

POLICY STATEMENT

SUBJECT: LEGAL ADVICE AND ASSISTANCE

That in accordance with the L.E.A.D.S. Act, Section 6(g) the L.E.A.D.S. organization will make provisions to afford advice, assistance and legal protection to members in their professional duties and relationships.

REGULATIONS

1.0 Areas Where Legal Assistance May Be Approved:

Legal assistance shall be restricted to providing advice, assistance, and legal protection to members in their professional duties and relationships. Without restricting the generality of the foregoing, the following areas are identified as examples:

- a) dismissal
- b) board-administrator dispute (other than dismissal)
- c) administrator malpractice
- d) disputes between or among members could be very costly.

2.0 Areas Where Legal Assistance Shall Not Be Approved:

Notwithstanding Sections 4.0, 5.0 and 6.0 of this policy, in the following situations, the L.E.A.D.S. Executive shall not approve financial support.

- a) when the member is under investigation by the Professional Relations Committee.
- b) when the member is convicted of or has admitted to a criminal offence.
- c) other – as determined by the Executive.

3.0 Nature of Support

The following types of assistance can be provided:

- a) dispute resolution through mediation and/or other forms of intervention
- b) legal opinion – written or verbal
- c) case preparation
- d) case litigation – lawsuit, arbitration

4.0 Eligibility for Support

For the purposes of administering the fund, the following individuals are eligible:

- ❖ All active L.E.A.D.S. members,
- ❖ Persons who are no longer active members, but who were active members when the events giving rise to the legal action occurred.

5.0 Requests for Legal Assistance

Members are urged to contact the Executive Director. Requests for legal assistance shall be submitted to the Executive Director. Legal costs incurred prior to contacting the Executive Director of L.E.A.D.S. shall be the responsibility of the individual member.

6.0 Routing of Requests for Legal Advice and Assistance

Step 1: Executive Director

The Executive Director shall advise the member and shall obtain a legal opinion at the written request of the member.

Step 2: L.E.A.D.S. Executive Committee (President, President-Elect, and Past-President)

If the matter requires more than a professional or legal opinion, the Executive Director shall refer the matter to the L.E.A.D.S. Executive Committee which has the authority to grant support up to a maximum of \$5,000 per case. A member may appeal the decision of the Executive Committee to the Executive.

Step 3: L.E.A.D.S. Executive

The L.E.A.D.S. Executive Committee shall place before the Executive all cases where financial support beyond the stated maximum is being sought. The Executive shall make the determination as to whether the maximum \$5000 financial support should be increased and the specific amount of support, subject to further review, shall be communicated to the member and, amounts approved beyond \$5,000 shall be based on dollar-for-dollar cost sharing between the member and L.E.A.D.S. with L.E.A.D.S. total contribution to any case being capped at \$10,000. A member may appeal the decision of the Executive to the membership.

Extending Legal Support Beyond the per Case Maximum

Where in the opinion of the L.E.A.D.S. Executive, a legal decision could have important implications for the professional welfare of all L.E.A.D.S. members and/or the L.E.A.D.S. organization, the L.E.A.D.S. Executive may extend legal support beyond the per case maximum. A member may appeal a decision of the Executive to the membership.

7.0 Reimbursement

Where a judgement is in favour of a L.E.A.D.S. member and includes the awarding of costs, L.E.A.D.S. should request reimbursement from the member on a pro-rata basis to reflect the costs awarded.

8.0 Reporting to Members

The L.E.A.D.S. Executive shall table annually a written report to members concerning expenditures for legal fees.

9.0 Information to Members

Upon the written request of a member of L.E.A.D.S. and with the concurrence of the L.E.A.D.S. Executive, the following information could be made available:

- a) nature of the case;
- b) extent of legal service provided;
- c) cost to L.E.A.D.S.; and
- d) name of the member served with the member's consent in writing.

10.0 Budget Allocation

The L.E.A.D.S. Executive shall make an annual budget allocation for legal services.

11.0 Policy Review Procedures

This policy shall be reviewed annually by the Executive.