

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE G20 LEGAL DEFENSE FUND TRUST ATTORNEY  
AND  
THE G20 LEGAL DEFENSE FUND BOARD OF TRUSTEES  
AND  
THE G20 LEGAL DEFENSE FUND POLICY COMMITTEE

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the G20 Legal Defense Fund Trust Attorney, hereinafter referred to as “Trust Attorney”, and the G20 Legal Defense Fund Board of Trustees, hereinafter referred to as “Board of Trustees”, and the G20 Legal Defense Fund Committee, hereinafter referred to as “Committee”.

A. PURPOSE:

The G20 Legal Defense Fund (the “Fund”) exists to disburse hold funds raised to support legal costs, fees, and other associated costs of legal defense for defendants facing charges stemming from the June 2010 Toronto G20 Summit. The Fund is accountable to defendants, to the larger post-G20 social movement, and to the public as a whole. The Trust Attorney, the Board of Trustees, and the Committee each have a distinct role in the management and operation of the Fund. The purpose of this Memorandum of Understanding is to establish the foundational principles of the Fund and the roles, responsibilities, and limits of each of the three parties involved in the management and oversight of the Fund as well as to explain the decision-making process for all parties.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

It is hereby agreed by all parties, that it is of mutual benefit and interest that said Memorandum of Understanding shall be entered into so that each party has a clear understanding of their specific role and responsibility in the management and oversight of the Fund. Furthermore, all parties agree to following foundational principles in their involvement with the Fund and agree that membership in any of the parties involved is contingent upon upholding the following foundational principles. Membership on the Committee, on the Board of Trustees, or as the Trust Attorney may be rescinded or revoked, in accordance with the operational policies adopted by each of the parties for failure or inability to uphold the following foundational principles:

1. All accused are presumed innocent.
2. The parties do not discriminate against accused based on their charges or the outcome of their charges.
3. Funds will be disbursed based on criteria based on need and risk with the recognition that some groups face oppression, prejudice, and disproportionate challenges when engaging with the criminal justice system.
4. The existence and availability of this Fund is an essential component of a strong social movement that values mutual aid and support for activist’s work.

C. THE COMMITTEE SHALL:

1. Establish a Board of Trustees for the Fund.
2. Develop policies and procedures for the disbursement of the Fund monies.
3. Develop an application form to be used by defendants seeking support from the Fund.
4. Develop a need and risk-based criteria for Fund applicants.
5. Receive and process applications from defendants for Fund monies.
6. Forward for approval by the Board of Trustees the policies and procedures developed under #2 as listed above.
7. Forward for approval by the Board of Trustees the application form developed under #3 as listed above.

8. Forward for approval by the Board of Trustees the need and risk-based criteria developed under #4 as listed above.
9. Report to the Board of Trustees all Committee disbursement decisions to award monies made on all applications where the granted monies per applicant amount to less than \$2,000.
10. Forward for a decision by the Board of Trustees all Committee disbursement recommendations to award monies where the granted monies amount to \$2,000 or greater.
11. Report to the Board of Trustees all Committee decisions to deny an application for the disbursement of monies from the Fund.
12. At its discretion, refer for a decision by the Board of Trustees any other Fund applications as the Committee deems appropriate.
13. The Board of Trustees shall hear any and all appeals of decisions made by the Committee.
14. Produce a bi-monthly report to be received by the Board of Trustees on all applications received and all monies disbursed from the Fund during the previous two months.
15. Receive cheques issued by the Trust Attorney and send them to Fund recipients.
16. Maintain an acceptable accounting/bookkeeping system for all monies disbursed from the Fund.
17. Hold regular meetings at least once per month and hold special meetings as frequently as needed.
18. Establish that quorum for a meeting is at least 50% of the membership.
19. Establish that voting by proxy, by email, and by teleconference is allowed, subject to the policies adopted by the Committee.
20. Operate on a consensus basis with a 2/3 majority vote of members when consensus cannot be reached.
21. Maintain a membership which includes:
  - a. Six (6) voting representatives who will represent the interest of defendants of which three (3) will be from the 247 Support Committee and three (3) will be from the Direct Support 19 Committee;
  - b. Two (2) voting representatives from the Board of Trustees;
  - c. One (1) voting York University Ontario Public Interest Research Group representative so long as the account funds are transferred into the Trust Account;
  - d. One (1) non-voting Law Union Movement Defense Committee representative; and,
  - e. One (1) non-voting Community Solidarity Network Fundraising representative.
22. Advise the Board of Trustees of any significant conflicts or disputes within the Committee should said conflicts or disputes not be rectified within the Committee.
23. Operate open meetings, reserving the right to enter into in camera meetings whenever deemed necessary by the Committee in order to respect the privacy of defendants seeking Fund monies.
24. In the case of a vacancy on the Committee, allow replacement membership in accordance with the membership schedule in #21 above.
25. Elect a delegate to attend the Board of Trustee meetings to provide updates, presentations, and reports as requested by the Board of Trustees.

#### D. THE BOARD OF TRUSTEES SHALL:

1. Approve policies, procedures, application form, and need and risk-based criteria as developed and recommended by the Committee for the management of the Fund.
2. Ensure that the Committee properly implements the Fund policies and procedures.
3. Review all Committee disbursement decisions to award monies made on all applications where the granted Fund monies amount to less than \$2,000.
4. Authorize all disbursement decisions where the granted Fund monies amount to \$2,000 or greater.
5. Decide all disbursement applications which have, for any reason, been forwarded to the Board of Trustees by the Committee.
6. Hear all appeals of disbursement decisions by the Committee.
7. Hold meetings at least quarterly and hold special meetings as frequently as needed in order to receive and review the Committee's reports on Fund application decisions, Fund monies disbursed, and to decide any applications referred or appealed to the Board of Trustees.
8. Establish that quorum for a meeting is 50% of membership.

9. Establish that voting by proxy, by email, and by teleconference is allowed in accordance with the policies adopted by the Board of Trustees.
10. Operate on a consensus basis with a 2/3 majority vote of members when consensus cannot be reached.
11. Maintain a membership which includes:
  - a. Seven (7) voting representatives from a variety of academic, labor, and community organizations
12. Two (2) of the Trustees serve as voting members on the Committee.
13. Negotiate any conflicts or disputes which are brought to the attention of the Board of Trustees by the Committee.
14. Negotiate any conflicts or disputes which are brought to the attention of the Board of Trustees by the Trust Attorney.
15. Operate open meetings, reserving the right to enter into in camera session whenever Fund applicant privacy or Fund legal matters are being discussed.
16. In the case of a vacancy on the Board of Trustees, the Trustees shall identify and select a replacement Trustee.
17. Forward requests for Fund monies to be disbursed to the Trust Attorney.

E. THE TRUST ATTORNEY SHALL:

1. Release Fund monies at the request of the Board of Trustees to the Committee.
2. Hold Fund monies in trust on behalf of the Board of Trustees.

F. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the Trust Attorney, the members of the Board of Trustees, or the Committee from participating in similar activities with other public or private agencies, organizations, and individuals.
2. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signatures of the Trust Attorney, the Board of Trustees, and the Committee and shall remain in effect for four years from the date of execution. This MOU may be extended or amended upon written request of the Trust Attorney, the Board of Trustees, or the Committee and the subsequent written concurrence of the others.
3. RESPONSIBILITIES OF PARTIES. The Trust Attorney, the Board of Trustees, and the Committee will handle their own activities and utilize their resources, including the expenditure of the their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
4. AUTHORIZED REPRESENTATIVES. By signature below, the parties certify that the individuals listed in this document as representatives of the parties are authorized to act in their respective areas for matters related to this agreement.

THE PARTIES HERETO have executed this instrument.

COMMITTEE

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Name and Address

---

*Signature and Date*

---

BOARD OF TRUSTEES

---

Name and Address

---

*Signature and Date*

---

TRUST ATTORNEY

---

Name and Address

---

*Signature and Date*