



CANADIAN
BAR ASSOCIATION
Alberta

Hon. Mickey Amery, ECA, KC
Minister of Justice & Deputy House Leader
Legislature Building, 10800-97 Ave.
Edmonton AB T5K 2B6
Via Email: ministryofjustice@gov.ab.ca

April 17, 2025

Dear Minister:

CBA Alberta appreciated the recent opportunity to provide further input into the government's ongoing consultations related to the future of legal aid in Alberta. The invitation to participate in an online survey that closed on April 14 also encouraged stakeholders to write directly with any additional comments they may have. CBA Alberta would like to take up that invitation to emphasize a couple of important points to consider as the Government of Alberta deliberates on changes to the legal aid plan in this province.

First, we observed that some of the questions in the April 14 survey were difficult to answer without knowing specifically what legislative changes are being contemplated. We urge the government to continue its iterative approach to the development of its legal aid plan and commit to ongoing transparency and consultation with stakeholders. In particular, we suggest that stakeholders be fully engaged in providing feedback on any model proposed, before enabling legislation is introduced.

From the survey itself, there are a couple of other principles that we would like to highlight and expand upon. Specifically:

- Ensuring greater accessibility to legal services for Albertans should be the driving factor for any change in legal aid plan, and minimizing disruption for users/clients during transition is critical. Long-term, stable and predictable funding is necessary to guarantee the sustainability and reliability of legal aid services.
- Changes to the legal aid plan should not be compelled as either a cost-savings or service-cutting exercise. CBA Alberta's [economic analysis](#), shared with you previously, demonstrated that increased investment in legal aid can more than pay for itself by reducing other costs of the court system. Enshrining legal aid governance in a statutory framework, such as the one provided for in the *Alberta Public Agencies Governance Act*, has the potential to improve organizational stability, transparency, and accountability. CBA Alberta wholeheartedly welcomes any changes that would increase the long-term viability of legal aid in Alberta.
- The independence of legal aid is paramount. This view is also held by Albertans across the province; recent [Nanos public opinion research](#) commissioned by the CBA confirmed that legal aid independence was identified as fundamentally important. To ensure transparency and accountability, the Minister should only have the ability to deny or change funding for legal aid in clearly-defined, rare, and exceptional circumstances.

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- Further, the board appointment process under the legal aid plan should be non-partisan, merit-based, objective and inclusive. The structure of the governing board for the legal aid plan should include board members nominated by stakeholders, and should include a minimum number of members of the Law Society of Alberta. For example, we suggest that experienced family and criminal defence lawyers should be considered for inclusion in the make-up of the Board. For ministerial appointments, CBA Alberta suggests that the Government of Alberta could preserve a nominating committee model that is the same or similar to the one described in Appendix I of the current Governance Agreement. What process will be used for ongoing, meaningful stakeholder engagement should also be contemplated in the legal aid plan.
- As has been demonstrated in other jurisdictions across the country, providing a statutory basis for legal aid in Alberta would not negate the need for periodically negotiating Memoranda of Understanding or governance agreements to support the regulatory framework, strategic plans, budgets and programming for legal aid. We urge the government to be particularly mindful of what should be in legislation, and what is better served through other means to provide clarity and consistency to the legal aid plan and to strengthen access to justice in Alberta.

Finally, it is CBA Alberta's view that the legal aid plan should be considered within the full spectrum of public legal assistance services. You may be familiar with CBA's [Reaching Equal Justice Report](#), recommendations for change which were the culmination of comprehensive studies highlighting the impediments to accessible justice in Canada. The report proposed national benchmarks for public legal assistance services, which we have attached for your reference.

As this government reimagines legal aid, there is an opportunity to consider these benchmarks and provide a broad spectrum of services that meet the goal of sustainably-funded, people-centred, legal services to support the most vulnerable Albertans. The critical role of many other community-based organizations, over and above legal aid, in providing access to justice should not be overlooked, nor should the opportunity to build into the plan holistic supports, such as mental health interventions and dispute resolution processes, which will improve outcomes for Albertans.

Improving access to justice requires thoughtfulness, innovation, and commitment. CBA Alberta remains willing to work with this government on achieving this goal, and we look forward to further discussion at our next meeting.

Yours truly,
Canadian Bar Association – Alberta Branch

Robert D.L. Bassett
President

cc. Legal Aid Feedback (LegalAidFeedback@gov.ab.ca)
ENCL.



Proposed National Benchmarks for Public Legal Assistance Services

In 2014, a joint Working Group of the Association of Legal Aid Plans of Canada (ALAP) and the Canadian Bar Association's Access to Justice Committee (CBA) agreed to collaborate to formulate national legal aid benchmarks for Canada. This work advances the commitment of both organizations to achieve a robust legal aid system in Canada, and key aspects of the CBA's 2013 *Reaching Equal Justice* report.

After extensive discussion, consultations and research commissioned by the CBA from Dr. Melina Buckley, the Working Group has developed six benchmarks. They constitute guiding principles to achieve the shared goal of a national, integrated system of public legal assistance to improve access to justice and meet the needs of disadvantaged people across Canada.

With this strong foundation, ALAP and the CBA will use the benchmarks to support their respective efforts to improve Canada's legal aid system. As an initial example, see *A Framework for Meeting Legal Needs: Proposed National Benchmarks for Public Legal Assistance Services* (Ottawa: CBA, forthcoming).

The Benchmarks

1. A National Public Legal Assistance System

Canadian public legal assistance systems are sustainably-funded and provide comprehensive, people-centred legal services tailored to local, regional, provincial and territorial circumstances to meet essential legal needs and contribute to the health and well-being of disadvantaged and low-income Canadians.

2. Scope of Services

Public legal assistance services are provided to individuals, families and communities with essential legal needs who are otherwise unable to afford assistance. Essential legal needs are legal problems or situations that put into jeopardy a person or a person's family's liberty, personal safety and security, health, equality, employment, housing or ability to meet the basic necessities of life.

3. Service Priorities

Public legal assistance services are provided on a priority basis to individuals, families and communities who are financially disadvantaged or are otherwise vulnerable to experiencing unmet essential legal needs.

4. Spectrum of Services

Public legal assistance service providers use discrete and systemic legal strategies and work in collaboration with non-legal service providers to offer a broad range of services – from outreach to after care – targeted and tailored to people's legal needs, circumstances and capabilities.

5. Quality of Services

Public legal assistance services in all provinces and territories are fully accessible, timely, high quality, culturally appropriate and cost-effective. Services will lead to evaluated meaningful participation and fair and equitable outcomes, and contribute to the empowerment and resilience of individuals, families and communities.

6. A Supported, Collaborative, Integrated Service Sector

Public legal assistance service providers participate in collaborative service planning across this sector and are mandated and supported to innovate and to fulfill their integral role of ensuring access to justice and an effective justice system, working in partnership with all stakeholders.

Working Group members include:

Dr. Melina Buckley (co-chair)
Karen Hudson, Q.C. (co-chair)
Mark Benton, Q.C.
Nick Summers
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