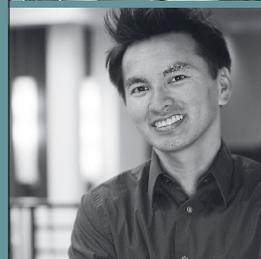
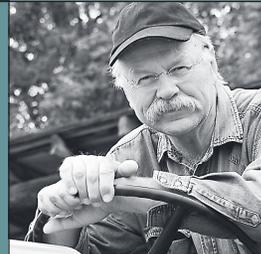




SERVING  
*the* PUBLIC  
INTEREST

2011 ANNUAL ACCOUNTABILITY REPORT





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## Vision

The Law Society of Alberta will be recognized as a model for protecting the public interest and preserving the fundamental principles 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 a Code of 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 any financial losses from working with their lawyers 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.



## Practising Law in the 21st Century

*By Douglas Mah, QC, 2011-2012 President,  
Law Society of Alberta*

Preparing Alberta's legal profession for the realities, demands and expectations of practising law in the 21st century was the overall theme of the Law Society's activities in 2011.

Legal regulation today takes into account several new realities: law is now practiced globally; there are pressures to rethink both the legal service delivery model and the regulatory model; both consumers and government expect and demand more of our profession; and there is greater awareness of lower income groups lacking meaningful access to legal services. These are challenges that the Law Society, mandated to regulate the legal profession in the public interest, set out to address in the past year.

Perceptions of consumer inaccessibility and poor response to complaints led to the end of independent regulation in England and Wales. Legislative changes in these countries now also permit and encourage new business models such as retail law and non-lawyer ownership of law firms. Another reality is that lawyers, even in Alberta, share the legal services market today with non-lawyers and Internet-based services.

In Canada, maintaining confidence in our profession and our system of regulation best assures that we are given the continued opportunity to regulate. As lawyers, we say that an independent, self-regulated profession provides a better quality of democracy. If we truly believe that, then we must take steps to ensure that the government and the public whom we serve continue to repose that confidence. Here are some of the initiatives undertaken by the Law Society in 2011 to that end:

- Early in 2011, the Law Society implemented the new Trust Safety Program. The focus of the program is to ensure accountability for trust funds rests with the lawyer, not the accountant hired to do the books. The program automates trust reporting through an on-line process, requires each firm to designate a responsible lawyer and ensures training and resources are in place to help firms meet the requirements. It can now be said with confidence that the new Trust Safety Program is considered among the most advanced integrated trust safety strategies for lawyer trust funds anywhere in the world.
- As of November 2011, the National Model Code of Conduct was implemented in Alberta. The Law Society's continued work with the Federation of Law Societies of Canada toward national standards seeks to instill confidence in all Canadian lawyers in this era of national and regional firms, national lawyer mobility and cross-border transactions.
- In looking at the way we regulate in Alberta, the work of the Conduct Process Task Force in 2011 paved the way for a more flexible and streamlined approach to lawyer discipline that will benefit the public and lawyers alike. The Task Force's work resulted in the Alberta Legislature enacting amendments to the *Legal Profession Act* that will permit these more streamlined processes going forward.
- Issues relating to competence and supply were addressed when the Benchers approved a national standard for the content of a common law degree, as well as approved two new law schools in Canada at Lakehead University and Thompson Rivers University. These institutions are now granting law degrees that will be recognized for credentialing purposes in Alberta.
- The Benchers also updated their own processes by adopting for the first time in 2011 a comprehensive Governance Policy. The adoption of the policy recognizes that the Benchers as a governing body should adhere to modern good governance principles

and practices that reflect a commitment to discharging the public interest mandate in a sound, principled and businesslike manner.

- Additionally, we adopted a policy to provide longer term funding for pro bono initiatives, in the interest of improving access to legal services for Albertans of limited means, subscribing to the view that providing pro bono legal services is innately connected to the idea of being a lawyer.

All of these projects and initiatives advanced the Law Society's 2010-2013 Strategic Plan, a document that continues to provide focus and guidance to all of the Law Society's work. In 2011, the Law Society was also pleased to collaborate with the Government of Alberta in the completion of the Alternate Delivery Legal Services project (described more fully elsewhere in this report), fulfilling the role of public policy advisor in matters pertaining to the legal profession and access to legal services.

Being a Bencher has allowed me to understand so much more about what it means to be a lawyer, why the rule of law is important and how the institutions of law are designed to protect all of society. The work of the Law Society contributes to ensuring that those institutions run smoothly, that the law is applied fairly and equally and that we continue to live in a just and civil society. I hope this Annual Accountability Report for 2011 provides information that helps you understand the nature and extent of our work.





## Maintaining Confidence in the Regulation of Lawyers

*By Don Thompson, QC, Executive Director,  
Law Society of Alberta*

In the second year of the 2010-2013 Strategic Plan, the work of the Law Society of Alberta became more focused on implementing its strategic goals and priorities.

The work of the Law Society is not undertaken in a vacuum, as it keeps its pulse on the shifting demographics of the profession, and the evolving legal needs of Albertans. Our strategic initiatives and projects are ahead of the curve in terms of managing the risks of the changing environment in which we regulate.

Surveys of consumers and the legal profession undertaken by the Law Society show that:

- 72 per cent of individual Albertans who used lawyers in the last three years sought assistance from a practitioner in a firm with one to nine lawyers; and
- 62 per cent of lawyers work as either a sole practitioner (30 per cent) or at a small law firm (32 per cent).

We have learned from these surveys what the consumer demand for legal services looks like, and have also obtained a profile of the legal profession today. While we have a better understanding of legal services delivery in the province, we also monitor the environment and the threats facing lawyers in their busy practices.

In 2011, the Law Society's new initiatives and projects were several years in the planning. In the public interest, we manage risk to lawyers, and the threats to the public we serve. This focus has shaped the development of our leading edge Trust Safety program, the implementation

of the new Alberta Code of Conduct, and the ongoing refinements to our Continuing Professional Development program, among others.

At the Law Society, we define risk management as “managing the inherent risk of putting any professional lawyer in practice.” What does that mean and how do we do this?

Managing risks means that, in addition to responding to complaints through disciplinary measures, we are taking proactive and preventative approaches. We are being proactive in identifying lawyers at risk or demonstrating risky behaviors, and working to remediate those risks. We are being preventative in setting up processes and compliance requirements to reduce the risk of harm to the public.

We do this by beginning to manage risks from the time law students apply to article and enter the practice of law.

In addition to the traditional work of responding to unethical conduct through discipline, we manage three dimensions of risk as follows:

- 1) **Trust Property.** Implementing a new Trust Safety Program, which reduces the risk to trust funds held by lawyers on behalf of their clients. This program requires adequate systems and procedures to manage the risks to lawyers and the public from fraudulent schemes and scams.
- 2) **New Lawyers.** Operating a credentialing process in which we carefully screen law student applicants and supervising lawyers. New lawyers or mentors who are weak may start with a risky foundation. The outcome of managing this dimension is to ensure good character and entry-level competence.
- 3) **Lawyers at Risk.** Operating a practice review process in which we recommend that lawyers at risk undergo a general review and assessment. The outcome of managing this dimension is ensuring competence.

The cooperation and support of the profession in the implementation of the Trust Safety program as well as credentialing and practice review processes demonstrates that these programs are consistent with the values of the profession, and its focus on meeting public expectations.

These three areas are tied into our Strategic Plan goals of building public confidence, and enabling the Law Society to lead the rest of the country in being a model regulator.

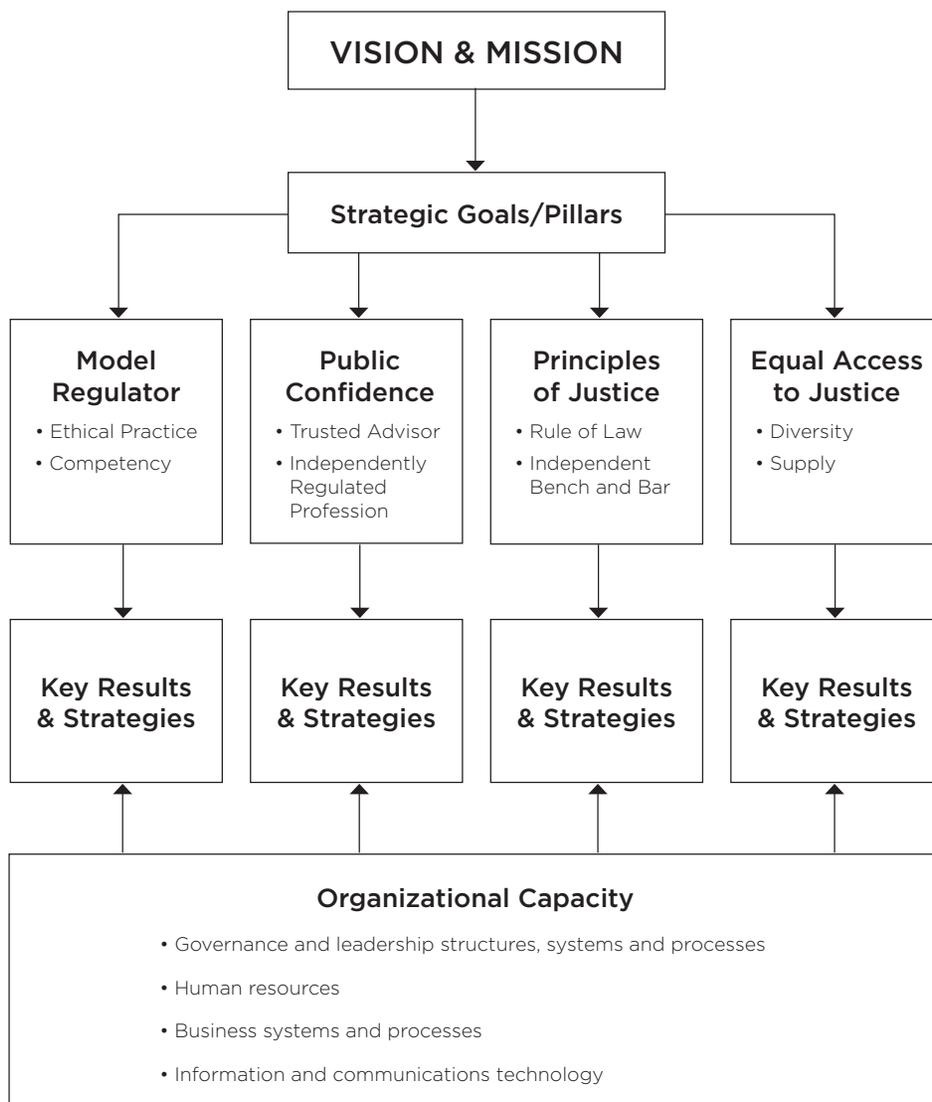
This work is part of our regulatory toolbox. As we gain experience in the risk management approach, we may well find other areas of risk we need to identify, understand and manage. But we think that with these three approaches, the Law Society has significantly advanced our responsibility of protecting the public.



## 2010-13 Strategic Planning Framework

The Law Society’s strategic planning framework identifies the organization’s vision and mission. The framework illustrates how the Society serves the public interest by focusing on achieving the four key strategic goals: being

a model regulator by ensuring high ethical standards, building public confidence in the law, upholding and preserving the principles of justice, and promoting equal access to justice.



## ACCESS TO JUSTICE COMMITTEE

## Access to Justice Committee Prepares Strategic Groundwork

*By Miriam Carey, PhD, Public Representative to the Benchers of the Law Society of Alberta and Chair of the Access to Justice Committee, 2011 – Present*

In 2011/12, the Access to Justice Committee prepared the necessary groundwork for the creation of a reasonable, achievable access to justice strategy for the Law Society of Alberta.

The Committee has been tasked with developing working principles related to the Law Society's access to justice strategy, identifying barriers to access, and considering Law Society initiatives that promote access to justice in a more comprehensive strategy. This year, with Benchers approval, the Committee agreed to a working definition and guiding principles relating to access to justice, as well as an initiative assessment tool through which it may conduct top-level analyses of access proposals before presenting worthy ideas to the Benchers for decision.

Both the conceptual work (the definition and principles) and the more pragmatic application thereof (the initiative assessment tool) were developed for the Committee's use as it considers various programs and initiatives to facilitate access to justice. In 2012, these mechanisms have been used to assess:

- a more comprehensive and useable lawyer search service;
- a review of the current lawyer referral services; and
- consideration of the potential need for an additional law school in Alberta.

The revision of both the lawyer search and lawyer referral services are still under construction by the Committee, and the investigation of a new law school has been tabled while the context of legal education continues to shift dramatically. Not only have two new law schools opened recently, but the National Committee on Accreditation (of the Federation of Law Societies of Canada) is granting ever-increasing numbers of certificates to foreign trained lawyers. Additionally, Alberta remains a prime destination for those who wish to enter practice and national mobility is taking hold; in short, we are not anticipating a shortage of newly-trained lawyers in our jurisdiction in the near future.

With the feedback provided to the Committee in the summer of 2012, it expanded its mandate to include reviewing and maintaining an inventory of Law Society activities that directly or indirectly affect access to justice for Albertans. This inventory will be a living document, revised as projects arise and are completed, which will provide a snapshot of the Law Society's support of access initiatives.

Some specific barriers to access to justice, systemic and otherwise, have emerged in our deliberations to date and will also direct our attention further as part of a more comprehensive Law Society access strategy.





CONTINUING COMPETENCE COMMITTEE

## Developing a Proactive Approach to Continuing Competence

*By Jim Glass, QC, Bencher and Chair of the Continuing Competence Committee*

The promotion and enhancement of the competence of lawyers practising law is one of the goals of the Law Society's 2010-13 Strategic Plan. The Continuing Competence Committee is developing an integrated competence strategy for consideration by the Benchers.

As a first step in the integrated strategy on continuing competence, the Committee developed a definition of "competence". After considerable time and debate the Committee adopted the definition of competence in the new model Code of Conduct. This definition is a working definition for the Committee to guide its work.

In the interests of protecting the public and to develop a robust and proactive competence program, the Continuing Competence Committee has begun examining competence and quality assurance programs in other professions and law societies (Canadian and international). The overriding goal is to ensure that lawyers incorporate best practices in delivering the highest possible standard of legal services to the public.

In the coming year, the Committee will embark on consultations with various departments

of the LSA to ensure that a comprehensive analysis is conducted on the range of existing competence programs. The intention here is to ensure there is a collaborative and comprehensive approach to rationalizing existing and new programs within any integrated competence program that may be recommended.

### **Continuing Professional Development Program**

An integral part of the Continuing Competence initiative is the operation and ongoing development of the Continuing Professional Development Program (CPD).

The goals of the CPD program are:

- to have a meaningful educational program that builds on professional responsibility of lawyer competence both in law and practice
- to make good lawyers better, by enhancing the professional development and competence of the 95 per cent of lawyers who are not engaged in the Law Society of Alberta regulatory systems.

- to foster and enhance the culture of lifelong learning in the profession.

The Law Society of Alberta's Continuing Professional Development (CPD) requirement incorporates a flexible and self-directed learning approach recognizing that most lawyers regularly incorporate CPD into their practices. The goal of CPD program is to ensure that each lawyer in Alberta strives for excellence in their practice through the mandatory annual planning and implementation of an effective continuing professional development plan (CPD plan).

To achieve this goal, the rules require that every active lawyer on or before March 15 of each year:

- make and record a CPD plan for the upcoming year;
- make a declaration to the Law Society that they have made the CPD plan; and
- retain the CPD plan for five years and produce the CPD plan to the Law Society upon request.

The Committee undertook a comprehensive in-house evaluation to review the effectiveness of the CPD Program with recommendations to improve the 2012 CPD Program. One of the key findings was that the CPD Program continues to achieve a high rate of compliance by lawyers (99.6 per cent in 2011).

A key initiative for 2011 was launching a communications strategy directed to lawyers and other law societies advising them that CPD is mandatory. While there is no minimum hourly requirement as in other law societies, it is mandatory for lawyers to declare and implement their CPD Plan.

During the year the CPD Program was enhanced by providing dedicated customer service personnel to assist members with questions. The Committee will be working on developing and implementing a three year business plan for the CPD Program so that we can maintain progress on achieving the goals of the Law Society as it relates to this key strategic objective. The Committee has also engaged the services of Charis Management Consulting Inc. to update its initial report and to evaluate the operation of the CPD Program as it enters its fourth full year.



PRACTICE REVIEW COMMITTEE

## Practice Review Committee Ensures High Standards and Protection of Public Interest

*By Rose Carter, QC, Bencher and Chair, Practice Review Committee*

One of the most common issues identified by lawyers in their discussions with the Practice Review Committee is that they are overwhelmed with day-to-day issues such as too many files, shortage of qualified staff, and time constraints.

These factors emerge when the Law Society's Practice Review Committee conducts general reviews and assessments of the conduct of lawyers.

Other issues identified by lawyers include the immediacy of emails, changes in technology, and seeking a balance between their business and personal lives.

The Practice Review department of the Law Society supports the Committee by making recommendations and imposing conditions that will improve the delivery of legal services. The Committee will make recommendations and seek initiatives which ensure that the public interest is protected, and that lawyers adhere to a high standard of practice.

The Committee assists lawyers in assessing their current business practices and developing solutions to address the issues that resulted in their referral to Practice Review. The Committee also decides whether an application by a lawyer for reinstatement should be granted, declined or granted with conditions, and determines what those conditions should be.

The Practice Review department supports the Risk Assessment Program by:

- Participating on the Risk Assessment Panel to help identify lawyers who pose a risk, and
- Implementing responses to identified risk by communicating or meeting with lawyers.

### Practice Review Committee Statistics

In 2011, the Committee held 22 panel meetings and reviewed 58 files. Since January 2011, the Committee has also assisted three members in a successful transition from Inactive to Active Practice through the reinstatement referral process.

### Professionalism and Competence

Practice Review – New Practice Review Files

Year	Conduct Referrals	Reinstatement Referrals
2002	15	1
2003	6	2
2004	9	3
2005	13	3
2006	7	3
2007	8	4
2008	10	3
2009	37	4
2010	11	2
2011	22	9

## PROFESSIONAL RESPONSIBILITY COMMITTEE

## Professional Responsibility Committee Rolls Out Updated Model Code

By Fred Fenwick, QC

The 2010 Professional Responsibility Committee under the guidance of its Chair, Ms. Neena Ahluwalia QC, had engaged in an in-depth review of the Federation of Law Societies of Canada (FLSC) Model Code of Conduct and comparison with the Alberta Code of Professional Conduct and its associated commentary. The Law Society of Alberta has a history of being a leader in Canadian law societies in national mobility and national standards matters and had considered a National Code of Conduct to being an important next step in national standards, if suitable for Alberta practice. The Law Society of Alberta had considerable input into the drafting of the Federation Code through the input of our Federation representative, Ms. Mona Duckett QC (a former President of the Law Society of Alberta), together with the input of our practice advisors.

After review by the 2010 and 2011 Professional Responsibility Committees, the Benchers voted at Convocation in June of 2011 to adopt the Federation Code with modifications suitable for Alberta practice as the Alberta Code as at November 1, 2011. As the Federation and the Canadian Bar Association (CBA) were still engaged in discussions as to the nature of the Conflict Rule during 2011, the conflict rule from the previous Alberta Code was conserved in the implementation of the Model Code in November 2011.

The Professional Responsibility Committee, then with the assistance of the practice advisors, developed a roll-out plan for the new Code, which included Notice to the Profession, a consolidated version of the Code for the Law Society web site, presentations about the Code to CBA subsections and Legal Education Society of Alberta (LESA) seminars, and the preparation of learning modules with respect to the Code with LESA.

As 2011 came to a close (November 21, 2011), the Federation Standing Committee on Conflicts of Interest delivered its initial draft of the proposed conflicts rules and the review of that proposal, any necessary modification of the rule and adoption of a new Conflict Rule was passed to the 2012 Professional Responsibility Committee.

I would like to take this opportunity to thank the committee members and Law Society staff for their diligent efforts over the course of the year, especially as it relates to their long hours and hard work on the new Code of Conduct. Their review, revisions, and launch of the new Code in such a short period of time is a testament to their commitment to the profession in which they are members, and their desire to ensure that profession is served by their very best efforts. As outgoing chair, I want to recognize their involvement, and thank them for this commitment.





TRUST SAFETY COMMITTEE

## Positive Feedback on Trust Safety Program Received

*By Steve Raby, QC, President-Elect and Chair, 2011 Trust Safety Committee*

During 2011, the Trust Safety Committee focused on monitoring the implementation of the Trust Safety program.

This new program requires that all law firms, new and existing, must complete an application form to be approved to operate a trust account and to designate a lawyer in the firm who will be responsible for the operation of the firm's trust accounts. Each designated responsible lawyer is required to take an online course. The new trust accounting rules, approved by the Benchers, build on best practices that most law firms already have in place.

Generally, the Committee was quite happy with the compliance by the lawyers with the

new program. As might be expected with any new program, there was some feedback from lawyers regarding the consequences of certain new rules and with some of the forms. The Committee will review feedback and consider amendments to certain rules and to the forms during 2012.

The Trust Safety Committee directed Law Society of Alberta staff to commission a report on the feasibility of converting the Law Society's Assurance Fund regime to an insurance regime or hybrid insurance and assurance regime. Review of such a study and consideration of next steps will be turned over to the 2012 Trust Safety Committee.

## Alternate Delivery of Legal Services Project: Law Society Sees a Role for Supervised Paralegals in Access to Justice

*By Douglas R. Mah, QC, President, and Chair, Alternate Delivery of Legal Services Committee*

In January 2009, the Law Society of Alberta was asked by the then Minister of Justice, Alison Redford, QC to explore alternate delivery of legal services to further the goal of enhancing access to justice for Albertans.

Three years later, the Law Society's Alternate Delivery of Legal Services Committee has completed its final report and has received Bencher approval of its recommendations.

The Committee was tasked with exploring the proposition that:

*It would be good public policy if non-lawyers were more generally entitled to deliver legal services, thus increasing the supply of legal services, and making legal services more accessible to all Albertans.*

In testing this proposition, various research methodologies were undertaken by independent research consultants including: a general consumer survey of legal services usage and attitudes, a survey of the legal profession, an industry profile of non-lawyer legal service delivery, and legal research on the definition of the practice of law.

### Key Research Findings

Some of the key research findings revealed that:

- There is a high degree of satisfaction among Albertans with their lawyers (78 per cent) while 91 per cent said they find good value in the services delivered by lawyers. Albertans are likewise satisfied with non-lawyer legal service delivery (69 per cent).
- There is not much cost differential, on average per matter, when using a non-lawyer (\$2300) versus a lawyer (\$2650) – a difference of only \$350, before taking into account the fact that lawyers do more complex work, such as commercial transactions and trials.
- Albertans in the lower income range (under \$50,000 in household income) did have a different legal experience than those of greater means. Lower income Albertans tended to have more legal problems, different legal issues (other than wills or real estate transactions) and affordability was a barrier to access to both lawyers and non-lawyer services.



Specific to the non-lawyer legal service industry, the project discovered:

- There has been exponential growth in non-lawyer legal services in our province. Between 2000 and 2009, the industry expanded by 230 per cent in Alberta. In 2010, there were an estimated 545 firms of non-lawyer providers, employing some 900 individuals, offering legal services to the public for a fee. Alberta has the most non-lawyer legal service providers per capita of all provinces and is second only to Ontario in the sheer number of such providers.
- Aside from prohibitions against fraud in the Criminal Code and general consumer protection legislation in Alberta applicable to all commercial enterprises, the non-lawyer legal service industry is unregulated. Apart from being able to qualify for a business license, there are no credentialing requirements.
- There are no training programs at any institution of higher learning in Alberta for these providers. Paralegal and legal assistant programs in Alberta are aimed at training people to work in law offices under the supervision of lawyers. There may be practical training, as in the case of former traffic police who defend traffic tickets.
- There is public misperception about regulation of this industry. The preponderance of the public believes that independent non-lawyer legal service providers are regulated, when they are not.
- The types of services offered tend to be of lower complexity: form-filling for incorporation and divorce, debt collection, appearances in traffic court, summary conviction court and before certain administrative tribunals. However, the lack of precision in the definition of the practice of law in Alberta's Legal

Profession Act results in uncertainty as to which legal services non-lawyers are entitled to deliver.

- Normal protections usually associated with the legal profession are not present with non-lawyer providers: competence and good character credentials, a code of conduct, fiduciary obligation, client confidentiality and solicitor-client privilege, insurance for negligence, protection against theft of trust money, continuing professional development requirements, and trust safety. It is not clear that the public appreciates these differences.
- Nonetheless, the non-lawyer legal services industry in Alberta will continue to grow because of latent demand for services and absence of regulation. However, for the time being there is no public demand or indicated need for regulation.

#### **A Role for Supervising Paralegals**

The Committee concluded that regulating the market-driven non-lawyer legal services industry would not increase access to legal services for low income Albertans. This is primarily because those in this industry engage in for-profit activity and typically do not do pro bono or work in the poverty law or low-income family law areas.

The Committee did conclude, after reviewing models in British Columbia, that there is a role for paralegals under the supervision of lawyers, particularly in the government and not-for-profit sectors, to provide services including representation before certain courts and tribunals.

Starting in January 2012, the Law Society, in collaboration with Legal Aid Alberta, Student Legal Services (SLS) and the Court of Queen's Bench, implemented a pilot project to test the model. The pilot project has law students from SLS under the supervision of a Legal Aid lawyer provid-

ing limited scope representation to low-income clients in certain uncontested family law matters in Queen's Bench.

### **Broad Recommendations Adopted**

In September 2011, the Benchers adopted the following broad recommendations of the Committee:

1. To continue to support and facilitate the expansion of legal services by non-lawyers under the supervision of a lawyer in areas of high need for low-income Albertans, particularly in the government and not-for-profit sectors (such as the Student Legal Services Family Law Chambers project).
2. To pursue a definition of the practice of law with

the Department of Justice based on the key principles enumerated in the Alternate Delivery of Legal Services report for amendment of the *Legal Profession Act*.

The final report of the ADLS Committee was presented at the February 2, 2012 Bencher meeting.

Throughout, the work was guided by the Minister's Steering Committee consisting of representatives of the Law Society (the President as Chair), the Canadian Bar Association - Alberta, all three levels of court, Legal Aid Alberta and Pro Bono Law Alberta. The final report was presented to the Minister of Justice for direction and implementation.

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## **Interest Growing Strong in SoloNet Pilot Project**

The online network SoloNet gathered over 150 users when it was launched as a pilot project in July 2011. Solonet enables sole practitioners and lawyers in remote locations to connect and share information.

The Office of the Practice Advisors launched the secure online network, which enables users to share collective professional knowledge and experience, provide a sounding board for lawyers in similar practice settings, and to otherwise connect with each other in a closed online environment. The contents of the network are confidential to the participants in SoloNet.

"SoloNet is intended to provide solo practitioners with practice advice, fraud tips, risk assessment advice, and other resources, as well as a forum to discuss the issues they face on a daily basis," says Jocelyn Frazer, Equity Ombudsperson/Practice Advisor, who monitors the network. "SoloNet is a channel for two-way dialogue for sharing experiences, opinions and ideas about general practice issues."

The Law Society provides the online facilities for SoloNet but is not responsible for the content of the site and does not moderate the discussions.

## Law Society of Alberta Plenary Session

Leveraging technology, entering new markets, providing services for a fixed fee, and inventing new ways of doing business while managing costs and keeping clients satisfied were among the topics discussed at the Law Society of Alberta's plenary in January 2011. Approximately 90 lawyers learned about new technologies and approaches being used by law firms to deliver legal services.

Panel moderator and Law Society President Douglas Mah, QC, noted, "a variety of pressures over the past few years have given rise to new and creative approaches to the practice of law."

### Virtual Law Firm

Nicole Garton-Jones, a Vancouver lawyer and mediator, discussed how her virtual law firm provides legal services through a secure client portal, which allows its lawyers to interact with clients on the Internet. Lawyers work primarily from their homes, and use a phone system that enables staff in different locations to use the same phone line and system. The firm does retain traditional offices for meeting with clients, who may view their documents online and pay their bills online at their own convenience.

### Fixed Fee Legal Services

Edward Gallagher's law firm provides legal services on a fixed fee basis for family and litigation services. His law firm uses technology to improve the speed and accuracy with which legal services are produced and delivered.

He explained how he developed his retainer agreement, established a fixed fee for specific legal services, approached unbundled legal services, and the impact on his practice and his relationship with clients.

### Pre-Paid Legal Services

The firm of Roy Nickerson, QC, offers prepaid legal plans for the public as a provider firm in Alberta for Pre-Paid Legal Services Inc.

For a monthly fee, members of the program are served by a provider law firm, which has been screened and selected by Pre-Paid Legal. Different levels of coverage are available. Under the basic plan, members simply call their provider law firm when they have a legal question or problem. Benefits include phone consultations with a lawyer, phone calls and letters on the member's behalf, will preparation, legal document review by a lawyer, and so forth. Members receive a preferred member rate (discount of 25 per cent of the participating lawyers posted standard fee) for services required that fall outside of the plan.

The chief operating officer of Law Assist Inc., Karen Kotansky, described how the legal benefit plan connects beneficiaries to legal counsel with just one phone call. By marketing itself to employers, benefit providers or loyalty program marketers, Law Assist connects lawyers to clients or "beneficiaries." Law Assist recruits lawyers in various areas of practice and geographic locations to serve on its panels.

## Retention and Re-Engagement Task Force Gains Insight into Issues

*By Sarah J King D'Souza, QC, Benchers and Chair, Retention and Re-Engagement Task Force*

The Retention and Re-engagement Task Force was conceived as an access to justice strategy arising from the Strategic Directions Report of the Law Society of Alberta's Access to Justice Committee in January 2010.

The broad mandate given to the Task Force was to explore the proposition that it is good public policy for the Law Society to enhance access to justice for Albertans by developing programs and policies that will retain and re-engage lawyers from across Alberta in the private practice of law by supporting:

- the retention of women lawyers and lawyers from diverse backgrounds in the private practice of law; and
- sole practitioners, and small, rural and remote firms.

Key to the mandate is developing recommendations that will retain lawyers in law firms, thereby improving the availability of lawyers in the delivery of legal services to Albertans.

The Task Force has completed significant informative work, gaining an accurate picture of the issues from a variety of research strategies engaged in during the year.

The Task Force has been assisting in identifying and promoting an array of programs and policies already implemented by the Law Society. Communications strategies began in 2011 so that Alberta lawyers are made aware of key support structures and programs already underway at the Law Society, which support the retention and re-engagement of lawyers in private practice.

The Task Force's next step is to prepare a report to the Benchers summarizing its activities and research outcomes and making specific recommendations on initiatives that would have a positive impact on the retention and re-engagement of lawyers in practice and, in particular, women lawyers and lawyers practising in rural areas.

The issues being addressed by the Task Force are topical and of considerable interest to many lawyers, as the fabric of the legal profession changes to include more women, and as an aging trend develops for the profession in rural areas.



## Intervention in Beaver Lake Cree Nation Case to Ensure Competency

In 2011, The Law Society of Alberta intervened in the Beaver Lake Cree Nation court action by making an application asking the court to uphold the *Legal Profession Act*, which ensures that lawyers practising in Alberta are competent and proficient.

Beaver Lake Cree Nation applied for a right of audience for six British barristers. The Law Society intervened in this application to ask the Court to uphold the *Legal Profession Act* which permits only lawyers licensed by the Society to act as barristers in Alberta courts.

### Background

The Beaver Lake Cree Nation and others sued the Province of Alberta and the Attorney General of Canada to enforce their treaty rights to hunt, trap and fish. The Nation was represented by a British Columbia law firm whose lawyers are licensed in Alberta or appear in Alberta under the National Mobility Agreement. The plaintiffs sought to accept an offer by six British barristers to represent them without charging a fee. The barristers are not licensed to practise in Alberta.

### Intervention

The Law Society pointed out that Sections 102 and 106 of the *Legal Profession Act* prevent the barristers from appearing as advocates, examining witnesses and making submissions on the law and facts.

### Justice Yamauchi's Decision

Justice Yamauchi concluded the Alberta Legislature enacted Section 106 of the *Legal Profession Act* to ensure lawyers practising in Alberta are competent, proficient, adequately insured and bound by the Code of Conduct. As there was no evidence before him that the British barristers were insured or bound by the Alberta Code, the public would not be protected by granting them a right of audience.

## Canadian Centre for Professional Legal Education (CPLED) Update

*By Leona Dvorak, Ph.D., Regional Coordinator, CPLED*

CPLED is a multi-jurisdictional professional education effort developed over the last 11 years.

The original vision for CPLED was to develop an innovative joint bar admission program which would reflect the present and future needs of the legal profession in Alberta, Saskatchewan and Manitoba.

The CPLED program consists of eight modules: five delivered online and three delivered face-to-face. The program takes approximately six months to complete. Modules are common to Alberta, Saskatchewan and Manitoba, in the sense that the problems students must solve are the same but answers may differ.

The course is set in a 'virtual law firm', and the learning takes place by having learners solve the sometimes messy problems of the firm's clients. The focus is on developing the skills articulated in the competency profile. Within each module, there are evaluations of the skills acquired through the instruction. There are four course offerings each year (two in Alberta and one in each of Manitoba and Saskatchewan). Each province is responsible for recruiting and training faculty, dealing with learners and adapting the answers to local law. We served just over 500 students in 2011 in the three jurisdictions.

### **Adding New Participants**

The Nova Scotia Barristers' Society has been using CPLED resources in its admission process as well as other courses. In 2007, they inquired about the possibility of CPLED assisting with the development and delivery of an

online course they were mandated to deliver, the Nova Scotia Land Registration Act Training course.

CPLED assisted with the instructional design and online development of the four-module Continuing Professional Development course which became available online in October 2007. We continue to offer this one-week course six times each year.

In 2009, discussions began about developing online writing and drafting modules using existing CPLED modules as a starting point. A Practice Management module using the Barristers' Society's existing materials was also adapted for online use and their three-module Skills Course has been delivered since 2010.

We continue to have discussions about how to include the Society more fully into the CPLED Program. We have also had discussion about partnering with New Brunswick and Nunavet.

### **New Negotiations Module and Six Supporting Videos**

We updated our Negotiations Module, including the creation of six new videos.

### **Online Learning Group Facilitator Training Module**

Facilitator training has been conducted independently in each jurisdiction using, primarily, paper-based materials and conference calls. We are completing an online training module, which will be available to facilitators as a resource throughout their CPLED teaching time.





## Law Society's Involvement Spurred Legal Assistance to Slave Lake

*By Scott Watson, QC, Bencher*

A collaborative group of lawyers assisted residents of Slave Lake in the aftermath of a destructive forest fire, while increasing the public's understanding of the pro bono work of lawyers in emergency situations.

The Law Society worked alongside Pro Bono Law Alberta, Legal Aid Alberta, the Canadian Bar Association - Alberta, Alberta Lawyers' Assistance Society, and the Alberta Civil Trial Lawyers Association.

The group formed the foundation for ongoing collaboration and communication in providing short-term legal services for residents impacted by the May 2011 forest fire and subsequent flooding. The overall legal-response strategy was based on lessons learned from the bush-fires in Australia.

- A Slave Lake website which contained information directed residents to legal services made available by Pro Bono Law Alberta and Legal Aid. As well, their own websites described additional resources that were available.
- A telephone hotline was launched and operated by Legal Aid.
- Posters were placed throughout the Town, inviting residents to call the hotline and attend information sessions.

- Radio interviews were provided to increase awareness of available legal assistance.
- Three public legal information sessions were held in Slave Lake in July with approximately 100 residents attending. Questions which couldn't be answered at the sessions were filtered out to lawyers through Legal Aid or Pro Bono Law Alberta's voluntary lawyer services program.

The hotline and information sessions dealt with issues relating to insurance, landlord and tenant, mortgage and financing, matrimonial and custody, contractual, and legislative areas.

The Law Society's involvement encouraged the participation of lawyers in providing assistance to Slave Lake residents. The Law Society was also able to extend assistance to Slave Lake practitioners impacted by the fire.

The work of the legal organizations involved not only helped the residents of Slave Lake, but also improved the public's perception of the legal profession, as lawyers provided legal services in emergency situations.

## Statutory Amendments Sought to Streamline Discipline Process

By James Eamon, QC and Kevin Feth, QC, Benchers and Co-Chairs, Conduct Process Task Force

Amendments to the *Legal Profession Act* will enable the Law Society to implement more streamlined conduct procedures through rule making.

The Law Society of Alberta, through the Conduct Process Task Force, has actively sought to assess, enhance and improve its conduct (complaints and discipline) process. In its review, the Task Force found there is an appropriate level of transparency and publicity, but improvements could be made in timeliness and efficiency as long as fairness is not sacrificed.

The Task Force accepted that any recommended change must not compromise the fairness owed to participants, the public's confidence in the process, or the standing of lawyers in the eyes of the public. The Task Force did not recommend that the basic structure of conduct and discipline be changed. Lawyers will still be subject to review by the Conduct Committee in the decision whether to charge the lawyer with misconduct and there will still be opportunities for alternative measures.

Two areas identified for improvement were consent resolution of a conduct complaint and

greater use of alternative measures to resolve a conduct complaint. The Task Force noted that many lawyers would be willing to resolve conduct complaints by admitting some or all of the allegations, provided there was better certainty that the proposal would be accepted and the matter concluded quickly and efficiently. In some cases, alternative measures to address problems affecting a lawyer's practice or performance, such as participation in a practice review process, would better serve the public interest than streaming the matter to a conduct hearing. As well, the Law Society must maintain a sufficient pool of adjudicators so that conflicts of interest do not severely reduce the pool available for appointment to hearing committees.

To realize these objectives, several recommendations were developed by the Law Society for proposed statutory amendments. The Government of Alberta chose to amend the *Legal Profession Act*, and those amendments enable the Law Society to go forward with proposed process changes.

On November 24, 2011, the Benchers resolved to adopt the recommendations of the Task



James Eamon, QC



Kevin Feth, QC

Force. These included that non-Bencher adjudicators will be appointed to hearing committees when the requisite number of current Benchers are not available due to conflicts or otherwise; that only former Benchers will be considered for such appointments; and that a single Bencher could be appointed as a hearing committee where the lawyer and Law Society agree to make a joint submission to resolve the complaint.

These matters are under consideration by a conduct process implementation task force. We expect that in late 2012 or 2013 the Benchers will make rules to implement meaningful process improvements that will benefit both the public and the legal profession.

**Conduct Hearings Opened since 2007**

Year	Hearings Ordered
2007	39
2008	42
2009	50
2010	21
2011	48

**2011 Conduct Statistics**

**Open Complaints as at Dec 31, 2011**

	Formal Complaints	Informal Complaints
Total	734	355

**Complaints Closed as at October 1, 2011**

	Formal Complaints	Informal Complaints
Total	137	358

**Open Investigations as at December 31, 2011**

Total	85
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**Hearing Outcomes**

	2009	2010	2011
Disbarred	11	14	4
Resignations	42	71	63
Suspended	7	11	9

## Work on National Standards Initiative on Target

*By Don Thompson, QC, Executive Director, Law Society of Alberta*

In our work to become a model regulator, we are actively involved in a number of national regulatory initiatives.

These include the following, some of which have already been implemented:

- National mobility of the legal profession (including Quebec mobility) largely completed in 2003;
- Model code of conduct (implemented by the Law Society in 2011);
- Model rules to fight money laundering and terrorist financing (client identification and verification rules were introduced in 2009);
- National admission standards; and
- National complaints and discipline standards.

The Law Society is working with other law societies across Canada and with the Federation of Law Societies of Canada on these initiatives.

With national mobility, Canada's law societies have moved to adopt consistent rules and practices to ensure that the public is served by members of the legal profession who are held to the same high level of competence and ethics, wherever they practice in Canada.

### **National Admission Standards Ensure Consistency Across Canada**

Law Societies require individuals to follow a rigorous training program and demonstrate their suitability to serve the public with a high level of competence. This is necessary in order to be eligible to join Canada's legal profession and be licensed by a Canadian law society to practice law.

Because Canada's national mobility regime requires each law society to recognize the credentials of lawyers wherever they were initially licensed to practice law in Canada, initiatives are underway to ensure that admission standards are consistent across the country. These include:



- 1. National competency and good character standards.** Work began on drafting a two-part admission standard, a profile of the competencies required upon entry to the legal profession, and a standard for assessing whether applicants meet the requirement to be of good character.
- 2. National requirements for Canadian common law degree programs.** After a comprehensive review by the Federation of Law Societies, work began in 2011 to implement the recommendations arising from the review.
- 3. National standards for approving new law degree programs.** In 2011, the Federation approved applications for two new law schools in Canada based on new standards approved by Canadian law societies. Law degree programs were approved for Thompson Rivers University in British Columbia and Lakehead University in Ontario.

- 4. National standards for assessing credentials of internationally trained law graduates.** National standards to assess international law degrees have been in place for many years. The Law Society began work in late 2011 to assess the support of internationally trained lawyers seeking admission to the Alberta bar.

It is expected that the Law Society's active role in developing and implementing national admission standards will uphold the principles of justice. These initiatives will bring the Law Society closer to its vision of becoming a model regulator as work continues throughout 2012.

## Membership Statistics

### Law Society of Alberta Membership

Year	Active	Inactive	Insured
2005	7711	1703	-
2006	7967	1707	5533
2007	8152	1784	5620
2008	8339	1800	5729
2009	8457	1963	5800
2010	8624	1888	5865
2011	8746	1998	5928

### Students-at-Law

Status	2009	2010	2011
Called	321	305	315

### Transfers from Canadian Jurisdictions

Status	2009	2010	2011
Applied	76	112	102



FINANCE COMMITTEE

## Maintaining Current Levels of the Annual Fee and the Assurance Levy

*By Kevin Feth, QC, Bencher and 2011 Chair, Finance Committee, Law Society of Alberta*

The Finance Committee was significantly involved in the review and approval of the 2011/2012 budget and, as a result, the Annual Fee and the Assurance Levy were not increased.

This was achieved through cost controls and small reductions in the contingency reserves maintained for each of the General Fund and the Assurance Fund. Even with the reductions, the contingency reserves in both Funds were projected to remain within acceptable tolerances for 2011/2012.

The Finance Committee continued to monitor the impact of the global recession on the investment portfolio, which is maintained to provide for the organization's general expenses, insurance and assurance obligations, and commitments to the Viscount Bennett Scholarships and for Undisbursable Trust Funds claims.

Inquiries were made to ensure that the Law Society was continuing to receive strong performance from its external investment manager (Mawer Investment Manager Ltd.) and that investments in the hands of third parties remained secure. The performance of the organization's investments continued to

exceed the benchmarks established by the Statement of Investment Policies and Goals, and the administration remained satisfied with the safety of investments in the hands of the Law Society's custodian, RBC Dexia.

During the year, the Finance Committee vetted a report from the Legal Education Society of Alberta concerning the proposed tuition fees for the CPLED program. Adoption of the proposed fee structure was recommended to the Benchers, and approved without change.

The financial statements were reviewed on a quarterly basis, without significant concerns being identified.

The Finance Committee, through a subcommittee, also monitored and made funding recommendations for several third party entities, including Pro Bono Law Alberta, Assist, the Joint Library Committee, the Legal Archives Society of Alberta and the Alberta Law Review. These organizations contribute to the Law Society's strategic objectives in serving the public interest. Through fees paid by Alberta lawyers, the Law Society directed contributions to these organizations totalling almost \$2 million for the 2011/2012 fiscal year.

**Public Protection (Assurance Fund)**

<b>Year</b>	<b>Claim Amount</b>	<b>Paid Amount</b>	<b>Claims</b>
2002	\$743,000	\$496,000	18
2003	\$3,105,000	\$167,000	21
2004	\$2,606,000	\$1,402,000	43
2005	\$3,568,000	\$864,000	67
2006	\$15,126,000	\$754,000	71
2007	\$4,249,000	\$96,000	78
2008	\$1,189,000	\$14,000	28
2009	\$19,304,000	\$29,000	60
2010	\$8,644,000	\$11,000	39
2011	\$2,696,430	-	23

Paid amounts are reported on claims opened in the specific year even if claims have been paid in future years.

## Independent Auditors' 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 October 31, 2011, and non-consolidated statements of revenue, expenses and fund balances for the year then ended and related notes are derived from the audited non-consolidated financial statements of The Law Society of Alberta for the year ended October 31, 2011. We expressed an unmodified audit opinion on those non-consolidated financial statements in our report dated February 2, 2012. 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 generally accepted accounting principles. 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 on the basis described in 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 year ended October 31, 2011 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  
March 14, 2013

THE LAW SOCIETY OF ALBERTA

## Summarized Non-Consolidated Balance Sheet

As at October 31, 2011

	2011 (\$000s)	2010 (\$000s)
<b>Assets</b>		
Current assets	4,802	3,991
Investments	13,691	14,391
Reinsurance recoverables	4,987	5,214
Trust assets	1,212	841
Capital assets	1,985	1,333
	26,677	25,770
<b>Liabilities</b>		
Current liabilities	1,068	859
Reserve for claims and related costs	10,389	10,907
Pension plan payable	739	654
Trust liabilities	1,212	841
Deferred lease inducement	168	245
Capital lease obligation	86	-
	13,662	13,506
<b>Fund balances</b>		
Invested in capital assets	1,985	1,333
Externally restricted funds		
Contingency reserve	7,425	7,341
Scholarship reserve	1,253	1,239
Unrestricted funds	2,352	2,351
	13,015	12,264
	<b>26,677</b>	<b>25,770</b>

THE LAW SOCIETY OF ALBERTA

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

For the year ended October 31, 2011

	2011 (\$000s)	2010 (\$000s)
<b>Revenue</b>		
Practice fees	20,555	18,262
Investment income	1,029	952
Management fee	1,300	1,175
Enrolment and application fees	398	336
Other	82	53
Fines and penalties	36	36
	23,400	20,814
<b>Expenses</b>		
Corporate costs	2,624	2,251
Departments, programs and committees	17,249	15,281
Grants and contributions	2,357	2,131
Provision for claims and related costs	315	1,552
Scholarships	40	45
	22,585	21,260
<b>Excess (deficiency) of revenue over expenses for the year before the following</b>	815	(446)
Unrealized (loss) gain on fair market value of investments	(241)	409
Recovered costs	177	142
<b>Excess of revenue over expenses for the year</b>	751	105
<b>Fund balances – beginning of year</b>	12,264	12,159
<b>Fund balances – end of year</b>	13,015	12,264

THE LAW SOCIETY OF ALBERTA

## Note to Summarized Non-Consolidated Financial Statements

For the year ended October 31, 2011

### **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, outside services and indemnity bond fees.

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

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: <http://www.lawsociety.ab.ca/>.

## Independent Auditors' Report

To the Directors of The Alberta Lawyers Insurance Association

The accompanying summarized non-consolidated financial statements, which comprise the summarized non-consolidated balance sheet as at June 30, 2011, and non-consolidated statements of revenue, expenses and net assets for the year then ended and related notes are derived from the audited non-consolidated financial statements of The Alberta Lawyers Insurance Association for the year ended June 30, 2011. We expressed an unmodified audit opinion on those non-consolidated financial statements in our report dated December 19, 2011. 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 generally accepted accounting principles. Reading the summary financial statements, therefore, is not a substitute for reading the audited non-consolidated financial statements of The Alberta Lawyers Insurance Association.

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

Management is responsible for the preparation of a summary of the audited non-consolidated financial statements on the basis described in 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 Alberta Lawyers Insurance Association for the year ended June 30, 2011 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  
March 14, 2013

THE ALBERTA LAWYERS INSURANCE ASSOCIATION

## Summarized Non-Consolidated Balance Sheet

As at June 30, 2011

	2011 (\$000s)	2010 (\$000s)
<b>Assets</b>		
Current assets	25,100	18,299
Investments	84,893	85,051
Capital assets	40	46
	110,033	103,396
<b>Liabilities</b>		
Current liabilities	18,814	17,023
Reserve for claims and related costs	55,354	55,034
	74,168	72,057
<b>Net assets</b>		
Unrestricted net assets	35,865	31,339
Share capital	-	-
	110,033	103,396

THE ALBERTA LAWYERS INSURANCE ASSOCIATION

## Summarized Non-Consolidated Statement of Revenue, Expenses and Net Assets

For the year ended June 30, 2011

	2011 (\$000s)	2010 (\$000s)
<b>Revenue</b>		
Annual levy	17,471	15,398
Investment income	5,717	8,462
	23,188	23,860
<b>Expenses</b>		
Provision for claims and related costs	16,168	20,174
Premium paid to Canadian Lawyers Insurance Association	4,206	3,799
Operating expenses	3,495	3,420
	23,869	27,393
<b>Deficiency of revenue over expenses for the year before the following</b>	(681)	(3,533)
Unrealized gain (loss) on fair market value of investments	5,207	(2,336)
<b>Excess (deficiency) of revenue over expenses for the year</b>	4,526	(5,869)
<b>Unrestricted net assets - beginning of year</b>	31,339	37,208
<b>Unrestricted net assets - end of year</b>	35,865	31,339

THE ALBERTA LAWYERS INSURANCE ASSOCIATION

## Note to Summarized Non-Consolidated Financial Statements

For the year ended June 30, 2011

### **Basis of presentation**

The summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and net assets have been derived from the complete audited non-consolidated financial statements of The Alberta Lawyers Insurance Association and have been prepared using the following criteria:

Current assets are comprised of cash and cash equivalents, accounts receivable, accrued interest and due from 1452597 Alberta Ltd.

Current liabilities are comprised of accounts payable and accrued liabilities, due to The Law Society of Alberta, and deferred revenue.

Operating costs are comprised of the following expenses: salaries and employee benefits, management fee, investment counsel fee, administration, professional fees, loss prevention, amortization, and bad debt recovery.

All other items on the summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and net assets are as presented on the complete audited non-consolidated financial statements of The Alberta Lawyers Insurance Association.

The complete audited non-consolidated financial statements of the Alberta Lawyers Insurance Association can be found on the website for the Law Society of Alberta: <http://www.lawsociety.ab.ca/>.

## 2011 Executive Committee of the Law Society of Alberta



**Front row** (from left to right): Kevin Feth, QC; Carsten Jensen, QC; Nicole Woodward (Staff Governance Lawyer); and Howard Kushner (Deputy Executive Director-Regulation).

**Back row** (from left to right): Dale Spackman, QC; Steve Raby, QC (President-Elect); Douglas Mah, QC (President); Don Thompson, QC (Executive Director); Wayne Jacques (Public Representative) and Jim Eamon, QC.

## 2011 Benchers of the Law Society of Alberta



**Front row** (*seated from left to right*): Frederica Schutz, QC; Rose Carter, QC; Carsten Jensen, QC; John Higgerty, QC; Miriam Carey, PhD (Public Representative); Amal Umar (Public Representative); and Wayne Jacques (Public Representative).

**Middle row** (*from left to right*): Roy Nickerson, QC; Jim Glass, QC; Neena Ahluwalia, QC; Steve Raby, QC (President-Elect); Douglas Mah, QC (President); Don Thompson, QC (Executive Director); Dale Spackman, QC; Sarah King-D'Souza, QC; and Ron Everard, QC.

**Back row** (*from left to right*): Scott Watson, QC; Adam Letourneau; Tony Young, QC; Kevin Feth, QC; Larry Ackerl, QC; and Jim Eamon, QC.

**Missing:** Dennis Edney, QC; Fred Fenwick, QC; and Larry Ohlhauser, MD (Public Representative).

## New Benchers Welcomed in 2011

The Law Society of Alberta welcomed three new Benchers in 2011: Dennis Edney, QC of Edmonton, Adam Letourneau of Lethbridge, and Donald Scott, QC of Fort McMurray.

Dennis Edney earned his law degree from the University of Northumbria in 1987 and began his legal career in matrimonial and criminal law. He has appeared at all levels of Canadian courts. His practice is characterized by cases involving criminal and human rights law.

Adam Letourneau received his bachelor of science degree from the University of Calgary and his law degree from

the University of Alberta. His law practice focuses on family law, mediation, arbitration and aboriginal law.

Donald Scott, QC, became a Bencher upon the appointment of Judge John Higgerty to the Provincial Court of Alberta. Donald Scott obtained his law degree from the University of New Brunswick and clerked with the New Brunswick Court of Appeal. After completing his articling term, he attended the University in Cambridge where he completed his masters law degree. In Fort McMurray, he owned McMurray Law Office, a general law practice.

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## Benchers Appointed to the Courts Thanked

The Law Society thanks Judge Higgerty for his invaluable contributions and dedication as Bencher to the Law Society of Alberta over the past six years.

## Bencher Election Results

### Bencher Responsibilities and Terms

The Law Society of Alberta is governed by a 24-member board of directors, made up of 20 elected Benchers and four non-lawyer public representatives (Lay Benchers). Benchers are Alberta lawyers who are elected by Alberta lawyers, and who serve for three year terms to a maximum of nine years. The role is voluntary and the president of the Law Society is the only individual who receives an honorarium. Lay Benchers are members of the public appointed by the Minister of Justice and Attorney General of Alberta and who serve three year terms, have full voting rights, and participate in all Bencher matters. They also serve for a maximum of nine years.

The Benchers meet five times annually. They participate on many Law Society of Alberta committees and also sit on panels that make decisions involving individual lawyers, such as discipline, membership and credentials matters.

### Bencher Election 2011

On October 14, 2011, The Law Society of Alberta mailed election packages to the 8,979 Alberta lawyers eligible to vote. Each eligible voter received both a paper ballot and a unique user ID and password for the online voting site. This was the first time the Law Society has made online voting tools available and the initiative was an overwhelming success.

At the close of the election on November 15, 2011, the Law Society received 3,681 ballots; 1,484 paper ballots (41 per cent of total ballots cast) and 2,197 online votes (59 per cent of total ballots cast). A total of 46 candidates stood for election and a total of 3,681 ballots were cast.

### 2011 Bencher Election Results (Partial)

Candidate Name	District Name	Total
Raby, Steve (President)	Elected - by statute	
Jensen, Carsten (President-Elect)	Calgary	1521
Marriott, Gillian D.	Calgary	1312
Kirker, Anne L.	Calgary	1255
Carter, Rose M.	Edmonton	1224
Eamon, James T	Calgary	1133
Ahluwalia, Neena	Edmonton	1008
Feth, Kevin	Edmonton	997
Young, Anthony G.	Calgary	979
Code, W.E. Brett	Calgary	894
King-D'Souza, Sarah	Calgary	880
Ackerl, Larry	Edmonton	858
Schutz, Frederica	Edmonton	838
Edney, Dennis	Edmonton	830
Dilts, Nancy	Calgary	828
Fenwick, Fred R	Calgary	822
Ryan, Kathleen A.	Edmonton	784*
Lutz, James M.	Calgary	783
Scott, Donald K.	Northern	764
Harvie, Robert G.	Southern	512

*Note: James A Glass - Acclaimed for Central district, pursuant to Rule 10(4)*

*\* Cal Johnson and Kathleen A. Ryan were tied; a name was drawn to decide the winner, which was Kathleen A. Ryan.*

## Honouring 50-Year Service Milestones



*The distinguished, five-decade careers of nine Alberta lawyers were recognized in 2011, including these individuals, all from Edmonton. From left to right: Mr. Rostyk Sadownik, the Honourable Judge Darlene Wong; Mr. Jack Agrios, QC; and Mr. Robert Schnell QC.*

In 2011, the Law Society celebrated the distinguished 50-year careers of nine Alberta lawyers, three in Calgary and six in Edmonton, including the first woman in Alberta to reach this important service milestone.

The six Edmonton lawyers honoured were: The Honourable Judge Darlene Wong; Mr. Jack Agrios, OC, QC; Mr. Ronald Cummings, QC; Mr. David Ross, QC; Mr. Rostyk Sadownik and Mr. Robert Schnell, QC. In Calgary, the Law Society presented long service awards to: The Honourable Arthur Morton Lutz, Mr. Gerald W. Pittman, QC, and Steve Denecky, QC.

The **Honourable Justice D.R. Wong** earned her arts and law degrees at the University of Alberta, and articulated under Roger Belzil. She was called to the Bar on June 15, 1961. Justice Wong practised in Fort Saskatchewan before being appointed to the Provincial Court on October 31, 1979. She is the first woman to reach 50 years of service with the Law Society of Alberta.

**David J.R. Ross, QC**, earned arts and law degrees at the University of Alberta and articulated under W. Stanley Ross. He was called to the Bar on June 6, 1961. Mr. Ross continues to practice at McLennan Ross LLP in Edmonton where he began his career 50 years ago.

**Jack N. Agrios, QC**, received arts and law degrees from University of Alberta and articulated under W.G. Morrow, QC. On June 16, 1961, Mr. Agrios was called to the Bar. Mr. Agrios served as a Bencher of the Law Society from 1978 to 1982. He received a Distinguished Service Award for service to the profession in 2002. He currently practises at Kennedy Agrios LLP in Edmonton.

**R.G. Cummings, QC**, attended law school at the University of Alberta and graduated with a law degree in 1960. Mr. Cummings articulated under Kenneth A. McKenzie, QC and was called to the Bar on May 26, 1961. Mr. Cummings has practised at his current firm of Cummings Andrews Mackay LLP since 1961 and has focused on the area of civil litigation and personal injury law.

**Rostyk Sadownik**, as a student-at-law, articulated under Peter Alexander Miskew, QC. He was called to the Bar on June 7, 1961. Johnson. He has practised at Wheatley Sadownik since 1961 and has recently worked in civil litigation.

**Robert E. Schnell, QC**, earned both his arts and law degrees from the University of Alberta, and articulated under H.F. Macdonald. He was called to the Bar in Red Deer on November 2, 1961. He received a Distinguished Service Award for Service to the Community in 2000. He currently practises at Schnell Hardy Jones LLP in Red Deer.

The **Honourable Justice Lutz** received his commerce degree from Mount Allison University, and his law degree from Dalhousie University in Nova Scotia. He articulated under William Robert Sinclair and was called to the Bar June 23, 1961. On November 4, 1982, he was appointed Justice to the Court of Queen's Bench, which he continues to serve.

**Steve Denecky, QC**, received his arts and law degrees from the University of Alberta and articulated under Briant W. Stringham. He was called to the Bar on June 19, 1961. Mr. Denecky began his 50-year law career with the firm Stringham Denecky.

**Gerald W. Pittman, QC**, earned his arts and law degrees from the University of Saskatchewan and articulated under Ward H. Patterson, QC. On June 23, 1961, he was called to the Bar. He is practising real estate law with the firm Pittman MacIsaac & Roy in Calgary. In 2001, he was awarded a Distinguished Service to the Community Award from the Law Society and CBA Alberta.

The Law Society of Alberta congratulates the long service award recipients of 2011.

## Excellence in Legal Profession Celebrated with Distinguished Service Awards

The 2011 Distinguished Service Awards honour exemplary service to legal scholarship, community, the profession and in pro bono legal service. The following recipients were recognized on January 28, 2011 at the Alberta Legal Conference.



### **Distinguished Service in Legal Scholarship - Professor Catherine A. Brown**

In the areas of tax law, estate planning and international trade law, Professor Catherine Brown of the University of Calgary has been a leading provincial, national and international scholar.

Professor Brown earned her arts degree in 1974, her law degree in 1977 and her masters in law in 1980. Her research and scholarship has informed her teaching at the University of Calgary's Faculty of Law, where she has been a professor for nearly 30 years. She is sought after internationally as a scholar and teacher, and has held several successful visiting appointments.



### **Distinguished Service to the Profession - J. Patrick Peacock, QC**

J. Patrick Peacock's contributions to the profession and dedication to the legal community in Alberta over the past 40 years are truly exemplary. Patrick Peacock earned, from the University of Alberta, his arts degree in 1964 and his law degree with distinction in 1967. He is a managing partner and litigation counsel at Peacock, Linder & Halt LLP in Calgary. He has served tirelessly at virtually every level of the Calgary and Canadian Bar Associations, culminating in his roles as Calgary Bar President and National CBA President. As a mentor and inspiration to junior lawyers, he has contributed to the betterment of the profession as a whole.



**Distinguished Service to Community -  
Sir Francis Price, QC**

Sir Francis Price, QC, is not only a recognized scholar in the Alberta legal community, he is one of those lawyers who generates pride in the legal profession. Sir Francis earned his law degree from Melbourne University in 1973 and his masters in law degree from the University of Alberta in 1975. He currently practices civil litigation with Reynolds, Mirth, Richards & Farmer LLP. In the community, he is well regarded as a hands-on contributor in the arts community who makes things happen. He has been instrumental in organizing special annual events in Edmonton that would not now be taking place had Francis not helped them flourish in their infancy.



**Distinguished Service Award in Pro Bono Legal Service -  
Suzanne M. Alexander-Smith**

Suzanne M. Alexander-Smith of Red Deer earned her arts degree in 1989 from Queen's University and her law degree from the University of Saskatchewan in 1993. In her law practice and her volunteer work, Suzanne has always been committed to improving access to justice for disenfranchised members of her community through the delivery of pro bono legal services and through public legal education. She joined the board of Pro Bono Law Alberta as an inaugural secretary and continues to serve the board today in this capacity. As well, she is the inaugural chair of the Board of Directors for the Central Alberta Legal Clinic Foundation in Red Deer. Suzanne is an uncommon person with a common touch. She is an exceptional lawyer, an exceptional representative of the legal community and an exceptional advocate for the disadvantaged and their right to access justice.

## 2011 Awards and Bursaries

### VISCOUNT BENNETT SCHOLARSHIP RECIPIENTS

The Viscount Bennett Scholarship was established through a trust fund by the Right Honourable Viscount Bennett to encourage a high standard of legal education, training and excellence. In 2011, scholarships were awarded to two Alberta law students.



**Clayton Bangsund,  
Columbia University**

Prior to arriving in New York to attend Columbia University's LL.M. program, Clayton Bangsund had worn several hats in his professional career. He was a math, physical education and accounting teacher at an

Edmonton high school for one year before entering law school at the University of Alberta. Upon completion of his law degree in 2005, Clayton articulated with Blake, Casels & Graydon LLP in Calgary where he remained as an associate after being called to the Alberta Bar in 2006.

He also held positions at Layh & Associates LPC in Langenburg, Saskatchewan and McLennan Ross LLP in Edmonton, Alberta between 2007 and 2011.

His primary area of interest at Columbia is debtor-creditor law, specifically personal property security law. As a mathematics major and former math teacher, he was drawn to this area because of the familiar skillset required to analyze its problems – logical thinking and sequential and methodical analysis.

Upon completion of his masters degree, Clayton returns to Alberta where he will begin a Ph.D. program at the Faculty of Law, University of Alberta. He is seeking an academic position at a Canadian law school at the conclusion of his studies.



**Paul Chiswell,  
University of Oxford**

Paul Chiswell is a graduate of the University of Alberta with commerce and law degrees, both of which were earned with distinction. Upon graduation from law school in 2010, Paul completed his articles with Burnet, Duckworth &

Palmer LLP in Calgary. He was called to the Alberta Bar on September 16, 2011 before departing for the University of Oxford to pursue graduate studies.

He is in a course-based program which will earn him a Bachelor of Civil Law, Oxford's equivalent to the LL.M. Paul's courses at Oxford include restitution of unjust enrichment, conflicts of law, corporate finance, and criminal justice and human rights.

Paul has enjoyed all that Oxford's diverse international community has to offer. Apart from his studies, he has learned to row, competing in races for Wadham College, and has participated in the world's second oldest hockey rivalry (Oxford vs. Cambridge, which dates back to 1885) helping the Oxford Blues defeat their rivals at an annual game by 16 goals.

Upon completion of his graduate studies in England, Paul will return to Calgary where he will begin his professional career at Burnet, Duckworth & Palmer LLP.

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