

MINUTES
257th MEETING
OF THE
BOARD OF DIRECTORS

8:30 a.m.
June 22, 2007
Chateau Suites at Sylvan Bay
Sylvan Lake, Alberta

Members in Attendance

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

Orientation

Oceanna Hall
Dennis Kalma

The meeting came to order at 8:30 a.m.

The chair welcomed the members to the meeting, introduced the in-coming Board members, and also introduced Jacquie Schaffter as the new President & CEO of Legal Aid Alberta effective August 1, 2007.

1. **Approval of Agenda**

It was duly Moved and Seconded to adopt the agenda and addendum as circulated.
Carried Unanimously.

Minutes of Strategic Planning Committee

By Consensus the Minutes of the Strategic Planning Committee were received.
Carried Unanimously.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 256th Directors Meeting be approved. Carried Unanimously.

Pending list

The Chair reviewed the pending list and following discussion the items listed below were set over to the September 2007 Board meeting:

- Cost estimates on a 3-tiered tariff system
- Presentation on IT strategy for Legal aid Alberta
- On-line billing system time lines
- Legal Aid Alberta proposed By-laws
- Needs Assessment draft report with the possibility of inviting Rita Gunn and Amy Richmond, Prairie Research Associates (PRA) to attend the meeting
- Brydges Service organizational chart, protocols and interim report on telebail

The Chair reported on her meeting with Ron Stevens, Minister of Justice indicating that the meeting went very well and that subject to the formal approval of the budget a tariff rate increase to \$82 would be retroactive to April 1, 2007 with the Duty Counsel rate also increasing to \$82 per hour. At the end of the meeting the Minister made reference to an Adult Criminal Staff Lawyer office. She pointed out that the needs assessment will provide more information on this issue.

Ms. Graham further advised that she has been invited to attend the Benchers meeting December 6/7, 2007 in Edmonton. Two issues to be discussed are the proposed staff lawyer office and tiered tariff system. Mr. McKinley suggested that a position paper developed to present to the partners. Ms. Graham advised that once the needs assessment report has been received the Board will have to devote time to strategize.

Ms. Weaver reported on the Brydges Service advising that two projects are going forward.

- Review of the Brydges services

Ms. Weaver reported that the Brydges service is comprised of three components: day-time services provided by Law Line; night-time services provided by contracted lawyer; and services provided to youth by the Youth Criminal Defence Office (YCDO) as well as a list of private bar lawyers in Calgary only. The review [anticipated to be available by October] will identify any gaps and make recommendations.

- Telebail

Martin Ostensen, Law Line, project manager (PM), is planning to implement a pilot project to test representing accused persons at bail hearings by telephone (telebail) on September 1, 2007 providing representation by telephone from Law Line to detained persons in Grande Prairie and Peace River. The project is slated to operate from September 1, 2007 to the spring of 2008 with an evaluation of the pilot to come back to the Board for consideration.

Meeting Dates

3. Meeting Dates: It was suggested that the September Board meeting take place over a two-day period.

September 24/25, 2007 – Calgary
Tuesday, December 11, 2007

Government Relations

4. Hill & Knowlton – Gap Analysis

Ms. Brown Medwid reported that the Executive Management of Legal Aid Alberta met with Hill & Knowlton were retained to conduct a government relations gap analysis. Draft questions were prepared and forwarded to Neil Dunne, for his information, who expressed concern. Ms. Brown Medwid advised that she and the Communications Director, Jennifer Fowler would like to meet with Mr. Dunne to ascertain the basis of his concerns.

The Board discussed the questions and some felt that the questions needed more focus and should be fleshed out given the audience. Ms. Fowler advised that the questions are the first stage to finding out where the gaps are and to see where Legal Aid Alberta is on the radar screen with government in terms of other organizations. She felt that if the questions were more pointed we would not obtain the Minister's support.

The report on the gap analysis will be placed on the September agenda for Board review.

5. Justice Policy Advisory Committee

Ms. Brown Medwid reported that she attended the recent Justice Policy Advisory Committee as the alternate for the Chair. She advised that the committee is a great source of justice system information and allows for good networking. The Deputy Minister, Terry Matchett, stated during closing remarks that Legal Aid Alberta is doing good work and that the Ministry has been working hard at increasing its portfolio and funding.

Financial and Risk management

6. 2006/07 Finance Statements for Auditor's Report

Mr. McKinley highlighted the Auditor's report and financial statements for the year ended March 31, 2007. He advised that the auditors encountered no concerns with respect to the accounting records and were complimentary to the staff. Legal Aid Alberta has about \$13 million cash on hand which provides for a reserve; capital assets are up by \$1 million which is mostly in the IT department; and the liability for outstanding certificates has decreased by approximately \$600,000. There are internally restricted funds of \$5.17 million and the amount needed for a wind-down is approximately \$16 million. Overall Legal Aid Alberta is in a good position.

Ms. Brown Medwid advised that progress has been made on the issue of the financial eligibility guidelines. She was advised earlier in the week that R. Neil Dunne, Alberta Justice will be supporting and increase of 10% to the financial eligibility guidelines effective July 1, 2007. Once the needs assessment has been done a further review may be undertaken.

Ms. Graham reported that the Compensation Review Committee has recommended to the Board a move in the tariff of fees to a tiered system. The Minister of Justice has also advised that he will consider a revised budget, if submitted prior to April 2008, which may or may not include a tiered system for the Legal Aid tariff. By consensus the costing of a 3-tiered system is to be placed on the September agenda.

By consensus it was agreed that although the 10% increase to the financial eligibility guidelines is a good start, it is not enough and that the issue be placed on the September Board agenda with information on the guidelines for Calgary Legal Guidance and Student Legal Services as well as information regarding the percentage of population whose income is currently below the Legal Aid

guidelines, and the number of applicants refused due to income and their income level.

It was duly Moved and Seconded that the auditor's report and financial statements be approved. Carried Unanimously.

Mega cases report

Ms. Brown Medwid advised that the report on mega cases includes the additional column of the total costs as requested. Ms. Graham advised that the Compensation Review Committee is considering classifying conspiracy cases as a level 3 offence.

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

Ms. Brown Medwid reported that the Business Plan as exhibited has minor amendments recommended by R. Neil Dunne which are acceptable to Legal Aid Alberta. The 2007/8 Budget is still the subject of negotiations between Legal Aid Alberta and Justice.

It was duly Moved and Seconded that the Business Plan 2007/8 to 2009/10 be approved. Carried Unanimously.

Banking Resolution – credit limits

It was duly Moved and Seconded that the Board of Directors approve an increase of the BMO MasterCard credit limit for Legal Aid Alberta to \$200,000.00. Carried Unanimously.

Operations/Services

7. Family Law Act Research Committee

Ms. Brown Medwid reported on draft interim report from Prairie Research Associates and pointed out that the consultants are experiencing difficulty in obtaining data from JOIN. She recommended that as there is no urgency to receiving the final report it should be deferred until the data from JOIN can be received. It has been noted that there are still people and organizations that are not aware of the expanded services into Provincial Court and that further work on communications is needed. There has been no impact on the issuance of certificates due to the expansion of services and it is believed that this is due to the low financial eligibility guidelines as well as other issues such as new forms making the process easier. Ms. Fish advised that she will implement a duty counsel pilot

project in both Provincial and Queen's Bench Courts in Edmonton and Provincial Court in Calgary.

By consensus the Board agreed to delay the final report of the Family Law Act Research Committee to include the information from JOIN.

8. Statistical Reports – Top 100 List

The Board reviewed the 1997 policy as exhibited on the agenda in view of privacy issues.

It was duly Moved and Seconded that the Top 100 Billers be made available only to the Board of Directors on an annually basis. Carried. Messrs. MacDonald and Kloot abstained.

Governance

9. Human Resources Committee

This item was held in camera.

10. Nominating Committee

By consensus the report of the Nominating Committee was received as information.

11. Amendments of the By-Laws

Mr. Fenwick reported that he is still negotiating amendments of the By-Laws with Alberta Justice. At issue is the ability for the Board to conduct email votes; Alberta Justice wants the email vote to be a document that each member signs. During discussions it was suggested that the Board website with an access code may be sufficient. It was also suggested that the By-Laws contain the term "secure electronic method" rather than "email".

By consensus it was agreed that Mr. Fenwick continue discussions with Alberta Justice on the amendments to the By-Laws.

12. Review of Committees and Board Involvement

The Board discussed that various Board Committees and the degree of involvement required by Board members. Please refer to the framework of Board involvement in Legal Aid Committees as attached.

Board Operations

Quarterly Reports

13. Board Evaluation Task Team Strategy 2.2.5

This item was held in camera.

14. Communications Task Team Strategy 1.1.1

Crime Reduction & Safe Communities Task Force

Ms. Brown Medwid reported that she, Jacquie Schaffter and Barry McLaren attended the symposium on Crime Reduction and Safe Communities held June 19/20, 2007. She pointed out that the symposium was not a forum where organizations were invited to make submissions or presentations. On the first day, a number of crime prevention initiatives were show-cased.

Ms. Schaffter reported that the second day consisted of more facilitated group discussions and recognition of community work. She noted that British Columbia has social workers attached to the prosecutors' offices to ensure that accused arrive at probation officer meetings and abide by conditions of release. This has reduced breaches by over 800 in the past year.

15. Stakeholders Task Team Strategy 1.3.1

Improve stakeholders relationship

Ms. Graham advised that Jim Peacock, Mona Duckett of the Law Society and Neil Dunne, Alberta Justice will be in attendance at the 2007 AGM on Saturday, June 23, 2007 and that she has been invited to attend the Benchers meeting in December 2007.

Legal Aid Alberta's position on pro bono initiative by Law Society

Ms. Graham advised that she attended the Pro Bono Law Alberta launch and reported that the Law Society is supportive of Legal Aid Alberta. The pro bono initiative appears to be fashioned after the pro bono in Ontario. She and Fred Fenwick will be meeting with Rod Jerke and will get a better sense of the initiative.

Ms. Brown Medwid advised that she and Jacquie Schaffter will try to get information from the other provinces about local pro bono initiatives at the Association of Legal Aid Plans of Canada (ALAPC) meeting at the end of August.

Learning and Growth

16. Information Items

By consensus this item was received for information.

It was duly Moved and Seconded that the meeting be adjourned. Carried Unanimously.

The meeting adjourned at 3:00 p.m.

Nancy Brown Medwid
CEO