

MINUTES
255th MEETING
OF THE
BOARD OF DIRECTORS

9:30 a.m.
February 27, 2007
Legal Aid Alberta
#300 10230 102 Ave
Edmonton, AB

Members in Attendance

Glenda Graham, Q.C.
Joan Collins
Fred Fenwick, Q.C.
Colin Kloot
Dianne Ireland
Kirk MacDonald
Daniel McKinley, F.C.A
Kristine Robidoux
Dr. Perry Sirota

Members Absent

Helen Rice

Staff in Attendance

(for all or part of meeting)

Nancy Brown Medwid
Roland Gehrke
Jennifer Fowler
Wanda Fish
Katherine Weaver
Donna Stenerson
Pat Bard

IT Presentation

Doug Boudreault – IT Director
Sam Jenkins – Iomer Internet Solutions Inc.

1. **Approval of Agenda**

It was duly Moved and Seconded that the Agenda be approved with the addition of Item 7A Law Line and Brydges. Carried Unanimously.

Minutes of Strategic Planning Committee

It was duly Moved and Seconded that Colin Kloot be appointed to the Strategic Planning Committee. Carried Unanimously.

2. Approval of the Minutes of the 254th Directors Meeting

It was duly Moved and Seconded that the Minutes of the 254th Directors be approved with Item 12 on page 8 amended to reflect the correct name for the Strategic Planning Committee (formerly referred to as the Executive Committee). Carried Unanimously.

Meeting Dates

3. Meeting Dates

Tuesday, April 24, 2007
June 21-23, 2007 - Sylvan Lake, AB
Tuesday, September 25, 2007 – Calgary
Tuesday, December 11, 2007

Financial and Risk management

Report on Budget forecast

4. *Monthly Financial Statements*

Mr. Gehrke highlighted the financial statements for the month ended January 31, 2007 and reported that Legal Aid Alberta is currently under budget by approximately \$10 million due largely to payments to the private bar and vacant staff positions. As year end is approaching, the completed certificates submitted by lawyers are increasing and it is expected that at 1 April 2007 there will be \$4 to \$6 million in surplus.

He further reported that certificates issued to the private bar are down by 2% for youth, and 15% for civil. There was some discussion about reasons for the decrease in civil certificates with the low financial eligibility guidelines being considered a major factor.

It was duly Moved and Seconded that the financial statements for the month ended January 31, 2007 be received for information. Carried Unanimously.

Mega cases report

It was suggested that while the information provided was good, it was not enough to determine whether there were any patterns or predictability. More detailed information was requested for further discussion.

It was duly Moved and Seconded that the information on mega cases be received for information and tabled for further discussion at the next meeting. Carried Unanimously.

Tariff of Fees & Salaries (Dec. 12 Motion)

Ms. Brown Medwid referred to the correspondence between Neil Dunne and herself and suggested that only issue requiring resolution is the Board's motion to increase the notional hourly rate in the tariff. She stated that an increase in salaries had already been built into the budget which had been approved, the HR Committee was reviewing proposed ranges, and that negotiations regarding the collective agreement have commenced.

In discussion of the proposed tariff rate increase, the Board was referred to the Terms of Reference for the Compensation Review Committee, and it was suggested that the Committee recommend yearly increments to the notional hourly rate which can be included in the budget submissions. Ms. Graham advised that the committee has been meeting and as will be seen later in the agenda have been fairly active.

Ms. Graham reported that she has been in contact with the Minister's office to schedule a meeting to discuss the Board's authority in dealing with a surplus. After some discussion, it was agreed that she will extend an invitation to the Minister to attend the April Board meeting or if necessary a special meeting of the Board.

Business Plan 2007/8-09/10 and Budget 07/08

Ms. Brown Medwid reported that to date there have been no budget target amounts provided to Legal Aid Alberta but that the draft budget is based on the 07/08 target set out in the Alberta Justice Business Plan last year.

Mr. Gehrke highlighted the draft Business Plan and referred the Board to the new section on Corporate Initiatives noting the business continuity management strategy involves looking at any and all potential disasters, the risk and impact as well as how to manage.

The Board felt that the Business Plan properly focuses on clients but asked for some initiatives that would benefit the private bar which plays an important role in providing legal aid services. The intention would be to show appreciation for the service provided by lawyers as well as raise awareness to get new lawyers on the roster.

Budget 07/08

Mr. Gehrke reported that the draft Budget is based on the \$45.3 million grant from the Province of Alberta that was published as our 07/08 target last year and \$9 million from the Alberta law Foundation. He noted that already the figures are a little outdated as the Edmonton Regional Office is negotiating additional space in the Revillon Building and he will need to build in costs for renovations and moving.

Report on Sustainability Plan

Ms. Brown Medwid reported that there has been no further information from the Minister with respect to the Sustainability Plan.

CEO Report

4. Report from the CEO

Ms. Brown Medwid noted that it is likely to be a year of labour unrest in the province because many collective agreements are due to expire during the year; the agreement between Legal Aid and AUPE will expire on March 31. She further reported on the collaboration between the Law Line and the Legal Information Centres (LINC), which are pilot projects being implemented by Alberta Justice Court Services.

Ms. Weaver explained that the LINC's will be self-help kiosks operated by Court Services where people who are representing themselves can obtain information in person or referrals on-line. It is anticipated that the LINC's will go into operation in Edmonton and Red Deer on April 1, 2007, in Grande Prairie by June 2007 and in Calgary in 2008 once the new Courthouse is completed. She further explained that the role of Law Line is that in those cases where it is determined that legal advice is required persons would be referred to a dedicated telephone line to the Law Line. The Law Line would also be assisting in the training of LINC staff. She advised that the impact of the dedicated line on the Law Line is not known but that will be part of the evaluation of the project.

It was duly Moved and Seconded that the CEO Report be received for information.
Carried Unanimously.

Family Law Office

6. Family Law Office - Operations Report

The Operations Report of the Family Law Office was exhibited on the agenda. As there were no items requiring Board decision, the Senior Counsel was not in attendance at the meeting, but was available by telephone to respond to any questions that might arise.

It was duly Moved and Seconded that the Family Law Office Report be received for information. Carried Unanimously.

Youth Criminal Defence

7. Youth Criminal Defence Office – Operations Report

The Operations Report of the Youth Criminal Office was exhibited on the agenda. As there were no items requiring Board decision, the Senior Counsel was not in attendance at the meeting, but was available by telephone to respond to any questions that might arise.

It was duly Moved and Seconded that the Youth Criminal Defence Office Report be received for information. Carried Unanimously.

7.A Law Line and Brydges

Ms. Robidoux questioned whether Law Line should be taking on the role of assisting in LINC as it seems to be already overburdened. Ms. Weaver reported that if it is necessary for more staff to be hired because of the LINC, Legal Aid would hope to obtain the support of Alberta Justice.

Brydges Services

Ms. Robidoux urged the Board to take a hard look at the Brydges service and determine our service level expectations. Ms. Robidoux advised that many accused have indicated that they were unable to get through on the 1-800 line. She further raised the issue of whether the lawyer providing Brydges advice should ask to speak to the presiding Officer.

In the Board's discussion, the distinction was made between true Brydges services which is basic advice only, and 24-hour duty counsel service which would entail additional elements such as speaking to the arresting officer and speaking to Bail. It was agreed that a duty counsel service would need to be included in the budget as a program, have management structure and likely would have staff lawyers.

Mr. MacDonald felt that the Brydges number may be a victim of its own success as police often provide only that number. It is his understanding that not even a telephone book is made available in some locations. He wondered if Legal Aid Alberta should be bringing back the practice of sending to police services Brydges lists of private bar lawyers as well. Ms. Brown Medwid referred to the administrative cost of Legal Aid of doing so and the fact that we are dependent on police services for distribution of current lists.

It was agreed that there should be clear communication to the police on the use of the 1-800 number as Ms. Fish ascertained that in one location the police were providing the wrong number. Ms. Weaver advised that police services and individuals also use the 1-800 number during the day to contact the Law Line for non-Brydges calls.

The Chair summarized the discussion by stating that the significant issue is the frequency of occasions where detained persons reach a busy signal at the Brydges number and that recommendations to resolve this issue need to be brought forward.

External Communications/Government Relations

8. Proposed television ad to raise public awareness

Ms. Fowler presented drawings for two 15 second television ads for Legal Aid Alberta. The first 15 second spot has the message “Last year, with our help, over 140,000 Albertans in need accessed the justice system” and the second spot has the message “For over thirty years, we’ve helped Albertans in need access the justice system”. (A copy of the drawings is attached to these Minutes.)

Ms. Fowler advised that the ads will transfer readily from television to radio and bus signs. The television stations that will be airing the ads are CBC, CTV and Global on a province wide basis. She hopes to have the ads airing in April or May and if this is not possible, she will hold off until the fall on the basis that fewer people watch television during the summer.

By consensus the Board endorsed the public awareness ads as set out.

9. Board Website Presentation

Messrs. Boudreault, IT Director and Jenkins of Iomer Internet Solutions Inc. made a presentation to the Board on a Corporate Board Website, a secure site that Board members could access with a code, which would provide a central location for materials and documents that would assist Board members in performing their

duties. A forum could be added whereby the Board members could respond to items such as email votes. The cost for this site would be approximately \$3000.00. Iomer would also provide training.

The Board agreed that they would find the site useful and would use it.

By consensus it was agreed to implement a Board Website.

Governance

10. Committees

EARC – request for guidelines/directions re: approval of discretionary increases

Ms. Collins, chair of the committee, reported that the committee would like to have some guidelines when considering the requests from lawyers for a discretionary increase.

The committee's questions included how much attention should be directed to whether the lawyer truly did not have an opportunity to seek additional time in advance because something exceptional arose unexpectedly as opposed to the situation where the lawyer wasn't adequately organized. Another question is whether the case is actually complex when the reasons provided are only that the lawyer did a good job.

Dr. Sirota undertook to track the discretionary increase requests coming before the committee for further discussion.

It was suggested that an article could be published in the Roster News to remind lawyers that the discretionary increase is for truly exceptional or complex cases. Ms. Fish reported that Wendy Bouwman Oake now attends these meetings and she will ask her to work with the Manager of Audit & Investigations in this regard.

By consensus this item was tabled to the April 24, 2007 meeting.

Draft conflict policy (draft Terms of Reference)

Ms. Fish spoke to the draft Terms of Reference, highlighting the draft conflict policies. She also reported that she plans to prepare an orientation booklet for each committee to be provided to new members.

The Board felt that the committees in question should be invited to provide input before any revisions are approved by the Board.

Ms. Fish undertook to provide the draft Terms of Reference to the Committees to get feedback and to prepare a table of concordance of the draft changes compared to the current Terms of Reference.

By consensus this item was tabled to the April 24, 2007 meeting.

Appointments Appeals Committee South

It was duly Moved and Seconded that J. Patrick Stopa, Q.C. be appointed as a member of the Appeals Committee South. Carried Unanimously.

Calgary Regional Committee

It was duly Moved and Seconded that the Board ratify the email vote to appoint Allan Fay, Markham Silver and Raj Sharma as members of the Calgary Regional Legal Aid Committee. Carried Unanimously.

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

11. Amendments of the By-Laws

Mr. Fenwick reported that he provided Alberta Justice and the Law Society with a draft copy of the proposed By-Laws for comment or approval as required. He has now received feedback from Justice and will circulate the amendments for the Board's email comments before the next meeting.

[Note: Amendments to the By-laws are passed by Special Resolution which requires 21 days Notice.]

12. Study on Financial Eligibility Guidelines

Ms. Stenerson, Director and Chief Financial Officer joined the meeting and reported on the work of the committee reviewing the financial eligibility guidelines.

Ms. Fish reported that, under the proposal draft guidelines, at the Appeals Committee level most of the appellants who were refused for being over the guidelines would have been granted coverage without having to go through the appeal process. At the Regional Committee level, approximately 70% would have been provided coverage.

The concern is in relation to those people who did not appeal or even apply for assistance.

The Board discussed a number of issues regarding financial guidelines:

- discrepancy between single and a family of four
- dollar increase as opposed to a percentage increase
- building in a yearly increment to the guidelines which could be set at inflation rate
- should there be a different threshold for civil versus criminal matters
- case management when funding both parties

This issue was for discussion only. The next step will be to involve Alberta Justice.

13. Compensation Review Committee

Ms. Graham reported that the Compensation Review Committee has reviewed the tariff from the view point of a practicing lawyer and had solicited and received feedback from lawyers, both individually and through organizations. There was considerable support for a tiered system based on experience. She felt that the tiered system would be based on years of experience and not simply years at the Alberta Bar. She noted that the committee had not examined the cost impact.

It was duly Moved and Seconded that the Board direct Management at Legal Aid Alberta to propose dollar amounts for a three tiered system and report back to the Board with estimated cost impacts. Carried *Messrs. Kloot and MacDonald abstained as they are related Board members and unable to vote on tariff issues pursuant to the Governance Agreement.*

14. Executive Director Search

Ms. Robidoux reported that Sameera Sereda of the Counsel Network has been retained for the search for the new President and CEO.

A sub-committee of Nancy Brown Medwid, Kris Robidoux and Garry McFadden, HR Director, was struck to work with Ms. Sereda in drafting a position profile. Advertising will be done on a Canada wide basis and once a suitable pool of candidates has been compiled a further meeting of the Human Resources Committee will take place to review the applications.

Ms. Robidoux noted that Helen Rice is a member of the Human Resources Committee and should the recruitment for the President and CEO not be completed before her term on the Board expires, the Board should give some consideration as to who will be appointed as her replacement on the committee.

15. Court Applications against Legal Aid Alberta and subpoenas of Board and staff

Ms. Brown Medwid reported that this issue was raised by Karl Wilberg at his last Board meeting in September 2006 and she was not sure of the circumstances that prompted his request. Mr. MacDonald believed that this issue arose from the Appeals Committee North which has noted an increase in family law matters where Courts are appointing experts and expecting Legal Aid to pay. If the Committee does not feel the appointment of the expert is warranted, there may be a need for someone representing Legal Aid to attend Court to explain the decision.

The draft policy placed before the Board for consideration was felt to be too narrow. Some members suggested also considering the related issue of directors' liability insurance.

By consensus the a further draft will be placed before the Board at its next meeting.

Board Operations

16. Board Evaluation Task Team

It was duly Moved and Seconded that the Board adopt the draft report on the Board Evaluation and forward it to Alberta Justice and the Law Society with a covering letter. Carried Unanimously.

By consensus the issue of the Board Evaluation 2007 is to be on the Board agenda for April 24, 2007.

17. Communications Task Team

By consensus this item was tabled to the next Board Meeting scheduled for April 24, 2007.

18. Board succession planning- development of competency matrix

Ms. Robidoux reported that the Nominations Committee must make recommendations on the appointment of Board members to fill the one vacancy and to replace Helen Rice in June 2007. There are also four Board members (Colin Kloot, Dianne Ireland, Kris Robidoux and Perry Sirota) whose terms are up for renewal in June 2007.

She had prepared and circulated a Board competency matrix for completion by Board members, which would indicate areas where expertise is required. After review of the matrix it was agreed that consideration should be given to the following competencies: financial expertise, experience in board or corporate governance and management and the area of government relations. Further consideration should also be given to geographical location and to lawyer or non-lawyer. Ms. Robidoux asked Board members to give some thought over the next month to possible candidates and forward the names to her.

Learning and Growth

19. Information Items

By consensus this item was received for information.

The meeting adjourned at 3:00 p.m.

Nancy Brown Medwid
CEO