

# Annual Report



LAW FOUNDATION  
of Prince Edward Island

Year Ending  
December 31<sup>st</sup>

2019

# ANNUAL REPORT

Year Ending December 31st, 2019

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Originally established in 1973, the Law Foundation of Prince Edward Island operates pursuant to Part VII of the *Legal Profession Act*. The purpose of the Foundation is to receive interest earned on lawyers' trust accounts (IOLTA) and to make these funds available to organizations engaged in activities which are in keeping with the Foundation's mandate.

Visit [lawfoundationpei.ca](http://lawfoundationpei.ca) for more information

## CHAIR'S REPORT – GARY SCALES



The following report highlights some of the key activities and successes of the Law Foundation of Prince Edward Island throughout 2019.

### 2019 Funding Activity

Over 2019 the Law Foundation contributed \$169,500 in support of continuous programs and services including the courthouse law libraries, the Community Legal Information Association, the PEI Bar Admission Course, a legal education coordinator position, CanLII levies and various scholarships.

In addition, the Law Foundation was pleased to provide two one-time grants supporting the National Conference of Canadian Human Rights Commissions and PEI Citizen Advocacy.

### Funding Support Provided in 2019 For Continuous Programs and Services

CanLII Levy	\$	3,000
Community Legal Information Association	\$	50,000
Continuing Legal Education Coordinator	\$	10,000
Law Library	\$	75,000
Law Scholarships	\$	5,000
Legal Assistant Scholarship	\$	1,500
Bar Admission Course - PEI	\$	25,000

### Revenues and Expenditures<sup>1</sup>

As in 2018, the Law Foundation experienced a marked increase in revenues during the year and was in a positive cash position at December 31<sup>st</sup>, 2019. Interest on lawyer's trust accounts (IOLTA) revenue is estimated to be over \$485,792, up from \$372,103 in 2018. Overall, the Law Foundation was left in a positive cash position of \$296,460 as compared to \$140,315 in 2018. There was a slight increase in operating expenditures in 2019 at 60,884 up \$583 from the previous year. However, volatility of stock markets and interest rate cuts during the first quarter of 2020 signal a likely decline in IOLTA for 2020.

### 2019 ACLF

The Executive Director, Chair and Treasurer attended the annual Association of Canadian Law Foundation's (ACLF) meetings in Fredericton from September 12<sup>th</sup> – 14<sup>th</sup>. This gathering provides valuable information on emerging access to justice issues and new initiatives that have been funded within each jurisdiction. PEI also participated in a video documentary being created about the history of Canadian law foundations.

B10 COMMUNITY • WEDNESDAY, MAY 1, 2019

#### FUNDING

### Law foundation grants encourage research, access to justice

The Law Foundation of Prince Edward Island has announced its grant funding allocation for 2019. Among the recipients are P.E.I. Citizen Advocacy and the P.E.I. Human Rights Commission.

The grant to P.E.I. Citizen Advocacy is for the development of a research framework to better understand the access to justice issues facing vulnerable Islanders, specifically those with intellectual disabilities.

The P.E.I. Human Rights Commission received funding to support a mentorship initiative and

for captioning of presentations to be held at a national conference they are hosting in June.

In addition, the Law Foundation allocated about \$170,000 in 2019 to support P.E.I.'s provincial law library services, legal information resources, the P.E.I. bar admission course and various legal education scholarships.

Since 2013, the Law Foundation has provided close to \$2 million in funding.

For more information about the Law Foundation of P.E.I., visit [lawfoundationpei.ca](http://lawfoundationpei.ca).



Shanna Descoste-Farrell, executive director of P.E.I. Citizen Advocacy, and Hailey Arsenault, research development lead, work on a research framework for the organization's project, "Exploring Justice for All". Submitted

<sup>1</sup> Source: Audited financial statements ending December 31<sup>st</sup>, 2019, located in Appendix "A".



## Looking Forward to 2020

### 2020 Project Support:

In addition to its continuous funding, the Law Foundation approved grants for the following one-time projects to be completed in 2020:

<b>Organization</b>	<b>Activity</b>
Hospice PEI	To conduct public workshops dealing with health care directives
CanLII	To add foundational PEI case law to the CanLII database
CLIA	To develop self-represented litigants tool kit materials
Advisory Committee on Restorative Justice	To support a speaker series called <i>“Building a Community of Interest for Restorative Justice”</i>

### Awareness Campaign:

The Law Foundation’s 2019-2021 strategic plan sets out a goal to connect with more community organizations who may have ideas for projects that address new issues or offer innovative approaches to the delivery of legal services on PEI. In December 2019 proposals were invited to carry out a marketing campaign, and a service contract is currently being finalized to carry out this work. The campaign will involve the development of new marketing and program materials and will use a variety of media platforms to raise awareness about the Law Foundation and its funding program.

### Acknowledgements

In July of 2019, John Maynard completed his term on the Board of Governors. We are very appreciative of John’s significant contribution to the work of the Law Foundation since 2011. In October, the Board welcomed Paul Murphy who was appointed to fill the vacant seat.

Additionally, Deputy Minister Erin Mitchell, who represented the Minister of Justice and Public Safety and Attorney General’s office on the board, recently left this department for another position. We thank Erin for her valued participation since 2016 and wish her all the best in her new role. The new appointment from the Minister’s office to the Law Foundation will be announced as soon as this information becomes available.

As always, I would like to extend my thanks to the current Governors for their generous commitment of time and effort to further the work of the Law Foundation: Barbara Smith, Q.C. (Secretary Treasurer), William Dow, Q.C. and Paul Murphy. The Law Foundation also extends its appreciation to staff members, Lisa MacKay, Financial Officer, and Sheila Lund MacDonald, Executive Director, for their work throughout the year.

Respectfully submitted,  
Gary Scales, Chair  
Law Foundation of Prince Edward Island



# ABOUT THE LAW FOUNDATION OF PRINCE EDWARD ISLAND

## MISSION

The Law Foundation of PEI (Law Foundation) works to promote the advancement of legal knowledge and access to justice for all Prince Edward Islanders. It does this by funding projects and encouraging partnerships that advance the Foundation's mandate.

## MANDATE

As set out in the *Legal Profession Act*, Part VII Law Foundation, Section 50(1), the Foundation has the power to establish and maintain a fund and use the proceeds thereof for the purposes of:

- a) legal education, legal research or law reform
- b) the editing and printing of decisions of the Court of Appeal, Supreme Court and Provincial Court of Prince Edward Island
- c) the promotion of legal aid
- d) aiding in the establishing, operating, and maintaining of law libraries in Prince Edward Island

## ADMINISTRATION

The affairs of the Law Foundation are conducted by a Board of Governors composed of five members, four being members of the Law Society and appointed by the Council of the Law Society; and one member who is appointed by the Minister of Justice and Public Safety and Attorney General. Governors serve on the board for a term of two years or until a successor is appointed.

The Board meets a minimum of four times per year to decide on policy matters and to deal with the general administration of the Law Foundation.

Day-to-day administration and management services are provided by an Executive Director who is engaged on a part-time contract basis. Financial administration support is provided by a Financial Officer who is engaged on a part-time contract basis.

## BOARD AND STAFF

### 2019 Law Foundation of PEI Board of Governors\*

- Gary Scales, Chair
- Barbara Smith, Q.C., Secretary-Treasurer
- John Maynard, Q.C.
- Erin Mitchell, Attorney General Representative
- William Dow, Q.C.
- Paul Murphy (*commencing in October 2019 to fill the seat vacated by John Maynard who had completed his term*)

### 2019 Law Foundation of PEI Staff

- Lisa MacKay, Financial Officer
- Sheila Lund MacDonald, Executive Director

\*Biographies of each Board member can be found [here](#).



## AREAS OF ENCOURAGEMENT 2019-2022

The following four areas of encouragement were identified to guide funding decisions, with the overarching goal of strengthening Islanders' ability to access justice and legal information:

- Legal needs of seniors, newcomers, low income Islanders and vulnerable groups.
- Innovative approaches to enhance access to justice.
- Public legal education that is practical, relevant and accessible.
- Technology, specifically projects that explore or use technology that enhances the delivery of legal services and/or public legal education.

## GRANT ACTIVITY REPORT 2013-2019

Organization	Description	Grants from 2013- 2018	Grants in 2019
Courthouse Law Library Services	To support day-to-day operations.	\$670,317	\$75,000
Community Legal Information Association	To support day-to-day operations.	\$292,000	\$50,000
Bar Admission Course and Coordination of Professional Legal Education Sessions	Funds allocated to cover the cost of the course and for coordination of other professional legal education events.	\$210,631	\$35,000
Canadian Legal Information Institute	To support CanLII case law service.	\$22,000	\$3,000
Legal Education Scholarships	\$5000 annually to support scholarships for law students.	\$30,000	\$5,000
Legal Administration Scholarships	Annual scholarships for students studying legal administration.	\$19,000	\$1,500
Association of Canadian Law Foundations	Annual membership fee.	\$1,400	\$100
Project Grants provided in 2019	For one-time and multi-year projects.		\$11,200
Project Grants from 2013-2018	For one-time and multi-year projects.	\$528,047	
Total funding in 2019			<b>\$180,800</b>
Total funding from 2013-2018		<b>\$1,773,395</b>	

**From 2013-2019 the Law Foundation of PEI has provided  
\$1,954,195  
in funding support to PEI-based projects and organizations.**

## ANNUAL THANE CAMPBELL LECTURESHIP IN LAW

Professor Benjamin Berger delivered the 2019 Thane Campbell Lecture on June 25th. Prof. Berger spoke about recent developments in the law of sentencing. In addition to co-organizing the event with UPEI and the PEI Human Rights Commission, the Law Foundation funded closed captioning of the presentation.



## SCHOLARSHIPS

The Law Foundation funds a variety of scholarships to support students pursuing careers in law. In 1985 an endowment fund was started in order to offer a scholarship to Island students attending the Dalhousie Schulich School of Law. In 1992 an endowment fund was started to offer both an entrance and an upper year scholarship to Island students attending law school at the University of New Brunswick. Beginning in 2008, the Law Foundation partnered with the Law Society of PEI to establish an annual scholarship award fund for students from PEI engaged in the study of law at an accredited university. Since 2008, the Law Foundation has offered scholarships for those graduating from legal administration programs on PEI.

### 2019 Centennial Scholarship Recipients

Law Foundation of PEI Centennial Scholarships were presented to University of New Brunswick students Jeremy MacDonald (Upper Year scholarship) and Julia O’Hanley (Entrance scholarship) at the October 2019 Law Academic Awards Night ceremony.



*Pictured above: Greg Bowley (left), Assistant Professor at UNB Faculty of Law presents the Law Foundation Scholarship to Jeremy MacDonald.*

Zach Geldert was the recipient of the 2019/2020 Dalhousie Schulich School of Law Centennial Scholarship.

*Zach Geldert*



### Law Society/Law Foundation Scholarship

2019 recipients were: Caitlin Cullen Mullally, Gallant and Sydney Gallant.

### Legal Administration Program Scholarships

In 2019 scholarships were awarded to Helen Murphy and Jessica Noonan at the Holland College graduation ceremony held on July 27<sup>th</sup>.

*Keynote speaker, Cindy Cameron (center), presents the Law Foundation award to Helen Murphy (left) and Jessica Noonan (right). Photo credit Holland College*



# APPENDIX “A” AUDITED FINANCIAL STATEMENTS



**The Law Foundation of Prince  
Edward Island  
Financial Statements  
For the Year Ended December 31, 2019**

**The Law Foundation of Prince Edward Island  
Financial Statements  
For the Year Ended December 31, 2019**

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## Independent Auditor's Report

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**To the Members of  
The Law Foundation of Prince Edward Island**

### **Qualified Opinion**

We have audited the financial statements of The Law Foundation of Prince Edward Island (the Foundation), which comprise the statement of financial position as at December 31, 2019, and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, except for the possible effects of the matter described in the *Basis for Qualified Opinion* section of our report, the accompanying financial statements present fairly, in all material respects, the financial position of the Foundation as at December 31, 2019, 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

### **Basis for Qualified Opinion**

The Foundation derives part of its revenue from interest on lawyers' trust accounts and from unclaimed trust accounts, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amounts recorded in the records of the Foundation. Therefore, we were not able to determine whether any adjustments might be necessary to interest revenue, excess of revenue over expenses, and cash flows from operations for the years ended December 31, 2019 and 2018, current assets as at December 31, 2019 and 2018, and net assets as at January 1 and December 31 for both the 2019 and 2018 years. Our audit opinion on the financial statements for the year ended December 31, 2018 was modified accordingly because of the possible effects of this limitation in scope.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Foundation in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.



## **Responsibilities of Management and Those Charged with Governance 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.

In preparing the financial statements, management is responsible for assessing the Foundation's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Foundation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Foundation's financial reporting process.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit 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.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.



- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Foundation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Foundation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*BDO Canada LLP*

Chartered Professional Accountants

Charlottetown, Prince Edward Island  
March 20, 2020

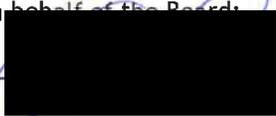
**The Law Foundation of Prince Edward Island  
Statement of Financial Position**

December 31	2019	2018
<b>Assets</b>		
<b>Current</b>		
Cash and cash equivalents	\$ 36,681	\$ 191,943
Short-term investments (Note 2)	1,328,519	837,410
Accounts receivable	59,271	70,277
	1,424,471	1,099,630
<b>Long-term investments (Note 2)</b>	729,189	756,768
	<b>\$ 2,153,660</b>	<b>\$ 1,856,398</b>

**Liabilities and Net Assets**

<b>Current</b>		
Accounts payable and accrued liabilities	\$ 4,324	\$ 3,522
<b>Net Assets</b>		
Unrestricted	2,149,336	1,852,876
	<b>\$ 2,153,660</b>	<b>\$ 1,856,398</b>

On behalf of the Board:


 Director


 Director

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**The Law Foundation of Prince Edward Island  
Statement of Changes in Net Assets**

<b>For the year ended December 31</b>	<b>Unrestricted</b>	<b>2019 Total</b>	<b>2018 Total</b>
Balance, beginning of the year	\$ 1,852,876	\$ 1,852,876	\$ 1,712,561
Excess of revenue over expenses	296,460	296,460	140,315
Balance, end of the year	\$ 2,149,336	\$ 2,149,336	\$ 1,852,876

The accompanying notes are an integral part of these financial statements.

## The Law Foundation of Prince Edward Island Statement of Operations

For the year ended December 31	2019	2018
<b>Revenue</b>		
Interest - lawyers' trust accounts	\$ 485,792	\$ 372,103
Interest - bank account and investments	40,801	46,591
Loss on sale of investments	(18,558)	(18,835)
Donation revenue	-	250
Unclaimed trust money	287	1,838
	<u>508,322</u>	<u>401,947</u>
<b>Operating expenses</b>		
Advertising	1,192	578
Bank and investment fees	5,016	4,891
Conference travel	3,549	4,513
Insurance	850	850
Office	1,305	1,139
Professional fees	3,588	4,899
Rent	2,415	2,070
Salaries	6,500	6,500
Secretarial and Executive Director services	35,353	34,292
Website	1,116	569
	<u>60,884</u>	<u>60,301</u>
<b>Excess of revenue over expenses before the undernoted</b>	<u>447,438</u>	<u>341,646</u>
<b>Other income (expenses)</b>		
Grants (Note 3)	(180,800)	(181,300)
Unrealized gain (loss) in fair value of investments	29,822	(20,031)
	<u>(150,978)</u>	<u>(201,331)</u>
<b>Excess of revenue over expenses</b>	<u>\$ 296,460</u>	<u>\$ 140,315</u>

The accompanying notes are an integral part of these financial statements.

## The Law Foundation of Prince Edward Island Statement of Cash Flows

For the year ended December 31	2019	2018
<b>Cash flows from operating activities</b>		
Interest received	\$ 538,172	\$ 337,302
Grants paid	(180,800)	(181,300)
Cash paid to suppliers	(60,368)	(60,199)
	297,004	95,803
<b>Cash flows from investing activities</b>		
Proceeds from sale of investments	2,556,696	303,633
Purchase of investments	(3,008,962)	(229,144)
	(452,266)	74,489
<b>Net increase (decrease) in cash position</b>	(155,262)	170,292
<b>Cash and cash equivalents, beginning of the year</b>	191,943	21,651
<b>Cash and cash equivalents, end of the year</b>	\$ 36,681	\$ 191,943

The accompanying notes are an integral part of these financial statements.

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# The Law Foundation of Prince Edward Island

## Notes to Financial Statements

December 31, 2019

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### 1. Significant Accounting Policies

<b>Nature of Organization</b>	The Law Foundation of Prince Edward Island was formed to fund legal education, legal research and law reform; to edit and print the decisions of the Supreme Court and Provincial Court of Prince Edward Island; and to aid in the establishment, operation and maintenance of law libraries in Prince Edward Island.
<b>Basis of Accounting</b>	The financial statements have been prepared using Canadian accounting standards for not-for-profit organizations.
<b>Revenue Recognition</b>	<p>The Foundation follows the deferral method of accounting for contributions.</p> <p>Unrestricted investment income is recognized as operating revenue when earned. Investment income from the Law Foundation Scholarship Fund is recorded in that fund when earned.</p>
<b>Financial Instruments</b>	<p>Financial instruments are recorded at fair value at initial recognition.</p> <p>In subsequent periods, equities traded in an active market are reported at fair value, with any change in fair value reported in income. All other financial instruments are reported at cost or amortized cost less impairment. Transaction costs on the acquisition, sale or issue of financial instruments are expensed for those items measured at fair value and charged to the financial instrument for those measured at amortized cost.</p> <p>Financial assets are tested for impairment when indicators of impairment exist.</p>
<b>Cash and Cash Equivalents</b>	Cash and cash equivalents include cash on hand, balances with banks and short-term deposits with original maturities of three months or less. Interest earned on these investments is reflected in the statement of operations as interest income.

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## The Law Foundation of Prince Edward Island Notes to Financial Statements

December 31, 2019

### 2. Investments

The carrying amounts of short-term investments maturing within one year are comprised of the following:

	2019 Cost	2019 Market	2018 Cost	2018 Market
Bonds	\$ 46,609	\$ 46,832	\$ 341,314	\$ 412,004
Money market funds	1,097,518	1,097,518	425,406	425,406
Securities	171,880	184,169	-	-
<b>Total short-term investments</b>	<b>\$ 1,316,007</b>	<b>\$ 1,328,519</b>	<b>\$ 766,720</b>	<b>\$ 837,410</b>

The carrying amounts of long-term investments maturing over one to nine years are comprised of the following:

	2019 Cost	2019 Market	2018 Cost	2018 Market
Bonds	\$ 709,515	\$ 729,189	\$ 549,282	\$ 756,768

### 3. Grants

	2019	2018
Association of Canadian Law Foundations	\$ 100	\$ 100
Bar Admission Course - PEI	25,000	25,000
CanLII Levy	3,000	3,000
Community Legal Information Association	50,000	50,000
Continuing Legal Education	10,000	10,000
Law Library	75,000	75,000
Law Scholarships	5,000	5,000
Legal Assistant Scholarship	1,500	1,500
Other grants	11,200	11,700
	<b>\$ 180,800</b>	<b>\$ 181,300</b>

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## The Law Foundation of Prince Edward Island Notes to Financial Statements

December 31, 2019

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#### 4. Financial Instrument Risks

##### Credit Risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Foundation is exposed to credit risk arising from all of its bank accounts being held at one financial institution and deposits are only insured up to \$100,000.

##### Market Risk

The Foundation is exposed to fluctuations in equity markets on its long-term investments.

##### 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 fixed and floating interest rate financial instruments.

A portion of the Foundation's investments bear interest at floating rates. Fluctuations in these rates will impact the investment income received in the future.

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## 2019 Law Foundation of PEI Board of Governors

Gary Scales

Chair

Barbara Smith, Q.C.

Secretary/Treasurer

John Maynard, Q.C.

*to September 2019*

Bill Dow, Q.C.

Erin Mitchell

Attorney General Representative

Paul Murphy

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LAW FOUNDATION  
of Prince Edward Island