

# 2013StrategicUpdate

credentials & ed

# our STRATEGIC GOALS

Model Regulator

Public Confidence

Principles of Justice

Access to Justice

Organizational Culture and Capacity

we VALUE

Integrity

Transparency

Fairness

Competency

Independence

Respect



The Law Society of Alberta regulates the legal profession and the over

# **9,200** lawyers

who practice law in the province, promoting a high standard of legal services and professional conduct.

# our MISSION

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

# our VISION

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

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# In the Public Interest

As part of delivering on our mandate, the Law Society continues to monitor changes in the legal profession and adapt how we regulate the profession accordingly. There are more lawyers in Alberta than ever before, more complex complaints, higher public expectations and an increasingly litigious environment. Our 2014 – 2015 Strategic Plan calls for an increased focus on education and support for lawyers to help them provide higher quality legal services, avoid negligence, demonstrate high levels of ethical behavior, and manage risk more effectively.

One key concept guides the Law Society's regulatory work: a legal profession regulated in the public interest is fundamental to a free and democratic society. We believe this is best achieved by an independently regulated legal profession. Independent regulation in the public interest is essential to maintaining public confidence in legal services, promoting public awareness and understanding, and providing safeguards in the delivery of legal services to Albertans.

The Law Society is governed by a 24-member Board of Directors, also known as Benchers. Twenty of them are lawyers elected by Alberta lawyers and four are public representatives appointed by the Minister of Justice and Solicitor General. The Board oversees the strategic planning process that focuses the Law Society's energy and resources on achieving our vision, mission and goals.

# **Strategically**Speaking

click to view video



Kevin Feth, QC President, Law Society of Alberta 2013-14

# **Operational**Update

We're going to move to online transactions so people can do business with us in the same way that they do their everyday business.

Don Thompson, QC Executive Director Law Society of Alberta

click to view video

click to view video

We are using alternative ways to deal with conduct issues and provide support and direction for lawyers.

Elizabeth Osler Deputy Executive Director & Director, Regulation Law Society of Alberta

# A Message from Carsten Jensen, QC

President, Law Society of Alberta 2013-2014

One of the Law Society's key achievements in 2013 was the completion of the national mobility regime for lawyers. Canadian lawyers will now have full temporary and permanent mobility rights among all the Canadian provinces (and territories). This is a huge achievement for our clients, for the profession, and for internal trade. Of course, lawyers have a professional obligation to not take on matters in another province that are outside of their competence.

As part of national mobility, we will continue to work toward national standards on things like accreditation of legal education, articling, admission to the profession and discipline. That means that there will be a greater ongoing dialogue among the 14 Canadian law societies, and much of that will be coordinated through our national body, the Federation of Law Societies of Canada. We expect that the work of the Federation will be increasingly important to Alberta lawyers as these projects are completed.



Carsten Jensen, QC

C Common national standards help protect the public by ensuring all Canadians receive consistent quality of legal services.

# ourBoard of Directors



Back row (left to right): Nancy Dilts, QC, Robert Harvie, QC, Anne Kirker, QC, Calvin Johnson, QC, Neena Ahluwalia, QC, Fred Fenwick, QC, Dennis Edney, QC, Derek Van Tassell, Rose Carter, QC, Anthony Young, QC, Jim Eamon, QC, Gillian Marriott, QC, Brett Code, QC.

Bottom row (left to right): Jim Glass, QC, Amal Umar, MA, Don Thompson, QC (Executive Director), Carsten Jensen, QC (President), Kevin Feth, QC (President-Elect), Wayne Jacques, CA, Frederica Schutz, QC.

**Absent:** Larry Ackerl, QC, Miriam Carey, Ph.D, Sarah King-D'Souza, QC, Larry Ohlhauser, MD, Kathleen Ryan, QC.

# Principles of Justice

Uphold and preserve the principles of justice fundamental to a free and democratic society, particularly solicitor client privilege, the rule of law, and the independence of courts and lawyers.

# Public Confidence

Reinforce the confidence of the public and other stakeholders in the Law Society.

# Model Regulator

Regulate to ensure high ethical standards and competence of Alberta lawyers.

# our STRATEGIC goals

# Organizational Culture & Capacity

Ensure the Law Society has the required organizational infrastructure, business supports and high performance culture in place to achieve its mission and strategic goals.

# Access to Justice

Promote access to legal services and meaningfully contribute to access to justice discussions.



# Being a Model Regulator

Regulate to ensure high ethical standards and competence of Alberta lawyers.

# Complaints and Hearings

Addressing lawyer conduct is critical to protecting the public interest and is one of the Law Society of Alberta's most resource intensive activities. We are striving to improve the complaint and adjudication processes used to identify questionable professional conduct, without incurring significant additional cost.

- We are improving our complaints process by examining "upstream" issues, which means focusing on the lawyer behaviour that causes a complaint.
- We are reducing the number of necessary hearings by negotiating resignations or admissions of guilt early in the conduct process.
- We are improving our pre-hearing processes to provide an opportunity for Law Society counsel and lawyers to get clarity on issues like disclosure, resulting in more efficiently conducted hearings.
- We undertook an Early Intervention Pilot Project with 12 lawyers to address the underlying causes of the practice difficulties indicated by their complaint and claim histories.

# Trust Safety

In 2013 billions of dollars passed through Alberta lawyers' trust accounts as part of the important service of managing trust funds for their clients. Recognizing both the value and risk in this service, this program was revamped in 2012 to require each firm to designate a lawyer responsible for the management of trust accounts, and to use electronic accounting analysis to identify and assist in managing risk. After completing its first full cycle, the program was evaluated in 2013. The Law Society is considering a new funding mechanism based on the premise that the primary funding for this program should be from those who use or operate trust accounts.

The Law Society also provides training and oversight for lawyers to ensure the ethical and safe handling of funds and property held in trust.

# Restructuring the compensation of victims of lawyer theft of trust money

The Law Society's program for compensating victims when a lawyer misuses or steals trust money is built on a model in which the payment of compensation is a discretionary remedy of the Board of Directors, with each case decided on its merits. Before compensation can be made the lawyer must be found to have misappropriated money. This makes it very difficult to provide the timely and fair resolutions that are common in insurance programs.

In 2014, our Board will be considering replacement of the discretionary model with an insurance model for deciding assurance fund claims.

continued...

# National Standards

The Law Society of Alberta is a member of the Federation of Law Societies of Canada – the national coordinating body of 14 Canadian law societies. As part of the Federation, the Law Society contributes to the development of national standards for professional conduct, admission, complaints and discipline. These standards create an expectation of consistency for the 100,000 lawyers practicing across Canada, and more importantly, for the Canadians they serve.

# Some key initiatives are:

- The National Admission Standards Project sets out admission standards and a testing regime to ensure that all entrants to the bar meet the same standards.
- We collaborated with the Federation to create aspirational guidelines in 2013 related to National Discipline Standards.
- We contribute to the ongoing refinement of the National Model Code of Conduct, making amendments to the Alberta Professional Code of Conduct as required.

# **Education and Support for the Profession**

The Law Society is dedicated to helping Alberta lawyers achieve and maintain standards for competence and ethical practice through education and support.

- The Law Society's Practice Advisors and Equity Ombudsperson provide timely advice to lawyers on ethical issues and practice matters, promoting a professional culture of integrity, life-long learning and public service. In 2013 and 2014, more materials are being made available online to increase the reach of these resources.
- One of the important programs to engage lawyers in managing their professional competence is the Continuing
  Professional Development (CPD) program, which introduced an online declaration process in 2014. The program
  will be evaluated in 2014 with the objective of increasing the accountability of lawyers to plan and carry out their
  professional development, as part of a broad integrated competence strategy.
- With the Law Society's financial support, Assist helps lawyers and their families identify and address underlying problems that may affect a lawyer's ability to competently practice law.

# Alternative Business Structures

One of the significant changes in the regulation of the global legal profession is the introduction of alternative business structures in England and Australia. The driver behind this initiative is to increase consumer access to legal services, thereby increasing access to justice.

In Alberta we have joined with Saskatchewan and Manitoba in a regional approach to considering the implementation of alternative business structures. As a follow up to an inaugural meeting of interested parties held in Calgary in April 2014, a discussion paper will be drafted to serve as a foundation for developing policies and processes for the regulation of this new approach to providing legal services.





# Public Confidence

Regulate to ensure high ethical standards and competence of Alberta lawyers.

We continue to adopt more transparent, timely and innovative ways of communicating with the profession and the public. This includes publishing more useful, plain language information to our website, building feedback mechanisms into our website in order to solicit input from lawyers and the public, continuing to participate in popular public programs like the Canadian Bar Association's Law Day, adopting a more proactive approach to providing the results of disciplinary hearings to the media in a timely manner, and exploring how to improve our Lawyer Directory service for Albertans.

In 2014 we will continue developing strategies for collaborating with the Government on issues within our mandate that affect Albertans.

In a recent decision by our Board, we will also increase the number of public (non-lawyer) representatives in our adjudication processes.

# our Strategic Goals

# Principles of Justice

Promote access to legal services and meaningfully contribute to access to justice discussions.

As part of our core program work we will continue to communicate the importance of protecting the independence of the courts, the rule of law, and solicitor client privilege. We also monitor threats to the rule of law and intervene as necessary.

The Law Society continues to pursue its applications to intervene in judicial review applications when the we believe the principles of justice are being challenged.

We are responding to developments in the accounting profession, related to the accountants' regulator seeking access to privileged information as part of their discipline and oversight duties.





# Organizational Culture & Capacity

Ensure the Law Society has the required organizational infrastructure, business supports and high performance culture in place to achieve its mission and strategic goals.

This goal focuses on ensuring the Law Society has the required staff and resources in place – now and in the future – to achieve our mission and strategic goals.

As part of a multi-year initiative, we are implementing a number of eBusiness services to allow lawyers, as well as the public they serve, to interact with us more easily. While the new services will be very visible to the profession, the infrastructure required to make them happen will be developed behind the scenes. The Law Society continues to develop and implement major changes in these related areas:

- Create document and content management systems, reporting and decision-support tools, and data quality enhancements.
- Bring business tools and systems up to current industry standards, introduce collaborative technologies and implement a human resources information system by the end of 2014.
- Continue to enhance business continuity and security processes.
- Upgrade our external website as a key interface with the public and the profession and the public to enable us to provide timely, value-added information that supports lawyer competence.

These technological improvements will also include conducting a fully online Bencher election in the fall of 2014.

# our Strategic Goals

# Access to Justice

Promote access to legal services and meaningfully contribute to the access to justice discussions.

As part of our core program work we continue to deliver existing programs that support access to justice such as: financial support for the Alberta Law Libraries and CanLII as sources of public legal information, and Justicia, Pro Bono Law Alberta and the Canadian Bar Association's Law Day.



# **Conduct**Figures

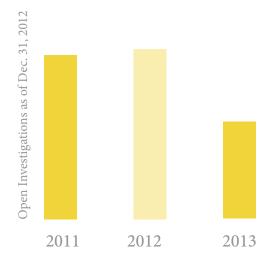
This core area handles the complete conduct cycle, including reviewing complaints received, resolution (where possible), investigation, referral of complaints to Practice Review where appropriate, and prosecution as necessary.

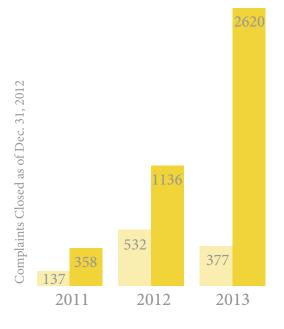
The team handles about 3,500 contacts annually from the public, financial institutions, government departments, other regulatory bodies and lawyers. The majority of the contacts received are resolved to the satisfaction of the caller through providing information, or an informal process focused on resolving complaints.

Typically, 15% (about 500) of these contacts involve complaints serious enough to require a formal review. Of these serious (or formal) complaints, 10% (about 50) will warrant an investigation.

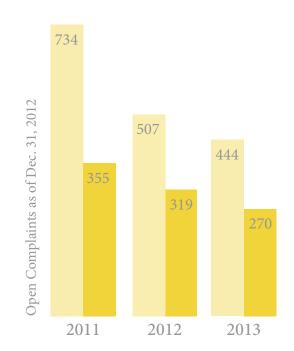
Of these serious complaints reviewed, whether an investigation was warranted or not, about 10% (roughly 50) ultimately result in a conduct hearing.

As described in the Goal #1 section of this report, the Law Society is focusing on reducing the number and length of hearings through resignations, settlements, early identification and remediation of practice issues, and single adjudicator consideration of matters that proceed by way of agreement.





	2011	2012	2013
Disbarred	4	1	1
Resigned	63	*6	**14
Suspended	9	2	6
	* (3) s. 32; (3) s. 6	1 ** (9) s. 32;	(5) s. 61



# *our*Membership

Our Membership team is responsible for the administration of various applications including students-atlaw, enrolment and reinstatement of lawyers, the transfer of lawyers from other jurisdictions, Professional Corporations and Limited Liability Partnerships.

The Membership department also manages inquiries regarding membership status and address changes, insurance changes, and membership renewals. The Membership team also interacts with the bar admission program (CPLED) that prepares students for the practice of law.

On an annual basis, this team processes renewals for approximately 9,200 active lawyers (of which 6,000 are insured lawyers), 2,000 inactive lawyers, and renewals for about 2,900 Professional Corporations and 170 Limited Liability Partnerships. The team also manages over 400 applications for students-at-law.

Active, Practicing Breakdown 5,619 3,396 men women Alberta lawyers work 2013 saw 418 new 70% articling students, firms compared to 353 graduated in 2012 16% corporate in 2013 126 lawyers transferred in and out of the province practicing

# **Financial**Reporting

# Independent Auditor's Report

To the Members of The Law Society of Alberta

The accompanying summarized non-consolidated financial statements, which comprise the summarized non-consolidated balance sheet as at December 31, 2013, and the summarized non-consolidated statement of revenue, expenses and fund balances for the year then ended and related notes are derived from the audited non-consolidated financial statements of The Law Society of Alberta for the year ended December 31, 2013.

We expressed an unmodified audit opinion on those non-consolidated financial statements in our report dated April 23, 2014. Those non-consolidated financial statements, and the summarized non-consolidated financial statements, do not reflect the effects of events that occurred subsequent to the date of our report on those non-consolidated financial statements.

The summarized non-consolidated financial statements do not contain all the statements and disclosures required by Canadian accounting standards for not-for-profit organizations. Reading the summarized financial statements, therefore, is not a substitute for reading the audited non-consolidated financial statements of The Law Society of Alberta.

# **Management's Responsibility for the Summarized Financial Statements**

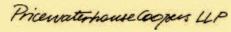
Management is responsible for the preparation of a summary of the audited non-consolidated financial statements on the basis described in the note to the summarized non-consolidated financial statements.

# **Auditor's Responsibility**

Our responsibility is to express an opinion on the summarized non-consolidated financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

# **Opinion**

In our opinion, the summarized non-consolidated financial statements derived from the audited non-consolidated financial statements of The Law Society of Alberta for the year ended December 31, 2013 are consistent, in all material respects, with those non-consolidated financial statements on the basis described in the note to the summarized non-consolidated financial statements.



Chartered Accountants Calgary, Alberta October 30, 2014



"PwC" refers to PricewaterhouseCoopers LLP, an Alberta limited liability partnership, which is a member firm of PricewaterhouseCoopers International Limited, each member firm of which is a separate legal entity.

# **Summarized Non-Consolidated Balance Sheet** As at December 31, 2013

	2013 (\$000s)	2012 (\$000s)
Assets		
Current assets	\$ 5,655	\$ 5,331
Investments	12,228	12,631
Reinsurance recoverable	9,140	7,187
Trust assets	1,443	1,328
Capital assets	1,817	2,061
	30,283	28,538
Liabilities		
Current liabilities	6,348	5,659
Reserve for claims and related costs	15,345	13,976
Trust liabilities	1,443	1,328
Pension plan payable	1,264	851
Deferred lease inducement	-	77
Capital lease obligation	-	34
	24,400	21,925
Fund Balances		
Invested in capital assets	1,817	2,061
Externally restricted funds		
Contingency reserve	4,829	5,158
Scholarship reserve	1,487	1,361
Unrestricted funds	(2,250)	(1,967)
	5,883	6,613
	\$ 30,283	\$ 28,538

# **Summarized Non-Consolidated Statement of Revenue, Expenses and Fund Balances**

For the year ended December 31, 2013

	2013 (\$000s)	For the 14 months ended December 31, 2012 (\$000s)
Revenue		
Practice fees	\$ 21,692	\$ 24,333
Investment income	1,220	1,581
Management fee	1,692	1,582
Enrolment and application fees	488	456
Other	115	70
Fines and penalties	67	47
	25,274	28,069
Expenses		
Corporate costs	3,658	3,628
Departmental costs	21,729	21,491
Provision for claims and related costs	1,336	1,924
Scholarships	40	20
	26,763	27,063
Excess (deficiency) of revenue over expenses for the period		
before the following	(1,489)	1,006
Unrealized gain on fair market value of investments	477	25
Recovered costs	282	126
Excess (deficiency) of revenue over expenses for the year	(730)	1,157
Fund balances - beginning of period	6,613	5,456
Fund balances - end of period	\$ 5,883	\$ 6,613

# Financial Reporting

# **BASIS FOR PRESENTATION**

The summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and fund balances have been derived from the complete audited non-consolidated financial statements of the Law Society of Alberta and have been prepared using the following criteria:

Current assets are comprised of cash and cash equivalents, accounts receivable, accrued interest receivable and prepaid expenses

Current liabilities are comprised of deferred revenue, accounts payable and accrued liabilities, due to the Alberta Lawyers Insurance Association, current portion of deferred lease inducement, and current portion of capital lease obligation.

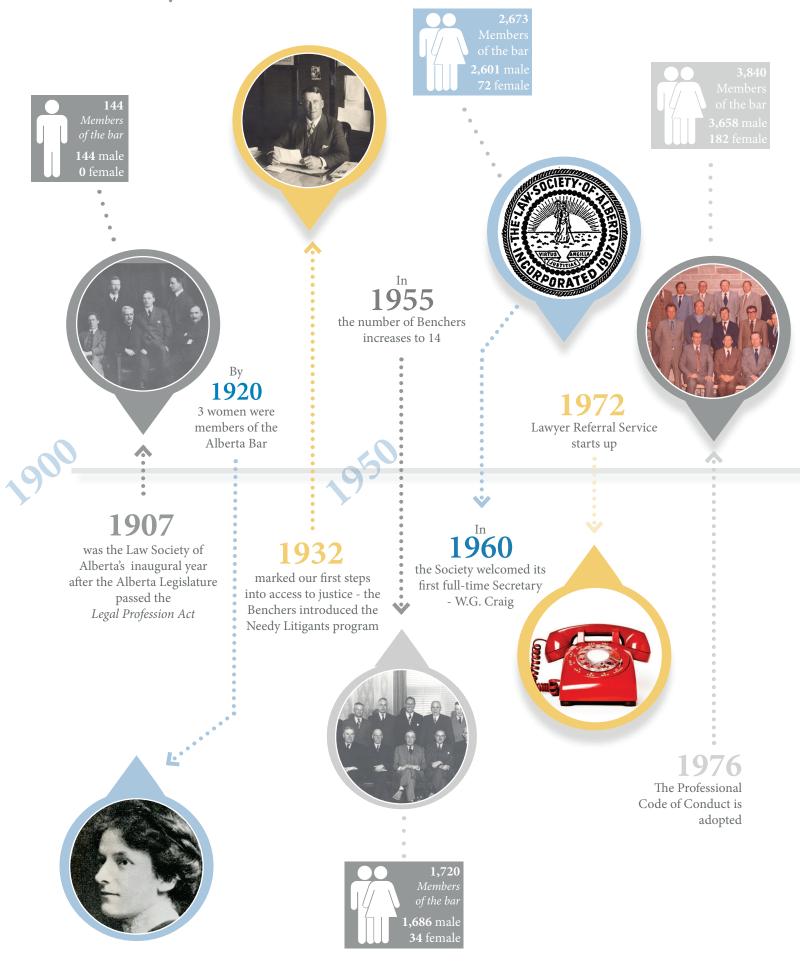
Corporate costs are comprised of premises operating costs, general corporate costs, amortization, and indemnity bond fees

Departmental costs are comprised of the following expenses: secretariat; counsel; trust safety; complaints; custodianships; membership; administration; human resources; business technology; accounting; professionalism, competence, & access; investigations; communications; privacy and records management; member regulation administration; practice review; and policy and research

All other items on the summarized non-consolidated balance sheet and non-consolidated statement of revenue, expenses and fund balances are as presented on the complete audited non-consolidated financial statements of the Law Society of Alberta.

The complete audited non-consolidated financial statements of the law Society of Alberta can be found on the Law Society's website: http://www.lawsociety.ab.ca/.

# **Our**History



# Alberta Justice appoints the Board's first Public Representative

ALBERTA LAWYERS INSURANCE ASSOCIATION

> National Mobility arrives in Alberta

**PROFESSIONAL** DEVELOPMENT

2011 New Trust Safety program approved by Benchers

Women started to join the profession in greater numbers.

1985 927 were called to the bar



1987 Alberta Lawyers Insurance Association formed

Benchers approve the first part-time position of Equity Ombudsman



2007

was the Law Society's centennial year. To leave a lasting legacy, the Law Society created Pro Bono Law Alberta, a program creating opportunities for lawyers to provide pro bono (free) legal services to persons of limited means



**New Continuing** Professional

Development standards implemented



# *our*Committees

### 2013 COMMITTEES & TASK FORCES

Chair, Kevin Feth, QC (President-Elect) Vice-Chair, Gillian Marriott, QC

Robert Harvie, QC Amal Umar, MA Barry Hamilton, QC Margaret Keelaghan Janice Pasay Michael Penny, QC\*

Jocelyn Frazer\* Jennifer Rothery\*

Carsten Jensen, QC (President) Kevin Feth (President-Elect)

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Dennis Edney, QC Fred Fenwick, QC

James Glass, QC

Robert Harvie Cal Johnson, QC

Sarah King-D'Souza, QC

Anne Kirker, QC Gillian Marriott, QC Kathleen Ryan, QC Frederica Schutz, QC Derek Van Tassell

Anthony Young, QC Miriam Carey, Ph.D

Wayne Jacques, CA Larry Ohlhauser, MD

Amal Umar Donna Diamond\*

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ex officio Drew Thomson\* Bill Wakefield\*

Fred Fenwick Miriam Carey Anne Kirker

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Neena Ahluwalia **Brett Code** Nancy Dilts Kathleen Ryan Blair Carbert Christine Silverberg Don Thompson\*, ex officio Drew Thomson\* Bill Wakefield\*

Nadine Meade\*

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Rules of Court ex officio

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Bud Melnyk Deborah Miller Barbara Widdowson, QC Linda Arksey\* Kathy Whitburn\*

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Andree Blais

Blair Carbert

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Kevin Feth
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Larry Ohlhauser
Kathleen Ryan
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# JOINT LIBRARY

Chair, Brett Code

Vice-Chair, Sarah King-D'Souza Derek Van Tassell Elliot Baker Sonia Poulin Lynn Varty

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Vice-Chair, Brett Code
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Barbara Billingsley
Bruce Hepburn, QC
Bernette Ho
Don Sibbald
David Tupper
Catherine Workun
Nancy Carruthers\*
Ross McLeod\*
Jocelyn Frazer\*
Jennifer Rothery\*

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# Jocelyn Frazer\*

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REPRESENTATIVES TO OTHER BODIES

# Access to Legal Services Steering Committee

Carsten Jensen

# Advisory Committee on Judicial Appointments for Alberta

Rose Carter

### Alberta Law Foundation

Anthony Young Murray Stooke, QC

### Alberta Law Reform Institute

Jim Eamon

# **ASSIST Board**

Sarah King-D'Souza

# Calgary Foundation

Carsten Jensen

# Canadian Bar Association –

Carsten Jensen Kevin Feth Don Thompson\*

# Canadian Research Institute fo

Judy Boyes, QC

# Association

Anne Kirker Vivian Stevenson

# Equality and Respect Committee, Law Faculty, University of Alberta

Leah Lis

# Family Law Rules Advisory

Farrel Shadlyn, QC Michelle Mackay

### Federation of Law Societies of Canada

Carsten Jensen Kevin Feth Mona Duckett, QC Steve Raby, QC

# Don Thompson\*

# Federation National Committee on Accreditation

Miriam Carey

# Federation National Standing Committee on Access to Legal Services

Carsten Jensen

### Law Faculty Counci

# **University of Calgary** Ron Everard, QC

# **University of Alberta** Brian Beresh, QC

# Legal Aid Nominating Committee Board of Directors

Fred Fenwick

# Legal Archives

Brett Code

Don Thompson\*, ex officio

### egal Education Society of Alberta

Jim Glass Don Thompson\*

# Legislative Review Committe

Kevin Feehan, QC

# Notaries Public Review Committee

(Sam) N. Amelio

# Pro Bono Law Alberta

Frederica Schutz

# Provincial Court Nominating

Carsten Jensen

# **Provincial Judicial Counci**

Carsten Jensen Kevin Feth

# Rules of Court Committee

Vivian Stevenson Jim Eamon

# Surrogate Rules Advisory Committee

Pat Daunais, QC Barrie Broughton, QC Phil Renaud, QC

# Viscount Bennett Scholarship Committee

Carsten Jensen Kevin Feth Jim Glass Dean Philip Bryden Dean Ian Holloway Don Thompson\*

\*denotes Law Society of Alberta staff.

# Tell us what you think - we value your feedback and comments

Share your thoughts with us at feedback@lawsociety.ab.ca





SERVING
the PUBLIC
INTEREST

# **CALGARY**

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