

**MINUTES**  
**256th MEETING**  
**OF THE**  
**BOARD OF DIRECTORS**

**9:00 a.m.**  
**April 24, 2007**  
**Legal Aid Alberta**  
**#300 10320 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  
Helen Rice (teleconference)  
Dr. Perry Sirota

**Members Absent**

**Staff in Attendance**

(for all or part of meeting)

Nancy Brown Medwid  
Roland Gehrke  
Jennifer Fowler  
Wanda Fish  
Katherine Weaver  
Jacquie Schaffter  
Barry McLaren  
Pat Bard

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

**Agenda and Minutes**

1. Approval of Agenda

It was duly Moved and Seconded that the Agenda be approved. Carried Unanimously.

By consensus the Strategic Planning Committee Minutes were received for information.

2. Approval of Minutes of the 255<sup>th</sup> Directors Meeting

It was duly Moved and Seconded that the Minutes of the 255<sup>th</sup> Directors Meeting be approved. Carried Unanimously.

3. Meeting Dates

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

Notice of Annual General Meeting

By consensus the Notice of Annual General meeting was received.

**Government Relations**

4. Hill & Knowlton - government relations gap analysis

Doug Noble and Courtney Day, of Hill & Knowlton, consultants retained by Legal Aid Alberta to prepare a government relations gap analysis, attended the meeting to obtain the input of Board members.

Mr. Noble reported that since his first contact with Legal Aid Alberta through the former Communications Director, the organization had moved forward considerably in this area. He added that:

- the notion of government relations within organizations that are publicly funded is more on the radar screen now
- there is a need for consistent messaging and consistent discussions
- government relations is largely communication to larger audiences
- there is a need to find out the perception of Legal Aid held by elected and non-elected officials
- there are four categories of topics for officials – economic, legal, environmental and social. Legal Aid Alberta falls within three of those categories.

A lengthy discussion took place with the result that Hill & Knowlton will also meet with the Executive Management of Legal Aid and will draft questions for the Board's consideration. Members were asked to email any further comments to Jennifer Fowler, Communications Director.

## **Financial and Risk management**

### 5. Report on Budget forecast

#### *Monthly Financial Statements*

Mr. Gehrke reported that the year-end financial statements are still being completed. He advised that the CFO reports no significant variances in the forecast from February until now. Some drivers for those items under budget include a decrease in the number of certificates completed and the low financial eligibility guidelines. It was also reported that a large number of outstanding certificates have been eliminated and that the taxation of accounts is current.

#### *Mega cases report*

A report prepared by the Manager of Audit and Investigations was exhibited on the agenda. The Board requested that one additional column be added to the chart indicating the total sum paid to date.

By consensus this item was tabled to the June meeting

#### *Tariff of Fees*

Ms. Brown Medwid reported that she had confirmed the Board's desire to implement a \$2 notional hourly rate increase and an increase the Duty Counsel rate in a discussion with Alberta Justice. Budget discussions are on-going.

Ms. Graham reported that the recommended amendments to the tariff as exhibited on the agenda are minor and basically housekeeping matters. It was suggested during discussion that, as travel and accommodations for lawyers traveling to Ft. McMurray can be quite difficult at times, pre booked flights and hotel accommodations should be investigated.

It was duly Moved and Seconded that the recommendation of the Compensation Review Committee as exhibited be approved. Carried Unanimously.

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

Ms. Brown Medwid reported that the Budget has been forwarded to Alberta Justice and there has been one brief meeting with a further meeting to be scheduled. She reported that the \$2.2 million from the federal government's Innovation Fund has been eliminated but the funds are to be rolled into the base funding for legal aid. The amount to be paid to the province is unknown as the

formula for distribution has not yet been established. The grant from the Alberta Law Foundation has increased significantly. There are placeholders for increases in the financial eligibility guidelines and for tariff restructuring. She further reported that negotiations with AUPE had been successfully completed.

Mr. Gehrke advised the Board that further to its request at the last meeting, two new initiatives for the private bar has been added to the Business Plan. The initiatives are development and implementation of comprehensive training and review of the tariff and implement changes to address the difficulty in retaining lawyers in key areas of tariff coverage.

The Board discussed the amounts for tariff and financial eligibility compared with that for salary adjustments and it was noted that salary levels are so low that recruitment and retaining of employees has become very difficult. Spending money on salary adjustments was recognized as necessary and it was pointed out that government is sensitive to the situation. Ms. Robidoux reported that a Human Resources Committee is being scheduled and that the issue of salary ranges will be discussed.

The Board also discussed the issue of authority for expenditure of surplus funds which the Chair will discuss with the Minister.

#### *Directors & Officers Liability Insurance*

It was duly Moved and Seconded that the insurance coverage for Legal Aid Alberta be expanded to include Directors & Officer insurance. Carried Unanimously.

#### 6. Policy for Legal Representation

A draft policy was exhibited on the agenda for Board consideration. It was agreed that an insurance lawyer review the policy prior to any decisions, and the Chair offered to contact an insurance lawyer. By consensus this item was tabled to the next meeting.

#### 7. Audit Committee

Mr. McKinley, Chair of the Audit Committee, distributed a brief report at the meeting. He reported that the Audit Committee met on April 13, 2007 when the auditors, Ernst & Young, presented the 2007 audit plan. The plan was reviewed and approved by the Committee and it was further agreed that the Audit Committee would meet with the auditors on June 6<sup>th</sup> to review the results of the

audit. Mr. McKinley further advised that there will be a modest fee increase of 3% for the audit.

The Audit Committee decided to review the methodology and controls over certain aspects of the financial affairs of the organization and will be receiving a presentation from the Taxation/Audit and Investigation unit sometime in the fall.

## **CEO Report**

### 8. Report from the CEO

Ms. Brown Medwid highlighted her report, adding:

- that overall certificates issued are down by 5% despite the 2% increase in criminal certificates. She pointed out that there is a 16% decrease in civil certificates and a 17% decrease in family law certificates. She believes a factor in the decrease is the low financial eligibility guidelines.
- the LInC kiosk (Law Information Centres) for self represented litigants is hosting a grand opening in Edmonton today (April 24) at 1:00 p.m. with the Minister of Justice and representatives of Legal Aid Alberta will be in attendance. The LInC kiosks, which are an initiative of Alberta Justice Court Services, opened in Edmonton and Red Deer on April 1 and will open in Grande Prairie in June and in Calgary in 2008 upon completion of the new court house. Ms. Weaver reported that Law Line provides legal advice to self-representatives in partnership with LInC and has provided a dedicated telephone line for the purpose. Law Line also provided training for the LInC staff.
- the Deputy Minister of Justice, Terry Matchett and Neil Dunne attended the Executive Management meeting last week. The meeting went extremely well with the Deputy Minister commenting favourably on the Law Line's support for LInC and expressing Justice's support for Legal Aid Alberta.
- negotiations with AUPE, which included increases in staff salaries and a signing bonus, have been successfully completed for a 3-year contract. Similar increases have been implemented for all other staff including management and out of scope staff.
- The needs assessment project has commenced with Prairie Research Associates (PRA) being retained. The team will include members of the Executive Management of Legal Aid Alberta, Neil Dunne, Q.C., and Cheryl Armstrong of Alberta Justice. Ms. Robidoux requested that the Board be given the opportunity to review the report before it is finalized.

- Results of the client satisfaction survey have just been received and the figures are very close to last year's at 79% expressing they were satisfied or very satisfied with all services.
- Legal Aid Alberta will be hosting the Association of Legal Aid Plans of Canada meeting this year from August 29-31 which means that Ms. Brown Medwid has been Chair of the Association since last year's meeting. The ALAPC has been more active in government relations, having sent letters to federal ministers in support of increased funding for legal aid. A letter will soon be sent to the Deputy Ministers of Justice regarding federal funding for civil legal aid.

Ms. Brown Medwid referred reports on communications to the Director of Communications, Jennifer Fowler who had the Board preview the public service announcements prepared for television and radio. The announcements will be aired commencing September 10, 2007 for approximately two months. Ms. Fowler is working with a brokerage firm to get the best airing time with the highest impact at the least cost. Ads will also be placed on public transit buses in Edmonton and Calgary at the same time.

The concern was acknowledged that the airing of the announcements would lead to even more applicants who would not qualify under the current financial eligibility guidelines leading to an increase in the number of refused and dissatisfied applicants. Ms. Brown Medwid advised that if the financial guidelines have not yet been increased by that time, a message will be developed for front-line staff urging applicants who do not qualify for financial reasons to use the appeal process. It was also noted that not all people who contact Legal Aid Alberta require a certificate and that referrals to Law Line and other organizations are part of the service.

## **Family Law Office Report**

### 9. Family Law Office - Operations Report

Ms. Schaffter highlighted her report noting that:

- The co-coordinating staff lawyer for Emergency Protection Orders (EPO's) has resigned to take a position with Alberta Justice. This lawyer was with the Family Law Office for six years and best wishes are extended to her. Ms. Schaffter noted that remuneration is not the driving factor at the Family Law Office as many lawyers work there at lower wages for personal reasons which include increasing their expertise and providing good service to their clients.
- The staff lawyers at Family Law Office are predominately female (9 out of 13) and this reflects the demographics of lawyers in the family law bar.

- a staff lawyer from Calgary Legal Guidance, who had been handling Emergency Protection Orders (EPO's) has been hired by the Family Law Office. Requests for EPO's have been steadily increasing and it was reported that RCMP are urging their members that when in doubt to pursue EPO's as the first course of action.
- The number of closed files is down for the year partly due to Family Law Office's receiving more complicated cases. In response to an inquiry regarding any need for case management in complex cases, Ms. Schaffter advised that there seems to be enough case management as the Family Law Office conducts internal file discussions.

### **Youth Criminal Defence Report**

#### 10. Youth Criminal Defence Office – Operations Report

Mr. McLaren reported that he had adjusted his report to reflect statistics as requested on demographics versus criminal charges between Edmonton and Calgary youths. He noted that cases are down slightly in Edmonton and have increased in Calgary. On a province-wide basis, youth certificates have decreased by 4%.

Ms. Robidoux asked if any thought has been given to the situation of Brydges service so the staff lawyers can conduct bail hearing for youths after hours. Mr. McLaren advised that the best time for bail hearings for youths is in the morning so that parents can be in attendance; however, he will place the topic on the table at the next inter-office meeting scheduled in May.

### **Governance**

#### 11. Committees

##### *Draft conflict policy (draft Terms of Reference)*

Ms. Fish reported that she forwarded the draft Terms of Reference to the Regional and Appeals Committees. To the best of her knowledge the only concern expressed was under section D Qualifications for Membership - "Members must reside in or maintain an active practice, business or employment in the community." One Regional Committee member had interpreted that to mean if she retired, she would not be able to sit on the committee. The Board members felt that the paragraph was misinterpreted and did not need to be amended in that a member could be retired and still serve on the committee as long as they resided in the community.

Discussion was held on conflict situations and some felt that although members in conflict can excuse themselves from the discussion, the applicant may not perceive this situation as receiving a fair review. It was agreed to table this matter to the next meeting so that there can be some consultation with clients about any concerns they might have.

Dr. Sirota asked if it would be sensible to amalgamate the Exceptional Accounts and Exceptional Cases Committees into one committee from both a time commitment and cost savings point of view. Ms. Brown Medwid also pointed out that there are many committees that have Board involvement that may be no longer required with Legal Aid Alberta's evolution and this is something that should be reviewed. It was agreed that in order to make informed decisions more information would have to be provided on the pros and cons, caseloads, and the views of Administration.

It was agreed that discussion on the amalgamation of the two committee and Board/Administration governance be tabled to the June meetings.

*Appointment to Appeals Committee North*

It was duly Moved and Seconded that Michael Tilleard be appointed to the Appeals Committee North. Carried Unanimously.

*Appointment to Edmonton Regional*

It was duly Moved and Seconded that Debbie Yungwirth be appointed to the Edmonton Regional Legal Aid Committee. Carried Unanimously.

*Appointment to Calgary Regional*

It was duly Moved and Seconded that Julia Hart be appointed to the Calgary Regional Legal Aid Committee. Carried Unanimously.

12. Amendments of the By-Laws

Mr. Fenwick reported that some suggested amendments from Alberta Justice have been incorporated into the By-Laws. He pointed out that as some members are appointed on staggered terms of 1, 2 or 3 years, with one re-appointment, some members might only serve 4 years while others serve 6 years. There was some discussion of the intent of the Governance Agreement. It was noted that changing the By-Laws to provide for a total of 6 years would require an amendment to the Governance Agreement.

It was agreed that the By-Laws will reflect the wording of the Governance Agreement and Ms. Robidoux will recommend 3-year appointments to the Nominating Committee when selecting the new Board candidates.

Discussion was held on whether Board members had the ability to remove a member who has missed 3 consecutive meetings. It was agreed that Mr. Fenwick would draft some wording for Board approval prior to seeking Alberta Justice's approval in time for a special resolution at the June 23, 2007 meeting.

13. Compensation Review Committee

Ms. Brown Medwid reported that staff are compiling information for the Compensation Review Committee meeting being held in May. She further advised that information has been obtained from Legal Aid Ontario, who has a 3-tiered system but that no figures have been compiled due to year-end audit and the pressures on staff resources.

By consensus this item was tabled to the June meeting.

14. HR Committee - CEO Search

Ms. Robidoux reported that Sameera Sereda, The Counsel Network has commenced recruitment for the new President & CEO and it is going well.

Ms. Robidoux reported that the Human Resources Committee will be meeting soon to conduct performance reviews, and set salary ranges for Senior management.

## **Board Operations**

### Quarterly Reports

15. Board Evaluation Task Team *Strategy 2.2.5*

By consensus the item was tabled to the June meeting.

16. Communications Task Team *Strategy 1.1.1*

Mr. MacDonald reported on the recommended amendments to the Communications policy. He referred the Board to the Government Relations

Action Plan and target dates and suggested Board members attend events whenever possible.

It was duly Moved and Seconded that the recommended amendments to the Communications Policy be approved. Carried Unanimously.

The Quarterly Report on communications Task Team, exhibited on the agenda, is self-explanatory.

Ms. Fowler advised that the schedule for the Crime Reduction and Safe Community Task Force was not received in time for the meeting but she will forward it once it is received and recommended that as many members as possible attend where feasible. The first meeting is in Edmonton on April 30 and Mr. MacDonald indicated that he should be able to attend and will report to the Board by email.

Ms. Brown Medwid suggested that written submissions should also be made as there are some points that may not be considered otherwise. Ms. Fowler will prepare a draft submission in consultation with Messrs. MacDonald and Fenwick for the Board review.

17. Stakeholders Task Team Strategy 1.3.1

By consensus the stakeholders Task Team report was tabled to the June meeting.

*Pro Bono Law Alberta*

Ms. Brown Medwid recommended that Legal Aid Alberta respond to the *pro bono* initiative by the Law Society. Ms. Graham reported that she has been in communication with Jim Peacock, President of the Law Society and advised that their discussions went well. She suggested that she pursue this avenue of communication prior to any letter being sent. Ms. Brown Medwid also advised that she had met with Rod Jerke, Bencher and Chair of the new organization in December and would be pleased to meet with him further.

By consensus it was agreed that Ms. Graham continue to communicate with Jim Peacock on the pro bono issues.

18. Board succession planning Strategy 2.2.2

Ms. Robidoux reported that the Board recruitment is going well. Resumes are being received and a meeting to shortlist candidates has been scheduled for May 9. Interviews are being scheduled to take place in Edmonton on May 22 and in Calgary on May 24.

It was duly Moved and Seconded that Glenda Graham be appointed as interim Chair of the Nominating Committee for the purpose of re-appointment of Kris Robidoux. Carried Unanimously.

### **Learning and Growth**

19. Information Items

By consensus this item was received for information.

### **Adjourn**

The meeting adjourned at 2:50 p.m.

Nancy Brown Medwid  
CEO