



## ADVOCACY POLICY AND PROCESS

The Canadian Bar Association is the voice of Canada's legal profession. It is an essential ally and advocate for the Canadian Bar Association members to promote fair justice systems, facilitate effective law reform and uphold equality in the legal profession.

The Board of the CBA Alberta Branch has approved this Advocacy Policy in order to maximize the value of the CBA's professional and public interest advocacy as a member service and to execute advocacy by the CBA and its constituent groups in a manner accountable to the CBA members. This operational policy is subject to the CBA Alberta [Policy on Public Statements and Submissions](#).

Priority will be given to the following issues (the "Priorities"):  
Issues of importance to the legal profession generally;  
Issues of direct relevance to lawyers in their practice areas; and  
Issues addressing the core principles of the legal profession.

Additionally, priority will be given to matters of particular relevance to Alberta.

The Voice of the Profession Committee (the "**VP Committee**") and the Agenda for Justice (the "**A4J Committee**") are tasked with the initial review of all advocacy initiatives presented by a CBA member. The VP Committee's mandate is to advocate on issues that are of interest to, and to the benefit of, members in Alberta, not including access to justice matters and any other matters that are within the current mandate of the Agenda for Justice Committee of CBA Alberta. The A4J Committee's mandate is to review and coordinate CBA Alberta submissions and responses on justice initiatives and proposals related to the administration of justice. The VP Committee and A4J Committee (the "**Committee**" or the "**Committees**") shall each facilitate this process for matters within their respective mandates and consult each other as necessary throughout the process.

## PROCESS

### Submission to the Committee

1. Any CBA member (the "**Proponent**") can present an advocacy initiative (the "**Proposal**") in writing identifying the priority and importance of the issue and the facts to be considered.
2. The Proposal must be submitted to the Committee for review.
3. The Committee will assign the Proposal to one of its members for review and presentation at the next Committee meeting (the "**Presenter**").
4. The Presenter will review the Proposal and take into consideration the following factors (the "**Factors**"):

- (a) does the submission accurately reflect the law;
  - (b) is it consistent with or compatible with existing CBA policies in Alberta and at the National level;
  - (c) does it reflect the CBA's commitment to the rule of law, the Charter, and fundamental human rights;
  - (d) does it represent the range of interest in the topic amongst CBA membership;
  - (e) have all aspects of the issue been canvassed thoroughly and considered in a balanced manner, and does the resulting conclusion either represent a consensus or acknowledge differing opinions;
  - (f) is the submission expressed in language and in a form that will be understood by its intended audience and, in particular:
    - a. it describes the background and purpose;
    - b. it can be understood without reference to other documentation;
    - c. all conclusions are supported by clearly expressed reasons;
    - d. all conclusions and reasons are well supported by fact, law and policy;
    - e. tone is objective, avoiding a defensive or antagonistic approach; and
    - f. recommendations reflect constructive ways to improve.
5. The Presenter will present the Proposal to the Committee with its recommendations.
6. The Committee will vote on the Proposal for one of the following outcomes:
- (a) preliminary approval;
  - (b) preliminary approval with conditions;
  - (c) proposal returned to Proponent requesting more information; or
  - (d) rejection.
7. The Presenter will contact the Proponent to report on the outcome.
8. If at any time during the review process, the Committee believes the Proposal may not align with the Factors and the Priorities but raises an issue which appears to be of value to CBA Alberta and its members:
- (a) the Committee may submit the Proposal to the Board of Directors of CBA Alberta (the "**Board**") with specific questions for consideration; and
  - (b) The Board shall review the Proposal and provide recommendations for the Committee to move forward with its review and approval process.
9. For clarity, once a Proposal is submitted to the Committee, CBA Alberta retains full and sole discretion regarding any decisions made in relation to the Proposal or any matters and/or issues relating to the Proposal for the purposes of this Policy, notwithstanding:
- (a) That the Proponent may disagree with CBA Alberta's advocacy position regarding the Proposal in whole or in part;
  - (b) That the Proponent may no longer wish to participate in the advancement of the Proposal; or

(c) That the Proponent may wish to withdraw the Proposal.

10. Notwithstanding Article 9, CBA Alberta will endeavour to consult with the Proponent and give due consideration to the Proponent's opinions and/or wishes.

11. At any time, the Proponent may submit a written request to the Committee to remain anonymous in relation to the Proposal, in which case CBA Alberta will take all reasonable steps to maintain the anonymity of the Proponent in relation to the Proposal and any associated advocacy.

### **Preliminary Approval**

12. If preliminary approval is granted, either the Presenter or the Proponent will contact the Chairs of those CBA Sections which the Committee, the Presenter and/or the Proponent have identified as having an interest in the Proposal with the goal of:

- (a) requesting comments and, specifically, whether the Section(s) has any concerns with the Proposal; and
- (b) advising the Section Chair(s) in writing that if the Section(s) does not reply by a certain date (or request an extension of that date), the Committee will proceed on the understanding that the Section does not have any concerns with the Proposal. The deadline may be set by the Committee, or if not determined by the Committee, by the Presenter, and will be determined by the urgency of the Proposal.

13. At the next Committee meeting, once the date for the receipt of comments by the Section(s) has expired, the Presenter will summarize the comments and concerns the Presenter has received, if any, and make a final recommendation to do one of the following:

- (a) approve the Proposal;
- (b) invite the Proponent to answer any questions and address any concerns raised; or
- (c) reject the Proposal.

14. If the Proponent is invited to answer questions and concerns raised by the Committee, the Presenter will contact the Proponent to discuss and obtain information. The Proponent shall endeavour to provide the requested information as quickly as possible.

15. Once the further information is received, the Presenter will present the Proposal with the newly obtained information to the Committee with its recommendations.

16. The Committee will vote on the Proposal for one of the following outcomes:

- (a) approve the Proposal; or
- (b) reject the Proposal.

17. The Presenter will contact the Proponent to report on the decision of the Committee.

### **Preliminary Approval with Conditions**

18. If a preliminary approval with conditions is granted, the Presenter will contact the Proponent to discuss the conditions and changes imposed by the Committee.
19. If the Proponent agrees with the conditions and changes, either the Presenter or the Proponent will contact the Chairs of those CBA Sections which the Committee, the Presenter and/or the Proponent have identified as having an interest in the Proposal with the goal of:
  - (a) requesting comments and, specifically, whether the Section(s) has any concerns with the Proposal; and
  - (b) advising the Section Chair(s) in writing that if the Section(s) does not reply by a certain date (or request an extension of that date), the Committee will proceed on the understanding that the Section does not have any concerns with the Proposal. The deadline may be set by the Committee, or if not determined by the Committee, by the Presenter, and will be determined by the urgency of the Proposal.
20. If the Proponent does not agree with the conditions, the Proponent may make submissions in writing to the Committee for further consideration. The Committee will consider the Proponent's submission at the next meeting.
21. At the next Committee meeting, once the date for the receipt of comments by the Section(s) has expired, the Presenter will summarize the comments and concerns the Presenter has received, if any, and make a final recommendation to do one of the following:
  - (a) approve the Proposal;
  - (b) invite the Proponent to answer any questions and address any concerns raised; or
  - (c) reject the Proposal.
22. If the Proponent is invited to answer questions and concerns raised by the Committee, the Presenter will contact the Proponent to discuss and obtain information. The Proponent shall endeavour to provide the requested information as quickly as possible.
23. Once the further information is received, the Presenter will present the Proposal with the newly obtained information to the Committee with its recommendations.
24. The Committee will vote on the Proposal for one of the following outcomes:
  - (a) approve the Proposal; or
  - (b) reject the Proposal.
25. The Presenter will contact the Proponent to report on the decision of the Committee.

### **Proposal Returned to Proponent Requesting More Information**

26. If the Proposal is returned with a request for more information, the Presenter will contact the Proponent to request and obtain more information about the Proposal for further consideration by the Committee. The Proponent shall endeavour to provide the requested information as quickly as possible.
27. Once the information is received, the Presenter will present the Proposal with the newly obtained information to the Committee and present its recommendations.
28. The Committee will vote on the Proposal for one of the following outcomes:
- (a) preliminary approval;
  - (b) preliminary approval with conditions;
  - (c) Proposal returned to Proponent requesting more information; or
  - (d) rejection.
29. The Presenter will contact the Proponent to report on the decision of the Committee.

### **Rejection**

30. If the Proposal is rejected by the Committee or the Board at any point, the Presenter will advise the Proponent in writing of the rejection. Unless the Committee or the Board directs otherwise, the Presenter will endeavour to provide the Proponent with written reasons for the rejection. A rejection may be based on the following, which is not an exhaustive list:
- (a) illegal or not permitted by the Code of Professional Conduct;
  - (b) outside of CBA Alberta or CBA National mandate;
  - (c) Proposal contravenes CBA National initiative, policy or resolution;
  - (d) Proposal opposed by other CBA members;
  - (e) insufficient resources (time, money, or staff); or
  - (f) insufficient benefit to CBA members (or members of a Section).

### **Submission to the Board of Directors of CBA Alberta for Final Approval**

31. If the Proposal is approved by the Committee, the Committee will submit the Proposal to the Board with the following documents:
- (a) a copy of the Proposal;
  - (b) a summary of the advocacy issues raised; and
  - (c) recommendations of the Committee.
32. The Board will consider the information received and vote on the Proposal for one of the following outcomes:
- (a) approve the Proposal;
  - (b) return the Proposal to the Committee with a request for more information; or
  - (c) reject the Proposal.

33. If the Proposal is returned with a request for more information, the Committee will provide information as requested for further consideration by the Board. The Committee shall endeavour to provide the requested information as quickly as possible.

34. Once the further information is received, the Board will review and vote on the Proposal for one of the following outcomes:

- (a) approve the Proposal; or
- (b) reject the Proposal.

35. The Board will contact the Committee to advise of any approval or rejection of a Proposal as soon as possible and the Committee will advise the Proponent of the Board's decision.

### **Urgent Matters**

36. In the event that a Proposal relates to a matter of particular urgency, the CBA Alberta Executive may act with the delegated authority of the Board for the purposes of this Policy.