



Policy – Public Statements and Submissions

Rationale for Policy:

CBA Alberta or a Section may wish to make a submission to a public body or a statement to the media on behalf of CBA Alberta. Any such statement or submission should reflect the will of the members, be consistent with CBA objects and goals, and ensure accountability for its contents.

Authority for Policy:

This Policy is authorized by paragraph 3.4(c) of the CBA Alberta By-Laws.

Policy

(1) What is a Public Statement or Submission?

A Public Statement or Submission is a statement or submission intended to engage with, or which is accessible to, an audience beyond CBA Alberta and its members. Generally speaking, when it is the public to be engaged with, this is a Statement. When it is a government or public body to be engaged with, this is a Submission.

(2) Who can make a Public Statement or Submission?

The President is the designated spokesperson for CBA Alberta and generally makes statements and submissions on behalf of the branch, subject to the exception described in section (5) below. No Section, Committee, Member or Group of Members may make any Public Statement or Submission without prior approval granted in accordance with this policy.

(3) How is approval granted?

Approval to make a Public Statement or Submission is by resolution of the Board, in most cases. The Board is the directing mind of CBA Alberta and ultimately responsible for strategic directions in accordance with its mandate and values.

However, the Board only meets a few times per year, and there may be times when an expedited process is warranted. Thus, when the subject matter is, in the opinion of the President, of sufficient import and urgency that it cannot await a resolution of the Board, the President may grant the authorization. In granting an authorization, the President must, wherever practicable, consult with all available members of the Board, and the reasons for approving or rejecting must be recorded.

(4) What is to be considered in granting approval of a Statement of Submission?

Statements and Submissions should reflect the views of the broader membership, and be harmonized with the existing positions of the CBA. Consulting with and incorporating feedback from other affected sections and committees is expected. When considering whether to approve a statement or submission, the approver must consider the following factors:

- 1) In the case of a proposed Statement or Submission from a Section or a Committee:
 - a. Whether there is sufficient subject matter expertise relating to the subject of the Statement or Submission;
 - b. Whether the Section or Committee obtained the consent of the majority of their members for the Statement or Submission and the official spokesperson for the Section or Committee;
 - c. How other affected sections or committees were consulted, including
 - i. the nature of any comments provided, and how those comments were incorporated into the proposed Statement or Submission, or
 - ii. if other affected sections or committees were not consulted, or comments were not available or not incorporated into the proposed Statement or Submissions, the explanation for the omission;
 - d. Whether the Statement or Submission accords with other positions and the strategic direction of CBA Alberta, CBA National, or of the Section or Committee;
 - e. Whether the Statement or Submission accords with the *Code of Conduct* of the Law Society of Alberta;
 - f. Whether any approval should be subject to further conditions; and
 - g. Anything else considered important for granting approval.
- 2) In the case of a proposed Statement or Submission from anyone other than a Section or a Committee, the same considerations shall apply, adjusting where appropriate for the source of the Statement or Submission.

(5) Statement signatory

Having approved the proposed Statement or Submission, the approver should consider whether the Statement or Submission should issue from the President or from some other person. The President is the designated spokesperson for CBA Alberta and generally takes the lead on advocacy. However, in appropriate circumstances for narrow issues that may be of limited interest, the Executive Committee may in their discretion approve a Section chair to sign the Statement or Submission, and to be the contact person for any related issues and follow-up.

(6) Policy or issue touching on matters outside purely provincial matters

A Member may request that CBA Alberta speak or act on a policy or other issue affecting CBA National by submitting a proposed resolution in writing to the Board. If the Board approves the resolution, the Board shall forward the resolution to CBA National for consideration at its next annual meeting.

(7) What is not included in this policy

The following are not considered Submissions or Statements for the purposes of this policy:

- 1) Any communications made by a Section or Committee only to its National Section Chair or Committee Chair of CBA National;
- 2) Any communication made by a Section or Committee only to the Executive Committee;
- 3) Any communication made by any Provincial Section or Committee only to the general membership at any meeting of the Branch;
- 4) Any communication by a Section or Committee only to its Members; and
- 5) Any communications approved pursuant to CBA National's bylaws and regulations.

(8) What if a Submission or Statement is later discovered to include significant errors?

If at any time after the publication of a Submission or Statement, an issues arises whether the content is or becomes erroneous, obsolete, moot, contradicted, misleading or otherwise in need of amendment or retraction, the Member, Section or Committee originating the statement or submission, or most closely associated with the matter, must refer the matter to the President for reconsideration.

(9) Dealing with the Media

For the benefit of the public and members' own professional development, CBA Alberta encourages members who have a particular subject matter expertise to take advantage of media opportunities to share their knowledge, bearing in mind their responsibilities under our *Code of Conduct*. However, unless a member has authorization, a member must ensure any comment they make to the media is not framed or understood as representing the position of the Canadian Bar Association or CBA Alberta. Only the President, or a member designated by the Executive Committee, may make comments to the media on behalf of CBA Alberta or on behalf of any Section.