



SERVING  
PUBLIC  
INTEREST

# 2012

## ANNUAL ACCOUNTABILITY REPORT



## TABLE OF CONTENTS

- 3 Overview
- 4 President's Message
- 6 Executive Director's Message
- 7 Our Benchers
- 8 Financial Reports
- 10 Our Committees

## VISION

The Law Society of Alberta will be recognized as a model regulator for protecting the public interest and preserving the fundamental principals of justice through a self-regulated, independent and trusted legal profession.

## MISSION

To serve the public interest by promoting a high standard of legal services and professional conduct through the governance and regulation of an independent legal profession.

## STRATEGIC GOALS

The Law Society of Alberta serves the public interest by focusing on the following strategic goals:

**Model Regulator:** Promoting and ensuring high ethical standards and competence on the part of all those seeking admission to and practicing law in Alberta.

**Public Confidence:** Building public confidence in the profession and the Law Society as a regulator by being effective, fair, timely, transparent and responsive.

**Principles of Justice:** Upholding and preserving the principles of justice fundamental to a free democratic society, particularly client-lawyer privilege, the rule of law, and the independence of courts and lawyers.

**Access to Justice:** Promoting access to high quality legal services.

## OUR ROLE AS A REGULATOR

The Law Society of Alberta is the independent regulator of all practising lawyers in Alberta. It is financed and maintained by lawyers at no cost to the public or to the government.

The Law Society serves the public interest by maintaining and strengthening an independent legal profession, which, alongside an independent judiciary, is the cornerstone of a free and democratic society. We serve as an advocate of independence, uphold the principles of justice and promote access to legal services.

Our authority to regulate the legal profession comes from the *Legal Profession Act*, and the Code of Professional Conduct for lawyers in Alberta.

The Law Society has a well-defined process for members of the public who have a complaint about lawyer conduct or competency. As the regulator of Alberta lawyers, the Law Society is mandated to conduct hearings once citations are laid, and to communicate information about the outcomes of hearings concerning complaints.

If members of the public have suffered a financial loss from working with their lawyer or as a consequence of the services provided by a lawyer, they may be entitled to make a claim. The Alberta Lawyers Insurance Association, connected with the Law Society, handles all financial claims made by lawyers and members of the public.



## President's Message

by Steve Raby, QC  
2012-2013 President, Law Society of Alberta

Challenging our existing regulatory regime in order to meet the public's expectation of the profession was the overall theme of the Law Society's activities in 2012.

This theme follows naturally from the 2011 theme, which was preparing Alberta's legal profession for the realities, demands and expectations of practising law in the 21st century. The themes of global integration, consumer responsiveness, and meaningful access to legal services on a cost effective basis continue to be challenges the Law Society must address.

We recognize that as an independent, self-regulated profession, we must continually demonstrate that we act in the public interest. The following initiatives were undertaken by the Law Society in 2012 to that end:

- We continued to be a leader in the development and adoption of national standards. We adopted conflict of interest provisions in our Code of Professional Conduct that are consistent with the provisions in the Model Code adopted by the Federation of Law Societies of Canada. We were active in starting the development of national standards for entry into the profession, including establishing common definitions of good character and entry level competence. We also supported the early groundwork of establishing benchmarks for disciplinary standards. National standards accommodate lawyer mobility throughout Canada and provide consistent consumer expectations relating to lawyer competence and conduct.
- We introduced pilot projects to expedite and streamline certain conduct procedures to make them

quicker and more effective for the benefit of complainants and the public at large.

- We continued to provide funding support for Pro Bono Law Alberta and established a Justicia project designed to slow the trend of women leaving private practice early in their careers.
- We passed a rule prohibiting lawyers from holding client funds in trust accounts where there are no legal services being provided. This rule was designed to avoid circumstances where members of the public provide funds to a lawyer who is not acting for them and where there may be confusion about the lawyer's obligations when paying out those funds.
- We monitored compliance and made improvements to our new Trust Safety program started in 2011. We are pleased with the profession's level of compliance with this new program. We started to look at potential improvements to our program for compensating losses resulting from lawyer theft of trust funds.

At our strategic retreat in June, key note speaker Samantha Barass from the Solicitors Regulatory Authority (SRA) in England shared her view on results-based regulation. We learned about the SRA's focus on compliance rather than discipline, their focus on the interest of the consumer, and received an update on their program of approval of alternative business structures which they hope will increase access to legal services in Britain. We continue to watch with interest the SRA's progress on these initiatives to determine if such programs could be successful in Alberta.

I was honoured to act as President of the Law Society in 2012. The key learning from my experience is that notwithstanding a very small number of lawyers who

bring the public perception of the legal profession into disrepute, the vast majority of lawyers in this province are caring and dedicated professionals, many of whom make significant contributions to the profession, legal education, and to their communities at large, as well as providing legal services for those unable to afford them.

I trust this annual accountability report for 2012 provides the necessary information to assist you in understanding the nature and extent of the work done by the Law Society of Alberta.





## Executive Director's Message

by Don Thompson, QC  
Executive Director, Law Society of Alberta

Looking back over the past year, the Law Society of Alberta continued to put into action the vision described in our 2010 – 2013 Strategic Plan. The vision is grounded in the key pillars of striving to be a model regulator, building public confidence, defending the principles of justice and fostering equal access to justice. While our Strategic Plan positions us well to address the challenges of performing our role in an evolving profession, at the same time we must balance the resourcing and delivery of the Law Society's core operations: managing complaints and conduct, membership, trust safety, governance, and promoting access to justice.

We continue to use the data gathered from surveying Albertans, both lawyers and users of the legal system, to ensure our efforts are on track and to course correct as necessary.

In 2012, we continued to manage risk to lawyers and threats to the public we serve by enhancing rules for handling trust monies and the operation of trust accounts. We launched our Justicia project aimed at creating best practices for retaining women in the profession. Our Practice Advisors spent countless hours providing support to the 62 per cent of lawyers who work either as a sole practitioner or in a small

firm – educating lawyers across the province on a wide array of topics including practice management, loss prevention, marketing, technology, ethical concerns, mediation and arbitration.

Fulfilling a critical part of our role as the regulator, we continued to promote and enforce high standards of ethics and competence for those seeking admission to and practicing law in Alberta, and diligently pursued non-compliance through a fair and transparent discipline process.

None of this work is possible without the involvement, commitment, energy and keen insight of our Benchers. They inform us. They support us. They hold us to a high set of standards and continually challenge us to seek innovative ways to deliver our services and remind us of our mission – to serve the public interest by promoting a high standard of legal services and professional conduct through the governance and regulation of an independent legal profession.



## 2012 Benchers of the Law Society of Alberta

Back row (left to right): Robert Harvie, QC, Jim Glass, QC, Kevin Feth, QC, Kathleen Ryan, QC, Gillian Marriott, QC, Amal Umar, MA, Larry Ohlhauser, MD, Fred Fenwick, QC, Derek Van Tassell, Miriam Carey, Ph.D, Anne Kirker, QC, Larry Ackert, QC, Nancy Dilts, QC, Dennis Edney, QC, Brett Code, QC.

Bottom row (left to right): Rose Carter, QC, Jim Eamon, QC, Sarah King-D'Souza, QC, Carsten Jensen, QC (President-Elect), Steve Raby, QC (President), Don Thompson, QC (Executive Director), Frederica Schutz, QC, Wayne Jacques, CA, Neena Ahluwalia, QC.

Absent: Anthony Young, QC

## Independent Auditor's Report

To the Members of The Law Society of Alberta

The accompanying summarized non-consolidated financial statements, which comprise the summarized non-consolidated balance sheet as at December 31, 2012, and summarized non-consolidated statement of revenue, expenses and fund balances for the fourteen month period ended December 31, 2012 and related notes are derived from the audited non-consolidated financial statements of The Law Society of Alberta for the fourteen month period ended December 31, 2012. We expressed an unmodified audit opinion on those non-consolidated financial statements in our report dated April 11, 2013. Those non-consolidated financial statements, and the summarized non-consolidated financial statements, do not reflect the effects of events that occurred subsequent to the date of our report on those non-consolidated financial statements.

The summarized financial statements do not contain all the statements and disclosures required by Canadian accounting standards for not-for-profit organizations. Reading the summary financial statements, therefore, is not a substitute for reading the audited non-consolidated financial statements of The Law Society of Alberta.

### Management's Responsibility for the Summarized Financial Statements

Management is responsible for the preparation of a summary of the audited non-consolidated financial statements in accordance with the note to the summarized non-consolidated financial statements.

### Auditor's Responsibility

Our responsibility is to express an opinion on the summarized non-consolidated financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

### Opinion

In our opinion, the summarized non-consolidated financial statements derived from the audited non-consolidated financial statements of The Law Society of Alberta for the fourteen month period ended December 31, 2012 are consistent, in all material respects, with those non-consolidated financial statements, on the basis described in the note to the summarized non-consolidated financial statements.

*PricewaterhouseCoopers LLP*

Chartered Accountants  
Calgary, Alberta  
September 6, 2013



"PwC" refers to PricewaterhouseCoopers LLP, an Alberta limited liability partnership, which is a member firm of PricewaterhouseCoopers International Limited, each member firm of which is a separate legal entity.

### Basis for Presentation

The summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and fund balances have been derived from the complete audited non-consolidated financial statements of the Law Society of Alberta and have been prepared using the following criteria:

Current assets are comprised of cash and cash equivalents, accounts receivable, accrued interest and prepaid expenses. Current liabilities are comprised of deferred revenue, accounts payable and accrued liabilities, due to the Alberta Lawyers Insurance Association, current portion deferred lease inducement, and current portion of capital lease obligation.

Corporate costs are comprised of premises operating costs, general corporate costs, amortization and indemnity bond fees.

Departmental costs are comprised of the following expenses: secretariat; counsel; trust safety; complaints; custodianships; membership; administration; human resources; business technology; accounting; professionalism, competence and access; investigations; communications; privacy and records management; member regulation administration; practice review; and policy and research.

All other items on the summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and fund balances are as presented on the complete audited non-consolidated financial statements of the Law Society of Alberta.

The complete audited non-consolidated financial statements of the Law Society of Alberta can be found on the Law Society's website: [www.lawsociety.ab.ca](http://www.lawsociety.ab.ca).

## Summarized Non-Consolidated Balance Sheet

As at December 31, 2012

	2012 (\$000s)	Oct 31, 2011 (\$000s)	Nov 1, 2010 (\$000s)
<b>Assets</b>			
Current assets	\$ 5,331	\$ 4,802	\$ 3,991
Investments	12,631	13,691	14,391
Reinsurance recoverable	7,187	4,987	5,214
Trust assets	1,328	1,212	841
Capital assets	2,061	1,985	1,333
	<b>28,538</b>	<b>26,677</b>	<b>25,770</b>
<b>Liabilities</b>			
Current liabilities	5,659	8,627	7,579
Reserve for claims and related costs	13,976	10,389	10,907
Trust liabilities	1,328	1,212	840
Pension plan payable	851	739	654
Deferred lease inducement	77	168	245
Capital lease obligation	34	86	-
	<b>21,925</b>	<b>21,221</b>	<b>20,225</b>
<b>Fund Balances</b>			
Invested in capital assets	2,061	1,985	1,333
Externally restricted funds			
Contingency reserve	5,158	5,574	5,521
Scholarship reserve	1,361	1,253	1,238
Unrestricted funds	(1,967)	(3,356)	(2,547)
	<b>6,613</b>	<b>5,456</b>	<b>5,545</b>
	<b>\$ 28,538</b>	<b>\$ 26,677</b>	<b>\$ 25,770</b>

## Summarized Non-Consolidated Statement of Revenue, Expenses and Fund Balances

For the fourteen months ended June 30, 2012

	2012 (\$000s)	For the year ended Oct 31, 2011 (\$000s)
<b>Revenue</b>		
Practice fees	\$ 24,333	\$ 19,715
Investment income	1,581	1,029
Management fee	1,582	1,300
Enrolment and application fees	456	398
Other	70	82
Fines and penalties	47	36
	<b>28,069</b>	<b>22,560</b>
<b>Expenses</b>		
Corporate costs	3,628	2,929
Departmental costs	21,491	19,301
Provision for claims and related costs	1,924	315
Scholarships	20	40
	<b>27,063</b>	<b>22,585</b>
<b>Excess (deficiency) of revenue over expenses for the period before the following</b>	1,006	(25)
Unrealized gain (loss) on fair market value of investments	25	(241)
Recovered costs	126	177
<b>Excess (deficiency) of revenue over expenses for the year</b>	1,157	(89)
<b>Fund balances - beginning of period</b>	5,456	5,545
<b>Fund balances - end of period</b>	<b>\$ 6,613</b>	<b>\$ 5,456</b>

## 2012 COMMITTEES & TASK FORCES

### ACCESS TO JUSTICE

Chair, Miriam Carey, Ph.D  
Vice-Chair, Janice Pasay  
Kevin Feth, QC  
Robert Harvie, QC  
Amal Umar, MA  
Barry Hamilton, QC  
Michael Penny, QC\*  
Jocelyn Frazer\*  
Jennifer Rothery\*

### APPEAL

Steve Raby, QC (President)  
Carsten Jensen, QC (President-Elect)  
Larry Ackerl, QC  
Neena Ahluwalia, QC  
Rose Carter, QC  
Brett Code, QC  
Nancy Dilts, QC  
James Eamon, QC  
Dennis Edney, QC  
Fred Fenwick, QC  
Kevin Feth  
James Glass, QC  
Robert Harvie  
Sarah King-D'Souza, QC  
Anne Kirker, QC  
Gillian Marriott, QC  
Kathleen Ryan, QC  
Frederica Schutz, QC  
Derek Van Tassell  
Anthony Young, QC  
Miriam Carey  
Wayne Jacques, CA  
Larry Ohlhauser, MD  
Amal Umar  
Donna Diamond\*

### AUDIT

Chair, Anthony Young  
Vice-Chair, Frederica Schutz  
Denise Bright  
Brian Foster, QC  
Jim Neilson, QC  
Christine Silverberg  
Nadine Meade\*  
Don Thompson, QC (Executive Director)\*,  
ex officio

Drew Thomson\*  
Bill Wakefield\*

### CIVIL PRACTICE ADVISORY

Chair, Fred Fenwick  
Brett Code  
Catherine Christopher, QC  
Bill Hendsbee  
Tim Meagher  
David Tupper  
Vivian Stevenson, QC,  
Rules of Court ex officio  
Jim Eamon,  
Rules of Court ex officio

### CONDUCT

Chair, Kevin Feth  
Vice-Chair, Jim Eamon  
Larry Ackerl  
Brett Code  
Nancy Dilts  
Wayne Jacques  
Sarah King-D'Souza  
Gillian Marriott  
Larry Ohlhauser  
Anthony Young  
Cal Johnson, QC  
Trina Kondro  
Karen O'Keefe  
William Ostapek  
Walter Pavlic, QC  
Dawn Pentelechuk, QC  
Len Polsky  
Deanna Steblyk  
Bryce Tingle  
Greg Busch\*  
Donna Diamond\*  
Elizabeth Osler\*

### CONDUCT PROCESS IMPLEMENTATION TASK FORCE

Chair, Carsten Jensen  
Vice-Chair, Larry Ackerl  
Neena Ahluwalia  
Miriam Carey  
Rose Carter  
Dennis Edney  
Larry Ohlhauser  
Perry Mack, QC  
Laura Stevens, QC

Elizabeth Osler\*  
Michael Penny\*  
Nicole Woodward\*

### CONTINUING COMPETENCE

Chair, Jim Glass  
Vice-Chair, Brett Code  
Wayne Jacques  
Derek Van Tassell  
Kathryn Chisholm, QC  
Greg Francis  
Stacy Petriuk  
Paul Wood, QC  
Susan Billington, QC\*  
Michael Penny\*

### CORPORATE & COMMERCIAL ADVISORY

Chair, Nancy Dilts  
Peter Bryan  
Doug Lynass, QC  
Ken Skingle, QC

### CREDENTIALS & EDUCATION

Chair, Neena Ahluwalia  
Vice-Chair, Rose Carter  
Miriam Carey  
Nancy Dilts  
Dennis Edney  
Kevin Feth  
Robert Harvie  
Sarah King-D'Souza  
Anne Kirker  
Kathleen Ryan  
Catrin Coe  
Corinne Ghitler  
Alifeyah Gulamhusein  
Ian Holloway  
Collin May  
Catherine Workun, QC  
Paul Wood  
Angela Gallo-Dewar\*  
Elizabeth Osler\*

### CRIMINAL PRACTICE ADVISORY

Chair, Dennis Edney  
Matthew Block  
Dale Ellert  
Joe Mercier  
Susan Phillippe

Katrina Angeles\*

### EXECUTIVE

Steve Raby  
Carsten Jensen  
Rose Carter  
Jim Eamon  
Kevin Feth  
Jim Glass  
Miriam Carey  
Elizabeth Osler\*  
Don Thompson\*  
Nicole Woodward\*

### FAMILY LAW ADVISORY COMMITTEE

Chair, Robert Harvie  
Max Blitt  
Catherine Fox  
Tina Huizinga  
Bud Melnyk  
Deborah Miller  
Barbara Widdowson, QC  
Linda Arksey\*  
Kathy Whitburn\*

### FINANCE

Chair, Jim Eamon  
Vice-Chair, Fred Fenwick  
Larry Ackerl  
Neena Ahluwalia  
Miriam Carey  
Rose Carter  
Nancy Dilts  
Sarah King-D'Souza  
Wayne Jacques  
Gillian Marriott  
Larry Ohlhauser  
Amal Umar  
Craig Bell  
Blair Carbert  
Kenneth Holmstrom, QC  
James McGinnis, QC  
Christine Silverberg  
Nadine Meade\*  
Don Thompson, ex officio  
Drew Thomson\*  
Bill Wakefield\*

**FINANCE**  
(Budget & Financial Affairs  
Subcommittee)

Chair, Jim Eamon  
Vice-Chair, Fred Fenwick  
Neena Ahluwalia  
Rose Carter  
Nancy Dilts  
Blair Carbert  
Christine Silverberg

**THIRD PARTY FUNDING  
SUB-COMMITTEE**

Chair, Fred Fenwick  
Blair Carbert  
Nancy Dilts  
Amal Umar  
Drew Thomson\*

**GOVERNANCE COMMITTEE**

Chair, Dale Spackman  
Vice-Chair, Tony Young  
Steve Raby  
Carsten Jensen  
Jim Glass  
Larry Ohlhauser  
Kathleen Ryan  
Doug Hudson, QC  
Jim Thomson, QC  
Don Thompson\*  
Drew Thomson\*  
Nicole Woodward\*

**INSURANCE**

Chair, Anne L. Kirker  
Vice-Chair, Kathleen Ryan  
Harvey Steblyk  
Debra Woodske  
Phyllis Smith, QC, ex officio  
Vivian Stevenson  
Lisa Sabo\*  
Veronica D'Souza\*

**CLAIMS COMMITTEE**

Anne Kirker  
Donald Cranston, QC  
Edward Halt, QC  
Walter Kubitz, QC  
Douglas McGillivray, QC  
Alexander (Sandy) McKay, QC  
Gerald Scott, QC  
Phyllis Smith  
Lisa Sabo\*

**JOINT LIBRARY**

Chair, Brett Code  
Vice-Chair, Frederica Schutz

Derek Van Tassell  
Elliot Baker  
Sonia Poulin  
Lynn Varty

**PRACTICE REVIEW**

Chair, Sarah King-D'Souza  
Vice-Chair, Kathleen Ryan  
Larry Ackerl  
Neena Ahluwalia  
Dennis Edney  
Anne Kirker  
Gillian Marriott  
Larry Ohlhauser  
Frederica Schutz  
Amal Umar  
Penny Frederiksen  
Crae Garrett  
Lorena Harris  
Moosa Jiwaji  
Dave Mercer  
Carolyn Seitz  
Heather Treacy, QC  
Michele Vincent  
Debbie Yungwirth, QC  
Dan Chow\*  
Barbara Cooper\*  
Elizabeth Osler\*  
Merry Rogers\*

**PROFESSIONAL RESPONSIBILITY**

Chair, Rose Carter  
Vice-Chair, Gillian Marriott  
Brett Code  
Wayne Jacques  
Barbara Billingsley  
Sandra Corbett  
Bruce Hepburn, QC  
Bernette Ho  
Victor Vogel  
Neil Wiberg, QC  
Nancy Carruthers\*  
Ross McLeod\*  
Jocelyn Frazer\*  
Jennifer Rothery\*

**REAL ESTATE PRACTICE  
ADVISORY COMMITTEE**

Chair, Derek Van Tassell  
Mae Chow  
Jamie Stewart  
Curtis Woollard  
Susan Billington\*

**RE-ENGAGEMENT AND RETENTION  
TASK FORCE**

Chair, Frederica Schutz

Jim Glass  
Gillian Marriott  
Derek Van Tassell  
Carole Ancil-Michalshyn  
Tahira Karim  
Kyle Kawanami  
Sandra Mah  
Darrell Peterson  
Ken Warren, QC  
Susan Billington\*  
Jocelyn Frazer\*

**TRUST SAFETY**

Chair, Jim Glass  
Anne Kirker  
Amal Umar  
Derek Van Tassell  
Greg Collver  
Kelly Dawson  
Ron Everard, QC  
John Kong  
Roy Nickerson, QC  
Glen Arnston\*  
Elizabeth Osler\*  
Michael Penny\*

**REPRESENTATIVES TO  
OTHER BODIES**

Access to Legal Services Steering  
Committee  
Steve Raby

Advisory Committee on Judicial  
Appointments for Alberta  
Rose Carter

**Alberta Law Foundation**

Anthony Young  
Murray Stooke, QC

**Alberta Law Reform Institute**

Jim Eamon

**ASSIST Board**

Sarah King-D'Souza

**Calgary Foundation**

Carsten Jensen

**Canadian Bar Association –  
Alberta**

Steve Raby  
Carsten Jensen  
Don Thompson\*

Canadian Institute of Resource Law  
Jay Todesco

Canadian Research Institute for  
Law & Family  
Judy Boyes, QC

**Canadian Lawyers Insurance  
Association**

Anne Kirker  
Vivian Stevenson

Equality and Respect Committee,  
Law Faculty, University of Alberta  
Leah Lis

**Family Law Rules Advisory  
Committee**

Farrel Shadlyn, QC  
Michelle Mackay

**Federation of Law Societies of  
Canada**

Steve Raby  
Carsten Jensen  
Mona Duckett, QC

**Federation National Committee  
on Accreditation**

Miriam Carey  
Don Thompson\*

Federation National Standing  
Committee on Access to Legal  
Services  
Carsten Jensen

**Interpretation Services Committee  
with Alberta Justice**

Amal Umar  
Robert Simpson

Law Faculty Council  
University of Calgary  
Ron Everard, QC

University of Alberta  
Brian Beresh, QC

**Legal Aid Nominating Committee –  
Board of Directors**

Fred Fenwick  
Laura Stevens

**Legal Archives**

Brett Code  
Don Thompson\*, ex officio

**Legal Education Society of Alberta**

Neena Ahluwalia  
Don Thompson\*

Legislative Review Committee  
Kevin Feehan, QC

Notaries Public Review Committee  
(Sam) N. Amelio

**Pro Bono Law Alberta**

Frederica Schutz

Provincial Court Nominating  
Committee

Steve Raby

**Provincial Judicial Council**

Steve Raby  
Carsten Jensen

Rules of Court Committee  
Vivian Stevenson

Jim Eamon

**Self-Represented Litigants  
Advisory Committee**

Neena Ahluwalia

**Surrogate Rules Advisory  
Committee**

Pat Daunais, QC  
Barrie Broughton, QC  
Phil Renaud, QC

Tax Consultative Group  
Donald Cherniawsky, QC

**Viscount Bennett Scholarship  
Committee**

Steve Raby  
Carsten Jensen  
Neena Ahluwalia  
Philip Bryden  
Ian Holloway  
Don Thompson\*

*\*denotes Law Society of Alberta staff.*



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