

THE LAW SOCIETY OF ALBERTA

IN THE MATTER OF THE *LEGAL PROFESSION ACT*

- AND -

IN THE MATTER OF A HEARING REGARDING THE CONDUCT OF
K. JUNE KOSKA
A MEMBER OF THE LAW SOCIETY OF ALBERTA

REPORT OF THE HEARING COMMITTEE

I. INTRODUCTION

1. On June 19, 2007, a Hearing Committee, comprised of P.R. Mack, Q.C. (Chair), R.J. Everard, Q.C., and J.T. Prowse, Q.C. conducted a hearing in respect of four citations issued against K. June Koska (“the Member”) by the Law Society of Alberta. The Law Society of Alberta was represented by Michael Penny. The Member was present and represented by J.A. Weir, Q.C.

II. JURISDICTION AND PRELIMINARY MATTERS

2. There was no objection to the composition or jurisdiction of the Hearing Committee. The jurisdiction of the Hearing Committee was established with the entry into evidence of Exhibits 1 through 4 being the Letter of Appointment, the Notice to Solicitor with acknowledgment of service, the Notice to Attend with acknowledgement of service, and the Certificate of Status.

3. There was no application that all or any portion of the Hearing be conducted in private and accordingly it was directed that the matter proceed as a public Hearing.

III. CITATIONS

4. The Member faced four citations:

1. It is alleged that you failed to pay another member in a timely manner for his account in relation to legal services rendered to you personally, and that such conduct is conduct deserving of sanction.

2. It is alleged that you failed to pay another member's agency account in a timely manner, and that such conduct is conduct deserving of sanction.
3. It is alleged that you failed to respond in a timely manner to communications from another member which contemplated a reply, and that such conduct is conduct deserving of sanction.
4. It is alleged that you failed to respond in a timely and appropriate manner in communications from the Law Society which contemplated a reply, and that such conduct is conduct deserving of sanction.

IV. EVIDENCE

5. This matter arises out of a complaint against the member by another member Grant A. Brown. Three witnesses were called to give evidence; Mr. Brown, Mr. Maurice Dumont, Complaints Manager of the Law Society and Ms. Koska.

6. Shortly after being called to the bar Mr. Brown was retained by Ms. Koska in respect to two matters. There were no written retainer agreements. The first matter was an appeal of a taxation of her accounts. For those services Mr. Brown billed Ms. Koska the sum of \$1,452.50. Ms. Koska made partial payments of the account in April 2004 and May 2005. Ms. Koska testified that until Mr. Brown's complaint to the Law Society she was operating on the understanding that Mr. Brown considered that account to be satisfied. That was a misapprehension on her part and the Hearing Committee learned that the account was in fact satisfied just prior to the hearing.

7. The second matter relates to agency services provided by Mr. Brown on a Legal Aid certificate in respect of a family law matter. Mr. Brown and Ms. Koska agreed that Mr. Brown would be paid by Ms. Koska for his services when she received payment for those services from the Legal Aid Society.

8. In his testimony, Mr. Brown stated he had expected the account would be tendered to Legal Aid and pursued by Ms. Koska with due diligence. Mr. Brown submitted his bill to Ms. Koska in the sum of \$2,165.88 on March 30, 2004. The case in question went on for several months. When he understood that the final order had been made, Mr. Brown encouraged Ms.

Koska to submit a bill to Legal Aid. Mr. Brown wrote letters to Ms. Koska on September 27, 28, December 14, 19, and December 29, 2004. Mr. Brown received a fax response from Ms. Koska with respect to the September 28, 2004 correspondence advising in fact that the terms of the final order had not yet been set by the Alberta Court of Queen's Bench. When Mr. Brown did not receive a response to his subsequent correspondence he wrote directly to staff of the Legal Aid Society of Alberta on January 4, 2005 inquiring about the status of the account payment and submitting a revised Statement of Account addressed directly to the Legal Aid Society of Alberta, this time in the amount of \$1,240.13. In his correspondence Mr. Brown acknowledged that he had not previously rendered an account with respect to a Legal Aid certificate and that he had misunderstood the scope of the coverage, apparently never having reviewed the policies and procedures outlined in the Legal Aid Handbook. On January 24, 2005, Legal Aid staff advised by correspondence that as Ms. Koska was the appointed counsel, it was up to Ms. Koska to send in an account including her work and any agents she may have used during the time of the certificate. On March 10, 2005 and March 21, 2005, Mr. Brown wrote further letters to Ms. Koska inquiring as to the status of the accounts.

9. On March 29, 2005, Mr. Brown wrote a letter of complaint to the Law Society. The essence of his complaint was that Ms. Koska had not paid his accounts and was not responding to his inquiries. He also suggested the possibility that she may have received payment for the Legal Aid account and was therefore holding money in trust to his benefit. The latter did not turn out to be the case.

10. By letter of April 6, 2005, Lewis Wasel of the Law Society provided to Ms. Koska a copy of Mr. Brown's letter of March 29, 2005 and related attachments. Mr. Wasel asked for a response and advised Ms. Koska he was handling the matter within the informal complaints resolution process. Ms. Koska's written response of May 27, 2005 stated:

"Dr. Brown & I agreed that I would pay him his S/A (statement of account) that Legal Aid would pay on it once Legal Aid paid me my S/A (statement of account) that would attach his S/A as agent once the file is completed & I send in the final S/A. But the file is not completed as the Bill of Costs matter is outstanding"

Koska went on to advise that she would issue Mr. Brown a partial payment on the taxation matter.

11. By letter dated September 2, 2005 addressed to Mr. Wasel and Mr. Brown, Ms. Koska advised:

“This is to confirm that I have faxed Legal Aid Society to ask if they have paid-out Grant Brown’s agent Statement of Account when they paid-out my final account which they have taxed-down. No response yet. I called Anne Margaret Wall at Legal Aid to follow-up & she is not in office until next week. No other person to handle matter. If Grant Brown account not paid in full, then can appeal that to Exceptional Accounts Committee along with my appeal on full Statement of Account.”

12. By letter dated September 7, 2005, Mr. Brown wrote to Ms. Koska stating, inter alia:

“Thank you for your fax dated September 2, 2005, but received yesterday. Please keep me informed as to Ms. Wall’s response to your inquiries on my behalf.”

13. Thereafter there were a series of telephone calls from Mr. Wasel of the Law Society and Mr. Brown to Ms. Koska which it was said were either not responded to or not responded to in a timely manner. The Hearing Committee noted several occasions during the course of the hearing, where there were variances between the telephone records and notes of Mr. Dumont and Ms. Koska. Ms. Koska produced 13 pages of handwritten notes describing the chronology of communication from April 6, 2005 to August 19, 2006. The Hearing Committee did not find it necessary to attempt to reconcile those differences and preferred to rely upon the undisputed written records.

14. On December 8, 2005 a formal complaint letter was issued to Ms. Koska pursuant to Section 53 of the Legal Profession Act by Mr. Maurice Dumont, Manager, Complaints for the Edmonton office of the Law Society. That correspondence asked Ms. Koska to address the following issues:

“1. Your failure to pay in a timely manner Mr. Brown’s account in relation to legal services rendered to you personally;

2. Your failure to pay Mr. Brown’s “agency account”;

3. Your failure to respond to Mr. Brown in a timely manner; and

4. Your failure to respond to the Law Society in a timely manner.”

15. By letter dated December 16, 2005 addressed to Mr. Brown and copied to Mr. Wasel (not Mr. Dumont) Ms. Koska asked Mr. Brown:

“Please fax one copy of your final Statement of Account in above matter to Legal Aid Society of Alberta, Att’n: Ann Margaret Wall and one copy to my office. Kindly give above Certificate #. We submitted account and it has been misplaced & must go back before Exceptional Accounts Committee. Thank you.” (emphasis added)

16. By a letter dated December 21, 2005 Mr. Dumont, requested a response to the December 8, 2005, Section 53 letter.

17. By letter dated January 9, 2006 addressed to Mr. Brown and copied to Mr. Wasel (not Dumont) of the Law Society, Ms. Koska stated:

“I am now in receipt of your above-noted Statement of Account under cover of your letter dated December 17/05. I have been away since December 17/05 and now returned to my office. Please

1. confirm it is January 4/05 Statement of Account for submission, &

2. provide a signed copy - this one is not signed.

Thank you.

18. By letter dated January 10, 2006, Ms. Koska advised Mr. Dumont that she had been outside of Canada since December 17, 2005 and requested an extension of time to respond to his letters of December 8 and December 21, 2005. Mr. Dumont provided an extension to January

25, 2006. He did not hear from Ms. Koska within that time period and so on February 6, 2006 he demanded a response “forthwith”.

19. By letter dated February 24, 2006, Ms. Koska provided her written response stating:

“Legal Aid has not yet paid Dr. Brown’s agent S/A. That matter proceeds to Exceptional Accounts Review Committee on April 4/06. I am required by Anne Margaret Wall, Mgr of Audits & Investigations, Legal Aid Society of Alberta, to clear up problems with Dr. Brown’s accounts, now identified to me by letter February 23/06 & prepare submissions re same to Exceptional Accounts Review Committee: ie why does Dr. Brown claim different amounts on his different accounts re same items? If Dr. Brown will accept only court appearances, then matter is cleared-up. Legal Aid has not taxed Dr. Brown’s accounts, but sends it to Committee.”

20. In his testimony before the Hearing Committee Mr. Dumont stated that Ms. Koska’s letter of February 24, 2006 was not a full and complete response as it neglected to address three of the four issues raised by Mr. Dumont in his letter of December 8, 2005.

21. By letter dated March 3, 2006 addressed to Mr. Brown, Ms. Koska asked Mr. Brown to clarify the stated points regarding his statements of account. Mr. Brown provided his response by letter of March 6, 2006.

22. On April 4, 2006 Legal Aid staff sent an email to Mr. Brown which stated:

“Could you please forward to me a copy of your revised account of January 4, 2005. I have copies of both accounts but they have become mixed up (my fault entirely) and I am not sure which pages belong together.

Thanks so much. Apologies for my carelessness.”

23. Later that same day, Mr. Brown provided an unsigned copy of the revised account and received the following response from Legal Aid Staff:

“Thank you for providing the account. Payment is the responsibility of counsel June Koska. I have strongly suggested that she pay this account as billed. If this is not done I would suggest that this would be a matter for the Law Society.”

24. By letter dated April 6, 2006 addressed to Mr. Dumont, Ms. Koska advises:

“1. I expect payment of Dr. Brown’s legal account regarding the “A” Legal Aid billing shortly as I have been informed by Ms. Ann-Margaret Wall at Legal Aid Alberta that on April 6, 2006 the Exceptional Accounts Review Committee met and approved Dr. Brown’s account that he submitted for payment through my office, but did not pay the full amount submitted by Dr. Brown, and this is their final decision. I asked you to confirm with Dr. Brown (and you advised me you will) that he still agrees that he accepts payment of this submitted bill in the amount and terms that Legal Aid Alberta pays to my office. Upon your confirmation of same to me, and my receipt of such payment from Legal Aid Alberta, I undertake to pay same to Dr. Brown forthwith.

2. I asked you to confirm with Dr. Brown (and you advised that you will) that his balance on the “C” legal account is \$100.00. Upon your confirmation of the same to me, I undertake to pay same to Dr. Brown forthwith.

3. You advised me that you further will ask Dr. Brown if there are any other outstanding issues pertaining to the within matter, and you will advise me if there is anything further required from my office.”

25. In his testimony before the Hearing Committee Mr. Dumont said that he had not undertaken to confirm the matters described as such in Ms. Koska’s April 6, 2006 correspondence.

26. On the morning April 10, 2006, Mr. Dumont had three telephone conversations respecting the matter. In the first, Mr. Brown advised Mr. Dumont that he needed to know how much his legal aid account was being reduced. In the second, Mr. Dumont called Ms. Wall of Legal Aid and was advised that Ms. Koska had claimed for something in excess of tariff and that Legal Aid does not become involved in disputes between counsel and their agents. In the third call, Mr. Dumont telephoned Ms. Koska and informed her of his discussions with Mr. Brown and Anne Margaret Wall. He was informed, as had been stated in Ms. Koska's letter of April 6, 2006 that Ms. Koska was awaiting a letter from Legal Aid confirming their position on the accounts.

27. On April 10, 2006, Ms. Koska faxed to Mr. Dumont copies of correspondence from Legal Aid dated April 4, 2006, together with Ms. Koska's correspondence to Ms. Wall respecting the status of Mr. Brown's accounts.

28. On April 18, 2006, Mr. Dumont again called Mr. Brown. He then brought Ms. Koska in on the discussion via a conference call. He was advised that Ms. Koska was waiting for the Legal Aid cheque and that the cheque, when it came, would have an attachment giving a breakdown of what was allowed and what was disallowed.

29. On April 26, 2006, Mr. Dumont called Legal Aid and was informed that the cheques would be going out at the end of the month so that Ms. Koska could expect to receive her cheque sometime within the next week. Mr. Dumont then left a voice message for Ms. Koska to that effect and informed her he would be away until May 15, 2006.

30. The Legal Aid taxation summary dated April 4, 2006 shows that Mr. Brown's account was approved in the sum of \$288.35, inclusive of G.S.T. Those funds were received by Ms. Koska on May 4, 2006 but were not forwarded to Mr. Brown. When questioned by Law Society counsel Ms. Koska stated that she had not forwarded the \$288.35 to Mr. Brown as Mr. Brown had not confirmed that he would accept that amount in satisfaction of his account. She testified that she considered the Legal Aid approved amount of \$288.35 too low. Somewhat dramatically in the course of his testimony under cross-examination by Mr. Weir, Mr. Brown agreed to accept

the sum of \$764.35 in satisfaction of his Legal Aid agency account and a cheque in that amount was tendered to him.

31. On May 17, 2006, Mr. Brown wrote another inquiry letter to Ms. Koska. On June 7, 2006, Mr. Dumont asked for a copy of Ms. Koska's response to Mr. Brown's inquiry letter. On June 25, 2006, Mr. Dumont wrote Ms. Koska stating:

*"I note that you have not responded to my fax of June 7, 2006.
Please respond forthwith."*

32. On June 26, 2006, Mr. Brown wrote further particulars of his complaints to the Law Society, a copy of which was forwarded to Ms. Koska by registered letter dated June 29, 2006. Ms. Koska never picked up that letter from the post office.

33. By letter dated July 31, 2006, Mr. Brown advised the Law Society:

*"I note that Ms. Koska was paid at least 6 months ago by Legal Aid for the work I did as her agent 2.5 years ago. She has been holding money in trust for me since then, and I want it.
What are we going to do about this, finally?"*

34. On August 3, 2006, Mr. Dumont called Ms. Koska, however her voicemail box was full. He sent a letter that day informing her that he was referring the matter to a Conduct Committee Panel with recommendations that citations issue.

35. In respect of a fax dated August 18, 2006 from Ms. Koska to Mr. Dumont which was tendered in evidence to the Panel, Mr. Dumont testified he could not find the document within the records of the Law Society and had only seen it recent to the hearing date. Ms. Koska produced a fax transmission record which indicated that a one page transmission to the Law Society occurred at 3:04 a.m. on August 19, 2006. As Mr. Dumont had already referred the matter to a Conduct Committee Panel nothing turns upon this particular document.

V. SUBMISSIONS OF COUNSEL

36. In his submissions counsel for the Law Society agreed that the Law Society of Alberta is not a collection agency but rather the focus of the citations should be upon Ms. Koska's approach to her colleague Mr. Brown. With respect to citation #1, Mr. Penny pointed out that there was no formal retainer agreement and submitted that the problems with respect to delay in the payment of Mr. Brown's account respecting the taxation matter was entirely the making of Ms. Koska. Counsel acknowledged that in fact the account had been satisfied over time.

37. With respect to citation #2 concerning Mr. Brown's agency account, Law Society counsel described that conduct as more serious and submitted that Ms. Koska was at fault for the delay and that her conduct did not reach the standard appropriate for principled dealings with fellow members of the bar. He submitted that it was necessary for the Law Society to become involved in order to facilitate the process and that in any event, Ms. Koska should have paid the \$288.35 immediately upon receipt of those funds from the Legal Aid Society in May 2006.

38. With respect to citation #3, Law Society counsel submitted that Ms. Koska had an obligation to respond to Mr. Brown's inquiries in a timely manner. He submitted that Mr. Brown was owed a response to the letters that he had tendered to Ms. Koska and in particular the period of time before the Law Society was involved through the office of Mr. Wasel in April 2005.

39. With respect to citation #4, Mr. Penny submitted that there was a failure to respond in a timely fashion to the Section 53 correspondence of Mr. Dumont. He pointed out that Ms. Koska sought an extension after the deadline for a response had passed and that she missed the new deadline to respond. He submitted that her response of February 24, 2006 was not a complete response to Mr. Dumont's letter.

40. On behalf of the member and in relation to citation #1, Mr. Weir submitted that Ms. Koska promptly paid \$500.00 upon the submission of Mr. Brown's agency account, however, she was under the misapprehension that was enough to satisfy the account. When that turned out not to be the case, Ms. Koska arranged to pay the account over time. Mr. Weir submitted that it

was not a matter for the Law Society and that the Law Society was in fact finding itself used as a collection agency in this process.

41. With respect to citation #2, Mr. Weir submitted that Mr. Brown's original account was not tendered in accordance with the policies of the Legal Aid Society and it was excessive. He submitted that it was always understood that Mr. Brown would be paid when his accounts had been ultimately approved by Legal Aid. He submitted that the \$288.35 paid by Legal Aid in May 2006 was not tendered to Mr. Brown because it was at that time still a disputed amount and that it was only in the course of the hearing that Mr. Brown agreed to an amount to satisfy that account.

42. With respect to citation #3 and the allegations of failure to communicate with Mr. Brown, Mr. Weir pointed out that Ms. Koska had responded to Mr. Brown's September 28, 2004 letter and was critical of Mr. Brown having written 3 letters of inquiry in December 2004. Mr. Weir submitted that once Mr. Wasel became involved on behalf of the Law Society in the April 2005, all of Mr. Brown's and Mr. Wasel's questions were answered and there was nothing more to add to the matter until Legal Aid finally approved the accounts. Mr. Weir pointed out the missteps along the way including Mr. Brown's excessive account and Legal Aid losing documents and having to have the accounts resubmitted. Mr. Weir referred to certain aspects of these matters as a "comedy of errors".

43. With respect to the 4th citation and the allegations respecting failure to respond to the Law Society, Mr. Weir submitted that there was a series of correspondence and telephone calls involving Ms. Koska, Mr. Wasel and Mr. Dumont for more than a year and that the Law Society had been fully informed of the state of affairs. In essence he submitted that it would be unfair to Ms. Koska to sanction her because she did not fully summarize information the Law Society had already received from her in telephone calls and correspondence.

VI. *DECISION*

44. Chapter 8, Rule 3 of the Code of Professional Conduct states:

“A lawyer having personal responsibility for a financial commitment incurred in the business aspects of practice must ensure that such commitment is fulfilled unless there is reasonable justification for the lawyers failure to do so.”

CITATION #1

45. The Hearing Committee did not find conduct deserving of sanction. The Hearing Committee noted the lack of defined terms of payment respecting the taxation account. The account was rendered on February 21, 2004 and a payment in the amount of \$500.00 was tendered by Ms. Koska in April 2004. The Hearing Committee noted that Ms. Koska was in bankruptcy in 2004 and was dealing with the death of her husband in July 2004. A further payment of \$300.00 was made in May 2005. While there was apparently disagreement between Ms. Koska and Mr. Brown on whether or not the May 2005 payment had satisfied the account at that time, the Hearing Committee was of the view that the Law Society conduct process was not the appropriate forum for the resolution of that dispute.

CITATION #2

46. The Hearing Committee did not find conduct deserving of sanction. The Hearing Committee noted that Mr. Brown agreed with Ms. Koska that the mutual expectation was that his agency account would be paid once his account had been paid by Legal Aid. There was no evidence of expectation that Ms. Koska would be personally responsible for the account before it was paid by Legal Aid. Mr. Brown testified that he expected the accounts to be pursued with due diligence and that had he known the amount of time that would be involved in that process he would have required an interim payment from Ms. Koska. With the benefit of hindsight the Hearing Committee understands that position and indeed the frustration of Mr. Brown through the Legal Aid account approval process. That said, Mr. Brown's inexperience in tendering accounts of this nature and clerical errors by Legal Aid staff certainly added to the time and frustration of everyone involved. Ms. Koska had in her account the sum of \$288.35 owing to Mr. Brown from May 2006 to the day of the hearing. The Law Society's position was that those funds should have been promptly tendered to Mr. Brown. The Hearing Committee agrees. The

Hearing Committee was however of the view that in light of the apparent confusion throughout the Legal Aid accounting process, the differences between the amounts claimed by Mr. Brown and the actual amounts paid by Legal Aid, and the dispute between Mr. Brown and Ms. Koska, this aspect of concern did not reach the threshold of conduct deserving of sanction.

CITATION #3

47. Ms. Koska's conduct in this respect was of serious concern to the Hearing Committee. Chapter 4, Rule 5 of the Code of Professional Conduct states:

“A lawyer must be punctual in fulfilling commitments made to other lawyers and must respond on a timely basis to all communications from other lawyers that contemplate a reply.”

48. The Hearing Committee noted that the matter initially started with a misconception by Mr. Brown as described in his letter of September 28, 2004 in that he understood that the matter which he had provided agency services for was over and that Ms. Koska would be tendering her account. That was not the case and he was informed of that by her handwritten reply on his September 28, 2004 letter. While it was entirely appropriate for Mr. Brown to request an update by letter dated December 14, 2004 it does not add to the matter to have written follow up letters so soon thereafter on December 19 and 29, 2004. The Hearing Committee was of the view that Ms. Koska should have provided a response to the totality of Mr. Brown's December 2004 correspondence providing him the update to which he was entitled. As Ms. Koska did not respond, Mr. Brown was understandably frustrated, resulting in his correspondence of March 10 and 21, 2005 and the subsequent involvement of Mr. Wasel of the Law Society. Ultimately, Ms. Koska provided her response by telephone discussion and then by subsequent letter of May 27, 2005 to Mr. Wasel. The Hearing Committee was of the view that Mr. Brown was indeed owed the professional courtesy of a response to his correspondence before he felt obliged to involve the Law Society and the office of Mr. Wasel. The Hearing Committee noted that the initial response of the Law Society was to attempt to resolve the matter through the informal complaints process. The Hearing Committee expects that this matter could well have been resolved within the informal complaints process had there been a clearer understanding of the Legal Aid process and a clearer understanding of what had been agreed to by Mr. Brown and

Ms. Koska respecting his accounts. But for the other matters of confusion in this case the Hearing Committee was of the view that Ms. Koska's failure to promptly respond to Mr. Brown's December 2004 correspondence and before the involvement of the Law Society would have been either resolved through the informal complaints process or at worst been the subject of a Mandatory Conduct Advisory. In the circumstances, the Hearing Committee was not prepared to isolate this aspect from the overall case. In the result, we did not find conduct worthy of sanction.

CITATION #4

49. The Hearing Committee did not find conduct deserving of sanction. In light of the ongoing dialogue and correspondence between Ms. Koska, Mr. Wasel, Mr. Dumont and Mr. Brown, we are not prepared to say that there is conduct worthy of sanction. Ms. Koska's letter of May 27, 2005 to Mr. Wasel was a full and complete response to both of Mr. Brown's areas of concern and despite all of the events that occurred thereafter that response remained accurate and complete in the view of this Hearing Committee. From that point onward and despite the submissions of Mr. Penny the Hearing Committee was of the view that the Law Society, perhaps inadvertently found itself acting as the collection agency for Mr. Brown. There was in the view of this Hearing Committee no need for the continued involvement of the Law Society in this matter after May 27, 2005. Nevertheless, matters persisted to the point of Mr. Dumont's Section 53 letter of December 8, 2005. Mr. Dumont received a response respecting the Legal Aid matter on February 24, 2006 which in the view of this Hearing Committee was accurate and complete with respect to the Legal Aid matter. Mr. Dumont pointed out to the Hearing Committee that other aspects of the Section 53 letter were not addressed by Ms. Koska. The Hearing Committee however was of the view that the total effect of Ms. Koska's correspondence of December 16, 2005, January 9, 2006, January 10, 2006 and February 24, 2006 was that the Law Society was informed as to the status of matters respecting the Legal Aid account. To the extent that there were deficiencies in Ms. Koska's response they were addressed by way of the correspondence continued from March through August 2006.

In closing, while we did not find conduct worthy of sanction in this matter the Hearing Committee would not wish any aspect of this decision to be taken as being critical of either Mr.

Brown or the Law Society staff. This matter was replete with confusion and frustration from the outset, most of which we found to be as a result of a misunderstanding of the Legal Aid process and the time it would involve. In the end, Ms. Koska did not breach her agreement with Mr. Brown. In fact she paid him more than had been authorized by Legal Aid.

DATED this _____ day of _____, 2007.

Per: _____
P.R. MACK, Q.C. (Chair)

Per: _____
R.J. EVERARD, Q.C.

Per: _____
J.T. PROWSE, Q.C.