

KINNA-AWEYA LEGAL CLINIC

SEPTEMBER 2007



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LEGAL AID ONTARIO UPDATE

There have been many changes at Legal Aid Ontario since our last newsletter in September 2006.

Angela Longo, CEO of Legal Aid Ontario, left in the fall of 2006 to pursue other endeavours. Bob Ward replaced her in January 2007.

In June 2007, Mr. Ward announced a restructuring of LAO. The province has been organized into geographic regions, each of which is overseen by a Vice-President responsible for all legal aid services in the region, including certificates, duty counsel, and legal clinics. Kinna-aweya Legal Clinic is part of the Northern region. Our Vice-President is Sue McCaffrey, the former VP responsible for the Clinic Services Office. Sue is very knowledgeable about clinics and we have an excellent relationship with her; we are fortunate to have her as our VP. There is a lot of reorganizing of staff and responsibilities in the main offices of Legal Aid Ontario in Toronto, but so far for us it is business as usual at Kinna-aweya.

In June it was also announced that Professor John McCamus would replace Janet Leiper as Chair of Legal Aid Ontario. Professor McCamus was responsible for the review of Legal Aid undertaken in 1996 that resulted in the creation of Legal Aid Ontario as an independent agency responsible for the administration of the province's legal aid system.

In July, the Ministry of the Attorney General presented Legal Aid Ontario's plan for the \$51 million in new funding announced in the Spring Provincial Budget.

Highlights of the plan include: new funding for Clinic law services, more Family Law Certificates, increased tariff rates paid to lawyers and articling students, operational funding for SALCO (South Asian Legal Clinic Ontario), meeting increased demand for Big Case Management, and numerous Client Service improvements.

New funding for clinic law services will translate into much-needed additional resources for clinics. We look forward to receiving more information about how this will affect our clinic specifically.

Beth Ponka

MARATHON BRANCH OFFICE

This past year has been a busy time for Val Biggs, our Community Legal Worker in the Marathon branch office. Not only has she continued to provide legal services for Marathon and the surrounding communities of Pic Mobert First Nation, Pic River First Nation, Manitouwadge, Pays Plat First Nation, Schreiber and Terrace Bay, she has traveled to Thunder Bay to represent clients at hearings as well as working in our Thunder Bay office for a couple of weeks covering for staff vacations and sick leave.

Val has continued her involvement with the Manitouwadge and Marathon Youth Justice Committee, Inter-Agency Committees for the communities of Marathon, Manitouwadge and Schreiber/Terrace Bay and more recently been involved with a committee looking into Supportive Housing for our Seniors in Marathon and surrounding areas.

In the spring, Val participated in some interesting training on Photovoice. Photovoice puts cameras into the hands of "invisible" people and enables them to inform and influence policy, becoming advocates for social change. Through this training Val learned that each individual has the ability to express ideas visually as well as with the written word. A picture can tell a thousand words. At the conclusion of this workshop the group decided to take on a project on a provincial level. Their message was, "What difference has my legal clinic made in my life?" As a result of the efforts of each participant and volunteer clients they found within their communities, they came up with a power point Photovoice presentation, as well as a book of photographs and words which were presented at the Annual Meeting of the Association of Community Legal Clinics of Ontario in May. At this meeting, after the power point presentation, a special copy of the book was presented to The Honourable R.Roy McMurry, Chief Justice of Ontario. He will be retiring later this year. Since this training Val has been invited by two community groups to assist them with Photo voice projects in the coming year.

BOARD OF DIRECTORS 2006/07

Wanda White President	Nipigon
Meladina Hardy Vice-President	Thunder Bay
Irene Merineau Treasurer	Thunder Bay
Dave Fortin Secretary	Marathon
Angela Nodin Director	Armstrong
Andrea O'Nabigon Director	Geraldton
Vacant	Thunder Bay

BOARD OF DIRECTOR'S UPDATE

There were several changes to the clinic's Board of Directors this year as a result of our Area Community Meetings held in September 2006.

In Armstrong, Lena Wabason completed her fifth term, making it an even ten years that she committed to the Board of Directors of the legal clinic. Due to family responsibilities Lena chose not to run again for the Board. Instead, her daughter, Angela Nodin, has joined the Board of Directors representing the Armstrong area. Angela works as the Health Director for Whitesand First Nation.

In Geraldton, Cathy Meshake was unable to run for another term because she relocated to Fort Frances. She has been replaced by Andrea O'Nabigon. Andrea works for Dilico. Andrea has been a very enthusiastic Board member and has taken on additional responsibilities since joining the Board in September 2006.

In Thunder Bay, Derek Lyons was elected to replace Lorrie Deschamps, who was not able to continue on the Board due to personal reasons. Derek has recently resigned and we will be looking for a new Board member to fill in to represent Thunder Bay!

Wanda White continues to serve the legal clinic as President, Meladina Hardy is Vice-President, Irene Merineau is the Treasurer, and Dave Fortin is the Secretary of the Board.

This year, Irene (Thunder Bay), Wanda (Nipigon), and Dave's (Marathon) two-year terms expire. All are eligible to run for another term and all three have graciously agreed to do so. There will be an additional position available in Thunder Bay for a one-year term, to fill the vacancy created by Derek's departure.

We would like to thank all of our present and former Board members for their dedicated service to the legal clinic. All of our Board members are volunteers who are not paid for the time they devote to oversee the operations of the clinic. We thank you sincerely for your time, enthusiasm, and energy!

Beth Ponka

STAFF UPDATE

Daniel Cox is taking a planned six-month leave of absence to travel with his family. Dan has been working at the legal clinic for over 25 years!! He will be away from the office from early August until February 2008.

We have hired Andrea Luey on a six-month contract to replace Dan. Andrea is joining the clinic on August 7 and will be one of the intake workers responsible for assisting clients in the clinic areas of law, such as ODSP, Ontario Works, and tenancy issues. Andrea comes highly recommended; she is a new graduate from law school in Victoria, BC. She is energetic and enthusiastic about clinic work and we expect she will very capably fill Dan's shoes while he is away.

Melanie Mackenzie, the Coordinator of the Thunder Bay Economic Justice Committee, returned to school in September 2006 to do her Masters degree at Carlton University. Unfortunately we did not receive a third year of funding for the coordinator's position and Melanie wisely decided to pursue graduate studies. Melanie keeps in touch and continues to be a supporter of the TBEJC as well as the legal clinic.

Karli Brotchie, who was our summer student researcher last year, was hired again this year for the summer to do a supplemental research project under the auspices of the Thunder Bay Economic Justice Committee. Last year, Karli researched and published, "Poverty in Thunder Bay: A Statistical Reference". This report was a compilation of quantitative data on poverty in Thunder Bay. This year, Karli has been hired to undertake a qualitative research project which will tell the stories of people who are living on low-income. This project is funded by Service Canada - Summer Career Placement program and the Thunder Bay Economic Justice Committee, under the sponsorship of Kinna-aweya Legal Clinic.

In our Geraldton office, Renee Belisle resigned to pursue a successful business venture and relocate to Thunder Bay. In her place we have hired Guylaine Letourneau as part-time Secretary/Receptionist (on contract) in our Geraldton office. Guylaine also works part-time for the Community Care Access Centre in Geraldton.

Our Executive Secretary, Patricia McGuire, is on leave for an indefinite period, so our part-time secretary/receptionist/bookkeeper, Teri Hofer, has been temporarily hired in a full-time capacity. We have hired Liisa Lynch on a short-term contract as part-time secretary/receptionist. Liisa is a recent graduate of the Confederation College's Office Administration program, and she did her work placement at our office in the spring.

Beth Ponka

NIPIGON / ARMSTRONG OFFICE

As many of you may be aware, I have been providing service to the communities of MacDiarmid, Rocky Bay, Lake Helen, Nipigon, Red Rock, Dorion, Hurkett Armstrong, Whitesands and Gull Bay for a number of years now. Stephanie Wanakamik is the Support Staff for the Armstrong office. Changing the way that service is provided within a community is always difficult and we have experienced our share of growing pains. We have been examining ways of using technology to improve the office efficiency and provide better service to our communities.

I work primarily out of the Nipigon office which is located at the Lake Helen Reserve Band Office. I travel to Armstrong on a monthly basis. The Armstrong office is located at the Whitesands First Nation Band Office. I travel to the surrounding communities as necessary. I also travel to Thunder Bay for one week every five to six weeks as part of the regular intake rotation. In addition, I travel to Thunder Bay on a regular basis to represent clients before a number of different Tribunals including the Social Benefits Tribunal, the Canada Pension Review Tribunal, the Pension Appeal Board, the Landlord Tenant Board, the Board of Referees and the Criminal Injuries Compensation Board. This year has been extremely busy. It seems that I am constantly preparing for hearings, traveling for hearings or attending hearings.

I would like to thank our members for their interest in the Kinna-aweya Legal Clinic and I would like to thank the Whitesands First Nation and the Lake Helen Reserve for inviting us to make our offices home on the Reserve.

Meegwitch

Tracey-Kathleen Kirby

Community Legal Worker

GERALDTON BRANCH OFFICE

It was with sorrow that we said goodbye to Renée Belisle on June 7, 2007 who had been the secretary/receptionist with the Kinna-aweya Legal Clinic branch office since February 2005. Renée left the clinic to pursue her life long dream of working in the catering business.

The Geraldton office has now welcomed Guylaine Letourneau on board as the new secretary/receptionist. Guylaine is an enthusiastic and hard working individual who I am certain will prove to be an asset to the clinic. The Thunder Bay staff had the opportunity to meet and welcome Guylaine on July 20th while she attended at the Thunder Bay head office for a day of training. All support staff from the northern legal clinics attend a yearly training in Toronto every September. Guylaine is looking forward to attending her first Support Staff training which will give her the opportunity to meet other staff members and to learn new skills.

The Geraldton branch office remains centrally located at 521 Main Street in Geraldton currently operating from 8:30 a.m. to 4:30 p.m. (summer hours). Regular office hours (9am-5pm) we will resume on September 4, 2007.

The Community Legal Worker continues to regularly travel to all of Greenstone's surrounding areas which include; Aroland, Nakina, Caramat, Longlac, Jellicoe and Beardmore.

On a more sour note, residents of the Greenstone region have been faced with many challenges in the past year. The unemployment rate in the region has increased by nearly 40% which is due to the Neenah Papers employees losing their employment with the company, some of them after 25 & 30 years of service. Employees of the Longlac Wood Industries mill were also faced with many layoffs which still remain in effect today with the exception of a few senior employees running the plywood side of the mill.

Geraldton is a very strong, positive and outgoing community. I am certain that the area can overcome these hard times and something positive will soon be implemented to change the Forestry's adverse circumstances.

Submitted by

Chantal Walterson

Community Legal Worker

ONTARIO WORKS' CESSATION OF EMPLOYMENT POLICY

If you were denied Ontario Works Benefits (Social Assistance) within the last year, for a period of 3 or 6 months, because you quit a job or were fired, please read this article or contact the Kinna-aweya Legal Clinic to have your situation reviewed.

On June 9th, 2006 a very harsh and punitive provision of the Ontario Works Regulation was repealed. This rule imposed a period of ineligibility for Ontario Works applicants who voluntarily quit their job or were fired with cause. Whenever someone's job ended prior to applying for assistance, the Ontario Works caseworker was required to investigate the reasons for the job ending and determine if the person was still entitled to receive assistance. If they were found to have quit without a justifiable reason or were fired with cause, the penalty imposed by Ontario Works was a three month period of ineligibility for the first occurrence and a six month period of ineligibility for subsequent occurrences.

Ontario Works applicants who were subject to this period of ineligibility had the right to request an internal review of the decision denying them assistance and subsequently to file an appeal with the Social Benefits Tribunal. There were a variety of legitimate reasons why people left their employment including lack of transportation, inability to secure reliable or affordable daycare, inability to do the job due to a physical or mental impairment and conflict with the employer or coworkers. Unfortunately, not all of these reasons were found to be acceptable to Ontario Works. If the person who was denied social assistance contacted the Kinna-aweya Legal Clinic for legal representation, an appeal was filed with the Social Benefits Tribunal along with a request for interim assistance. Interim assistance ensured that the person received their full benefits from Ontario Works, as well as their drug coverage, notwithstanding the period of ineligibility. If they were successful in their appeal, the interim assistance was converted to regular assistance. If unsuccessful, the interim assistance was considered to be an overpayment which was then recovered from their monthly Ontario Works cheque.

The June 2006 amendment to the regulation was hailed as good news across the province as it reduced the fear of being destitute and without financial support regardless of the reason for having lost a job. This change reflected the general consensus in our society that social assistance is considered to be our safety net. It ensures that everyone has their basic needs for food, shelter and medication met no matter why they have ended up without income. Even though the Legal Clinic was available to help people who were denied social assistance because they lost their job, not everyone pursued their appeal rights and some were so discouraged by the quit/fired rule that they did not even bother applying for social assistance. The penalty obviously created extreme hardship. Lack of funds to pay rent could result in homelessness. Individuals who needed medication for serious health problems could ultimately become more ill. Others could be driven to commit desperate acts to secure enough money to live on.

Despite the government's decision to eliminate the rule that imposed a temporary period of ineligibility in quit/fired cases, the Thunder Bay Ontario Works office continued to apply this penalty after June 2006 by relying on another section of the Regulation. Kinna-aweya Legal Clinic has strenuously challenged these decisions and has appealed every case that came into our office with successful results for our clients. We also raised our concern about the failure of our local office to properly apply the law by writing to the Manager of Ontario Works and alerting the District Social Services Administration Board and the Provincial Director for Ontario Work, Karen Glass about the gap between the law and the local practice.



"This change reflected the general consensus in our society that social assistance is considered to be our safety net."

.. ONTARIO WORKS' CESSATION OF EMPLOYMENT POLICY

After much complaining, the Ontario Works Director finally provided written clarification to the Thunder Bay Ontario Works office in August 2007 and reiterated that the 3 and 6 month periods of ineligibility should cease for applicants who quit their job or are fired with cause. A period of ineligibility continues to apply to those who fail to make reasonable efforts to accept and maintain employment at the time of their application or after they start receiving benefits. The distinction is between new applicants who lost their job prior to applying for assistance and people who are receiving assistance who are required to accept a job if it is offered to them and maintain employment if they are capable of doing it. We are expecting a more formal announcement from Thunder Bay Ontario Works that the local policy has changed and that the 3 and 6 month penalties will no longer be applied to applicants whose employment has ceased prior to applying for assistance.

We are pleased that the local office has finally changed their practice to be in alignment with the law. Unfortunately, there may be some individuals who were wrongfully penalized in the last year who did not exercise their appeal rights or who were discouraged from applying because they were told that they would be ineligible for a period of 3 or 6 months. It appears that these individuals were denied benefits to which they were legally entitled. It remains to be seen whether our local Ontario Works office intends to correct this error retroactively. The Kinna-aweya Legal Clinic is interested in hearing from clients who were denied assistance for having lost a job after June 9, 2006. Although the limitation period for appealing the decision may have expired we believe that the issue should be addressed by the Thunder Bay Ontario Works office. We are also interested in assisting individuals serviced by our branch offices in Geraldton, Nipigon, Marathon and Whitesand First Nation. Anyone in the District of Thunder Bay who is still being subjected to this outdated Ontario Works quit/fired policy should contact us for advice and possible legal representation.

Mary Veltri



HIGHLIGHTS FROM THE LOW-INCOME ENERGY NETWORK 3RD ANNUAL CONFERENCE

The Low-Income Energy Network (LIEN) hosted its 3rd annual conference on June 20th. The goal of the conference was to bring together representatives from different social sectors and share information and experiences on addressing energy poverty from both a social justice and environmental perspective. There were discussions on what needs to be done to address energy poverty (energy conservation and rate assistance) and getting energy poverty on the public's agenda (political and media strategies). The conference was a great success with

over 80 participants representing organizations from the anti-poverty, affordable housing and environmental communities, as well as representatives from local utilities. For more information on the conference, please visit the LIEN website at <http://www.lowincomeenergy.ca>.

Kinna-aweya Legal Clinic was able to fund 2 representatives from the TBEJC to attend this conference.

LIEN has been working hard to ensure that low-income people have affordable energy bills and access to conservation programs. You can help by lob-

bying to get energy poverty on the public agenda in the upcoming provincial election. LIEN has designed a Lobby Kit which will soon be distributed and posted on their website. The kit offers an introduction to the problem of energy poverty and some templates which you can use locally in advocacy work with politicians and the community.

RESIDENTIAL TENANCY ACT AND TENANT DUTY COUNSEL PROGRAM

The Residential Tenancy Act replaced the Tenant Protection Act on January 31, 2007. Under the RTA, if you get a Notice of Hearing from your landlord, a hearing will automatically be scheduled at the Landlord and Tenant Board (previously called the Ontario Rental Housing Tribunal). If you miss your hearing, you will probably have to pay \$50 to ask if you can have another hearing.

Legal clinics across the province, tenants' organizations, community groups and dedicated individuals made detailed suggestions over the past few years about creating fair legislation for tenants. While the new Act is an improvement, rents are still not regulated and a landlord can charge any amount once a unit becomes vacant.

The new Act does contain some new protections against above guideline rent increases for sitting tenants. The annual rent guideline will be tied to the Consumer Price Index (CPI). For 2007, the rent increase guideline is 2.6%.

Representatives of legal clinics from every region in Ontario developed a Statement of Principles for New Landlord/Tenant and Rent Control legislation to guide law reform activities and consultations with the government following the 2003 provincial election. The Ontario government held public town hall meetings on residential tenancy reform in May & June 2004. New legislation finally took effect on January 31, 2007.

The Statement of Principles set out a number of law reform goals, including a fair eviction application process, a restructured Ontario Rental Housing Tribunal (ORHT), affordable rents, and security of tenure and relief against forfeiture for tenants.

The Tenant Duty Counsel Program (TDCP) is a program of Advocacy Centre for Tenants Ontario (ACTO). It provides information and limited legal assistance to eligible tenants appearing at the Landlord and Tenant Board.

Tenant Duty Counsel (TDC) assists tenants who have a hearing scheduled at the Landlord and Tenant Board (LTB). TDC can provide you with free legal advice or may provide representation in some preliminary matters if you want to request an adjournment of your case or a motion to set aside a default order

Representation at a hearing would depend on the circumstances of your case. If you have a hearing date, contact the legal clinic for information about the Landlord and Tenant Board and your legal rights and remedies.

Duty counsel can assist tenants in negotiation and mediation of a settlement or consent order.

MINIMUM WAGE HIKE

The minimum wage amount was raised to \$8 per hour as of February 1, 2007. Despite strong economic growth in the past decade, Ontario's minimum wage has remained frozen and has fallen far behind inflation. As a result, people working at minimum wage are living in poverty even if they are working full-time hours. In its latest budget, the liberal government proposed to increase the hourly minimum wage to \$10.25 by 2010, with three annual increases of 75 cents starting on March 31, 2008.

POVERTY IN THUNDER BAY: RICH CONVERSATIONS WITH THE POOR (2007) BY KARLIE BROTHIE

Last year as a summer student, I researched and wrote a quantitative report regarding poverty in Thunder Bay. As an extension of that project, this year I have written a qualitative piece. Where the first was designed to provide general numbers, this project was designed to flesh out those numbers, and to provide a human face to the poverty in Thunder Bay. I asked the participants only one question - "what does poverty mean to you", and let the interviewees identify in their responses what was important to them.

Over the past ten weeks I have had the opportunity to meet and discuss poverty with many inspiring individuals, all of whom are living it. By the end of the project I had spoken to eight different people, and heard their histories, concerns, and strategies for living on low incomes. Some were disabled; some were not. Some were single while others had five children. As expected, they told me very sad stories about running out of food, not eating for days in order to feed their children, and being unable to pay their heating bills. On the other hand, they also told of their triumphs. I leave this process with a profound respect and admiration for these people who, unlike the dominant stereotype, are strong and resilient.

I, as well as the Thunder Bay Economic Justice Committee as a whole, am grateful to the ongoing support of the Kinna-aweya Legal Clinic, as without it, important work such as this would be impossible.

Copies of *Poverty in Thunder Bay: A Statistical Reference* (2006) and *Poverty in Thunder Bay: Rich Conversations With the Poor* (2007) are available on the Kinna-aweya Legal Clinic's website.

**THUNDER BAY ECONOMIC JUSTICE COMMITTEE
SPEAKING OUT FOR LOW INCOME CITIZENS**

The Thunder Bay Economic Justice Committee (TBEJC) is a dynamic organization made up of representatives from community organizations and grassroots members. It has been in operation now for four years. The committee was established in January 2003 as a community response to the recommendations from the Kimberly Rogers Inquest. Kimberly Rogers, a woman who was eight months pregnant, died of an overdose in 2002 while under house arrest for committing welfare fraud. As a result of that inquest and widespread public pressure, the lifetime ban on social assistance for recipients found guilty of welfare fraud was eliminated.

The TBEJC's mission is to identify and overcome the barriers which prevent people from being able to achieve economic security. Spearheaded by the Kinna-aweya Legal Clinic, the TBEJC also receives support from a number of agencies such as AIDS Thunder Bay, Canadian Mental Health Association, Northwestern Ontario Women's Centre, Lakehead Social Planning Council, Norwest Community Health Centre and People Advocating for Change through Empowerment. Since its inception the committee has become a leader in representing social and economic justice issues in Thunder Bay. It has made presentations to the District Social Services Administration Board, City Council and MPP's Michael Gravelle and Bill Mauro on issues ranging from stopping the Ontario Works' clawback of the Child Tax Benefit to raising the minimum wage.

Kinna-aweya Legal Clinic provides considerable resources to TBEJC in the way of staff involvement, office space and sponsoring various funded projects. Most recently, KALC sponsored a research project, carried out by Karlie Brotchie, which has culminated in the publication of the Poverty Report- Phase III. (See article at page 6) Based on interviews with people who were either on social assistance or working at low wage jobs, Karlie's report provides an authentic voice on the issues of most relevance to people living in poverty.

The Economic Justice Committee has now received funding from Trillium to hire a part time coordinator to oversee a photo voice project. This work will further enhance the committee's public education campaign - this time through a photo exhibit - on the realities of living on a low income in Northwestern Ontario. Emerging issues include what happens when the lights or the heat are turned off because of inability to pay the rising cost of energy and what efforts are being made to upgrade Thunder Bay District Housing's deteriorating housing stock. Individuals who participate in the project will be given a camera and instructed on the topics to be explored. The project will start in the fall. Anyone interested in participating can call the Legal Clinic. No previous experience in photography is required.

The TBEJC meets every third Monday of the month at the Canadian Mental Health Association office at 200 Van Norman St. It is open to anyone interested in pursuing the objectives of the organization. Members are encouraged to get involved in one of the three working groups: the Advocacy Committee, the Steering Committee and the Outreach Committee. If you are looking for a way to meet and work with others concerned about social justice issues, then come on out and add your voice to this dynamic organization. For more information, call Beth or Mary at the Legal Clinic at 344-2478 or the Chairperson, George Drazenovich at 345-5564.

Mary Veltri



***"The TBEJC
meets every
third Monday of
the month..."***

STAFF LISTING

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ANNUAL GENERAL MEETING
SATURDAY, OCTOBER 27, 2007
PRINCE ARTHUR HOTEL
9:00 am—4:00 pm

Richard Atkinson	Community Legal Worker	Thunder Bay
Barry Beaupre	Community Legal Worker	Thunder Bay
Valerie Biggs	Community Legal Worker	Marathon
Karli Brotchie	Research Assistant (summer student)	Thunder Bay
Sally Colquhoun	Co-ordinator of Legal Services	Thunder Bay
Dan Cox	Staff Lawyer (on leave)	Thunder Bay
Don Henderson	Librarian	Thunder Bay
Teri Hofer	Secretary/Receptionist/Bookkeeper	Thunder Bay
Cindy Johnson	Assistant Director of Administration	Thunder Bay
Tracey Kirby	Community Legal Worker	Thunder Bay
Barbara Kulifaj	Secretary/Receptionist	Thunder Bay
Guylaine Letourneau	Secretary/Receptionist	Geraldton
Andrea Luey	Staff Lawyer (contract)	Thunder Bay
Liisa Lynch	Secretary/Receptionist (p/t contract)	Thunder Bay
Miriam McCutcheon	Secretary/Receptionist	Marathon
Patricia McGuire	Executive Secretary	Thunder Bay
Beth Ponka	Director of Administration	Thunder Bay
Mary Veltri	Staff Lawyer	Thunder Bay
Chantal Walterson	Community Legal Worker	Geraldton
Stephanie Wanakamik	Secretary/Receptionist	Armstrong

IMPORTANT DATES TO REMEMBER

