



**AN OVERVIEW OF LEGAL AID ALBERTA:  
ESSENTIAL. INDEPENDENT.  
ACCOUNTABLE TO ALBERTANS.**

*October 2024*

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## **INTRODUCTION**

This paper provides an overview of Legal Aid Alberta (LAA), a complex organization deeply integrated with the justice system that has hundreds of thousands of touchpoints with Albertans annually. It will discuss LAA's structure, service delivery model and operational impact while also presenting comparisons with other legal aid organizations across Canada.

It highlights how LAA's hybrid service delivery model is uniquely positioned to address the legal needs of Albertans, manage budgetary constraints and respond to external cost drivers. Additionally, it outlines LAA's mission, strategy, governance and commitment to improving access to justice.



## EXECUTIVE SUMMARY

Legal Aid Alberta (LAA) plays a critical role in safeguarding the legal rights of Albertans, especially disadvantaged populations, while ensuring the efficient functioning of the justice system. LAA has hundreds of thousands of interactions with Alberta clients each year, some brief that last a day, some ongoing for several years.

This work shapes the complexity of legal aid operations that go far beyond a legal service transaction with each client and include a large call centre, provincial scheduling systems for every Alberta court, internal appeal, compliance and payment programs, and a myriad of back office support functions.

LAA delivers criminal, family, immigration and duty counsel legal services through a hybrid roster and staff lawyers model.

- The hybrid model allows LAA to maximize efficiency and control costs by thoughtfully allocating files based on client and justice system needs.
- LAA staff lawyers also play dual roles in ensuring proper client intake and oversight of hour allocation on more complex roster lawyer matters.
- Staff lawyers are also essential when there is no realistic choice of counsel for clients with specialized needs or in remote geographic locations.

LAA's primary cost drivers are driven by three main factors over which LAA has little influence: the number of Albertans served, the services provided to Albertans and the fees paid to serve Albertans. These are all public policy decisions and have increased significantly since 2015 to improve access to justice in Alberta.

Inflation, migration to Alberta and general economic conditions also impact LAA costs from year to year. Lesser-known impacts on LAA costs include justice system stakeholder processes that could be evaluated to reduce LAA costs. However, LAA does engage in innovative programs to maximize value, efficiencies and client service within spheres we do control.

LAA is – and must be – operationally independent from the executive branch of government to ensure fairness for Albertans and for justice to be seen to be done. LAA is also accountable to the government in a variety of ways:

- Monthly management discussion and analysis
- Annual external audits
- Budgets and business plans
- Ability of the Minister to receive a wide range of financial and other information excluding elements of client confidentiality, as outlined in the Governance Agreement.

Oversight is exercised in a multi-faceted manner, including those elements listed above, and through a Board of Directors with lawyers, finance professionals and public interest members selected with representatives of the Minister. This is similar to most other provincial agencies.

Finally, LAA strives to continually improve efficiency, quality of service and justice for Albertans. In the last several years, LAA has implemented programs such as duty counsel triage, a family assessment team, Client Gateway, in-house Brydges, a duty counsel portal, early appearance assistance and many others. These initiatives protect the rights of Albertans, enhance service to rural Albertans and ensure the government receives value for money.



## HISTORY IN BRIEF

*Established in 1973, Legal Aid Alberta is a publicly funded non-profit legal services provider accountable to the public through the Ministry of Justice and the Law Society of Alberta.*

## | LAA OVERVIEW

### PURPOSE AND SERVICES

Legal Aid Alberta (LAA) plays a critical role in safeguarding the legal rights of Albertans, especially disadvantaged populations, while ensuring the efficient functioning of the justice system.

LAA provides affordable legal representation to low-income Albertans in adult and youth criminal defence, family law, including child welfare, and immigration.

LAA also administers free legal services accessible to all Albertans regardless of income, ensuring their rights are protected. These include the province's duty counsel services in provincial docket courts and specialty courts, Justice of the Peace Bail hearings, brief legal advice over the phone for Albertans in police custody, and Emergency Protection Orders for those facing family violence.

### IMPACT

LAA helps Albertans hundreds of thousands of times a year across 75 communities. LAA's work in the past year includes:

**120,000**

Duty Counsel assists

**80,000**

Contact Centre calls

**2,500**

LAA-assisted emergency protection orders

**32,000**

Bail hearings

**14,000**

Brydges calls from police stations

**42,000**

Client representation certificates in criminal, family and immigration

## IN BRIEF

There are different approaches in other Canadian provinces to the provision of legal aid. Key components of legal aid programs in other provinces are summarized in Appendices 1 and 2 and will be useful in assessing possible opportunities for improvement in Alberta.

## LEGAL AID IN CANADA: OVERVIEW

LAA is incorporated under the Societies Act (Alberta). Its structure and operations are established through the Societies Act and [Governance Agreement](#) with the Minister of Justice and the Law Society of Alberta. Some other Canadian jurisdictions have specific legislation that governs the creation and operation of the body that is responsible for providing legal aid services.

The table below sets out the type of legal aid model in all Canadian provinces, referencing governing legislation and website sources for more information.

## CANADIAN PROVINCIAL LEGAL AID MODELS

PROGRAM NAME	MODEL	LEGISLATION AND REGULATIONS	USEFUL SOURCES
Legal Aid BC	Legislated Provincial Crown Corporation	Legal Services Society Act, SBC 2002, c 30	<a href="https://legalaid.bc.ca/about">https://legalaid.bc.ca/about</a>
Legal Aid Society of Alberta	Governance Agreement The Legal Profession Act provides that the Minister, the Law Society, and Legal Aid may enter into an agreement respecting the operation by Legal Aid Alberta of a plan to provide legal aid to persons in need of it in civil matters or criminal matters or both.	Legal Profession Act, RSA 2000, c L-8 Governance Agreement	<a href="https://www.canlii.org/en/ab/laws/stat/rsa-2000-c-l-8/latest/rsa-2000-c-l-8.html">https://www.canlii.org/en/ab/laws/stat/rsa-2000-c-l-8/latest/rsa-2000-c-l-8.html</a> <a href="https://www.legalaid.ab.ca/wp-content/uploads/2024/09/Legal-Aid-Governance-Agreement-2024-2029.pdf">https://www.legalaid.ab.ca/wp-content/uploads/2024/09/Legal-Aid-Governance-Agreement-2024-2029.pdf</a>
Legal Aid Saskatchewan	Legislated Described as a body corporate and Crown agency. Governed by the Saskatchewan Legal Aid Commission.	Legal Aid Act, SS 1983, c L-9.1 The Legal Aid Regulations, 1995, RRS c L-9.1 Reg 2	<a href="https://legalaid.sk.ca/about/overview/">https://legalaid.sk.ca/about/overview/</a> <a href="https://legalaid.sk.ca/wp-content/uploads/2024/01/2024_01_19-RE-VISED-2022-2023-Annual-Report.pdf">https://legalaid.sk.ca/wp-content/uploads/2024/01/2024_01_19-RE-VISED-2022-2023-Annual-Report.pdf</a>

(Source: Field Law)

PROGRAM NAME	MODEL	LEGISLATION AND REGULATIONS	USEFUL SOURCES
Legal Aid Manitoba	Legislated Provincial Crown Corporation operates at arm's length from the government.	Legal Aid Manitoba Act, C.C.S.M. c.L105 Legal Aid Regulation, Man Reg 22/91	<a href="https://www.legalaid.mb.ca/lam/governance/">https://www.legalaid.mb.ca/lam/governance/</a> <a href="https://www.legalaid.mb.ca/wp-content/WordPress/PDF/Corporate_Directors_Manual.pdf">https://www.legalaid.mb.ca/wp-content/WordPress/PDF/Corporate_Directors_Manual.pdf</a>
Legal Aid Ontario	Legislated	Legal Aid Services Act, 2020, SO 2020, C 11, Sch 15	<a href="https://www.legalaid.on.ca/more/corporate/about-lao-landing-page/">https://www.legalaid.on.ca/more/corporate/about-lao-landing-page/</a> <a href="https://www.legalaid.on.ca/lasa2020/lasa-2020-rules-and-policies/">https://www.legalaid.on.ca/lasa2020/lasa-2020-rules-and-policies/</a>
Commission des services juridiques (Quebec)	Legislated	Act respecting legal aid and the provincial of certain other legal services, CQLR c A-14 12 in force regulations; most are related to tariffs or fees rendered under the act	<a href="https://www.csj.qc.ca/commission-des-services-juridiques/Commission/Historique/en">https://www.csj.qc.ca/commission-des-services-juridiques/Commission/Historique/en</a>
New Brunswick Legal Aid Services Commission (NBLASC)	Legislated The Commission operates under the framework of the Legal Aid Act and regulations. Legislation describes the commission as a body corporate. NBLASC is a Part IV Crown Corporation	Legal Aid Act, RSBN 2014, c 26 General, NB Reg 2017-12	<a href="https://www.legalaid-aidejuridique-nb.ca/about-us/governance/">https://www.legalaid-aidejuridique-nb.ca/about-us/governance/</a> <a href="https://www.legalaid-aidejuridique-nb.ca/wp-content/uploads/2019/10/NBLASC-ANNUAL-REPORT-2012-2013_FINAL.pdf">https://www.legalaid-aidejuridique-nb.ca/wp-content/uploads/2019/10/NBLASC-ANNUAL-REPORT-2012-2013_FINAL.pdf</a>
Nova Scotia Legal Aid Commission (NSLA)	Legislated The Legal Aid Act governs the circumstances and conditions under which Legal Aid will be granted. The Act also created the Commission and made it responsible for all matters relating to legal aid in Nova Scotia.	Legal Aid Act, RSNS 1989, c 252 Legal Aid General Regulations and Tariff of Fees, NS Reg 77/77	<a href="https://www.nslegalaid.ca/about-us/">https://www.nslegalaid.ca/about-us/</a> <a href="https://www.nslegalaid.ca/wp-content/uploads/2001/01/History-of-Legal-Aid-Updated-November-2017.pdf">https://www.nslegalaid.ca/wp-content/uploads/2001/01/History-of-Legal-Aid-Updated-November-2017.pdf</a>
Prince Edward Island Legal Aid	Direct provincial government service. It is found on the Justice and Public Safety section of the government website.	Legal Profession Act, RSPEI 1988, c L-6.1 Mentions "Legal Aid" once when referring to the Law Foundation and where it may direct its funds	<a href="https://www.princeedwardisland.ca/en/information/justice-and-public-safety/legal-aid">https://www.princeedwardisland.ca/en/information/justice-and-public-safety/legal-aid</a>
Legal Aid NL (Newfoundland and Labrador)	Legislated The Legal Aid Commission operates under the Legal Aid Act	Legal Aid Act, RSNL 1990, c L-11 Legal Aid Regulations, CNLR 1010/96	<a href="https://www.legalaid.nl.ca/about/">https://www.legalaid.nl.ca/about/</a> <a href="https://www.exec-abc.gov.nl.ca/public/agency/detail/?id=673&amp;">https://www.exec-abc.gov.nl.ca/public/agency/detail/?id=673&amp;</a> <a href="https://www.gov.nl.ca/jps/files/Legal-AidAnnualReport2020-21.pdf">https://www.gov.nl.ca/jps/files/Legal-AidAnnualReport2020-21.pdf</a>

(Source: Field Law)

**Also see:**

1. Appendix 1 - Legal Aid cross-jurisdictional research
2. Appendix 2 - Legal Aid services comparison

**Note:** Cross-jurisdictional research summarizes the key components of each provincial model, including structure, governance, funding, government reporting, services provided and delivery model, among others. The components listed are components of the current Governance Agreement and will be useful in assessing whether there are opportunities for improvement in the provision of legal aid in Alberta.



## LAA HYBRID SERVICE DELIVERY

Based on client needs and justice system imperatives, the hybrid staff and roster lawyer model has been designed to maximize the efficient delivery of legal services, control costs and ensure quality access to justice for Albertans. There are significant benefits to having both staff and roster legal services available.

For example, in-house lawyers are utilized as part of the intake process to assess and match Albertans with the best LAA service while gatekeeping unnecessary certificate costs that would fall outside of LAA's mandated services and eligibility levels.

The hybrid model allows flexibility and potential cost containment. Whether roster or staff lawyers are used in a hybrid model depends on several factors, including which lawyer could deliver the service most efficiently to a particular client or

**THE HYBRID STAFF-ROSTER MODEL ALLOWS THE MOST FLEXIBILITY AND POTENTIAL COST CONTAINMENT. COMPLEX CLIENTS THAT REQUIRE SIGNIFICANT ATTENTION ARE BEST SERVED BY SALARIED LAWYERS. ROSTER LAWYERS ARE BEST SUITED TO LARGER VOLUMES OF LOWER-LEVEL CRIMINAL MATTERS.**



client matter, particularly when there is no choice of counsel or choice of counsel is not a realistic option.

For example, complex clients that require significant attention may be better served in some cases by salaried lawyers and not by roster lawyers, who would require additional hours to complete the matter.

In contrast, roster lawyers are often best suited to handle larger volumes of lower-level criminal matters, as they can work many more hours in a work week (with their team of assistants) without incurring overtime costs. Roster lawyers also provide high levels of expertise in particular areas of law and provide clients with competent trial and appellate counsel.



At the front end, prior to certificate issuance, criminal Duty Counsel Triage program and the Family Assessment Team of LAA staff lawyers review matters to determine whether service eligibility for full representation certificates is established (i.e., merit).

For example, the Duty Counsel Triage program is focused on resolving low-level criminal charges at the docket stage by staff duty counsel, thereby saving clients and LAA from unnecessary certificate costs. It resolves ~15 per cent of matters.

On the family side, LAA's Family Assessment Team, through its processes, typically finds that ~35 per cent of family coverage applications do not have sufficient merit, and a certificate is not issued

Even after a certificate is issued, in-house staff counsel continue to provide oversight to ensure that hours are efficiently used, and costs incurred comply with the tariffs. Staff lawyers are also essential when there is no realistic choice of counsel for clients with specialized needs or in remote geographic locations.



## LEGAL AID ALBERTA FUNDING

Funding for legal aid comes from the following sources: the Government of Alberta, the federal government, the Alberta Law Foundation and client contributions. The majority of our revenue comes from the Government of Alberta at \$106 million for fiscal year 2024. The federal portion was approximately \$27 million and is paid directly to the Government of Alberta through access to justice services agreements.

In addition to government funding for fiscal year 2024, the Alberta Law Foundation funding was \$22.6 million which is legislated to contribute 25 per cent of the interest that it earns from lawyers' pooled trust accounts to funding of the legal aid plan. This funding has varied over the last few years due to interest rates and economic activity from a low of \$2.7 million in fiscal year 2023 to a high of \$22.6 million in 2024. This 25 per cent amount is low as compared to the more than 50 per cent received by other Canadian legal aid plans that also have similar law foundation funding structures.

Legal Aid Alberta also received \$4.7 million from client recoveries in fiscal year 2024 for payment of legal services they have received. Certificates are issued to clients for most legal matters and the client is responsible for paying that legal bill. However, duty counsel and some services surrounding Emergency Protection Orders and therapeutic courts are free to any Albertan.

The current Governance Agreement includes a sustainable funding model whereby the Government of Alberta establishes the legal aid services to be provided at Appendix II of that Agreement and agrees to fund those services. Legal Aid Alberta cannot offer services beyond those listed and must pay tariff fees and admit individuals into the program in accordance with government policy. The Governance Agreement also provides for a contingent reserve of 15 per cent of the total budget to address amounts that exceed budgeted forecasts.

For further information on LAA finances, please see the [Legal Aid Financial Primer](#).



## IN BRIEF

*Rising costs incurred by Legal Aid Alberta are primarily driven by external factors, including decisions made by the Ministry. LAA has limited control over key factors such as the number of individuals seeking assistance, eligible services and eligibility criteria, or the duration of a client's involvement with LAA.*

## BUDGET AND EXTERNAL COST DRIVERS

What are the key factors driving costs?

Most of Legal Aid Alberta's costs are primarily driven by external factors beyond the organization's control. However, LAA does engage in innovative programs to maximize value, efficiencies and client service within spheres we do control.

Government of Alberta policy decisions and the Ministry of Justice determine how many Albertans LAA serves, the services provided and what is required to pay for those services.



### How many Albertans does LAA serve?

The Ministry of Justice determines who qualifies for assistance through the Financial Eligibility Guidelines (FEG) outlined in Sections 15.4/5 of the Governance Agreement, which determines the number of Albertans served every year.



### What services does LAA provide?

The Ministry of Justice determines the Legal Aid Services to be provided and establishes the corresponding appropriate funding levels for those services, as outlined in the governance agreement preamble. These services are outlined in Appendix II of the Governance Agreement. Changes to eligible services, such as the additions of Justice of the Peace Bail services and expanding specialty courts, affect costs. There are 21 specialty courts operating today.



### What does LAA pay to serve Albertans?

The Ministry of Justice sets the hourly tariff rate paid to roster lawyers as outlined in Section 15.3 of the Governance Agreement with roster certificate costs representing LAA's most significant expense. Certificates may take five years to complete, sometimes longer. Changes in tariff rates impact the budget over time as certificates are initiated and completed at a higher tariff rate.



### External impacts on the number of clients LAA serves

The volume of individuals seeking legal support in any given year varies and is largely influenced by societal and macroeconomic factors, and immigration rates to the province. For example, when the economy is in a downturn or recession, the number of individuals applying for legal aid increases as individuals lose their jobs and qualify financially. Family stresses increase, leading to family breakdown. More individuals may encounter the justice system through substance abuse or family violence as economic conditions worsen. In addition, when immigration rates to the province increase, a proportion of those additional individuals will qualify for legal aid services.



### Rising inflation

Inflation impacts the general cost of operations, including salary adjustments, as it does for any organization.

### THROUGH THE YEARS: 2015 – 2024



**48%**

Ministry increase to Tariff



**45%**

Increase in legal representation certificates



**32.8%**

Ministry increases to FEGs



**24%**

Increase to inflation

### SUMMARY OF LAA EXPENSES

Payments to roster lawyers represent LAA's most significant expense. Costs are paid mainly through block tariff fees. Block tariff fees are based on a reasonable time to complete steps in a legal matter, approved by the Minister, as outlined in Sections 15.3 of the Governance Agreement, and are paid to lawyers as they are billed to LAA in an interim or final form. A portion of LAA costs is paid to roster lawyers hourly, and an LAA assessment team controls the number of hours approved for a legal matter.

Operational costs include salaries, collective agreement commitments, leases, and IT systems and equipment.

## EXPLANATION OF LAA EXPENSE INCREASE FROM 2015-2024



LAA's expenses have risen from approximately \$72 million in 2014 to over \$138 million in 2024 due to improvements made to access to justice in Alberta. These include increasing the number of Albertans qualifying for service and higher fees paid to attract and retain roster lawyers, which were accomplished through Government of Alberta policy changes. In addition, inflation and migration into the province have also driven LAA costs higher. The important Government of Alberta decision to add Justice of the Peace bail services to LAA in 2019, which now result in around 32,000 bail hearings annually, was an additional service offered to Albertans.

Internally, we continue to implement cost-saving measures. Examples include duty counsel triage programs, family assessment programs and technology upgrades to improve efficiency.

## EXTERNAL HIDDEN COST DRIVERS AND LAA PROPOSED SOLUTIONS FOR FUTURE SAVINGS

Many practices by justice system stakeholders drive LAA representation costs. A thoughtful review and potential shifts in those practices would have a material, positive impact on LAA's finances.

### Alberta Justice Summit

The Alberta Justice Summit was held annually pre-COVID, where justice system decision-makers from around the province gathered in person to represent all stakeholders. External cost drivers were

discussed at the forum, and some steps were announced (such as the pilot for pre-charge screening).

The Justice Summit was productive and an effective use of time; however, it has not been held since the pandemic. Revitalizing the Justice Summit would allow these issues to be discussed in person. The table below shows justice system stakeholder practices and potential changes that would positively impact LAA.

EXTERNAL INITIATIVE	IMPACT & SAVINGS	COLLABORATORS
<b>CURRENT EXAMPLE</b> ~23,000 'administrative' and 'summary' level full-representation certificate issued by LAA (FY 2024) DC Triage Program currently resolves ~15 per cent of low-level matters (~1000 matters) resulting in ~\$1.6 million savings in certificate costs		
<b>Pre-Charge Screening</b>	If pre-charge screening in Edmonton and Calgary can prevent the unnecessary laying of ~10 per cent of low-level criminal charges, that is ~1,000 certificates not issued by LAA.  <i>Potential Savings: ~\$1.5 million in certificate costs</i>	Crown prosecutors
<b>DC Triage Program &amp; Quicker access to Disclosure</b>	Obtaining disclosure ranges from 4-8 weeks.  Faster timelines to access disclosure could ensure more low-level criminal charges (~2 per cent) could be resolved through the Duty Counsel Triage Program and a certificate would not need to be issued.  <i>Potential savings: ~\$700,000 in certificate costs</i>	Crown prosecutors
<b>"1st offer – Best Offer" practices at DC Triage Program Stage</b>	Improvement in the early case resolution process focusing on identifying matters for diversion and "first offer – best offer" will increase the number of matters that can be resolved at the docket stage with the assistance of Duty Counsel.  This would support an additional ~2 per cent of matters that could be resolved in DC Triage.  <i>Potential savings: ~\$700,000 in certificate costs</i>	Crown prosecutors
<b>Total Additional Potential Savings: ~\$2.9 million</b>		

## POTENTIAL FOR EXPANDED INTERNAL EFFICIENCY FROM EXTERNAL COLLABORATION

EXTERNAL INITIATIVE	INTERNAL IMPROVEMENTS	COLLABORATORS
<b>CURRENT EXAMPLE</b> ~23,000 'administrative' and 'summary' level full-representation certificate issued by LAA (FY 2024) DC Triage Program currently resolves ~15 per cent of low-level matters (~1000 matters) resulting in ~\$1.6 million savings in certificate costs		
<b>Introduction of Video Visitation for Lawyers (Pilot: Edmonton Remand)</b>	In Edmonton can directly support LAA's incoming initiative for enhanced Duty Counsel Triage support for "in-custody" accused at the Edmonton Remand Centre with resolvable matters at the docket stage.  ~ 40 per cent of summary and administrative certificates are issued to "in custody" clients and 30 per cent of those issued in Edmonton (~3,000 matters)  The "In-Custody Triage" would strive to capture up to ~2 per cent of matters currently going straight to certificate.  <i>Potential savings: ~\$700,000 in certificate costs</i>	Crown prosecutors  Corrections  Courthouse management & clerks  Justice of the Peace Hearing Office
<b>Total DC Triage Savings with incoming internal changes to Triage Program: ~\$2 million</b>		



## OPERATIONAL OVERVIEW

Established in 1973, Legal Aid Alberta is a publicly funded non-profit legal services provider accountable to the public through the Ministry of Justice and the Law Society of Alberta. LAA provides affordable representation to low-income people on criminal, family, and immigration cases and some free legal services to all Albertans that ensure people's rights and safety are protected.

## VISION AND MISSION

### VISION

An Alberta where everyone is able to understand and protect their legal rights.

### MISSION

We resolve legal problems for disadvantaged Albertans and, in doing so, protect the Rule of Law for the benefit of everyone.

## STRATEGIC PRIORITIES

Legal Aid Alberta's 2023-26 Strategic Plan lays out clearly defined goals and action plans to reach organizational strategic priorities. Under three themes — Quality, Access and Accountability — LAA commits to ensuring our clients are served by highly effective lawyers, creating a highly accessible justice system that makes it easier for Albertans to apply for services, and being accountable as an organization, operating with integrity and efficiency.

# 1

**STRATEGIC PRIORITY 1:  
PROVIDE ACCESS TO  
EFFECTIVE COUNSEL**

# 2

**STRATEGIC PRIORITY 2:  
MAKE LEGAL SERVICES EASY  
TO ACCESS AND NAVIGATE**

# 3

**STRATEGIC PRIORITY 3:  
OPERATE WITH INTEGRITY  
AND EFFICIENCY**

## OUR CLIENTS

Many Albertans rely on Legal Aid Alberta to navigate the justice system. LAA clients typically have little to no income, some working paycheque to paycheque. They include youths and adults facing criminal charges, individuals – including children experiencing family violence or breakdown, and refugees. While every person's situation is unique, many clients we work with are extremely overwhelmed and confused by the legal process.



## WHO WE HELP

- Unrepresented in court
- Under arrest and held in custody
- Adults and youth charged with a crime
- People experiencing family violence
- Parents in child welfare cases
- Refugees and newcomers to Canada

In addition to their limited financial resources, many LAA clients face challenging personal circumstances and situations.

- Incarceration
- Chronic homelessness
- Family breakdown
- Mental health
- No family support
- Intergenerational trauma
- Fetal Alcohol Spectrum Disorder
- Previous history in child welfare
- Adverse childhood experience scores
- Adults and youth charged with a crime
- Addiction
- Newly disadvantaged by sudden life incidences
- Domestic violence





## OUR PEOPLE

Legal Aid Alberta is governed and guided by a board of directors. The board provides oversight of operations and works with the administration to set strategic and business objectives.

As outlined in the Governance Agreement, the LAA Board can consist of up to 11 members, including at least four members of the Law Society and three public directors, all selected in tandem with the Ministry of Justice.

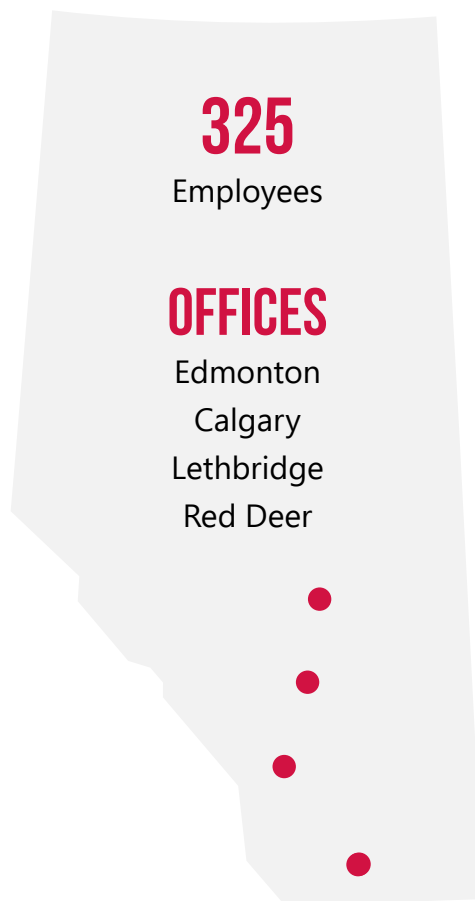
LAA's executive team is responsible for strategic and business planning and ensuring that LAA delivers crucial legal services to Albertans while operating within the Governance Agreement.

## LAA OPERATIONS AND SERVICE DELIVERY SYSTEMS

LAA's operations and service delivery systems are complex, given the number of services we offer and the number of Albertans we serve. For example, we have multiple application pathways, ranging from a toll-free number to online support through the Client Gateway through duty counsel and partnerships with support organizations.

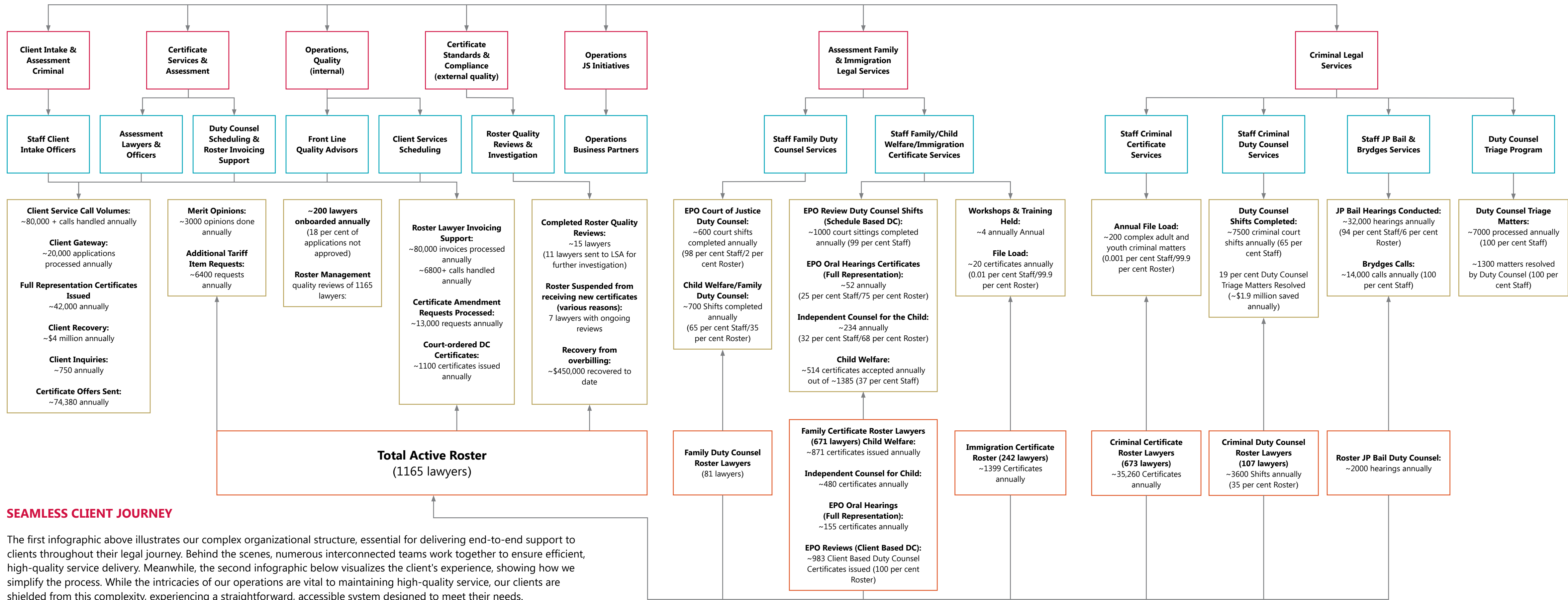
LAA has a centralized call centre that takes up to 80,000 calls per year from clients and lawyers, centralized scheduling for daily duty counsel assistance for all provincial docket courts, appeal processes for those denied service or other complaints, payment and compliance functions, and so forth. To support these core operations, we have small teams in finance, IT, human resources, labour relations and facilities.

The complexity of the work is shaped by the volume of certificates issued and the unique demands of courts across the province, as well as by providing duty counsel services to self-represented individuals in docket courts. The LAA operational chart below shows the processes required to deliver on LAA's mandate. This is, in essence, the engine of LAA. A different structure for the delivery of legal aid services would have to accommodate these or similar processes in order to deliver mandated services.





## LAA OPERATIONS BEHIND-THE-SCENES: JUSTICE SERVICES



### SEAMLESS CLIENT JOURNEY

The first infographic above illustrates our complex organizational structure, essential for delivering end-to-end support to clients throughout their legal journey. Behind the scenes, numerous interconnected teams work together to ensure efficient, high-quality service delivery. Meanwhile, the second infographic below visualizes the client's experience, showing how we simplify the process. While the intricacies of our operations are vital to maintaining high-quality service, our clients are shielded from this complexity, experiencing a straightforward, accessible system designed to meet their needs.



## STRUCTURED TO SUPPORT ALBERTANS

On the frontlines of the justice system



Duty Counsel | JP Bail | Criminal | Family | Immigration | EPOs  
Management and Corporate Support



## **INDEPENDENCE AND ACCOUNTABILITY**

It is a fundamental principle in the adversarial system that LAA be institutionally and operationally independent from the executive branch of government to ensure fairness for Albertans and protect Charter rights.

However, LAA remains accountable to the Minister for public funds that provide access to justice in a number of ways that mirror the obligations of other public agencies:

### **1. Provision of Information to the Minister**

The Minister may request (and LAA shall provide) a wide range of financial and other information, including agendas and approved minutes and related decisions of the Board of Directors pursuant to s.18.2 and s.18.3 of the Governance Agreement.

### **2. Board of Directors**

The membership of the Board of Directors is defined in the bylaws of LAA, and those bylaws can not be changed without the consent of the Minister and the Law Society of Alberta. The Board of Directors includes unrelated lawyers, financial experts, and public directors. It oversees LAA operations and helps set the strategic objectives of LAA. The Minister can prevent any individual from joining the Board through the Nominating Committee. Further information on Governance is found below.

### **3. Annual Report**

An Annual Report, including audited financial statements, is provided to the Minister each year pursuant to s.18.2 of the Governance Agreement.

### **4. Annual Budget and Business Plan**

LAA provides the Minister with an Annual Budget (with estimates for years 2 and 3) and 3-year business plan with a high level of detail of costs and estimates pursuant to s. 12.1 of the Governance Agreement. The Minister has the ability to consult with LAA and request revisions before providing approval.

### **5. Annual External Audit**

LAA is subject to an annual external audit by a third party accounting firm that ensures all revenues and expenses are properly reported.

### **6. Monthly Management Discussion and Analysis (MD&A)**

The MD&A is provided to the Ministry every month and provides the Ministry with operational oversight in real time as expenditures and certificate volumes are reported in detail with a discussion of underlying driving factors pursuant to s.18.2 of the Governance Agreement. Pursuant to s. 16.3 of the Governance Agreement, LAA may only use grant funding in accordance with the Governance Agreement. Ministry staff can question or request an explanation for any amount included in the report.



## IN BRIEF

*The Government of Alberta oversees Legal Aid Alberta (LAA) in accordance with the Governance Agreement and is responsible for determining LAA services, budget and financial reporting. The government establishes the Financial Eligibility Guidelines and Tariff. Additionally, the government plays a role in selecting board members through the nominating committee and is involved in reviewing and approving LAA's business plan.*

## GOVERNANCE

### Government Oversight

As a registered society incorporated under the Provincial Societies Act, Legal Aid Alberta is independent of the government but accountable to the Minister of Justice and the Law Society of Alberta.

Organizational independence allows decisions to be made that are, and would be perceived to be, free from conscious or unconscious biases that might otherwise be in play. Accountability to the government – financial accountability and meeting services expectations, for example – does not impinge on organizational independence. Without independence, decisions could be, or could be seen to be, swayed by political pressures. The result would be at least a perception of

unfairness and partiality, which could erode public trust and confidence in the system. The essential role of legal aid as a check on state power would be weakened. In sum, without organizational independence, justice may be done, but it may not be seen to be done.

In 2024, the Government of Alberta, Legal Aid Alberta, and the Law Society of Alberta finalized a new long-term Governance Agreement. The agreement represents a shared understanding of the importance of a high-quality, independent, sustainable legal aid program. It ensures that Alberta's legal aid system remains stable and continues to meet the needs of those who require legal assistance.

### Governance Agreement – September 6, 2024 to September 5, 2029



## BOARD OF DIRECTORS

The Board of Directors supports Legal Aid Alberta's goals of governance, providing legal services and expertise and delivering access to justice and fairness for all Albertans. The board works with LAA to serve the public good and remain accountable to Albertans. The executive works together with the Board to set LAA's strategic direction and objectives and the Board oversees operations to ensure LAA meets its strategic and business objectives.

### Committees

- Audit
- Human Resources and Compensation
- Governance
- Nominating

The Nominating Committee selects LAA board members. The terms of reference for this committee are in Appendix 1 of the Governance Agreement. The Nominating Committee comprises two members from the Minister's office, two Law Society of Alberta Benchers, and one member of the LAA Board.

## NOMINATING COMMITTEE REPRESENTATION



*The Nominating Committee recommends a slate of directors to the Benchers for appointment and the committee's decisions must be unanimous, giving both the Law Society of Alberta and/or the members appointed by the Minister a de-facto veto over any candidate.*

## TAKING ACTION TO IMPROVE QUALITY, DRIVE ACCOUNTABILITY AND ENHANCE ACCESS TO JUSTICE (2017 – 2024)

### Responsive to the needs of Albertans and the justice system

LAA continuously adapts to the evolving needs of the justice system, driven by both external forces and proactive efforts. From responding swiftly to challenges like the COVID-19 pandemic to implementing changes in line with government decisions, it has ensured that its services remain accessible and effective.

When gaps in access to justice arise, LAA acts decisively to support Albertans, leveraging new processes and technologies to improve efficiency and accountability. Below is a list of some of the key measures we've implemented that have resulted in significant operational improvements and enhanced service delivery.

KEY MEASURES	DESCRIPTION	STRATEGIC PRIORITY
<b>Duty Counsel: protecting the rights of Albertans</b>		
Justice of the Peace Bail	The addition of Justice of the Peace Bail services in 2019, at the Ministry's request, has added approximately 32,000 bail hearings per year. LAA lawyers are available from 8 a.m. to midnight, 365 days a year, to inform, advise, and represent arrested people in bail hearings.	Access
Brydges	LAA operates a 24/7 special phone line that ensures free legal advice to protect the Charter rights of those arrested or detained by police.	Access
Duty Counsel Triage	An early case assessment determines the best course of action, often leading to a resolution with the Crown without issuing a certificate, saving millions.	Access
Duty Counsel Crown Disclosure	Duty counsel request disclosure from the Crown, allowing lawyers to assess charges better and create a plan of action tailored to the circumstances.	Access
Duty Counsel for Specialty Courts	LAA provides duty counsel services in specialty courts, which the province has expanded yearly. Today, 21 specialty courts operate. LAA has partnered with Siksika First Nation to provide culturally relevant duty counsel legal advice and support for adult and youth criminal matters.	Access
Duty Counsel Schedules	LAA implemented online scheduling improvements that ensure every courtroom in Alberta is covered by duty counsel. Lawyers can quickly check a phone app to see where they need to be providing service.	Efficiency
Duty Counsel Portal	The Portal allows duty counsel lawyers to check client files and share information more effectively. Prior to this, lawyers had to call LAA staff to check the status of a client file, adding unnecessary delays and frustration.	Efficiency
<b>Making legal services easy to access and navigate</b>		
Client Gateway	The Client Gateway is a secure online form that lawyers use in docket court to help someone apply for legal aid without having to call. It speeds up the process of getting approved for legal aid and means an individual only has to explain their situation once.	Access

Early appearance assistance	This is a free court preparation service for any Albertan charged with a crime and summoned to appear in court. Individuals can call legal aid and will receive a call back from duty counsel to walk them through the process, reducing confusion on the actual court date. Implemented in response to COVID-19 restrictions and made permanent.	Access
Choice of counsel	Implemented to allow legal aid clients to choose their own lawyer.	Access
Change of counsel	Implemented to facilitate legal aid clients to request a change of counsel with minimal delay in court proceedings, addressing breakdowns in the lawyer-client relationship faster.	Access
Lawyer directory	Provides an online listing of Alberta lawyers who take legal aid cases and want to be listed, helping clients find the lawyer of their choice faster.	Access
Discretionary coverage program	Discretionary coverage supports Albertans who meet service eligibility requirements but do not qualify for services based on financial eligibility. In these instances, the matter is referred to the Discretionary Coverage Program for review. If approved, this limits court time to hear formal court-ordered counsel applications, decreasing the time it takes for counsel to be appointed and reducing the burden on the courts and LAA staff.	Access
Expanded travel guidelines	Expansion of travel guidelines for roster lawyers allowing travel on all levels of certificates when the client has preferred counsel. Offering travel options to clients' chosen lawyers ensures equitable access to legal representation, especially in rural Alberta.	Access
Sexual assault complainant representation	LAA represents any complainants whose sexual history, relevant e-mails or text messages, and medical records may come under scrutiny in a trial. There is no cost to the complainant.	Access
<b>Quality representation and accountability to Albertans</b>		
Family law assessment	LAA's specialized legal team carefully considers a client's legal issues. It provides the right level of legal service, which may or may not include litigation in Alberta courts, helping resolve matters more expeditiously. The team resolves 35 per cent of legal issues avoiding issuance of a certificate.	Accountability
Criminal Trial Group	A dedicated team of lawyers who represent some of the most challenging clients in Alberta – those who face extremely difficult personal circumstances coupled with a complex legal issue.	Quality
Lawyer panels	280 lawyers across five critical areas of law: child representation, child welfare, youth criminal law, complainant and witness protection, and major crimes.	Quality
Roster application process	A quality assurance process that ensures any lawyer joining the roster has the proper experience to represent legal aid clients effectively. Prior to this, any lawyer could join the roster automatically.	Quality
Roster agreement	Legal Aid Alberta implemented a formal service agreement between LAA and roster lawyers to reduce organizational liability and improve clarity for lawyers.	Accountability
Tariff modernization	Tariff modernization acknowledges the changing nature of legal practice, simplifies the invoicing process, and provides roster lawyers with proper recognition based on the complexity of the legal matter.	Accountability
Business strategy and risk	LAA followed a structured approach to organizational development with its Strategic Plans for 2019-2022 and 2023-2026, guided by a comprehensive Enterprise Risk Management Plan.	Accountability



## **ADDITIONAL INITIATIVES AND ACHIEVEMENTS**

### **Indigenous Action Plan**

- LAA's first Indigenous action plan that responds to the Truth and Reconciliation Call to Action and the Missing and Murdered Indigenous Women and Girls call for justice.
- It includes cultural capacity training, joint Indigenous committees, panels for improved competencies in child welfare and major cases, and liaison activities with Indigenous communities, including partnerships for intake services.
- Supported the establishment of the Calgary Indigenous Court in 2019, Edmonton Indigenous Court in 2022 with staff lawyers.

### **National Duty Counsel Day**

- LAA initiated, designed and developed Canada's first National Duty Counsel Day rolled out and financially supported through the Association of Legal Aid Plans of Canada.
- LAA developed training materials used by high schools throughout Alberta.
- Highlights and recognizes the importance of duty counsel to individuals and to the justice system.
- Endorsed by luminaries across Canada including the Right Honourable Adrienne Clarkson, The Right Honourable Richard Wagner, and other justices and leaders.

### **Legacy technology**

- One-time, non-recurring IT upgrades to replace end-of-life systems.
- Reliable telephone technology resulted in significant reduction in wait times, from hours to minutes, and allows client callbacks and priority queues for youth and callers from remand centers.
- Replaced end-of-life Human Capital Management system with Dayforce.

### **Improved Governance Practices**

- Developed a Governance Authority Matrix
- Clarified the Strategic Planning Process
- Formalized Board's Role in Risk Management Oversight
- Clarified Stakeholder Relationships and Engagement Roles and Responsibilities
- Developed CEO and Emergency CEO Succession Plans



- Formalized and Build Upon Existing Process for CEO Evaluation
- Formalized Board Approach to Oversight of Human Resources
- Developed Governance Support Model/Options
- Updated LAA's Code of Conduct and other integral Policies
- Refreshed Committee Terms of Reference
- Refined Board/Committee Practices, including Work Plans
- Reviewed Board Size and Composition
- Strengthened Approach on Board Chair and Director Succession Planning
- Refreshed Board Evaluation Policy and Adopt a Regular Review Process
- Evolved Approach to Director Orientation and Education
- Developed a Forward Calendar for the Board
- Refined the Agenda Setting Process and Meeting Material Content
- All Recommendations from the Watson Governance Diagnostic were implemented within 24 months

### **Recognition – Legal Aid Alberta**

- Canadian Law Award – Shaping the Future (2024)
- International Association of Business Communicators Gold Quill Award - April 2023
- Alberta Community Justice Award (2022)
- Supreme Court of Canada endorsement for Duty Counsel Day public education initiative

### **Recognition – President and CEO John Panusa**

- King's Counsel (2022)
- Queen Elizabeth II's Platinum Jubilee Medal (2022)

## APPENDIX 1 – LEGAL AID CROSS-JURISDICTIONAL RESEARCH

BRITISH COLUMBIA – LEGAL AID		REFERENCE
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>• Crown Corporation [but referred to as a society in the legislation]</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Legal Services Society Act</a>, SBC 2002, c 30</li> <li>• No regulations</li> </ul>	
<b>Governance Agreement(s)</b>	<p><b>MOU:</b></p> <ul style="list-style-type: none"> <li>• The Act requires the Society and the government to negotiate a MOU every 3 years [s. 21]</li> <li>• The MOU sets out roles and responsibilities</li> <li>• The MOU outlines anticipated provincial government funding and other budget related items</li> </ul> <p><b>Mandate Letter:</b></p> <ul style="list-style-type: none"> <li>• BC government's direction to Legal Aid BC as a Crown corporation.</li> <li>• It is incorporated into the legal aid service plan [service plans describe the society's strategic priorities]</li> </ul>	<a href="https://legalaid.bc.ca/about/our-mandate">https://legalaid.bc.ca/about/our-mandate</a>
<b>Governance Structure</b>	<p><b>Board Selection:</b></p> <ul style="list-style-type: none"> <li>• Nine-member board of directors (s 4) <ul style="list-style-type: none"> <li>- 5 appointed by the Lieutenant-Governor in Council on the recommendation of the Attorney General,</li> <li>- 4 appointed by the Law Society of BC after consultation with the executive of the BC Branch of the CBA</li> <li>- Board elects the chair</li> </ul> </li> </ul> <p><b>Term Length &amp; Limit:</b></p> <ul style="list-style-type: none"> <li>• 3-year term for directors [s 4(6)]</li> <li>• Cannot hold office for more than two consecutive terms [s 4(7)]</li> </ul> <p><b>Board Duties:</b></p> <ul style="list-style-type: none"> <li>• Governed by a Governance Manual</li> <li>• Per the manual: "The Board delegates to the CEO overall responsibility for the day-to- day operations of LABC within the parameters set by the Board, the Act, Mandate Letter, and MOU."</li> <li>• Adhere to the governance principles established by the Crown Agencies and Board Resourcing Office (CABRO)</li> </ul> <p><b>Executive committees: [s 5]</b></p> <ul style="list-style-type: none"> <li>• The board establishes three committees <ul style="list-style-type: none"> <li>- Executive Committee, which is headed by the board chair and consists of at least three other board directors and holds all the powers of the board between meetings.</li> <li>- Finance and Technology Committee</li> <li>- Governance and Human Resources Committee</li> </ul> </li> <li>• The board appoints the members of these committees, based on recommendations from the Governance and Human Resources Committee.</li> </ul> <p><b>Frequency of Board Meetings: [s 4(9)]</b></p> <ul style="list-style-type: none"> <li>• The board must meet at least quarterly</li> </ul>	<a href="https://legalaid.bc.ca/about/our-mandate">https://legalaid.bc.ca/about/our-mandate</a>

<p><b>Reporting Requirements</b></p>	<p><b>Reports: [s 20]</b></p> <ul style="list-style-type: none"> <li>The society must prepare an operations report and audited financial statement for each fiscal year ending March 31 and send them to the Attorney General within 180 days, who will then present them to the Legislative Assembly.</li> </ul> <p><b>Budget: [s 18]</b></p> <ul style="list-style-type: none"> <li>The society must provide a budget to the Attorney General when directed to do so by the Attorney General.</li> </ul> <p><b>Audit: [s 20]</b></p> <ul style="list-style-type: none"> <li>The society must appoint an auditor to audit the accounts at least once a year</li> </ul>	
<p><b>Liability</b></p>	<p><b>Personal liability protection: [s 8]</b></p> <ul style="list-style-type: none"> <li>No legal action can be taken against the executive director, directors, officers, employees, or trustees of the society for actions done in good faith under the Act <ul style="list-style-type: none"> <li>But the society itself may still be held vicariously liable for their actions.</li> </ul> </li> </ul> <p><b>MOU violations: [s 21(5)]</b></p> <ul style="list-style-type: none"> <li>"No legal proceeding for damages lies or may be commenced or maintained against the society because of any breach by the society of the memorandum of understanding."</li> </ul>	
<p><b>Funding/Budget</b></p>	<p><b>3 sources of funding:</b></p> <ul style="list-style-type: none"> <li>(1) Provincial government (2) Law Foundation of BC (3) Notary Foundation of BC</li> </ul> <p><b>MOU:</b></p> <ul style="list-style-type: none"> <li>Outlines anticipated provincial government funding for legal aid and the priorities for allocating that funding</li> <li>Acknowledges that Legal Aid BC can receive non-government funding and use it as needed to fulfill its mandate.</li> </ul>	
<p><b>Operations</b></p>	<p><b>Powers &amp; Capacity: [s 10]</b></p> <ul style="list-style-type: none"> <li>Grants the society broad flexibility and powers to set priorities, policies, methods, and eligibility for legal aid, as well as engage in commercial activities to meet its objectives and deliver its services.</li> </ul> <p>Limitation on services provided: [s 11(4)]</p> <ul style="list-style-type: none"> <li>Section 11(4) limits legal aid to the level of services a reasonable person of modest means would use to resolve the issue.</li> </ul>	
<p><b>Independence</b></p>	<ul style="list-style-type: none"> <li>No mention of independence in the MOU or in the Legal Services Society Act</li> <li>Only mention is on the website in the "About us" section.</li> <li>The society's implied independence stems from the broad flexibility and powers granted in Part 2 of the Legal Services Society Act.</li> </ul>	<p><a href="https://legalaid.bc.ca/about">https://legalaid.bc.ca/about</a></p>
<p><b>Privilege</b></p>	<ul style="list-style-type: none"> <li>Privilege is addressed at s 23 of the Legal Services Society Act</li> </ul>	
<p><b>Financial Eligibility</b></p>	<p><b>Section 10(1)(d) of the Legal Services Society Act</b></p> <ul style="list-style-type: none"> <li>Legal Aid BC is empowered to determine who is and who is not eligible for legal aid based on any criteria that the society considers appropriate [s 10(1)(d)]</li> <li>Eligibility also discussed in the MOU</li> </ul>	

<b>Tariff</b>	<b>Tariff Agreement negotiated between Association of Legal Aid lawyers and Province</b> <ul style="list-style-type: none"> <li>The term of the current agreement is from April 1, 2022 to March 31, 2025.</li> </ul>	
<b>Delivery Model</b>	<b>"Hybrid Delivery Model"</b> <ul style="list-style-type: none"> <li>In reality: 100 per cent Roster service</li> <li>Relies primarily on the private bar, with Staff administrative oversight</li> </ul>	<a href="https://legalaid.bc.ca/lawyers-roster-review">https://legalaid.bc.ca/lawyers-roster-review</a>

<b>SASKATCHEWAN – LEGAL AID</b>		<b>REFERENCE</b>
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>Commission</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li><a href="#">Legal Aid Act</a>, SS 1983, c L-9.1</li> <li><a href="#">The Legal Aid Regulations</a>, 1995, RRS c L-9.1 Reg 2</li> </ul>	
<b>Governance Agreement(s)</b>	<p><b>MOU:</b></p> <ul style="list-style-type: none"> <li>The Act requires the Society and the government to negotiate a MOU every 3 years [s. 21]</li> <li>The MOU sets out roles and responsibilities</li> <li>The MOU outlines anticipated provincial government funding and other budget related items</li> </ul> <p><b>Mandate Letter:</b></p> <ul style="list-style-type: none"> <li>BC government's direction to Legal Aid BC as a Crown corporation.</li> <li>It is incorporated into the legal aid service plan [service plans describe the society's strategic priorities]</li> </ul>	
<b>Governance Structure</b>	<p><b>Board Selection:</b></p> <ul style="list-style-type: none"> <li>10 Members <ul style="list-style-type: none"> <li>6 appointed by Lieutenant Governor in Council [LGIC] 4 are not members of the Law Society</li> <li>2 members of the Law Society nominated by the benchers of the Law Society</li> <li>1 employee of the Ministry of Justice appointed by the Minister and AG</li> <li>1 employee of the Ministry of Social Services appointed by the Minister</li> </ul> </li> <li>LGIC appoints chair and vice chair</li> </ul> <p><b>Term Length &amp; Limit: [s 3(5)]</b></p> <ul style="list-style-type: none"> <li>3-year term for members of the commission</li> <li>Cannot hold office for more than two consecutive terms</li> </ul> <p><b>Board Duties: [s 6]</b></p> <ul style="list-style-type: none"> <li>Establishes procedures for determining eligibility, application, and circumstances for provision of legal aid services.</li> <li>Employs solicitors or other persons for the purpose of providing legal services.</li> </ul> <p><b>Chief Executive Officer: [s 10]</b></p> <ul style="list-style-type: none"> <li>Appointed by the commission, subject to the approval of the Lieutenant Governor in Council;</li> <li>Exercises the powers and performs duties assigned to them by the commission and is responsible, subject to the direction of the commission, for the general supervision and operation of the commission</li> </ul>	

	<p><b>Appeal Committee: [s 12]</b></p> <ul style="list-style-type: none"> <li>• Consists of not more than three members appointed by the LGIC, of whom at least 50 per cent are members of the Law Society</li> <li>• One person may be designated as a chairperson of the committee by the LGIC</li> </ul> <p><b>Frequency of Board Meetings: [s 4(1)]</b></p> <ul style="list-style-type: none"> <li>• At least four times in each year and whenever a meeting is requested in writing by five members of the commission.</li> </ul>	
<b>Reporting Requirements</b>	<p><b>Annual Reports: [s 38]</b></p> <ul style="list-style-type: none"> <li>• The commission must submit an annual report to the minister</li> <li>• The report must include a financial statement for the treasury board</li> </ul> <p>Audit: [s 37]</p> <ul style="list-style-type: none"> <li>• The provincial auditor shall annually audit the records and accounts of the commission</li> </ul>	
<b>Liability</b>	<p><b>Non-liability of commission, members and employees: [s 33]</b></p> <ul style="list-style-type: none"> <li>• The commission and its members or employees are not liable for actions done in good faith while providing legal services</li> </ul>	
<b>Funding/Budget</b>	<ul style="list-style-type: none"> <li>• The Commission receives 99 per cent of its operating revenue as a government transfer from the Saskatchewan Ministry of Justice recorded as appropriations <ul style="list-style-type: none"> <li>- The Act notes that "funds are appropriated by the Legislature" for the purpose of providing legal aid services. [s 6(a)]</li> </ul> </li> <li>• 1 per cent comes from grants and other sources (e.g. Law Foundation of Saskatchewan)</li> </ul>	<a href="https://legalaid.sk.ca/wp-content/up-">https://legalaid.sk.ca/wp-content/up-</a>
<b>Services Provided</b>	<p><b>Section 7 [Powers of commission] of the Legal Aid Act</b></p> <ul style="list-style-type: none"> <li>• How services are provided are subject to discretion of the commission</li> <li>• Broad flexibility and powers are given to the commission to establish guidelines and procedures [s 7(d)]</li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>• No mention of independence in the Legal Aid Act or its regulation</li> <li>• Only mention of it is on its annual report: "We are an independent, yet integral, part of the justice system"</li> </ul>	<a href="https://legalaid.sk.ca/wp-content/up-">https://legalaid.sk.ca/wp-content/up-</a>
<b>Privilege</b>	<ul style="list-style-type: none"> <li>• Privilege is addressed at s 34 of the Legal Aid Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>• The commission determines the eligibility criteria of applicants [s 7(a)]</li> <li>• Eligibility guidelines for the commission are elaborated on at ss 3, 3.1, and 7(1) of the Legal Aid Regulations</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>• The commission is required to consult with the Law Society of Saskatchewan to determine a tariff of fees [s 6(1)(d)] <ul style="list-style-type: none"> <li>- From the website: "After consultation with the Law Society of Saskatchewan, effective January 1, 2021, Legal Aid Saskatchewan has increased the legal aid tariff rate to \$92 per hour for matters being billed hourly and a proportionate increase to the fixed rates and agent fees."</li> </ul> </li> </ul>	
<b>Delivery Model</b>	<p><b>"Staff Delivery Model"</b></p> <ul style="list-style-type: none"> <li>• In 2022-2023, staff lawyers handled 85 per cent of full service cases.</li> <li>• Private bar lawyers handled the remainder, usually due to conflict of interest from past service or staff vacancies</li> </ul>	

MANITOBA – LEGAL AID		REFERENCE
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>• Crown Corporation</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Legal Aid Manitoba</a> Act, C.C.S.M. c. L105</li> <li>• <a href="#">Legal Aid Regulation</a>, Man Reg 225/91</li> </ul>	
<b>Governance Agreement(s)</b>	<b>N/A</b>	
<b>Governance Structure</b>	<p><b>Management Council: [s 5]</b></p> <ul style="list-style-type: none"> <li>• Consists of at least 7 and no more than 9 members appointed by the LGIC <ul style="list-style-type: none"> <li>- 3 members selected from list of 7 names submitted by the Law Society</li> <li>- At least 3 are not solicitors</li> </ul> </li> <li>• LGIC designates chair and vice chair</li> <li>• 3-year term [s 5(2)]</li> <li>• 4 meeting per year according to the Corporate Director's Manual</li> </ul> <p><b>Management Council Duties: [s 6]</b></p> <ul style="list-style-type: none"> <li>• Oversees the financial management of Legal Aid</li> <li>• Establishes operational and strategic policies</li> <li>• Establishes procedures for determining eligibility, application, tariff, and circumstances for provision of legal aid services.</li> <li>• Establish the Advisory Committee [s 8(1)] <ul style="list-style-type: none"> <li>- Provides information to the advisory committee [s 8.2]</li> </ul> </li> <li>• May appoint an area director for each district [s 9(4)] <ul style="list-style-type: none"> <li>- They receive applications for legal aid in their district, and make a determination on whether an applicant is, or continues to be eligible to receive legal aid. [11.2]</li> </ul> </li> </ul> <p><b>Advisory Committee: [s 8]</b></p> <ul style="list-style-type: none"> <li>• Provides advice and makes recommendations to the Management Council</li> <li>• Has specific representation requirements for members (e.g. includes persons from rural and north Manitoba)</li> <li>• The committee elects its own chair</li> <li>• The committee must meet at least four times each year [s 8(5.1)] <ul style="list-style-type: none"> <li>- One of the meetings must be with the Council</li> </ul> </li> <li>• The executive director and the chair of the council must attend each meeting of the committee [s 8(5.2)]</li> </ul>	
<b>Reporting Requirements</b>	<p><b>Annual Reports:</b></p> <ul style="list-style-type: none"> <li>• The Management Council must submit an annual report to the minister [s 28(1)] <ul style="list-style-type: none"> <li>- The report must include a financial and statistical reports</li> </ul> </li> <li>• The chair of the council must also submit an annual report to the minister about the activities of the advisory committee. [s 8.1]</li> </ul> <p><b>Audit: [s 27]</b></p> <ul style="list-style-type: none"> <li>• The Auditor General shall annually audit or cause to be audited the books, records and accounts of Legal Aid Manitoba</li> </ul>	
<b>Liability</b>	<p><b>Liability of Legal Aid Manitoba: [s 19]</b></p> <ul style="list-style-type: none"> <li>• Legal Aid Manitoba is not liable for actions or omissions by solicitors providing legal aid, whether privately or as employees.</li> </ul>	

<b>Funding/Budget</b>	<ul style="list-style-type: none"> <li>The Minister of Finance may pay grants to Legal Aid Manitoba from the Consolidated Fund, as authorized by the Legislature. [s 25(2)]</li> <li>Legal Aid Manitoba manages these funds and may use them as it deems appropriate, in line with its objectives and the Legal Aid Manitoba Act. [s 25(3)]</li> </ul>	
<b>Services Provided</b>	<p><b>Legal Aid Manitoba Act:</b></p> <ul style="list-style-type: none"> <li>Sections 2.1 &amp; 3 lays out general objectives, powers, and loose guidelines for how legal services should be carried out <ul style="list-style-type: none"> <li>E.g. "providing quality legal advice and representation to eligible low-income individuals" [s 2.1(a)]</li> </ul> </li> </ul> <p><b>Legal Aid Manitoba Regulation details the range of legal services provided:</b></p> <ul style="list-style-type: none"> <li>Sections 10 -13 describe the matters and areas of law eligible for Legal Aid</li> </ul>	
<b>Operations</b>	<ul style="list-style-type: none"> <li>The Legal Aid Manitoba Regulation outlines the administrative structure, eligibility criteria, and procedural guidelines for the provision of legal aid in Manitoba. It describes among other things: <ul style="list-style-type: none"> <li>The application process [ss 8-9]</li> <li>Agreement to pay arrangements [s 15]</li> <li>When to reject an application [s 16]</li> <li>How and when legal aid can recover from clients [ss 29-36]</li> </ul> </li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>No mention of independence in the Legal Aid Act or its regulation</li> <li>Only mention of it is on its website: "The Council is independent of government. Council members are not employees of Legal Aid Manitoba."</li> </ul>	
<b>Privilege</b>	<ul style="list-style-type: none"> <li>Privilege is addressed at s 24(1) of the Legal Aid Manitoba Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>The commission determines the eligibility criteria of applicants [s 7(a)]</li> <li>Eligibility guidelines for the commission are elaborated on at ss 3, 3.1, and 7(1) of the Legal Aid Regulations</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>The council establishes the Tariff [s 6.1(1)]</li> <li>The council must consult the committee on any proposed changes to solicitor fee tariffs. [s 8(2)]</li> </ul>	
<b>Delivery Model</b>	<p><b>"Hybrid Delivery Model"</b></p> <ul style="list-style-type: none"> <li>Mostly roster service <ul style="list-style-type: none"> <li>In 2017/18, 72 per cent of cases went to the private bar</li> </ul> </li> </ul>	<a href="https://www.gov.mb.ca/justice/publications/pubs/lam.pdf">https://www.gov.mb.ca/justice/publications/pubs/lam.pdf</a>

<b>ONTARIO – LEGAL AID</b>		<b>REFERENCE</b>
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>Crown Agency/Corporation</li> <li>Referred to as "The Corporation" in the Legal Aid Services Act</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li><a href="#">Legal Aid Services Act</a>, 2020, SO 2020, c 11, Sch 15</li> <li><a href="#">General</a>, O Reg 672/21</li> <li><a href="#">Legal Aid Services Rules</a></li> </ul>	<a href="https://www.legalaid.on.ca/wp-content/uploads/Legal-Aid-Services-Act-2020_Rules-EN.pdf">https://www.legalaid.on.ca/wp-content/uploads/Legal-Aid-Services-Act-2020_Rules-EN.pdf</a>
<b>Governance Agreement(s)</b>	<b>N/A</b>	

<p><b>Governance Structure</b></p>	<p><b>Board of Directors: [s 21]</b></p> <ul style="list-style-type: none"> <li>• Board consists of 11 persons appointed by LGIC <ul style="list-style-type: none"> <li>- 5 of 11 selected from list provided by Law Society</li> </ul> </li> <li>• LGIC on the recommendation of the Minister, who consults with the Law Society, appoints the chair.</li> <li>• LGIC specifies term length</li> </ul> <p><b>Board Duties: [s 25]</b></p> <ul style="list-style-type: none"> <li>• Governs and manages affairs of the corporation</li> <li>• Makes by-laws for the corporation</li> <li>• May make rules on the provision of legal aid services [s 46] <ul style="list-style-type: none"> <li>- These rules are contained in the "Legal Aid Services Rules" document</li> </ul> </li> </ul> <p><b>Chief Executive Officer: [s 22]</b></p> <ul style="list-style-type: none"> <li>• Appointed by the Board of directors to serve as a nonvoting member of the board.</li> <li>• Responsible for the management and operation of the operation of the Corporation, subject to the supervision and direction of the Board, and</li> <li>• Implements the bylaws, rules and policies of the Board and perform such other functions as are assigned to him or her by the Board.</li> </ul>	
<p><b>Reporting Requirements</b></p>	<p><b>Public Consultation Policy: [s 33]</b></p> <ul style="list-style-type: none"> <li>• The Corporation must create a public consultation policy that outlines how it will consult the public on changes to rules or policies.</li> <li>• The policy requires the Minister's approval, including any amendments.</li> <li>• The policy must be reviewed every three years for potential amendments.</li> </ul> <p><b>Annual Reports: [s 32]</b></p> <ul style="list-style-type: none"> <li>• The Minister can require the Corporation or its subsidiaries to report on any aspect of their affairs or provide information on their activities, operations, and finances as requested.</li> </ul> <p><b>Financial Statements: [ss 27-28]</b></p> <ul style="list-style-type: none"> <li>• An annual financial statement must be provided</li> <li>• An annual budget for the next fiscal year must be provided for minister approval by October 1 in each year</li> </ul> <p><b>Audit: [s 27(3)]</b></p> <ul style="list-style-type: none"> <li>• The Auditor General shall audit Legal Aid Ontario – no time period listed</li> </ul>	
<p><b>Liability</b></p>	<ul style="list-style-type: none"> <li>• <b>Personal immunity: [s 37(1)]</b> <ul style="list-style-type: none"> <li>- No legal action can be taken against Board members, officers, or employees for acts or omissions done in good faith under this Act.</li> </ul> </li> <li>• <b>Corporation remains vicariously liable [s 37(2)]</b></li> <li>• <b>Corporation not liable for service provider [s 38]</b> The Corporation is not liable for any act or omission of any service provider who provides legal aid services under this Act.</li> </ul>	
<p><b>Funding/Budget</b></p>	<ul style="list-style-type: none"> <li>• Funds for Legal Aid Ontario are provided from money appropriated by the Legislature [s 29]</li> <li>• Legal Aid Ontario may enter into other arrangements to receive additional funding and may receive gifts, bequest, and devises [s 30] The regulations outline Legal Aid Ontario's investment powers and its requirement to maintain a contingency reserve fund</li> </ul>	
<p><b>Services Provided</b></p>	<p><b>Legal Aid Services Act:</b></p> <ul style="list-style-type: none"> <li>• Sections 3, 4, and 15 describe the matters and areas of law eligible for Legal Aid</li> </ul>	



<b>Operations</b>	<ul style="list-style-type: none"> <li>• Section 5 outlines the manner of providing legal aid services</li> <li>• Section 46 allows the Board to make rules on operational matters including: <ul style="list-style-type: none"> <li>- Setting out financial eligibility requirements</li> <li>- Setting out the circumstances in which legal aid services be provided to an individual</li> <li>- Governing the recovery of the cost of providing legal aid services from court awards</li> <li>- Establishing a process for investigating and resolving complaints</li> </ul> </li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>• Section 16(4) of the Legal Aid Services Act states: <ul style="list-style-type: none"> <li>- "The Corporation is independent from, but accountable to, the Government of Ontario as set out under this Act."</li> </ul> </li> </ul>	
<b>Privilege</b>	<ul style="list-style-type: none"> <li>• Privilege is addressed at s 24(1) of the Legal Aid Manitoba Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>• The Board determines the eligibility criteria of applicants [s 7(1), ss 46(d-f)]</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>• The Board determines the Tariff as part of its rule making authority</li> <li>• The Tariff schedule is contained in Schedule 2 of the Legal Aid Services Rules</li> </ul>	<a href="https://www.legalaid.on.ca/lawyers-legal-professionals/accounts-billing/tariff-billing/">https://www.legalaid.on.ca/lawyers-legal-professionals/accounts-billing/tariff-billing/</a>
<b>Delivery Model</b>	<b>"Hybrid Delivery Model"</b>	<a href="https://www.ola.org/sites/default/files/node-files/lirs/document/pdf/2022/2022-07/A%20Primer%20on%20Legal%20Aid%20in%20Ontario%20RP17-09.pdf">https://www.ola.org/sites/default/files/node-files/lirs/document/pdf/2022/2022-07/A%20Primer%20on%20Legal%20Aid%20in%20Ontario%20RP17-09.pdf</a>

<b>QUEBEC – LEGAL AID (Commission des services Juridiques)</b>		<b>REFERENCE</b>
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>• Commission</li> <li>• Referred to as a "Commission" in the Act</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Act respecting legal aid and the provision of certain other legal services</a>, CQLR c A-14</li> <li>• There are 12 in force <a href="#">Regulations</a>, most are related to tariff/fees made under the act</li> </ul> <ol style="list-style-type: none"> <li>1. Agreement between the Minister of Justice and the Chambre des notaires du Québec respecting the tariff of fees and expenses of notaries for services rendered under the Act respecting legal aid and the provision of certain other legal services as well as the procedure for the settlement of disputes, CQLR c A- 14, r 5.001</li> <li>2. Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure, CQLR c A-14, r 5.3</li> <li>3. Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure, CQLR c A-14, r 5.1.1</li> </ol>	

	<p>4. Agreement to establish the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees of advocates for legal services provided for in paragraph 1.1 of section 4.7 of the Act respecting legal aid and the provision of certain other legal services and the dispute settlement procedure, and to amend other agreements, CQLR c A-14, r 5.02</p> <p>5. Application of certain provisions of Chapter III of the Act respecting legal aid and the provision of certain other legal services, Regulation respecting the, CQLR c A- 14, r 3</p> <p>6. Application of the Act respecting legal aid and the provision of certain other legal services, Regulation respecting the, CQLR c A-14, r 4</p> <p>7. Commission des services juridiques établissant les normes et barèmes de rémunération des employés de soutien des centres d'aide juridique qui ne sont pas régis par une convention collective de travail, Règlement de la, 1991 GOQ 2, 2455</p> <p>8. Commission des services juridiques établissant les normes et barèmes suivant lesquels sont nommés et rémunérés les avocats de la Commission et des centres qui ne sont pas régis par une convention collective de travail, Règlement de la, 1992 GOQ 2, 1155</p> <p>9. Establishment of community legal centres, Regulation respecting the, CQLR c A- 14, r 7</p> <p>10. Legal aid, Regulation respecting, CQLR c A-14, r 2</p> <p>11. Report relating to the services rendered by certain advocates and notaries, Regulation respecting the, CQLR c A-14, r 8</p> <p>12. Tariff of fees for the recording and transcription of depositions of witnesses, CQLR c S-33, r 1</p>	
<b>Governance Agreement(s)</b>	<b>N/A</b>	
<b>Governance Structure</b>	<p><b>Commission Board: [s 12]</b></p> <ul style="list-style-type: none"> <li>• Consists of 12 commissioners <ul style="list-style-type: none"> <li>- Commissioners are government-appointed for their expertise in addressing legal issues for disadvantaged individuals.</li> <li>- Government appoints chair and vice chair</li> <li>- Deputy Minister of Justice and Deputy Minister of Employment and Social Solidarity are non-voting members</li> </ul> </li> </ul> <p><b>Term Length &amp; Limit: [s 13]</b></p> <ul style="list-style-type: none"> <li>• Members are appointed for three years</li> <li>• Chairman and Vice-Chairman may be appointed for up to 10 years</li> </ul> <p><b>Commission Duties: [s 22]</b></p> <ul style="list-style-type: none"> <li>• The Commission ensures legal aid is provided, establishes and finances regional centres, and monitors their compliance with the Act and regulations.</li> <li>• It promotes information programs, manages a 24/7 legal help line for criminal matters, and conducts studies to improve the legal aid system.</li> <li>• The Commission collaborates with legal institutions, ensures integrity in advocate-client relations, and manages pension plans for employees and centre staff.</li> </ul>	
<b>Reporting Requirements</b>	<p><b>Commission Audit Report: [s 87]</b></p> <ul style="list-style-type: none"> <li>• The Commission must submit an audited financial report to the Minister of Justice within four months after the end of each fiscal year.</li> </ul> <p><b>Legal Aid Centre Audit Report: [s 86]</b></p> <ul style="list-style-type: none"> <li>• Each legal aid centre must annually submit an audited financial report to the Commission and the Minister of Justice.</li> </ul> <p><b>Budget Reporting:</b></p> <ul style="list-style-type: none"> <li>• The act does not provide information on budgetary submission requirements for the commission</li> </ul>	

<b>Liability</b>	<ul style="list-style-type: none"> <li>• Not found in the legislation or regulations</li> </ul>	
<b>Funding/Budget</b>	<ul style="list-style-type: none"> <li>• The act is silent on this</li> <li>• Seems like budget appropriated by the Legislature of Quebec</li> </ul>	
<b>Services Provided</b>	<ul style="list-style-type: none"> <li>• The legislation does not explicitly list the services to be provided – except for ensuring a right to a fair trial [s 83.1]</li> <li>• The legislation says the government, by regulation, may determine which legal aid services should be provided [s 52.1]</li> </ul>	
<b>Operations</b>	<ul style="list-style-type: none"> <li>• The legislation only touches on operations by outlining the structure of the local legal aid centres [DIVISION V] <ul style="list-style-type: none"> <li>- The commission has wide discretion over the operations of the legal aid centres and where to set one up [ss 32-33]</li> </ul> </li> <li>• There is a specific regulation on community legal centres: Regulation respecting the establishment of community legal centres, CQLR c A-14, r 7</li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>• Section 16(4) of the Legal Aid Services Act states: <ul style="list-style-type: none"> <li>- "The Corporation is independent from, but accountable to, the Government of Ontario as set out under this Act."</li> </ul> </li> </ul>	
<b>Privilege</b>	<ul style="list-style-type: none"> <li>• Not found anywhere</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>• Financial eligibility is set by regulation [s 4.1]</li> <li>• The administrative committee of the Commission may declare a non-eligible person financially eligible under exceptional circumstances [s 4.3]</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>• Tariff and fee schedules are set by regulation</li> </ul>	
<b>Delivery Model</b>	<p><b>"Hybrid Delivery Model"</b></p> <ul style="list-style-type: none"> <li>• Staff lawyers are used mainly for family matters. Private bar lawyers are used mainly for immigration and adult criminal matters.</li> </ul>	<a href="https://publications.gc.ca/site/archivee-archived.html?url=https://publications.gc.ca/collec-tions/collection_2012/jus/J3-7-1999-1-eng.pdf">https://publications.gc.ca/site/archivee-archived.html?url=https://publications.gc.ca/collec-tions/collection_2012/jus/J3-7-1999-1-eng.pdf</a>

<b>NEW BRUNSWICK – LEGAL AID</b>		<b>REFERENCE</b>
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>• Commission</li> <li>• Referred to as a "Commission" in the Act</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Legal Aid Act</a>, RSNB 2014, c 26</li> <li>• <a href="#">General</a>, NB Reg 2017-12</li> </ul>	
<b>Governance Agreement(s)</b>	<b>N/A</b>	

<p><b>Governance Structure</b></p>	<p><b>Board of Directors: [s 4]</b></p> <ul style="list-style-type: none"> <li>• Consists of 9 members including: <ul style="list-style-type: none"> <li>- An executive director (non-voting)</li> <li>- A depart of Justice employee designated by the minister (non-voting)</li> <li>- 7 voting members: 5 appointed by the LGIC on the Minister's recommendation, and 2 on the Law Society's recommendation</li> </ul> </li> <li>• LGIC selects the Chair and Vice Cahir among the board members</li> <li>• 3-year term limit for voting members</li> </ul> <p><b>Board Duties: [s 6]</b></p> <ul style="list-style-type: none"> <li>• Oversees the financial management of the Commission</li> <li>• Establishes operational and strategic policies for the Commission</li> <li>• Establishes the terms and conditions of the Executive Director's appointment</li> <li>• Establish a regional legal aid office for each area [s 24(1)]</li> <li>• Evaluation of legal aid service quality and cost-effectiveness in the province</li> <li>• Establishes an Appeals Committee and appoints members</li> </ul> <p><b>Appeal Committee Duties: [s 6(1)(b.1)]</b></p> <ul style="list-style-type: none"> <li>• Removal of a lawyer from a panel</li> <li>• Audit of a lawyer's account</li> </ul> <p><b>Executive Director: [s 12]</b></p> <ul style="list-style-type: none"> <li>• Appointed for 7 years by the LGIC to direct the commission's business and affairs</li> <li>• Is the signing officer of the Legal Aid Fund who can hire or contract personnel, including lawyers, as needed for legal services</li> <li>• Can appoint area legal aid committees</li> </ul> <p><b>Legal Aid Committee: [s 25]</b></p> <ul style="list-style-type: none"> <li>• Appointed by the LGIC, who also appoints the Chair</li> <li>• It advises the Commission, Minister, and Executive Director on policy and legal matters, and performs functions as assigned by the Act or Regulations.</li> </ul>	
<p><b>Reporting Requirements</b></p>	<p><b>Annual Report: [s 21 (1)]</b></p> <ul style="list-style-type: none"> <li>• By October 1 each year, the Commission must submit a report to the Minister for the 12 months ending March 31, including: <ul style="list-style-type: none"> <li>- A statement on the nature and extent of legal aid services</li> <li>- A statement of Legal Aid Fund receipts and disbursements</li> <li>- General information on the Legal Aid Act and regulations</li> <li>- Any other information requested by the Minister.</li> </ul> </li> </ul> <p><b>Budget Report: [21(3)]</b></p> <ul style="list-style-type: none"> <li>• By December 1 each year, the Commission must submit a six-month interim report and proposed budget to the Treasury Board.</li> </ul> <p><b>Audit: [s 23]</b></p> <ul style="list-style-type: none"> <li>• The Commission's accounts and financial statements must be audited annually by the Auditor General of New Brunswick.</li> </ul>	
<p><b>Liability</b></p>	<p><b>Liability of the Commission: [s 43]</b></p> <ul style="list-style-type: none"> <li>• The Commission is not liable for any act or omission of any lawyer who is appointed or contracted with who provides professional services under this Act.</li> </ul>	
<p><b>Funding/Budget</b></p>	<p><b>Legal Aid Fund: [s 19]</b></p> <ul style="list-style-type: none"> <li>• The Commission must establish a Legal Aid Fund in a chartered bank or trust company, where all money appropriated by the Legislature for legal aid services is deposited.</li> </ul>	

<b>Services Provided</b>	<ul style="list-style-type: none"> <li>Section 28 outlines the general legal matters eligible for legal aid certificates.</li> <li>They are very general – e.g. "proceedings in respect of an offence under an Act of the Legislature"</li> </ul>	
<b>Operations</b>	<p><b>Legal Aid Act</b></p> <ul style="list-style-type: none"> <li>The Executive director has broad delegating powers [s 13.1]</li> <li>The Commission has broad powers to establish a plan for Legal Aid [s 18] Regulation</li> <li>Regulation sets out: <ul style="list-style-type: none"> <li>Procedures for issuing legal aid certificates [s 24]</li> <li>When to refuse legal aid certificates [s 18]</li> <li>Remuneration and expenses [s 39]</li> <li>Procedures for the appeal processes [s 28]</li> </ul> </li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>Not found anywhere</li> </ul>	
<b>Privilege</b>	<ul style="list-style-type: none"> <li>Privilege is addressed at s 42 of the Legal Aid Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>Financial eligibility is set by regulation [s 44]</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>Tariff and remuneration for lawyers is set by regulation [s 39]</li> </ul>	
<b>Delivery Model</b>	<p><b>"Hybrid Delivery Model"</b></p> <ul style="list-style-type: none"> <li>~50 per cent roster</li> </ul>	<a href="https://www.legalaid-aidejuridique-nb.ca/for-lawyers/">https://www.legalaid-aidejuridique-nb.ca/for-lawyers/</a>

<b>NOVA SCOTIA – LEGAL AID</b>		<b>REFERENCE</b>
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>Commission</li> <li>Referred to as a "Commission" in the Act</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li><a href="#">Legal Aid Act</a>, RSNS 1989, c 252</li> <li><a href="#">Legal Aid General Regulations and Tariff of Fees</a>, NS Reg 77/77</li> </ul>	
<b>Governance Agreement(s)</b>	<b>N/A</b>	
<b>Governance Structure</b>	<p><b>Legal Aid Commission: [s 3]</b></p> <ul style="list-style-type: none"> <li>Consists of 9 directors appointed by the Governor in Council, based on the AG's recommendation AND 2 public service members designated by the AG <ul style="list-style-type: none"> <li>4 directors are nominated by the Nova Scotia Barristers' Society</li> <li>1 director is appointed Chair of the commission</li> </ul> </li> </ul> <p><b>Term Length &amp; Limit: [s 3(7)]</b></p> <ul style="list-style-type: none"> <li>3-year term for directors</li> <li>Each director may be reappointed</li> </ul>	

	<p><b>Commission Duties: [s 6]</b></p> <ul style="list-style-type: none"> <li>• Oversees legal aid in the province, sets priorities, and establishes policies</li> <li>• Assesses the legal needs of low-income individuals and disadvantaged communities</li> <li>• Coordinates legal aid delivery methods, manages offices and facilities, and informs the public about available services.</li> <li>• Engages in public legal education, implements quality control, and evaluates its programs.</li> </ul> <p>Approves investment policies, manages records, and handles payments for legal services provided under the Act.</p> <ul style="list-style-type: none"> <li>• May delegate any of its powers or duties to a committee</li> </ul>	
<b>Reporting Requirements</b>	<p><b>Annual Report: [s 11]</b></p> <ul style="list-style-type: none"> <li>• The Commission must submit an annual report to the Attorney General by November 1, including an audited financial statement and any other required matters.</li> </ul> <p><b>Audit: [s 10]</b></p> <ul style="list-style-type: none"> <li>• The Commission's accounts must be audited annually by the Auditor General or an independent auditor, and as directed by the Governor in Council or the Minister of Finance.</li> </ul>	
<b>Liability</b>	<p><b>Liability is addressed at section 26C</b></p> <ul style="list-style-type: none"> <li>• No legal action can be taken against the directors, officers, or employees of the Commission for actions done in good faith under the Act <ul style="list-style-type: none"> <li>- But the Commission may still be held vicariously liable for their actions.</li> </ul> </li> </ul>	
<b>Funding/Budget</b>	<ul style="list-style-type: none"> <li>• The costs of administering the Legal Aid Act are covered by funds from the Legislature and any additional gifts or grants received by the Commission. [s 8]</li> </ul>	
<b>Services Provided</b>	<ul style="list-style-type: none"> <li>• Section 15 outlines the general legal matters eligible for legal aid and powers of a legal aid lawyer. <ul style="list-style-type: none"> <li>- Very broad discretion given to the commission in determining what services to provide</li> </ul> </li> </ul>	
<b>Operations</b>	<p><b>Broad discretion given to the Commission on how to operate Legal Aid:</b></p> <ul style="list-style-type: none"> <li>• "The Commission may provide legal aid by any method it considers appropriate" [s 15(3)]</li> <li>• "An application for legal aid shall be made in the manner and form determined by the Commission." [s 17(1)]</li> </ul> <p>*BUT s 27 allows the government to make regulations on basically anything potentially fettering the discretion of the Commission</p>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>• Not found anywhere</li> </ul>	
<b>Privilege</b>	<ul style="list-style-type: none"> <li>• Privilege is addressed at s 26B of the Legal Aid Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>• Financial eligibility is set by regulation [s 1A]</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>• Tariff of Fees is set by regulation [Schedule B of the regulation]</li> </ul>	
<b>Delivery Model</b>	<p><b>"Hybrid Delivery Model"</b></p> <ul style="list-style-type: none"> <li>• The Private Bar handles approximately 20 per cent of legal aid full-service cases</li> </ul>	<a href="https://www.nslc-galaid.ca/information-for-lawyers/">https://www.nslc-galaid.ca/information-for-lawyers/</a>

NEWFOUNDLAND AND LABRADOR – LEGAL AID		REFERENCE
<b>Legal Designation</b>	<ul style="list-style-type: none"> <li>• Commission</li> <li>• Referred to as a "Commission" in the Act</li> </ul>	
<b>Enabling Legislation + Regulation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Legal Aid Act</a>, RSNL 1990, c L-11</li> <li>• <a href="#">Legal Aid Regulations</a>, CNLR 1010/96</li> </ul>	
<b>Governance Agreement(s)</b>	N/A	
<b>Governance Structure</b>	<p><b>Board of Commissioners: [s 3]</b></p> <ul style="list-style-type: none"> <li>• The board has 5 members appointed by the LGIC, plus the Deputy Minister of Justice and the Provincial Director of Legal Aid. <ul style="list-style-type: none"> <li>- 3 members are chosen from a Law Society list</li> <li>- The Chair and Vice Chair are appointed by the Lieutenant Governor.</li> </ul> </li> <li>• Meetings are held once a month [s 5]</li> </ul> <p><b>Term Length &amp; Limit: [s 3(2)]</b></p> <ul style="list-style-type: none"> <li>• 2-year term for board members</li> <li>• Each member may be reappointed</li> </ul> <p><b>Board Duties: [s 13]</b></p> <ul style="list-style-type: none"> <li>• Manages the Commission's affairs and maintains the legal aid fund.</li> <li>• Appoints the provincial directors [s 11(1)] and area directors [s 28(1)]</li> <li>• Reviews appeals of decisions made by the Provincial Director.</li> </ul> <p><b>Provincial Director: [s 11]</b></p> <ul style="list-style-type: none"> <li>• Oversees the Commission's operations and performs duties as defined by the Act and Regulations.</li> <li>• Reviews appeals of Area Directors' decisions.</li> <li>• Applies the Commission seal and signs the annual financial statement.</li> <li>• Reviews costs of private lawyers contracted by the Commission.</li> </ul> <p><b>Area Directors: [ss 28, 41]</b></p> <ul style="list-style-type: none"> <li>• Oversees legal aid administration in their area per the Act and Regulations. Assigns cases, issues legal aid certificates, and approves applications.</li> </ul>	
<b>Reporting Requirements</b>	<p><b>Annual Report: [s 22]</b></p> <ul style="list-style-type: none"> <li>• Legal Aid Newfoundland must submit a financial statement by September 30 each year to the minister. The statement must include: <ul style="list-style-type: none"> <li>- The commission's assets and liabilities.</li> <li>- The commission's receipts and expenditures from the previous year.</li> <li>- A report on the commission's work from the previous year.</li> </ul> </li> </ul> <p><b>Budget Submission: [s 25]</b></p> <ul style="list-style-type: none"> <li>• The commission must submit an annual budget containing estimates of all sums required during the next financial year</li> <li>• The minister may approve or disapprove of the budget</li> </ul> <p><b>Audit: [s 23]</b></p> <ul style="list-style-type: none"> <li>• The Commission's accounts must be audited by the Auditor General</li> </ul>	
<b>Liability</b>	<p><b>Legal Aid Fund: [s 18]</b></p> <ul style="list-style-type: none"> <li>• Not found in the legislation or regulations</li> <li>• The Commission must establish a Legal Aid Fund, where all money appropriated by the Legislature for legal aid services is deposited.</li> </ul>	

<b>Funding/Budget</b>	<ul style="list-style-type: none"> <li>The costs of administering the Legal Aid Act are covered by funds from the Legislature and any additional gifts or grants received by the Commission. [s 8]</li> </ul>	
<b>Services Provided</b>	<p>Section 36 outlines the general legal matters eligible for legal aid and powers of a legal aid lawyer.</p> <ul style="list-style-type: none"> <li>Very broad discretion given to the commission in determining what services to provide</li> </ul>	
<b>Operations</b>	<p><b>Regulation:</b></p> <ul style="list-style-type: none"> <li>Prescribes detailed guidelines (95 sections) on service delivery and specific instructions for the commission.</li> </ul>	
<b>Independence</b>	<ul style="list-style-type: none"> <li>Not found anywhere other than the annual reports</li> </ul>	<a href="https://www.gov.nl.ca/jps/files/Legal-Aid-Annual-Report-2020-21.pdf">https://www.gov.nl.ca/jps/files/Legal-Aid-Annual-Report-2020-21.pdf</a>
<b>Privilege</b>	<ul style="list-style-type: none"> <li>Privilege is addressed at s 58 of the Legal Aid Act</li> </ul>	
<b>Financial Eligibility</b>	<ul style="list-style-type: none"> <li>Privilege is addressed at s 58 of the Legal Aid Act</li> </ul>	
<b>Tariff</b>	<ul style="list-style-type: none"> <li>The Legal Aid Tariff is set by regulation</li> </ul>	
<b>Delivery Model</b>	<p><b>"Hybrid Delivery Model"</b></p> <ul style="list-style-type: none"> <li>&lt;1 per cent roster for French language counsel</li> </ul>	<a href="https://www.gov.nl.ca/jps/files/Legal-Aid-NL-Activity-Plan-2023-2026.pdf">https://www.gov.nl.ca/jps/files/Legal-Aid-NL-Activity-Plan-2023-2026.pdf</a>



## APPENDIX 2 – LEGAL AID SERVICES COMPARISON

	LEGAL AID BC	LEGAL AID AB	LEGAL AID ONTARIO	LEGAL AID SASKATCHEWAN
<b>Legislation (if applicable)</b>	Specific Legislation: Legal Services Society Act, S.B.C. 2002, c. 30	General Legislation governing Societies: Societies Act, RSA 2000, c. s-14	Specific Legislation: Legal Aid Services Act, 2020, S.O. 2020, c. 11, Sched. 15 [July 8, 2020]	Specific Legislation: Legal Aid Amendment Act, 2022, SS 2022, c 18
<b>Governance &amp; Administration</b>	MOU negotiated with Government every 3 years by the Board of Directors	Governance Agreement and Rules negotiated with Government every 'x' year(s) by our Board of Directors	Legal Aid Services Rules and Amendments amended and updated by the Board of Directors as required	Saskatchewan Legal Aid Commission governed by the Board of Directors
<b>Delivery Model</b>	"Hybrid Roster/Staff Model"  <i>In reality: 100 per cent Roster service delivery with Staff administrative oversight</i>	"Hybrid Roster/Staff Model"  <i>In reality: true hybrid model where roster versus staff delivery percentages is dependant on type of service</i>	"Hybrid Roster/Staff Model"  <i>In reality: there is a third party "entity service provider" (legal clinics and student organizations) that participate in service delivery along with Staff lawyers and private bar Roster members.</i>	"Hybrid Roster/Staff Model"  <i>In reality: 85 per cent staff service delivery, including trial work, with 15 per cent private bar for service delivery for matters where staff are conflicted out</i>
<b>True Service Delivery Model</b>	"Roster Delivery Model"	"Hybrid Roster/Staff Delivery Model"	"Hybrid Roster/Staff/Entity Model"	"Staff Delivery Model"
<b>Definition of Services</b>	Range of Services defined in MOU	Range of Services defined in GA	Range of Services defined in Act	Range of Services defined broadly and subject to Municipal discretion.
<b>Duty Counsel Services</b>	Duty Counsel for individuals in criminal and family law cases. • Family: provincial court and supreme court duty counsel services.  Duty Counsel for detained individuals (Brydges).  Duty Counsel for individual detained under immigration proceedings.  Information and Advice services as part of a justice reform initiative that includes: • expanded criminal duty counsel • expanded family duty counsel • expanded family LawLINE	Duty Counsel for individuals in criminal and family law cases. • Family: provincial court and King's Bench duty counsel services.  Duty Counsel for detained individuals (Brydges).  Duty Counsel representation through the Duty Counsel Triage Program.	Duty Counsel for individuals in criminal and family law cases. • Family: Family Law Information Centres in the family court  Duty Counsel for detained individuals (Brydges).  Duty Counsel for the Tenants in residential tenancy disputes	Duty Counsel for individuals in criminal cases.  Duty Counsel for individuals in family law cases is unclear.  Duty Counsel for detained individuals (Brydges).

<b>Criminal Services</b>	Representation for adults <i>facing loss of liberty</i> if convicted on their criminal charges.  Representation for youth facing charges under the <i>Youth Criminal Justice Act</i> .	Representation for adults <i>facing loss of liberty</i> if convicted on their criminal charges.  Representation for youth facing charges under the <i>Youth Criminal Justice Act</i> .	Representation for adults <i>facing loss of liberty</i> if convicted on their criminal charges.  Representation for youth facing charges under the <i>Youth Criminal Justice Act</i> .	Representation for adults <i>facing loss of liberty</i> if convicted on their criminal charges.  Representation for youth facing charges under the <i>Youth Criminal Justice Act</i> .
<b>Non-Criminal Services</b>	Representation services for individuals where the disposition of the legal issue affects liberty or where representation is needed to ensure a fair hearing: • Mental Health Act proceedings • Institutional disciplinary hearings • Appeals and Judicial Reviews of the same	Representation services for individuals where the disposition of the legal issue affects liberty or where representation is needed to ensure a fair hearing: • Mental Health Act proceedings • Institutional disciplinary hearings • Appeals and Judicial Reviews of the same	Representation services for individuals where the disposition of the legal issue affects liberty or where representation is needed to ensure a fair hearing: • Mental Health Act proceedings • Institutional disciplinary hearings • Appeals and Judicial Reviews of the same	N/A
<b>Family Services</b>	Representation Services of eligible individuals in family law matters and continuing representation where a court order is required to ensure the safety or security of an individual and any associated appeals/reviews (e.g., child safety is at issue due to violence, fleeing the province or continued denial of access to a parent).	Representation services in Child Welfare matters.  Representation services, if eligible and <i>has merit</i> , for family law legal matters related to decision-making responsibility, support and parenting time/contact issues.  Representation services for Emergency Protection Order applications and reviews in domestic violence situations.	Representation services in Children's Aid Society matters.  Representation services, if eligible, for family law legal matters related to decision-making responsibility, support and parenting time/contact issues.  Representation to obtain a restraining order in domestic violence situations.	Representation in child protection matters.  Representation services, if eligible and has merit, for family law matters related to decision-making responsibility, support and parenting time/contact issues.
<b>Civil Services</b>	Representation of eligible individuals in civil matters that are related to a family matter that has been approved for representation.  Legal Information and advice to assist individuals in resolving civil legal problems including publishing information, legal information Outreach workers, advice services and liaising with community partners.	Representation, if eligible, for guardianship and trusteeship matters.	Information and advice for social assistance, housing matters, some employment issues and university appeal offered through the Student Legal Services Organizations (legal clinics).	N/A
<b>Immigration Services</b>	Representation of eligible individuals for immigration issues that could lead to removal from Canada to a country where the individual is at risk including refugee claims, and appeals/reviews.	Representation of eligible individuals for immigration issues that could lead to removal from Canada to a country where the individual is at risk including refugee claims, detention reviews and appeals/reviews.	Representation of eligible individuals for immigration issues that could lead to removal from Canada to a country where the individual is at risk including refugee claims, and appeals/reviews.	N/A
<b>Clinic or "Entity" Services</b>	Information and Advice services as part of a justice reform initiative that includes: • Parents Legal Centre • Indigenous Justice Centres contribution • Indigenous Services	N/A	Community Legal Clinic services: • 59 general service legal clinics • 13 specialty service legal clinics  Student Legal Services Organizations in partnership with seven law schools in Ontario	N/A



Legal Aid Alberta

