

NBLASC Board Nomination Policy

1. POLICY

This policy applies to the nomination of the seven (7) Directors that constitute the voting members of (the Board) of the New Brunswick Legal Aid Services Commission. It is meant to guide the Board to proactively undertake its responsibility to ensure the continued effective governance of NBLASC by Board members with the skills, experience, competence and diversity required.

2. BOARD COMPOSITION

The *Legal Aid Act* (the Act) states that a Board of Directors shall be composed of the following members to oversee the financial management, and establish operational and strategic policies of the Commission:

- a) The Executive Director as a non-voting member;
- b) An employee of the Department of Justice and Public Safety designated by the Minister, who shall serve as a non-voting member;
- c) Seven voting members, five of whom shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister and two of whom shall be appointed by the Lieutenant-Governor in Council on the recommendation of the Law Society.

3. CRITERIA

When considering the members of the Board of Directors, the Act sets out the criteria required for the composition of the Board in section 5:

5(1) In recommending persons for the Board, the Minister shall ensure that the Board as a whole

a) *Has knowledge, skills and experience in the following areas:*

- i) *business, management and financial matters of public or private sector organizations;*
- ii) *law and the operation of courts and tribunals;*
- iii) *the special legal needs of and the provision of legal services to low-income individuals and disadvantaged communities; and*
- iv) *the social and economic circumstances associated with the special legal needs of low-income individuals and of disadvantaged communities, and*

b) *reflects the cultural and geographic diversity of the Province and its English and French linguistic duality.*

4. PRINCIPLES

The recruitment and appointment of highly skilled and qualified Directors is essential to the continued success of NBLASC, and the NBLASC Board undertakes this important responsibility pro-actively. The Province of New Brunswick has adopted guidelines outlined in [An Appointment Policy for New Brunswick Agencies, Boards and Commissions](#) (ABC), and in keeping with this ABC Policy, the NBLASC Board is committed to:

- a) adhering to the guiding principles of transparency, openness, diversity, and merit-based selection in the recommendation process for Directors
- b) maintaining a “Board Competency Matrix” that compiles the current skills, experience, qualifications, gender and geographic diversity of the Board, and reveals any gaps in these competencies and characteristics
- c) working collaboratively with the Minister and the Law Society to review expressions of interest in NBLASC Board appointments; conducting preliminary screening based on current Board needs for particular skills, experience, qualifications and/or diversity; and making ranked nominations to the Minister and Law Society for consideration

5. PROCEDURE

To ensure the required balance of Ministerial and Law Society-recommended positions, when a vacancy for a Board member arises in any given year due to the completion of terms or completion of tenures, the Board will provide recommendations to the Minister or the Law Society for subsequent recommendations to the Lieutenant-Governor in Council.

a) **Vacancies and Gaps in Board Competencies**

On an ongoing basis, Directors are encouraged to submit names to the Governance Committee for Board-nominated positions. In addition, the Executive Assistant (EA) will maintain a list of potential candidates who have previously been identified, but not yet nominated.

In the Fall of each year, the Governance Committee will:

- i. identify and review legislative requirements and all NBLASC Board of Directors’ Policies, Guidelines, and Strategic Plans that may influence and direct the appointments, or re-appointments, of Directors;
- ii. review, update, and secure Board approval for the categories and descriptions defined on the Board Competency Matrix;
- iii. chart, compare and validate the self-identified competencies,

- experiences, and areas of expertise submitted by all current Directors;
- iv. identify current or anticipated gaps in Board competencies, experiences, expertise, and demographic and diversity characteristics that may arise for a number of reasons, including:
- a) the Board's ongoing obligation to respect the essential requirements outlined in government legislation and/or the policies of NBLASC Board of Directors
 - b) the Board's loss of particular competencies due to the departure or non-renewal of Directors whose terms are expiring
 - c) the Board's recognition of new competencies critical to Board governance because of the evolving strategic directions of NBLASC
 - d) review the terms of all current Directors to determine potential vacancies in the upcoming twelve (12) months, and confirm eligibility for and interest in renewal for Directors whose terms are due to end in that period (see Clause 5.3- Considerations for Re-appointment below)
 - e) identify which impending vacancies are Minister-recommended positions and which are Law Society-recommended positions and notify the Minister of Justice and/or the Law Society of upcoming vacancies in each category
 - f) identify the impact on NBLASC if there are gaps in competencies, experiences, and expertise
 - g) rank the urgency of filling each gap and share the list of gaps with the Board of Directors
 - h) notify the Board if nominations are required to fill specific competency gaps and ask members of the Board to encourage individuals with the desired competencies/characteristics to make application through the ABC process
 - i) request Board approval to pursue and favour candidates who fill the recognized gaps identified in the Board Competency Matrix, i.e., who possess the competencies and characteristics required to support NBLASC during the subsequent term of office
 - j) review list of potential candidates maintained by the Executive Assistant (EA)
 - k) contact and assess potential candidates for nomination
 - l) submit a report to the Board outlining the Governance Committee's recommendations, with rationale for appointments/re-appointments of Directors.

b) Considerations for Re-appointment

In the Fall of each year, the Governance Committee will use the following criteria to assess current Directors who are eligible for renewal and who indicate an interest in being re-appointed for a second or third term:

- i. the candidate's ability to fill gaps in the current Board Competency Matrix
- ii. the candidate's ranking on:
 - a) attendance at meetings
 - b) participation in meetings
 - c) reliability in meeting commitments and expectations
 - d) perceived ability to work well in groups.
 - e) perceived ability to think and act in the best interest of NBLASC as a whole
 - f) Board's recognition of issues or concerns raised by the Board Chair
 - g) Board's obligation for balanced gender participation
 - h) Board's obligation for balanced geographic and diversity representation
- iii. If the Governance Committee DOES NOT recommend a Director for re-appointment, the Board Chair will advise that Director of this outcome and explain the Governance Committee's rationale, the basis of the ranking, and the general outcome.
- iv. If the Governance Committee DOES recommend re-appointment, the Committee will present the general outcome of the above rankings to the Board for approval. Once approval is granted, the Board Chair will advance the recommended re-appointment to the Minister.
- v. The Governance Committee will request that the Board Chair maintain contact with the Minister as re-appointment decisions are made; the Board Chair may communicate outcomes to the Director affected.
- vi. Directors who are eligible to re-offer for a second term should not be included in the nominations process in order to avoid potential conflicts of interest.

c) Considerations for New Appointments

If a vacancy arises that may not be filled by re-appointments and instead requires a new appointment, the process outlined in Section 6 below will apply.

6. BOARD NOMINEES

- a) The Governance Committee will develop an initial list of potential candidates from various sources (including the ABC database, candidates referred by Directors, candidates who have expressed

- interest to the NBLASC Board directly, and candidates identified by the Governance Committee itself.
- b) If there are no or very few potential candidates for consideration, a request will be made to the Executive Council Office (ECO) to post the vacancy (ies) together with the required/desired skills, abilities and diversity characteristics, on their Agencies, Boards and Commissions (ABC) website.
 - c) When an adequate number of qualified applicants is in place, the Governance Committee will initiate a short-list of potential candidates by gathering and assessing appropriate information regarding the candidates' experience, competencies, and demographic characteristics.
 - d) The Governance Committee Chair (or designate) will initiate contact with the identified short-listed candidates to verify their interest in being considered for the Board and request any further required information.
 - e) Members of the Governance Committee will review potential candidate resumes to:
 - i. gain a better understanding of the candidate's experience, skills, and competencies as they relate to the work of the NBLASC Board.
 - ii. evaluate the candidate's "fit" with the culture of the Board and NBLASC.
 - f) If the short-listed candidates express interest in being nominated to the NBLASC Board, the Governance Committee Chair (or designate) will:
 - i. direct each interested candidate to the governance page on www.legalaid-aidejuridique-nb.ca for specific information on the roles and responsibilities of a Director
 - ii. provide the interested candidate with an overview of the NBLASC Board's work and time demands
 - iii. respond to any questions the interested candidate may have about the Board's work or NBLASC
 - iv. confirm the candidate's continued interest in being nominated to the NBLASC Board and refer them to the ABC site in cases where they may not have done so
 - g) The Governance Committee will share its assessment and subsequent recommendations of the short-listed candidates with the Board.
 - h) If the Board approves the nominations, the Board Chair will then advance the name(s) to the Minister, or the Law Society, as the case may be, with the request that they be put forward to the Lieutenant-Governor in Council (LGIC), as stipulated in the Act.