CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

See CELA's Web site www.cela.ca in the About section in order to access some of the links listed below.

Who we are:

The Canadian Environmental Law Association (CELA) is a non-profit, public interest organization established in 1970 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 courts on behalf of citizens or citizens' groups who are otherwise unable to afford legal assistance. Funded by Legal Aid Ontario, CELA is one of 72 community legal clinics located across Ontario, 15 of which offer services in specialized areas of the law.

CELA's Objectives:

- To provide equitable access to justice to those otherwise unable to afford representation for their environmental problems;
- To advocate for comprehensive laws, standards and policies that will protect and enhance environmental quality in Ontario and throughout Canada;
- To increase public participation in environmental decision-making;
- To provide the public with information, research, advice and educational materials to assist them in addressing environmental problems;
- To work with communities, neighbourhoods, individuals and public interest groups to foster long-term sustainable solutions to environmental concerns and resource use;
- To protect ecosystem and public health by preventing degradation from pollution, destruction of natural areas and resource extraction and misuse;
- To work, increasingly with other constituencies, in defending democratic rights and essential services significant to social health and well-being;
- To mitigate the recent erosions of the environmental protection framework from deregulation, budget cuts, harmonization of standards and corporate self-regulation; and
- To use all of these tools to address the increasing impacts of economic globalization on environmental integrity.

Annual Reports:.
1998-99 Annual Report (PDF file; 22 p.)
2000-01 Annual Report (PDF file; 21p.)

Staff:
See the Contacts list for information on contacting CELA staff members.

Legal Services:
Advice, Referrals, and Client Intake

History:
Brief summary of CELA's History
A Short History of CELA by Alan Levy, with input from David Estrin and John Swaigen (newsletter article for the 30th anniversary of CELA, Vol. 26, no. 1, January-March 2001)

Affiliations with Other Organizations:
CELA is a member or founding member of the following coalitions and networks:

Campaign for Nuclear Phaseout
Campaign for Pesticide Reduction - CPR! (see also CPR Ontario)
Canadian Endangered Species Coalition (see BC Coalition site for more information)
Canadian Environmental Network
Climate Action Network (For links to network members)
Common Frontiers
Coalition on the Niagara Escarpment
Great Lakes United
International POPS Elimination Network
MiningWatch Canada
Ontario Environment Network
Partnership for Children's Health and the Environment
Pesticides Action Network of North America
Pollution Watch

Other Environmental Law and Policy Organizations in Canada:

Canadian Institute for Environmental Law and Policy
Canadian Institute of Resources Law
Environmental Bureau of Investigation
Environmental Defense Canada
Environmental Law Centre - Alberta
Sierra Legal Defense Fund
West Coast Environmental Law - Vancouver

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CFC POLICY GUIDELINES ON FINANCIAL ELIGIBILITY

The Clinic Funding Committee has adopted the following policy guidelines with respect to the financial eligibility of persons to receive clinic services:

INDIVIDUAL CLIENT GUIDELINES

1. The Board of Directors of a clinic shall maintain and apply standards determining the financial eligibility of persons requesting clinic services except when providing summary advice.
2. In establishing standards to determine financial eligibility, the Board shall:
   a. Not exceed income criteria set out on Schedule "A"; and
   b. Not exceed assets criteria set out on Schedule "B"; and
   c. Record in writing the application of the clinic's financial eligibility standards to each client; and
   d. Require its staff, where appropriate, to satisfy themselves concerning the accuracy of information provided under the clinic's financial eligibility standards.

GROUP GUIDELINES

1. Except where the size of a group makes it impractical, the clinic shall apply the same financial eligibility standards to each member of a group as it does to an individual to ensure that:
   a. Most of the Group's members would qualify individually, and
   b. The financial limitations of members of the group and the potential costs of the services prevent the group from sharing the cost of private legal services.

2. Where numbers render the use of individuals standards impractical, the clinic shall

maintain and apply group financial eligibility standards which <u>demonstrate objectively</u> that:

a. Most of the group's members would qualify individually, and

b. The financial limitations of members of the group and the potential costs of the services prevent the group from sharing the cost of private legal services.

3. The clinic shall also consider the availability of a group certificate from the Ontario Legal Aid Plan.

4. These requirements do not apply to a service application:

a. From a group of individuals seeking to incorporate a non-profit corporation or,

b. <u>From a non-profit corporation requesting any services of the clinic</u>.

However, the Board must require that each such application be considered in light of the following criteria, and file an Exemption Report:

(i) <u>where the application is made by a non-profit corporation, its financial resources which could reasonably be applied to all or part of the legal costs</u>;

(ii) availability of legal resources in the clinic and private Bar;

(iii) merits of the corporation's objectives;

(iv) the degree to which the corporate objectives aim for the betterment of the clinic's client community.

<u>UNIVERSITY - BASED CLINICS</u>

These guidelines apply equally to Deans of Faculties of Law of university-based clinics.

FINANCIAL ELIGIBILITY

SCHEDULE "A"

INCOME

1. The clinic may provide services without applying an eligibility test where the primary source of family income (including that of a cohabiting spouse) is income from one of the sources listed below, or where the service request involves a significant legal issue arising from one of the sources set out below:

- General Welfare
- Family Benefits
- Old Age Pension with guaranteed income supplement
- War Veterans Allowance
- Canada Pension Plan (This exemption is restricted to an application in which CPP is the primary source of family income)
- Workers' Compensation Benefit which are temporary and threatened

2. Income* eligibility criteria:

Family Size	Automatic Fin. Elig. Under....	Discretionary** Fin. Elig. Under...
	One-Adult Family	
1	$ 15,800	$ 21,650
2	18,300	25,550
3	21,400	29,250
4	23,150	31,600
5	25,550	34,600
6	27,400	37,750
	Two-Adult Family	
2	$ 21,400	$ 28,650
3	23,150	31,100
4	25,550	34,000
5	27,400	37,100
6	29,800	39,600

* Refers to Gross Income

** Discretion may be exercised by staff considering the overall financial situation of the client only on grounds approved by the Board of Directors, including if desired:

- debt load;
- importance of legal issues to low-income interests;
- necessary transportation expenses;
- costs associated with a disability;
- excessive rental costs (relative to income);
- when the area of law is income related, based on the merits of the case and the nature of the services requested;
- availability of alternative services;

- excessive child care expenses (relative to income).

and such other grounds as are adopted by the Board and approved by the Clinic Funding Committee.

3. The clinic may also provide services to persons whose income exceeds the amounts set out in column 2, above, in exceptional circumstances, approved by the Board of Directors in each case.

4. The exercise of discretion to provide services as set out in paragraph 3 shall be reported to the Clinic Funding Committee, in a form approved by the Committee.

FINANCIAL ELIGIBILITY
SCHEDULE "B"
ASSETS

1. The clinic may provide services without applying an eligibility test where the primary source of family income (including that of a cohabiting spouse) is income from one of the sources listed below, or where the service request involves a significant legal issue arising from one of the sources set out below:

- General Welfare
- Family Benefits
- Old Age Pension with guaranteed income supplement
- War Veterans Pension
- Canada Pension Plan (This exemption is restricted to an application in which CPP is the primary source of family income)
- Workers' Compensation Benefits which are temporary and threatened

2. In all other circumstances, the Board of Directors shall maintain and apply financial eligibility standards which render ineligible persons with assets the net value of which

exceed: single persons - $ 7,500; Family (including cohabiting spouse) - $ 10,000.

3. In arriving at the total value of assets, the clinic may exempt the following assets from consideration:

   a. One vehicle necessary for transportation;
   b. Snowmobiles or specialized vehicles necessary for transportation in remote areas;
   c. The primary family residence;
   d. The furniture or household goods in a primary family residence;
   e. Tools of the trade or business;
   f. When the person is 60 years of age or over, or has a severe and prolonged disability so as to be unemployable or unlikely to return to work, any income producing assets up to a value of $ 150,000; (however, the income produced by such assets must be taken into account under Schedule "A");
   g. Proceeds from the sale of real property which are committed to the purchase of a principle residence;
   h. Child Tax Credits; and
   i. Student loans and bursaries.

4. The clinic also provides services to a client owning asset in excess of the levels set out above in exceptional circumstances approved by the Board of Directors.

5. A Board exercising this discretion shall file an Exemption Report.

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maintain and apply group financial eligibility standards which demonstrate objectively that:

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FINANCIAL ELIGIBILITY

SCHEDULE "A"

INCOME

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FINANCIAL ELIGIBILITY

SCHEDULE "B"

ASSETS

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2. In all other circumstances, the Board of Directors shall maintain and apply financial eligibility standards which render ineligible persons with assets the net value of which

exceed: single persons - $ 7,500; Family (including cohabiting spouse) - $ 10,000.

3. In arriving at the total value of assets, the clinic may exempt the following assets from consideration:

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d. The furniture or household goods in a primary family residence;

e. Tools of the trade or business;

f. When the person is 60 years of age or over, or has a severe and prolonged disability so as to be unemployable or unlikely to return to work, any income producing assets up to a value of $ 150,000; (however, the income produced by such assets must be taken into account under Schedule "A");

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130 SPADINA AVE. • SUITE 301 • TORONTO • ON. • M5V 2L4
TEL: 416/960-2284 • FAX: 416/960-9392 • WEB SITE: www.cela.ca

FINANCIAL ELIGIBILITY FORM
(INDIVIDUAL)

Name:

Address:

Telephone: **Alternate Telephone:**

Brief description of the legal issue for which you are requesting assistance:

Financial Information:
Note: This section must be completed in order for your application to be considered. If the applicant is a group, this form may be copied for group members to complete. The completed forms may be faxed to 416-960-9392 or mailed to the address above.

Family Size: Adults - Children -

Yearly Family Income: Gross $ Net $
(preceding tax year)

Portion of income derived from Social Assistance:* %

Family Assets: Gross Value $ Net Value ** $

Business Assets: Gross Value $ Net Value ** $

Comments:

* *General Welfare, Family Ben*efits, Old Age Pension with guaranteed income supplement, War Veterans Allowance, Canada Pension Plan.

** *You may exclude the following: primary transportation vehicle, first $150,000 of primary family residence, household goods and tools of trade.*

Signature

FINANCIAL ELIGIBILITY FORM
(GROUP)

Group Information:
To be completed only if the applicant is a group, and only one member of the group needs to complete this section. In addition a representative number of this group must also complete the Individual part of this Financial Eligibility form.

Contact Person:	**Telephone**:
Alternate Contact:	**Telephone**:
Number of Group Members:	**Number in Group Executive**:
Incorporated Group? Yes/No	**Non-Profit**? Yes/No
Number of Years Group has Existed:	

Group Finances:

Total Annual Budget for Preceding Year: $

Total Budget for This Year: $

Funds raised or dedicated to legal action on this matter: $

Projected funds to be raised for legal action on this issue: $

Sources for projected funds for this issue:

Membership Fees: $

Private Donations: $

Fundraising: $

Government (e.g. intervenor funding, etc.): $

Specific contributions from membership: $

Other (specify) : $

Total $

Signature

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CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

April 11, 2002

To Whom It May Concern:

Re: Application for Legal Representation

Thank you for contacting the Canadian Environmental Law Association (CELA). As you may know, CELA is a non-profit, public interest group established in 1970 to use existing laws to protect the environment and to advocate environmental law reform. CELA is also a legal aid clinic representing low income citizens or citizens' groups in environmental cases.

You can apply for summary advice or to be individually represented by CELA by completing and returning the financial eligibility form which accompanies this letter. If you have formed a group and would like summary advice or for your group to be represented, you should fill out the group finances portion of the form and have a representative number of the people in your group fill out financial eligibility forms individually. We leave it to your discretion to determine how many people need fill out the form to demonstrate that a significant number of the people in your group are low income.

Your request will be considered for approval by CELA's Legal and Priorities Committee at its monthly meeting. Whether or not a case is accepted depends on 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. If your case is accepted, CELA's legal services will be provided free of charge. However, you will be responsible for disbursements such as filing fees, travel expenses, photocopying, and long distance telephone calls.

Please feel free to call the intake worker at (416) 960-2284 ext. 216 if you have any questions about the financial eligibility form or the application process. We look forward to hearing from you in the near future.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Theresa McClenaghan
Managing Lawyer

Encl.

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June 26, 2002

Ruby Jacobs and Winnie Montour
R.R. #1
Ohsweken, ON
N0A 1M0

Dear Ruby Jacobs and Winnie Montour:

RE: Application for Legal Representation

Please find attached a copy of our Application for Legal Representation, the CELA Financial Eligibility Guidelines, and the CFC Policy Guidelines on Financial Eligibility.

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Andrew Wray
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CELA FINANCIAL ELIGIBILITY GUIDELINES

1. CELA staff may provide summary advice and assistance to any member or group of the general public in any matter which involves an issue of environmental law without first administering a financial eligibility test.

2. A person or group requesting representation, other than a person or group that can be advised and assisted in a summary fashion, will be accepted as a client if:

   a. the matter for which representation is sought involves an issue of environmental law; and

   b. the person or group cannot otherwise afford to obtain representation.

3. When determining whether the person or group can otherwise afford to obtain representation, regard shall be had to at least the following:

   a. the nature and extent of the person's or group's financial interest in the eventual outcome of the matter;

   b. the nature and extent of the public interest in the eventual outcome of the matter;

   c. a comparison between the nature and extent of the person's or group's financial interest in the eventual outcome of the matter, and the nature and extent of the public interest in the eventual outcome of the matter;

   d. the available financial resources of the person or group;

   e. where the applicant is a group, the available financial resources of the members of the group, including the ability of the group to raise additional funding having regard to the nature and the scope of the matter;

   f. a comparison between the time required to raise funding, and the time available in which to act to protect either the particular aspect of the environment or the environmental right involved in the matter; and

   g. the complexity of the matter and the length of time required to satisfactorily resolve it.

   h. where the applicant is an individual, the affiliation of the individual applicant with an environmental interest group addressing the same concern.

4. Where it has been determined that the person or group can otherwise afford to obtain representation, the person or group shall be promptly so advised and, if requested to do so, CELA staff shall provide to the person or group a list of names of members of the private bar in accordance with the CELA panel list guidelines.

5. Applicants have the opportunity to appeal, which includes making representations, with respect to decisions relating to eligibility and requests for representation before the Board of Directors of the Canadian Environmental Law Association.

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