

Attachment 1: Risk, Mitigation and Accountability Conditions

The following conditions will form amendments to Schedule 1, the 519 Church Street Community Centre, City of Toronto Relationship Framework with the Boards of Management of Community Centres. The following conditions outline the restrictions on The 519's provision of limited, scoped and direct legal services to eligible members of the public.

1. Conflict of Interest Policy

- a. The 519 shall ensure compliance with all applicable conflict of interest legislation, and City of Toronto bylaws and policies. No legal services will be provided where a real or perceived conflict of interest exists, including instances where the subject matter involves the City of Toronto, its Agencies and Corporations.
- b. For greater clarity, a conflict of Interest with the City of Toronto, its Agencies and Corporations shall be deemed to exist where the City of Toronto, or its Agencies and Corporations may be a party to a proceeding or otherwise involved or have an interest in the matter.
- c. Conflict Checks:
 - i. The 519 will ensure that real or perceived conflicts of interest are avoided by the implementation of appropriate conflicts checks and limitations in the retainer agreements with clients.
 - ii. The 519's lawyers are bound by Rules of Professional Conduct – 3.4-1 – under 'Relationship to Clients' that outlines clear rules regarding the duty to avoid conflicts of interest that would place The 519 lawyers in direct conflict of interest position against the City of Toronto or its Agencies and Corporations and therefore must be avoided.
- d. Client Selection: As part of the Client selection process, the lawyer shall conduct an individualized conflict check to ensure that any client and or legal matter does not violate the conflict of interest provision outlined in these conditions. This carries forward throughout the time legal services are provided, on an individualized basis.
- e. Disclaimer: The retainer agreement must include language confirming that the lawyer acting on behalf of the client is not representing the City of Toronto, The 519 and their agents, employees, officers and members of Council.
- f. Exclusion of City Employees:

- i. The 519 will not accept any client who is a current or prospective employee of the City of Toronto, its Agencies and Corporations.
- ii. The 519 will not accept any client who is a former employee of the City of Toronto, its Agencies and Corporations in relation to any matters arising out of their employment with the City of Toronto, its Agencies and Corporations.

2. Risk Mitigation Measures

- a. Indemnification: Prior to commencing any legal services (after no conflict of interest is established) all retainer agreements must include provisions to indemnify The City of Toronto, The 519 and their agents, employees, officers and members of Council for any claims, losses or damages caused by the provision of legal services to the client.
- b. Oversight of Direct Legal Services:
 - i. Legal service professionals are required to be licenced with the Law Society of Ontario and are bound by the practice guidelines of professional standards under the Law Society of Ontario's Rules of Professional Conduct. It is a requirement that employees undertaking this work comply with these professional standards at all times while undertaking their duties.
 - ii. The 519 Director of Legal Initiatives will supervise the day-to-day work of the legal professionals and reports directly to the Executive Director/Agency Head, who shall report annually or as required to the 519 Board of Management.
 - iii. The 519 Board of Management must ensure formal delegations to the Executive Director/Agency Head are in place for all matters related to the operations of The 519, as required under Chapter 192, Public Service, of the Toronto Municipal Code.
 - iv. The Executive Director is required to provide compliance reports to the Board of Management annually, or more as required, to demonstrate compliance with Council / Board of Management outlined under the Relationship Framework. The annual compliance report shall include a summary of open and closed files in the calendar year, identified risks associated with the clinic's practice that year, and a declaration of compliance with Law Society and City of Toronto requirements. All employee performance matters are managed in accordance with the City of Toronto Human Resources policies as outlined in the City of Toronto Relationship Framework for Boards of

Management of the AOCCs, and appropriate engagement for advice from City Legal and People and Equity as required.

- v. To ensure centralized accountability, the highest quality of oversight, integration and risk mitigation, the legal service providers may be employees at The 519, with a requirement to mitigate risk through effective centralized oversight and accountability within the organization and compliance with the restrictions in this article.

c. Indemnification and Insurance Measures:

- i. Lawyer's Professional Indemnity Company (LawPro) insurance shall ensure that employees carrying out the program's legal advice and limited representation are fully covered as practicing legal professionals under LawPro's liability insurance coverage. This insurance coverage is paid for by The 519 and not the City of Toronto.
- ii. Any retainer between The 519 and its eligible clients who receive legal services shall include a waiver or release of liability, which would prevent the client from bringing a legal action or claim against The 519 and/or City, to the extent permitted by law.
- iii. The 519 should engage Legal Services for review of generic retainer agreement language to ensure that it meets the appropriate standards for indemnification and release of liability to prevent legal action against The 519 and/or City.

d. Solicitor-Client Privilege:

- i. Client-Solicitor Privilege: All legal services will operate in accordance with the Municipal Freedom of Information and Protection of Privacy Act requirements and other applicable privacy and record keeping requirements, and all Law Society of Ontario requirements for lawyers practicing in Ontario including the Rules of Professional Conduct and Law Society Act related to confidentiality and solicitor-client privilege.

3. Scope and Eligibility of Service/Program

a. The conditions of scope are:

- i. No conflicts of interest exist.

- ii. Licenced and insured legal professional staff within The 519's Access to Justice Department provide summary legal advice and limited retainer legal services, excluding civil litigation.
- iii. Legal advice and limited retainer services are only provided in areas of law where legal professionals have capacity, competence and non-City funded resources available.
- iv. No civil litigation advice or limited representation for civil litigation; and
- v. Limited representation is provided.
- vi. No legal advice shall be provided to The 519, its Board or its employees or agents.

b. Conditions of eligibility:

- i. Client identifies as 2SLGBTQIA+.
- ii. Client's issue is related to a matter based in Ontario.
- iii. Prioritizes clients experiencing intersecting disadvantage — such as poverty, family law, gender-based violence, systemic discrimination and precarious immigration status — the model advances equitable access to timely, appropriate, legal support aligned with City priorities related to advancing inclusion, reducing harm, and improving outcomes for vulnerable populations.
- iv. No other legal services are attainable (e.g. legal aid, private bar, pro bono).
- v. Client has an annual income less than \$50,000, except in instances where the client is a survivor of Gender Based Violence who can demonstrate that they do not have access to their financial assets.
- vi. Client is not a current or prospective employee of the City of Toronto, or its Agencies and Corporations.
- vii. Client is not a former employee of the City of Toronto, its Agencies and Corporations in relation to any matters arising out of their employment with the City of Toronto, its Agencies and Corporations.

4. Mitigation of Financial Impact on City of Toronto Core Administrative Funding of The 519

- a. The administration and delivery of the direct legal services shall be conducted to avoid any financial risk to City of Toronto. As this is a program of The 519, the operating and program costs will be covered by The 519 through other funding sources. The 519 shall raise all program related funds through grants, donations and fundraising. There will be no impact on core administrative funding investments provided by the City of Toronto.