

CONVOCAATION AGENDA

Convocation Date: June 19 – 21, 2019
Location: Cypress Hills Resort
Commencement and End Time: CIC meets at 10:00 am Wednesday, June 19th,
followed by lunch and Glenn Tecker session at 1:00 pm
Ends Friday, June 21st after lunch

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence was received from Kaitlynn McArthur.

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

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

- i. Governance Reform Session
- ii. Firm Regulation

2. Approval of the Minutes of April 18, 2019

2.1 Amendments

2.2 Confirmation of Minutes

2.3 Business Arising from Minutes

3. Governance Reform Session

On Wednesday, June 19th and Thursday, June 20th the Benchers will engage in the following sessions:

- Review of the relevant environment in relation to our Strategic Plan and a discussion of Discipline policy - led by Leslie Belloc-Pinder, Q.C. and Tim Huber. (Wednesday 1:00 pm);
- Full day Governance session on board composition and selection - led by Glenn Tecker. (Thursday 9:00 am).

4. Strategic Initiatives

4.1 Expanded Approach to Competency (Goal 1)

i. Membership Analytics

Tim Huber, General Counsel, met with the Law Society of Alberta Team on May 2nd. The meeting focused on their articling student/principal research. They have identified a direct correlation between high complaints principals and high complaints students/young lawyers. They have expanded their review to correlation in insurance claims.

The next step is to move forward with a data sharing agreement. As a starting point, there is some interest in comparing our data and seeing if there is a difference in the correlation due to our stricter principal approval criteria. It is generally our policy to deny potential principals who have a discipline history or an open complaint. Alberta does not deny principals who have discipline or open complaints.

ii. Articling Experience

As part of our articling review process, in conjunction with Alberta and Manitoba, two surveys were sent to the membership on May 8th. One survey will be directed to articling students and new lawyers; the other will be directed at principals, recruiters and mentors.

Attached for information is the communication that went out to members in relation to the survey.

We trust the results of the survey will help us to assess whether our existing systems are preparing lawyers for the future. Results will be provided to the Competence Committee for evaluation.

iii. Legal Resources – Regina Space Update

Melanie Hodges Neufeld and Alan Kilpatrick met with Court Services on April 30th. They were advised that construction will not begin in June as previously indicated, as a Design Consultant for the project has not yet been acquired. There is no confirmed start date, but Court Services is now aiming for August. Staff will be able to remain on site during construction.

Book disposal is nearly complete and the cost will be covered by Court Services. In mid-June, Court Services will contract movers to assist in moving part of the collection from the second floor to the basement. The remaining furniture and obsolete equipment will be relocated or disposed of by the end of June.

iv. Firm Regulation (*In Camera*)

Since the approval of the Firm Regulation Rules in April, Administration has been actively working towards implementation of the firm regulation framework.

Administration has consulted with the Firm Regulation Committee on several implementation considerations. For Bencher information and feedback, attached is a memorandum considered by the Firm Regulation Committee at its meeting June 3, 2019.

4.2 Trusted and Transparent Regulation (Goal 2)

i. Communications

a. Communications Report

Attached is a report from Melanie Hodges Neufeld. Melanie will provide the preliminary results of the Communications Survey which is scheduled to close June 17, 2019.

4.3 Innovative and Flexible Leader of an Engaged and Forward Thinking Membership (Goal 3)

i. Sandboxing

We have been approached in relation to two projects aimed at addressing the same issue: the lack of a mechanism for clients to sign documents with their lawyers remotely. Two different companies have approached the Law Society to participate in initiatives to work towards the implementation of a means of virtual attendance with clients. Both projects are using different means to address the traditional deficiencies associated with signing documents remotely, similar to the difficulty with client verification. The Law Society of Alberta is currently working with one of these companies to initiate a pilot project over the summer. The Law Society of Saskatchewan has been invited to observe the progress and provide feedback.

ii. Tech Training Options

As reported at Convocation in April, Administration negotiated a comprehensive suite of technology training programs to be delivered by Barron Henley from Affinity Consulting Group, a renowned practical Legal Tech guru. There are a number of considerations in the CPD world that may affect how we deliver this type of training in the future. Therefore, the CPD department will be looking at how we move ahead with this in the short term. More specifically, the CPD Department will be developing a strategy which will include decisions related to timing/scheduling (we expect to start offering some of these programs this fall), delivery methods (we intend to

utilize various methods, including in-person, webinar, recorded and on demand/interactive), and registration cost (we may decide to offer certain programs free and charge for others depending on the specific topic).

4.4 Increased Equity, Diversity and Inclusion in the Law Society and Legal Service Provision (Goal 4)

i. Equity & Diversity

Administration is working with an Equity, Diversity and Inclusion Consultant to draft a survey to obtain member feedback about barriers faced by members of equity seeking groups in the profession and suggestions for addressing them. The Equity and Access Committees will oversee this work.

Administration is currently working with the consultant to prepare a draft survey and associated communications, and expect to have the Equity and Access Committee approve the final survey in August for distribution in the fall.

ii. TRC Advisory Committee

The Truth and Reconciliation Advisory Committee held its first meeting on May 6th in Saskatoon. Gerald Tegart, Q.C., Chair, will provide a verbal report under item 7, Committee Reports.

4.5 Increased Access to Legal Services (Goal 5)

i. Legal Services Task Team

Jody Martin and Melanie Hodges Neufeld recently held *Lunch'n Learns* with the Saskatchewan Administrative Tribunal Association. Presentations took place in both Regina and Saskatoon and were an excellent opportunity to begin outreach and conversation with stakeholders relating to the consultation process on the implementation of the Task Team recommendations. Participants were engaged in the discussions and expressed interest in working with the Law Society to the extent possible, in implementing the recommendations. The presentations highlighted a lack of knowledge of the Task Team recommendations and the need to develop resources/communications to better inform stakeholders, members and the public.

Administration has begun planning the consultations regarding the definition of legal information and the exceptions to the practice of law (recommendations 2 and 5). A copy of the Consultation Proposal is attached.

Consultations with the relevant stakeholders are expected to start during the summer months and last into early fall. These consultations will assist and guide the development of the framework and guidelines to support the implementation of these recommendations. The Equity and Access Committee will be working with Administration on this initiative. During this process, Administration will continue to communicate with and educate members, and the public, on progress and next steps as appropriate.

ii. Saskatchewan A2J Network

From the last Benchers Minutes, it was reported that the Law Society will be involved in exploring the possibility of a Saskatchewan Access to Justice Website with other members of the Forum.

The next meeting is being organized for June 26th in Regina. The Agenda has not yet been finalized, but a potential topic is a workshop discussion on the creation of a new navigated pathways/online dispute resolution legal information portal.

5. Society Governance

5.1 Operational Reporting

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

5.2 Financial Reporting

- i. Financial Statements

Enclosed are:

- financial statements for the period ended May 31, 2019;
- budget variance analysis.

- ii. Quarterly Investment Report

Quarterly Investment Report for the period January 1 – March 31, 2019.

5.3 Execution of Strategy

- i. Action Plan Progress Update

Attached are Team Action Plans (Competency; Modernizing Regulation, Communications, and Data & Technology) with updated progress reports.

ii. Metrics Update

The leads of the four Action Teams have met to develop a preliminary list of metrics to measure execution of the strategic plan. At this stage, in most areas, we will be measuring the number of initiatives put in place to achieve certain goals as well as progress to plan on initiatives. We will also have to do some benchmarking to determine a baseline in several areas in order that we can measure the effectiveness of our initiatives down the road.

Attached is a memorandum from Kara-Dawn Jordan.

iii. Reporting Update - Dashboard

Administration continues to work with MicroAge on the development of a dashboard that will allow for the effective/efficient tracking and reporting of information to inform decision-making both at the Board and management levels. As work has continued on this project and Administration has learned more about the work that is being done in Alberta to track and analyze data to inform decision-making, it has become clear that the development of such a system will be a long term project which we will build and improve upon over time. Our current focus is on building an environment for the efficient tracking and measurement of the work that is being done to execute strategy.

At June Convocation, Administration hopes to provide a sneak peek of the “strategic status” dashboard.

5.4 Appointments

i. Law Foundation Auditor

Pursuant to Rule 76(7), the Benchers appoint the Law Foundation auditor. Bob Watt, FCPA, FCA, Law Foundation CEO, advised that the board recommends re-appointment of Deloitte as auditors for 2019.

A motion is required to re-appoint Deloitte as auditors of the Law Foundation.

ii. Queen’s Counsel Selection Committee

The Committee consists of the past President, a Bencher, a Public Representative and a member-at-large.

The precedent is to elect a Bencher by secret Ballot at Convocation. We received interest from 7 Benchers. A vote will be held to select one Bencher.

Lynda Kushnir Pekrul is the sole Public Representative Bencher candidate and, therefore, is acclaimed.

We received applications from 4 interested members (attached). A vote will be held to select one member-at-large.

5.5 Terms of Reference

Terms of Reference for the following committees were discussed at their respective committee meetings and are provided to the Benchers for final approval:

- Ethics Committee Terms of Reference
- Truth and Reconciliation Advisory Group Terms of Reference

The Terms of Reference were provided to the Benchers for review at June 2018 Convocation and again with amendments at September 2018 Convocation. The Benchers did not formally approve the Terms of Reference, as it was intended that they would go to the Advisory Group for comment once populated. The Group reviewed the Terms of Reference on May 6th and are not recommending any amendments at this time.

A motion of the Benchers is required.

5.6 Law Foundation Grants 2020

Annual grant requests are due August 23, 2019 for a meeting in Regina on September 16th. Legal Resources and the CPLED Bar Admission Program will begin working on their grant requests over the summer.

6. Regulation

6.1 Rule Amendments

i. Rule Revision Timeline

For information, attached is an updated rule revision timeline prepared by Jody Martin.

ii. New Part 9 – Professional Responsibility

A new set of Professional Responsibility Rules, representing the complete overhaul of these Rules to bring them up-to-date and import operational matters from the *Act*, have been prepared by Mary Ellen Wellsch, Q.C., Tim Huber, Valerie Payne and Jody Martin.

These Rule amendments are for Bencher approval in principle.

iii. Part 10, Insurance - Saskatchewan Lawyers' Insurance Association Inc.

Attached is a memo from Kara-Dawn Jordan, including proposed amendments to Rule 605.

The change in numbering of the subrules in Rule 605 results in a minor amendment to Part 7A, National Mobility and Interjurisdictional Practice, Temporary Mobility, Rule 195(4).

These Rule amendments are for Bencher approval.

iv. Parts 13 and 15 – Accounting and Trust Rules, Anti-Money Laundering, Member Reporting

The Trust Safety Committee will be meeting on July 8th to review draft amendments to Part 13 of the Law Society Rules, reflecting the recommendations made by the Federation and the development of Anti-Money Laundering and Terrorist Financing Model Rules. This is part of a national initiative to implement consistent rules for implementation nationally by the end of 2019. The *draft* Rules are expected to be considered by the Benchers as a whole for review and approval at September Convocation.

The issue of money laundering has gained traction in the media recently, and as a result, Minister Morgan's office requested a Briefing Note on the Law Society's awareness of, and approach to money laundering. The briefing note was prepared in consultation with Bob Linney from the Federation to ensure consistency of messaging and approach. The Briefing Note is attached for Bencher information and review.

6.2 Legal Profession Act, 1990 - Amendments

Bill 163, *The Legal Profession Amendment Act, 2019*, received Royal Assent on Wednesday May 15th. Until the 2019 Separate Chapters are available, if you would like a printed version of the Bill, please use this link

<http://docs.legassembly.sk.ca/legdocs/Bills/28L3S/Bill28-163.pdf>.

The required amendments to the Rules to accommodate the changes to the *Act* are ongoing and remain on schedule.

7. Committee Reports

- a. Audit
- b. Competency
- c. Conduct Investigation
- d. Discipline Executive
- e. Equity and Access
- f. Ethics
- g. Executive

- h. Firm Regulation
- i. Governance
- j. Insurance
- k. Legal Resources
- l. Trust Safety
- m. Truth and Reconciliation Advisory Group

8. Informational Items

- a. University of Saskatchewan Senate – report from Max Bilson
- b. University of Regina Senate – report from David Brundige, Q.C.
- c. PLEA Board – report from Maya Scott
- d. Convocation Dates 2020 - Tentative

Following are the *tentative* dates selected for Convocation 2020. Bookings have not yet been secured, however, we are planning for the following dates:

- Feb 12 – 14, 2020
- April 29, 30 and May 1, 2020
- June 17 – 19, 2020
- Sept. 16 – 18, 2020
- October 16, 2020 (President's Dinner in conjunction with Federation Conference in Saskatoon)
- October 23, 2020 (budget via webinar)
- Dec 2 – 4, 2020

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 – September 11 – 13, 2019 in Regina**
- 9.5 Motion to Adjourn**

10. Bencher In-Camera Session with Executive Director

11. Bencher In-Camera Session without Executive Director