

Law Society of Saskatchewan



Message from the President

Brenda Hildebrandt, Q.C.

As 2015 begins, the Law Society faces the ongoing challenge of effectively addressing the issues that arise in regulating a profession whose structures and methods of service delivery are changing. It is an exciting time and I am honoured to have been given the opportunity to serve as President. Joining me on the Executive are Vice-President Perry Erhardt, Q.C., Past President Robert Heinrichs, Q.C., our Executive Director, Tom Schonhoffer, Q.C., and Deputy Director Donna Sigmeth, Q.C.

During the past year, the Bencher table underwent considerable transition as Mr. Justice Michael Megaw was appointed to the Court of Queen's Bench, and the Honourable Judges Miguel Martinez, Bruce Bauer, and Sanjeev Anand were appointed to the Provincial Court of Saskatchewan. We miss their valuable insights and leadership skills, but congratulate all of them as they continue to serve in the public interest in their new roles.

Although the personnel at the Convocation table varied, much was accomplished last year. This, in large part, was due to the consistent leadership of Robert Heinrichs, Q.C., who moved from Vice-President to President in early 2014. A special thank-you is extended to Rob. The dedication and hard work of the Committee Chairs, the Law Society staff, and both previously serving and replacement Benchers is also appreciated. With everyone's cooperation, significant streamlining of the Rules regarding Admissions and Education processes was accomplished, the National Discipline Standards were adopted, and an extensive governance review began.

With respect to Admissions and Education, amended Part 7 of the Law Society Rules clarifies procedures in relation to the consideration of various applications, including those of articling students and transfer

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Message from the President

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the lawyers, and new Part 7A enables ready operation of the National Mobility Agreement. In recent years, Saskatchewan has seen an increased interest in those wishing to begin practice here, and it is vital for the Law Society to have measures in place to help safeguard the public interest.

As a professional regulatory body, the Law Society addresses complaints regarding the conduct of its members. The National Discipline Standards, developed as part of an initiative by the Federation of Law Societies of Canada, outline best practices regarding the timely and effective handling of complaints, from intake to resolution. How Saskatchewan meets these best practices, in terms of timeliness and transparency in our processes, will be monitored on an ongoing basis.

In implementing the National Discipline Standards, the need for enhanced training for the Benchers, both in the performance of investigations and the conduct of hearings, has been identified. An important objective for 2015 is the development of education modules for Benchers, particularly as this is an election year and new Benchers will be starting in 2016.

A governance review began in the spring of 2014, with a view to clarifying and codifying the roles and functions of both Benchers and Law Society staff, and delineating the terms of reference of the various committees. Although the Benchers have operated as a policy board, rather than a more operational governing body, for approximately seven years, further work is required to ensure that our procedures and accountabilities are clear. Such clarity enables the Law Society to better fulfill its mandate of regulating the legal profession in the public interest.

Considerable work on governance has already been accomplished and final approval of the committee Terms of Reference is anticipated shortly, along with adoption of a significant portion of the Governance Policy Manual currently being developed. These achievements have enabled us

to engage in a strategic planning process, commencing at the first Convocation of 2015. The larger issues of facilitating access to legal services, making the regulatory scheme more nimble in an environment where alternative business structures are being considered and developed by lawyers, and participating in a leadership role in national initiatives on education, admissions, and discipline, will be considered. Priorities will be set, goals established, and the work begun, so that a progressive approach to regulation in the public interest may be maintained.

As well, in follow-up to the official launch of the *Justicia* project in late October, various large and mid-size firms are committing to work with the Law Society to develop best practices for the retention and advancement of women in the practice of law. Follow-up contact with the law firm leaders who participated in the launch is underway, and the sub-committees will soon be established to enable this work to proceed.

These are but a few of the tasks our Law Society will be taking on in 2015. Other challenges may arise, and will be met by the very capable and dedicated group of Benchers, with the invaluable assistance of the Law Society staff. As previously noted, this is a Bencher election year, and I encourage skilled and committed lawyers, who desire to give back to the profession, to consider running in the Fall election. Much hard work is required, but the experience is indeed rewarding.

Finally, thank you to the Benchers for electing me to serve as President. I am looking forward to working with all of you, and seeing all that will be accomplished in 2015.

Profile on the Vice-President

Perry Erhardt, Q.C.



Perry was raised on his family's farm and graduated from high school in Melfort, Saskatchewan, in 1981. He earned degrees in Arts and Education before graduating from the College of Law at the University of Saskatchewan in 1989. He articulated and practised in Melfort with Carson & Co. until moving to Regina in 1992, where he worked for the provincial government. Following two years as Clerk of the Executive Council and Registrar of Regulations, Perry returned to private practice in 2001 with Olive Waller Zinkhan & Waller LLP and joined the firm's partnership in 2003. His primary areas of practice are business, financing, real estate, and employment law.

Perry has served in numerous volunteer positions ranging from worship committee at his church to coaching and refereeing minor hockey. He has also presented at many continuing professional development programs. He has served as a director and chair of a number of boards, including credit union sector, provincial Crown, and non-profit corporations. From 2010–11, Perry served on the national board of the Canadian Bar Association and was President of the Saskatchewan Branch. He was appointed Queen's Counsel in 2010.

Perry is married to Leslie, who teaches at Winston Knoll Collegiate in Regina. They have two children, Josh and Emily, who are both enrolled in post-secondary studies.

Perry began serving his term as a Bencher on January 1, 2013. Last year, he served as Chair of the Discipline Executive and Chair of Governance Review, and was a member of the Access to Legal Services and Libraries Review Committees.

Highlights of the Meeting of Benchers

Nov 28, 2014

Perry Erhardt, Q.C., was elected as the Vice-President of the Law Society commencing January 1, 2015. Congratulations to Perry.

Melanie Baldwin and Evert Van Olst, Q.C., were appointed two positions on the Law Foundation Board.

The review of the Governance process at the Law Society is ongoing, and the Benchers approved substantial amendments to the Policy Manual. In addition, the Benchers reviewed several committee terms of reference.

The national requirements for Law Colleges were to come into effect on January 1, 2015. Due to the number of programs, it must be reviewed. The approvals were deferred to January 1, 2017.



Pamela Harmon joins the Law Society

The Law Society of Saskatchewan is pleased to announce that Pamela Harmon, CPA, CA, has assumed the role of Senior Auditor. Pamela will work in conjunction with Stephanie Kievits, CPA, CA, and John Allen, CPA, CA, completing trust account reviews, spot audits and investigations.

Born in New Brunswick, Pamela moved to Saskatchewan in 2002 and graduated from the University of Regina with a Bachelor of Administration with Great Distinction in 2005. After receiving her degree, she articulated at Deloitte in Regina, where she gained valuable experience performing a wide range of audits, from small not-for-profit organizations to large public corporations. She received her Chartered Accountant designation in December 2009 and then moved into a senior tax accountant role at the Mosaic Potash Company.

In addition, Pam continues to serve as treasurer and as a director for the Sport Parachute Association of Saskatchewan, a non-profit organization established to promote skydiving in Saskatchewan.

Pamela joined the team at the Law Society on November 3, 2014. She is excited about her new position and is looking forward to working with all of its members.

Judicial Appointments

The Honourable Judge James Plemel has been appointed as Chief Judge of the Provincial Court of Saskatchewan. The appointment takes effect January 1, 2015, following the conclusion of Chief Judge Carol Snell's term.

The Honourable Michelle Marquette has been appointed a judge of the Provincial Court in Wynyard, effective January 1, 2015. She replaces Judge James Plemel.

In Memory



William Roderick Donlevy, Q.C., passed away on December 25, 2014

Laurie Korchin passed away on November 19, 2014

“Locum Lawyer” Program: Assessing Membership Interest

By Valerie Payne
Complaints Counsel

The Law Society of Saskatchewan is considering the possibility of developing a “Locum Lawyer” program. A “Locum Lawyer” would be a Saskatchewan lawyer, in good standing with the Law Society of Saskatchewan, who would be willing to make themselves available (for appropriate financial compensation) to provide temporary or limited relief or practice coverage for other Saskatchewan practitioners who may find themselves in need of some assistance. The services of a Locum could be engaged to cover instances such as holidays for solo practitioners, or extended medical leaves. Temporary assistance for major projects or with “catch-up” may also be circumstances in which a Locum would be helpful.

The precise form that this program would take is yet to be determined and would, in part, be dependent on the actual needs of the practitioners who would be interested in accessing the program.

Locum-type programs offered by other Law Societies consist mainly of the Law Society acting in a “middle-man” role, connecting lawyers who are willing to act as Locums with lawyers who require the services of a Locum. The exact arrangements, both with regard to the type and length of assistance required and the financial compensation for such assistance, is then negotiated between the lawyers themselves.

Recognizing that there may be certain practical barriers which may make it difficult to derive sufficient benefit from acting as a Locum practitioner, the Law Society is prepared to

consider appropriate accommodations regarding practice requirements such as Insurance, practice fees, and Continuing Professional Development costs. Again, any such accommodations would, in part, be dependent on the actual needs of the practitioners who would be interested in being involved with the program.

This program, if established, would be open to any interested practitioner, but it is anticipated that it would be of greatest benefit for solo and small firm practitioners and rural practitioners, who may not have ready access to partners, associates, or other colleagues who can provide coverage. They type of lawyers who may be interested in acting as a Locum may be senior practitioners who are close to retirement or are semi-retired, or who are interested in a more part-time work schedule, in order to accommodate travel or other interests.

Prior to investing further resources in establishing such a program, the Law Society wishes to gauge the level of interest among its Membership, both in engaging the assistance of a Locum Lawyer, and in acting as a Locum Lawyer. The Law Society will, in the immediate future, be sending a short “Locum Lawyer” Program - Interest Assessment Survey out to the membership. Each member is asked to respond to the (anonymous) survey to provide certain demographic information and indicate whether they will have any interest in being involved in such a program, either as a provider of Locum services, or as a recipient. Your participation would be greatly appreciated.

Legal Sourcing Named Best Canadian Law Library Blog

By **Melanie Hodges Neufeld**
Director of Legal Resources



The [2014 Canadian Law Blog Awards](#) (Clawbies) were announced on December 31, and [Legal Sourcing](#), the Law Society Library blog, was named the Best Law Library Blog. The Clawbies were started in 2006 to highlight the great blogs published by the Canadian legal industry. We join other distinguished 2014 winners such as [Double Aspect](#) (Best Canadian Law Blog) and [CanLII Connects](#) (Best Non-Lawyer Audience). Past winners include popular and influential blogs such as [Slaw](#) and [ABlawg.ca](#). The award announcement stated:

As a law library blog newcomer, Legal Sourcing made a serious impression in 2014. The hard-working blogger team (whose members double as the reference team) at the **Law Society of Saskatchewan Library** jumped into the blawgosphere full-force. With regular updates, engaging topics, and fun Twitter personalities, this group was instrumental to bringing back the info-cool factor to law library blogs. We're proud to award them this year's Clawbie.

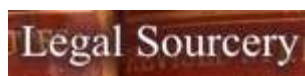
I wish to thank the Legal Sourcing team for their hard work. Also, thank you to our loyal readers.

Since launching on March 12, 2014, we have posted over 350 posts and have had over 40,000 views. The Royal Opera House in London, England, has 2256 seats. If it were a performance at the Royal Opera House, it would be equivalent to 18 sold-out performances. If you haven't already checked us out, please do!

The Top 5 Posts

1. [Tips from the Editor – Punctuation Personalities](#)
2. [Tips from the Editor – Double Space After a Period](#)
3. [Tips from the Editor – Legalese Gobbledygook](#)
4. [Cross-referencing Footnotes in Word](#)
5. [Tips from the Editor – Oxford Comma Wars](#)

We have also posted nearly forty [Tips of the Week](#) to assist you with your legal research and numerous other info/news items.



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 melanie@lawsociety.sk.ca.

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

EDITOR

Melanie Hodges Neufeld

DID YOU KNOW...

By Valerie Payne
Complaints Counsel

...in most cases, it is inadvisable for a lawyer to accept a trust condition or give an undertaking which requires them to ensure “removal” of a party from a mortgage or other joint debt? Trust conditions to this effect occur most often in a family property division context, with the lawyer for the spouse who is giving up possession of the family home asking the lawyer for the spouse who is retaining the family home to agree to “remove the other spouse from the mortgage” as part of the settlement. These things sound good in pre-trials and settlement meetings, but are virtually impossible in reality. Lenders are very rarely willing to simply “remove” a debtor from debt items like mortgages, at the instruction of the other debtor. This has left several lawyers recently in the position of being unable to satisfy trust conditions and/or undertakings to which they have agreed, causing problems with both the Law Society and the insurer. See *Code* section 6.02(11): ***A lawyer must not give an undertaking that cannot be fulfilled and must fulfill every undertaking given and honour every trust condition once accepted.***

If you are considering agreeing to such an undertaking or trust condition, *at a minimum* you should first be obtaining written confirmation from the bank/lender that they will agree to do what is required, prior to undertaking to remove names from clients’ joint debts or to assign mortgages, etc. Best practice may, in fact, be to require your client to apply for a new mortgage/debt in their name, in order to pay out the old, jointly held mortgage/debt and have it discharged from the title.



Benchers’ Digest Report

Kara-Dawn Jordan, Executive Director
www.pblsask.ca

Congratulations, Ashlee Longmoore

The Pro Bono Law Saskatchewan office wanted to take this opportunity to congratulate our clinics coordinator, Ashlee Longmoore, on being the winner of the 2014 Red Cross Young Humanitarian Award for her dedication to programs that strive to promote a safe and inclusive community. Ashlee volunteers as a facilitator with the Next Chapter Book Club and is a participant in the Planned Lifetime Advocacy Network. She also volunteers as an Advocate on the Sexual Assault Line with the Regina Sexual Assault Center and is a board member with the John Howard Society of Saskatchewan.

Ashlee joined our office in August 2014. She has aspirations of one day attending law school. Although we would be sad to see her go, we know she would be an asset to Saskatchewan’s legal community.

Congratulations, Ashlee!

Thank you, ChildView

We would like to thank ChildView Inc. for their generous donation of ChildView software for our free legal clinics across Saskatchewan. Lawyer volunteers will now be able to access ChildView software during free legal clinic appointments. Thank you, ChildView, for your commitment to access to justice in Saskatchewan!

Notices

2015 CONVOCATION DATES OF THE BENCHERS OF THE LAW SOCIETY OF SASKATCHEWAN

February 11th, 12th and 13th – Regina

April 16th & 17th – Saskatoon

June 17th, 18th and 19th – Regina
(annual meeting set for evening of Thursday, June 18th)

September 23rd, 24th & 25th – Moose Jaw

October 16th – Saskatoon

November 26th and 27th – Saskatoon

Many Thanks!

The Benchers and professional staff of the Law Society of Saskatchewan wish to express their sincere gratitude to the following members of the profession who volunteered their time to help with Continuing Professional Development (CPD) in 2014, in addition to those already mentioned in the last issue of the *Benchers' Digest*. We recognize that the vocation of law is demanding and we greatly appreciate the invaluable contribution of the time given by Law Society members and members of the judiciary.

Many thanks to the following people...

Morris Bodnar, Q.C.
Justice G.M. Currie
Paul Favel, Q.C.
Christine Glazer, Q.C.
Brian Hendrickson, Q.C.
Erin Kleisinger

Judge D.E. Labach
Colin Lachance
Justice M.T. Megaw
Michelle Ouellette, Q.C.
Chief Justice M.D. Popescul
Chief Justice R.G. Richards

William Roe, Q.C.
Justice A.R. Rothery
Gregory Walen, Q.C.
Krista Zerr

EQUITY OFFICE

The Equity Office at the Law Society of Saskatchewan is committed to both eliminating discrimination and harassment and promoting equity in the legal profession. The services of the Equity Office are available to articling students, lawyers and their support staff for advice, information or assistance.

If you have a question or concern about **discrimination or harassment in your workplace**, or if you would like to **improve equity and diversity in your workplace**, please contact the Equity Office.

Toll free @ **1-866-444-4885** or equity@lawsociety.sk.ca

All information is confidential.

A call to the Equity Office is not a complaint to the Law Society. Except for information about the misappropriation of funds, the Equity Office reports only anonymous statistics to the Law Society.

This office is not a lawyer referral service and cannot provide legal advice. For more information, please visit: <http://www.lawsociety.sk.ca/for-lawyers-and-students/equity-office>.

LAWYERS CONCERNED FOR LAWYERS

Provides to Saskatchewan lawyers and their family members:

- ❖ CONFIDENTIAL assistance in effectively dealing with problems;
- ❖ The services of an INDEPENDENT professional consultant;
- ❖ Services provided without charge.

For confidential information and assistance,
please call Homewood Human Solutions at **1-800-663-1142**.



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