

MINUTES
258th MEETING
OF THE
BOARD OF DIRECTORS

9:30 a.m.
September 25, 2007
Legal Aid Alberta
#1800, 639 – 5th Avenue SW
Calgary, AB

Members in Attendance

Glenda Graham, Q.C.
Fred Fenwick, Q.C.
Joan Collins
Oceanna Hall
Dennis Kalma
Colin Kloot
Daniel McKinley, F.C.A.
Kristine Robidoux
Dr. Perry Sirota

Members Absent

Dianne Ireland
Kirk MacDonald

Staff in Attendance

(for all or part of meeting)

Jacquie Schaffter
Roland Gehrke
Jennifer Fowler
Wanda Fish
Katherine Weaver
Barry McLaren
Doug Boudreault
Pat Bard

The meeting came to order at 9:30 a.m.

1. **Approval of Agenda**

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

Minutes of Strategic Planning Committee

By Consensus the Minutes of the Strategic Planning Committee meeting held August 28, 2007 were received.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 257th Directors Meeting be approved. Carried Unanimously.

By consensus it was agreed that the Board Minutes should be emailed to Board members within four (4) days of the meeting date.

Meeting Dates

3. Meeting Dates

Teleconference – Wednesday, October 24, 2007 at 8:00 a.m.
Tuesday, December 11, 2007

Meeting dates 2008

February 26, 2008
May 7, 2008
June 19-21, 2008 – Sylvan Lake
September 23, 2008
December 9, 2008

Government Relations

4. Government Relations gap analysis

Ms. Fowler, Communications Director, outlined her report as exhibited on the agenda. The Board discussed the necessity of educating the stakeholders and agreed that the Communications Task Team develop consistent messages for the stakeholders to be reviewed at the December 11, 2007 Board meeting. Board members were also encouraged to attend various functions and casually approach the topic of legal aid with the various stakeholders. All such conversations and opportunities to liaise with stakeholders should be reported to the Director of Communication who will report to Board members. Glenda Graham advised that she will attend the fund raising event for Ron Stevens on October 24th in Calgary.

Mr. Fenwick pointed out that a gap analysis is different from messages and the Board still needs to discover ways of understanding where the gaps are. It was agreed that although the gap analysis will not proceed at this time, the issue will remain on the table for a future date.

By Consensus the Gap Analysis report was received by the Board of Directors.

Financial and Risk management

5. Report on Budget forecast

Monthly Financial Statements

Mr. Gehrke, VP Corporate Services, reported that Legal Aid Alberta is significantly under budget, largely due to fewer certificates being issued, fewer lawyers accepting certificates and staff vacancies. Ms. Schaffter advised that future financial statements will include a summary of key financial information.

The Board questioned whether Legal Aid Alberta would be permitted to retain the reserve at year end. Mr. Gehrke advised that a reserve of approximately \$16 million will be required to cover Legal Aid Alberta's liabilities and that the surplus should not be that large. He pointed out that this increases the pressure to implement initiatives to provide services to Albertans who should be receiving legal aid services that do not qualify under current guidelines as well as increase the number of lawyers on the legal aid roster. He reported that Legal Aid Management will be attending a two-day retreat to discuss these strategies.

Ms. Graham noted that the recent financial eligibility guideline increase and tariff increase were interim and that the Minister extended an invitation to come back to him with further proposals.

It was duly Moved, Seconded that the Legal Aid Alberta Executive Team be directed to come forward with a proposal for Board review at a teleconference scheduled for October 24, 2007 at 8:00 a.m. Carried Unanimously.

By Consensus the monthly financial statements were received for information. Mr. Gehrke advised that he would provide a full year forecast of the budget for the December meeting.

6. Presentation on IT Strategy for LAA

Doug Boudreault, IT Director and CIO, made a presentation to the Board on the IT Strategy. Copies of the presentation will be emailed to Board members. He pointed out that Legal Aid Alberta has isolated systems, for example LAMA (client, certificate program) does not talk to the finance system resulting in duplication of data entry. If an error occurs in entering data, reconciliations have to take place, this is cumbersome and a strain on staff resources. Mr. Boudreault further advised that the LAMA program is dependent for support on one person, a programmer out of Toronto. He is in the process of implementing a risk management plan for LAMA support. Mr. Kalma questioned whether it would be more beneficial to start over rather than continuing with the existing program. Dr. Sirota advised that in order to have a risk free solution there is not enough funds

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available. He requested that the Board be provided with a written statement indicating the IT risks and risk management plans. It was agreed that this report would be provided no later than the February 2008 Board meeting.

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Mr. Boudreault reported that IT is implementing a redundancy site in Calgary in the event the servers in Edmonton shuts down. Currently if the services in Edmonton go down, Legal Aid across the province goes down. The cost of implementing the site is approximately \$70,000. He further reported that video conferencing will soon be available. As well in 2008/2009 Legal Aid will have to upgrade hardware and software upgrade, at a cost of approximately \$400,000.

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On-line billing

Mr. Boudreault reported that he has been working with management on developing an on-line billing system. He advised that in order to make it manageable for the lawyers, the tariff needed to be simplified. The program requirements are largely done but he is waiting for a decision on the tariff revisions which will be reviewed by the Compensation Review committee on October 17, 2007. He has checked with other provinces who have on-line billing systems, B.C. has a custom built program and Ontario uses People Soft, which is extremely expensive.

Board web-site

Mr. Boudreault advised that the Board web-site will be in place by the end of October 2007. An email request will be sent seeking volunteers from the Board to test the Board web-site. Dennis Kalma, Oceanna Hall and Perry Sirota volunteered to test the site.

7. Financial Eligibility Guidelines

Ms. Schaffter, President & CEO, advised that at the June meeting the Board directed Administration to obtain the eligibility guidelines for Calgary Legal Guidance and Student Legal Services. Those guidelines are exhibited in the agenda together with Legal Aid statistics. Ms. Fish, VP Client Services, reported that she has been conducting a pilot project to track discretionary use in determining eligibility. Limited discretion on the guidelines is available to the Legal Aid Officers of up to a couple hundred dollars, 10% for Regional Administrators and 20% for herself and depending on circumstances, unlimited. She entered the information onto LAMA and for the month of August has used discretion on .02% or 89 files. She will continue to track the use of discretion and anticipates having enough information to provide a report by the end of the fiscal year to Alberta Justice.

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Ms. Graham advised that Alberta Justice provided an interim 10% increase to the eligibility guidelines, and we should be approaching Justice for an additional increase now as we have the surplus funds available. A report prepared by a committee was presented in a past package and it should be revived as a starting point.

It is agreed that by making public the financial eligibility guidelines, there is a potential that people may not be applying for legal aid services as they believe they would not qualify. The eligibility guidelines are to be removed from the Legal Aid web site.

By consensus it was agreed that the Chair arrange a meeting with the Minister for the end of October and an information package is to be prepared by Management for her and Neil Dunne by mid-October. The message is that Legal Aid currently has funds to increase the guidelines and is not asking for additional funding.

The Board discussed tying the issue of the tariff in with the financial eligibility guidelines when meeting with the Minister. Ms. Graham pointed out that the revisions to the tariff are for simplifying the billing process but does not include a tariff rate increase. The tiered system at this time is not being recommended by Administration.

By consensus it was agreed that the meeting with the Minister will focus on the financial eligibility guidelines and provide a heads-up that the Board is looking at issue of the tariff and recruitment for the roster.

8. Policy & Development

a) Framework Legal Representation

The Board members fully endorsed the development of a policy framework but wanted clarity that if agreement cannot be reached at the Executive level that it would be referred to the Board for a decision. Some felt that all policies should be approved by the Board. Ms. Schaffter pointed out that there was a distinction between Governance and Executive Limitation policies which the Board approves and administration policies which the CEO approves.

By consensus this item was tabled to the December 11, 2007 meeting.

b) Legal Representation

By consensus this item was tabled to the December 11, 2007 meeting.

9. Litigation involving LAA

a) Authority to proceed

Ms. Schaffter, President and CEO, advised that Laura Stevens, Counsel, is bringing forward a Charter application naming Legal Aid Alberta as an applicant. Ms. Schaffter agreed that this is a valid application and recommends the approval of authority to proceed.

It was duly Moved, Seconded that approval be given to Laura Stevens to proceed with litigation if necessary. Carried Unanimously.

b) Policy

By Consensus this item was tabled to the December 11, 2007 meeting.

Operations/Services

10. Brydges Service

By Consensus this item was tabled to the December 2007 meeting.

11. Needs Assessment

Mr. Gehrke reported that the Needs Assessment Steering Committee will be holding a workshop with Prairie Research Associates (PRA) on Tuesday, October 2, 2007. PRA has given a heads up on some of the concerns raised which include: process for qualifying for legal aid, lack of support for Adult Criminal Law Office but support for extending the Civil Law. It is anticipated that after the workshop there will be a fairly short turn around for the draft report. The Steering Committee consists of the Legal Aid Alberta Executive Management and Neil Dunne and Cheryl Armstrong representing Alberta Justice.

The Board expressed a desire that Administration and the Board have the first opportunity to receive the information from the survey. The workshop with the Steering committee will therefore be postponed until after receipt of the survey information by Administration and the Board.

Ms. Schaffter will contact the Steering Committee to reschedule the workshop.

12. Changes to Authority Limits

It was duly Moved, Seconded that the changes to authority limits be approved as set out in the exhibits. Carried Unanimously.

CEO Report

13. Report from the CEO

This item was information only.

Family Law Office Report

14. Family Law Office - Operations Report

Ms. Schaffter advised that there was no written report from the Family Law Office for this meeting. She advised that there were no concerns and that staff levels are good and the office is accepting legal aid certificates.

Youth Criminal Defence Report

15. Youth Criminal Defence Office – Operations Report

Mr. McLaren, Senior Counsel YCDO, highlighted his report advising that the YCDO is under budget in terms of salary, staff levels are not an issue and the case load is good. He further advised that renovations at the office should be completed by the end of October 2007.

Governance

16. Committees

Terms of Reference

By Consensus this item was tabled to the December 2007 meeting.

Calgary Regional Legal Aid Committee

It was duly Moved, Seconded that the Board appoint Fraser Gordon as a members of the Calgary Regional Legal Aid Committee. Carried Unanimously.

St. Paul Regional Legal Aid Committee

It was duly Moved, Seconded that the Board appoint Grey Munday as a members of the St. Paul Regional Legal Aid Committee. Carried Unanimously.

17. Amendments of the By-Laws

By Consensus this item was tabled to the December 2007 meeting.

18. Compensation Review Committee

Cost estimate for tiered system

Ms. Schaffter reported that it was her recommendation that the tiered system, at an estimated cost of \$3 million. The question was why do we want to do this – is it to increase the remuneration for roster lawyers or retain and recruit the roster lawyers? The lawyers have indicated that they would like more money but the tiered system will only provide more dollars for the senior lawyers and will not assist in overall recruitment.

Ms. Graham would like to know why other provinces can have a tiered system and it is working for them but it is not recommended for Alberta. Ms. Schaffter advised that Ontario and British Columbia have been using a tiered system for many years, but they too are experiencing difficulty in finding lawyers willing to accept legal aid files. She pointed out that increasing the roster will not happen immediately and is a long term goal. Legal Aid Management is having a retreat in early October to strategize on this issue and will then have a sense of how to move forward.

Amendments to the Tariff of Fees

It was duly Moved, Seconded that Legal Aid Administration be directed to ensure the amendments to the tariff include a proposal for the issuance of legal aid certificates to students, subject to Law Society limitations, at the same notional hourly rate as paid to lawyers. Carried Unanimously.

It was duly Moved, Seconded that Legal Aid Administration be directed to investigate with the Law Society a process whereby it becomes mandatory that articling students accept one or more legal aid certificates. A preliminary report on progress is to be made available to the Board at the December 11, 2007 meeting. Carried Unanimously.

Ms. Schaffter advised that as part of the roster campaign, the large law firms will be approached and asked to accept at least some legal aid certificates.

A teleconference of the Compensation Review Committee has been scheduled for October 17, 2007 at noon to review the tariff revisions.

It was duly Moved, Seconded that the Board move in camera. Carried Unanimously.

19. HR Committee update

This item was dealt with in camera.

It was duly Moved, Seconded that the Board move out of camera. Carried Unanimously.

Learning and Growth

20. Media Training

By Consensus it was agreed that a media training session would be held for the board on Monday, December 10, 2007 commencing at 9:00 a.m.

21. Information Items

By consensus the meeting adjourned at 2:35 p.m.

Jacqueline Schaffter
President & CEO