



# GOVERNANCE AGREEMENT

## Framework and Summary

As a registered society incorporated under the provincial Societies Act, Legal Aid Alberta (LAA) is an organization independent from government, but is accountable to the Minister of Justice and Solicitor General (Minister) and to the Law Society of Alberta (LSA).

In 2019, a new tripartite [governance agreement](#) (GA) with Legal Aid Alberta, the Minister of Justice and Solicitor General, and the Law Society of Alberta came into effect.

### Mandate and Role

LAA is an independent organization that is accountable to the Minister and LSA for the operation of LAA and the Legal Aid Plan. It provides essential legal services for eligible Albertans to ensure access to justice. It advances the public interest by helping people resolve their legal problems through a cost-effective, innovative, and flexible program within an affordable funding envelope.

### Governance

A board of directors is appointed by the LSA to supervise and direct the management of LAA in accordance with sound governance practices and establish required policies.

### Provision of Legal Services

LAA has flexibility in delivering legal services through a hybrid staff/roster lawyer model in a cost-effective, innovative, and flexible manner.

The legal aid services are described in Appendix II of the [GA](#). Removal of a service requires at least 12 months written notice from the Minister, with exceptions, including some of the services funded pursuant to a federal/provincial cost sharing agreement.

### LAA Accountabilities

#### Reporting

LAA to provide:

- An annual report and audited financial statements within 90 days of end of the fiscal year
- New legal practice standards
- Reasonably requested information by the LSA or the Minister
- Monthly reports including financial statements
- An executive summary of the Board agenda to the LSA if requested
- Minutes of Board meetings including decisions to the Minister and LSA if requested

## **Oversight of legal services**

LAA to review: legal counsel billings, strive to improve quality and efficiencies, and use ALF statutory funding for a contingent reserve to support the provision of legal services

## **Consultation**

LAA to engage with appropriate stakeholders to gain input on certain operational changes.

## **Quality assurance**

Ensure there are quality assurance and service delivery protocols and procedures to ensure certain outcomes achieved.

## **Budget and business planning**

- Prepare a two-year (biennial) budget, updated annually for approval by the Minister by September 30<sup>th</sup>: this includes a schedule of services (Appendix II) and average cost projections.
- Prepare a three-year business plan (in practice, submitted with the budget).
- Prepare an enterprise risk management plan, a business continuity plan, a service delivery and case management framework, a quality assurance audit report, and evaluations of legal aid services.
- Provide any rule changes submitted for Minister approval with the exception of changes that are administrative in nature.

## **Tariff Review**

LAA to review the tariff periodically to ensure it is fair and reasonable though consultation with stakeholders.

## **Transparency**

Parties agree to principles of transparency, mutual respect and consultation, and will communicate prior to any public facing action that would reasonably result in the Minister having to respond publicly.

## **Collaboration**

Meetings as needed, but at least once approximately half-way through the term of the agreement. The three parties may meet to address any issues that affect provision of legal aid services, including changes in provincial policy, the state of the economy, justice reform, and LAA financial needs.

## **Funding Legal Aid**

Based on the approved biennial budget, the Minister shall pay Legal Aid Alberta four equal instalments on April 1<sup>st</sup> and October 1<sup>st</sup> of each fiscal year.

If approved annual estimates of the Ministry are reduced, Minister will pay reduced amount, and Minister and LAA meet and LAA submits a revised biennial budget and three-year business plan based on agreed projections of volumes and costs and schedule of services.

## Indemnification

Board members acting in good faith are indemnified for unfunded liabilities for outstanding certificates and the Minister would not commence an action for such payment.

## Dispute Resolution

Parties to remain committed to principles of collaboration and communication, provide written notice of dispute and proposed solutions, attempt in good faith to resolve issues.

If dispute not resolved, parties will appoint a mediator within 20 working days. Mediation of dispute will not exceed 30 working days.

## Important Timelines

**Term of agreement:** April 1, 2019 to March 31, 2024 (Extended to June 30, 2024, as per signed MOU)

**90 days after the end of fiscal year:** Annual report including audited financial statements

**September 30<sup>th</sup> of each year:** Budget and business plan submitted to Minister for approval

**At least every 3 years:** 1. Minister and LAA in collaboration review the tariff. 2. Minister in consultation with clients and stakeholders review the Financial Eligibility Guidelines.

**At least once during at half-way point of GA:** All parties to meet to discuss any issues impacting legal aid services

**Each calendar year:** Minister, Chair of the Board, President of the Law Society (or designates) meet to discuss matters relating to Legal Aid