

CONVOCATION AGENDA

Convocation Date: October 25, 2019
Location: Sheraton Cavalier, Saskatoon
Commencement and End Time: Friday, October 25th
Bencher Meeting from 11:00 am – 3:00 pm (working lunch). Federation 101 Presentation 3:00 – 3:45 pm for new Benchers. President's Gala in the evening.

1. Approval of the Agenda

1.1 Apologies for Absence

Apologies for absence were received from Suzanne Jeanson and Erin Kleisinger, Q.C.

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

Materials for this meeting are of a confidential nature and will not be made available to the public.

2. Honourary Membership with the Law Society

Ross Earnshaw, President of the Federation of Law Societies of Canada, will attend Convocation and the President's Gala.

A motion is required to present an honorary certificate to Mr. Ross Earnshaw.

3. Governance

3.1 Financial Statements

Financial Statements for the period ended September 30, 2019.

3.2 Budget 2020

For discussion, a memo has been prepared by Tim Brown, Q.C., along with budget related documents for each department:

- i. Bar Course (CPLED)
- ii. Continuing Professional Development (CPD)
- iii. Legal Resources
- iv. Special Fund
- v. Professional Responsibility

vi. Administration Fund

Other documents relating to the budget:

- i. Strategic Budget
- ii. Reserves Summary

Tim Brown, Q.C. will brief the Benchers with a power point presentation and answer questions.

Separate motions will be required:

- A motion to approve the 2020 budget;
- A motion to approve the practicing levy for 2020 and Special Fund assessment (included in the practice fee).

4. Regulation

4.1 Rule Amendments

- i. Part 13 – Accounting and Trust Rules, Anti-Money Laundering

The Trust Safety Committee considered amendments to Part 13 of the Rules to incorporate the Anti-Money Laundering Model Rules prepared by the Federation at its meetings on July 8, 2019 and August 14, 2019.

In collaboration with the Federation, Administration has prepared additional guidance for our members to ensure that they are fully apprised of the requirements for the new Monitoring Rule. Along with the additional Monitoring guidance, administration has also created sample forms, a flow chart, and will be updating the FAQ's on client ID and verification to support the members in understanding the changes.

The Trust Safety Committee is recommending that amendments to Part 13, including the AMLTF model rules, as written, be approved *in principle*, with a coming into force date of January 1, 2020.

- ii. New Firm Regulation Rules – Part 9

The Firm Regulation Committee considered amendments to the Firm Regulation Rules and is recommending approval of these amendments to address potential issues that may arise in relation to the Failure to Comply Rule, specifically on the imposition of conditions or suspension on the use of a firm's trust account.

In order to resolve this issue, the Committee is recommending a new subrule 902(5). Additional amendments include:

- a. The effective date for the Firm Regulation Rules has been amended January 1, 2020 to reflect the coming into force date of the rest of the Rule amendments in Rules 902, 903, 904, and 906;

- b. References to the firm culture principles have been removed at this time to accurately reflect the delay in implementation of that aspect of firm regulation and portion of the Assessment Tool in Rules 901,907, and 908.; and
- c. Various housekeeping amendments.

The Committee is also recommending adding reports on compliance with the model trust accounting rule to Rule 909, subject to Bencher approval of the Anti-Money Laundering Rules.

The Firm Regulation Committee recommends that the new Firm Regulation Rules, Part 9, as written, be approved *in principle*, with a coming into force date of January 1, 2020.

iii. Reporting Requirements – Part 16

The Firm Regulation Committee considered and is recommending amendments to Part 16 to incorporate the firm regulation requirements. The recommended amendments are also to amend the enforcement and fine provisions to bring them more in line with similar provisions and to include various housekeeping amendments. The Committee considered substantive amendments to Rules 1205 and 1225, to simplify and create uniformity within the Part and align them with other late assessment fees.

The Committee also considered and is recommending amendments deleting Rule 1208, Prohibited from the Practice of Law, and replacing it with new Rule 1612, Disqualified from the Practice of Law.

The Firm Regulation Committee recommends that the Reporting Requirements Rules, Part 16, as written, be approved *in principle*, with a coming into force date of January 1, 2020.

iv. Governance Rule Amendments - Committees Part 6 and Elections Part 3

The Governance Committee met on October 2, 2019 to consider proposed amendments to Part 3 of the Rules regarding Elections, and Part 6 of the Rules regarding Committees.

The amendments to the Election Rules are housekeeping in nature to make them consistent with the new Rules. The proposed Committee Rules, beyond housekeeping amendments, include amendments that will formalize the Equity & Access Committee and the Competency Committee and remove the Legal Resources Committee as a Standing Committee. The proposed amendments also see all Rules that deal with Committee composition moved to Part 6 of the Rules.

The Governance Committee recommends that amendments to Part 3 of the Rules regarding Elections; and Part 6 of the Rules regarding Committees, as written, be approved *in principle*, with a coming into force date of January 1, 2020.

v. Electoral Reform

Time will be set aside to discuss the recommendation of the Governance Committee arising from their meeting held October 2, 2019.

4.2 Firm Regulation Assessment Tool (Informational)

For information, attached is a memo from Jody Martin on the amended implementation timeline for the Assessment Tool.

5. Reports

5.1 President's Report (none)

5.2 Executive Director's Report (none)

6. Meeting Finalization

6.1 Review Actions to be Taken

6.2 Confirm Items under 1.4

6.3 Meeting Evaluation

6.4 Next Meeting

The next Convocation is scheduled November 27 - 29 at the Hotel Saskatchewan in Regina.

6.5 Motion to Adjourn

7. Bencher *In-Camera* Session with the Executive Director

8. Bencher *In-Camera* Session without the Executive Director