



**ALBERTA LAWYERS
INDEMNITY ASSOCIATION**

**2022-2023
ANNUAL
REPORT**

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ABOUT ALIA

Established in 1988, Alberta Lawyers Indemnity Association (“**ALIA**”) is the member-funded, non-profit corporation that manages Alberta’s indemnity program for participating lawyers (“**Subscribers**”), providing economic and reputational protection to them and compensation to members of the public who have suffered certain financial losses due to the actions of Subscribers.

The program covers professional errors, lawyer misappropriation, and as of

December 31, 2022, some elements of [cyber breach response](#).

ALIA operates as a separate financial entity from The Law Society of Alberta (“**Law Society**”), ALIA’s shareholder. The Law Society regulates Alberta lawyers in the public interest and is committed to promoting a high standard of legal services and professional conduct.

ALIA is overseen by a board of directors selected for their skills and experience.



MISSION

A Subscriber-funded organization delivering a trusted indemnity program through integrity, professionalism and high-quality service.

CORE PURPOSE

To provide protection to Subscribers and compensation to members of the public who have experienced losses resulting from the acts or omissions of Subscribers.



ALIA'S CORE VALUES



EXCELLENCE

We deliver services that meet or exceed expectations.



INTEGRITY

We do what we say, ethically, with fairness and respect.



RELIABILITY

We believe dependability and consistency are key to building trust and managing the relationships we develop.



AGILITY

We address needs in a changing environment.

GOALS



QUALITY

Stakeholders are satisfied with, and have confidence in, ALIA's delivery of a high-quality indemnity program.



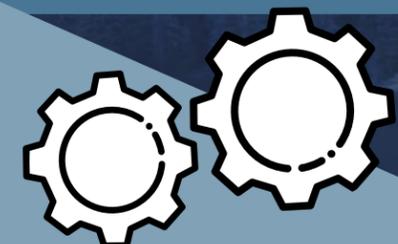
COLLABORATION

ALIA has positive relationships with each of the third parties and whom it works to achieve its mission.



SUSTAINABILITY

ALIA's agile, proactive and risk-aware approach contributes to the sustainability of an indemnity program in which Subscribers have access to appropriate coverage at a reasonable price.



EFFICIENCY AND EFFECTIVENESS

ALIA's high-performance, inclusive team and ALIA's practices and processes support increased efficiency in the provision of its services.

MESSAGE FROM THE CHAIR OF THE BOARD



We are pleased to present the 2022-2023 Annual Report for Alberta Lawyers Indemnity Association (“ALIA”). Through the charts and tables that follow, we will provide insight into and offer some historical context for the claims trends and causes for the year.

I would also like to take this opportunity to highlight the following key achievements and challenges for the year.

Subscriber Satisfaction: ALIA continues to use closed-file surveys to measure the satisfaction rates of Alberta lawyers (“Subscribers”) participating in the mandatory indemnity program (the “Program”). This year, Subscriber satisfaction rates reached an all-time high of 98.8%.

Levy: The 2022-2023 policy year marked the fifth year in a row that ALIA was able to reduce the amount



Steve Raby,
K.C.

of the annual base levy payable by Subscribers, despite claims volumes and paid claim amounts continuing to rise.

The levy for the upcoming 2023-2024 policy year was set by the Board at our April 2023 meeting. Although the Misappropriation levy remained at its historical low, ALIA had to increase the Professional Liability levy, as the application of capital was less than in previous years due to reduced investment performance.

In the three preceding policy years, solid investment returns enabled ALIA to make surplus distributions to decrease the Professional Liability levy by between \$1,107 and \$1,662 per Subscriber; the 2023-2024

distribution was substantially less at \$765 per Subscriber.

Loss Trends: Civil Litigation was the area of law with the greatest number of claims again this year, almost double the next highest area, Matrimonial and Family, and almost triple the third most common, Real Estate / Conveyancing. Over the past five years, the amount incurred by ALIA in damages and defence costs relating to claims in Civil Litigation was the highest area of law, with more losses than the combined amount incurred for Commercial, Corporate, Real Estate / Conveyancing, Matrimonial and Family, and Estate Planning and Administration.

Insurance: Although the insurance market continued to be quite hard (i.e., rates are rising and coverage is more difficult to find) and we saw some insurers who were not prepared to remain in

the professional liability market, ALIA was able to fully place our Professional Liability coverage at the same attachment points with a premium decrease of 4%.

Further, ALIA was able to renew the Misappropriation coverage with our current third-party insurer for the same premium.

Civil Litigation Filing Levy (“CLFL”): The CLFL project, launched two years ago, continued as a pilot project as of June 30, 2023. The revenues that ALIA has received from this project, while significant (approximately \$1.91 million as of June 30, 2023), are well below projections based on data from the Court of King’s Bench, suggesting compliance failure by some Subscribers.

CONTINUED ON PAGE 5

MESSAGE FROM THE CHAIR OF THE BOARD



In 2023-2024, we will be looking at ways to address this noncompliance.

Universal Cyber Coverage:

After many months of planning and negotiation, ALIA was able to provide universal cyber coverage to all of its Subscribers this year, commencing on December 31, 2022. Importantly, the universal cyber coverage policy, which contains first and third party coverages, did not require Subscribers to apply for coverage or have their computer systems vetted by the insurer, Zurich. That said, we continue to advise that all Subscribers and their firms exercise good “cyber hygiene”, including two-factor authentication, current firewalls, and antivirus software.

Succession Planning: This year saw several changes to the Board and Management and an emphasis on succession planning. I retired from the Board in June 2023, as did Linda Vennard.



Subscriber satisfaction rates reached an all-time high of 98.8%”

Don Cranston, K.C., a Board member, former Benchers, and former President of the Law Society of Alberta, was appointed as Chair effective upon my retirement.

To ensure a smooth transition in the office of Chair, ALIA’s Board recommended to the Benchers that a Past Chair position with a one-year term be created, with the Past Chair serving on the Executive Committee, but not being a Board member. The Board also recommended that Director terms be limited to 10 years.

The Benchers approved these amendments to ALIA’s Articles of

Association in June 2023, and I became ALIA’s first Past Chair for a one-year term.

The Board retirements also resulted in two new directors, Melanie Litoski and Salimah Walji-Shivji, K.C., being appointed to the Board by the Benchers following a search by a search committee appointed by the Executive Committee.

At the Management level, Anna Lerch was appointed Senior Manager, Operations, to replace Yvonne Ladouceur, who announced her retirement this year. Anna, ALIA’s former Manager, Claims, is well

qualified for her new role, having managed the Claims Department for three years and being with ALIA for 13 years.

It has been my honour to have led an organization that continues to provide what I believe is an excellent and stable insurance program for the legal profession in Alberta.

My thanks to David Weyant, K.C., and all of the ALIA team for their continued dedication and hard work in continuing to move the Program forward in challenging times.

Steve Raby, K.C.

MESSAGE FROM THE PRESIDENT AND CEO



Steve Raby, K.C., covered many of ALIA's key accomplishments for 2022-2023 in his Message from the Board Chair. I wish to devote my message to addressing some of Steve's key accomplishments in his tenure in that role.

Steve retired from the role of Chair of ALIA's Board in June of this year after 10 years of outstanding service. He was the first and, until this year, only Chair of both Alberta Lawyers Insurance Exchange and ALIA. His Board leadership and guidance and oversight of ALIA's management have made a significant contribution to the Program's successes, achievements, and innovations.

As Chair, Steve developed a fully skills-based, collaborative, and effective Board, one whose breadth of experience and diversity of thought carefully balanced protecting Subscribers with compensating the public. This helped stabilize the Program and enhance its financial rigour and governance. Leading from



**David Weyant,
K.C.**

the top, with integrity, pragmatism, and compassion, Steve helped enhance ALIA's reputation as an employer, enabling it to recruit and retain an excellent team. Under Steve's leadership, management and the Board developed and implemented the Board's strategy, including the purpose, mission, and values set out in this annual report.

One of Steve's goals was to keep the levy as low as reasonably possible, which was accomplished by leading the Board in focusing on such actions as proper claims reserving, endeavouring to keep the claims volume and severity at reasonable levels, providing oversight to the Program's investment managers, looking at other sources of revenue,

and generally providing oversight as it relates to maintaining ALIA's strong financial position. As an indication of Steve's success in this goal, the 2022-2023 base levy was the lowest the Professional Liability levy has been in Alberta since the 2008-2009 policy year and the lowest the Misappropriation levy has ever been. ALIA was able to accomplish this despite the increase in reported claims against Alberta lawyers for the year.

During Steve's term, ALIA paid over \$109 million in Professional Indemnity compensation to clients and other members of the public and returned over \$2.5 million in Misappropriation funds to the public.

Other specific initiatives undertaken during Steve's tenure as Chair include:

- Increasing reserve accuracy such that annual adjustments recommended by ALIA's external reviewer have plummeted from an

average of \$2.5 million per year to under \$75,000 this year.

- Supporting relationships with insurers in various markets to mitigate risk to the organization.
- Ensuring ALIA continues to have a strong and knowledgeable Board with effective decision-making and governance skills as recognized by third parties, including the Governance Professionals of Canada, who selected ALIA as one of three organizations shortlisted for their 2022 Organizational Governance award.
- Moving to evidence-based decision-making using data analysis, including trend analysis.
- Providing guidance through the mortgage fraud crisis in Alberta.
- Encouraging proactive outreach to firms and organizations to provide education on loss prevention.

CONTINUED ON PAGE 7

MESSAGE FROM THE PRESIDENT AND CEO



- Removing automatic denials for late reported claims.
- Focusing on a more expeditious resolution of claims.
- Developing tools and policies to reduce volatility in the annual levy.
- Implementing governance policies and other novel policies, including the Ex Gratia Payment Policy.
- Overseeing the Enhancing Efficiency and Effectiveness project to restructure the Program, producing significant savings, enabling better investment opportunities, and facilitating improved communications with the Law Society.
- Overseeing the development of the Enterprise Risk Management framework, including risk identification and mitigation strategies.
- Examining innovative ways to lower the base levy without decreasing coverage, including designing and implementing the CLFL.



The 2022-2023 base levy was the lowest ... since the 2008-2009 policy year”

- Designing and implementing the Enhanced Surcharge Protocol to reduce the levy paid by Subscribers who have not had multiple paid claims and incentivize loss prevention behaviours in Subscribers.
- Moving to virtual Board meetings during the COVID-19 pandemic and ensuring that ALIA continued to serve Subscribers seamlessly and efficiently.
- Assisting Subscribers by implementing a reduced COVID-19 levy and cash-flow payment option.
- Seeking Subscriber feedback on potential program changes and ways to improve ALIA’s service and coverage.
- Authorizing ALIA’s support of over \$3 million to the Alberta Lawyers’ Assistance Society (Assist).
- Overseeing mitigation to the Humphreys decision, including: robust communications with Subscribers, preparing a successful submission to amend Rule 4.31 of the Rules of Court, and providing a sample Standstill Agreement to all Subscribers.
- Guiding the facilitation of ALIA’s investments in infrastructure and

real estate when experts determined that ALIA’s bond returns would drop and then continue to remain low, if not non-existent, for the foreseeable future.

- Guiding the diversification of ALIA’s investments to include infrastructure and real estate to mitigate losses in bond returns.

On behalf of the ALIA team and ALIA’s Subscribers, I want to thank Steve for his exceptional service and to welcome Don, another proven leader with the wisdom and compassion to continue ALIA’s mission.

Looking ahead, I know there will be new challenges and opportunities for ALIA, not the least of which will be the impact of other professionals and artificial intelligence on the practice of law. I also know that ALIA will remain strong and resilient to continue to protect Subscribers and the clients they serve.

David Weyant, K.C.

LEVY SUMMARY FOR 2022-2023 POLICY YEAR



LEVY REDUCED TO 14-YEAR LOW DESPITE HIGHER REPORTED CLAIMS

The 2022-2023 annual levy was the lowest the Part A levy has been since the 2008-2009 policy year and the lowest the Part B levy has ever been.

This marks the fifth year in a row that ALIA has reduced the amount of the annual base levy payable by Alberta lawyers participating in the mandatory indemnity program.

ALIA decreased the base levy despite an increase in reported claims and the continued trend of average paid claim costs increasing. ALIA achieved this reduction in the base levy by applying capital from the returns on its investments and the credit for the Civil Litigation Filing Levy.

\$2,300

PROFESSIONAL LIABILITY (PART A)

Covers negligence resulting from errors in the rendering of professional services.

\$210

MISAPPROPRIATION (PART B)

Covers theft or wrongful conversion of money, securities or property that was entrusted to or received by an ALIA Subscriber in their capacity as a barrister or solicitor.

CYBER COVERAGE

\$265

Universal Cyber Coverage launched on December 31, 2022, with all ALIA Subscribers and their firms being automatically covered. The cost for Subscribers was \$265 for the first 12 months, billed with the 2023-2024 levy.

CIVIL LITIGATION FILING LEVY

The CLFL was introduced on July 1, 2021, in an effort to offset the consistently high percentage of claims originating from Civil Litigation.

\$75

per filing

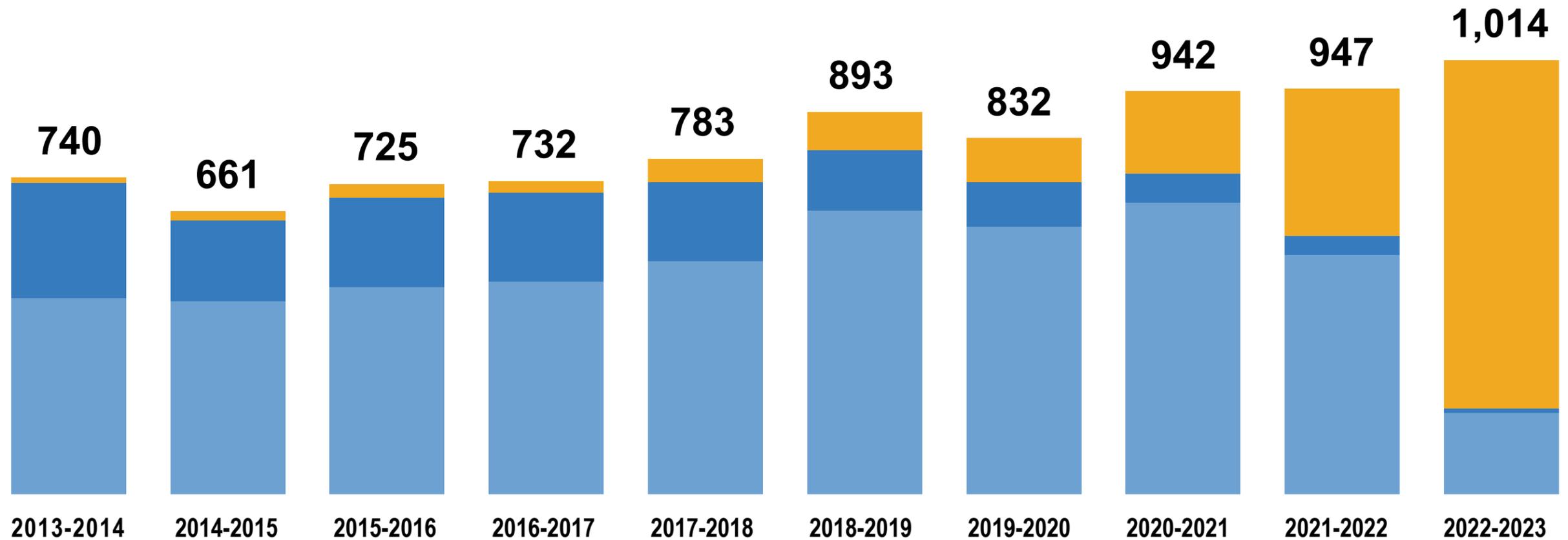
YEARLY TOTAL REPORTED CLAIMS (10 YEARS)

OPEN AND CLOSED

JULY 1, 2013 - JUNE 30, 2023



NUMBER OF REPORTED CLAIMS FOR LAST 10 POLICY YEARS



Total Claims	740	661	725	732	783	893	832	942	947	1,014
Open Claims	13	21	33	28	55	90	103	194	344	815
Closed Claims	727	640	692	704	728	803	729	748	603	199
Number of Claims Closed with Zero Payment	457	450	483	496	544	662	624	681	558	190

Chart contains data for claims and potential claims, and is current as at June 30, 2023. Data will change as more claims mature.

**TOTAL
REPORTED
CLAIMS:**

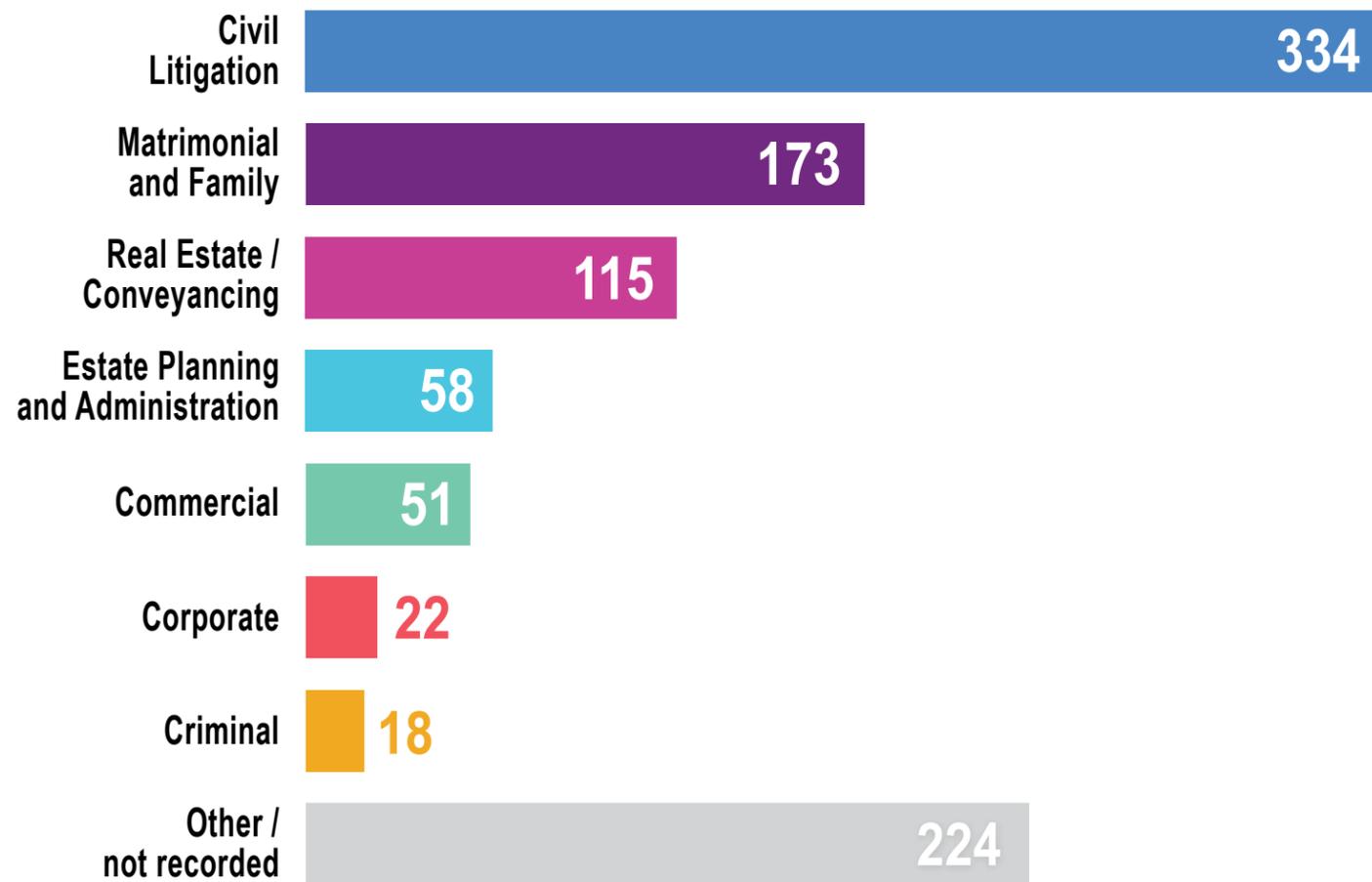
1,014

**BY AREA
OF LAW**

**JULY 1, 2022 -
JUNE 30, 2023**



NUMBER OF CLAIMS



Claims in the "Other / not recorded" category are higher immediately after the end of a policy year and will diminish as reported claims mature and are categorized.

PERCENTAGE OF CLAIMS

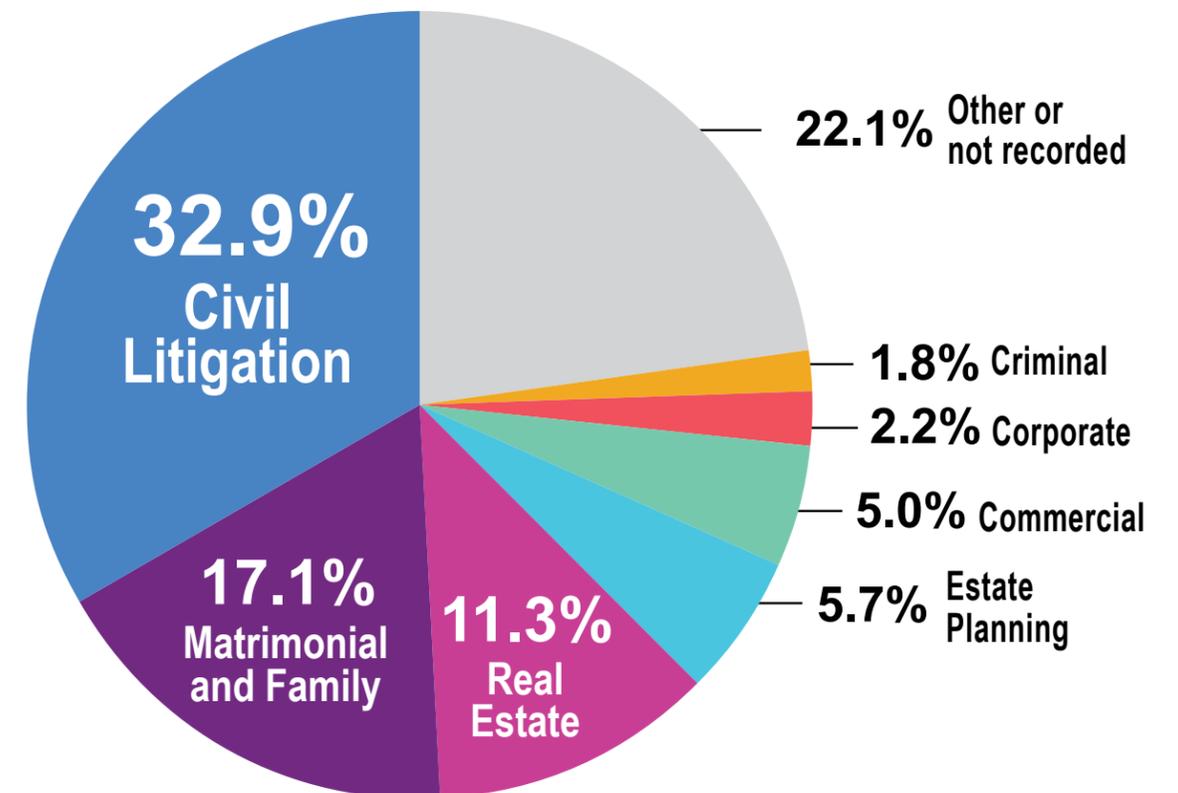


Chart contains data for claims and potential claims, and is current as at June 30, 2023. Data will change as more claims mature.

HISTORICAL CLAIMS OVERVIEW (10 YEARS)

BY AREA OF LAW

JULY 1, 2013 - JUNE 30, 2023



LAST 10 YEARS OF REPORTED CLAIMS

Policy Year	Civil Litigation	Matrimonial and Family	Real Estate	Estate Planning	Commercial	Corporate	Criminal	Other	Total Claims	Number of ALIA Subscribers	Claims for every 100 Subscribers
2022-2023	334	173	115	58	51	22	18	224	1,014	7,397	13.7
2021-2022	367	165	147	63	74	35	31	66	948	7,263	13.0
2020-2021	411	150	130	52	80	31	20	68	942	7,068	13.3
2019-2020	299	129	137	54	75	36	20	82	832	6,917	12.0
2018-2019	340	167	121	57	72	40	16	80	893	6,753	13.2
2017-2018	286	146	135	58	64	25	14	55	783	6,664	11.7
2016-2017	269	118	134	55	55	25	16	60	732	6,521	11.2
2015-2016	283	96	143	42	62	24	12	63	725	6,373	11.4
2014-2015	259	88	152	30	38	21	15	58	661	6,281	10.5
2013-2014	283	90	166	49	62	25	17	48	740	6,084	12.2
10 year average %	37.9%	16.0%	16.7%	6.3%	7.7%	3.4%	2.2%	9.7%	total: 8,270		



Civil Litigation consistently accounts for the most reported claims, accounting for 37.9% of claims in the last 10 policy years.



The overall increase in reported claims throughout the last 10 years appears to correlate with ALIA encouraging Subscribers to report any “potential claims,” and the chart on Page 9 shows that there is a rising trend in claims closed with zero payment.

Chart contains data for claims and potential claims, and is current as at June 30, 2023. Data will change as more claims mature.

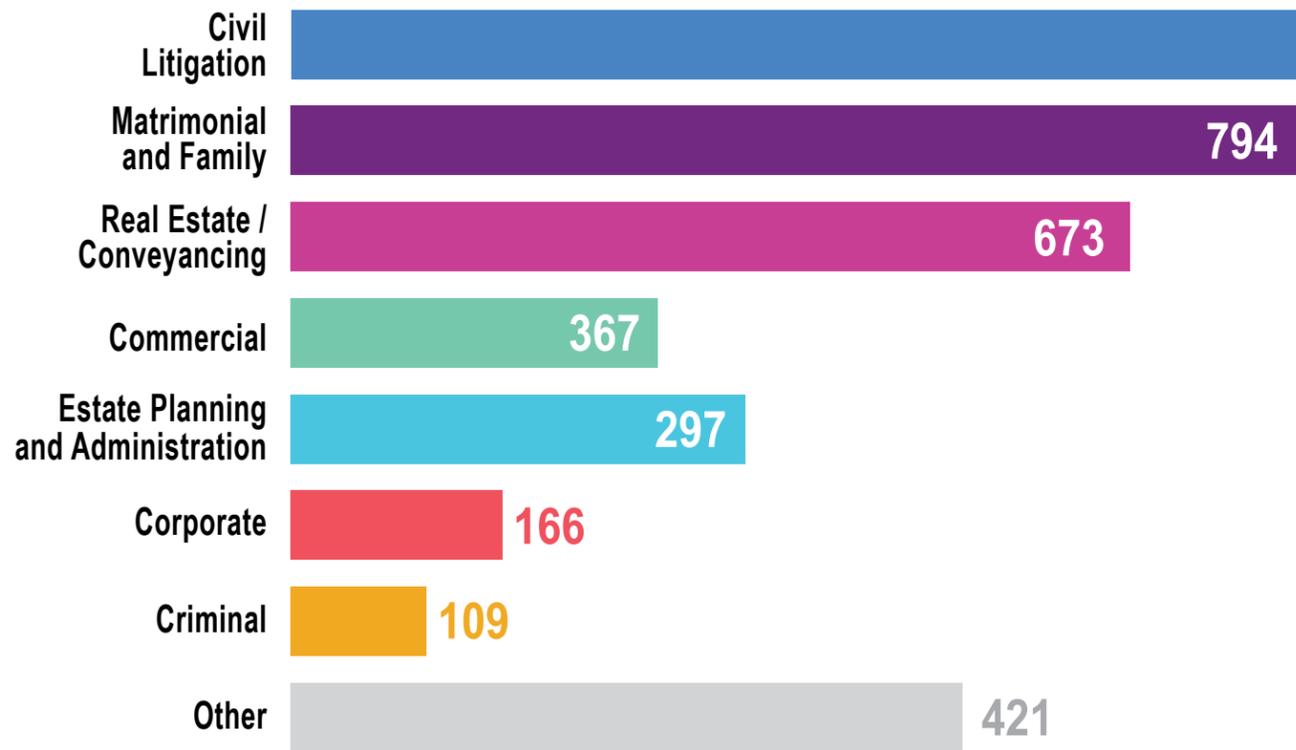
HISTORICAL CLAIMS DISTRIBUTION (5 YEARS)

BY AREA OF LAW

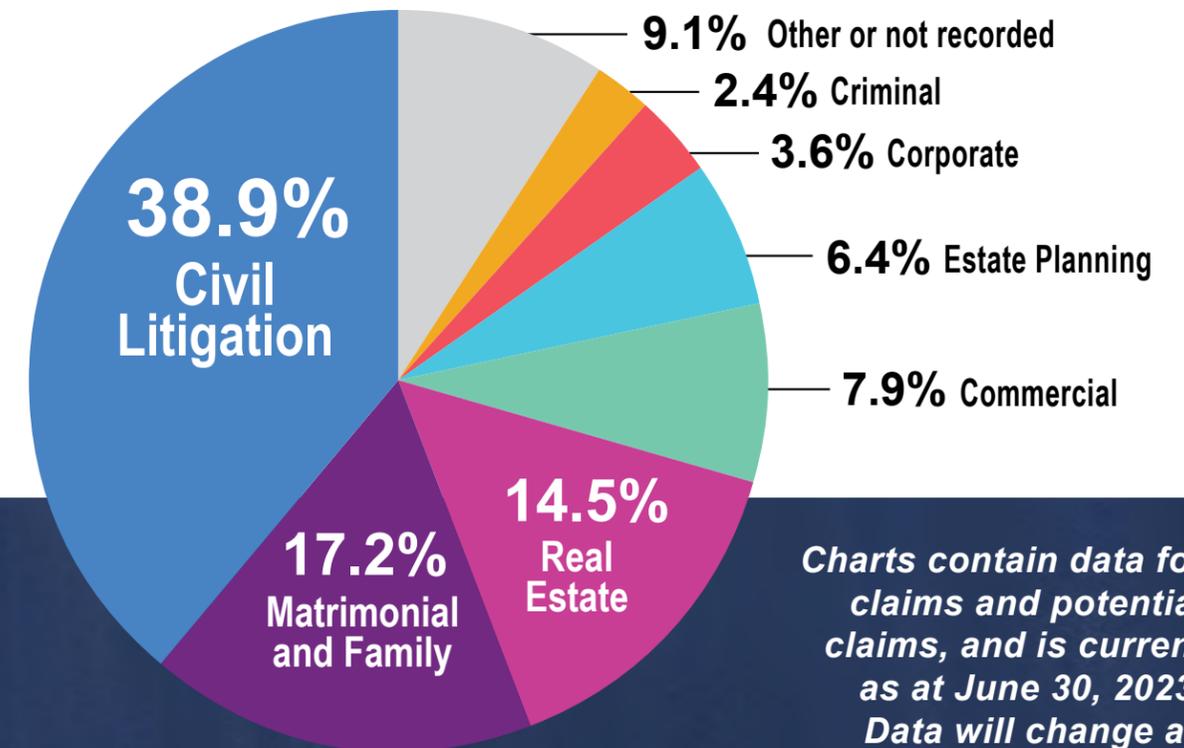
JULY 1, 2018 - JUNE 30, 2023



REPORTED CLAIMS FOR LAST 5 YEARS



PERCENTAGE FOR LAST 5 YEARS



Charts contain data for claims and potential claims, and is current as at June 30, 2023. Data will change as more claims mature.



Because a large number of claims from the most recent policy year remain open, analyzing 5 or 10 years of reported claims can offer a more accurate representation of trends. As more claims mature, ALIA is likely to see 2022-2023 numbers for Civil Litigation rise closer to the 38.9% seen in the 5-year average.

INCURRED DAMAGES AND DEFENCE COSTS (LAST 5 YEARS): \$89,796,902

BY AREA OF LAW

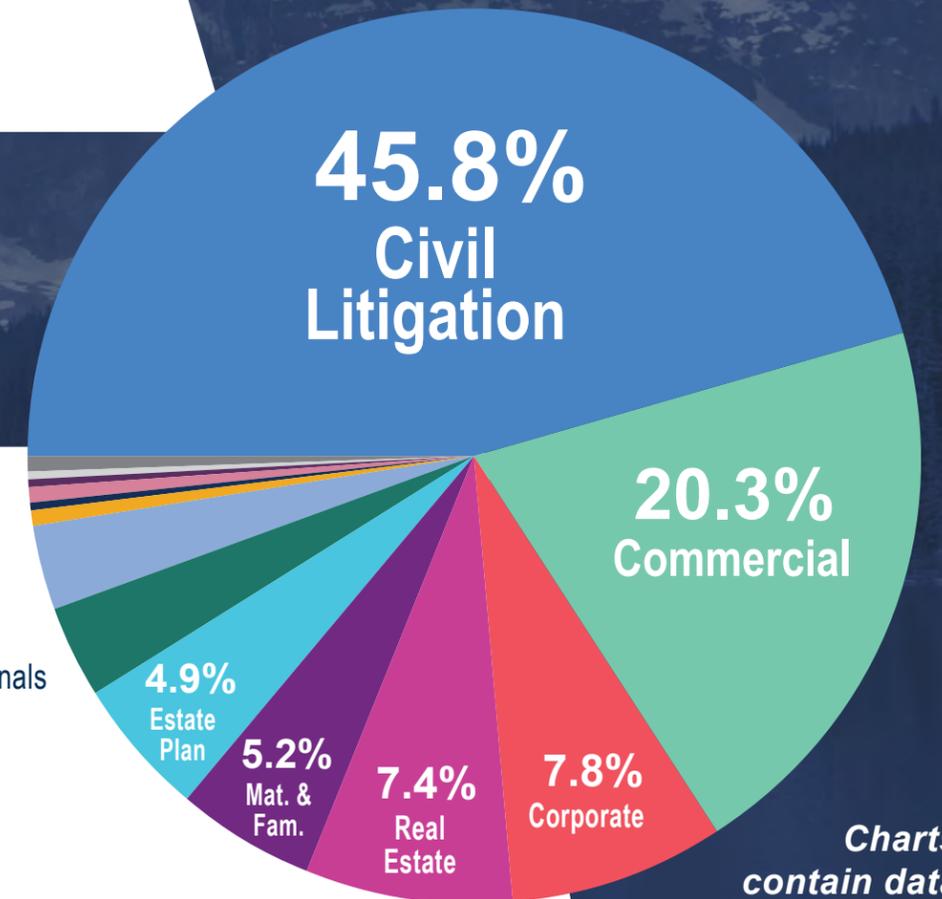
JULY 1, 2018 - JUNE 30, 2023



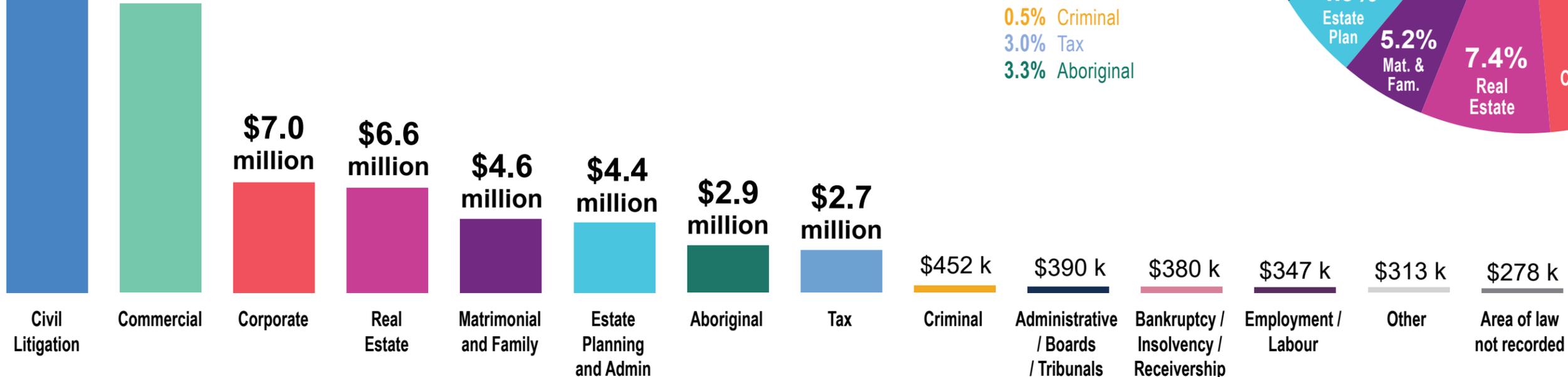
INCURRED COSTS BY AREA OF LAW

\$41.1 million

5 Year Average	Civil Litigation	Matrimonial and Family	Real Estate	Estate Planning	Commercial	Corporate	Criminal
% of total reported claims	38.9%	17.2%	14.5%	6.4%	7.9%	3.6%	2.4%
% of incurred damages and costs	45.8%	5.2%	7.4%	4.9%	20.3%	7.8%	0.5%



\$18.2 million



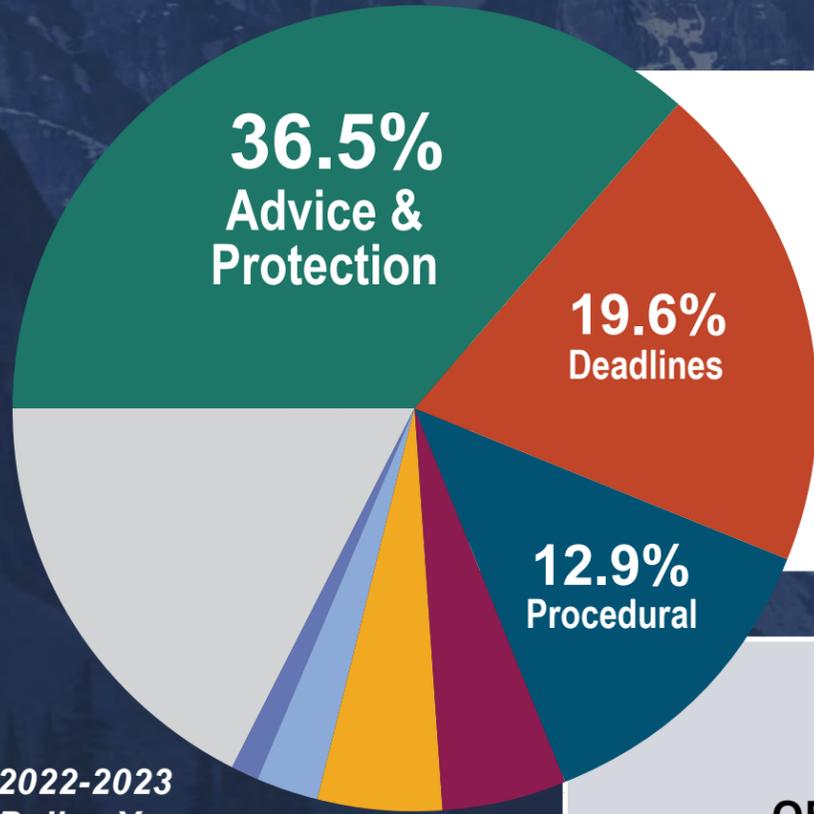
- 0.3% Not Recorded
- 0.3% Other
- 0.4% Employ / Labour
- 0.4% Bankruptcy
- 0.4% Admin / Boards / Tribunals
- 0.5% Criminal
- 3.0% Tax
- 3.3% Aboriginal

Charts contain data for claims and potential claims, and is current as at June 30, 2023. Data will change as more claims mature.

**REPORTED CLAIMS
ERRORS COMPARED TO
HISTORICAL TRENDS**

**BY TYPE
OF ERROR**

5 YEARS
**JULY 1, 2018 -
JUNE 30, 2023**



2022-2023 Policy Year, as at June 30, 2023.

Table data is current as at June 30, 2023, and will change as more claims are settled. A column highlighting costs for the 2022-2023 policy year was not included because a large number of claims from this year are still in progress and the data will likely change significantly over the next year.

TYPE OF ERROR

While deadline errors represent about 22% of claims over the last five years, the cost of those claims has been significantly higher – about 31% of damages and defence costs.

Since 2017, ALIA has noticed an increase in claims triggered by dismissal for delay under Rule 4.31 and Rule 4.33. To help Subscribers avoid these errors, [ALIA shared information and resources](#) to help track deadlines.



TYPE OF ERROR	THIS POLICY YEAR (July 1, 2022 - June 30, 2023)		LAST 5 YEARS (July 1, 2018 - June 30, 2023)			
	Claims count by error: 1,014	Percentage of reported claims	Claims count by error: 4,628	Percentage of reported claims	Damages and defence costs: \$89,796,901.88	Percent of damages and defence costs
Advice & Protection	370	36.5%	1,853	40.0%	\$38,348,667.17	42.7%
Deadlines	199	19.6%	1,014	21.9%	\$27,997,043.07	31.2%
Procedural	131	12.9%	892	19.3%	\$16,957,628.93	18.9%
No Fault of the Lawyer	52	5.1%	280	6.1%	\$1,483,781.38	1.7%
Real Estate Only	50	4.9%	200	4.3%	\$944,410.77	1.1%
Trust Conditions or Undertaking	26	2.6%	117	2.5%	\$2,734,163.04	3.0%
Defamation	10	1.0%	28	0.6%	\$96,000.00	0.1%
Other error or not on file	176	17.4%	244	5.2%	\$1,235,207.52	1.4%

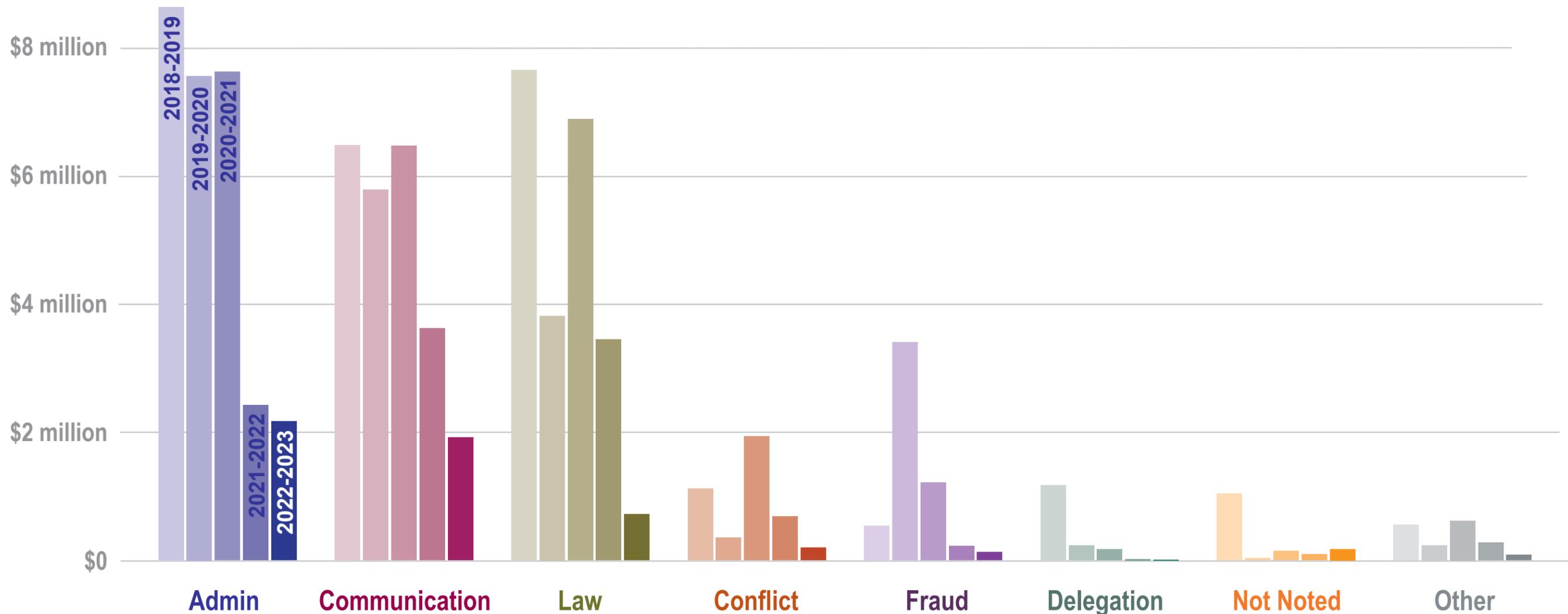
**REPORTED CLAIMS
ERRORS COMPARED TO
HISTORICAL TRENDS**

**BY CAUSE
OF LOSS**

5 YEARS
**JULY 1, 2018 -
JUNE 30, 2023**



CAUSE OF LOSS



MISAPPROPRIATION OVERVIEW

**JULY 1, 2022 -
JUNE 30, 2023**



NUMBER
OF CLAIMS
THIS YEAR

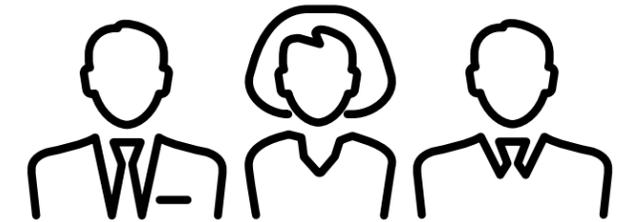
6

NUMBER OF
SUBSCRIBERS
WITH CLAIMS

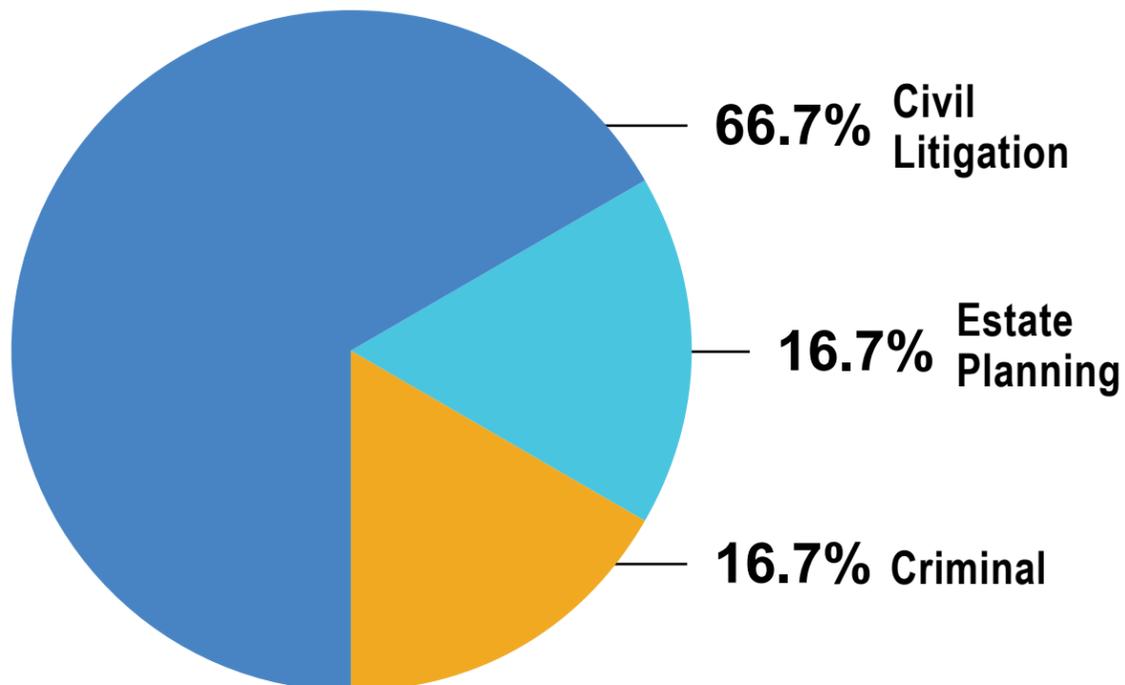
3

NUMBER OF CLAIMS
SINCE INCEPTION IN 2014

299



CLAIMS BY AREA OF LAW



TOTAL PAID TO VICTIMS
SINCE INCEPTION IN 2014



\$2,528,638.82

FINANCIAL HIGHLIGHTS

AS AT
JUNE 30, 2023

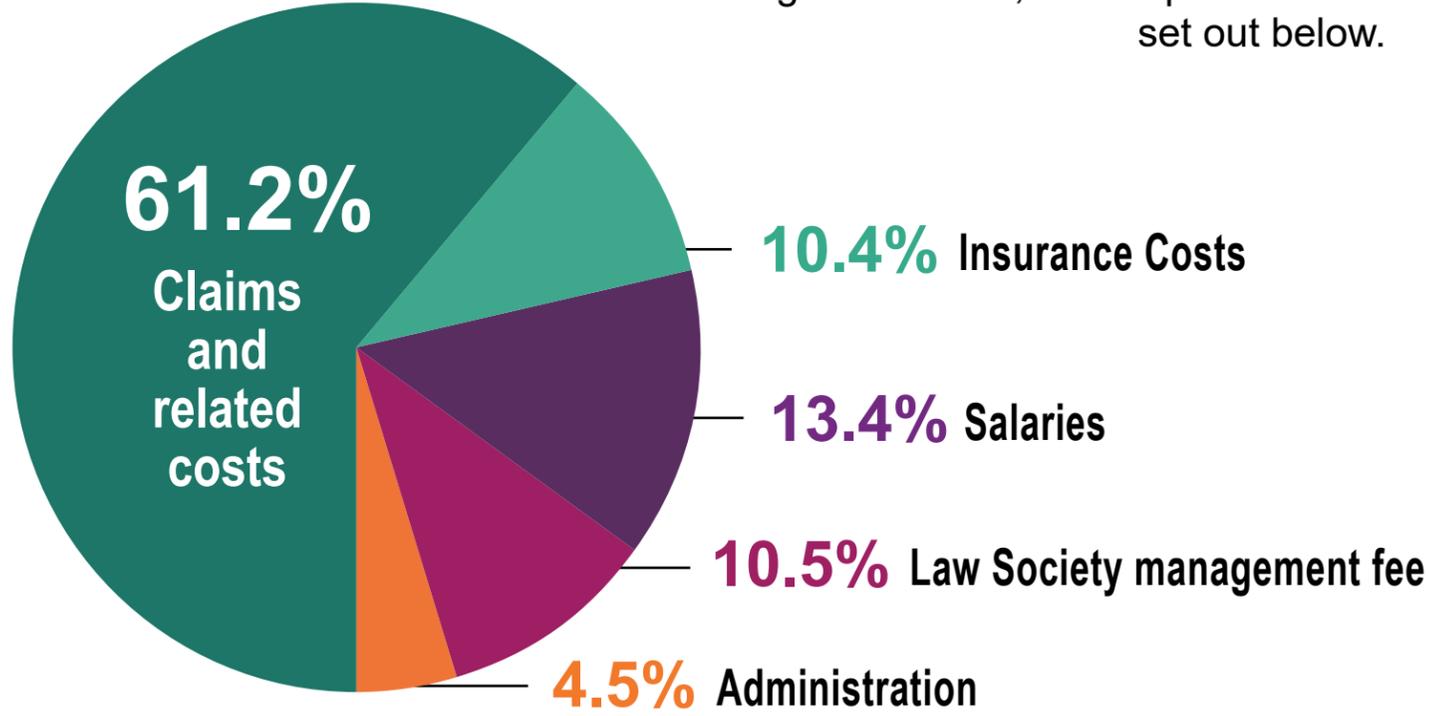


REVENUE

Professional Liability (Part A)	\$17,687,943
Misappropriation Indemnity (Part B)	\$1,570,024
Cyber Coverage	\$960,360
Civil Litigation Filing Levy	\$1,911,375
Investment Income	\$7,651,131
Voluntary Excess Insurance Admin Fee	\$98,387

EXPENSES

As ALIA is non-profit, all revenue collected goes to its capital management, including reducing base levies, or for operations as set out below.



2022-2023 FINANCIAL REPORT

The ALIA financial statements and budgets are approved each year by the ALIA Board. To view the 2022-2023 Financial Report in its entirety, [click here](#).

**SATISFACTION RATING
FROM SUBSCRIBERS:**

98.8%

**JULY 1, 2022 -
JUNE 30, 2023**



POST-CLAIM FEEDBACK

ALIA surveys Subscribers when it resolves their claim and closes their file. Having a claim can be stressful for a Subscriber and ALIA wants to ensure that its claims management practices help make the process as stress-free as possible.

Feedback provided via surveys is used to help ALIA continually improve its claims management procedures. This is a selection of the comments Subscribers wrote about their experience with ALIA Claims Counsel.

**“WHAT DID YOU MOST APPRECIATE ABOUT
THE SERVICE ALIA PROVIDED TO YOU?”**



Counsel was respectful and kind and **did not make you feel that you were the only person who ever had to report a possible claim.**



This was my first interaction with ALIA. **The process was clearly explained.** The interactions were professional, prompt, and informative.”



I received attention to the stress I experienced from being sued. I appreciated the feedback that I did nothing wrong after a thorough review of the work I did — I am grateful.”



Three things: They took control of the matter so that I was only a party to the action and not my own lawyer. ALIA covered the cost of legal fees. This likely should be obvious, but to me was important, so much so that I am writing it out, and that is **ALIA showed support for my position. My original thoughts were that I would be defending the action against the Plaintiffs and against ALIA. Clearly this did not happen. ALIA's main purpose was to provide support.**



They handled all of the logistics at a time I was feeling stressed and worried about what would happen. It is a very scary feeling to be sued, even if you're a litigator, and both (claims counsel) made me feel like I wasn't a failure at my job.”

LOSS PREVENTION INITIATIVE HIGHLIGHTS



RISK MANAGEMENT SERVICES

ALIA delivers various risk management services to prevent losses wherever possible and diminish the frequency and severity of losses that do occur. These services include a combination of targeted and general education support and assistance for Subscribers, trust account audits, mentors, practice advisors, identification of “at-risk” Subscribers, and financial disincentives for behaviour that tends to increase the risk of loss.

CYBER COVERAGE LAUNCH AND WORKSHOPS



Lawyers are attractive targets to cybercriminals due to the sensitive client information stored in their computer systems. ALIA’s November 2021 survey found that two-thirds of Subscribers who responded would be interested in adding cyber coverage to ALIA’s indemnity program.

ALIA selected Zurich Insurance Company Ltd. (“**Zurich**”) to provide the universal cyber coverage program. Zurich is one of the top insurers in

Canada and agreed to accept all Subscribers into the program without an onerous application process. While the policy’s financial limits are modest, universal coverage ensures that all Subscribers will have 24/7 access to the critical breach response resources required to manage a cyberattack, including a breach coach.

ALIA hosted a series of virtual workshops for Subscribers to learn about the new cyber coverage.



Webinar 1: Intro to ALIA’s Universal Cyber Coverage Program



Webinar 2: Cyber loss prevention
Understanding the threat landscape and loss trends



Webinar 3: Meet your cyber breach coach
Breach response and privacy obligations

ALIA LEADERSHIP



ALIA BOARD OF DIRECTORS 2022-2023

Steve Raby, K.C., Chair
Larry Ohlhauser, M.D., Vice-Chair
Dale Spackman, K.C., Secretary
Diane Brickner, Director
Charlene Butler, Director
Don Cranston, K.C., Director
Zoe Harrison, Director
Elizabeth Osler, K.C., Director
Michael Thompson, Director
Linda Vennard, Director

ALIA MANAGEMENT

David Weyant, K.C., President and Chief Executive Officer
Nadine Meade, CPA, CGA, Chief Financial Officer
Yvonne Ladouceur, Senior Manager, Operations
John Eamon, K.C., General Counsel and Senior Manager, Risk

PROFESSIONAL ADVISORS

Broker – Aon Reed Stenhouse Inc.
Program Investment Manager – Mawer Investment Management Ltd.
Actuary – Nicholas Beaudoin, Towers Watson Canada Inc.
Auditor – PricewaterhouseCoopers LLP