CONTACT US

VISIT

We are located in the offices of the Canadian Environmental Law Association, at:

517 College Street, Suite 401
Toronto, Ontario
M6G 4A2

HOURS

Usual public hours are Tuesday, Thursday, and Friday from 1:00 PM to 5:00 PM. However, it is always wise to phone first to check availability because the library is occasionally used for large meetings.

Appointments can be arranged at other times for out-of-town users.

OTHER

Phone:
416-960-2284

Fax:
416-960-9392

Email:
envlib@web.net

Resource Library for the Environment and the Law
c/o Canadian Environmental Law Association
517 College St., Ste. 401
Toronto, ON M6G 4A2

Eco ❖ Law ❖ Info

Resource Library for the Environment and the Law

Information resources for environmental knowledge and action

Provided by the
Canadian Environmental Law Association
and the
Canadian Institute for Environmental Law and Policy

LIBRARY RESOURCES

The Resource Library for the Environment and the Law has a large and varied environmental collection, with a wide range of topics including:

- air pollution
- biotechnology
- climate change
- environmental health
- environmental law
- environmental politics
- Great Lakes
- international trade and the environment
- land use planning
- northern development
- pesticides
- toxic substances
- trade
- waste management
- wetlands
- wildlife and endangered species

The collection includes information on regulatory reform and policy, law and legal precedents, material from environmental organizations and advocacy groups, and scientific and technical information. The focus is on Ontario and Canadian issues, but increasingly includes U.S. and international resources as well.

LIBRARY SERVICES

- Our public service is available to visitors to our library. Library materials can be used in the library but not signed out
- the new version of our computer library catalogue has over 20,000 records of materials
- Reference advice on useful resources is available both to visitors and to those who contact us by phone or e-mail
- Staff can provide bibliographies on your topic, and for out-of-town users, suggest possible means of accessing resources locally
- A photocopier is available at a charge of ten cents a page
- Subscribe to the Eco•Law•Info Bulletin for a monthly topical bibliography of new library additions
- Coming this fall: the Resource Library for the Environment and the Law web site

HELP SUPPORT THE LIBRARY

The Resource Library is a registered charitable organization whose existence depends on support from foundations, government agencies, and many individual donations.

This help is especially important now, when government assistance has declined dramatically even as the need for public education and citizen action on environmental issues has never been greater.

DONORS AND DONATIONS

We thank all those whose contributions have helped to support the Resource Library. Recent organizational donors include the Law Foundation of Ontario, the Laidlaw Foundation, and Ontario Legal Aid. In addition, the Resource Library is supported by many individual and group donations.

I would like to support the Resource Library for the Environment and the Law. Please issue a charitable receipt for my contribution of
$________

Name ______________________________
Address ______________________________
City ______________________________
Province ____________ Postal Code ________

ARTICLING STUDENT HANDBOOK

ARTICLING STUDENT HANDBOOK

1.0 INTRODUCTION

The purpose of this handbook is to introduce you to CELA and to outline what you will be doing here during the course of your articles. The real goal is to give you some idea of how to go about attacking some of the more common tasks you will be asked to undertake.

1.1 WHAT IS CELA?

CELA is a non-profit, public interest organization established to use existing laws to protect the environment and to advocate environmental law reforms. It is also a free legal advisory clinic for the public, and will act at hearings and in court on behalf of citizens or citizens' groups who are otherwise unable to afford legal assistance.

With regard to most environmental concerns, CELA can offer:

- a legal viewpoint on the problems and their possible solutions;
- our latest technical information, or references to further sources;
- insight into the environmental, legal, or social aspects of a problem that may have been overlooked; and
- referrals to individuals or consultants who have experience with specific environmental problems.

CELA's major activities focus around:

i. Environmental Protection and Preservation

In this regard, CELA continues to:

- take legal action on cases regarding air and water pollution; timber management; landfill sites; development of wetlands; toxic waste disposal and/or land contamination;
- undertake research and publications;
- make law reform recommendations and participate in the development of new or improved legislation;
- develop public eduction programs; and
- encourage an increased public role in protecting the environment and in preserving a healthy, sustainable and attractive environment.

ii. Public Resource Centre and Library

The CELA library has a large selection of news clippings, periodicals, government publications, general, scientific and legal reference texts on most environmental topics. In addition to environmental law and policy, the collection includes extensive documentation dealing with the

Great Lakes, toxic substances, waste management, resource use, and citizen action. The library is open to the public Tuesdays through Friday from 1pm to 5pm.

For an introduction to the CELA library see the section entitled "LIBRARIES".

iii. Newsletter

The CELA newsletter, the **INTERVENOR**, is published every two months, covering a wide range of topics, at a national scope.

iv. Citizen Group Advocacy

CELA often acts as legal counsel for citizens' groups who are attempting to get action on a local environmental problem.

v. Affiliations

The Canadian Institute for Environmental Law and Policy (CIELAP) is CELA's sister organization. It is located next door.

2.0 COMMON TASKS

Most of the articling student's time is divided among three major tasks:

1) giving summary advice on intake calls - about 40% of time

For most people in the community, their first contact with CELA is through the articling student. When someone calls seeking information on environmental law or with some sort of general environmental law question, their request is usually forwarded to the articling student.

2) doing research for the lawyers - about 40% of time

This normally involves doing legal research/memos, writing opinions letters, filing and picking up documents, legal drafting (motion records, affidavits, etc), attending meetings, and other normal articling stuff.

3) law reform - about 20% of time

One of CELA's major tasks is to participate in legal reform. This is usually in the form of research papers, government submissions, position papers, etc. You will sometimes be asked to help the lawyers in their research, or to write papers or a CELA Brief with a lawyer or policy person.

To accomplish all of the above tasks, you will have to draw on many resources. This Guide attempts to walk you through some of these resources so you do not have to figure all of this out through trial and error.

2.1 HANDLING INTAKE CALLS

This is one of the articling student's main responsibilities and is probably the most difficult task to know how to handle. It is also one of the most rewarding, because it gives you a lot of client contact and a sense that you are really helping the public. Intake callers are, in a sense, your clients.

CELA regularly receives calls from the public requesting various kinds of information. The articling student is one of two people to whom these calls are normally directed. If the call pertains to a legal matter, it will be directed to the articling student. If the call is about a non-legal matter (i.e. policy or organizing a community group), it will be directed to Kathy Cooper.

When you get a call, the most important thing to do is to get all of the relevant information. You will normally not know the answer to the question without first doing some research and/or talking to one of the lawyers. The worst thing you can do is, of course, try to give the caller an answer when you are unsure, or really only know part of the answer. Often, even when you think you know the answer, you are aware of only one of a number of possible solutions to their problem.

When you get a call there a number of things you should find out:

1. what exactly is the problem?
2. what are all of the facts that led up to the problem?
3. who are all of the people involved?
4. what has the caller done so far to deal with the problem? (i.e. who have they contacted, written to...)
5. what do they want done?

Once you have this information, unless the answer is obvious, you will usually have to do some research before providing an answer. It is helpful to give the caller a time frame in which you will call back.

With respect to providing an answer to a summary advice caller's question, it is often helpful to begin by looking in Environment on Trial, the Environmental Bill of Rights Guidebook and the Stats program which contains info on information given to other summary advice callers.

After each summary advice call, it is important to record the call and a summary of the problem. For record keeping purposes, you have to log the call in the "statistics" program.

Your own record keeping for the intake calls is more discretionary. You can use the notes section of the statistics program to keep track of small issues or, if there is a fair amount of work and research required, you may want to open a file and keep it updated with all research, calls and findings. For ongoing clients, or those that require quite a lot of time, you should ask Sharon to open a summary advice file.

2.2 OPENING SUMMARY ADVICE FILES

Summary advice clients are clients to whom we give limited information or advice, but whom we don't represent in courts or hearings. It is very hard to define the difference between intake callers (those looking for general information or legal answers that can be answered quickly), summary advice clients (those needing legal advice or guidance that requires on-going research or assistance) and full clients (those people we represent in courts or hearings). It is important, however, that if someone is considered a summary advice client, a summary advice file be opened for them. To make this determination, try to gauge whether in depth or ongoing research will be required, whether they will call more than once, or whether they are requesting representation. If any one of these is the case, open a summary advice file.

It is important to open these summary advice files for two reasons. First, it is very important for our accounting to the Legal Aid Plan to show the number of clients we are serving. Secondly, if a summary advice file is opened, there will be a permanent record of our dealings with the client, in case it becomes necessary to re-access the file at some point in the future, after your own records may have been thrown out. It is also useful at the end of your articling period, or when you do the exchange with Goodman Carr, so the articling student replacing you can easily identify past contact with the client.

To open a summary advice file, fill out the summary advice form and then give it to Sharon. She will open the file and give you back a file folder. Once the matter has passed, give the file back to Sharon and she will close it.

If a caller is seeking representation, explain that CELA is a legal aid clinic, that clients must meet CELA's financial eligibility requirements before they are accepted as a client, and that they would be personally responsible for disbursements, etc.

2.2.1 Financial Eligibility

As CELA is a legal aid clinic, everyone we represent must qualify financially. The financial eligibility guidelines are quite stringent. For example, for a single parent with 2 children to qualify, the household income must be below $21,400.00.

You may provide as much summary advice as you have time for regardless of a caller's income, however, CELA cannot provide representation to those people who do not qualify financially (there are some exceptions, such as precedential value of the case or environmental significance). In cases where the caller does not qualify, send the caller our lawyer referral list.

The financial eligibility guidelines and request for representation forms are available from Sharon.

2.3 CORPORATE SEARCHES

A corporate search is, basically, a search for available information on the corporate structure of a corporation. Whenever a company incorporates, it registers with the Department of Consumer and Commercial Relations. The name of the company and all of the directors and principals are named. From that point on, whenever the companies changes its name, creates new corporate entities, or changes directors, the changes are registered with the Department of Consumer and Commercial Relations.

Every once in a while, one of the lawyers will ask you to do a corporate search on a company. If you are asked to do this, these are the steps required:

- Get a check from Sarah (made out to the Minister of Finance); the searches cost from $10 up, so call the Dept. of Consumer and Commercial Relations first in order to find out exactly how much your search will cost;

- Go to the Department of Consumer and Commercial Relations, Companies Branch. This is located at 393 University Avenue, Suite 200;

- Grab a pink sheet from the information desk as you go in; it is on this sheet you will write your request for information on the corporation;

- Go to one of the computer terminals and find the corporation number of the company you are searching. The computer walks you through the process;

- Once you have filled out the pink sheet, outlining the company name, the company's number and the information you require, you must wait in the **long** line in the south west corner of the room to have the request processed (I think its shorter around lunch time);

- Your search will be ready in five business days (if results are to be provided on fiche);

- To collect your search results, you must again wait in the line in the corner, with the receipt you were given when you requested the search. The search results are on sheets of microfiche, which are yours to keep. You can use the microfiche scanner to find the necessary information (there will probably be much more information on the fiche than you actually need) and print out what you need (50 cents a copy);

2.4 GOING TO COURT

As an articling student at CELA, it is unlikely you will get to make submissions before a board, tribunal or small claims court. However, if you are interested, you will most likely have the opportunity to attend at motions court (on ex-parte or consent motions), make deputations at City Hall, etc. or give lectures to groups or students with respect to environmental law or policy. If you are interested in doing these types of things, make sure you let the lawyers know. Also let them know if you are interested in attending court/hearings/discoveries/client meetings with them. If you express interest, they will be sure to include you in almost all of the court work, etc. they do.

When you are in court with one of the lawyers, it is important to pay close attention to the proceedings, and to note how you think the Judge is reacting. This is important, because the lawyer will be busy either making his/her submissions or thinking about them, so you may be in the best position to objectively take in everything that is going on. At the break, the lawyer will probably ask you for your opinion on how things are going, so it is good if you can be helpful. It is really helpful if you can comment on how the Judge is reacting to our submissions or to the other party's submissions (i.e. does he/she seem to understand our argument, is there something he/she seems to want addressed, etc.).

It is also important for the articling student to be in court as the judge will sometimes ask the lawyer to research something during the break, or will mention something that one of the parties should have considered. If this happens, both you and the lawyer will likely have to find what is required.

2.5 MOTIONS COURT

It is likely that you will have the chance to attend at court on ex-parte and consent motions. Motions court is at 393 University Ave, on the 6th floor. Check the boards to find out want room ex-parte motions are being held in. Ex-parte motions are heard before a Master. Address him/her as "Master whoever".

When you go to motions court you will need: the motion record containing the **original** material; a couple of copies of the motion record; a couple of copies of the Order (which the Master will sign); the **original** Affidavit of Service (of the Notice of Motion) and some copies of it; and the *Rules of Civil Procedure*.

Motions court starts at 10:00 am, but it is best to get there around 8:30 or 9:00. You first have to go to the 10th floor, to the civil motions wicket, to pay the filing fee of $75.00. Get Sarah to write you a cheque made out to the Minister of Finance (be sure to write Sarah a memo with a file number requesting a cheque). After the clerk has stamped the back of the motion record containing the **original** materials, go down to the 6th floor. Find the room where ex-parte motions are being heard, enter and fill out a counsel slip. Give the counsel slip and the motion record containing the **original** materials, the **original** affidavit of service, and the Order to the clerk sitting at the front of the room.

Wait until the Master calls your name or style of cause and then go to the podium. Greet the Master, tell him/her your name, who you represent, and what the motion is for. If the Motion Record is complete, the Master will sign the Order, and if the action was commenced in Toronto, go back up to the 10th floor, get a number, and file the Order. If the is an error in the Motin Record or some other problem with the motion (an Affidavit that is too vague, you forgot your Rule book and thus can't answer a question the Master has asked you, etc), and the Master asks you to do some further work, don't worry about it. Just go back to the office, fix the problem, update the Motion Record and Notice of Motion, reserve the Notice of Motion, get a new Affidavit of Service, etc. and bring the motion again another day.

2.6 SERVING / PICKING UP DOCUMENTS

i. serving

Often, one of the lawyers will ask you to serve documents for him/her. This is a formal procedure, so certain rules must be followed.

1. Find out exactly what documents need to be served, to whom they must be served, at how many copies each person should receive.
2. Next, when you go out to actually deliver the documents, make sure you note the time and location at which you served the documents, the person who received the documents (it is often not necessary to serve them directly on the person listed to receive them, as long as the person you actually serve them to is authorized to accept documents for the person the documents are intended for), and the position of the person who actually receives them.
3. When you get back to CELA, draft an Affidavit of Service. This is a statement by you, swearing you served documents on the people listed in the affidavit. This must be signed by you and one of the lawyer while you are in their presence. A sample affidavit of service can be found at F:\astudent\precedent.

ii. filing

After serving documents and drafting your Affidavit of Service, you will often be asked to file the documents in court.

If you are filing in General Division (in Toronto), go to 393 University Avenue, 10th floor. You will have to take a number from the centre desk (where the security guard is), and watch for your number to be called on the electronic screens. It usually takes a couple of hours, at least, to file something in General Division, so you may want to get a number early in the morning and then leave for a while to do any other work that requires you to be downtown. At the very least, bring something to read.

If you are at General Division to do a civil motion (consent or ex-parte), which is on the 6th floor, you may want to get a filing number first, before you argue the motion (when you are sent to do a consent or ex-parte civil motion, you will usually bring along a draft order for the Master to sign. It is this order that you will then file). Be sure to call ahead to find out what the filing fee is (get Sarah to write you a cheque made out to the Minister of Finance) and how many copies of the document you need to file. Bring change just in case you need to make copies there - 50 cents per page.

If you are filing in Divisional Court, go to Osgoode Hall and enter by the main entrance. Filing at Divisional Court only takes a few minutes. Be sure to call a head to find out what the filing fee is and how many copies of the document you need to file.

iii. picking up documents

You may also be asked by one of the lawyers to pick up documents such as court decisions. To do this, simply make sure you know what court you are supposed to be going to, the name of the case, and which lawyer the case is being held for. When you get to the court office, tell them the decision you are picking up and for which lawyer it is being held.

2.7 LEGAL DRAFTING

You will likely be asked to undertake a fair amount of legal drafting, such as drafting notices of motions and motions records, trial records, factums, Affidavits, Affidavits of Service, Affidavits of Documents, Orders, Applications for Judicial Review and Applications for Leave to Appeal to the Environmental Appeal Board or Ontario Municipal Board. For precedents, see F:\astudent\precedents.

2.8 LEGAL PRIORITIES MEETINGS

The purpose of Legal Priorities meetings is to discuss the cases on which CELA is currently working and to consider taking on new clients. Legal Priorities meetings are for all staff and

Board members and your role here is twofold.

First, you will act as secretary of the meeting, taking minutes. It is important these minutes be as detailed as possible as they will be a permanent record of what has been discussed and are used as briefing notes when you report to the Board of Directors. It is also important that they be able to convey exactly how the discussion went for those who were not at the meeting.

Second, as the articling student is usually the person of first contact with potential new clients, you will often be responsible for presenting their cases to Legal Priorities. As discussed earlier, when an intake call comes in, the person will probably want some sort of summary information, representation, or some combination of the two. If the caller wants representation and meets the financial eligibility requirements, you will present the case at the Legal Priorities Meeting. Be sure to discuss any requests for representation with Michelle several days before the meeting so any information that is missing can be obtained before the meeting.

After the meeting, type up the minutes, ask Michelle to review them, and then give a copy to Sharon for filing.

2.9 BOARD MEETINGS

CELA's Board of Directors meets on the first Monday of every month. You must attend the meetings and give a report regarding what was discussed at the Legal Priorities meeting. This involves going through each item, stating who reported on it, what the issues are and what Legal Priorities recommended be done.

2.10 EBR REGISTRY

It is the articling student's responsibility to check the EBR Registry, at *least* on a weekly basis, to identify any comment period deadlines that are coming up for various projects, bills, proposals, regulations, etc. that the lawyers are working on. It is also used to help summary advice callers obtain more information about various companies, projects, etc. The computer used to get on the registry is located in the library. It is a good idea to download everything that looks important onto disk and then distribute hard copies to the lawyers.

HOW TO GET ON THE EBR REGISTRY

First make sure the modem is turned on by switching the blue button on the control panel (by the phone books) to "library".

Go to the computer in the library and follow the below steps.

STEP 1: From the DOS screen, type "envreg" and press enter.

STEP 2: Type "go" and press enter.

STEP 3: You should be on the Ripterm screen. Hit F10 to access the menu bar.

STEP 4: Curser over to "modem" and go down to "dial".

STEP 5: The dialling directory should come up and press "1" to dial into the EBR.

STEP 6: Press enter.

STEP 7: Press "d" to dial.

STEP 8: Press enter after the modem connection is made.

STEP 9: Wait for the EBR screen to come up and the press enter a couple of time until you are asked for your password.

STEP 10: Enter password and press enter.

STEP 11: Tab over to EBR Registry and press enter.

You are now on the EBR Registry. I usually just download everything that is "new" (from the MOEE) to disk and then go back to my desk to view it. Be sure to check the MNR database as well.

2.11 RESEARCH

The articling student does a lot of research for the lawyers. This research is typical legal research. You will also likely be asked to track down Hansard comments, statutes, regulations and bills, at both the federal and provincial levels. For a refresher on how to find case law on a particular subject using the CEDs, Canadian Abridgement, Canadian Current Law, All Canada Weekly Summaries and related materials, on how to find and update cases, statutes and regulations, etc. see the legal research texts on the bookshelf in the articling student's office. Also, the librarians at the Bora Laskin can help you find whatever it is you are looking for.

Quick Law

Quick Law is available from the library computer. CELA pays a flat rate for QL, so there is no great need to be speedy when using the database. However, you should keep track of the cases you download for clients, as they will most likely be charged a nominal fee, similar to that of photocopying the case. If you require training on QL, just call the QL Toronto office at 862-7656 to set up a training session, either here at CELA or downtown at the QL office.

3.0 BILLING AND EXPENSES

All of CELA's clients are Legal Aid eligible and are thus personally responsible for all disbursement. Therefore, everyone here is extremely conscious of the expenses they incur on behalf of a client. For example, try not to do superfluous photocopying; when filing documents, take public transportation rather than taxis, etc. From the perspective of the articling student, the expenses that you will normally have to keep track of are photocopying, long distance calls, delivery and filing fees, postage and fax charges.

If you incur out of pocket expenses on behalf of CELA or a client, make sure you get reimbursed. Keep track of all expenses with receipts and TTC transfers. Write a memo for Sarah outlining the expenses, attach the receipts and note to whom the expenses should be charged. Sarah will issue you a reimbursement cheque a couple of weeks later.

i. photocopying

Before you copy anything, the photocopier will ask you to enter a code number. Each CELA client has a code number associated with their name, which is listed on a code list. If, for example, you are copying a case for Bill Smith's case, look on the code list and find Bill Smith's code and enter that into the photocopy machine. Bill Smith's account will automatically be billed.

If copying is not being done for a client (i.e. it is for legal reform research or for someone who has just called for summary advice) the CELA general code is 1. This code is used whenever the copying is not to be charged to a specific client.

ii. printing

Printing from the network computers is done on the printer near Sharon's desk [LaserJet 4 Plus]. There are no charges for printing.

iii. faxing

The fax machine is by the printer. Whenever you fax something, fill out one of the cover sheets and make sure you indicate to whom the fax is to be billed (either general CELA account or a specific client account). Once the fax has gone through, the cover sheet must be put in the "fax gone" red filefolder. This way it can be charged to the appropriate account.

iv. phone calls

Long distance phone calls are billed either to individual clients or under the general CELA account.

The procedure is as follows:

1. dial phone number
2. wait for tone
3. enter client's account code
4. call will be connected and billed to client file.

4.0 ELECTRONIC DATA ACCESS

The computers that are hooked up to the modem include: Mary's, Kathy's, Sharon's and Ken's computers, the computer in the library and the computer beside Paul's office. All of the computers use telephone line #5. To activate this line, use the blue switch panel located beside the counter where the phone books and personal file folders are kept. Always check with other users before switching on the modem, as somebody may already be using it and if you switched the modem on, that user will be cut off. The modem can be used for: the WEB, Yorkline, UTlink, QL, EBR Registry and other BB's.

QL is accessible from the library computer (modem on line 5).

5.0 LIBRARIES

5.1 CELA's Library/Resource Centre

The Resource Centre has material organized into six sections: bookshelves, verticle files, periodicals, Free Trade files, storage and the law collection. The location of each section is described in the information and map sheet located at the entrance to the library.

To locate a specific document in the library or to search a topic, use the on-line CELA Library Catalogue, which is located on the computer in the library. Ask the librarian to show you how to use the computer catalogue or for a tour of the library.

5.2 Bora Laskin Law Library

You will visit the Bora Laskin Law Library at least several times a month. It is on the University of Toronto campus, located just south of the Museum subway stop. The Bora Laskin is within walking distance from CELA (at least in the warm weather). Walk east on College Street until University Street. Walk north on University, on the west side of the street. The library is just north of Harbourd Street. If you take the TTC, take the College Street car east until University. Take the University subway north one stop until Museum. Exit on the south/west corner. Walk south. The library entrance is easy to miss as the sign is quite small. Be sure to bring your BORA LASKIN copy card with you. Other U of T copy cards are not accepted at the law library. Legislation, reporters, CEDs, etc are located on the main floor, Hansards are on the bottom floor and journals are on the top floor. Photocopy rooms are located on each floor. CD Roms (Can. Abridgement, CEDs, periodicals, etc) are located near the main entrance. If you have trouble with the computer system, or can't find something you're looking for, the librarians at the Bora Laskin are extremely helpful. Office hours are:

Winter (Sept. - April)	
Monday - Friday:	8:45 am till 12:00 am
Saturday:	9:00 am till 10:00 pm
Sunday:	1:00 pm till 10:00 pm

Summer (May - August)	
Monday - Friday:	9:00 am till 5:00 pm
Saturday:	10:00 am till 5:00 pm
Sunday:	Closed

5.3 Robarts

The Robarts library is a general resource library. It is located on the U of T campus at Harbourd and Beverly Street. Walk or take the street car east on College Street until you get to Beverly. Then walk north. Robarts is the tall building just north of Harbourd on the west side of the street. You need a graduate student card to get into the stacks. The Robarts library uses the general U of T copy card.

5.4 Medical Sciences/Sigmund Samual

You will probably visit the Medical Sciences Library fairly often. It is a great place to find information on the environmental and human health effects of various substances. The journal collection is huge. The Medical Library is also on the U of T campus and within walking distance from CELA. Walk or take the street car east on College Street until you get to King's College Circle/McCaul Street. Walk north on King's College Circle on the east side of the Street. The library is well marked. Remember to bring a general U of T copy card as the Bora Laskin card is not accepted at this library. The librarians are also very helpful at the Medical Sciences Library.

5.5 Great Library

The Great Library is located at Osgoode Hall at the corner of Queen and University. The easiest way to find it is to enter through the main doors. Walk past the security guard and go up the stairs.

6.0 BENEFITS

The Articling Student is offered a complete benefit package which includes medical, dental and vision coverage, as well as life insurance. It is provided by the Mutual Group and administered by the Clinic Funding Committee, OLAP. Sarah will provide you with all of the forms that need to be filled out. You will be covered under the plan 3 months after you begin your articles.

6.1 RRSP

In addition to your regular pay, OLAP puts 5.5% of your wages in a RRSP. Sarah will provide you with the necessary forms to fill out.

Memorandum

To: Staff

From: Paul Muldoon

Date: 02/01/06

Re: Clinic Desktop Security Policy

Please find attached the Clinic Desktop Security Policy. This policy requires approval of LAO of all software packages before installation for computers accessing the network. LAO will deny access to that computer if this rule is violated. (see page 7)

While there is much discussion and debate about this policy, it is in effect and thus it must be respected.

Paul

Clinic Desktop Security Policy

LEGAL AID ONTARIO

AIDE JURIDIQUE ONTARIO

Prepared by
Information Technology

Clinics_DesktopSecurityPolicy_rev17.doc
Last Revision 01/12/2006 6:58 PM

Clinic Desktop Security Policy

Information Technology Policies and Guidelines

Introduction 3
Purpose 3
Overview 3
Audience 4
Definitions 4
Desktop Security Policy 6
Breach of Policy 7

Prepared by Information Technology
File name: desktopsecuritypolicy_rev 01.doc
Last Revision: February 1, 2006

Introduction

The following sets out LAO's Clinic desktop policy. Every clinic employee and USER is responsible to make sure they read and understand the policy. Clinic Executive Directors are responsible to ensure that new users have read, understood and will abide by the policy.

Purpose

The purpose of this policy is to ensure that workstations and servers on LAO's network are secure, thereby reducing the risk of external and internal security attacks and the liability associated with the use of unlicensed software.

Overview

While the Internet has transformed and greatly improved many people's lives, this vast network and its associated technologies have opened the door to an increasing number of security threats. The consequences of attacks can range from the mildly inconvenient to the completely debilitating. Important data can be lost, privacy can be violated. For example, a computer could be used by a hacker to attack other computers on the Clinic/LAO Network or across the Internet.

The Clinic's standard desktop software image will be "secured." The term "secured" means that users will be able to perform the usual tasks on their machines such as starting programs, opening and saving files, and most personal customizations of desktop preferences. However, users will not be able to install any software on their systems except in accordance with this policy. This policy reduces the risk of "hacker" and virus attacks by eliminating the ability to modify the machine's environment.

Audience

The Clinic Desktop Policy applies to all Clinic Employees and USERS who use any Legal Aid Ontario information resource (see definition section).

Definitions

Information Resources (IR): any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistant (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Viruses are the most widely known security threat because they often garner extensive press coverage. Viruses are computer programs that are designed to replicate themselves and infect computers when triggered by a specific event. The effects of some viruses are relatively benign and cause annoying interruptions such as displaying a comical message when striking a certain letter on the keyboard. Other viruses are more destructive and cause such problems as deleting files from a hard drive or slowing down a system. A computer can be infected with a virus only if the virus enters through an outside source - most often an attachment to an email or a file downloaded from the Internet. When one computer on a network becomes infected, the other computers on the network - or for that matter other computers on the Internet - are highly susceptible to contracting the virus.

Trojan horse programs, or Trojans, are delivery vehicles for destructive computer code. Trojans appear to be harmless or useful software programs, such as computer games, but are actually enemies in disguise. Trojans can delete data, mail copies of themselves to e-mail address lists and open up computers to unauthorized access from the Internet. Trojans can be contracted as a result of copying the Trojan horse program to a computer, downloading from the Internet or opening an email attachment that contains the program.

Vandals: Web sites have come alive through the development of such software applications as ActiveX and Java Applets. These applications enable animation and other special effects to run, making web sites more attractive and interactive. However, the ease with which these applications can be downloaded and run has provided a new vehicle for inflicting damage. Vandals can take on the form of a software application or applet that causes destruction of various degrees. A vandal can destroy a single file or a major portion of a computer system.

Attacks: Innumerable types of network attacks have been documented and they are commonly classified in three general categories: (1) reconnaissance attacks, (2) access attacks, and (3) denial of service (DoS) attacks.

Reconnaissance attacks are essentially information gathering activities by which hackers collect data that is used to later compromise networks. Usually, software tools, such as sniffers and scanners, are used to map out and exploit potential weaknesses in home computers, web servers and applications.

Access attacks are conducted to gain entry to e-mail accounts, databases and other confidential information.

Denial of Service (DoS) attacks prevent access to all or part of a computer system. Sending large amounts of jumbled or other unmanageable data to a machine that is connected to the Internet, blocking legitimate traffic from getting through, usually achieves this result. Even more malicious is a Distributed Denial of Service attack (DDoS) in which the attacker compromises multiple machines or hosts and uses them to attack other computers.

Data Interception: Data transmitted via any type of network can be subject to interception by unauthorized parties. The intercepting perpetrators might eavesdrop on communications or even alter the data packets being transmitted. Perpetrators can use various methods to intercept data. IP spoofing, for example, entails posing as an authorized party in the data transmission by using the Internet Protocol (IP) address of one of the data recipients.

Users: Clinic staff (permanent or temporary), contractors, consultants, students, non-employees (unpaid interns, volunteers etc.).

Desktop Security Policy

The Clinic's standard desktop software image will be "secured." The term "secured" means that users will be able to perform the usual tasks on their machines such as starting programs, opening and saving files, and most personal customizations of desktop preferences. However, users will not be able to install any software on their systems except in accordance with this policy.

When individuals require software packages that are not in the standard image, that clinic's Executive Director or the Office Manager will approve the software installation and forward the request to the LAO Service Desk for a short review of the workstation/network security and licensing. This will be treated as a priority 3 issue which means that the response time will be in 2 days to 2 weeks. The IT department will make a reasonable effort to ensure that the installation of the software will not have a negative effect on the workstation image. If the installation of the requested software will not lead to instability in the computer system, and will not introduce security threats to workstations and servers on LAO network, the software will be declared as "Safe" and the installation request will be granted.

If the installation of the requested software will lead to the system instability and/or will introduce security threats to workstations and servers on LAO network, the software will be declared as "Not Safe" and the installation request will be denied and the reasons for this explained to the individual making the request. If the user disagrees with this decision, users can notify their Clinic Services Advisor who will bring the issue to the Chief Information Officer and the Director of the Clinic Services Office. If the request requires further consideration, or if the user is not satisfied with the decision reached by the CIO and Director CSO, it will be escalated to the VP Clinics and Special Services and the VP Corporate Services. If the issue cannot be resolved between the two VPs, it will be brought to LAO's Senior Management Committee for decision.

- If the software is declared as "Safe", IT will provide install permissions (temporary rights, user id and password) to the user whose workstation is to receive the software. The rights will be provided for 24 hours. The user must only install the software declared as Safe by IT.
- Once installation is complete the user must contact the Service Desk to have the install permissions (temporary rights) removed. If the Service Desk is not contacted within 24 hours, install permissions will be removed without further notice. The user will be responsible for maintaining the confidentiality of the user id and password. The user will be responsible for all changes made to his/her desktop during the time the user has temporary rights. If the user experiences difficulty with the PC after installation and/or security threats were introduced due to the software installation, LAO's IT department will re-image the PC to its original configuration. The software will not be reinstalled. *Note: The Service Desk will assist clinics to re-install language and disability software.*
- If a machine is re-imaged the user will be responsible for installing all unsupported software that was previously installed on the machine. IT will provide install permissions (temporary rights) to the authorized local individuals for a short but sufficient

period of time to allow for the accomplishment of this task.

Breach of Policy

If a user installs software that has not been investigated by IT and deemed "Safe," IT will look into the breach. The clinic's Executive Director will be notified and IT will contact directly the user of the workstation. If it appears to the CIO that the breach is unintentional, the USER will not lose access privileges to Legal Aid Ontario's Information Resources.

If the breach is intentional but it is the opinion of the CIO and the Director CSO that the risk to LAO and Clinic computers and network is not significant, the user's access will be reinstated after 1 to 3 business days depending on the circumstances of the breach. If it is the opinion of the CIO that the risk is significant, the onus is on the clinic to make the case for reinstatement of the user's access privileges.

If there is a further occurrence involving the same USER, the user will lose access privileges and the onus is on the clinic to make the case for reinstatement of the user's access privileges.

The clinic should submit its case in writing to the Vice President, Corporate Services and the Vice President, Clinics and Special Services. If the issue cannot be resolved between the two VPs, it will be brought by the two VPs to LAO's Senior Management Committee for decision. If both VP's agree their decision will be final and no other recourse will be available.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION
INTAKE POLICY
Dated: November 12, 2005

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1) Definition

"Intake" refers to the internal routing and handling of requests for information, summary legal advice, and legal representation at the Canadian Environmental Law Association (CELA). Requests come in the form of telephone calls, walk-ins, and direct personal communication outside the office. As well, requests come in the form of letters received by mail, fax, and email.

The origin of these requests is extremely diverse and includes citizens, citizens' groups, students, teachers, academics, consultants, articling students, lawyers, public health officials and other civil servants, social justice advocates, individuals from the private sector, etc. Requests come primarily from residents of Ontario but can also come from across Canada and from other countries. The types of requests are also extremely diverse covering the full range of environmental issues, with a particular emphasis on environmental law and policy. The request can involve issues at one or more of the municipal, provincial, federal, or international levels.

2) General Procedure

CELA's Clinic Assistants are generally the first level of intake. If a request comes by phone, the caller is asked for a brief description of the matter to enable forwarding of the call to appropriate staff. Some calls received at CELA do not concern environmental law. These should be referred as appropriate to other organizations such as other clinics, government departments, or the private bar.

If the call is clearly about a legal matter - such as a request for representation or what sounds like a request for summary legal advice, the call is forwarded to the Articling Student for intake.[1] If a message must be taken, staff should endeavour to return the call within 24 to 48 hours. Similarly, responses to requests for information that are received by mail/fax/email are directed to appropriate staff and a response is made in a timely fashion.

For calls or written requests that do not appear to be about legal representation or summary legal advice, the Clinic Assistants refer the matter to different staff depending on the issue. If the request involves self-directed research, generally by students, the call may be referred to the Librarian. During the months when the clinic does not have a Librarian, the request is forwarded to the Researcher-CLW. More generally, these "non-legal" requests are referred to the

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[1] Requests for advice can include information on interpretation of laws or regulations, hearing or court matters, legal research, legal speaking engagements, legal volunteers, application for representation, etc.

Researcher-CLW for intake and response.[2] However, some requests may concern issues about which other staff have specialized expertise, in which case the call may be forwarded directly to them.

3) Detailed Intake Procedure

During intake, staff should listen carefully to the caller's request and respond appropriately. If the request comes by mail/fax/email staff may need to contact the person directly to clarify details of the request. In simple cases, the response to the request may involve referring the caller to other organization(s) and/or answering the query immediately over the phone or with a single return email. However, in many cases, staff will not be able to provide a response without first doing some research and/or talking to other staff members. For most requests, there is a range of potential response options. It is of the utmost importance to obtain as much information as is possible concerning the information or advice being requested, including obtaining a sense of what information the person has already gathered or actions they have already taken. At the end of this first conversation or email response, staff should tell the person when they might expect a response to their inquiry.

In all cases, staff responding to a request by mail, fax, telephone, or email must also record the details of the request in the electronic Client Management Tool (CMT). At this time, a conflict of interest check should be performed. The CMT and conflict of interest checks are addressed in more detail in sections below.

In formulating a response, staff may need to research an issue in CELA's library, research files, or other resources. This work could also involve making a few phone calls to check on the availability of resources or to update information about the appropriateness or continued appropriateness of standard referrals. Staff will often utilize tools that ordinary citizen's may not have access to (government phone books, environmental directories, etc. and increasingly, the resources available on the internet). Finally, other staff members are always a wealth of information. The response to the inquiry should be forwarded promptly.

4) Area Specific Procedures

4.1: "Non-Legal" Intakes (Researcher)

"Non-legal" intakes can often turn into "legal" intakes once the facts of the matter are determined. In such cases, the Researcher takes as much information as possible and lets the caller/emailer know that the matter will be forwarded to the Articling Student for detailed legal

2 Requests can be about environmental issues in general, sources of information, research and record-keeping techniques, government and media referrals, contacts and relations, community organizing, jobs and/or volunteering opportunities at CELA or in the environmental movement generally, etc.

intake.

Non-legal intake calls generally involve an approach of "helping people help themselves". This approach includes providing numerous referrals to people and resources in relevant government, non-government, and research-related agencies.

Non-legal intake requests often involve advising on strategies for dealing with politicians, civil servants, and the media, as well as advising on community organizing and doing research. In situations where a request involves both legal and non-legal advice, the Researcher and Articling Student work together on the file, and provide different kinds of information/advice according to their areas of expertise.

For information requests from students, teachers, consultants, etc., the Researcher generally advises on sources of information rather than doing their work for them (especially if it is a consultant being paid to do the research). For students, especially those from out of town who cannot visit the library or the website, the Researcher may, time permitting, provide summary articles on the issue in question, as a means of assisting students to get started with their research.

With so many requests for information, priority and more time is given to community groups or individuals working in a voluntary capacity and on behalf of public interest environmental and social justice concerns, especially those who appear to qualify or nearly qualify for legal aid.

4.2: Legal Intakes (Articling Student)

Legal intakes are generally fact driven, thus requiring that the Articling Student take due care in recording as much information as possible regarding the case. Typically, the Articling Student may need to ask:

1. what exactly is the problem/question?
2. what are all of the facts that led up to the problem?
3. who are all of the people involved?
4. what has the caller done so far to deal with the problem? (i.e. who have they contacted, written to...)
5. do they have copies of any legal documents that they can fax to you (notices, decisions, etc.)
6. what do they want done?

Once the above facts are clarified, the Articling Student must determine if the matter can be handled as Summary Advice, or if the person should be advised to seek legal representation. The Articling Student must explain CELA's legal aid mandate and related matters of financial eligibility. It should be made clear that all information is kept strictly confidential.

4.2.1: Summary Advice Legal Intakes

Summary advice clients are given limited information or advice, but are not represented by the clinic. It may be difficult to define the difference between summary advice intake callers (those looking for general information or legal answers that can be answered quickly), summary advice files (those needing legal advice or guidance that requires on-going research or assistance) and full clients (those people we represent in courts or hearings). It is important, however, that a file be opened if a matter is considered a summary advice file. To make this determination staff should try to gauge whether in-depth or ongoing research will be required, whether the person or group will call more than once, or whether they will be sending CELA information by fax or mail. If any one of these applies, a summary advice file should be opened.

A summary advice legal intake generally mirrors the "detailed intake procedure" outlined above, with a few notable qualifications. After taking down all the information, it is the Articling Student's task to research the issue and to draft a response. The student may use whatever resources are at his or her disposal, including textbooks, journals, Quicklaw, previous summary advice files, other groups and agencies, and the lawyers and other staff in the clinic. A lawyer must review all correspondence involving legal intakes, with the exception of the standard letter of response to a request for legal representation. In responding to a summary advice request it is very important that that the Articling Student does not represent CELA as providing a legal opinion. **Only Clients may receive a legal opinion or have representations made on their behalf by CELA.** Individuals will often request that CELA give them an opinion or call someone on their behalf. Unfortunately, CELA cannot take either of these actions for summary advice clients. The best that can be offered is to provide some guidance as to options available to them.

4.2.2: Applications for Legal Representation

If it is determined that an intake caller is involved in a serious legal issue and may require legal representation, then CELA's application process for legal representation should be discussed. The first issue is whether the applicant qualifies financially. Again, CELA's mandate as a legal aid clinic and the financial eligibility requirements should be explained.

If the applicant states that he or she does not qualify and does not intend to apply, then the caller should be referred to the private bar and provided with a copy of CELA's lawyer referral list if desired. It should be mentioned that CELA will sometimes take on cases in extraordinary situations where the applicant does not qualify, when the nature of the case is highly significant or precedent-setting. If the caller believes their case falls into this category, they may still wish to apply.

If the caller indicates that they or their group may qualify, then an application package should be sent out. This package includes a letter outlining the application process, the financial eligibility form, a copy of CELA's financial eligibility guidelines, the clinic funding committee's income criteria guidelines, and a CELA fact sheet. The lawyer referral list may also be included. Copies of all these documents are appended to this policy.

An application for legal representation consists of the financial eligibility form and all relevant background material. Once the application for legal representation is received, the Articling Student must ensure that it is complete, meaning that it includes a letter describing the situation and outlining the history of the case, and includes any relevant materials the applicant may have, such as copies of correspondence, background reports, and legal documents etc. Most cases involve following up on information contained in the application.

The Articling Student then presents the application for consideration by the Legal and Priorities Committee. This committee screens and discusses the cases to determine which will be accepted. Not all cases, even some of those that do qualify financially, are accepted. Whether or not a case will be accepted depends upon the nature and extent of the applicant's financial resources, the environmental significance of the case, and the availability of CELA's staff and resources.

Finally, the Articling Student is responsible for informing applicants of the Legal and Priorities Committee's decisions in a timely manner. In those instances when CELA is unable to take on the case, the student, with the assistance of the lawyers, should endeavour to assist the individual or group to find a lawyer to take on the case if the applicant desires.

5) Statistical Records

All inquiries are recorded in the "Client Management Tool" (CMT) program, which provides CELA and OLAP with a record of all the requests to which the clinic has responded. This includes inquiries from individuals or groups who are referred to another clinic or organization without any other advice having been provided. For a full review of this program, staff should read and refer to the CMT User Guide. As a general introduction, staff should obtain, where possible, the following information for the CMT program:

1. The caller's name, address, phone number etc.
2. How did the caller learn about CELA?
3. Where is the caller or the event in question geographically located?

6) Conflict of Interest Checks

Rule 2.04 of the Law Society's *Rules of Professional Conduct* states in part as follows:

> 2.04 (1) In this rule,
>
> a "conflict of interest" or a "conflicting interest" means an interest

(a) that would be likely to affect adversely a lawyer's judgment on behalf of, or loyalty to, a client or prospective client, or

(b) that a lawyer might be prompted to prefer to the interests of a client or prospective client.

CELA staff should conduct a conflict of interest check prior to providing any summary advice to a caller or a person who attends in person. The conflict check should be performed by using the CMT to do a name search to identify prior clients or adverse parties. The results of the conflict check should be recorded in the notes section of the CMT, and reported to the Legal and Priorities Committee in the case of requests for representation.

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Referrals

Individuals calling CELA who are seeking legal aid assistance may have a problem unrelated to environmental law (such as divorce) or a problem that at its core is best dealt with in another area of law, though it may have environmental aspects. In these situations, it is most appropriate to refer the caller to either a) the appropriate legal aid clinic, or b) a private lawyer.

a) Legal Aid Referrals

Legal Aid Ontario referrals may be to either a Legal Aid Office or a Community Legal Aid Clinic. Community Legal Aid Clinics have lawyers on hand who work in the following areas of law:

- Tenant Rights
- Ontario Works and Welfare
- Ontario Disability Support Program
- Government Pensions
- Immigration
- Employment Insurance
- Workplace Safety and Insurance
- Workers' Compensation
- Employment Rights
- Criminal Injuries Compensation
- Human Rights

Community clinics are assigned to specific geographic regions, therefore when referring a caller to a community clinic, you must ensure that it is the appropriate clinic. To do this, get the caller's address and find the appropriate clinic on the LAO map, which is available on their website at http://www.legalaid.on.ca/en/getting/clinic.asp.

If a caller's problem does not fit into one of the categories of law listed above, then a referral to a Legal Aid Office may be appropriate. Local Legal Aid Office's issue legal aid certificates and provide the recipient with a list of local lawyers who accept certificates that they may call for assistance. Again, you must refer the caller to the appropriate office based on geographic location.

Also be aware of the 15 other specialty legal aid clinics in the province, including Aboriginal Legal Services of Ontario, Advocacy Centre for Tenants Ontario (ACTO), and ARCH Disability Law Centre. A referral to one of these clinics may be appropriate, however many of them have strict policy reform mandates and only take on cases that have the potential to impact this area. It is very hard to have a case accepted by a specialty clinic, however they may also provide summary information in an area of law that a caller may find to be helpful. Information on these clinics is also available on the LAO website.

b) Private Bar Referrals

If a caller has an environmental law problem but does not qualify or did not receive assistance from legal aid, provide them with a copy of CELA's list of lawyers practicing environmental law in the province. It is also helpful to provide them with one or two names of lawyers practicing in their area (ex. Guelph and Waterloo area, a referral to Peter Pickfield may be appropriate). Further, explain to the caller the Lawyer Referral Service, which can be found at the end of the lawyer's list.

c) Waiver to discuss personal information

In some circumstances, it may be appropriate for you to call a clinic or private lawyer that you have referred in advance of the caller to ensure that the referral is appropriate. In order to discuss the caller's information (name, situation, etc...) with the clinic, you must obtain a waiver from the caller. A sample waiver is available in the Precedents folder.

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CANADIAN ENVIRONMENTAL LAW ASSOCIATION - INTAKE POLICY (older version)

1) Definition

□Intake□ refers to the internal routing and handling of requests for information, summary legal advice and legal representation. Requests come in the form of telephone calls, walk-ins, and direct personal communication outside the office. As well, requests come in the form of letters received by mail, fax, and email.

The origin of these requests is extremely diverse and includes citizens, citizens□ groups, students, teachers, academics, consultants, articling students, lawyers, public health officials and other civil servants, social justice advocates, individuals from the private sector, etc. Requests come primarily from residents of Ontario but can also come from across Canada and from other countries. The types of requests are also extremely diverse covering the full range of environmental issues, with a particular emphasis on environmental law and policy. The request can involve one or more of the municipal, provincial, federal or international level.

2) General Procedure

CELA□s Clinic Assistants are generally the first level of intake. If a request comes by phone, the caller is asked for a brief description of the matter to enable forwarding of the call to appropriate staff. The Clinic Assistants have a list of areas of expertise for each staff member to assist with this process. Some calls received at CELA do not concern environmental law. These should be referred as appropriate whenever possible to other organizations such as other clinics, government departments or the private bar.

If the call is clearly about a legal matter - such as a request for representation or what sounds like a request for summary legal advice, the call is forwarded to the Articling Student for intake.[1] If the Articling Student is unavailable, the Researcher-CLW also can cover the first intake session over the phone. If a message must be taken, staff endeavour to return the call within 24 to 48 hours. Similarly, responses to requests for information that are received by mail/fax/email are directed to appropriate staff and a response is made in a timely fashion.

For calls or written requests that do not appear to be about legal representation or summary legal advice, the Clinic Assistants refer the matter to different staff depending on the issue. If the request involves self-directed research, generally by students, the call may be referred to the Librarian. More generally, these □non-legal□ requests are referred to the Researcher-CLW for intake and response.[2] However, some requests may concern issues about which other staff have specialized expertise in which case the call may be forwarded directly to them.

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1. Requests for advice can include information on interpretation of laws or regulations, hearing or court matters, legal research, legal speaking engagements, legal volunteers, application for representation, etc.

2. Requests can be about environmental issues in general, sources of information, research and record-keeping techniques, government and media referrals, contacts and relations, community organizing, jobs and/or volunteering opportunities at CELA or in the environmental movement generally, etc.

3) Detailed Intake Procedure

During intake, staff should listen carefully to the caller's request and respond appropriately. If the request comes by mail/fax/email staff may need to contact the person directly to clarify details of the request. In simple cases, the response to the request may involve referring the caller to other organization(s) and/or answering the query immediately over the phone or with a single return email. However, in many cases, staff will not be able to provide a response without first doing some research and/or talking to other staff members. For most requests there is a range of potential response options. It is of the upmost importance to obtain as much information as is possible in regard to the information or advice being requested including obtaining a sense of what information the person has already gathered or actions they have already taken. At the end of this first conversation or email response, staff should tell the person when they may expect a response to their inquiry.

In formulating a response, staff may need to research an issue in CELA's library, research files or other resources. This work could also involve making a few phone calls to check on the availability of resources or to update information about the appropriateness or continued appropriateness of standard referrals. Staff will often utilize tools that ordinary citizen's may not have access to (government phone books, environmental directories, etc. and increasingly, the resources available on the internet). Finally, other staff members are always a wealth of information. The response to the inquiry should be forwarded promptly.

4) Area Specific Procedures

4.1: Non-Legal Intakes (Researcher)

The so-called non-legal intakes can often turn into legal intakes once the facts of the matter are determined. In such cases, the Researcher takes down as much information as possible and lets the caller/emailer know that the matter will be forwarded to the Articling Student for detailed legal intake.

Non-legal intake calls generally involve an approach of helping people help themselves. This approach includes providing numerous referrals to people and resources in relevant government, non-government, and research-related agencies.

Non-legal intake requests often involve advising on strategies for dealing with politicians, civil servants, the media as well as advising on community organizing and doing research. These requests often involve both legal and non-legal requests for advice in which case the Researcher and Articling Student work together on the file and provide different kinds of information/advice according to their areas of expertise.

For information requests from students, teachers, consultants, etc., the Researcher generally advises on sources of information rather than doing their work for them (especially if it is a consultant getting paid to do the research). For students, especially those from out of town who cannot visit the library or the website, the Researcher may, time permitting, provide summary articles on the issue in question, as a means of assisting students to get started with their research.

With so many requests for information, priority and more time is given to community groups or individuals working in a voluntary capacity and on behalf of public interest environmental and social justice concerns especially those who appear to qualify or nearly qualify for legal aid.

4.2: Legal Intakes (Articling Student)

Legal intakes are generally fact driven, thus requiring that the Articling Student take due care in recording as much information as possible regarding the case. Typically, the Articling Student may need to ask:

1. what exactly is the problem/question?
2. what are all of the facts that led up to the problem?
3. who are all of the people involved?
4. what has the caller done so far to deal with the problem? (i.e. who have they contacted, written to...)
5. do they have copies of any legal documents that they can fax to you (notices, decisions, etc.)
6. what do they want done?

Once the above facts are clarified, the Articling Student needs to determine if the matter can be handled as a Summary Advice matter or if it is a matter of advising the person to seek legal representation. The Articling Student also needs to explain CELA's legal aid mandate and related matters of financial eligibility. It should be made clear that all information is kept strictly confidential.

4.2.1: Summary Advice Legal Intakes

Summary advice clients are clients to whom CELA gives limited information or advice, but whom we don't represent. It is very hard to define the difference between summary advice intake callers (those looking for general information or legal answers that can be answered quickly), summary advice files (those needing legal advice or guidance that requires on-going research or assistance) and full clients (those people we represent in courts or hearings). It is important, however, that a file be opened if someone is considered a summary advice file. To make this determination, try to gauge whether in depth or ongoing research will be required, whether they will call more than once, or whether they will be sending CELA information by fax or mail. If any one of these apply, open a summary advice file so that there is a record of your dealings with this individual that is traceable and may be picked up by someone else.

A summary advice legal intake generally mirrors the "detailed intake procedure" outlined above, with a few notable qualifications. After taking down all the information, it is the articling student's task to research the issue and to draft a response. The student may use whatever

resources are at his or her disposal, including textbooks, journals, quicklaw, previous summary advice files, other groups and agencies, and the lawyers and other staff in the clinic.
All correspondence involving legal intakes should be reviewed by a lawyer to ensure that the wording is correct. It is very important that in responding to a summary advice request that the articling student does not represent CELA as providing a legal opinion. **Only Clients may receive a legal opinion or have representations made on their behalf by CELA.** Individuals will often request that CELA give them an opinion or call someone on their behalf. Unfortunately, we cannot take either of these actions for summary advice clients. The best we can do is provide some guidance as to options available to them.

4.2.2: Applications for Legal Representation

If it is determined that an intake caller is involved in a serious legal issue and may require legal representation, then CELA's application process for legal representation should be discussed. The first issue is whether the applicant qualifies financially. Again, CELA's mandate as a legal aid clinic and the financial eligibility requirements should be explained.
If the applicant states that he or she does not qualify and does not intend to apply, then the caller should be referred to the private bar and provided with a copy of our lawyer referral list if desired. It should be mentioned that CELA may take on cases in extraordinary situations where the applicant does not qualify when the nature of the case is highly significant or precedent setting. If the caller believes their case falls into this category, they may still wish to apply. Note also that the articling student may still assist the caller if they do not qualify as a summary advice intake and provide them with some initial guidance.

If the caller indicates that they or their group may qualify, then an application package should be sent out. This package includes a letter outlining the application process, the financial eligibility form, a copy of CELA's financial eligibility guidelines, the clinic funding committee's income criteria guidelines, and a CELA fact sheet. The lawyer referral list may also be included. Copies of all these documents are appended to this policy.

An application for legal representation consists of the financial eligibility form and all relevant background material. Once the application for legal representation is received, the articling student must ensure that it is complete, meaning that it includes a letter describing the situation and outlining the history of the case, and includes any relevant materials the applicant may have, such as copies of correspondence, background reports, and legal documents etc. Most cases involve following up on information contained in the application.

The articling student then presents the application for consideration by the Legal and Priorities Committee. This committee screens and discusses the cases to determine which are suitable for CELA to take on. Not all cases, even some of those that do qualify financially, are accepted. Whether or not a case will be accepted depends upon the nature and extent of the applicant's financial resources, the environmental significance of the case, and the availability of CELA's staff and resources. The committee then makes a recommendation to the Board of Directors as to which cases should be accepted and which should not. The Board then has the final say as to CELA's case selection.

Finally, the articling student is responsible for informing applicants of the Board's decisions in a timely manner. In those instances when CELA is unable to take on the case, the student, with the assistance of the lawyers, should endeavour to assist the individual or group to find a lawyer to take on the case if the applicant desires.

4.3: Library Intakes (Librarian)

The Librarian provides reference services for members of public who are interested in using the resources available through the CELA Resource Library. The Librarian receives information requests from the public by visitors, over the telephone, and through written and e-mail requests. However, visitors may only use the library on Tuesday, Thursday, and Friday afternoons from 1 to 5 p.m. If those hours are not possible, however, arrangements may be made for a private appointment during other hours. The collection is available on a reference basis only -- library materials may be used in the library, but may not be signed out.

Reference services provided by the Librarian include instructing visitors on library organization and on using the Inmagic online catalogue of the collection, providing advice on useful resources in the collection, and referrals to other information sources. In addition, the librarian can also help users with access to the Environmental Registry, which can be accessed through the library computer. The Librarian also provides users with customized bibliographies ranging from 1 to as much as 60 p. on specific topics. The level of assistance provided to users depends on a number of factors including the expertise of the visitor and on how busy the library is. For example, graduate students or university faculty working on major projects and staff of other environmental organizations often need more in-depth assistance from the librarian. Students are a major component of Resource Library users, particularly university environmental studies and law students.

Regarding legal materials, the librarian will help visitors with using the legal materials available in the library, but does not provide legal advice. Legal advice or in-depth research questions are referred to the Articling student or the Researcher. As well, use of the QuickLaw online legal information resource is restricted to staff because of the high cost of this tool.

5) Statistical Records

All inquiries are recorded in the "statistics" program which provides CELA and OLAP with a record of all the requests to which we respond. For a full review of this program, staff should read and refer to the Statistics Program User Guide. As a general introduction, staff should obtain, where possible, the following information for the stats program:

1. The caller's name, address, phone number etc.
2. How did the caller learn about CELA?
3. Where is the caller or the event in question geographically located?

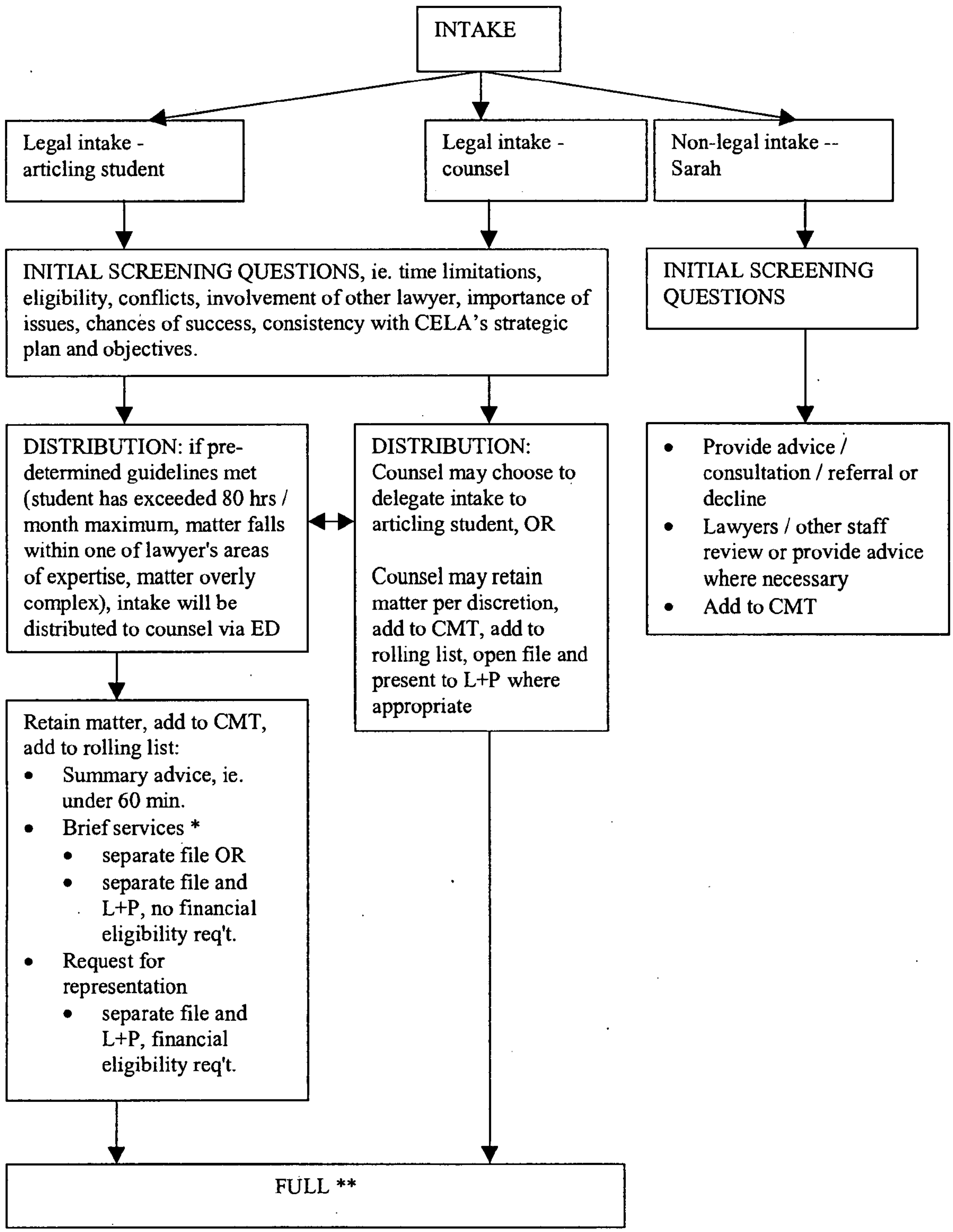
The program also contains a notes section to record and keep track of the types of requests CELA handles. However, at present, the program does not accommodate different categories of requests (eg. land use, air, water, toxics etc.). The program also only allows for requests to be recorded as coming in over the phone, as □walk-ins□ or by appointment; there is no ability to record the request as coming to us by mail or email. Indeed, the program is set up so that the request *must* be classified as coming in over the phone, as a walk-in or by appointment. With no other option available, requests received by mail/fax/email are recorded as □phone□ requests.

The statistics program does not allow for more than one referral per record of information requests. Therefore, to provide an accurate statistical picture of the number of referrals, the call/request needs to be recorded in the statistics program as many times as there are different referrals. Alternatively, the notes section can be used to record referrals. In either case the information is not statistically accurate. The first approach overstates the number of requests but the referral information is correct. In the second instance, the number of requests is accurate but the statistical information on referrals is underreported.

These limitations mean that the statistics are not a full or even accurate record of either the manner in which we receive requests or our responses to them. Ongoing discussions with OLAP may remedy these problems at which point this discussion of the statistics program should be updated accordingly.

Last Updated: April, 1998
F:\POLICIES\INTAKE

DRAFT LEGAL INTAKE PROCEDURE & POLICY
FOR DISCUSSION PURPOSES ONLY



*Criteria for determining which brief services files should be brought to L+P:

Quantitative	*Qualitative*
• Maximum 2 hours (research / telephone) or 1 week of ongoing correspondences	• Complexity of issue (legally and / or politically) • Value of service to recipient • Importance of issue • Consistency with CELA's strategic plan and objectives

**Issue for discussion: How will CELA deal with intake once we reach full capacity? NOTE: the following options are not mutually exclusive.

- Option 1: should CELA limit the scope of issues dealt with by the clinic?
  - Possible exclusions from CELA's list of issues dealt with (referrals will still be provided where possible):
    - Indoor environmental complaints, ie. mould, cleaning chemicals, air quality, etc.
    - Noise complaints, both indoor and outdoor
    - Drainage problems
    - Employment-related environmental issues (often already dealt with by other clinics)
    - Electricity lines
  - An alternative approach would be to focus upon those areas in which we have a particular interest or expertise, and highlight those areas on our website.
- Option 2: should CELA stop accepting all intake calls?
- Option 3: should CELA initiate a "triage" system whereby the articling student schedules appointments with callers days/weeks in advance, at which time they will be able to discuss their matters in more detail. Appointment times can be provided on a first-come, first-served basis, or according to other factors such as the importance of the issue. A certain number of time slots will be reserved each week for emergency matters.
- Option 4: should CELA impose stricter eligibility criteria on requests for brief services?

Other components of legal intake:

- "Intake" refers to *all* calls received, including simple referrals (though excluding wrong numbers)
- Objective is for articling student to spend no more than 50 hours / month of his or her time on intake.
- In order to monitor time spent, articling student will record the approximate number of hours spent on intake each day.
- Greater use of FAQs, ie. for strategic advice on municipal matters. Website ("services offered" page) will also be changed to reflect the division between legal and non-legal intake. Initial screening questions will be included on the website, where appropriate, and possibly added to the articling student's voicemail.
- Basic information about contacts should be entered into CMT as soon as possible, such as name of contact, name of any associated groups or individuals, name of party adverse in interest, location of matter, brief description of issue. Conflict checks can then be carried out.
- Scheduled review meetings - lawyers will set aside time to provide specific advice to student.
- Paul will hold weekly meetings with articling student to review intake files and refer to lawyers, where appropriate.
- There should also be review meetings between Paul and lawyers to provide updates on which intakes are being dealt with by which members of the office.
- Two phone lines for articling student; one will be dedicated entirely to intake matters, the other will be used for all other purposes.
- A checklist will be developed for consideration by the Legal and Priorities Committee in deciding whether or not to accept a case. It should be consistent with CELA's strategic plan.

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MEMORANDUM

To: **Articling Student**
Re: **Passwords**

<u>Citrix</u>

Username: art1_cela@lao.clc
Password: @rticling07 (zero seven)

<u>Telephone:</u>

1111 or 1234

<u>Office Logic</u>

ARTICLING

MEMORANDUM

To: Articling Student
From: Jennifer Agnolin
Date: October 17, 2005
Re: Legal & Priorities and Board Meetings

As Articling Student, you will be required to attend all Legal & Priorities meetings, which occur monthly, and all Board Meetings, which occur every two months. Get a copy of the meetings schedule **as soon as possible**. This is important for two reasons: 1) you may be required to attend a meeting very early on in your year; and 2) you will have to inform people applying for legal assistance when the next Legal and Priorities meeting is (when their application will be decided).

Be aware that the meeting dates frequently change to accommodate people's altering schedules. Be sure to have Sharon keep you posted of any changes and inform any applicants of these changes forms.

Your duties are as follows:

1) Legal & Priorities Meetings, Secretary

- Prepare Agenda in advance, which includes sending out a group email a few days before the meeting asking if anyone has items to add.
- Present summary of intakes to the board: how many intakes that month in total, how many were referrals, brief services, summary information, etc…
- Present applications to the Board.
- Secretary: record the minutes of the meeting. Afterwards, type the minutes, save a copy to the Legal & Priorities file (in Administration then Board subfolder) and place a hard copy in the 'Legal & Priorities Minutes' purple binder.

2) Board Meetings

- The articling student is a Board member.
- You have an ongoing duty to present Legal & Priorities updates. You will have to provide a brief summary of the outcome of that month's Legal & Priorities meeting, specifically, the cases that you presented, whether they were accepted or denied, and the reasons for these decisions. This should take no longer than five minutes. Be very brief, do not supply detailed and identifying information.
- Board meetings generally take place after 6pm. The entry door to the building locks at 6pm, so the articling student must wait downstairs to let people in and send them up in the elevator with your pass. It is best to wait 10 – 15 minutes after the scheduled start time to allow for late arrivals, unless you know that everyone scheduled to arrive is present. Ensure that the Legal & Priorities update is not scheduled in the first 15 minutes of the meeting as you will always be late due to door duties.

MEMORANDUM

To: Articling Student
Date: October 17, 2005
Re: EBR Postings

You are responsible for sending an email summarizing recent Environmental Registry postings relating to Acts, Policies and Regulations. The email is to be sent either weekly or once every two weeks and should contain all relevant postings since the last email. Below are the steps to follow in the email. For a sample email, look in the email archive for the most recent email in the outbox titled 'EBR Postings'.

1) Conduct EBR search online. The website is http://www.ene.gov.on.ca/samples/search/Ebrquery_REG.htm and can be found on the Favourites list.

2) Search is for all Ministries, Type: all Policies/Acts/Regulations, all status types. To choose the dates, scroll to the bottom of the form and under 'Select Published Date', in the last option of 'since', type in the last date that the search was performed. Do not enter dates into any part of the form.

3) The selections will come up in a list (if done weekly, the list will typically be 4 – 7 items long). For each posting that is listed, copy and paste the title and abstract into the email.

4) For each individual posting, click on the title hyperlink. Copy the contents on the uppermost part of the form, starting with the EBR number and ending with the dates for written submissions. Paste this information under the relevant item in the email.

5) Follow this procedure for each item and send the email.

MEMORANDUM

To: Articling Student
From: Jennifer Agnolin
Date: October 17, 2005
Re: Articling Student Training Fund

You have access to a training fund that is provided by Legal Aid Ontario. The fund is for $500 to be used for educational purposes. For example, it can be used to cover the registration fee for environment law conferences put on by the Canadian Bar Association or other groups, and possibly your CBA membership fee. Approval must be granted from either Paul or Theresa to use the funds.