

BENCHERS' DIGEST

June 2009

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www.lawsociety.sk.ca

Legal Education

by Thomas Schonhoffer, O.C.



The Law Society's mandate is to govern the profession in the public interest. In achieving this goal, one of the clear priorities is to establish and maintain competency of its members. Over the last year, the focus has turned to education. The Law Society has several on-going initiatives.

The first is the Federation of Law Societies Task Force on the Canadian Common Law Degree. The reason for the study was that the Law Society of Saskatchewan, and most other Law Societies, will accept an applicant for articles who has a degree from a Canadian

Common Law University. When applications come from foreign trained lawyers, the National Committee on Accreditation will attempt to equate their degrees to Canadian Common Law degrees. The problem is that there are no established standards for Canadian universities. This leads to a significant variation in education and great difficulty in evaluating foreign trained lawyers. The Task Force seeks to establish some objective criteria for admission of students.

Readers of the Benchers' Digest are also aware that mandatory legal education was in the news last year and the Benchers decided to implement a program on January 1, 2010. The details of the program have now been developed and are in the professional development policy and published on the website. The aim of the policy is to encourage and expand educational opportunities to fit the needs of all lawyers.

The Benchers also acknowledged the importance of education as reflected in one final dramatic educational initiative. In their decision, the Benchers moved to establish more direct control over the educational agenda through a Law Society Education Department. The purpose is to integrate education into many Law Society functions, such as libraries, communication, insurance loss prevention, professional standards and equity. In addition, the Law Society will be responsible for delivery of the CPLED course for articling students. The very real and unfortunate consequence has been a decision by the board of directors to wind up Saskatchewan Legal Education Society Inc. (SKLESI). SKLESI has relied on a dedicated staff to organize a group of volunteers to provide outstanding legal education for the profession. We wish to acknowledge the efforts of everyone at SKLESI.

The Law Society will continue to rely on the assistance of the profession in continuing this fine tradition.

Mandatory Legal Education An Update

by: Gregory Walen, O.C.

In October 2008, the Benchers approved a final program for professional development to commence January 1, 2010 with a direction to the Admissions & Education Committee to develop rules and policies for its implementation.

At April Convocation, the Benchers approved a set of rules and policies put forward by the Admissions & Education Committee. The membership currently has access to the Mandatory Legal Education Policy on the Law Society website.

The membership should be reminded that the Mandatory Legal Education Policy is still evolving. We have already received several comments from members asking for clarification of the policy as it pertains to their own individual circumstances. As a result of these inquiries, we anticipate that the policy will be altered slightly to accommodate those needs. The Benchers encourage all members to review the policy

on the Law Society website in order to ensure a full and complete understanding of what is required.

When reviewing the policy, members should pay particular attention to section 9 "Accreditation of Activities." This particular section provides for the manner in which all credits would be approved by the Law Society. As well, section 10 of the policy sets out a list of pre-approved educational providers. This list is not intended to be exhaustive. The Law Society welcomes submissions from members with respect to adding pre-approved educational providers.

We wish to ensure that the proposed Mandatory Professional Development Program is a positive experience for all members of the Law Society. The feedback the Benchers have received to date has been very encouraging.

BENCHERS' DIGEST

The *Benchers' Digest* is published by the Law Society of Saskatchewan to update Saskatchewan lawyers on policy and regulatory decisions made by the Benchers after each Convocation, to inform members about Society programs and activities, and to provide news and announcements of interest to the legal profession. Members are encouraged to send in articles and photos of interest, however, publication rests with the Editor. Articles and photos can be submitted to llynchuk@lawsociety.sk.ca.

Current and archived issues may be viewed on the Law Society Website – see www.lawsociety.sk.ca, "Publications/ Benchers' Digest."

EDITOR

Liz Lynchuk

Client Identification Rules Effective July 1, 2009

by: Thomas J. Schonhoffer, O.C.

The Client Identification Rules will become effective on July 1, 2009.

Lawyers should visit the Client Identification and Verification section located on the homepage of the Law Society website located at www.lawsociety.sk.ca. There you will find the following:

1. Brief history
2. Introduction to the Rules
3. Client Identification and Verification Rules
4. Frequently asked questions and answers
5. Link to video from the Law Societies of Alberta and BC
6. Sample forms
7. Links to other Law Society websites

SKLESI: A New Chapter in Continuing Legal Education in Saskatchewan

by: Erin Kleisinger, President of Saskatchewan Legal Education Society Inc.

SKLESI was formed in 1993 as a joint initiative among the Law Society of Saskatchewan, the Canadian Bar Association (Saskatchewan Branch) and the College of Law to, *inter alia*, ensure that legal education met the needs of the profession and that the interests of the public were protected by ensuring that clients received competent legal representation. Its mandate included:

- (a) in conjunction with the Law Society, developing and administering the Bar Admission Course;
- (b) maintaining and fostering a high level of competence among newly admitted lawyers, part-time lawyers and lawyers resuming practice;
- (c) providing legal education programs and assistance to enhance the competence of lawyers; and
- (d) cooperating with other professional and lay groups in developing and offering education programs involving the study of law.

Over the last 16 years, SKLESI has consistently met this mandate and has provided a full range of legal programming for students-at-law, legal support staff and practitioners within the province. Some of the organization's most notable achievements include:

- developing the CPLED Program, the first on-line bar admission course in Canada. The CPLED Program (a joint initiative with Alberta and Manitoba) is an exceptionally innovative program using leading technology for its delivery. SKLESI was the first to implement ongoing communication with principals and obtained the

cooperation of ISC to develop content and provide educational opportunities unavailable in other jurisdictions;

- introducing the CLE Select Seminars in 2006 in order to encourage attendance at CLE programs by members with 25 or more years at the Bar, by providing a forum tailored specifically to their needs and interests;
- offering the SCN televised seminars which broadcast CLE programming to rural and urban centres across the province, enabling practitioners outside of Regina and Saskatoon to have more convenient access to continuing education programs;
- pursuing innovative programming opportunities through partnerships with ISC, Saskatchewan Environmental Industry and Managers Associations, Collaborative Lawyers of Saskatchewan and Legal Aid Saskatchewan;
- establishing the SKLESI Volunteer Awards in 1994 to recognize practitioners and members of the judiciary who provide their skills and expertise to SKLESI;
- publishing the Saskatchewan Practice Checklist Manual, launching an annual subscription service of Labour Relations Board decisions and establishing a comprehensive on-line Practice Management Resource Library;
- developing the Trial Advocacy Program, a three-day intensive skills-based seminar offering one-on-one instruction from leading members of the Bar and Bench.

SKLESI was only able to accomplish these achievements through the work of its

exceptional staff, the dedication and commitment of the Bench and Bar, and the financial support of the Law Society and the Law Foundation of Saskatchewan.

2009 marks the end of an era for SKLESI. The Law Society has made a decision to take back its legal education mandate, resulting in the dissolution of SKLESI and the assumption of its activities by the Law Society. As I remarked at SKLESI's final Annual General Meeting in April, I believe this occasion should be marked with a sense of celebration for a job very well done as we usher in a new chapter in legal education in the province under the auspices of the Law Society.

With the onset of mandatory continuing professional development, legal education will be taking a front row seat in the lives of Saskatchewan practitioners. The platform created by SKLESI has positioned the Law Society well to take this initiative forward and to continue to provide first rate education and training to our students-at-law through the CPLED program.

It has been my pleasure to serve on the Board of SKLESI and serve as its last President. One need only review the roster of past Board members (including numerous senior practitioners and members of the judiciary) to realize that this is an esteemed organization. I would like to personally thank each of the SKLESI staff and the members of the Board of Directors for their effort and commitment to the organization. We collectively should be very proud of the work that SKLESI has done and the legacy it leaves for legal education in Saskatchewan.

Update from the Regina Library

by: Toby Willis-Camp, Director of Libraries

I need information about ...

The library staff is busily creating subject research guides with *Civil Procedure* now available alongside *Criminal Law* and *Family Law* on the Library Services page of the Law Society website. Upcoming guides are planned in corporate law, estates, and wrongful dismissal.

Road trip!

Library staff travelled to Weyburn and Wynyard to prepare both libraries for storage during courthouse renovations. These trips were a good opportunity to assess the local textbook collections to see how they meet the information needs of the lawyers in those centres.

Can you have a pet sheep in Saskatoon?

In early May, five staff members presented a workshop on *how to search the Law Society databases* to public, special and school librarians from across the province who attended the Saskatchewan Library Association conference. The workshop was well received and its success is due to the expertise and humour of presenters Peta Bates, Ken Fox, Pat Kelly, Maxine Seeley, and Laurie Wing, as well as the excellent Powerpoint design by Kelly Chiu.

QBRA release on its way ...

A release updating the *Queen's Bench Annotated Rules* is expected in early July. Maxine Seeley is overseeing the work at hand and is currently buried in proof-reading.

What's new on the 'Net?

In April, Peta Bates spent a lunch hour with the CBA Saskatchewan Branch, Corporate Counsel North group, to discuss new Internet resources such as point in time statutes on the Queen's Printer site, Supreme Court of Canada factums and the annotated act on the Privacy Commissioner's website. Contact us if you would like a personalized research update at one of your meetings.

I don't recognize the voice answering the phone ...

The Regina library has two new staff members. Anissa Spechko came aboard in April as the Administrative Assistant and is getting things in order. Our new Library Technician, Laura Hague, started work mid-May and has taken on the major task of managing acquisitions as well as many other tasks.

Library Review

by: Ronald Kruzeniski, Q.C.

Thank you to all 324 members who replied to the Law Society Libraries survey.

Interesting highlights of the survey are as follows:

- The most used libraries are Regina (53.7%), Saskatoon (51.3%), Prince Albert (8.7%), North Battleford (6%) and Moose Jaw (3.4%).
- There is a desire to increase access to more on-line forms and precedents (63.6%).
- Respondents are interested in library staff scanning documents and emailing them (57%).
- Respondents are using the Law Society's website on a daily, weekly and monthly basis, depending on the types of information they are accessing.

- Most respondents reported that they are comfortable using electronic resources (over 60%), while 52% reported that they did not want any training. Those who did want training, were interested in the Law Society Case Law databases, CanLII and *Lawsources*.
- 79.3% of respondents use CanLII for on-line legal research, followed by subscriptions services *WestlaweCarswell* (62.1%) and *QuickLaw* LexisNexis (42.4%).
- Generally speaking, respondents expressed the need to preserve access to print textbooks, while maintaining case reports is less important - thanks to improved access to case law through CanLII.
- Over all, the research support offered by library staff is well-valued by respondents.

For a summary of the survey results, you can go to www.lawsociety.sk.ca/. The winner of the survey prize was Cindy Haynes.

The Task Force has met, discussed the survey results and has targeted presenting a preliminary report to the Benchers in June.

After the Benchers review the draft report and recommendations, the preliminary report will be circulated to the members for comment on the report and recommendations.

The Task Force is still targeting having a final report in front of the Benchers by October with approval of recommendations before the end of the year.

Please watch for the preliminary report. Once you have read it and reviewed the recommendations, please provide us with your comments.

Highlights of the Meeting of the Benchers

held April 30th and May 1st, 2009

The Client Identification and Verification Rules were passed on final reading. Please remember that the Rules will be implemented July 1, 2009.

Pat Quaroni has been appointed as the Vice-Chair of the Law Foundation.

The Law Society passed a Model Accommodation Policy which is now posted on the Equity section of the website. Firms should consider using this document as a template for their own policies.

The Law Society increased CPLED fees to \$2,200 to cover the increasing costs of the Bar Course. Although this is a significant price increase, student fees cover less than 25% of the cost. The remaining costs are

subsidized by both the Law Society and the Law Foundation.

Mandatory Professional Development came one step closer to a reality, with the Law Society passing both Rules and Policy. Members who wish to begin planning their professional development for 2010 should review the Policy located on the Law Society website.

The Law Society agreed to pay a special fund claim against Herbert Robertson in the sum of \$14,000.

The Benchers considered a limited scope representation paper presented by Pro Bono Law Saskatchewan and referred the matter to the Ethics Committee for further study.

Ronald Price-Jones, who had previously entered a guilty plea before the Investigation Committee, was sentenced at Convocation to a 6 month suspension. Further details of the charges against Mr. Price-Jones may be found on the Law Society website.

At April Convocation, 13 Local Bar Association members from the Yorkton-Melville region joined the Benchers for dinner. It was a good opportunity for the Benchers to get together with local members to socialize and exchange ideas about their law practices. Photos of some of the attendees are captured below.



Left to right: Donna Taylor and John Will



Left to right: John Stamatinos, Q.C., Janice Wall and Rick Danyliuk, Q.C.



Left to right: Evert Van Olst and Kyla Eiffert



Left to right: Bernard Stephaniuk, Karl Bazin, Q.C. and Karen Topolinski



Pamela Kovacs, Executive Director
www.pblsask.ca

DONATIONS

www.pblsask.ca/pdf/queenscounselfund.pdf

Thank you to the many lawyers and Judges who have donated generously to Pro Bono Law Saskatchewan (PBLs) in the past several months. In particular, in recognition of achieving significant milestones in their careers, recipients of the Queen's Counsel designation and Past Presidents of the Law Society of Saskatchewan have commemorated their achievements by making a donation. Individual donors are recognized on the PBLs website at the link noted above.

BOARD TRANSITION

During its first year of operations, PBLs has been ably served by a provisional Board appointed by the Law Society of Saskatchewan consisting of Victor Dietz, Q.C. (President), Richard Danyliuk, Q.C. (Vice-President), Tom Schonhoffer, Q.C. (Secretary-Treasurer) and Alma Wiebe, Q.C. An Advisory Board consisting of Chief Justice Laing, Chief Judge Snell, Dean Brent Cotter, Q.C. and Associate Deputy Minister Rod Crook has also been established.

PBLs's first Annual General Meeting is being held on June 11, 2009 in Regina in conjunction with the Annual General Meeting for the Law Society and the CBA. At this meeting, PBLs will be transitioning from an interim Board to a permanent Board that is representative of the community we serve, the partners we work with, and the legal profession more broadly. PBLs is interested in achieving a diverse and equitable Board of Directors, reflective of the Saskatchewan landscape. Anyone interested should contact the PBLs office at 569-3098. Stay tuned for additional details and a sincere thank you to the provisional Board!

LIMITED SCOPE REPRESENTATION

At the request of PBLs and as a response to Recommendation 2.3 of the provincial *2007 Access to Justice Task Force Report*, at April Convocation, the Benchers of the Law Society referred the issue of limited scope representation to the Ethics Committee for further review and comment. It is anticipated that an initial response will be available following the next Convocation. Limited Scope Representation has received much attention in recent years as an access to justice initiative. The Law Society of British Columbia released a report in early 2008 which provides the following overview:

First, such services will provide people who cannot afford full service representation with targeted legal assistance that improves their case. Increasing the availability of legal advice and services will enhance access to justice. Second, limited scope legal services can assist the court by better preparing self-represented, or partially represented, litigants to advance their case. Third, by presenting only a "full-service" or "no service" dichotomy, many lawyers are failing to access and serve a growing market.

Anyone with thoughts or comments on the issue of limited scope representation are welcome to contact the Chair of the Ethics Committee or the PBLs office.

PRO BONO SPOTLIGHT

www.pblsask.ca/spotlight.shtml



Don Harmon, Featured Lawyer

Don is an associate with KMP Law in Regina and a regular volunteer with the Regina Free Legal Clinic. Don practices primarily in the areas of real estate, civil litigation, and labour law. Don was born and raised in Regina and attended the University of Saskatchewan, College of Law, after completing an undergraduate degree in Sociology. Don has volunteered with the Regina Free Legal Clinic since 2006 and regularly provides full-representation *pro bono* services to clients he meets at the clinic. As a recent sampling, Don provided *pro bono* representation to a mentally challenged defendant who was sued civilly; appeared on behalf of a stroke patient during his Residential Tenancies hearing; provided *pro bono* representation for an elderly woman facing eviction; and filed and appeared on a certiorari application for a low-income individual facing license suspension and fines. Thanks Don, much appreciated!

Judicial Appointments

Timothy Keene, Q.C. has been appointed a judge of the Court of Queen's Bench for Swift Current. Mr. Justice Keene received his LLB at the University of Saskatchewan in 1980, was admitted to the Bar in 1981 and received a Queen's Counsel designation in 2008. He had an extensive criminal practice, combining his role as Agent of the Attorney General for the Province of Saskatchewan (contract basis 1981 – 1985). In 2007, he was appointed as Standing Agent for the Federal Director of Public Prosecutions and acted as defence counsel for the last 27 years. He was appointed by the Minister of Education as Chairperson for Boards of Reference under *The Education Act*.

Daryl Edward Labach has been appointed a judge of the Provincial Court for Saskatoon. Judge Labach graduated from the College of Law at the University of Saskatchewan in 1988 and was called to the Bar in 1989. His expertise is in criminal defence and civil litigation. Judge Labach has also made presentations on a variety of topics for the CBA and SKLESI. He has demonstrated his commitment to access to justice and equal representation through his work in northern Saskatchewan.

Marylynne Thomas Beaton has been appointed a judge of the Provincial Court for Regina. Judge Beaton obtained her law degree from the University of Saskatchewan in 1986 and was called to the Bar in 1987. For several years she was in general practice and then became defence counsel with the Legal Aid Commission before pursuing a career with Public Prosecutions for the province of Saskatchewan. She has lectured on legal issues and has prepared assignments for SKLESI. Judge Beaton is fully bilingual in English and French, which is a benefit to the judicial system.

Wynyard Courthouse Closed for Renovations

Please take notice that the Wynyard courthouse was closed on June 1, 2009 for major renovations. The courthouse will re-open in 2010. All phone and fax numbers will remain the same during the renovation period. For more detailed information, please call (306) 554-5520.

In Memory

Paul Grant of Saskatoon passed away on May 5, 2009. He is survived by his wife of 25 years, Kathy, and his children Jessica, Jeffrey and David. Paul graduated from the College of Law at the University of Saskatchewan in 1983 and joined McKercher LLP, where he became a partner in 1990. He loved playing baseball, football and basketball. He coached the Saskatoon Blue Jays and was the league president. He also played old-timers hockey and was a member of the Riverside Golf and Country Club.

E. Barry Stewart of Regina passed away on May 25, 2009. He is survived by his wife Helen of 51 years and his children Karen, Barry, Carl, Scott and Brent. Barry was admitted to the Law Society in 1952 and was granted a Senior Life Membership in 2002.

EQUITY OMBUDSPERSON

The Office of the Equity Ombudsperson is committed to eliminating both discrimination and harassment in the legal profession.

If you are a support staff, articling student or lawyer within a law firm, you can contact the Equity Ombudsperson, Kathryn Ford, Q.C., for advice, information and assistance. All information is confidential.

This office is not a lawyer referral service and cannot provide legal advice. Call **toll free: 1-866-444-4885**.

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