

CONVOCAATION AGENDA

Convocation Date: November 27 – 29, 2019
Location: Hotel Saskatchewan, Regina
Commencement and End Time: Begins Thursday, November 28th at 8:00 am
(Breakfast at 8:00 am, followed by Ethics at 8:30 am and
CIC at 10:00 am)
Ends Friday afternoon, November 29, 2019

1. Approval of the Agenda

1.1 Apologies for Absence

An apology has been 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

2. Approval of the Minutes

- i. Bencher Minutes for the meeting held September 13, 2019
- ii. *In Camera* Bencher Minutes for the meeting held September 13, 2019
- iii. Bencher Minutes for the meeting held October 25, 2019
- iv. *In Camera* Bencher Minutes for the meeting held October 25, 2019

2.1 Amendments

2.2 Confirmation of Minutes

2.3 Business Arising from Minutes

3. Governance Reform (In Camera)

The Thursday afternoon session on November 28th is devoted to approval of Rule amendments and Governance Reform.

The following Governance materials are included for discussion:

- Memo regarding the appointment process
- *Draft* Policy Bencher appointments
- *Draft* Terms of Reference – Nominating Committee
- *Draft* Competency Matrix

Background materials are also included for discussion:

- Memo from Tim Brown, Q.C. and Kara-Dawn Jordan to the Governance Committee, titled *Appointment of Benchers*, dated November 6, 2019, with the following attachments:
 - Appendix A – Board Recruitment Worksheet
 - Appendix B – Matrix for Bencher Appointment (Practising Lawyer)
 - Appendix C – Key Drivers of Change
 - Appendix D – Strategic Plan 2019 – 2021
 - Appendix E – Bencher Recruitment and Election POLICY
 - Appendix F – Law Society of Manitoba’s Bencher Policy #1

4. Strategic Initiatives

4.1 Expanded Approach to Competency (Goal 1)

i. CPLED

A combined board meeting/AGM were held October 29 – 30 in Winnipeg. Tim Brown, Q.C. will provide an update.

ii. Legal Resources – Regina Space Update

The public tender for the Regina Queen’s Bench Courthouse renovation project closed in late October. We have been advised that construction in the Regina Library space will begin at the end of November. We have not been provided with a timeline for the construction but anticipate it will be completed by the end of January. Library staff are able to remain on site during the construction so there will be no disruption in services.

iii. Change to CPD Term

The change of the 3-year rolling CPD Term to a 1-year CPD Term, along with the transitional requirements, was approved by the Benchers at September Convocation, effective January 1, 2020.

We have been communicating the upcoming changes to the membership. Attached is a communication sent to the membership on October 11, 2019. Andrea Johnston continues to work on implementation.

iv. Cloud Computing Checklist and Best Practices

The ISM Cloud Computing Guidelines prepared in 2018 called for the creation of a Cloud Computing Working Group. This working group has now been appointed by PSC and had their first meeting on October 24, 2019.

The Working Group consists of Josh MacFadden (Chair), Nathan Schissel, Joseph Gill and Cory Furman.

The Working Group reviewed its terms of reference and has created a general plan to complete each of its assigned tasks. The first step the Working Group will do is design a survey of the membership to assess what and how the membership is currently using technology. They believe this will better inform their review of the Guide and Checklist, as well as the Rules.

Benchers should also be aware that one of the tasks assigned to the Working Group is to be available to consider any issues that relate to cloud computing that may be raised by the membership, Society, or others. This will be similar to how the Ethics Committee considers ethical issues.

4.2 Trusted and Transparent Regulation (Goal 2)

i. Communications

For information, a report from Julie Sobowale and Melanie Hodges is attached.

ii. Hearing Administrator Position

Attached is a Memo from Tim Huber summarizing the views of the Discipline Policy Committee in relation to the creation of a Hearing Administrator position. This memo details the recommendations made by the Committee and is provided with a view to receiving approval *in principle* from the Benchers table and direction as to next steps.

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

i. Law Society Podcast

In August, the Law Society launched a new monthly series focused on LSS initiatives and areas of interest to the profession. Three podcasts have been published about the Gladue Rights Research Database, resilience training and Access to Justice Week. The next scheduled podcast will be at the end of November focused on new changes at CanLII. The first two episodes each had more than 250 listeners.

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

i. Equity & Diversity

At September Convocation, the Benchers approved the process for the collection of demographic data at annual renewal, which includes requiring members to review and respond to the demographic questions, with the option to respond by selecting “I choose not to answer this question.” The attached communication went out to the membership on October 10th and again on October 29th. The written instructions that went out with the annual renewal letter contained similar messaging, as do the instructions contained in the database used for annual renewal.

Administration is reviewing what is hoped to be the final draft of the Equity, Diversity and Inclusion Survey. A decision has been made based on global change management considerations to hold back launch of the survey until the first quarter of 2020. The Survey will be provided to the Equity & Access Committee for review and approval at its next meeting, which will likely be held in either December or January.

4.5 Increased Access to Legal Services (Goal 5)

i. Legal Services Task Team

Consultations with relevant stakeholders to help create guidelines on the distinction between legal information and legal advice, as well as the exceptions to unauthorized practice, began in the fall and continue. Based on the feedback received, a new exception regarding administrative tribunals has been developed by staff and will be before the Benchers at November Convocation.

Tim Brown, Q.C. met with Glen Gardner, Q.C. on November 1st. They discussed the government’s desire to work with the Law Society to pilot certain programs the government is pursuing.

ii. Saskatchewan Access to Justice Working Group

The Access to Justice Network met on November 18th in Saskatoon. Updates were provided on:

- New PLEA website: set to launch at the end of November
- Ministry of Justice online dispute resolution initiative: first focus will be traffic violations and tribunal work
- Law Society guidelines on the distinction between law information and legal advice
- Legal needs assessment

The Network also discussed two possibilities for future Dean's Forum topics (March 2020):

- Re-imagining Family Justice in Saskatchewan
- Ideas for Limited Licensed Practitioner Pilot

The Network meets next in June 2020.

5. Society Governance

5.1 Operational Reporting

- i. President's Report
- ii. Executive Director's Report (written Report provided by Tim Brown, Q.C.)
- iii. Federation Council Report

5.2 Financial Reporting

- i. Financial Statements

Enclosed are the financial statements for the period ended October 31, 2019.

- ii. Quarterly Investment Report

Enclosed is the Quarterly Investment Report for the period July 1 to September 30, 2019.

5.3 Execution of Strategy

- i. Action Plan Progress Update

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

- ii. Metrics/Dashboard Update

A bespoke central data repository was developed in Q2 to house Strategic Tactical information, as well as the setup and connection to the Financial Database (Sage). This was followed by the development of a front-end App to specifically capture the progress of Strategic tactics. New requirements have required some updates to the database design, including the front-end app; these changes have been developed/applied in Q3 (accommodating for Budget periods, additional comment fields, as well as filter parameters). Testing is underway and an updated working version should be ready before the end of Q4. For the front-end (Dashboards/reports in PowerBI), we are sourcing an expert PowerBI developer/consultant (Q3) to assist us in expediting the completion of the current dashboards, as well as assist and

advise us in the 2020/2021 planning, development and implementation of the upcoming dashboard/reporting phases (which focuses on Operational Dashboards/Reports and the ability to do more detailed analysis across multiple data sources).

5.4 Appointments

i. College of Law Endowment Fund

Derek Maher's second term will expire on December 31, 2019 and he is willing to serve a final term.

A motion is required.

ii. Public Legal Education Association of Saskatchewan (PLEA)

Maya Scott's second term will expire December 31, 2019 and she is willing to serve a final term.

A motion is required.

iii. Election of President and Vice President

Gerald Tegart, Q.C. is the only declared candidate for the President of the Law Society of Saskatchewan.

At each November Convocation, the Benchers are asked to hold a secret ballot to elect a new Vice-President for 2020 if more than one person has expressed interest in the position. This year, only one Bencher, Foluke Laosebikan, Ph.D, has come forward to express interest in running for Vice-President, therefore, she will be acclaimed.

iv. Honorary Membership with the Law Society of Saskatchewan

In recognition of Patrick Shea, who worked diligently to honour the law students from Saskatchewan, including those who were lost in WWI, the Society wishes to bestow an honorary membership certificate to Mr. Shea. We received positive feedback from the membership and are pleased to have the information posted on the Law Society website for all to see.

A motion is required.

5.5 Bencher Committee Preferences

Attached is a form that the Benchers are asked to complete by indicating their preferences for Committee appointments.

5.6 Convocation Dates 2020

Attached is a list of 2020 Convocation Dates.

6. Regulation

6.1 Rule Amendments

i. Law Society Rules Overhaul

Amendments to *The Legal Profession Act* will come into force at year end.

The Benchers have completed a review of all substantive Rule changes over the past few months and they will be asked to provide final readings of the Rules at November Convocation. A motion is required.

The Rules Overhaul package was emailed to all Benchers on November 15th to allow extra time for review. Once approved, the Rules will be released to the membership in January 2020.

6.2 Code of Professional Conduct

At its October 19, 2019 meeting in Newfoundland, Federation Council approved the recommendation of the Standing Committee on the Model Code of Professional Conduct to add guidance on technological competence to the commentary to Rule Model Code 3.1-2 (Competence) in the form of two new Commentary, 4A and 4B.

Federation Council has also notified us of typographical corrections to the section on Doing Business with Clients; Code numbers referenced within Commentary 1 to Rule 3.4-32, and in Rule 3.4-34 were incorrect. The Federation has rectified these typographical errors in the material they provided.

Please find attached a memo from the Discipline Policy Committee explaining amendments to the Code, a Commentary from David Swayze on Technological Competence, as well as tracked changes to the Code.

A motion is required.

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. Saskatchewan Legal Aid Commission – report from Valerie Macdonald, Q.C.
- c. *Hello from the other side*, by Luc Rinaldi, Pivot Magazine, June 26, 2019, posted to CPA website
- d. [SALI Promotional Video](#)
- e. Legal Coaching and Unbundling Project [website](#) and CBC Article: [If you can't afford legal services, team up with a lawyer, says expert](#)

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