



# ABORIGINAL LEGAL SERVICES

*Gaa kina gwii waabamaa debwewin • All those who seek the truth*

## Annual Report

### 2022

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# ABORIGINAL LEGAL SERVICES

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## ABORIGINAL LEGAL SERVICES Annual General Meeting 2022

### DRAFT AGENDA

**Date and Time:** Thursday, December 8<sup>th</sup> at 6:00pm Eastern

**Meeting Mode:** Hybrid with in-person attendance at Olthuis Kleer Townshend LLP,  
800 - 250 University Ave and virtual attendance via Zoom

1. Opening Thanksgiving and Teaching
2. Approval of the Agenda
3. Approval of the Minutes – AGM 2021
4. Consideration of the Final Audited Financial Statements and Auditor's Report
5. Appointment of Auditor
6. President's Report
7. Management's Reports
8. Presentation on Indigenous Justice Strategy Project by Ovide Mercredi and Jason Mercredi of Silent Drums Consulting
9. Election of Directors
10. Closing

## **ABORIGINAL LEGAL SERVICES**

Annual General Meeting

Tuesday, December 7, 2021

### **DRAFT MINUTES (BC)**

#### **Present:**

#### Members:

Jessie Stirling (President/Chair), Paul-Emile McNab (Vice-President), Basima Roshan (Treasurer), Branden Cave (Secretary), Leslie Anne St. Amour (Director), Sinead Charbonneau (Director), Genevieve Easton Poole (Director), and Joseph Schuchert (Member)

#### Presenters:

Dorothy Peters, Christa Big Canoe, Jonathan Rudin, and Ian Manning

#### Welcome Guests:

Rola Hampton, Christine\*, Theresa Sandy, Line LaPorte, Randy Johnston, Lindsay Kretschmer, Sharon Reynold, Douglas Varrette, Jiyoon Oh, Katy Allen, Paula Hill, Hannah Wilson, Nazanin Najafizadeh, Erica\*, and Lola\*

*\*No last name indicated on Zoom.*

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#### **Meeting Documents**

- ◆ Aboriginal Legal Services Annual Report (2021)
  - ◆ Aboriginal Legal Services Inc. Audited Financial Statements (March 21, 2021)
  - ◆ Aboriginal Legal Services – Legal Clinic Audited Financial Statements (March 31, 2021)
  - ◆ Aboriginal Legal Services Bylaws (October 2021) (TBC)
  - ◆ Report – Governance, Policy, and Nominating Committee
-

1. Opening Thanksgiving and Teaching

- Dorothy Peters provided the opening thanksgiving and teaching.

2. Approval of Agenda

**MOTION #1:** To approve the December 7, 2021 agenda.

**Moved:** Branden Cave

**Seconded:** Paul-Emile McNab

**Carried**

3. Approval of Minutes – AGM 2020

**MOTION #2:** To approve the minutes from AGM 2020 held on December 1, 2020.

**Moved:** Leslie Anne St. Amour

**Seconded:** Paul-Emile McNab

**Carried**

4. Consideration of the Financial Statements and Auditor's Report

- Ian Manning presented the financial statements and auditor's report for the fiscal year ending on March 31, 2021.

**MOTION #3:** To approve the audited final financial statements for ALS Legal Clinic for the fiscal year which ended on March 31, 2021.

**Moved:** Basima Roshan

**Seconded:** Paul-Emile McNab

**Carried**

**MOTION #4:** To approve the audited final financial statements for ALS Inc. for the fiscal year which ended on March 31, 2021.

**Moved:** Genevieve Easton-Poole

**Seconded:** Basima Roshan

**Carried**

5. Appointment of Auditor

**MOTION #5:** To reappoint Edward and Manning LLP Chartered Accountants as Aboriginal Legal Services' auditor.

**Moved:** Branden Cave

**Seconded:** Basima Roshan

**Carried**

6. President's Report

- Jessie Stirling's report was circulated in advance as part of the Aboriginal Legal Services Annual Report (2021).

7. Management Reports

- Christa Big Canoe, Legal Advocacy Director, reported on the activities of Aboriginal Legal Services – Legal Clinic throughout the past year.
- Jonathan Rudin, Program Director, reported on the activities of Aboriginal Legal Services Inc. throughout the past year.
- Both reports were circulated in advance as part of the Aboriginal Legal Services Annual Report.

8. Election of Directors

**MOTION #6:** To elect Sinead Charbonneau, Leslie Anne St. Amour, Erika Dawson, and Darian Baskatawang to the Board of Directors as Directors, and to elect Amanda Carling to the Board of Directors as a Shadow Director.

**Moved:** Branden Cave

**Seconded:** Jessie Stirling

**Carried**

9. Special Business – Confirmation of New Bylaws

**MOTION #7:** To confirm the *Aboriginal Legal Services Bylaws* as approved and enacted by the Board of Directors on October 27, 2021.

**Moved:** Jessie Stirling

**Seconded:** Branden Cave

**Carried**

10. Closing Thanksgiving

- Dorothy Peters provided the closing thanksgiving.



Edward & Manning <sup>LLP</sup>  
Chartered Professional Accountants

# **ABORIGINAL LEGAL SERVICES INC.**

## **Financial Statements**

**March 31, 2022**



Edward & Manning <sup>LLP</sup>  
Chartered Professional Accountants

# ABORIGINAL LEGAL SERVICES INC.

March 31, 2022

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## **Independent Auditors' Report**

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To the Members of  
ABORIGINAL LEGAL SERVICES INC.

### *Qualified Opinion*

We have audited the accompanying financial statements of Aboriginal Legal Services Inc. (the "Organization"), which comprise the statement of financial position as at March 31, 2022 and the statements of operations and net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, the accompanying financial statements present fairly, in all material respects, the financial position of Aboriginal Legal Services Inc. as at March 31, 2022, and the results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

### *Basis for Qualified Opinion*

In common with many charitable organizations, the Organization derives revenue from donations and fundraising, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amounts recorded in the records of the Organization. Therefore, we were not able to determine whether, as at and for the year ended March 31, 2022, any adjustments might be necessary to revenues, deficiency of revenue over expenses, assets and net assets.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Organization in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.



## Independent Auditors' Report

*continued*

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

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Organization's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Organization's financial reporting process.

### *Auditors' Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.



## Independent Auditors' Report

### *continued*

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the the Organization's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Organization's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Organization to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*Edward & Manning LLP*

Chartered Professional Accountants  
Licensed Public Accountants

Toronto, Ontario  
October 04, 2022

# ABORIGINAL LEGAL SERVICES INC.

## Statement of Financial Position

As At March 31, 2022

	Note	2022	2021
<b>Assets</b>			
<b>Current Assets</b>			
Cash		\$ 1,089,945	\$ 1,423,097
Short term investments		5,408	5,408
Amounts receivable		300,860	20,234
Due from Aboriginal Legal Services - Legal Clinic	(4)	252,292	94,347
HST recoverable		192,268	156,587
Prepaid expenses		74,191	87,047
<b>Total Current Assets</b>		<b>1,914,964</b>	<b>1,786,720</b>
Capital assets	(5)	31,890	41,147
<b>Total Assets</b>		<b>\$ 1,946,854</b>	<b>\$ 1,827,867</b>
<b>Liabilities and Net Assets</b>			
<b>Current Liabilities</b>			
Accounts payable and accrued liabilities		\$ 330,632	\$ 174,309
Deferred revenue	(6)	1,109,663	1,289,399
<b>Total Current Liabilities</b>		<b>1,440,295</b>	<b>1,463,708</b>
<b>Net Assets</b>			
Unrestricted		506,559	364,159
<b>Total Liabilities and Net Assets</b>		<b>\$ 1,946,854</b>	<b>\$ 1,827,867</b>

Approved on Behalf of the Board:



Basima Roshan, Treasurer

The accompanying notes are an integral part of these financial statements.

# ABORIGINAL LEGAL SERVICES INC.

## Statement of Operations and Net Assets

For the Year Ended March 31, 2022

	2022	2021
<b>Revenue</b>		
Ministry of Attorney General	\$ 1,989,814	\$ 2,248,067
Legal Aid Ontario	1,300,561	1,150,237
Toronto Aboriginal Support Services Council	632,537	201,500
Department of Justice	529,203	256,677
Donations, fundraising and other income	377,613	98,746
Ministry of Children and Youth Services	292,993	271,626
Mizwie Biik, Aboriginal Employment	232,519	250,918
Ministry of Health and Long-Term Care	163,322	147,663
Law Foundation of Ontario	104,917	136,447
<b>Total revenue</b>	<b>5,623,479</b>	<b>4,761,881</b>
<b>Expenditures</b>		
Salaries and wages	4,066,466	3,823,395
Training and program costs	604,064	215,080
Accommodation	256,829	215,519
Telephone, telecommunications and computer costs	238,552	271,108
Office and general	120,471	27,209
Travel	115,733	22,797
Supplies	24,188	29,479
Professional fees	23,646	24,000
Insurance	21,874	9,788
Amortization	9,256	10,185
<b>Total operating expenses</b>	<b>5,481,079</b>	<b>4,648,560</b>
<b>Excess of revenue over expenditures</b>	<b>142,400</b>	<b>113,321</b>
Net assets, beginning of year	364,159	250,838
<b>Net assets, end of year</b>	<b>\$ 506,559</b>	<b>\$ 364,159</b>

The accompanying notes are an integral part of these financial statements.

# ABORIGINAL LEGAL SERVICES INC.

## Statement of Cash Flows

For the Year Ended March 31, 2022

	2022	2021
<b>Cash flows from operations:</b>		
Excess of revenues over expenses	\$ 142,400	\$ 113,321
Amortization	9,256	10,185
(Increase) decrease in amounts receivable	(280,626)	80,336
Increase in HST recoverable	(35,681)	(616)
Increase in due from Aboriginal Legal Services - Legal Clinic	(157,946)	(25,017)
(Increase) decrease in prepaid expenses	12,856	(14,652)
Increase (decrease) in accounts payable and accrued liabilities	156,325	(5,972)
Increase (decrease) in deferred revenue	(179,736)	953,086
<b>Total net cash flows from operations</b>	<b>(333,152)</b>	<b>1,110,671</b>
<b>Net cash increase (decrease) during the year</b>	<b>(333,152)</b>	<b>1,110,671</b>
Cash at beginning of year	1,423,097	312,426
<b>Cash at end of year</b>	<b>\$ 1,089,945</b>	<b>\$ 1,423,097</b>

The accompanying notes are an integral part of these financial statements.

# ABORIGINAL LEGAL SERVICES INC.

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (1) About Aboriginal Legal Services Inc.

Aboriginal Legal Services Inc. (the "Organization") is incorporated without share capital under the laws of the Province of Ontario. The Organization was formed to provide court worker services assisting Aboriginal people to deal with the criminal, family and young offender courts in Toronto. It also provides Alternative Justice Programs as an alternative to the court system.

The Organization is a federally registered charity, a registered charity is exempt from income taxes and is able to issue donation receipts for income tax purposes.

### (2) Basis of preparation

The financial statements have been prepared by management in accordance with Canadian accounting standards for not-for-profit organizations.

### (3) Significant accounting policies

#### (a) Capital assets

The costs of capital assets are capitalized upon meeting the criteria for recognition as capital assets; otherwise, costs are expensed as incurred. The cost of a capital asset comprises its purchase price and any directly attributable cost of preparing the asset for its intended use.

Capital assets are presented at cost less accumulated amortization and accumulated impairment losses.

Capital assets are tested for impairment whenever events or changes in circumstances indicate that its carrying amount may not be recoverable. If any potential impairment is identified, then the amount of the impairment is quantified by comparing the carrying value of the capital assets to its fair value. Any impairment of capital assets is charged to operations in the period in which the impairment occurs.

An impairment loss is not reversed if the fair value of the capital assets subsequently increases.

Amortization is provided for using the straight-line method over the estimated useful lives as follows for the major classes of assets:

Computer equipment	3 years
Office equipment	5 years
Leasehold improvements	over the term of the lease

#### (b) Revenue recognition

The Organization follows the deferral method of accounting for contributions. Under the deferral method of accounting for contributions restricted contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

# ABORIGINAL LEGAL SERVICES INC.

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (3) Significant accounting policies

#### (c) Financial instruments and risk management

Financial assets and liabilities are carried at amortized cost, which approximates their fair value and are tested for impairment annually. It is management's opinion that the Organization is not exposed to significant risks relating to financial instruments.

#### (d) Use of estimates

The preparation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates and may have impact on future periods.

### (4) Due from Aboriginal Legal Services - Legal Clinic

Aboriginal Legal Services - Legal Clinic (the "Clinic") is a related Organization under common directorship. The balance due from the Clinic is non-interest bearing and is due on demand.

The Organization shares a number of administrative costs with the Clinic the most significant of which is the occupancy costs of 211 Yonge Street which was \$133,816 for 2022 (2021 - \$127,204). This cost sharing arrangement is recorded at an exchange value which approximates fair value.

### (5) Capital assets

Capital assets consist of the following:

			2022	2021
	Cost	Accumulated Depreciation	Net Book Value	Net Book Value
Computer equipment	\$ 117,312	\$ (114,586)	\$ 2,726	\$ 3,894
Office equipment	73,820	(66,978)	6,842	8,554
Leasehold improvements	63,776	(41,454)	22,322	28,699
<b>Total</b>	<b>\$ 254,908</b>	<b>\$ (223,018)</b>	<b>\$ 31,890</b>	<b>\$ 41,147</b>

Total amortization of capital assets for the year was \$9,256 (2021 - \$10,185).

# ABORIGINAL LEGAL SERVICES INC.

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (6) Deferred revenue

Details of deferred revenue is as follows:

	2022	2021
Ministry of the Attorney General, Dept. of Justice & Legal Aid Ont. - Gladue Court	\$ 411,149	\$ 218,731
Toronto Aboriginal Support Services Council	110,213	652,000
Ministry of the Attorney General - FASD Worker Program	96,477	74,820
Ministry of Diversity and Inclusion and Youth - Alternative Dispute Resolution	79,572	59,472
Legal Aid Ontario - Giiwedin Anang Project	78,710	83,710
Ministry of the Attorney General & Dept. of Justice - Community Council	67,289	17,319
Ministry of the Attorney General - The Road to Your Name	62,971	32,373
Ministry of the Attorney General - Aboriginal Courtwork Program Project	62,210	35,588
The Sonor Foundation	59,767	19,614
Ministry of Children and Youth Services - Indigenous Knowledge Keepers	42,688	22,294
Law Foundation of Ontario - Catalyst	29,252	33,367
Ministry of the Attorney General - Welcome Home Restorative Justice Program	9,365	9,815
The Purpleville Foundation	-	13,922
Ministry of Children and Youth Services - Indigenous Restorative Justice	-	10,214
Ministry of Children and Youth Services - Family Community Council	-	6,160
	<b>\$ 1,109,663</b>	<b>\$ 1,289,399</b>

### (7) Commitments

The Organization's total obligations, under the operating lease for occupied premise at 211 Yonge Street, Toronto, Ontario, exclusive of sales taxes and other occupancy charges, are as follows:

2023	\$ 49,478
2024	49,478
2025	49,478
2026	28,864
<b>Total</b>	<b>\$ 177,298</b>

# ABORIGINAL LEGAL SERVICES INC.

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (8) Financial instruments and risk

The Organization does not face significant credit, currency, interest rate, liquidity or market risk exposure. The fair values of items that meet the definition of financial instruments approximate their carrying values. These items include cash, short term investments, amounts receivable, due from Aboriginal Legal Services - Legal Clinic, HST recoverable, prepaid expenses, and accounts payable and accrued liabilities.

#### Exposure to credit risk

The Organization is exposed to normal credit risk resulting from the possibility that a customer or counterparty to a financial instrument defaults on their financial obligations.

The maximum exposure to credit risk, as represented by the carrying amount of the financial assets, was:

	2022	2021
Cash	\$ 1,089,945	\$ 1,423,097
Short term investments	5,408	5,408
Amounts receivable	300,860	20,234
Due from Aboriginal Legal Services - Legal Clinic	252,293	94,347
HST recoverable	192,268	156,587
<b>Total</b>	<b>\$ 1,840,774</b>	<b>\$ 1,699,673</b>



Edward & Manning <sup>LLP</sup>  
Chartered Professional Accountants

# **Aboriginal Legal Services - Legal Clinic**

## **Financial Statements**

**March 31, 2022**



Edward & Manning <sup>LLP</sup>  
Chartered Professional Accountants

# Aboriginal Legal Services - Legal Clinic

March 31, 2022

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## **Independent Auditors' Report**

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To the Members of  
Aboriginal Legal Services - Legal Clinic

### *Qualified Opinion*

We have audited the accompanying financial statements of Aboriginal Legal Services - Legal Clinic, which comprise the statement of financial position as at March 31, 2022 and the statements of operations and net assets, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of Aboriginal Legal Services - Legal Clinic as at March 31, 2022, and the results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

### *Basis for Opinion*

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Organization in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

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

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing Aboriginal Legal Services - Legal Clinic's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.



## Independent Auditors' Report

### *continued*

Those charged with governance are responsible for overseeing Aboriginal Legal Services - Legal Clinic's financial reporting process.

### *Auditors' Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Aboriginal Legal Services - Legal Clinic's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on Aboriginal Legal Services - Legal Clinic's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause Aboriginal Legal Services - Legal Clinic to cease to continue as a going concern.



Edward & Manning <sup>LLP</sup>  
Chartered Professional Accountants

## Independent Auditors' Report

### *continued*

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*Edward & Manning LLP*

Chartered Professional Accountants  
Licensed Public Accountants

Toronto, Ontario  
November 07, 2022

# Aboriginal Legal Services - Legal Clinic

## Statement of Financial Position

As At March 31, 2022

	Note	2022	2021
<b>Assets</b>			
<b>Current Assets</b>			
Cash		\$ 443,433	\$ 228,387
HST recoverable		25,591	29,186
Prepaid expenses		30,708	30,560
Amounts receivable		52,490	-
<b>Total Current Assets</b>		<b>552,222</b>	<b>288,133</b>
Capital assets	(4)	24,460	32,366
<b>Total Assets</b>		<b>\$ 576,682</b>	<b>\$ 320,499</b>
<b>Liabilities and Net Assets</b>			
<b>Current Liabilities</b>			
Accounts payable and accrued liabilities		\$ 58,170	\$ 63,316
Due to Aboriginal Legal Services Inc.	(5)	252,292	94,347
<b>Total Current Liabilities</b>		<b>310,462</b>	<b>157,663</b>
<b>Net Assets</b>			
Project fund	(6)	133,102	96,556
Capital fund	(7)	24,460	32,366
Legal disbursements fund	(8)	2,802	(310)
General fund		105,856	34,224
<b>Total Fund Balances</b>		<b>266,220</b>	<b>162,836</b>
<b>Total Liabilities and Net Assets</b>		<b>\$ 576,682</b>	<b>\$ 320,499</b>

Approved on Behalf of the Board:



Basima Roshan, Treasurer

The accompanying notes are an integral part of these financial statements.

# Aboriginal Legal Services - Legal Clinic

## Statement of General Fund

For the Year Ended March 31, 2022

	Note	2022	2021
<b>Revenue</b>			
Legal Aid Ontario			
Direct receipts		\$ 952,013	\$ 919,938
Indirect receipts		45,396	36,149
Other income		992	1,130
<b>Total revenue</b>		<b>998,401</b>	<b>957,217</b>
<b>Expenditures</b>			
Salaries and wages		596,515	621,835
Accommodations		133,816	127,204
Employee benefits		97,925	100,349
Indirect payments	(9)	45,396	36,149
Supplies and program costs		16,886	21,335
Memberships, licenses and other fees		12,869	16,637
Telephone and telecommunications		8,614	9,242
Accounting fees		7,355	7,532
Travel		6,743	2,179
Library		650	306
Equipment		-	1,677
<b>Total operating expenses</b>		<b>926,769</b>	<b>944,445</b>
<b>Excess of revenues over expenditures</b>		<b>71,632</b>	<b>12,772</b>
Fund balance, beginning		34,224	21,452
<b>Fund balance, ending</b>		<b>\$ 105,856</b>	<b>\$ 34,224</b>

The accompanying notes are an integral part of these financial statements.

# Aboriginal Legal Services - Legal Clinic

## Statement of Cash Flows

For the Year Ended March 31, 2022

	2022	2021
<b>Cash flows from operations</b>		
Excess of revenues over expenses (all funds)	\$ 103,384	\$ 41,887
Amortization	7,906	7,906
Increase in amounts receivable	(52,490)	-
Decrease in HST recoverable	3,595	2,741
Decrease (increase) in prepaid expenses	(148)	3,814
Increase (decrease) in accounts payable and accrued liabilities	(5,149)	39,662
Increase in due to Aboriginal Legal Services Inc.	157,946	25,016
<b>Total net cash flows from operations</b>	<b>215,044</b>	<b>121,026</b>
<b>Net cash increase during the year</b>	<b>215,044</b>	<b>121,026</b>
<b>Cash at beginning of year</b>	<b>228,387</b>	<b>107,361</b>
<b>Cash at end of year</b>	<b>\$ 443,431</b>	<b>\$ 228,387</b>

The accompanying notes are an integral part of these financial statements.

# Aboriginal Legal Services - Legal Clinic

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (1) About Aboriginal Legal Services - Legal Clinic

Aboriginal Legal Services - Legal Clinic (the "Clinic") is incorporated without share capital under the laws of the Province of Ontario. The Clinic was formed to provide quality legal services to low income individuals of the Aboriginal community in the Greater Toronto Area and is primarily funded by Legal Aid Ontario. The statements pertain to funds received from Legal Aid Ontario and not to other activities unless otherwise noted. The Clinic qualifies as a not-for-profit organization under the Income Tax Act and is exempt from corporate income tax.

### (2) Basis of preparation

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations.

### (3) Significant accounting policies

#### (a) Capital assets

The costs of capital assets are capitalized upon meeting the criteria for recognition as capital assets; otherwise, costs are expensed as incurred. The cost of a capital asset comprises its purchase price and any directly attributable cost of preparing the asset for its intended use.

Capital assets are presented at cost less accumulated amortization and accumulated impairment losses.

Capital assets are tested for impairment whenever events or changes in circumstances indicate that its carrying amount may not be recoverable. If any potential impairment is identified, then the amount of the impairment is quantified by comparing the carrying value of the capital asset to its fair value. Any impairment of capital assets is charged to operations in the period in which the impairment occurs.

An impairment loss is not reversed if the fair value of the capital assets subsequently increases.

Amortization is provided for using the declining balance method over the estimated useful lives as follows for the major classes of assets:

Computer equipment	3 years
Office equipment	5 years
Leasehold improvements	Over the term of the lease

#### (b) Financial instruments and risk management

Financial assets and liabilities are carried at amortized cost, which approximates their fair value and are tested for impairment annually. It is management's opinion that the Clinic is not exposed to significant risk relating to financial instruments.

# Aboriginal Legal Services - Legal Clinic

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (3) Significant accounting policies

#### (c) Use of estimates

The preparation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates and may have impact on future periods.

#### (d) Fund accounting

The Clinic follows the restricted fund method of accounting for contributions whereby all contributions are recognized as revenue when received or receivable. All the funds described below, except as noted, are restricted as to use by various agreements between the Clinic and Legal Aid Ontario ("LAO") and title to the Clinic assets vests with the funder. The Clinic has established the following segregated funds:

- i) General Fund: These funds are used to provide a range of legal and paralegal services, including information, advice and representation, to low-income individuals and families.
- ii) Legal Disbursement Fund: These funds are used to provide for certain direct expenses incurred in representing the Clinic's clients in legal proceedings.
- iii) Capital Fund: This fund holds the capital assets of the Clinic that have been funded by Legal Aid Ontario.
- iv) Project Fund: These funds are received from non-LAO sources and are used to fund expenditures under separate project agreements.

### (4) Capital assets

Capital assets consist of the following:

			2022	2021
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer equipment	\$ 35,920	\$ (34,635)	\$ 1,285	\$ 2,569
Leasehold improvements	66,216	(43,041)	23,175	29,797
Office equipment	36,773	(36,773)	-	-
<b>Total</b>	<b>\$ 138,909</b>	<b>\$ (114,449)</b>	<b>\$ 24,460</b>	<b>\$ 32,366</b>

Total amortization of capital assets for the year was \$7,906 (2021 - \$7,906).

# Aboriginal Legal Services - Legal Clinic

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (5) Due to Aboriginal Legal Services Inc.

Aboriginal Legal Services Inc. is a related Organization under common directorship. The balance due to Aboriginal Legal Services Inc. is non-interest bearing and is due on demand.

The Clinic shares a number of administrative costs with Aboriginal Legal Services Inc., the most significant of which is the occupancy costs of 211 Yonge Street which was \$133,816 (2021 - \$127,204). This cost-sharing arrangement is recorded at an exchange value which approximates fair value.

### (6) Project fund

The Project Fund activity during the year is as follows:

	2022	2021
Project fund, opening balance	\$ 96,556	\$ 58,064
Revenue, Ministry of the Attorney General	209,962	209,963
Revenue, Canadian Mental Health Association	25,350	-
Program expenses	(198,766)	(171,471)
<b>Project fund, closing balance</b>	<b>\$ 133,102</b>	<b>\$ 96,556</b>

### (7) Capital fund

The Capital Fund activity during the year is as follows:

	2022	2021
Capital fund, opening balance	\$ 32,366	\$ 40,272
Amortization	(7,906)	(7,906)
<b>Capital fund, closing balance</b>	<b>\$ 24,460</b>	<b>\$ 32,366</b>

### (8) Legal Disbursements Fund

The Legal Disbursements Fund activity during the year is as follows:

	2022	2021
Legal disbursements fund, opening balance	\$ (310)	\$ 1,161
Revenues, Legal Aid Ontario	4,500	1,067
Legal disbursements	(1,388)	(2,538)
<b>Legal disbursements fund, closing balance</b>	<b>\$ 2,802</b>	<b>\$ (310)</b>

# Aboriginal Legal Services - Legal Clinic

## Notes to the Financial Statements

For the Year Ended March 31, 2022

### (9) Indirect Payments - General Fund

Legal Aid Ontario administers and makes payments on behalf of the Clinic for the following expenditures:

	2022	2021
Supplies and services	\$ 39,917	\$ 28,667
Library expenses	5,398	7,065
Pension and group insurance	81	417
<b>Total</b>	<b>\$ 45,396</b>	<b>\$ 36,149</b>

### (10) Commitments

The Clinic's total obligations, under operating lease for occupied premise at 211 Yonge Street, Toronto, Ontario, exclusive of sales taxes and other occupancy charges, are as follows:

2023	\$ 49,478
2024	49,478
2025	49,478
2026	28,864
<b>Total</b>	<b>\$ 177,298</b>

### (11) Financial instruments and risk

The Clinic does not face significant credit, currency, interest rate, liquidity or market risk exposure. The fair values of items that meet the definition of financial instruments approximate their carrying values. These items include cash, prepaid expenses, accounts payable and accrued liabilities and due to Aboriginal Legal Services Inc.

#### Exposure to credit risk

The Organization is exposed to normal credit risk resulting from the possibility that a customer or counterparty to a financial instrument defaults on their financial obligations.

The maximum exposure to credit risk, as represented by the carrying amount of the financial assets, was:

	2022	2021
Cash	\$ 443,433	\$ 228,387
HST recoverable	25,591	29,186
Amounts receivable	52,490	-
<b>Total</b>	<b>\$ 521,514</b>	<b>\$ 257,573</b>



## **ABORIGINAL LEGAL SERVICES STAFF**

**AS OF December 1<sup>st</sup>, 2022,**

### **ADMINISTRATION**

Loretta Watetch, Receptionist  
Michelle Rice, Finance Officer  
Clarke Delangis, Human Resources Trainee  
Summer Jim, Executive Assistant Trainee  
Nazanin Najafizadeh, Manager, People & Operation

### **LEGAL CLINIC**

Christa Big Canoe, Legal Advocacy Director  
Audrey Huntley, Paralegal  
Brandon Fenton, Victim Rights Caseworker  
Caitlyn Kasper, Senior Staff Lawyer/Courtworker Supervisor  
Hannah Wilson, Victim Rights Assistant  
Keenan Miller, Law Clerk  
Kyle Brooks, Staff Lawyer  
Sumrana M, Taher, Staff Lawyer  
Maxwell Hill, Articling Student  
Quinn Roffey, Victim Rights Advocate  
Sheila Warner, Tenant Rights Paralegal

### **PROGRAMS**

Jonathan Rudin, Program Director

### **FASD**

Charlotte King, FASD Worker

### **COMMUNITY COUNCIL**

Colette McCombs, Manager, Community Council  
Joanna Wemigwans, Youth Addictions/Mental Health Outreach Worker  
Kenika George, Youth CCP Caseworker

Steven Bondy, Youth CCP Caseworker  
Cassandra Fitzgibbon, Community Council Caseworker

## **WELCOME HOME**

Dorothy Peters, Traditional Teacher  
Zhaawani Mack, Welcome Home Assistant Trainee

## **GIIWEDIN ANANG**

Ryan Walsh, Senior Manager, Giiwedin Anang Program  
Epiphany Hunt, Supervisor, Giiwedin Anang Council  
Jacob Washington, Giiwedin Anang Caseworker  
Melissa MacNeil, Giiwedin Anang Civil Facilitator  
Robert Neapetung, Giiwedin Anang Trainee

## **COURTWORKERS**

Cristina Nebenionquit, Courtworker  
Lana Morissette, Courtworker  
Madison Hovey, Courtworker  
Patricia Watetch, Courtworker

## **GLADUE PROGRAM**

Ginny Boissoneau, Gladue Program Assistant  
Kim Whiteduck, Gladue Report Coordinator  
Leanne Moses, Gladue Program Specialist

## **GLADUE CASEWORKERS**

Desiree Duplessis, Senior Manager, Gladue Caseworkers  
Abby Carpenter, Brantford  
Angie Assinewe, Toronto  
Dianne Hamilton, Durham  
Edna Campos, Brantford  
Iris Taylor, Toronto  
Jamie Metallic, Ottawa  
Jonathan Yellowhead, Toronto  
Kathy Priolo, North Bay  
Kristal Nahmabin, Sarnia  
Margret Larochelle, Sault Ste. Marie  
Meghan Skyum, Windsor  
Sharon Archer, Guelph  
Sue MacLennan, Gladue Caseworker, Correctional Liaison  
Theresa Sandy, Barrie

## **GLADUE WRITERS**

Amanda General, Senior Manager, Gladue Writers  
Erica J. Jamieson, Brantford  
Jasmyn Galley, Toronto  
Julie Broomfield, Durham  
Katharine Melanson, Ottawa  
Marie Embury, Sault Ste. Marie  
Melanie Garant, Windsor  
Michael MacDonald, North Bay  
Michel Sands, Sarnia  
Paula Hill, Brantford  
Pamela McNeill, Barrie  
Priscilla Krebs, Toronto  
Shyla Anderson, Guelph

## **ROAD TO YOUR NAME (BRANTFORD)**

Lisa Van Every, Road to your Name Program Coordinator



# President's Report



Back Row, L-R: Paul-Emile McNab (Vice-President), Jessie Stirling (President & Chair), Basima Roshan (Treasurer), Sinead Charbonneau, Cheyenne Latimer, Derek James (Shadow Director), Hugh O'Reilly  
Front Row, L-R: Darian Baskatawang, Karlie Nordstrom (Secretary), Stephen Knight, Leslie Anne St. Amour

Welcome, everyone, to Aboriginal Legal Services' Annual General Meeting!

My name is Jessie Stirling (Wa'ya T'so-la) and I am Kwakwaka'wakw of the Wei Wai Kum First Nation located in Campbell River, BC. I am the President and Chair of the Board of Directors at ALS and, by day, I am associate lawyer at Olthuis Kleer Townshend LLP where I practice children's law. I have served on the Board since 2018 and have held my current role since AGM 2020.

The Board had an incredibly successful year. I am very proud of what we have accomplished over the past year and others deserve to know and celebrate our accomplishments, too!

The Board developed and implemented various mechanisms to strengthen ALS governance, including: a matrix clarifying decision-making authorities within the organization; a Code of Ethics to guide Board Member conduct; and a comprehensive annual process for Director's to evaluate the Board, the Board Chair, and the Board Committees in addition to their own performance. In 2022, the Board also engaged in a very fruitful public recruitment process that resulted in the election of several Shadow Directors to our ranks; created a detailed Nominating Manual to guide future Director recruits; and began work on the redesign of the Board's onboarding and mentorship program.

With support from senior leadership, the Board has had its hands full with several special projects, including: the search for the new Executive Director; the renewal of our partnership with Legal Aid Ontario; a capital campaign for a new home for ALS; and gearing up to begin development of a 5-year strategic plan in the new year.

These accomplishments would not have been possible without the commitment and hard work of my fellow Board Members, all of whom volunteered their time, energy, and skills this year to improve and sustain ALS. I want to take the opportunity to specifically recognize Paul-Emile McNab (Vice President), Basima Roshan (Treasurer), and Karlie Nordstrom (Secretary) for exemplary service in their positions. Quite simply, I do not know what I (or the Board) would do without you. I also praise our newer Board Members, Darian Baskatawang, Cheyenne Latimer, Hugh O'Reilly, Stephen Knight, and Derek James Mastin (Shadow Director), who continue to impress me with their unique gifts and go-getter attitude. Last, but certainly not least, I recognize our longest-standing Board Members who have served this organization for going on 5 years: Sinead Charbonneau and Leslie Anne St. Amour. Fellow Board Members, I lift you up and offer the most sincere and grateful Chi Miigwetch!

I would also like to recognize and thank our funders, without whom our work and the work of ALS would not be possible. A complete list of ALS' funders can be found in your AGM 2022 Report. Chi Miigwetch to you all!

This is my last AGM as President and Chair of the Board. I am stepping down and passing the torch to current Board Vice-President, Paul-Emile McNab, who has already proved himself to be a dynamic and enthusiastic leader. I am proud to have had the opportunity to lead ALS and look forward to its continued success under Paul-Emile's outstanding leadership.

May you and your families have a very merry holiday season and a happy New Year.

A handwritten signature in cursive script that reads "Jessie Stirling". The signature is written in black ink and is positioned above the typed name and title.

Gila'kasla (Thank you),

JESSIE STIRLING

PRESIDENT, BOARD OF DIRECTORS OF ABORIGINAL LEGAL SERVICES

## **2022 AGM Report of the Legal Advocacy Director**

Since my last AGM report, the advocacy team/ clinic staff have been diligently working and carrying heavy caseloads to assist our community in the areas in which we practice. This year we began transitioning back into the office and offering in-person intake rather than just case-by-case meetings with clients. ALS has continued to provide services throughout the pandemic and is currently operating both with in-person and remote services. Intake is available in-person twice a week and three days a week via telephone access. Court and tribunal hearings have been occurring in person and online.

Over the past year, we have had a law clerk, three staff lawyers, two paralegals, three victim rights advocates, three students-at-law (we currently have one student as the other two finished their placements), various Miizwe Biik trainees, and four University of Toronto Law clinic students (2 at any one time) in our Victim Rights Advocacy (“VRA”) team and a Legal Advocacy Director/Lawyer.

As discussed here and below in more detail, new initiatives and opportunities will result in our staff increasing. We will have Emily Hill, Senior Staff Lawyer, rejoining the team in January 2023 following a leave of absence so that she could be counsel on the Nova Scotia Mass Casualty Commission. We look forward to welcoming her back on the team. We will also be able to retain staff lawyer, Kyle Brooks thanks to a generous grant from the Alnoba Lewis Foundation for a one-year contract for a clinic staff lawyer. This funding will enable us to meet our Landlord and Tenant Board and Inquest caseload. ALS has received funding from the government of Canada to implement a capacity building healing project called “Culture to Wellness” that will increase our VRA program by one full-time staff member for the duration of the project grant. Finally, ALS is renewing its partnership with Legal Aid Ontario (LAO) in a way that recognizes ALS as an Indigenous Legal Service Organization and expands our services into criminal law and child protection law. This will see the addition of three more lawyers to our team in the coming year. Announcements and details will be released in the near future. We are thrilled to be expanding our team to address the issues our community faces within the justice system. In the course of a short time, ALS will be increasing its lawyer complement from four lawyers to eight lawyers. For us, that is exciting news!

During the year, in addition to regular caseload, litigation, and Inquest work, a number of staff members have publicly spoken at various events, CPD courses, trainings, University lectures, and public legal education events. We have also participated in training the profession, the bench, and police services and been keynote speakers at conferences, special events, and community engagement. To enumerate each of these

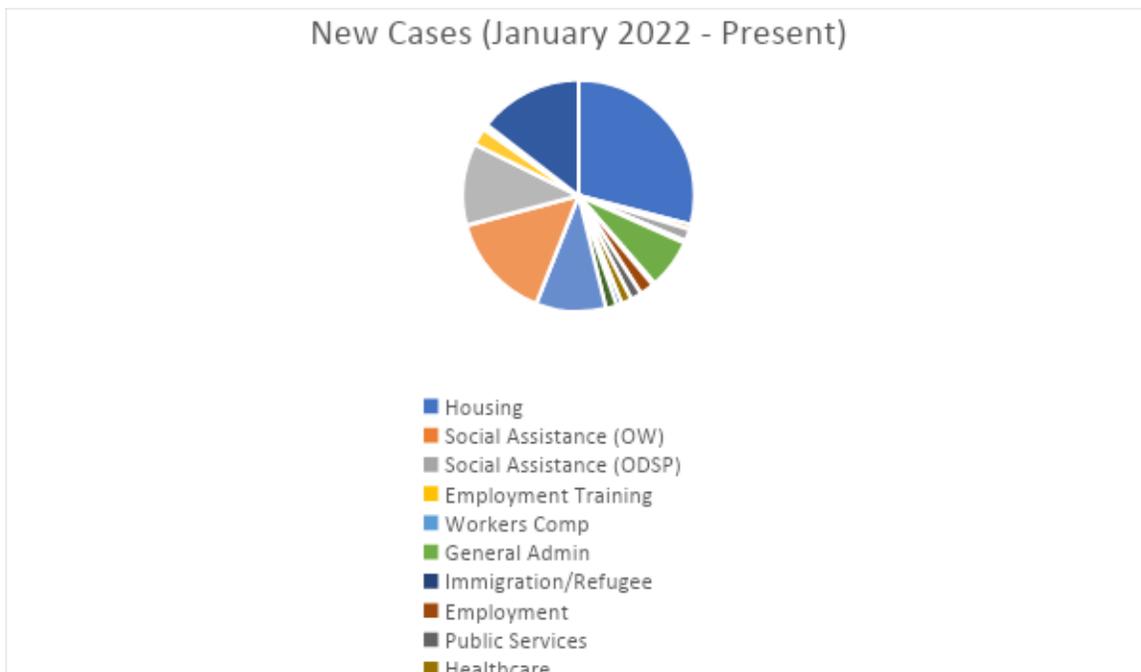
events in this report would be lengthy. Suffice to say, members of the ALS legal team continue to be reliable educators, speakers, and subject matter experts in a number of arenas.

The Advocacy team also took advantage of in-person opportunities to do some team building and wellness this year. Two of the wellness and training sessions included staff making and birthing in ceremony shakers/rattles and hand drums. We are grateful to Grandmother Blu Waters and Elder Pete Keshane for guiding us through the ceremony and teaching us about these parts of our sacred bundles. Having these items contributes to our self-care but also adds to our resources and tools to assist community.



## BY THE NUMBERS

As I have shared in the past, some of the work we do is immeasurable and cannot be caught in statistics. The hours we spend with community members or in the legal process are not always apparent in numbers we report. Having said that, we can share some general information and provide some insight into our caseload and the work we do using our Case Information Management System (CIMS) and management tools. This year, between January 1, 2022 until December 1, 2022 we had **1091 new cases**. A large amount of our caseload was around housing issues and more people are experiencing housing and tenant issues as a result of the pandemic. This past year we had 360 housing related new files. Other noteworthy areas include receiving intake and assistance requests for 185 criminal issues, 142 family law/child protection issues, 121 Indigenous rights issues, 19 human rights complaints/issues; 18 healthcare complaints/issues with service, and over 85 requests for administrative assistance, such as affidavit and commissioning documentation. The following graph depicts our caseload pressures and areas:



Our Victim Rights Advocacy team has also conducted a number of victim service check ins (VSCI) with individuals and families receiving our services. So far in the past year they have made more than 65 VSCI. These are more detailed follow ups with clients that include making referrals to other Indigenous service providers. The team has also

attended court, inquest, police stations and other appointments, for example with VWAP or Crowns, with survivors or violence and harm.

## **PROJECTS AND PROGRAMS**

### **Welcoming Courageous Youth Journeys**

ALS continues to be a member of the steering committee for this Law Foundation Funded project that is aimed at providing legal information and support to Indigenous youth aging out of care. The development of a website and a celebration for transition into adulthood continue. This project has a number of partners and utilizes ALS staff and students as a community partner in the planning.

### **Culture to Wellness: Reimagining Holistic Healing Approaches for Indigenous Women, Girls and 2SLGBTQIA+ People,**

ALS is partnering with international NGO Make Music Matter (MMM) to develop a new culturally-based healing model for Toronto's Indigenous community. The partnership will provide specialized training to the therapeutic and victim services team at ALS, allowing them to widen their multidisciplinary approach.

MMM uses the creative process as a therapeutic tool to help empower marginalized individuals and communities to recover, reintegrate, and reclaim their future with hope and dignity. Its innovative Healing in Harmony music therapy program has been clinically proven to help reduce PTSD, anxiety, and depression. Participants emerge with a renewed sense of agency and self-worth. Their original songs are professionally produced and released globally, serving as advocacy tools to promote human rights and combat stigma. ALS staff and community partners will explore strategies to help trauma survivors take ownership of their healing journey through the creative process, while integrating traditional Indigenous healing methods.

The two-year project is supported by the Government of Canada with funding from the Ministry of Women and Gender equity. ALS appreciates the funding and partnerships this project will create in building our capacity, teaching our staff to deliver healing in harmony to our community.

## **LITIGATION, INQUESTS, AND REFORM DONE OVER THE PAST YEAR:**

In addition to providing poverty law services and representation at administrative tribunals, ALS does appeal litigation, law reform, and inquest work. Below are some of the larger cases and advocacy we did this past year.

### **Delilah Blair Inquest, June 20-June 30, 2022 (Windsor)**

ALS represented Delilah's family in this inquest. Delilah's mother attended from the Northwest Territories, along with her sister, Delilah's aunt. Christa Big Canoe, Sumrana Taher and Kyle Brooks were counsel for the family. One of our Victim Rights Advocates, Quinn Roffey-Antoine, attended the entire Inquest in a court support capacity for the family.. We elicited important evidence, raised issues and made strong and substantial submissions. The jury made 38 recommendations, many of which were the ones ALS representing the family proposed. Examples of these can be found in the recommendations the jury made in relation to Native Inmate or Indigenous Liaison Officer (NILO/ILO) support and resources, use and support of Elders and cultural safe and relevant programming and assistance.

The verdict was received on June 30, 2022 and can be found by scrolling through: <https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations#section-4>

### **R v. King**

In R v King, a decision released on September 26, the Ontario Court of Appeal found that the Gladue principles applied to Corbett applications brought by Indigenous accused persons.

When an accused person testifies at their trial the Crown can introduce evidence of their prior convictions to challenge their credibility. The prior convictions are not supposed to be used to assist the jury in determining whether the person committed the crime. A Corbett application is brought by the lawyer for the accused and it seeks to restrict the questioning by the crown about prior convictions by having the judge determine that some or all of the prior convictions cannot be raised before the jury.

Jonathan Rudin and Sumrana Taher intervened on behalf of ALS in the case and argued that in determining whether or not to allow prior convictions for an Indigenous accused person to be the subject of cross-examination by the crown, the judge had to look at Gladue considerations. This is the first time a court of appeal has reached this conclusion. This case is a significant step in expanding the reach of the Gladue principles to apply to the trial process.

You can find the decision here:

<https://coadecisions.ontariocourts.ca/coa/coa/en/item/20875/index.do>

### **Inquest into the death of Devon Freeman- September 26- October 21, 2022**

ALS has public standing into this Inquest. Christa Big Canoe and Caitlyn Kasper were counsel on behalf of ALS. Devon Freeman was a member of Georgina Island First Nation.

75 recommendations came out of the Inquest and all are important recommendations about Indigenous children in state care. A notable and heartwarming recommendation that the jury made was:

59. That the MCCSS and all institutional parties to this inquest work together in a collaborative manner towards ensuring that First Nations children have a right to return to their home communities when receiving services under the CYFSA. This should be adopted and developed as “Devon’s Principle”.

You can find the Verdict and recommendations by scrolling down at:  
<https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations#section-8>

### **Senate Submissions – October 5, 2022**

On October 5th, Jonathan Rudin, Program Director, appeared before the Senate’s Legal and Constitutional Affairs Committee to provide ALS’ perspective on the Bill C-5. This bill aims to eliminate some mandatory minimum sentences and to allow greater access to conditional sentences, is now before the Senate for consideration. The transcript of the appearance can be found at  
<https://sencanada.ca/en/Content/Sen/Committee/441/LCJC/55709-E>

### **Inquest into the death of Don Mamakwa and Roland McKay- October 11- November 4, 2022**

The coroner’s inquest examining the deaths of Don Mamakwa and Roland McKay who both died while in the custody of the Thunder Bay Police Service, was held in-person in Thunder Bay, Ontario. Christa Big Canoe and Sumrana Taher were counsel on behalf of ALS who had public interest standing. Mr. Mamakwa, 44, of Kasabonika First Nation died on August 3, 2014 and Roland McKay, 50, of Kitchenuhmaykoosib Inninuwug First Nation, died on July 19, 2017. Both men were initially assessed by paramedics; substance use was suspected; they were then arrested and were later found “vital signs absent” in their jail cell at Thunder Bay Police Service.

ALS highlighted and challenged the systemic anti-Indigenous racism at Thunder Bay Police Service (TBPS). ALS also highlighted how stereotyping, unconscious bias and structural racism played a part in the failure to provide the necessary services to these Indigenous men and many others like them. The Mamakwa McKay Inquest was broadcasted on live-stream. It was difficult to watch as a video footage from inside the

TBPS was played, which depicted TBPS officers dragging an Indigenous man into a jail cell - a video that was vehemently contested by TBPS but family counsel and ALS represented by Emily Hill and Douglas Varrette, successfully advocated for its inclusion at the Inquest back in 2020. The Jury's verdict penned 35 recommendations, including those that ALS had advocated for. Family counsel and the members of Don Mamakwa's and Roland McKay's family personally expressed their gratitude for ALS' support and advocacy on behalf of the Indigenous community.

The Verdict and recommendations are not yet posted on the Coroner's website but should be soon available at:

<https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations>

### **R v Sharma-Supreme Court Decision- November 4, 2022**

On March 23, 2022 the Supreme Court of Canada heard the Crown's appeal in this case. Jonathan Rudin was counsel on behalf of ALS's intervention. The case was a constitutional challenge to restrictions on access to conditional sentences by Indigenous offenders. On November 4, 2022 the Court ruled 5 – 4 against the arguments brought by Ms. Sharma, ALS and 17 other interveners. ALS has been involved with R v Sharma since it started at the Ontario Superior Court in 2016. The loss at the Court makes it even more important for Parliament to pass Bill C-5, which will undo some of the restrictions on access to conditional sentences and remove some mandatory minimum sentences.

You can read ALS' factum in the case at

[https://www.aboriginallegal.ca/uploads/1/4/1/7/141757576/39346\\_intervenors\\_factum\\_als.pdf](https://www.aboriginallegal.ca/uploads/1/4/1/7/141757576/39346_intervenors_factum_als.pdf)

The decision can be found at:

<https://www.canlii.org/en/ca/scc/doc/2022/2022scc39/2022scc39.html>

### **Inquest into the death of Murry James Davis- November 21-30, 2022**

ALS had public standing in this Inquest. Christa Big Canoe, Sumrana Taher and Kyle Brooks were counsel on behalf of ALS. The inquest was held online and just completed. Sumrana Taher made strong and passionate closing submissions addressing the deplorable conditions that Indigenous people in custody face at the Elgin Middlesex Detention Centre (EMDC). The jury made 57 recommendations.

To find out more information on the Inquest:

<https://london.ctvnews.ca/inquest-into-emdc-death-underway-after-delays-1.6162921>

Although the verdict and recommendations are not release yet it is anticipated that they will be at:

<https://www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations>



## ALS IN THE MEDIA

Here are a few highlights from the past year:

**Aboriginal Legal Services has been involved in the First Nations Youth Inquest, aka Seven Fallen Feathers, for many, many years.** We were involved before the inquest was called. Christa Big Canoe and Jonathan Rudin represented six of the seven families at the inquest itself. Since the inquest, Caitlyn Kasper and Jonathan Rudin have been providing yearly [report cards on progress on the inquest recommendations](#).

**Over the last few years, Caitlyn and Jonathan have also been working with three of the families on the reinvestigation of their loved ones' deaths through Project Broken Trust.**

<https://www.cbc.ca/news/canada/thunder-bay/tbay-broken-trust-reinvestigations-final-report-1.6351408>

**Hearing underway for Thunder Bay, Ont., police accused in flawed investigation of First Nations man's death, May 30, 2022**

<https://www.cbc.ca/news/canada/thunder-bay/debungee-disciplinary-hearings-tbay-1.6469294>

**Blair Inquest:**

<https://www.cbc.ca/news/canada/windsor/delilah-blair-inquest-selina-mcintyre-speaks-1.6499675>

<https://windsor.ctvnews.ca/mother-of-delilah-blair-back-home-in-n-w-t-following-inquest-into-daughter-s-death-at-windsor-jail-1.5973940>

**Devon Freeman Inquest:**

<https://www.thespec.com/news/hamilton-region/2022/10/21/devon-freeman-death-inquest-verdict.html>

<https://toronto.ctvnews.ca/establish-right-to-return-for-first-nations-youth-in-care-inquest-jury-recommends-1.6119747#:~:text=No%20safety%20concerns%20were%20listed,from%20Freeman's%20life%20and%20death.>

**Christa Big Canoe, Scotiabank's 2022 Ethical Leadership Award recipient, tackles injustice through storytelling**, November 3, 2022

<https://www.dal.ca/news/2022/11/03/christa-big-canoe--scotiabank-s-2022-ethical-leadership-award-re.html>

**Supreme Court upholds Harper-era limits on conditional sentences in narrow split decision** , November 4, 2022

<https://www.thestar.com/news/canada/2022/11/04/supreme-court-upholds-harper-era-limits-on-conditional-sentences-in-narrow-split-decision.html?rf>

**Mamakwa and McKay Inquest:**

<https://www.tbnewswatch.com/local-news/mamakwa-mckay-inquest-jury-hands-down-35-recommendations-6059978>

**Murray Davis Inquest:**

<https://lfpres.com/news/local-news/no-use-for-inmates-former-jail-guard-gives-inquest-insight-into-culture>

## RADIO AND PODCASTS

Listen to Jonathan Rudin commentary in the **CBC program Ideas** broadcast Crime, Punishment, and Alternative Forms of Justice

<https://www.cbc.ca/radio/ideas/how-ontario-s-new-justice-centres-are-rethinking-criminal-justice-1.6503979>

In November 2022 CBC columnist Kyle Muzyka's six-part radio series on the Mass incarceration of Indigenous people of Canada aired. Each is only 5-6 minutes long and includes various advocates, experts and former inmates. Christa Big Canoe was one of the advocates interviewed in this series.

First in series:

[32 per cent of federal inmates are Indigenous. How did we get here? | Columnists from CBC Radio | Live Radio | CBC Listen.](#)

Second in series

<https://www.cbc.ca/listen/live-radio/1-90-columnists-from-cbc-radio/clip/15947675-how-gladue-reports-impact-indigenous-offenders-better>

Third in series:

<https://www.cbc.ca/listen/live-radio/1-90-columnists-from-cbc-radio/clip/15947946-the-story-eddie-snowshoe>

Fourth in series: <https://www.cbc.ca/listen/live-radio/1-90-columnists-from-cbc-radio/clip/15948210-whats-incarcerated-indigenous-person-canada>

Fifth in series:

[Why it's so hard to break the cycle of incarceration | Columnists from CBC Radio | Live Radio | CBC Listen](#)

Sixth in series:

<https://www.cbc.ca/listen/live-radio/1-90-columnists-from-cbc-radio/clip/15948636-mass-incarceration-indigenous-people-canada-huge-problem.-how>

## Concluding Remarks

Each year I comment on how much of an honour it is to work in my community with the amazing and dedicated staff of ALS. This year is no different. I also want to express my gratitude to our funders, partners, allies, and members of the community that remind me how beautiful it is to be Indigenous and to work with people who continue to seek change and justice.

I am fortunate to be able to lead such a strong team of people and to meet many along the way that demonstrate resilience, passion, hard work, and cultural beauty, and who strive to find safe spaces for those we serve. Some of the most important lessons that I received this year came from those we serve and ALS staff.

G'chi Miigwech, baamiipii  
Christa Big Canoe, Legal Advocacy Director



## **Report of the Program Director**

February 2, 2022, was Groundhog Day. On that day, in certain cities across the country, a groundhog sticks out their head and based on whether or not they see their shadow, we have a better idea of how long winter will last. Pretty much all of 2022 has felt like Groundhog Day, but instead of thinking about six more weeks of winter we deal daily with the changing situation around the pandemic.

Starting in the spring things have begun to open up - courts are cautiously moving to in-person hearings. Similarly, we are also holding more in-person gatherings for our programs, our clients and our staff. We are taking steps to do this as safely as we can but it does feel good to actually see people face to face, even if those faces are still masked.

It has been a busy year at ALS, as it always is, and our AGM gives us a chance to reflect on what we have accomplished and also to look forward to what we might anticipate in the future.

## **Aboriginal Courtworker Program**

Slowly, ever so slowly, the Toronto courts are opening up. Recently the Gladue Courts at College Park and Old City Hall have reopened – although the Old City Hall Court sits only one day a week – down from the pre-pandemic two days a week. Bail hearings at these courts still are often done by way of video appearance from the Toronto South Detention Centre and that remains very problematic for a number of reasons.

At the same time as courts across the city open up, planning for the opening of the New Toronto Courthouse (NTC) and the Toronto Regional Bail Centre (TRBC) is moving into high gear. It is anticipated that between March to June 2023 (approximately) all the Toronto criminal courts – adult and youth - will gradually move to the NTC and TRBC. We'll see.

There will be two purpose built Gladue Courts at the NTC for adults and a conference room for youth. It is still not clear how often the Courts will sit and how cases will be assigned to those courts, we hope these important details will be confirmed soon. ALS will have a large office at the NTC for our staff there. We will also have an office at the TRBC to assist Indigenous people attending there for bail hearings.

We are updating our electronic information management system for the program to allow for the fact that going forward there will often be a number of staff working with a particular client and we want to ensure that this process is as seamless as possible. We will have the new program up and running before the moves to the new locations take place.

### **Community Council Program**

As the courts move to more in-person appearances we are receiving more referrals to the Community Council program. While the number of diversions is not up to our pre-pandemic levels we are getting there. We are now regularly holding Council hearings at our office at 211 Yonge St.

In my last AGM report I spoke about the additional funding we received from the Toronto Aboriginal Support Services Council (TASSC), provided by the federal government, to assist people with COVID relief. Access to that funding was extended to September 30 of this year and TASSC was also able to secure more funding from the City of Toronto for COVID relief to the end of this year. As with last year, Community Council staff (and other staff at ALS) have used this funding to help people with food cards, rent and to purchase items that they need to get back or stay on their feet.

The Council is also now regularly holding ceremonies on the land for clients to help them make Indigenous culture a vital and central part of their healing. We know, as many reports have shown, that bringing people back to Indigenous culture is one of the best ways to address inappropriate coping behaviours. But access to ceremonies can't just be

occasional one-offs that happen every year or two. The Council is also increasing the number and frequency of our group programming. Group work allows our clients to know that they are not alone and sharing experiences can strengthen people's resolve and connection to the community.

### **FASD Worker Program**

One of our real concerns during the pandemic was that our most vulnerable clients, those without a lot of access to technology would lose touch with us. We were particularly concerned with the clients of our FASD program. Fortunately, due to the dedication and commitment of our staff person, we have maintained contact with most of our FASD clients. Now that the office is opened again for programming we hope to have regular group programming starting up again in early 2023. This programming was quite popular pre-pandemic.

The ability to diagnose clients remotely through our relationship with Surrey Place was a huge asset during a time with face to face meetings were hard to arrange. We continue to provide this option for clients across the province.

### **Giiwedin Anang**

This year we have worked to consolidate the growth of the Giiwedin Anang program detailed in last year's report. In addition to expanding the program to Peel, thanks to funding from the federal Department of Justice, we now have a distinct program to assist Indigenous families resolving disputes outside of the child welfare context. This is two-year pilot program and the referrals we are already receiving for this work speak to the need to make it a permanent part of our programming.

One of the reasons we have been able to continue to develop Giiwedin Anang is that we now receive funding from the United Way of Greater Toronto. This funding specifically covers the cost of the Manager of Giiwedin Anang program and allows that person to

concentrate on maintaining and developing the program along with the staff who can focus exclusively on direct service.

Our Dreams From Growing Children Healthy Relationships program is now back to being fully in-person again. The program runs three cycles a year and is in great demand.

We continue to hold weekly memorials for children who were lost during the residential school period. Sacred fires are held every Wednesday at the St. Mathias Church on Bellwoods where Giiwedín Anang is offering most of its programming in Toronto.

### **Gladue Program**

We continue to receive many requests for Gladue Reports and Gladue Letters. The importance of these reports and letters are often explicitly recognized by judges who specifically cite the work of the Gladue staff in explaining how they arrive at the sentences they pass.

In some cases, the Reports and Letters we write lead to non-custodial sentences for Indigenous people where, before reading the report or letter, an actual jail sentence seemed inevitable. These cases are ones that we often celebrate because it is clear that the impact of our work has made a profound impact on the court. An example of such a case this year is *R v T.J.*, where an Indigenous woman in southwestern Ontario received a conditional sentence in a case of manslaughter in circumstances that were very similar to that of the initial *Gladue* case itself (and in that case Jamie Tanis Gladue had a three year sentence imposed).

But not all our Reports and Letters can lead to such results. In many cases jail is inevitable because the offences committed - serious sexual assault or second degree murder for example - leave the court with no option other than jail. Even in those cases however, the work of our Gladue staff help inform the sentences that are passed and also

can help the Indigenous accused person better understand some of the underlying issues in their lives.

These more difficult cases can be challenging for our staff because they can involve horrific facts. The support provided to staff by their managers and by their colleagues is very important in helping everyone process their feelings and continue on with the work with the enthusiasm and commitment that is required. The ability to get the Gladue team together again to meet in person – as we did last week – is very helpful in this regard.

### **Indigenous Knowledge Helper Program**

In my last AGM Report I said that I hoped the Indigenous Persons Courts (IPC) in Brantford and Niagara would open up in early 2022. That proved to be overly optimistic. Reflecting the fact that each Court faces its own issues and resolves them their own ways, the Niagara IPC opened much earlier than the Brantford IPC which is still moving to full operations. Indigenous Knowledge Helpers, who attend the sittings of the IPC are there when the Courts are in session. Recruitment of new Knowledge Helpers will be a priority going forward as some of the current Helpers have become busier with other work.

### **The Road to Your Name**

The Road to Your Name or Yoha:Te:Ne:Kahsen:Na has now completed four seasons of their wonderful podcast. I'm a big fan. The podcasts have reached people around the world, not just on Turtle Island. The episodes are varied and fascinating and often feature aspects of Haudenosaunee culture and teachings. Lisa VanEvery has become a great podcast host. You can find the show on your favourite podcast app.

In addition to being the host of the podcast, Lisa also coordinates the in-person aspects of the Road to Your Name program and after holding a number of special one-time events over the spring and summer, is now back to offering a full in-person cycle of events. The

first post-pandemic cycle opened up this fall and was fully booked with participants very quickly. Another cycle of the program will begin in early 2023.

### **Welcome Home Program**

Dorothy Peters, our Traditional Teacher, is an integral part of all the work at ALS. As the person responsible for the Welcome Home program she spends a great deal of time meeting with clients at our Bellwoods location and over the phone, as well as providing teachings and ceremonies for us and for other organizations that request her assistance.

Dorothy also assists with sentencing circles. The impact of these circles, particularly when a Gladue Report or Letter is written can be quite significant. The case of *R v Anishnabie* (<https://canlii.ca/t/jqf7c>) provides a great example of how our programs work together. Mr. Anishnabie was arrested in Toronto and charged with trafficking fentanyl and cocaine. He was released on bail and went to live at his First Nation near North Bay. While he was at home he attended and completed a residential treatment program. He also had a Gladue Report written and worked with one of our Gladue Caseworkers.

A sentencing circle was held in the tipi at Bellwoods. Dorothy led the circle and our Caseworker attended from North Bay as did other supports. The Crown sought a four year penitentiary sentence and defence asked for a conditional sentence. Given Mr. Anishnabie's circumstances as revealed in the Gladue Report but also all the progress he had made in this life following his arrest, the judge agreed with the defence and he received a conditional sentence meaning he did not have to spend any time in jail.

### **Youth Mental Health and Addictions Worker**

Our Youth Mental Health and Addictions Worker continues to be a great support to her clients. Working closely with the Community Council staff and other staff and resources at ALS (and elsewhere) she is able to assist people develop healthy options and practices

in their lives. She also connects people with Indigenous cultural teachings and ceremonies that are also key to responding to the root causes of addictions.

## **Funders**

We are, as always, very grateful for the funding we receive to operate our programs from our funders:

The Indigenous Justice Division of the Ontario Ministry of the Attorney General;

The Ontario Ministry of Children, Community and Social Services;

Ontario Ministry of Health and Long Term Care;

Legal Aid Ontario;

The Government of Canada – Department of Justice;

The Law Foundation of Ontario;

Delta Bingo;

Miziwe Biik Aboriginal Employment and Training;

Toronto Aboriginal Support Services Council;

The United Way of Greater Toronto; and

Private Donors.

## **Last Words**

This is my last AGM Report as Program Director at ALS. In January I will be moving to a new role – Special Projects Director. I won't be leaving ALS but I will no longer be involved in much of the day to day operations of the agency. There are a number of special projects that will occupy my time, but hopefully, not as much time as being the Program Director necessitated as I have some other activities I would like to pursue.

It has been an honour and a privilege to work so closely with all of the programs at ALS. I have been very lucky to have been able to engage in this work since 1990. I know that

the incredible work by the staff will continue and I look forward to hearing about the successes and innovations to come.

To all the Board members, staff, volunteers and clients I have worked with over the years, chi miigwetch and nia:wen. I have learned so much from all of you.

A handwritten signature in black ink, appearing to read 'J. Rudin', enclosed in a thin black rectangular border.

**Jonathan Rudin**

**Program Director**

**November 28, 2022**

**ABORIGINAL LEGAL SERVICES  
ANNUAL GENERAL MEETING 2022  
REPORT OF THE GOVERNANCE, POLICY, AND NOMINATING COMMITTEE**

**Date:** December 8, 2022

The Governance, Policy, and Nominating Committee (the “**Committee**”) has had a busy year working on various initiatives for the Board of Directors (the “**Board**”), including:

- Clarifying the delegation of authority between the Board and senior management;
- Engaging in a public recruitment process resulting in Karlie Nordstrom, Cheyenne Latimer, Stephen Knight, Hugh O’Reilly, and Derek James Mastin joining the Board;
- Creating a Nominating Manual to guide future Director recruits;
- Creating a Code of Ethics;
- Developing a comprehensive survey to inform the Board’s redesign of its onboarding and mentorship program; and
- Implementing a revised annual performance evaluation for Directors.

The Committee is also responsible for reporting on the composition of the Board, making nominations, and submitting a resolution respecting the election of Directors for consideration at the Annual General Meeting.

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**REPORT ON BOARD COMPOSITION**

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The Board’s current composition is as follows:

	<b>Name</b>	<b>Notes</b>	<b>Term Expires</b>
1.	Jessie Stirling		AGM 2022
2.	Paul-Emile McNab		AGM 2022
3.	Basima Roshan		AGM 2022
4.	Sinéad Charbonneau		AGM 2023
5.	Leslie Anne St. Amour		AMG 2023
6.	Darian Baskatawang		AGM 2023
7.	Karlie Nordstrom		AGM 2023
8.	Cheyenne Latimer		AGM 2023
9.	Hugh O’Reilly		AGM 2023
10.	Stephen Knight		AGM 2023
11.	Derek James Mastin	Shadow Director	09/28/2023

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**NOMINATIONS**

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Per the ALS Bylaws, Directors are elected to a term expiring at the second Annual General Meeting after their election or appointment. At AGM 2022, three Directors’ terms expire. The Committee nominates those three individuals for re-election to the Board for a term to end at AGM 2024:

- Paul-Emile McNab as Director
- Basima Roshan as Director

- Jessie Stirling as Shadow Director

Jessie Stirling’s transition to a Shadow Director position creates a vacancy on the Board. The Committee will undertake recruitment efforts in the new-year to fill the vacancy.

If the nominees are elected, the proposed Board composition will be as follows:

	<b>Name</b>	<b>Notes</b>	<b>Term Expires</b>
1.	Jessie Stirling	Shadow Director	AGM 2024
2.	Paul-Emile McNab		AGM 2024
3.	Basima Roshan		AGM 2024
4.	Sinéad Charbonneau		AGM 2023
5.	Leslie Anne St. Amour		AGM 2023
6.	Darian Baskatawang		AGM 2023
7.	Karlie Nordstrom		AGM 2023
8.	Hugh O’Reilly		AGM 2023
9.	Cheyenne Latimer		AGM 2023
10.	Stephen Knight		AGM 2023
11.	Derek James Mastin	Shadow Director	09/28/2023

The *Aboriginal Legal Services Bylaws* mandates that:

- A majority of Directors at any given time shall be Indigenous-identifying persons; and
- A minimum of two (2) Directors at any given time shall be licensed to practice law.

The Committee is satisfied that these requirements will be fulfilled by the proposed Board composition outlined above.

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**RESOLUTION**

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Therefore, the Committee submits the following motion to the AGM:

**MOTION:** To elect Paul-Emile McNab and Basima Roshan to the Board of Directors as Directors, and to elect Jessie Stirling to the Board of Directors as a Shadow Director.

If you have any questions regarding this report or its contents please contact Karlie Nordstrom, Secretary at [karlie.nordstrom@aboriginallegal.ca](mailto:karlie.nordstrom@aboriginallegal.ca).

# Special Thanks!

Thank you to our many funders and partners. Your financial contributions, collective knowledge and experience, and shared dedication to our cause help us in the journey toward a vibrant society that supports Indigenous peoples' success and prosperity.

The Indigenous Justice Division of the Ontario Ministry of the Attorney General

The Ontario Arts Council

The Ontario Ministry of Children, Community and Social Services

Ontario Ministry of Health and Long-Term Care

Legal Aid Ontario

The Government of Canada-Department of Justice and the Anti-Racism Action Program

The Government of Canada-(WAGE) Minister for Women and Gender Equality and Youth

The Law Foundation of Ontario

United Way of Greater Toronto

The Alnoba Lewis Foundation

Make Music Matter

Delta Bingo

Miziwe Biik Aboriginal Employment and Training

The Toronto Foundation

Toronto Aboriginal Support Services Council

Private Donors