



MINUTES
261st MEETING
OF THE
BOARD OF DIRECTORS

9:00 a.m.
May 7, 2008
Legal Aid Alberta
#400, 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

Diane Ireland
Dr. Perry Sirota

Staff in Attendance
(for all or part of meeting)

Jacquie Schaffter
Roland Gehrke
Wanda Fish
Katherine Weaver
Deb Miller
Greg Francis
Jennifer Fowler
Pat Bard

The Meeting came to order at 8:55 a.m.

The Chair introduced Greg Francis, Senior Counsel, Youth Criminal Defence Office

1. Approval of Agenda

It was duly Moved, Seconded and Carried that the agenda be adopted with the addition of item 17A Board Manual – Draft Report from Patrick O’Callaghan.

Minutes of Strategic Planning Committee

By consensus the Minutes of the Strategic Planning Committee meeting held April 15, 2008 were received for information.

2. Approval of Minutes

It was duly Moved, Seconded and Carried that the Minutes of the 260th Directors Meeting be approved.

3. Meeting Dates

a) Meeting Dates

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

b) Planning for AGM

June 19th – Board Training/Team Building session will commence at 12 noon followed by a Board Dinner on Thursday evening.

June 20th – Board General meeting commencing at 9:00a.m. with Group dinner for Friday Evening.

June 21st – AGM commencing at 9:00 a.m. with a golf tournament for the afternoon, followed by a Barbeque dinner for all Board, Staff and Regional Delegates. The Golf Course at Sylvan lake was booked by another group more than one year ago and therefore a golf course approximately 3 – 4 kilometers outside of Sylvan lake has been booked.

Jacquie Schaffter advised that this year the Regional Delegates are being asked to submit reports on concerns in writing for inclusion on the agenda. Presentations on the strategies will be made in a positive manner showing the Regional Delegates that their previous concerns have been heard and here is how they are being addressed. The session will be followed by a Question and Answer session where the regions may raise other specific concerns that have not been addressed.

The Chair reminded the Board members that the Board Committee memberships are reconstituted at the AGM and members should think about what committees they would like to serve on.

Financial and Risk management

4. Report on Budget forecast

Monthly Financial Statements

Mr. Gehrke reported that Legal Aid Alberta is forecasting to be under budget by approximately \$10 million but cautioned that these statements are unaudited and subject to adjustment. The auditors have indicated that there may be adjustment on capital expenditures. He advised that all Legal Aid Alberta's surplus cash is invested only in Treasury Bills and term deposits which are guaranteed by Alberta Treasury Branch so there is no risk factor.

Budget 2008/09 (update)

Mr. Gehrke advised that the budget and draft business plan have been submitted to Alberta Justice. Approval on the budget is pending the receipt of the Board motion to amend the FEG's and cost impact.

Business Plan 2008 – 2010

Ms. Schaffter reported that the Business Plan, which is inclusive of all programs has been submitted in draft form to Alberta Justice with the budget submission. Alberta Justice has approved the document. Mr. Kloot requested that the words "the right to" in the second bullet on page 4 be removed.

It was duly Moved, Seconded and Carried that the Financial and Risk Management Reports be approved.

5. IT

a) IT Strategy and risk management update

Doug Boudreault attended the meeting to make a presentation on the Business Applications and IT Services report. He highlighted the report advising that it was the work of a project team which included members from both FLO and YCDO. The

report set out the inventory of business applications and identification of Business Applications Change showing the overlaps, integration opportunities and gaps.

Mr. Boudreault reported that approximately two years ago the decision was made to move to Elite for the Case Management System. YCDO deferred their decision until after the other programs had implemented the system to ensure it would meet their needs and expressed concern over confidentiality. He explained that the program is confidential in that there are no shared databases and access is controlled through passwords. Mr. Francis advised that unless his staff can give articulate reasons why the YCDO should not use Elite, it will do so.

By consensus the Board agreed that Mr. Boudreault delivered a good report and requested that he provide a update report at the September 2008 Board Meeting and a further presentation at the December 2008 meeting.

b) Update on on-line billing

On-line billing is currently being tested by staff and will be available for testing by the staff lawyer offices and selected roster lawyers within a few weeks. An automatic audit control is being built into the program. A demo of the on-line billing will be presented at the AGM.

6. Financial Eligibility Guidelines

Ms. Schaffter reported that an in-depth report had been received from Dr. David Ryan which Mr. Gehrke reviewed and provided a summary and recommendation. In discussions with Alberta Justice it is clear that Legal Aid Alberta is to stay within the allocated funds for any increase in the FEG's. Mr. Dunne has also requested a copy of the report once approved by the Board and advised that the budget cannot be approved until the changes to the FEG's and impact are provided to Justice.

Mr. Gehrke reported that there are three options provided:

- 1) Gross income – does not meet the needs of clients
- 2) Net Disposable Income – there is a risk involved in which costs could exceed allocated funds
- 3) Net Income – it is objectives, used by other Legal Aid Plans, and is better than Gross income and without the risk of Net Disposable Income.

Mr. Gehrke pointed out that the percentages in the report refer to percentage of population for each particular household size and not percentage of legal aid recipients as there are no statistics on the number of unrepresented persons in the justice system. Mr. McKinley felt that in order to get comparable percentage rates,

the refusal rates for the targets groups are required. Ms. Fowler advised that the refusal rates were provided to Dr. Ryan.

Mr. Fenwick felt that the report by Dr. Ryan was such good work and would like to know what we can do with this work to raise Legal Aid Alberta's profile. Ms. Fowler advised that Dr. Ryan has advised her that he would like to insert the 2006 figures and publish the report with Legal Aid Alberta's approval. He would provide the updated report to Legal Aid Alberta.

Ms. Graham reported that she spoke with the Minister and was advised that Justice is pleased that Legal Aid Alberta is dealing with this issue at the Board level.

It was duly Moved, Seconded and Carried that Legal Aid Alberta use net income as the basis for calculation of Financial Eligibility of applicants and the Income Guidelines as set out in Schedule A of the Rules of the Legal Aid Society of Alberta be amended to reflect the Income Levels provided in Appendix B hereto. The Board endorsed this as an interim step and directed management to consider options to use net disposable income or some variation as part of the development of the Legal Aid strategic plan.

The Board members were advised that if there are comments or concerns from Alberta Justice regarding the recommendation, a conference meeting may have to be scheduled.

7. Proposed Asset Guidelines

Ms. Schaffter reported that the proposed assets guidelines would provide guidance for all LAO's, Regional and Appeal Committees for determining eligibility with respect to assets in a consistent manner on a province-wide basis. Ms. Schaffter highlighted the guidelines pointing out that if there is more than \$100,000 equity in a home, but the home cannot be sold or the applicant cannot afford re-mortgage payments, or if an RSP is in lieu of a pension plan, then the person would still qualify.

Ms. Fish reported that the guidelines were developed in consultation with Regional Administrators. She reported that there are very few (3%) refusals due to assets but that the guidelines will not only provide coverage on a consistent basis but also adds clarity for those making the decision. She advised that the refusals and comments on the guidelines will be tracked and reported back to the Board in six months (at the December 2008 meeting).

Mr. Kloot requested that under the business assets of the guidelines that “subject to general security agreement” be added.

It was duly Moved, Seconded and Carried that the Assets Guidelines be approved as exhibited.

8. Board Remuneration

It was duly Moved, Seconded and Carried that the Board remuneration for attendance at meeting be adjusted to reflect those approved by Alberta Government.

Mr. Kloot requested that the mileage rate and meal allowances be reviewed for consistency with the Government rate at the June 2008 meeting.

Operations/Services

CEO Report

9. Report from the CEO

Ms. Schaffter highlighted her report and provided additional information on the lawyer survey noting that there are separate questions for the non-roster lawyers which includes why they do not accept legal aid certificates. She further reported that Lawyer Appreciation Day was a large success and will become a regular annual event. More planning will be put into future celebrations, taking advantage of the Board’s contacts, and spreading the event out over a full week.

Ms. Schaffter advised that the report on the Telebail Project (Appendix C) to her report has five recommendations. Ms. Robidoux felt that the extension of the telebail project was great and would like to see more communication done on the project.

It was duly Moved, Seconded and Carried that the Recommendation in Appendix C of the Telebail Report be approved.

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

Family Law Office Report

10. Family Law Office - Operations Report

Ms. Miller highlighted her report as exhibited on the agenda. She advised that the Lethbridge FLO is extremely busy and that there is also a need for a FLO office in Peace River. She will be meeting with Wanda Fish to determine where the need is greater and present the Board with a proposal at the September Board meeting. She further reported that she is working with the LAA office and YCDO on developing a template for reporting to the Board.

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

Youth Criminal Defence Report

11. Youth Criminal Defence Office – Operations Report

Greg Francis reported that he has been at the YCDO for one week for which a majority was in the Calgary office. He has ascertained that there is a good contingent of lawyers who are happy with the state of affairs and open to new ideas. He has no concerns regarding the quality of work as there is a huge quantum of experience but believes there may be a need to regularize the services provided by Youth Workers and sees a need for a process book. He further advised that he will be hiring a Assistant Senior Counsel for the Calgary Office and he plans to spend the majority of his time on the bigger initiatives and not the day-to-day operations.

Governance

12. Committees

Calgary Regional Committee

It was duly Moved, Seconded and Carried that Margaret Keelaghan be appointed as a member of the Calgary Regional Legal Aid Committee.

13. 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 completed Alberta Justice would like to received the approved copy with a letter from the Chair of the Board of Directors.

14. HR Committee update

By consensus the email vote on the employment of Greg Francis as Senior Counsel for YCDO was ratified.

15. Nominating Committee

Ms. Robidoux reported that the Nominating Committee met by teleconference and unanimously agreed to recommend the re-appointment of Kirk MacDonald for a three year term.

Due to the resignation of Joan Collins, there is currently one position available on the Board of Directors. After completing a matrix of competencies, there are no real large gaps and therefore the Nominating Committee is looking for either a lawyer or non lawyers with Board and Management experience. The deadline has been extended to May 21 to allow an advertisement in the CBA Newsletter. The Nominating Committee will be conducting interviews on May 26 and making recommendations to the Benchers for the June convocation. She expects that the new Board member will be approved prior to the AGM.

16. Template for Operational Reporting by Senior Counsel

Ms. Schaffter requested that this item be tabled to the next meeting to allow Greg Francis the opportunity to participate in the development of the reporting template.

It was duly Moved, Seconded and Carried that this item be tabled to the June meeting.

17. Use of Cells and Blackberries in meeting

Mr. Kloot reported that he understands that the Board members are volunteers and does not question their dedication but he does find the use of cells and blackberries during the meetings to be disruptive.

It was duly Moved that the meeting take a five minutes break every hour to allow members to check for messages during the breaks and that the communication devices be turned off during meetings.

During discussion several Board members were opposed to the suggestion and stated that it is imperative that they have access to the cells due to having young children and/or being sole business practitioners/owners.

The motion was withdrawn.

Learning and Growth

18. Board Training

a) Manual & Board Governance Development

Ms. Schaffter distributed a copy of a draft report from Patrick O'Callaghan on the development of a Board Governance manual. The Chair requested that the members review the draft report and to forward any suggestions or comments to the Committee (Glenda Graham, Fred Fenwick and Perry Sirota) prior to the June Meeting.

By consensus the draft Report will be on the June agenda for discussion.

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

19. Information Items

Ms. Graham reported that she received a telephone call from Perry Mack, President of the Law Society regarding the article Karen Kleise, Edmonton Journal is writing on the drop in numbers of lawyers accepting legal aid cases. Jennifer Fowler advised that she will be meeting with the Communications Director from the Law Society on this issue.

By consensus this item was received for information.

Joan Collins joined the Board for Lunch and was presented with a gift as a token of appreciation for her service on the Board of Directors.

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

The meeting adjourned at 12:00 noon.

Jacquie Schaffter
President & CEO