



**LawSocietyofAlberta**

Annual Report 2005

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## Our Mission

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

## Our Vision

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

# Highlights of the Year

## Continual Improvement

The Law Society of Alberta commits itself to ongoing improvement of the regulatory process. The LSA wants to make sure that the service offered to the public is open, transparent and fair.

Over the last year, the LSA has been focused on moving complaints against lawyers through the complaints process in a timely manner, while giving each complainant the personal attention they need. Efficiency, not speed, is the goal.

The LSA has also taken steps to deal with long-standing complaints, investigations and audits to bring these matters to their conclusion. In order to do this, the LSA has utilized external resources, in addition to existing, internal resources, in a cost efficient manner.

These improvements are ongoing as the LSA continues to pursue its goal to be a model regulator.

## New pro bono opportunities

The Law Society of Alberta is committed to supporting programs that promote pro bono activities in Alberta. Just this last year alone:

A new category was added to the Distinguished Service Awards to recognize Alberta lawyers' pro bono contributions and will be awarded for the first time at the Alberta Law Conference in March 2006.

A new membership category allows retired and inactive lawyers to volunteer for an approved pro bono provider reduced membership fee.

The groundwork has been laid for the Central Alberta Community Legal Clinic, a pro bono legal clinic, to be opened in Red Deer in 2006.

More pro bono projects are underway in 2006.

## Changes regulating advertising legal services

The LSA Professional Responsibility committee introduced changes concerning how lawyers advertise and promote their services, focusing ads on professionalism and education and moving away from commercialism.

## Volunteers reimbursed for childcare costs

The benchers (LSA board of directors) confirmed that volunteers are to be reimbursed for reasonable childcare expenses incurred while participating in LSA volunteer activities.

## New practise advisors appointed



On February 1, the LSA engaged Ross McLeod QC in Edmonton, and Nancy Caruthers in Calgary to act as practice advisors for Alberta lawyers. Practice advisors help Alberta lawyers provide better service to clients.



## Media and Law Seminar 2005

Just two days after Justice John Gomery lifted his publication ban on Jean Brault's testimony into the federal Liberal sponsorship scandal, over 100 Alberta lawyers, media and judiciary gathered in Calgary to discuss the timely topic of publications bans at the LSA hosted Media and the Law Seminar 2005.

In addition to the interactive session on publication bans and the disclosure of information, the annual seminar, themed 'Delivering the Message: Is the Public Well Served?', also included a forward-thinking discussion on future technologies and a candid look at how well the public is being informed by the justice system and the media.

The April 9 seminar was the fifth of its kind in Alberta since 1997 and was covered this year by Calgary's Shaw TV for the Canadian Public Affairs Channel (CPAC), a first for any law society in Canada. The seminar was nationally televised on CPAC (channel 84) a number of times throughout the summer and fall.

## Audit department steps up activities

In 2005 the LSA Audit department contracted chartered accountants in Calgary and Edmonton to conduct spot audits on Alberta lawyers to find irregularities and ensure compliance with trust accounting rules. This was done to increase the frequency of auditing lawyers, as internal resources were busy investigating complaints.

The contract auditors review monthly trust reconciliations, amongst other procedures. If books are not current, the law firm trust accounts are frozen until books have been updated. Initially contract auditors were conducting 20 spot audits per month and in 2006 the goal is to conduct 30 audits per month.

## Looking Ahead

### New mentorship pilot rolls out

The Aboriginal Law Student Summer Employment program, a new pilot project, is slated to operate during the summer of 2006. The program encourages ongoing mentorship relationships between aboriginal law students and practising lawyers.



# President's Message

## Accountability. Integrity. Independence. Equality.

I am pleased to present The Law Society of Alberta's 2005 annual report to all of our stakeholders, including: the Alberta government, Alberta legal professionals, the judiciary, the public, media and other provincial and territorial law societies. This report illustrates what the LSA has undertaken in the course of 2005 to fulfill its mandate as the regulatory body for a self-regulating profession.

**Accountability remains the top priority for the LSA. We must maintain the trust and credibility of the legal profession, protect the public and be visible as we do so. To articulate our mandate and ensure that we remain on track in serving the public, the LSA has defined specific goals and objectives with several strategies to take them forward.**

### **Goal #1: To serve the public interest by promoting and ensuring high ethical standards and high standards of competence on the part of all those practising law in Alberta.**

Our strict academic qualifications, training, screening process and Code of Professional Conduct help us to recruit judiciously. The programs we offer lawyers assist them in their practises and their personal lives to ensure they practise law ethically and competently.

In 2005 the LSA enhanced its directed audit and spot audit program, conducting more investigations more frequently. This reflects our commitment that all Alberta lawyers practise with the highest ethical standards. This also emphasizes our focus on protecting the public.

Throughout the year we further developed guidelines to regulate how lawyers can advertise their practises. The changes minimize the commercial aspects of advertising while emphasizing the informational component and educating the public about their legal options. We believe this will further enhance the credibility of the legal profession and assist the public in selecting a lawyer.

### **Goal #2: To preserve and demonstrate the value of a self-regulated and independent legal profession.**

The LSA has a communications plan that informs the public and Alberta lawyers of the programs and services we offer to assist them in gaining access to the justice system. Among these programs is insurance, which is malpractice insurance for lawyers, and assurance, which compensates claimants if a lawyer has misappropriated or wrongfully converted their money. The LSA also acts to maintain good relations between lawyers and courts through open communication.

Throughout the year, several benchers, LSA volunteers and I made presentations to groups throughout Alberta, educating them about the many fraudulent schemes lawyers could be trapped in. We spoke in Edmonton and Calgary, as well as Lethbridge, Medicine Hat, Grande Prairie, Fort McMurray, Sherwood Park, Red Deer and Wetaskiwin.

As part of our initiative to visibly demonstrate the value of an independent legal system and our ability to regulate the

profession, the LSA developed measurable outcomes for its complaints process. We are working to reduce times and make the process easier to understand.

### **Goal #3: To uphold and preserve the fundamental principles of justice, including the rule of law, the independence of the bench and bar, effective and equal access to justice and to promote equity and diversity within the legal profession.**

In 2005 the LSA worked to establish more pro bono opportunities in smaller centres in Alberta. The Central Alberta Bar Association is opening a new pro bono clinic and we are actively assisting lawyers in Lethbridge, Medicine Hat and Fort McMurray with similar initiatives.

We moved the Equity Ombudsperson in-house last year to make the role more effective and the process more efficient. LSA employees can now screen complaints allowing Janet Gaetano, acting Equity Ombudsperson, to focus on the issues that affect equity and diversity amongst Alberta lawyers in the Alberta legal community.

As well, we continued our work to ensure the independence of the judiciary by educating the profession and the public about the judiciary's unique role in the justice system. And through our various advisory committees we continued to work together with all levels of government to ensure government initiatives serve the public interest.

By working toward and meeting these goals the LSA will be better able to achieve its vision of being recognized as a model for protecting the public interest and preserving the fundamental principles of justice through a self regulated, independent and trusted legal profession.

I thank all of the volunteers, employees and our stakeholders for their support throughout 2005.

**Doug McGillivray, QC**  
President, The Law Society of Alberta  
April 7, 2006

# Strategic Plan Report

## Defining measurable goals and objectives

The Law Society of Alberta benchers' main priority in 2005 was to develop a strategic plan with measurable goals and objectives. The following goals and objectives are a culmination of several years of consultation. They are intended to enhance the self-regulatory function of the legal profession and to do so in a way that is visible to the public.

### Goal 1

**To serve the public interest by promoting and ensuring high ethical standards and high standards of competence on the part of all those seeking admission to and practicing law in Alberta.**

#### Objectives

- To set and enforce ethical standards and standards of good character to effectively screen those seeking entry to the Alberta bar
- To set and enforce standards of academic qualifications and competence for those seeking entry into the practise of law in Alberta
- To set and enforce standards of conduct through a clear and comprehensive Code of Conduct and a timely, fair and transparent discipline process
- To ensure that lawyers are properly trained regarding the handling of money in their practise, particularly trust money, and to set and enforce standards to ensure the safety of trust property held by lawyers
- To develop programs to ensure the continuing competence of lawyers practising in Alberta
- To maintain and support an effective program of timely advice to lawyers on ethical issues and education in practise matters
- To identify lawyers with underlying problems that can affect ethical conduct and competence
- To foster and promote competence, ethical practise and civility among lawyers
- To effectively support a program designed to help lawyers and their families address underlying problems that may affect their ability to competently practise law, in a manner that is consistent with the public interest
- To identify lawyers with underlying problems that can affect ethical conduct and competence
- To foster and promote competence, ethical practise and civility among lawyers
- To effectively support a program designed to help lawyers and their families address underlying problems that may affect their ability to competently practise law, in a manner that is consistent with the public interest

### Goal 2

**To preserve and demonstrate the value of a self-regulated and independent legal profession.**

#### Objectives

- To ensure that the governance practises of the Law Society of Alberta are effective, fair, timely, responsive and transparent in a manner that serves the public interest
- To communicate the value of a self-regulated and independent legal profession
- To maintain programs of insurance and assurance that effectively protect the public against error and dishonesty on the part of lawyers and to effectively communicate the existence of these programs and the role they play in engendering trust in a responsible self-regulating profession to protect the public interest
- To support and encourage the effective distribution of legal information to the profession and the public
- To ensure that those who purport to provide legal services to the public are members of the profession or are acting under the supervision of members except where the law specifically allows otherwise
- To foster and maintain a healthy relationship between the bar and the Courts and to provide a means to identify and address issues on an informal basis

### Goal 3

**To uphold and preserve the fundamental principles of justice, including the rule of law, the independence of the bench and bar, effective and equal access to justice and to promote equity and diversity in the legal profession.**

#### Objectives

- To visibly support the principle of effective and equal access to justice
- To promote and facilitate the provision of pro bono services to those in need and to speak in support of this principle on every occasion on which it is called for
- To conduct the business of the Law Society of Alberta in a manner that respects equity and diversity in the legal profession and to promote it in the profession
- To undertake and support initiatives that promote the core values of our profession, including respect for the Courts and other institutions of justice and the fundamental principles of justice
- To speak out and act against any erosion of the independence of the legal profession and the Courts and any erosion of the fundamental principles of justice



# 2005 Bencher Election

## Election 2005

Just over 3,500 ballots were counted in the 2005 election, which resulted in 13 returning benchers and seven new benchers being elected for the 2006-2009 term.

## Election statistics

- 7,637 packages of election materials sent out (all active practicing lawyers)
- 48.4% ballots returned
- 3,669 good ballots
- 26 spoiled ballots
- 32,880 votes cast

## Bencher responsibilities and terms

The Law Society of Alberta is governed by a 24-member board of directors, made up of 20 benchers and four lay benchers. Benchers are Alberta lawyers, who are elected by Alberta lawyers, and serve for a three-year period up to a maximum of nine years. It is a voluntary, unpaid role, with the exception of the president who receives an honorarium.

Lay benchers are public members appointed by the Minister of Justice and Attorney General of Alberta. Lay benchers serve a three-year term, have full voting rights, and participate in all board matters.

Benchers and lay benchers meet as a whole five times a year. They participate on many LSA committees and also sit on panels that make decisions involving individual lawyers, such as discipline, membership and credentials matters.

## 2006-2009 Benchers

Candidate	District	Total
Mah, Douglas	Edmonton	1438
Raby, Stephen	Calgary	1366
Mack, Perry	Calgary	1213
Michalyshyn, Peter	Edmonton	1197
Peacock, James S.	Calgary	1191
Stevenson, Vivian	Edmonton	1154
Everard, Ron	Calgary	1144
Beresh, Brian	Edmonton	1138
Turnbull, Julia	Calgary	1045
Prowse, John T.	Calgary	1020
Jensen, Carsten	Calgary	1000
Spackman, Dale	Calgary	911
Myers, Vaughn	Edmonton	894
Jackson, Shirley	Calgary	889
Sommerville, Hugh	Central	885
Crighton, Michelle	Edmonton	879
Nemetz, Brad	Calgary	849
Bast, Monica	Central	789 (term beginning February 2007)
Higgerty, John	Northern	757
Ahluwalia, Neena	Edmonton	755 (term beginning February 2008)
Jerke, Rod - Acclaimed	Southern	
Duckett, Mona - President Elect		

# 2005 Benchers of the Law Society of Alberta



## Benchers

**Back Row:** Vaughn Myers, Jim Peacock, John Prowse, Richard O'Gorman (First Vice President, Canadian Bar Association — Alberta), Charles Gardner, Peter Michalyshyn, Dale Spackman, Rod Jerke, Perry Mack, Ron Everard

**Middle Row:** Larry McConnell, Norma Sieppert (lay bencher), Patricia Hughs (Dean, University of Calgary Faculty of Law), Steve Raby, Vivian Stevenson, Doug Mah, Wilfred Willier (lay bencher), David Percy (Dean, University of Alberta Faculty of Law), Judy Boyes

**Front Row:** Yvonne Stanford (lay bencher), John Holmes, Don Thompson (Executive Director, Law Society of Alberta), Mona Duckett (President-Elect), Doug McGillivray (President), Bradley Nemetz

## Lay Benchers

**Morris Taylor — Edmonton**

**Norma Sieppert — Calgary**

**Wilfred Willier — High Prairie**

**Yvonne Stanford — Calgary**



"This is an area that benefits greatly from inclusion of non-lawyers. We bring totally different viewpoints when we look at matters. As well, I feel that I am contributing to the good of the legal profession." **Morris Taylor, lay bencher**

"As a member of the public, I provide a perspective that can be helpful to a self-governing profession." **Norma Sieppert, lay bencher**

"The rule of law is a fundamental part of our Canadian society that should not be taken for granted. It is gratifying to me in my role as a lay bencher to participate actively in the governance of the legal profession and the protection of the public interest." **Yvonne Stanford, lay bencher**

"I've been practising law since 1977. Being a bencher has invigorated me because it allows me to work with lawyers and the LSA staff who are doing the right thing for the right reasons. That's why I encourage lawyers to become involved in the LSA and the legal profession." **Ron Everard, QC, bencher**

"It's important that we donate our time and efforts to conduct the affairs of our profession. To ensure that the legal profession continues to independent, we must fulfill our responsibilities in the public interest." **Vaughn Myers, QC, bencher**

## Executive Committee

**Clockwise from Bottom Right:** Doug McGillivray (President), Jim Peacock, Brad Nemetz, Perry Mack, Don Thompson (Executive Director, Law Society of Alberta), Charles Gardner, Yvonne Stanford. Middle: Mona Duckett (President-Elect)

# Fees

## Serving the public interest

The Law Society of Alberta levies fees on Alberta lawyers for specific purposes.

Primarily, the fees the LSA collects cover the regulatory functions of the legal profession, the protection of the public and member services. The money the LSA collects is allocated to three funds: General, Assurance and Viscount Bennett endowment. As a not-for-profit organization, the LSA collects fees only to cover costs, and does not profit from membership fees. The LSA's sole revenue source is from Alberta lawyers. It does not rely on government grants or any public funding.

## General Fund

The General Fund collects approximately \$10 million per year from Alberta lawyers, mostly from membership fees. These fees must be paid annually in order for lawyers to retain their license to practise law. This fee has remained fairly constant during the last several years, rising to meet inflation.

Fees are also collected when:

- applying to be a member of the Law Society of Alberta
- becoming a lawyer
- transferring a practise from one province to another - both the application and the admittance fee
- applying to the Canadian Centre for Professional Legal Education (CPLED), previously Bar Admission Course
- writing student exams
- issuing various forms and certificates

## General Fund Fees for Lawyers in Practise

Year	Fee
2004	\$990
2005	\$1,020
2006	\$1,040

\* Includes active fee, inactive fee, professional corporation permit fee, limited liability partnership fee

## LSA fees compared to other provinces – 2005

Fund	Alberta	British Columbia	Ontario
General Fund	\$1,020	\$980.50*	\$1,035**
Assurance Fund	\$260	\$600 (Special Compensation Fund)	\$200 (Special Compensation Fund)
Other			\$206 (County Law Libraries)
Total	\$1,280	\$1,580.50	\$1,441

\* Broken down as follows: Practise fee: \$ 775; BC Courthouse Library Society: \$130, Advocate magazine: \$27.50; Lawyer's Assistance: \$48

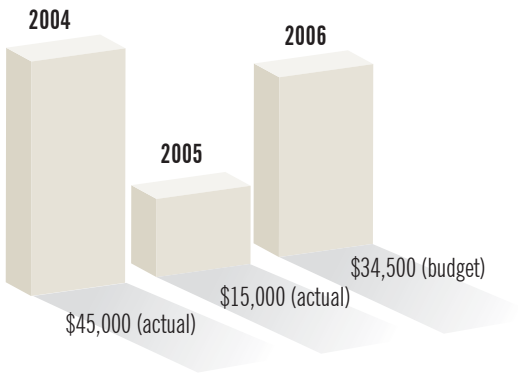
\*\* Funds the Law Society of Upper Canada's (Ontario) operations, particularly its core functions – professional regulation, and professional development and competence.



## The Viscount Bennett Fund

The Viscount Bennett Fund is an endowment, established by the Honourable Viscount Bennett to distribute scholarships to graduate students studying law. The money available through the Fund varies with the interest earned, while the principal remains. Lawyers' fees do not contribute to this fund.

## Scholarships awarded





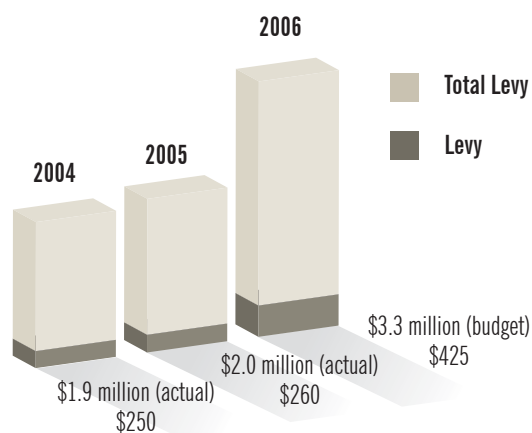
## The Assurance Fund

The LSA operates an Assurance Fund to protect the public against losses caused when a lawyer misappropriates or wrongfully converts money or other property. The Fund's expenses include:

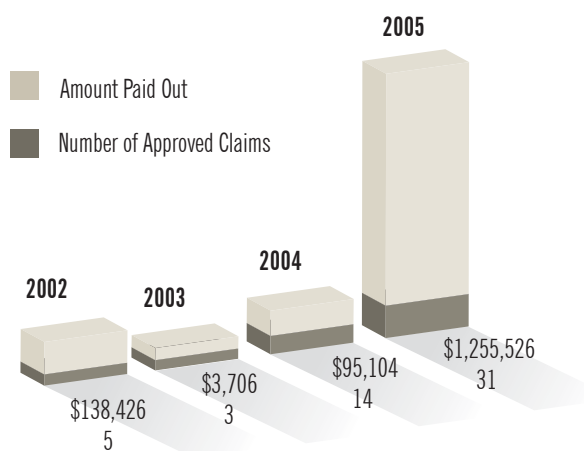
- hiring auditors to randomly audit lawyer's trust accounts
- fund Assurance Fund claims
- an indemnity bond (\$10 million), which is used to reimburse clients whose funds are misappropriated from a lawyer's trust account
- custodian costs incurred when an Alberta lawyer's practise must be administered due to review or disciplinary action. A custodian is a lawyer who is appointed by the court to redirect a lawyer's files to the appropriate body, such as another lawyer, back to the client, etc.
- storage costs for files that have been seized from Alberta lawyers under review or discipline
- administrative and investigation costs to review claims and make payments

Recently, the number of claims has increased. This requires the organization to have more resources in the Assurance Fund to cover the increased expense, which is reflected in increased fees allocated to the Assurance Fund.

### Assurance Fund Levy



### Claims Approved by the LSA Assurance Fund at December 31, 2005



## Practising Lawyers by Location

as at December 31, 2005:

Location	2005	2004
Edmonton	2513	2468
Calgary	3827	3701
Lethbridge	133	126
Red Deer	114	117
Rest of Alberta	654	674
Whole Province	7241	7129
Outside of Alberta	471	448
<b>Total Practising Lawyers</b>	<b>7712</b>	<b>7534</b>

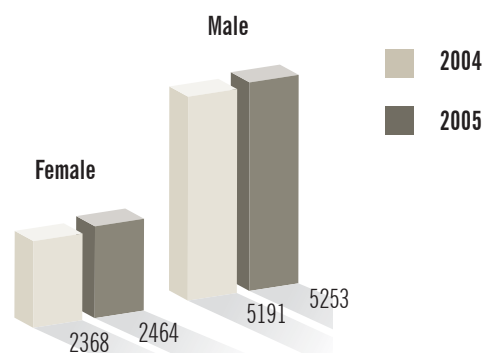
## New Lawyers

	2005	2004
Lawyers Admitted	292	283
Graduates from Alberta law schools	176	182
Graduates from other law schools in Canada	84	90
Graduates from foreign law schools	0	1
Lawyers transferring from other jurisdictions	104	111

## Firm Size

Sole Practitioner	1200
2-10 Lawyers	749
11-25 Lawyers	57
26-50 Lawyers	24
51+ Lawyers	13

## Gender Statistics



# Report on Regulation

## A process to protect the public interest

The Law Society of Alberta has a process to deal with complaints against lawyers from clients, judges, other lawyers and the general public.

### General Inquiries

When the LSA is contacted about issues other than a lawyer's conduct (referred to as General Inquiries) the complaints intake officers assist by providing information about agencies or services that may be able to help.

### Complaints Resolution Officers

If the issues reported to the LSA relate to a lawyer's conduct but primarily service quality that is not serious enough to result in formal discipline proceedings, the matter is referred to a complaints resolution officer. All of the complaints resolution officers employed by the LSA are lawyers with mediation training.

The complaints resolution officers work with the complainants and if appropriate, with the lawyers to try and find a way to resolve the issues raised by the complainant.

Of all the complaints submitted to the LSA, less than 10 per cent are referred to the formal discipline process. The rest are dealt with as a general inquiry or are resolved by the complaints resolution officers.

### The Formal Discipline Process

A complaint is forwarded to the formal discipline process if it:

- could not be resolved to the complainant's satisfaction; or
- discloses a concern that is potentially a significant breach of the Code of Professional Conduct. At this stage, the LSA can also dismiss a complaint. The complainant has the opportunity to appeal to a panel of three benchers. In 2005, 23 of these appeals were filed.

### Investigations

Investigations are carried out when field work or interviews are necessary to conduct a thorough review of the complaint.

### The Conduct Committee Panel

Once the information has been gathered, all materials relating to the complaint are reviewed. At this point, the complaint can be dismissed by the LSA administration or forwarded to a panel of three members of the Conduct committee.

In addition to directing a matter to a hearing, Conduct committee panels may direct other actions, including:

- dismissal
- referral to Practise Review; or
- further investigation

## 2005

In 2005 more than double the number of complaints required investigations compared to 2004. This was largely due to the serious nature of the allegations involving fraud and other illegal financial transactions.

Conduct Department Statistics	2005*	2004	2003
<b>General Inquiries and Complaints received by Complaints Officers</b>	<b>3188</b>	<b>3419</b>	<b>3450</b>
Opened as formal complaints	305	173	115
Complaints by the public	165	109	57
Complaints by lawyers	80	27	30
Complaints initiated by LSA	60	37	28
<b>Dismissed at Administrative Level</b>	<b>81</b>	<b>49</b>	<b>45</b>
<b>Directed to Investigation</b>	<b>76</b>	<b>25</b>	<b>8</b>
<b>Referred to Conduct Committee Panel</b>	<b>96</b>	<b>29</b>	<b>69</b>
Dismissed by Conduct Committee Panel	16	4	21
Directed to Hearing	51	20	41
Directed to Mandatory Conduct Advisory**	10	2	14
Directed to Practise Review	6	n/a	9

\* data collected differently from 2004

\*\* informal discipline process

Hearing Statistics	2005	2004
Number of lawyers suspended (under section 63) ***	9	3
Hearings Directed	31	34
Completed Hearings	24	25
Number of lawyers suspended	6	4
Number of lawyers disbarred	2	1
Number of lawyers who resigned in the face of discipline	1	3

\*\*\* suspended pending outcome of an investigation

## 2006

The Complaints department is developing a satisfaction survey to measure the effectiveness of the informal complaints process. Testing in 2005 produced positive results, although not statistically significant because the sample size was too small. The Complaints department is refining the survey and developing a cost-efficient method of administering it to everyone who uses the informal complaints process.

# Report from the Alberta Lawyers Insurance Association

The Alberta Lawyers Insurance Association manages the Law Society of Alberta's insurance program for Alberta lawyers. Similar to malpractice insurance, the program protects the public by providing mandatory professional liability insurance to over 5,000 Alberta lawyers.

Professional liability insurance ensures that clients receive the compensation to which they are entitled if a lawyer is liable for negligence.

ALIA is a member of the Canadian Lawyers Insurance Association (CLIA) a reciprocal insurance exchange that provides professional liability insurance for all practicing lawyers in nine provinces and territories.

Every Alberta lawyer in private practise must purchase the mandatory insurance coverage. Excess coverage is voluntary.

## Insurance Levy

The 2005/2006 insurance levy was \$2,770, plus GST per lawyer. This represents an increase of \$187 over last year, or about seven per cent, as a result of:

- an increase in the number of large claims
- additional administrative costs
- including programs such as loss prevention as part of the levy

## Financial Summary

July 1, 2004 to June 30, 2005 (Fiscal Year 2005)

Claim Related Expenses	\$3,548,112
Total Indemnity Less Recoveries	\$6,462,913
Total Cost of Claims	\$10,011,025
Number of Insured Lawyers	5,141
Claim Cost per Lawyer	\$1,947
Claims with Damages Paid	284
Average Paid per Claim	\$22,757

# Bursaries and Awards

## W.B. Kelly, QC, Memorial Prize recipients

The 2005 W.B. Kelly, QC Memorial Prize winners are graduate students Rebecca J. Beatch (University of Calgary) and Anna-Maria Ruth Hubert (University of Alberta).

The award is given to students of good academic standing who have performed with distinction in a skills training or professional responsibility and ethics course (or program) in the law faculties of the University of Calgary and the University of Alberta.

The late William Bernie Kelly, QC served as the Law Society of Alberta's deputy secretary, secretary treasurer and secretary (executive director). In 1989 an endowment was established in Mr. Kelly's name to honour his contributions to the LSA and recognize his interest in encouraging a high level of legal education and practise in Alberta.



Rebecca J. Beatch (top) and  
Anna-Maria Ruth Hubert

## Peter Freeman, QC, Bursary for Indigenous Students in Law

In recognition for an exceptional grade point average, hard work, enthusiasm and commitment to studying law, Renee Tulk, first year student in the Faculty of Law at the University of Alberta, is this year's recipient of the Peter Freeman, QC, Bursary for Indigenous Students in Law.

The bursary is awarded annually to one law student of aboriginal descent studying at University of Calgary or the University of Alberta. It was created by the LSA in 2001 to honour Peter Freeman, QC, who served as the LSA executive director from 1989 until his retirement in 2001. The bursary was established through donations from the legal community and LSA.

The University of Calgary did not award the bursary this year due to a lack of qualified candidates.



Renee Tulk

## Distinguished Service Awards

In March, the LSA recognized the distinguished service of four Alberta lawyers. The Distinguished Service Awards are presented jointly by the LSA and the Canadian Bar Association Alberta to honour lawyers' outstanding contributions to their community, to the legal profession and in legal scholarship.

Lewis N. Klar, QC received the award for legal scholarship. He is recognized internationally as Canada's pre-eminent tort scholar. Professor Klar has regularly published books, articles and notes since 1974 and his contributions have been significant to law reform in Canada. He teaches law at the University of Alberta for 32 years.

Hugh A. Robertson, QC and Cathy Lane Goodfellow were recognized for service to the community.

Mr. Robertson has been the executive director of the Legal Education Society of Alberta since 1984. He has been involved in educational initiatives across the globe and remains an active backer of continuing legal education in his ongoing relationships with both the Canadian Bar Association (a professional association for lawyers) and the LSA.

Ms Goodfellow is an advocate for children in conflict with the law. She has worked for over 10 years with the Youth Criminal Defence Office developing and delivering legal services for young people in Canada. Ms Goodfellow has been a sessional instructor in advanced family law and a volunteer lecturer to community groups, in the Bar Admission Course and with the Legal Education Society of Alberta.

John J. Mahony, QC was recognized for service to the profession over four decades of his career. His volunteer efforts include working with the John Howard Society; spearheading the drive to establish the Father Whelihan Scholarship committee, which today provides annual scholarships to students; and serving on the St. Mary's College committee, dedicated to building a faith-based college in Calgary.



Distinguished Service Award winners left to right are John J. Mahony, QC; Lewis N. Klar, QC; Hugh A. Robertson, QC and Cathy Lane Goodfellow with Walter Pavlic, president of the Canadian Bar Association Alberta and Doug McGillivray, QC, president of the LSA.



# Bursaries and Awards

## Viscount Bennett Scholarship Award

The 2005 Viscount Bennett Scholarship Award winner is graduate student Jeff Bakker BA, LLB (Calgary). Mr. Bakker graduated from the University of Calgary Faculty of Law in 2003. He is a member of the LSA and works as an associate lawyer in the securities law department of Blake, Cassels & Graydon LLP in Calgary. He will pursue his Master of Laws degree at New York University, focusing on corporate law, corporate finance, securities regulations and corporate governance.

The Viscount Bennett Scholarship is funded by the LSA from a trust fund established by the Honourable Viscount Bennett. The annual award for graduate studies in law is presented to individuals who are dedicated to their community and profession, and wish to further their legal education.



Jeff Bakker BA, LLB

## Lawyers honoured for 50 and 60 years of service

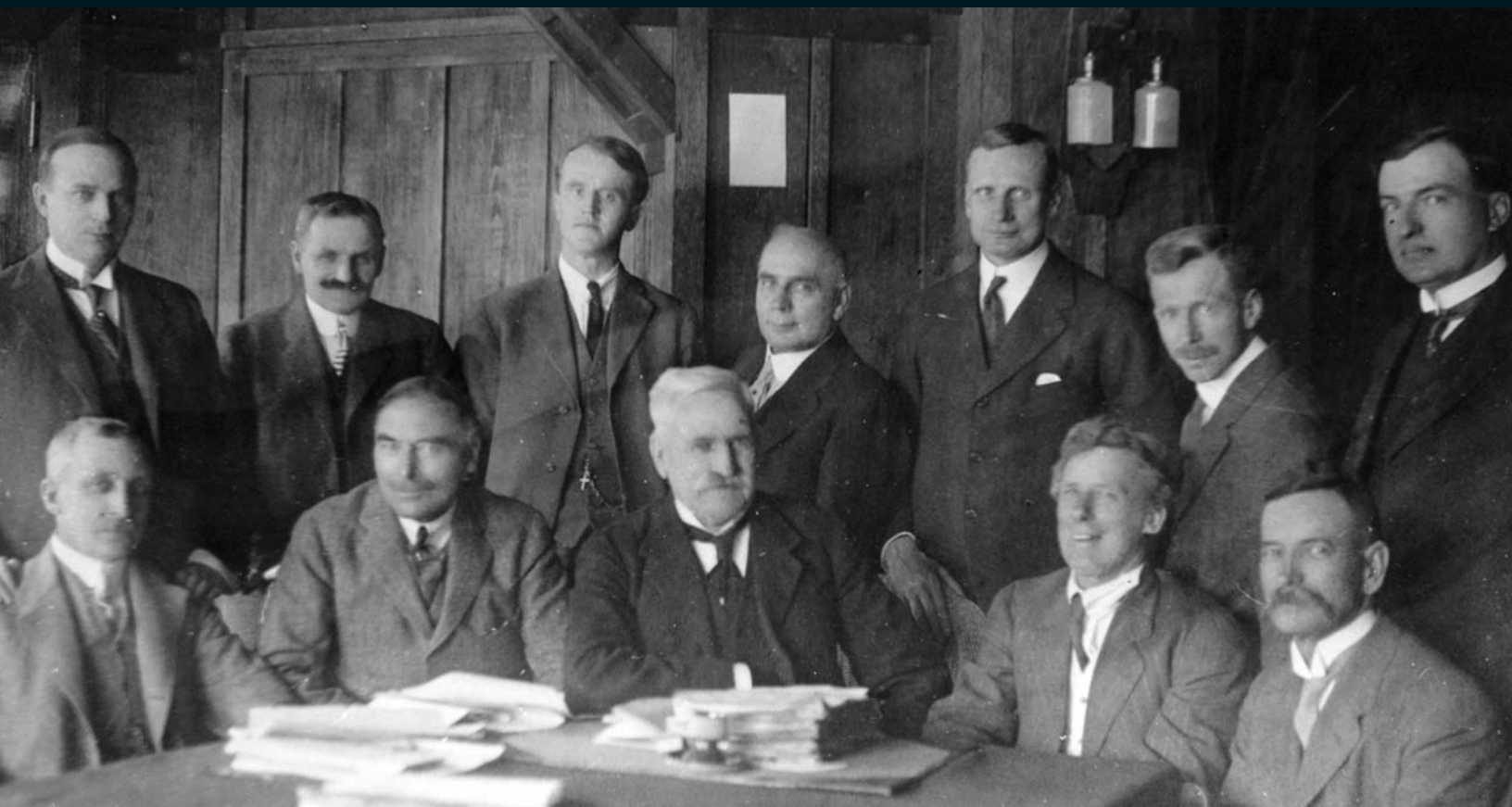
In 2005 LSA presented certificates recognizing 50 years of membership to: Judge Russell Dzenick; Richard Gordon Wheatley; Mike William Kawulich, QC; Georges Reginald Brosseau, QC; John B. Ballem, QC; Robert (Bob) D. Kerr; David L. Laven, QC; Judge Peter R. Broda; Judge Robert Dinkel; and Peter Loughheed, QC. Robert G. Black, QC received a special 60-year certificate.



Celebrating 50 and 60 years at the bar clockwise from bottom left: Robert G. Black, QC; David L. Laven, QC; John B. Ballem, QC; Robert (Bob) Kerr with Doug McGillivray, QC, LSA president. Missing from photo is Peter Loughheed, QC.



Celebrating 50 years at the bar were, left to right; Mike William Kawulich, QC; Richard Gordon Wheatley; and Judge Russell Dzenick, QC, with Doug McGillivray, QC, LSA president



# 2007 — Celebrating 100 Years of History

In 2007 The Law Society of Alberta will celebrate its 100th anniversary and plans are underway to make it a memorable year for everyone involved. The 100th Anniversary committee has already started on several activities and campaigns.

## 100th Anniversary Book

A book describing major events, landmark court cases and other significant hallmarks in the legal profession is in the works, with a launch planned for June 2007.

## Dinners

Two anniversary dinners will take place on October 4, 2007. The Edmonton dinner will be at Northlands Park with Beverly McLachlin, Chief Justice of the Supreme Court of Canada as the guest speaker. The Calgary dinner will be at the Stampede Roundup Centre with the Honourable Peter Lougheed, QC as the guest speaker.

## Conference

A conference examining the future of the legal profession is slated for September 21 and 22, 2007, at Edmonton's Telus Centre for Professional Development. It includes a Friday night reception with keynote, a Saturday conference comprising four sessions, and a dinner that evening.



## Legacy Project

The LSA is committed to using the 100th anniversary of the profession as a way to leave a lasting impact on the community. In order to do this, three projects have been identified.

The LSA endorsed the creation of a pro bono network in Alberta to oversee the expansion and information sharing of pro bono legal services. This may include forming a pro bono stakeholder group, which would include legal service clinics and other associations that help the underprivileged with legal services.

A special issue of the LawNow magazine, published by the University of Alberta, will be published in late 2006 or early 2007, which is dedicated to 100 years of the legal profession.

Finally, the LSA hopes that an additional special edition of LawNow which addresses the legal profession will be worked into the grade six curriculum in Alberta.

# LSA Committees

The LSA depends on hundreds of volunteers to sit on the committees that determine policy and direction of the LSA and make decisions about complaints, hearings, compensation claims and membership applications. We thank these volunteers for their time, expertise and dedication to their profession. The following highlights three committees that have made an important impact over the past year.



*"Through this committee I've discovered fabulous people who genuinely care about the direction and future of the law in our province. Our work will have a positive long-term impact on lawyers and how our profession will serve our community."*

**Sandra Mah**, Equality, Equity and Diversity committee volunteer



*"My work with the Professional Responsibility committee has given me a lot more understanding and comfort about how the legal profession governs itself. I am very pleased with the work that we have done, and being able to contribute gives me immense satisfaction."*

**Harvey Steblyk**, Professional Responsibility committee volunteer

## Equality, Equity and Diversity Committee

In 2005 the Equality, Equity and Diversity committee reviewed the Office of the Equity Ombudsperson program and in 2006, a permanent staff member will be hired to fill the role of Equity Ombudsperson.

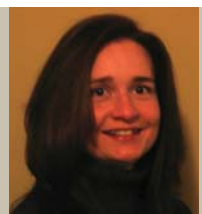
As part of the initiative to increase diversity in the governance of the legal profession, the benchers confirmed that volunteers will be reimbursed for reasonable childcare expenses incurred while participating in LSA volunteer activities.

Model policy development continued in 2005. The LSA adopted:

- Guidelines for Drafting and Implementing a Diversity and Equality Policy in Legal Workplaces
- Policy on Workplace Diversity and Equality Principles (for work by outside lawyers and law firms)

These policies help ensure that day-to-day decision-making in firms is carried out in accordance with diversity and equality principles.

The pilot project, Aboriginal Law Student Summer Employment program, is slated to operate during the summer of 2006. The program encourages ongoing mentorship relationships between aboriginal law students and practising lawyers.



*"We have helped develop and implement several new initiatives that will encourage a thriving pro bono culture in Alberta. I'm very proud of the LSA and the legal profession for making that happen."*

**Nadine Nesbitt**, Pro Bono committee volunteer

## Pro Bono Committee

In 2005 the LSA continued to encourage more lawyers to join the pro bono cause in Alberta. The committee also wanted to recognize those lawyers who provide pro bono services, and in doing so, a new category was added to the Distinguished Service Awards to recognize Alberta lawyers' pro bono contributions. This honour will be awarded for the first time at the Alberta Law Conference in March 2006.

Rule amendments effective February 2006 apply to a new membership category that allow retired and inactive lawyers to volunteer for an approved pro bono provider, while reducing membership fees and waiving all other levies, but maintaining insurance coverage. The approved pro bono providers to date are Calgary Legal Guidance, the Edmonton Centre for Equal Justice and the CBA Volunteer Lawyers Service.

The groundwork has been laid for a new pro bono legal clinic, the Central Alberta Community Legal Clinic, to open in Red Deer in 2006. A \$162,000 Alberta Law Foundation grant will assist the clinic in providing pro bono legal advice to people in central Alberta with low incomes.

The work of the Pro Bono committee will continue in 2006 with stakeholder consultations to investigate creating an independent organization to help deliver pro bono legal services in Alberta.

## Professional Responsibility Committee

Through the work of the Professional Responsibility committee, the LSA has made significant changes concerning how Alberta lawyers are permitted to advertise and promote their services. These changes confirm the LSA's commitment to ensure the public has access to legal services, while requiring that lawyers who advertise their services must do so in a professional manner. The following are highlights of the changes:

- Lawyers must not solicit professional employment from a person who needs legal services arising from traumatic circumstances
- Lawyers must not advertise in a way that misleads the public about the outcome of a legal matter creating inappropriate expectations about the results a lawyer can achieve
- Lawyers can't advertise statistical data that might indicate future success
- Images of people who are not members of a firm are prohibited
- Lawyers are prohibited from using dramatic images, emotional appeals, dramatizations, celebrity endorsements, slapstick routines, among other scenarios that act primarily to attract public attention. Testimonials containing emotional appeals or misleading statements are prohibited
- Advertisements cannot make reference to former status as master, justice or judge, unless the lawyer's practise is restricted to mediation



*"This gives me an opportunity for me to participate in the self-administration of our profession."*

**Corey Gish**, Finance committee volunteer

## Finance Committee

LSA benchers approved the 2006 budget, setting the annual fee for an active member at \$1,040, plus GST. This is a small increase of \$20 per member, reflecting a two-per cent cost of living increase.

The annual Assurance Fund levy increased to \$425, plus GST. This is an increase of \$165 from \$260, or 63 per cent, reflecting the expense incurred by the inappropriate use of trust funds. The increased levy is necessary to ensure that the Fund does not operate at a deficit.

The budget includes funding for six additional auditors and investigators and hiring contract auditors and investigators while the positions are being filled.



## Law Society of Alberta

## Condensed Financial Statements October 31, 2005

To the Members of the Law Society of Alberta

The accompanying summarized balance sheet and statement of revenue, expenses and fund balances are derived from the complete financial statements of The Law Society of Alberta as at October 31, 2005 and for the year then ended on which we expressed an opinion without reservation in our report dated December 16, 2005. The fair summarization of the complete financial statements is the responsibility of management. Our responsibility, in accordance with the applicable Assurance Guideline of The Canadian Institute of Chartered Accountants, is to report on the summarized financial statements.

In our opinion, the accompanying financial statements fairly summarize, in all material respects, the related complete financial statements in accordance with the criteria described in Guideline referred to above.

The summarized financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Readers are cautioned that these statements may not be appropriate for their purposes. For more information on the entity's financial position, results of operations and cash flows, reference should be made to the related complete financial statements.

*PricewaterhouseCoopers LLP*

PricewaterhouseCoopers LLP  
Chartered Accountants  
December 16, 2005

## Condensed Balance Sheet

As at October 31, 2005

	2005	2004
<b>Assets</b>		
Current assets	\$ 5,003,747	\$ 5,002,524
Investments (at cost)	5,932,844	6,718,522
Reinsurance recoverables	2,933,000	1,722,000
Trust assets	425,911	407,933
Capital assets	1,707,174	765,416
<b>Total Assets</b>	<b>\$16,002,676</b>	<b>\$ 14,616,395</b>
<b>Liabilities</b>		
Current liabilities	\$ 655,521	\$ 515,170
Reserve for claims and related costs	6,268,000	4,659,000
Pension Plan payable	320,441	416,647
Trust liabilities	425,911	407,933
Deferred lease inducement	761,864	-
<b>Total Liabilities</b>	<b>8,431,737</b>	<b>5,998,750</b>
<b>Fund Balances</b>		
Invested in capital assets	1,707,174	765,416
Externally restricted funds		
Contingency reserve	2,156,651	3,808,260
Scholarship reserve	855,003	770,103
Unrestricted funds	2,852,111	3,273,866
<b>Total Fund Balances</b>	<b>7,570,939</b>	<b>8,617,645</b>
<b>Total Liabilities and Fund Balances</b>	<b>\$16,002,676</b>	<b>\$ 14,616,395</b>

## Condensed Statement of Revenue, Expenses and Fund Balances

For the Year Ended October 31, 2005

	2005	2004
<b>Revenue</b>		
Practise fees	\$ 10,324,813	\$ 9,879,151
Investment income	1,098,816	749,305
Management fee	750,137	669,475
Enrolment and application fees	264,800	307,338
Other	63,776	76,454
Fines and penalties	47,360	41,864
<b>Total Revenue</b>	<b>12,549,702</b>	<b>11,723,587</b>
<b>Expenses</b>		
Corporate costs	2,708,158	2,672,051
Departments and programs	7,829,843	7,047,993
Grants and contributions	1,114,512	1,122,658
Provision for claims and related costs	1,928,895	768,599
Scholarships	15,000	45,000
<b>Total Expenses</b>	<b>13,596,408</b>	<b>11,656,301</b>
(Deficiency) excess of revenue over expenses for the year	(1,046,706)	67,286
Fund Balances - beginning of year	8,617,645	8,550,359
<b>Fund Balances - end of year</b>	<b>\$ 7,570,939</b>	<b>\$ 8,617,645</b>



## The Alberta Lawyers Insurance Association

# Condensed Financial Statements June 30, 2005

To the Directors of the Alberta Lawyers Insurance Association,

The accompanying summarized balance sheet and statement of revenue, expenses and net assets are derived from the complete financial statements of The Alberta Lawyers Insurance Association as at June 30, 2005 and for the year then ended on which we expressed an opinion without reservation in our report dated August 26, 2005. The fair summarization of the complete financial statements is the responsibility of management. Our responsibility, in accordance with the applicable Assurance Guideline of The Canadian Institute of Chartered Accountants, is to report on the summarized financial statements.

In our opinion, the accompanying financial statements fairly summarize, in all material respects, the related complete financial statements in accordance with the criteria described in Guideline referred to above.

The summarized financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Readers are cautioned that these statements may not be appropriate for their purposes. For more information on the entity's financial position, results of operations and cash flows, reference should be made to the related complete financial statements.

*PricewaterhouseCoopers LLP*

PricewaterhouseCoopers LLP  
Chartered Accountants  
August 26, 2005

## Condensed Balance Sheet

As at June 30, 2005

	2005	2004
<b>Assets</b>		
Current assets	\$ 21,410,960	\$ 21,886,092
Investments	56,686,546	51,861,527
Reinsurance recoverables	167,000	210,000
Capital assets	30,967	36,619
<b>Total Assets</b>	<b>\$ 78,295,473</b>	<b>\$ 73,994,238</b>
<b>Liabilities</b>		
Current liabilities	\$ 15,758,218	\$ 15,153,376
Reserve for claims and related costs	45,243,000	36,243,000
<b>Total Liabilities</b>	<b>61,001,218</b>	<b>51,396,376</b>
<b>Net Assets - unrestricted</b>	<b>17,294,255</b>	<b>22,597,862</b>
<b>Total Liabilities and Net Assets</b>	<b>\$ 78,295,473</b>	<b>\$ 73,994,238</b>

## Condensed Statement of Revenue, Expenses & Net Assets

For the Year Ended June 30, 2005

	2005	2004
<b>Revenue</b>		
Annual levy	\$ 14,118,783	\$ 13,919,677
Investment income	3,852,792	2,702,329
<b>Total Revenue</b>	<b>17,971,575</b>	<b>16,622,006</b>
<b>Expenses</b>		
Provision for claims and related costs	19,011,025	9,505,733
Premium paid to CLIA	2,107,810	1,949,917
Operating expenses	2,052,647	1,891,975
Loss prevention	103,700	80,417
<b>Total Expenses</b>	<b>23,275,182</b>	<b>13,428,042</b>
(Deficiency) excess of revenue over expenses		
for the period before the following	(5,303,607)	3,193,964
Premium Credit	-	2,271,143
Excess of revenue over expenses for the period	(5,303,607)	5,465,107
<b>Net Assets - beginning of period</b>	<b>22,597,862</b>	<b>17,132,755</b>
<b>Net Assets - end of period</b>	<b>\$ 17,294,255</b>	<b>\$ 22,597,862</b>

# 2005 Standing Committees

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John Holmes (Vice Chair, Conduct)  
Charles Gardner (Chair, Prof. Resp.)  
Judy Boyes (Vice Chair, Practise Review)

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Vivian R. Stevenson  
Everett L. Bunnell  
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L. David Wilkins (Minister of Justice)  
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Raymond Lee  
Sandra Mah  
Ola Malik  
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Sumbal Naqi

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Andrzej Nowacki (Dept. of Justice)

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Norma Sieppert  
Morris Taylor  
Wilf Willier  
Monica Bast  
Geoff Green  
Denise Harwardt  
Donna Johnson  
Cathy G. Lane-Goodfellow  
Doug L. Kennedy  
Baljinder Rattan  
Jim Rooney  
Tracey Stock  
Richard (Dick) W. Wilson  
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# 2005 Ad Hoc Committees

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Virginia Engel  
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Jim Peacock  
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### Subcommittee of Insurance Committee

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Ed Halt  
Anne Kirker  
A. (Sandy) G. McKay  
Shelley L. Miller  
Kenneth G. Nielsen  
Gwen K. Randall  
Gerry F. Scott  
Phyllis A. L. Smith  
Doug Stokes  
Walter Kubitz  
Lisa Sabo (LSA)

## COMMITTEE TO INVESTIGATE THE ISSUE OF PARTIES FUNDED BY THE LSA ACCUMULATING SURPLUSES

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Charlie Gardner  
Perry Mack  
Jim Peacock  
Yvonne Stanford  
Peggy Stevenson (LSA)

## COMPLAINTS AGAINST PROSECUTORS

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Tudor Beattie  
Mona Duckett  
Ken Nielsen  
Lindsay MacDonald (LSA)

## COURT TECHNOLOGY

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Ron Everard  
Tudor Beattie  
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Vivian Stevenson  
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## LSA 100TH ANNIVERSARY

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Phyllis Smith (Co-Chair)  
Don Bishop  
Peter Freeman  
Charlie Gardner  
Justice Adam Germain  
Doug Hudson  
Webster Macdonald, Jr.  
John Martland  
Jim Peacock  
Bob Philp  
Bob Scammell  
Deanna Steblyk  
Eileen Dooley (LSA)  
Jessi-Ann Riddell (LSA)

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Michelle Somers (Co-Chair)  
Bill Currie  
Lorne Motley  
Neil McDermid  
Justice Brian E. Mahoney  
Eileen Dooley (LSA)  
Jessi-Ann Riddell (LSA)

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Tracey Stock  
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Marilyn Billinkoff (LS of Manitoba)  
Randy Baker (LS of Saskatchewan)  
Tom Schoenhoffer (LS of Saskatchewan)  
Patrick Mahoney (CLIA)  
Ron Usher (LS of B.C.)  
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Susan Billington (LSA)

## VIDEO CONFERENCING COMMITTEE

Mona Duckett



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Perry Mack

## ADVISORY COMMITTEE ON MORTGAGE FRAUD

Stephen Raby

## ALBERTA BUSINESS CORPORATIONS ACT

Andrew J. Hladyshevsky

## ALBERTA LAW FOUNDATION

Stephen Raby  
J. David Steele

## ALBERTA LAW REFORM INSTITUTE

Alan D. Macleod

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John Holmes

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Mona Duckett (President-Elect)  
Don Thompson (Executive Director)

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Jim Peacock

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M. Francine Swanson

## CANADIAN LEGAL INFORMATION INSTITUTE

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