

Transaction and Filing Levy Schedule

Effective July 1, 2021

Re: Civil Litigation Filing Levy

The civil litigation filing levy in respect of filings of documents commencing or responding to actions in the Court of Queen's Bench (the "**Civil Litigation Filing Levy**" or "**CLFL**") shall be as set out below in this Transaction and Filing Levy Schedule (this "**Transaction and Filing Levy Schedule**").

1 Definitions

1.1 In this Transaction and Filing Levy Schedule, the following terms shall have the following meanings:

- a. "**ALIA**" means the Alberta Lawyers Indemnity Association.
- b. "**CLFL Invoice**" means, with respect to a Policy Quarter, an invoice generated in LSA's Lawyer Portal in respect of the filing of a Member Transaction and Filing Levy Self-Report.
- c. "**Civil Litigation Filing**" has the meaning set out in Section 2.2 of this Transaction and Filing Levy Schedule.
- d. "**Exempt**" means a Member who is exempt from the requirement to pay a professional liability insurance assessment and is not covered under the Program as set forth in Rule 148.
- e. "**Group Policy**" means the professional liability and misappropriation group policy as in effect on July 1, 2021 and any successor policy thereto.
- f. "**Law Firm**" means a "law firm" as defined in the Rules.
- g. "**LSA**" means The Law Society of Alberta.
- h. "**Member**" means a member of The Law Society of Alberta.
- i. "**Member Transaction and Filing Levy Self-Report**" means the report prepared by a Member in accordance with Subrule 149.7(1) of the Rules, the format of which is prescribed by Section 3.2 of this Transaction and Filing Levy Schedule.
- j. "**Policy Quarter**" means, in respect of any Policy Year, any of the following quarterly periods:
 - i. beginning on July 1 and ending on the next September 30;
 - ii. beginning on October 1 and ending on the next December 31;
 - iii. beginning on January 1 and ending on the next March 31; and

- iv. beginning on April 1 and ending on the next June 30.
- k. **“Policy Year”** means a “Policy Period” as defined in the Group Policy, being a period commencing on July 1 and ending on the next June 30.
- l. **“Pro Bono or Public Legal Clinic”** means an organization or entity that, at the time the applicable Civil Litigation Filing is made, is: (i) designated by LSA as an Approved Legal Service Provider, (ii) set out in Appendix A to this Transaction and Filing Levy Schedule, or (iii) otherwise designated by LSA in writing, or approved by the President and Chief Executive Officer of ALIA in writing, as a Pro Bono or Public Legal Clinic.
- m. **“Program”** means the indemnity program mandated by Section 99 of the *Legal Profession Act* (Alberta) operated by ALIA.
- n. **“Rules”** means the Rules of The Law Society of Alberta, and **“Rule”** means any one of them.
- o. **“Subscriber”** means each Member who is not Exempt.
- p. **“Transaction and Filing Levy”** has the meaning set out in the Rules.

2 Civil Litigation Filing Levy

- 2.1 The Civil Litigation Filing Levy is a Transaction and Filing Levy. This Transaction and Filing Levy Schedule sets out the terms of the Civil Litigation Filing Levy pursuant to Rule 149.6(2).
- 2.2 The Civil Litigation Filing Levy shall be in the amount of \$75.00 (plus GST) and apply to, and be payable to ALIA in respect of, each document that a Subscriber or their law firm files, or causes to be filed, with the Court of Queen’s Bench of Alberta, that:
 - a. commences an action in the Court of Queen’s Bench of Alberta, including, without limitation, by way of statement of claim, originating application, or notice of appeal, reference or other procedure or method authorized, required or permitted by an enactment (including a petition); or
 - b. responds to an action in the Court of Queen’s Bench of Alberta, including, without limitation, by way of statement of defence (including filing by third party defendant), third party claim, counterclaim (unless the counterclaim is filed together with the statement of defence), or response to an originating application, including affidavits for other evidence in reply and response,
(each such document, a **“Civil Litigation Filing”**); provided that, the Civil Litigation Filing shall exclude documents filed in the following actions:
 - c. actions pertaining entirely to family law, including those commenced or responded to under the Family Law Rules contained in Part 12 of the Alberta Rules of Court, being

- proceedings described in Rule 12.2 of the Alberta Rules of Court, provided the action does not contain a proceeding that is not described in Rule 12.2 of the Alberta Rules of Court;
- d. actions commenced or responded to through a Pro Bono or Public Legal Clinic (including actions funded by them), to the extent the document is filed, or caused to be filed, by a Subscriber who is acting for a party through the Pro Bono or Public Legal Clinic or by such Subscriber's firm;
 - e. actions under the *Adult Guardianship and Trusteeship Act* (Alberta) or to which Alberta's Office of the Public Guardian and Trustee is party;
 - f. proceedings for adoption that are commenced and not opposed on any issue;
 - g. proceedings under the *Bankruptcy and Insolvency Act* (Canada) to enforce spousal support, child support or equalization of rights of a spouse when the property of the bankrupt vests in the trustee in bankruptcy;
 - h. statements of claim filed by Subscribers to collect outstanding accounts from their clients, and actions that are fee reviews or assessment hearings before a review officer or assessment officer, including any appeal;
 - i. criminal law matters; and
 - j. such other similar matters as may be excluded by the President and Chief Executive Officer of ALIA in writing.

3 Member Transaction and Filing Self-Report

3.1 Subject to Sections 3.4, 3.5 and 3.6 of this Transaction and Filing Levy Schedule, commencing with and including the Policy Quarter beginning on July 1, 2021, each Subscriber shall, in respect of each Policy Quarter:

- a. file the Member Transaction and Filing Self-Report, within 30 days of the last day of such Policy Quarter;
- b. in each such Member Transaction and Filing Self-Report, disclose each of the Civil Litigation Filings that such Subscriber or their law firm has filed, or caused to be filed, at the Court of Queen's Bench of Alberta during such Policy Quarter; and
- c. pay the full amount (plus GST) of the Civil Litigation Filing Levy resulting from the filings disclosed, or required to be disclosed, in the Member Transaction and Filing Self Report, within 30 days of the last day of such Policy Quarter and in the required manner.

3.2 Each Member Transaction and Filing Self-Report shall be filed electronically through LSA's Lawyer Portal, on the page titled "Civil Litigation Reporting" located under the tab titled "ALIA Filing Levies."

3.3 The CLFL Invoice in respect of the filing of each Member Transaction and Filing Self-Report shall be paid electronically using LSA's approved payment options. For Members, the invoice is generated in LSA's Lawyer Portal on the page titled "My Account" located under the tab titled "My Profile." For firm administrators, the invoice is generated in LSA's Lawyer Portal on the page titled "ALIA Transactional Levies" located under the tab titled "Return Sheets."

3.4 Where more than one Subscriber within a Law Firm acts on behalf of the same party in respect of which a Civil Litigation Filing is made, only one such Subscriber is required to disclose the Civil Litigation Filing and pay the applicable Civil Litigation Filing Levy.

3.5 A Subscriber's obligations under Section 3.1 of this Transaction and Filing Levy Schedule may be fulfilled by a firm administrator of their law firm through LSA's Lawyer Portal applicable to firm administrators; provided, however, each Subscriber shall remain responsible for the fulfillment of such obligations.

3.6 A Subscriber is not required to comply with Section 3.1 of this Transaction and Filing Levy Schedule in respect of a Policy Quarter if the Subscriber has no Civil Litigation Filings that the Subscriber would be required to disclose pursuant to a Member Transaction and Filing Self-Report.

3.7 Pursuant to Rule 149.7(10), if a Subscriber fails to pay the full amount of the Civil Litigation Filing Levy as set out in a CLFL Invoice before the next suspension date that is applicable to any default of payment of the professional liability indemnity assessment (Part A levy) or any instalment of such assessment, the Subscriber shall stand automatically suspended as of such date.

4 Miscellaneous

4.1 This Transaction and Filing Levy Schedule may be amended, modified, amended and restated or replaced from time to time by ALIA in writing with the approval of the governing board of the Program. No waiver of any term or condition of this Transaction and Filing Levy Schedule shall be effective unless provided by ALIA to a Subscriber in writing.

Appendix A

Pro Bono or Public Legal Clinic

Student Legal Assistance (University of Calgary)

Student Legal Services (University of Alberta)