

**Minutes for the Meeting of the Benchers
April 14th and 15th, 2011
Hotel Bessborough, Saskatoon**

Present:

Paul Korpan, Q.C., Loreley Berra, Beth Bilson, Q.C., Thomas Campbell, Thomas Healey, Robert Heinrichs, Joel Hesje, Q.C., Peter Hryhorchuk, Laura Lacoursiere, Eileen Libby, Q.C., Miguel Martinez, Michael Megaw, Q.C., Lorne Mysko, Stephen Orłowski, George Patterson, Darcia Schirr, Q.C., Lorraine St. Cyr, Dr. Greg Stevens, Della Stumborg, Evert Van Olst, Gregory Walen, Q.C.

In attendance:

Tom Schonhoffer, Q.C., Donna Sigmeth, Tim Huber, Melanie Hodges Neufeld, Jody Martin, Andrea Johnston and Toby Willis-Camp

1. CALL TO ORDER

The meeting commenced at 1:06 p.m. on Thursday, April 14, 2011.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Reg Watson, Q.C. and Heather Laing who were at trial. Michael Megaw, Q.C. and Darcia Schirr, Q.C. were present for Thursday only.

3. ACCEPTANCE OF AGENDA

A motion to accept the Agenda was presented by Loreley Berra and seconded by Dr. Greg Stevens. The motion was carried unanimously.

4. ADOPTION OF MINUTES

A motion to adopt the Minutes of the meeting held February 10 and 11, 2011 was presented by Robert Heinrichs and seconded by Laura Lacoursiere. The motion was carried unanimously.

5. MATTERS ARISING FROM THE MINUTES

None.

6. AGENDA ITEMS FOR DISCUSSION

i. Reports

i. President's Report

Paul Korpan, Q.C., presented his report. Highlights of his report included:

Mr. Korpan attended the Federation Meetings March 17 – 19 in Banff. Items discussed included:

- National Accreditation
- National Competency Project
- Access to legal services
- Review of self-regulatory model

Mr. Korpan appointed Greg Walen, Q.C. to the College of Law Centennial Conference Planning Committee scheduled for November 6, 2012.

ii. Executive Director's Report

Tom Schonhoffer, Q.C., presented his written report.

iii. Graeme Mitchell, Q.C., Federation Council, provided a written report.

ii. Committee Reports

a. Admissions & Education

Minutes of the meeting held December 2, 2010 were provided for information.

Andrea Johnston presented the final CPD Policy Review to the Benchers. Changes include:

- Inactive members will receive an exemption for time away.
- Approved providers are now required to make all activities open to the public.
- Approved providers must enter their own activities.
- There is no longer the requirement to be in a study group to receive credit for recorded versions of activities.
- The writing project definition is more stringent as it includes a need for substantial new content.
- New category, called faculty/panel members, has been created. In this category, presenters receive 2 credits for each hour, rather than 3 credits.
- The 3-year reporting block is now a rolling term.

The A & E Committee recommended a request by Daniel DeMaria to waive Rule 153 and extend the 24 month time limit to complete student-at-law requirements. A motion to waive Rule 153 to extend Mr. DeMaria's student-at-law status until

the decision on the pending admissions application is rendered was presented by Evert Van Olst and seconded by Della Stumborg. The motion was carried unanimously.

b. Discipline Executive

Minutes of the meeting held December 2, 2010 were provided for information.

Paul Korpan, Q.C. reviewed items decided at the April 14, 2011 Discipline Executive meeting:

- The committee decided to maintain the policy of publishing discipline records in perpetuity.
- The committee formalized an abeyance policy that is a codification of existing practices.
- The committee approved a case management checklist for prehearing conferences without Agreed Statements of Fact.

c. Ethics

Minutes of the meeting held December 2, 2010 were provided for information.

Paul Korpan, Q.C. reported that the Model Code conflict section, without the future client rule, was approved by the Federation. Saskatchewan abstained from the vote. A standing committee, chaired by Gavin Hume, will review the rule. Melanie Hodges Neufeld is the Saskatchewan representative on this committee.

8. RESIGNATION IN THE FACE OF DISCIPLINE – KEVIN ROGERS

The Benchers convened as the Hearing Committee. Paul Korpan, Q.C. acted as Chair and invited Tim Huber and William Roe, Q.C. to make submissions for their clients.

A transcript of the proceedings was prepared by Royal Reporting, Saskatoon.

The Benchers accepted Mr. Rodger's application to resign in the face of discipline and imposed a condition that he is prohibited from applying for readmission for three years.

6. AGENDA ITEMS FOR DISCUSSION (CONTINUED)

ii. Committee Reports

d. Library

Toby Willis-Camp, Director of Libraries, presented a verbal report to the Benchers.

e. Professional Standards

Minutes of the meeting held September 9, 2010 were provided for information.

f. Insurance

None.

g. Executive Committee

Minutes of the meetings held December 10, 2010 and January 21, 2011 were provided for information.

7. AGENDA ITEMS FOR DECISION

i. Audited Financial Statements

Audited financial statements for the period ending December 31, 2010 and the Audit Completion Report were presented to the Benchers for approval at the Annual General Meeting.

A motion to accept the financial statements was presented by Laura Lacoursiere and seconded by George Patterson. The motion was carried unanimously.

ii. Rule Amendments

A memo from Tom Schonhoffer, Q.C. discussed amendments to the Resignation and Reinstatement Rules (Rules 210 – 213) and Categories of Membership (Rules 205(1) and 206).

A memo from Donna Sigmeth discussed amendments to the Professional Standards and Discipline portion of the Rules.

A blacklined version of the suggested Rule amendments were presented and covered the following topics:

- Part 1 – Definitions
- Part 7 – Admissions – Categories of Membership (Rules 205(1) and 206)
- Part 7 – Admissions - Resignation and Reinstatement (210 – 213)
- Part 7 - Bencher Review (Rule 240) – highlighted for discussion
- Part 8 – Professional Standards and Discipline
 - C. Professional Standards – Rules 323
 - D. Discipline – Rules 400, 400.1, 405, 491 and 495

On first reading, a motion to adopt the proposed amendments in Part 1 and Part 7 was presented by Loreley Berra and seconded by Mike Megaw, Q.C.

Two amendments were identified:

- In 205(1), reference to Rule 420 should be replaced with rule 450.
- In 211(1), retired should be added to the first line.

Loreley Berra accepted a suggested amendment to the above motion.

On first reading, a motion to adopt the proposed amendments in Part 1 and Part 7, with the above corrections, was presented by Loreley Berra and seconded by Mike Megaw, Q.C. The motion was carried unanimously.

A motion to grant second reading on the same day on Part 1 and Part 7 was presented by Darcia Schirr, Q.C. and seconded by Tom Campbell. The motion was carried unanimously.

On second reading, a motion to adopt the proposed amendments in Part 1 and Part 7, with the above corrections, was presented by Della Stumborg and seconded by Lorraine St. Cyr. The motion was carried unanimously.

On first reading, a motion to adopt the proposed amendments in Part 8, with the correction of a spelling error of 'disbarment' in the definition section, was presented by Evert Van Olst and seconded by Mike Megaw, Q.C. The motion was carried unanimously.

A motion to grant second reading on the same day on Part 8 was presented by Tom Healey and seconded by Miguel Martinez. The motion was carried unanimously.

On second reading, a motion to adopt the proposed amendments in Part 8, with the correction of a spelling error of 'disbarment' in the definition section, was presented by Darcia Schirr, Q.C. and seconded by Robert Heinrichs. The motion was carried unanimously.

The Benchers went in camera at 4:40 p.m. Law Society staff were excluded.



The meeting reconvened at 8:30 a.m. on Friday, April 15, 2011.

9. DISCIPLINE SENTENCING FORUM HELD IN CAMERA

Alma Wiebe, Q.C. facilitated the sentencing forum on Friday morning.

10. INFORMATION

The following documents were informational:

- a. Approval by the Federation of Law Societies of Canada of Proposed Law Degree Programs at Lakehead University and Thompson Rivers University
- b. *B.C. lawyers cashing in on taxpayers' dime* – OPINION the Province (Vancouver) March 21, 2011
- c. *Opinion: Legal system doesn't work for ordinary people, top judge says* – Column by Ian Mulgrew, Vancouver Sun, February 13, 2011
- d. *British Columbia, Getting our day in court* – OPINION, Times Colonist, March 10, 2011
- e. *"Tesco Law" – not the big bang, but it will change the face of legal services* – UK Guardian, March 25, 2011
- f. *England – shift in delivery of legal services* – Observer (UK), April 3, 2011
- g. *Public Survey and Multi-disciplinary Practice* – Benchers' Bulletin, Spring 2011
- h. 2011 Bar Fees
- i. Labour Mobility Agreement
- j. Statistics - December 31 2010

11. DATE AND PLACE OF THE NEXT MEETING

The next Convocation is scheduled June 22nd – 24th in Regina. The Annual General Meeting is set for the evening of Thursday, June 23rd.

THOMAS J. SCHONHOFFER, Q.C.
Executive Director

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