



Legal Aid Alberta

Rules 2019

Approved as per the Legal Aid Alberta Governance Agreement by:
Legal Aid Alberta Board of Directors, Law Society of Alberta, and
Alberta Minister of Justice and Solicitor General

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Part 1 – What does Legal Aid Alberta do?

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| Types of legal services | 1.1 | Legal Aid Alberta will provide legal representation services in the areas of civil, family and criminal law needs along with other matters specified in Rules 3.16. |
| | 1.2 | The scope of legal services provided by Legal Aid Alberta may change from time to time and may include: <ul style="list-style-type: none">a. any or all legal representation services,<ul style="list-style-type: none">(i) early resolution services,(ii) limited scope services,(iii) full representation services, andb. Duty Counsel services. |
| Service delivery model | 1.3 | Legal Aid Alberta may deliver legal services: <ul style="list-style-type: none">a. in person in Legal Services Centres, staff law offices, courthouses and other locations;b. by telephone, video-conferencing or over the Internet; andc. using other technology as it thinks appropriate. |
| | 1.4 | To deliver legal services, Legal Aid Alberta may use: <ul style="list-style-type: none">a. private bar lawyers who are placed on a roster;b. private bar lawyers who have agreed by contract to provide legal services for it; andc. staff lawyers and non-lawyers. |
| | 1.5 | Legal Aid Alberta will have sole discretion to decide whether it will use a staff, roster or other service provider for a client's matter. |
| Clients may be charged fees | 1.6 | Legal Aid Alberta may charge, to a client, client fees for legal representation services. |
| | 1.7 | Subject to Rule 1.8, a client must agree to pay client fees in order to receive legal representation services. |
| When no fees will be charged | 1.8 | Legal Aid Alberta will not charge client fees when providing these legal services: <ul style="list-style-type: none">a. Duty Counsel; andb. Brydges Duty Counsel. |
| Certificates | 1.9 | If legal representation services or Duty Counsel services are going to be provided, Legal Aid Alberta will issue a certificate to the lawyer. |
| | 1.10 | If legal representation services or Duty Counsel services are going to be provided by a staff law office or staff lawyer, Legal Aid Alberta may, in accordance with the Governance Agreement, issue a |

certificate to the staff law office or staff lawyer.

- 1.11 A certificate may include conditions and is subject to the provisions of the Rules, including the Legal Aid Alberta Tariff.

Part II – How do people qualify for Legal Aid Alberta services?

Types of eligibility guidelines

- 2.1 A client must meet all Legal Aid Alberta’s eligibility guidelines which apply to the client and the client’s matter to:
 - a. receive legal representation services; and
 - b. to continue receiving legal representation services.
- 2.2 Service and Financial eligibility guidelines for Legal Aid Alberta are established by these Rules.
- 2.3 Service Eligibility Guidelines describe the types of law and legal issues for which legal representation services may be provided.
- 2.4 Financial Eligibility Guidelines describe the levels of income and assets that a client can have.

When Legal Aid Alberta can end legal representation services

- 2.5 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that:
 - a. a client no longer meets eligibility guidelines; or
 - b. a client’s matter
 - (i) has been resolved or otherwise ended;
 - (ii) does not justify its providing further legal services; or
 - (iii) no longer meets eligibility guidelines.
- 2.6 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that a client was asked and has failed to:
 - a. provide financial or other information;
 - b. contact staff or a service provider;
 - c. instruct staff or a service provider; or
 - d. respond to staff or a service provider.
- 2.7 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that a client:
 - a. cannot or will not work with staff or a service provider; or
 - b. does not do something that has to be done before Legal Aid Alberta can take the next step or provide more service.
- 2.8 Legal Aid Alberta will tell a client when it has stopped providing legal representation services and the reasons it has stopped providing those services.

When a client can end legal representation services 2.9 A client may end legal representation services by telling Legal Aid Alberta he or she wants to stop.

Client’s obligation when legal representation services end 2.10 A client’s obligations to Legal Aid Alberta do not end by the ending of legal representation services.

Part III – Service Eligibility Guidelines

Compliance with Governance Agreement 3.1 If Legal Aid Alberta wants to provide legal representation services to eligible clients in areas of law:
 a. not specifically identified in Part III; or
 b. referred to in Part III as other matters, offences, issues or circumstances which may be included in Board Policy,
 it can do so only if it complies with the relevant requirements set out in the Governance Agreement.

Residents and non-residents 3.2 Unless there is a place in these Rules that says something different, a client must be a resident Albertan.

3.3 Legal Aid Alberta may provide legal representation services to an eligible client who is not a resident Albertan where the legal aid plan in the client’s province or territory of residence requests services and:
 a. the requesting legal aid plan provides legal representation services to resident Albertans;
 b. the client is financially eligible to receive legal aid in the province or territory of residence;
 c. a court or tribunal in Alberta has jurisdiction; and
 d. the matter is one for which legal representation services would be provided to a resident Albertan.

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- 3.4 Legal Aid Alberta may provide legal representation services to an eligible client who is not a resident Albertan where the Central Authority for the Hague Abduction Convention in the client's country of residence requests services, and;
- a. the requesting Central Authority, in the client's country of residence, provides legal representation services to resident Albertans;
 - b. the requesting Central Authority, in the client's country of residence, confirms the client is financially eligible to receive legal aid in the client's country of residence;
 - c. a court in Alberta has jurisdiction; and
 - d. the matter is one for which legal services would be provided to a resident Albertan.
- 3.5 Where the client's country of residence does not have a legal aid plan, a client under Rule 3.4 must meet Legal Aid Alberta's financial eligibility guidelines.
- 3.6 If a person is charged with a criminal offence in Alberta, he or she may be eligible to become a client even though the person is not a resident Albertan.
- 3.7 Where Legal Aid Alberta provided legal representation services at the trial or hearing of a civil or family matter, Legal Aid Alberta may provide an eligible client with legal representation services on the appeal of the matter, even where the client is no longer a resident Albertan.
- Criminal law matters**
- 3.8 Legal Aid Alberta may provide legal representation services to an eligible client charged with the following criminal offences:
- a. indictable offences, whether in the Criminal Code or any other Federal act;
 - b. summary conviction offences with a:
 - (i) likelihood of imprisonment upon conviction;
 - (ii) likelihood of loss of the means of earning a living upon conviction; or
 - (iii) a circumstance which Legal Aid Alberta, in its sole discretion, decides is exceptional enough for it to give legal services to the client;
 - c. Youth Criminal Justice Act offences;
 - d. Extradition Act offences;
 - e. any other offences, issues or circumstances that Legal Aid Alberta includes, from time to time, through a Board Policy and approved in accordance with the Governance Agreement.
- 3.9 Legal Aid Alberta may also provide legal representation services in criminal law matters, where:

- a. the service is requested by the Minister in those situations set out in the Governance Agreement; and
- b. a court in Alberta orders the appointment of a lawyer for:
 - (i) youth, provided the lawyer will be paid at rates not exceeding the Legal Aid Tariff for court appointed counsel for youth;
 - (ii) adult persons, in provincial prosecutions under the Criminal Code of Canada, provided the lawyer will be paid as set out in the court order.

3.10 A client charged with a criminal offence not referred to in Rule 3.8 or who has not met the requirements of Rule 3.9 may only receive Duty Counsel services.

Family law matters

3.11 Subject to Rule 3.13 and 3.17, Legal Aid Alberta may provide legal representation services to an eligible client with:

- a. Child welfare matters;
- b. Interjurisdictional Support Orders Act;
- c. Protection Against Family Violence Act or other forms of protection related to family violence;
- d. Divorce Act or Family Law Act matters which may include custody, access, guardianship, parenting or contact time, spousal or child support;
- e. matrimonial property where
 - (i) there are also one or more matters in Rule 3.11.b.; or
 - (ii) the client's equity in the property is \$50,000 or more;
- f. constructive trust matters where the client's equity in the property is \$50,000 or more;
- g. partition and sale matters between spouses where the client's equity in the property is \$50,000 or more; and
- h. other family law matters that Legal Aid Alberta includes from time to time, through a Board Policy and approved in accordance with the Governance Agreement.

3.12 Legal Aid Alberta may provide legal representation services, on behalf of the Minister, if a court in Alberta orders the appointment of a lawyer for a child in a high-conflict child custody, access, guardianship, parenting or contact time matter and Legal Aid Alberta determines that:

- a. the lawyer is necessary to protect the best interests of the child;
- b. the lawyer will be paid in accordance with the Legal Aid Tariff; and
- c. either or both parents, having regard to their financial means, will be asked to reimburse Legal Aid Alberta for the costs of the lawyer.

- 3.13 Legal Aid Alberta will not provide legal representation services for:
- a. uncontested divorces; or
 - b. contested divorces, where:
 - (i) there are no corollary relief or matrimonial property issues, or
 - (ii) the matrimonial property is the only issue in dispute and the client's equity in that property is less than \$50,000.

3.14 A client with family matters not referred to in Rules 3.11 or 3.12 may only receive Duty Counsel services.

- Civil law matters** 3.15 Subject to Rule 3.17, Legal Aid Alberta may provide legal representation services to an eligible client with:
- a. immigration and refugee claims;
 - b. Adult Guardianship and Trusteeship matters, where the client is the person subject to or potentially subject to guardianship or trusteeship and;
 - c. other civil law matters that Legal Aid Alberta includes from time to time, through a Board Policy and approved in accordance with the Governance Agreement.

3.16 A client with civil matters not included in Rule 3.15 may only receive Duty Counsel services.

- Conditions for Legal representation services in family or civil matters** 3.17 Legal Aid Alberta may provide legal representation services to a client with family or civil matters included in Rule 3.11 or 3.15, only where:
- a. a court or tribunal has jurisdiction over the matter in Alberta; and
 - b. Legal Aid Alberta, in its sole discretion, has determined that:
 - (i) the cost of commencing or defending the action is reasonable for the relief sought; and
 - (ii) the action has merit or likelihood of success or both.

- Conditions for appeals or decision reviews** 3.18 Legal Aid Alberta may provide legal representation services for an eligible client for appeals only if:
- a. a court or tribunal has jurisdiction over the matter in Alberta; and
 - b. for the criminal offences listed in Rule 3.8, the Crown is bringing the appeal; or
 - c. for any other civil, family or criminal appeal or decision review, Legal Aid Alberta, in its sole discretion, has determined that:
 - (i) the cost of commencing or defending the action is reasonable for the relief sought; and

(ii) the action has merit or likelihood of success or both.

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| Service Eligibility Policy | <p>3.19 Legal Aid Alberta may by Board Policy limit the amount Legal Aid Alberta will spend on legal services in an area of law, so long as the limitation has been approved by the Minister in accordance with the Governance Agreement.</p> <p>3.20 Legal Aid Alberta may by Administrative Policy:</p> <ul style="list-style-type: none"> a. define decision-making protocols around service eligibility and service termination; b. define when Legal Aid Alberta and its staff can use discretion in applying Service Eligibility Guidelines and Policies and the criteria that staff should consider when exercising discretion; c. identify specific legal issues, within the areas of law set out in this section of the Rules, for which legal services will or will not be provided; d. identify what things would cause a client to stop being eligible for service; e. set out what may happen when a client is no longer eligible for service; and f. identify legal services to which Service Eligibility Guidelines do not apply or partially apply. |
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Part IV – Financial Eligibility Guidelines

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| Where Financial Eligibility Guidelines do not apply | <p>4.1 A client does not need to meet the Financial Eligibility Guidelines to be eligible for:</p> <ul style="list-style-type: none"> a. Duty Counsel services; b. Court-ordered lawyer services for adults and youth; and c. in accordance with the Governance Agreement and through an Administrative Policy, other legal services which Legal Aid Alberta identifies can be provided, from time to time, without a client meeting Financial Eligibility Guidelines. <p>4.2 A client is eligible for legal representation services if an order for apprehension and confinement was made against him or her under the Protection for Children Abusing Drugs Act, whether or not the client fits within the Financial Eligibility Guidelines.</p> |
| Qualifying levels of income and assets | <p>4.3 Legal Aid Alberta will make decisions about financial eligibility using:</p> <ul style="list-style-type: none"> a. established levels of allowable income as set out in the table below, subject to changes in the Alberta Consumer Price Index; b. a client’s family size; c. the amount of a client’s allowed income; |

- d. the amount of a client’s liquid assets; and
- e. client’s real property, being a house, building or land.

The Financial Eligibility Guidelines will be indexed annually effective April 1 of each fiscal year to reflect annual changes in the Alberta Consumer Price Index.

Legal Aid Alberta may by Administrative Policy, and based on criteria approved by the Minister, establish protocols and practices for indexing the financial eligibility guidelines to the Alberta Consumer Price Index. The Consumer Price Index and changes to the levels of allowable income are determined by the Minister and reflected in Administrative Policy, which policy will include the base allowable income and indexed amounts for each fiscal year.

Table: Levels of Allowed Income

Family Size	DC/Brydges Services	Legal Representation	
		Monthly*	Annual*
1	Financial Eligibility Guidelines do not apply	\$1,668	\$20,021
2		\$2,066	\$24,788
3		\$2,940	\$35,275
4		\$3,178	\$38,134
5		\$3,416	\$40,995
6+		\$3,655	\$43,855

* Levels of Allowed Income to be indexed annually

- 4.4 A client will be financially eligible for legal representation services where the client’s allowed income is equal to or under both the monthly and annual amounts for the client’s family size.
- 4.5 In limited circumstances, Legal Aid Alberta may, in its sole discretion and in accordance with Administrative Policy, provide legal services where a client’s allowed income exceeds monthly or annual amounts for the client’s family size, or both monthly and annual amounts.
- 4.6 A client may be refused legal representation services if Legal Aid Alberta, in its sole discretion, determines that the client’s real property or liquid assets exceed the level set by Board Policy.
- 4.7 Legal Aid Alberta may, by Board Policy, set the level of real property or liquid assets a client may not exceed in order to obtain legal services.

Financial Eligibility Policy

- 4.8 Legal Aid Alberta may by Administrative Policy:
 - a. define decision-making protocols around financial eligibility; and
 - b. define the criteria around the discretion Legal Aid Alberta and its staff can use when applying Financial Eligibility Guidelines and Policies.
- 4.9 Notwithstanding any of the above sections, all persons who are receiving Assured Income for the Severely Handicapped (AISH) are presumptively financially eligible for Legal Aid Alberta services. Legal Aid Alberta may, by Administrative Policy, establish the criteria regarding AISH credentials and financial eligibility processes.
- 4.10 Legal Aid Alberta may operate a discretionary coverage program whereby individuals who would not ordinarily qualify under the Financial Eligibility Guidelines (where those Guidelines are applicable) may, based upon criteria approved by the Minister, be provided legal or other services in exceptional circumstances as determined by Legal Aid Alberta in its sole discretion.

Part V – Fee and Payment Guidelines

Clients pay for legal representation services

- 5.1 Clients are required to pay for the legal representation services they receive except where Legal Aid Alberta determines, in its sole discretion, that:
 - a. payment of fees would cause undue hardship to the client or the client’s family; or
 - b. the cost of or resources required to set, inform, charge, record and collect fees would exceed the amount of fees which could reasonably be recovered.

What are Fee and Payment Guidelines

- 5.2 Fee and Payment Guidelines describe:
 - a. the type and amount of client fees Legal Aid Alberta may charge for legal services;
 - b. the type and amount of security a client may have to agree to provide, in order to receive legal services;
 - c. the ways a client may make payments for client fees charged by Legal Aid Alberta;
 - d. the ways in which Legal Aid Alberta may collect client fees; and
 - e. when Legal Aid Alberta may waive payment of client fees.

Client fees

- 5.3 Client fees may be based upon:
 - a. the Tariff, being Schedule 2 of these Rules;
 - b. hourly fees; or
 - c. block fees;
 and may include disbursements paid by Legal Aid Alberta over the

		course of a matter.
	5.4	The total amount of client fees for a matter shall not exceed the amount payable by Legal Aid Alberta to a lawyer or other service provider according to the Tariff for that matter.
Payment if undue financial hardship	5.5	Legal Aid Alberta may reduce the payment of fees or waive the payment of fees if payment would cause an undue financial hardship for a client.
Security on or against property	5.6	Before delivering a legal representation service, Legal Aid Alberta may require that a client give security on or against property which the client controls or may control in the future.
Fee and Payment Policies	5.7	Legal Aid Alberta will by Administrative Policy: <ol style="list-style-type: none"> a. set the amount of or method for calculating fees and disbursements payable by clients for legal representation services; and b. establish the methods of payment, down-payment, security and collection which Legal Aid Alberta can utilize.
	5.8	Legal Aid Alberta may by Administrative Policy, in accordance with the Governance Agreement: <ol style="list-style-type: none"> a. define circumstances and criteria for deciding when client fees will be payable; b. establish the criteria for when down-payments, monthly payments or security will be required; c. establish the consequences for failing to follow through with down-payments, monthly payments or security; d. define the circumstances and criteria for deciding when unpaid client fees will be subject to collection activities; e. define the decision-making protocols for <ol style="list-style-type: none"> (i) whether a client should be charged client fees; (ii) the method and amount of payment required from a client; (iii) the method and amount of security required from a client; or (iv) whether client fees should be waived or reduced; and f. address any other fee and payment items it may wish to include from time to time.

Part VI – What can clients do if they do not agree with eligibility decisions?

Eligibility decision	6.1	Legal Aid Alberta makes an eligibility decision when it decides that a client does or does not, fully or partially, meet: <ol style="list-style-type: none"> a. Service Eligibility Guidelines; or b. Financial Eligibility Guidelines.
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- 6.2 An eligibility decision is final and cannot be reviewed or appealed if the Rules say it is final.
- Review of eligibility decision**
- 6.3 A client may request a review of an eligibility decision in accordance with the Rules and the Eligibility Review and Appeal Policy.
 - 6.4 Except where it is covered in Rule 6.2, an eligibility decision can be reviewed only if it is a decision that a client:
 - a. does not meet Service Eligibility Guidelines or Policies;
 - b. does not meet Financial Eligibility Guidelines or Policies; or
 - c. should have legal representation services terminated.
 - 6.5 Legal Aid Alberta staff will make review decisions.
 - 6.6 Except for the review decisions listed in Rule 6.9, all review decisions are final and cannot be appealed.
- Appeal of eligibility decision**
- 6.7 A client may request an appeal of an eligibility review decision in accordance with the Rules and the Eligibility Review and Appeal Policy.
 - 6.8 Members of the Board, staff, other non-staff persons or a combination of Board, staff or non-staff persons will form a Committee to make appeal decisions.
 - 6.9 A review decision can only be appealed on the ground that the Reviewer erred in finding that the client:
 - a. does not meet Service Eligibility Guidelines or Policies;
 - b. does not meet Financial Eligibility Guidelines in accordance with the Rules and Administrative Policy; or
 - c. should have their certificate-based legal services terminated.
 - 6.10 All appeal decisions are final and cannot be appealed further.
- Eligibility Review and Appeal Policy**
- 6.11 Legal Aid Alberta will, by Administrative Policy:
 - a. set out the Terms of Reference for the Appeal Committee; and
 - b. define protocols and criteria for Eligibility Review and Appeal processes.

Part VII – Who provides Legal Aid Alberta’s legal services?

- Service providers**
- 7.1 Legal Aid Alberta may use staff, roster and contracted service providers in the way it thinks is best to provide effectual and cost-

effective legal services.

Roster Management Policy

- 7.2 Legal Aid Alberta will by Administrative Policy:
- a. define the roster management activities it will undertake to support the development, administration and maintenance of its rosters;
 - b. identify the number and type of rosters it may establish;
 - c. develop a framework for the establishment of protocols and criteria dealing with enrollment on a roster, standards and qualifications, roster supports, and expectations of roster members;
 - d. develop protocols for imposing sanctions on a roster lawyer, such as removal or suspension from a roster, which protocols may include the establishment of a Roster Committee; and
 - e. address any other items relating to roster management it may wish to include from time to time.

Right of Legal Aid Alberta to choose

- 7.3 Legal Aid Alberta has the right to choose any staff lawyer or roster lawyer to provide certificate legal representation services to a client.

Tariff for roster lawyers

- 7.4 Legal Aid Alberta will establish a Tariff of fees and disbursements payable to roster lawyers for certificate legal representation services.

- 7.5 This Tariff will be Schedule 2 of these Rules.

Case Management Policies

- 7.6 For certificate based legal services Legal Aid Alberta will, by Administrative Policy:
- a. identify what Legal Aid Alberta should consider when choosing a lawyer for a client;
 - b. define the circumstances under which a client can ask for a different service provider; and
 - c. define the criteria Legal Aid Alberta will use when considering a change of a client's service provider.

- 7.7 Legal Aid Alberta may, by Administrative Policy:
- a. define decision-making protocols around case management;
 - b. establish case management protocols and practices for regular or high cost cases or both;
 - c. set up quality assurance programs for both staff and service providers; and
 - d. address any other case management item it may wish to include from time to time.

Part VIII – How are the Legal Aid Alberta Rules and Policies made?

Who can make Rules	8.1	The Governance Agreement <ul style="list-style-type: none"> a. gives the Board the right to make or change these Rules; and b. says when the Rules must be approved by the Minister.
Who can make Policies	8.2	The Board may, as approved in accordance with the Governance Agreement, make or change Policies for setting: <ul style="list-style-type: none"> a. service delivery philosophy and approach; b. priority areas of law for service delivery; c. annual limits on the amount spent on different areas of law or specific legal matters within areas of law; d. areas of law for which no legal services will be provided; e. the amount Legal Aid Alberta will spend for legal services on a client’s matter or on legal services in an area of law; f. the level of assets a client may not exceed in order to obtain legal representation services; and g. other things it considers appropriate from time to time.
	8.3	The CEO may make or change Administrative Policies when the Rules allow for Administrative Policies to be developed.
	8.4	The CEO may delegate to staff the authority to make or change Administrative Policies generally or in specific areas, except for those which require the approval of the Board.
What takes precedence	8.5	If something in the Rules is different from what is in the Governance Agreement or the Bylaw, then what is in the Governance Agreement or Bylaw is what will be followed.
	8.6	If something in a Board Policy is different from what is in the Governance Agreement, the Bylaw or the Rules, then what is in the Governance Agreement, Bylaw or Rules is what will be followed.
	8.7	If something in an Administrative Policy is different from what is in the Governance Agreement, Bylaw, Rule or a Board Policy, then what is in the Governance Agreement, Bylaw, Rule or Board Policy is what will be followed.
Publication	8.8	The Rules and Policies, and any changes to them, will be published on the Legal Aid Alberta website and what is published there will be the official version of the Rules.
Failure to follow	8.9	Legal Aid Alberta will follow the Rules and Policies, but a failure to do so does not affect the validity of any action taken by it.

- 8.10 Rule 8.9 does not prevent a person from requesting that a decision of Legal Aid Alberta, which is subject to review or appeal, be reviewed or appealed.

Schedule 1 - Definitions

The following words, when used in the Rules, mean:

Administrative Policy	is made by the CEO or CEO's delegate and deal with day-to-day management and operations of Legal Aid Alberta.
Allowed income	family income minus <ol style="list-style-type: none"> a. source employment deductions, b. child or spousal support being paid by the family; c. daycare expenses; and d. any other deductions which Legal Aid Alberta thinks should be included.
Area of law	a type of law. It can be described very broadly in groups like civil law, criminal law or family law.
Board	the Board of Directors of Legal Aid Alberta.
Board Policy	the framework within which Legal Aid Alberta provides legal and other services to clients. The Board makes policy to set the priorities and philosophy for service delivery, in accordance with the Governance Agreement. Policies guide and direct what types of programs and services will be developed and the ways they will be delivered.
Bylaw	the Legal Aid Alberta Bylaw No. 1 and its successor.
CEO	the Chief Executive Officer of Legal Aid Alberta.
Certificate	the document issued by Legal Aid Alberta to a service provider authorizing him or her to provide specified legal services to a client.
Client	an individual who contacts Legal Aid Alberta for assistance with a legal problem, whether he or she receives legal services or not, but does not include a business, an individual requesting legal services in the operation of a business, a non-profit society or incorporated body.
Client Fees	what Legal Aid Alberta can charge a client for the legal representation services it provided. Client fees can include disbursements, such as amounts paid to someone other than the lawyer (for instance, an expert witness, translation services or for specific costs like photocopying).
Client's Family	<ol style="list-style-type: none"> a. the client, his or her dependents if any, and b. where a client is a child with no spouse, the child's custodial parents, guardians or other caregiver with whom the child lives.
Court	all Alberta Courts, the Federal Court of Canada and the Supreme Court of Canada.

Dependents	<ul style="list-style-type: none"> a. the spouse of a client; b. a child of the client who is <ul style="list-style-type: none"> (i) under 18 and been apprehended by Child and Family Services where a Permanent Guardianship Order has not been granted; (ii) under 18 and is still under the client’s care and control; or (iii) over 18 but, because of illness, disability or other cause, is still under the client’s care and control or cannot provide him/herself with the necessaries of life; and c. any other child who Legal Aid Alberta, in its sole discretion, determines is financially dependent upon the client.
Duty Counsel	are lawyers who give legal assistance to people who go to court or a tribunal without a lawyer. Duty Counsel includes Brydges Duty Counsel, and Emergency Protection Order Program Counsel.
Duty Counsel Services	the level of legal services to which financial eligibility guidelines do not apply. Duty Counsel services includes Alberta Review Board, applications for confirmations and breaches of Emergency Protection Orders, complainant, witness or accused persons under section 278.1 to 278.91, section 486.3 and section 672.24 of the Criminal Code, docket courts, Institutional Disciplinary Hearings, Mental Health Review Panel, Mills/O’Connor Applications, Protection of Children Abusing Drugs, and any other court or tribunal Legal Aid Alberta, in its sole discretion, approves.
Eligible	meeting all the requirements.
Family income	<p>the total income of the client and their family if living in the same residence and includes:</p> <ul style="list-style-type: none"> a. employment income before deductions; b. self-employment income, after deduction of reasonable operating costs as determined by Legal Aid Alberta; and c. other income, including pension benefits, retirement allowances, death benefits, employment insurance benefits, spousal and child support payments, annuity payments, grants, social assistance payments, workers’ compensation benefits; benefits from deferred income plans, scholarships, bursaries, research grants, indirect payments, GST and HST rebates, child tax benefits, rental income, dividends, interest, investment income and other miscellaneous income.
Governance Agreement	The Governance Agreement respecting Legal Aid 2019, entered into between Legal Aid Alberta, the Government of Alberta through the Ministry of Justice and Solicitor General, and the Law Society of Alberta, as amended from time to time.

Lawyer	an individual enrolled as an active member of The Law Society of Alberta or entitled to practice law in the Province of Alberta.
Legal Aid Alberta	the Legal Aid Society of Alberta.
Legal Aid Plan	the plan to provide legal and other services to individuals as set out in the Governance Agreement, Legal Aid Alberta’s Business Plan from time to time and these Rules.
Legal Services	<p>Legal Aid Services include:</p> <p>a. Representation by a lawyer:</p> <ul style="list-style-type: none"> (i) in adult criminal cases where counsel is appointed by a court, or it is determined by a court, government authority or Legal Aid Alberta that an individual requires Legal Aid Services to meet the requirements of section 7 or 11 of the Canadian Charter of Rights and Freedoms; (ii) in proceedings under the <i>Youth Criminal Justice Act</i> where counsel is appointed by a court, or it is determined by a court, government authority or Legal Aid Alberta that an individual requires Legal Aid Services to meet the requirements of section 7 or 11 of the Canadian Charter of Rights and Freedoms; (iii) in adult criminal cases where Legal Aid Alberta has determined that the adult has met the necessary qualifications to receive Legal Aid Services; (iv) in proceedings under the <i>Youth Criminal Justice Act</i> where Legal Aid Alberta has determined that the youth has met the necessary qualifications to receive Legal Aid Services; (v) in family law, child welfare, immigration, refugee and adult guardianship and trusteeship matters where Legal Aid Alberta has determined that the individual has met the necessary qualifications to receive Legal Aid Services. <p>b. Twenty-four hour telephone legal advice for individuals detained by police;</p> <p>c. At the request of a court, representation by a lawyer for children in private custody and/or access disputes that are of a high conflict nature, if Legal Aid Alberta determines that:</p> <ul style="list-style-type: none"> (i) Such counsel is necessary to protect the best interests of the child; (ii) Such counsel is to be paid in accordance with the Legal Aid Tariff; and (iii) Either or both parents having regard to their respective financial means are to reimburse Legal Aid Alberta for the costs of such counsel.

- d. Duty counsel services;
- e. Enhanced resolution counsel services;
- f. Legal services for an individual if an order for apprehension and confinement was made against that individual under the *Protection of Children Abusing Drugs Act*;
- g. Legal Services to be provided pursuant to an agreement:
 - (i) If approved by the Minister, with an Indian Band as defined under the *Indian Act* (Canada), or with a Metis Settlement or the Metis Nation Association of Alberta or any other Metis group;
 - (ii) Between Legal Aid Alberta and the federal government respecting terrorism or national security related matters; and
 - (iii) Between the Minister and the federal government respecting legal and court ordered counsel in federal prosecutions.
- h. Brief or limited scope legal advice; and
- i. Assistance from a non-lawyer if determined by Legal Aid Alberta to be appropriate based on an evaluation of a client’s needs, provided such assistance does not result in legal advice being given.

Legal Services Centres the Legal Aid Alberta staff offices which provides the initial assessment of a client’s legal needs and eligibility for legal services (as well as some types of legal service provision where appropriate) but does not include a Staff Law Office.

Legal Representation Services Legal Services to which financial eligibility guidelines apply.

Limited Scope Services are legal services where the lawyer is providing representation for only part of a legal matter, without the expectation that the lawyer will provide a full-service representation.

Liquid Assets cash, or any real or personal property which can be converted into cash within a reasonable period of time. This could include a boat or other vehicle.

Minister the Government of Alberta Minister of Justice and Solicitor General.

Necessaries cash or property of a client which is needed for the client family’s actual living requirements at the time the client contacts Legal Aid Alberta.

Obligations things a client must agree to do in order to get legal services and which must be completed by the client. They may include: telling Legal Aid Alberta when the client’s contact information, financial circumstances or

	legal problems change; or agreeing to pay and paying client fees; or agreeing to give security for payment of fees and giving the security (eg. mortgage, assignment of proceeds, etc.).
Resident Albertan	an individual who, at the time of becoming a client, makes his or her home in Alberta and ordinarily lives in Alberta.
Roster	a list of service providers, usually for a specific type of legal service (example, lawyers who will do family law services).
Rules	these Rules are made pursuant to paragraph 1(o) of the Governance Agreement. They tell us how Legal Aid Alberta operates the Legal Aid Plan.
Security	is given by a client to make sure that, if the client doesn't or can't pay the client fees he or she owes, Legal Aid Alberta can still get paid. Security is given by the client signing a legal document. For instance, if the client owns a house, the client may agree to a mortgage on the house in favour of Legal Aid Alberta for the amount of the client fees. Or, if the client is going to get money from a court case, he or she may agree that some or all of that money will go directly to Legal Aid Alberta to pay any client fees still owing. Other examples include an assignment of proceeds from bail or from the sale of property or other asset.
Service Provider	<p>an individual who is:</p> <ul style="list-style-type: none"> a. employed, contracted or provided through a partnership arrangement to provide Legal Aid Alberta's legal and other services and b. agrees to be bound by Legal Aid Alberta's Rules, Policies and Procedures, and <p>may include a specific Legal Aid Alberta law office or business unit. In addition to staff, they may include: private bar lawyers or articling students who join a roster; other professionals who join a roster for that type of service (eg. translators); and private bar lawyers and other persons who enter into non-roster contracts with Legal Aid Alberta.</p>
Spouse	<ul style="list-style-type: none"> a. a person who is the husband or wife of a married person; b. a man and woman who have lived together for less than a continuous period of 12 months and who have a biological child together; c. two persons, of the same or different sexes, who have lived together in a relationship of interdependence for a continuous period of 12 months; or d. two persons in any other relationship recognized under the Adult Interdependent Relations Act, S.A. 2002, C. A-4.5 or its successor.
Staff	the employees and officers of Legal Aid Alberta.
Staff Law Office	the Family Law Offices, the Youth Criminal Defence Offices, the

Criminal Resolution Offices and their successors, as well as any future staff law offices established by Legal Aid Alberta other than Legal Services Centres.

Tariff the detailed statement of the amount and type of legal fees and disbursements a roster lawyer may ask Legal Aid Alberta to pay the lawyer for legal services provided under a certificate.

Tribunal all municipal, provincial and federal tribunals exercising jurisdiction in Alberta. Tribunals are government agencies, boards or commissions that make rules and decisions. They may resolve disputes between two people (examples are the Residential Tenancies Dispute Resolution Service or the Human Rights Commission) or they may make decisions about a person's rights or benefits (examples are the Mental Health Review Board or the Immigration and Refugee Board). They may also hear appeals from decisions made by a government department or agency (examples are the Citizen Appeal Panels for income assistance benefits or the Board of Referees for employment insurance).