

# **The Alberta Lawyers Insurance Exchange**

Financial Statements  
**December 31, 2015**



February 26, 2016

## **Independent Auditor's Report**

### **To the Directors of the Alberta Lawyers Insurance Exchange**

We have audited the accompanying financial statements of the Alberta Lawyers Insurance Exchange, which comprise the statement of financial position as at December 31, 2015 and the statements of net and comprehensive income and changes in equity and cash flows for the year then ended, and the related notes, which comprise a summary of significant accounting policies and other explanatory information.

#### **Management's responsibility for the financial statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### **Opinion**

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Alberta Lawyers Insurance Exchange as at December 31, 2015 and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

*PricewaterhouseCoopers LLP*

**Chartered Professional Accountants**

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"PwC" refers to PricewaterhouseCoopers LLP, an Ontario limited liability partnership.

# The Alberta Lawyers Insurance Exchange

## Statement of financial position

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|  | December 31,<br>2015<br>\$ | December 31,<br>2014<br>\$ |
|--|----------------------------|----------------------------|
| <b>Assets</b>  |                            |                            |
| Cash and cash equivalents (note 2)                                       | 137,554                    | 865,196                    |
| Investments (note 3)   | 12,343,529                 | 7,890,251                  |
| Prepaid expenses   | 163,350                    | 120,000                    |
| Deferred premium tax   | 61,500                     | -                          |
| Accrued interest receivable  | 28,051                     | 19,403                     |
| Accounts receivable  | -                          | 69                         |
|  | <hr/>                      | <hr/>                      |
| Total assets   | 12,733,984                 | 8,894,919                  |
| <b>Liabilities and Equity</b>  |                            |                            |
| Accounts payable and accrued liabilities                                 | 177,160                    | 101,548                    |
| Unearned premiums  | 2,050,000                  | 1,984,925                  |
| Provision for claims and related costs – Professional liability (note 5) | 3,379,000                  | 1,190,000                  |
| Provision for claims and related costs – Trust safety (note 5)           | 200,000                    | -                          |
|  | <hr/>                      | <hr/>                      |
| Total liabilities  | 5,806,160                  | 3,276,473                  |
| <b>Equity</b>  |                            |                            |
| Contributed capital (note 4)   | 5,000,000                  | 5,000,000                  |
| Retained earnings  | 1,927,824                  | 618,446                    |
|  | <hr/>                      | <hr/>                      |
| Total equity   | 6,927,824                  | 5,618,446                  |
|  | <hr/>                      | <hr/>                      |
| Total liabilities and equity   | 12,733,984                 | 8,894,919                  |

Approved by the Advisory Board

Original signed by S. Raby, QC

Director

Original signed by D. McKenzie

Director

The accompanying notes are an integral part of the financial statements.

# The Alberta Lawyers Insurance Exchange

Statement of net and comprehensive income and changes in equity  
For the year ended December 31, 2015

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|  | December 31,<br>2015<br>\$ | July 1, 2014 to<br>December 31,<br>2014<br>\$ |
|--|----------------------------|---|
| <b>Revenue</b>   |                            |   |
| Premium - Professional liability   | 3,734,925                  | 1,984,925                                     |
| Premium - Trust safety   | 300,000                    | -   |
| Premium ceded  | (283,350)                  | (120,000)                                     |
| Net premium  | 3,751,575                  | 1,864,925                                     |
| Investment income  | 332,341                    | 104,620                                       |
| Unrealized gain on fair market value of investments                      | 127,844                    | 42,071  |
|  | <u>4,211,760</u>           | <u>2,011,616</u>                              |
| <b>Expenses</b>  |                            |   |
| Provision for claims and related costs - Professional liability (note 5) | 2,189,000                  | 1,190,000                                     |
| Provision for claims and related costs - Trust safety (note 5)           | 200,000                    | -   |
| Management fee (note 6)  | 200,000                    | 100,000                                       |
| Premium taxes  | 119,677                    | 59,548  |
| Professional fees  | 154,328                    | 40,000  |
| Investment counsel fee   | 25,567                     | 2,000   |
| Administration   | 13,810                     | 1,622   |
|  | <u>2,902,382</u>           | <u>1,393,170</u>                              |
| <b>Net and comprehensive income</b>                                      | 1,309,378                  | 618,446                                       |
| <b>Total equity – beginning of period</b>                                | <u>5,618,446</u>           | <u>5,000,000</u>                              |
| <b>Total equity – end of period</b>                                      | <u>6,927,824</u>           | <u>5,618,446</u>                              |

The accompanying notes are an integral part of the financial statements.

# The Alberta Lawyers Insurance Exchange

## Statement of Cash Flows

For the year ended December 31, 2015

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|   | December 31,<br>2015<br>\$ | July 1, 2014 to<br>December 31,<br>2014<br>\$ |
|---|----------------------------|---|
| <b>Cash provided by (used in)</b>                               |                            |   |
| <b>Operating activities</b>                                     |                            |   |
| Net comprehensive income for the period                         | 1,309,378                  | 618,446                                       |
| Items not affecting cash  |                            |   |
| Gain on sale of investments                                     | (65,865)                   | -   |
| Unrealized gain on fair market value of investments             | (127,844)                  | (42,071)                                      |
| Provision for claims and related costs – Professional liability | 2,189,000                  | 1,190,000                                     |
| Provision for claims and related costs - Trust safety           | 200,000                    | -   |
|   | <u>3,504,669</u>           | <u>1,766,375</u>                              |
| Changes in non-cash working capital items                       | <u>27,258</u>              | <u>1,947,000</u>                              |
|   | <u>3,531,927</u>           | <u>3,713,375</u>                              |
| <b>Investing activities</b>                                     |                            |   |
| Sale of investments   | 16,662,240                 | 5,522,842                                     |
| Purchase of investments   | <u>(20,921,809)</u>        | <u>(13,371,021)</u>                           |
|   | <u>(4,259,569)</u>         | <u>(7,848,179)</u>                            |
| <b>Financing activities</b>                                     |                            |   |
| Change in capital contribution                                  | <u>-</u>                   | <u>5,000,000</u>                              |
| <b>Increase (decrease) in cash</b>                              | <u>(727,642)</u>           | <u>865,196</u>                                |
| <b>Cash – beginning of year</b>                                 | <u>865,196</u>             | <u>-</u>                                      |
| <b>Cash – end of year</b>                                       | <u>137,554</u>             | <u>865,196</u>                                |
| Interest received   | 151,569                    | 23,010  |

The accompanying notes are an integral part of the financial statements.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## 1 Nature of operations

The Alberta Lawyers Insurance Exchange (the Exchange) is a reciprocal insurance exchange pursuant to the Province of Alberta's Insurance Act (the Act) formed in accordance with a Subscribers Agreement dated May 14, 2014 among the Law Society of Alberta (the Society), the Alberta Lawyers Insurance Association (the Association), and active members of the Society in private practice (insured lawyers). The Exchange underwrites coverage under the Alberta Lawyers' Professional Liability and Trust Safety Insurance Group Policy (the Policy). The Exchange commenced operations on July 1, 2014.

### Professional Liability Insurance

Under the Professional Liability Insurance section (or Part A) of the Policy, insured lawyers have coverage for claims and potential claims arising from negligent acts, errors or omissions for \$1,000,000 per occurrence, with an annual aggregate limit of \$2,000,000 per insured lawyer.

For the 2015 and 2016 policy years, the Exchange and Association have obtained stop-loss reinsurance in the amount of \$10,000,000 to cover annual aggregate payments over \$26,000,000 to a maximum of \$36,000,000. This \$10,000,000 coverage layer is co-insured with the reinsurer paying 80% of losses and the Association paying 20%.

### Trust Safety Insurance

Effective July 1, 2014, the Trust Safety Insurance section (or Part B) of the Policy provides defined insurance coverage for dishonest appropriation of money or other property entrusted to and received by insured lawyers in their capacity as barristers and solicitors and in relation to the provision of professional services. For the 2015 and 2016 policy years, there is a \$5,000,000 per misappropriation limit and a \$25,000,000 profession-wide annual aggregate limit. This coverage is subject to a \$3,000,000 group deductible with the Association paying the first \$500,000 of a misappropriation claim and the Exchange paying the next \$2,500,000.

For the 2015 and 2016 policy years, the Exchange and the Association have purchased excess insurance in the amount of \$22,000,000 to cover aggregate payments over \$3,000,000.

Claims for trust misappropriation arising before July 1, 2014 were covered under the provisions of the Society's Assurance Fund.

### General

The Exchange is licensed in Alberta and regulated by the Superintendent of Insurance of Alberta (the Superintendent) and subject to the Act and its regulations. The Exchange is an entity domiciled in Canada and the address of its registered office is Suite 500, 919 11th avenue, SW, Calgary, Alberta, T2R 1P3.

The financial statements were authorized for issue by the Advisory Board of the Exchange on February 25, 2016.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## 2 Summary of significant accounting policies

The principal accounting policies applied in the presentation of these financial statements are set out below. These policies have been consistently applied to the periods presented.

### a) Basis of preparation

These financial statements have been prepared in accordance with the International Financial Reporting Standards (IFRS). The financial statements have been prepared under the historical cost convention, except for the valuation of certain financial instruments at fair value through profit and loss.

As a financial services company, the statement of financial position is presented on a non-classified basis. Assets expected to be realized and liabilities expected to be settled within the Exchange's normal operating cycle of one year would typically be considered as current, including the following balances: cash and cash equivalents, treasury bills included in investments, prepaid expenses, accrued interest receivable, accounts receivable, accounts payable and accrued liabilities, and unearned premiums.

The following balances are generally comprised of current and non-current amounts: bonds and equity investments included in investments, and the reserve for claims and related costs. The current and non-current portions of such balances are disclosed, where applicable, throughout the notes to the financial statements.

### b) Use of estimates and judgment

The preparation of the financial statements in conformity with IFRS requires management to make estimates and assumptions that affect the reported amount of assets and liabilities as at the date of the financial statements and the reported amounts of revenue and expenses during the reporting periods. Actual results could differ from these estimates.

Information about judgments, estimates and assumptions that have the most significant effect on the amounts reflected in the financial statements is included in note 6 – Reserve for claims and related costs.

### c) Functional and presentation currency

The financial statements are presented in Canadian dollars, which is also the Exchange's functional currency.

### d) Financial instruments

The Exchange initially measures financial assets and financial liabilities at cost. It subsequently measures its investments at fair value. The financial assets subsequently measured at amortized cost include cash and cash equivalents, accounts receivable and accrued interest receivable. The financial liabilities subsequently recorded at amortized cost include accounts payable and accrued liabilities.

The Exchange's investments consist of equity securities, corporate bonds, provincial government bonds and federal government bonds. Investments in equity securities which are traded on active markets are recorded at fair value. The Exchange has elected to record the investments in corporate bonds, provincial government bonds and federal government bonds at fair value. Changes in fair value of the investments are recorded in the statement of net and comprehensive income and changes in equity. Investments which are not traded on active markets are recorded at fair value.

Financial assets are tested for impairment at the end of each reporting period and when there are indications that the assets may be impaired.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## **e) Revenue recognition**

Revenue is recognized to the extent that it is probable that the economic benefits will flow to the Exchange and it can be reliably measured.

## **f) Premium income**

Premiums are determined annually prior to July 1<sup>st</sup>, the commencement of the policy year, and amounts are due from insured lawyers prior to that date. Premium revenue is recorded evenly throughout the policy year as the services are rendered. Premiums are billed and collected by the Association on the Exchange's behalf.

## **g) Investment income**

Investment income comprises of interest, dividends, fund distributions, and gains and losses realized on the disposal of investments. Interest and dividends earned on investments are included as revenue on an accrual basis. The change in fair value of investments is recorded in the statement of net and comprehensive income and changes in equity as an unrealized gain (loss).

## **h) Provision for claims and related costs**

The provision for claims and related costs includes provisions for claims incurred but not reported and a provision for adverse deviations. The provision for claims and related costs represents an estimate of the ultimate net cost of all amounts related to the settlement of claims incurred prior to the date of the statement of financial position.

The provision for claims and related costs is based upon the change from the period in the reserve for claims and related costs. The provision liability is the actuarially determined discounted cost of possible claims and related costs as at the end of the fiscal period.

The estimates of loss activity are subject to a high level of uncertainty, and are derived from a wide range of possible outcomes. These estimates are continually reviewed as additional information affecting settlement is obtained.

The Exchange has engaged a third party actuary to provide an annual valuation of the provision for claims and related costs in accordance with the standards of practice adopted by the Canadian Institute of Actuaries. For the purpose of the actuarial valuation, the actuary uses information contained in the Exchange's financial records.

## **i) Premium ceded**

The Exchange enters into reinsurance treaties for contracts with coverage in excess of certain maximum amounts. Estimates of any amounts recoverable from reinsurers on unpaid claims will be recorded separately from other estimated amounts payable. Amounts recoverable from reinsurers are estimated in a manner consistent with the liabilities associated with the reinsured policy.

Ceded reinsurance arrangements do not relieve the Exchange from its obligations to policyholders.

Reinsurance assets and liabilities are derecognized when the contractual rights are extinguished or expire, or when the contract is transferred to another party.

As of December 31, 2015, no reinsurance assets have been recorded (December 31, 2014 – NIL).



# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## **j) Recoveries**

Recoveries for claims and related costs from insurers and other third parties are recorded when they can be reasonably estimated and collectability is reasonably assured. Otherwise, the recovery is recorded when received.

## **k) Cash and cash equivalents**

Cash includes cash on deposit with banks and other highly liquid short-term investment comprised of treasury bills with a term to maturity of three months or less regardless of the financial reporting date

## **l) Donated services**

A portion of the Exchange's work is dependent on the services of volunteers, in particular the significant contribution of members of the Advisory Board and committees of the Advisory Board. These services are not normally purchased by the Exchange and, due to the difficulty in determining their fair value, donated services are not recognized in these financial statements.

## **m) Unearned premiums**

Insurance premiums for each fiscal year are billed in advance and recognized as revenue on a monthly basis during the fiscal year. Unearned premiums represent the portion of premiums remaining to be earned at the reporting date.

## **n) Income taxes**

As a reciprocal insurance exchange under the Act, the Exchange is not contemplated under the Income Tax Act. Accordingly, no provision for income taxes has been made in these financial statements.

## **o) Insurance contracts**

Contracts entered into by the Exchange meet the definition of an insurance contract and are accounted for in accordance with IFRS 4, Insurance Contracts ("IFRS 4"). Insurance contracts are those contracts where the Exchange has accepted significant insurance risk. A contract is considered to have significant insurance risk if, and only if, an insured event could cause an insurer to make significant additional payments in any scenario at the inception of the contract.

Once a contract has been classified as an insurance contract, it remains an insurance contract for the remainder of its lifetime, even if the insurance risk reduces significantly during this period, unless all rights and obligations are extinguished or expire.

## **p) New accounting standards issued but not yet adopted**

*IFRS 15, "Revenue from Contracts with Customers"*

IFRS 15 was issued in May 2014, and introduces a single, comprehensive revenue recognition model for all contracts with customers other than those that are within the scope of other standards, such as insurance contracts and financial instruments. IFRS 15 therefore supercedes the two main revenue recognition standards, IAS 18, Revenue, and IAS 11, Construction Contracts, as well as related interpretations. The core principal of this new standard is that revenue recognition should depict the transfer of goods or services in an amount that reflects the consideration received or expected to be received in exchange for these goods or

# The Alberta Lawyers Insurance Exchange

## Notes to the Financial Statements

For the year ended December 31, 2015

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services. The new standard also provides more guidance on certain types of transactions and will result in an increase in the disclosures related to revenue. The Exchange is still in the process of assessing the impact of this standard, which is effective for annual periods beginning on or after January 1, 2017.

### *IFRS 9, "Financial Instruments"*

IFRS 9, published in November 2009 and amended in October 2010 and November 2013, replaces Financial Instruments Recognition and Measurement ("IAS 39"). IFRS 9 deals with the classification and measurement of financial instruments, impairment of financial assets and hedge accounting. The requirements of this standard represent a significant change from the existing requirements in IAS 39 in respect of financial assets. The standard contains two primary measurement categories for financial assets: amortized cost and fair value. A financial asset would be measured at amortized cost if it is held within a business model whose objective is to hold assets in order to collect contractual cash flows and the asset's contractual terms give rise on specified dates to cash flows that are solely payments of principal and interest on the principal outstanding. All other financial assets would be measured at fair value. The standard eliminates the existing IAS 39 categories of held to maturity, available for sale and loans and receivables. The classification and measurement for financial liabilities remain largely unchanged. The effective date for IFRS 9 is January 1, 2018, with early adoption if permitted by the Superintendent. The Exchange is still in the process of assessing the impact of these changes.

### *IFRS 4, "Insurance Contracts"*

In June 2013, the IASB published a revised Exposure Draft (2013 ED) on the accounting for insurance contracts, which builds on the previous consultations undertaken in 2007 and 2010. The 2013 ED is the result of deliberations at the IASB using comments received from constituents. The ED continues to propose a new standard on accounting for insurance contracts, which would replace IFRS 4. This standard has an effective date of no earlier than January 1, 2021. The Exchange will assess the impact of this new standard on its financial statements once a standard has been finalized, which is expected in 2016.

## 3 Investments

The Exchange's investments are governed by a Statement of Investment Policies and Goals as approved by the Advisory Board and managed under contract with an external investment manager. The Exchange's investments are carried at fair market value and the statement of net and comprehensive income and changes in equity reports both realized and unrealized gains and losses on investments. The Exchange's investments consist of treasury bills, bonds and equity investments.

Investments are as follows:

|  | <b>December 31,<br/>2015</b> | <b>December 31,<br/>2014</b> |
|--|------------------------------|------------------------------|
|  | \$                           | \$                           |
| Bonds denominated in Canadian dollars    |                              |                              |
| Corporate                                | 2,368,460                    | 1,581,461                    |
| Provincial government                    | 2,104,965                    | 1,397,258                    |
| Federal government                       | 2,284,934                    | 1,498,583                    |
|  | <hr/> 6,758,359              | <hr/> 4,477,302              |
| T-Bills denominated in Canadian dollars  | 3,582,909                    | 1,943,000                    |
| Equities denominated in Canadian dollars | 2,002,261                    | 1,469,949                    |
|  | <hr/> <b>12,343,529</b>      | <hr/> <b>7,890,251</b>       |

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

## 4 Equity and Contributed capital

Prior to the commencement of operations on July 1, 2014, the Association contributed \$5,000,000 to the Exchange.

## 5 Provision for claims and related costs

The change in the Professional liability provision for claims and related costs is summarized as follows:

|   | December 31,<br>2015<br>\$ | December 31,<br>2014<br>\$ |
|---|----------------------------|----------------------------|
| <b>Provision for claims and related costs, Professional liability – beginning of period</b> | 1,190,000                  | -                          |
| Claims paid and accrued   | -                          | -                          |
| Related costs paid and accrued  | -                          | -                          |
| Recoveries  | -                          | -                          |
| Increase due to claims experience   | 2,189,000                  | 1,190,000                  |
| <b>Provision for claims and related costs, Professional liability – end of period</b>       | <b>3,379,000</b>           | <b>1,190,000</b>           |
| Provision for adverse deviation   | 519,000                    | 198,000                    |
| Provision for incurred but unreported claims  | 2,860,000                  | 992,000                    |
| <b>Provision for claims and related costs – Professional liability</b>                      | <b>3,379,000</b>           | <b>1,190,000</b>           |

The change in the Trust safety provision for claims and related costs is summarized as follows:

|   | December 31,<br>2015<br>\$ | December 31,<br>2014<br>\$ |
|---|----------------------------|----------------------------|
| <b>Provision for claims and related costs, Trust safety – beginning of period</b> | -                          | -                          |
| Claims paid and accrued   | -                          | -                          |
| Related costs paid and accrued  | -                          | -                          |
| Recoveries  | -                          | -                          |
| Increase due to claims experience   | 200,000                    | -                          |
| <b>Provision for claims and related costs, Trust safety – end of period</b>       | <b>200,000</b>             | <b>-</b>                   |
| Provision for adverse deviation   | 30,000                     | -                          |
| Provision for incurred but unreported claims                                      | 170,000                    | -                          |
| <b>Provision for claims and related costs – Trust safety</b>                      | <b>200,000</b>             | <b>-</b>                   |

# The Alberta Lawyers Insurance Exchange

## Notes to the Financial Statements

### For the year ended December 31, 2015

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Included in the Provision for claims and related costs in the statement of net and comprehensive income and changes in equity is the increase due to claims experience of \$2,189,000 for Professional liability (December 31, 2014 - \$1,190,000) and \$200,000 for Trust Safety (December 31, 2014 is NIL).

The discount rate applied by the actuary at December 31, 2015 is 1.705% (December 31, 2014 is 2.11%), which is based on the expected market yield of the Exchange's investment portfolio. The undiscounted provision balance at December 31, 2015 is \$3,071,000 for Professional liability (December 31, 2014 is \$1,090,000) and \$180,000 for Trust Safety (December 31, 2014 is NIL).

#### Actuarial analysis

The process of determining actuarial liabilities necessarily involves the risk that actual results may vary from assumed results. The risk varies in proportion to the length of period covered by each assumption and the potential volatility of the actual results.

The provision for incurred but not reported claims has been estimated for the period using actuarial methods and is based on expected claims development patterns and expected losses.

#### Sensitivity analysis

The sensitivity analysis below is based on a change in assumption while holding all other conditions constant. In practice, this is unlikely to occur, and changes in some of the assumptions may be correlated. The table below provides the impact on net income of the most significant assumption changes.

| <b>Assumption</b>                                | <b>Income impact<br/>December 31, 2015<br/>\$</b> | <b>Income impact<br/>December 31, 2014<br/>\$</b> |
|--|---|---|
| 10% increase in incurred but not reported claims | (353,000)   | (122,000)   |
| 10% decrease in incurred but not reported claims | 353,000   | 115,000   |
| 1% increase in discount rate                     | 141,000   | 202,000   |
| 1% decrease in discount rate                     | (145,000)   | (223,000)   |

## 6 Related party transactions

During the year the Exchange paid the Association \$200,000 (2014 - \$100,000) for management fees. The Association provides and performs certain management, claims management and administrative duties and services to the Exchange as outlined within a Management Agreement.

The members of the Advisory Board include lawyers drawn from law firms across the province. These law firms may at times be engaged by the Exchange in the normal course of business. During the year expenses of \$30,968 were incurred with these law firms (2014 - NIL). The Advisory Board members are not involved in retaining these firms.

All related party transactions occurred in the normal course of operations and have been measured at the agreed to exchange amount, which is the amount of consideration established and agreed to by the related parties.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## 7 Financial instruments

The Exchange recognizes financial instruments at fair value upon initial recognition, plus transaction costs in the case of financial instruments measured at amortized cost. Financial assets are derecognized when the rights to receive cash flows from the assets have expired or have been transferred and the Exchange has transferred substantially all risks and rewards of ownership. Financial liabilities are derecognized when the obligation is discharged, cancelled, or has expired.

The Exchange's investments are measured at fair value through profit or loss (FVTPL) and are classified as held for trading or designated at FVTPL at inception. A financial asset or financial liability is classified as held for trading if it is acquired or incurred principally for the purpose of selling or repurchasing in the short term; or if, on initial recognition, it is part of a portfolio of identifiable financial investments that are managed together and for which there is evidence of a recent actual pattern of short-term profit taking.

Gains and losses arising from changes in the fair value of FVTPL financial instruments are presented in the statement of net and comprehensive income and changes in equity as net changes in unrealized appreciation (depreciation) of investments in the period in which they arise.

All other financial assets and liabilities are measured at amortized cost. Under this method, financial assets and liabilities reflect the amount required to be received or paid, discounted, when appropriate, at the contract's effective interest rate.

### Fair value hierarchy

A fair value hierarchy is presented below that distinguishes the significance and objectivity of the inputs used in determining the fair value measurements of financial instruments. The hierarchy contains the following levels based on the nature of the pricing inputs:

Level 1 – Inputs that reflect unadjusted quoted prices in active markets for identical assets or liabilities that are publicly available at the measurement date.

Level 2 – Inputs other than quoted prices that are observable for the assets or liabilities either directly or indirectly, including inputs in markets that are not considered to be active.

Level 3 – Inputs that are largely unobservable. Fair value requires significant management estimate and judgment.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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The following table illustrates the fair value classification of the Exchange's financial instruments within the fair value hierarchy.

As at December 31, 2015:

|                   | Estimated fair value (2015) |                  |                   | Estimated fair value (2014) |                  |                  |
|-------------------|-----------------------------|------------------|-------------------|-----------------------------|------------------|------------------|
|                   | Level 1                     | Level 2          | 2015 Total        | Level 1                     | Level 2          | 2014 Total       |
|                   | \$                          | \$               | \$                | \$                          | \$               | \$               |
| T-Bills           | 3,582,909                   | -                | 3,582,909         | 1,943,000                   | -                | 1,943,000        |
| Bonds             | 6,758,359                   | -                | 6,758,359         | 4,477,302                   | -                | 4,477,302        |
| Equities          | -                           | 2,002,261        | 2,002,261         | -                           | 1,469,949        | 1,469,949        |
| Total Investments | <u>10,341,268</u>           | <u>2,002,261</u> | <u>12,343,529</u> | <u>6,420,302</u>            | <u>1,469,949</u> | <u>7,890,251</u> |

Equities classified as Level 2 are invested in pooled funds, the underlying assets of which are traded in active markets.

## 8 Reinsurance

The Association and the Exchange have entered into stop loss reinsurance and excess insurance contracts as described in Note 1.

As of December 31, 2015 there were no claims above the Exchange's Professional Liability and Trust Safety coverage of \$1,000,000 and \$3,000,000 respectively and no claims above these levels considered to be incurred but not reported as determined by the appointed actuary (2014 - NIL). As such, no assets for the reinsurance or excess insurance contracts have been recognized in the statement of financial position.

## 9 Insurance and financial risk management

In the normal course of business, the Exchange enters into contracts that transfer insurance risk or financial risk or both. The Exchange monitors and manages these risks relating to the operations of the Exchange through internal risk reports which analyze exposures by degree and magnitude of risk.

### Insurance risk

The insurance risk under any one insurance contract is the possibility that the insured event occurs and the uncertainty of the amount of the resulting claim. By the very nature of an insurance contract, this risk is random and therefore unpredictable. The key risk related to insurance is that the actual claims payment amounts or timing are different from expectations.

The Exchange manages insurance risk rating within an overall risk management framework that includes a focus on rating, use of reinsurance and surplus management. Reinsurance is purchased to mitigate the effect of potential loss to the Exchange from individual large events. Reinsurance policies are written with reinsurers who meet the Exchange's standards for financial strength. Reinsurers and reinsurer security is monitored on a continuous basis.

# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## Financial risk

The Exchange is exposed to a range of financial risks. The key financial risk is that in the long term its investment proceeds are not sufficient to fund the obligations arising from its insurance contracts. The most important components of this financial risk are market risk (including foreign exchange risk, interest rate risk and other price risk), credit risk and liquidity risk.

## Market risk

Market risk is the risk that the fair value of financial instruments will fluctuate due to changes in market prices. The Exchange separates market risk into three categories: foreign exchange risk, price risk, and interest rate risk.

## Foreign exchange risk

Foreign exchange risk arises from the possibility that changes in the price of foreign currencies will result in losses. The Exchange holds assets and liabilities, including cash and investments, in Canadian dollars. The Exchange is exposed to foreign currency risk through its investments in pooled funds.

## Price risk

The investments of the Exchange are subject to price risk because changing interest rates impact the market value of the fixed rate investments, general economic conditions affect the market value of equity investments and currency exchange rates impact the market value of the investments denominated in currencies other than the Canadian dollar. The risk is mitigated by engaging an investment manager for the long term portfolio investments and by investing other funds in short term fixed rate products with high credit ratings.

A 10% increase in the fair value of the investment portfolio would result in an increase in net and comprehensive income for the year ended December 31, 2015 of \$1,234,353 (2014 - \$789,025). A 10% decrease in the fair value of the investment portfolio would result in a decrease in net and comprehensive income for the year ended December 31, 2015 of \$1,234,353 (2014 - \$789,025).

## Interest rate risk

Interest rate risk is the risk of financial loss arising from changes in interest rates. Fluctuations in interest rates will impact the market value of the fixed income portion of the investment portfolio. The Exchange is exposed to interest rate risk if the cash flows from investments are not matched to the liabilities they support. The Exchange manages the interest rate risk on fixed income bonds by engaging an investment manager who operates subject to investment parameters designed to mitigate this risk.

An interest rate sensitivity analysis is provided in Note 5.

## Credit risk

Credit risk is the risk that a counterparty will be unable to pay amounts in full when due. The Exchange's financial assets exposed to credit risk consist of investments in bonds, accrued interest receivable and

# The Alberta Lawyers Insurance Exchange

## Notes to the Financial Statements

For the year ended December 31, 2015

accounts receivable. The maximum exposure of the Exchange to credit risk is the carrying amount of these financial instruments as disclosed in the financial statements at December 31, 2015.

The Exchange manages credit risk by maintaining bank accounts with reputable financial institutions, only investing in securities that are liquid, highly rated and traded in active markets and by placing limits on its exposure to a single counterparty.

The credit quality of the Exchange's investment in bonds is described in the following table:

| <b>Securities:</b> | <b>December 31, 2015</b> | <b>December 31, 2014</b> |
|--------------------|--------------------------|--------------------------|
|                    | <b>\$</b>                | <b>\$</b>                |
| Bonds – AAA rating | 2,878,232                | 1,901,694                |
| Bonds – AA rating  | 444,821                  | 283,948                  |
| Bonds – A rating   | 2,953,538                | 1,948,473                |
| Bonds – BBB rating | 481,768                  | 343,187                  |
| <b>Total</b>       | <u>6,758,359</u>         | <u>4,477,302</u>         |

### Liquidity risk

Liquidity risk is the risk the Exchange will be unable to meet its obligations when they fall due, or that it may be required to settle its obligations on terms that are disadvantageous. The Exchange engages an investment manager to administer the investments it plans to hold for a long period of time. These investments are subject to liquidity risk if the Exchange is required to sell at a time the market for these investments is unfavourable or the investments are illiquid.

Included in investments are fixed income bonds in the amount of \$6,758,359 (2014 - \$4,477,302).

The maturity dates and interest rate ranges are as follows:

|   | <b>2015</b>          | <b>2015</b>      | <b>2014</b>          | <b>2014</b>      |
|---|----------------------|------------------|----------------------|------------------|
| <b>Maturity dates (from balance sheet date)</b> | <b>Interest rate</b> | <b>Market</b>    | <b>Interest rate</b> | <b>Market</b>    |
|   | <b>range</b>         | <b>Value</b>     | <b>range</b>         | <b>value</b>     |
|   |                      | <b>\$</b>        |                      | <b>\$</b>        |
| Within five years                               | 2.42-3.66%           | 1,448,323        | 2.00 – 3.66%         | 1,436,566        |
| Greater than five years but less than ten years | 0.75-3.94%           | 3,575,458        | 2.50 – 3.94%         | 2,554,338        |
| Greater than ten years                          | 1.50-3.45%           | <u>1,734,578</u> | 3.45%                | <u>486,398</u>   |
|   |                      | <u>6,758,359</u> |                      | <u>4,477,302</u> |

The following table presents the contractual terms as to maturity of the financial liabilities owed by the Exchange.

|                   | <b>Financial liability</b>               | <b>Carrying value</b> | <b>Contractual term to maturity</b> |
|-------------------|--|-----------------------|-------------------------------------|
| December 31, 2015 | Accounts payable and accrued liabilities | \$110,760             | Less than one year                  |
| December 31, 2014 | Accounts payable and accrued liabilities | \$101,548             | Less than one year                  |



# The Alberta Lawyers Insurance Exchange

Notes to the Financial Statements

For the year ended December 31, 2015

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## 10 Equity management

Equity comprises the surplus and accumulated comprehensive income. As at December 31, 2015 the Exchange's equity was \$6,932,725 (December 31, 2014 - \$5,618,446). The Exchange's objectives for managing the surplus are for the prudent operation of the reciprocal and to provide relatively predictable premiums costs for insured lawyers over time.

Under the requirements of Section 99 and 100 of the Act, the Exchange must maintain, as a reserve fund, a sum of cash or approved securities to 50% of the subscribers' annual premiums. In addition, the Exchange is required to maintain in a guarantee fund a sum of cash or approved securities of at least \$50,000 plus the sum of all liabilities excluding unearned premiums. As per section 101 if, at any time, the reserve fund or the guarantee fund is less than the required amount, the subscribers are required to make up the deficiency.

The total reserve and guarantee funds required are as follows:

|   | 2015       | 2014       |
|---|------------|------------|
|   | \$         | \$         |
| Reserve fund  |            |            |
| Premiums written  | 4,100,000  | 3,969,850  |
| Less: Amount paid to licensed reinsurers                                | (326,700)  | (240,00)   |
| Subtotal  | 3,773,300  | 3,729,8350 |
|   | 50%        | 50%        |
| Reserve fund required reserve   | 1,886,650  | 1,864,925  |
| Guarantee fund required reserve   | 3,806,160  | 1,341,548  |
| Cash and marketable securities required                                 | 5,692,810  | 3,206,473  |
| Cash and marketable securities maintained                               | 12,481,083 | 8,755,447  |
| Cash and marketable securities maintained in excess of required amounts | 6,788,273  | 5,548,974  |

The Exchange was in compliance with all regulatory requirements as of December 31, 2015.