

BENCHERS' DIGEST

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President's Message

Miguel Martinez



As I look ahead into 2014, I am excited about the prospect of serving the Law Society of Saskatchewan as its President. The upcoming year will see the Benchers tackling several important challenges.

One of the first orders of business will be to appoint a new Bencher to replace the Honourable Patrick Reis, who became a judge of the Provincial Court of Saskatchewan late in 2013. Although we will miss Pat's thoughtful contributions, we congratulate him and know that he will continue to ably serve the public interest in his new job.

From 2007 through 2009, the role of the Benchers changed from being

somewhat of a managerial board to that of a policy board. Now that the recently elected Benchers have "learned the ropes" and are entering the second year of their first term, and we "older" Benchers will be in the middle of our last term, it is an opportune time for us to review, renew, and formalize our governance model with a view to ensuring that, going forward, the Law Society continues to effectively fulfill its obligation to regulate the legal profession in the public interest. Although the process is likely to take a couple of years, it will begin this year.

In October 2013, then President, Heather Laing, O.C. and leaders of the other provincial and territorial law societies, and of Quebec's Barreau and Chambre des notaires, signed the National Mobility Agreement in St. John's, Newfoundland and Labrador. This historic event brought to the forefront the need for consistent national standards and expectations about how the legal profession is regulated.

One of the core functions of law societies as regulators of the profession is dealing with complaints about lawyers' conduct. During the past year or so, the Law Society of Saskatchewan has been actively involved in a national benchmarking project that seeks to compare and contrast the time it takes for various law societies to handle complaints about lawyers, from intake to resolution. The purpose of the project is to identify best practices with a view to making the discipline process consistent across the country, and more effective, timely, transparent, and fair, both for the person complaining about a lawyer's conduct and for the lawyer who is the subject of the complaint.

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President's Message

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The Law Society of Saskatchewan's participation in this national initiative already has led to changes and improvements in how we handle discipline matters after the formal complaint stage. In 2014, I expect to see further improvements, especially in our complaints investigation process.

Every Canadian law society, the Federation of Law Societies of Canada and the Canadian Bar Association, are all taking a stab at tackling some or all of the myriad issues encompassed by the phrase "access to justice." Last year, our Access to Legal Services Committee met with most of the rural bar associations to get feedback about access to justice issues in those areas. In 2014, the goal of the Access to Legal Services Committee is to identify access to justice projects in which, as the regulator of the legal profession, the Law Society of Saskatchewan can and should be involved.

I am happy to report that at the last Convocation of 2013, the Benchers approved the implementation of Saskatchewan's own *Justicia* project. The goal of the *Justicia* project is to identify principles and best practices that promote the retention and advancement of women in the private practice of law and to encourage law firms to adopt them. Similar projects have been successful in Ontario, British Columbia and Alberta. For this reason, our committee will not be starting from scratch and will benefit from the lessons learned in these other jurisdictions. Law firm leaders throughout Saskatchewan can expect to hear from the *Justicia* committee later this year.

Finally, you may have noticed that most courthouse libraries no longer exist or are closed. Or, maybe you didn't notice? The latter reaction may be the most probable one - at least according to the library usage statistics. In 2013, the Benchers approved a policy to rationalize the library system, centralize the majority of the physical book collections (especially seldom used historical materials), and to concentrate "library" services on enhancing access to electronic legal reference materials for the profession and the public. This process began last year and will continue throughout this year and, I expect, well into 2015.

I have covered most of the projects or issues that I anticipate in the coming year. As always, other challenges will arise, but I am confident that the very capable and hard-working Benchers will be able to handle them with the help of our dedicated Law Society staff.

In closing, it is my distinct honour and privilege to serve as President this year. I thank the Benchers for reposing their confidence in me. I am fortunate that I will have the support and guidance of an excellent Executive Committee consisting of Past-President, Heather Laing, Q.C., Vice-President, Robert Heinrichs, Executive Director, Tom Schonhoffer, Q.C. and Deputy Director, Donna Sigmeth, Q.C.

If you have any comments, questions, or suggestions about the Law Society and its work, I invite you to speak to me or any of the other Benchers.

BENCHERS' DIGEST

The *Benchers' Digest* is published by the Law Society of Saskatchewan to update Saskatchewan lawyers on policy and regulatory decisions made by the Benchers after each Convocation, to inform members about Society programs and activities, and to provide news and announcements of interest to the legal profession. Members are encouraged to send in articles and photos of interest, however, publication rests with the Editor. Articles and photos can be submitted to llynchuk@lawsociety.sk.ca.

Current and archived issues may be viewed on the Law Society Website – see www.lawsociety.sk.ca, "Publications/Benchers' Digest."

EDITOR

Liz Lynchuk

Profile of the Vice-President

Robert Heinrichs



Rob was raised in Swift Current and graduated from high school in 1976. He then attended the University of Saskatchewan, receiving his Bachelor of Arts in 1979 and Bachelor of Laws in 1984. Rob articulated with the Federal Department of Justice in Saskatoon before returning to Swift Current to begin his legal career in the private sector. He joined the firm of Krueger McLaughlin Forrester in 1985, became a partner in 1988 and has remained with that firm and its successors to the present day.

Although his practice focus has changed over the years, Rob has always been a general practitioner, currently with an emphasis on corporate-commercial law, agricultural law, real estate and wills/trusts and estates. Rob has always been

an active member of the Southwest Bar Association, serving in various capacities in the past, including President. Rob has actively volunteered in the legal community throughout his career, including numerous lectures on behalf of the Public Legal Education Association. He currently serves as a volunteer in the Pro Bono Law Saskatchewan clinic program and mentor program.

Rob is married to Louise who is an instructor with Great Plains College. They have two sons, Andrew, a lawyer and James, an actor.

Rob became a Benchers in 2010 and has served as Chair of the Discipline Executive, Chair of the Access to Legal Services Committee and as a member of the Professional Standards Committee.

Highlights of the Meeting of Benchers

November 28 and 29, 2013

Miguel Martinez was acclaimed President of the Law Society of Saskatchewan commencing January 1, 2014. Robert Heinrichs was acclaimed Vice-President.

Heather Jensen was reappointed to the PLEA Board for a further 2 years. Kathy Hodgson-Smith was reappointed to the College of Law Endowment Fund.

Convocation passed a Benchers Conflict of Interest Policy. Among other things, it provides guidance to Benchers who are under investigation by the Law Society.

Rule 1602.1 was amended for clarification. The Rule provides guidance

to lawyers engaged in marketing activities to vulnerable clients.

Rule 400 was amended to clarify the ability of Conduct Investigation Committees to amend their reports and hence amend any charges before a Hearing Committee.

The Law Society has long had a "good character" requirement for admission. The idea of good character is difficult to define and has come under criticism by some academics. The Federation of Law Societies has undertaken a study of the various provincial requirements and issued a report on suitability to practice

that defines components of good character that should be considered. The Benchers received the report for information and discussed amendment of the application form.

Quicklaw is provided to all firms under 10 lawyers in Saskatchewan without charge. The cost of Quicklaw continues to escalate and a user fee of \$100 will be implemented in 2014.

Did You Know...

... A lawyer cannot act for both the builder/developer *and* the purchaser in a real estate transaction resulting from the construction of a *new home, even if the parties consent* (see section 2.04(9) of the *Code of Professional Conduct* at <http://www.lawsociety.sk.ca/media/34192/code2012.pdf>). This is true even when a corporate builder/developer sells the new home to another, related, corporate purchaser. This restriction applies whether or not the purchaser intends to actually reside in the new home (see Law Society Professional Conduct Ruling, 2013 SKLSPC 4).

2013 Queen's Counsel Appointments

Thirteen Saskatchewan lawyers were honoured with Queen's Counsel appointments on December 16, 2013. Congratulations are extended to:

Danny Anderson, with the MacPherson Leslie & Tyerman law firm in Saskatoon. He was admitted to the Bar in 1984.

Kim Anderson, with the Robertson Stromberg law firm in Saskatoon. He was admitted to the Bar in 1989.

Jennifer Bailey, with Saskatchewan Government Insurance in Saskatoon. She was admitted to the Bar in 1978.

Kylie Head, Senior Crown Counsel with the Saskatchewan Ministry of Justice, Civil Law Division. She is also President of the Canadian Bar Association, Saskatchewan Branch. She was admitted to the Bar in 1999.

Kearney Healy, with the Saskatchewan Legal Aid Commission in Saskatoon. He was admitted to the Bar in 1981.

Peter Hryhorchuk, Senior Crown Prosecutor with the Saskatchewan Ministry of Justice in Prince Albert. He was admitted to the Bar in 1977.

Darcy McGovern, Director of Legislative Services in the Public Law Division, Saskatchewan Ministry of Justice. He was admitted to the Bar in 1987.

Alan McIntyre, with the McKercher law firm in Regina. He was admitted to the Bar in 1980.

Randy Sandbeck, with the Olive Waller Zinkhan & Waller law firm in Regina. He was admitted to the Bar in 1985.

William Shaw, with the McDougall Gauley law firm in Saskatoon. He was admitted to the Bar in 1973.

Leslie Sullivan, with the Cuelenaere Kendall Katzman & Watson law firm in Saskatoon. She was admitted to the Bar in 1975.

Evert Van Olst, Legal Counsel for the Saskatoon Regional Health Authority. He was admitted to the Bar in 1983.

Foster Weisgerber, with the McDougall Gauley law firm in Regina. He was admitted to the Bar in 1997.



Judicial Appointments

The Honourable Darin Chow, a judge with the Provincial Court in Yorkton, has been appointed a judge of the Court of Queen's Bench in Regina, replacing Madam Justice D.L. Wilson who transferred to Saskatoon to replace Madam Justice M.E. Wright who retired in August 2013.

Mr. Justice Chow obtained his law degree from the University of Saskatchewan in 1994 and was admitted to the Bar in 1995. He received a Queen's Counsel designation in 2008. He was appointed to the Provincial Court in 2012.

Prior to his appointment to the court, Mr. Justice Chow was a partner with Chow McLeod (formerly Chow & Company) and practiced family law, criminal law, administrative law, arbitration, civil litigation and real estate law.

The Honourable Patrick Reis was appointed a Provincial Court Judge in Yorkton on November 29, 2013. He replaces Justice Darin Chow who was appointed to the Court of Queen's Bench in Regina.

Judge Reis was called to the Bar in 1984 and devoted most of his career to Legal Aid in Regina. He received the Saskatchewan Legal Aid Commission Employee Recognition Award in 1998.

Judge Reis received a Queen's Counsel designation in 2008 and was an elected Bencher of the Law Society of Saskatchewan in 2012.

The Honourable Jacelyn Ryan-Froslic, a judge of the Court of Queen's Bench in Saskatoon was appointed a judge of the Court of Appeal in Regina on November 8, 2013. She replaces Madam Justice G.A. Smith who retired in December 2012.

Madam Justice Ryan-Froslic was appointed to the Court of Queen's Bench in 2000. Prior to her appointment to the court, she was a partner with the Anderson & Company law firm in Swift Current and practiced in the areas of family law, civil litigation and mediation.

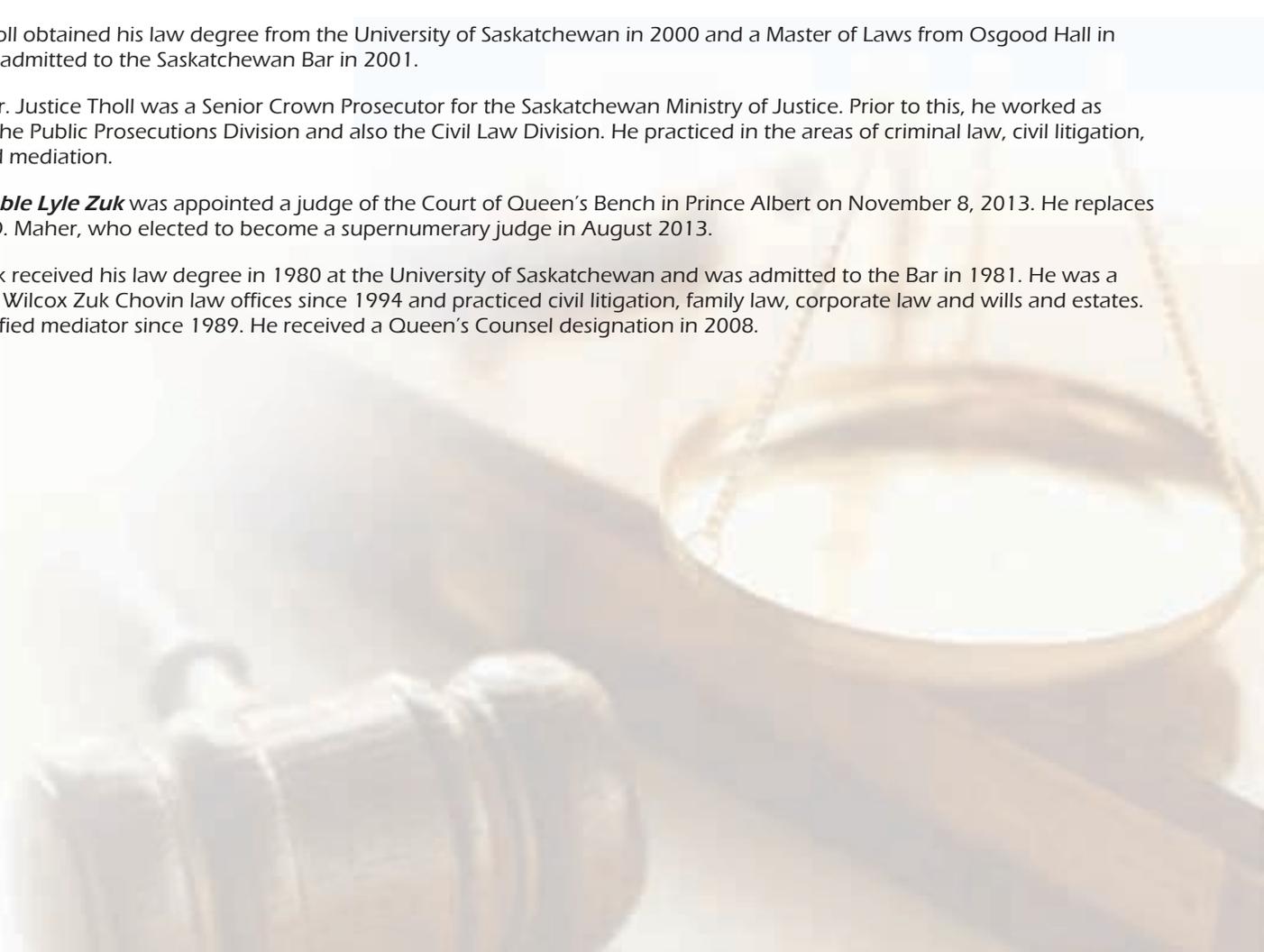
The Honourable Jerome Tholl, counsel with the Ministry of Justice in Regina, has been appointed a judge of the Court of Queen's Bench in Regina. He replaces Justice G.M. Kraus who became a supernumerary judge in September 2013.

Mr. Justice Tholl obtained his law degree from the University of Saskatchewan in 2000 and a Master of Laws from Osgood Hall in 2008. He was admitted to the Saskatchewan Bar in 2001.

Since 2010, Mr. Justice Tholl was a Senior Crown Prosecutor for the Saskatchewan Ministry of Justice. Prior to this, he worked as counsel with the Public Prosecutions Division and also the Civil Law Division. He practiced in the areas of criminal law, civil litigation, family law and mediation.

The Honourable Lyle Zuk was appointed a judge of the Court of Queen's Bench in Prince Albert on November 8, 2013. He replaces Mr. Justice R.D. Maher, who elected to become a supernumerary judge in August 2013.

Mr. Justice Zuk received his law degree in 1980 at the University of Saskatchewan and was admitted to the Bar in 1981. He was a partner of the Wilcox Zuk Chovin law offices since 1994 and practiced civil litigation, family law, corporate law and wills and estates. He was a certified mediator since 1989. He received a Queen's Counsel designation in 2008.



Exciting CanLII Expansion

by: Melanie Hodges Neufeld, Director of Legal Resources

With the support of the Law Foundation and the Saskatchewan History Online program, the Law Society is working to substantially increase the coverage of Saskatchewan case law on CanLII. CanLII's current Saskatchewan coverage is to 1994 for Court of Appeal cases, to 2001 for Court of Queen's Bench cases, and to 2001 for Provincial Court cases. In the next year, our goal is to add approximately 15,000 - 20,000 cases to CanLII, providing as nearly a complete record as possible of Saskatchewan decisions back to 1909.

The Saskatchewan History Online program (SHO) has agreed to digitize our collection of historic Saskatchewan reported and unreported cases at no cost to the Law Society. SHO is funded through the Ministry of Education to increase the availability of free online access to Saskatchewan's cultural and historic record. Once digitized, this case law will be available on the SHO website and linked to our online case digest database. The scanned case law will also be provided to CanLII for inclusion on that site.

CanLII also recently scanned over 15,000 Saskatchewan cases to include on the site. The costs involved in readying these cases and the cases scanned by SHO for publication on CanLII will be borne through a grant from the Law Foundation and by the Law Society. We expect this project to be completed in approximately a year.

We see this as a revolution in the management of legal information that improves access to justice. Both our members and the public will have free online access to nearly all Saskatchewan case law in a format that is searchable and linked. We will provide updates as the project progresses.



Pro Bono Law
Saskatchewan

Benchers' Digest Report

Kara-Dawn Jordan, Executive Director
www.pblsask.ca

VOLUNTEER SPOTLIGHT – JEREMY ELLERGODT



Thank you for your volunteer efforts, Jeremy!

Jeremy Ellergodt began volunteering with PBLs in the spring of 2013. He volunteers with the Northern Initiative clinic project, providing summary legal advice to clients in northern Saskatchewan communities via video-conference. He provides advice in relation to family and criminal law matters.

Jeremy is originally from Moose Jaw and graduated from the University of Saskatchewan in 2011. During his studies, Jeremy spent one semester on exchange to Australia attending the law school at Bond University. After graduation, he began articling with McKercher LLP and was called to the bar in 2012. Jeremy continued working with McKercher and is currently an associate in their Regina office. He is an avid sports fan, playing on community basketball and soccer teams. Jeremy also enjoys travelling, camping and music.

E.M. Culliton Scholarship Endowment

As a tribute to the former Chief Justice E. M. Culliton, an endowment was established by the Law Society of Saskatchewan to provide that in perpetuity a special scholarship is to be awarded for the pursuit of post-graduate studies in criminal law.

The value of the scholarship to be awarded in 2014 has not yet been finally determined, but the maximum amount available is expected to be \$10,000. Up to two scholarships may be awarded in any one year.

The deadline date for receipt of applications is May 2, 2014.

Application forms are available on our website at www.lawsociety.sk.ca.

2014 Convocation Dates of the Benchers of the Law Society of Saskatchewan

February 12th, 13th and 14th – Regina

April 30th, May 1st and 2nd – Kenosee

June 18th, 19th and 20th – Saskatoon
(annual general meeting set for evening of Thursday, June 19th)

September 11th & 12th – Saskatoon

October 17th – Budget – Saskatoon

November 27th and 28th – Regina

In Memory

Judge William Campbell of Meadow Lake passed away on December 19, 2013. He leaves behind his wife, Karleen and son, Andrew.

Judge Campbell graduated from the University of Saskatchewan and was admitted to the Bar in 1985. He practiced law in the communities of Swift Current, Maple Creek, Moose Jaw, Regina and Meadow Lake.

In 1992, he joined the Ministry of Justice, Public Prosecutions Division, and held various positions, including regional Crown Prosecutor in Meadow Lake. He was also the Director of the high-risk offender unit, as well as the National Flagging System coordinator for Saskatchewan. He was one of 15 coordinators across the country that was responsible for the management of high-risk violent offender prosecutions. In October 2012, he was appointed a provincial court judge in Meadow Lake.

* Excerpts rendered from obituaries printed in local newspapers.

EQUITY OFFICE

The Equity Office at the Law Society of Saskatchewan is committed to both eliminating discrimination and harassment and promoting equity in the legal profession. The services of the Equity Office are available to articling students, lawyers and their support staff for advice, information or assistance.

If you have a question or concern about **discrimination or harassment in your workplace**, or if you would like to **improve equity and diversity in your workplace**, please contact the Equity Office.

Toll free @ 1-866-444-4885 or equity@lawsociety.sk.ca

All information is confidential.

A call to the Equity Office is not a complaint to the Law Society. Except for information about the misappropriation of funds, the Equity Office reports only anonymous statistics to the Law Society.

This office is not a lawyer referral service and cannot provide legal advice.

For more information, please visit: <http://www.lawsociety.sk.ca/for-lawyers-and-students/equity>.

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