

# Law Society of Alberta

## VISION

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

## MISSION

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

## CORE VALUES

- Customer Service (internally & externally)
- Effective and respectful communications
- Importance of being informed and educated about the Law Society of Alberta

# PRESIDENT'S MESSAGE

## A Focus on the Future

*By Perry Mack, QC, 2008-2009 President, Law Society of Alberta*



Perry Mack, QC

In 2008, the Law Society of Alberta began a second century of governance of the legal profession in the public interest. The responsible exercise of this mandate has meant that the Benchers' work has focused upon consideration of initiatives that may be required to reflect the changes that have taken place in the business of the legal profession and the growing needs of the public for affordable access to legal services.

National mobility of the profession has been a reality for several years. The Law Society of Alberta was a leader in the creation of the National Mobility Agreement among the law societies across the country. The time has come to ask what differences in the regulation of the profession are justifiable from province to province. National law firms and clients who carry on their business in multiple jurisdictions are a reality. Should there be a national

Code of Conduct, common credentialing and discipline processes? These are questions that the Law Society, through the facility of the Federation of Law Societies, continued to consider in 2008.

Concerns about a growing access to justice problem, as the Courts, in particular, have become increasingly burdened with self-represented litigants, caused the Benchers to renew their commitment to sustainable funding for Pro Bono Law Alberta and to begin work on the examination of means of alternative delivery of legal services. The time has come to consider the merits of a regulated paralegal profession in Alberta as a means to increase the supply of legal services in appropriate areas of need.

The Benchers continued a major examination of how the profession protects trust property of clients. Issues include whether there should be changes

in reporting and audit processes, how assurance fund claims are handled, and what steps should be considered to ensure a sustainable fund to respond to legitimate claims of clients whose money was misappropriated by a lawyer.

The year 2008 also saw the implementation of Client Identification rules, widespread communication of the Continuing Professional Development program and other initiatives to improve and streamline Law Society processes.

The business of the Law Society could not be done without a dedicated group of volunteer benchers, members of the profession, and a remarkable staff.

It has been an honour and a privilege to serve as President of the Law Society of Alberta.

## Being a Sustainable and Accountable Self-Regulator

By Don Thompson, QC, Executive Director, LSA



Don Thompson, QC

In December 2005, the Benchers set the Mission, Vision, and Governance Goals and Objectives for the LSA and ALIA, and identified several priorities.

Our focus continues to be doing what we do, only better. We do this by managing fiscal responsibility, ensuring proper alignment of resources to achieve our strategic initiatives, and engaging in strategic recruitment and hiring.

Ongoing initiatives in 2008 were part of our strategic work to move the LSA closer to its vision of becoming a model regulator. Among the behind-the-scenes activities at the LSA

by both Benchers and staff were the following accomplishments by the LSA:

- Making Bencher meetings more transparent and open. Preparations began at the October 2008 meeting to welcome the media and prepare meeting materials accordingly.
- New Client Identification and Verification rules came into effect in December.
- Revised Assurance Fund rules and guidelines were approved to make the LSA's Assurance Fund a model of protecting client's funds for other law societies in Canada.

- Sustainable core funding was approved for Pro Bono Law Alberta to enable it to actively focus on program and project development.
- Revisions to the CPLED program signaled a new era for students and ultimately the legal profession.
- A new slate of Benchers was elected on November 18, 2008.

The Law Society of Alberta continues to streamline its processes, procedures, and communications to better serve the committees and Benchers. Overall, we are continuing to look for areas where we can do better and provide a high level of services.

### Governance Goals

**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 practising law in Alberta.

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

**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.

### Issue

- 1 Continue working on issues of safety of trust property and compliance audits.
- 2 Determine length of time for matters to proceed through complaints to hearing, and make necessary changes to meet those timelines.
- 3 Determine what it is the Law Society of Alberta is trying to accomplish in the area of unauthorized practice.
- 4 Move ahead with the continuing professional development issue.
- 5 Determine strategy around communications issues.
- 6 Determine what services ASSIST will provide and how much money is spent on those services.
- 7 Explore what should be done in addition to the already identified approach to pro bono work.

### Accomplishments to date in 2008

A high level policy paper outlining the challenges and possible approaches was prepared. The Benchers approved a Security of Trust Funds implementation committee, and audit and detection recommendations were approved for implementation.

Goals for informal and formal complaints have been set

Completed in December 2005. We will prosecute where an unauthorized practitioner is a risk to the public.

Implementation was well underway with 64 presentations to bar associations, firms, and other legal groups, and ongoing communications with the profession.

In February 2006, the Benchers adopted the strategy developed by the Communications Committee.

Completed for 2006-2007, and incorporated into budget.

Pro Bono Law Alberta has been launched. PBLA is on track with its strategic objectives to focus project development in three key areas.

# Strategic Plan Streamlined to Four Operational Goals

## GOAL 1

### **To be highly trusted**

Canada is one of the last places in the world where the legal profession is self-governed. To successfully regulate the profession we must be trusted and understood by the public, the government, the profession, and the justice system. They must see us as focused on protecting the public interest, fair, transparent, timely and responsive.

## GOAL 2

### **Be recognized for excellence in management and leadership in service**

We must earn trust through excellence and leadership in all we do. Our recent accomplishments in this area include: complaints standards work, safety of trust project, risk management and the ongoing implementation of the Continuing Professional Development Program.

## GOAL 3

### **Be visible in standing up for the public interest in the principles of justice**

We will strive to govern in the public interest by maintaining and strengthening an independent legal profession. We will be an advocate to protect the public, increase access to legal services and preserve the rule of law.

## GOAL 4

### **Be a leader organization of choice for staff and volunteers**

Volunteers are key to the functioning of the LSA, because the Legal Profession Act gives them authority for certain decisions. We will strive to be a leader organization of choice for staff and volunteers.



Rod Jerke, QC

## Promoting and Ensuring High Ethical Standards and Standards of Competence

*By Rod Jerke, QC, Bencher and 2008 Chair, Conduct Committee*

The work of the LSA's Conduct department includes receiving inquiries and complaints and working to resolve them to the satisfaction of the complainant and the lawyer.

If a complaint cannot be resolved, or it discloses a concern that is potentially a significant breach of the Code of Professional Conduct, it is advanced to the formal discipline process. After investigation and review by administration, the complaint may be dismissed or forwarded to the Conduct Committee where Panels review the complaint and may direct further investigation, refer the matter to the Practice Review Department, direct the complaint to a Hearing, or dismiss the complaint.

In 2006, the Benchers directed the launch of an enhanced risk assessment program designed to address concerns arising when a lawyer's practice is being conducted in a manner which may not be in the best interests of the public or the profession. They also directed the implementation of an enhanced practice assessment program aimed at remediation.

Working in conjunction, the Practice Review Committee and the Conduct Committee developed a Guideline [Factors to be considered, Section 58 referrals] to assist Conduct Committee Panels in their evaluation of whether a lawyer should be referred for an assessment of her/his practice. This Guideline is now in use to assist in remediating recurring or continuing problems in a lawyer's practice and to achieve sustainable improvements in the lawyer's conduct and practice.

### Fair and Transparent Discipline Process

The Conduct Committee also developed a Conduct Panel Guideline focused on the role of Conduct Committee Panels engaged in the review of complaints referred to the Committee through the formal process. This Guideline outlines the policy directives developed by the Benchers concerning complaints and is intended for use by all participants in the conduct process. This Guideline is now fully implemented and is actively being used as a tool to ensure review of complaints in a manner which is fair to the complainants and lawyers, and on a basis which is known, understood, and balanced.

### Timely Discipline Process

Benchmarks have been established to ensure that complaints are brought to conclusion on a timely basis. Even with an increase in the number of complaints, the Conduct Department has met its target of moving matters from inquiry/complaint to resolution or into the formal process.

Efforts to meet targets within the formal process continue and improvement has been experienced, although the benchmark with respect to formal complaints has not yet been met. These efforts have resulted in increased activity for the Conduct Committee in its review of formal complaints (an increase of approximately 10% from 2007) and a high level of activity for Bencher Hearing Committees. Further improvement in the time taken to move matters through the formal process is expected.

### Conduct Hearings Opened Since Jan 1, 2002

Year	Hearings Ordered
2002	23
2003	31
2004	34
2005	31
2006	47
2007	39
2008	42

### Open Complaints as at Dec 31, 2008

	Formal Complaints	Informal Complaints
<b>Total</b>	<b>487</b>	<b>273</b>

### Complaints Closed During 2008

	Formal Complaints	Informal Complaints
<b>Total</b>	<b>379</b>	<b>2,278</b>

## Investment Review Confirms Funds Well Managed

*By Carsten Jensen, QC, Bencher and 2008 Chair, Finance Committee*



Carsten Jensen, QC

During 2008, the Law Society reviewed the performance of its investments and investment advisors, including the investments held in the Assurance Fund and for the Alberta Lawyers Insurance Association (ALIA).

The Assurance Fund compensates clients where there has been misappropriation or wrongful use of trust funds. When Alberta lawyers are sued for professional negligence, ALIA responds. Both the Assurance

Fund and ALIA are critical parts of the Law Society's mandate to provide protection to the public and to maintain confidence in the legal profession. In order to meet actual and projected claims, both the Assurance Fund and ALIA maintain substantial reserves, under professional management.

The review confirmed that the Law Society's funds are well managed in prudent and appropriate investments. While fund balances have declined in recent

months, those declines have been substantially less than overall market performance, in keeping with the conservative nature of our investments.

In the past few years, the Law Society has developed its annual budget in conjunction with its business plan. That model was continued in 2008. Key components of the business plan involved dealing with complaints against lawyers in a timely and effective manner, and increased spending on risk management initiatives.

## CPLED and Recruitment Rules Amended Following Committee Work

*By Stephen Raby, QC, Bencher and 2008 Chair, Credentials and Education Committee*



Stephen Raby, QC

Major matters which were dealt with by the Credentials and Education Committee during 2008 included the following:

**1. Ability of students to article to Provincial Court (PC) judges** - The Committee recommended to the Benchers that it endorse the request by the PC judges to amend the Legal Profession Act to allow articling students to article to all PC judges (and not just the Chief Judge of the PC of Alberta as the legislation is currently worded). The Benchers approved the endorsement.

**2. Reinstatement Testing** - Although there had been suggestions that the Legal Education Society of Alberta would cease to create, oversee and mark reinstatement exams, LESA agreed to continue this service in the short term. The Committee is looking for alternative methods

for the provision of reinstatement testing and over the year, the Committee seriously looked at a system that has been introduced in British Columbia which involves on-line self-study and testing modules. The Committee is now determining the cost. A recommendation to the Benchers may follow if the costs are not prohibitive.

**3. Amendments to CPLED Rules** - The Committee recommended to the Benchers that a significant change to the CPLED regime be made. The recommendation was approved by the Benchers. Commencing after the October 2008 convocation, CPLED students are now no longer required to submit the three assignments that are available in respect of each of the on-line modules. If submitted, feedback will be provided on the assignments by the Learning Group Facilitators, but the assignments will not be graded. As a result of these

changes, collaboration in completing the assignments is now authorized.

**4. Federation of Law Societies Task Force on the Canadian Common Law Degree** - The Committee provided input to the Executive Committee in respect of a Consultation Paper prepared by the Federation Task Force. The Executive Committee prepared a formal response to the Task force.

**5. Recruitment Rule Amendments** - The Committee recommended to the Benchers, and the Benchers ultimately approved at the February 2009 Bencher meeting, amendments to the Recruitment Rules. The amendments now exempt a second year summer student from the Recruitment Rules (first year summer students are exempt under the existing Rules).

## Membership Statistics

Law Society of Alberta Membership			
Year	Active	Inactive	Suspended
2005	7711	1703	904
2006	7967	1707	977
2007	8152	1784	1045
2008	8336	1800	1161

Transfers in 2008	
Status	Count
Applied	105
Called	102

Total Limited Liability Partnerships	
Status	Count
New LLPs	9
Total Limited Liability Partnerships	156

Professional Corporations in 2008	
Status	Count
Articles Approved	183
Permits issued	174
Total Active Professional Corporations	2295

Students-at-Law in 2008	
Status	Count
Applied	322
Called	334
Started articling & clerking	349

Member Status Changes in 2008	
Change Type	Count
Disbarred	16
Deceased	29
Judicial Appointment	11
Resignation - s. 32	52
Became Inactive	359
Reinstated	153
Retired	27
Suspended	221

Total Number of Members by Insurance Status		
Year	Insured	Exempt
2005	5413	2296
2006	5535	2431
2007	5621	2530
2008	5728	2606



## Public Protection (Assurance Fund)

Count of Files for Assurance Fund				
Year	Claim Amount	Reserve Amount	Paid Amount	Claims
2001	\$52,000	\$17,000	\$17,000	5
2002	\$743,000	\$496,000	\$496,000	18
2003	\$3,130,000	\$1,138,000	\$167,000	21
2004	\$2,606,000	\$1,460,000	\$1,402,000	43
2005	\$3,568,000	\$1,782,000	\$864,000	67
2006	\$15,126,000	\$1,977,000	\$754,000	71
2007	\$4,249,000	\$861,000	\$89,000	78
2008	\$1,220,000	\$1,000	\$0	28

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

Open Assurance Claims since 2000	
Dec 31, 2008	
<b>Total</b>	<b>152</b>

Assurance Claims Closed as at December 31, 2008	
Complaints	
<b>Total</b>	<b>44</b>

## Professionalism and Competence

Practice Review – Opened Practice Review Files				
Year	Self	Informal	Formal	Reinstatement
2001	2	18	6	6
2002	2	18	15	1
2003	2	90	6	2
2004	5	88	9	3
2005	3	68	13	3
2006	7	22	7	3
2007	2	5	8	4
2008	0	3	10	3

## Custodianships

Total Custodianships Opened by Year	
Year	Formal
2001	12
2002	6
2003	2
2004	6
2005	20
2006	13
2007	9
2008	8

## Audit

Time Audits on Locations Aged by Year since last Audit or Location becoming Active	
Years	Locations
0	220
1	298
2	176
3	84
4	73
5	97
6	78
7	57
8	57
9	56
10	18
>10	436
Total	1650

## Alberta Lawyers Insurance Association

Open Claims by Insurance Year (Jul 1st to Jun 30th)	
Year	Claims
2001	35
2002	35
2003	62
2004	70
2005	97
2006	125
2007	168
2008	347
2009	353
<b>Total</b>	<b>1342</b>

2008 Open and Closed Claims	
Claims Open	Claims Closed
545	788

The Audit Department conducts audits, which are either unannounced Rule 130 audits (Spot Audits) or Rule 132 Examinations (Examinations). Law firms are selected for an audit on the basis of risk and time.

## 2008 Bencher Election

### 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 non-lawyer public representatives (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. The role is voluntary and only the president of the LSA receives an honorarium.

Non-lawyer public representatives (lay benchers) are public members appointed by the Minister of Justice and Attorney General of Alberta. Non-lawyer public representatives (lay benchers) serve a three year term, have full voting rights, and participate in all bencher matters. They serve for a maximum of nine years.

Benchers and non-lawyer public representatives (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

### Election 2008

The election took place on November 18, 2008. The LSA counted 3524 ballots, which resulted in 11 returning benchers and 9 new benchers being elected for the 2009-2012 term.

### Election Statistics:

- 44 lawyers ran for election
- 8236 packages of election materials sent out to all active practising lawyers
- 43% ballots returned
- 3524 good ballots
- 19 spoiled ballots
- 3524 votes cast

2009-2012 Benchers		
Candidate	Votes	District
Michalyszyn, Peter, QC (President-Elect)	N/A	Edmonton
Mah, Douglas R., QC	1738	Edmonton
Raby, Stephen, QC	1505	Calgary
Jensen, Carsten, QC	1466	Calgary
Everard, Ronald, QC	1208	Calgary
Watson, Scott A.	1198	Edmonton
Carter, Rose M. QC	1156	Edmonton
Henderson, John T.	1091	Edmonton
Higgerty, John, QC	1070	Hinton
Ahluwalia, Neena, QC	1037	Edmonton
Spackman, Dale, QC	1007	Calgary
Eamon, James T.	995	Calgary
Fenwick, Fred, QC	928	Calgary
Jerke, Rodney A., QC	902	Lethbridge
Nickerson, Roy, QC	864	Edmonton
Chotalia, Shirish, QC	836	Edmonton
Young, Anthony G.	811	Calgary
Feth, Kevin	798	Edmonton
Schutz, Frederica L.	736	Edmonton
Glass, James	acclaimed	Red Deer



**Back row (left to right):** Steve Raby, QC; Carsten Jensen, QC; Rod Jerke, QC; and Don Thompson, QC (Executive Director).

**Front row (left to right):** Vivian Stevenson, QC; Perry Mack, QC (President); Peter Michalyshyn, QC (President-Elect); and Yvonne Stanford (public non-lawyer representative).



**Back row (left to right):** Dean David Percy (University of Alberta); Dr. Larry Ohlhauser (public non-lawyer representative); Brad Nemetz, QC; Brian Beresh, QC; Roy Nickerson, QC; John Prowse, QC; Rod Jerke, QC; and Dean Alastair Lucas (University of Calgary).

**Middle row (left to right):** Doug Mah, QC; Norma Sieppert (public non-lawyer representative); Shirley Jackson, QC; Steve Raby, QC; Larry McConnell, QC; Ron Everard, QC; Carsten Jensen, QC; Wayne Jacques (public non-lawyer representative); Dale Spackman, QC; and Julia Turnbull, QC.

**Front row (left to right):** Hugh Sommerville, QC; Vivian Stevenson, QC; Don Thompson, QC (Executive Director); Perry Mack, QC (President); Peter Michalyszyn, QC (President-Elect); Neena Ahluwalia, QC; Yvonne Stanford (public non-lawyer representative); and Shirish Chotalia, QC.

## SCC Dismissal Upholds Solicitor-Client Privilege

By Janet Dixon, QC, Senior Counsel, Law Society of Alberta



Janet Dixon, QC

The Privacy Commissioner's order requiring a client to produce solicitor client privileged correspondence with its lawyer was vacated July 18, 2008 when the Supreme Court of Canada upheld a decision made earlier by the Federal Court of Appeal in *Blood Tribe Department of Health v. Privacy Commissioner of Canada and Annette J. Soup*.

In this decision, the SCC upheld the right of clients to solicitor-client privilege, noting that this privilege "is fundamental to the proper functioning of the legal system. Without that assurance, access to justice and the quality of justice in this country would be severely compromised.

It is in the public interest that the free flow of legal advice be encouraged."

The case began in spring 2002 when Ms. Soup's employment was terminated by the Blood Tribe. At her dismissal, the Blood Tribe sought and obtained written legal advice regarding her employment. Following her dismissal, Ms. Soup made a request under the federal *Personal Information Protection and Electronic Documents Act* for copies of her personal information held by the Blood Tribe. It complied with this request except for the legal advice it received from its solicitors.

The Commissioner demanded copies of the material to verify the claim to solicitor-client privilege but the Blood Tribe refused to waive the privilege. Subsequently the Privacy Commissioner issued an order under PIPEDA to produce the documents.

In November 2003, the Blood Tribe brought an application in Federal Court for a judicial review of the production order. The application was denied in March 2005. The Blood Tribe then appealed to the FCA where the LSA was granted intervener status.

### CPD Program Presentations Engaged Lawyers

Since the launch of the Continuing Professional Development Program in March 2008, over 2500 lawyers attended one of the 64 LSA presentations by December 31, 2008. Presentations were made to groups of lawyers at luncheons, CBA section meetings, the Alberta Law Conference, regional bar associations and the annual refresher course held by Legal Education Society of Alberta (LESA).

The video developed by Smile Productions and Calgary lawyer Allan Shewchuk, QC, was central to the presentations, and opened discussion among the participants about the need and value of the self-directed program. Tools to complete the plans were made available online and included a self-assessment tool, a searchable resource bank, and a planning template.

### New "Know your Client" Rules In Effect December 31, 2008

New "know your client rules" came into effect December 31, 2008. New rules on client identification and verification requirements are based on a model rule developed by the Federation of Law Societies of Canada. These rules are part of a national initiative to fight fraud and money laundering.

## LSA Represented on Pro Bono Law Alberta Board

A diverse perspective on the needs of Albertans was brought to the Pro Bono Law Alberta board with the appointment of LSA representative Yvonne Stanford in 2008. A public non-lawyer representative to the Benchers since 2000, Yvonne Stanford brought extensive expertise in multi-cultural community agencies, human rights, and social action to the board. She was previously a YWCA Calgary director, and executive director with the south central region of the Canadian Mental Health Association.

“She has done more to make the LSA accountable to the public,” noted Janet Dixon, QC, LSA senior counsel, “and she continues to embody and keep the public interest before the LSA.”

Her consulting experience includes human rights education with Oxfam Canada and board decision-making with Calgary Legal Guidance. She has consulted for the Calgary Immigrant Women’s Association and Churchill Park Day Care Society. She was involved in the Convention on the Rights of the Child with Oxfam, and the State of Alberta’s Children report with the committee on race relations. Her volunteer work supported organizations such as the Coalition for Equal Access to Education, Dignity Foundation, and the Women’s Centre of Calgary.

Yvonne Stanford’s term as lay bencher ended in February 2009.



LSA Representative to PLBA Board Yvonne Stanford

## Aboriginal Law Student Summer Program Places Trio into Summer Positions

To provide insights into First Nations culture, and career opportunities, the Aboriginal Law student program facilitated the placement of three second-year students into summer positions in 2008.

Since it began in 2006 as a pilot project, it has facilitated the placement of 14 law students in summer positions. One of the first students to participate in the program, Carly Fox, is an active lawyer with Maurice Law, the firm in which she first worked as a student in 2006.

The most recent participants in the program, who are returning to article in 2009 are: University of Calgary law student Courtney Burton who joined Fraser Milner Casgrain LLP, and University of Alberta law students Brock Roe and Shaun Emes who are joining Davis LLP and Alberta Justice respectively.

The program was created to: (1) allow law firms and the legal profession to gain greater insight into aboriginal culture and issues; (2) provide an opportunity for aboriginal law students early in their legal career to obtain work experience in a law firm; and (3) foster opportunities for ongoing relationships to develop between aboriginal students and practicing lawyers.



John Higgerty, QC, LSA Bencher, with law student Courtney Burton (centre) and Jocelyn Frazer, LSA Equity Ombudsperson

## Media and Law Seminar 2008 The Role of Journalism in the Rule of Law

The role of journalism in the rule of law was the focus of the Law Society of Alberta’s 2008 Media and the Law Seminar.

The 6th annual seminar for the media, legal profession and judiciary discussed and debated questions such as: When news of high profile court cases or legal issues reach the public, is the rule of law being supported or compromised? Is the public’s understanding of the rule of law increased or affected? How has the rule of law been tested by media in order to meet the public’s need to know?

The keynote dinner speaker was **Rex Murphy**, well-known Canadian journalist and host of CBC Radio’s *Cross Country Checkup*. Master of Ceremonies was **Paula Todd**, acclaimed journalist, broadcaster, author, lawyer and investigative reporter with CTV’s *W-Five*.

Mr. Murphy drew from his extensive work experience to validate the importance of the rule of law within the fabric of Canadian society in a very engaging after-dinner speech. Two panellist sessions addressed the timely questions: (1) *Does the Legal System Straitjacket Full Reporting?* and (2) *Is the Rule of Law on Trial by the Media?* The Media and Law seminar was held October 18, 2008 in Edmonton, Alberta.



Aboriginal law summer students Brock Roe and Shaun Emes from the University of Alberta

## W.B. Kelly, Q.C. Memorial Prize Recipients

The 2008 W.B. Kelly QC Memorial Prize winners are: Kristin Miller of the University of Calgary and Kathy Wang of the University of Alberta.

Kristin Miller earned a B.A. in English and Professional Writing from the University of Victoria in 2001, and expects to receive her law degree from the University of Calgary in 2009.

Kathy Wang earned her undergraduate degree from Simon Fraser University and her law degree from the University of Alberta in 2008. She worked for Parlee McLaws and the Alberta Law Reform Institute while attending law school. She is currently clerking at the Federal Court of Canada, and will join Borden Ladner Gervais next year.

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

The late William Bernie Kelly, Q.C. served as the Law Society of Alberta's deputy secretary, secretary-treasurer (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 practice in Alberta.



Kathy Miller



Kathy Wang

## 2008 Viscount Bennett Scholarship

University of Alberta law graduate, Matt Vernon (Calgary) is the recipient of the 2008 Viscount Bennett Scholarship.

After obtaining a B.A. in English literature from the University of Calgary, he earned his LL.B. from the University of Alberta in 2006. After graduating, he clerked with the Alberta Court of Appeal and was called to the bar November 2007 after completing the remainder of his articles with Macleod Dixon LLP, where he stayed on as a litigation associate.

In the fall of 2008, he began a residence at Wadham College to start work on the BCL (Bachelor of Civil Law), a one-year taught graduate degree at the University of Oxford. His coursework for the year will focus on international trade law and dispute resolution and transnational commercial law.

The Viscount Bennett Scholarship was established through a trust fund by the Right Honourable Viscount Bennett to encourage a high standard of legal education, training and excellence.



Matt Vernon

## Peter Freeman Bursary Recipients

Four Alberta university law students were awarded the Peter Freeman, QC, Bursary for Indigenous Students in Law.

Three students in the Faculty of Law at the University of Alberta each received a \$1,000 bursary. They are:

- Matthew Kachur who is completing his third year with a 2.8 point grade average;
- Dustin LaBoucan who is completing his second year with a 3.1 grade point average; and
- Ashley Radford who is completing her second year with a 2.4 grade point average.

Kane Richards is the sole recipient of the award from the Faculty of Law at the University of Calgary, and receives a \$3,600 bursary.

The bursary was created by the Law Society of Alberta in 2001 in honour of Peter Freeman, QC, who served as the executive director from 1989 until his retirement in 2001. The principal amount for the bursary was established through generous donations from the legal community and the Law Society of Alberta.



## Distinguished Service Awards Celebrate Excellence in the Legal Profession

The Distinguished Service Awards not only honour four truly outstanding members of the legal profession, they provide an opportunity to recognize and acknowledge the vast and invaluable contributions made by many lawyers throughout Alberta. These awards are presented jointly by the Law Society of Alberta and the Canadian Bar Association - Alberta.



Recipients and Presenters of the 2008 Distinguished Service Awards in this photo are, from left to right: B.A.R. (Quincy) Smith, QC; Jim Peacock, QC, LSA Past President; Shirzad Ahmed; Gerald B. Robertson, QC; Allan Shewchuk, QC; and Michelle Hollins, QC, CBA Alberta President.

### Gerald B. Robertson, QC (Distinguished Service in Legal Scholarship)

As a professor in the Faculty of Law at the University of Alberta for 25 years, Mr. Robertson's involvement with important review panels, medical associations and ethics committees helped earn him the 2003 Honourable Tevie H. Miller Teaching Excellence Award from the U of A. He is a world-class scholar through his work in the area of medical malpractice and mental health law and has authored and co-authored three prominent health law textbooks.

### B.A.R. (Quincy) Smith, QC (Distinguished Service to the Community)

A true professional, Mr. Smith is one of Canada's foremost insolvency lawyers and has been recognized nationally for his efforts with Fraser Milner Casgrain LLP (Calgary) as managing partner. He spearheaded the restructuring and ultimate salvation of the Calgary Philharmonic Orchestra, was a director of the Calgary Stampede for eight years and took a lead role in efforts to restructure the Calgary Stampeders Football Club. In 2005, he chaired the Calgary United Way Campaign to raise more than \$40 million to fund 225 community programs and remains as a director.

### Allan G. P. Shewchuk, QC (Distinguished Service to the Profession)

After graduating in 1984 with his law degree from the University of Alberta, Mr. Shewchuk has provided proven expertise in wide-ranging civil litigation areas to the academic and professional community. He has done this through his roles with the Legal Education Society of Alberta, Calgary Court-house Education Society, Legal Archives Society of Alberta and the U of C Faculty of Law. Mr. Shewchuk's volunteer teaching and professional roles have strengthened the field and practice of law in Alberta immeasurably.

### Shirzad S. Ahmed (Distinguished Service Pro Bono Legal Service)

Shirzad Ahmed's desire to promote human rights and democratic freedoms began to make an immediate, tangible impact when he graduated from the University of Calgary's Faculty of Law in 2000. Mr. Ahmed has devoted thousands of hours to clients regardless of legal aid or the client's ability to pay in many immigration, refugee and humanitarian cases. He has used his legal knowledge to promote human rights. As a prolific writer on human rights issues around the world, he has drawn a measure of credibility overseas and within Alberta that few Canadian lawyers possess.



The Law Society of Alberta celebrated on October 2, 2008 in Calgary five decades of service by five lawyers. They are, top row, Edward S. Pipella, QC; Perry Mack, QC, LSA President; and David J. MacLean, QC. On bottom row, left to right, are: Ernest R. Shymka; the Honourable John Charles Major, QC; and Donald J. Kelly, QC.



Five decades of service by three lawyers were celebrated by the Law Society of Alberta on November 27, 2008 in Edmonton. Top row, left to right, Perry Mack, QC, LSA President; The Honourable Peter Caffaro; Norman Simons and his son Michael Simons. Bottom row, left to right, Patricia Caffaro, Mrs. Oli Simons, and daughter Paula Simons. Missing was 50-year long service award recipient John C. Weir, QC.

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## Law Society of Alberta

Summarized Financial Statements October 31, 2008

### Auditor's Report

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, 2008 and for the year then ended on which we expressed an opinion without reservation in our report dated February 5, 2009. 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 the Guideline referred to above.

These 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  
February 5, 2009

## Summarized Balance Sheet

As at October 31, 2008

	2008 (000s)	2007 (000s)
<b>Assets</b>		
Current assets	6,606	9,103
Investments	9,456	7,966
Reinsurance recoverables	2,692	6,531
Trust assets	589	514
Capital assets	1,641	1,331
	<b>20,984</b>	<b>25,445</b>
<b>Liabilities</b>		
Current liabilities	1,186	1,654
Reserve for claims and related costs	5,452	9,824
Pension plan payable	448	400
Trust liabilities	589	514
Deferred lease inducement	477	554
	<b>8,152</b>	<b>12,946</b>
<b>Fund Balances</b>		
Invested in capital assets	1,641	1,331
Externally restricted funds		
Contingency reserve	6,891	6,053
Scholarship reserve	1,106	1,262
Unrestricted funds	3,194	3,853
	<b>12,832</b>	<b>12,499</b>
	<b>20,984</b>	<b>25,445</b>

## Summarized Statement of Revenue, Expenses and Fund Balances

For the year ended October 31, 2008

	2008 (000s)	2007 (000s)
<b>Revenue</b>		
Practise fees	15,534	14,678
Investment income	950	1,433
Unrealized loss on investments	(1,762)	(464)
Management fee	931	872
Enrolment and application fees	366	406
Other	97	109
Fines and penalties	16	27
	<b>16,132</b>	<b>17,061</b>
<b>Expenses</b>		
Corporate costs	3,503	3,299
Departments, programs & committees	10,720	10,128
Grants and contributions	1,747	1,367
(Recovery) provision for claims and related costs	(211)	518
Scholarships	40	40
	<b>15,799</b>	<b>15,352</b>
Excess of revenue over expenses for the year	333	1,709
Fund balances - beginning of year	12,499	8,384
Transitional adjustment on adoption of new accounting policies	-	2,406
<b>Fund balances - end of year</b>	<b>12,832</b>	<b>12,499</b>

# The Alberta Lawyers Insurance Association

## Summarized Financial Statements June 30, 2008

### Auditor's Report

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, 2008 and for the year then ended on which we expressed an opinion without reservation in our report dated November 28, 2008. 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 the Guideline referred to above.

These 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  
November 28, 2008

### Summarized Balance Sheet

As at June 30, 2008

	2008 (\$000s)	2007 (\$000s)
<b>Assets</b>		
Current assets	17,232	17,122
Investments	89,169	72,688
Capital assets	21	35
	<u>106,422</u>	<u>89,845</u>
<b>Liabilities</b>		
Current liabilities	10,704	11,184
Reserve for claims and related costs	45,147	43,213
	<u>55,851</u>	<u>54,397</u>
<b>Net Assets</b>		
Unrestricted net assets	<u>50,571</u>	<u>35,448</u>
	<u>106,422</u>	<u>89,845</u>

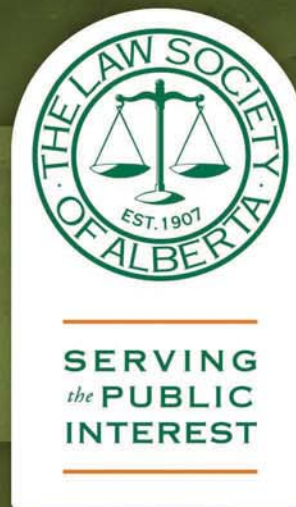
### Summarized Statement of Revenue, Expenses and Net Assets

For the year ended June 30, 2008

	2008 (000s)	2007 (000s)
<b>Revenue</b>		
Annual levy	10,944	12,693
Investment income	3,809	10,965
Unrealized loss on fair market value of investments	(3,122)	-
	<u>11,631</u>	<u>23,658</u>
<b>Expenses</b>		
Provision for claims and related costs	13,291	9,677
Premium paid to CLIA	2,755	2,003
Operating expenses	2,711	2,456
Loss prevention	6	13
	<u>18,763</u>	<u>14,149</u>
(Deficiency) excess of revenue over expenses for the year before premium credit	(7,132)	9,509
Premium credit	1,662	-
(Deficiency) excess of revenue over expenses for the year	(5,470)	9,509
Unrestricted net assets - beginning of year	35,448	25,939
Transitional adjustment for change in accounting policy	20,593	-
<b>Unrestricted net assets - end of year</b>	<u>50,571</u>	<u>35,448</u>

A copy of the complete financial report for LSA and/or ALIA is available at [www.lawsociety.ab.ca](http://www.lawsociety.ab.ca) or by contacting W.C. (Bill) Wakefield, Controller, The Law Society of Alberta, 500, 919-11th Avenue SW, Calgary, Alberta T2R 1P3 or [bill.wakefield@lawsociety.ab.ca](mailto:bill.wakefield@lawsociety.ab.ca)

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