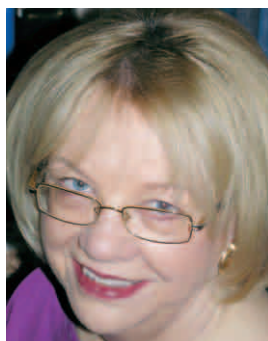
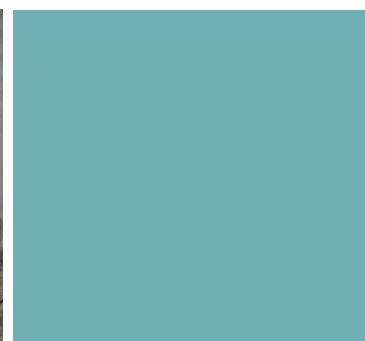


THE LAW SOCIETY OF ALBERTA

2009 Annual Accountability Report



SERVING
the PUBLIC
INTEREST





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

STRATEGIC OPERATIONAL GOALS

GOAL 1: To be highly trusted

GOAL 2: Be recognized for excellence in management and leadership in service

GOAL 3: Be visible in standing up for the public interest in the principles of justice

GOAL 4: Be a leader organization of choice for staff and volunteers

Strategic Policy Development in the Public Interest

By Peter Michalyshyn, QC, 2009-2010 President, Law Society of Alberta

In 2009, the Law Society of Alberta pursued a host of policy initiatives including three projects central to the Law Society's core values of maintaining independence through self-governance in the public interest.

Access to Justice

As part of our access to justice brief we asked ourselves—what is the role of the regulator of the legal profession in addressing access to justice issues?

The Law Society's role became clearer when we defined the issue not just as access to justice, but as "access to legal services". The Law Society clearly regulates legal services, including who can offer those services under the Legal Profession Act. And there is evidence that a short supply of lawyers to provide certain legal services to Albertans is contributing to the access to justice problem. In this environment, the Benchers agreed to inquire into alternate ways in which legal services might be delivered to Albertans.

By mid-2009, Phase 1 of the alternate legal services project identified issues worthy of further investigation including: the imperative of public protection in the provision of legal services; the unclear definition of the practice of law; and lack of information around the delivery of legal services by lawyers and non-lawyers (paralegals) alike. Work began on Phase 2 later in 2009. Phase 2 includes a comprehensive research component to explore the issues identified in Phase 1 through surveys of consumers and of the legal profession, and through an industry profile of non-lawyer legal services providers.

The Benchers also agreed to remain broadly involved in access to justice issues in a number of ways including: ongoing sustainable funding for Pro Bono Law Alberta; ongoing participation in Legal Aid governance; and through its newly-formed Access to Justice Committee, a recommended task force on the re-engagement and retention of lawyers.

Trust property

In 2009, the Benchers established an Implementation Task Force to move forward the recommendations of the prior year's Safety of Trust Funds Task Force. The 2008 Task Force built on earlier Law Society work and looked at what could be done to strengthen the safety of trust accounting in Alberta. Flowing from that work, the 2009 Implementation Task Force recommended changes to the trust accounting rules, Law Society's assurance (audit) strategy, and to look at new directions for the Assurance Fund. Trust accounting and audit strategy changes are expected to come into force in 2010, together with changes expected to better define the claims process for the Assurance Fund.

National Standards

The year 2009 marked the Law Society's continuing commitment to national standards of law society regulation and governance. Following on the highly successful national mobility agreement, in mid-2009 the Benchers threw their support behind an emerging new project to develop national law society admission standards. The Law Society will continue to show leadership on the question of national admission standards at the level of the Federation of Law Societies of Canada (FLSC) as it develops its project proposal on this initiative.

Other important national work includes Law Society of Alberta support for the Model Code of Professional Conduct, adopted by the FLSC in October, 2009.

At the end of the day, in 2009-2010, the work of the Law Society was greatly facilitated by the dedicated work and efforts of both Benchers and committee volunteers, as well as members of the profession and committed staff of the Law Society itself. I extend my heartfelt thanks to all those who are enabling the Law Society to move forward in the public interest.



Strategic Initiatives Focused on Becoming a Model Regulator

By Don Thompson, QC, Executive Director, Law Society of Alberta

In 2009 - 2010, our strategic initiatives focused on bringing the regulatory work of the Law Society into sharper focus as we moved much closer towards our vision of becoming a model regulator.

Three themes brought the role of the Law Society into greater clarity as the Benchers and the organization worked to: (1) lay the foundation for a new Safety of Trust Property initiative, (2) strategize around Access to Justice and its related issues, and (3) manage risks in the practice of law within an economic downturn.

In addition, ongoing work behind-the-scenes at the Law Society has resulted in greater transparency and accountability to both the public and to lawyers around the province.

The accomplishments throughout 2009 - 2010 includes:

- Amending of Client Identification and Verification Rules to create closer alignment with the Federation of Law Societies of Canada's Model Rule.
- Establishing an implementation committee for the Security of Trust Funds Task Force.
- Forming an Integrated Risk Assessment program to facilitate information sharing between Law Society departments and the Alberta Lawyers Insurance Association to identify potential high-risk lawyers and/or conduct patterns.



On a national level, the Law Society worked closely with the Federation of Law Societies of Canada on a uniform national standard for a Canadian law degree as the basis for entry to law society bar admission programs or licensing processes in common law jurisdictions. For law societies, these standards will provide greater clarity on bar admission standards for both students and law societies.

These national standards as well as specific Law Society of Alberta initiatives will provide greater transparency and accountability to the public.

Managing Risks for Alberta Lawyers

The Law Society of Alberta takes very seriously its goal of becoming a model regulator. To that end, significant changes are taking place to increase the effectiveness of corporate practices.

In addition to the accomplishments itemized above, the Law Society's efforts to manage risks for Alberta lawyers also include:

- Increasing the use of formal practice reviews applied in early intervention circumstances.
- Increasing the focus on risk management in the Law Society's Rule 130 audit work. Although locations for many of these audits are selected at random, other circumstances may also trigger an audit, and
- Heightening awareness of risk management within the LSA corporate culture, particularly in the conduct department.

The Law Society's strategic objective in the long term is to continue to strengthen its unified approach to risk awareness and response, as well as its integrated risk management program.

Goal 1 Model Regulator

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

Bench priorities for 2009

Alternative delivery of legal services (ADLS)—explore whether or how non-lawyers might provide legal services in order to increase the public's access to legal services.

National Standards—The Federation of Law Societies of Canada (FLSC) has agreed in principle to adopt standards for the operation of key regulatory processes, as well as an oversight function to monitor compliance with these standards.

Accomplishments to Date in 2009

The ADLS Committee completed the first phase in its 3-year project plan. It began the second phase with a general consumer survey.

The Benchers approved at their December 2009 meeting, the Final Report compiled by a FLSC Task Force on the Accreditation of the Common Law Degree.

Goal 2 Public Confidence

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

Build public confidence as a regulator by being effective, fair, timely, transparent and responsive.

Bench priorities for 2009

Security of Trust Funds Implementation. Continuing Professional Development—Design and implement year two of the program.

Model Code of Conduct—The Law Society to decide whether and to what extent it will adopt the FLSC's model code of conduct.

Accomplishments to Date in 2009

Access to Justice initiatives

Goal 3 Principles of Justice

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.

Bench priorities for 2009

The ADLS Committee completed the first phase in its 3-year project plan. It began the second phase with a general consumer survey.

The Benchers approved at their December 2009 meeting, the Final Report compiled by a FLSC Task Force on the Accreditation of the Common Law Degree.

Accomplishments to Date in 2009

A new Access to Justice Steering Committee with leadership from the Law Society, Alberta Justice, the Courts, CBA and Legal Aid Alberta was formed to oversee two access to justice initiatives—alternate delivery of legal services and unbundling



THE LAW SOCIETY'S REGULATORY RECORD

Timely, Transparent and Accountable

By Howard Kushner, Deputy Executive Director - Regulation, Law Society of Alberta

The Law Society of Alberta's regulatory work illustrates its record in ensuring that processes are transparent, accountable and are performed in a timely manner.

Generally, contacts with the Law Society are initially categorized as general inquiries or informal complaints. Complaints are categorized as informal when the conduct complained of is either not unethical or not sanctionable and the Complaints Resolution Officer can find a way to resolve the matter to the mutual satisfaction of the complainant and the lawyer.

Complaints are categorized as formal when the conduct complained of suggests a serious breach of the Code of Professional Conduct or when an informal complaint cannot be resolved by the Complaints Resolution Officer. Formal complaints can be initiated by external sources (eg. the public, other lawyers, the lawyer by way

of a self-report, etc.) or by internal sources (eg. the Audit department).

All complaints submitted to the Law Society are confidential. Until a lawyer is cited for misconduct our review process is confidential. Once a lawyer is cited those citations are public.

The number of hearings and sanctions can be placed in the context of the volume of complaints received and resolved. (Please see adjacent page for statistics on the number of open and closed informal and formal complaints.)

The Law Society takes all allegations of misconduct seriously; where there is evidence of misconduct we conduct full reviews, and where appropriate investigations. More complex allegations take more time to conclude. The Law Society has a history of successfully investigating and prosecuting misconduct by lawyers.



About the Counsel Department

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

The Law Society of Alberta's Counsel department combines an active litigation role with corporate counsel responsibilities.

With a team of four staff lawyers, three contract counsel, and four assistants, it actively supports the Law Society mission to become a model regulator in protecting the public interest and preserving the fundamental principles of justice.

Counsel acts as professional advisors in the following areas:

- Works with knowledgeable professionals and paraprofessionals to provide legal and strategic expertise to all Law Society departments, the Benchers and committees; and
- Provides advice on operational and public policy matters including assisting in the analysis, drafting and implementation of initiatives.

Counsel also represents the Law Society:

- for all types of internal hearings and appeals, including disciplinary Assurance Fund and credentialling hearings; and before all levels of court.

The Law Society provides public notices in advance once citations are determined. It has public participation through public representatives (appointed Benchers) on hearing committees. Hearings are held in public.

The Counsel department has benchmarks to ensure that notices and hearing reports regarding sanctions—including suspensions, disbarment, resignations and reinstatements—are posted on a timely basis. Hearing reports are also sent to Quicklaw and CanLII for posting as well.



CONDUCT COMMITTEE

Policy Work Aimed at Making Complaints and Discipline Process Fair and Transparent

By Doug Mah, QC, Bencher and 2009 Chair, Conduct Committee

Conduct Hearings Opened Since Jan 1, 2002

Year	Hearings Ordered
2002	23
2003	31
2004	34
2005	31
2006	47
2007	39
2008	42
2009	51

Open Complaints as at Dec 31, 2009

	Formal Complaints	Informal Complaints
Total	532	410

Complaints Closed as at October 1, 2009

	Formal Complaints	Informal Complaints
Total	91	617

Open Investigations as at Dec. 31, 2009

Total	92
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Hearing Outcomes in 2008 and 2009

Hearing Outcomes	2008	2009
Disbarred	16	6
Resignations	52	39
Suspended	221	51
Reinstated	153	186

The purpose of the Law Society of Alberta's complaints process is to maintain high ethical standards within the legal profession and ensure the public's confidence in Alberta lawyers.

The process strives to resolve complaints at the outset through mediation. Where a complaint cannot be settled by mediation or reveals a potentially more serious ethical breach, the matter is advanced into the formal complaints process. Following an investigation, the complaint may be dismissed or become the subject of a formal hearing before a committee of benchers.

The bulk of the Conduct Committee's work in the past year was adjudicative, consisting of determining whether formal complaints are dismissed, converted to citations or dealt with in some other manner.

Sitting in panels of three members, the Committee convened 73 times during the year and dealt with 230 formal complaints. The result was 78 citations, 44 mandatory conduct advisories, 24 referrals to the Practice Review program and 59 dismissals, with the remainder dealt with in other ways.

The Conduct Committee also engaged in several policy discussions during the year aimed at making the conduct process more efficient, fair and transparent.

The Law Society's *pro bono* counsel program continues to operate in conjunction with the conduct process. Lawyers who are subject to the conduct process may select from a list of counsel who have agreed to act on a *pro bono* basis, thus ensuring proper representation. During the year, a call-out to the profession resulted in several more names being added to the *pro bono* list.

Recognizing that conduct lies at the core of the Law Society's regulatory role and is the primary function which protects the public interest, the Benchers have resolved to examine the whole of the conduct process in a comprehensive way during the upcoming year. The Conduct Process Task Force will undertake this review to determine how the conduct process can become more efficient and effective in serving the public interest and ensuring fairness to all participants.



About CPLED

By Leona Dvorak, Ph.D., Regional Coordinator, CPLED

CPLED, the Canadian Centre for Professional Legal Education (CPLED), refers to both the bar admission course across the Prairies, and to the non-profit organization mandated with the task of administering one portion of the pre-call process in Alberta, Manitoba and Saskatchewan.

The CPLED board of directors is comprised of individuals from the three provincial law societies.

Bar admission preparation is comprised of two distinct parts: participation in the bar admission course, and the articling experience in a law firm or organization. The two parts, together, provide the basis for determining whether articling students have met the qualifications for licensing by the Law Society as competent general practice lawyers.

The CPLED program is the bar admission course in Alberta, Manitoba and Saskatchewan. Students are expected to complete the CPLED program and complete articling requirements. In Alberta, students complete the CPLED Program while articling. The CPLED Program is delivered through three provincial organizations: the Legal Education Society of Alberta, the Law Society of Saskatchewan - Bar Admissions Office, and the Law Society of Manitoba. Each of the provinces has a provincial director, who is responsible for administering the CPLED Program in that province.

The pre-call process is multi-faceted (three-fold) with an emphasis placed on self learning. Students are expected to draw upon the knowledge gained in law school, through their articling experience and the CPLED program to develop the skills required by the Law Societies.

About Practice Review

Practice Review provides administrative support to the Practice Review Committee as they carry out general reviews and assessments of lawyers' practices.

Lawyers can be referred to Practice Review from the complaints process, the hearing process, the admissions process, or the reinstatement process. On completion of a general review and assessment, recommendations may be made to assist the lawyer in maintaining appropriate practice standards.

The purpose of these reviews and recommendations is to ensure a high standard of practice and protection of the public interest.

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
2009	1	0	37	4

CUSTODIANSHIPS

Year	Formal
2001	12
2002	6
2003	2
2004	6
2005	20
2006	13
2007	9
2008	8
2009	11



About the Work in Complaints and Discipline

By Greg Busch, Director, Lawyer Conduct

The Law Society of Alberta's regulatory work in complaints and discipline includes work being done by the Audit, Investigations and Complaints groups.

The Audit group conducts "spot audits" on the accounting records of all law firms in Alberta in order to confirm compliance with the Part 5 of the Rules of the Law Society of Alberta.

The Investigations group assists with the enforcement of Part 3 of the Legal Profession Act and the completion of investigations under section 53 of the Act.

All general inquiries are handled by the Complaints group. These may become either informal complaints or formal complaints which may come from the public, lawyers, financial institutions or on behalf of businesses.



CREDENTIALS AND EDUCATION COMMITTEE

Credentials and Education Committee Addresses CPLED issues and Recruitment Rules

*By Carsten Jensen, QC, Benchers and 2009 Chair,
Credentials and Education Committee*

The Credentials and Education Committee dealt with a number of issues in 2009, including:

- 1. Recruitment Rules** - The Rules of the Law Society regulate the timing and manner by which law firms can recruit law students for articling positions. Those rules contemplate a "match" program, whereby participating firms are matched with articling students with the assistance of a third party service provider. That match program has come to an end, and so the Law Society's recruitment rules have been under review for the purpose of simplifying them. A subcommittee has worked this past year on that task, and new rules are expected in 2010.
- 2. The Common Law Degree** - The Committee reviewed the final report from the Federation of Law Societies Task Force on the Canadian Common Law Degree, which established proposed minimum standards for Canadian law schools.

That final report was accepted by the Benchers this past year, subject to an implementation process that will work with the law schools.

- 3. Court Students** - The Committee reviewed the education plans required of articling students who do part of their articling year with the Courts.
- 4. CPLED** - The Committee worked with the CPLED (Canadian Centre for Professional Legal Education) program, which delivers bar admission preparation education for the Law Society, on several issues in 2009. In particular, a concern was raised about ensuring that articling students have sufficient time during their articling year to complete their assignments. The Committee reached out to principals and firms in an effort to deal with this concern.

OPERATIONAL PERFORMANCE

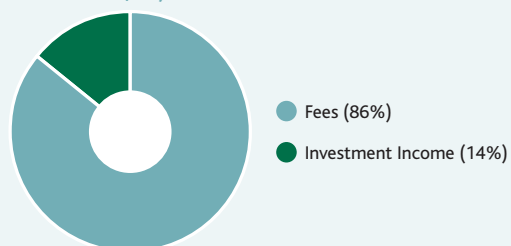
ANNUAL FEES AT WORK

2009 Annual Fees for Lawyers who are Active Members

Components	2009	2009 (%)	2008	2008 (%)	Change from 2008 to 2009 (%)
Annual Fee (LSA)	\$1,270	34%	\$1,160	31%	9%
Assurance Fund (LSA)	\$665	18%	\$635	17%	5%
Insurance Levy (ALIA)	\$1,800	48%	\$1,900	51%	(5%)
Total	\$3,735	100%	\$3,695	100%	\$40 or 1%

GENERAL FUND, ASSURANCE FUND AND ALIA

REVENUES: \$35,038K



EXPENSES: \$38,667K





MEMBER SERVICES

About the Membership Services Department

By Howard Kushner, Deputy Executive Director, Regulation

The Law Society of Alberta's Membership Services handles all aspects of applications for new and existing memberships, professional corporations and limited liability partnerships. It also handles all changes in membership and annual renewals.

The Membership Services team comprises of a manager, staff lawyer, membership coordinator, four membership representatives and a customer care specialist. It handles:

- inquiries regarding membership status and address changes, insurance changes, and membership renewals;
- administration of numerous types of applications which include student-at-law, enrolment and reinstatement of members;
- all fee and insurance billings, as well as member status update forms;
- the transfer of interjurisdictional members; and Professional Corporation and Limited Liability Partnerships.

Services for Students

The Law Society of Alberta's admission program requires completion of an articling term (usually a 12-month period) and successful completion of the CPLED course (Canadian Centre for Professional Legal Education). Membership Services handles all aspects of becoming a student-at-law, student registrations, articling for students-at-law, CPLED and enrolling for Membership.

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
2009	8457	1963	1154

Students-at-Law in 2008 and 2009

Status	2008	2009
Called	334	321

Member Status Changes in 2008 and 2009

Change Type	2008	2009
Disbarred	16	6
Judicial Appointment	11	15
Resignation – s.32	52	39
Became Inactive	359	376
Reinstated	153	186
Retired	27	46
Suspended	221	51

Total Number of Members by Insurance Status

Year	Insured	Exempt
2006	5533	2433
2007	5620	2530
2008	5729	2603
2009	5800	2657

Transfers to date in 2008 and 2009

Status	2008	2009
Applied	105	76

Professional Corporations in 2008 and 2009

Articles Approved	2008	2009
Articles Approved	183	174
Permits Issued	174	159
Total Active Professional Corporations	2295	2373

Limited Liability Partnerships in 2008 and 2009

Status	2008	2009
New LLPs	9	11
Total Limited Liability Partnerships	156	168



CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

Survey Shows Requirement for Accountability in CPD Program

*By John Higgerty, QC, Bencher and 2009 Chair,
Continuing Professional Development (CPD) Committee*

With the rollout of the Continuing Professional Development program, the function of the CPD committee for this year was to determine, as much as anything else, “where do we go from here?”

To that end, a report from Charis Management Consulting was commissioned, which involved a survey of the profession. (A copy of the report is available upon request.)

In broad strokes, the way ahead may be seen as enhancing CPD for the profession, while engaging in ongoing evaluation, bearing in mind that the Law Society of Alberta has a regulatory function, while the Legal Education Society (LESA) has the primary responsibility for ongoing legal educational programming. Accordingly, the CPD committee recommends, in keeping with the Charis report, that the Benchers commit sufficient resources so that:

- The Law Society and LESA can reach an agreement regarding their respective roles and responsibilities for the ongoing management and development of the CPD program.
- The communications strategy (designed to substantially increase the support of the profession for CPD) can succeed.
- The Law Society and LESA can work together to identify learning gaps, and promote creative learning tools for members, including the website.
- A periodic system of evaluation (not necessarily paid-for surveys) can be developed to identify the progress of the CPD program.
- Explicit rationale for the rather unique “self-directed” approach towards CPD in Alberta can be properly articulated, communicated to the profession, and if necessary, re-visited.

These recommendations were accepted by the Benchers.

One surprise from the survey was that a substantial number of lawyers want accountability in the CPD system. As several Benchers pointed out, that is surely in the public interest. Arrayed against this is the utter lack of authority to suggest that a mandatory system of education-bearing sanctions will have any positive effect on the education of lawyers. Such a system will rankle the vast majority of lawyers whose level of education was never in question. After all, the very nature of this job is that most education will be file driven.

Part of the problem is the terminology. “Mandatory” and “reg-lite” (as in light on regulation) are calculated to polarize discussions. Rather, we should investigate the possibility of making lawyers accountable for their self-directed education. Law Society administration advises that the very small number of lawyers who have not filed a CPD declaration are now part of the risk assessment matrix. As time goes on, we can see whether there is any correlation between failure to file and incompetence. It is far too early to tell at this point.

Committee members have pointed out that LESA is at the forefront of innovation in the delivery of legal education, and to abandon the concept of self-directed education so soon after the rollout of CPD would be both premature and unwise. So the first order of business for 2010 is for the Law Society and LESA to hammer out a working relationship. The work can then begin to provide Alberta lawyers with the best tools to advance their continuing professional development.



Michael Penny, QC
Director, Policy & Research



Jocelyn Frazer,
Equity Ombudsperson



Ross McLeod, QC,
Practice Advisor



Nancy Carruthers,
Practice Advisor

About the Secretariat Group

The Secretariat group provides executive management support for the Benchers, the Law Society of Alberta and the Alberta Lawyers Insurance Association (ALIA).

Secretariat, led by Executive Director Don Thompson, QC, includes:

- the Policy and Research department led by Director Michael Penny, QC;
- Equity Ombudsperson Jocelyn Frazer;
- Practice Advisors Ross McLeod, QC, and Nancy Carruthers;
- Corporate Services led by Director Drew Thompson; and
- Human Resources, led by Director Nona Cameron.

Policy and Research

The Policy and Research group manages policy development and related research for the Law Society in two ways.

Firstly, the group manages most policy initiatives leading to amendments to the Rules of the Law Society and guidelines. It also manages proposed amendments to the Legal Profession Act.

Secondly, it manages special projects, research and initiatives such as the Alternate Delivery of Legal Services and Continuing Professional Development.

The group is responsible for the agenda and materials for Benchers meetings, and for identifying appropriate policy and governance follow-up arising from decisions made at those meetings.

The group also monitors and advises on numerous issues related to the regulation of the legal profession, including such matters as self-regulation, solicitor-client privilege, and access to legal services.

Equity Ombudsperson

The Equity Ombudsperson provides confidential assistance with the development of workplace policies and the resolution of harassment and discrimination concerns.

The Law Society of Alberta established the Office of the Equity Ombudsperson to provide confidential advice, information and assistance to lawyers, articling students and support staff working in the legal profession on issues of discrimination or harassment by lawyers.

Practice Advisors

The Practice Advisors are available to discuss legal, ethical and practice concerns, and personal matters such as stress and addiction. They also mediate and arbitrate inter-lawyer disputes.

Practice Advisors provide assistance and resources in relation to strategic planning, practice management, marketing, and technology and systems, with focus on the needs of sole practitioners and lawyers practising in smaller settings.

Corporate Services

The Corporate Services department provides all the supports and strategic administration services required for the Law Society to carry out its regulatory functions. Corporate Services encompasses: Accounting, Business Enablement Services, Communications, Technology, Office Services, and Records and Information Management.



About the Alberta Lawyers Insurance Association

By Lisa Sabo, Director, Insurance

The Alberta Lawyers Insurance Association (ALIA) manages the Law Society's insurance program for Alberta lawyers. Similar to malpractice insurance, the program provides professional liability insurance to more than 5,000 Alberta lawyers.

Professional liability insurance ensures lawyers are protected if they are found liable for negligence and ensures that clients receive financial compensation they may be entitled to.

The Association 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.

The ALIA department is staffed by an Operations Manager, Claims Supervisor, a senior claims examiner for insurance/assurance, five claims examiners, an IT liaison and administrative supervisor and six assistants.



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	\$3,105,000	\$167,000	\$167,000	21
2004	\$2,606,000	\$1,460,000	\$1,402,000	43
2005	\$3,568,000	\$1,114,000	\$864,000	67
2006	\$15,126,000	\$1,862,000	\$754,000	71
2007	\$4,249,000	\$830,000	\$96,000	78
2008	\$1,189,000	\$163,000	\$14,000	28
2009	\$19,304,000	\$190,000	\$29,000	60

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, 2009
Total	184

Assurance Claims Closed as at October 1, 2009

	Dec 31, 2009
Total	7

ALBERTA LAWYERS INSURANCE ASSOCIATION

Open Claims by Insurance Year (July 1st to June 30th)

Year	claims
2001	26
2002	21
2003	46
2004	53
2005	70
2006	93
2007	111
2008	216
2009	468
Total	1104

2009 Open and Closed Claims to Date by Calendar Year

Claims Open	Claims Closed
641	859



ACCESS TO JUSTICE COMMITTEE

Strategic Direction of Law Society's Access to Justice Initiatives Being Assessed

By Rod Jerke, QC, 2009 President-Elect and Chair, Access to Justice Committee

The mandate of the Access to Justice Committee flows from the Law Society's goal to uphold and preserve effective and equal access to justice and to promote equity and diversity in the legal profession.

In 2009, the Committee engaged in a process to assess the strategic direction of the Law Society's access to justice initiatives from the perspective of where the Law Society could most effectively engage within its role as regulator and governor of the legal profession.

The result of that work was a report which recommended the pursuit of three strategic directions:

1. Retention and re-engagement of lawyers from across Alberta in the private practice of law;
2. Support and enhancement of existing Law Society access to justice programs including the further study of options for legal service delivery; and
3. Education on access to justice.

The Benchers have adopted a specific strategy as a policy initiative aimed at advancing the public interest in visibly supporting the principles of effective and equal access to justice and equity and diversity in the legal profession. The new strategy is aimed at the retention and re-engagement of lawyers in practices providing legal services to the public. A task force will guide the process of development of a strategic project plan as the next step.

The Access to Justice Committee will continue its work on the balance of recommendations contained in the report.



Public Representative Appointed to the Law Society

Dr. Miriam Carey, a public policy studies professor with Mount Royal College (MRC), has been appointed public representative (lay benchers) to the Law Society of Alberta.

Her governance experience has been developed in her role as secretary to the MRC Faculty Association, as a member on the Rights, Responsibilities and Respect committee as well as the Association's Ethics committee. She has been a member of boards considering violations of the MRC Code of Student Conduct and has chaired the Human Rights Investigatory committee at MRC.

She is also a past chair of the Board directing the Calgary Police Association House, a respite/retreat house for service personnel in difficulty.

Dr. Carey earned her B.A. (Political Science) and M.A. (Political Theory) from the University of Calgary, and a Ph.D (Politics) from the University of Edinburgh in 1988. As well, she has a B.Sc. (Psychology) from The Open University, UK.

She replaces Yvonne Stanford, whose term as non-lawyer public representative ended earlier this year.



FINANCE COMMITTEE

Investment Performance Measured Against Updated Policies and Goals

By Steve Raby, QC, Bencher and 2009 Chair, Finance Committee

Major matters which were dealt with by the Finance Committee during 2009 included the following:

- 1. Review of Investment Performance** - The Finance Committee recommended to the Benchers, and the Benchers ultimately approved, an updated Statement of Investment policies and goals. Investment performance has been measured as against these policies and goals throughout 2009. An annual review of the statement was recommended by the Finance Committee and such review is proposed for some time in the spring of each year;
- 2. CPLED Tuition Fees** - The Committee received the report from the Legal Education Society of Alberta regarding the tuition fees for the CPLED program and made a recommendation to the Benchers that was ultimately approved;
- 3. Budget** - The Committee reviewed the initial draft budget prepared by administration, provided comments and feedback and reviewed a revised budget. Ultimately, the Committee recommended a final version of the budget for approval by the Benchers. Challenges with respect to the budget for 2009 included the following:
 - (a) Attempting to keep the fee increases as low as possible given the significant increase in the insurance levy in 2009, but without compromising the balances in each of the General Fund in the Assurance Fund. Ultimately, the general levy was increased by \$205 but the assurance fund levy was reduced by \$95 for a total aggregate increase of \$110 (to \$2,045);
 - (b) Predicting investment income (really only an issue in the assurance fund since any investment involving the general fund is in short term liquid investments); and
 - (c) Dealing with one-time extraordinary expenses which hopefully will not be reoccurring.
- 4. Limits for Cheques** - The Committee recommended and the Benchers approved an increased limit of \$100,000 for Law Society cheques, below which a Bencher's signature is not required. In addition, the Committee recommended, and the Benchers approved the ability of administration, with proper internal controls, to electronically move monies within the Law Society's separate accounts.
- 5. Financial Statements** - The Committee reviewed the financial statements for the fiscal year ended October 31, 2009.
- 6. New Review Process** - With respect to the Committee's internal review of financial statements throughout the year, the Committee has moved to a new process whereby the statements are distributed to Committee members well in advance of the next Committee meeting. Members of the Committee are invited to pose questions of administration, administration provides answers to those questions and anything arising is discussed at the Committee meetings. The Committee believes that this allows for more comprehensive and thoughtful review of the interim financial statements and results in more expedient Committee meetings.

Summarized Financial Statements

October 31, 2009

Auditors' 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, 2009 and for the year then ended on which we expressed an opinion without reservation in our report dated February 5, 2010. 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 require 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
Chartered Accountants
February 5, 2010

Summarized Balance Sheet

As at October 31, 2009

	2009 (\$000s)	2008 (\$000s)
Assets		
Current assets	3,384	6,606
Investments	13,400	9,456
Reinsurance recoverables	3,698	2,692
Trust assets	711	589
Capital assets	1,626	1,641
	22,819	20,984
Liabilities		
Current liabilities	1,098	1,186
Reserve for claims and related costs	7,883	5,452
Pension plan payable	568	448
Trust liabilities	711	589
Deferred lease inducement	400	477
	10,660	8,152
Fund Balances		
Invested in capital assets	1,626	1,641
Externally restricted funds		
Contingency reserve	7,875	6,891
Scholarship reserve	1,190	1,106
Unrestricted funds	1,468	3,194
	12,159	12,832
	22,819	20,984

Summarized Statement
of Revenue, Expenses and
Fund Balances

For the year ended October 31, 2009

	2009 (\$000s)	2008 (\$000s)
Revenue		
Practice fees	17,031	15,534
Investment income	860	950
Management fee	1,016	931
Enrolment and application fees	343	366
Other	77	97
Fines and penalties	61	16
	19,388	17,894
Expenses		
Corporate costs	3,729	3,503
Departments, programs and committees	13,553	10,720
Grants and contributions	2,024	1,747
Provision (recovery) for claims and related costs	1,526	(211)
Scholarships	40	40
	20,872	15,799
Excess (deficiency) of revenue over expenses for the year before the following	(1,484)	2,095
Unrealized gain (loss) on fair market value of investments	811	(1,762)
Excess (deficiency) of revenue over expenses for the year	(673)	333
Fund balances - beginning of year	12,832	12,499
Fund balances - end of year	12,159	12,832

Summarized Financial Statements

June 30, 2009

Auditors' 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, 2009 and for the year then ended on which we expressed an opinion without reservation in our report dated December 4, 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 require 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
Chartered Accountants
December 4, 2009

Summarized Balance Sheet

As at June 30, 2009

	2009 (\$000s)	2008 (\$000s)
Assets	19,082	17,232
Current assets	80,146	89,169
Capital assets	29	21
	<u>99,257</u>	<u>106,422</u>
Liabilities		
Current liabilities	16,022	10,704
Reserve for claims and related costs	46,027	45,147
	<u>62,049</u>	<u>55,851</u>
Net assets		
Unrestricted net assets	37,208	50,571
	<u>99,257</u>	<u>106,422</u>

Summarized Statement
of Revenue, Expenses and
Fund Balances

For the year ended June 30, 2009

	2009 (\$000s)	2008 (\$000s)
Revenue		
Annual levy	10,474	10,944
Investment income	4,648	3,809
	<u>15,122</u>	<u>14,753</u>
Expenses		
Provision for claims and related costs	15,184	13,291
Premium paid to Canadian Lawyers Insurance Association	2,721	2,755
Operating expenses	2,788	2,717
	<u>20,693</u>	<u>18,763</u>
Deficiency of revenue over expenses for the year before the following	(5,571)	(4,010)
Unrealized loss on fair market value of investments	(8,528)	(3,122)
Premium credit	736	1,662
Deficiency of revenue over expenses for the year	(13,363)	(5,470)
Unrestricted net assets - Beginning of year	50,571	35,448
Transitional adjustment for change in accounting policy	-	20,593
Unrestricted net assets - End of year	<u>37,208</u>	<u>50,571</u>

2009 Benchers of the Law Society of Alberta



Front row (seated from left to right): Wayne Jacques (Public Representative); Shirish Chotalia, QC; Rose Carter, QC; Scott Watson, QC; Roy Nickerson, QC; Carsten Jensen, QC; Neena Ahluwalia, QC; and Jim Eamon, QC.

Back row (standing from left to right): Kevin Feth, QC; Tony Young, QC; Sarah King-D'Souza, QC; Steve Raby, QC; Ron Everard, QC; Peter Michalyszyn, QC (President); Rod Jerke, QC (President-Elect); Don Thompson, QC (Executive Director); Larry Ohlhauser, MD (Public Representative); James Glass, QC; Frederica Schutz, QC; Dean Alastair Lucas (University of Calgary) and Dale Spackman, QC.

Missing: John Higgerty, QC; Doug Mah, QC; Fred Fenwick, QC; Dean Philip Bryden (University of Alberta); Norma Sieppert (Public Representative) and Miriam Carey, Ph.D. (Public Representative)

2009 Executive Committee of the Law Society of Alberta



2009 Executive Committee (from left to right): Steve Raby, QC; Carsten Jensen, QC; Rod Jerke, QC; Peter Michalyszyn, QC; Don Thompson, QC; Larry Ohlhauser, MD; and Ron Everard, QC.
(Missing: Doug Mah, QC)

Viscount Bennett Scholarship Winners

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.



University of Alberta law graduate **Andrew Buddle** began pursuing a masters' in law degree at the University of Cambridge in England with a 2009 Viscount Bennett Scholarship.

Andrew Buddle has a general corporate commercial practice at Bennett Jones LLP in Edmonton, with an emphasis on commercial transactions, intellectual property licensing, securities, mergers and acquisitions. In 2005 following his second year of law school, he worked for the Institute for Human Rights and Development in Africa and the African Commission on Human and Peoples' Rights in Banjul, The Gambia, West Africa.

In the community he is involved with UNICEF, St. Joseph's College—University of Alberta, Catholic Social Services and Rotary International. His masters' degree will focus on international corporate-commercial/securities law and international human rights/development law. Upon his return from Cambridge, he will resume his career as an associate lawyer with Bennett Jones LLP.



A 2009 Viscount Bennett Scholarship was also awarded to **Christine Hunter** who has been practising real estate law with Blake, Cassels & Graydon LLP in Calgary, Alberta. She began pursuing a masters degree in corporate law at Columbia University in New York.

She earned a Bachelor of Commerce degree in 2003, and a law degree in 2006 from the University of Alberta. She was a clerking student under Justice Alan D. Macleod at the Court of Queen's Bench of Alberta from August 2006 to June 2007. As well, she has taught real estate law as a sessional instructor at the Southern Alberta Institute of Technology.



2009 Long Service Awards

On December 3, 2009 in Edmonton, Law Society of Alberta President Peter Michalyshyn, QC (far left) presented long service awards to the following recipients (from left to right): Roy A. Phillion, 50 years of service; James D. Ross, 50 years of service; William G. Chipman, QC, 60 years of service; The Honourable Mr. Justice A.H. Wachowich, 50 years of service; and The Honourable Mr. Justice P.S. Chumka, 50 years of service. (Missing are: Kenneth R. Biddell, QC, 50 years of service; Roderick A. McLennan, QC, 50 years of service; The Honourable Samuel S. Lieberman, QC, 60 years of service; and The Honourable Joseph J. Stratton, QC, 60 years of service.)

Distinguished Service Awards Shine a Spotlight on Lawyers

The 2009 Distinguished Service Awards turned a spotlight on four outstanding lawyers, and recognized the immeasurable contributions lawyers make to their communities around Alberta. The following lawyers were honoured at the 2009 Alberta Law Conference on January 30, 2009.

John B. Ballem, QC, Distinguished Service in Legal Scholarship

There are few lawyers in Canada who understand the complexities of energy-related legal issues better than John Bishop Ballem. His work in this area spans more than 50 years and he is recognized as a world-class scholar for his extensive published works in the field. Mr. Ballem earned his law degree (1949) from Dalhousie University and became a lecturer and assistant professor (1950-52) UBC's Faculty of Law. Since then, he has worked for Imperial Oil Ltd., Westcoast Transmission, and Pacific Petroleum Ltd. before starting the law firm Loughheed, Ballem & McDill, which later merged with Gowling Lafleur Henderson LLP in 2001.

Anne S. de Villars, QC, Distinguished Service to the Profession

Anne S. de Villars has become a pioneering force in the world of trust law and administrative law in Alberta since she was called to the bar in 1979. She earned her law degrees from the University of Southampton, England and the University of Alberta by 1978. She serves not only as a mediator, independent arbitrator and lawyer specializing in trust and administrative law with her firm de Villars Jones, but also has extensively served legal organizations. She has been appointed chair of a Board of Enquiry for the Human Rights Commission, chaired a panel hearing disputes under the Fair Trading Act and is a co-founder and president of the newly established Collaborative Estate and Trust Lawyers mediation body dealing with collaborative law.

J. Alan Bryan, QC, Distinguished Service to the Community

Throughout J. Alan Bryan's distinguished legal career, the mark he has left both professionally and personally on communities in Edmonton and Alberta is far-reaching. Born in Edmonton in 1936, he received his law degree from the University of Alberta in 1959 and has practised mainly in areas of municipal law, land development and utility rate regulations representing land developers and municipalities. Mr. Bryan's involvement in community organizations, not-for-profit groups and university foundations has been extensive. He has served on almost 20 different church boards, government and economic advisory committees, and many charitable foundations.

Douglas H. McCallum, Distinguished Service in Pro Bono Legal Service

What began as a career in litigation after earning his law degree from the University of Alberta in 1977 stretched into a diverse career of more than 30 years, dedicated to pro bono legal service. Mr. McCallum is a founding board member and is currently on the board of directors of Pro Bono Law Alberta. Since 2005, Mr. McCallum has been a founding board member and current chair of Lethbridge Legal Guidance. He has also played various roles with the Alberta Arbitration and Mediation Society, Defence Research Institute, Alberta Civil Trial Lawyers Association and is a member of the Canadian Bar Association.



2009 Distinguished Service Awards

The recipients of the 2009 Distinguished Service awards and their presenters are, from left to right: Diane Young, Past President of the CBA - Alberta; John B. Ballem, QC, Distinguished Service in Legal Scholarship; Anne S. de Villars, QC, Distinguished Service to the Profession; J. Alan Bryan, QC, Distinguished Service to the Community; Doug H. McCallum, Distinguished Service in Pro Bono Legal Service; and Perry Mack, QC, Past President, Law Society of Alberta. The 2009 Distinguished Service Awards were presented at the 2009 Alberta Law Conference held January 30, 2009 in Edmonton.

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The Law Society of Alberta

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