



**MINUTES**  
**264th MEETING**  
**OF THE**  
**BOARD OF DIRECTORS**

**9:00 a.m.**  
**December 9, 2008**  
**Learning Centre**  
**Legal Aid Alberta**  
**400, 10320 – 102 Avenue**  
**Edmonton AB**

**Members in Attendance**

Glenda Graham, Q.C.  
Fred Fenwick, Q.C.  
John Bachinski  
Oceanna Hall  
Dennis Kalma  
Colin Kloot  
Kirk MacDonald  
Daniel McKinley, F.C.A  
Perry Sirota

**Members Absent**

Kristine Robidoux, Q.C.

**Staff in Attendance**

(for all or part of meeting)

Jacquie Schaffter  
Roland Gehrke  
Wanda Fish  
Katherine Weaver  
Deborah Miller  
Greg Francis  
Jennifer Fowler  
Pat Bard

The Meeting came to order at 9:00 a.m.

1. **Approval of Agenda**

It was duly Moved and Seconded to adopt the agenda as circulated. Carried Unanimously.

*Minutes of Strategic Planning Committee*

By consensus the Minutes of the Strategic Planning Committee meeting held November 20, 2008 were received for information.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 263<sup>rd</sup> Directors Meeting be approved. Carried Unanimously.

3. Meeting Dates

Tuesday, February 24, 2009 - Edmonton  
Tuesday, April 28, 2009 - Edmonton  
Board Training, AGM, Board - June 18-20, 2009 - Sylvan Lake  
Tuesday, September 22, 2009 - Calgary  
Tuesday, December 8, 2009 - Edmonton

By consensus the meeting dates were received for information.

**Board Priorities**

4. LAA Strategic Plan 2009/10

*i Roster Recruitment and Retention*

Jennifer Fowler reported that 35 new lawyers were added to the Legal Aid roster and of those 16 have been since September. The roster is still declining due to retiring lawyers. An updating process for appointment procedures is underway where the wishes of the lawyer can be flagged on the system i.e. lawyers who wish to take a six weeks leave from accepting new certificates. The Roster is now hosted in LAMA and there is currently no way to flag.

The Board discussed the Lawyer Appreciation Event and by consensus it was agreed that for this year, the Lawyers Appreciation Event will be hosted by Legal Aid Alberta. It will take place over a one week period for the various regions to allow the President & CEO to attend as many of the functions as possible. An external committee will be struck to select the recipients and external stakeholders will be approached as guest speakers. The ceremonies will be held the week prior to Law Day and Jennifer will send out an invitation to Board members as their attendance will be positive.

Next year the Law Society and Canadian Bar Association will be approached to discuss the possibility of incorporating Legal Aid Alberta awards as part of the Law Society Distinguished Awards ceremony. Glenda Graham will speak with Perry Mack, Q.C. President of the Law Society and Jacqueline Schaffter will approach Diane Young, President of the Canadian Bar Association.

Jennifer Fowler advised that the January issue of the Advisory will contain an article on the importance of Legal Aid Alberta written by the President of the Law Society; highlights of services provided such as travel assist, and on-line billing, as well as an article written by the Executive Director. The deadline for the Advisory is December 10, 2008.

Ms. Fowler advised that she, together with Wanda Fish, and other staff members, some of whom were at one time also lawyers on the roster, have been making presentations to articling students at their Bar Admission Courses. The presentations have been well received and there are now 16 new students on the Legal Aid roster.

Ms. Fowler advised that in order to assist with the lack of roster lawyers in Ft. McMurray, Peace River and Grande Prairie areas an Expression of Interest was sent out. With travel assist in place whereby lawyers do not have to make their own travel arrangements or up front the cost, five lawyers have responded favourably.

A demonstration of the proposed new web-site will be presented at the February Board meeting.

Ms. Fowler advised that the on-line billing program has not been rolled-out yet. The program itself is good but there have been problems with the integration. Mr. Gehrke felt that a realistic delivery date is the end of January 2009.

#### *ii Financial Eligibility Guidelines*

Ms. Schaffter reported that certificates issued have increased overall by 9% over last year's figures but the increase cannot be attached to the new financial eligibility guidelines implemented in September as there was also an increase to the guidelines last year.

New software has been developed for the Legal Aid Officers to assist in calculating eligibility. The VP of Client Services has advised that the software is easy to use and well received.

#### *iii Client Process Development*

Ms. Schaffter reported that the Client Process Development initiative is on-going and has been very active. Coming out of the Needs Assessment a team of staff members was formed to review current practice and what processes should be streamlined to ensure access to legal aid services is easier for Albertans. A report has been prepared and will be formally presented to the Executive on December 15/16, 2008. The report include a matrix to measure the success of any recommendations put in pace. Client input was sought at the initial stage through the Needs Assessment and satisfaction will be assessed through the Client Satisfaction surveys.

*b) Family Law Office Strategic Plan*

Deb Miller reported that a strategic planning meeting was held in Calgary on October 23/24, 2008 with a team of 13 staff members. It is the first strategic planning meeting they have held and it went well. She advised that there has been some indication that the Alberta law Foundation funding would be reduced and it did impact discussions. The strategic plan is in draft form and will be rolled out for staff input. Another meeting is scheduled for early January 2009.

The starting point for the strategic planning is to continue providing quality services in a cost effective manner. If the new financial eligibility guidelines have a significant impact on the number of certificates issued to the Family Law Office then the processes and staff will have to be more efficient. The Family Law Office is looking at the development of a triage system for files. The strategic planning team is also looking at various options with respect to service in remote areas of Alberta. During discussions it was pointed out that through the roster recruitment and retention project, five private bar lawyers have expressed interest in travelling to remote areas to provide service. Ms. Schaffter advised that an update regarding certificate appointment in Northern Alberta will be reported at each Board meeting.

Mr. Fenwick requested that when the Family Law Office withdraws from acting for a client that a mechanism be developed that would refer that matter back to the Appeals Committee. It was pointed out that if there is no merit to the case then perhaps coverage should be withdrawn however, if the situation is that the client is just difficult then withdrawing only passes the problem on to another lawyer. Ms. Schaffter drew the Board's attention to a draft pamphlet that will soon be in print advising clients of what to expect and what is expected of them. A copy will also be provided to the private bar lawyers as well as staff lawyers to assist in managing difficult clients.

*Youth Criminal Defence Office Strategic Plan*

Mr. Francis reported that the Youth Criminal Defence Office held a retreat in Jasper this past September and with the assistance of Kesa came up with strategies. He highlighted the Strategic Plan noting without prioritization, the four main goals as being:

- 1) YCDO staff are engaged, motivated and passionate about their work
- 2) Clients receive exceptional professional services from Youth Workers/Social Workers
- 3) YCDO influences policy and decision making processes that impact youth
- 4) Staff will achieve professional excellence

Mr. Francis noted that while the strategies are not ranked, the happiness and motivation of staff is very important. The relationship between YCDO and Legal Aid Alberta has been improving.

A leadership team is mapping out pressures and actions that can be taken now and are making good progress with quick wins. As many of the staff at YCDO are long term, the succession plan is to replace retiring or outgoing staff with less experienced staff and provide the necessary training.

Ms. Graham noted that on the last page the theme: “What can we do to influence policy and decision making process that impact youth” and asked where that would fit within the Boards Strategies Plan and overall Organization Strategies. Mr. Francis advised that he will address this at the February Board meeting.

5. Board Governance

*a) Board Calendar*

Ms. Schaffter highlighted the Board calendar pointing out that the prerequisite columns identifies items that Management will prepare for the Board. She advised that it is anticipated that Board and management would be in a position to follow the Calendar accurately commencing with the Strategic Planning session with the Board in May. There will be a catch-up period.

The Board discussed the Strategic Planning session in preparation for the Board approval in June. It was suggested that the Board meet with the Executive for Strategic Planning and Executive could then meet with the Business Unit Management Group (BUMG). It was felt that to have the BUMG included in the discussions with the Board would make the group too large and more difficult to reach decisions. Others felt that BUMG should meet with the Board at the same time because their input is valuable but good leadership would be required.

By consensus it was agreed that the April Board meeting be held over two days: Monday, April 27 - Strategic Planning and Tuesday, April 28 - General Board Meeting and that the optics of the Board Strategic Planning be discussed at the February Board meeting.

By consensus it was agreed that Thursday, June 18<sup>th</sup> would be set aside for discussion and review of the Strategic Plan.

Dr. Sirota and Ms. Schaffter agreed to meet to discuss preparation and research required to facilitate the Strategic Planning session.

*b) Quorum Issues*

Ms. Graham reported that there are no current quorum issues at this time. She further advised that Pat Stopa, a Calgary lawyers who has been involved with Legal Aid Alberta for a number of years was an alternate candidate in the last nominations. Kristine Robidoux,

Chair, Nominating Committee advised she spoke with the Committee members to see if they would be prepared to appoint Mr. Stopa to completed Mr. Fenwick's term plus two 3 year terms.

6. Governance (external) stakeholders and partners

Ms. Graham advised that a letter as exhibited on the agenda was sent to the Law Society of Alberta and Minister of Justice regarding strategy to identify Legal Aid Alberta clients and strategy to take a principled approach to tariff rates. There has been no response as yet and if necessary will be followed-up.

7. Draft budget and business plan

Mr. Gehrke advised that while the Alberta Law Foundation grant has been extremely high over the past few years, due to the economy the grant will be approximately \$10 million less. A budget was drafted and a meeting was held with Alberta Justice. Indications are that there will be no new funding and it will be status quo for the next two years and the third year will be a shortfall of funding. It was suggested that Legal Aid Alberta would need to complete year 2 with \$2.5 million in the bank. As well capital spending should be held.

In order to operate within the budget for year 3, some cuts will have to be made, suggestions include cutting the FEG's, tariff rate, not hiring for requested positions. Alberta Justice has indicated that they will not entertain any option to reduce the FEG's. Ms. Graham expressed concern about any tariff rates decreases. The private bar has been advised of all the initiatives Legal Aid Alberta has been implementing to recruit and retain them on the roster, and to now cut rates is not something the Board would want to approve.

During discussions with Alberta Justice it was also conveyed to Legal Aid Alberta that duty counsel for bail representations is expected to be provided within approved funding. Katherine Weaver reported that the Crown is unsure of the optics of the project and has been unable to advise Legal Aid Alberta. It would appear however that LAA will require 4 Duty Counsel in each of Edmonton and Calgary for weekdays and 1 each in Edmonton and Calgary for week-ends for a total of 10 positions. She estimates the cost at about \$1.2 million. The numbers will be refined as more information is made available.

Mr. Gehrke advised that it will take a number of months to work through the figures as there are a number of unknown variables for both Alberta Justice and Legal Aid Alberta.

*Business Plan*

Ms. Schaffter advised that the Business Plan is similar to last year's with some evaluative measures included in it.

Mr. Sirota questioned why only the 85% metric was used of staff awareness of LAA Strategy and Business Plan. It was pointed out the Business Plan should be amended to indicated "understanding" of LAA Strategy and Business Plan rather than awareness.

It was duly Moved and Seconded that the Business Plan be approved subject to the amendment. CARRIED UNANIMOUSLY.

**Board Committee Reports**

8. *a) Audit Committee*

The Audit Committee has not met and therefore there is no report.

*b) HR Committee*

The Human Resources Committee has not met and therefore there is no report. Ms. Schaffter advised that the Goals and Objectives of the CEO and Sr. Counsel must be forwarded to the Human Resources Committee. It was agreed that The CEO and Sr. Counsel would each to prepare a report on the goals and objectives of their programs and their roles as CEO and Senior Counsel and forward to Colin Kloot, Chair of HR Committee by January 15, 2009.

*c) Governance Committee*

Mr. Fenwick advised that he will be sending out an invitation to the Governance committee members for a teleconference in preparation for the new Governance Agreement and for the appointment of another member to the Board.

*d) AGM Task Team*

Ms. Schaffter advised that from a Management perspective direction is required on the AGM including the vision that Board has for the AGM and potential invitees. The Task Force will meet prior to the February Board meeting in order to provide a report to the Board.

## **Operational Committees**

### 9. Peace River Regional Legal Aid Committee

It was duly Moved and Seconded that Rick Biggs be appointed as a member of the Peace River Regional Legal Aid Committee. Carried Unanimously.

### 10. Red Deer Regional Legal Aid Committee

It was duly Moved and Seconded that Jennifer Campbell be appointed as a member of the Red Deer Regional Legal Aid Committee. Carried Unanimously.

## **Management Reports**

### 11. Financial and Risk management

Mr. Gehrke highlighted the financial statements and reported that Legal Aid Alberta is under budget by approximately \$6 million year to date and it is anticipated that it will be under budget by \$2 million at year end. Mr. Gehrke further pointed out that capital spending will be close to the amount forecasted due to the fast tracking of the renovations to the Edmonton Regional Legal Aid Office.

By consensus the financial statements were received for information.

### 13. Operation Reports

#### *a) Report of CEO*

Ms. Schaffter highlighted her report and advised that an RFP was sent out for Brydges Services and closing date December 9, 2008. She is anticipating that there will be three bids. She also reported that Duty counsel and Brydges Services has been exempted from Rule 118; summary advice such as that provided by Law Line will still have to obtain identification and verification on clients. There is a drug conspiracy case being covered by Legal Aid Alberta which is anticipated to cost \$900,000 over a span of about three years.

By consensus the Report of the CEO was received for information.

*b) Report of Senior Counsel of FLO*

Ms. Miller highlighted her report and advised that the Family Law Office is fully staffed. There is a senior counsel who will be retiring and she would like to replace that position with two junior lawyers. A senior lawyer has been hired for the Lethbridge Family Law Office. She also reported that the Key Performance Indicators have increased in every area, staff are attending a number of speaking engagements, and the Family Law Office in Edmonton will be partnering with Student Legal Services in the new year.

By consensus the report of the Senior Counsel was received for information.

*c) Report of Senior Counsel of YCDO*

Mr. Francis highlighted his report advising that there has been movement on the integration with Legal Aid Alberta's IT architecture and the staff are excited for the Case Management system which is being customized for the Youth Criminal Defence Office. It is anticipated that the systems will be fully integrated by next fall.

By consensus the report of the Senior Counsel was received for information.

*d) KPI's for FLO, YCDO, Program Services*

By consensus the key performance indicators were received for information.

14. IT Report

Mr. Gehrke reported that two significant research projects are being undertaken by the IT Department; Modern Telephony Alternatives Research and Business Applications Research. Both systems are ill suited to support modern business practices and the research projects are to evaluate and recommend potential solutions.

By consensus the IT report was received for information.

15. HR Report

The Human Resources report was exhibited for the Board's information and Ms. Schaffter pointed out that there are some policies that have to be negotiated through AUPE before they can be harmonized.

By consensus this item was received for information.

**List of Pending items**

15. Pending List from September Board meeting

By consensus this item was received for information.

**Items for Information**

16. Upcoming Dates

There were no items for discussion under this heading.

**In Camera**

17. *It was duly Moved and Seconded that the Board move into an in camera session. Carried unanimously. It was duly moved and seconded that the Board come out of in camera session. Carried Unanimously.*

Jacqueline Schaffter  
President & CEO