



THE CANADIAN
BAR ASSOCIATION
Alberta Branch

ANNUAL GENERAL MEETING 2020

DRAFT MINUTES

February 5, 2020 1:00 pm
Hyatt Regency Imperial Ballroom
700 Centre St. S Calgary AB

Attendees: Please see appendix

1. Welcome and Introductions

CBA Alberta President Ola Malik

- a. Board and Executive Committee
- b. Special Guests

2. Approval of Agenda

Moved: Jenny McMordie
Seconded: Frank Friesacher
Motion Approved.

3. Approval of Minutes of February 5, 2019 AGM

Motion: Kyle Kawanami
Seconded: Michelle Karasinski
Motion Approved.

4. Disruption DNA: Keynote by Shawn Kanungo

5. Coffee Break

6. Greetings from Honourable Doug Schweitzer, Minister of Justice and Solicitor General, Deputy House Leader

- The Minister has committed \$27M to overhaul Alberta Justice for digital transformation and streamlining of the justice system, the goal of which is to make better use of court time. Expects to announce new initiatives in the coming 6 – 12 months.
- Minister Schweitzer Invites CBA Alberta members to submit feedback on streamlining of the justice system
- Alberta Justice is expanding the reach of the drug treatment courts and has committed \$20M in additional funding. This funding will double the size of the drug treatment courts in Calgary and Edmonton and launch similar programs in mid-sized centres in Alberta such as Lethbridge and Red Deer.
- Alberta Justice is also examining how to expand the reach of other restorative justice in the province.
- In the past year, Alberta Justice has launched the Indigenous Court and introduced the option to swear on an Eagle Feather for Indigenous witnesses in court.
- Alberta Justice is in the process of hiring 50 new prosecutors and will be doubling the number of articling students hired in 2021. They will also be addressing prosecutor compensation in the coming year.

- Alberta Justice has enhanced the ability of sheriffs, and fish and wildlife offices to provide rapid respond to rural emergencies. They have partnered with rural municipalities to hire over 500 law enforcement personnel.
- Alberta is calling for the creation of a pan-Canadian working group to address *Criminal Code* amendments taking into consideration the vulnerability of rural residents.

7. Greetings from the Courts

a. Chief Judge The Honourable T.J. Matchett, Provincial Court of Alberta

- The Provincial Court has been engaging in a strategic planning process with the first 3-year plan developed in 2014. The goal of the process is to create a court that is accessible, efficient, effective, to reduce lead times, reach out to disadvantaged Albertans, and become more relevant to people that we serve
- At that time, a memorandum of understanding between the Provincial Court and the Government of Alberta was signed setting out roles and responsibilities for each and emphasizing the importance of a collaborative relationship between courts, government, services, department of justice. The current Minister of Justice has continued with the existing memorandum of understanding.
- A Key strategic priority is to improve access to justice. To this end, the Provincial Court has engaged a case management committee to implement reforms in this area.
- Judges of the Provincial Court continue their work on Practice Directives for the profession.
- The Court has implemented Confirmation Hearings. For self-represented individuals, this is resulting in 65 – 90% of cases being resolved before the court date. For Criminal Motions Court, matters such as *Charter* applications and pre-trial applications can be address before trial to reduce adjournments.
- The Court has made changed to the Criminal Rules of Court, modelled off the Ontario rules.
- In the criminal bail system, remote bail hearings have been introduced to expedite justice. The Court is also seeing more agreements on bail conditions.
- In civil court, an increase in the limit in Provincial Court matters has increased from \$25,000 to \$50,000, resulting in a workload increase.
- Through the Civil Claims Review Project, legislation passed approximately one year ago allowing simplified trial process, including binding JDR and a new schedule of costs for a more consistent awarding of costs throughout Alberta.
- The Provincial Court hired an education coordinator four years ago and set up an education committee with a focus on substantive judicial skills and social context issues. Changes to judicial education include:
 - The creation of a judicial education plan, reviewed annually for changes in law and new goals.
 - The creation of a new judge education plan and a new justice of the peace education plan. Through this, all new judges and justices of the peace have a mentor assigned to them with a formal mentoring agreement. A new judge bootcamp has also been developed.
 - The Court has launched an internal education website for judges.
- The Calgary Indigenous court was opened in 2019. The Court is also holding special sittings in Siksika, Tsu'tinna and the Alexis First Nations. The Associate Chief Judges are regularly visiting Indigenous communities.

- In April 2018, the Provincial Court opened the mental health court in Edmonton which sits three days per week. The mental health court is a collaborative process with duty counsel, prosecutors, legal aid and mental health professions.
- The Court is supportive of the Justice Minister's move to increase funding to drug courts.
- While there is no current requirement to release results on judicial complaints, the Court will release a report on complaints about judges and how they were disposed of in 2020.

b. Associate Chief Justice The Honourable J.D. Rooke, Court of Queen's Bench Alberta

- The four pillars of the Court of Queen's Bench strategic plan are:
 - Effective Early Resolution & Referral – This strategy has resulted in reduction in lead time in court due to the reinstituted mandatory ADR rules, early intervention in case conferences in family law, and double or triple booking of courtrooms to ensure full utilization.
 - Digitization – moving towards a paperless court
 - Diversity, Inclusion and Access – eagle feathers are now recognized in all courts across Alberta when having Indigenous witnesses testify. Two indigenous symposiums have been held in Calgary (2019) and Edmonton (2020).
 - Communications – the Court has introduced an internal media and communications strategy and launched its social media accounts in 2018.
- As of February 202, there are 8 judicial positions (10% of complement) vacant.
- Lead times for civil trials over 5 days is currently over 3 months in Calgary. This is an improvement from 5 months in 2019, and from 1 year in 2018.
- There has also been an Improvement in lead times for criminal matters – the lead time for long criminal trials is 16+ months in Calgary and Edmonton, and 18+ months in Red Deer.
- The federal government has approved funding for 17 new judges for the new unified Alberta family court, and the courts are now waiting on approval from the Justice Minister. Phase one of this transition will result in all family law work moved to a division of the Court of Queen's Bench in Calgary and Edmonton. Phases 2 and 3 will take this province-wide. The target date for the start of this implementation is September 2020. Alberta is one of only two provinces in Canada not to unify the family court.
- The new Red Deer justice centre is nearing completion. The new courthouse will double the capacity of courtrooms and have the ability to expand with population growth.

8. President's Report 2018-19

Ola Malik

- See attached Annual Report.

9. Treasurer's Report

David Hiebert

a. Presentation of 2018-19 Financial Statements

- The auditors provided a clean audit report for 2018-19.
- CBA Alberta has \$2.8 million in net assets and \$1.1 in a restricted funds (which includes 6 months of operating funds in case of a shutdown.)
- In 2018-19, the association saw \$2.2 million in revenue, and \$1.9 million in expenses, resulting in a \$300,000 surplus.

- b. Approval of 2019-20 Auditor
Moved By: David Hiebert
Seconded By: Kyle Kawanami
Motion Carried

10. Greetings from CBA Guests

- a. National Board Member Chandra Flett
 - Chandra Flett brings greetings on behalf of the CBA national board of directors, CBA national President Vivene Salmon and 36,000 CBA members across Canada.
 - The current priorities of the board is to balance the budget, reduce expenditures, build membership, and find new revenue streams
 - The CBA national AGM is on February 19, and members will hear from Chief Justice Richard Wagner of the Supreme Court of Canada, and meet the incoming vice president of the board.
 - There are nine resolutions to be debated at the AGM, including issues such as independence of attorney general, climate leadership, commitment to religious equality in the legal profession, and others. Members can view and comment on resolutions on the AGM site. All eligible members must register to vote before February 18 using mobile device.
- b. BC President Kenneth Armstrong
 - Kenneth Armstrong brings greetings from the CBABC and its 7000 members.
 - The CBABC acknowledges the harm done to Indigenous communities and is working with lawyers to improved Indigenous cultural competency. The BC Branch is working to ensure that lawyers of Indigenous descent have leadership roles within the association.
 - The CBABC has created a Reconciliation toolkit for law firms.
 - The CBABC enjoys a strong relationship with the Alberta Branch with many common activities, including the CBA West Conference and common advocacy initiatives (such as judicial vacancies).
- c. Saskatchewan President Loreley Chekay, QC
 - The Saskatchewan Branch is dedicated to reconciliation with Indigenous communities, and has hosted professional development on the Missing and Murdered Indigenous Women and Girls Inquiry, met with local Indigenous lawyers to start a dialogue, and had an Indigenous lawyer present to the board of directors on issues facing Saskatchewan and Canada.
 - Saskatchewan is currently experiencing challenges with judicial resources. There are currently 4 vacancies in the province, and concerns with resourcing for courts.
 - The Branch is participating on public outreach through Law Week, such as mock trials, and a pro bono call-in day.
- d. Manitoba President Cynthia Lau
 - The Manitoba Bar Association represented 600 members and 36 Sections.
 - The MBA reduced its council to 20 in 2019

- The MBA has a focus on young lawyers. Initiatives include free memberships to law students, Section meetings at Robson Hall Law School, a reception for students jointly hosted by the MBA and the Law Society of Manitoba, “exam cram” sessions to support students during exams, and CPLED receptions for articling students.
 - The MBA thanks the Alberta Branch for assisting with the MentorCity platform for the Manitoba mentor program.
 - The MBA has the support of the courts in that province with nearly 100% membership at the provincial court level.
 - QC appointments were reinstated in Manitoba in 2019, with 15 QC appointments made. The MBA is encouraging their justice minister to continue appointing QCs.
 - The Supreme Court of Canada visited Manitoba in September 2019, holding two hearings (the first ever held outside of Ottawa.) The Supreme Court held a banquet, visited local schools and participated in a sacred eagle feather ceremony.
- e. NWT President Brittany Scott
- The NWT Branch was recently visited by Supreme Court Justice Malcome Rowe.
 - The Branch is committed to implementing the Truth & Reconciliation Calls to Action within the territory and will be hosting a treaty simulation in 2020.
- f. CBIA Board Member Jim Lebo, QC
- The CBIA is the trusted provider of insurance needs for the legal profession. It is a federally incorporated non-profit with a 12-member board comprise of 1 representative from each provincial branch, 1 territorial representative, and 1 representative from CBA national. The CBIA welcomed 5 new board members in December, and now has gender parity on board.
 - The CBIA manages insurance programs for the benefit of the legal profession, including travel insurance, commercial insurance (including cyber coverage), life, illness and disability insurance.
 - Dawn Marchand was appointed as the new CEO of the CBIA in November 2019, and David Camps was hired to replace her as the new Vice President of Marketing, Product and Client Experience.
 - The CBIA will be rolling out a new pension plan for lawyers (defined benefit program) in mid-2020. The CBIA has partnered with an existing provider for this program, which will be for law firms, employers, and sole practitioners.

11. Presentation to Past President Frank Friesacher

12. Adjournment

Motion: Iain Campbell

APPENDIX:

Attendees: Ola Malik, Maureen Armitage, Robert Bassett, Shannon Belvedere, Gerard Beaulieu, Krista Bennett, Paul Bourassa, Martine Boucher, Laura Buckingham, Iain Campbell, Loreley Chekay, Q.C., Tiro Clarke, Chandra Flett, Frank Friesacher, Jassmine Girgis, Susan Gordon, Brynne Harding, Robert Harvie, Q.C, Patrick Heinsen, David Hiebert, Larry Hurd, Kevin Johnson, Q.C., Shawn Kanungo, Michelle Karasinski, Kyle Kawanami, Bianca Kratt, Christine Laing, Cynthia Lau, James Lebo, Q.C., Amanda Lindberg, Indra Maharaj, Graeme Maitland, Ola Malik, The Honorable Chief Judge Terrence Matchett, Jenny McMordie, Rev.Elias Munshya, Noria Neuhart, Ifeoma Okaro, Sandra Peterson, Geoff Pradella, Hon. Associate Chief Justice John Rooke, Anzhela Said, Hon. Minister of Justice Doug Schweitzer, Shannon Siegel, Brittany Scott, Nishi Thusoo, Samantha Wood, Lee-Anne Wright