



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

Annual Report
2002

Table of Contents

Letter to the Minister	4
Message from the Chair	5
Message from the CEO	6
Statutory Mandate	7
Summary of Facts and Figures	
Expenses	8
Revenues	9
Total number of people assisted	10
Certificate Program	11
Duty Counsel Program	14
Community Legal Clinic Program	15
Other Programs and Services	17
Board of Directors and Committees	19
Senior Management Committee	20
Management's Responsibility for Financial Information	21
Financial Statements	
Auditor's Report	23
Balance Sheet	24
Statement of Operations	25
Statement of Cash Flows	27
Summary of Significant Accounting Policies	28
Notes to Financial Statements	30 - 37
Salary Disclosure	38

Letter to the Minister



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

December 2002

The Honourable David Young
Attorney General for Ontario
720 Bay Street
Toronto, ON M5G 2K1

Dear Minister:

Legal Aid Ontario is pleased to submit to you the 3rd Annual Report for the Legal Aid Ontario Corporation for the year ended March 31, 2002, pursuant to the provisions of Section 72 of the *Legal Aid Services Act*, 1998.

Yours very truly,

A handwritten signature in black ink, appearing to read 'S. Linden', with a long horizontal flourish extending to the right.

Honourable Sidney B. Linden
Chair

Message from the Chair

Legal Aid Ontario (LAO) is committed to contributing to a fair and balanced justice system in Ontario by providing timely, high-quality representation for low-income people. This helps Ontario's justice system and courts to run smoothly. We are proud to announce that in the past year, we helped just over one million low-income people gain access to justice.

It has been a great year with LAO and clinics working together to lay the foundations for a healthy and effective clinic system. Clinics can now serve more low-income people better than ever before as we continue to develop new funding relationships and ensure that information is provided on a timely basis. LAO's expansion process will enable some 220,000 more people gain access to services at community legal clinics.

We are extremely pleased that the Memorandum of Understanding (MOU) between the clinics and LAO has been finalized. This is a key component in the partnership and cooperative relationship between LAO and clinics. The MOU sets out the roles and responsibilities for clinics and LAO to live and work by. This initiative is an important milestone and a reflection of our shared focus and goals.

The demand for refugee law services is continuously growing and our clients' needs are becoming more complex. The importance of providing high-quality refugee law services are necessary and as a result, LAO's Refugee Law Office (RLO) became a permanent service this past year. LAO believes that providing access to justice for refugees is essential.

This year LAO submitted a business case for tariff reform to Ontario's Attorney General. The business case proposed a modest increase to the hourly rates paid to legal aid lawyers over a three-year period. It also explained the risk of allowing the flight of lawyers from legal aid to continue. Our objective is to ensure that LAO can continue to provide high-quality service to clients and retain a sufficient pool of high-quality private bar lawyers willing to do legal aid work. On behalf of the Legal Aid Ontario board of directors and LAO staff, I would like to thank the many partners, private bar lawyers and Tariff Coalition members who helped us prepare the business case.

Since becoming an independent corporation in 1999, our commitment to the provision of high-quality, flexible and innovative legal services has been our driving force. It has made LAO a North American leader in providing access to justice for low-income individuals. Our goal is to be client focussed and continue to provide quality legal aid services, improve cost-efficiency and promote innovative approaches to meet the legal needs of low-income Ontarians.

Finally, I would like to thank all of our board members, our excellent CEO and staff for their dedication and commitment throughout the year.



Honourable Sidney B. Linden
Chair

Legal Aid Ontario

Message

from the CEO

In the year that I've been with Legal Aid Ontario, I have come to appreciate the commitment to job excellence and quality service the entire staff of LAO provides to our clients. We're an organization whose complexity and energy make us a leader in North America providing access to justice for low-income individuals.

This year, we undertook a needs assessment, which analyzed the factors that drive the demand for legal aid services. This will help us to determine better ways to meet our clients' needs, shaping future LAO initiatives that will lead to service improvements. We continue to learn more about our environment and the issues that affect the demand for legal aid.

The development of the Quality Services Project (QSP) is currently underway and is aimed at helping staff and service providers work towards providing the highest-quality service possible. The project is also aimed at measuring our services, so we can share our experiences, measure our achievements and the positive impact we have on our clients. Clients and service providers should know what to expect from LAO.

Last year, we embarked on an organizational review to build on our strengths, our talent and to reinforce our capacity in key business areas. I am pleased to say that the review has been completed and will ensure there are strong channels of communication across the organization and that we meet our key business objectives including our focus on client services.

Continuing to improve and invest in technology to better serve our clients and service providers is an ongoing priority. Through new initiatives, service providers are now able to send their legal aid accounts to LAO electronically through our new e-billing software. They can also receive faster payments for their legal aid accounts with direct deposit.

We are excited about the Total Service Network (TSN), a new technology project that will redesign and improve the way we do business with each other, our clients and our service providers. It will allow us to be more client focused with operations that are effective and flexible. TSN will help us reduce follow up visits, speed up the issuance of certificates and improve upon the support we provide to lawyers who do legal aid work.

I would like to thank our staff, chair and board members for their hard work and dedication over the past year. We have accomplished many improvements throughout LAO and will continue to do so in the coming year as we strive to become a leader in high quality, customer friendly legal aid service.



Angela Longo
President & CEO

Statutory Mandate

The *Legal Aid Services Act (1998)* establishes the following mandate for LAO:

- To promote access to justice throughout Ontario for low-income individuals by providing high quality legal aid services.
- To encourage and facilitate flexibility and innovation in the provision of legal aid services.
- To recognize the diverse legal needs of low-income individuals and disadvantaged communities.
- To operate within a framework of accountability for the expenditure of public funds.

In fulfilling this mandate Legal Aid Ontario is committed to providing services which recognize the importance of diversity, access, equity, creativity and quality.

Vision

Legal Aid Ontario will pursue its legislative mandate with the goal of achieving:

- Excellence in accessibility and quality of client service;
- Effective relationships with service providers, and
- Efficient, accountable and innovative use of resources.

Values

Integrity: We act with integrity and we assume that others do so.

Respect: We practice respect in all relationships.

Responsiveness: We are responsive to clients, stakeholders and staff. We treat people in an equitable way, recognizing their needs.

Excellence: We strive for excellence and continuous quality improvement. We aim to attract and retain the best employees.

Independence: We are an independent part of the justice system.

Accountability: We are accountable to the government, clients, stakeholders and staff.

Openness: We are open and consultative in decision-making.

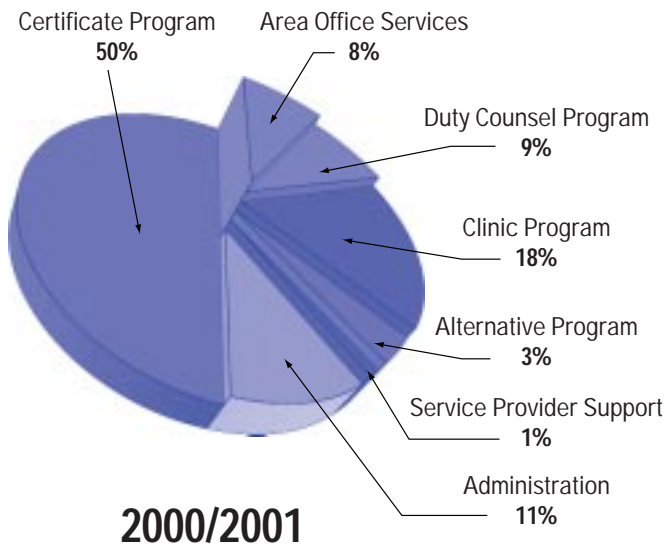
Consistency: We are consistent in our processes and decision-making. We create unity across the organization. We make decisions on the basis of facts and sound principles.

Summary of Facts and Figures

Legal Aid Ontario - Expenses (000's)

The total cost of Legal Aid Ontario for 2001/2002 was \$293.5 million.

	2000/2001	2001/2002
Certificate Program	\$ 123,402	\$ 149,643
Area Office Services	\$ 20,290	\$ 27,028
Duty Counsel Program	\$ 22,261	\$ 25,536
Clinic Program	\$ 44,017	\$ 52,749
Alternative Program	\$ 7,590	\$ 8,570
Service Provider Support	\$ 2,296	\$ 2,010
Administration	\$ 28,073	\$ 27,981
Total	\$ 247,929	\$ 293,517



Summary of Facts and Figures

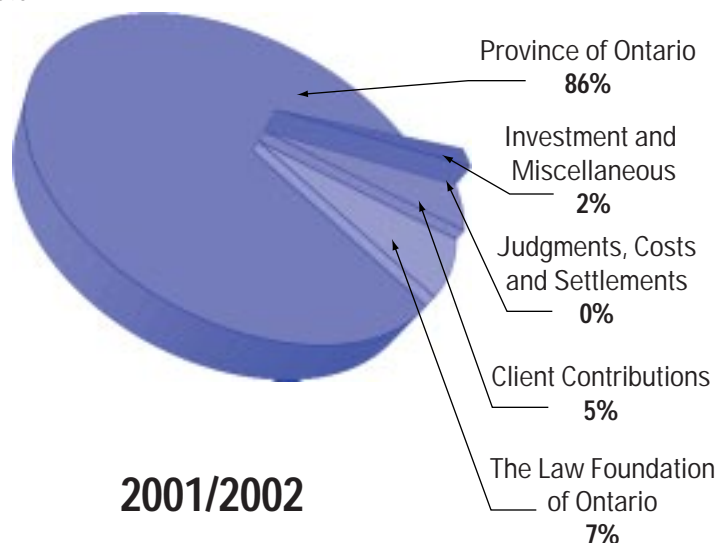
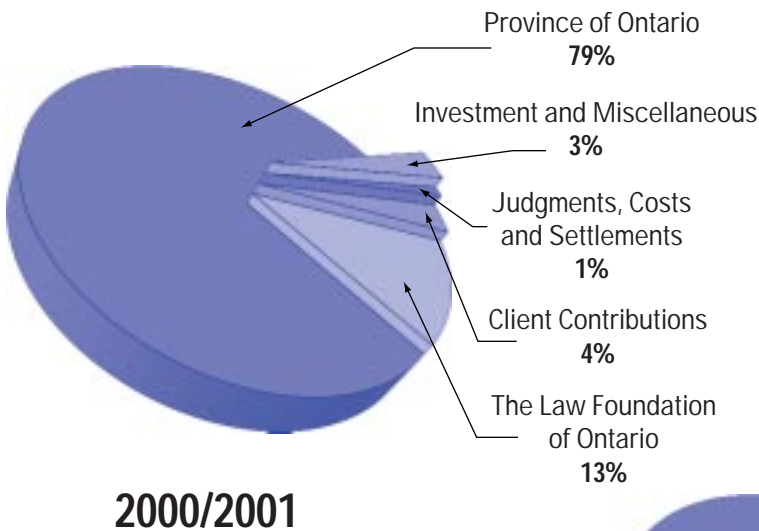
Legal Aid Ontario - Revenues (000's)

Legal Aid Ontario received \$288.3 million in revenues in 2001/2002.

	2000/2001	2001/2002
Province of Ontario	\$ 190,843	\$ 246,695
*The Law Foundation	\$ 30,964	\$ 19,944
Client Contributions	\$ 8,399	\$ 14,234
Judgments, Costs and Settlements	\$ 1,392	\$ 768
Investment and Miscellaneous Income	\$ 7,163	\$ 6,676
Total	\$ 238,761	\$ 288,317

*Law Foundation

Represents the interest that accumulates in lawyers' mixed trust accounts. The Law Foundation collects the interest in accordance with its statutory obligation to pay 75 per cent of its revenues to Legal Aid Ontario.



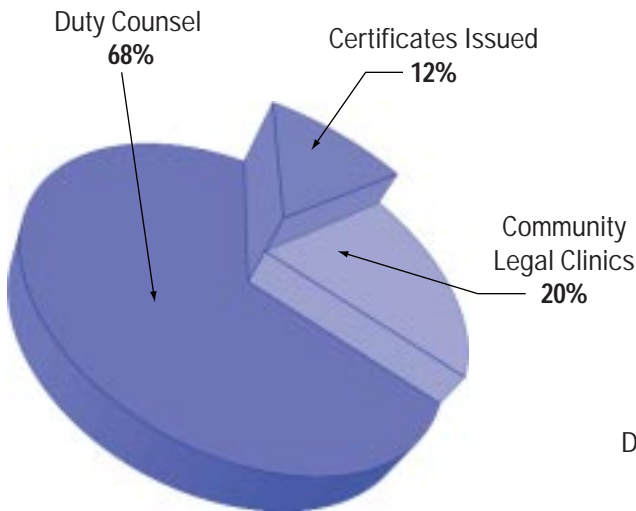
Summary of Facts and Figures

Legal Aid Ontario - People Assisted

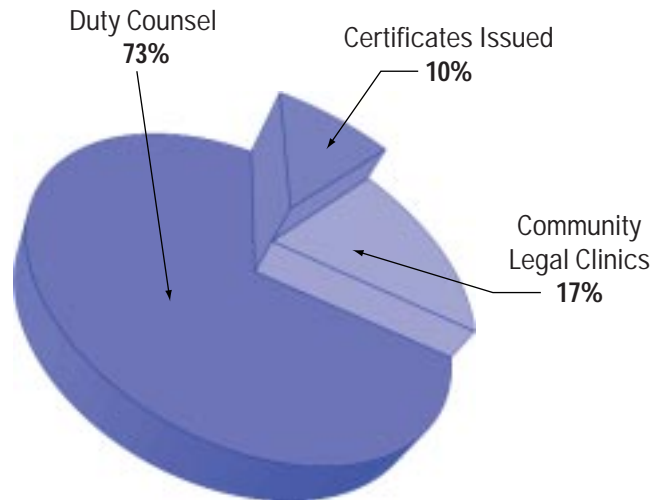
Legal Aid Ontario assisted 1,108,132 people in 2001/2002.

	2000/2001	2001/2002
Certificates Issued	117,549	114,044
Duty Counsel Services	675,813	801,808
*Community Legal Clinics		
Case Files	16,607	15,122
Legal Advice/ Brief Services	124,519	119,286
Referrals by Clinics	59,408	57,872
Total	993,896	1,108,132

* Statistics are based on the calendar year.



2000/2001



2001/2002

Certificate Program

In 2000/2001, Legal Aid Ontario (LAO) issued more than 117,000 legal aid certificates, the highest number issued since 1995/1996. LAO concluded that it was unable to sustain this level of service within its existing resources. As a result, this past year LAO adopted a "Service Adjustment Program" (SAP), which is designed to ensure that the certificate program stays within its budget.

SAP identified ways to continue to serve clients through other service delivery programs, such as duty counsel. Therefore, LAO was able to reduce the amount of certificates issued by assisting clients through other programs and services. As a result, although the number of certificates issued was reduced, more people were assisted by duty counsel and clinics this year.

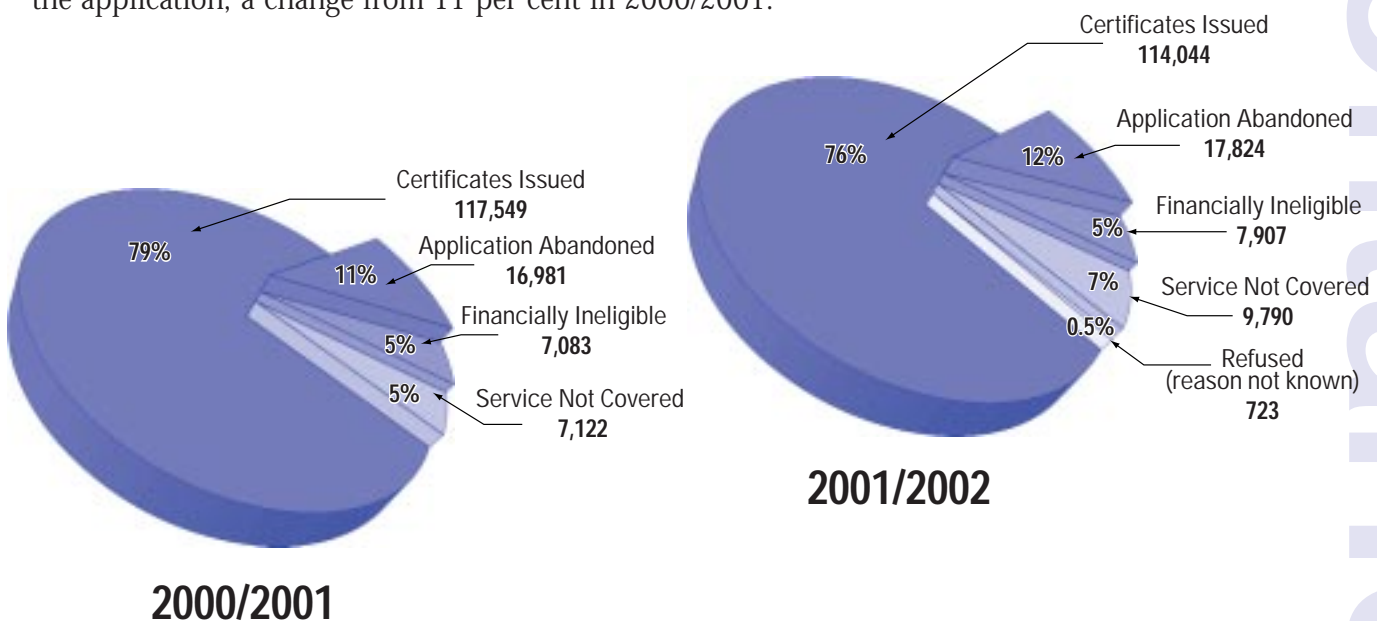
This year LAO issued just over 114,000 certificates, a reduction of approximately three per cent. The reduction of certificates issued did not disrupt our services to clients or service providers.

Legal Aid Ontario issued 114,044 certificates in 2001/2002.

	Criminal	Family	Immigration	Other Civil	Grand Total
1999/2000	62,054	30,138	8,731	6,621	107,544
2000/2001	65,279	32,787	11,470	8,013	117,549
2001/2002	63,203	29,672	13,732	7,437	114,044

Applications

150,288 people completed applications for legal aid this year and 114,044 (76 per cent) received a certificate, a three per cent decrease from last year. Twelve per cent of applicants were refused because they did not meet financial eligibility criteria or the service was not covered, compared to 10 per cent from last year. Twelve per cent of the refusals occurred because the client abandoned the application, a change from 11 per cent in 2000/2001.



Certificate Program

Average Case Cost

Average case costs are the total costs paid on certificates in the fiscal year ending March 31, 2002.

	2000/2001	2001/2002
Criminal	\$ 1,267	\$ 1,359
Family	\$ 1,536	\$ 1,650
Immigration	\$ 1,675	\$ 1,735
Other Civil	\$ 747	\$ 843
All Certificates	\$ 1,339	\$ 1,426

Certificate Fees, Disbursements and Administration Fees (000's)

	Fees	Disbursements	Admin. Fees	Total Paid
Criminal	\$ 73,024	\$ 5,417	\$ 2,395	\$ 80,836
Family	\$ 38,194	\$ 3,639	\$ 1,011	\$ 42,844
Immigration/Refugee	\$ 13,213	\$ 2,714	\$ 503	\$ 16,430
Other Civil	\$ 4,464	\$ 705	\$ 238	\$ 5,407
Total Cash Outlay	\$ 128,895	\$ 12,475	\$ 4,147	\$ 145,517
Change in Accrued Liability (see Note 5 of Financial Statements)				\$ 3,949
Settlement Conferences				\$ 177
Certificate Program Expenses per Financial Statements				\$ 149,643

Certificate Program

Fees Paid to Lawyers

Lawyers' annual fees are capped with lawyers at the tier 1 level (less than four years experience doing legal aid work in an area of law) able to bill up to \$157,000 in one year. Tier 2 lawyers (with more than four and less than ten years of experience) can bill up to \$177,190 and tier 3 lawyers (with more than ten years experience) can bill up to \$196,875.

Fees paid are based on fees allocated, which means fees paid to the lawyer who actually worked on the case, regardless of who acknowledged the certificate.

Amount \$	Number of Lawyers	% of Total
1 – 9,999	2,039	47.3%
10,000 – 49,999	1,370	31.8%
50,000 – 99,999	542	12.6%
100,000 – 249,000	335	7.8%
250,000+	21	0.5%
Total	4,307	100.0%

Lawyer Experience by Tier Level

	Tier 1 %	Tier 2 %	Tier 3 %
Criminal	13%	21%	66%
Family	21%	27%	52%
Immigration/Refugee	11%	22%	67%
Other Civil	33%	18%	49%
All Certificates	16%	23%	61%

Duty Counsel Program

Legal Aid Ontario (LAO) is committed to providing consistent, reliable and high quality representation in the duty counsel program. Since September of last year, LAO has expanded its full-time supervisory duty counsel to anchor the delivery of legal aid services by the private bar. The roll out of supervisory duty counsel across the province supports the delivery of a broader range of services and enhances the quality and management of duty counsel services.

Duty counsel provide assistance to unrepresented persons in adult criminal, family and youth courts, by giving advice on court procedure and processes. LAO now recruits experienced duty counsel to provide dedicated services to special needs clients in many specialized courts. In remote northern areas, duty counsel attend fly-in courts. They are also now available in Superior Court to assist with access variations as well as child support variations in non-unified court jurisdictions.

Duty counsel's Advice Lawyer provides out of court assistance to unrepresented persons in over 110 locations across the province. General Advice Lawyers provide legal advice and review legal documents. As of this year, Advice Lawyers are now providing advice and assistance in preparing documents in Family Law Information Centres, where they exist.

The number of people assisted by duty counsel this year is 801,808.

Total Persons Assisted by Duty Counsel	2000/2001	2001/2002
24-hour Lawline	39,635	48,042
Salaried	185,686	262,022
Private Bar	450,492	491,744
Total	675,813	801,808

Average Cost Per Assist

Duty Counsel Average Cost per Assist	2000/2001	2001/2002
24-hour Lawline	\$ 17.52	\$ 17.52
Salaried	\$ 17.88	\$ 13.48 *
Private Bar	\$ 37.53	\$ 36.95

**Cost includes salaries, benefits and office administration expenses of each office.*

Community Legal Clinic Program

Over the past year Legal Aid Ontario's (LAO) clinic expansion projects have improved and expanded clinic services for low-income Ontarians in every area of the province, with new clinic services available for the first time in previously unserved areas of the province.

This year LAO has addressed the two most significant unmet needs in the clinic system today - the lack of geographic coverage in northern and rural areas and the significant growth in the clinic client population in urban areas of the province.

In total, five new general service clinics have opened and 10 existing clinics are being expanded, which will give some 220,000 more people access to clinic services. Further, over 50,000 low-income people will now benefit from better access to French services at community legal clinics, and there will be a new Francophone clinic in Toronto and improved access to French services in Ottawa. Two new specialty clinics were opened this year: the Advocacy Centre for Tenants Ontario (ACTO) and the Income Security Advocacy Centre (ISAC).

ACTO's focus is to better the housing situation of low-income residents in Ontario. This year ACTO assumed overall responsibility for the newly expanded tenant duty counsel program to be offered at all locations of the Ontario Rental Housing Tribunal (ORHT) across the province. ACTO is working together with other clinics and the private bar to deliver tenant duty counsel services throughout the province.

ISAC has been improving services throughout the year to ensure income security and an adequate standard of living for all Ontarians. In the coming year, the clinic hopes to address the perpetuation of poverty that can result from some of the rules and administration of income security programs.

With its focus on addressing systemic issues within income security programs, ISAC will serve Ontario's low-income community by conducting test cases and Charter litigation relating to federal income security issues. They are also striving for law reform, public legal education and community development, by working in partnership with other clinics and community based organizations.

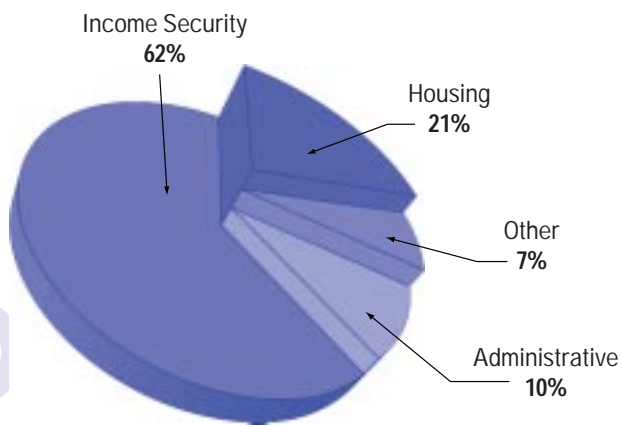
Community Legal Clinic Program

Services Provided	2000*	2001*
Case Files Opened	16,607	15,122
Referrals	59,408	57,872
Legal Advice / Brief Services	124,519	119,286
Law Reform Files Opened	498	452
Community Development Files Opened	846	828
Total	201,878	193,560
Public Legal Education Materials	1,700,830	1,855,501

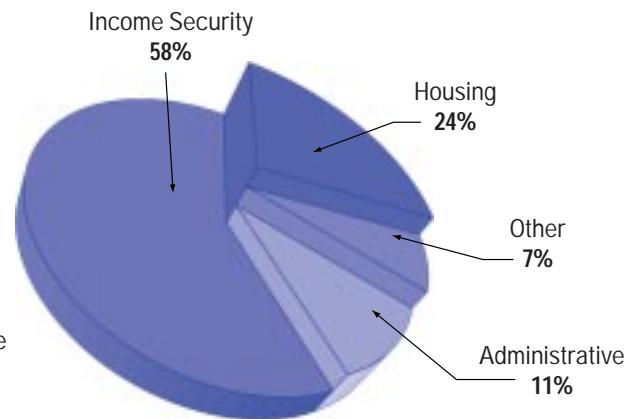
* Refers to calendar year.

Case Files Opened	2000*	2001*
Housing	3,459	3,599
Income Security	10,227	8,757
Administrative	1,719	1,687
Other	1,202	1,079
Total	16,607	15,122

* Refers to calendar year.



2000



2001

Other Programs and Services

Refugee Law Office

The Refugee Law Office (RLO) was first established as a pilot project in 1994. Legal Aid Ontario's board recently made the RLO a permanent service and expanded its role. The RLO will continue to provide alternative legal services for refugees and detainees delivered by skilled lawyers, paralegals and support staff.

In addition, the RLO will be offering a wider range of services, including support to lawyers, community outreach and education, detention reviews and representation before the Refugee Appeal Division of the Immigration and Refugee Board (IRB).

RLO is committed to ensuring refugee claims are resolved fairly and accurately, and they have a solid track record of successfully completing complex, groundbreaking cases. The RLO staff have comprehensive experience in human rights work and refugee advocacy. They also speak 11 different languages and arrange for interpreters and the translation of documents if required to better serve their clients.

Student Legal Aid Services Society (SLASS)

Each of the six Ontario universities with a Faculty of Law has a student legal aid services society (SLASS). The Dean of the Faculty of Law directs each SLASS. The provision of legal services is by Review Counsel and law students, who do so either on a volunteer basis or for academic credit.

The SLASSs provide some legal aid services, which are similar to those provided by community legal clinics, while also providing legal advice and representation not otherwise available through legal aid. Under the supervision of full-time review counsel, the law students provided representation and advice in the following areas:

- Summary conviction criminal matters where imprisonment is unlikely
- Income security matters
- Small claims court cases
- Landlord and tenant matters
- Workers' rights matters
- Immigration matters
- Ontario Human Rights matters.

This year LAO has strengthened its relationship with university law school SLASSs. The SLASS program, which introduces law students to legal aid practice, is extremely successful with over 40 per cent of Ontario's law school students participating.

Nishnawbe-Aski Legal Services

The head office of the Nishnawbe-Aski Legal Services Corporation is in Thunder Bay on the Fort William Indian Reserve. They deliver a wide range of law related services to the members of Nishnawbe-Aski Nation including public legal education, legal, and law reform services.

The Corporation is working to implement an expanded role in the criminal justice system for victims, communities and offenders with a restorative justice model. It focuses on repairing the harm caused by crime and reducing the likelihood of future harm. It does this through a cooperative effort between communities and government, by encouraging offenders to take responsibility for their actions and the harm they have caused.

Restorative justice provides redress for victims and promotes the reintegration of both the victim and the offender within the community. The restorative justice model is being put into practice in communities in Canada and around the world.

Other Programs and Services

Pilot Projects

Legal Aid Ontario's (LAO) pilot projects are designed to experiment with different ways of delivering services, to determine if a mix of service delivery methods can improve service to clients, make the service more accessible or more cost effective.

Through the successful completion of three groundbreaking pilot projects, LAO has learned a lot more about its services and its clients. The findings and recommendations from these three pilots were presented to the LAO board in September 2001.

The Unbundled Family Services pilot was found to produce satisfying services to clients, however clients found that the time allowed with the lawyer was too short, and they still required in-court representation. The board accepted the staff recommendation not to incorporate this pilot into Legal Aid's delivery methods.

The Family Case Management model showed that implementation of such a program province-wide could result in potential cost savings, however, it would also require many operational changes and may need further testing. The board accepted the recommendation not to adopt this service delivery model at this time, pending service adjustment program results.

The Youth Court Counsel pilot evaluation showed that the program drastically reduced the number of Section 11 certificates issued. The board accepted the staff recommendation to consider this model as a potential Legal Aid service once the impact of the *Youth Criminal Justice Act* is known.

The Extended Duty Counsel service project and the Family Law Office pilots are continuing this year with the final evaluation reports and recommendations to be delivered in the late fall of 2002.

Quality Support Project

Legal Aid Ontario has developed a Quality Support (QS) Project, which is aimed at helping staff and service providers work towards providing the highest quality services possible. The process has already begun. The Quality Assurance Program (QAP) has been operating in the clinic system for several years.

The two programs are also focused on sharing experiences, measuring achievements and the positive impact that Legal Aid has on its clients. Legal Aid aims to extend quality support throughout the organization. In time every area will have useful tools and supports to help them provide high quality services and to measure the quality and effectiveness of those services. QS will assist in fostering an environment of continuous improvement.

Board of Directors and Committees

The Hon. Sidney B. Linden, Toronto Chair
December 1999 – December 2003

Peter B. Bortolussi, Sault Ste. Marie
December 2001 – December 2003

Janet Bradley, Ottawa
December 1999 – December 2002

Pamela Divinsky, Toronto
December 1999 – December 2002

Thomas N. Kritsch, Thornbury
December 1999 – June 2001

J. Robert Lamoureux, Sudbury
December 2001 – December 2003

Lynn Michaud, Timmins
December 1999 – December 2001

Sylvia Maracle, Toronto
December 1999 – December 2002

W.A. Derry Millar, Toronto
December 1999 – December 2002

Harvey T. Strosberg, Windsor
December 1999 – December 2002

Beverly Wexler, Kenora
December 2001 – December 2003

Gordon Wolfe, Toronto
December 1999 – December 2002

Section 7 of the *Legal Aid Services Act*, states that the LAO board must establish advisory committees in the areas of criminal, family and clinic law. This section also gives the board the authority to establish any other advisory committee that it considers appropriate.

The role of the committees is to ensure that stakeholders have input on and access to LAO decisions and that LAO is accountable to stakeholders.

Section 8 of the *Legal Aid Services Act* requires that the board establish an audit committee and a clinic committee. This section of the *Act* also provides the board with the authority to establish additional committees, as it considers appropriate. The committees are made up of board members.

Criminal Law Advisory Committee

Family Law Advisory Committee

Clinic Law Advisory Committee

Immigration and Refugee Law Committee

Prison Law Committee

Mental Health Law Committee

Aboriginal Issues Committee

Audit and Finance Committee

Clinic Committee

Client Legal Services Committee

Advisory Committees

Board Committees

Group Applications and Test Cases Committee

The Group Applications and Test Cases Committee is an advisory committee whose normal complement is eight volunteer members, including seven lawyers and one law professor. The role of the Committee is to review group applications for legal aid, applications for representation at Coroner's inquests and test cases, and recommend whether a legal aid certificate should be issued. The Committee reviewed 50 applications this year.

Area Committees

Area committees play an important role in the administration of legal aid services in Ontario. Volunteer members contribute hundreds of hours in communities across Ontario. Area committees hear appeals from decisions of area directors who have refused or cancelled a legal aid certificate, and decide whether to issue certificates in appellate matters.

Clinic Board of Directors

The boards of directors of community legal clinics are a critical part of Ontario's legal aid system. Each of Ontario's independent community legal aid clinics is governed by an elected volunteer board of directors that is chosen from and accountable to the community the clinic serves. Each board is responsible for the clinic's policies, finances and the services it provides to its community.

Senior Management Committee

President/Chief Executive Officer -
Angela Longo

Vice President, Policy, Planning and External
Relations - George A. Biggar

Vice President, Client Legal Services -
Robert Buchanan

General Counsel - Ruth Lawson

Vice President, Clinic and Special Services -
Sue McCaffrey

Vice President, Corporate Services -
Michelle Séguin

Director, Communications and Public Affairs -
Elaine Gamble

Policy Director - Aneurin Thomas

Management's Responsibility for Financial Information

Management and the board of directors are responsible for the financial statements and all other information presented in the Annual Report. The financial statements have been prepared by management in accordance with Canadian generally accepted accounting principles and, where appropriate, include amounts based on management's best estimates and judgements.

Legal Aid Ontario is dedicated to the highest standards of integrity in provision of its services. Management has developed and maintains financial controls, information systems and practices to provide reasonable assurances of the reliability of financial information and that the assets were safeguarded.

The board ensures that management fulfils its responsibilities for financial information and internal control through an Audit and Finance Committee of the board. The board meets monthly to oversee the financial activities of LAO. On an annual basis, the board reviews the financial statements and the external auditors' report thereon, and recommends them to the Ministry of the Attorney General.

The financial statements have been examined by the Provincial Auditor. The Provincial Auditor's responsibility is to express an opinion on whether the financial statements are fairly presented in accordance with Canadian generally accepted accounting principles. The Auditor's Report outlines the scope of the Auditor's examination and opinion.



Angela Longo
President & CEO



Michelle A. Séguin
*Vice President,
Corporate Services*

July 18, 2002

Legal Aid Ontario

Financial Statements

FOR THE YEAR ENDED MARCH 31, 2002

Auditors' Report	23
Financial Statements	
Balance Sheet	24
Statement of Operations and Accumulated Surplus	25
Statement of Cash Flows	27
Summary of Significant Accounting Policies	28
Notes to Financial Statements	30 - 37

Auditor's Report

Office of the
Provincial Auditor
of Ontario



Bureau du
vérificateur provincial
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2
B.P. 105, 15e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2
(416) 327-2381 Fax: (416) 327-9862

Auditor's Report

To Legal Aid Ontario
and to the Attorney General of Ontario

I have audited the balance sheet of Legal Aid Ontario as at March 31, 2002 and the statements of operations and accumulated surplus and cash flows for the year then ended. These financial statements are the responsibility of Legal Aid Ontario's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of Legal Aid Ontario as at March 31, 2002 and the results of its operations and its cash flows for the year then ended in accordance with Canadian generally accepted accounting principles.

J.R. McCarter, CA
Assistant Provincial Auditor

Toronto, Ontario
May 30, 2002

Balance Sheet

March 31

Assets

Current

Cash (Note 2)	\$ 1,468	\$ -
Cash and cash equivalents (Note 8)	907	-
Accounts receivable (less allowance for doubtful accounts)	29,639	12,889
Prepaid expenses	513	621
Short term investments (Note 3)	4,225	1,506
Short term investments - contingency reserve (Notes 3 and 8)	2,711	-

Long term investments (Note 3)

Long term investments contingency reserve (Note 3 and 8)

Capital assets (Note 4)

	39,463	15,016
	42,464	63,735
	29,614	31,889
	7,391	9,825

\$ 118,932

\$ 120,465

Liabilities and Net Assets

Current

Bank indebtedness (Note 2)	\$ -	\$ 587
Accounts payable and accrued liabilities (Note 5)	61,141	52,034

61,141

52,621

Deferred contributions (Note 6)

5,930

10,783

Net Assets

Accumulated surplus (Note 1(c))	18,511	22,210
Invested in capital assets (Note 7)	1,461	2,962
Contingency reserve (Note 3 and 8)	31,889	31,889

51,861

57,061

\$ 118,932

\$ 120,465

On behalf of the Board:



Director

Statement of Operations and Accumulated Surplus

For the year ended March 31	2002	2001
		(000's)
Revenue		
Province of Ontario (Note 1(a))	\$ 246,695	\$ 190,843
The Law Foundation of Ontario	19,944	30,964
Client contributions	14,234	8,399
Judgements, costs and settlements	768	1,392
Miscellaneous income	6,676	7,163
	<u>288,317</u>	<u>238,761</u>
Expenses		
Core Business		
Certificate Program		
Criminal	83,033	71,223
Family	44,019	35,417
Immigration and refugee	16,862	12,159
Other civil	5,552	4,380
Settlement conferences	177	169
	<u>149,643</u>	<u>123,402</u>
Area office services	27,028	20,290
	<u>176,671</u>	<u>143,692</u>
Duty Counsel Program		
Duty counsel fees and disbursements	25,536	22,261
Clinic Program		
Clinic law services (Note 9)	52,749	44,017
Alternative Programs		
Nishnawbe-Aski allocation	1,577	1,405
Family law / pilot projects	2,794	2,646
Refugee law office	681	698
Student legal aid societies	2,610	2,646
Other	908	195
	<u>8,570</u>	<u>7,590</u>

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

Statement of Operations and Accumulated Surplus

For the year ended March 31

	2002	2001 Restated Note 12 (000's)
Expenses (continued)		
Service Provider Support		
Research facility	\$ 2,010	\$ 2,296
Administrative		
Provincial office	19,577	20,210
Business re-engineering and other projects	4,276	2,921
Amortization expense	4,128	4,942
	<u>27,981</u>	<u>28,073</u>
	<u>293,517</u>	<u>247,929</u>
Deficiency of revenue over expenses for the year	(5,200)	(9,168)
Accumulated surplus, beginning of year	22,210	41,291
Invested in capital assets	1,501	(2,962)
Transferred to contingency reserve (Note 8)	-	(6,651)
Accumulated surplus, end of year	<u>\$ 18,511</u>	<u>\$ 22,210</u>

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

Statement of Cash Flows

For the year ended March 31

	2002	2001 Restated Note 12
		(000's)
Cash provided by (used in)		
Operating activities		
Deficiency of revenue over expenses for the year	\$ (5,200)	\$ (9,168)
Adjustments to reconcile deficiency of revenue over expenses to net cash provided by operating activities:		
Amortization	4,128	5,925
Amortization of deferred contributions	(3,429)	(1,521)
Realization of deferred contributions	(5,166)	(2,621)
Gain on sale of investments	(422)	(437)
Loss on sale of capital assets	115	67
Transfer of capital assets to community clinics	1,239	-
Changes in non-cash working capital balances		
Accounts receivable	(16,750)	994
Prepaid expenses	108	(590)
Accounts payable and accrued liabilities	9,107	(830)
Accrued interest on long term investments	407	(1,361)
Deferred contributions	3,742	14,925
	<u>(12,121)</u>	<u>5,383</u>
Investing activities		
Purchase of capital assets	(3,048)	(8,390)
Purchase of investments	(213,528)	(143,781)
Redemption of investments	231,659	48,449
	<u>15,083</u>	<u>(103,722)</u>
Net increase (decrease) in cash and cash equivalents (bank indebtedness) during the year	2,962	(98,339)
Cash and cash equivalents (bank indebtedness), beginning of year	(587)	97,752
Cash and cash equivalents (bank indebtedness), end of year	<u>\$ 2,375</u>	<u>\$ (587)</u>
Represented by		
Cash equivalents	\$ 1,468	\$ 1,970
Bank indebtedness	-	(2,557)
	<u>1,468</u>	<u>(587)</u>
Cash and cash equivalents - contingency reserve	907	-
	<u>\$ 2,375</u>	<u>\$ (587)</u>

The accompanying summary of significant accounting policies and notes are an integral part of these financial statements.

Summary of Significant Accounting Policies

March 31, 2002

Nature of Operations On December 18, 1998, the Ontario Legislative Assembly enacted the Legal Aid Services Act, 1998 whereby Legal Aid Ontario (the "Corporation") was incorporated without share capital under the laws of Ontario. The Corporation began operations on April 1, 1999 and is tax exempt under the Income Tax Act.

The Legal Aid Services Act, 1998 establishes the following mandate for the Corporation:

- To promote access to justice throughout Ontario for low-income individuals by providing high quality legal aid services
- To encourage and facilitate flexibility and innovation in the provision of legal aid services
- To recognize the diverse legal needs of low-income individuals and disadvantaged communities
- To operate within a framework of accountability for the expenditure of public funds

The affairs of the Corporation are governed and managed by a Board of eleven Directors appointed by the Lieutenant Governor in Council. While the Corporation operates independently from the Province of Ontario and the Law Society of Upper Canada, it is accountable for the expenditure of public funds and for the provision of legal aid services in a manner that both meets the needs of low-income individuals and is cost-effective and efficient.

Basis of Accounting The Corporation follows the deferral method of accounting for contributions.

Accumulated surplus represents the excess of revenue over expenses related to the Corporation's program delivery and administrative activities.

The Contingency Reserve was established in accordance with Section 66(4) of the Legal Aid Services Act, 1998 to provide funding for operations upon approval of the Attorney General. Under the Ontario Regulation 107/99 made under the Legal Aid Services Act, 1998, the Corporation is required to maintain a minimum \$20 million contingency reserve.

The financial statements have been prepared in accordance with Canadian generally accepted accounting principles.

Revenue Recognition Restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue if the amount to be received can be reasonably estimated and collection is reasonably assured.

Summary of Significant Accounting Policies

March 31, 2002

Expense Recognition

Expenses are recognized on an accrual basis. Legal accounts include amounts billed to the Corporation by lawyers and an estimate of amounts for work performed by lawyers but not yet billed to the Corporation.

Capital Assets

Capital assets are recorded at cost less accumulated amortization. Amortization is provided on the straight line basis over the estimated useful life of the asset as follows:

Furniture and office equipment	- 5 years
Computer hardware and software	- 3 years
Custom-designed software	- 5 years
Leasehold improvements	- over the term of lease

Investments

Short term investments are stated at the lower of cost and market value. Long term investments are stated at cost and are written down when there is other than a temporary decline in value.

Deferred Contributions

Deferred special initiatives contributions represent unspent resources relating to the Province of Ontario funded projects. Unspent amounts are held for use in subsequent periods or settlement by the Province.

Deferred capital contributions related to capital assets represents the unamortized portion of contributions used for the acquisition of capital assets. Amortization of the deferred contribution is provided on the same basis as the related asset.

Use of Estimates

The preparation of financial statements in accordance with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements, and the reported amounts of revenue and expenses during the reporting period. Actual results could differ from management's best estimates as additional information becomes available in the future.

Cash and Cash Equivalents

Cash and cash equivalents consist of cash on hand, indebtedness and balances with banks plus highly liquid investments with original maturities of three months or less.

Financial Instruments

Unless otherwise noted, it is management's opinion that the Corporation is not exposed to significant interest rate, currency or credit risks arising from its financial instruments.

Notes to Financial Statements

March 31, 2002

1. Funding by the Province of Ontario

Section 71 of the Legal Aid Services Act, 1998 requires the Corporation and the Attorney General of Ontario to enter into a Memorandum of Understanding ("MOU") every five years. The purpose of the MOU is to clarify the operational, administrative, financial, and other relationships between the Attorney General and the Corporation.

The Memorandum of Understanding was signed on December 22, 2000 and is effective until April 1, 2004.

(a) Contributions received from the Province of Ontario were allocated as follows:

	2002	2001 Restated Note 12
		(000's)
Contributions	\$ 238,100	\$ 223,850
Realization of deferred contributions (Note 6)	5,166	2,621
Amortization of deferred contributions (Note 6)	3,429	1,521
Deferred contributions related to modernization project (Note 12)	-	(10,783)
Repayment of surplus from year ended March 31, 2000 (Note 12)	-	(26,366)
	<u>\$ 246,695</u>	<u>\$ 190,843</u>

(b) Included in contributions from the Province of Ontario for the year ended March 31, 2002 is an amount of \$44.3 million (2001 - \$35.7 million) representing an allocation of funds from a lump sum transfer by the Federal Government to the Province in connection with criminal law and the Young Offenders Act through a cost-sharing arrangement.

(c) Subsection 66(3) of the Legal Aid Services Act, 1998 allows the Corporation to designate any surplus or deficit in a fiscal year to either or both of the two subsequent fiscal years with the approval of the Attorney General, unless under Subsection 69(2) it is ordered by the Minister of Finance to pay its surplus into the Consolidated Revenue Fund.

2. Cash (Bank Indebtedness)

The Corporation has an available line of credit in the amount of \$5 million which remained unused as of March 31, 2002. The credit facility bears interest at prime rate and is unsecured.

Notes to Financial Statements

March 31, 2002

3. Investments

Investments consist of the following:

	2002		2001	
	Cost (000's)	Market	Cost (000's)	Market
Canada bonds Interest rates from 4.7% to 6.0%, maturing from June 2004 to June 2010	\$ 20,281	\$ 20,326	\$ 35,947	\$ 36,401
Provincial bonds Interest rates from 4.875% to 8.0%, maturing from March 2003 to December 2008	38,801	38,949	41,197	41,654
Corporate bonds Interest rates from 5.35% to 7.1%, maturing from February 2003 to June 2006	18,978	18,990	16,711	16,893
Mortgage backed security Interest rate 5.0%, maturing February 2003	-	-	1,914	1,913
Accrued bond interest	954	954	1,361	1,361
	<u>79,014</u>	<u>79,219</u>	<u>97,130</u>	<u>98,222</u>
Less: Contingent reserve				
- short term (Note 8)	(2,711)	(2,711)	-	-
- long term (Note 8)	(29,614)	(29,681)	(31,889)	(32,248)
	<u>(32,325)</u>	<u>(32,392)</u>	<u>(31,889)</u>	<u>(32,248)</u>
	<u>\$ 46,689</u>	<u>\$ 46,827</u>	<u>\$ 65,241</u>	<u>\$ 65,974</u>

Represented by	2002		2001	
	Cost	Market	Cost	Market
Short term investments	\$ 4,225	\$ 4,225	\$ 1,506	\$ 1,517
Long term investments	42,464	42,602	63,735	64,457
	<u>\$ 46,689</u>	<u>\$ 46,827</u>	<u>\$ 65,241</u>	<u>\$ 65,974</u>

The Corporation has developed an investment policy in accordance with the statutory requirements outlined in Sections 7(1), 7(2), 7(3) and 7(4) of Ontario Regulation 107/99 made under the Legal Aid Services Act, 1998. The investments held by the Corporation as at March 31, 2002 are in compliance with the statutory requirements. The Corporation earned total investment income of \$5.7 million in 2002 (2001 - \$6.9 million).

Notes to Financial Statements

March 31, 2002

4. Capital Assets

	2002		2001	
	Cost	Accumulated Amortization	Cost	Accumulated Amortization
Furniture and office equipment	\$ 2,394	\$ 1,510	\$ 1,815	\$ 981
Computer hardware and software	14,122	9,752	14,284	7,067
Custom-designed software	817	586	817	374
Leasehold improvements	3,540	1,634	2,328	997
	<u>\$ 20,873</u>	<u>\$ 13,482</u>	<u>\$ 19,244</u>	<u>\$ 9,419</u>
Net book value		\$ 7,391		\$ 9,825

Included in capital assets is approximately \$0.362 million (2001 - \$3.54 million) of computer hardware and software which was not in use as at the year end, and therefore, no amortization expense has been taken. All of the assets not in use (2001 - \$1.6 million) represent capital assets acquired on behalf of the community clinics which will be provided to the clinics as part of their funding requirement in fiscal 2003.

5. Accounts Payable and Accrued Liabilities

	2002	2001
Legal accounts -billings received after March 31,2002	\$ 10,777	\$ 12,854
-work performed but not yet billed	32,826	26,800
Rent inducements	277	584
Trade and other payables	16,740	11,046
Vacation pay	521	750
	<u>\$ 61,141</u>	<u>\$ 52,034</u>

At year end, management estimates the liability for work conducted by private solicitors that has not yet been billed by these solicitors to the Corporation to be approximately \$32.8 million (2001 - \$26.8 million). This estimate uses a methodology that incorporates average costs and time frames for similar cases over a period of 7 years.

Due to the uncertainty involved in the estimation process, there will likely be a difference between the estimated and actual liability. In the opinion of management the actual liability will fall within a range of plus 20% to minus 20% (\$26 million to \$39 million). Any adjustment of the estimated liability would result in a corresponding increase or decrease in expenses for "core business," the "deficiency of revenue over expenses for the year" and the "accumulated surplus."

The change in trade and other payables between fiscals 2001 and 2002 is principally related to the settlement of pay equity complaints dating back to fiscal 1996.

Notes to Financial Statements

March 31, 2002

6. Deferred Contributions

Changes in deferred special initiatives and capital contributions relating to Province of Ontario funded projects are as follows:

	2002	2001
	(000's)	
Deferred special initiatives contributions		
Balance, beginning of year	\$ 3,920	\$ -
Contributions received during the year	3,742	14,925
Transferred upon acquisition of capital assets	(2,496)	(8,384)
Realization of deferred contributions (Note 1(a))	(5,166)	(2,621)
	<u>-</u>	<u>3,920</u>
Deferred capital contributions		
Balance, beginning of year	6,863	-
Contributions for capital assets	2,496	8,384
Amortization of deferred contributions (Note 1(a))	(3,429)	(1,521)
	<u>5,930</u>	<u>6,863</u>
	<u>\$ 5,930</u>	<u>\$ 10,783</u>

7. Changes in Net Assets Invested in Capital Assets

	2002	2001
	(000's)	
Balance, beginning of year	\$ 2,962	\$ 7,427
Amortization	(4,128)	(5,925)
Amortization of deferred contributions	3,429	1,521
Contributions for capital assets	(2,496)	(8,384)
Purchase of capital assets	3,048	8,390
Disposal of capital assets	(1,354)	(67)
	<u>\$ 1,461</u>	<u>\$ 2,962</u>
Represented by		
Capital assets	\$ 7,391	\$ 9,825
Deferred capital contributions	(5,930)	(6,863)
	<u>\$ 1,461</u>	<u>\$ 2,962</u>

Notes to Financial Statements

March 31, 2002

8. Contingency Reserve

Section 6 of Ontario Regulation 107/99 made under the Legal Aid Services Act, 1998, requires the Corporation to maintain at least a \$20 million contingency reserve. The Regulation also allows the Corporation to increase the contingency reserve by investment income earned thereon. Accumulated investment income of \$11.889 million (2001 - \$11.889 million) is available to fund operations, without the need for prior approval of the Attorney General. The contingency reserve is made up as follows:

	2002	(000's)	2001
Balance, beginning of year	\$ 31,889		\$ 24,938
Transfer to contingency reserve from accumulated surplus	-		6,951
Balance, end of year	\$ 31,889		\$ 31,889

Represented by

	2002	(000's)	2001
Cash and cash equivalents	\$ 907		\$ -
Due to operating fund	(1,343)		-
Investments - short term (Note 3)	2,711		-
Investments - long term (Note 3)	29,614		31,889
	\$ 31,889		\$ 31,889

Cash and cash equivalents - contingency reserve includes treasury certificates of \$0.89 million as at March 31, 2002, which will mature in fiscal 2003 and bear interest between 1.89% and 2.06% per annum.

9. Clinic Law Services

The Corporation provides funding to community clinics enabling them to provide legal aid services to the community they serve on a basis other than fee for service. The community clinics are organizations structured as corporations without share capital each governed and managed by a board of directors. Community Clinics are independent from, but accountable to the Corporation under Sections 33 to 39 of the Legal Aid Services Act, 1998. Each community clinic is independently audited and are required to provide audited financial statements to the Corporation for the funding period.

The total consists of:

	2002	(000's)	2001
Payments to and on behalf of clinics	\$ 49,774		\$ 41,038
Administrative costs	2,975		2,979
	\$ 52,749		\$ 44,017

Notes to Financial Statements

March 31, 2002

10. Commitments and Contingencies

- (a) The Corporation issues certificates to individuals seeking Legal Aid assistance. Each certificate issued authorizes legal services to be performed within the tariff guidelines. At March 31, 2002 there is an amount of approximately \$53 million that could still be incurred on certificates over and above the billings received to date and the Corporation's estimate of work performed but not yet billed.
- (b) The Corporation leases various office premises and equipment throughout the Province. The minimum annual commitments under these leases for the next five years are approximately as follows:

	Amount (000's)
2003	\$ 4,342
2004	2,739
2005	2,366
2006	2,003
2007	1,405
Thereafter	4,230
	<u>\$ 17,085</u>

- (c) For the three consecutive fiscal years 2000 to 2002, Subsection 66(5) of the Legal Aid Services Act, 1998 requires the Corporation to allocate to the Independent Community Clinics (see Note 9) an amount not less than \$34.9 million annually, the amount allocated to the clinics by the Attorney General in the 1999 fiscal year.
- (d) The Corporation is the defendant in a number of lawsuits arising out of the ordinary course and conduct of business. The outcome and ultimate disposition of these actions are not likely to be significant and are not determinable at this time. Losses, if any, will be accounted for in the period of settlement.

Some of the above lawsuits are covered by insurance after the application of a deductible, of up to \$0.05 million, depending on when the event of the claim occurred and the nature of the claim.

- (e) During the year, the Corporation settled pay equity complaints related to two employee groups dating back to 1996 which have been recognized in these financial statements. The Corporation is contingently liable for payments related to pay equity issues for a third employee group. As the amount of any settlement cannot be reasonably estimated at this time, no provision has been made in these financial statements.

11. Pensions

The Corporation has a pension plan to provide retirement benefits for its employees. The plan has two components, a defined contribution component and a defined benefit component.

Notes to Financial Statements

March 31, 2002

11. Pensions (continued)

Defined Contribution Component

The defined contribution component of the plan covers 440 employees, the majority of employees. The Corporation makes pension contributions to the defined contribution component of the plan, which is limited to making regular payments to match the amount contributed by the employees for current service. The Corporation's pension expense for the year relating to this component of the plan was \$1.051 million.

Defined Benefit Component

The defined benefit component of the plan covers 21 participants. Under this benefit plan, benefits at retirement are related to years of service and remuneration during the years of employment. It is subject to actuarial valuations for funding purposes at intervals of not more than three years. The next actuarial valuation will be performed in fiscal 2003. The Corporation makes pension contributions to this component of the plan in amounts recommended by the actuary.

The Corporation made no pension contribution to this component of the plan in the current year.

For the year ended March 31, 2002, an actuarial valuation for accounting purposes was performed using the following assumptions:

Discount rate	7.0%
Salary increases	5.0%
Expected rate of return on assets	6.0%

The actuarial valuation for accounting purposes for the year ending March 31, 2002 indicated an actuarial surplus of \$0.586 million (2001 - \$0.683 million), resulting from accrued benefit obligation of approximately \$1.609 million (2001 - \$1.424) and fair value of plan assets available to provide for these benefits of approximately \$2.195 million (2001 - \$2.107 million). The pension income for the year was \$0.034 million and the pension accrued benefit asset as at March 31, 2002 was \$0.034 million (2001 - \$nil). During the year, employees contributed \$0.042 million and the Corporation paid benefits of \$0.003 million.

12. Change in Accounting Policy

For the year ended March 31, 2000, the Corporation experienced a \$41.291 million excess of revenue over expenses. The Corporation sought approval from the Province of Ontario to allocate these surplus funds to the modernization of the Corporation's information technology systems, physical infrastructure and other initiatives. In fiscal 2001, the Province approved the use of these funds for these purposes. The agreement reached resulted in \$14.925 million being retained by the Corporation in fiscal 2000/2001 and \$26.366 million being repaid to the Province through the reduction of contributions received from the Province of Ontario in the fiscal year ended March 31, 2001. The \$26.366 million would be flowed back to the Corporation based on their actual expenditures for these initiatives in the following years: 2001/02, 2002/03 and 2003/04.

Notes to Financial Statements

March 31, 2002

12. Change in Accounting Policy (continued)

For fiscal 2002, the Corporation's Board of Directors and the Ministry of the Attorney General approved a change in accounting policy to restate as a deferred contribution the unspent and unexpensed portions of the \$14.925 million retained in fiscal 2001 and previously included in the March 31, 2001 accumulated surplus. As indicated in Note 6, the Corporation is restating as a deferred contribution the unspent and unexpensed portions of \$3.920 million and \$6.863 million, respectively. This adjustment had the following effect on the financial statements:

		2001	
	Previously Stated	Increase (Decrease)	Restated
		(000's)	
Deferred contributions	\$ -	\$ 10,783	\$ 10,783
Invested in capital assets	-	2,962	2,962
Accumulated surplus	35,955	(13,745)	22,210
Excess of revenue over expenses	1,615	(10,783)	(9,168)

13. Comparative Figures

Certain comparative figures have been reclassified to conform with current year presentation.

2001 Salary Disclosure

Pursuant to the *Public Salary Disclosure Act*, the listing below shows the names, positions, salaries paid and taxable benefits to all Legal Aid employees paid \$100,000 or more in the 2001 calendar year.

Name	Position	Salary	Taxable Benefit
George Biggar	Vice President, Policy, Planning & External Relations	\$135,203.19	\$290.44
Robert Buchanan	Vice President, Client Legal Services	\$107,996.26	\$235.44
Nathalie Champagne	Area Director	\$101,185.45	\$220.12
Elizabeth Champlin	Area Director	\$106,036.17	\$229.66
Simon Davies	Area Director	\$114,416.93	\$247.10
Stephen Hall	Chief Information Officer	\$119,073.02	\$265.74
Maureen Hastings	Area Director	\$108,019.79	\$234.26
Robert Holden*	Tariff Review Project	\$133,291.67	\$310.32
Ruth Lawson	General Counsel	\$134,803.19	\$290.44
Angela Longo	President and CEO	\$206,399.88	\$10,439.63
Susan McCaffrey	Vice President, Clinic and Special Services	\$110,296.25	\$234.84
Vicki Moretti	Area Director	\$100,214.81	\$217.94
Jane Morley	Director, Research	\$105,416.64	\$229.66
Ian Morrison	Executive Director Clinic Resource Office	\$113,458.43	\$248.26
Heather Robertson	Legal Accounts Officer	\$112,684.55	\$245.38
Michelle Séguin	Vice President, Corporate Services	\$136,754.80	\$290.44
Margaret J. Silver	Area Director	\$105,989.89	\$229.66
Mary Anne Stevens	Area Director	\$101,628.49	\$220.30
Aneurin Thomas	Policy Director	\$102,346.37	\$222.56
Janet Tilston	Director, Family Law Office	\$101,128.49	\$220.30
Keith Wilkins	Provincial Executive Lead, TSN	\$114,511.97	\$248.24

*Salary continuance pursuant to severance arrangement.

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