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www.lawsociety.sk.ca

Volunteerism and the Legal Profession

by Thomas J. Schonhoffer, Q.C.



The election of Benchers this year reminds me that maintaining an independent legal profession relies on the work of many volunteers.

Being a Bencher involves a large time commitment that would otherwise be spent at work, with family or even on a much-needed vacation. Considering travel time, last year the average Bencher spent 12 to 15 days at Convocation alone. This time does not include preparation, committee meetings, investigation, hearings or any of the additional work performed by the Benchers. Its hard to believe they do this for 6 years!

The profession owes a debt of gratitude to all past Benchers. For the most immediate term, this includes Susan Barber, Q.C., Robert Kennedy, Q.C., James Taylor, Karl Bazin, Q.C., Ronald Kruzeniski, Q.C., Rick Danyliuk, Q.C., Vic Dietz, Q.C., Alma Wiebe, Q.C., Bill Holliday and John Will.

The Public Representatives are another special group of Benchers who share the same duties, responsibilities and work loads. Karen Topolinski and Janice Wall have both served 6 years and will not be returning in 2010. The Public Representatives bring a unique voice to the governance of the profession.

The Benchers returning for a second term will follow the leadership of our able Vice-President, Eileen Libby, and will include Peter Hryhorchuk, Brent Cotter, Q.C., Paul Korpan, Q.C., Thomas Campbell, George Patterson, Evert Van Olst, Greg Walen, Q.C., Peggy Schmeiser and Deb Schmidt.

They are also joined by our new recruits as follows:

Miguel Martinez
Stephen Orlowski
Robert Heinrichs
Michael Megaw
Darcia Schirr, Q.C
Reginald Watson, Q.C.

Volunteerism does not stop with the Benchers. The Law Society makes appointments to numerous boards and committees and is always pleased with the response from the membership. The list of volunteers for 2009 appears on the following page.

Continued on Page 2 & 3...

Volunteerism and the Legal Profession

Continued from Page 1...

The Law Society did a survey related to Continuing Professional Development this year and was overwhelmed. The profession responded with many good program suggestions and many offers to assist. A list of over one hundred volunteers that contributed time last year to educational projects is on page 3.

Space does not permit a discussion of participation in the CBA, the Saskatchewan Trial Lawyers Association or the volunteer work that so many lawyers do within their own communities. This issue of the Benchers' Digest is dedicated to the volunteers.

Due to the large number of volunteers, we apologize in advance if we have neglected to mention anyone. Please do let us know if we have not included you on our list and we will certainly correct it.

Many thanks to the following people....

Non-Bencher Volunteers for 2009

Law Society Committee Members and Representatives to Other Organizations:

Pam Kovacs - Access to Justice, Advisory Board

Dwayne Anderson, CA – Audit Committee (Sask. Legislative Assembly)

Michael Milani, O.C. – CLIA Advisory Board, Council of the Federation and SLIA Board of Directors

Tyla Olenchuk – College of Law Endowment Fund

Graeme Mitchell, Q.C. – Delegate to the Federation of Law Societies and Council of the Federation

Craiq Zawada - CanLII

Scott Hopley - Court of Appeal - Criminal Rules Committee

Brian Hendrickson, Q.C. - Judicial Advisory Committee and

Provincial Court Bar Judicial Council

Marianne Kramchynsky - Land Liaison Committee

Ken Koshqarian - Land Liaison Committee

Randy Sandbeck - Land Liaison Committee and Title Insurance

Randy Rooke, O.C. - Land Liaison Committee

Catherine Knox - Law Foundation

Patricia Quaroni - Law Foundation

John McIntosh, Q.C. - Law Foundation

Robert Gibbings, Q.C. - Law Foundation

Brent Gough, Q.C. - Sask. Legal Aid Commission

Reg Watson, O.C. - Queen's Bench Bar Judicial Council

Ken Neil - Provincial Court Bar Judicial Council

Norma Sim, Q.C. - Provincial Court Bar Judicial Council

Heather Jensen - PLEA

Lana Krogan-Stevely – Senate of the University of Regina

Donna Taylor - Senate of the University of Saskatchewan

Marilyn Penner - SKLESI Board

Mary Ellen Wellsch - SKLESI Board

Jeff Baldwin - SKLESI Board

Tammi Hackl - SKLESI Board

Erin Kleisinger - SKLESI Board

Pat Kelly, O.C. - SLIA Board of Directors

Don Phillips, O.C. - SLIA Board of Directors

Designated Complaints Counsel:

Michael Fisher, Q.C. George Thurlow, Q.C. John McIntosh, Q.C. Leslie Sullivan Rick Van Beselaere

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

Mary Ellen Wellsch Lawrence Zatlyn, O.C.

Volunteers for Discipline Hearing Committees:

Kevin Bell Greg Bobbitt, Q.C. Nicholas Cann Henri Chabanole George Combe April Cook William Davern Amanda Doucette **David Flett** Estes Fonkalsrud David Gerecke Daniel Heffernan

Volunteers for Education:

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The Hon. Madam Justice J.A.

Ryan-Froslie

Highlights of the Meeting of Benchers

held September 16th, 17th and 18th, 2009

The Library Review Task Force report was adopted. The report reviewed all library functions and is a blueprint for modernizing the library, including a greater emphasis on delivery of digital resources. The full report can be found on the Law Society website.

There were a series of minor Rule amendments as follows:

1. Late fees for payment of the annual assessment were changed from \$10/day to \$75/week.

- 2. Rules 149, 160 and 605 were amended to delete references to Saskatchewan Legal Education Society Inc. (SKLESI).
- 3. Rule 871 was amended to provide fees for continuing professional development.
- 4. Rule 171 was amended to require a transfer exam for those who do not qualify under National Mobility.
- 5. Rule 41 was amended to provide for the election of the President at the last Convocation of each year.

A special fund claim by the estate of Emma Wegner for misappropriation by Kenneth Wasylyshen was approved in the amount of \$3,850.

Minor Revisions to the Mandatory Legal Education Policy were approved. The updated policy can be found on the Law Society website.

20 Years Service at the Law Society



Those of you who have signed the Roll Book or called the office regarding admission as a student-at-law, admission as a lawyer, Certificates of Standing, transfers, articles of clerkships, or just general membership enquires, then you have spoken to Cheryl Eberle, our Membership Officer. For 20 years, Cheryl has cheerfully served the members of the Law Society of Saskatchewan. Thanks,



President's Dinner

September 18, 2009

The Law Society's annual President's Dinner took place in Swift Current on the beautiful fall evening of September 18th, 2009. There were 200 guests in attendance at the Sky Room in the new Casino. During the reception, guests were entertained by talented students from Swift Current's high school band known as Thursday Night Jazz, as well as the high school choir, By Design. Eileen Libby, Vice-President of the Law Society and Master of Ceremonies, greeted everyone, followed by a moment of reflection and thanks for past and present members of the Canadian Armed Forces and those who gave their lives in Afghanistan. Michelle Carline, Piper, played The Flowers of the Forest lament. This was followed

by the high school choir's rendition of I'm Dreaming of Home, the song performed at the rededication of the 2007 Vimy Ridge Memorial in France. Grace was led by the Honourable Judge Hugh Harradence and the Loyal Toast was led by John McIntosh, Q.C. Douglas Moen, Q.C. brought greetings on behalf of the Premier.

Karl Bazin, Q.C. spoke about the role of the Law Society, the independence of the profession and volunteerism. He stressed the many *probono* hours that lawyers provide to the public. He queried if there is any other organization or business that even comes close to providing the level of probono services to the public that

is provided by lawyers. Karl explained to the many non-lawyers at the dinner about what lawyer independence means to them and why self-regulation of the lawyers by the Law Society is important.

Special guests in attendance included: Stéphan Rivard, President of the Federation of Law Societies; Glen Ridgway, Q.C., Law Society of BC; and Rodney Jerke, Q.C., Donald Thompson, Q.C. and Peter Michalyshyn, Q.C. from the Law Society of Alberta.

Karl is depicted below, accepting the President's Certificate from Eileen Libby, as formal recognition for his term as President in 2009.



Left to right: Karl Bazin, O.C. and Colonel Gerry Carline, retired Honourary Lieutenant Colonel of the Saskatchewan Dragoons



Left to Right: Eileen Libby, Vice President and Karl Bazin, Q.C., President



Left to right: Kate Gibbings and Robert Gibbings, Q.C., Janet Johnson and Bill Johnson, Q.C.

Transition from Loss Prevention Credits to the New Continuing Professional Development Policy

by: Andrea Johnston, Director of Education

As most Saskatchewan lawyers know, the Law Society has introduced a Continuing Professional Development Policy (the "CPD Policy") which will take effect January 1, 2010. Under the CPD Policy, all members are required to complete thirty-six (36) hours of "Approved Educational Activities" in the three-year term commencing January 1, 2010 and ending December 31, 2012.

The existing Loss Prevention Credit Program is an Insurance based initiative that requires

members to accumulate three (3) CLE credits over a three-year period, the last of which ends June 30, 2010.

Despite the CPD Policy coming into effect January 1, 2010, members are still required to complete the requirements of the Loss Prevention Credit Program to its expiry on June 30, 2010. This means that members are required to accumulate three (3) CLE credits during the period July 1, 2007 to June 30, 2010.

CLE credits earned from now until December 31, 2009 will count towards the Loss Prevention Credit Program.

Credits earned between January 1, 2010 and June 30, 2010 will be credited to the Loss Prevention Credit Program and will also be converted into credit hours under the CPD Policy.

To review the CPD Policy, please refer to the "Continuing Professional Development" section on the Law Society website.

Ethics Interactive

by: Melanie Hodges Neufeld, Complaints Counsel

Beginning in the next issue of the Benchers' Digest, we will be presenting information with respect to common ethical issues and scenarios dealt with at the Law Society. Included below as a preamble to this future column is a brief summary of how ethical issues come to our attention and the services we offer to our members with respect to their ethical dilemmas.

The Law Society receives approximately 600 complaints a year. Of these complaints, approximately one third merit some further review or investigation. However, only approximately one quarter of the complaints that require further investigation result in a referral to one of three committees: Discipline, Professional Standards, or Ethics.

The Ethics Committee, comprised of several Benchers, reviews referred ethical issues and creates anonymous "Lawyer X" rulings that are published in the Benchers' Digest and in the Rulings section of the Law Society Handbook. Members may also request a formal ethics ruling from the Ethics Committee as a "request for ruling." Requests for rulings can be sent to care of the Law Society. As a rule, the committee will want to hear from both sides if there are two lawyers involved in an ethical dilemma.

While the duty of Complaints Counsel is to review and investigate complaints against members for the protection of the public, the title "Complaints Counsel" does not fully encompass the duties performed. In addition to reviewing complaints, we also respond on a daily basis to ethics inquiries from members. The opinions we provide are referred to as "Informal Ethics Opinions." We are more than happy to discuss a situation and offer suggestions or provide an opinion and we invite members to call or email our office.

Please direct inquiries to either myself, Donna Sigmeth or Tim Huber at 569-8242 or at our respective email addresses: melanie@lawsociety.sk.ca, dsigmeth@lawsociety.sk.ca or tim@lawsociety.sk.ca.

Encountering an ethical dilemma in practice does not mean a lawyer is unethical. In fact, the true measure of an ethical lawyer is in recognizing a dilemma. If a lawyer recognizes that there is an ethical dilemma, generally their instincts are correct. We are striving to be more proactive, and as such, are working with our members to help them avoid complaints before they arise. It is obviously more beneficial for members and the public if complaints can be prevented. We welcome your assistance in our endeavour to reduce the number of complaints we receive by contacting us with your ethical dilemmas.

Library Review Update

by Ronald Kruzeniski, O.C.

The Library Review Task Force has completed its review of library services ahead of schedule. At September Convocation, the Benchers approved the committee's final recommendations, which allows the library staff to get moving on new initiatives. The committee would like to thank all members for their participation with this review.

Recommendations as approved by Benchers, September 17, 2009:

It is recommended that new acquisitions focus on textbooks and commentary rather than case law, with an emphasis on supplying this information in electronic form to all members wherever practical in terms of economics and technology.

It is recommended that library staff continue the rationalization program and evaluate the library collection in the following areas: use by members, duplication and redundancy of materials, and the availability of alternate formats or delivery such as online sources or borrowing from other libraries. It is recommended that as savings can be achieved in the acquisition of print materials, those savings be applied to acquiring new online services accessible at the members' desktop.

It is recommended that the library staff develop and implement a collections development policy.

It is recommended that the Director of Libraries consider other resource sharing and consortial purchasing agreements with academic, public and courts libraries where appropriate for expanding services to members

It is recommended that the Director of Libraries continue to enhance the library's activities to provide Saskatchewan legal resources online.

It is recommended that the library staff develop and provide training on how to access and use online services (databases and subscription products) provided to members.

It is recommended that the library staff implement an on-going marketing strategy for promoting online services and databases to members.

It is recommended that the Law Society continue to endorse and support the work of CanLII and consider increasing its financial support based on CanLII usage by Law Society members. It is also recommended that the Director of Libraries and library staff continue participation in CanLII user groups and advisory committees.

It is recommended that the Director of Libraries develop a minimum fee schedule for all research and reference services that reflects potential for cost recovery and profit.

It is recommended that the Director of Libraries develop a plan to place the Queen's Bench Rules Annotated online.

It is recommended that the Director of Libraries review the various online publications/services and explore user-pay models to partially cover the cost of providing these services.

It is recommended that the library staff eliminate manual processes by purchasing and implementing an integrated library system software program (ILS) for core library tasks (acquisitions, cataloguing, circulation).

It is recommended that the Director of Libraries and library staff review the branch structure, identify underutilized libraries, consult with the local bar associations, and make recommendations to the Benchers regarding branch library closures and alternative models for delivery of services.

Librarian Award



Left to right: Patrick Collins, Peta Bates and Anne Matthewman

Peta Bates, Librarian at the Law Society Library in Saskatoon, received the *Denis Marshall Memorial Award for Excellence in Law Librarianship* from Patrick Collins, CEO of LexisNexis Canada, and Anne Matthewman, President of the Canadian Association of Law Libraries/Association canadienne des bibliothèques de droit (CALL/ACBD). The presentation took place in May 2009 at the annual CALL/ACBD conference in Halifax, Nova Scotia.

The Award honours the memory of Denis Marshall, Professor and Law Librarian at Queen's University, and is presented to a member of CALL/ACBD who has enhanced the profession of law librarianship.

Peta's contributions include her early involvement with the *Index to Canadian Legal Literature* and the *Canadian Abridgment* Advisory Board, the creation of innovative legal resources for the Saskatchewan Bar, service on the CALL/ACBD Executive Board, chairing the successful 2008 CALL/ACBD conference in Saskatoon and mentoring others in the law library profession.

Congratulations, Peta!

New Director of Bar Admissions



The Law Society of Saskatchewan is pleased to announce that Samuel (Sam) Bergerman has assumed the role of Director of Bar Admissions, in charge of the CPLED Bar Admission Program. Prior to assuming the role, Sam had been the Program Lawyer for Saskatchewan Legal Education Society Inc. (SKLESI).

Sam graduated from the College of Law at the University of Saskatchewan in 2001. He articled with McDougall Gauley in Saskatoon and shortly thereafter moved to Langenburg to join Layh Law Office, where he specialized in debtor/creditor and banking law. After the birth of their first child, Sam and his wife, Desirée, moved back to Saskatoon where Sam joined Wallace Meschisnick Clackson Zawada (WMCZ). In 2007, Sam left private practice to join SKLESI.

Outside the practice of law, Sam was a town councillor in Langenburg as well as a member of the local Lions Club. In Saskatoon, Sam joined Leadership Saskatoon, first as a participant and then as a member of the Programming Committee. Currently, Sam's main extracurricular focus is the Rhinos Football Club, of which he was a founder, playing both touch and flag football.

Sam's first year as Director of the CPLED Program is off to a great start, notwithstanding the challenge of a 50% rise in student enrollment in the CPLED Program over last year. Sam's goal is to provide a valuable educational experience for CPLED students and to continue to improve the CPLED Program to ensure it meets the needs of the students, the Bar and the general public.

New Judges Appointed to Provincial Court

James Plemel, Q.C. has been appointed a judge of the Provincial Court in Wynyard.

Judge Plemel obtained his Bachelor of Law from the University of Saskatchewan and was called to the bar in 1975. He has been dedicated to various areas of law for 30 years. Judge Plemel was Legal Director of the Legal Aid office in La Ronge and also spent several years in public prosecutions, most recently as Regional Crown Prosecutor for the Saskatoon office. He received his Queen's Counsel designation in 2002. Judge Plemel

is committed to community involvement as an active board member of St. John Bosco Wilderness Youth Camp and his work in a Saskatoon-France student exchange program. Judge Plemel is bilingual in French and English.

Jeffery Kalmakoff has been appointed a judge of the Provincial Court in Estevan.

Judge Kalmakoff graudated from the College of Law at the University of Saskatchewan and was called to the bar in 1994. He specialized in criminal law and had nearly 15 years experience as a Crown Prosecutor. He provided advice to police agencies and presented at the Saskatchewan Police College and RCMP Training Academy. He also lectured at various courses offered by the RCMP and the Regina Police Service. Judge Kalmakoff is a soccer and hockey coach in his community and also provides presentations on sexual assault laws to volunteers at the Regina's Women Centre and Sexual Assault Line.





Benchers' Digest Report

Pamela Kovacs, Executive Director www.pblsask.ca

NATIONAL PRO BONO WEEK

www.probonoweekcanada.ca



Pro Bono Week took place October 25th - 31st across North America. The week focussed on celebrating the legal profession's commitment to *pro bono* legal services, informing the profession and the public about the opportunities and possibilities for *pro bono* legal services, and energizing the legal profession's participation in delivering *pro bono* legal services. Events were held across Canada and the United States.

In Saskatchewan, a number of events were planned, including: "The Amazing Race: Social Justice Edition" in Saskatoon at the College of Law, a presentation on "Living in Poverty" in Regina, and extended hours at the free legal clinics in Regina and Saskatoon. On October 31st, a toll-free law call-in day was organized by the Young Lawyers section of the Canadian Bar Association and launched this year in Halifax and Regina. Partners for Pro Bono Week events in Saskatchewan included: Public Legal Education Association of Saskatchewan, Canadian Bar Association Saskatchewan Branch, Community Legal Assistance Services for Saskatoon Inner City, Regina Anti-Poverty Ministry and the Pro Bono Students Canada Saskatchewan Branch. Thanks to all the lawyers who participated.

PRO BONO SPOTLIGHT

www.pblsask.ca/spotliaht.shtml



Bruce McKay, Featured Lawyer

Bruce is currently a non-practicing lawyer and a regular volunteer at the Pro Bono Law Saskatchewan office. He has had a series of successful careers: Helicopter Pilot, Flying Instructor, Government Advisor, Director and Community Development Economist. He served in the H.M.C.S. Bonaventure during the Cuban Missile Crisis and transport of the first Canadian Peacekeepers to Cyprus. As a member of the legal profession, Bruce worked as a sole practitioner in Ontario before moving to Saskatchewan and working at several firms in Regina. He culminated his career working in the Northwest Territories as the Executive Director of the Legal Services Board and Director of Court Services. In semi-retirement, Bruce is equally accomplished as a Board member for the Knox Metropolitan United Church, bass singer in the Regina Philharmonic Choir and volunteer with Pro Bono Law Saskatchewan. Thank you Bruce!

PRO BONO SERVICE AWARD

www.pblsask.ca/pdf/serviceawardinfo.pdf www.pblsask.ca/pdf/serviceawardnominate.pdf

The Pro Bono Service Award is an award presented annually in recognition of the contribution of lawyers in Saskatchewan to supporting access to justice for persons of limited means. The award is presented to recognize outstanding *pro bono* service in any or of all of the following activities:

- delivering pro bono legal services;
- assisting with the establishment of pro bono programs;
- coordinating pro bono services;
- education and advocacy to promote a *pro bono* culture.

Nominations are due by **December 31, 2009** and the award will be presented during a charity dinner sponsored by Pro Bono Law Saskatchewan, the Law Society of Saskatchewan, Community Legal Assistance Services for Saskatoon Inner City, and the Saskatchewan Branch of the Canadian Bar Association on January 29, 2010.

2010 Convocation Dates

February 10th, 11th and 12th – Regina

April 14th, 15th and 16th – Moose Jaw

June 16th, 17th and 18th – Saskatoon (annual meeting set for evening of Thursday, June 17th)

September 8th, 9th and 10th – Yorkton

October 20th, 21st and 22nd – Regina

December 1st, 2nd and 3rd – Saskatoon

Pro Bono Counsel For Members Facing Disipline

Looking for Volunteers

The Law Society of Saskatchewan is looking for volunteers to act as *pro bono* counsel to members facing discipline.

If you are prepared to volunteer time to represent a member in this situation, please contact Donna Sigmeth, Complaints Counsel, at dsigmeth-glawsociety.sk.ca.

Designated Complaints Counsel

Looking for Volunteers

Occasionally, the Law Society receives complaints against Benchers, Bencher firms or Law Society staff. These complaints do not follow the usual procedure, but are referred to Designated Complaints Counsel due to the conflict.

We have looked to former Benchers to fill this role because of their experience and expertise in the discipline process.

If you are interested in volunteering to act in this regard, please advise Donna Sigmeth at dsigmeth@lawsocietv.sk.ca.

Charitable Donations

During the upcoming charitable giving season, please consider donating to a legal charity in Saskatchewan. Pro Bono Law Saskatchewan, Community Legal Assistance Services for Saskatoon Inner City (CLASSIC), and Public Legal Education Association are all registered charities. Donated funds help to advance access to justice for individuals of limited means. Donations can be made by cheque or online through www.canadahelps.org.

In Memory

The Honourable Justice Sidney James Walker, retired judge of the Queen's Bench Court for Saskatchewan, passed away on August 19, 2009. He leaves behind his wife Helen and three children, Joan, Maureen and Patricia.

Justice Walker was a veteran of World War II and at 22 years of age, went overseas as a new lieutenant. He was part of the 2nd Field Regiment, RCA as a Forward Observation Officer. His duties began in Sicily and ended in Northwest Europe and Holland. Upon his return to Canada, he attended the University of Saskatchewan and graduated from the College of Law in 1950. He practiced law with Disbery and Bence until their appointment to the Bench and then headed the firm Walker, Agnew, Hercus and McKay. He was appointed to the Bench in 1974.



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, O.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.

This office is funded by the Law Society of Saskatchewan.

LAWYERS CONCERNED FOR LAWYERS

Lawyers Concerned for Lawyers

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- the services of an INDEPENDENT professional consultant;
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