

Alberta **LAW**
FOUNDATION

46TH

Annual Report

FISCAL YEAR ENDED
MARCH 31, 2019

2019

From the Chair

Darlene Scott, Q.C.

Board of Directors

Darlene Scott, Q.C.
Edmonton

Barry R. Gardiner, FCPA, FCA
Edmonton

Stephanie L. Dobson, B.A.
J.D.
Lloydminster

Gregory D. M. Stirling, Q.C.
*(Appointed as Provincial Court
Judge February 2019)*
Calgary

Karen Gallagher-Burt, MSW
Calgary

Monica Kreiner, M. Ed., C.
Med.
Grande Prairie

Cindy Lang, LLB
Edmonton

2018-19 was a productive year for the Alberta Law Foundation. With increased revenue from interest on lawyers' pooled trust accounts, the Foundation is able to look to the future with considerable optimism.

Heading into the final year of our 2017-20 strategic plan, I am happy to report that the ALF Board and staff made progress on virtually all of the Board's strategic priorities. Looking outward to the broader justice sector, the Bridging the Gaps initiative engaged current grantees, potential grantees and other sector stakeholders in valuable conversations about the legal needs of Albertans and gaps in services. Even more importantly, these conversations included brainstorming about potential solutions to bridge the service gaps and opportunities for stakeholders to work together and coordinate their efforts to facilitate access to justice for Albertans. We look forward to sustaining the energy and enthusiasm evidenced so far by all stakeholders.

We were pleased to fund a number of new significant initiatives in 2018-19 including the Wahkohtowin Law & Governance Lodge at the University of Alberta, an Indigenous staff lawyer position at Calgary Legal Guidance, the Alberta Rural Legal Assistance Initiative of the Central Alberta Community Legal Clinic as well as the Youth Law Legal Needs Assessment by the Alexandra Community Health Centre. The Foundation also allocated additional funding to further enhance support for ongoing programs we have funded for many years.

The Foundation also attended to internal priorities including formalizing internal policies, using committees to engage directors and continue the work of the Board between meetings, as well as evaluating Board and executive performance and succession planning.

Our Board underwent one change this past year, with Judge Stirling being named to the Provincial Court, Criminal Division. We will miss his thoughtful and engaging debates around the board table. In April we welcomed new Board member Paul Chiswell, a lawyer from Calgary, appointed by the Law Society of Alberta.

I would like to express my deep appreciation to the other directors and the Foundation staff for their continued efforts to realize the Foundation's vision of accessible justice for all Albertans.

Darlene Scott, Q.C.

Staff

Deborah Duncan
Executive Director

Kate Henry
Director of Finance

Janet Kerrigan
Grants Coordinator

Diana Porter
Administrative Assistant

Flora Stevenson
*Research & Project
Coordinator*

Carmen Wyatt
Grants Coordinator

Our Vision

Accessible justice for all Albertans

Our Mission

Lead and support efforts to build a better justice community in Alberta

Our Objects

Research and Law Reform

Law Libraries

Public Legal Education

Native People's Legal Programs, Student Legal Aid Programs and programs of like nature

Contributing to the costs of Legal Aid Alberta (legislated to be 25% of IOLTA received by the Foundation in the previous year)

The Alberta Law Foundation was created under the Legal Profession Act in 1973.

The Foundation is the recipient of the interest which financial institutions pay on clients' funds held in Alberta lawyers' pooled trust Accounts. This does not include interest paid on specific trust investments held for individual clients.

The interest on lawyers' pooled trust accounts (IOLTA) together with investment and other income of the Foundation is allocated by the Board to organizations engaged in activities which will advance the objects of the Foundation.

Strategic Priorities

In 2014, the Foundation undertook a strategic planning session which developed our four Organizational Ends and associated strategic priorities which were then updated in 2017. In 2018-19, we reviewed our strategic plan and reaffirmed the Organizational Ends, which are enduring. In the second year of our 2017-20 Strategic Plan, we continued to pursue our strategic priorities under each End.

End 1

The law and the administration of justice reflect Albertans' current values.

Priority: Engage organizations to develop practical applied research and law reform proposals to meet the Foundation's Vision and Mission.

Priority: Focus on family law matters and processes.

End 2

Albertans are aware of and understand the law and their legal rights and obligations.

Priority: Promote collaboration among providers of Public Legal Education and Information.

Priority: Build evaluation capacity among providers of Public Legal Education and Information.

End 3

Albertans can effectively exercise their rights under the law.

Priority: Build effective capacity among direct legal service providers to identify and demonstrate achievement of outcomes.

Priority: Build relationships with Indigenous peoples to better understand legal needs and build capacity.

Priority: Promote collaboration and coordination among legal service providers, including Legal Aid Alberta and community legal clinics.

End 4

Excel as an organization that identifies and addresses key justice sector issues and concerns.

A. Governance Priorities

- Have and manage an effective Board succession plan.
- Focus on oversight and governance, including strategic planning.
- Foster and leverage working relationships with key justice stakeholders.
- Collaborate and benchmark with other foundations.

B. Grant-making Priorities

- Use robust data gathering, needs assessment and prioritization processes.
- Support high impact programs and initiatives that meet legal service needs of vulnerable Albertans at a reasonable cost.

C. Operations Priorities

- Ensure organizational capacity to achieve the Strategic Plan.
- Oversee continuity planning: staff recruitment, development and succession.
- Ensure fiscal responsibility and accountability.

Bridging the Gaps

At least three of the Foundation's strategic priorities focus on collaboration and coordination among service providers. Three others focus on building capacity of grantees and other stakeholders. Yet another calls for the use of robust data gathering, needs assessments and prioritization processes. The Bridging the Gaps initiative is addressing all of these priorities.

Funding Priorities

1. Legal Services for Newcomers – *especially services that are culturally and linguistically accessible*
2. Legal Services for Indigenous people – *services that are also culturally appropriate*
3. Immigration Law and Family Law – *especially legal advice and representation in these areas of law*
4. Legal advice, representation, coaching and assistance with court forms and procedures – *in all areas of law, for all types of clients*
5. Communication and referrals among service providers

To support the work needed to address these five areas, the Foundation will also support efforts to enhance staff, volunteer and board member awareness, knowledge and cultural competency of the local context in which they work.

Commenced in January 2018, the first step in the initiative was to review the access to justice literature and test the findings from that literature with Alberta legal service providers and stakeholders. The next step was to conduct an environmental scan and needs assessment among service providers to understand what legal services are available to Albertans and what they saw as the highest legal needs in their community. Bringing stakeholders together for a one-day workshop in May 2018, we identified the most pressing gaps in services and brainstormed solutions to bridge the gaps.

From that first workshop, stakeholders indicated that they wanted to do more of this work, together with their colleagues. They appreciated the opportunity to network in person, learn from each other and understand better what the others are doing in the access to justice sector.

The Foundation facilitated two subsequent workshops with growing participation each time: one was an opportunity for five of the stakeholders to share strategies they were applying in each of the priority areas identified at the May 2018 workshop; the other was open to a larger group and focused on coordination of services among legal service providers.

The outcomes so far from the Bridging the Gaps initiative are:

- Identification by justice stakeholders of priority needs and gaps in legal services in Alberta which have subsequently guided the Foundation's funding priorities (see sidebar).
- Participants have a better understanding of what services are provided to which clients in what regions, including plans for service changes at Legal Aid Alberta.
- Development of a taxonomy or glossary of service terms to contribute to a common understanding of terms in the context of legal service delivery.
- The initial development of a referral tool with precise information about services available at each agency and relevant contact information. Use of this tool should result in more appropriate and effective client referrals and facilitate service gap analysis on an on-going basis.
- Participants were able to identify opportunities for collaboration and coordination of services, some of which have been implemented almost immediately.
- Participants are becoming better acquainted with their colleagues in the sector, both in their community and in other parts of the province, by meeting face to face regularly.
- Current grantees and new applicants have been bringing forward proposals for the Foundation to fund new initiatives that will address the identified needs and bridge the gaps.

Indigenous People’s Legal Programs

In recognition of its statutory mandate to fund “Native People’s Legal Programs” and the justice-related calls to action in the Truth and Reconciliation Commission report, the Foundation’s strategic objectives include building relationships with Indigenous peoples to better understand legal needs and build capacity.

Foundation staff worked with the Faculties of Law and Native Studies at the University of Alberta on the development of a proposal for an Indigenous Law Institute to address Call to Action #50 of the Truth & Reconciliation Commission Report. In 2018-19, the Foundation board approved 2-year initial funding for the **Wahkohtowin Law & Governance Lodge** (Wahkohtowin Lodge).

The Wahkohtowin Lodge was established in early 2019 as a community-engaged, interdisciplinary unit that will

1. Support Indigenous communities to identify, articulate and implement their own laws and governance structures through community led, collaborative research and community engagement;
2. Develop, gather, amplify and transfer wise practices and promising methodologies through the provision of experiential learning, training opportunities and conferences with Indigenous communities, organizations, students, the general public, and the legal profession; and
3. Produce functional and accessible public legal education and governance resources for Indigenous governments and organizations to draw on for their own future work and goals, that are readily available, through a website to other Indigenous communities and organizations, the general public, legal service providers, and the legal profession.

The development of the Wahkohtowin Lodge also embodies the Foundation’s strategic objective to engage organizations to develop practical applied research and law reform proposals.

Some years ago, the Foundation funded an Indigenous articling student position at **Calgary Legal Guidance** (CLG) to enable the agency to enhance its engagement with the Indigenous community in Calgary and surrounding areas. Since then, with the support of several funders, CLG has developed a robust program to provide legal supports to Indigenous people both in the city and on reserve. In 2018-19, the Foundation approved funding for an Indigenous lawyer at CLG to further enhance the legal services provided to Indigenous clients.

Conversations with Indigenous communities and Indigenous legal service providers continue, to find ways to meet the unique needs of Indigenous people in the current justice system and to support Indigenous communities in their work to develop their own law and governance frameworks.

“The Wahkohtowin Lodge responds to the expressed needs of Indigenous communities and organizations, who want effective strategies to address pressing interpersonal and social issues and to rebuild their own law and governance structures that resonate within their own legal and governance traditions.”

~ Hadley Friedland & Shalene Jobin

Our Grantees' Work & Impact

In 2018-19, ALF grantees provided services to over 250,000 Albertans (see breakdown in sidebar). We thank all our grantees for their commitment and dedication to the mission of providing access to justice for Albertans.

A strategic priority for the Foundation over the last several years has been to build capacity among grantees in the area of outcomes measurement. It is important for the Foundation and all Albertans to understand not only the outputs but also the outcomes and impact of funded programs.

The Foundation has been working with the four community legal clinic organizations since 2014 to develop a logic model and evaluation framework for the summary legal advice clinics located in numerous locations across Alberta. At these clinics, volunteer lawyers provide up to an hour of free legal advice to help clients move their legal issue forward. The evaluation framework identifies the short-term, intermediate and long-term outcomes expected to be achieved as a consequence of receiving the summary legal advice.

Progress toward the short-term and intermediate outcomes is measured by surveys administered to clients immediately following a clinic appointment and two months later. Short-term outcomes in 2018-19 have continued to be strong, with between 91% and 94% of surveyed clients agreeing that following their appointment, they understood their legal rights and responsibilities, what their options are, the pros and cons of their options, and what to do next. Intermediate outcomes, measured two months after the clinic appointment, show that clients at that time are less confident about their understanding of their rights and responsibilities and the pros and cons of their options, but 75-83% of clients still agree or strongly agree with the outcome statements.

With three years of data to guide them, each individual clinic has been able to utilize the survey data to support their decision-making around what works, what doesn't work and what can be adjusted to achieve improved outcomes for clinic clients.

Plans are moving forward for the Foundation and the clinic organizations to develop a similar evaluation framework for follow-up legal advice services provided by staff lawyers at some of the clinics. These follow-up services provide additional advice and, in some cases, full representation to clients who are particularly vulnerable and cannot advance their legal issue on their own. A similar framework is to be developed for use by the student legal clinics at Student Legal Services of Edmonton and Student Legal Assistance in Calgary.

Finally, Foundation staff have been working with grantees who provide public legal information and education to develop tools to measure the outcomes achieved in those programs.

Grantee Service Outputs 2018-19

Total service contacts

250,463

Including:

Legal advice, representation or other direct legal services

102,414

Public legal education presentations

1,109

Public Legal Education attendees

40,595

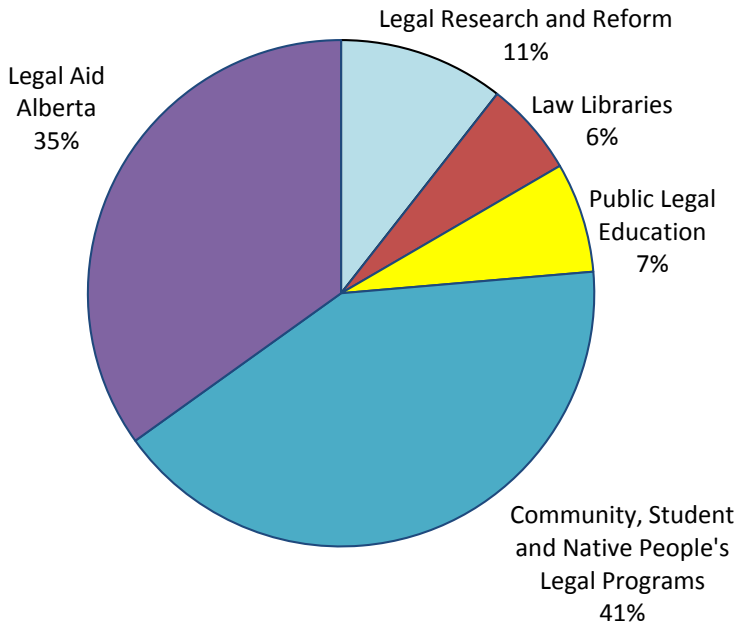
Legal information & referral

107,454

In addition to the service numbers noted above, numerous individuals benefitted from other programs funded by ALF including Legal Aid Alberta, legal research and reform programs, and public legal information accessed through online resources.

2018-19 Grant-making Year in Review

2018-19 Funding Allocations

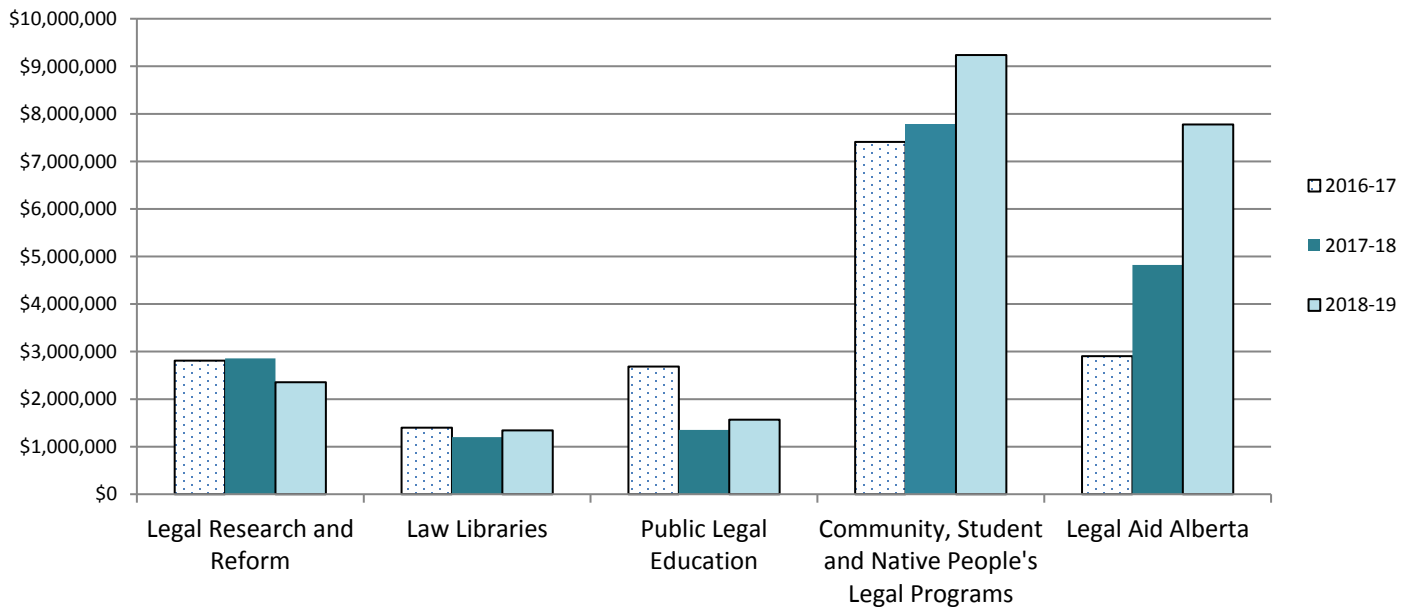


LAA contribution is 25% of IOLTA revenue but 35% of all allocations.

Grants and Contributions

Applications reviewed	46
Applications approved	45
30 Operating grants awarded	
15 Projects grants awarded	
Grants Allocated	\$14.5 million
\$13.3 million in Operating grants	
\$ 1.2 million in Project grants	
Legal Aid contribution	\$7.8 million
Total Allocations	\$22.3 million

Funding Allocations 2017-19



2018-19 Grants Awarded by Object

Legal Research and Law Reform

- Alberta Civil Liberties Research Centre \$678,200
- Alberta Law Reform Institute \$815,000
- Canadian Bar Association, Alberta,
Legal Resource Officer \$15,000
- Canadian Institute of Resources Law \$206,140
- Centre for Constitutional Studies
Legal research, publications \$394,616
Website project \$9,000
- Environmental Law Centre
Geothermal resources project \$119,352
Waste management regulatory reform
project \$109,700
- University of Windsor, National
Self-Represented Litigants Project \$9,642

Law Libraries

- Alberta Law Libraries \$1,259,628
- Canadian Legal Information Institute
Alberta Annual Statutes digital project \$83,725

Public Legal Education & Information

- Alberta Seventh Step Society \$215,220
- Alberta Worker's Health Centre
Work Plays Program \$181,000
New Junior High Play \$28,015
- Canadian Bar Association, Alberta,
Law Day \$35,700
- Calgary Chinese Community Services
Association \$79,744
- IntegralOrg, OHS Education Project \$49,000
- Legal Resource Centre \$648,300
- Portage College, Lac La Biche \$67,885
- Workers' Resource Centre
Public Legal Education \$90,336
Casework Program \$171,870

Native People's Legal Programs

- Native Counselling Services of Alberta
BearPaw Legal Education \$353,212
BearPaw Media \$124,892
- U of Alberta, Wahkohtowin Law
& Governance Lodge \$567,400
- U of Alberta, Faculty of Law
Indigenous Law Students Assoc.
Speaker Series \$12,100

Community and Student Legal Assistance

- The Alexandra Community Health Centre
Youth Legal Needs Assessment \$19,950
- Calgary Legal Guidance \$2,767,356
- Central Alberta Legal Clinic Foundation
Legal clinics, follow-up service, public
legal education, information, referral \$678,684
Medicine Hat Legal Help Centre project \$26,424
Alberta Rural Legal Assistance Initiative \$81,416
- Central Alberta Women's Outreach Society \$151,404
- Crowsnest Pass Women's Resource
and Crisis Centre \$21,850
- Edmonton Community Legal Centre
Legal clinics, follow-up service, public
legal education, information, referral \$2,119,408
Family Law Booklets \$8,430
Grande Prairie Legal Guidance \$71,870
- Elizabeth Fry Society of Calgary
Calgary Adult and Youth Court \$135,029
Regional Court Project \$72,793
- Elizabeth Fry Society of Edmonton \$482,940
- Lethbridge Legal Guidance \$385,520
- Pro Bono Law Alberta
Moving Costs Project \$10,731
Operations \$219,132
- Student Legal Assistance, U of Calgary \$413,040
- Student Legal Services of Edmonton \$435,360
- U of Calgary, Faculty of Law
Pro Bono Students Canada \$31,290
- Women's Centre of Calgary \$46,328

2018-19 Financial Results

Revenue

After two years of decline, IOLTA revenue increased sharply in 2017-18 and increased again in 2018-19 to \$31.1 million, up \$11.8 million, or 61% compared to the previous year. The abrupt and significant increases in the two most recent years are attributable almost entirely to the fact that the Bank of Canada raised interest rates five times since June 2017, including two increases in the Foundation's 2018-19 fiscal year.

The average balances in lawyers' pooled trust accounts across the province were generally similar in 2018-19 to levels seen in 2017-18. However, balances in the last three months of the fiscal year showed a larger than expected downward trend, mirroring the downward trend in the value of housing sales in the last few months of 2018.

Investment and other revenue in 2018-19 was \$3.7 million, down 17% from the prior year, resulting in total revenue of \$34.8 million in 2018-19. This represents an increase in total revenue of \$11 million or 47% over the prior year.

Legal Aid Allocation

Under the Legal Profession Act, the Foundation is required to pay to Legal Aid Alberta 25% of the IOLTA revenue received by the Foundation each year. The 2018-19 allocation to Legal Aid Alberta is \$7.8 million, payable by September 30, 2019. This amount represents 35% of all funding allocations made by the Foundation in 2018-19. Total contributions by the Foundation to Legal Aid Alberta between 1991 and 2019 amount to over \$112 million.

2018-19 Funding Allocations

The Foundation Board approved 45 of 46 grant applications reviewed in 2018-19, compared to 47 of 50 reviewed in 2017-18. Grant allocations in 2018-19 for programs and projects conducted by non-profit grantees totalled \$14.5 million compared to \$13.2 million in 2017-18 and \$14.3 million in 2016-17.

Net Financial Result

With higher IOLTA revenue resulting from higher interest rates, offset by higher allocations to Legal Aid Alberta and grant approvals, the annual surplus of the Foundation was \$12.1 million for the year ended March 31, 2019.

After taking into account the change in unrealized loss on investments at March 31, 2019, the Foundation's overall surplus was \$13.8 million, compared to \$2.6 million in 2017-18 and a deficit of \$1.1 million in 2016-17.

Fiscal Outlook & Response for 2019-20

Interest rate forecasts not long ago anticipated continuing increases through 2019. It is now apparent that interest rates will not increase in the near future and may, in fact, fall in the coming months. We have observed a decline in the housing market over the past two years in terms of the number of residential resale home sales and the dollar volume of those sales. We expect these levels to continue to decline or remain stagnant in 2019. Further, we are seeing a general downward trend in average balances in lawyers' pooled trust accounts and expect balances to remain lower for the rest of 2019-20, as compared to 2018-19.

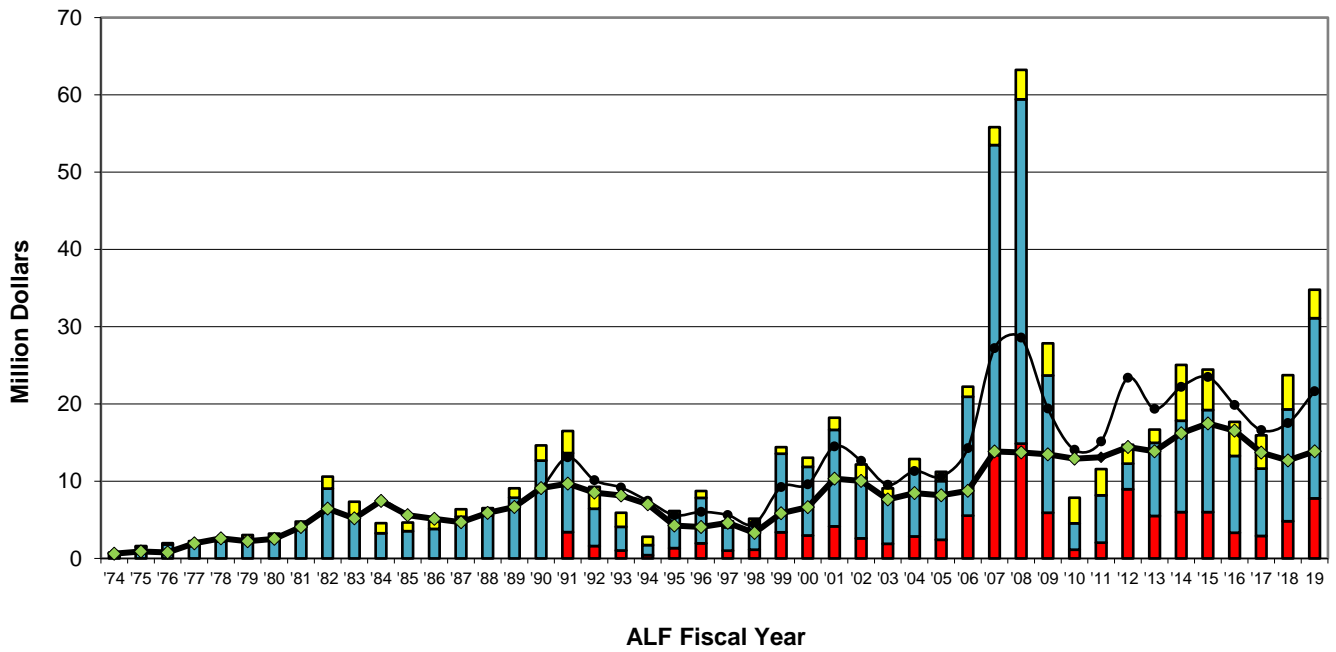
The combination of flat or lower interest rates and flat or lower average trust balances suggests that the Foundation's IOLTA income in 2019-20 will be similar to or lower than the levels seen in 2018-19.

As evidenced by the graph on the next page, the IOLTA revenue stream is highly volatile, making it difficult to predict with any certainty what the Foundation's capacity to fund grants will be from year to year. In years when revenues exceed expenses the surpluses are added to the Foundation's reserves, to be drawn on in years when annual revenues are not sufficient to sustain program grants.

In tough economic times, IOLTA revenue declines, government revenue declines, and private donations decline, but the needs of Albertans for legal assistance and support increase. The Foundation has been able to manage the IOLTA income stream over the last four decades to provide stable funding for organizations whose mandate is to support vulnerable Albertans in need of legal information, support, advice and representation.

By bringing stakeholders together on a regular basis to talk about gaps, share best practices and brainstorm new ideas, the Foundation aims to increase the availability, accessibility and coordination of legal services for vulnerable people in Alberta. These efforts will continue through the coming years and the Foundation will be well positioned to fund the promising initiatives brought forward in response.

Alberta Law Foundation Revenue and Funding Allocations



ALBERTA LAW FOUNDATION

Statement of Financial Position

March 31, 2019, with comparative information for 2018

	2019	2018
Assets		
Current assets:		
Cash	\$ 3,961,468	\$ 4,357,590
Accrued interest - bank accounts	7,455	5,042
Interest receivable:		
Lawyers' pooled trust accounts	2,747,771	2,476,478
Undisbursable trust balances receivable	167,611	–
Prepaid expenses	7,713	8,160
	<u>\$6,892,018</u>	<u>6,847,270</u>
Investments	100,744,330	82,623,989
	<u>\$107,636,348</u>	<u>\$ 89,471,259</u>
Liabilities and Net Assets		
Accounts payable and accrued liabilities	79,140	81,166
Grants payable	12,656,630	11,245,298
Payable to Legal Aid Alberta	7,774,818	4,822,898
	<u>20,510,588</u>	<u>16,149,362</u>
Net Assets:		
Strategic reserve fund	37,500,000	32,622,048
Grant stabilization fund	45,000,000	39,699,849
Designated for Future Year Grants	2,776,012	–
Unrestricted	1,849,748	1,000,000
	<u>87,125,760</u>	<u>73,321,897</u>
	<u>\$107,636,348</u>	<u>\$ 89,471,259</u>

A complete copy of the audited financial statements, including the notes and the auditor's report, is available on the ALF web site: www.albertalawfoundation.org.

ALBERTA LAW FOUNDATION

Statement of Operations

Year ended March 31, 2019, with comparative information for 2018

	2019	2018
Revenues:		
Interest earned on lawyers' pooled trust accounts	\$ 31,099,272	\$ 19,291,591
Investment Income	3,506,374	4,255,149
Undisbursable trust balances from Law Society of Alberta	167,610	170,134
	<u>34,773,256</u>	<u>23,716,874</u>
Expenses:		
Salaries	571,449	535,790
Investment advisory fee	218,503	207,828
Rent and parking	80,286	85,702
Travel and meetings	47,247	54,722
Computing and web services	29,844	28,206
General administration	23,253	15,531
Professional fees	20,223	20,223
Contract fees	16,920	20,179
Insurance	10,761	3,580
	<u>1,018,486</u>	<u>971,761</u>
Allocation to Legal Aid Alberta	7,774,818	4,822,898
Excess of revenues over expenses before grant allocations	<u>25,979,952</u>	<u>17,922,215</u>
Deduct:		
Project grant allocations	1,207,678	1,442,522
Program grant allocations	13,295,948	11,745,995
Total grant allocations	<u>14,503,626</u>	<u>13,188,517</u>
Add:		
Grant refunds	484,742	446,459
Allocations withdrawn	159,235	54,776
	<u>643,977</u>	<u>501,235</u>
Net grant allocations:	<u>13,859,649</u>	<u>12,687,282</u>
Excess of revenues over expenses before unrealized (loss) gain on investments	12,120,303	5,234,933
Change in unrealized gain (loss) on investments	1,683,560	(2,610,250)
Excess of revenues over expenses	<u>\$ 13,803,863</u>	<u>\$ 2,624,683</u>

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ALBERTA LAW FOUNDATION

Statement of Changes in Net Assets

Year ended March 31, 2019, with comparative information for 2018

	Unrestricted	Designated for Future Year Grants	Grant Stabilization Fund	Strategic Reserve Fund	2019 Total	2018 Total
Balance, beginning of year	\$1,000,000	\$ —	\$39,699,849	\$32,622,048	\$73,321,897	\$70,697,214
Excess of revenue over expenses	13,803,863	—	—	—	13,803,863	2,642,683
Internally designated transfer	567,400	—	—	(567,400)	—	—
Internally designated transfer	(13,521,515)	2,776,012	5,300,151	5,445,352	—	—
Balance, end of year	\$1,849,748	\$2,776,012	\$45,000,000	\$37,500,000	\$87,125,760	\$73,321,897

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ALBERTA LAW FOUNDATION

Statement of Cash Flows

Year ended March 31, 2019, with comparative information for 2018

	2019	2018
Cash provided by (used in):		
Operations:		
Excess (deficiency) of revenue over expenses	\$ 13,803,863	\$ 2,624,683
Items not involving cash:		
Change in unrealized gain/loss on investments	(1,683,560)	2,610,250
Net realized loss (gain) on sale of investments	177,600	(24,361)
Changes in non-cash working capital:		
Accounts payable and accrued liabilities	(2,027)	31,490
Grants payable	1,411,332	(841,518)
Payable to Legal Aid Alberta	2,951,920	1,917,761
Interest receivable - lawyers' pooled trust accounts	(271,293)	(1,422,392)
Accrued interest - bank accounts	(2,413)	(3,291)
Undisbursable trust balances receivable	(167,610)	—
Prepaid expenses	447	(8,160)
	16,218,259	4,884,462
Investments:		
Purchase of investments	(37,901,546)	(18,409,296)
Proceeds from disposal of investments	21,287,165	14,965,438
	(16,614,381)	(3,443,858)
(Decrease) increase in cash	(396,122)	1,440,604
Cash, beginning of year	4,357,590	2,916,986
Cash, end of year	\$ 3,961,468	\$ 4,357,590

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Alberta **LAW**
FOUNDATION

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