

# CONVOCATION AGENDA

Convocation Date: February 12 – 14, 2020  
Location: Hotel Saskatchewan, Regina  
Commencement and End Time: Thursday, February 13<sup>th</sup> at 8:00 am, with Ethics, Audit, CIC and Equity and Access meetings in the morning and Convocation ending Friday, February 14<sup>th</sup> after lunch

## 1. Approval of the Agenda

### 1.1 Apologies for Absence

Apologies for absence have been received from Kaitlynn McArthur, Andrea Argue, Crystal Norbeck, Cara Haaf and Ian Wagner.

### 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. Future Class re Innovation in Law
- ii. Non-Lawyer Service Providers

## 2. Approval of the Minutes

### 2.1 Bencher Minutes

- i. Bencher Minutes from the meeting held November 29, 2019
- ii. *In Camera* Bencher Minutes from the meeting held November 29, 2019

### 2.2 Amendments

### 2.3 Confirmation of Minutes

### 2.4 Business Arising from Minutes

## 3. Thursday Afternoon Presentation on the Future of Law and the Future of Self-Regulation

On Thursday afternoon from 1:00 – 5:00 pm, a presentation on the future of law and the future of self-regulation, will be presented by Jordan Furlong and Paula Littlewood. Melissa Craig and Brea Lowenberger from the U of S, as well as Erin Kleisinger, Q.C., Federation Council, will also be in attendance.

Paul Westgate will be on hand to record the session and it will be posted to APRIO under *Resources/Bencher Training Materials*.

Time will be allotted for comments and discussion, should any arise.

#### **4. Strategic Initiatives**

##### **4.1 Expanded Approach to Competency (Goal 1)**

###### **i. CPLED**

The CPLED board meeting was held January 21 - 22, 2019 in Calgary. Tim Brown, Q.C. will report to the Benchers.

###### **ii. Legal Resources – Regina Space Update**

Construction at the Regina Courthouse began on December 4, 2019 and will take 3 months. The portion of the Library renovations are now complete.

###### **iii. Change to CPD Term)**

The change of the 3-year rolling CPD Term to a 1-year CPD Term became effective January 1, 2020 and members were alerted in advance through a series of email communications. A copy of the *revised* CPD Policy was posted to our website on December 18, 2019 and a copy is attached for review.

##### **4.2 Trusted and Transparent Regulation (Goal 2)**

###### **i. Communications**

A report from Julie Sobowale is attached for information.

###### **ii. Hearing Administrator Position**

At Convocation in November 2019, the Benchers approved *in principle* the creation of a Hearing Administrator position.

An *ad hoc* Recruitment Committee was established, consisting of Leslie Belloc-Pinder, Q.C. and Tim Brown, Q.C., as well as Lynda Kushnir Pekrul and James Korpan, Q.C.

This Committee will meet following Convocation to refine the position requirements and the job-posting, following which the position will be advertised. A “heads-up” Communication was sent to the membership on January 23<sup>rd</sup> and a further reminder will be sent to the membership prior to any public advertisements. A copy of that communication is attached.

The Administration has also conducted an initial review of the Law Society of Alberta Adjudicator Training program and will present its findings to the Committee.

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

##### **i. Law Society Podcast**

Since the Legal Skies Podcast launched in August, four episodes have been published. The average number of listeners for each episode has been 130. Legal Skies was recently chosen as [one of four recommended Saskatchewan podcasts to listen to in 2020](#) by CBC Saskatchewan.

The Administration is in the process of exploring topics for 2020. In February, Gerald Tegart, Q.C. and Foluke Laosebikan, Ph.D have agreed to be podcast guests. We will also be joined by renowned legal commentators Jordan Furlong and Paula Littlewood. At the CBA Mid-Winter Meeting, staff recorded 9 podcasts that will be used throughout the next 3 - 4 months as bite-sized podcast episodes. Julie Sobowale will also record podcasts at the ABA Techshow in Chicago.

The podcast is also a useful tool to help promote CPD events and other Law Society initiatives. In February, negotiator Marty Latz will be interviewed for the podcast. The episode will be released in early March and used to promote his seminar, which will be held in Saskatoon in late March.

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

Administration has been engaged in the creation of a class centering on innovation in law as a credit program at the College of Law. Further discussions took place between Tim Brown, Q.C., Craig Zawada, Q.C. and Martin Phillipson on December 17, 2019 and January 17, 2020.

Craig Zawada, Q.C., Tim Brown Q.C. and Martin Phillipson will provide an update to the Benchers.

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

##### **i. Equity & Diversity**

The *draft* member Equity, Diversity and Inclusion Survey developed by Inclusion Factor, in consultation with Administration, was presented to the Truth and Reconciliation Advisory Group for feedback at its February meeting. It will be reviewed by the Equity & Access Committee at its next meeting. Once a final version is approved by that Committee, it will be provided to the Benchers for information and will be launched at an appropriate time, given other items on the communications schedule.

An update on responses to the demographic data questions included in the annual renewal was provided to the Benchers at November Convocation. A final report is attached for information.

#### **4.5 Increased Access to Legal Services (Goal 5)**

##### **i. Non-Lawyer Service Providers (*In Camera*)**

Further to our discussions at November Convocation, the Benchers will need to decide the appropriateness of providing letters of comfort to non-lawyer service providers who have provided notice to the Society that the services they provide fall within the new definition of “practice of law” under the *LPA*. To support this discussion, the following background materials are provided:

- Memorandum to the Benchers from Tim Huber regarding Non-Lawyer Service Providers and Maintaining the Status Quo (update on progress since November 2019), dated February 5, 2020;
- December 19, 2019 notice letter to Tribunals and Service Providers;
- Draft “Comfort Letter” as presented to and discussed by the Discipline Policy Committee;
- Memorandum from Tim Huber dated February 6, 2020 regarding Factors and Considerations for the Granting of Temporary Comfort Letters to Non-lawyer Service Providers;
- Notice Form Responses received as of February 4, 2020 and Administration’s recommendations; and
- Memorandum from Melanie Hodges-Neufeld dated February 6, 2020 regarding steps taken/next steps in Notice Process Outreach and Communications, along with Tab A – Initial Communication Contact List and Tab B – Expanding Access to Justice.

##### **ii. Legal Information v. Legal Advice Guidelines**

The Legal Services Task Team recommended the creation of guidelines to clarify the distinction of legal information and legal advice.

John Greacen, a principal of Greacen Associates, LLC, has agreed to assist with this project. Mr. Greacen wrote the seminal article on the difference between legal information and legal advice for court staff in 1995 and continues to publish regularly on the topic. He has also assisted numerous jurisdictions with the creation of similar guidelines, including the Nova Scotia Department of Justice Court Services.

At the end of March, Mr. Greacen will be facilitating a full-day session with staff and potentially members of the Equity and Access Committee to explore the grey areas identified by the Task Team and develop draft guidelines for Bencher consideration.

## **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 the financial statements for the period ended December 31, 2019.

- ii. Reserves

- a. Operating Reserve

The Law Society Reserves Policy provides that the target minimum Operating Reserve is equal to 3 months of average budgeted operating expenses.

Based on the 2020 budget, 3 months of average operating expenses equals \$1,580,000.

Administration is seeking a motion that the Operating Reserve be set at \$1,580,000 and shall be reflected as such in the April 2020 financial statements.

A motion is required.

- b. Strategic Reserve

The Law Society Reserve Policy provides that the Strategic Reserve shall be set by the Benchers on an annual basis, with consideration to initiatives contemplated by the Law Society which are consistent with its strategic goals.

Administration is proposing that the Strategic Reserve be set at \$1.2 million dollars, which reflects the high end of our strategic spending estimates to the end of 2021. It should be noted that this is not intended to be an authorization of spending to that limit, as a budget of \$660,000 has been approved for 2020 and a budget for 2021 will be proposed later this year.

Administration is seeking a motion that the Strategic Reserve be set at \$1.2 million dollars and shall be reflected as such in the April 2020 financial statements.

A motion is required.

iii. Quarterly Investment Report

Attached is a copy of the Quarterly Investment Report for the period October 1 to December 31, 2019.

iv. Financial Statements for the year ended December 31, 2019

Year-end books are closed by the end of January to allow for the late receipt of 2019 accounts. The AGM is scheduled a bit later this year, April 30, 2020, so this allows more time to complete the process.

The Benchers will need to approve the audited December 31, 2019 financial statements prior to the AGM. A conference call has been scheduled for Thursday, April 2, 2020 from 2:30 – 3:30 pm and all Benchers were asked to diarize the meeting in their calendars.

v. Greystone Banking Resolution

Attached is a Greystone Banking Resolution for signatures. With the appointment of a new President and Vice-President, Greystone requires a resolution authorizing signing authorities.

This resolution will require approval by the Benchers.

vi. TD Banking Resolution

Attached is a banking Resolution for the Toronto Dominion Bank authorizing signing authorities for 2020. With the change in titles for professional staff, an updated Resolution has been provided.

This resolution will require approval by the Benchers.

### **5.3 Execution of Strategy**

i. Action Plan Progress and Executive Strategic Dashboard Update

Tim Brown, Q.C. and Kara-Dawn Jordan met throughout January with Action Team leads to refine tactics and budgetary allocations for 2020. The Action Plan for each Action Team incorporating refinements and updates are attached (Competency, Modernizing Regulation, Communications and Data & Tech). As scheduling did not permit for full Action Team meetings in advance of Convocation, further refinements to tactics can be expected.

The attached Action Plan reports take a different form than what has been previously provided to the Benchers, as they have been automatically generated from the Executive Strategic Dashboard. A new automated report (Goal Updates) has been developed to report on strategic status updates which streamlines the overall maintenance process.

Additional licenses have been added for the Benchers to securely view the Dashboard online. Setup and login instructions will be circulated by Paul Westgate who will be the main contact.

Paul Westgate will provide a “how-to” demonstration of the new tool at Convocation and report on next steps.

## **5.4 Annual General Meeting**

The AGM is scheduled for Thursday, April 30, 2020. Members will receive information about the upcoming AGM on February 13<sup>th</sup> via the *Re Source*. Work has already begun on the Annual Report.

Instead of an evening dinner, it is proposed that we convene for a luncheon over the noon hour on that date at which time, in addition to the standard AGM Agenda, guests will hear an update on recent Law Society activities which will provide attendees with 1 CPD Ethics hour credit.

According to Rule 403, below, Resolutions are required 30 days before the AGM, which means the deadline for Resolutions is March 31, 2020. This will also be included in the message to members.

### **Resolutions**

**403** Any member may, at least 30 days before the date set for a general meeting of the Society, deliver to the Executive Director a resolution that:

- (a) is in writing; and
- (b) states the subject matter of the resolution in sufficient detail to permit members to form a reasoned judgment about it.

## **5.5 Bencher Honoraria**

Effective January 1, 2019, it was determined by the Admissions & Education Committee that the Law Society will grant 3 CPD ethics hours per calendar year to Benchers to acknowledge their significant contribution of time and expertise. This Ethics hour credit was also extended to non-Bencher lawyers who serve on one or more of the prescribed Law Society Committees (as set out in the Law Society Bencher Committee List each year).

Law Society staff have manually entered these 3 Ethics hours for Benchers and non-Bencher Committee members and they can be viewed under the Member Profile.

## **6. Regulation**

### **6.1 Rule Amendments**

#### **i. Rules Overhaul 2019**

At November Convocation, the Benchers approved amendment of the Consolidated Rules, subject to housekeeping amendments which Administration was authorized to make. The

Rules were finalized by the end of December and were posted to the Law Society website on January 1, 2020.

A media inquiry from The Lawyer's Daily was received and an interview was conducted with Melanie Hodges Neufeld and Jody Martin; the resulting article is attached.

ii. Amendments to Rule 1612, Disqualified from the Practice of Law

Rule 1612 includes a reference to subrule 1606(2). This is an error in reference and should only reference Rule 1606. The amount of the fine was originally subrule 2, but when it was redrafted, the amount of the fine was changed to subrule 1; however, the administrative suspension applies to the whole of Rule 1606. Following are the redlined changes:

**Disqualified from the Practice of Law**

**1612(1)** The Executive Director may disqualify a member from the practice of law who is in breach of Rule 1602, 1604, 1609, or ~~subrule 1606(2)~~.

(2) The Executive Director may notify the member that the member will be disqualified within 30 days or such further period as may be determined by the Executive Director.

(3) A member who has been disqualified from the practice of law pursuant to subrule (1), may apply to the Executive Director for reinstatement by;

(a) complying with Rules 1602, 1604, 1609 or ~~subrule 1606(2)~~; and

(b) paying to the Society any fees, assessments, fines, costs, arrears or other amounts owing to the Society pursuant to this Part.

A motion is required.

iii. Terms of Reference – Insurance Committee

The Insurance Committee provided a redlined copy of their Terms of Reference for approval by the Benchers (attached).

A motion is required.

**6.2 Code of Professional Conduct**

At November Convocation, amendments to the Code of Professional Conduct relating to Technological Competence were approved by the Benchers and the amended Code was posted to the website on December 16, 2019.

**6.3 Firm Regulation**

A Notice to the Profession was sent on December 18, 2019. As of January 7, 2020, we received 2 inquiries from members regarding timelines, but otherwise there has been a minimal response from the membership.

The pre-filled Firm Registration Form was sent via email to the primary contact person at each of the 390 firms on January 8, 2020. The initial response has been swift with



approximately 25% of firms responding within the first two hours. Inquiries following receipt of the email have been minimal and have related only to general matters for clarification.

As of February 4<sup>th</sup>, 118 firms, which are mostly small/solo firms, have not completed registration. A reminder email will be sent to these firms and a general reminder was placed in the *Re Source* on February 6<sup>th</sup>.

We received an initial informal media inquiry from CBC regarding Firm Regulation. We provided them with some background information on firm regulation and have heard nothing further in response to that information.

At November Convocation, Tim Brown, Q.C. sought authority to adjust the deadline for Firm Registration by two weeks to a month, if needed, for proper communication purposes. The Benchers approved Administration be given the discretion to move the deadline as far as March 31, 2019. The deadline has been set for February 15, 2020, allowing Administration to extend for two weeks, should that be necessary.

## **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. Saskatchewan Legal Aid Commission – report from Valerie Macdonald, Q.C.
- b. University of Regina Senate – report from David Brundige, Q.C.
- c. Technology Task Force (Update Report) November 29, 2019 – Law Society of Ontario
- d. Honorary Membership with the Law Society of Saskatchewan – letter of thanks from Patrick Shea at Gowling WLG
- e. Self-regulation: the end of an era? Lawyer discipline and the role of law societies, by Anita Balakrishnan, Nov. 14, 2019, [Canadian Lawyer Magazine](#), Issue 43.10
- f. The Story So Far – California Regulatory Reform, [IAALS Blog](#), Andrew Arruda, February 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** (April 29, 30 and May 1, 2020 in Saskatoon)

**9.5 Motion to Adjourn**

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

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