

CONVOCAATION AGENDA

Convocation Date: September 12 and 13, 2019
Location: Hotel Saskatchewan, Regina
Commencement and End Time: Thursday, September 12th at 8:00 am to
Friday, September 13th at 4:00 pm, if necessary

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence has been received from Lynda Kushnir Pekrul.

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

Craig Zawada, Q.C., item 4.3(ii) and Martin Phillipson, item 5.2(v).

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

- i. Articling Experience
- ii. CPLED
- iii. Collaboration with the College of Law
- iv. Sandboxing New Technologies
- v. PBLS Funding Proposal 2020
- vi. CLASSIC Funding Proposal 2020
- vii. Bencher Self-Evaluation Questionnaire

2. Approval of the Minutes

- i. Bencher Minutes for the meeting held June 21, 2019
- ii. *In Camera* Bencher Minutes for the meeting held June 21, 2019.

2.1 Amendments

2.2 Confirmation of Minutes

2.3 Business Arising from Minutes

3. Governance Reform

The afternoon session on September 12th is devoted to a continuation of the Strategic Governance discussions held in June 2019 at Cypress Hills. Time will be devoted to discussion and any resulting motions which arise from this session.

4. Strategic Initiatives

4.1 Expanded Approach to Competency (Goal 1)

i. Membership Analytics (for information)

We have added Paul Westgate to the data conversation with the Law Society of Alberta to assist in moving towards collaboration on some level. Paul participated in a joint data team meeting on July 24, 2019. Paul then met with the Law Society of Alberta Data Team in Calgary in early August.

The focus is on identifying a path to collaboration, keeping in mind that every jurisdiction is using different platforms to house their data and that each jurisdiction has their own particular way of describing their individual data points and practices when recording information. We are discussing the creation of a data dictionary for our own data and an exchange of information with Alberta about all of the available data points with a view to finding commonalities and creating new areas of commonality. This is an important step in our collaboration with Alberta and an important foundational proof of concept piece with respect to data work with other law societies, should interest in participation expand beyond our prairie working group.

In addition, Alberta has a dedicated specialist (data scientist - consultant) who is assisting them with their reporting and advanced analytics. We will be exploring potential 3rd party specialist resource options as our data reporting/insight requirements grow.

ii. Articling Experience (*In-Camera*)

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 was directed to articling students and new lawyers; the other was directed at principals, recruiters and mentors.

Illumina, the survey company, has provided a report summarizing the survey results. It was brought before the Competency Committee for consideration and further analysis.

Tim Brown, Q.C. and Andrea Johnston will provide a verbal update and provide insights as to next steps.

iii. CPLED (*In-Camera*)

Dr. Kara Mitchelmore, CPLED CEO, will attend at September Convocation to present her CPLED Prep update in relation to the final stages of development of the program and discussing fees. Tim Brown, Q.C. will provide a high level update with respect to the financial modelling done

internally to assess the financial implications in advance of the Law Society budget to be presented in October.

This portion of the discussion will occur *in-camera*.

iv. Legal Resources – Regina Space Update

A meeting was held with Court Services in July and the renovation start date has been revised to late October/early November. We have been consulting with the architect and a draft plan is in place. It will accommodate two staff members and our essential collection needs on the 2nd floor. Court Services is covering all associated costs.

v. Proposed Change to CPD Term

CPD Policy - Proposed Change to CPD Term

Attached is a memo from Andrea Johnston proposing a revision to the CPD Policy to change from a three-year rolling CPD term to a one-year CPD term.

The Competency Committee (A & E and PSC) has considered this proposal and is recommending it for approval by the Benchers. Although the Competency Committee has the authority to amend the CPD Policy, due to the fundamental nature of this change, Administration and the Committee agreed that this matter should be discussed and ratified by all Benchers.

Andrea Johnston and Kiran Mand will address questions related to the proposal.

4.2 Trusted and Transparent Regulation (Goal 2)

i. Communications Report

Attached is a report from Melanie Hodges Neufeld.

Also attached, are the key insights from the member survey which closed on June 17th. The results will allow the Law Society to make changes in the way we provide information to our members. We will communicate any changes resulting from the survey with the membership to reinforce our commitment to listening to member needs.

ii. Law Society Podcast

The Law Society has released its first Podcast entitled “Legal Skies.” An email blast was sent to the membership on August 29, 2019 with a link to the [Podcast](#).

Currently, this is envisioned to be a monthly offering, although consideration is being given to increasing its frequency. The hope is that it will provide an opportunity to expose the membership to Society initiatives and to developments in the law and its regulation through interviews with thought leaders and influencers, all in a convenient format for members.

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

i. Collaboration with the College of Law (*In Camera*)

Tim Brown, Q.C. and Martin Phillipson will update the Benchers with respect to the potential development of a joint venture involving the creation of a “futures” class.

ii. Sandboxing New Technologies (*In-Camera*)

Tim Brown, Q.C. will meet with two industry technology leaders in September to discuss potential areas of collaboration for “sandboxing” new technologies. He will provide an update to the Benchers.

iii. Vincent

Legal Resources recently added *Vincent* to the Member Resource Section. Vincent is an intelligent research assistant by vLex that can analyze a judgment, brief, legal memorandum or any other legal document and extract significant concepts to generate the most relevant results from among vLex Canada’s extensive legal libraries. We are excited to see how artificial intelligence, natural language processing and machine learning will help facilitate our members’ research.

iv. Law Society Blog

To follow the Law Society blog and receive automatic email notifications about our new initiatives and resources, please click on [instructions](#) to subscribe to automatic notifications.

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

i. Equity & Diversity

The Equity and Access Committee has reviewed the practice of collecting demographic data as part of the annual membership renewal process and is recommending a change to the process from last year. Attached is a memo from Kara-Dawn Jordan setting out the Equity and Access Committee’s recommendation as well as a May 2019 memo to the Equity & Access Committee providing background information on this issue.

Administration has also been 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.

Administration has received a second draft of the survey and will work with the consultant before bringing a draft to the Equity & Access Committee for consideration. Administration is working towards a timeline that would have the draft approved and the survey distributed by late fall.

4.5 Increased Access to Legal Services (Goal 5)

i. Legal Services Task Team

Consultations with relevant stakeholders have started and will continue into early fall. For review, attached are the consultation letters and materials.

The consultation process has two streams:

- Stream one will involve reconnecting with previous stakeholders from the original Task Team consultation to receive guidance on implementing recommendations 2(b) and 5(a);
- Stream two will involve a new consultation with other professions (e.g. accountants) regarding exception 'o'.

These consultations will assist and guide the development of the framework and guidelines to support the implementation of the recommendations. The Equity and Access Committee will be working with Administration on this initiative. Further details about the proposed proclamation of the related sections in *The Legal Profession Act* will be addressed under item 6.1(i), Rule Revision Timeline.

ii. Saskatchewan A2J Network

The last meeting of the A2J Network was held on June 26th. We were primarily interested in hearing about the government's progress related to their "A2J" portal and possibilities for network collaboration. The initiative seems likely in the short term to be confined to an online dispute resolution or "ODR" platform, which would initially limit the possibility of crossover and collaboration by other network members. Tim Brown, Q.C. will update the Benchers regarding further discussions since the meeting.

5. Society Governance

5.1 Operational Reporting

- i. President's Report
- ii. Executive Director's Report (verbal report)
- iii. Federation Council Report

5.2 Financial Reporting

i. Financial Statements

Enclosed are the financial statements for the period ended August 31, 2019, along with the budget variance analysis.

ii. Quarterly Investment Report

For review, attached is a copy of the Quarterly Investment Report for the period April 1 – June 30, 2019.

iii. Pre-Budget Discussion

Legal Resources and the CPLED Bar Admission Program submitted their annual grant requests on August 22nd to the Law Foundation. A meeting to consider grant requests is scheduled September 16, 2019.

iv. PBLS Funding Proposal 2020 (*In Camera*)

Tim Brown, Q.C. will report on the funding request submitted by PBLS as a precursor to budget discussions scheduled for October.

v. CLASSIC (*In Camera*)

Tim Brown, Q.C. will update the Benchers with respect to the proposed funding request by CLASSIC.

5.3 Execution of Strategy

i. Action Plan Progress Update

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

Tracked changes have also been included to indicate updates to the plans since the Benchers last reviewed them in June. You will note that the timelines have also been adjusted for some tactics. In some cases, this is a result of decisions that have been made in relation to the roll-out of certain initiatives. In other cases, the timeline has been adjusted, based on the fact that Administration now has more information about what is involved in each project, including consultant/contractor timelines or due to staff resources. Some timelines have also been adjusted simply to reflect the ongoing nature of the work.

ii. Metrics/Dashboard Update

Administration has worked with Sage to upgrade our accounting system to allow better reporting for management and the board and to allow it to automatically feed the dashboard once complete. Now that the prototype is complete for the dashboard, Administration is continuing its work with MicroAge to build out the content.

Kara-Dawn Jordan will provide additional information regarding the work plan.

5.4 Appointments

i. Legal Aid Commission

Valerie Macdonald, Q.C. is currently serving her first term, which will expire September 21, 2019. Raymond Wiebe is currently serving a second term, which will expire December 31, 2019.

Both representatives are willing to serve another term.

According to the Bencher Policy Manual, appointments are usually made for two-year terms, with the possibility of renewal. The maximum tenure is usually six years.

The convention has been to renew these appointments unless there is an unwillingness to continue, there are concerns about reporting back to the Law Society, or there is a lack of attendance at meetings. Since no issues have come to Administration's attention, reappointment of our current representatives is recommended.

A motion of the Benchers is required.

5.5 Bencher Self-Evaluation Questionnaire *(In Camera)*

A summary report containing the results of the Bencher evaluation conducted in July has been provided by Kara-Dawn Jordan.

5.6 Election of Vice President

Traditionally, an email is sent to all Benchers near the end of September to encourage Benchers to consider running for Vice-President. With new Benchers on board, the Executive wishes to provide an early reminder to all Benchers to consider whether they have any interest in running for this position. A further reminder will be sent via email in accordance with our past practices.

Anyone who is interested should feel free to reach out to colleagues on the Board who have fulfilled these roles if they have questions about workload/time commitment, or any other questions relating to the position. The deadline for notice is October 31st. Benchers will vote via secret ballot at November Convocation.

6. Regulation

6.1 Rule Amendments

i. Rule Revision Timeline

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

Pursuant to the timeline, and in order to ensure all necessary Rules are in place when amendments to the *Act* come into force at year end, it is expected that the Benchers will have completed a review of all substantive Rule changes prior to November Convocation. Each Committee (as needed) will be scheduled to meet in October to review the relevant Part of the Rules that will incorporate all the changes pertaining to the Rules overhaul (changes to numbering, language, etc.).

ii. New Rules Part 10 - Alternative Legal Service Providers

Attached is a memorandum from Jody Martin on behalf of the Discipline Policy Committee and the Equity and Access Committee detailing new draft Rules, providing a definition of Legal information and a list of unauthorized practice exemptions to be added under new Part 10 of the Rules, Alternative Legal Service Providers.

These draft Rules were considered at Committee meetings on September 3, 2019. The Committees are recommending these draft Rules to the Benchers for their review and approval, *in principle*, to allow for any housekeeping or other numbering changes further to the Rules overhaul, for final approval at November Convocation.

iii. Part 11 – Directing Prosecutions

At the Bencher meeting in June 2019, proposed *draft* Rules relating to the direction of prosecutions and amendments to Conduct Investigation Committee motions were tabled from the larger set of draft Rules, to allow for consultation with the Conduct Investigation Committee.

Following this consultation, these proposed *draft* Rules are now placed before the Benchers for approval *in principle*. Attached is a memo by Valerie Payne regarding the results of the consultations and the proposed *draft* Rules.

iv. Part 7 – Membership and Practice Privileges

Attached is a memo from Andrea Johnston proposing amendments to Part 7 of the Rules (Membership and Practice Privileges). The amendments are needed in order to bring the Rules in line with the upcoming changes to *The*

Legal Profession Act, 1990, as well as some housekeeping amendments to clean up and add clarity to various Rules.

The Competency Committee has considered the proposed Rule amendments and is recommending them for approval by the Benchers. A copy of the redlined Rules is attached for review and approval *in principle*. Final reading and approval of the Rules will be before the Benchers at November Convocation.

6.2 Code of Professional Conduct

The Law Society's summer student, Sydney Young, was tasked with the responsibility of monitoring the *Code of Professional Conduct* and reviewing it for errors, inconsistencies and ensuring it aligns with the Federation's Model Code. Sydney also input cases into annotations.

Minor grammatical corrections and formatting were found and made to the Code. These changes were simply to make the document consistent and to correct minor grammatical errors. There was only one amendment to the Code that requires Benchers approval and it is highlighted on the attached page under section 2.1 *Integrity, Commentary #1*.

A motion of the Benchers is required.

6.3 Honorary/Posthumous Call for World War One Law Students

Patrick Shea, a partner with the Gowling Law Firm in Toronto, approached the Law Society about a project regarding honorary calls to law students and law students who were lost in WWI.

According to Mr. Shea, there are 40 law students from Saskatchewan who were lost in WWI. Other law societies have participated in the project and he was hoping the Law Society of Saskatchewan would do something similar. For example, the Law Society of Alberta posted biographies on their website and Mr. Shea prepared a book, as well. The Law Society of Ontario and Newfoundland also participated in the project in some form. Patrick Shea has done all the research at his own cost, as he considers it a personal labour of love, so the cost will be minimal.

Tim Brown, Q.C. has suggested that the photos and bios be published on the Law Society website on or about November 11, 2019. Honorary memberships could also be sent to the families if approved by the Benchers. The Executive Committee was comfortable with the approach.

Administration seeks approval from the Benchers to provide honorary memberships to the law students who were either lost in WWI or who were unable to complete their legal studies as a result of having served.

A motion is required by the Benchers.

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 Committee

8. Informational Items

- a. “Advocate for justice” in Saskatoon ordered to stop practising law without a licence - Regina Leader Post, by Kathy Fitzpatrick, August 6, 2019
- b. Creators of novel Gladue database hope it becomes widely used after free access – *Lawyers Daily*, online, by Terry Davidson, posted July 8, 2019
- c. Blackladder meets the Law Society of Ontario – *CanadianLawyer*, online, opinion by Dean Ian Holloway, July 29, 2019
- d. LSO reduces number of committees, extends appointments of former benchers on tribunal – *Lawyers Daily*, online, by Amanda Jerome, posted August 9, 2019
- e. College of Law Endowment Fund – report from Derek Maher, CPA, CA
- f. PLEA Board – Report from Maya Scott
- g. Sask Legal Aid Commission – report from Ray Wiebe

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 – October 25, 2019 in Saskatoon**
- 9.5 Motion to Adjourn**

10. Bencher In-Camera Session with Executive Director

11. Bencher In-Camera Session without Executive Director