



MINUTES
267th MEETING
OF THE
BOARD OF DIRECTORS

9:00 a.m.
June 19, 2009
Lakeview Room
Chateau Suites at Sylvan Bay
#1, 5100 Lakeshore Drive
Sylvan Lake, Alberta

Members in Attendance

Glenda Graham, Q.C.
John Bachinski
Pierre Boileau
Oceanna Hall
Sean Johnson
Dennis Kalma
Colin Kloot
Richard Luciani
Kirk MacDonald
Daniel McKinley, F.C.A.
Kristine Robidoux, Q.C.
Perry Sirota
Pat Stopa, Q.C.

Members Absent

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.

2. Approval of Minutes

It was agreed that the Minutes should be amended with respect to the issue of the YCDO Strategic Plan by deleting the first paragraph on page 4.

It was duly Moved and Seconded that the Minutes of the 266th Directors Meeting be approved as amended. Carried Unanimously.

3. Meeting Dates

a) *Proposed dates*

- September 22, 2009 – Calgary
- December 8, 2009 - Edmonton

Mr. Kloot noted that while the Board had approved the September Board Meeting to be held by video conference he felt that in view of the appointment of a new Chair and three new Board members that it would be better to meet in person. Ms. Graham noted that the winter weather can sometimes be an issue and the Board may want to consider scheduling a video conference Board meeting for the February meeting.

Board Priorities

4. LAA Strategic Plan 2009/10

i) *Roster Recruitment and Retention*

Jennifer Fowler presented the roster and recruitment strategies commencing with some background information on the public awareness poll and resulting bus and radio ads. She pointed out that at the time the ads were being aired LAA was providing 140,000 assists and the number has now increased to 194,000. A follow-up poll indicated that the percentage of Albertans who strongly supported Legal Aid Alberta increased by 10%.

Ms. Fowler presented a campaign initiative as part of a tool kit for the recruitment and retention of lawyers targeting three key groups: junior lawyers, law firms and senior lawyers. She advised that she as well as other members of the Executive attend the CPLED Bar admission course sessions (Canadian Centre for Professional Legal Education) to provide information to law students.

A new website has been launched which is more interactive and with separate portals for clients, lawyers and staff. She was pleased to advise that a contract has been signed with Ontario Legal Aid allowing access to their case law data base to lawyers acting on a legal aid certificate. The access for the bar will cost Legal Aid Alberta \$4,500 per year.

Ms. Fowler presented a video targeting the three key audiences and advised that video blogs are being developed which will include an interview with Chief Justice Wachowich.

Partnership booklets have been designed for the tool kit which includes:

- i. Counsel Connection
- ii. Access to Justice
- iii. Experience Booster
- iv. Get Recognized
- v. Greased Gears (which outlines internal processes such as ebilling, travel assist, roster concierge, in-house training
- vi. Board times
- vii. Take next step

Ms. Fowler also reported that a poster has been designed indicating the partnership between Gowlings and Legal Aid Alberta and that this would be done for other participating firms as well.

Ms. Robidoux reported that after the presentation made to Gowlings the firm agreed to allow their associates to participate in the legal aid plan and will be providing the lawyers working on legal aid certificates with hour for hour credit towards their billing requirement up to a set maximum. She was pleased to see the poster and felt that it would be well received by the firm.

Mr. Johnson questioned the cost of the campaign. In view of the fact public funds were being expended on the campaign, he did not feel that a “Cadillac” campaign should be developed. Ms. Fowler reported that last year \$100,000 was spent on the website and the work on this campaign has cost approximately \$11,000 with the majority of the ground work completed in-house.

Mr. McKinley pointed out that the current demographics for the lawyers accepting legal aid certificates are aging and if junior lawyers do not start accepting cases, Legal Aid Alberta will be in a critical situation. The campaign is important to ensure access to justice and the future of the organization. This was echoed by Ms. Graham who advised that the campaign is being run on a shoe-string with free air time and that the campaign has been miniscule part of the budget.

Ms. Fowler advised that our clients and public view Legal Aid lawyers in a certain way and the message must get out that the clients are receiving quality representation. A Client Guide has been developed which she distributed at the meeting. The Legal Aid Officers review the Client Guide with each applicant at the interview level as well as provide it to them as a take-away tool. The first four pages will be extracted and put into a separate pamphlet and distributed to potential applicants.

ii Report on unbundling

Ms. Schaffter provided an update on the unbundling of services advising that this is a topic that is also being looked at by Alberta Justice, the Law Society and various agencies. A report outlining Legal Aid Alberta plans include attempting to resolve disputes before they reach the court system, more client management and increase in duty counsel services. It is really an internal report streamlining services delivery.

Gillian Marriott has been contracted to put together a retainer letter for discreet coverage for the private bar and Ms. Schaffter has spoken to her about collaborating. Ms. Schaffter advised that not only is our insurance company requesting it, but a retainer letter is an important document with respect to advising our clients.

Ms. Miller advised that the report contains 11 recommendations which will be released to the Review Steering Committee.

By consensus the Board received this item for information.

5. Governance (external) stakeholders and partners

a) Update on Steering Committee on LAA Review

Ms. Schaffter reported that in response to seven questions set out in the Terms of Reference for the Review Steering Committee, a research paper was prepared addressing the needs of vulnerable Albertans and presented to the Steering Committee at their last meeting. A report on service delivery has been prepared and forward to the Steering Committee members for discussion at its next meeting scheduled for Monday June 22, 2009.

It is anticipated the consultation with stakeholders will be held over the summer with the assistance of an outside consultant. It is anticipated that a budget for the consultations will be available for discussion with the Steering Committee at its June 22 meeting.

Ms. Fowler further reported that a communication regarding the Review will be placed on the websites of Legal Aid Alberta, Law Society and Alberta Justice. The final communication draft is with Alberta Justice at this time.

6. Budget update

Mr. Gehrke advised that Legal Aid Alberta may not have an approved budget under after the completion of the Review. In the interim the budget for last year is being used.

7. Financial Statements for April 31, 2009

Mr. Gehrke highlighted the financial statements pointing out the forecasting for revenues are down largely due to the decrease in ALF funding. Market adjustments to salaries have been settled through the Union at 4.4% effective April 1, 2009. This year was only a wage re-opener and next year will be full negotiations.

Mr. Johnson pointed out the correct way to record a surplus is to show it as a negative. Mr. Gehrke will look into this issue. He advised that the year-end reporting is the most comprehensive. The monthly and quarterly reports are prepared for the Board and Alberta Justice.

By consensus the Board received this item for information.

Board Committees Reports

8. a) *Report of the Nominating Committee (defer to Item 4 AGM agenda)*

b) *Audit Committee*

Mr. McKinley reported that the Audit Committee met twice to firstly review the audit plan and set out the deliverables. The second meeting was to review the audited financial statements. The Audit Committee deleted the note regarding internally restricted surplus as it was redundant. Mr. McKinley advised that there is approximately \$27 million in the bank but with the reduction in revenues will expect the surplus to be used within 2 years.

Mr. McKinley further noted that Ernest & Young have been the auditors for a number of years and advised that at the GM he will be recommending that it be sent out for tender.

By consensus the Board received this item for information.

c) *HR*

By consensus the Board deferred this item to an *in camera* session.

d) *Governance*

Dr. Sirota reported that the Governance Committee's focus has been on Board succession, appointment of new members and succession of Chairmanship and committees which will be discussed *in camera*. An official Board orientation has taken place with Sean Johnson, Richard Luciani and Pierre Boileau, Pat Stopa and Oceanna Hall.

The next steps for the Governance Committee will be Board Training. Dr. Sirota set out the history noting that Kris Robidoux recognized the need for Board training. So far there have been sessions on accounting, governance, media and strategic planning. The Committee will be tying the training to Strategic Planning. Dr. Sirota noted that some Board members attended a Governance Training course held over a 3 day period at a cost of about \$2000. Any other Board member interested in taking this course should contact him for information or advise of any other specific training requests.

Dr. Sirota reported that an annual evaluation has taken place to meet the expectations of the partners. He would like to see a more useful evaluation and will be seeking input.

The Governance Committee has been tasked with Board members' development and will continue to build on the competency matrix developed by Kris Robidoux. Lastly he reported that the Governance Manual should be refreshed on an annual basis.

e) AGM Task Team

Mr. Stopa reported that the AGM Committee formatted the requirements for the meeting s this year. It had been agreed that the Annual General Meeting (AGM) is for the Board members. It was felt that to make the meeting with the Regional representatives more meaningful, it would not be combined with the AGM but used for the exchange of information. The Assistant Deputy Minister and two Benchers will be attending the meeting with the Regional representation. No discussion was held by the AGM Task Team on future AGM's.

f) Standards Committee Task Force

Mr. MacDonald advised that the current practice for appointing lawyers for legal aid matters is by choice of counsel. The Complex Cases Committee had occasion to hear a request from a junior lawyer, appointed as choice on a drug conspiracy matter, for additional hours similarly to the number of hours which had been given to more senior counsel. It was felt that standards should be development for certain legal aid matters and a draft will be discussed with the Regional representatives on June 20th. The issue of mentoring will also be discussed on June 20th.

By consensus the Board received this item for information.

9. JPAC Report (Kirk MacDonald)

Mr. MacDonald reported that he attended the Justice Policy Advisory Committee (JPAC) on behalf of Glenda Graham. This meeting, organized for the purpose of information sharing, is held twice a year and is attended by a number of enforcement agencies. The focus was on policing and gang issues and although Legal Aid Alberta does not have a lot

of input it is good to be in attendance to get advance notice on what initiatives are being implemented. He also advised that it is an opportunity to point out that hiring more police and prosecutors will be to have a greater financial impact on Legal Aid Alberta as more services are required.

Operational Committees

10. a) *Calgary Regional Legal Aid Committee*

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

b. *Appeals Committee South*

It was duly Moved and Seconded that the Board interpretation of section II A ii) of the Terms of Reference for Appeals Committee is that once a Board member has completed his/her term on the Board that member may sit as a member at large for two 3-years terms. Carried Unanimously.

It was duly Moved and Seconded that Glenda Graham be appointed as a member of the Appeals Committee South. Carried Unanimously.

c. *Red Deer Regional Committee*

It was duly Moved and Seconded that Terra Lynn Ley and Robert Oxman be appointed as members of the Red Deer Regional Legal Aid Committee. Carried Unanimously.

Management Reports

10. Operations Report

a) *Report of CEO*

Ms. Schaffter highlighted her reported as exhibited noting that the Review Steering Committee is taking up a huge amount of time and this is where most of Managements' focus has been. She pointed out that there has been a 21% increase in certificates, mostly in family law area, and this is being monitored very carefully.

Ms. Robidoux advised that she is pleased to see the implementation of the bail representation program. She is dismayed that there is some resistance by the police in Calgary. Mr. Francis advised that he has received 60 days notice that the Crown will be moving to increased hours, from 8:00 a.m. until 12 midnight effective September 15. He

has also been advised that the Crown will soon be acting at bail hearings in rural areas as well.

By consensus the Board received this item for information.

b) Report of Senior Counsel of FLO to include strategic planning

Ms. Miller highlighted her report has exhibited noting that there has been an increase in file numbers for the Family Law Office and she is monitoring the situation. She further advised that the office has agreed to accept more Child Welfare and Parenting certificates and as a result are streamlining the Emergency Protection Order Program (EPOP) and Child Welfare cases. The risks will be dependent on the number of large or difficult files received.

By consensus the Board received this item for information.

c) Report of Senior Counsel of YCDO to include strategic planning

Mr. Francis highlighted his report pointing out that the initiatives under the non certificate programs will not have a cost to Legal Aid Alberta or Youth Office other than Mark Cherrington's time. Mr. Francis advised that the Extra Judicial Sanctions (EJS) is onerous as many of the youths do not have proper family supervision but really assists with the success rates. He is concerned about "burn-out" and will be making a case in the future for an additional ½ time position.

A report as exhibited on steps to integrate YCDO with LAA and align behavior is self explanatory.

By consensus the Board received this item for information.

Strategic Planning

11. Strategic Planning

Ms. Schaffter advised that MSA consulting has some work involving Roland Gehrke, Jennifer Fowler and herself regarding critical success factor and the finalization of re-organizational plan. It is not known exactly how long this will take but a final report will be brought back to the Board.

List of Pending Issues

No items pending

Information Items

12. Client Survey Report 2009

Ms. Fowler reported that the annual client survey is exhibited for information and that overall satisfaction rate is consistent. The survey is completed each year and is required of Alberta Justice as one of their performance measures. The cost is approximately \$9000.

Discussion was held on the number of clients surveyed who felt their lawyer was prepared for court (60%) and it is unclear whether the view is based on outcomes or not. Mr. Stopa pointed out that the client guide will go a long way in setting out expectations for clients. He also suggested that Legal Aid Alberta state that it is an expectation that there will be the same level of services between the lawyer and a legal aid client as that of a private paying client. Mr. Kloot pointed out that 60% stating their lawyer was prepared by court is a good number, as the survey is random and keeping in mind there is a curve of gratitude.

Ms. Schaffter advised that discussion has been held on changing the survey in order to gather more information and data.

Mr. Kloot requested that a comparison report for the last three years of surveys be prepared for the next Board meeting.

By consensus the Board received this item for information.

13. Hansard Report, April 22, 2009

By consensus the Board received this item for information.

In Camera

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.

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June 19, 2009

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HR Committee

It was duly Moved and Seconded that the recommendations made regarding merit increases be adopted. Carried Unanimously.

Adjourned at 1:50 p.m.

Jacqueline Schaffter
President & CEO