

BENCHERS' DIGEST

May 2013

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New Directions on Admission to the Profession

Darcia Schirr, O.C.



Law Societies are remaking admission policy.

We started at the beginning with defining the competencies of those we admit as students-at-law. Addressing this threshold question had some urgency with Canadian Law Schools developing diverse curriculum, the increasing number of foreign graduates and fair practice legislation in some provinces. The Federation of Law Societies, in consultation with Canadian Law Deans, developed a list of competencies and a strategy for implementation that will come into effect in 2015.

The next step is articling. The future of articling may itself be in doubt, with the release of the Articling Task Force Report by the Law Society of Upper Canada (LSUC) in October 2012. Partly in response to a shortage of articling positions in Ontario and partly in response to questions as to the efficacy of articling, LSUC approved a law practice program. It is scheduled to begin in 2015 as an alternative to articling and includes 4 months of classroom work and 4 months of a co-operative work placement.

Saskatchewan is watching this experiment with interest and in the interim is developing strategies to increase the effectiveness of articles without creating an onerous disincentive for principals. The guidelines for principals and students has been revised, with an emphasis on both principals and students taking a more active role in defining an articling plan that provides a well-rounded training program.

There is also additional discussion on other issues such as requiring the firm to make a commitment to the student in acknowledgment of the reality that many students work for a firm rather than a specific principal. The consequence would also be that the firm, rather than an individual principal, must qualify to take a student and make a commitment to training a student. Finally, under current discussion, is whether the Law Society should obtain feedback from both the principal and the student on the articling experience.

The second half of articling is the Bar Course. It is currently delivered in a substantially online format by the Canadian Centre for Professional Legal

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New Directions on Admission to the Profession

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Education (CPLED) and faces significant changes with the introduction of new entry level standards for lawyers being developed by the Federation of Law Societies.

There are two aspects. The first is a competency profile that establishes specific and measurable entry-level competencies that must be demonstrated prior to admission. Can you say psychometrically defensible? The Federation of Law Societies has engaged an expert in test development and employed a rigorous process. It interviewed Law Society education staff and tested the competencies on focus groups of lawyers at various stages in their careers. It then revised the results and once again tested the defined competencies with national surveys. The Law Society of Saskatchewan approved the National Competency Standards at Convocation in April 2013.

The second part of the entry-level standards are the fitness and suitability standards that have always been a qualification in Saskatchewan under the label of "good character." Current admissions standards require an applicant to provide references and take into account such features as a prior criminal record. The new standards will be better defined.

Public confidence in the profession's ability to create and enforce rigorous standards of competency is important to all lawyers and we appreciate your support in these matters.

Highlights of the Meeting of Benchers

February 14th and 15th, 2013

The first Convocation of 2013 was also the first meeting for the newly elected Benchers. It began with a day-long orientation into the operations of the Law Society and the duties of the Benchers. Topics included overall management of the Law Society and more specific functions, such as libraries, insurance, education, the Bar Course and complaints.

February Convocation occurred during one of the many blizzards this winter. Since many of the Benchers could not travel, some decisions were deferred.

Since 2002, lawyers in Canada have enjoyed national mobility with all provinces, except Quebec. In 2012,

Quebec lead an initiative to be included in national mobility and Saskatchewan gave its consent to amendment of the agreement at Convocation.

The Law Society publishes its discipline decisions primarily because proceedings should be open and transparent to the public. There are also judicial decisions requiring administrative bodies to comply with open court concepts. Rules 491, 495 and 230 were amended to clarify concerns about anonymity and the point in time the decision can be published.

Designated Complaints Counsel investigate complaints when Law Society staff are in a conflict of interest. An

example would be a complaint against a Bencher or a Bencher's firm. A new list of Designated Complaints Counsel, consisting largely of former Benchers, was approved.

The work of the Benchers is becoming more demanding and the Executive have additional responsibilities that often take them away from busy practices. The Benchers approved an honorarium of \$15,000 for Vice-Presidential duties.

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

Highlights of the Meeting of Benchers

April 25th and 26th, 2013

The Benchers meetings were held at the Northern Greens Resort in Nipawin. The location provided an opportunity for Benchers to meet the North East Bar.

The audited financial statements for December 31, 2012 opined that management's financial statements present fairly and in all material aspects the financial position of the Society as of that date. The Benchers approved the financial statements.

The Benchers approved the insurance assessment of \$1,560 for 2013. Members may have observed a continuous rise in insurance premiums over the last 5 years. Identifying the reason is somewhat speculative, but generally, the increase in economic activity and inflation in real estate prices leads to higher claims costs. In addition, insurance is cyclical and we have seen a spike in the large losses that occur without any identifiable reason. Saskatchewan Lawyers' Insurance Association Inc. remains financially strong. The indicated rate of insurances

is in excess of \$2,300 this year, but because of a strong surplus position, the rate is subsidized down to \$1,560.

The Benchers approved the National Admissions Standards Competency Profile. For a longer explanation, I refer you to the cover article.

In the past, a Senior Life Membership was granted to anyone who had been a member of the Society for 50 years. In some cases, any relationship to the practice of law in Saskatchewan was very tenuous. The new policy states that a Senior Life Membership is an honour, with a minimum qualification of 50 years membership and the requirement that a member has been in active practice in Saskatchewan for a substantial amount of time. Senior Life Memberships were granted to Anthony Boryski and Herald Hepting, Q.C.

The Benchers created a new category of membership for pro bono lawyers. Some retired lawyers want to provide assistance to PBLs, but cannot justify paying active practicing fees

or insurance. The new category of membership will waive those fees, so long as the member provides advice exclusively to a pro bono organization approved by the Law Society of Saskatchewan.

The Benchers approved a Reciprocal Suspension Rule that applies to lawyers who are members of more than one Law Society. When that lawyer is convicted of professional misconduct in another Law Society and is suspended, it would be contrary to the public interest to allow that lawyer to practice in Saskatchewan. The new Rule allows for a suspension in Saskatchewan that is consistent with suspension in other provinces.

On December 13, 2012, Sterling McLean entered guilty pleas to 4 counts of conduct unbecoming. Both Mr. McLean and counsel for the Law Society spoke to Sentencing at Convocation and a decision will be forthcoming. For more information, please visit the Law Society website.

5,000th Member



Silvia Suman

On February 22, 2013, Silvia Suman signed the Roll Book to become the Law Society's 5,000th member. Silvia comes to Saskatchewan from the Law Society of Newfoundland and Labrador and is working at the Legal Aid Office in Prince Albert.

Judicial Appointments

Kevin A. Lang, Q.C. was appointed a judge of the Provincial Court in Regina. He replaces retiring Judge Darryl Bogdasavich.

Judge Lang received his law degree from the College of Law, University of Saskatchewan, in 1989 and was called to the Bar in 1990. He started his career with McDougall Gauley and became partner in 1996. He received a Queen's Counsel designation in 2010. In 2012, he received the Queen Elizabeth II Diamond Jubilee Medal for his outstanding contribution to the community.

Judge Lang has practiced in the areas of litigation and corporate/commercial law. He serves the community as a current board member and past President of Regina Palliative Care/Greystone Bereavement Centre, Habitat for Humanity, the University of Regina Building Dreams and Futures fundraising campaign, as well as both Grey Cups hosted by Regina.

The Hon. Glennys L. McVeigh has been appointed a judge of the Federal Court to fill a new position according to s.95 of Bill C-36.

Madam Justice McVeigh received her law degree in 1992 from the College of Law, University of Saskatchewan, and was admitted to the Bar in 1993. From 1992 – 1998 she practiced civil and criminal litigation at Jamieson Bains. She then worked as counsel with the Department of Justice Canada from 1998 – 2009 and has been senior counsel with the Public Prosecution Service of Canada in Saskatoon since that time. She has conducted both trial and appellate work and has appeared before the Saskatchewan Courts, the Federal Court and the Federal Court of Appeal.

Madam Justice McVeigh lectured part-time at the University of Saskatchewan, College of Law, in 2009 and 2010. She also volunteers her time to numerous community and civic organizations.

Shannon Metivier has been appointed a judge of the Provincial Court in Saskatoon. She replaces retiring Judge Bria Huculak.

Judge Metivier graduated from the College of Law, University of Saskatchewan, in 1992 and was called to the Bar in 1993. She worked at McKercher LLP in Saskatoon her entire career and became partner in 2003. She practiced extensively in the area of civil litigation and has appeared before all levels of court in Saskatchewan.

Judge Metivier has served on a variety of boards and mentors law students through the Canadian Bar Association mentorship program.

James Rybchuk, Q.C. has been appointed a judge of the Provincial Court in Melfort. He replaces Judge Barry Morgan who is transferring to Saskatoon.

Judge Rybchuk obtained his law degree at the University of Saskatchewan in 1994 and was called to the Bar in 1995. He worked at the McDougall Gauley law firm in Regina his whole career, becoming a partner in 2005. He practiced extensively in the areas of civil and criminal law. He received a Queen's Counsel designation in 2008.

Judge Rybchuk was an adjunct professor of law in the Faculty of Business Administration at the University of Regina for almost 10 years. He received a Chartered Professional Director designation from the Directors College at McMaster University in 2011, where he was a faculty lecturer. He also served on the board of many organizations, such as the Regina Regional Economic Development Authority and the Regina Airport Authority.



Admissions & Education



Jody Martin

I am very pleased to take on the role as Acting Director of Admissions & Education during Andrea Johnston's maternity leave, beginning May 1, 2013.

I first joined the Law Society in January 2010 as Complaints Counsel, a position that I certainly found to be very unique and important to assuring that, we as lawyers, maintain the privilege of having a self-regulated profession. Some of you may be familiar with me in that role and not only in the complaint sense! Rather, I have had the opportunity to work with many of you to assist with the resolution of informal ethics matters. In addition, I have been involved in providing many presentations to lawyers, articling students and law students over the last few years on various topics relating to ethics and professional standards issues, many of which qualified for that elusive ethics credit.

I am looking forward to expanding my involvement with the profession as a whole, as well as working with administration and the A & E Committee in the admission and education of lawyers in the province. I am excited to continue Andrea's great work in her absence and to play a part in continuing professional development through the encouragement and expansion of educational opportunities to fit the needs of all lawyers in Saskatchewan.

Queen's Counsel Ceremony

February 9, 2013, Saskatoon



Back Row (L to R): Brian Banilevic, Q.C., Heather Sinclair, Q.C., Jeffrey Lee, Q.C., Bruce Bauer, Q.C., G. Foster Tessem, Q.C., Beaty Beaubier, Q.C., Bradley Hunter, Q.C., Laurance Yakimowski, Q.C., Heather MacMillan-Brown, Q.C.

Front Row (L to R): Heather Laing, Q.C., Rick Van Beselaere, Q.C., Honourable Gordon S. Wyant, Q.C., George Patterson, Q.C., Theodore Nieman, Q.C.

(Photo provided by Department of Justice)

Library Survey Results

by: Melanie Hodges Neufeld, Director of Legal Resources

On February 26, 2013, the membership was invited to participate in an online Library Survey. The purpose of the survey was to obtain information as to which library services are used by members, what types of online services members need now and will need in the future, how members use the reference services, and what changes should be made in providing library services.

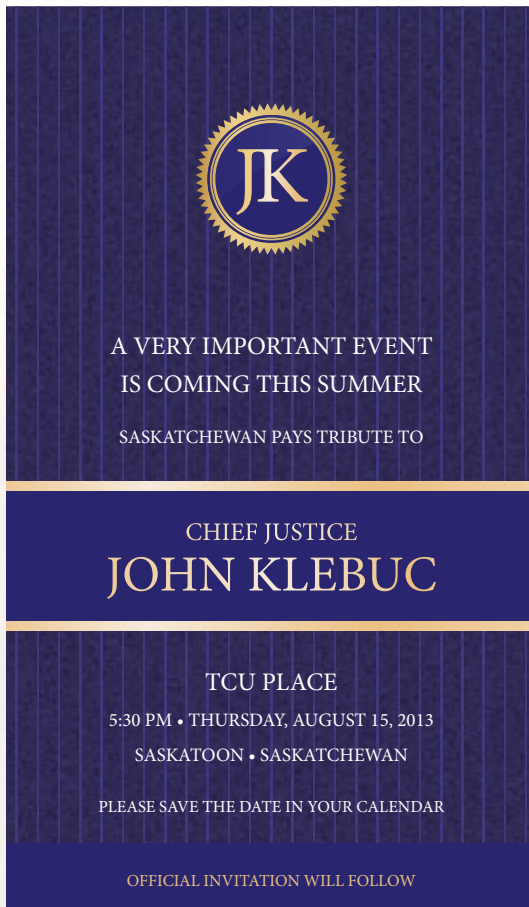
The response rate was up slightly from the 2009 Library Survey with 371 responses. The respondents represented a good cross section of our membership both in type and location of practice.

Perhaps most importantly, we received many written responses to our "why" questions, such as "for any library service that you rarely or never use, please tell us why."

Most significantly, we learned that members are not utilizing the physical branches and instead want more online resources. However, members are not taking advantage of our current online resources and staff assistance. One of the main reasons for this disuse is that members are not aware of what the library has to offer and/or they require training on these resources.

Based on the survey results, over the next few months the library will provide more information and training on our resources. In the meantime, we invite you to visit our webpage to familiarize yourself with what we have to offer. Our online subscriptions are available in the Members' Section. Examples include O'Brien's Online Forms, Criminal Spectrum and HeinOnline. Please contact me if you have any questions about our library services at melanie@lawsociety.sk.ca.

Tribute Dinner for Chief Justice Klebuc



The Honourable Chief Justice John Klebuc is stepping down as Chief Justice of Saskatchewan. A special tribute dinner is being planned for August 15, 2013 in Saskatoon. Please mark your calendar and plan to attend!



Temporary Closure of Saskatoon Library

by: Melanie Hodges Neufeld, Director of Legal Resources

As reported in the last issue of the Benchers' Digest, the Saskatoon Law Society library will be closing temporarily due to renovations at the Saskatoon court house. The library will be closed June 1, 2013 until approximately March 2014. During the closure, our goal is to provide our Saskatoon members with the best service and access to resources possible without our physical library space.

During the closure, we have negotiated an agreement with the College of Law to provide access to the College of Law library by members of the Law Society. This means that a Law Society member

may go to the College of Law library with their Law Society card and be registered as an "external borrower" at no cost to the member. This will provide members with borrowing privileges, but limited remote access to electronic resources. Law Society library staff in Regina will still be available to answer your reference questions via telephone or email. We will provide more information on our website regarding the College of Law borrowing policy and Law Society member privileges before June 1st.

When the library reopens, it will be reduced to approximately 60% of its

current size. This loss of space has necessitated culling and recycling some of the resources at the Saskatoon branch. Most of the disposal decisions have been rather simple. Many of the materials designated for disposal are either duplicate copies or can be found online. Other historical materials are used infrequently and are available in Regina.

We thank you for your anticipated patience and understanding over the next several months. If you have any questions or concerns, please contact me at (306) 569-8020 or melanie@lawsociety.sk.ca.



Pro Bono Law
Saskatchewan

Benchers' Digest Report

Nicole Sarauer, Acting Executive Director
www.pblsask.ca



Lee Douglas

Pro Bono Law Saskatchewan Annual General Meeting

The Annual General Meeting of Pro Bono Law Saskatchewan will be held in conjunction with the Law Society's Annual General Meeting on Thursday June 20, 2013 in Regina. Cocktails will begin at 6:30 pm and dinner will be served at 7:00 pm. To reserve a seat, please contact Liz at the Law Society at llynchuk@lawsociety.sk.ca. Copies of the 2012 Annual Report and audited financial statements can be found on our website at www.pblsask.ca.

Volunteer Spotlight – Lee Douglas

Lee Douglas is our "in person" volunteer at the Meadow Lake Free Legal Clinic, which is a part of our Northern Initiative.

Lee was born in Portland, Oregon and began his professional career as a pilot, completing his private pilot's license at Altair Aviation in Pitt Meadows, British

Columbia. He received his Bachelor of Arts and commercial pilot's license while at Simon Fraser University and completed his Bachelor of Laws at Dalhousie University. During law school, he was still very active in the aviation world, completing his Class IV Instructor Rating and teaching flight instruction.

After law school, Lee worked as a Captain, Line Check Airman and Flight/Simulator Instructor for United Express based in Denver, Colorado. After 10 years in that business, he decided to move back to Canada and pursue his legal career, first in Assiniboia and now for Legal Aid in Meadow Lake, where he lives with his wife, Judy, son, Nicholas, and daughter, Arielle.

He has gone above and beyond his time at the clinic, often agreeing to take on additional legal matters. He has also been an advocate for access to justice and does *pro bono* work within the profession. Thank you for your support, Lee!

In Memory

Lynne Greenhorn, passed away on February 28, 2013. She leaves behind her brother Lorne and sister Lana and their children, with whom she was very close. She practiced law since 1977 when she became a member of the Law Society of Saskatchewan.

W. Robert Pelton, Q.C., passed away on January 22, 2013. He is survived by his wife, Alice, of 43 years and his two daughters Jennifer and Jill.

He grew up in Swift Current and obtained his law degree at the University of Saskatchewan in the early 1970's. His career in law began in Regina and eventually he focussed on acting as an Arbitrator in Saskatchewan and Alberta regarding labour/management disputes; working as a conciliator to help School Boards and teachers in their agreements; and served as an adjudicator for Indian Residential School Claims processes. He was also an instructor at the Foundation of Administrative Justice. He received a Queen's Counsel designation in 2000.

Outside his career, Robert Pelton was involved in sports, serving as Director and past President of the University of Regina Rams Football Club. He was also a Director and past President of Sask Sport Inc. He was named Canadian Junior Football League Executive of the Year in 1998 and received the Saskatchewan Centennial Leadership Award in 2005.

** Excerpts rendered from obituaries printed in local newspapers.*

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**.

This office is funded by The Law Society of Saskatchewan

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