

Financial statements of

The Law Foundation of Ontario

December 31, 2015

The Law Foundation of Ontario

December 31, 2015

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Independent Auditor's Report

To The Trustees of
The Law Foundation of Ontario

We have audited the accompanying financial statements of The Law Foundation of Ontario, which comprise the statement of financial position as at December 31, 2015, the statements of revenue, expenses and grants, changes in fund balances, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these 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.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risk of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of The Law Foundation of Ontario as at December 31, 2015, and the results of its operations and its cash flows for the year then ended, in accordance with Canadian accounting standards for not-for-profit organizations.

Deloitte LLP

Chartered Professional Accountants
Licensed Public Accountants
April 25, 2016

The Law Foundation of Ontario

Statement of financial position as at December 31, 2015

	2015	2014
	\$	\$
Assets		
Current assets		
Cash	774,813	2,110,288
Externally restricted cash and investments for Class Proceedings Fund (Note 3)	18,267,779	19,028,268
Short-term investments (Note 5)	20,269,080	21,717,416
Prepaid expenses	33,804	27,226
Other receivables	1,814,901	2,414,948
Interest receivable	1,075,237	820,077
	42,235,614	46,118,223
Long-term investments (Note 5)	23,675,280	19,190,683
Externally restricted cash and investments for Roy & Ria McMurtry Endowment Fund (Note 4)	110,075	116,962
Capital assets (Note 6)	86,893	150,639
	66,107,862	65,576,507
Liabilities		
Current liabilities		
Accounts payable and accrued liabilities (Note 15)	429,059	195,618
Due to Legal Aid Ontario (Note 7)	105,347	365,835
Grants payable (Note 8)	11,846,047	11,076,534
	12,380,453	11,637,987
Long-term grants payable (Note 8)	849,974	749,979
	13,230,427	12,387,966
Fund balances		
Internally restricted		
Grant Stabilization Fund (Note 9)	15,000,000	15,000,000
Access to Justice Fund (Note 10)	11,266,456	9,712,946
Rejuvenation Fund (Note 11)	238,303	212,351
	26,504,759	24,925,297
Externally restricted		
Class Proceedings Fund (Note 12)	16,750,105	19,313,255
Roy and Ria McMurtry Endowment Fund (Note 13)	93,940	105,827
	16,844,045	19,419,082
Unrestricted - General Fund	9,528,631	8,844,162
	52,877,435	53,188,541
	66,107,862	65,576,507

Approved by the Board

_____ Director

_____ Director

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Statement of revenue, expenses and grants year ended December 31, 2015

	Internally Restricted Funds			Externally Restricted Funds		Total
	Unrestricted General	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$
Revenue						
Interest on lawyers' mixed trust accounts, net of service charges of \$765,000 (Notes 7 and 14)	35,445,282	-	-	-	-	35,445,282
Other investment income	752,115	188,959	-	339,932	3,736	1,284,742
Other Income	25	1,905,567	-	-	-	1,905,592
Levy on awards (Note 12)	-	-	-	1,114,211	-	1,114,211
	36,197,422	2,094,526	-	1,454,143	3,736	39,749,827
Expenses						
Salaries and benefits	1,095,858	111,087	-	177,570	-	1,384,515
Rent and occupancy	215,451	-	-	10,839	-	226,290
Other administrative	127,167	1,115	-	24,786	-	153,068
Professional fees	214,818	678	-	147,322	-	362,818
Printing and office supplies	115,176	134	-	415	-	115,725
Cost awards (Note 12)	-	-	-	676,520	-	676,520
Amortization	66,322	-	-	-	-	66,322
	1,834,792	113,014	-	1,037,452	-	2,985,258
Excess of revenue over expenses before the undernoted	34,362,630	1,981,512	-	416,691	3,736	36,764,569
Allocation to Legal Aid Ontario (Note 7)	25,207,868	-	-	-	-	25,207,868
Grants authorized, net of reversal of grants authorized in prior years (Note 8)	8,501,787	428,002	(25,952)	2,979,841	10,000	11,893,678
	33,709,655	428,002	(25,952)	2,979,841	10,000	37,101,546
Excess (deficiency) of revenue over expenses and grants for the year before the undernoted	652,975	1,553,510	25,952	(2,563,150)	(6,264)	(336,977)
Change in unrealized gain on investments	31,494	-	-	-	(5,623)	25,871
Excess (deficiency) of revenue over expenses and grants for the year	684,469	1,553,510	25,952	(2,563,150)	(11,887)	(311,106)

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Statement of revenue, expenses and grants year ended December 31, 2014

	Internally Restricted Funds			Externally Restricted Funds		Total
	Unrestricted General	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$
Revenue						
Interest on lawyers' mixed trust accounts, net of service charges of \$1,035,030 (Notes 7 and 14)	37,688,155	-	-	-	-	37,688,155
Other investment income	841,868	150,249	-	259,986	3,895	1,255,998
Other Income	125	7,258,266	-	-	-	7,258,391
Levy on awards (Note 12)	-	-	-	10,350,989	-	10,350,989
	38,530,148	7,408,515	-	10,610,975	3,895	56,553,533
Expenses						
Salaries and benefits	1,096,528	86,621	-	191,899	-	1,375,048
Rent and occupancy	214,661	-	-	10,705	-	225,366
Other administrative	116,617	316	-	23,109	-	140,042
Professional fees	160,089	-	-	150,815	-	310,904
Printing and office supplies	78,379	63	-	1,057	-	79,499
Cost awards (Note 12)	-	-	-	258,750	-	258,750
Amortization	65,258	-	-	-	-	65,258
	1,731,532	87,000	-	636,335	-	2,454,867
Excess of revenue over expenses before the undernoted	36,798,616	7,321,515	-	9,974,640	3,895	54,098,666
Allocation to Legal Aid Ontario (Note 7)	26,967,467	-	-	-	-	26,967,467
Grants authorized, net of reversal of grants authorized in prior years (Note 8)	7,820,221	627,982	23,097	157,003	5,000	8,633,303
	34,787,688	627,982	23,097	157,003	5,000	35,600,770
Excess (deficiency) of revenue over expenses and grants for the year before the undernoted	2,010,928	6,693,533	(23,097)	9,817,637	(1,105)	18,497,896
Change in unrealized gain on investments	133,788	-	-	-	7,383	141,171
Excess (deficiency) of revenue over expenses and grants for the year	2,144,716	6,693,533	(23,097)	9,817,637	6,278	18,639,067

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Statement of changes in fund balances year ended December 31, 2015

	Internally Restricted Funds				Externally Restricted Funds		Total
	Unrestricted General	Grant Stabilization (Note 9)	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$	\$
Fund balances, beginning of year	8,844,162	15,000,000	9,712,946	212,351	19,313,255	105,827	53,188,541
Excess (deficiency) of revenue over expense, and grants for the year	684,469	-	1,553,510	25,952	(2,563,150)	(11,887)	(311,106)
Fund balances, end of year	9,528,631	15,000,000	11,266,456	238,303	16,750,105	93,940	52,877,435

The Unrestricted General Fund balance includes \$86,893 that is Invested in Capital Assets.

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Statement of changes in fund balances year ended December 31, 2014

	Internally Restricted Funds				Externally Restricted Funds		Total
	Unrestricted General	Grant Stabilization (Note 9)	Access to Justice (Note 10)	Rejuvenation (Note 11)	Class Proceedings (Note 12)	Roy and Ria McMurtry Endowment (Note 13)	
	\$	\$	\$	\$	\$	\$	\$
Fund balances, beginning of year	6,699,446	15,000,000	3,019,413	235,448	9,495,618	99,549	34,549,474
Excess of revenue over expense, and grants for the year	2,144,716	-	6,693,533	(23,097)	9,817,637	6,278	18,639,067
Fund balances, end of year	8,844,162	15,000,000	9,712,946	212,351	19,313,255	105,827	53,188,541

The Unrestricted General Fund balance includes \$150,639 that is Invested in Capital Assets.

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Statement of cash flows year ended December 31, 2015

	2015	2014
	\$	\$
Operating activities		
(Deficiency) excess of revenue over expenses and grants for the year	(311,106)	18,639,067
Items not affecting cash		
Amortization	66,322	65,258
Change in unrealized gain on investments	(25,871)	(141,171)
	(270,655)	18,563,154
Changes in non-cash operating items		
Prepaid expenses	(6,578)	(7,737)
Other receivables	600,047	(717,472)
Interest receivable	(255,160)	1,003,186
Due to Legal Aid Ontario	(260,488)	(1,092,765)
Accounts payable and accrued liabilities	233,441	(79,294)
Grants payable	869,508	(1,281,191)
	910,115	16,387,881
Investing activities		
Increase in investments	(3,010,390)	(6,376,912)
Decrease (increase) in externally restricted cash and short-term investments for Class Proceedings Fund	760,489	(9,411,307)
Decrease (increase) in externally restricted cash and investment for Roy & Ria McMurtry Endowment Fund	6,887	(11,279)
Purchase of capital assets	(2,576)	(25,619)
	(2,245,590)	(15,825,117)
Net (decrease) increase in cash	(1,335,475)	562,764
Cash, beginning of year	2,110,288	1,547,524
Cash, end of year	774,813	2,110,288

The accompanying notes to the financial statements are an integral part of this financial statement.

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

1. Purpose of the organization

The Law Foundation of Ontario (the "Foundation") was established in 1974, under an amendment to the Law Society Act, as a corporation without share capital. The Foundation was created to receive interest accruing on monies held in lawyers' mixed trust accounts and to establish and maintain a fund to be used for the purposes of legal education and legal research, legal aid and the establishment, maintenance and operation of law libraries. The Foundation is a not-for-profit organization under subsection 149(1) (1) of the Income Tax Act (Canada) and, as such, is exempt from income taxes.

2. Significant accounting policies

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations. The significant accounting policies are summarized below:

Revenue recognition

The Foundation follows the restricted fund method of accounting for revenue. Revenue is recognized when received or receivable in the respective fund if the amount to be received can be reasonably estimated.

Fund balances

The Grant Stabilization Fund, Future Commitment Fund, Access to Justice Fund and Rejuvenation Fund are internally restricted funds (Notes 9-11). The Class Proceedings Fund and the Roy & Ria McMurtry Endowment Fund are externally restricted funds (Notes 12 and 13).

Interest earned on lawyers' mixed trust accounts

The interest earned on lawyers' mixed trust accounts is calculated and remitted to the Foundation based on agreements made with individual financial institutions. The lawyers' mixed trust accounts are not the property of, nor administered by, the Foundation. The Foundation is, therefore, unable to determine the amount of interest that is accruing until such time as it is advised by each individual financial institution and statutory filings are received from the lawyers. Such interest is therefore recorded when determinable by the Foundation, in the Unrestricted General Fund.

Grants

Grants for legal education, legal aid, legal research and law libraries are recorded in the period in which they are authorized by the Board of Trustees.

Levy on awards

The Class Proceedings Fund is entitled to a 10% levy on any award or settlement to the plaintiff in a funded action. The levy on awards is recorded when determinable by the Foundation.

Capital assets

Capital assets are carried at cost less accumulated amortization. Furniture and fixtures are amortized on the declining balance basis at 20% per annum. Computer hardware and software are amortized on the straight-line basis over their estimated useful lives of three years. Leasehold improvements are amortized on the straight-line basis over the term of the lease.

Use of estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the statement of financial position date and the reported amounts of revenues and expenses during the year (the Foundation relies on bank statements to record the interest revenue earned on lawyers' mixed trust accounts). Actual results could differ from those estimates. Accounts requiring significant estimates and assumptions include investments, interest earned on lawyers' mixed trust accounts, and accrued liabilities.

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

2. Significant accounting policies (continued)

Financial instruments

Financial assets and financial liabilities are initially recognized at fair value when the Foundation becomes a party to the contractual provisions of the financial instrument. Subsequently, all financial instruments are measured at amortized cost, except for equities quoted in active markets, Canadian equities not quoted in active markets, restricted cash and fixed income for the Roy & Ria McMurtry Endowment Fund, which are carried at fair value. Any subsequent changes in fair value are recorded in the Statement of revenue, expenses and grants.

	Measurement
Cash and restricted cash	Fair value
Interest receivable	Amortized cost
Short-term investments	Amortized cost
Fixed income	Amortized cost
Canadian equities	Fair value
Investments Fund for class proceedings	Amortized cost
Investments for Roy & Ria McMurtry Endowment Fund	Fair value
Accounts payable and accrued liabilities	Amortized cost
Due to Legal Aid Ontario	Amortized cost
Grants payable	Amortized cost

Financial assets measured at amortized cost are assessed at each reporting date for indications of impairment. If such impairment exists, the asset is written down and the resulting impairment loss is recognized in the Statement of revenue, expenses and grants.

Transaction costs

Transaction costs for investments are expensed as they are incurred.

Fair value

The fair value of Canadian equities is determined based on bid prices.

The fair value of the investments of the Roy & Ria McMurtry Endowment Fund approximates their cost due to the immediate or short-term maturity of these instruments, except for the Canadian equities, the fair value of which is determined based on bid prices.

Foreign exchange

Transactions denominated in foreign currencies are translated into Canadian dollars at the rate of exchange in effect on the dates of the transactions. The market value of foreign currency denominated assets and liabilities is translated using the year-end rates of exchange. The resulting gains and losses from changes in these rates are included in the realized gain (loss) for investments sold and in the unrealized gain (loss) on investments held at year-end.

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

3. Externally restricted cash and short-term investments for Class Proceedings Fund

	2015	2014
	\$	\$
Cash	325,725	151,755
Guaranteed Investment Certificates	17,942,054	18,876,513
	18,267,779	19,028,268

The effective yields on the Guaranteed Investment Certificates ("GIC's") are between 1.0% and 2.0% (2014 - between 1.35% and 2.00%).

\$2,855,599 (2014 - \$1,590,585) of the above-noted balance will be used to pay grants obligations (see Note 8).

4. Externally restricted cash and investments for Roy & Ria McMurtry Endowment Fund

Restricted cash and investments consist of cash, fixed income securities and equities. The fixed income securities are comprised of bonds and deposit notes which mature between March 8, 2016 and June 2, 2022 (2014 - between March 8, 2015 and June 2, 2022) and the coupon rates range from 3.15% to 4.40% (2014 - from 3.15% to 4.50%).

	2015	2014
	\$	\$
Restricted cash	8,260	9,392
Fixed income	54,790	58,514
Canadian equities	47,025	49,056
	110,075	116,962

5. Investments

	2015	2014
	\$	\$
Short-term, at cost	20,269,080	21,717,416
Long-term:		
Fixed income, at cost		
(fair value - \$20,403,587; 2014 - \$15,946,080)	19,981,843	15,624,492
Canadian equities, at fair value		
(cost - \$2,618,455; 2014 - \$2,522,703)	3,693,437	3,566,191
	23,675,280	19,190,683

The Foundation's short-term investments of \$20,269,080 (2014 - \$21,717,416) comprise cash, GICs and short-term bonds. The effective yields on the GICs of \$19,201,457 (2014 - \$19,970,191) range from 1.00% to 2.00% (2014 - from 1.35% to 1.95%). Short-term bonds of \$1,066,347 (2014 - \$1,745,961) mature between January 11, 2016 and March 10, 2016 (2014 - March 2, 2015 and December 15, 2015) and have a coupon rate from 2.05% to 4.40% (2014 - 2.45% to 4.50%).

The Foundation's fixed income long-term investments include bonds of \$11,040,653 (2014 - \$10,374,492), which mature between February 27, 2017 and June 2, 2025 (2014 - January 11, 2016 and March 15, 2025). The coupon rates range from 1.25% to 4.55% (2014 - 1.70% to 4.55%).

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

6. Capital assets

			2015	2014
	Cost	Accumulated amortization	Net book value	Net book value
	\$	\$	\$	\$
Furniture and fixtures	254,705	219,571	35,134	43,917
Computer hardware	175,911	158,270	17,641	24,786
Computer software	199,480	193,297	6,183	10,643
Leasehold improvements	404,648	376,713	27,935	71,293
	1,034,744	947,851	86,893	150,639

7. Due to Legal Aid Ontario

Pursuant to Section 55(3) of the Law Society Act (R.S.O. 1990, Chapter L.8), 75% of the net revenue received during the year from interest received on lawyers' mixed trust accounts, less operating expenses, is to be paid to Legal Aid Ontario. The provision for the share of net revenue payable to Legal Aid Ontario is recorded annually in the Foundation's accounts.

	2015	2014
	\$	\$
Interest on lawyers' mixed trust accounts (net of service charges of \$765,000; (2014 - \$1,035,030))	35,445,282	37,688,155
Unrestricted General and Other Funds expenses	(1,834,792)	(1,731,532)
Interest after expenses	33,610,490	35,956,623
Due to Legal Aid Ontario, beginning of year	365,835	1,458,600
75% allocation to Legal Aid Ontario	25,207,868	26,967,467
Paid to Legal Aid Ontario, during the year	(25,468,356)	(28,060,232)
Due to Legal Aid Ontario, end of year	105,347	365,835

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

8. Grants payable

Grants payable consist of the following:

						2015	2014
	Unrestricted	Access to Justice	Rejuvenation	Class proceeding	Roy & Ria McMurtry	Total	Total
	\$	\$	\$	\$	\$	\$	\$
Opening	7,908,990	2,276,866	45,072	1,590,585	5,000	11,826,513	13,107,704
Grants authorized	8,842,183	712,612	24,120	3,589,906	10,000	13,178,821	10,641,256
Payments (Note 12)	(7,633,382)	(1,662,841)	(3,120)	(1,714,827)	(10,000)	(11,024,170)	(9,914,494)
Grants reversed	(340,396)	(284,610)	(50,072)	(610,065)	-	(1,285,143)	(2,007,953)
Ending grants payable	8,777,395	1,042,027	16,000	2,855,599	5,000	12,696,021	11,826,513
Less: Long-term grants payable	(785,574)	(64,400)	-	-	-	(849,974)	(749,979)
Current grants payable	7,991,821	977,627	16,000	2,855,599	5,000	11,846,047	11,076,534

Details of December 31, 2015 long-term grants payable are as follows:

				2015	2014
	Unrestricted	Access to Justice	Total	Total	
	\$	\$	\$	\$	
2017	779,574	38,100	817,674	737,918	
2018	2,000	26,300	28,300	12,061	
2019	2,000	-	2,000	-	
2020	2,000	-	2,000	-	
	785,574	64,400	849,974	749,979	

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

9. Grant Stabilization Fund

In 1981, the Trustees of the Foundation established an internally restricted Reserve Fund to provide for future contingencies and future beneficiaries of its statutory objects that relate to legal education, legal research and law libraries. This fund was created and has been maintained from the 25% of net revenue intended to be made available for those beneficiaries. In 2009, the Trustees of the Foundation changed the name of the fund to the "Grant Stabilization Fund". In 2012, the Trustees of the Foundation authorized the transfer of \$1 million to the General Fund. The balance of the Fund is maintained at \$15 million (2014 - \$15 million).

10. Access to Justice Fund

In 2009, the Trustees of the Foundation established an internally restricted fund to provide grants that promote access to justice. The initial source of this fund in 2009 came from a one-time cy-près settlement in the amount of \$14,530,395 (together with interest earned thereon of \$63,735) that the Foundation received as a result of a ruling on a class action lawsuit, although the Foundation was not a party to the action. The amount was transferred from the Unrestricted General Fund to the new Access to Justice Fund. The Access to Justice Fund was established to receive cy-près settlements that are directed to the Foundation.

11. Rejuvenation Fund

In 2007, the Rejuvenation Fund was established for the purpose of providing both human and organizational infrastructure support to eligible grantees for optimum performance and efficiency, and includes such activities as professional development, consulting services, technology upgrades and capital acquisitions and improvements. The initial source of this fund came from the Unrestricted General Fund.

12. Class Proceedings Fund

The Class Proceedings Fund (the "Fund") came into being in 1993 under an amendment to The Law Society Act to provide financial support to plaintiffs in class proceedings in respect of disbursements incurred and payments made to defendants regarding cost awards made against the funded plaintiffs. In the event a funded action settles or wins an award, disbursement award grants already paid are recoverable, and outstanding disbursement award grants payable are cancelled. As well, the Fund is entitled to a 10% levy on any award or settlement to the plaintiff in a funded action.

In 2015, the Fund recovered a previous year's disbursement award grant payment of \$364,457 (2014 - \$1,449,177). This amount is included in the payments amount in Note 8. The Fund paid cost awards of \$676,520 (2014 - \$258,750) as a result of cost awards made against funded plaintiffs. The Fund received a levy on awards of \$1,114,211 (2014 - \$10,350,989) as a result of settlements to funded plaintiffs.

13. The Roy & Ria McMurtry Endowment Fund

In 2005, the Foundation established the Roy & Ria McMurtry Endowment Fund in honour of Chief Justice and Mrs. McMurtry, upon his receipt of the 2005 Law Foundation of Ontario Guthrie Award. From the interest earned on the Fund, awards will be made in support of work within the Foundation's objects, of an organization chosen by the former Chief Justice and Mrs. McMurtry. In June 2007, the Board decided that an additional annual \$5,000 scholarship will be available to a student selected from the Law School on a rotating basis.

14. Interest on Lawyers' Mixed Trust Accounts

The Foundation negotiates with each financial institution for interest rates of return and service charges in order to achieve a net competitive rate of return.

15. Accounts payable and accrued liabilities

There are no outstanding government remittances as at December 2015 and 2014.

The Law Foundation of Ontario

Notes to the financial statements

December 31, 2015

16. Lease commitments

The Foundation has obligations under a non-cancellable operating lease. The future minimum annual lease payments for premises (excluding occupancy costs) are as follows:

	\$
2016	86,762
2017	96,885
2018	99,756
2019	105,497
2020	105,497
2021	70,331

There are no lease commitment obligations after 2021.

17. Contingencies

Once funding has been granted by the Class Proceedings Committee to a plaintiff in a class action, the Class Proceedings Fund (the "Fund") becomes potentially liable for adverse cost awards against the plaintiff in the action. As at December 31, 2015 the Fund remained exposed to potential adverse cost awards in funded actions. In all actions, the likelihood of loss is indeterminable. Any loss will be recorded in the year it is determined.

Indemnity has been provided to all trustees and/or officers of the Foundation for various items including, but not limited to, all costs to settle suits due to their association with the Foundation, subject to certain restrictions. The Foundation has purchased trustees' and officers' liability insurance to mitigate the cost of any potential future suits or actions. The maximum amount of any potential future payment cannot be reasonably estimated.

18. Risk management

The Foundation follows a Statement of Investment Policies, which provides the investment objectives, performance expectations and guidelines for the management of these investments. The Statement of Investment Policies requires that all investments must fall within the Trustee Act of Ontario and requires that certain additional restrictions must be met.

Market risk

Market risk is the risk that the value of an investment will fluctuate as a result of changes in market prices (other than those arising from interest rate or foreign exchange risk) whether those changes are caused by factors specific to the individual investment or factors affecting all securities traded in the market. To mitigate this specific risk, the Foundation invests in a diversified portfolio of investments in accordance with the Foundation's investment policy.

Interest rate risk

The Foundation is exposed to interest rate risk with respect to its long-term investments. Changes in the prime interest rate will have a positive or negative impact on the Foundation's interest income. Such exposure will increase accordingly should the Foundation maintain higher levels of long-term investments in the future.

Credit risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. The Foundation's investment policy defines permitted investments and provides guidelines and restrictions on acceptable investments which minimizes credit risk. The Foundation limits credit risk by investing in the debt of corporations that have a minimum credit rating of A or equivalent as rated by at least two of the three recognized bond rating agencies operating in Canada at the time of purchase.

The Law Foundation of Ontario

Notes to the financial statements

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18. Risk management (continued)

Foreign exchange risk

Foreign exchange risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Foundation invests in non-Canadian equities and is therefore directly exposed to currency risk as the value of the equities denominated in other currencies will fluctuate due to changes in exchange rates.