

2022 - 2023  
Annual Report  

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Rapport Annuel





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## LETTERS OF TRANSMITTAL

The Honourable Minister of Justice and Attorney General  
Department of Justice  
Legislative Building  
Winnipeg, Manitoba

Dear Minister:

As Chair of the Manitoba Law Foundation, I am pleased to provide to you the thirty-seventh Annual Report of The Manitoba Law Foundation in accordance with s. 101 (1) of *The Legal Profession Act* for the year ended March 31, 2023. Financial Statements were examined by the Foundation's auditors, Fort Group Chartered Professional Accountants Inc., as set out in their report of June 13, 2023, attached and were approved by the Foundation's Directors at a meeting of the Board held on June 13, 2023.

Respectfully Submitted,

A handwritten signature in blue ink, which appears to read "Victor Toews". The signature is written in a cursive style.

The Honourable Justice Victor Toews,  
Chair of The Manitoba Law Foundation

## LAND ACKNOWLEDGEMENT

The Manitoba Law Foundation acknowledges that the lands we call Manitoba are the ancestral lands of the Anishinaabeg, Ininiwak, Anishininiwak, Denesuline, and Dakota Oyate.

Between 1871 and 1907, Treaty Commissioners acting on behalf of the Crown made Treaties No. 1 through 6 and Treaty 10 with leaders of the Anishinaabeg, Ininiwak, Anishininiwak, and Denesuline respecting the use of these lands.

While the work of the Foundation extends throughout Manitoba, the Foundation office is located in Treaty 1 Territory, the birthplace and homeland of the Red River Métis. It is with gratitude that we also acknowledge Shoal Lake 40 First Nation, the source of Winnipeg's water.

Today, sixty-four First Nation communities, who hold spiritual and cultural ties to the land, live in Manitoba. We acknowledge with respect and gratitude the many First Nations, Inuit and Métis peoples whose footsteps have marked this land for centuries.

Manitoba is a legally pluralistic province in which the Crown's common law legal order and Indigenous legal orders co-exist. We are called to be mindful and intentional of the role the Foundation plays in these systems and in the inter-relationship of these systems.

We dedicate ourselves to work with First Nation, Inuit and Métis communities in a spirit of reconciliation to advance access to justice in a manner that reflects and includes their values and legal orders, as well as the responsibilities and obligations created by Treaties 1 through 6 and 10.

## CHAIR MESSAGE

On behalf of the Board of The Manitoba Law Foundation, I am pleased to share this message as we close Fiscal 2022/23, marking fourteen (14) months since I was first appointed. It is remarkable how much the Foundation's financial position has changed in this relatively short period of time.

Following two years of fiscal uncertainty (with a sharp decline in Interest on Lawyers' Trust Accounts (IOLTA) revenues in FY 2020/2021 and only a modest increase in FY 2021/2022), the Foundation was cautiously hopeful at the close of 2021/2022 that the worst was behind the Foundation. As it turns out, FY 2022/23 would prove to be the Foundation's best financial year in its thirty-seven-year history closing with a record high of \$17.2 million received in IOLTA revenues.

Higher interest rates employed to combat inflation combined with continued higher-than-average lawyer trust account balances have resulted in this unprecedented position.

Fortuitously, these revenues come at a time that provides the Foundation an opportunity to make significant headway in advancing its 2022-2027 Strategic Plan (approved in September 2022). The Plan outlines strategic objectives of advancing access to justice in remote and northern Manitoba, with an emphasis on addressing the needs of Indigenous communities, as well as advancing access to justice in rural Manitoba.

These are ambitious objectives that will require significant resources. When the Plan was approved in September 2022, the board was cognizant that the Foundation's revenues would impact its ability to implement the Plan.

The variability of the Foundation's revenues is never far from board members' minds but was especially fresh in the wake of the pandemic and during economic recovery. As such, the board was careful to acknowledge that the Plan (and its implementation timeline) would require scalability (and perhaps amendments) each year following the Foundation's annual budgeting process and the identification of any budget constraints.

The board also acknowledged that the Plan would require not just financial resources but also collaboration with existing stakeholders (such as Legal Aid Manitoba, the Law Society and the UM Faculty of Law), outreach to the communities identified in the Plan to begin to build trusting relationships, as well as the use of consultants to supplement the Foundation's small staffing complement.

The board, as always, gave careful consideration to striking an appropriate balance between (future) increased discretionary grantmaking (to advance the Foundation's mandate and strategic objectives) and maintaining an appropriate reserve to allow for continued discretionary grantmaking in lean years. To this end \$1.5 million was added to the Reserve for Future Grants.

The board welcomed one new Board member in 2022-23. Yasothini Mathu was appointed by the Law Society of Manitoba in August 2022 to replace Judge Vincent Sinclair (who resigned in March 2022 following his appointment to the Provincial Court). Ms. Mathu's appointment brought the board to its full complement of ten (nine appointed board positions and one *ex officio* board position).

I wish to thank my fellow board members for their contributions in 2022/2023. Our newer board members have embraced their roles with professionalism, dedication and enthusiasm, while our more experienced board members have done the same but also extended their support, patience and guidance to the board and its leadership.

And on behalf of the board of directors, I wish also to thank the Foundation's small staff. Their hard work, enthusiasm and well-prepared materials and recommendations set the board up for success at each board and committee meeting.



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The Honourable Justice Victor Toews,  
Chair of The Manitoba Law Foundation

## **BOARD OF DIRECTORS**

### **Minister of Justice Appointees**

The Honourable Justice Victor Toews

*Chair, Appointed January 2022*

Irene Merie

*Vice Chair, Appointed January 2022*

Melanie Beaudry

*Director, Appointed December 2021*

Laurelle Harris

*Director, Appointed January 2022*

Ian Scarth

*Director, Appointed December 2021*

### **Law Society of Manitoba Appointees**

Patricia Kloepfer

*Director, Appointed August 2019*

Anita Southall

*Director, Appointed August 2021*

Yasothini Mathu

*Director, Appointed August 2022*

### **President of the Manitoba Branch, Canadian Bar Association Appointee**

Kevin Antonyshyn

*Director, Appointed September 2019*

### **Faculty of Law, University of Manitoba, Ex Officio**

Dr. Richard Jochelson

*Ex Officio Director, June 2021*

## **FOUNDATION STAFF**

Erin Wilcott

*Executive Director*

Donna Frame

*Accounting Services Manager*



## ABOUT THE FOUNDATION

The Manitoba Law Foundation was established in 1986 as a body corporate under *The Law Society Act* and was continued under *The Legal Profession Act* (the *Act*), enacted in 2002.

Per the *Act*, financial institutions are required to pay the Foundation interest on pooled trust accounts maintained by lawyers practising in Manitoba. From that revenue, the Foundation is required to pay statutory grants to Legal Aid Manitoba and the Law Society of Manitoba.

When there are sufficient funds after payment of administrative expenses and statutory grants, the Foundation may make discretionary grants consistent with its purpose.

The Foundation is governed by a Board of Directors appointed under the *Act*. Appointments may range from 2 to 4 years and directors may be reappointed. Directors continue to hold office until a successor is appointed.

Additional details about the Foundation and information about its grant application process are set out on its website at [ManitobaLawFoundation.org](http://ManitobaLawFoundation.org).

### PURPOSE

The purpose of the Foundation is to encourage and promote legal education, legal research, legal aid services, law reform, and the development and maintenance of law libraries.

### VISION

Advancing justice through access, knowledge and understanding.

### MISSION

The Foundation commits to advancing legal knowledge, fostering excellence within the legal profession, and facilitating community understanding of the justice system. The Foundation funds programs and initiatives that promote and enhance these commitments.

# 2022-2027 STRATEGIC PLAN

Increase Access to Justice (A2J) in Remote & Northern Manitoba.

## 01

- Build relationships with Indigenous organizations and determine what A2J means to Indigenous communities.
- Collaborate with stakeholders and other organizations seeking to advance A2J in remote and Northern Manitoba.
- Understand infrastructure limitations and other barriers to justice in remote and Northern communities.
- Understand remote and Northern Manitoba lawyer shortages (if any).
- Understand and develop a list of A2J issues in remote and Northern Manitoba.
- Make Calls for Applications and award funding to increase A2J in remote and Northern Manitoba.

## Increase A2J in Rural Manitoba.

# 02

- Collaborate with stakeholders and other organizations seeking to advance A2J in rural Manitoba.
- Understand infrastructure limitations and barriers to justice in Manitoba's rural communities.
- Understand rural Manitoba lawyer shortages (if any).
- Understand and develop a list of A2J issues in rural Manitoba.
- Make Calls for Applications and award funding to increase A2J in Rural Manitoba.

## Enhance the Profile of the Foundation.

# 03

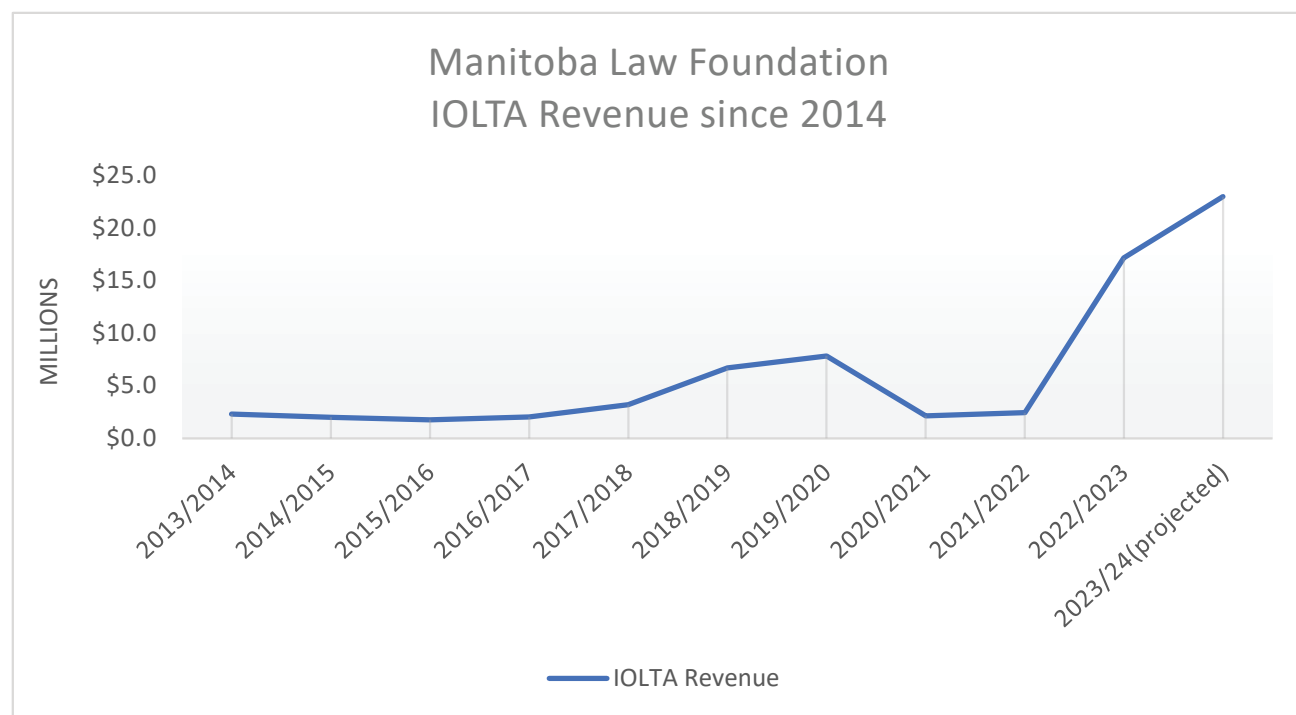
- Develop new logo and brand.
- Develop communications plan with consideration to all the Foundation's stakeholders and audiences (existing and desired).
- Increase marketing activities and social media presence with a view to:
  - Increase the accessibility of the Foundation.
  - Increase engagement of the legal profession in advancing the Foundation's mandate; and
  - Feature and highlight:
    - Grant opportunities & awards;
    - Grant recipients & their work;
    - Foundation initiatives; and
    - A2J efforts and networking opportunities in Manitoba.

## IOLTA REVENUE

The Foundation receives the majority of its revenues from interest on lawyers’ pooled trust accounts (IOLTA). This does not include interest paid on specific trust investments held for individual clients. Revenues received by the Foundation are based on interest rate arrangements with financial institutions in Manitoba holding lawyers’ trust accounts. These arrangements are typically tied to the prime rate. As a result, IOLTA revenues are extremely sensitive to changes in the prime rate and external economic factors making them highly variable.

In this fiscal year, the Foundation saw a 603% increase in IOLTA revenues to almost \$17.2 million from \$2.4 million in the previous fiscal year. This is the Foundation’s highest year in its history and surpasses the next highest year of \$7.8 million in 2019-2020 by 119%. The increase was due primarily to the increases in the prime rate that occurred between March of 2022 and March 2023.

The chart below illustrates the variability of the Foundation’s revenues over the past 10 years.



The following two tables set out the Foundation's five highest and five lowest years of IOLTA revenues since 1986.

**FIVE HIGHEST YEARS IOLTA**

<b>Fiscal Year</b>	<b>IOLTA</b>	<b>IOLTA Prior Year</b>	<b>IOLTA Next Year</b>
2022-2023	\$17,170,414	\$2,441,167	To Be Determined
2019-2020	\$7,845,915	\$6,713,335	\$2,146,378
2007-2008	\$7,487,886	\$6,042,268	\$3,762,367
2018-2019	\$6,713,335	\$3,124,300	\$7,845,915
2006-2007	\$6,042,268	\$1,346,755	\$7,487,886

**FIVE LOWEST YEARS IOLTA**

<b>Fiscal Year</b>	<b>IOLTA</b>	<b>IOLTA Prior Year</b>	<b>IOLTA Next Year</b>
2009-2010	\$823,937	\$3,762,367	\$1,000,222
1993-1994	\$952,408	\$1,260,607	\$1,892,029
2010-2011	\$1,000,222	\$823,937	\$1,414,611
1997-1998	\$1,023,656	\$1,171,780	\$2,984,877
2002-2003	\$1,028,113	\$1,970,295	\$1,605,411

**INVESTMENTS**

The Foundation's long-term investments are held with The Winnipeg Foundation in a Managed Fund that is part of the Consolidated Trust Fund of The Winnipeg Foundation. The Foundation receives an annual cash disbursement from The Winnipeg Foundation, determined based on the average market value (calculated over a three-year period) of the Managed Fund.

Investment income consists of realized and unrealized gains and losses and interest and dividends net of administrative and investment fees. For the 2022/23 fiscal year the Foundation recorded net investment losses of \$20,029 compared to a net investment income of \$317,923 in the previous fiscal year. Financial markets continued to experience significant volatility due to the ongoing Russian invasion of Ukraine and continued high inflation among other factors.

## OPERATIONS

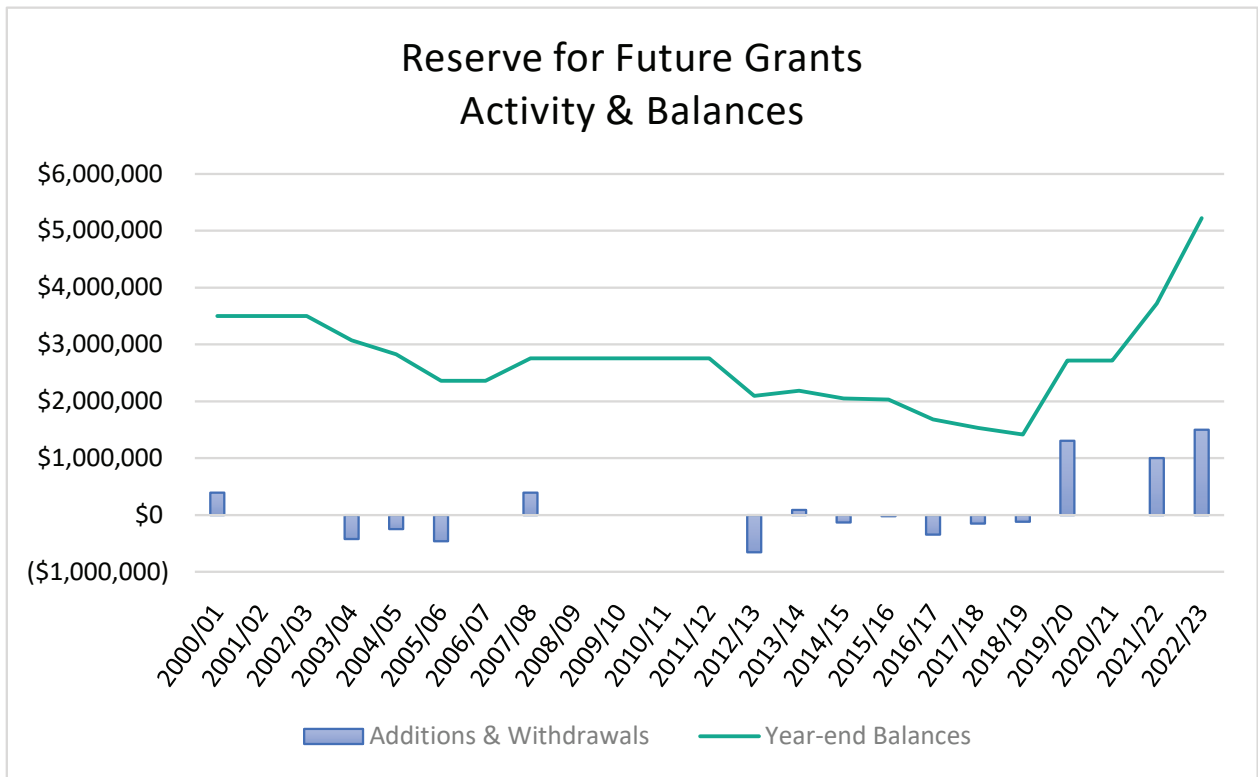
The Foundation's 2022/23 operating expenses totalled \$231 thousand compared to \$227 thousand in the previous year.

<b>FINANCIAL HIGHLIGHTS</b>			
	<b>2022/2023</b>	<b>2021/2022</b>	<b>Change</b>
<b>IOLTA</b>	\$17,170,414	\$2,441,167	+603.4%
<b>Net Investment Income &amp; Interest</b>	\$239,154	\$323,510	-26.08%
<b>Total Grants</b>	\$14,159,702	\$2,997,183	+372.43%
<b>Expenses</b>	\$231,495	\$227,417	+1.8%

## RESERVE FOR FUTURE GRANTS

The Foundation maintains a reserve for future grants to provide for stable funding for the Foundation's discretionary grant recipients. The Foundation's *Policy on Reserve for Future Grants* requires the reserve be based on a multiple of discretionary grants approved with a range of a two-year minimum up to a four-year maximum, assessed on a rolling three-year average. As at year end the reserve was sitting at 65.5% of the maximum. An amount of \$1.5 Million was added to the reserve during the fiscal year.

The Foundation's reserve for future grants and amounts not required for the short-term cash flow needs of the Foundation are held in the Managed Fund.



## GRANTS

*Since the Foundation was first established in 1986, it has received and administered \$116 million in IOLTA revenues and made approximately \$115 Million in grants, advancing its purpose of encouraging and promoting legal education, legal research, legal aid services, law reform, and the maintenance and development of law libraries.*

### Statutory Grants

The Act requires that the Foundation provide statutory grants to Legal Aid Manitoba and the Law Society of Manitoba equivalent to 50% and 16.67% respectively of IOLTA received in the fiscal year.

The grant to Legal Aid is a general-purpose grant, while the grant to the Law Society is for educational purposes and for expenses incurred in ensuring compliance by its members in directing financial institutions to remit IOLTA to the Foundation.

In the event IOLTA revenues are insufficient to distribute the minimums required by the Act (\$1,007,629 and \$335,383 respectively) IOLTA is distributed proportionately after allowing for the operating expenses of the Foundation.

Accordingly, the following grants were paid and accrued in the 2022/23 fiscal year.

#### *Legal Aid Manitoba*

Disbursed	\$1,220,584
Accrued	\$8,585,207

#### *Law Society of Manitoba*

Disbursed	\$406,943
Accrued	\$2,862,308

*Since 1986, the Foundation has allocated statutory grants totalling \$60.7 million to Legal Aid Manitoba and \$20.3 million to the Law Society of Manitoba.*

### Discretionary Grants

Monies available for discretionary grants consist of the surplus at the end of the previous fiscal year plus current year revenues after allowing for operating expenses and statutory grants. Consideration may also be given to increasing the reserve for future grants when it is below the maximum allowed under policy.

The Foundation approved \$2,712,187 in discretionary Operating, Project, and Small Grants in 2022/23. This includes ten operating grants totaling \$1,635,576 approved and allocated for 2023/2024 and 2024/2025. The Foundation provided stable funding for five of these core operating grant recipients by approving funding for two years. Two project grants were also approved for multi-year funding.

*Since 1986, the Foundation has made approximately \$33.8 million in discretionary grants.*

Further details of discretionary granting in FY 2022-2023 follow.



**LEGAL EDUCATION****Canadian Centre for Housing Rights**

<i>Prioritizing Alternatives to Eviction in Manitoba</i>	\$20,000
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**Community Legal Education Association**

<i>General Operating Grant (2023/24)</i>	\$66,125
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**Faculty of Law, University of Manitoba**

<i>General Operating Grant (2023/24 &amp; 2024/2025)</i>	\$278,000
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<i>Rights Clinic</i>	\$20,568
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<i>Access to Justice Coordinator (2023/24-2025/26)</i>	\$387,375
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<i>OUTLaws Conference</i>	\$4,400
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**Law Society of Manitoba**

<i>Subsidize Legal Education Event</i>	\$3,500
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**LEVEL**

<i>Indigenous Youth Outreach Program</i>	\$20,000
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**Manitoba Association of Rights & Liberties**

<i>Legal Literacy Symposium for Youth</i>	\$20,000
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**The Manitoba Eco-Network**

<i>Navigating the Law to Protect the Environment</i>	\$10,000
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**The Manitoba Law Foundation – internal project**

<i>Training for Non-financial Managers</i>	\$10,238
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**National Committee on Access to Justice**

<i>Fostering National Collaboration</i>	\$15,000
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**Pro Bono Students Canada (Manitoba)**

<i>General Operating Grant (2023/24 &amp; 2024/2025)</i>	\$35,076
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**LEGAL RESEARCH****Legal Research Institute – University of Manitoba**

<i>General Operating Grant (2023/24 &amp; 2024/2025)</i>	\$211,600
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**Public Interest Law Centre & Community Education Development Association**

<i>Supporting Seniors</i>	\$20,000
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**LEGAL AID SERVICES****Community Legal Education Association**

<i>Law Phone-in, Lawyer Referral</i>	\$79,350
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<i>Program Coordinator</i>	\$70,000
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**Community Unemployed Help Centre**

<i>General Operating Grant (2023/24)</i>	\$26,450
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**First Nations Family Advocate Office**

<i>Legal Services Project 2023-2026</i>	\$504,689
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**Franco Justice Inc.**

<i>Clinique Juridique Franco Justice</i>	\$20,000
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**Legal Aid Manitoba - Public Interest Law Centre**

<i>General Operating Grant (2023/24)</i>	\$238,050
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**Legal Aid Manitoba - University of Manitoba, Community Law Centre**

<i>General Operating Grant (2023/24)</i>	\$113,735
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**Legal Help Centre of Winnipeg Inc.**

<i>General Operating Grant (2023/24)</i>	\$105,800
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<i>Legal Information, Support &amp; Referrals</i>	\$18,000
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**LAW REFORM****Manitoba Law Reform Commission**

<i>General Operating Grant (2023/24 &amp; 2024/2025)</i>	\$264,500
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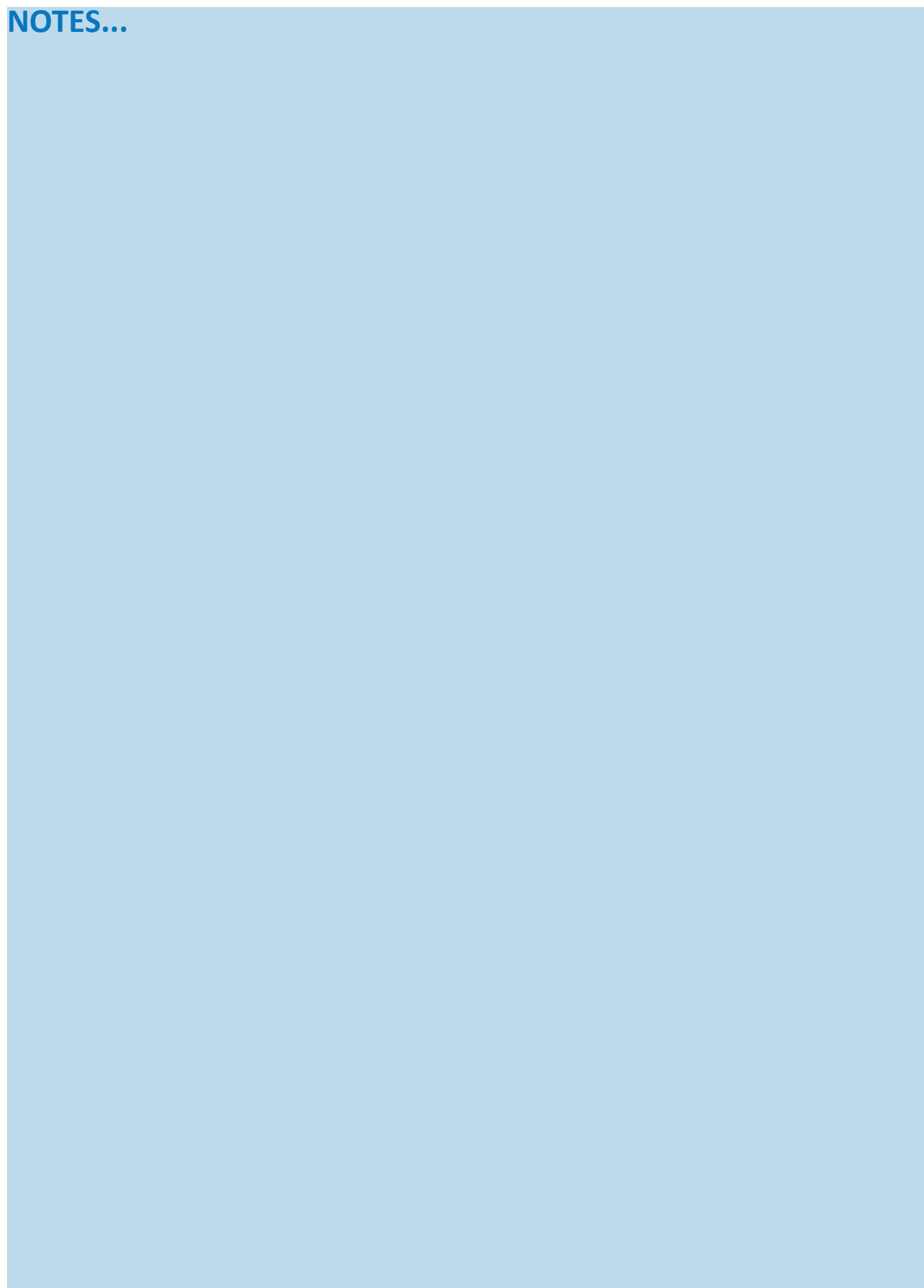
**DEVELOPMENT & MAINTENANCE OF LAW LIBRARIES****E. K. Williams Law Library**

<i>Acquisitions &amp; Maintenance (2023/24 &amp; 2024/2025)</i>	\$216,890
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**NOTES...**



**NOTES...**



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## LETTRES D'ENVOI

L'Honorable ministre de la Justice et procureur général  
Ministère de la Justice  
Palais Législatif  
Winnipeg, Manitoba

En tant que président de la Fondation Manitoabaine du droit, j'ai l'honneur de vous présenter, conformément au paragraphe 101(1) de la *Loi sur la profession d'avocat* (la « Loi »), le trente-septième rapport annuel de la Fondation Manitoabaine du droit pour l'exercice se terminant le 31 mars 2023. Les états financiers ont été examinés par les vérificateurs de la Fondation, Fort Group Inc., comptables agréés, dont le rapport du 13 juin 2023 se trouve ci-joint. Les états financiers ont été approuvés par les administrateurs de la Fondation au cours d'une réunion du conseil qui a eu lieu le 13 juin 2023.

Respectueusement vôtre,



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L'Honorable Juge Victor Toews,  
Président du conseil d'administration

## RECONNAISSANCE DES TERRITOIRES

La Fondation Manitobaine du droit reconnaît que les territoires désignés par le nom Manitoba sont les terres ancestrales des peuples Anishinaabeg, Ininiwak, Anishininiwak, Denesuline, et Dakota Oyate.

Entre 1871 et 1907, les commissaires des traités, agissant au nom de la Couronne, ont décrété les traités No 1 à 6 et le traité No 10 avec les dirigeants des peuples Anishinaabeg, Ininiwak, Anishininiwak, et Denesuline en ce qui concerne l'usage de ces territoires.

Bien que le travail de la Fondation s'étende dans toute la province du Manitoba, les bureaux sont situés sur le territoire de Traité No 1, terre de naissance et pays d'origine des métis de la Rivière Rouge. C'est avec gratitude que nous reconnaissons la Première Nation de Shoal Lake no 40, source d'eau pour Winnipeg.

Aujourd'hui, 64 communautés des Premières Nations, ayant encore des liens spirituels et culturels aux terres, vivent au Manitoba. C'est avec respect et gratitude que nous reconnaissons les peuples des Premières Nations, Inuit et métis dont les traces ont marqué ces terres depuis des centaines d'années.

Le Manitoba est une province juridiquement pluraliste où coexistent les lois de la Couronne et traditions juridiques autochtones. Nous devons être attentifs et respectueux dans le rôle de la Fondation au sein de ces systèmes et dans leur interrelation.

Nous nous consacrons à travailler avec les communautés des Premières Nations, Inuit et métis dans un esprit de réconciliation afin de faire avancer l'accès à la justice en reflétant et incluant leurs valeurs et lois, ainsi que les responsabilités et obligations créées par les traités No 1 à 6.

## MOT DU PRÉSIDENT

Au nom de la Fondation Manitoquine du droit, il me fait plaisir de partager ce message à la fermeture de l'année financière 2022/23, 14 mois après ma nomination. Il est remarquable de constater à quel point la position financière de la Fondation a changé pendant cette courte période.

Après deux années d'incertitude financière (avec une baisse marquée des intérêts sur les revenus des comptes en fiducie commun des avocats (ICFA) au cours de l'année financière 2020/21 et seulement une légère hausse au cours de 2021/22), la Fondation était prudemment confiante, à la fin de l'année financière 2021/22, que le pire était derrière elle. L'année financière 2022/23 s'est avérée être la meilleure des 37 années de l'histoire de la Fondation, se terminant avec un montant record de 17.2 millions \$ en revenus ICFA.

Les taux d'intérêts plus élevés fixés pour lutter contre l'inflation, combinés à des soldes plus élevés que la moyenne des comptes en fiducie commun des avocats ont provoqué cette situation sans précédent.

De manière fortuite, ces revenus arrivent à un moment qui fournit l'opportunité à la Fondation de faire avancer son plan stratégique de manière significative pour 2022-2027 (approuvé en septembre 2022). Le plan donne un aperçu des objectifs stratégiques pour faire avancer l'accès à la justice dans les régions éloignées et au Nord du Manitoba, avec une emphase sur le fait de répondre aux besoins des communautés autochtones et de faciliter l'accès à la justice dans les régions rurales de la province.

Il s'agit d'objectifs ambitieux qui demanderont des ressources significatives. Lorsque le plan a été approuvé en septembre 2022, le conseil d'administration savait que les revenus de la Fondation auraient un impact sur sa capacité de le mettre en œuvre.

La variabilité des revenus de la Fondation est une préoccupation toujours présente pour les membres du conseil, surtout après la pandémie et pendant la période de reprise économique. Le conseil a donc pris soin de considérer que le plan (et son calendrier d'implantation) demanderait de la flexibilité (et possiblement certains amendements) chaque année suivant l'établissement annuel du budget de la Fondation et l'identification des contraintes possibles.

Le conseil a aussi reconnu que le plan demanderait non-seulement des ressources financières mais aussi une collaboration avec les parties prenantes actuelles (comme les services d'aide juridique du Manitoba, le Barreau du Manitoba et la faculté de droit de l'Université du Manitoba), des programmes d'information pour les



communautés dans le plan afin de commencer à bâtir des relations de confiance, ainsi que de travailler avec des consultants pour bonifier la petite équipe de la Fondation.

Comme toujours, le conseil donne une attention particulière au fait d'établir un équilibre approprié entre les subventions discrétionnaires (à venir) (pour l'avancement du mandat et des objectifs stratégiques de la Fondation) et le maintien d'une réserve adéquate pour permettre de continuer à offrir des subventions discrétionnaires même lors d'années plus maigres. En ce sens, 1.5 million \$ a été ajouté à la Réserve pour subventions futures.

Le conseil a accueilli un nouveau membre en 2022/23. Yasothini Mathu a été nommée par le Barreau du Manitoba en août 2022 en remplacement du Juge Vincent Sinclair (qui a démissionné en mars 2022 après sa nomination à la Cour provinciale). La nomination de madame Mathu a complété le conseil à 10 membres (9 positions nommées et 1 position ex officio).

Je tiens à remercier mes collègues membres du conseil d'administration pour leurs contributions en 2022/23. Nos nouveaux membres ont assumé leurs rôles avec professionnalisme, dévouement et enthousiasme, et nos membres plus anciens ont fait de même, en offrant aussi leur support, patience et guidance au conseil et à son leadership.

Au nom du conseil d'administration, j'aimerais aussi remercier la petite équipe de la Fondation. Leur travail acharné, leur enthousiasme, leur matériel bien préparé et leurs recommandations contribuent au succès du conseil lors de chaque assemblée et rencontre.



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L'Honorable Juge Victor Toews,  
Président du conseil d'administration

## CONSEIL D'ADMINISTRATION

### Nommés par le ministre de la Justice

L'Honorable Juge Victor Toews

*Président, nommé en janvier 2022*

Irene Merie

*Vice-Présidente, nommée en janvier 2022*

Melanie Beaudry

*Directrice, nommée en décembre 2021*

Laurelle Harris

*Directrice, nommée en janvier 2022*

Ian Scarth

*Directeur, nommé en décembre 2021*

### Nommés par la société du Barreau du Manitoba

Patricia Kloepfer

*Directrice, nommée en août 2019*

Anita Southall

*Directrice, nommée en août 2021*

Yasothini Mathu

*Directrice, nommée en août 2022*

### Président de la section du Manitoba, nommé par l'Association du Barreau Canadien

Kevin Antonyshyn

*Directeur, nommé en septembre 2019*

### Faculté de Droit, Université du Manitoba, Ex Officio

Dr. Richard Jochelson

*Directeur Ex Officio, juin 2021*

## PERSONNEL DE LA FONDATION

Erin Wilcott

*Directrice exécutive*

Donna Frame

*Gestionnaire des services comptables*

## À PROPOS DE LA FONDATION

En 1986, la législature a constitué la Fondation Manitoibaine du droit en modifiant la *Loi sur la profession d'avocat* (La Loi) adoptée en 2002.

Sous cette *législation*, les institutions financières doivent verser à la Fondation l'intérêt sur les comptes mixtes en fiducie tenus par les avocats qui exercent leur profession au Manitoba. De ces revenus, la Fondation doit accorder des subventions statutaires aux services d'aide juridique du Manitoba et à l'Association du Barreau du Manitoba.

Lorsqu'il reste suffisamment de fonds après avoir payé les frais administratifs et les subventions statutaires, la Fondation peut offrir des subventions discrétionnaires visant à l'aider à atteindre sa mission et sa vision.

La Fondation est dirigée par un conseil d'administration nommé sous La Loi. Les nominations peuvent être d'une durée entre deux et quatre ans et les directeurs peuvent être réélus. Les directeurs restent en fonction jusqu'à la nomination de leur successeur.

Pour plus de renseignements sur la Fondation et le processus de demande, visitez le [ManitobaLawFoundation.org](http://ManitobaLawFoundation.org).

### OBJECTIFS

Les objectifs de la Fondation sont de promouvoir l'éducation, la recherche, les services d'aide juridique et la réforme, et le développement et maintien de bibliothèques de droit.

### VISION

L'avancement de la justice via l'accès, les connaissances et la compréhension.

### MISSION

La Fondation s'engage à promouvoir les connaissances juridiques, à favoriser l'excellence au sein de la profession juridique, et à faciliter la compréhension communautaire du système juridique. La Fondation soutient les programmes et initiatives qui encouragent et bonifient ces engagements.

# PLAN STRATÉGIQUE 2022-2027

Augmenter l'accès à la justice (Access to justice ou « A2J ») dans les régions éloignées et dans le nord du Manitoba.

## 01

- Bâtir des relations avec les organisations autochtones et déterminer ce que signifie A2J pour ces communautés.
- Collaborer avec les parties prenantes et autres organisations qui cherchent à faire avancer l'A2J dans les régions éloignées et dans le nord du Manitoba.
- Comprendre les limites de l'infrastructure et les autres obstacles à l'accès à la justice dans les régions éloignées et dans le nord du Manitoba.
- Comprendre la pénurie de juristes dans les régions éloignées et dans le nord du Manitoba (le cas échéant).
- Comprendre et dresser une liste des questions d'A2J dans les régions éloignées et dans le nord du Manitoba.

## Augmenter A2J dans les zones rurales du Manitoba.

# 02

- Collaborer avec les parties prenantes et autres organisations cherchant à améliorer l'A2J en milieu rural au Manitoba.
- Comprendre les limites de l'infrastructure et les obstacles à l'accès à la justice dans les zones rurales au Manitoba.
- Comprendre la pénurie de juristes en zones rurales au Manitoba (le cas échéant).
- Comprendre et dresser une liste des questions d'A2J dans les zones rurales au Manitoba.
- Lancer des appels de candidatures et offrir des subventions et prix pour augmenter l'A2J dans les zones rurales au Manitoba.

## Bonifier l'image de la Fondation.

# 03

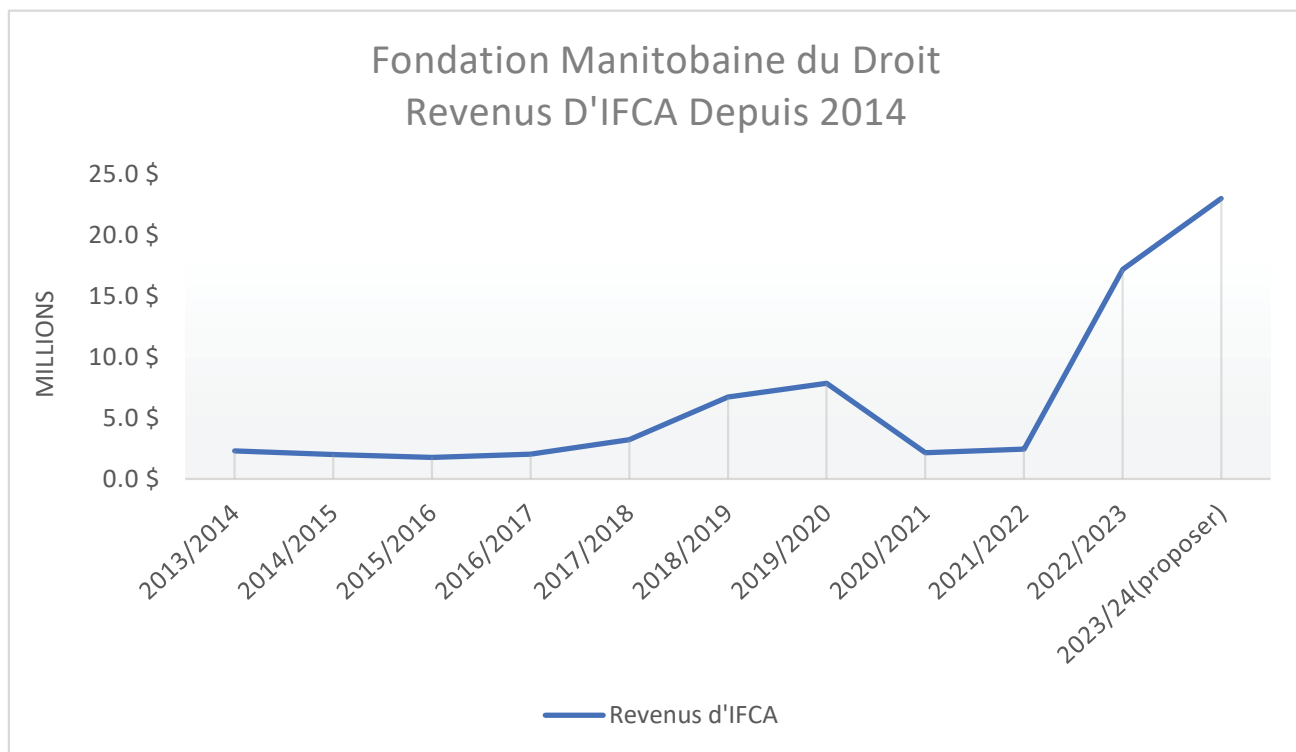
- Développer un nouveau logo et une nouvelle image de marque.
- Élaborer un plan de communications en fonction de toutes les parties prenantes de la Fondation et de son public (actuel et potentiel).
- Augmenter le nombre d'activités de marketing et la présence sur les réseaux sociaux en vue de :
- Rendre la Fondation plus accessible au public.
- Augmenter l'engagement de la profession du droit envers l'avancement du mandat de la Fondation. Et,
  - Présenter et souligner :
    - Les opportunités de subventions et prix ;
    - Les récipiendaires de subventions et leur travail ;
    - Les projets de la Fondation ; et
    - Les efforts en matière d'A2J et les opportunités de réseautage au Manitoba.

## REVENUS D'ICFA

Les revenus de la Fondation proviennent en grande partie des intérêts sur les comptes en fiducie communs des avocats (ICFA). Ceci n'inclut pas les intérêts payés sur des placements spécifiques détenus pour des clients individuels. Les revenus d'ICFA perçus par la Fondation sont calculés à partir des formules de taux d'intérêt négociés avec chacune des institutions financières au Manitoba détenant des comptes en fiducie des avocats, et sont liés au taux préférentiel. De ce fait, les revenus d'ICFA sont extrêmement sensibles aux fluctuations du taux préférentiel et aux facteurs économiques externes, et sont donc très instables.

Au cours de cette année financière, la Fondation a constaté une augmentation de 603 % des revenus d'ICFA à environ 17.2 millions \$, pour 2.4 millions \$ pour l'année précédente. Il s'agit de la plus grosse année de l'histoire de la Fondation, surpassant de 119 % la deuxième plus grosse année de 7.8 millions \$ en 2019-2020. Cette augmentation est principalement due aux augmentations du taux préférentiel qui sont survenues entre mars 2022 et mars 2023.

Le tableau ci-dessous démontre la volatilité des revenus de la Fondation au cours des 10 dernières années :



Les deux tableaux suivants présentent les cinq années les plus hautes et les cinq années les plus basses en revenus ICFA pour la Fondation, depuis 1986.

**CINQ ANNÉES PLUS HAUTES**

<b>Année financière</b>	<b>IFCA</b>	<b>Année précédente</b>	<b>Année suivante</b>
2022-2023	17,170,414 \$	2,441,167 \$	À déterminer
2019-2020	7,845,915 \$	6,713,335 \$	2,146,378 \$
2007-2008	7,487,886 \$	6,042,268 \$	3,762,367 \$
2018-2019	6,713,335 \$	3,124,300 \$	7,845,915 \$
2006-2007	6,042,268 \$	1,346,755 \$	7,487,886 \$

**CINQ ANNÉES PLUS BASSES**

<b>Année financière</b>	<b>IFCA</b>	<b>Année précédente</b>	<b>Année suivante</b>
2009-2010	823,937 \$	3,762,367 \$	1,000,222 \$
1993-1994	952,408 \$	1,260,607 \$	1,892,029 \$
2010-2011	1,000,222 \$	823,937 \$	1,414,611 \$
1997-1998	1,023,656 \$	1,171,780 \$	2,984,877 \$
2002-2003	1,028,113 \$	\$1,970,295 \$	1,605,411 \$

**PLACEMENTS**

Les placements à long terme de la Fondation sont avec The Winnipeg Foundation dans un fonds géré qui fait partie du fonds consolidé en fiducie de The Winnipeg Foundation. La Fondation reçoit un déboursé en argent comptant de The Winnipeg Foundation, déterminé selon la valeur moyenne du marché (calculée sur trois ans) du fonds géré.

Le revenu de placements est composé de gains et pertes réalisés et non-réalisés et d'intérêts et dividendes nets de frais administratifs et de placements. Pour l'année financière 2022/23, la Fondation a enregistré une perte nette de 20 029 \$ comparée à un revenu de placement net de 317 923 \$ au cours de l'année financière précédente. Les marchés ont continué à être instables en raison de l'invasion de l'Ukraine par la Russie et de la hausse de l'inflation, entre autres facteurs.

## OPÉRATIONS

La Fondation continue de contrôler les coûts d'exploitation avec des dépenses totalisant 231K \$ comparées à 227K \$ pour l'année précédente.

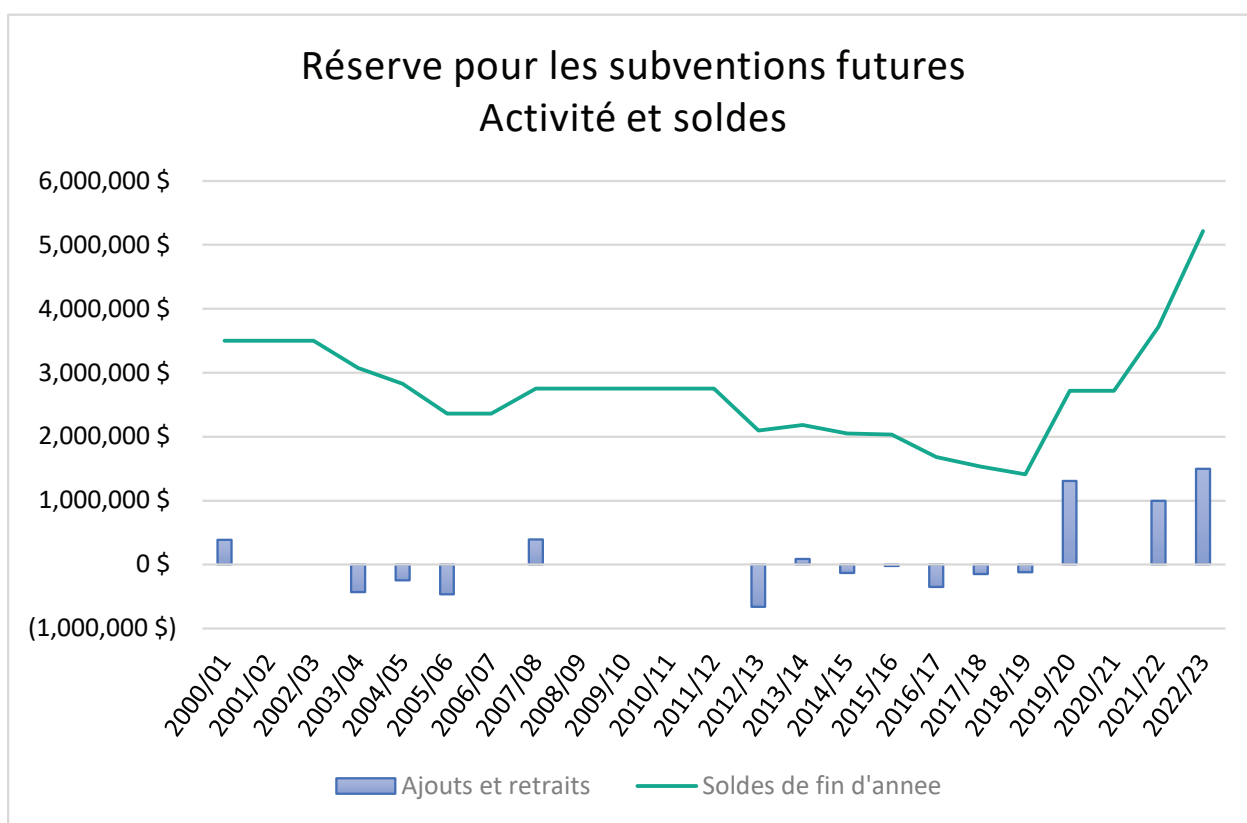
<b>POINTS SALLAINT FINANCIERS</b>			
	<b>2022/2023</b>	<b>2021/2022</b>	<b>Change</b>
<b>IFCA</b>	<b>17 170 414 \$</b>	<b>2 441 167 \$</b>	<b>+603.4%</b>
<b>Gain net sur placements &amp; intérêts</b>	<b>239 154 \$</b>	<b>323 510 \$</b>	<b>-26.08%</b>
<b>Total des subventions attribuées</b>	<b>14 159 702 \$</b>	<b>2 997 183 \$</b>	<b>+372.43%</b>
<b>Depense d'exploitation</b>	<b>231 495 \$</b>	<b>227 417 \$</b>	<b>+1.8%</b>

## RÉSERVE POUR SUBVENTIONS FUTURES

La Fondation maintient une réserve pour les subventions futures afin d'offrir du financement stable pour les bénéficiaires de subventions discrétionnaires. La politique de la Fondation concernant la réserve requiert qu'elle maintienne un niveau de subventions discrétionnaires approuvées d'une durée de deux ans, minimum et de quatre ans, maximum, évalué sur une moyenne mobile de trois ans. À la fin de l'année, la réserve était à 65.5 % du maximum. Un montant de 1.5 million \$ a été ajouté à la réserve au cours de l'année financière.

La réserve de la Fondation pour subventions futures et les montants non-requis pour les besoins de liquidités à court terme de la Fondation font partie du fonds géré.





## SUBVENTIONS

*Depuis sa création en 1986, la Fondation a reçu et administré 116 millions \$ en revenus ICFA et a octroyé environ 115 millions \$ en subventions, en vue de son objectif d'encourager et promouvoir l'éducation et la recherche juridiques, les services d'aide juridique, la réforme du droit, et le maintien et le développement des bibliothèques de droit.*

### Subventions statutaires

La Loi prévoit que la Fondation accorde des subventions statutaires à l'aide juridique du Manitoba et à la Société du Barreau du Manitoba équivalent à 50 % et 16.17 % respectivement de l'ICFA reçu au cours de l'année financière.

La subvention à l'aide juridique est une subvention de fonctionnement général, alors que la subvention à la Société du Barreau est à des fins d'éducation et pour les dépenses encourues en assurant que les membres indiquent aux institutions financières de remettre l'ICFA à la Fondation.

Dans le cas où les revenus de l'ICFA soient insuffisants pour distribuer les minimums requis par la Loi (1 007 629 \$ et 335 383 \$, respectivement) l'ICFA sera distribué de manière proportionnelle après avoir alloué les montants nécessaires pour couvrir les dépenses d'opération de la Fondation.

En conséquence, les subventions suivantes ont été déboursées et cumulées au cours de l'année financière 2022/23.

*L'aide juridique du Manitoba*

Déboursé 1 220 584 \$

Cumulé 8 585 207 \$

*environ 33.8 millions \$ en subventions discrétionnaires.*

*La Société du Barreau du Manitoba*

Déboursé 406 943 \$

Cumulé 2 862 308 \$

Plus de détails sur les subventions discrétionnaires au cours de l'année financière 2022/23 ci-dessous.

*Depuis 1986, la Fondation a déboursé en subventions statutaires 60.7 millions \$ à l'aide juridique du Manitoba et 20.3 millions \$ à la Société du Barreau du Manitoba.*

### **Subventions discrétionnaires**

Les montants disponibles pour les subventions discrétionnaires sont composés de surplus de fin de la précédente année financière plus les revenus de l'année en cours, après avoir considéré les dépenses de fonctionnement et les montants pour les subventions statutaires. Il faut aussi songer à augmenter la réserve pour les subventions futures lorsqu'elle est sous le maximum permis, selon la politique de la Fondation.

La Fondation a approuvé des subventions discrétionnaires de fonctionnement, projets et petites subventions en 2022/23 pour un montant de 2 712 198 \$. Ceci inclut 10 subventions de fonctionnement général totalisant 1 635 576 \$, approuvées et octroyées pour 2023/24 et 2024/25. La Fondation a fourni un financement stable pour 5 de ces bénéficiaires de subventions de fonctionnement en leur approuvant un financement pour 2 ans. Deux (2) subventions de projets ont aussi été approuvées pour un financement pluriannuel.

*Depuis 1986, la Fondation a octroyé*

## ÉDUCATION JURIDIQUE

### Centre canadien pour le droit au logement

<i>Prioriser les solutions alternatives à l'expulsion au Manitoba</i>	20 000 \$
---	-----------

### Association communautaire d'éducation juridique

<i>Fonctionnement général (2023/24)</i>	66 125 \$
---	-----------

### Faculté de droit, Université du Manitoba

<i>Fonctionnement général (2023/24 &amp; 2024/25)</i>	278 000 \$
---	------------

<i>Clinique juridique</i>	20 568 \$
---------------------------	-----------

<i>Coordonnateur de l'accès à la justice (2023/24-2025/26)</i>	387 375 \$
--	------------

<i>Congrès OUTLaws</i>	4 400 \$
------------------------	----------

### Société du Barreau du Manitoba

<i>Financement d'un événement d'éducation juridique</i>	3500 \$
---	---------

### LEVEL

<i>Programme de sensibilisation pour les jeunes autochtones</i>	20 000 \$
---	-----------

### Association manitobaine des droits et libertés

<i>Symposium sur l'alphabétisation juridique pour les jeunes</i>	20 000 \$
--	-----------

### The Manitoba Eco-Network

<i>Explorer les lois pour protéger l'environnement</i>	10 000 \$
--	-----------

### La Fondation manitobaine du droit – projet interne

<i>Formation pour les gestionnaires non financiers</i>	10 238 \$
--	-----------

### Comité national sur l'accès à la justice

<i>Faciliter la collaboration au niveau national</i>	15 000 \$
--	-----------

### Réseau national des étudiants pro bono (Manitoba)

<i>Fonctionnement général (2023/24 &amp; 2024/25)</i>	35 076 \$
---	-----------

## RECHERCHE JURIDIQUE

### Institut de recherche juridique – Université du Manitoba

<i>Fonctionnement général (2023/24 &amp; 2024/25)</i>	211 600 \$
---	------------

**Centre juridique d'intérêt public et Association de développement et d'éducation communautaire**

<i>Aide aux aînés</i>	20 000 \$
-----------------------	-----------

**SERVICES D'AIDE JURIDIQUE****Association d'éducation juridique communautaire**

<i>Ligne juridique, Service de référence à un avocat</i>	79 350 \$
--	-----------

<i>Coordonnateur de programme</i>	70 000 \$
-----------------------------------	-----------

**Centre communautaire d'aide aux personnes sans emploi**

<i>Fonctionnement général (2023/24)</i>	26 450 \$
---	-----------

**Centre des droits de la famille des Premières Nations**

<i>Project de services juridiques 2023-2026</i>	504 689 \$
---	------------

**Franco Justice Inc.**

<i>Clinique Juridique Franco Justice</i>	20 000 \$
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**Société d'aide juridique du Manitoba – Centre juridique d'intérêt public**

<i>Fonctionnement général (2023/24)</i>	238 050 \$
---	------------

**Société d'aide juridique du Manitoba – Université du Manitoba, Centre juridique communautaire**

<i>Fonctionnement général (2023/24)</i>	113 735 \$
---	------------

**Centre d'aide juridique de Winnipeg Inc.**

<i>Fonctionnement général (2023/24)</i>	105 800 \$
---	------------

<i>Information juridique, soutien et références</i>	18 000 \$
---	-----------

**RÉFORME DU DROIT****Commission de la réforme du droit du Manitoba**

<i>Fonctionnement général (2023/24 &amp; 2024/25)</i>	264 500 \$
---	------------

**DÉVELOPPEMENT ET MAINTIEN DES BIBLIOTHÈQUES DE DROIT****E. K. Williams Law Library**

<i>Acquisitions et entretien (2023/24 &amp; 2024/25)</i>	216 890 \$
--	------------

**NOTES...**



**THE MANITOBA LAW FOUNDATION  
INDEPENDENT AUDITOR'S REPORT  
FINANCIAL STATEMENTS  
MARCH 31, 2023**

**THE MANITOBA LAW FOUNDATION**

**MARCH 31, 2023**

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## INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of The Manitoba Law Foundation:

### Opinion

We have audited the accompanying financial statements of The Manitoba Law Foundation (the "Foundation"), which comprise the statement of financial position as at March 31, 2023, and the statements of operations, changes in net assets and cash flow for the year then ended, and the notes to financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of The Manitoba Law Foundation as at March 31, 2023, and the results of its operations and its cash flow for the year then ended, in accordance with the basis of accounting as described in note 2 to the financial statements.

### Basis for Opinion

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 opinion.

### Emphasis of Matter - Basis of Accounting

We draw attention to note 2 of the financial statements, which describes the basis of accounting. The financial statements are prepared to assist the Foundation to comply with the financial reporting provisions of The Legal Profession Act. As a result, the financial statements may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

### Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the basis of accounting as described in note 2 to the financial statements 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 achieved 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.

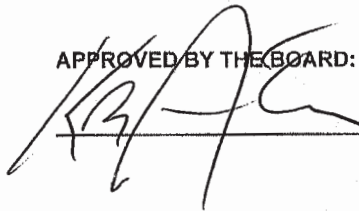
**Winnipeg, Manitoba  
June 13, 2023**

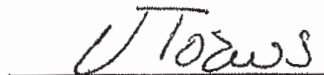
  
**CHARTERED PROFESSIONAL  
ACCOUNTANTS INC.**

**THE MANITOBA LAW FOUNDATION  
STATEMENT OF FINANCIAL POSITION  
MARCH 31, 2023**

	<u>2023</u>	<u>2022</u>
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash	\$ 15,268,222	880,621
Cash - The Winnipeg Foundation	201,873	-
Accounts receivable	13,800	-
Prepaid expenses	<u>3,173</u>	<u>7,273</u>
	15,487,068	887,894
<b>INVESTMENTS (Note 3)</b>	7,120,770	7,751,733
<b>TANGIBLE CAPITAL ASSETS (Note 4)</b>	<u>7,310</u>	<u>8,598</u>
	<u>7,128,080</u>	<u>7,760,331</u>
	<u>\$ 22,615,148</u>	<u>8,648,225</u>
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable and accrued liabilities	\$ 15,290	14,244
Grants allocated and undisbursed (Schedule)	<u>13,432,309</u>	<u>3,509,909</u>
	13,447,599	3,524,153
<b>NON-CURRENT LIABILITIES</b>		
Grants allocated and undisbursed (Schedule)	<u>1,025,105</u>	<u>-</u>
	<u>14,472,704</u>	<u>3,524,153</u>
<b>NET ASSETS</b>		
Unrestricted	2,917,085	1,397,425
Invested in tangible capital assets	7,310	8,598
Internally restricted (Note 5)	<u>5,218,049</u>	<u>3,718,049</u>
	<u>8,142,444</u>	<u>5,124,072</u>
	<u>\$ 22,615,148</u>	<u>8,648,225</u>

APPROVED BY THE BOARD:

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Chair

**THE MANITOBA LAW FOUNDATION  
STATEMENT OF OPERATIONS  
YEAR ENDED MARCH 31, 2023**

	<u>2023</u>	<u>2022</u>
<b>REVENUE</b>		
Interest received on lawyers' trust accounts	\$ 17,170,414	2,441,167
Net investment income (loss) (Note 3)	(20,029)	317,923
Interest income	<u>259,183</u>	<u>5,587</u>
	<u>17,409,568</u>	<u>2,764,677</u>
<b>EXPENSES</b>		
Amortization of tangible capital assets	4,209	1,403
Audit and legal	12,958	16,158
Board fees	8,805	14,407
Insurance	593	819
Meeting expenses	4,296	196
Memberships and dues	5,987	3,880
Miscellaneous	2,514	4,642
Office, postage and telephone	14,669	13,791
Personnel	157,745	156,350
Rent	14,933	15,579
Travel	<u>4,785</u>	<u>192</u>
	<u>231,494</u>	<u>227,417</u>
<b>EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR BEFORE GRANTS ALLOCATED DURING THE YEAR</b>	17,178,074	2,537,260
<b>GRANTS ALLOCATED DURING THE YEAR (Schedule)</b>		
Statutory grants	(11,447,515)	(1,627,526)
Discretionary grants	<u>(2,712,187)</u>	<u>(1,369,657)</u>
<b>EXCESS (DEFICIENCY) OF REVENUE OVER EXPENSES</b>	<u>\$ 3,018,372</u>	<u>(459,923)</u>

**THE MANITOBA LAW FOUNDATION  
STATEMENT OF CHANGES IN NET ASSETS  
YEAR ENDED MARCH 31, 2023**

	<u>Unrestricted</u>	<u>Invested in Tangible Capital Assets</u>	<u>Internally Restricted - Reserve for Future Grants (Note 5)</u>	<u>2023</u>	<u>2022</u>
<b>NET ASSETS, BEGINNING OF YEAR</b>	\$ 1,397,425	8,598	3,718,049	5,124,072	5,583,995
Excess (deficiency) of revenue over expenses	3,018,372	-	-	3,018,372	(459,923)
Purchase of tangible capital assets	(2,921)	2,921	-	-	-
Amortization of tangible capital assets	4,209	(4,209)	-	-	-
Interfund transfer (Note 5)	(1,500,000)	-	1,500,000	-	-
<b>NET ASSETS, END OF YEAR</b>	<u>\$ 2,917,085</u>	<u>7,310</u>	<u>5,218,049</u>	<u>8,142,444</u>	<u>5,124,072</u>

**THE MANITOBA LAW FOUNDATION  
STATEMENT OF CASH FLOW  
YEAR ENDED MARCH 31, 2023**

	<u>2023</u>	<u>2022</u>
<b>CASH PROVIDED BY (USED IN):</b>		
<b>OPERATING ACTIVITIES</b>		
Excess (deficiency) of revenue over expenses	\$ 3,018,372	(459,923)
Add back non-cash item(s):		
Amortization of tangible capital assets	4,209	1,403
Unrealized losses from investments	<u>313,522</u>	<u>290,879</u>
	3,336,103	(167,641)
Change in non-cash working capital items:		
Accounts receivable	(13,800)	-
Prepaid expenses	4,100	(3,673)
Accounts payable and accrued liabilities	1,046	7,839
Grants allocated and undisbursed	<u>10,947,505</u>	<u>53,005</u>
	<u>14,274,954</u>	<u>(110,470)</u>
<b>INVESTING ACTIVITIES</b>		
Proceeds on disposal of investments	610,933	707,188
Purchase of tangible capital assets	(2,921)	(8,085)
Net acquisition of investments	<u>(293,492)</u>	<u>(608,802)</u>
	<u>314,520</u>	<u>90,301</u>
<b>CHANGE IN CASH</b>	14,589,474	(20,169)
<b>CASH, BEGINNING OF YEAR</b>	<u>880,621</u>	<u>900,790</u>
<b>CASH, END OF YEAR</b>	<u>\$ 15,470,095</u>	<u>880,621</u>
<b>CASH COMPRISED OF:</b>		
Cash	\$ 15,268,222	880,621
Cash - The Winnipeg Foundation	<u>201,873</u>	<u>-</u>
	<u>\$ 15,470,095</u>	<u>880,621</u>

**THE MANITOBA LAW FOUNDATION  
NOTES TO FINANCIAL STATEMENTS  
YEAR ENDED MARCH 31, 2023**

**1. ACCOUNTING ENTITY**

The Manitoba Law Foundation (the "Foundation") was established by the Act of the Legislative Assembly of Manitoba (the "Act") which was assented to October 23, 1986. The Foundation receives interest earned on lawyers' trust accounts and disburses grants to organizations specified in the Act and to other organizations at the discretion of the Board of Directors (the "Board").

The objectives of the Foundation, as set out in the Act, are to encourage and promote the following: (a) legal education, (b) legal research, (c) legal aid services, (d) law reform, and (e) the development and maintenance of law libraries.

The Foundation is considered a not-for-profit organization under provisions of the Income Tax Act of Canada and is exempt from income tax.

**2. SIGNIFICANT ACCOUNTING POLICIES**

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations ("ASNPO") with the exception of the interest on lawyers' trust accounts as described in note 2(a).

An underlying assumption of the preparation of financial statements in accordance with ASNPO is that the entity will continue for the foreseeable future and will be able to realize its assets and discharge liabilities in the normal course of operations.

The financial statements include the following significant accounting policies:

**(a) Revenue recognition**

Under Section 90 of *The Legal Profession Act*, statutory grants to Legal Aid Manitoba and the Law Society of Manitoba are to be calculated each year based upon "the total trust account interest received by the Foundation". Due to the statutory provision, interest on lawyers' trust accounts is recognized in revenue on a cash basis as the financial institutions advise the Foundation of the amounts. The Foundation assumes that solicitors who hold funds in trust for or on account of clients comply strictly with Section 50 of *The Legal Profession Act*. This method of recording interest of lawyers' trust accounts on a cash basis is not in accordance with ASNPO, which requires income to be reported on an accrual basis.

Net investment income and interest income are recognized in the period earned and includes realized and unrealized gains and losses, interest and dividends net of investment fees.

**(b) Tangible capital assets**

Tangible capital assets are recorded at cost. Amortization is recorded on a straight-line basis at rates intended to amortize the assets over their useful lives as follows:

Computer hardware and software	3 years
Furniture and fixtures	5 years

**(c) Grants**

Pursuant to subsection 90(1) of *The Legal Profession Act*, grants equal to 50% and 16.67% of the interest received on lawyers' trust accounts annually or \$1,007,629 and \$335,383, respectively, whichever is greater, are to be paid to Legal Aid Manitoba and the Law Society of Manitoba, respectively. Provision for such grants is recorded annually in the Foundation's accounts. In the event there is insufficient interest earned on lawyers' trust accounts to meet these commitments, subsection 90(2) of the Act indicates that the grants are to be calculated on a pro-rata basis.

Grants other than as described above are recorded in the Foundation's accounts in the year of approval by the Board of Directors.

**THE MANITOBA LAW FOUNDATION  
NOTES TO FINANCIAL STATEMENTS  
YEAR ENDED MARCH 31, 2023**

**2. SIGNIFICANT ACCOUNTING POLICIES (continued)**

**(d) Financial instruments**

The Foundation initially measures its financial assets and financial liabilities at fair value when the asset or liability is first recognized. The Foundation subsequently measures all its financial assets and financial liabilities at amortized cost, except for investments quoted in an active market, which are subsequently measured at fair value. Changes in fair value are recognized in the statement of operations. Amortized cost is the amount at which the financial instrument is measured at initial recognition less principal repayments, plus or minus the cumulative of any difference between that initial amount and the maturity amount, and minus any reduction for impairment.

Financial assets and financial liabilities are measured at amortized cost including cash, investments, accounts payable, accrued liabilities and grants allocated and undisbursed.

**(e) Impairment**

Financial assets measured at amortized cost are tested for impairment when there are indicators of possible impairment. When a significant adverse change has occurred during the period in the expected timing or amount of future cash flows from the financial asset or group of assets, a write-down is recognized in the statements of operations and changes in net assets. When events occurring after the impairment confirms that a reversal is necessary, the reversal is recognized in the statement of operations.

**(f) Use of estimates**

The preparation of the financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the year. Estimates include accounts payable and accrued liabilities and the useful life of tangible capital assets. Actual results may differ from estimates.

**3. INVESTMENTS**

The funds invested in The Winnipeg Foundation Consolidated Trust Fund are comprised of both unrestricted funds and internally restricted funds - Reserve for Future Grants (note 5).

The following reflects the various transactions within investments held at The Winnipeg Foundation:

	<u>2023</u>	<u>2022</u>
Realized gains	\$ 157,292	496,885
Unrealized losses	(313,522)	(290,879)
Interest and dividends	200,840	191,987
Administration and investment fees	<u>(64,639)</u>	<u>(80,070)</u>
Total net investment income (loss)	<u>\$ (20,029)</u>	<u>317,923</u>

**THE MANITOBA LAW FOUNDATION  
NOTES TO FINANCIAL STATEMENTS  
YEAR ENDED MARCH 31, 2023**

**4. TANGIBLE CAPITAL ASSETS**

	<u>2023</u>		<u>2022</u>	
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Cost</u>	<u>Accumulated Amortization</u>
Computer hardware and software	\$ 14,931	8,156	15,834	7,928
Furniture and fixtures	<u>783</u>	<u>248</u>	<u>783</u>	<u>91</u>
	<u>15,714</u>	<u>8,404</u>	<u>16,617</u>	<u>8,019</u>
Net book value	<u>\$ 7,310</u>		<u>8,598</u>	

**5. INTERNALLY RESTRICTED FUNDS**

**Reserve for Future Grants**

The purpose of the Reserve for Future Grants (the "Reserve") is to provide stable funding for the Foundation's discretionary grant recipients. The Board's policy is to base the Reserve's level upon a multiple of discretionary grants approved with a range of a two-year minimum up to a four-year maximum, assessed on a rolling three-year average. In addition, the Board may, at its discretion, transfer additional amounts from unallocated revenue to the Reserve. During the year, the Board approved a transfer of \$1,500,000 from unrestricted net assets to the Reserve. The Reserve funds are invested in The Winnipeg Foundation Consolidated Trust Fund, as disclosed in note 3.

**6. RELATED PARTY TRANSACTIONS AND BALANCES**

The following are related party transactions and balances with entities related to Board Members:

	<u>2023</u>	<u>2022</u>
Discretionary grants payable to entities related to Board Members (included in grants allocated and undisbursed)	<u>\$ 1,187,638</u>	<u>505,104</u>
Discretionary grants allocated during the year to entities related to Board Members	<u>\$ 1,157,409</u>	<u>341,660</u>

The discretionary grants allocated as at March 31, 2023 referred to above are made to the following entities:

	<u>2023</u>	<u>2022</u>
Faculty of Law, University of Manitoba	\$ 278,000	109,000
Faculty of Law, Rights Clinic	20,568	19,750
Faculty of Law, Phillip C. Jessup International Law Moot Court Competition	-	15,000
Faculty of Law, Access to Justice Coordinator - 2023/24 - 2025/26	387,375	-
Faculty of Law, OUTLaws Conference 2023	4,400	-
Faculty of Law - Pro Bono Students Canada (Manitoba)	35,076	15,250
Legal Research Institute, University of Manitoba	211,600	88,360
E.K. Williams Law Library	216,890	94,300
Law Society of Manitoba	<u>3,500</u>	<u>-</u>
	<u>\$ 1,157,409</u>	<u>341,660</u>



**THE MANITOBA LAW FOUNDATION  
NOTES TO FINANCIAL STATEMENTS  
YEAR ENDED MARCH 31, 2023**

**6. RELATED PARTY TRANSACTIONS (continued)**

These transactions occurred in the normal course of business and were recorded at the exchange amount which was the consideration approved by the Board.

Under Section 91 of *The Legal Profession Act*, the Foundation's Board must consist of the following: five appointees of the Minister of Justice, three appointees of the Law Society of Manitoba, one appointee of the Canadian Bar Association, Manitoba Branch, and the Dean of the Faculty of Law or his/her designate. The Act also states in Section 100 that "a director who is associated with a recipient or proposed recipient of a grant from the foundation, and disclosed that association to the board, may vote on any questions relating to the grant, unless the director has direct pecuniary interest in the grant."

**7. COMMITMENTS**

During the prior year, the Foundation entered into a 3-year lease commitment for the purpose of renting office space. The agreement expires May 31, 2024. The future total annual lease commitment inclusive of tax is as follows.

2024	\$	12,270
2025		<u>2,045</u>
	\$	<u>14,315</u>

**8. FINANCIAL RISK MANAGEMENT**

**(a) Interest rate risk**

Interest rate cash flow risk is the risk that changes in market interest rates may have an effect on the cash flows associated with some financial instruments. The Foundation is exposed to interest rate risk with respect to interest earned on investments and interest received on lawyer's trust accounts. Accordingly, changes in the prime interest will have a positive or negative impact on the Foundation's revenue.

**(b) Liquidity risk**

Liquidity risk is the risk that the Foundation will not be able to meet its financial obligations as they come due. Financial liabilities consist of accounts payable and accrued liabilities. Financial liabilities are paid in the normal course of business and except under certain exceptions, no later than one month.

**(c) Other price risk**

Other price risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk or currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. The Foundation is exposed to other price risk through its investment in equity mutual funds for which the value fluctuates with the quoted market price of the equity investments held within its mutual fund investments. Management mitigates these risks by maintaining and adhering to an investment policy that outlines the parameter on the investing holdings.

**9. COMPARATIVE AMOUNT**

Certain comparative amounts have been reclassified to conform to the current year's financial statement presentation.

**THE MANITOBA LAW FOUNDATION  
SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED  
YEAR ENDED MARCH 31, 2023**

	<b>Allocated during fiscal <u>2023</u></b>	<b>Undisbursed as at <u>March 31, 2023</u></b>
<b>Per subsection 90(1) the Legal Profession Act</b>		
Legal Aid Services Society of Winnipeg	\$ 8,585,207	8,585,207
Law Society of Manitoba	<u>2,862,308</u>	<u>2,862,308</u>
	11,447,515	11,447,515
<b>Per subsection 90(4) of the Legal Profession Act (discretionary)</b>		
<b>(a) Legal education</b>		
Canadian Centre for Housing Rights		
Prioritizing Alternatives to Eviction in Manitoba	20,000	10,000
Community Legal Education Association (Manitoba)		
General Operating Grant 2023/2024	66,125	66,125
Faculty of Law, University of Manitoba		
General Operating Grant 2023/2024	139,000	139,000
General Operating Grant 2024/2025	139,000	139,000
Pro-Bono Students Canada (Manitoba) 2023/2024	17,538	17,538
Pro-Bono Students Canada (Manitoba) 2024/2025	17,538	17,538
Rights Clinic	20,568	20,568
Access to Justice Coordinator - 2023/24 - 2025/26	387,375	387,375
OUTLaws Conference 2023	4,400	440
Law Society of Manitoba		
Subsidize Registration for Legal Education Event	3,500	-
LEVEL		
Indigenous Youth Outreach Program	20,000	10,000
Manitoba Association of Rights & Liberties		
Legal Literacy Symposium for Youth	20,000	10,000
The Manitoba Eco-Network		
Navigating the Law to Protect the Environment	10,000	2,500
Manitoba Law Foundation - internal project		
Training for Non-Financial Managers	10,238	10,238
National Committee on Access to Justice		
Fostering National Collaboration	15,000	7,500
<b>(b) Legal research</b>		
Legal Research Institute - University of Manitoba		
General Operating Grant 2023/2024	105,800	105,800
General Operating Grant 2024/2025	105,800	105,800
Public Interest Law Centre & Community Education Development		
Supporting Seniors	20,000	10,000
<b>(c) Legal aid services</b>		
Community Legal Education Association		
Law Phone-In, Lawyer Referral Services 2023/2024	79,350	79,350
Program Coordinator	70,000	70,000
Community Unemployed Help Centre		
General Operating Grant 2023/2024	26,450	26,450
<b>Carried Forward</b>	<b>\$ <u>12,745,197</u></b>	<b><u>12,682,737</u></b>

**THE MANITOBA LAW FOUNDATION**  
**SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED (continued)**  
**YEAR ENDED MARCH 31, 2023**

	<b>Allocated during fiscal <u>2023</u></b>	<b>Undisbursed as at <u>March 31, 2023</u></b>
<b>Brought forward</b>	<u>\$ 12,745,197</u>	<u>12,682,737</u>
<b>(c) Legal aid services (continued)</b>		
First Nations Family Advocate Office		
Legal Services Project 2023/24 - 2024/25	504,689	504,689
Franco Justice Inc.		
Clinique Juridique Franco Justice	20,000	2,500
Legal Aid Manitoba		
Public Interest Law Centre 2023/2024	238,050	238,050
University Community Law Clinic 2023/2024	113,735	113,735
Legal Help Centre of Winnipeg		
General Operating Grant 2023/2024	105,800	105,800
Legal Information, Support and Referrals	18,000	1,800
<b>(d) Law reform</b>		
Manitoba Law Reform Commission		
General Operating Grant 2023/2024	132,250	132,250
General Operating Grant 2024/2025	132,250	132,250
<b>(e) Law libraries</b>		
E.K Williams Law Library, University of Manitoba		
Acquisitions and Maintenance 2023/2024	108,445	108,445
Acquisitions and Maintenance 2024/2025	108,445	108,445
<b>Grants previously approved and still undisbursed at March 31, 2023</b>		
<b>(a) Legal Education</b>		
Association des juristes d'expression francais du Manitoba		
Enhancing & Expanding Legal Information Services	-	67,575
Faculty of Law, University of Manitoba		
Philip C. Jessup International Law Moot Court Competition	-	5,000
JusticeTrans		
2STNBGN Access to Justice & Legal Advocacy	-	7,794
Law Society of Manitoba		
Access to Justice Coordinator	-	32,689
Presse Ouest Ltee. (La Liberte)		
Understanding Cyber-crime, its Risks, Consequences and Possible Legal Remedies	-	34,000
<b>(b) Legal Research</b>		
Manitoba Law Foundation - Access to Justice Internal Project	-	60,615
University of Winnipeg		
Restorative Justice Project Outcome Study	-	10,000
<b>(c) Legal Aid Services</b>		
First Nations Family Advocate Office & Public Interest Law Centre		
Bringing Our Children Home	-	41,041
<b>(e) Law Libraries</b>		
Manitoba Law Library Inc.		
Law Library Hub	-	67,999
<b>Carried Forward</b>	<u>\$ 14,226,861</u>	<u>14,457,414</u>

**THE MANITOBA LAW FOUNDATION  
SCHEDULE OF GRANTS ALLOCATED AND UNDISBURSED (continued)  
YEAR ENDED MARCH 31, 2023**

	<b>Allocated during fiscal <u>2023</u></b>	<b>Undisbursed as at <u>March 31, 2023</u></b>
<b>Brought forward</b>	<u>\$ 14,226,861</u>	<u>14,457,414</u>
<b>Grants approved and not required</b>		
Law Society of Manitoba		
Subsidize Registration for Legal Education Event	(565)	-
Manitoba Law Reform Commission		
Evaluating Changes Resulting from the Pandemic	(20,000)	-
University of Saskatchewan		
Indigenous Law Centre	(13,800)	-
University of Winnipeg		
Understanding Delays & Duplication in Child Abuses Cases	(12,794)	-
West Broadway Community Organization		
Tenant Organizing Project	<u>(20,000)</u>	<u>-</u>
	<u>\$ 14,159,702</u>	<u>14,457,414</u>





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