

Lawyers must use this form to provide an opinion regarding the legal merits of a judicial review application. LAO does not require a detailed opinion letter. If the information contained in the form is inadequate to sustain a positive decision, counsel will be asked to provide additional information.

As a member of the appellate panel, you undertake to request funding only in circumstances where legal merit is evident and the cost would be borne by a reasonable person of modest means.

## 1. Basic information

Lawyer's name:

(First)

(Middle)

(Last)

Client's name:

(First)

(Middle)

(Last)

Client's date of birth:

(YYYY-MM-DD)

CLT number:

Client's opinion certificate  
number:

## 2. Case-specific information

Is the client currently residing in Ontario? Yes    No

Has the client been in Ontario for more than 12 months? Yes    No

If the client is from a DCO country, did they file an appeal to the RAD that is now subject to judicial review? Yes    No

If this is a judicial review of an RPD hearing, did the client travel through the United States (US) and make their claim at the US/Canada border? Yes    No

Was the claim found to have no credible basis? Yes    No

Was the claim found to be "manifestly unfounded"? Yes    No

What decision are you seeking to challenge?

RPD decision

RAD decision

ID decision

IAD decision

H&C decision

PRRA decision

Danger Opinion decision

PR decision

Other (please specify)

Application for leave filed?	Yes	No
If yes, when is record due?		
	(YYYY-MM-DD)	
If no, when is the deadline for filing leave?		
	(YYYY-MM-DD)	
Has the record already been perfected?	Yes	No
If yes, please forward a copy of the factum along with this application		
If no, when is the perfection date?		
	(YYYY-MM-DD)	
If a certificate is issued for judicial review, will you be the lawyer of record?	Yes	No
If no, in whose name should the certificate be issued?		
Has the Federal Court granted or refused leave?	Granted	Refused
What was the date of the decision:		
	(YYYY-MM-DD)	

### 3. Merit assessment

In assessing merit, it is extremely important that you consider the “client of modest means” test, i.e., is there sufficient legal merit and likelihood of success that a client of modest means would pay for these services? LAO is an agency with limited resources, and to meet its mandate of providing services for the vulnerable, it must ensure that funding is not provided to cases that lack legal merit and have little chance of success.

With this context in mind, do you recommend that Legal Aid Ontario fund this JR?	Yes	No
If no, explain:		

If yes, please check which of the following grounds apply:

The issues are set out in the attached factum

OR

1. The Officer incorrectly applied the legal criteria for humanitarian and compassionate consideration
2. The best interests of the child were not reasonably considered
3. The tribunal erred in assessing credibility
4. The tribunal ignored or misconstrued relevant evidence
5. The tribunal misstated the applicable standard of proof
6. The tribunal misstated the relevant considerations under s. 96 or s. 97
7. The tribunal incorrectly determined that the risk was general not personal
8. The tribunal failed to apply the gender guidelines
9. The tribunal misstated or improperly applied the state protection test
10. The tribunal improperly applied the change of circumstances doctrine
11. The tribunal failed to assess applicants' claims individually
12. The decision violates the *Charter*
13. The tribunal erred in the application of exclusion principles
14. The tribunal erred in its IFA analysis
15. Natural justice was violated because interpretation was deficient
16. Natural justice was violated because the board member's conduct gave rise to a reasonable apprehension of bias
17. Natural justice was violated because there was ineffective assistance by counsel
18. Natural justice was violated because other procedural irregularities occurred
19. The tribunal erred in finding the claim to be manifestly unfounded

Other: please elaborate briefly on each ground identified

Is there a reasonable likelihood of success if a *de novo* hearing/reconsideration is ordered by the Federal Court?

Yes

No

If no, explain:

## 4. Checklist of documents

If you have already prepared your factum, please attach:

- A copy of the written decision which is the subject of the judicial review (RPD & RAD, where applicable)
- A copy of the factum

Please provide the following if no factum is available:

- A copy of the BOC narrative
- A copy of the RPD decision
- A copy of the RAD decision where applicable
- If the case being reviewed was an H & C, a copy of the written submissions made and the H & C decision
- If the case being reviewed was a PRRA, a copy of the PRRA submission and a copy of the PRRA decision
- In any other case, a copy of the underlying submissions and a copy of the tribunal's decision.

## 5. Confirmations

I confirm that I did not receive a private retainer or fees for disbursements to provide this opinion.

Please use *LegalAid Online* to submit this form and any attachments through the portal under the Certificate Amendment / Authorization page.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in the general administration of the payment of lawyers accounts including: case management, application of block fees and tariff, discretion, reviews, disbursement authorization, expedite requests, late billing, hard cap, and recoveries; and, is used in the panel management of lawyers including investigations, panel suspension, and panel removal. Questions about this collection should be directed to the FIPPA coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.