

**Minutes for the Meeting of the Benchers
June 23rd and 24th, 2011
Hotel Saskatchewan, Regina**

Present:

Paul Korpan, Q.C., Beth Bilson, Q.C., Thomas Campbell, Thomas Healey, Robert Heinrichs, Joel Hesje, Q.C., Peter Hryhorchuk, Laura Lacoursiere, Heather Laing, Miguel Martinez, Michael Megaw, Q.C., Stephen Orłowski, George Patterson, Darcia Schirr, Q.C., Dr. Greg Stevens, Della Stumborg, Evert Van Olst, Gregory Walen, Q.C. and Reginald Watson, Q.C.

In attendance:

Tom Schonhoffer, Q.C., Donna Sigmeth, Melanie Hodges Neufeld, Jody Martin, Andrea Johnston and Sam Bergerman

1. CALL TO ORDER

The meeting commenced at 1: 20 p.m. on Thursday, June 23, 2011.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Lorne Mysko and Lorraine St. Cyr. Loreley Berra and Eileen Libby, Q.C. were present for Friday only.

3. ACCEPTANCE OF AGENDA

There were two changes to the Agenda:

- The report of Graeme Mitchell, Q.C., Federation Counsel, was moved to the first item.
- Item 7.c., Approval of Law Schools, was moved to the second item.

4. ADOPTION OF MINUTES

A motion to adopt the Minutes of the meeting held April 14 and 15, 2011 was presented by Della Stumborg and seconded by Michael Megaw, Q.C. The motion was carried unanimously.

A motion to adopt the Minutes of the meeting held May 3, 2011 was presented by Laura Lacoursiere and seconded by Joel Hesje, Q.C. The motion was carried unanimously.

5. MATTERS ARISING FROM THE MINUTES

There were no matters arising from the Minutes.

6. AGENDA ITEMS FOR DISCUSSION

i. Reports

- c. Graeme Mitchell, Q.C., Council Member to the Federation of Law Societies, presented his written report.

7. AGENDA ITEMS FOR DECISION

c. Approval of Law Schools

A memo from Tom Schonhoffer, Q.C. was provided for discussion. Graeme Mitchell, Q.C. outlined the history of the Canadian Common Law Degree Task Force.

Evert Van Olst presented a motion recognizing Lakehead University and Thompson Rivers University as degree granting institutions that qualify students-at-law, on the condition that they meet and maintain the standards outlined by the Canadian Common Law Degree Task Force. The motion was seconded by Heather Laing and carried unanimously.

6. AGENDA ITEMS FOR DISCUSSION

i. Reports (continued)

a. President's Report

Paul Korpan, Q.C., presented a verbal report and advised the following:

- On May 5, 2011, the Executive Committee met with Justice Minister Donald Morgan, Q.C. to discuss the role of the Law Society and the agenda of the Federation of Law Societies.
- On May 13, 2011, he attended the swearing-in of Judge Karl Bazin in Swift Current.
- May 19, he attended the Law Society of Manitoba Convocation: Helga Van Iderstine assumed the Law Society Presidency from Irene Hamilton.
- June 7 through 10, he attended the Law Society of Alberta Bencher Retreat: the Law Society is examining its strategic plan.
- June 16 through 19, he attended the Law Society of British Columbia retreat in Whistler: the Law Society is examining the scope of regulatory responsibility.

b. Executive Director's Report

Tom Schonhoffer, Q.C., presented his written report and the financial statements.

ii. Committee Reports

a. Admissions & Education

Minutes of the meetings held February 10 and February 16, 2011 were provided for information. Evert Van Olst presented applications for Rule waivers as follows:

i. Applications for Waiver of Rules by Michael Diep & Kylee Fawcett

Both Mr. Diep and Ms. Fawcett applied to amend articling requirements because of previous experience. A & E did not recommend a waiver for either applicant.

The Benchers discussed whether the applicants were entitled to be heard. The decision on both applications was deferred for a legal opinion.

ii. Mediation Rules

The Admissions & Education Committee recommended repeal of the Mediation Rules because the qualifications are difficult to articulate and because the *Code of Professional Conduct* provides adequate regulation of lawyer mediators.

On first reading, a motion to repeal Rules 570 – 573 was presented by Evert Van Olst and seconded by George Patterson. The motion carried.

A motion to grant second reading on the same day to repeal Rules 570 - 573 was presented by Heather Laing and seconded by Thomas Campbell. The motion carried.

On second reading, a motion to repeal Rules 570 – 573 was presented by Della Stumborg and seconded by Peter Hryhorchuk. The motion carried.

b. Discipline Executive

Minutes of the meeting held February 10, 2011 were provided for information. Joel Hesje, Q.C. summarized the meeting held June 23, 2011.

i. Abeyance Policy

The Abeyance Policy approved by the committee was attached for information. The policy provides guidelines on when a prosecution should be held in abeyance pending the conclusion of another proceeding. The Discipline Committee has approved the policy for the Benchers Policy Manual.

ii. Impact Statement

The policy approved by the Discipline Committee to obtain complainant input in applications for resignation in the face of discipline/in the face of continued proceedings was attached for information. A copy of the "Impact Statement" will be inserted into the Benchers Policy Manual.

iii. Pre-Hearing Conference for Hearings where no Agreed Statement of Fact is Filed

A checklist type form for pre-hearing conferences was approved by the Discipline Committee for the Benchers Policy Manual and was attached for information.

e. Professional Standards

Minutes of the meeting held February 10, 2011 were provided for information. Heather Laing summarized the meeting held June 23, 2011.

The meeting adjourned at 3:40 p.m. on Thursday, June 23, 2011.



The meeting reconvened at 9:04 a.m. on Friday, June 24, 2011.

ii. Committee Reports (continued)

c. Ethics

Minutes of the meeting held February 9, 2011 were provided for information. Michael Megaw, Q.C. summarized the meeting held June 23, 2011.

i. Model Code of Conduct

Paul Korpan, Q.C. provided an update on the status of the *Model Code*. While the Benchers have approved and accepted sections of the *Model Code*, further review is required to determine if there are sections specific to Saskatchewan in the old *Code* that must be added to the *Model Code*. Further discussion is tabled to September Convocation.

d. Library

A report from Toby Willis-Camp was presented by Miguel Martinez.

f. Insurance

Minutes of the meetings held February 11, 2010, April 30, 2010 and October 22, 2010 were provided for information.

g. Executive Committee

Minutes of the meeting held March 31, 2011 were provided for information.

iii. Sentencing Forum

This item was moved to the in camera section of the Agenda.

iv. Convocation Dates 2012

A notice outlining the dates set for Convocation 2012 was presented for information.

7. AGENDA ITEMS FOR DECISION (CONTINUED)

a. Rule Amendments

i. Insurance Rule 605A

Rule 605A(1) required members to obtain loss prevention credits. With the implementation of CPD credits on January 1 2010, this Rule was no longer required.

On first reading, a motion to delete Rule 605A was presented by Loreley Berra and seconded by Heather Laing. The motion was carried unanimously.

A motion to grant second reading on the same day was presented by Reginald Watson, Q.C. and seconded by Miguel Martinez. The motion was carried unanimously.

On second reading, a motion to adopt the proposed amendments to Rule 605A was presented by Evert Van Olst and seconded by Robert Heinrichs. The motion was carried unanimously.

ii. Marketing of Legal Services Rule 1601.(2)

A memo outlining a minor typographical error in this Rule was provided for discussion.

On first reading, a motion to adopt the proposed amendments to Rule 1601.(2) was presented by Beth Bilson, Q.C. and seconded by Thomas Campbell. The motion was carried unanimously.

A motion to grant second reading on the same day to Rule 1601.(2) was presented by Della Stumborg and seconded by Michael Megaw, Q.C. The motion was carried unanimously.

On second reading, a motion to adopt the proposed amendments in Rule 1601.(2) was presented by Evert Van Olst and seconded by Joel Hesje, Q.C. The motion was carried unanimously.

On first reading, a motion to amend Rule 1601 from 'General Principals' to 'General Principles' was presented by Darcia Schirr, Q.C. and seconded by Miguel Martinez. The motion carried.

A motion to grant second reading on the same day to the proposed amendment to Rule 1601 was presented by Darcia Schirr, Q.C. and seconded by Miguel Martinez. The motion carried.

On second reading, a motion to amend Rule 1601 from 'General Principals' to 'General Principles' was presented by Darcia Schirr, Q.C. and seconded by Miguel Martinez. The motion carried.

b. Lawyers Concerned for Lawyers

Leanne Johnson was unable to attend for personal reasons. Therefore, this item was tabled to September Convocation.

A motion to authorize the Executive Director to provide interim funding to Lawyers Concerned for Lawyers for an amount the Executive Director deems appropriate was presented by Evert Van Olst and seconded by Michael Megaw, Q.C. The motion carried.

d. Member Record

A memo from Melanie Hodges Neufeld regarding the use of potential complaints records was provided for discussion.

The Benchers discussed whether potential complaints should form part of a member's history. After discussion, this item was tabled for September Convocation in order to enable Law Society staff to compile more information.

e. Queen's Counsel Selection Committee

Applicants interested in serving on this committee are as follows:

Benchers:	Member at Large:
Mike Megaw, Q.C.	Keith Amyotte
Lorraine St. Cyr	Kenneth Ready, Q.C.
Darcia Schirr, Q.C.	William Roe, Q.C.
Public Representatives:	
Lorne Mysko	

Ballots were provided to the Benchers for the selection of a Bencher representative on this committee. Tom Schonhoffer, Q.C. and Donna Sigmeth counted the votes and proclaimed that Michael Megaw, Q.C. was elected to be on the Queen's Counsel Selection Committee.

Lorne Mysko was the sole Public Representative for this committee. A motion to appoint Lorne Mysko as Public Representative on the Queen's Counsel Selection Committee was presented by Heather Laing and seconded by Laura Lacoursiere. The motion was carried unanimously.

The Benchers discussed the applicants interested in the Member-at-Large position. A motion to appoint William Roe, Q.C. was presented by Joel Hesje, Q.C. and seconded by Della Stumborg. The motion was carried unanimously.

8. INFORMATION

The following documents were informational:

- a. **University of Saskatchewan** – letter advising 2010 – 2011 recipients of Law Society prizes and scholarships
- b. **England – *Lawyers wrestle once again with vexed question of referral fees***, Guardian Unlimited website, posted May 31, 2011.

9. DATE AND PLACE OF THE NEXT MEETING

The next Convocation is scheduled September 7 – 9, 2011 in Waskesiu at the Elk Ridge Resort.

Paul Korpan, Q.C. thanked Beth Bilson, Q.C. for her work as a Bencher and presented her with a certificate.

Benchers went in camera at 10:55 a.m. Law Society staff were excluded.

THOMAS J. SCHONHOFFER, Q.C.
Executive Director

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