

**APPROVED PUBLIC MINUTES
OF THE FOUR HUNDRED AND SEVENTY-FIFTH MEETING
OF THE BENCHER BOARD OF THE LAW SOCIETY OF ALBERTA (LAW SOCIETY)
HELD AT THE LAW SOCIETY OFFICES
CALGARY, ALBERTA
FEBRUARY 4, 2016**

BENCHERS PRESENT:

James Eamon, QC, Outgoing President
Anne Kirker, QC, Incoming President
Gillian Marriott, QC, President-Elect
Robert Armstrong
Glen Buick
Arman Chak
Brett Code, QC
Donald Cranston, QC
Nancy Dilts, QC*
Robert Dunster
Dennis Edney, QC
Fred Fenwick, QC
Josh Hawkes, QC
Cal Johnson, QC
Adam Letourneau
Julie Lloyd
Kathleen Ryan, QC
Darlene Scott
Hugh Sommerville, QC
Kent Teskey
Amal Umar
Louise Wasylenko

REGRETS:

Sandra Corbett, QC
Sarah King-D'Souza, QC
Anthony Young, QC

EXECUTIVE LEADERSHIP TEAM:

Don Thompson, QC, Executive Director and
CEO
Elizabeth Osler, Deputy Executive Director and
Director, Regulation
Cori Ghitter, Director, Professionalism and
Policy
Andrew Norton, Director, Business Technology
Drew Thomson, Director, Corporate Services

SENIOR STAFF:

Ally Taylor, Manager, Communications
Ruth Corbett, Governance Administrator

SUPPORT STAFF:

Christine Schreuder, Governance Assistant

GUESTS AND OBSERVERS:

Nancy Carruthers, Acting Tribunal Counsel
Shabnam Datta, Policy Counsel*
Jennifer Freund, Policy Counsel*
Tina McKay, Manager, Membership Services*
Jeremiah Kowalchuk, Vice-President, CBA
Alberta Branch
Sandra Petersson, Executive Director, Alberta
Law Reform Institute ("ALRI")
Steve Raby, QC, Representative, Federation of
Law Societies of Canada ("Federation")
Jeff Hirsch, President of the Federation*
Philip Bryden, Deputy Minister, Justice and
Solicitor General*

**Secretary's Note: The arrival and/or departure of participants during the meeting are recorded in the body of these minutes. A flexible approach was taken to the order of business to accommodate guests.*

The public meeting was called to order at 9:00 a.m. on February 4, 2016.

1 Outgoing President's Remarks

James Eamon

The outgoing President's written report was circulated with the meeting materials. Mr. Eamon's final message as President of the Law Society follows:

My predecessor Kevin Feth, QC, observed last year that our profession is experiencing unprecedented change, driven by strong external forces: globalization, technology, competition law, labour mobility, public and judicial scrutiny, transparency requirements, and demands for innovation.

Canadian law societies' recognition of the changing landscape has impacted most of our regulatory framework. Over the years, changes have been made in many areas such as qualification standards, national mobility of lawyers, assessment of lawyers trained outside Canada, lawyer complaint and discipline proceedings, and continuing professional development requirements.

The Law Society of Alberta will continue to ensure that its regulatory processes and standards remain current, fair and defensible as the environment changes. The 2014 to 2016 Strategic Plan was designed to realize our vision and mission statement by achieving five strategic goals:

- be a model regulator which ensures high ethical standards and competence;*
- reinforce the confidence of the public and other stakeholders in the Law Society and profession;*
- uphold and preserve the principles of justice fundamental to a free and democratic society;*
- promote access to legal services and meaningfully contribute to access to justice discussions; and,*
- ensure the Law Society has the required organizational culture and capacity in place to achieve its goals.*

Achieving these goals led us to focus on enhanced lawyer competency, proactive risk and loss mitigation, and enhancing and modernizing business systems and processes. We made considerable investments to shift from the traditional reactive model of regulation to one that is much more proactive; to enhance our regulatory processes to meet or exceed the complaint and hearing goals in the National Disciplinary Standards; to modernize our business processes and technology to make it easier to do business with us and to make our internal work process more efficient; and, to better manage risk

by enhancing and modifying our insurance and assurance programs.

The Law Society also continued its work in key areas through developing proposals for innovating in the way we regulate, through entity regulation and alternative business structures, providing support for law reform and legal aid services, and pursuing access to justice initiatives such as supporting Pro Bono Law Alberta and participating in the Reforming Family Justice Initiative.

The Law Society continues to be a strong supporter of the Federation of Law Societies of Canada. Two important national matters are on the horizon and deserve mention. The 2015 report of the Truth and Reconciliation Commission includes calls to action by the legal profession. The efforts by legal regulators to address them started almost immediately and will be an important part of completing the reconciliation process necessitated by the residential schools era. I expect the Law Society of Alberta will seek the Federation's ongoing participation in this important work.

A proposed national approach to entry level assessment, representing the next step in the National Admission Standards project, was recently presented to legal regulators. In November 2015 the Benchers committed to continuing to work with other Canadian law societies to develop a detailed plan of how we will carry out a common national qualifying assessment system for admission to the legal profession in Canada.

The project for a national approach to admission standards began in 2009. In recent years, regulators implemented national standards for Canadian common law degree programs. In 2013, law societies adopted the National Competency Profile, which describes the competencies required of new lawyers and Quebec notaries.

The current phase of the project will facilitate a discussion among law societies about how best to assess the competencies in the National Competency Profile. Consultation with stakeholders will be included should the project proceed.

All these changes are directed at protecting the core values of our professional regulation, including ensuring that the legal profession continues to be independently regulated and that the public's confidence in the legal profession is maintained. These values are fundamental to ensuring the collective and individual public trust that is needed for lawyers to continue discharging their unique and fundamental role in our Canadian democracy.

This important work of the Law Society will be well served by our incoming President, Anne Kirker QC, and President-Elect Gillian Marriott, QC.

It was an honour to serve the public as a Bencher and as President of the Law Society. I express my sincere appreciation and thanks to the Benchers, Law Society management and staff, our numerous justice partners, and the legal profession for their participation in the Law Society's vision.

The Benchers applauded Mr. Eamon as he left the meeting.

2 Incoming President's Remarks

Anne Kirker

Ms. Kirker, President, welcomed incoming Bencher, Josh Hawkes, QC, Sandra Petersson, Executive Director, ALRI, and Jeff Hirsch, President, Council of the Federation, to the meeting.

A summary of the President's inaugural address to the Benchers follows:

Change is continuing and constant, challenging and pushing us, and change plays a role in everything we do. It is inevitable, achieved incrementally, and almost always imperfect. Mr. Eamon's words on the topic of inevitable change and the continuing evolution of regulatory processes and standards bears repeating. The Law Society always has and will continue to rise to the challenges.

In recent years the Law Society has addressed the need for and implemented change on many fronts including national mobility, admission standards, continuing professional development, proactive intervention and remediation, trust safety, complaint and discipline processes, compensation programs, access to justice, and organizational culture and capacity.

Looking ahead, the changes facing the Law Society that must be addressed include innovating the delivery of legal services, maintaining high ethical standards and competence, preserving the public trust in the fundamental role lawyers play in the administration of justice, enhancing our governance model, and considering how to open and reconcile the Legal Profession Act (Act) with all that has been and needs to be done.

A Strategic Planning Task Force has been struck to work with management to carry out the pre-Board work that will ensure that the Benchers have the information required to set the next phase of the Law Society's path. The Law Society's vision, mission, values and operating principles will continue to anchor us as we take another look at what it means to be a model regulator and a leader among regulators, and how we instil public confidence in the legal profession and the Law Society, and the related and sometimes competing questions about how to promote access to legal services and uphold the principles of justice fundamental to a democratic society. We will keep a firm eye on organizational capacity and the strategic use of limited resources, and will continue to coordinate with our colleagues across the country through our work with the Federation.

I hope that everyone will continue to work together to preserve the culture of governance excellence. We must show respect for each other and for our colleagues in the profession and the community if we are to earn their respect in return. Benchers must work every day to build and preserve trust in one another and with Law Society

management and staff because trust is the conduit to creativity.

Because change is incremental, all of the work that is underway must continue. In the Law Society's continuing evolution the Benchers look to management and staff to continue the important work they are doing and to keep the Board informed about progress, opportunities and risks they are so well-situated to identify. The creation of a master calendar and action-tracking tool to monitor the progress of Board and staff initiatives is underway. In the coming months this will include welcoming the new, expanded pool of adjudicators, enhancing adjudicator training, refining the work of the Tribunal Office, improving guidelines, business processes, and strategic communications, implementing the Trust Transaction Fee, refining the Trust Safety program, participating in the government's review of Legal Aid, consulting with the profession about entity regulation and alternative business structures, gathering information required to action the Truth and Reconciliation Commission recommendations, and continuing retention and re-engagement work.

We look to our colleagues on pre-Board and adjudicative committees and task forces, and to our liaisons to do some heavy lifting as well. Adjudicative bodies will discharge the various decision-making obligations set out in the Act and the Rules, identifying areas for improvement and policy issues to be addressed along the way. Pre-Board committees and task forces will study the most pressing issues to be considered by the Benchers in order to lay the necessary groundwork and identify the options to assist the Benchers in making informed strategic decisions. We must move ahead together with focus and determination, trust and creativity, humility and humour. There is a lot to accomplish, one incremental step at a time.

The Benchers welcome their new President through a round of applause.

3, 4, and 5 Approval of Items on the Consent Agenda

Anne Kirker

Documentation for items 3, 4, and 5 was circulated with the meeting materials. The items were approved concurrently.

MOTIONS: Letourneau/Ryan

- 1. To accept the resignation of James Eamon, QC as a Bencher of the Law Society of Alberta; and
To appoint Josh Hawkes, QC, as a Bencher of the Law Society of Alberta to fill the vacancy created by the resignation of James Eamon.**
- 2. To schedule the 2016 Annual General Meeting of the Law Society of Alberta at 4:00 p.m. on Thursday, April 7, 2016 in Edmonton.**
- 3. To re-appoint PricewaterhouseCoopers as the external auditors for the Law Society's fiscal year ending December 31, 2016 subject to satisfactory terms of engagement including price, limitation of liability, extent of liability and confidentiality provisions to be determined prior to the commencement**

of the 2016 audit. To further recommend that the next Audit and Finance committee consider a request for proposals from audit firms for fiscal years subsequent to 2016 in conjunction with the ALIEX Advisory Board as appropriate.

Carried

**6 Rule Amendments for the Implementation
of the New Committee Structure**

Cal Johnson, Chair,
Governance Committee

Documentation for this item was circulated with the meeting materials. Mr. Johnson provided a summary of the Governance Committee's process leading to recommendations for a new committee structure, which were approved at the November 26, 2015 Board meeting. The new structure is intended to improve consistency across committees and align with the organizational structure of the Law Society. The proposed Rule amendments are required in order to implement the new committee structure.

Policy counsel summarized the substantive and consequential Rule amendments, including: the repeal of three Rules necessary to decommission the Professional Responsibility Committee, the Unauthorized Practice of Law committee, and the Communications Committee; and amendments required to separate the administrative and adjudicative functions of the Credentials and Education (C&E) Committee and merge the Audit Committee and the Budget and Financial Affairs Committee (BFAC) into the new Audit and Finance (A&F) Committee. A new Policy Committee will be responsible for all policy work including Code amendments previously done by the Professional Responsibility Committee.

The Board discussed the following:

- The addition of a Rule requiring all members of the Audit and Finance Committee to be financially literate raised questions about how this skill would be assessed and the suggestion that financial inexperience should not be a barrier to appointment because this skill can be taught and would develop with experience. Management advised that the Rule was drafted to align with national standards for audit committees which do provide for the appointment of members who are not financially literate providing they are educated to read and understand a set of financial statements within a reasonable period of time.
- The rationale for the Rule 49 amendment to replace the C&E Committee with the Executive Director for specifying the articling period is to address delays in the process for articling recruitment. Consultation will take place to determine expectations in the market place before dates are defined for articling recruitment periods.
- The language in Rule 35.2 (1), providing the responsibility for general oversight of financial affairs to the A&F Committee, was questioned, particularly whether

this constituted a complete delegation of the Board's authority and a topic requiring further discussion. It was confirmed that the language is the same as that used in the current Rules to describe BFAC's role. The language reflects the extensive amount of work required at the committee level to prepare the budget for Board review and approval. It was noted as well that the budget process includes an early opportunity for Benchers to review and comment on the budget at a special Board meeting prior to approval of the final budget.

MOTION: Johnson/Cranston

1. To repeal Rules 29, 30, 31, rules 36, 37.1, 37.2 and 38; and
2. To amend Rules 49.1, 35, 35.1, 35.2, 35.3, 35.4, 35.5, 35.6, 22 (3), 98 (3), 99 (1)(b), 99 (1)(f), 99 (3), 102 (1)(c), 102 (1)(h), 102 (2), 159.7 (4), 162 (1)(a), and 170 (2) as set out in Appendix A of Tab 6 of the public meeting materials.

Carried

The President thanked Mr. Johnson and Ms. Freund who was instrumental in drafting the amendments.

7 2016 Committees, Task Forces, and Liaisons

Anne Kirker

Documentation for this item was circulated with the meeting materials. The Nominating Committee finalized its work over a series of meetings during December and January. The draft Bencher and volunteer assignment chart was circulated to the Benchers on January 22, 2016 together with a memo laying out the process the Nominating Committee followed. The President thanked the Benchers for their feedback and suggestions which were incorporated into the final document.

MOTION: Cranston/Scott

1. To appoint the 2016 committees, task forces, liaisons and "other body" representatives set out in the attached 2016 Assignment Chart; and
2. To continue the terms of appointment for any person on a 2015 committee involved in any ongoing adjudicative matter until such time as a report or decision is rendered on the matter in which they are involved.

Carried

8 Rule Amendments

Cori Ghitter/Jennifer Freund

The documents for three separate Rule amendment proposals were circulated with the meeting materials. Following the Board's discussion on each proposal the Rule amendments were approved concurrently.

8.1 Continuing Professional Development (CPD)

At the September 2015 Benchers Board meeting, Rule 67.2 was amended to clarify the timing of the CPD plan. Following an external review of the wording, the need for further clarification regarding the form of the CPD plan in conjunction with the CPD declaration was identified. The amendments will ensure that both the plan and the declaration are in a form acceptable to the Executive Director and will allow the Law Society to require all members to use the Law Society template for development of CPD plans.

8.2 Disclosure of Business Contact Information

The Law Society continues improving the Lawyer Directory. To date, no email addresses have been published in the Lawyer Directory as the Rules do not include email as part of the business contact information that is publicly released.

This amendment is to improve and update the current Lawyer Directory to include email as part of business contact information within the Rules. This will permit the Law Society to publish email addresses, of either a firm or business or of an individual lawyer, in the new Lawyer Directory. Within the online lawyer portal, lawyers can choose and prioritize the contact information they would like published.

8.3 Streamlined Reinstatement Process for Administrative Suspensions

The proposed Rule amendments will streamline and simplify the reinstatement process for lawyers who are administratively suspended for non-payment of fees. The main changes are the amendments to Rule 165 and the addition of a new Rule (165.1) setting out the suspension and reinstatement process.

The new process has a reduced fee for administrative rules suspension reinstatements and the reinstatement process will be automated and instantaneous through the use of the online lawyer portal, rather than an application form, reducing costs and time for both lawyers and the Law Society. This reduced fee and simplified process is consistent with practices in other Canadian provinces.

MOTION: Armstrong/Sommerville

- 1. To amend rule 67.2 as set out in the document in Tab 8.1 of the public meeting materials;**
- 2. To amend rule 45.1 as set out in the document in Tab 8.2 of the public meeting materials; and**
- 3. To add new rule 165.1 and amend rules 79, 163, 164, 164.1, 165, 147, 148, 149.2, 149.3, 115, and 167, as set out in the document in Tab 8.3 of the public meeting materials.**

Carried

Ms. McKay left the meeting.

This Policy Inventory Update was circulated with the meeting materials. The document is produced and maintained by the internal Rules and Guidelines Working Committee and will assist the new Policy Committee with prioritizing policy work.

10 Agenda Item 12: Strategic Planning Process and Timing

Don Thompson

The Executive Director provided a high level overview of the strategic planning process for the development of the Law Society's 3-year Strategic Plan for 2017-2020. The Board is responsible for setting the Law Society's direction and approving the Strategic Plan and Benchers engagement in the process is required. Management will research relevant background information, conduct an environmental scan, review existing long and short term work on the table, and identify issues. A planning session for the full Board will take place at the April Benchers meeting, to discuss these findings and identify major issues, trends, and themes. The new Board Strategic Planning Task Force will then provide direction and oversight of the process, and collaborate with management to document key themes emerging from the Benchers planning session. Resource requirements and financial consequences will be determined by management and reviewed with the Task Force, with the goal to present the draft Strategic Plan to the Board in the fall of 2016.

It is expected that changes to the current strategic direction will be incremental, particularly given the amount of core work that is required to be done. There is room for discussion about perspective, particularly the extent to which the Strategic Plan could become consumer-centric as opposed to institution-centric.

11 Agenda Item 13: Adjudicator Training Program Status Report
Anne Kirker/
Nancy Carruthers

Ms. Carruthers provided an oral presentation on the adjudicator training program to the Board, highlighting the following:

- The Tribunal Office is working with adult education training consultants, Evolution New Media, on the development of a training program tailored specifically to the Law Society's needs. The program will be for all adjudicators, including Benchers and former Benchers.
- The program will align with ongoing Federation initiatives and will meet Standard 20 of the National Discipline Standards for ongoing training for adjudicators and annual refresher training. Ms. Carruthers is part of the Federation's Adjudication Training Working Group which provides advice on National Discipline Standards. Development of the program is guided by the Federation's initiative, which included canvassing law societies to determine how others are training

adjudicators, what adjudicators feel they need to know, and the knowledge and attitude skills required for excellence in adjudication. Key findings indicate that decision-making processes, decision writing, evidentiary issues, administrative law, principles, and hearing management, are perceived to be most important.

- The program will utilize the Desire2Learn (“D2L”) web-based platform and existing resources will be employed to organize the information into a series of topics and modules with learning objectives for on-line, self-directed learning. Presentations from subject matter experts, Mr. Casey and Mr. Jones, will be available for on-line on-demand viewing.
- Topics in the on-line course will include getting started, administrative law principles, conduct processes, contested/uncontested hearings, evidentiary rules, bias, tribunal member conduct, credibility, sanctions, decision-making and decision writing, and video/audio presentations. Instruction modules on using the D2P program and how to access hearing materials will be provided as well.
- At the end of the training module participants will be presented with knowledge-testing questions and other on-line activities.
- Face-to-face training workshops will take place in Calgary and Edmonton in spring and fall of 2016, providing an opportunity for Benchers and new and continuing adjudicators to meet and work together in an interactive way. Topics will include the hearing process, requirement for reasons, scenarios, discussions on the decision template and what makes an effective caucus. There will be group discussions about the rationale for the findings of the mock hearing, role play, group decision-writing, facilitated feedback and coaching.
- The use of the D2P program could be expanded for other purposes such as Bencher orientation, staff orientation, and other adjudicative committees.
- Benchers were invited to contact the Tribunal Office with their feedback, ideas and suggestions on the training program. As well, in advance of launching the training program, a pilot group of Benchers and non-Bencher adjudicators will be invited to test drive the program and provide feedback.
- Although the Federation is developing a curriculum and other law societies have programs in place, very little material is available on adjudicator training. It is hoped that interest in the Law Society’s program will provide opportunities to share and exchange information.

The President thanked Ms. Carruthers and her team for their hard work. Information about other Tribunal Office services will be provided to the Benchers at the next Board meeting.

12 Agenda Item 14: A2J

Anthony Young

This report was circulated with the Agenda for information.

13 Agenda Item 15: Conduct Committee Report

Gillian Marriott

This report was circulated with the Agenda for information.

14 Agenda Item 16: Credentials and Education (C&E) Committee Report

Anthony Young

This report was circulated with the Agenda for information.

15 Agenda Item 17: Joint Library Review Committee (JLC) Report

Sarah King D'Souza

This report was circulated with the Agenda for information.

16 Agenda Item 18: Practice Review Committee Report

Kathleen Ryan

This report was circulated with the Agenda for information.

17 Agenda Item 19: Professional Responsibility Committee Report

Brett Code

This report was circulated with the Agenda for information.

18 Agenda Item 20: Real Estate Practice Advisory Committee Report

Darlene Scott

This report was circulated with the Agenda for information.

19 Agenda Item 21: Trust Safety Committee Report

Adam Letourneau

This report was circulated with the Agenda for information.

20 Agenda Item 22: Alberta Law Foundation Report

Anthony Young

This report was circulated with the Agenda for information.

21 Agenda Item 13: Alberta Law Reform Institute Report

Sandra Petersson

This report was circulated with the Agenda for information.

22 Agenda Item 24: Alberta Lawyers' Assistance Society Report

Julie Lloyd

This report was circulated with the Agenda for information.

23 Agenda Item 25: Canadian Bar Association Report

Jeremiah Kowalchuk

This report was circulated with the Agenda for information.

24 Agenda Item 26: Federation Report

Steve Raby

This report was circulated with the Agenda for information.

25 Agenda Item 27: LESA Report

Jennifer Flynn

This report was circulated with the Agenda for information.

26 Agenda Item 29: Pro Bono Law Alberta Report

Robert Dunster

This report was circulated with the Agenda for information.

27 Agenda Item 9: Greetings from the Federation

Jeff Hirsch

The President introduced Mr. Hirsch, President of the Federation. Mr. Hirsch included the following in his remarks:

- The Law Society of Alberta has consistently demonstrated national leadership, notably through correspondence from Law Society presidents, including Mr. Eamon, to other law societies reminding them of the value proposition for legal regulators to join forces under the umbrella of the Federation for the greater public good. The Federation is the vehicle for national conversations and collaboration, and exists because law societies have agreed it should serve this role. Federation successes are achieved through the commitment of time and energy of individuals from every law society to this national work.
- Law society achievements through the Federation include: national mobility protocols, model code of professional code of conduct, national discipline standards, national competency profile for admission to the Bar, CanLII, evaluation of existing and proposed law school programs, and evaluation of the credentials of internationally trained lawyers.
- Mr. Hirsch commended Mr. Raby for his roles as the Law Society's representative on the Federation Council, Standing Committee for the Model Code of Conduct, Common-Law Program Approval Committee, the Governance

Committee and as the new chair of the Federation's Audit and Finance Committee. Mr. Hirsch publicly thanked Mr. Raby for his continuing efforts and commitment.

- Mr. Hirsch also recognised Mr. Thompson as a driving force in the Federation and a visionary in the world of legal regulation in Canada. His leadership of the National Admission Standards project was noted, as well as his deputizing of colleagues to the benefit of the Federation. Mr. Hirsch thanked Elizabeth Osler, Cori Ghitter, Ross McLeod, Nancy Carruthers, and Ally Taylor for their contributions.
- The Federation's governance review findings have reminded Federation personnel of the importance of delivering the value required by law societies. Insights include how provincial and territorial autonomous law societies can come together in the public interest and successfully collaborate on national projects.
- Mr. Hirsch committed to being present and accountable to ensure good communications and relationships continue. He encouraged Benchers to visit the Federation website, to call or email him personally, and to stay engaged in the national vision.

The Board's questions, comments and discussion focused on the Truth and Reconciliation Commission (TRC) recommendations, particularly:

- The Federation spent time on the TRC recommendations and report at a recent conference. The Federation's National Requirements Review Committee is looking at law program requirements, including how to address TRC recommendations 27 and 28 from a national perspective. This is something that will take shape during the coming year and it is hoped that there will be coordination through the Federation.
- Different perceptions of the role of the Federation can create a tension as to how the Federation deals with things; however, the expectation that the Federation deal with and lead on certain issues for the benefit of all law societies was noted as well and the TRC is a valuable opportunity to take a national, collaborative approach.
- It is important to work out how to implement the TRC recommendations and it was suggested that diversity measures and education should be an important part of the Federation's mandate.
- The discussion demonstrated an appetite around the Board table to lead and support the Federation in coordinating and harmonizing national action on the TRC recommendations. The Board requested that the Federation proceed with coordination of national and local initiatives to action the TRC recommendations as a priority.

The President and Benchers thanked Mr. Hirsch for his remarks.

Mr. Hirsch, Ms. Freund, and Ms. Datta left the meeting.

Secretary's Note: at this point in the proceedings, the President adjourned the public meeting and the Board went in camera at 12:30 p.m. following the lunch break. At 1:50 p.m. the President reconvened the public meeting.

Ms. Dilts joined the meeting.

28 Agenda Item 10: Remarks from the Deputy Minister of Justice and Deputy Solicitor General

Philip Bryden

The President welcomed Deputy Minister Bryden to the meeting. Deputy Minister Bryden opened his remarks by congratulating Ms. Kirker on her new role as President. Mr. Bryden acknowledged Mr. James Eamon's dedication and many contributions to the Law Society, the province and people of Alberta, and the legal profession. Mr. Bryden talked to the Benchers on the topics of Legal Aid, Lay Bencher appointments, and the QC process.

Legal Aid Alberta (LAA)

- The objective of the ministry-led review of Legal Aid is to develop a system that will provide the best possible coverage for low income Albertans within an affordable funding envelope. The government understands the importance of A2J and the criminal justice process and best possible coverage is a primary objective; however, the government does not believe that A2J issues can be solved through Legal Aid alone. Improving the system within constrained resources will require trade-offs and affordability needs to be discussed.
- Legal Aid proposed more of a stakeholder-led review. The government considered the format of the review seriously; however, given the number of large public consultations already underway (climate change and royalties) it was decided not to conduct a broad public consultation on Legal Aid but to create a format that still allows for a robust conversation in a timely fashion and ensures consumer perspectives are gathered and considered.
- The Law Society and Legal Aid, as partners with the government in the current Legal Aid Governance Agreement, have a special role in the review and input from both organizations will be considered seriously as the government refines its approach.
- The scope of the review will include looking at affordability, eligibility, how to create a system that replaces the need for court-ordered counsel, the delivery model, governance, and accountability.
- The approach to the review is open-minded with a serious interest in submissions which will inform the final recommendation to cabinet. Whether to continue the current arrangement or implement a statutory model is expected to be part of the conversation.
- Corporate internal audit services will be utilized to gather information from Legal Aid for the purpose of developing reasonable models for the cost of services which will inform the recommendations to cabinet. Solicitor-client privilege issues

are recognized and solutions will be explored to ensure the independence of Legal Aid Alberta and privilege are not compromised. The purpose of the audit is to model the costs. The format of the audit will be determined between the auditors and Legal Aid.

- Cross-jurisdictional research will be conducted and shared with the Law Society and Legal Aid to ensure everyone has a full understanding of the different models in place and potential challenges.
- The format for stakeholder consultations will include written submissions and discussions. There will be focus groups with clients and the Deputy Minister will be personally involved in some key stakeholder discussions. The group of people who were not afforded Legal Aid opportunities is of interest and ways will be found to include this group in the consultation.
- The timeline for the review is planned around having draft recommendations by early May 2016 for review with the Law Society and Legal Aid, prior to the final report going to cabinet.
- Questions were asked about whether cabinet will aspire to establish an appropriate, functional and sustainable Legal Aid system and also consider what system can be achieved during the economic downturn. The extent to which the findings will be made public was discussed as well. Mr. Bryden advised the Board that the government wants to do right by the citizens of Alberta; however, choices will be difficult. How the choices will be framed and communicated to Albertans has not yet been decided.

Lay Benchers Appointments

The Deputy Minister expressed his appreciation for the Board's patience throughout the process for the most recent Lay Benchers appointment. The new government's interest in reviewing appointment processes to ensure they are appropriate and robust is challenging; however, progress is being made and more predictable timelines are anticipated this year.

QC Process

The QC process was delayed this year and less QC's have been awarded than usual. The work of the selection committee was important and the selection process was robust. Mr. Bryden thanked those who participated on the selection committee.

Cabinet has requested a review of the QC process, to include looking at practices in other provinces and around the world. The Law Society will be consulted on the findings.

29 Other Business

Anne Kirker

There being no further business the President adjourned the February 4, 2016 public meeting at 2:30 p.m. and the Board returned to the *in camera* meeting.