



Strategic Plan
September 2007

Pro Bono Law Alberta Strategic Plan September 2007

I. Introduction

The purpose of this Strategic Plan is to provide a framework for the operations and activities of Pro Bono Law Alberta over the next two to three years. As a new not-for-profit organization formed in March 2007, Pro Bono Law Alberta is the legacy project of the Law Society in celebration of its 100th Anniversary in 2007. There are many and various activities to pursue to ensure an enduring legacy of pro bono legal service by the legal profession in Alberta.

This strategic plan identifies goals and objectives that lead to the identification of several core operational capacities and programs. Pro Bono Law Alberta will need to evaluate these core operational capacities and programs as it moves forward over the coming years. The operational capacities and programs are works in progress, some of which will be operational in the first year and others that will take more time. At the end of each year, the progress of the strategic plan and the identified priorities will be assessed and adjusted if required.

This plan articulates a mission that is driven by a vision of access to justice for all regardless of ability to pay for legal services. Legal Aid Alberta plays the major role in this vision. Pro bono legal services are meant to complement and do not substitute a properly funded legal aid system. With that being said, there will likely always be circumstances where Legal Aid does not provide coverage for low income individuals who require legal service.

There is a strong culture of pro-bono legal service in Alberta and many lawyers step up to the plate and provide pro bono service in an informal way. A more organized form of pro bono delivery and a testament to the pro bono culture in Alberta is the pro bono clinics operating in Calgary (Calgary Legal Guidance), Edmonton (The Edmonton Community Legal Clinic), Red Deer (The Central Alberta Community Legal Clinic) and Lethbridge (Lethbridge Legal Guidance); the Volunteer Lawyers Service; the Children's Legal and Educational Resource Centre; the student legal clinics and Pro Bono Students Canada at each of the University of Calgary and the University of Alberta. Pro Bono Law Alberta was created to build on the culture of pro bono service in Alberta and to make it easier for lawyers to engage in pro bono legal service delivery. It is the mission of PBLA to provide opportunities for lawyers and law firms to deliver pro bono service to individuals of limited means and the communities that serve them.

II. Mission and objects

The following are the mission and objects of Pro Bono Law Alberta as approved by the Board of Directors in March 2007:

Mission: To improve access to justice by increasing the scope and availability of pro bono legal services for Albertans of limited means. Pro bono legal services are intended to complement, not to replace a properly funded legal aid system.

Objects: To promote access to the justice system in Alberta by creating and promoting opportunities for lawyers to provide pro bono legal services to persons of limited means by:

1. creating opportunities for Alberta lawyers to discharge their professional responsibilities to provide pro bono legal services;
2. improving the overall delivery of pro bono legal services by facilitating the integration and co-ordination of services provided by pro bono organizations throughout the province of Alberta;
3. ensuring province-wide access to high-quality pro bono legal services to persons of limited means by: (i) supporting and improving the quality of existing pro bono programs;(ii) working with existing pro bono legal clinics to assist them in providing pro bono services; and (iii) fostering the development of new pro bono programs where needed;
4. enhancing the growth of a pro bono culture within the Alberta bar;
5. raising general public awareness of pro bono legal services to community organizations and persons of limited means who require legal services; and
6. raising the awareness of Alberta lawyers of the need for pro bono services and of the resources available to lawyers who are prepared to provide pro bono services.

III. Vision for Pro Bono Law Alberta in five years time

In five years, Pro Bono Law Alberta is the model of a pro bono organization that enables a significant number of lawyers to provide access to justice through pro bono projects and programs. The organization has carved out its slice of the “access to justice pie” alongside other organizations such as Legal Aid. Pro Bono Law Alberta also provides support to the pro bono clinics which have become a model nationally.

The programs outlined in the 2007 strategic plan are in full operation and some have expanded. Pro Bono Law Alberta has developed satellite clinics in smaller urban areas in partnership with the established pro bono clinics and technological solutions for the delivery of pro bono legal service have been piloted and implemented in some remote locations.

In five years, Pro Bono Law Alberta has secured sustainable operational funding; there is an active involved Board; the Advisory Board is engaged; Pro Bono Law Alberta is a registered charity and is able to assist the pro bono clinics in fundraising activities; we have our own premises; we have grown from a staff of three to five; lawyers and law firms are involved and engaged in pro bono work facilitated through our projects and programs; there are active law firm pro bono projects; the government and the public have taken notice of the pro bono work of lawyers; there are active partnerships including with other provincial pro bono law organizations; Pro Bono Law Alberta has co-

sponsored the National Pro Bono Conference in Vancouver with Pro Bono Law Ontario and Pro Bono Law of British Columbia in September 2008; and hosted the National Pro Bono Conference in Alberta (scheduled for 2010).

IV. Board of Directors

The founding Board of Directors of Pro Bono Law Alberta is as follows:

Rodney A. Jerke, Q.C., President
Davidson & Williams (Lethbridge)

John T. Henderson, Q.C., Vice-President
Fraser Milner Casgrain (Edmonton)

Gillian D. Marriott, Treasurer
Dunphy Best Blocksom (Calgary)

Suzanne M. Alexander-Smith, Secretary
Chapman Riebeck (Red Deer)

Bruce Churchill-Smith, Q.C.
Borden Ladner Gervais (Calgary)

Doug H. McCallum
McCallum & Co (Lethbridge)

John H. Cuthbertson
Burnet Duckworth Palmer (Calgary)

The Bylaws of Pro Bono Law Alberta specify that the Board of Directors be comprised of at least seven and not more than twelve Directors at least 50% plus one of whom are members of the Law Society of Alberta.

The Board of Directors is the governing body of the affairs of the organization and it has the following roles and responsibilities:

- General Policy Development – The Board of Directors is responsible for the general policy development in furtherance of the mission and objects of the organization
- Oversight and review – the Board of Directors is responsible to ensure that Pro Bono Law Alberta is in compliance with all applicable laws and contractual obligations and regularly reviews the operations of the organization
- Fiscal – the Board of Directors is responsible for the financial affairs of the organization, including adopting a budget, monitoring revenues and expenditures in relation to the budget and providing for an annual independent financial audit
- Recruitment, recognition and public relations – The Board of directors supports the organization by assisting in activities such as volunteer recruitment, volunteer recognition, fundraising and public relations. They will also encourage members of the Bar to offer pro bono legal services to the programs and projects of the organization
- All other matters that are specified in the Bylaws of Pro Bono Law Alberta in its incorporation documents dated March 8, 2007 (as amended from time to time)

V. Role of Advisory Board of Pro Bono Law Alberta

The Board of Directors recognizes that there are influential leaders in the legal community that support and encourage the objectives of Pro Bono Law Alberta. These individuals have invaluable experience and knowledge that will benefit Pro Bono Law Alberta in furtherance of its mission and objectives. Many of these leaders may not be in a position to serve on the Board of Directors. In order to provide an opportunity for these individuals to support and enhance the mission and objectives of Pro Bono Law Alberta, the Board of Directors has established the Advisory Board.

The role of the Advisory Board is to advise and consult with the Board of Directors in the furtherance of the objectives of Pro Bono Law Alberta and in particular objectives 4, 5 and 6. The Advisory Board does not provide a governance function for Pro Bono Law Alberta. All governance and financial responsibilities and decisions remain with the Board of Directors.

Membership on the Advisory Board will be by majority vote of the Board of Directors and may include up to eight (8) members. The President of the Board of Directors is an ex-officio member and Chair of the Advisory Board. The members of the Advisory Board will hold their position for one year and the Board of Directors will vote on the members of the Advisory Board at the first regularly scheduled meeting after the Annual General meeting.

The members of the founding Advisory Board of Pro Bono Law Alberta are:

Rodney A. Jerke, Q.C., Chair (President of Pro Bono Law Alberta)
The Honourable Madam Justice M.S. Paperny
The Honourable Madam Justice J.M. Ross
The Honourable Judge A.H. Lefever
Donald G. Bishop, Q.C. (Bishop & Mckenzie LLP)
Cheryl C. Gottselig, Q.C. (Burnet Duckworth & Palmer LLP)
Alan D. Hunter, Q.C. (Code Hunter LLP)
John C. Major, Q.C. (Bennett Jones LLP)
Phyllis A.L. Smith, Q.C. (Emery Jamieson LLP)

VI. Background

In recent years, the delivery of pro bono legal services has been high on the Law Society of Alberta's policy agenda. The Law Society understands that there are many gaps and barriers in the provision of legal services to low-income Albertans. Many people are unable to pay for legal help, ineligible for legal aid, and can not advocate for themselves. People living in rural and remote areas; persons with mental and physical disabilities, mental health issues, literacy and numeric challenges; and some demographic groups—children and youth, seniors, immigrants and Aboriginal peoples—are particularly affected. Demographic, social and economic projections indicate that growing numbers of Albertans will require appropriate, low-cost or no-cost legal help in the coming years. It is clear that demand will soar beyond the capacity of the current spectrum of pro bono legal services, which are already stretched to the limit to assist burgeoning numbers of clients.

In 1998, the Law Society established a Pro Bono Committee to promote and provide a structure for the delivery of pro bono education and services in Alberta. Among other

accomplishments, the Committee commissioned the creation of a pro bono legal clinic start-up kit that helped to enable the establishment of new pro bono clinics in Edmonton, Red Deer, and Lethbridge. In addition, acting on the recommendations set forth in its 2003 report, *Pro Bono Publico – For the Public Good*, the Law Society facilitated the extension of the Law Society insurance policy to better accommodate retired and inactive lawyers who wish to provide pro bono services through an authorized pro bono provider. The Committee also helped to broker a successful partnership between a major law firm and both Calgary Legal Guidance and the Edmonton Community Legal Clinic for the referral of specific pro bono files. To honour distinguished pro bono legal service given by lawyers, a new category was added in 2006 to the *Distinguished Service Awards* jointly awarded annually by the Law Society of Alberta and the Canadian Bar Association at the Alberta Law Conference.

Moreover, the Pro Bono Committee proposed the development of a new service to support, maximize, and coordinate the delivery of pro bono legal services in Alberta. A Stakeholders Roundtable conference was held in October 2006 for the purpose of ascertaining whether a provincial pro bono organization would be feasible. At the end of the two day consultation the participants: 1) agreed to create and agreed on the objectives of a new provincial organization; 2) agreed on a model and action plan for implementation of the new provincial pro bono organization. Much was accomplished as the founding directors of Pro Bono Law Alberta came forward to lead the establishment of a new provincial pro bono organization. Monthly meetings have been held starting in November to June 2007 and Pro Bono Law Alberta received its incorporation on March 8, 2007. A strategic planning session was held on June 21, 2007 and priorities identified for Pro Bono Law Alberta to actively pursue.

At the same time as the policy foundations for Pro Bono Law Alberta were being laid during 2006, the Law Society of Alberta was planning to celebrate the 100th Anniversary of the Law Society of Alberta. There was a strong sentiment that the celebration should include a “legacy project”, something that would demonstrate the commitment of the Law Society of Alberta to its mission of serving the public interest. At the September 2006 Convocation of the Benchers, the formation of a provincial pro bono organization was unanimously adopted by the Benchers as the Legacy Project of the Law Society of Alberta.

VII. Priorities

The Board of Directors held a strategic planning session on June 21, 2007 with the goal of prioritizing the activities of Pro Bono Law Alberta. As a newly formed not-for-profit organization, there are many activities to pursue. Two priorities were identified; 1) developing and implementing pro bono projects and programs; and 2) building a sustainable organization by obtaining secure and ongoing operational funding.

1. Program development

The measure of the value of Pro Bono Law Alberta to the public, the profession and its funders, is the organization’s ability to develop and deliver pro bono programs to low income Albertans. The Board of Directors determined that the first priority of the organization is to actively pursue the development of pro bono projects in furtherance of the mission and objects of the PBLA.

In developing the projects and programs of PBLA, the philosophy is to: build on the success and leverage existing programs and resources; not duplicate services already in existence; be collaborative and cooperative with existing service providers; and to take small bold steps towards a big vision.

The focus for the development the pro bono projects is articulated in the grant application to the Alberta Law Foundation as follows:

- 1) to expand the delivery of pro bono services throughout the province;
- 2) to support and enhance the work of the pro bono clinics; and
- 3) to increase the number of lawyers providing pro bono services and the number of individuals receiving them.

Another consideration for the development of pro bono projects is the spectrum of legal services. Generally, legal services fall into three categories;

- 1) legal information;
- 2) summary legal advice; and
- 3) legal representation.

The majority of programs and services (outside of Legal Aid) that are available for low-income clients unable to pay for legal services focus on the provision of legal information and summary legal advice. For representational services, Alberta Legal Aid provides direct legal representation for qualified low income individuals in certain areas of criminal and family law. Many of the civil law areas are not covered by Alberta Legal Aid (other than telephone information through the Alberta Law Line).

The pro bono clinic model provides both legal information and summary legal advice to low income clients in a variety of civil law areas. Pro bono clinics are now operational in four locations in the province; Calgary (Calgary Legal Guidance); Edmonton (the Edmonton Community Legal Clinic); Red Deer (Central Alberta Community Legal Clinic); and in Lethbridge (Lethbridge Legal Guidance). In some circumstances, Calgary Legal Guidance and the Edmonton Community Legal Clinic do provide legal representation through a staff lawyer in certain areas of law.

Given this brief analysis, PBLA will focus its priority on project and program development:

- 1) to expand the summary legal advice model to locations that currently do not have legal information and summary legal advice services through a pro bono clinic (locations outside Calgary, Edmonton, Red Deer and Lethbridge);
- 2) to develop programs in cooperation with the existing pro bono clinics;
 - a) to include new areas of law; and
 - b) to include increased direct legal representation of clients.

The following pro bono project ideas have been identified to start PBLA on the road to meet these objectives:

- Grande Prairie pro bono outreach clinic
- Judicial Dispute Resolution project

- Law Firm pro bono representation project – in partnership with a large Calgary Law firm and Calgary Legal Guidance
- Borden Ladner Gervais children’s representation project - in partnership with Children’s Legal and Educational Resource Centre
- Pro Bono Lawyer Roster programs in specific areas of law – a Wills and Estates roster program in partnership with Edmonton Community Legal Clinic is the first roster program to be pursued
- Flying Lawyers Association – Just Air project accessing remote locations
- Residential Schools settlement pro bono advice program

The project profiles in Attachment 1 of this strategic plan provide more specific guidance and information to move the proposed projects from project concept, to project planning and then to project implementation.

2. Sustainable funding

The Board of Directors has identified sustainable operational funding as a priority for Pro Bono Law Alberta. The Board of Directors believes the key to proving Pro Bono Law Alberta deserves ongoing operational funding is its ability to deliver the pro bono projects and programs identified as priority number one above.

Pro Bono Law Alberta has received the following funding:

- \$200,000 from the Alberta Law Foundation (April 1, 2007 – March 31, 2008)
- \$200,000 start-up funding from the Law Society of Alberta

Sustainable ongoing funding will be required to ensure the success of an enduring legacy of pro bono service delivery in Alberta past 2008.

Ms. Merrill Cooper has been retained by Pro Bono Law Alberta to provide information and guidance on the funding environment for legally-related not-for-profit organizations in Alberta. Ms. Cooper has had many years experience in this field. Attachment 2 provides a summary of the advice Ms. Cooper provided the Board of Directors at their June 21, 2007 strategic planning meeting.

Budget – A projected Budget has been prepared and is attached as Attachment 3 to this Strategic Plan. Together with the advice of Ms. Cooper and proposed Budget projections, the Board of Directors will actively consider and pursue sustainable funding alternatives as a priority.

VIII. Staffing and Administration

The staffing component of Pro Bono Law Alberta started with the secondment of Policy and Program Counsel of the Law Society of Alberta, Susan V.R. Billington, to the position of Acting Executive Director in March 2007. The secondment is scheduled for one year to March 1, 2008. It is projected that an Executive Assistant will be hired September 2007 and a project/program coordinator is budgeted for the 2008 funding year.

Specific activities of the staff to achieve the strategic goals and objectives of PBLA include:

- Identifying communities in Alberta that do not have an organized system of pro bono service delivery (communities outside Calgary, Edmonton, Red Deer and Lethbridge)
- Communicating and meeting with lawyers in those communities to develop projects for pro bono service delivery in their community
- Developing training materials for lawyers on the delivery of pro bono service
- Training lawyers on the delivery of pro bono services
- Working with local social service agencies and charities to identify the low income clients in need of pro bono legal service
- Identifying central office locations for the delivery of pro bono legal services in collaboration with local agencies and local lawyers
- Studying, developing and implementing alternate pro bono legal service delivery methods through technological solutions such as video conference and internet technologies. These technologies will allow lawyers in urban centres to provide pro bono legal service and advice to low income Albertans in locations outside the main urban centres
- Delivering technological solutions for the delivery of pro bono legal service to remote communities
- Developing systems for local pro bono delivery particular to the delivery of legal services to low income individuals such as: income eligibility; eligibility for Legal Aid; conflicts of interest checks; limitation diary systems; client confidentiality protections; scheduling of clients
- Studying and becoming familiar with models of pro bono service delivery in Alberta, Canada and elsewhere so to adapt and leverage the resources of existing pro bono projects and initiatives to maximum advantage for direct program delivery to disadvantaged Albertans
- Updating and improving the “Pro Bono clinic start-up Kit” and providing the Kit to local pro bono initiatives. The start-up kit is a comprehensive set of guidelines for volunteer lawyers to start a pro bono legal clinic and provides information on: start-up of a not-for-profit organization in Alberta; governance procedures for Board governance; administrative operational guidelines and business planning information; legal advice manual for certain areas of poverty law; Do your own divorce guidelines; precedents for intake process and low income eligibility guidelines; Legal Aid guidelines; volunteer lawyer intake sheet; lawyer volunteer and training guidelines. The start-up kit is modeled after the pro bono clinic model of Calgary Legal Guidance (a registered charity) operating since 1971. The start-up kit has been used for the successful start-up and operation in 2002 of the Edmonton Centre for Equal Justice (renamed the Edmonton Community Legal Clinic – also a registered charity). The start-up kit was also used by volunteer lawyers in Calgary to start the Children’s Legal and Educational

Resource Centre in 2002, by volunteer lawyers in Red Deer to start-up the Central Alberta Community Legal Clinic in January 2006 and by volunteer lawyers in Lethbridge to start Lethbridge Legal Guidance in February 2007.

- Providing advice, guidelines and ongoing assistance to volunteer lawyers and groups of volunteer lawyers wanting to start and operate a pro bono initiative or clinic in and for their community
- Holding an annual provincial meeting of pro bono stakeholders on topics related to the delivery of pro bono legal services to maximize the delivery of pro bono services to members of the public. The meeting will also serve to share and identify emerging trends, successful programs and to develop provincial strategies to meet the unmet legal needs of low income Albertans who are ineligible for Legal Aid
- Establishing “best practices” guidelines for the delivery pro bono programs and projects to ensure a high quality of legal service in the delivery of pro bono programs
- Meeting with lawyers delivering pro bono services and training on best practice guidelines to ensure a high quality of pro bono legal service delivery
- Fostering an enhanced culture of pro bono service delivery with the legal profession in Alberta. Staff at Pro Bono Law Alberta will do this through its continued relationship with the Law Society of Alberta and the 100th Anniversary Legacy Project: the development of model law firm pro bono policies; meeting with law firms and lawyers to adopt a model law firm policy; publishing and distributing a Pro Bono Law Alberta newsletter to the legal profession
- Meeting with law firms and lawyers to encourage lawyers to provide free legal services to specific programs or projects to benefit low income and disadvantaged Albertans and the communities that serve those disadvantaged Albertans. An example of a current project being brokered by Pro Bono Law Alberta staff is between the Children’s Legal and Educational Resource Centre and the Calgary office of the national law firm of Borden Ladner Gervais (BLG). Staff of Pro Bono Law Alberta conceived the project, brought the parties together and brokered a relationship for pro bono legal services by BLG to children and their families. In appropriate cases, volunteer lawyers from BLG will provide free legal advice and representation to children and their families in areas of law not covered by Legal Aid
- Speaking engagements to and meetings with lawyer associations and legally related organizations on the availability of opportunities for pro bono service and to enhance the knowledge of pro bono law opportunities. Staff recently organized and attended and exhibited at the National Conference and Legal Expo of the Canadian Bar Association with Pro Bono Law Ontario and Pro Bono Law of BC to enhance relationships and profile of pro bono law opportunities amongst Canadian lawyers. Staff at Pro Bono Law Alberta negotiated to have the costs of the Pro Bono Law exhibit to be covered by the Law Society of Alberta

- Delivering education sessions to the Pro Bono Law Alberta Board of Directors and the Advisory Board on fostering and promoting a pro bono culture in the legal profession
- Meeting with Law Society of Alberta Communications Director to develop and implement a communications strategy and plan for the legal profession on pro bono legal services including developing a newsletter, writing of article for the Law Society of Alberta Benchers' Advisory and the 100th Anniversary publications. An article on the formation of Pro Bono Law Alberta was written by staff for publication in the 100th anniversary book to be launched to the public in October, 2007.
- Continuing a relationship with the Law Society of Alberta communications department as a strategic stakeholder to communicate with the legal profession in Alberta regarding the professional obligation of lawyers to provide pro bono legal services to those of limited means
- Developing a roster program of pro bono lawyers in conjunction with the established pro bono clinics, in particular areas of law not covered by Legal Aid. Staff at Pro bono Law Alberta contacts individual lawyers in these areas of particular need and solicits their participation in a roster of lawyers available to provide free direct legal service to the needy clients. Clients will be vetted for income eligibility and legal need by the pro bono clinics before contact with the lawyer is arranged and direct delivery of legal service to the client is available. An area of law currently in great need for pro bono legal service in the Edmonton area is in Wills and Estates. Pro Bono Law Alberta is in contact with Edmonton Wills and estates lawyers with the purpose of developing a pro bono roster program. This roster of lawyers will then be available to the pro bono legal clinic in Edmonton, (the Edmonton Community Legal Clinic, formerly the Edmonton Centre for Equal Justice) and to low income individuals who have a need for wills and estates legal advice
- Developing programs for pro bono “unbundled legal services” (also called limited retainers). In some cases, legal services can be effective by providing pro bono representation at a certain stage of an unrepresented litigant’s law suit. The staff at Pro Bono Law Alberta is in contact with the Associate Chief Justice of the Alberta Court of Queen’s Bench to develop a project for direct pro bono representation by volunteer lawyers of unrepresented litigants before the Court of Queen’s Bench at the Judicial Dispute Resolution (JDR) stage of the litigation process. Staff at Pro Bono Law Alberta will solicit law firms and lawyers to represent low income clients free of charge and without compensation in areas not covered by Legal Aid, during the JDR process
- Providing advice, guidelines and assistance to the public and voluntary sector groups on the availability of pro bono (free) legal services. This is currently done through the telephone and via the website. To foster an enhanced public awareness of pro bono (free) legal services, staff at Pro Bono Law Alberta have developed and will maintain a website of the pro bono services available to Albertans at www.pbla.ca

- Working with the IT department of the Law Society of Alberta to develop a technology plan for Pro Bono Law Alberta
- Working with the Board of Directors to develop a plan for sustainable, operational funding alternatives for the Pro Bono Law Alberta

Attachment 1

Pro Bono Law Alberta Project Profiles September 2007

Grande Prairie pro bono outreach clinic

Grande Prairie has been identified by PBLA as the first location for an outreach satellite clinic. This project will be to further the objective to expand the summary legal advice model to locations that currently do not have legal information and summary legal advice services.

From our review of the pro bono clinic environment, we are currently likely at a "saturation point" for the set-up of stand alone clinics to those in the four urban locations (Calgary, Edmonton, Red Deer and Lethbridge). The cost of a stand-alone clinic and the total population of lawyers as potential volunteers are two of the considerations in this evaluation. Grande Prairie has a local Bar population of about 50 lawyers. Derek VanTassell, a Grande Prairie lawyer has come forward to take the lead in identifying lawyers in the community who will volunteer to provide pro bono services. Derek has already identified eight to ten lawyers; a very good proportion of the Bar that will volunteer. This number of volunteer lawyers is not enough to support a stand-alone clinic and the cost of another clinic without local funders is preclusive to a stand-alone operation as well.

Considerations for the Grande Prairie outreach satellite clinic

- Volunteer lawyers – the volunteer lawyers will come from the Grande Prairie community
- Clients – clients will be low income and not eligible for Legal Aid funding and have an identified legal need – screening will be necessary
- Community partnership – development of a community partnership is preferable for the physical location of clinic, client identification and the clinic appointments and operations. CLG has done this with the Calgary Women's Immigrant Aid Society very successfully. Derek Van Tassell has offered to have his law firm be the location of the clinic if a physical location cannot be identified
- Frequency and capacity of clinic operations – it is contemplated that the clinics will operate twice per month on a Saturday afternoon. The pool of volunteer lawyers is approximately 8 – 10 lawyers. If each lawyer volunteers once per month for a 3 - 4 hour period, 4-5 lawyers will be available on each of the two afternoons. At this rate the capacity for the clinic each Saturday afternoon will be approximately 40 - 50 clients per clinic or 80 to 100 clients per month. This would be a very good start!
- Partnership with an existing pro bono clinic to leverage existing infrastructure. The likely partnership would be with the Edmonton Community Legal Clinic due to the geographic proximity to Grande Prairie. It is contemplated that the role of the ECLC will include the remote intake and screening of clients, the conflict of interest checks and lawyer training. It is contemplated that ECLC would not need to provide

onsite assistance in Grande Prairie for operational needs. Hopefully a community partner will fill this role and see the benefit of us providing the volunteer lawyers!

- Areas of Law – it will need to be decided what areas of law offered by the satellite clinic and if there are limitations
- Follow-up – follow-up of the advice forms from the clinic will be necessary. In Edmonton and Calgary clinics, this is usually done by the staff lawyer. PBLA can be involved in this follow-up and retention of file documents if necessary. This could also be part of the partnership with the ECLS if appropriate.
- PBLA will coordinate the start-up of the operation and provide ongoing necessary advice and support.

Judicial Dispute Resolution Project

Background: The Judicial Dispute Resolution pro bono project idea started at a meeting held by the Canadian Forum on Civil Justice in Montreal in March 2006. Associate Chief Justice Neil Wittmann made a presentation at that meeting on the successful implementation and progress of the JDR process in the Alberta courts.

Through discussion during the conference, it was lamented that the JDR process may not be appropriate where a party to the litigation is unrepresented. The dynamic of the JDR is different when there is an unrepresented party and the advantages of the JDR process in resolving the dispute can become difficult to achieve. Not all justices will conduct a JDR when one party to the action is unrepresented.

Concept: The concept of the PBLA JDR project is to provide a pro bono lawyer to represent a client who would otherwise be unrepresented in the during the JDR portion of the litigation.

There are certain obvious advantages to this idea. This would provide greater access to the JDR process for the unrepresented litigant. The Justice and the other parties to the litigation benefit by dealing with a represented party through the JDR portion of the litigation process to assist in moving the dispute to resolution. The pro bono lawyer would ensure that the interests of “unrepresented” party are heard by the Court thereby allowing the Justice and the party adverse in interest to assume their appropriate roles in the JDR process. Through the representation by a pro bono lawyer during the JDR process the dynamic of the JDR process is maintained.

The advantages to the pro bono lawyer may not seem as obvious, but there are advantages to the pro bono lawyer and their law firm. It is currently thought that litigation lawyers may not be obtaining the trial experience they need in the early parts of their career. Many lawyers in the early stages at the Bar have never presented evidence before a Justice. A pro bono JDR provides an opportunity for these lawyers to prepare and present a case to the Court in the JDR context. For those more experienced lawyers winding their practices down, it provides an opportunity to stay connected with their profession while continuing to provide legal services to those in need. It is an opportunity to give back!

Project Profile: The following are the proposed parameters of the PBLA pro bono JDR project:

- Clients must meet the low income eligibility requirements. PBLA may work in conjunction with the pro bono clinics to screen for income eligibility. Low income eligibility is the distinction between “unrepresented litigants” and “self-represented litigants”. Self-represented litigants that are able to pay for a lawyer, are not eligible for this project
- Clarify with the Court that the program is for unrepresented litigants, ie: those who are unable to afford to pay a lawyer
- Clients cannot be eligible for representation through Legal Aid
- The pro bono JDR project would be available initially for non-family litigation cases only
- Work with the Court of Queen’s Bench to identify appropriate cases for unrepresented non-family JDR
- Clients would sign a limited retainer agreement that indicates representation is provided by a pro bono lawyer only for the JDR and not for the course of the litigation
- Clients would be responsible for disbursements unless other arrangements are available
- Working with the Bar to identify qualified lawyers willing to take on the JDR pro bono cases
- Working to develop precedents for the JDR project including JDR brief preparation guidelines etc.

Pilot Project - It is proposed that the JDR pro bono project begin on a pilot project basis with several pro bono JDRs . It is suggested that we work on the pilot pro bono JDRs in Calgary, Lethbridge and possibly Edmonton. Once a small number of pro bono representations have progressed through the system based on the above parameters, the merits of the pro bono JDR project can be evaluated, with more formalized parameters if appropriate. This approach is consistent with our approach of “small bold steps towards a big vision!”

Law Firm pro bono representational project

A major Calgary law firm has approached PBLA with the concept of a law firm pro bono representation project. The concept is to go beyond legal information and summary legal advice to provide pro bono representation in a variety of areas of law through lawyers at the law firm. The project is in the conceptual phase with the parameters still in development. The concept at this stage includes:

- Identification of lawyers in the law firm who are senior at the Bar willing to donate their services pro bono (currently approximately 4-5 senior lawyers are talking

about donating their services). The project will also be open for participation of more junior members of the firm.

- Clients must meet the low income eligibility requirements. PBLA may work in conjunction with the pro bono clinics to screen for income eligibility.
- Screening client for legal need – it is an important aspect of this project that the clients be screened for a representational legal need. The pro bono clinics have the capacity through the clinic model to provide information and summary legal advice. If the client needs further legal representation not suitable for the pro bono clinic lawyer and/or beyond the capacity of the clinic, these cases can be considered for representation by the law firm lawyers.
- Areas of law – The project may start with identified areas of law to meet the particular critical needs for representation. For example, landlord/tenant; employment; debt and contract disputes; loss of ID cards and reinstatement of identify.
- Firm location – the law firm has offices in both Calgary and Edmonton. The project will start in Calgary.
- The law firm is willing to expand the pro bono representation to incorporate lawyers from other law firms into the project once the initial phases of the project have been implemented

Children’s Legal and Educational Resource Centre partnership with Borden Ladner Gervais

The Children’s Legal and Educational Resource Centre (CLERC) has delivered services to unrepresented children through a staff lawyer model since its incorporation five years ago. Through a pilot project brokered by PBLA in the fall of 2006, Borden Ladner Gervais offered pro bono legal services to represent the interest of a child the subject of expulsion proceeding brought by the school. Through the pro bono representations of the child at the expulsion hearing by the BLG lawyer, the child was not expelled and remained in school.

CLERC and BLG hope to expand this pilot project into a more formalized partnership which is being brokered through the efforts of PBLA. This project is an example of future partnerships that PBLA hopes to broker between law firms and community organizations.

Pro bono lawyer Roster programs - Wills and Estates

The pro bono clinics have identified that certain areas of law require lawyers with particular expertise to address the client needs in a representational capacity. The Edmonton Community Legal Clinic has identified the area of wills and estates as an area of particular need in the Edmonton community. There are approximately 12 low income clients per month who have legal difficulties in the wills and estates area that the clinic does not have the capacity to serve.

The concept is to develop a roster of wills and estates lawyers in the Edmonton area that: 1) can provide summary legal advice through the ECLC evening clinics; and 2) provides representation to low income clients once the need for representation has been identified through the evening clinic model.

Flying Lawyers Association – Just Air

The Flying Lawyers Association is a newly formed not-for-profit organization made of lawyers who are pilots. As lawyers and aviators this group wants to use their pilot skills and legal training to offer *pro bono* legal clinics in remote and/or rural areas of Alberta to individuals and/or organization in need, that otherwise would not have access to legal services (in particular, *pro bono* legal services).

The concept is for the lawyer/pilots to fly into remote/rural locations that have difficulty in accessing lawyers and legal services. The project is called “Just Air” and the Flying Lawyers Association has come to PBLA to assist them in providing logistical support in servicing the remote clinic locations. Much like the Grande Prairie proposal, PBLA hopes to liaise with community partners in various locations to facilitate the provision of legal services to these remote regions. These remote regions are likely to the north and there are hopes to also service aboriginal communities.

This project is very much in the developmental stages with hopes to be able to “take off” to a least one location in 2007 with more locations to follow in 2008.

Residential Schools Settlement project

A settlement has been reached between the aboriginal community and the Federal government regarding residential schools claims. Since the end of the 19th century and well into the early 1970's aboriginal children were taken from their homes and relocated into residential schools. As a result of a class action by many aboriginal claimants, the Federal Government has reached a settlement for aboriginals who attended residential schools. The claim procedure has been negotiated so that all attendees, regardless of whether they were parties to the action, are members of the class of claimants. Claimants have a period of time to make their claim.

The PBLA residential schools pro bono project will investigate whether there is a role for pro bono legal advice to aboriginal claimants. The concept at this point is that although there are claims that require the services of a lawyer to advance a claim (such as the physical and sexual abuse claims), claimants who are entitled through an application for the Common Experience settlement amount, should not have to pay a lawyer to receive this settlement amount.

ATTACHMENT 2

The funding environment

Pro Bono Law Alberta has sought the services of consultant Merrill Cooper to provide guidance in developing a strategy for obtaining sustainable funding. Ms. Cooper has worked in the not-for-profit funding environment in Alberta for many years. At the June 21, 2007 strategic planning session, Ms. Cooper outlined the funding environment for legally-related not-for-profit organizations. The Alberta Law Foundation is the major funding agency of legally-related not-for-profit organizations. All programs and projects funded by ALF must provide legal services or information to the public and cannot be for the benefit of the legal profession.

There is a distinction in the not-for-profit funding environment between “operational” and “project” funding. Operational funding is long-term funding that can be used by the organization for ongoing administrative and operational costs such as staffing and overhead costs (rent, utilities, etc.). Project funding is short-term funding that is tied to the delivery of the specific services proposed by the project proposal.

Ms. Cooper has advised that the Alberta Law Foundation is the one funding organization that provides sustainable funding for operational support to legally-related not-for-profit organizations. Obtaining operational funding for legally-related organizations from other social funding agencies is not feasible or realistic. Some project funding for short term projects is available. The short-term funding is usually available for one to three years for the life of the project. These types of project funds are often granted to partnerships between a community-based organization and the legally-related organization. Potential funders look for the financial sustainability and operational viability of an applicant organization before they consider any project funding. Without sustainable, operational funding in place, any project funding is unlikely.

Ms. Cooper also indicated that social funding agencies as a rule do not fund programs they think that governments or professional organizations should be responsible for. Not-for-profit/pro bono clinics and legally-related organizations face many obstacles in obtaining any operational funding from social funding agencies as social funding agencies are inclined to think that the provision of legal services to disadvantaged people is the responsibility of government and the legal profession. Some limited funding from social funding agencies has been obtained by the pro bono clinics because they have been able to demonstrate the relationships among the social problems and the legal difficulties encountered by certain groups of individuals. This funding is not prevalent, however.

Ms. Cooper also advised that, in any event, the reliance on funding a not-for-profit organization mainly through project funding has significant downside and risk. The main downside is “mission drift,” and the risk is long-term financial instability with negative implications for organizational capacity and planning.

“Mission drift” is a term used in the not-for-profit environment when organizations looking for funds, move away from core mandates in developing projects in order to fit with funders’ strategic priorities and obtain grants. This often results in the erosion of the core mandate and mission of the organization, laying the foundation for a range of other programming and financial challenges.

Ms. Cooper explained that Pro Bono Law Alberta will likely encounter all of the above barriers should it seek funding from social funding agencies. The legal profession (lawyers and law firms) is seen as sources of funds, not as recipients. As well, lawyers are in a service industry and work to cultivate clients. These clients are not sources of funds for legal profession-driven projects.

Fundraising through accessing private money is another strategy for obtaining funding in the not-for-profit sector. Looking for money is a very time-consuming endeavour that requires a particular skill set. In most not-for-profit organizations, private funding is a longer term objective, and most organizations engage fundraising professionals to assist them in targeting donors, developing planned giving strategies, and organizing fundraising events. Gaming money is another alternative. It should be stressed, however, that a large volunteer base is needed to operate a casino, and that a casino license is only available at 12 to 18 month intervals.

In concluding her remarks to the Board at the strategic planning session, Ms. Cooper indicated that it is very difficult to sustain an organization with project funding and with fundraising. We are fortunate that the Alberta Law Foundation supports several organizations with core operational funding. There is good potential for long term ALF funding, however, ALF does not want to be the sole supporter of these organizations... It was noted that in the ALF report to the April Benchers meeting that ALF is actively encouraging their core funded program recipients to diversify their funding bases to ensure that organizational viability and stability is not threatened should interest rates or other factors reduce ALF's own revenues.

For the legal profession, the Law Society of Alberta may be a potential for matching operational funding for costs such as office rent, staffing and in-kind services to ensure the core operations of the Pro Bono Law Alberta are covered

As one final note, Ms. Cooper indicated that private fundraising by Pro Bono Law Alberta may cause a conflict with the pro bono stakeholder clinics. At the Stakeholder Roundtable held in October 2006, this concern was clearly expressed by the stakeholders.

Attachment 3

Budget Projections

Budget Summary					
	Projected Actual 2007-08	Current Budget 2007-08	Proposed Budget 2008 (08-09)	Variance	
				\$	%
Revenue (other than that anticipated from LSA)					
Other funding					
Alberta Law Foundation	200,000	200,000	225,000	25,000	11.25%
LSA (Legacy Fund)	200,000	200,000			
In-kind (LSA)	42,000	42,000	0	<42,000>	<100%>
Total Revenue (a)	442,000	442,000	225,000	8,000	2%
Expenses (of the program)					
Salaries and benefits	198,840	198,840	244,260		
Contracts	20,000	20,000	0	0	0
Contract website IT support	5,000	5,000	5,000	0	0
Honoraria	0	0	0	0	0
Premises (inc insurance)	40,000	40,000	40,000	0	0
Furnishings	5,000	5,000	0	<5,000>	<100%>
Telephone, computer equipment	10,000	10,000	0	<10,000>	<100%>
Office supplies	1,800	1,800	2,080	280	13%
Bank charges	500	500	500	0	0
Printing	10,000	10,000	8,000	<2,000>	
Telephone charges	2,160	2,160	2,160	0	0
Postage	4,000	4,000	4,000	0	0
Website license	11,000	11,000	11,000	0	0
Travel	5,000	5,000	3,000	<2,000>	<40%>
Board meeting/travel expenses	6,000	6,100	6,000	<100>	<2%>
Board liability insurance	2,700	2,700	2,000	<700>	<26%>
Volunteer expenses	8,000	8,000	8,000	0	0
Pro bono stakeholder conference	18,000	18,000	18,000	0	0
Professional fees (audit)	6,000	6,000	6,000	0	0
Start-up promotions	5,000	5,000	0	<5,000>	<100%>
Other program related expenses:					
Grande Prairie clinic	15,000	15,000	15,000	0	0
Ft. McMurray clinic	20,000	20,000	20,000	0	0
CLERC partnership program	5,000	5,000	0	<5,000>	<100%>
Distance technology, training, travel	20,000	20,000	0	<20,000>	<100%>
Other proposed programs 07-08	23,000	23,000	0	0	0
New programs 2008-09	0	0	55,000	55,000	100%
Total Expenses (b)	\$441,900	\$442,000	\$450,000	\$8,000	2%
Surplus (deficit) (c) = (a) – (b)	0	<100>	<\$225,000>		
Accumulated surplus – unrestricted (d) from below	0	0	0		
Funds needed for operational funding [if (c) is a deficit, then (c) + (d)]	\$0	\$0	\$225,000		
Accumulated Surplus					
<i>Unrestricted (d)</i>	<i>0</i>	<i>0</i>	<i>0</i>		
<i>Restricted (e)</i>	<i>0</i>	<i>0</i>	<i>0</i>		
<i>Total accumulated surplus per financial statements (d) + (e)</i>	<i>\$N/A</i>	<i>\$N/A</i>	<i>\$N/A</i>		

Budget Analysis

(1) Projected Actual

At this point, it is expected that PBLA will exhaust its budget during its first year of operation. However, as the organization has only been in existence for four months, it is difficult to make firm expense projections.

(2) Salaries and benefits

PBLA's current staffing consists of the Acting Executive Director, who has been seconded from the LSA, and an executive assistant, who has yet to be hired and whose duties are currently being completed by contracted staff with support from LSA administrative staff. The 2007-08 staff budget also includes \$14,000 for financial administrative support, although this may be re-directed toward a program officer position in the last third of the current fiscal year (April 1, 2007 – March 31, 2008).

The salaries and benefits budget increases in 2008-2009 to include a full-time program officer.

PBLA staff will be included in the LSA benefits package.

(3) Contracts/honoraria

The current year's budget includes \$20,000 for communications and evaluation specific to the start-up year, so this item is not included in subsequent years. On the other hand, it is expected that website development will continue in 2008 as PBLA continues to grow, so this line item continues in the organization's second year of operations.

(4) Office

It is hoped that the LSA will agree to provide PBLA with office space (including utilities and premises insurance) and limited financial (accounting and payroll) services, as it does for the Legal Archives Society of Alberta (LASA). At present, LASA pays the LSA approximately \$40,000 per year for these items, so it is hoped that the same arrangement will be made with PBLA.

(5) Travel/staff development

It will be necessary for the executive director to travel to Toronto and Vancouver for meetings with PBLO and PBLBC and to attend to two pro bono conferences in 2008.

(6) Pro bono stakeholder conference

PBLA was formed in part in response to the outcomes from a 2006 consultation and conference with representatives of not-for-profit organizations providing pro bono legal services to low-income Albertans around the province. At the conference, it was agreed that PBLA would support and expand the provincial network of pro bono clinics, and that annual gatherings of stakeholders should continue to occur. The conference budget reflects the actual cost of the 2006 conference.

Attachment 4

Existing pro bono organizations

Calgary Legal Guidance

Calgary Legal Guidance provides free legal advice for low income individuals. Volunteer lawyers donate their professional time to meet with you and help resolve your problem. If they cannot offer you direct assistance, they will help refer you to someone who can.

Legal Areas: Family, Criminal, Civil, Orders of Protection, Social Benefits and other areas.

Phone: 403-234-9266

Web Site: www.clg.ab.ca

Location: 100, 840 - 7th Avenue S. W., Calgary, AB

Central Alberta Community Legal Clinic

The Central Alberta Legal Clinic is a free legal advice service for people who do not qualify for legal aid in the Red Deer area.

Legal Areas: Family, Civil, Landlord/Tenant, Wills and Estates, some Criminal matters.

Phone: 403-314-9129

Location: #301, 5008 Ross Street, Red Deer, AB T4N 1Y3

Edmonton Community Legal Clinic

The Edmonton Centre for Equal Justice is a nonprofit organization that offers free legal information, advice and representation for people living with low income in the Edmonton area.

Legal Areas: Landlord/Tenant, Employment/Wrongful Dismissal, Small Claims, Income Support Advocacy, Human Rights, Debt, Immigration

Phone: 780-702-1725

Web Site: www.ecej.ca

Location: 900, 10025 - 106 Street, Edmonton, AB T5J 1G4

Lethbridge Legal Guidance

Lethbridge Legal Guidance is a nonprofit organization that offers free legal advice to individuals of limited means that do not qualify for Legal Aid in the Lethbridge community.

Phone: 403-380-6338

Location: 424-5th Street South, Lethbridge, AB T1J 2B6

Children's Legal and Educational Resource Centre

The Children's Legal and Educational Resource Center (CLERC) is a nonprofit organization that provides children, youth and their families with legal education, legal information, and legal representation.

Phone: 403-207-9029

Email: clerc@telusplanet.net

Volunteer Lawyers Service

This initiative provides charitable and nonprofit organizations with legal services and advice. As the need arises, services and advice can be provided for a range of areas such as:

- Labour and employment law
- Administrative/human rights law
- Management responsibilities
- Real estate
- Civil litigation

Offered jointly by the United Way of Calgary and Area, the Canadian Bar Association Alberta, the Law Society of Alberta, and the Association of General Counsel of Alberta, Volunteer Lawyers Service was established to help community organizations with limited budgets and resources.

For more information on Volunteer Lawyers Service contact:

Mary Leung
403-231-6276
maryl@calgaryunitedway.org

Student Legal Services of Edmonton

Student Legal Services of Edmonton is a nonprofit, charitable organization of approximately 300 volunteer law students that provide year-round free legal services to those individuals who are unable to afford a lawyer. The Pro Bono Students Canada Project assists non-profit organizations.

Campus Office

Emily Murphy House
11011-88 Avenue
Edmonton, AB T6G 0Z3
Criminal Law: 780-492-2226
Civil/Family Law: 780-492-8244
Legal Education Project: 780-492-2226
Pro Bono Students Canada Project: 780-492-8287

Downtown (Corona) Office

#203-9924 106 Street
Edmonton, AB T5K 1C7
Criminal Law: 780-425-3356

Web Site: www.slsedmonton.com

Email: info@slsedmonton.com

Student Legal Assistance (Calgary)

Student Legal Assistance (Calgary) is a volunteer, nonprofit, registered charity through which law students at the University of Calgary provide year-round free legal assistance and representation to residents of the Calgary area who cannot afford legal assistance. In providing these services, law students at the University of Calgary are given the opportunity to both serve the community and to develop professional skills and knowledge.

Phone: 403-220-6637

Web Site: www.fp.ucalgary.ca/SLA

University of Calgary campus

Room 3310, Murray Fraser Hall
Calgary, AB T2N 1N4
403-220-6637
403-282-0473 (fax)

Pro Bono Students Canada at the University of Calgary

Pro Bono Students Canada provides free legal information to communities in need by working directly with nonprofit community organizations. PBSC also offers help to unrepresented litigants in family court through its Family Law Project. See the PBSC information kit [HERE](#) for more information.

Phone: 403-220-2690

Email: probonos@ucalgary.ca

Web Site: www.law.ucalgary.ca/pbsc