



**MINUTES**  
**260th MEETING**  
**OF THE**  
**BOARD OF DIRECTORS**

**9:30 a.m.**  
**February 26, 2008**  
**Legal Aid Alberta**  
**#300, 10320 – 102 Avenue**  
**Edmonton, AB**

**Members in Attendance**

Glenda Graham, Q.C.  
Fred Fenwick, Q.C.  
Oceanna Hall  
Dianne Ireland  
Dennis Kalma  
Colin Kloot  
Kirk MacDonald  
Daniel McKinley, F.C.A  
Kristine Robidoux

**Members Absent**

Joan Collins  
Dr. Perry Sirota

**Staff in Attendance**  
(for all or part of meeting)

Jacquie Schaffter  
Roland Gehrke

**Consultant**

Dr. David Ryan

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

1. Approval of Agenda

It was duly Moved and Seconded to adopt the agenda with the addition of two items – Nominations Committee Report and Operational Hours for Edmonton Court. Carried Unanimously.

*Minutes of Strategic Planning Committee*

By consensus the Minutes of the Strategic Planning Committee meeting held February 8, 2008 were received for information.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 259<sup>th</sup> Directors Meeting be approved. Carried Unanimously.

3. Meeting Dates

Wednesday, May 7, 2008

June 19-21, 2008 – Sylvan Lake

Monday, September 22, 2008 - Calgary, Board Training to review Governance Manual

Tuesday, September 23, 2008 - Calgary

Tuesday, December 9, 2008

**Financial and Risk management**

4. Report on Budget forecast

*Monthly Financial Statements*

Mr. Gehrke reported that it is forecasting to be under budget by approximately \$8.7 million by year end. At the last meeting it was reported that the amount would be over \$9 million but Legal Aid has experienced a slight increase in volume. The drivers for being under budget are generally lower volume, higher interest and higher recoveries. Outside the private bar the drivers are staff vacancies.

*Budget 2008/09 (update)*

Mr. Gehrke advised that Legal Aid Alberta has fully budgeted for the changes to the tariff and hourly rate in the 2008/09 budget. There is currently a \$3.5 million placeholder in the budget for possible changes to the financial eligibility guidelines.

Mr. Gehrke reported that the next Sustainability Plan for the year 2010/11 will be the mechanism through which Legal Aid Alberta will, if necessary, seek more funding for greater increases to the financial eligibility guidelines.

*Tariff Changes*

Ms. Schaffter reported that Neil Dunne has approved the implementation of the \$2 hourly rate increase effective February 15, 2008 in order to coincide with the release of the new tariff rather than waiting until April 1, 2008.

Ms. Fowler reported that the new Tariff is at the printers and will be available for distribution by next week. Lawyers are being informed of the changes to the tariff and notional hourly rate through the Roster News, emails, and a letters to roster lawyers. The tariff is also available on the website under a section entitled "Counsel Corner".

By consensus the Board received the financial reports for information.

5. IT

*a) IT Strategy and risk management update*

Doug Boudreault attended the meeting to make a presentation on the IT Strategy and risk management update. He distributed and highlighted an IT Risk Analysis report.

The Board discussed the requirements of IT for the various Legal Aid programs at length.

It was duly Moved and Seconded that the Family Law Office, Youth Criminal Defence Office and Legal Aid Alberta prepare a joint report on the functional demands, applications and requirements that exist for each program in order to supply maximum capacity at reasonable cost and reduced duplication, to ensure constancy of information flow. Carried Unanimously.

It was duly Moved and Seconded that Doug Boudreault be appointed as project lead and the report is to be available in written form by April 21 for circulation to the Board with the Board package. Mr. Boudreault is to present the report at the May 7<sup>th</sup> meeting. Carried Unanimously.

*b) Update on on-line billing*

Mr. Gehrke advised that there are two components to implementing the on-line billing. The first is completion of changes to LAMA as a result of the new tariff changes which should be up and running by the end of February. The second component is the development of the program by Iomer to allow lawyers to submit their billings on-line. This should be delivered by the programmer by the end of March and allowing for a two weeks test, the program should be in use by mid-April.

*c) Board of Directors Extranet*

The Board was advised that the Board website has been changed to accommodate all material on one page. Mr. Kalma requested that a further change be implemented that would provide an automatic notification to members when new material is added to the website.

6. Financial Eligibility Guidelines

Dr. David Ryan attended the meeting to present his report on the financial eligibility guidelines. He highlighted his reported and advised that the current guidelines cover 40% of single person households but only 5% of four person households.

He advised that he is currently investigating three optional methods in order to determine an approach to determining financial eligibility; gross income, net income less base deductions and net income but allowing certain expenditures. He found that there was very little difference in the actual numbers between using gross and net less base deductions as the basis for calculation; however different people would be captured by each method.

Dr. Ryan advised that his report is not yet completed and that he believed that he would require approximately 2 further weeks for completion.

It was agreed that the draft report would be circulated to Board members once received by management for any questions or comments by members.

By consensus the Board received Dr. Ryan's report on Financial Eligibility Guidelines.

**Operations/Services**

7. Brydges Service

*Brydges Review Final Report*

John Glass, PMO, attended the meeting for this item.

Ms. Weaver referred the Board to the draft report from PRA which had been provided to the members for the December, 2007 board meeting. The current report that was provided to the members for this meeting was not significantly different other than the inclusion of an Executive Summary and Recommendations. She highlighted the chart of recommendations, action plans and advised that KIP's will be developed to review baseline services. She advised that the baseline services will be based on the

Osmond case from British Columbia which considered appropriate levels of service. Ms Weaver advised that she believed that we were, for the most part, meeting these standards.

It was duly Moved and Seconded that management prepare and report at the September Board meeting on the options and recommendations for the delivery of Brydges service. Consideration of the Brydges service at the September meeting will allow sufficient for re-tendering of the service or notification of the private bar depending on the delivery option chosen by the Board at that time. Carried Unanimously.

Ms. Fowler advised that she would add a question to the lawyer survey being conducted soliciting input on whether the private bar would be interested in taking over the delivery of the Brydges services on a duty counsel basis.

Ms. Weaver advised that although telebail was referred to at this time, it is a separate issue and will be considered on the May agenda.

8. Needs Assessment

Ms. Schaffter reported that at the last meeting, the direction from the Board was to tie the recommendations from Prairie Research Associates to the Administrative Strategic Plan. This has been completed and Ms. Schaffter highlighted the report. She advised that the Strategic Plan will now be a regular item for the agenda and that the Board will be provided with regular reports as the project teams move forward with development and implementation of the initiatives

By consensus the Board received the report for information.

9. Oral Report on meeting with Pro Bono Alberta and Law Society members

Ms. Graham advised that a meeting was held with representatives of Pro Bona Alberta. She advised that they discussed pursuing in the future possible options to jointly market our services and advised that the Law Society has an Access to Justice committee to which we should be making submissions. She further advised that Pro Bono Alberta is concerned about drawing a distinction between Legal Aid roster lawyers who receive some remuneration for their services and pro bona lawyers who do not.

## **CEO Report**

### 10. Report from the CEO

Ms. Schaffter presented her report and asked the Board members if they found the KPI's to be useful information. Some members indicated that the report is more statistical than anecdotal and found it useful. The Chair advised that it would be helpful for recommendations from the staff to be presented to the board in the form of a clear recommendations with possible alternatives and the pros and cons of each.

By consensus the CEO's Report was received for information.

## **Family Law Office Report**

### 11. Family Law Office - Operations Report

Ms. Miller highlighted her report as exhibited on the agenda. She advised that she will be developing some measurement tools so that future reports will include statistics. She further reported that she has received a number of complaints about the lack of family law lawyers in Peace River and FLO may be proposing an office for that region. She will build a case for a Peace River office and costs for consideration at the September meeting.

By consensus the Family Law Office Operations Report was received for information.

## **Youth Criminal Defence Report**

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

(No report was provided for this meeting as previously agreed to by the Board Strategic Planning Committee )

## **Governance**

### 13. Committees

#### *Proposed assets guidelines for Appeals Committees*

Ms. Fish distributed a package of information that is going to be provided to Committees which includes Terms of Reference, outlines substantive coverage eligibility, financial eligibility and the new Tariff of Fees.

Ms. Schaffter reported that she has will be presenting a guideline for consideration of assets in the May Board package as part of the Financial Eligibility Guidelines.

*Lethbridge Regional Committee*

It was duly Moved and Seconded that Bonnie Murray be appointed as a member of the Lethbridge Regional Committee. Carried Unanimously.

*Wetaskiwin Regional Committee*

It was duly Moved and Seconded that Daniel James Mol be appointed as a member of the Wetaskiwin Regional Committee. Carried Unanimously.

*Whitecourt Regional Committee*

It was duly Moved and Seconded that Hamish Henderson be appointed as a member of the Whitecourt Regional Committee. Carried Unanimously.

14. Amendments of the By-Laws

Mr. Fenwick reported that the proposal By-Laws are in the black-line stage with Mark Enright, Alberta Justice. When approved by Alberta Justice and the Law Society, the By-Laws will be placed before the Board for Special resolution. He anticipates that this will be at the May meeting.

15. HR Committee update

This item was held in camera.

16. Template for Operational Reporting by Senior Counsel

It was duly Moved and Seconded that for consideration at the May meeting the CEO , in consultation with FLO and YCDO, will prepare a proposed template, for reporting to the Board that will be followed by LAA, FLO and YCDO that will include goals, long and short term, Strategic plan and updates on the plan, statistics as to clients served, average case loads of lawyers, hours spent on certificate and non certificate programs, salary grids, IT strategy, potential risks, level of participation in the performance evaluation program.

## **Learning and Growth**

### 17. Board Training

#### *a) Manual & Board Governance Development*

It was duly Moved and Seconded that the Patrick O'Callaghan be retained to develop a Board Governance manual according to the terms outlined in his proposal of February 13, 2008.

The Board Training will be held on Monday, September 22 in Calgary to review the Manual.

#### *b) Appointment of Task Team*

It was duly Moved and Seconded that a task team consisting of Fred Fenwick, Glenda Graham and Perry Sirota (subject to his consent) be struck to consult with Mr. O'Callaghan in the development of the Governance Manual.

#### *c) Annual Meeting*

By consensus an invitation will be extended to the President of the Law Society and Neil Dunne, Alberta Justice to attend 2008 AGM. The schedule for the June meeting will be as follows:

Thursday, June 19, 2008, 12 noon - Board development

Friday, June 20, 2008, 9:00 a.m. - Board meeting

Saturday, June 21, 2008, 9:00 a.m. – AGM to be followed by a golf tournament in the afternoon

### 18. Information Items

By consensus this item was received for information.

### 19. Report of Nominating Committee

The Chair advised that Joan Collins has tendered her resignation from the Board of Directors effective immediately. Discussion was held on the board competency matrix and Ms. Robidoux undertook to re-circulate the matrix to board members to determine needs for the Board. An ad for the recruitment of new Board members is to be put together by Administration.

20. Continuous Docket Court, Edmonton

Mr. MacDonald reported that a pilot project is being considered for the Edmonton Provincial Court that would result in a continuous trial docket. All trials would be scheduled to commence at 9:30 a.m. This has the potential to increase the cost of duty counsel, certificate lawyers and possibly expert witnesses.

By consensus Legal Aid Management is to prepare a letter for Kirk MacDonald to take to the Court meeting on March 5<sup>th</sup> on behalf of Legal Aid Alberta, setting out the possible increased costs to Legal Aid of running a continuous docket. The CEO is to also prepare a letter to Neil Dunne, Alberta Justice outlining Legal Aid Alberta's concern as well as copy him on the letter to the Court.

By consensus the meeting adjourned.

Jacquie Schaffter  
President & CEO