

## ENVIRONMENTAL DISPUTE RESOLUTION FUND

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### What does the EDRF fund?

The EDRF is an environmental legal aid fund that enables residents of British Columbia to hire a lawyer, expert professional or mediator to help them take legal action on significant environmental challenges in their communities. This program is funded by the Law Foundation of British Columbia.

We fund a maximum of \$116.00 per hour toward legal and expert fees on all EDRF files. This rate is aligned with the Province of BC's legal aid rate. The EDRF expects that lawyers taking on public interest environmental cases will offer a *pro bono* discount on their regular hourly rate for services according to the sliding scale below:

|               | \$200/hr or less | \$201 to \$300/hr | \$301-\$400/hr | >\$400/hr |
|---------------|------------------|-------------------|----------------|-----------|
| Rate discount | 15%              | 20%               | 25%            | 30%       |

**For example:** A lawyer with a market rate of \$300 per hour would be expected to reduce their rate to \$240 for work conducted on an EDRF-funded file. In this example, the EDRF applicant would contribute \$124/hr, i.e. the difference between the negotiated rate and the EDRF reimbursement rate of \$116/hr.

We can also fund the expenses of lawyers or experts, as outlined in an approved budget that is received with your letter of grant confirmation. We will be happy to discuss the details with you.

If you are an Indigenous nation with environmental legal needs, please note that legal support from our sister organization the West Coast Environmental Law Research Foundation may be also available on similar terms. On these files we will contract directly with your lawyer for the legal or expert services.

### How do I find a lawyer?

The EDRF has a roster of lawyers who are experienced in environmental law and willing to take on public interest environmental law cases. Please call us if you would like assistance in finding a lawyer to take your case. We also encourage you to approach lawyers in your local community, or from your own networks. We can work with you to orient them to our application requirements. You will need to discuss and confirm the hourly rate for legal services with your lawyer.

### What types of grants do you offer?

The EDRF offers two types of grants:

1. **Stage 1 grant:** This initial grant supports an individual, group or organization in developing an understanding of legal options to address an environmental protection issue and taking initial action

with assistance from a lawyer. Most applicants to the EDRF will begin by applying for a Stage 1 grant. In Stage 1, you may apply for a grant of up to **\$3,600**. In your application form, please tell us about how a lawyer can help you, as well as how you intend to use other strategies such as political and market pressures, community organizing, or public education alongside the legal work. You can use a Stage 1 grant to obtain a legal opinion on your legal options, send letters to decision-makers or enter into negotiations.

2. **Stage 2 grant:** This type of grant supports a more extended legal course of action, such as more complex or extended negotiations, court, or tribunal work. In Stage 2, you may apply for up to **\$17,500** at a time. In your application form, please tell us about your efforts to build a base of support and any other strategies and actions you are taking to complement your legal work. Stage 2 applicants are encouraged to raise a minimum of 30% of the budget, and demonstrate their ability to raise funds.

### **What does the EDRF *not* fund?**

We do not fund your clerical or administrative expenses. While we encourage community education and organizing, we do not fund the costs of this work. In addition, the Fund will not provide grants to pay for: (a) a private litigant's liability for an adverse cost award; (b) the purchase of land; or, (c) defence against contempt proceedings arising from civil disobedience. Please call us with any questions.

### **How should I submit my application?**

Please submit your application by email to EDRF Project Manager Barbara Everdene at [beverdene@wcel.org](mailto:beverdene@wcel.org). We can be reached at 1-800 330-WCEL (toll free in BC) if you have any questions about your application. Please refer to the checklist below to ensure your application is complete.

### **WCEL's commitment to environmental justice, decolonization, Indigenous sovereignty**

WCEL acknowledges that environmental issues are disproportionately faced by racialized and Indigenous communities and other marginalized groups, and strongly encourage applications from these communities. If you feel that your environmental issue relates to racial or systemic injustices, please feel free to discuss this in your application. This is not a requirement, as WCEL will take notice of the environmental burdens faced by marginalized groups in BC.

WCEL is committed to ensuring that all applicants chosen for EDRF funding uphold Indigenous sovereignty. A decision by the EDRF Management Committee will give due consideration to the customs, traditions, rules and legal orders of the Indigenous peoples concerned.

## APPLICATION CHECKLIST

### 1. Application Form

Please answer *all* questions and check the boxes in the application form. You may use point form.

- Your signature on the last page of the application
- Stage 2 applicants should append a written legal opinion on the likelihood of success of their chosen course of action, or have this information covered in their lawyer's letter (#3 below)

### 2. Budget

- Please ensure your lawyer(s) and expert(s) have signed off on your budget

### 3. Lawyer's Letter of Support

The letter of support is a statement of your lawyer's willingness to work on your case and the terms and conditions of the work. The letter must contain the following:

- A statement of the hourly rate that meets EDRF terms and conditions
- An estimate of the overall legal costs (or if there is uncertainty, the cost of most likely scenarios)
- An overview description of the legal issues and the legal work to be performed under grant funds
- A statement of the names and roles of all legal professionals working on the file

### 4. Expert Information (if applying for funding for one or more experts)

- A resume for each expert
- Scope of work that describes the expert work to be performed under grant funds
- A statement of the hourly rate that meets EDRF terms and conditions

### 5. Optional Materials

- Letters of support from key institutions or coalition partners
- News clippings that highlight the environmental issues, community support and key partnerships
- Maps and diagrams as relevant
- A few photos of your group and the place or issue of interest

## APPLICATION TO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND

Please indicate which type of grant you are applying for:

- Stage 1 Grant** (up to **\$3,600** for initial legal support)
- Stage 2 Grant** (up to **\$17,500** for extended negotiations, court, or tribunal work)

### Contact Information

Name:

Position:

Organization:

Address:

Phone Number:

Email:

Group website (if applicable):

- I am authorized to act on behalf of the organization in relation to this application

### For Indigenous clients:

- I also wish my application to be considered for legal support from the West Coast Environmental Law Research Foundation.

### Environmental Issue and Need for Support

1. Please describe your **environmental concern** in up to one page of text. Please reference any expert evidence you have access to, and if possible include a copy with your application. You are encouraged to submit video and images with your application if available. Please speak to the following questions:
  - a) What are the threats to ecosystems and/or human health?
  - b) What are you trying to achieve in the short and long term?
  - c) What action is needed from government, industry or other stakeholders?
  - d) Do you feel this is a systemic environmental management issue? If so, please explain.
  
2. Please summarize in the table below the main actions you have already taken to address this issue. If this is a Stage 2 application, please summarize what you have done since your last application. Include letters written, meetings with decision-makers, media and/or community-based actions.

| Month/Year | Brief Description of Action | Outcome |
|------------|-----------------------------|---------|
|            |                             |         |
|            |                             |         |
|            |                             |         |
|            |                             |         |
|            |                             |         |

3. Please tell us how working with a lawyer will help you address your environmental concern. Your answer should relate to the scope of legal work outlined in your lawyer’s letter of support.

### Community Support

4. Have you enlisted other partners in your community? If so, please name them and describe the nature of your collaboration. We encourage you to obtain a letter of support from key partners and include them with your application.

5. Are there any other organizations you are aware of that are working on this issue? If so, please name them and describe what makes your work on this issue unique. We may need to make contact to discuss the details of your case.

I authorize the EDRF to make contact with these organizations to discuss this application.

6. WCEL is committed to ensuring that all EDRF-funded cases respect Indigenous sovereignty. Have you reached out to the First Nations whose territories are impacted by this environmental issue to understand their interests and priorities?

### Legal Support

7. Have you received any legal assistance from another lawyer and/or environmental law organization? If yes, who? Please describe any assistance received. We may need to make contact to discuss the details of your case.

I authorize the EDRF to make contact with this lawyer/organization.

## Information Sharing and Confidentiality

The EDRF reports on all grants made to our funder, the Law Foundation of British Columbia. The report includes the name of the grantee, the grant amount, and a brief description of the grant objective.

If your case has the potential to create new legal precedents in British Columbia, the EDRF may seek the comment of peer environmental organizations such as the [UVic Environmental Law Centre](#), [Ecojustice](#), and the [Pacific Centre for Environmental Law and Litigation](#).

I authorize the EDRF to make contact with these organizations to discuss this application.

In addition, the EDRF may publish brief descriptions of grants and grantees on our website at [www.wcel.org/edrf](http://www.wcel.org/edrf). At times, these descriptions and/or cases featured on our blog may be shared via WCEL's email newsletter and social media channels. These communications allow others to learn about the work you are doing to protect the environment and raise public awareness of the EDRF program. Please check the box below if you do not want details of your grant to be posted on the WCEL website, social media or other communications. WCEL acknowledges that some applicants may wish to keep their file anonymous due to privacy or safety considerations, and this will not prejudice their application.

I do not want details of my grant to be shared on WCEL communications channels.

## Grant Terms and Conditions

Please review the following granting terms and conditions. If you agree with these terms, please check the box and provide your signature below.

- If your application is approved, funds may be spent only as outlined in your approved budget;
- Your grant must be used for the purpose outlined in this application. Any desired change in the use of the grant must first be approved by the EDRF;
- If, as a direct result of the work conducted under your grant, you receive a costs award, monetary settlement, award for damages or any other monetary payment, you will be required to repay the EDRF according to the ratio of your contributions to your EDRF case. For example, if the client contribution and EDRF contribution were 50% each, then the EDRF and the Client would divide the award 50-50. If the Client contributed 30% and the EDRF contributed 70%, then 30% of the award would go to the Client and 70% to the EDRF. In total, you will be required to return funds up to the amount of the compensation/repayment or the grant, whichever is less. Returned funds are put into our general Fund and redistributed to make legal aid available to new applicants;
- If EDRF-funded work will be carried out by individuals other than those named in the application, the change must be approved by the EDRF; and,
- Any grant given may be less than requested and/or may be subject to such terms and conditions as the EDRF sees fit.

I have read and accept the grant terms and conditions.

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**EDRF Applicant Signature**

## EDRF Application Budget

Please complete the budget below, ensuring it is consistent with the following requirements:

- Stage 1 grant requests may be up to **\$3,600** and Stage 2 requests up to **\$17,500**;
- EDRF grant funds can reimburse the hourly fees of lawyers and experts up to \$116 per hour plus applicable taxes. Articled students must work under the supervision of a lawyer and can be reimbursed up to \$80 per hour plus applicable taxes;
- You may include relevant expenses that will be incurred by your lawyers or experts, such as court fees or travel expenses; and,
- You may provide a top-up to the fees of your lawyer(s) on top of the EDRF reimbursement rate of \$116/hour plus taxes.

|   |                            |    |  |
|---|----------------------------|----|--|
| <b>EDRF Grant Request</b>   |                            | \$ |  |
| <b>Client Contribution (Difference between \$116/hour and legal rate)</b> |                            | \$ |  |
| <b>Legal Fees</b>   | Legal Fees: ___ hours      | \$ |  |
|   | Hourly rate:               |    |  |
|   | GST @ 5%                   | \$ |  |
|   | PST @ 7%                   | \$ |  |
| <i>Subtotal Legal Fees</i>  |                            | \$ |  |
| <b>Legal Expenses</b>   | Court fees                 | \$ |  |
|   | Travel & accommodation     | \$ |  |
|   | Other:                     | \$ |  |
|   | GST @ 5%                   | \$ |  |
|   | PST @ 7%                   | \$ |  |
| <i>Subtotal Disbursements</i>   |                            | \$ |  |
| <b>Expert Fees</b>  | Expert Fees: ___ hours     | \$ |  |
|   | Hourly rate:               |    |  |
|   | GST @ 5%                   |    |  |
| <i>Subtotal Expert Fees</i>   |                            | \$ |  |
| <b>Expert Expenses</b>  | Copying, Postage & Courier | \$ |  |
|   | Travel & Accommodation     | \$ |  |
|   | Other                      | \$ |  |
|   | GST @ 5%                   | \$ |  |
|   | PST @ 7%                   | \$ |  |
| <i>Subtotal Disbursements</i>   |                            | \$ |  |

This budget has been reviewed and approved by my lawyer(s) and expert(s).