



MINUTES
271st MEETING
OF THE
BOARD OF DIRECTORS

9:00 a.m.
May 4, 2010
#300, 10320 – 102 Avenue
Edmonton AB T5J 4A1

Members in Attendance

Colin Kloot
John Bachinski
Pierre Boileau
Oceanna Hall
Sean Johnson
Richard Luciani
Kirk MacDonald
Perry Sirota
Pat Stopa, Q.C.

Members Absent

Dennis Kalma
Kristine Robidoux, Q.C.

Staff in Attendance

Jacquie Schaffter
Deb Miller
Greg Francis
Martin Ostensen
Jennifer Fowler
Pat Bard

Presentation

Donna Bauer
Jim Busch

The Meeting came to order at 9:10 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 270th Directors Meeting be approved as circulated. Carried Unanimously.

3. Meeting Dates

- June 17, 18 and 19, 2010 - Sylvan Lake
- September 13, 2010 – Calgary
- December 7, 2010 - Edmonton

Meeting dates for 2011 will be proposed at the Board Meeting in June, 2010.

It was agreed that the June meetings would be held as follows:

Thursday, June 17 - Board 272nd General Meeting at 10:00 am
37th AGM following the General meeting
Evening social event.

Friday, June 18 - The Strategic Planning in the morning
Board Development in the afternoon

Saturday, June 19 Golf

Ms. Fowler advised that two tee off times have been booked for the golf tournament on Saturday and if necessary the Board Development could also be held Saturday morning. Dr. Sirota invited the members to make suggestions for Board training as soon as possible.

Board Priorities

4. LAA Review Updates

a) Legal Services Centre (LSC)

Mr. Ostensen and Ms. Fowler presented the LSC update and reported the following:

- The LSC was launched in Edmonton on April 6, 2010
- The Client Resource Management program (CRM) needs some tweaking to make it more user friendly.
- There has been a bottleneck of getting the certificates issued to the private bar and to FLO but the bottleneck has eased somewhat due to a great deal of extra work from staff and some assistance from Ms. Schaffter the absence of the VP, Certificate Management.

Seven limited scope certificates were recently sent over to FLO. Communication has been sent to stakeholders explaining the delay.

- A back-log in taking applications at the Remand Centre and Fort Saskatchewan Correctional Center has been dealt with by implementing a dedicated telephone line for those in custody and taking telephone applications. The telephone application is well received by the Correction Services personnel.
- There are five private bar lawyers who will accept limited scope certificates on a pilot basis in Edmonton. Ms. Schaffter noted that all private bar lawyers must receive limited scope training prior to being issued the certificates.
- There has been few limited scope certificates issued as many of these cases are being streamlined to the Mediation Project.
- Ms. Schaffter and Ms. Miller met with the judiciary in Edmonton with respect to limited scope certificates and some were not initially pleased with the concept; while Mr. Francis and Ms. Fenney met with the Judiciary in Calgary and the feedback was more open and positive.
- Kesa Consultants have been involved in workshops and meetings with Management but the change management is currently being handled in-house and monitored carefully. Daily debriefs are being held with staff on what is working and what is not.
- Staff have done a phenomenal job, moral varies but staff are not calling in sick and all are involved. The capacity of some staff is maxed out. There continues to be a need to achieve balance with the right mix of people in the right roles.
- Kelly Anne Fenney is the project Manager for the LSC in Calgary. The launch date is anticipated to be mid-June.
- Interviews for the Regional LSC Directors will be held thereafter and projects will be initiated in the regions.
- Ms. Ostensen advised that he will be pulling reports from the Cisco and CRM programs and while he pulled some, the figures do not have enough data to be of value. He will have fuller reports for the June meeting.
- Discussion was held on the numbers of calls received versus the number of discreet callers. It was noted that when people are feeling stressed they will hang-up and keep re-dialing rather than wait in a queue. Mr. Ostensen advised the queue will be scripted to encourage callers to hold rather than re-dial as they will get through quicker.

b) Enhanced Duty Counsel Criminal

Mr. Francis reported that office space is being reconfigured in the Calgary Legal Aid Office to accommodate the Enhanced Duty Counsel Project. The lawyers are taking cases on a limited basis as they do not currently have offices. In Edmonton the Enhanced Duty Counsel is operating in out of the Law Line Office. The Enhanced Duty Counsel will be imported into the Legal Service Centres and cross training will take place.

Ms. Schaffter reported that she and Mr. MacDonald attended a Criminal Trial Lawyers Association (CTLA) meeting by invitation to talk about the review. One of the main concerns was that Legal Aid Enhanced Duty Counsel may be handling trials, and it was expressed that this was viewed as a step further towards a Staff Lawyer Criminal Office.

Mr. Kloot advised that the CTLA contacted the Law Society with respect to their concerns and it was suggested that any further discussion take place in-camera.

c) Enhanced Duty Counsel Civil

Ms. Schaffter reported that the Enhanced Civil Duty Counsel project, although handling some cases, has been deferred until the LSC is operating smoothly.

d) Mediation Project

In Ms. Miller's absence, Ms. Schaffter highlighted Ms. Miller's report as attached to the exhibits indicating that 40 clients in Calgary have agreed to go through the Mediation Project. A Mediation Project will be implemented in Edmonton and, as with the Calgary pilot, there will be no fees charged to clients going through the project initially. Once a resolution has been reached staff lawyers in the LSC will prepare the Order. The Mediation project in Calgary has been very successful with a lot of efficiencies.

Mr. Francis reported that he has been approached by Kevin McNicol, Executive director of Homefront in Calgary. He advised that Homefront is applying to the government for funding to provide legal counsel for unrepresented accused in Domestic Violence Court and would like Legal Aid Alberta to provide the service. It was noted by Board members that the Domestic Violence Court has a lot of resources and an unrepresented accused may feel pressured to plead guilty which has not only legal but social ramifications and that they should have a lawyer. It was pointed out as a caution, that if funding is approved on a one time basis when the funding is gone then there may be an expectation from the Judiciary that the services will continue.

Ms. Schaffter advised that she had made inquiries at Justice to determine if LAA could apply for the funding from Safe Com rather than having the funding channeled through Homefront. No answer had been received as yet from Justice.

Financials

5. Budget Update

Ms. Bauer and Mr. Busch were in attendance at the meeting for this item. A detailed draft submission was distributed prior to the meeting.

Mr. Johnson questioned LAA's exposure if the estimates for private bar expenses were off by \$5 million. Ms. Schaffter assured that all activity including expenditures are monitored on a weekly basis and adjustments will be made quickly as necessary.

Mr. Johnson expressed his concern regarding outstanding certificates. Mr. Busch advised that the contingent liability is based on a formula reviewed by Ernst & Young using the previous year's figures, total expenditures and divided by completed certificates. He pointed out that the interim billings have increased dramatically and when figured into the liability the outstanding is \$20.2 million.

Mr. Johnson was noted that the draft budget sets the private bar expenditures at \$28 million, cost for outstanding certificates totals \$18 million and questioned if the \$10 million set for the current fiscal year was sufficient.

Ms. Schaffter pointed out that the service delivery model has now changed, there is a decrease in certificates issued and that monitoring is done on a weekly basis. She meets with Alberta Justice monthly on finances. She advised that as LAA does not control the number of people who need assistance that we can only monitor closely and adjust as necessary and in a worst case scenario cut services.

6. Financial Statements for March 2010

Mr. Busch reported the March financial statements are in draft as the audit is still ongoing and will be presented at the June meeting.

Board Committee Reports

7. *a) Audit Committee*

Mr. Johnson reported that the audit is on-going and a meeting with the Auditors to review the audit has not been scheduled.

b) HR Committee

Mr. Bachinski advised that the HR Committee is in the process of developing the evaluation process for performance appraisals for the CEO and Senior Counsels. Any further discussion regarding performance evaluations or compensation will be held in camera.

He further reported that in discussions with Garry McFadden, he provided a delay to the report on benefits harmonization to June in light of all the other matters on- going at LAA.

It was duly Moved and Seconded that the Board directs Administration to ensure harmonization of benefits throughout the organization and program by January 1, 2011. Carried Unanimously.

The Board expressed their level of frustration on the harmonization of benefits as a directive had been given at least a year ago and still not dealt with.

c) Governance Committee

Dr. Sirota reported that there is a number is issues that need to be completed but there has been difficulty in connecting with Committee members. The dates for the AGM have been discussed under Item 3. It is not anticipated that there will be new Board members approved by the June meetings so orientation is not a consideration.

Board Development can be held either the afternoon of June 18 or the morning of June 19. He noted that June will be his last meetings, that the training is for the benefit of those members continuing and asked Board members to forward their suggestions.

He also requested that members who have completed 2 terms and staying on for additional time not sit as Chair of committees in order to ensure that other Board members develop the skill set.

d) Nominating Committee

Ms. Robidoux, Chair of the Committee was absent from the meeting. However neither the Chair nor CEO had been advised of any activity of the Committee and it is unknown if a Nominating Committee meeting has been scheduled.

e) Governance Agreement Review Committee

This item will be held in camera.

Operations

8. Client Satisfaction Survey

Ms. Fowler reported that the Client Satisfaction Survey for 2010 indicates that satisfaction levels remain consistent with those of 2009. The cost of the survey prepared by PRA is approximately \$9,200.0 and is required by Alberta Justice.

She noted that the Survey does not take into account the new programs at LAA and will have to be completely overhauled for the next year.

The Board noted the small sampling from Edmonton regional and was advised that it may be due to LAO's overlooking the need to ask clients permission to be surveyed. This will be made a required field in the new CRM program.

The Board directed that on all future reports from consultants that the cost and budget amount be reflected up front.

Management Reports

9. Operation Reports

a) Report of CEO

Ms. Schaffter highlighted her report as exhibited and noted that the Regional and Appeals Committee will have to keep the new FEG's in mind when making decisions. The Committee must follow the new FEG's when making decisions but do have discretion on the substantive coverage.

Ms. Schaffter reported that while attending the Access to Justice Awards in Red Deer she was advised by a Regional Committee member that they will not follow the FEG's. Ms. Schaffter advised the Board that any matters approved by the Regional Committee where the FEG's are over the limits, she will appeal the decision to the Appeals Committees, North and South.

The Terms of Reference for Regional Committees will be reviewed to ensure that there is only discretion on substantive coverage.

By consensus the Operations Reports by the CEO was received for information.

b) Report of Senior Counsel of FLO

By consensus the Operations Reports by Senior Counsel for the Family Law Office was received for information.

c) Report of Senior Counsel of YCDO

Mr. Francis highlighted his report and advised that the services delivery to clients is operating smoothly. The integration of IT is proceeding well and full integration should be taking place over the May 8/9 weekend.

It was noted that there had been some reference by a staff lawyer to not allowing clients to use the emails due to the integration of the IT systems. Mr. Francis pointed out that there is one lawyer who chooses not to use emails for legal matters and that is her choice as long as it does not interfere with representation of the client. He confirmed that the lawyer is not counseling others to follow suit.

By consensus the Operations Reports by Senior Counsel for the Youth Criminal Defence Office was received for information.

List of Pending items

10. No items were pending.

Items for Information

11. News articles respecting Legal Aid Review

This item was received for information only.

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 move out of in camera session. Carried Unanimously.

The meeting adjourned at 3:00 p.m.

Jacqueline Schaffter
President & CEO