

# Approved Legal Services Provider – Application Guide

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# Approved Legal Services Provider – Application Guide

## Introduction

1. The Law Society of Alberta recognizes the key role of pro bono organizations in the delivery of legal services to the public in Alberta. The Law Society seeks to address the increasing demand for accessible legal services for underserved individuals and organizations across Alberta by encouraging pro bono initiatives in Alberta.
2. In accordance with the [Rules of the Law Society of Alberta](#) (Law Society Rules), as of July 1, 2019, the Law Society may regulate pro bono organizations as Approved Legal Services Providers (ALSPs).
3. This guide assists organizations to determine if they meet the eligibility criteria to become an ALSP. It also provides guidance on the application criteria that organizations should consider when applying and on the application process.

## Approved Legal Services Provider Program

4. The ALSP program is designed to establish a clear process to enable new pro bono organizations to deliver legal services in Alberta, further improving access to legal services.
5. In addition, the Law Society Rules provide that lawyers who are otherwise exempt from insurance will have insurance coverage for volunteer legal services provided through any ALSP. The ALSP program expands the opportunities for insurance-exempt lawyers to provide pro bono legal services through an Approved Legal Services Provider.
6. Further, ALSPs must meet the same standards as other legal service providers in Alberta. This will further improve employee, client, volunteer and funder confidence in the Approved Legal Services Provider.

## Eligibility as an Approved Legal Services Provider

### Eligible Organizations

7. Organizations are ALSPs if they meet the eligibility criteria in Rule 2 (1.2) of the Law Society Rules. The eligibility criteria for an Approved Legal Services Provider is as follows:

*In order to operate, an Approved Legal Services provider must be an entity, organization or program, excluding for-profit endeavours, delivering or facilitating the delivery of pro bono legal services to the public in Alberta.*

*Pro bono legal services are services delivered for the public good. The public good is achieved in a variety of ways, including making legal services accessible to those who might otherwise not have access to such services.*

8. An Approved Legal Services Provider does not have to be a legal entity, such as a not-for-profit or a society. Other entities, such as projects, consortiums, networks, etc., may apply to be an Approved Legal Services Provider.
9. For-profit endeavours and organizations and entities listed in Rule 2 (1) of the Law Society Rules are not eligible to make an application under Rule 2 (1.2).

### Accessibility to Legal Services - Requirements

10. A number of barriers, such as financial, geographic, cultural, linguistic and cognitive, impede access to legal services. Eligible organizations must provide information as to the barriers to accessibility to legal services that their organization helps to overcome and how they do so.

## Applying to Become an Approved Legal Services Provider

### Former Rules 148 (2) and 148 (2.1) Organizations

11. As of July 1, 2019, organizations listed in former Rules 148 (2) and 148 (2.1) of the Law Society Rules may request conditional approval as an Approved Legal Services Provider. These organizations will then be required to complete an Application for Approval – Legal Services Provider form and submit it to the Executive Director by March 1, 2020.

### New Pro Bono Organizations

12. As of July 1, 2019, eligible organizations not listed in former Rules 148 (2) and 148 (2.1) may complete an Application for Approval – Legal Services Provider form and submit it to the Executive Director.

## Application Form

13. Eligible organizations may apply to become an ALSP by completing and submitting the [Application for Approval – Legal Services Provider form](#) to the Executive Director of the Law Society.
14. Organizations must complete the application form in its entirety as incomplete forms will not be approved. If an application is incomplete, an organization must provide the outstanding information to the Executive Director in order to continue the application process.
15. Any changes to the information provided in the application form must be reported to the Executive Director as soon as practicable.

### Part A – Organizational Information

#### Primary Contact

16. An organization applying to be an ALSP must name a primary contact who is responsible for responding, communicating and reporting promptly and accurately to the Law Society.
17. The primary contact should be an active lawyer. However, in some circumstances, the individual best suited as the organization's primary contact, such as the organization's Executive Director, may not be a member of the Law Society. The Law Society's Executive Director must approve the primary contact.
18. An organization must inform the Law Society of any changes to the primary contact. The Law Society's Executive Director must first approve of any change to the primary contact.

#### Organization Type

19. The organization will provide general information, including the structure of the organization, oversight of its operations and its mandate and purpose.
20. An Approved Legal Services Provider does not become a legal entity by virtue of its status as an Approved Legal Services Provider.

#### Sources of Funding

21. An organization will provide general information regarding its primary sources of funding. It is not required to provide information as to the amount of funding it receives.

22. An organization is not required to provide information regarding its private donors, if any.

### **Operational Oversight**

23. In order to identify and mitigate risk, an organization that provides legal services, in addition to other services or programs to a common client, must pay specific attention to its governance structure and accountability for operational oversight.
24. An organization applying to be an ALSP must provide information regarding who is responsible for overseeing the conduct of its legal operations.

### **Responsible Lawyer**

25. As an Approved Legal Services Provider, an organization will have obligations under Part 5 of the Law Society Rules. An organization must submit an Application to Designate a the Responsible Representative and Operate a Trust Account or an Application for Exemption..
26. Part 5 of the Law Society Rules requires the organization to provide an application to the Executive Director of the Law Society.
27. In most circumstances, Approved Legal Services Providers will not require a trust account. Where the Approved Legal Services Provider receives external funding and has financial reporting requirements to third party agencies or some other external controls over general accounts, the Approved Legal Services Provider must apply for an exemption from these requirements pursuant to Rule 119.1.
28. Should your organization require a trust account, an [Application to be Designated as the Responsible Lawyer and Operate a Trust Account](#) must be provided. The Executive Director or Manager, Trust Safety approves these applications.

### **Part B – Services**

29. An organization will provide information regarding the type of legal services, and any non-legal services, the organization provides.
30. In order to determine that an organization meets the eligibility criteria, an organization is required to provide information describing the barriers to accessibility to legal services that it overcomes in the provision of legal services.
31. Pursuant to Rule 148 (2) all lawyers employed by an Approved Legal Services Provider are required to carry professional liability insurance coverage and pay any professional liability insurance coverage unless exempted by the Executive Director, Director of Insurance or their delegates. Applications for exemptions will be assessed based on a

number of factors including the lawyer's role in the Approved Legal Services Provider specifically as it relates to the delivery of legal services.

### **Insurance-Exempt Lawyers**

32. If an organization's application for Approved Legal Services Provider status is approved, the following lawyers that are otherwise exempt from professional liability insurance coverage may volunteer with the organization:
  - a. lawyers employed by the government or by a corporate or similar organization, other than a professional corporation;
  - b. a lawyer who practises law in Canada but not in Alberta and has professional liability insurance coverage elsewhere; and
  - c. a lawyer who practises solely on a pro bono basis exclusively through an ALSP.
33. Lawyers who have given an undertaking not to practise law and lawyers who are inactive or suspended are exempt from professional liability insurance coverage and are not allowed to volunteer with Approved Legal Services Providers. Please refer to [Rule 148](#) of the Law Society Rules for more information.

### **Part C – Operations**

34. Organizations must provide information regarding the organization's risk management practices. The information will be assessed to determine whether the organization has appropriate practices and processes in place to mitigate risk.
35. Organizations that do not provide legal services directly to the public may not be required to provide all of the information requested in Part C. Please review the information to determine if this is applicable.

## Review of the Application

36. The Executive Director will review the application to:
  - a. determine that the required information has been provided;
  - b. assess whether the organization meets the eligibility criteria; and
  - c. assess the organization's risk management practices for the delivery of legal services.
37. After the application is reviewed, the Executive Director will:
  - a. approve the application;
  - b. deny the application; or
  - c. request further information from the organization.
38. If the Executive Director requests further information, the organization may submit the information in the form and manner requested by the Executive Director. Failure to provide the requested information may result in an application being denied.
39. The decision regarding the application is at the sole discretion of the Executive Director and the Executive Director's decision regarding the application is final.

## Revocation of Approved Legal Services Provider Status

40. The Executive Director will review any changes in the information provided by the Approved Legal Services Provider to ensure the ALSP continues to meet and maintain the eligibility and application criteria to operate as an ALSP. If the Executive Director determines that the information indicates that the ALSP is no longer meeting the criteria as required, the Executive Director has the sole discretion to revoke the organization's status as an ALSP. The Executive Director's decision to revoke status as an Approved Legal Services Provider is final.

## Informing the Public

41. Organizations that were listed in former Rules 148 (2) and 148 (2.1) and that requested conditional approval as an Approved Legal Services Provider, can inform the public that they are Approved Legal Services Providers as of the date conditional approval was requested. All other organizations may communicate their status as an Approved Legal Services Provider once the Executive Director has approved their application.
42. The Law Society will develop and maintain a list of all Approved Legal Services Providers on its website.