

<b>Organization Name</b> Justice and Solicitor General (JD)	<b>Org Code</b> JD	<b>Schedule Number/Status</b> <b>2017/004</b> Approved
<b>Program/Service Name:</b> Legal Services		

**SCHEDULE ADMINISTRATION**

<b>Type:</b> Continuing Schedule	<b>Organization Chart:</b> <b>External Documents:</b> <b>Comments:</b> N
<b>Related Schedule(s):</b> 2014/009-A002 Alberta Crown Prosecution Service 2016/012 Legal Services - Aboriginal Law 2011/032-A002 Legal Services - Civil Law - Social Enhancement Legal Team 1985/054-A2 Legislative Counsel 1985/055 Legislative Counsel	
<b>Cancels/Replaces Schedule(s):</b> 1982/223-A2 Civil Litigation	
<b>Amendment History</b> ----- None -----	
<b>Schedule Transfer History</b> ----- None -----	
<b>Schedule Cancellation History</b> ----- None -----	

**SCHEDULE APPROVALS**

<b>Senior Program Manager:</b> Original Signed by, Senior Program Manager	<b>Date:</b> May 23, 2017
<b>Senior Records Officer:</b> MacInnis, Charlotte	<b>Date:</b> May 23, 2017
<b>ARMC Chair:</b> Phillips, Deb	<b>Date:</b> Sep 27, 2017
APPROVED IN ACCORDANCE WITH RECORDS MANAGEMENT REGULATION (A.R. 224/2001) AND GOVERNMENT ORGANIZATION ACT (R.S.A. 2000, Chapter G-10, Schedule 11)	

**PROGRAM/SERVICE INFORMATION**

<b><u>Purpose/Function</u></b>
The Department of Justice and Solicitor General's Legal Services Division is responsible for the delivery of all civil legal services to the Government of Alberta. Legal Services Division is divided into numerous legal teams, including

litigation and solicitor teams. Solicitor teams are structured according to Departments that are being served (for example: Energy Legal Team, Health Law Legal Team). Central Services provides solicitor services to many smaller Departments.

Civil Law team provides legal services and related strategic services to all government ministries and represents the Government of Alberta in matters before courts and tribunals. Where external counsel is used, Legal Services Division contracts with the external counsel on behalf of the Government of Alberta. Constitutional Law provides specialized services to the government in constitutional matters, including both solicitor and litigation services. Legislative Reform leads legislative planning and law reform initiatives related to legislation under the jurisdiction of Alberta Justice and Solicitor General and provide advice on legislative policy.

### **Brief History**

- 1906: Alberta Justice was officially created by Alberta legislation in 1906, when the Attorney General Act repealed and replaced the Territorial legislation. Under the 1906 Act the duties of the Attorney General were to supervise the administration of the laws and the provincial courts. The Minister holding this position would serve as legal advisor to the Lieutenant Governor, proceedings of the Legislative Assembly, and the department heads. The Attorney General was the legal member of the Executive Council and was charged with the regulation and conduct of litigation for or against the Crown or any public department.
- 1918: Uniform Law Conference of Canada (ULCC) was founded to harmonize the laws of the provinces and territories of Canada.
- 1967: Alberta Law Reform Institute (ALRI) was founded. The Alberta Law Reform Institute (ALRI) is the official law reform agency of the province of Alberta.
- 1973: The functions related (law enforcement, corrections, and probation) to the Solicitor General were transferred out of the Attorney General to create the Department of the Solicitor General.
- 1992: On December 15, 1992, the Solicitor General was merged with the Attorney General to form the Department of Justice.
- 1993: In June 1993, Department of Justice became the Department of Justice and Attorney General.
- 1994: The Minister of Justice became both the Minister of Justice and the Attorney General for the province of Alberta. Major departmental reorganizations took place in 1994. Department of Justice and Attorney General became known as Alberta Justice.
- 2001: On March 19, 2001, under the authority of the *Government Organization Act*, the function of the Solicitor General was split once more from the Ministry of Justice to form the Ministry of Solicitor General, also known as the Alberta Solicitor General (O.C. 95/2001). The Ministry of Justice and Attorney General retained responsibility for court services, criminal prosecutions, legal services, the Public Trustee and Maintenance Enforcement Program, and the Office of the Chief Medical Examiner.
- 2005: The major divisions in the Department of Justice were the Aboriginal Justice Initiatives Unit, Communications, Court Services, Criminal Justice, Legal Services, Maintenance Enforcement, Policy Secretariat, Strategic Human Resource Services, and Strategic Services.
- 2012: On May 08, 2012, the Justice and Attorney General, Solicitor General and Public Security were consolidated to form the Ministry of Justice and Solicitor General.

### **Mandate/Legal Authority**

*Government Organization Act* Schedule 9

## **OPINIONS**

No Opinions Requested.

## **SCHEDULE ITEMS**

## 01 Legal and Strategic Advice - Case Files

Legal Services Division provides legal advice and assistance to all departments within the Government of Alberta.

In both the central and seconded services these records are maintained by the lawyers for their use to provide legal services and related strategic advice to client Ministries. This series includes general advice, legislation and policy development.

File contents include, but are not limited to; material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents.

**Date Range:** 1906 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :** PIB

<b>Closure Criteria:</b> Submitted to client, matter resolved, or no further action required and legal counsel sign off placed on file	<b>Retention On-site:</b> 1 Year(s)	<b>Retention Off-site:</b> 10 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**

1982/223-A2

2

LEGAL ADVICE AND ASSISTANCE (7000 Series)

## 02 Civil Litigation - Case Files

Legal Services Division is charged with the regulation and conduct of litigation for or against the Crown or any public department.

These files are maintained by the lawyers for their use when handling claims by and against the Crown, Ministers of the Crown, government employees, and some Crown agencies, boards, and commissions. These files may also be used to prepare and appear in court applications in cases such as civil forfeiture, human rights matters, and expropriation.

File content include, but not limited to; material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents.

This case file series excludes Constitutional Law (see item 03), and Aboriginal Litigation (see Retention Schedule 2016/012).

NOTE: Client records will be returned to the client Ministry prior to closing the file.

**Date Range:** 1906 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :** PIB

<b>Closure Criteria:</b> Court disposition and appeal period expired, or discontinuance, or withdrawn, or dismissed, or no further action required and legal counsel sign off placed on file.	<b>Retention On-site:</b> 1 Year(s)	<b>Retention Off-site:</b> 10 Year(s)
--	--	--

<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives
---	------------------------------------

**Items to be cancelled:**

1982/223-A2	1	PROVINCIAL/FEDERAL STATUTES (5000 Series)
1982/223-A2	3	CIVIL LITIGATION (9000 Series)
1987/005	7.6	Litigation

### 03 Constitutional Law

Constitutional Law provides specialized services to the government in constitutional law matters.

These records are maintained by the lawyers for their use when preparing legal advice to a ministry on potential constitutional issues, or to defend Alberta legislation when challenged in court on constitutional grounds.

File contents include, but not limited to; material requesting solicitor assignment, correspondence with client department, legal research, legal advice and opinions, copies of supporting court documents.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

**Date Range:** 1906 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :**

<b>Closure Criteria:</b> Submitted to client, matter resolved, or no further action required and legal sign off placed on file.	<b>Retention On-site:</b> 3 Year(s)	<b>Retention Off-site:</b> 17 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**

None

### 04 Legislative Reform and Planning

Legislative Reform leads legislative planning and law reform initiatives under the jurisdiction of Alberta Justice.

File contents include, but not limited to; research, policy, drafting instructions, and advice to the Minister.

**Date Range:** 1906 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :**

<b>Closure Criteria:</b> Submitted to client, matter resolved, or no further action required and legal counsel sign off placed on file.	<b>Retention On-site:</b> 1 Year(s)	<b>Retention Off-site:</b> 10 Year(s)
<b>Concurrence Conditions:</b>	<b>Final Disposition:</b> Archives	

Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	
---	--

**Items to be cancelled:**

None

## 05 Alberta Law Reform Institute

The Alberta Law Reform Institute (ALRI) provides independent comprehensive advice to the Government of Alberta and other agencies. Two departmental representatives are appointed to the ALRI board. Funding for ALRI comes primarily from Alberta Justice and Solicitor General and the Alberta Law Foundation.

This series includes, but not limited to correspondence to and from the institute; agreement establishing the institute and ongoing renewal agreements, including records related to funding, meeting agendas and minutes, and annual reports. This series also includes records related to; various ALRI projects such as Law of Expropriation, Unified Family Court, Seatbelt Legislation, Freedom of Information, Common Law Relationships, etc.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

**Date Range:** 1967 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :**

<b>Closure Criteria:</b> Calendar year end (Dec 31)	<b>Retention On-site:</b> 3 Year(s)	<b>Retention Off-site:</b> 17 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**

1982/223-A2

4

INSTITUTE OF LAW RESEARCH AND REFORM OF ALBERTA (9100 Series)

## 06 Uniform Law Conference of Canada

Uniform Law Conference of Canada (ULCC) develops Uniform Acts, Model Acts, Statements of Legal Principles and other documents deemed appropriate to meet the demands that are presented to it by the constituent jurisdictions from time to time. Covers files dealing with the creation of Uniform Law that may be of civil or criminal nature.

Contents include, but not limited to; correspondence, policy and procedure, agenda, meetings, minutes, working papers, drafts, amendments, judicial decisions, revisions and consolidation relating to uniform acts.

This series also includes all case files related to specific law reform projects.

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

**Date Range:** 1918 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :**

<b>Closure Criteria:</b> Calendar year end (Dec 31)	<b>Retention On-site:</b> 3 Year(s)	<b>Retention Off-site:</b> 17 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**

1982/223-A2                      5                      UNIFORM LAW CONFERENCE OF CANADA (9200 Series)

**07 Supreme Court of Canada (9300 series)**

Includes material received from the Supreme Court of Canada or Alberta Justice's legal agent for the Supreme Court of Canada.

Records may include notices, interventions, taking of evidence, and service of documents on a person not living in the country, and internal briefings related to Supreme Court of Canada issues and procedures.

Note: Litigation files that proceed to the Supreme Court of Canada are not filed in this series, but together with the rest of the file record (civil litigation item 2, constitution litigation item 3, and aboriginal litigation Retention Schedule 2016/012).

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

**Date Range:** 1906 to date

**Media:**

**Other:** all media

**Legal Reference:**

**FOIP Ref :** PIB

<b>Closure Criteria:</b> Calendar year end (Dec 31)	<b>Retention On-site:</b> 3 Year(s)	<b>Retention Off-site:</b> 17 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**

1982/223-A2                      6                      SUPREME COURT OF CANADA (9300 Series)

**08 United Nations (9400 Series)**

The Department leads this work and, Legal Services represents the Department on the Government of Alberta interdepartmental committee.

These records relate to Alberta's portion of federal government reporting on United Nations conventions. Includes records related to interdepartmental committee meetings and information exchanges as well as Federal-Provincial-Territorial meetings.

Includes material relating to universal periodic reporting on the following United Nations human rights conventions and covenants: International Convention of the Elimination of All Forms of Racial Discrimination (accession by Canada 1970); International Covenant on Civil and Political

Rights (Accession by Canada 1976); International Covenant on Economic, Social and Cultural Rights (ratified by Canada in 1976); Convention on the Elimination of All Forms of Discrimination against Women (ratified by Canada in 1981); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Canada in 1987); Convention on the Rights of the Child (ratified by Canada in 1991); Convention on the Rights of Persons with Disabilities (ratified by Canada in 2010).

Retention Rationale: Case law is uncertain on how limitations apply, consequently, issues arise (after file closure) due to the historical nature of the issues and continual changes in case law. This series provides future precedent in matters of policy, legislation, agreements and litigation.

**Date Range:** 1906 to date  
**Media:**  
**Other:** all media  
**Legal Reference:**  
**FOIP Ref :**

<b>Closure Criteria:</b> Calendar year end (Dec 31)	<b>Retention On-site:</b> 3 Year(s)	<b>Retention Off-site:</b> 17 Year(s)
<b>Concurrence Conditions:</b> Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	<b>Final Disposition:</b> Archives	

**Items to be cancelled:**  
1982/223-A2                      7                      UNITED NATIONS (9400 Series)

## 09 Source Documents

Include the source documents that have been successfully captured;

- electronically by scanning or imaging into an electronic records management repository;
- scanned and stored on microfilm, microfiche, or aperture cards (microform).

The process used to scan and image source records comply with an applicable standard as determined through a business risk assessment. Adherence to a standard is determined by the level of risk associated with the records series being scanned. The application of a specific standard (Ministry Standard, GoA Standard and/or CAN/CGSB-72.11-93) is implemented prior to commencement of scanning activities. A pre-determined ration of scanned/imaged records will be verified against the original source documents as part of the required quality assurance procedures under the selected standard, to ensure that the image quality and scanning process are correct. The verified image is designated the master version and the original source document constitutes a copy. All processes, including creation, capture, receipt, identification, management and protection of records through their lifecycle have been documented in a procedures manual as required by standard.

If applicable, the requirements under the Canadian e-evidence standard CAN/CGSB-72.11-93 have been implemented to ensure the legal admissibility of records in court.

This applies to source records for all items in this series.

**Date Range:** 1906 to date  
**Media:** Paper    Microfilm  
**Other:**  
**Legal Reference:**  
**FOIP Ref :**

<b>Closure Criteria:</b> After verification of image	<b>Retention On-site:</b> 30 Day(s)	<b>Retention Off-site:</b> 0 Day(s)
<b>Concurrence Conditions:</b>	<b>Final Disposition:</b> Destroy	

Providing no outstanding litigation or litigation that is reasonably anticipated and providing no outstanding FOIP requests	
---	--

**Items to be cancelled:**

None

**COMMENTS**