

**MINUTES**  
**263rd MEETING**  
**OF THE**  
**BOARD OF DIRECTORS**

**9:00 a.m.**  
**September 23, 2008**  
**Westin Hotel**  
**Lake Louise Room**  
**320 – 4<sup>th</sup> Avenue SW**  
**Calgary, Alberta**

**Members in Attendance**

Glenda Graham, Q.C.  
Fred Fenwick, Q.C.  
John Bachinski  
Oceanna Hall  
Dennis Kalma  
Colin Kloot  
Kirk MacDonald  
Daniel McKinley, F.C.A.  
Kristine Robidoux, Q.C. - teleconference  
Perry Sirota

**Members Absent**

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

Jacque Schaffter  
Roland Gehrke  
Wanda Fish  
Katherine Weaver  
Deborah Miller  
Greg Francis  
Jennifer Fowler  
Pat Bard

The Meeting came to order at 9:00 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 September 8, 2008 were received for information.

2. Approval of Minutes

It was duly Moved and Seconded that the Minutes of the 262<sup>nd</sup> Directors Meeting be approved. Carried Unanimously.

3. Meeting Dates

a) *Meeting Dates*

Tuesday, December 9, 2008

b) *Proposed Meeting Dates 2009*

Tuesday, February 24, 2009 - Edmonton

Tuesday, April 28, 2009 - Edmonton

Board Training, AGM, Board - June 18-20, 2009 - Sylvan Lake

Tuesday, September 22, 2009 - Calgary

Tuesday, December 8, 2009 - Edmonton

By consensus the meeting dates were received for information.

**Board Priorities**

4. LAA Strategic Plan 2009/10 (*FLO and YCDO Plan update*)

Mr. Gehrke highlighted the Strategic Plan 2009/10 which set out the overview and background basis for the development of the strategies. The five strategies are

- Eligibility Guidelines Review
- Recruitment and Retention
- Process Streamlining
- Training, Development and Succession
- Planning and Prioritization

It was noted that the eligibility guidelines review initiative as presented does not specifically speak to an intention to move to the use of Net Disposal Income as the basis for income eligibility calculations. Mr. Gehrke advised that this amendment would be made in the written plan document.

He advised that these strategies are large undertakings and continue from the previous year's strategic plan and that no formal resource assessment has been done. There are signs that management must be aware of that the core staff involved in many of the initiatives may be stretching themselves thin although they are coping at this time. He pointed out that some of the initiatives are coming to an end and he wants to ensure that the initiatives are not layered too much. It may be necessary at certain times, to remove core staff from their daily duties to enable them to concentrate on strategies.

Ms. Schaffter advised there has been forward movement on all strategies and that it is anticipated that the Process Streamlining (now referred to as Client Process Development) team will be providing the Executive Committee with their recommendations within a week. The Succession Planning, Training and Development team has compiled a list of courses for the various staff units and has developed an excellent orientation program for all new staff.

Ms. Miller reported that the Family Law Office is preparing their own Strategic Plan to meld with the strategic plan of Legal Aid Alberta and is focusing on mentoring, partnering and articling students. She will be reporting further on the Strategic Plan for FLO at the December meeting.

Mr. Francis advised that strategic planning has not been done by the Youth Criminal Defence Office in recent history. A retreat planned for September 24-26 with all staff will focus on developing a Strategic Plan with the assistance of the consulting firm, kesa.

It was duly Moved and Seconded that the LAA Strategic Plan 2009/10 be approved with the direction that the eligibility initiative specifically address the intention to move to the usage of net disposal income as the basis for income calculations. Carried Unanimously.

5. Financial Eligibility Guidelines

Ms. Fowler reported that the new Financial Eligibility guidelines which incorporate the use of net income as the basis for income calculation previously will be formally announced on September 25<sup>th</sup> with a joint press release by Legal Aid Alberta and the Minister of Justice. New software has been developed for usage by the Legal Aid Officers to assist them in the calculation of net income. Ms. Fowler specifically advised that investigation of using net income as the basis for income calculation will be further reviewed in the spring of 2009.

6. Roster Retention and Recruitment

Ms. Fowler reported that the final results from the lawyer survey have been completed and a work plan has been developed for the recruitment project. She presented a video on the roster recruitment strategy showing current perception, the journey and target. She advised

that the key to the strategy and campaign is to implement actions that will assist our roster lawyers in being successful. As part of the retention and recruitment strategy the following is planned:

- Internally, our staff will be trained and coached on ways that they can improve the experience of working with LAA for the roster lawyers. A few examples of this include customer relations training, mailing lawyers to discuss processes, conducting a proper orientation for roster lawyers, acknowledgement of new lawyers. A welcome informational package has been developed currently and is being sent to all new roster lawyers.
- A 2010 province-wide celebration in collaboration with the Law Society of Alberta is being planned with various awards which may include Junior LAA lawyer, Senior LAA lawyer, Mentoring Excellence awards.
- The LAA website being upgraded with a lot of focus on the Counsel Connection area.
- A new definition of roster lawyers is necessary which would include lawyers who provide other services such as mentoring services and not just those who accept certificates.
- Video blogging
- Social Media Marketing
- Ambassadors for Legal Aid ( i.e. staff, staff lawyers, Board members, retired lawyers)

Ms. Fowler also reported that although the number of lawyers on the LAA roster has been decreasing, it is partially as a result of a long overdue clean up of the list to remove lawyers who have moved, who are no longer practicing or have not taken certificates for some time. The good news is that there have been 30 new lawyers added to the roster since June, 2008, of which 15 are students. The number of certificates issued to the new roster lawyers is being tracked. Next year, students will be targeted and she reported that realistically she expects a 10% increase in total number of lawyers on the roster.

Ms. Graham pointed out that at the Annual Meeting the Board heard from the regional representatives that they would like assistance with difficult case management and management of expectations which clients have of their lawyers. The Board directed LAA management to provide a report to the Board at the February Board Meeting with recommendations as to how LAA might assist roster lawyers with client management both internally and externally, and in particular dealing with client complaints including complaints to the Law Society.

Ms. Fowler reported that a pamphlet for clients has been developed, in plain language, discussing and attempting to clarify what a client can and cannot expect of their lawyers.

This will be helpful to both clients and lawyers as it is something the clients can take away with them for future review because during the interview process, there is often an overload of information.

Ms. Glenda reported that while meeting with Perry Mack, President of the Law Society, he was pleased to offer the Editorial section of the Advisory to Legal Aid Alberta in the January edition. She asked management to provide full information that will assist in the creation of an informative editorial. She also reported that Mr. Mack would be pleased to hear a presentation at the February convocation about LAA given that there may be many new Benchers elected, including discussion of the awards, ambassadors and mentorship that is being planned by LAA. Ms. Graham will follow-up with Mr. Mack to make arrangements and report back to Legal Aid Alberta.

7. Board Governance (see item 24)
  - a) Board succession planning
  - b) Board committee structure arising from Board Governance Manual
  - c) Format for AGM

8. Stable funding and business plan

By consensus the letter from the Minister of Justice dated July 11, 2008 was received for information.

9. Governance (external) stakeholders and partners

*Chair's report on meeting with Minister and Law Society*

Ms. Graham reported on her meeting with the Alison Redford, Minister of Justice and advised that Minister Redford asked LAA to give consideration to addressing two key issues:

- 1) From the perspective of access to justice, how do we determine which individuals we should view as our clients and provide services to and
- 2) Can we provide principled approach to the setting and review of the hourly tariff.

The Minister was very receptive to us moving forward on those two issues. Ms. Graham advised the Minister that the recent increase in financial eligibility and the move by LAA to use net income as the basis for income calculation was an attempt to provide service to a certain percentage of the population in each household size. We must determine in the future what is the correct percentage of the population who should be receiving services from LAA.

Based on that discussion a report was received from Management which outlined possible steps in providing the Minister with the information.

Ms. Graham advised that she spoke with Perry Mack, President of the Law Society, on the two issues and he advised that the Law Society is very interested in working with us on addressing the two issues raised by the Minister and felt that it is critical that the Law Society be involved.

Ms. Weaver highlighted the report from management regarding the Minister's questions on "Who are legal aid clients" and "How to set an appropriate hourly tariff". She advised that she felt that in order to proceed with investigation of these issues it is important to define what "access to justice" means. Mr. Fenwick advised that from his point of view the definition of access to justice ought to include the Department of Justice and what do they define as access to justice. As part of this, Legal Aid Alberta would need to know the number of unrepresented people in court. It was suggested that perhaps this could be done through Duty Counsel monitoring the unrepresented in the courts.

Given the interest of the Law Society and the Minister in investigating these issues, it was felt by the Board that involvement of both parties should be at an early stage so that Justice and the Law Society are a part of the initiative and the solution. It was agreed that these issues should be resolved through a team consisting of representatives Legal Aid Alberta, Alberta Justice and the Law Society.

Management was asked to prepare a letter to the Minister and the Law Society for signature by the Chair inviting them to enter into further discussions with LAA regarding these issues.

Ms. Graham advised that the Minister expressed an interest in attending a Board meeting and she will follow up regarding the Minister's availability.

Ms Graham further reported that Mr. Mack advised that he would speak to Bencher Rod Jerke regarding working with Pro Bono Alberta in order to find ways to demonstrate that pro bono work is a continuum and that the work done by roster lawyers is also pro bono work.

The Law Society is looking at regulating paralegals and this may have some ramifications for Legal Aid Alberta due to unbundling of services.

Mr. Mack advised that the Law Society is considering the process used in addressing the issue of complaints from clients, particularly in family law matters, in an effort to make the process easier. It was felt by the Board that perhaps LAA can be of assistance to roster lawyers who are the subject of a complaint to the Law Society by assisting the roster lawyer to organize a response to the complaint. Ms Schaffter advised that the procedure that LAA uses to handle client complaints is also being reviewed together with the terms of reference for the Roster Committee and recommendations will be included in the report to the Board to be provided on this issue in February.

## **Board Committees**

### 10. Edmonton Regional Legal Aid Committee

It was duly Moved and Seconded that James Culkin and Chris McKay be appointed as members of the Edmonton Regional Legal Aid Committee. Carried Unanimously.

### 11. Appeals Committee North

It was duly Moved and Seconded Anthony Richard and Robert Shaigec be appointed as members of the Appeals Committee North. Carried Unanimously.

## **Management Report**

### 12. Financial and Risk management

Mr. Gehrke highlighted the financial statements and reported that the forecasting is on budget. There has been an increase in the issuance of certificates due to the increase to the financial eligibility guidelines last August and well as the directive to legal aid staff to use their discretion when interviewing clients.

The Board discussed the decrease in completed certificates for YCDO and FLO. Mr. Gehrke pointed out that this is not a reflection of certificates issued only the number of certificates billed. He advised that this may be a reflection of the Taxation Department who taxes and pays the private bar accounts first.

By consensus the financial statements were received for information.

### 13. Operation Reports

#### *a) Report of CEO*

Ms. Schaffter highlighted her reported pointing out the dash board that was included and advised that this will be provided on a quarterly basis. The office is operating well with certificate issuance increasing. She advised that the cost per assist has increased due to the increased tariff and is being monitored. The average days for appointment of counsel is good overall although there are pockets in the regions where the appointment in civil matters may take longer. The staff lawyer turn-over has changed immensely as a direct result of wage parity. Ms. Schaffter further advised that while the Manager of Audit and Investigations is on leave, she has taken over the complaints and is hoping to get a better handle on this issue.

By consensus the Report of the CEO was received for information.

*b) Report of Senior Counsel of FLO*

Ms. Miller reported that the Family Law Office has been extremely busy. The Edmonton office handles the confirmation of Emergency Protection Orders which has increased 20%. She advised that the Edmonton office received 156 certificates in a two week period from September 2 to September 16. Family Law Office is assisting with the significant demand for service in the Peace River region. This demand is primarily due to the suspension of a roster lawyer who accepted a high volume of family law certificates.

The Family Law Office is actively mentoring the private bar and they continue to collaborate with the Youth Office and Law Line in training articling students.

By consensus the report of the Senior Counsel was received for information.

*c) Report of Senior Counsel of YCDO*

Mr. Francis advised that his report is self explanatory and invited questions. He further advised that if the proposed changes to the Youth Criminal Justice Act are implemented that there may be a number of constitutional challenges which he would support. Mr. Francis further advised that he requires a ½ position in the Calgary office to cover for the caseload that the previous Senior Counsel took as well as some of the case load from the Assistant Senior Counsel to allow her to concentrate on operations. There is currently a ½ position lawyer in the office and she may be asked to go full time.

Mr. Francis reported that the Minister of Justice asked to visit the YCDO in Calgary and attended at the office for approximately one hour on September 18<sup>th</sup>. The Minister invited him to sit as a member of the Justice Policy Advisory Committee.

By consensus the report of the Senior Counsel was received for information.

*d) KPI's for FLO, YCDO, Program Services*

By consensus the key performance indicators were received for information.

14. IT Report

*a) Business Applications and IT Services*

Mr. Gehrke highlighted the IT report as exhibited noting that the case management system for the Central Alberta Law Office (CALO) has been set back due to a leave of absence in that office. Microsoft has now corrected two defects found in the software for Great Plains

and the upgrade has been moved to October 13, 2008. Mr. Gehrke further reported that due to staff turnover in IT that the project kick off activities to move to Vista was been delayed to mid-September.

Mr. Kalma cautioned Legal Aid Alberta about moving to Vista and suggested that it may be more prudent to pull YCDO into XP and offered his services. Mr. Gehrke will discuss this issue with the IT Director.

*b) On-Line billing*

Mr. Gehrke reported that the on-line billing program is in the testing phase by selected lawyers. When the program is rolled-out, it will be done so with one-on-one training. It is anticipated that by December the program will be completely rolled-out.

By consensus the IT report was received for information.

15. HR Report

Mr. Gehrke highlighted the Human Resources report on Employee Benefit Analysis for LAA, FLO & YCDO with a goal to move to a common employee benefit program. The details and cost will be prepared once the consultants have completed their analysis on pensions.

By consensus this item was received for information.

**Exceptional Reports (Board or Management)**

16. Brydges Services

Ms. Weaver highlighted the Brydges Services report advising that a number of options had been reviewed. When conducting the review, the services provided by other jurisdictions were examined. The recommendation to the Board is to send out a Request for Proposal (RFP) to contractors to adult handle Brydges calls 24/7 and youth Brydges calls during the day, with all evening youth calls being handled by YCDO. Legal Aid Alberta would no longer be responsible for the Calgary lawyer list.

The Board was advised that from Legal Aid Alberta's perspective, the Calgary lawyer list does not improve services and often the lawyers do not answer the calls. Many of the complaints received with respect to Brydges calls stemmed from calls made to numbers from the lawyers' list. There is nothing to preclude the lawyers from preparing and distributing a list themselves through the Canadian Bar Association.

Ms. Weaver pointed out that the RFP would ask contractors to quote on providing Brydges services 24/7 and also alternatively, quote on the cost of only handling evening Brydges call.

It was duly Moved and Seconded that the Request for Proposal as presented be approved.  
Carried Unanimously.

17. Expansion of Lethbridge FLO

Ms. Miller highlighted the business case for expansion of the Lethbridge FLO office. She pointed out that the office, which has one lawyer and one assistant, ranges between 60 and 70 active files and the staff are stressed. She proposes that the office be expanded with an additional lawyer, receptionist/assistant. The cost of this expansion has not been included in the FLO budget and would cost approximately \$67,000.00 for this fiscal year and \$200,000 for the following fiscal year. She has been advised by Jim Busch, Senior Financial Manager at Legal Aid Alberta, that the funds are available through a 5% vacancy discount formula. Space is available right next to the Legal Aid Alberta Office in Lethbridge. She pointed out that the new staff lawyer position could also assist with the case load coming out of Medicine Hat, which is currently being handled by Calgary staff lawyers.

Mr. Gehrke advised that the cost of the expansion to Lethbridge as well as a program in Northern Alberta will be built into the next budget and business base.

It was duly Moved and Seconded that the expansion of the Lethbridge Family Law Office be approved as set out in the business case. Carried Unanimously.

**List of Pending Issues**

18. Pending List from June Board Meeting

The list of pending issues was review and edited by the Board. This item will be replaced with the Board Governance Calendar at future meetings.

**Items for Information**

19. Upcoming Dates

October 9 – Staff Conference Gala  
October 24 – YCDO Anniversary, Edmonton  
November 21 – YCDO Anniversary, Calgary

Ms. Fowler reported that the Legal Aid Alberta Staff Conference will be held at the River Cree Casino Resort on October 9 and 10. There will be approximately 240 staff in attendance. On the evening of October 9 a celebration will be held and 84 staff members will be receiving service awards ranging from 5 years to 30 years. She invited Board members to be in attendance for the celebration, and if they would like, the entire conference. She undertook to email the particulars to Board members.

Mr. Francis invited Board members to attend the YCDO Anniversary celebrations in Edmonton and Calgary.

By consensus this item was received for information.

20. News Articles

By consensus this item was received for information.

21. Legal Aid Ontario Review Report – Trebilcock Report

By consensus this item was received for information.

**In Camera**

22. It was duly Moved and Seconded that the Board move into an *in camera* session. Carried unanimously. It was duly moved and seconded that the Board come out of in camera session. Carried Unanimously.

23. HR Issues

It was duly Moved and seconded that the recommendation of the HR Committee be approved with respect to the salary and benefits of the Senior Counsel for the Family Law Office and the Senior Counsel for the Youth Criminal Defence Office. Carried Unanimously.

24. Board Governance

a) *Board succession planning*

It was duly Moved and Seconded that the Draft Governance Manual presented to the Board by Patrick O'Callaghan and the Governance Task Force be approved with the revisions discussed at the meeting held on September 22, 2008. Carried Unanimously.

*b) Board Committee Structure*

It was duly Moved and Seconded that the following committees be formed with the following members:

- A. *Governance Committee*  
Fred Fenwick (chair)  
Glenda Graham  
Kirk MacDonald  
Perry Sirota
  
- B. *Audit Committee*  
Dan McKinley (chair)  
Oceanna Hall  
Dennis Kalma
  
- C. *Human Resources and Compensation Committee*  
Colin Kloot (chair)  
John Bachinski  
Oceanna Hall  
Kris Robidoux
  
- D. *Nominating Committee (external)*  
Kris Robidoux

Carried Unanimously.

*c) Format for AGM*

It was duly Moved and Seconded that a task force be created to review the Annual General Meeting program and function and to report to the Board regarding their recommendations. The committee members appointed were Fred Fenwick (Chair), Dennis Kalma (Vice Chair), Kirk MacDonald, Kris Robidoux, Jacquie Schaffter and another representative from senior management with the suggestion from the Board that Jennifer Fowler, Director of Communications be so appointed. Carried Unanimously.

Jacqueline Schaffter  
President & CEO