

CONVOCAATION AGENDA

Convocation Date: September 12 – 14, 2018
Location: Hotel Saskatchewan, Regina
Commencement and End Time: 8:00 am on Thursday, September 13th;
to Friday, September 14th at 1:30 pm

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence has been received from Ronni Nordal.

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

Item 4.3 i – Appointments – Two Benchers will recuse themselves from the selection process for new Federation Council, being Erin Kleisinger, Q.C. and Judy McCuskee.

1.4 Agenda Items, Committee Reports and Documents Which Are Not Open to the Public

- i. Strategic Planning
- ii. Regina Court House – Library Space
- iii. CPLED 2.0
- iv. Public Representative Benchers
- v. Bencher Self-Evaluation Questionnaire
- vi. Bencher Honoraria
- vii. Special Fund Claims

2. Approval of the Minutes of June 22, 2018

2.1 Amendments

2.2 Confirmation of Minutes

2.3 Business Arising from Minutes

3. Strategic Initiatives

3.1 Work Plan

An updated work plan has been provided by Barbra Bailey.

3.2 Improve Confidence in the Law Society among Stakeholders

i. Communications

a. Communication Report

For consideration of the Benchers, attached is a Communication Report regarding Society progress towards communication objectives to date prepared by Anna Willey.

Also included, is a Visual Identity Renewal Update prepared by Anna Willey.

b. Strategic Communication Plan

The attached Strategic Communication Plan, Phase One Report, has been provided from Anna Willey. This plan is treated as concluded.

Phase Two is currently in draft form, as work is under way to align the Strategic Communication Plan with the strategies to be discussed by the Benchers at September Convocation.

ii. Strategic Planning (*In Camera*)

Time has been allotted on Thursday afternoon at 1:00 pm to discuss Administration's distillation of the Strategic Planning Session held at June Convocation.

Attached is a memo from Barbra Bailey summarizing the results of the survey and setting out some issues requiring further clarification.

Time will be allotted for further discussion at Convocation, if necessary.

iii. TRC Advisory Committee

At June Convocation, the Benchers approved the creation of an Advisory Group.

Administration has reached out to advisors about the terms of reference and to obtain a list of appropriate candidates. A memo from Kara-Dawn Jordan is attached.

iv. Legal Resources – Regina Court House Space (*In Camera*)

A walk through the Queen's Bench Court House took place August 2, 2018. Chief Justice Popescul, Deputy Minister Glen Gardner, Q.C. and Tim Brown, Q.C. were in attendance. The purpose of the meeting was to discuss the merits of maintaining some Law Society presence in the court house and to

discuss design possibilities. Tim Brown, Q.C. will provide an update *in camera*.

v. CPLED 2.0 (*In Camera*)

The CPLED Board held a Strategic Planning Session with Kara Mitchelmore in June, with the goal to run a pilot program to evaluate the proposed strategies in 2019, with a goal of commencing the new CPLED program with the entire cohort of prospective students in 2020. An executive summary of the initial report, following input from the Board in July, 2018, is attached.

Tim Brown, Q.C. will lead a discussion with the Board regarding the proposed investment.

vi. Gladue Database

Along with our stakeholders, we have purchased this resource as an asset for Legal Resources. Rather than paying for a subscription for our members, our contribution will allow it to be free and open to all members as well as the public. The total yearly budget for the project is \$15,000. The Law Society's yearly contribution for maintenance of the database will be \$10,000, to be evaluated by management on an annual basis. Melanie Hodges Neufeld and the Law Society Communication team are preparing a communication strategy to promote this resource both as a tool for professionals and as an educational resource to increase the cultural competence of our members.

vii. Equity & Diversity

A Blanket Exercise has been arranged for September Convocation on Thursday, September 13th from 6:00 – 9:00 pm at the Ramada Hotel, 1818 Victoria Avenue, Regina.

The Law Society will be hosting a full-day seminar titled "The Benefits of Diversity." It will be held October 23rd in Saskatoon and October 24th in Regina. A copy of the brochure is attached.

The Law Society will pay for any Bencher that wants to attend and we would like to ask all willing Benchers to encourage others in their firms and professional network to attend. Administration will distribute a proposed communication to those who feel they can assist. The event is being co-sponsored by the CBA, which is both a progressive step in our collaboration with the CBA and has allowed us to keep the cost to attend quite low: \$225 to attend for the day, with a discounted rate of \$150 for students. The program will begin with a keynote speech about the benefits of diversity and inclusion, as well as the effects of unconscious bias and how to counter them. The rest of the day will focus on local demographics (how they have changed) and a panel of lawyers speaking about their own lived

experiences. The final session will focus on strategies for embracing diversity in legal workplaces and the benefits of diversity.

3.3 Improve Capacity, Competency and Knowledge of Members

i. Innovating Regulation

The Prairie Provinces met on March 14th in Winnipeg and the staff working group prepared a summary report based on the discussions held at the meeting. A follow-up conference call for the entire group was held June 18th, where a decision was made to proceed with incremental implementation.

The staff working group from the Prairie Law Societies developed a draft plan for incremental implementation and accompanying Rules. The Access Committee reviewed this matter at their meeting on August 30th. Since there are many issues yet to be determined involving the proposed initial implementation, the Access Committee will want to review the matter again prior to November Convocation with a view to making a recommendation.

Attached is a memo from Barbra Bailey, along with 2 reports:

- Prairie Law Societies: An Incremental Approach to Entity Regulation
- Summary Report – Prairie Law Societies Meeting Winnipeg – March 14, 2018

ii. Membership Analytics

On July 26, 2018, Tim Brown, Q.C. and Tim Huber met with Katherine Simaluk from ISM to discuss the results of the Data Project. A further presentation involving Craig Zawada, Q.C. will be held on September 12th. The results will be provided to the Benchers following Convocation by way of separate communication.

3.4 Improve Access to Legal Services

i. Legal Services Task Team

The final draft of the report was provided to the Benchers at June Convocation and was then released to the public on August 14, 2018. Since the report is lengthy, Barbra Bailey will bring hard copies to the meeting, so please do not print a copy (the hard copies will actually be the bound reports that we had professionally published). You may also view the report [online](#).

At September Convocation, the Benchers will be asked to decide whether or not to accept the recommendations of the Task Team.

4. Society Governance

4.1 Operational Reporting

- i. President's Report
- ii. Executive Director's Report
- iii. Federation Council Report

4.2 Financial Reporting

- i. Financial Statements (to follow)

Enclosed are the financial statements for the period ended July 31, 2018.

- ii. Quarterly Investment Report for the period ended April 1 to June 30, 2018.
- iii. Pre-Budget Discussion

- a. 2019 Law Foundation Grant Applications

Tim Brown will provide updates respecting the Applications submitted to the Law Foundation for the Legal Resources Department and CPLED.

For discussion, the following are attached:

- i. Budget forecast memo prepared by Pamela Harmon, CPA, CA dated September 7, 2018; (to follow)
- ii. Financial spreadsheets; (to follow) and
- iii. General Fund Reserves Policy and Surplus Assets Management – Memo
- iv. General Fund Reserves POLICY – in draft

4.3 Appointments

- i. Federation Council

The term for Gregory Walen, Q.C. as Federation Council expires November 15, 2018.

Attached is a memo prepared by Tim Brown, Q.C along with attachments to assist in the selection process. While that memo references the three candidates which are recommended by the Committee, applications from all 9 applicants are presented for consideration by the Benchers.

Final selection will take place via secret ballot. As eligible candidates, Benchers Erin Kleisinger, Q.C. and Judy McCuskee will recuse themselves from the selection process.

ii. Public Representative Benchers (*In Camera*)

On August 15, 2018, interviews of 7 potential candidates were held at the Law Society office in Regina. Craig Zawada, Q.C., Tim Brown, Q.C. and Ministry of Justice representative Scott Harron were in attendance. An 8th candidate was interviewed on August 22, 2018.

A short-list will be provided to the Minister in due course to select 2 qualified candidates. Craig Zawada, Q.C. and Tim Brown, Q.C. will provide an update.

iii. Law Foundation of Saskatchewan

Terms for Law Foundation board members will expire December 31, 2018. Following is a list of the current board members:

- Eileen Libby, Q.C., Chair (January 1, 2017 – Dec. 31, 2018)
- Melanie Baldwin, Q.C., Vice-Chair (January 1, 2017 – Dec. 31, 2018)
- Evert Van Olst, Q.C. (2nd term, January 1, 2017 – Dec. 31, 2018)
- Brenda Walper Bossence, Q.C. (1st term, January 1, 2017 – Dec. 31, 2018)
- Tom Schonhoffer, Q.C. (1st term, January 1, 2017 – Dec 31, 2018)

Management is going through the process of confirming each candidate's willingness to continue as appointees. Recommendations will be put before the Benchers at December Convocation.

4.4 Governance

i. Bencher Election 2018

Attached is a memo from Barbra Bailey providing an update on the upcoming election.

ii. Conduct Investigation Committee Review

At June Convocation, the Discipline Executive Committee was directed, in conjunction with Law Society of Saskatchewan staff, to develop a proposal for re-structuring of the CIC process and bring a recommendation to September Convocation.

Attached is a *draft* Operating Manual for the new CIC process, entitled "Conduct Assessment and Disposition Guidelines." (to follow)

iii. Bencher Self-Evaluation Questionnaire (*In Camera*)

A summary report containing the results of the Bencher evaluation conducted in July has been provided by Barbra Bailey.

iv. Benchers' Survey – APRIO Portal

Attached are the highlights from the Benchers' Survey conducted in June 2018. Tim Brown, Q.C. reported that the survey indicates a certain level of dissatisfaction with the current portal and that Administration is in the process of discussing potential fixes with APRIO.

Other solutions, such as Sharepoint and the possibility of establishing a portal on the website for Benchers, are being considered by Administration.

v. Convocation 2019

Administration is in the process of securing 2019 dates and will advise once they are booked. Since we will have new incoming Benchers, returning Benchers are invited to attend Bencher training sessions at December 2018 Convocation, as well as February 2019 Convocation, but attendance is not required. Administration will advise if there is any new content being developed.

The following 2019 Convocation Dates have been *tentatively* selected by the Executive Committee.

- February 6 – 8, 2019, Saskatoon (3 days), with February 6th being devoted to Bencher Training
- April 16 - 18, 2019, Regina
- June 20 – 21, 2019 (prepare to drive on the 19th to Cypress Hills or Elk Ridge)
- September 11 - 13, 2019, Regina
- October 25, 2019, Saskatoon – Budget and President's Dinner. (Administration will attempt to book the new Remai Gallery in *Saskatoon* for the President's Dinner)
- November 27 - 29, 2019, location TBD

vi. Standard Operating Procedure for Virtual Meetings

The Governance Committee asked Administration to develop a Standard Operating Procedure for scheduling and holding virtual meetings to assist in both troubleshooting common problems and to ensure consistency across Committees. The attached document has been provided to all staff and can be used by both staff and Benchers to ensure that virtual meetings run smoothly. Some aspects of the SOP are intended to be a starting point or guideline; if a Committee finds that it needs to make some adjustments due to their unique circumstances, they may feel free to deviate from the guideline by agreement.

Administration has costed out the provision of tablets for those Benchers who do not have a second screen to use for virtual meetings to further assist in this process. Tim Brown, Q.C. will provide an update.

vii. Bencher Honoraria (*In Camera*)

The Bencher Honoraria Sub-committee, consisting of Brenda Hildebrandt, Q.C., Chair, David Chow, Sean Sinclair, Jay Watson and Judy McCuskee, held a meeting on June 12th to discuss Bencher honoraria. Governance met on August 22nd to discuss the Sub-Committee's recommendations.

The Sub-committee has prepared recommendations and considerations for the Benchers' review. Attached is a memo, along with background information, prepared by Barbra Bailey. (Some of the background information was provided for an earlier discussion, but it has been provided again for reference.)

Depending upon the outcome of the discussion, a motion may be required.

5. Regulation

5.1 Rule Amendments

i. Rule Amendments – Special Fund

The Trust Safety Committee has been reviewing the Special Fund structure and policies. The Committee held a meeting on August 1st to consider Rule amendments and policy manual amendments.

Attached is a memo from Tim Huber, with recommended Rule amendments for consideration and approval by the Benchers.

A motion is required.

ii. Rule Amendments – Rule 871 and Schedule 1

The Admissions & Education Committee recommends raising the CPD non-compliance reinstatement fee from \$100 to \$500; and adding a late fee of \$200 for members who have completed their CPD requirements, but have not reported their hours. Attached is a memo from Andrea Johnson.

A motion is required.

iii. Rule Amendments – Rule 166

At its June meeting, the Equity & Diversity Committee considered the administration of the Demographic Data Survey as part of the annual renewal process. The Committee passed a motion to recommend to the Benchers that the Survey be a mandatory part of annual renewal (members will have the option to decline to answer the questions.)

Additionally, the Committee moved to recommend that Rule 166, Practising Certificate, be amended such that the Executive Director, rather than the

Benchers, approves the form of Annual Declaration to avoid the necessity of having the Benchers approve the Annual Practice Declaration form each year and to ensure that the appropriate approval is in place to require that the Survey be completed.

Included is a memo from Barbra Bailey containing background information regarding the demographic data survey, as well as proposed amendments to Rule 166.

A motion is required.

5.2 Legal Profession Act, 1990 - Amendments

Barbra Bailey contacted Darcy McGovern, who is taking over the file from Mary Ellen Wellsch, to advise that the Benchers did not have any concerns with what had been proposed. He reported that they have all the information they require and will wait for the decision by the Benchers as to whether or not they accept the recommendations of the Legal Services Task Team. Since this time, however, new amendments have been received from the Law Foundation which need to be addressed.

Barbra Bailey has prepared a memo regarding these proposed amendments, along with a copy of the red-lined version of the *Act, Part IV*.

5.3 Code of Professional Conduct – Amendments

The Model Code Sub-Committee has reviewed a proposed amendment to Rule 7.7-1 of the Model Code of Professional Conduct dealing with appearances in Court by former judges.

The amendment proposed by the Federation's Model Code Standing Committee completely prohibits former Judges from appearing in court, whereas the current Rule prohibits such appearances for a period of 3 years. Following discussion, our Sub-Committee was not in favour of the amendment. Administration has been advised that unanimous consensus of the jurisdictions within the Federation is required for amendments to proceed. For this reason, the Sub-Committee would like to ensure that it has the support of the Benchers in proceeding with opposing the proposed amendments to the Model Code, prior to reporting back to the Federation Standing Committee.

Attached is a memo from Jenna Kraushaar, along with attachments.

6. Special Fund Claims (In Camera)

Discussion is to be held *in-camera* regarding the following claims:

i. HR Special Fund Claim

Attached is a memo from Stacey McPeck reporting the outcome of the Claims Investigation Committee. A motion may be required to pay the amounts set out in the memo/spreadsheet, should the Benchers be satisfied that the claimant has suffered a pecuniary loss as a result of the member's misappropriation.

A motion is required.

ii. KB Special Fund Claim

Attached is a memo from Stacey McPeck reporting the outcome of the Claims Investigation Committee. A motion may be required to pay the amounts set out in the memo/spreadsheet, should the Benchers be satisfied that the claimant has suffered a pecuniary loss as a result of the member's misappropriation.

A motion is required.

7. Committee Reports

- a. Access to Legal Services
- b. Admissions & Education
- c. Audit
- d. Conduct Investigation
- e. Discipline
- f. Equity & Diversity
- g. Ethics
- h. Executive
- i. Governance
- j. Insurance
- k. Legal Resources
- l. Professional Standards
- m. Trust Safety

8. Informational Items

- a. College of Law Endowment Fund – Report from Derek Maher, CPA, CA.
- b. Senate of the University of Regina – Report from David Brundige, Q.C.
- c. Don Thompson, Q.C., Executive Director at the Law Society of Alberta, is retiring at the end of the year.

9. Meeting Finalization

- 9.1 Review Actions to be Taken**
- 9.2 Confirm Items under 1.4**
- 9.3 Meeting Evaluation**
- 9.4 Next Meeting**
- 9.5 Motion to Adjourn**

10. Bencher *In-Camera* Session with Executive Director

11. Bencher *In-Camera* Session without Executive Director