



**MINUTES**  
**266th MEETING**  
**OF THE**  
**BOARD OF DIRECTORS**

**9:00 a.m.**  
**April 28, 2009**  
**Learning Centre**  
**Legal Aid Alberta**  
**400, 10320 – 102 Avenue**  
**Edmonton AB**

**Members in Attendance**

Glenda Graham, Q.C.  
John Bachinski  
Oceanna Hall  
Dennis Kalma  
Colin Kloot  
Kirk MacDonald  
Daniel McKinley, F.C.A.  
Kristine Robidoux, Q.C. – via teleconference  
Perry Sirota  
Pat Stopa, Q.C.

**Members Absent**

**Staff in Attendance**

(for all or part of meeting)

Jacquie Schaffter  
Roland Gehrke  
Wanda Fish  
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.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 265<sup>th</sup> Directors Meeting be approved. Carried Unanimously.

3. Meeting Dates

a) *Proposed dates*

- April 27, 2009 – Strategic Planning Session
- April 28, 2009 - Edmonton
- June 18-20, 2009 - Sylvan Lake
- September 22, 2009 – Video conference
- December 8, 2009 - Edmonton

Mr. Kalma requested that members advise as soon as possible if any of the meeting dates pose a concern with attendance and if necessary the date or dates can be changed.

b) *Conference Call meetings*

By consensus it was agreed in order to be fiscally responsible that when possible the Board meetings should be held by video conference commencing with the September 2009 meeting. The Legal Aid Alberta IT department should work with Colin Kloot to ensure he will be able to video conference from his office.

**Board Priorities**

4. LAA Strategic Plan 2009/10

*i Roster Recruitment and Retention*

Jennifer Fowler reported that eleven Access to Justice Awards events were held throughout the province in mid-April and all went well. She stated that this year there was more stakeholder involvement and she expressed her thanks to those involved in making these events so successful. She advised that the next steps will be to commence discussions for the possibility of incorporating Legal Aid Alberta awards as part of the Law Society Distinguished Awards ceremony.

A proposal is being prepared to go to the Executive, due to cost, to recognize all lawyers accepting legal aid cases through certificates and pins. Still to be decided is the criteria for the recognition, and many of the Board members expressed the view that number of years would be the fairest method.

Ms. Fowler presented the new Legal Aid website to the Board highlighting the features that have been built into the site. There are sites for those needing legal help (potential applicants), clients, lawyers, Legal Aid Alberta general information, community resources, news and media with further information within each of those categories. She advised that

the website will be launched to the public on April 30, 2009. The Edmonton Regional Legal Aid office is piloting a project to provide access to computers for clients' use.

Ms. Robidoux advised that Jacqueline Schaffter and Jenifer Fowler made a presentation to Gowlings LLP and it was very well received and well planned out. The firm has had 10 lawyers express interest in taking legal aid matters. She reported that Gowlings is drafting policy and is discussing the option of having a dedicated person assigned to Gowlings and one at Legal Aid for referrals. She further reported that she spoke with Steven Bennett of Bennett Jones and he invited Legal Aid Alberta for make a presentation to their firm as well.

*ii Report on unbundling*

Ms. Schaffter highlighted the unbundling or limited scope legal services report as exhibited on the agenda. She pointed out that clients would be triaged at the point of their application and a decision would be made if unbundling or full service would be appropriate action. It is anticipated that it will be implemented on May 1, 2009 and will be monitored and evaluated.

Some Board members felt that this was the feasible but that guidelines and risk management should be developed including discussions with ALIA (lawyers professional insurance). Ms. Schaffter will provide a status report at the next Board meeting.

b) FLO and YCDO Strategic Plans

*i) Family Law Office*

By consensus the Board received this item for information

*ii) Youth Criminal Defence Office*

Mr. Francis advised that the memo exhibited on the agenda is in response to discussions at the December 2008 Board meeting on how the YCDO's Strategies meshed with the Board Strategies and their vision. He advised that his first step was to get the staff focused and then move ultimately to strategic planning. He continues to develop the Youth Workers' function, putting into place protocols and measurement tools. The YCDO IT system is being integrated with Legal Aid Alberta's system and they are in the process of developing a CMS to report activities.

He further reported that the staff are on board and working as a team and moral is up. The next challenge is to get staff to think beyond their job and more as a team player, as a part of the community. A three day retreat will take place in May.

Dr. Sirota noted that the Governance Agreement is up on 2011 but planning and vision for integration should be done in advance of negotiations.

By consensus this issue of moving forward on the vision of integration in preparation for the Governance Agreement negotiations will be discussed further at the June meetings. No facilitator is required and the CEO and Senior Counsel are invited to attend the sessions.

5. Governance (external) stakeholders and partners

a) *Steering Committee*

Ms. Graham reported that the Minister requested a fulsome review of Legal Aid Alberta and seems genuinely interested in the provision of services to vulnerable Albertans. The first meeting of the Steering Committee was held April 24 and was attended by Grant Sprague, Deputy Assistant Minister, Neil Dunne, Q.C. and Jeanette Fedorak for Alberta Justice, Tony Young and Peter Michalyshyn for the Law Society, Glenda Graham and Jacqueline Schaffter for legal Aid Alberta as well as Katherine Weaver, who will be conducting a great deal of the research for this project.

The goal is to have the scope of the project ready for presentation to the Minister by the week commencing May 4 and the next Steering Committee meeting scheduled for May 19<sup>th</sup> at which time it is anticipated that the Terms of Reference will have been approved. Ms. Graham advised that she will report further at the June meeting.

Ms. Graham further reported that although her term on the Board will be complete she would be pleased to continue on the committee and that the new Board Chair will become the Chair of the Steering Committee.

b) *Report on meeting with Minister*

Ms. Graham reported that she met with the Minister, which resulted in the LAA Review Steering Committee.

6. Draft Budget

Mr. Gehrke advised that the scenarios previously presented to the Board were forwarded to Alberta Justice with the draft budget. One of the scenario included cutting the financial eligibility guidelines which the Minister has refused to accept and has stated there are to be no service delivery cuts until after the review has been completed. There is concern that delaying any steps now will have a financial impact in year two of budget.

The Board stated that a further savings in the budget could be made through attrition of staff and well as the possibility of a 0% increase in salaries.

There are some administrative steps that can be taken including tightening up on discretionary increases and grey areas in substantive coverage. Mr. Gehrke further advised that one of the major steps will be to tighten up on the forecasting of certificate numbers as the actual numbers have been coming in lower. To ensure that the forecasts are not under-budgeted, weekly monitoring of the statistics will be taking place.

By consensus the Board received this item for information

### **Board Committee Reports**

#### *7 a) Report of the Nominating Committee*

Ms. Robidoux reported that there will be three vacancies on the Board in June 2009 with Glenda Graham and Dan McKinley having completed their second term appointments. There is one vacancy that was not filled with the resignation of Dianne Ireland.

Advertisements were sent to Alberta Association of Chartered Accountants, Institute of Public Administration of Canada, CCIA, CBA, Law Society of Alberta, Public Legal Education Network, Alberta Chamber of Commerce, Edmonton and Calgary Chambers, and Board Match Administration. The closing date for application is May 8, 2009.

Ms. Robidoux anticipates that the Nominating committee will commence interviewing candidates the week commencing May 11<sup>th</sup>. The membership of the Nominating Committee consists of Fred Fenwick, Q.C. and Mona Duckett, Q.C. for the Law Society, Neil Dunne, Q.C. and Lloyd Hickman for Alberta Justice and herself as Board representative.

Ms. Robidoux asked if there were members who could suggest names of people suitable to fill the vacancies to please forward the names and in particular someone with an Aboriginal heritage. Ms. Hall advised that she was aware of possible Aboriginal candidates and would provide them with copies of the Board information package and application form.

#### *b) Audit Committee*

The Audit Committee met with the Auditors on March 23, 2009 to consider the audit plan. The methodology remains similar to previous years but there was a significant cost increase. Through negotiations a smaller increase was agreed upon and Legal Aid Alberta was put on notice that it is in the lower end of the market. The auditors are currently in the Legal Aid offices.

By consensus this item will be placed on the September Agenda for discussion.

*c) HR Committee*

By consensus this item can be deleted from the agenda.

*d) Governance Committee*

The current Governance Task Team members are: Perry Sirota – Chair  
Glenda Graham, Q.C.  
Kirk MacDonald  
Kristine Robidoux, Q.C.

Dr. Sirota reported that there have been two meeting of the committee and issues being reviewed are: succession of the Board, Board training, Board evaluation and a formal orientation process. The Committee will continue to meet as required.

Dr. Sirota requested that the Board Training session in June be devoted to continuation of Strategic Planning and suggested that the training, and team building be held at the rental cabin.

By consensus it was agreed that the June Board training session, at the cabin, will be a continuation of Strategic Planning and that the Business Unit Management Group (BUMG) not be invited to attend.

*d) AGM Task Team*

The AGM Task Team is comprised of: Pat Stopa, Q.C. – Chair  
Oceanna Hall  
Dennis Kalma  
Kirk MacDonald  
Jacqueline Schaffter  
Jennifer Fowler

The Committee met by teleconference to discuss a survey of the views Regional Committee Members would like at the AGM, content and location. The response from the Regional members is that the location is not important and they enjoy attending and being a part of the meeting. The round table discussions were favored over the management presentations and the topics of interest are budget and services. As in previous years, Grant Sprague, Deputy Assistant Minister, Neil Dunne, Q.C., from Alberta Justice Peter Michalyshyn, President, and Mona Duckett, Q.C. from the Law Society will be invited to attend the Saturday, June 20th meeting and golf tournament.

The committee was in agreement on the following schedule:

- Thursday, June 18** - Board Strategic Planning and team building (commencing 12 noon)  
**Friday, June 19** - formal Board meeting, Lakeview Room, Sylvan Lake with an informal dinner to be arranged  
**Saturday, June 20** - AGM (9 am to 12 noon) – agenda to be determined by committee, followed by a golf tournament and Barbeque dinner

*f) Standards Committee Task Force*

Ms. Schaffter advised that the Standards Committee is comprised of the members of the complex Cases Committee. The Committee is researching panel standards in other Legal Aid Plans and there are currently no standards for roster lawyers in Alberta. There have been instances where less experienced lawyers have accepted legal aid certificates in serious matters. It was felt that this is an issue that should be discussed with the Regional delegates at the June meeting as well as the Appeals Committees, North and South.

Ms. Schaffter will draft a report for the Standards Committee's review.

## **Operational Committees**

8. Review of Client Complaint process

Ms. Schaffter reported that she had held discussions with the Law Society regarding complaints made by legal aid clients against their lawyers. Law Society advised that they are well equipped to handle complaints. The complaints are screened very carefully by a Resolution Officer and if it gets to the point of a hearing the Law Society has pro bono lawyers able to assist lawyers at the hearing. The Law Society felt that there was nothing further Legal Aid Alberta could do other than try to mediate complaints prior to being reported to the Law Society.

9. Calgary Regional Legal Aid Committee

It was duly Moved and Seconded that Laurie Anderson be appointed as a member of the Calgary Regional Legal Aid Committee. Carried Unanimously.

10. Ft. McMurray Regional Legal Aid Committee

It was duly Moved and Seconded that Rosemarie Horne and Linda Sovdi be appointed as members of the Ft. McMurray Regional Legal Aid Committee. Carried Unanimously.

11. Wetaskiwin Regional Legal Aid Committee

It was duly Moved and Seconded that Richard Wyrozub be appointed as a member of the Wetaskiwin Regional Legal Aid Committee. Carried Unanimously.

**Management Reports**

12. Financial and Risk management

Mr. Gehrke reported the financial reports are as forecasted and the auditors are in the midst of examining and preparing an Auditors Report for the year ended March 31, 2009.

By consensus the financial statements were received for information.

Ms. Schaffter reported that Neil Dunne, Q.C., Alberta justice has requested that a footnote be added to the statements for the comparison of the Staff lawyer offices with the private bar that “values added services is not accounted for”. The Board felt that this was an unfair comparison as it doesn’t account for the contribution made by the private bar.

By consensus it was agreed that the Board direct that the requested footnote not be include but will be re-negotiate at Governance discussions.

13. Operation Reports

*a) Report of CEO*

Ms. Schaffter highlighted her report and invited questions. She advised that legal Aid Alberta was invited by Ab Currie, Federal Justice, to attend the International legal Aid Conference held in New Zealand at the end of March. This was a great honour as attendance

is by invitation only. The conferencing was attended by 22 different countries and dealt with the issue of delivering legal service across diverse areas. She found the conference to be very enlightening and made a number of good contacts.

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

*b) Report of Senior Counsel of FLO*

Ms. Miller highlighted her report advising that the Family Law Office is very busy. The office will be holding a Strategy Planning meeting and an unbundling meeting over the next couple of days. She reported that the Minister is interested in a program developed by Mark Cherrington and Danielle Collins called “Just Us Girls” which is directed to young mothers

with Child Welfare issues or problems with the law. The program is partners with several other agencies and the objectives and measurements tools developed. Mr. Cherrington will be working with a panel of three, prepare a report for the courts and is hopeful that the Minister will see this as a program for the vulnerable.

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 he is working on job descriptions to make staff accountable to and for a team approach to issues. He has almost completed the job descriptions and is working on protocols and processing i.e. treatment protocols and release plans. Youth Workers are now opening files which will allow for better accountability and statistics.

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

**List of Pending items**

14. Pending List from December Board meeting

By consensus this item was received for information and it was noted that there are no pending issues remaining on the list.

**Items for Information**

15. Upcoming Dates

June 18 – Board Training  
June 19 – Board Meeting  
June 20 – AGM with Regional Delegates

**In Camera**

16. *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