board approval to the Law School Scholarships Fund.

In 2014, there were four new grant recipients, Planned Parenthood NL (applicant, in partnership with

Allocation of \$16.25 M in Funds from 1980-2014



PLIAN), the Fédération des Francophones de Terre-Neuve et du Labrador (in partnership with PLIAN, applicant), Atlantic Ballet Theatre of Canada and East Coast Environmental Law Association (ECELAW).

The Law Foundation in 2014 sponsored the Canadian Bar Association and the Canadian Institute for the Administration of Justice National Annual Conferences held in this Province.

The Foundation's equity position at December 31, 2013, its fiscal year end, was \$730,343. comprising the Reserve Account of \$700,000. and, after the transfer with standing Board approval of \$5,000. to the Law School Scholarships Fund in 2013, \$30,343. in undistributed revenue.

The Foundation maintains a separate Law School Scholarships Fund, with \$300,000. in capital (increased by \$50,000. in both 2009 and 2008). The Law School Scholarships Selection Committee annually awards up to three entrance scholarships valued at \$5,000. each.

With respect to the Reserve Account of \$694,930., it is the policy of the Foundation to maintain:

- a) \$494,930. for grants stabilization (reduced by \$5,070. in 2014 from ceiling of \$500,000.); and,
- b) \$200,000. for administration.

Pursuant to the *Law Society Act, 1999*, the Board must contribute two-thirds (increased by government from one-third effective January 1, 1992) of the net revenues received in each calendar year directly to the Newfoundland and Labrador Legal Aid Commission.

The Foundation's two-thirds contribution to the Legal Aid Commission for calendar year 2014 was \$331,526., compared to \$287,576. for calendar year 2013. Historically, the highest and lowest two-thirds contributions were \$1,125,949. and \$68,960. for calendar years 2007 and 1997 respectively.

The Foundation assumes that lawyers who receive or hold funds in trust for, or on account of, clients comply strictly with section 69 of the *Law Society Act, 1999*, and the *Uniform Trust Account Rules* of the Law Society. This compliance requires that lawyers credited

with interest earned on funds held in lawyers' mixed trust accounts (IOLTA) shall remit it to the Foundation. The lawyers' mixed trust accounts are not the property of, nor administered by, the Foundation. The Foundation is, therefore, unable to determine the amount of IOLTA until such time as it is received from each individual financial institution, upon the lawyers' filed instructions. IOLTA is recorded by the Foundation upon receipt of the funds.

IOLTA is calculated by financial institutions based on interest rates and terms negotiated by the Foundation with the individual financial institutions. When the Law Foundation was established in February, 1980, interest was paid by financial institutions on the minimum monthly balance in lawyers' trust accounts. Effective in 1987, the interest became paid on the average monthly credit balance. The rates may differ between financial institutions and within the same financial institution nationally. A number of financial institutions, as well, waive basic service charges. Certified cheque and draft charges are charged against the lawyer's general account.

IOLTA currently paid by financial institutions in the Province is generally calculated on monthly average prime minus an agreed upon percentage, historically 5%, then 4%, and, until recent years, 3% at a number of financial institutions, on the average monthly credit balance. In 2009, with the collapse in prime to 2.25%, the financial institutions, following negotiations with the Foundation, provided a floor rate of 0.25% or a revised prime minus x% calculation, which varies between financial institutions, with the best at prime minus 2%. These rates remain in effect. Annual composite prime (acp) in 2014 was 3.00%, unchanged from 2013.

In January, 2015 prime changed from 3.00% to 2.85%, which together with the total amount of funds held in lawyers' mixed trust accounts across the Province, determine Law Foundation revenues in 2015.

While the total amount of funds held in lawyers' mixed trust accounts across the Province has steadily risen since the Law Foundation was established in 1980 and future increases in prime should increase Law Foundation IOLTA revenue, increases in prime may also see financial institutions review their IOLTA rates.

Law Foundation of Newfoundland and Labrador Legal Aid Contribution

The Board of Governors of the Law Foundation recognizes the need to increase the funds available to the Foundation to benefit existing core grantees and new worthy organizations and applicants.

The Board advised the Government that it is imperative to reallocate the Foundation's annual legislated two-thirds net revenue contribution to the Newfoundland and Labrador Legal Aid Commission and increase the funds available to the Foundation to benefit existing core grantees, and for prior and new applicants and worthy organizations to receive their fair share of Law Foundation revenue under the other five legislated objects of the Foundation.

The following Chart, Figure 1 shows annual and total shares of Law Foundation net revenue from 1980 to 2014, inclusive, by the Newfoundland and Labrador Legal Aid Commission and Law Foundation.

In March 2014, the Provincial Government issued the following in a press release:

“To help ensure that those who require legal aid have access to justice, the Provincial Government is investing an additional \$7.1 million in the legal aid system in Newfoundland and Labrador over the next three years, with \$2.1 million being funded through Budget 2014. This investment is tied directly to recommendations from an external review that was commissioned by the Provincial Government.

‘Ensuring that residents have fair access to justice is a fundamental right in a democratic society and these additional resources will assist those who must avail of the province’s legal aid system. This investment will be used by the Legal Aid Commission to improve services to those who are dealing with important legal matters and who cannot afford private legal representation.’

- The Honourable Darin King, Minister of Justice

The external review of legal aid was completed by John F. Roil, Q.C., and contains 13 recommendations related to the operations and management of the Legal Aid Commission, all of which have been accepted by the Provincial Government. The additional resources will be used by the commission to address issues around workload, delivery of service and the use of private counsel. In addition, several of the recommendations will require legislative changes to the *Legal Aid Act*.

The report is available online at www.justice.gov.nl.ca/just/publications/pdf/legal_aid_review_march2014.pdf.”

The Report entitled “External Review of Legal Aid in Newfoundland and Labrador” by John F. Roil, Q.C. under Section 5, “Recommendations on Changes to Legal Aid Services”, “(e) Sources of Funding”, p. 110 states, “The Law Foundation: *It is recommended that Government should allow the Law Foundation to retain \$300,000 of its net annual resources to apply to its other worthwhile and mandated objectives, after which the 2/3 contribution to the Commission from the Foundation should apply*”.

The Board of Governors, at the Annual Meeting of the Law Foundation held on May 16, 2014, approved the recommendation of John F. Roil, Q.C., Reviewer as it affects the Foundation.

Government had advised the Law Foundation that the legislative changes to the *Legal Aid Act*, as well as the *Law Society Act*, should be made by the Fall, 2014. The legislative changes are pending.

FIGURE 1

Annual and total shares of Law Foundation net revenue from 1980 to 2014, inclusive, by Legal Aid Commission and Law Foundation

Year	Annual Composite Prime (ACP); Best Rate at Prime Minus X	Law Foundation Total Annual Net Revenue	Legal Aid Commission Net Revenue Contribution	Law Foundation Share of Net Revenue
			2/3 Net Revenue*	1/3 Net Revenue*
TOTAL		\$16,921,825.	\$9,443,199.	\$7,478,626.
2014	3.00%; 1.00% at p – 2	497,289.	331,526.	165,763.
2013	3.00%; 1.00% at p – 2	431,364.	287,576.	143,788.
2012	3.00%; 1.00% at p – 2	458,843.	305,895.	152,948.
2011	3.00%; 1.00% at p – 2	402,126.	268,084.	134,042.
2010	2.58%; 0.58% at p – 2	172,719.	115,146.	57,573.
2009	2.44%; 0.44% at p – 2	132,457.	88,305.	44,152.
2008	4.82%; 1.82% at p – 3	1,094,931.	729,954.	364,977.
2007	6.10%; 3.10% at p – 3	1,688,923.	1,125,949.	562,974.
2006	5.76%; 2.76% at p – 3	1,181,605.	787,737.	393,868.
2005	4.39%; 1.39% at p – 3	398,709.	265,806.	132,903.
2004	4.00%; 1.00% at p – 3	260,758.	173,839.	86,919.
2003	4.69%; 1.69% at p – 3	309,958.	206,639.	103,319.
2002	4.19%; 1.19% at p – 3	150,181.	100,121.	50,060.
2001	6.01%; 2.01% at p – 4	589,168.	392,779.	196,389.
2000	7.23%; 3.23% at p – 4	756,872.	504,582.	252,290.
1999	6.42%; 1.42% at p – 5	545,171.	363,448.	181,723.
1998	6.65%; 1.65% at p – 5	500,372.	333,582.	166,790.
1997	4.92%; 1.00% floor	103,439.	68,960.	34,479.
1996	6.18%; 1.18% at p – 5	294,018.	196,013.	98,005.
1995	8.63%; 3.63% at p – 5	598,428.	398,953.	199,475.
1994	6.76%; 1.76% at p – 5	254,054.	169,370.	84,684.
1993	5.99%; 0.99% at p – 5	190,056.	126,705.	63,351.
1992	7.44%; 2.44% at p – 5	309,881.	206,588.	103,293.
*Effective January 1, 1992 - Government by legislative amendment increased the Legal Aid contribution to two-thirds Law Foundation net revenue.				
1992-2014 Legal Aid Commission 2/3 Subtotal:			\$7,547,557.	
In addition to the \$250,000. depletion of the Law Foundation's share of net revenue in 1991 by the one time grant requested by Government, since the increase of the Legal Aid Commission contribution by Government to 2/3 in 1992 the Law Foundation's loss of 1/3 share of net revenues from 1992 to 2014, inclusive, amounts to \$3,737,778.50, which would have been available for the other objects of the Foundation.				
Legal Aid, one time grant in 1991:			\$250,000.	(250,000.)
			1/3 Net Revenue*	2/3 Net Revenue*
1991	9.75%; 4.75% at p – 5	\$770,366.	\$256,790.	\$513,576.
1990	14.07%; 9.07% at p – 5	1,155,774.	385,258.	770,516.
1989	13.27%; 8.27% at p – 5	1,014,600.	338,200.	676,400.
1988	10.29%; 5.29% at p – 5	559,601.	186,535.	373,066.
1987	9.54%; 4.54% at p – 5	351,593.	117,199.	234,394.
Interest paid by financial institutions became based on average monthly balance in lawyers' trust accounts effective in 1987.				
1986	10.56%; 5.56% at p – 5	272,234.	90,746.	181,488.
1985	10.60%; 5.60% at p – 5	262,856.	87,620.	175,236.
1984	12.13%; 7.13% at p – 5	299,489.	99,831.	199,658.
1983	11.14%; 6.14% at p – 5	250,389.	83,463.	166,926.
*Effective January 1, 1983 Government by legislative amendment added Legal Aid as an object to receive one-third Law Foundation net revenue.				
1982		344,223.	-	344,223.
1981		246,276.	-	246,276.
1980		73,102.	-	73,102.

Interest paid by financial institutions on the minimum monthly balance in lawyers' trust accounts.

When Part IV, Law Foundation of the *Law Society Act* was proclaimed on February 1, 1980, Legal Aid Commission was not one the then five legislated objects for funding from Foundation revenue.

LAW SCHOOL SCHOLARSHIPS

Reginald H. Brown, Q.C., Memorial Scholarship

The Law Foundation of Newfoundland and Labrador in 2009 contributed \$20,000. to the Memorial Scholarship Fund.

The *Reginald H. Brown, Q.C., Memorial Scholarship* was established at Memorial University of Newfoundland in memory of Reginald H. Brown, K.St.J., Q.C., through lead donations by his widow, Pamela J. Brown, and his colleagues at his law firm, Cox & Palmer. Mr. Brown was managing partner of this Atlantic Canadian law firm, established only two weeks before his death in early 2007. He served as President of the Law Society in 1995. Donations came from members of the legal community and others, to recognize his many contributions to the legal profession, his family and the community generally. The Scholarship is awarded at Spring Convocation to a student graduating from any area of study and accepted at a law school. Selection is made on the basis of academic excellence and demonstrated leadership qualities. The Scholarship is awarded annually by the Senate Committee on Undergraduate Scholarships, Bursaries and Awards.

The 2014/2015 *Reginald H. Brown, Q.C. Memorial Scholarship* in the amount of \$3,500 was awarded to Avineet Cheema of St. John's.

The Hon. John C. Crosbie Weldon Tradition Scholarship in Law, Schulich School of Law, Dalhousie University

In 2009 the Board of Governors of the Law Foundation of Newfoundland and Labrador contributed \$50,000. to the Newfoundland and Labrador Scholarship in Law Fund.

The *Newfoundland and Labrador Scholarship in Law* was established on the occasion of the 125th Anniversary of Dalhousie Law School in 2008 in recognition of its strong relationship with this Province. This one-time contribution to this scholarship endowment fund, created by donations from Dalhousie Law alumni and others, will provide one or more renewable scholarships, which in time will be in the amount of \$10,000.00 or greater as further donations are made, to students from Newfoundland and Labrador who have demonstrated academic excellence. In early 2012, the Scholarship was renamed *The Hon. John C. Crosbie Weldon Tradition Scholarship in Law* and a demonstration of 'selfless public service' was added to the criteria.

The *Hon. John C. Crosbie Weldon Tradition Scholarship in Law* in the amount of \$9,000 in 2014/2015 was awarded to Stephen E. Barnes.

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

CENTENNIAL LAW SCHOOL SCHOLARSHIPS

In honour of the 100th Anniversary of the Faculty of Law, University of New Brunswick in 1992, the Law Foundation of Newfoundland and Labrador provided a \$50,000. grant to the Heritage Campaign establishing a Scholarships Fund to award two scholarships for students enrolled in the Faculty of Law who are residents of the Province of Newfoundland and Labrador.

One scholarship is awarded to an upper year student based on a combination of financial need and demonstrated academic ability in the JD program Faculty of Law.

Justin Caines of Stephenville received the *Law Foundation Centennial Scholarship* of \$1,250.00 in the second semester 2013/2014.

The other scholarship is awarded on the basis of academic excellence to a student entering first year.

Travis Payne of St. John's received the *Law Foundation Centennial Entrance Scholarship* of \$1,250.00 in the first semester 2014/2015.

The scholarships are awarded annually by the Scholarships Committee, Faculty of Law. The Law Foundation of Newfoundland and Labrador is advised when the awards have been made.

In 1986, the Law Foundation of Newfoundland and Labrador provided a \$50,000. grant to Dalhousie University, as part of the Campaign for Dalhousie, following the August 16, 1985 fire, for the reestablishment of the Dalhousie law library.

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

2014/2015 LAW SCHOOL ENTRANCE SCHOLARSHIPS



Pictured at presentation in St. John's of the Law School Scholarships are (*l-r, standing*): Aubrey L. Bonnell, Q.C., Chair, Law Foundation, Linda M. Rose, Q.C., Chair, Law School Scholarships Selection Committee, Dr. Barbara G. Barrowman, LL.B., and Crystal L. Eagan, B.A.(Ed.), CRRS, members, Law School Scholarships Selection Committee; (*l-r, seated*): Karen M. Holloway and Chetan M. Muram.

The Law Foundation of Newfoundland and Labrador established funding for annual *Law School Entrance Scholarships* in 1984, in honour of the incorporation of the Law Society in 1834. The Scholarships, valued at \$5,000. each, are awarded to residents of the Province of Newfoundland and Labrador on the basis of academic excellence and are tenable for first year studies at any Canadian Law School. The Scholarships Fund is separate from and in addition to the above stated equity position of the Foundation.

The Board of Governors is advised by the Law School Scholarships Selection Committee when the awards have been made. The recipients of the Law Foundation 2014/2015 *Law School Entrance Scholarships* and their law schools are: Brendan K. Cooke, St. John's, McGill University, Faculty of Law, Karen M. Holloway, St. John's, University of British

Columbia, Faculty of Law, and Chetan M. Muram, St. John's, University of Toronto, Faculty of Law.

In May 2009, Governors increased the Scholarships Fund capital from \$250,000. to \$300,000. The Board reinstated the awarding of up to three, increased from two, \$5,000. entrance scholarships, provided from investment income. Pursuant to standing Board approval, there is an annual transfer from Law Foundation general revenues towards funding any investment income shortfall on the Scholarships Fund capital, should one occur. A transfer of \$12,000. was made in 2014.

The 2014/2015 Competition Selection Committee comprised Linda M. Rose, Q.C., Committee Chair, Dr. Barbara G. Barrowman, LL.B., Crystal L. Eagan, B.A.(Ed.), CRRS., D. Gordon Woodland, B.A., B.Ed, Q.C., and Hon. John C. Ottenheimer, M.Ed., Q.C.

THE LAW FOUNDATION OF NEWFOUNDLAND AND LABRADOR

LEGAL RESEARCH AWARDS FOR STUDENTS OF MEMORIAL UNIVERSITY 2013/2014 Awards



Pictured at luncheon presentation at R. Gushue Hall, Memorial University of 2013/2014 Eighteenth Annual Legal Research Awards are:
(standing l - r): Dr. John A. Scott, Professor, Member, Selection Committee, F. Geoffrey Aylward, q.c., Governor, Law Foundation and Member, Selection Committee, Aubrey L. Bonnell, q.c., Chair, Board of Governors, Law Foundation, Dr. Ray Gosine, Vice-President (Research), *pro tempore*, Memorial University, The Hon. Raymond P. Whalen, Chief Justice, Supreme Court of Newfoundland and Labrador, Trial Division, The Hon. D. Mark Pike, Chief Judge, Provincial Court of Newfoundland and Labrador, and Alban G. Singleton, Deputy Chief, Royal Newfoundland Constabulary;
(seated l - r): Justin Drover, Alex Marshall, Devin Drover and Jenna Hartigan, Awards recipients.

Christopher P. Curran, q.c., Chair, and Justin S.C. Mellor, M.A., LL.M., are the other members of the Legal Research Awards Selection Committee.

The Law Foundation of Newfoundland and Labrador annually offers up to seven Legal Research Awards valued at \$750. each to students at Memorial University. The Awards are for outstanding research papers on one or more legal issues, or topics treated in a legal context, in a 2000 level course or beyond in any discipline at the undergraduate level and in any graduate course for students at the graduate level. A first year course is not eligible, with the sole exception of *LWSO 1000: Law, Democracy and Social Justice*. Preference will be given for one of the seven awards to an undergraduate student in their first year of studies, who is currently enrolled in, or has completed, the first year introductory course *LWSO 1000* at the time their paper in this course is submitted for consideration.

The papers, submitted by and with endorsement of course professor or lecturer, are judged initially by the Dean, Director, or Department Head who makes a recommendation to the Selection Committee for the Awards. The Selection Committee comprises appointees of Memorial University and the Law Foundation. In the case of undergraduates the Awards are made by the Senate Committee on Undergraduate Scholarships, Bursaries and Awards. In the case of graduates the Awards are made by the Dean, School of Graduate Studies. In both cases they act upon the recommendation of the Selection Committee. An additional \$750. is provided annually by the Law Foundation to Queen Elizabeth II Library for the purchase of research materials and resources. Awards total \$6,000. annually.

The successful candidates in the eighteenth annual 2013/2014 Competition, covering the three semesters Spring/Summer and Fall, 2013, and Winter, 2014, are (in alphabetical order by Department):

Undergraduate Papers

Justin Drover

Department of Law and Society

Title: Case Commentary #2: *Roe v. Wade*
Course: *Law and Society 1000: Law, Democracy and Social Justice*
Lecturer: Dr. John Hoben

Alex Marshall

Department of Law and Society

Title: *A.C. v. Manitoba (Director of Child and Family Services) A Case Commentary*
Course: Law & Society 2000
Lecturer: Dr. Albert Jones

Devin Drover

Department of Political Science

Title: *A Defense of Judicial Activism under the Canadian Charter of Rights and Freedoms*
Course: Political Science 3820: Constitutional Law in Canada
Lecturer: Francis P. O'Brien, LL.M.

Jenna Hartigan

Department of Political Science

Title: *A Case for Interjurisdictional Immunity: A Reciprocal Doctrine*
Course: Political Science 3820: Constitutional Law in Canada
Lecturer: Francis P. O'Brien, LL.M.

Jenna Hartigan

Department of Political Science

Title: *The Forgotten Crime: Cultural Genocide under International Law*
Course: Political Science 3210: International Law
Lecturer: Francis P. O'Brien, LL.M.

Alex Marshall

Department of Political Science

Title: *The Impact of our Judicial System upon Canadian Federalism*
Course: Political Science 2800: Introduction to Canadian Politics and Government
Lecturer: Dr. Christopher Dunn

The Law Foundation of Newfoundland and Labrador Legal Research Award for the particular course appears on the student's official University transcript.

The annual volumes and 1997/2001 Consolidated Volume have been sent to the Reference Section of Canadian University Faculties of Law, the National Library of Canada, Ottawa, Law Libraries of Supreme and Provincial Courts, Department of Justice, Memorial University, Grenfell Campus, Queen Elizabeth II Library, the Centre for Newfoundland and Labrador Studies and Departmental Libraries, the Law Society of Newfoundland and Labrador and public libraries in the province.

The 2013/2014 Legal Research Awards Committee comprised Christopher P. Curran, Q.C., Chair, F. Geoffrey Aylward, Q.C., appointees of Law Foundation, John A. Scott, Ph.D., Professor, Department of Philosophy, and Justin S.C. Mellor, LL.M., appointees of Memorial University.

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In 2014, the Foundation approved the following deferred grants, which apply to 2015:

19th Annual Law Foundation Legal Research Awards Competition for Students
of Memorial University, 2014/2015 \$ 6,000.

The Foundation approved the following 2014 grants, totaling \$521,951:

Law Society of Newfoundland and Labrador Law Libraries
January 1 – December 31, 2014, with distribution for maintenance of holdings,
including electronic licenses: \$ 76,000.

St. John's,	\$62,000.
Gander,	\$3,000.
and West Coast,	\$11,000.

The Board, in addition to book acquisitions, supports electronic licenses, which provide wider public access to legal information.

See **NOTE re. Article X** (below):

Law Society, Law Libraries January 1 – December 31, 2015

Law Society of Newfoundland and Labrador
SS Daisy Legal History Committee (Project Daisy Committee) Project:

Publication entitled "A Ferryland Merchant – Magistrate:
The Journal and Cases of Robert Carter, Esq. J.P.
1841-1852 Volume II, Part I and Part II" \$ 725.

The \$725. is the balance of \$5,000. grant, with \$4,275. drawn from the redirection of the grant previously approved in 2012 for "Jurisprudence of Chief Justice Francis Forbes" publication, for which reapplication may be made.

Mr. Aubrey L. Bonnell, QC, Chair, Board of Governors, Law Foundation
and Mrs. Eleanor Bonnell attended the Book Launch on Saturday, November 22, 2014
2:00 PM – 4:00 PM at The Regional Arts Centre Building, Ferryland

Canadian Legal Information Institute (CanLII) Phase 6 \$ 15,000.

CanLII is a not-for-profit organization created by the Federation of Law Societies of Canada. CanLII's objective is to provide, by means of electronic access through the Internet, free access to primary legal materials for members of the legal profession and the public.

The grant is the sixth approved for a further \$15,000., bringing the total funding to date to \$90,000., to continue adding historical decisions and provide extended and comprehensive coverage from Newfoundland and Labrador Courts on the CanLII site.

Phase 6 added 1,108 NL Supreme Court, Trial Division decisions reported since 1987 in the printed reports covered by the Reflex records. The complete coverage period of the Trial Division now starts in November 1986 (instead of January 1997). This achieved

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the goal of bringing this collection on the CanLII site, similar to NL Supreme Court, Court of Appeal, back to at least the January 1, 1990 threshold.

The Board recognizes the importance of funding this online legal resource for the purposes of research and maintaining an accessible historical archive of court decisions. The CanLII site eliminates barriers related to location and supports public access to justice. The funding, which commenced in 2009 for this project, helps to ensure that Newfoundland and Labrador keeps pace with other jurisdictions in the accelerating global shift towards electronic access to legal information.

Website: www.canlii.org

Canadian Bar Association, Newfoundland and Labrador:

Canadian Bar Association Canadian Legal Conference,
S. John's, NL, August 14-17, 2014

\$ 10,000.

The Law Foundation also sponsored the two previous Canadian Bar Association (CBA) Canadian Legal Conferences (CLC), in St. John's, NL, in 1998 and 2006.

Website: www.cba.org

Canadian Institute for the Administration of Justice (CIAJ)

\$ 5,000.

40th Anniversary, Annual Conference,
"Privacy in the Age of Information",
October 15-17, 2014, St. John's, NL

Website: www.ciaj-icaj.ca

Legal Aid Commission:

two-thirds calendar year 2014 net revenues contribution

\$ 331,526.

Public Legal Information Association, Newfoundland and Labrador

Fiscal year April 1, 2014 – March 31, 2015

\$ 50,000.

This core funding, recorded under the object of legal education and legal research, also in part maintains the infrastructure for the Association's operation of the Lawyer Referral Service.

The Service was established and administered by the Law Society from 1986 to 1994 with annual funding in this period totalling \$46,569. from the Law Foundation. In 1995 responsibility for the Service passed from the Law Society to the Association.

PLIAN, with core funding from the Law Foundation, is able to engage in other projects, which the following project illustrates:

PLIAN, Project through Federal Department of Justice
Family Law, Helping Youth in Province Cope with Parental Divorce or Separation

News Conference, January 13, 2015:

The Hon. Peter MacKay, Minister of Justice and Attorney General of Canada at the news conference in St. John's announced "funding of \$105,881 to the Public Legal Information Association of Newfoundland and Labrador (PLIAN) for a new project aimed at helping youth in the province to cope with parental divorce or separation.

The project primarily aims to help young people from 11 to 16 years of age in rural, Aboriginal and French-minority communities through a series of workshops and videos and a new interactive family law website. Age-appropriate, easy-to-understand information will be provided on child support, parenting arrangements, court procedures and other family law issues most likely to affect youth following divorce or separation.

The funding will also be used to translate PLIAN's popular publication, 'My Parents Live Apart' into French and three Aboriginal languages (Inuktitut and two dialects of Innu-aimun)."

Aubrey L. Bonnell, Q.C., Chair, Board of Governors and Lawrence E. Collins, Executive Director, Law Foundation, as invited guests with the Law Foundation a core funder of PLIAN, attended the news conference held on Tuesday, January 13, 2015 at 10 AM in the boardroom at PLIAN's offices in St. John's.

PLIAN (Project Funding), applicant \$ 7,200.

"Summer Legal Information Series in French" and Youth Justice Day in French, in partnership with the Fédération des Francophones de Terre-Neuve et du Labrador, June, 2014 – March, 2015, in St. John's.

In addition to the "Summer Legal Information Series in French", PLIAN held a Youth Justice Day in French on Saturday, March 21, 2015 in cooperation with the Fédération des Francophones and their annual "Franco-Jeunes" conference, in St. John's attended by approximately 20 students from St. John's, the Port Au Port Peninsula area, and Labrador City.

Planned Parenthood NL applicant, with PLIAN as partner \$ 9,000.

Planned Parenthood NL, in partnership with PLIAN, as a pilot project for the fiscal year 2014-2015 to teach junior high and high school students in the province about the law related to sexual assault and consent, wrote and developed a curriculum on this issue. They delivered this presentation at schools in the St. John's area and travelled to deliver the presentation at several other locations in the province.

They covered a variety of legal issues related to the topic of sexual assault, including the definition of sexual assault under the law, a discussion of the concept of "consent" in terms of sexual activity (including debunking common myths about the implications of when consent is and is not freely given), the effect of alcohol and drug use on giving consent to sexual activity, the law related to online sexual exploitation and the distribution of intimate images online, and strategies and resources to use to respond to situations of sexual assault and other forms of violence.

Website: www.nlsexualhealthcentre.org

Atlantic Ballet Theatre of Canada, in association with PLIAN \$ 5,000.

Atlantic Ballet Theatre of Canada 'Celebrate Courage', Youth Program in association with PLIAN and presentation of *Ghosts of Violence* on September 16, 2014 at the Arts and Culture Centre in St. John's, NL

'Celebrate Courage' is a unique and award-winning *national youth educational initiative*, created in New Brunswick and presented across the country, to build awareness and action to address the epidemic levels of teen/young adult dating violence. It represents a new model to educate students on victims' issues, healthy relationships, victim/legal services, and the criminal justice system. Each presentation includes the award-winning multi-media ballet *Ghosts of Violence*, along with on-site education in partnership with front-line service providers including: the RCMP, victim services, public legal education, groups working with youth at risk, women's groups, and others working in the justice system.

Website: www.atlanticballet.ca

East Coast Environmental Law Association (ECELAW) \$ 6,500.

Workshop, *Understanding and Promoting Environmental Law and Rights in Newfoundland and Labrador*, on April 25, 2015 in St. John's, NL, with an educational report on Environmental Law in Newfoundland and Labrador.

Website: www.ecelaw.ca

18th Annual Law Foundation Legal Research Awards for Students of Memorial University, 2013/2014 \$ 6,000.

In addition to grants approved, the Board of Governors made \$20,000. available in 2014 for prior grantees and new applicants. One grant, above, for Law Society, SS Daisy Legal History Committee (Project Daisy Committee) Project was approved at December 31, 2014.

NOTE: 'Article X - Reports by the Board' of the by-laws of the Law Foundation provide that the "Board... shall present an annual report to the (Law) Society at the annual meeting of the Society [June 12, 2015]."

The Annual Meeting of the Board of Governors of the Law Foundation was held on May 11, 2015. The Board approved a total grant of \$45,000. (after a 40.79% equal reduction from each library's 2014 grant) to the Law Society for law libraries for January 1 – December 31, 2015, with distribution for maintenance of holdings, including electronic licenses: St. John's, \$36,710.; Gander, \$1,776; and West Coast, \$6,514.

Other applicants are being advised of the results of their grant applications.

Law Libraries

The Law Society's Library in St. John's provides an excellent collection of legal texts, journals and electronic resources for the use of its members and delivers high quality reference services to members of the legal community (judges, lawyers and law students), public and libraries throughout the Province.

In 2014, the Foundation provided a total grant of \$76,000. for a fifth consecutive year to Law Society for law libraries, St. John's, Gander and West Coast.

Since the proclamation of 'Part IV - Law Foundation' of the *Law Society Act* on February 1, 1980, to December 31, 2014, the Law Foundation has provided \$2,980,594. in funding to the Law Society for Law Library, St. John's for electronic licences, website and enhancement, and book acquisitions.

In 1992, when the Law Library vacated the Court House in St. John's, the Board of Governors provided the Law Society with \$100,000. in the Reserve Account for the establishment of the Law Library at its then location in Atlantic Place. The Law Library, Law Society is now located at 196-198 Water Street, St. John's.

The West Coast Law Library serves as the focal point of legal research and information for the practicing Bar and Judiciary on the West Coast of the Province. This facility has been jointly funded by the Law Society of Newfoundland and Labrador (via a grant from the Foundation) and the Provincial Department of Justice since its inception in 1983. Since then to December 31, 2014, the Foundation has provided \$545,939. in funding for book acquisitions.

Since the establishment of the jointly funded Gander Law Library in 1994 to December 31, 2014, the Foundation has provided \$149,200. in funding for book acquisitions.

Law Society website: www.lawsociety.nf.ca

PLIAN

The Public Legal Information Association of Newfoundland and Labrador (PLIAN) is a non-profit organization which relies on volunteers, core funding from the Law Foundation and the Federal Department of Justice, and in-kind support from the Provincial Government.

PLIAN is the Newfoundland and Labrador component of Public Legal Education Association of Canada (PLEAC). The Provincial Department of Justice has designated PLIAN as the current, sole designated public legal education and information (PLEI) service provider for Newfoundland and Labrador.

PLIAN receives project funding from the both Federal and Provincial Governments.

The Foundation's annual contribution has allowed PLIAN to continue to provide core operations to the people of Newfoundland and Labrador, host its website, provide its Lawyer Referral Service, Legal Information Telephone Line, Community Information Sessions, school presentations and publications, as well as assist an umbrella group of service providers from which the public directly benefits.

PLIAN provides public legal education and information services with the intent of increasing access to justice. PLIAN offers legal information sessions via webinar, enhancing its ability to reach remote parts of the island and Labrador.

Since PLIAN's establishment in the Province in 1984, to December 31, 2014, the Association has received annual core funding totaling \$1,069,000. from the Law Foundation.

Website: www.publiclegalinfo.com

Newfoundland and Labrador Legal Aid Commission

Legal Aid operates under the *Legal Aid Act*, and provides a range of legal services to low income individuals in the areas of family and criminal law. Legal Aid counsel represent eligible residents of the Province of Newfoundland and Labrador charged with offences under the *Criminal Code*, other federal statutes and provincial statutes, and to persons with family disputes or other civil matters. Duty Counsel services are provided to non-residents, and legal counsel may be appointed for non-residents either through the legal aid plan of the province in which they reside or this Province's legal aid program.

Legal Aid is funded by the Federal and Provincial Governments and by the Law Foundation of Newfoundland and Labrador.

Since Government, effective January 1, 1983, added Legal Aid as an object to receive Law Foundation funding by legislative amendment of the *Law Society Act*, the Law Foundation, to December 31, 2014, has provided \$9,442,929. in funding to the Newfoundland and Labrador Legal Aid Commission.

Website: www.legalaid.nl.ca

ACLF

The Foundation attended the National Annual Meeting of the Association of Canadian Law Foundations (ACLF) held September 11-13, 2014 in Whitehorse, Yukon.

At the National Annual Meeting, issues addressed included Law Foundation IOLTA revenues and rate negotiations with financial institutions across Canada, Access to Justice Fund, cy pres awards, grantee relations, and developments in legal education and legal research, law reform, legal referral services, law libraries, and legal aid.

Links to Law Foundations in provinces and territories across Canada are on Law Foundation's website: www.lawfoundationnl.com

Respectfully submitted,



Aubrey L. Bonnell, Q.C.
Chair, Board of Governors



THE LAW
FOUNDATION
OF NEWFOUNDLAND
AND LABRADOR