

# BENCHERS' DIGEST

November 2013

Volume 26, Issue Number 4

## I N D E X

|  |   |
|--|---|
| Federation Report.....   | 1 |
| Highlights of the Meeting of Benchers<br>September 26th and 27th, 2013 ..... | 2 |
| Highlights of the Meeting of Benchers<br>October 9, 2013.....                | 2 |
| President's Dinner 2013 .....  | 3 |
| New Direction for the Library.....   | 4 |
| Judicial Appointments.....   | 4 |
| Many Thanks .....  | 5 |
| Pro Bono Law Saskatchewan<br>Benchers' Digest Report .....                   | 6 |
| Notices .....  | 6 |

[www.lawsociety.sk.ca](http://www.lawsociety.sk.ca)

## Federation Report

Gregory Walen, Q.C.



It is my pleasure to be the Council Member representing the Law Society of Saskatchewan on the Federation of Law Societies of Canada. The Federation is the umbrella organization and national coordinating body of all 14 Law Societies in Canada. While each Law Society maintains its own jurisdiction and autonomy to govern the legal profession in the public interest, the importance of the work of the Federation cannot be overstated.

In 2002, the Federation was the driving force behind the National Mobility Agreement which included most, but not all Law Societies as equal partners. The Agreement allowed, for the most

part, the ability of lawyers to practice law anywhere in Canada without the necessity of being a member in the province in which they wished to practice. The agreement had several limitations (such as the fact that Quebec was not a signatory). The Agreement and agreements that followed were catalysts for the Federation to create national standards with such incentives as the *Model Code of Professional Conduct* and National Admission Standards, to name a few.

In 2010, The Barreau du Québec became a signatory to the National Mobility Agreement but their partnership had limitations. Members of the Barreau could practice in other jurisdictions but only as Canadian Legal Advisors and similarly, members of other Law Societies could only practice in Quebec under those same terms. In 2012, the Chambre des notaires du Québec became partners to the National Mobility Agreement with the same conditions as members of the Barreau.

On October 17, 2013 at St. John's, Newfoundland and Labrador, the National Mobility Agreement 2013 was signed by most Law Societies, admitting the Barreau as a permanent and full time member to the agreement. Law Society of Saskatchewan President, Heather Laing, Q.C., was on hand to sign the agreement on behalf of our membership. Members of the Barreau are now entitled to practice in any province and similarly, members of other jurisdictions can practice with few limitations in Quebec.

The Federation has several standing committees which serve to coordinate the efforts of all Law Societies to protect the public interest. I will only comment on a few of these committees.

*Continued on page 2...*

## Federation Report

Continued...

The National Committee on Accreditation (Chaired by our own Graeme Mitchell, O.C.) assesses the legal education and experience of individuals whose legal education was obtained outside of Canada. An individual with a foreign law degree cannot be admitted to a Law Society in Canada without a Certificate of Qualification granted by the committee. Over the past several years, the committee has seen a significant increase in the number of applications for certification and has granted an ever increasing number of certificates.

Another standing committee is the Canadian Common Law Degree Approval Committee made up of members of the Council and, as well, Law Deans. Part of the work of this committee is to approve applications of new law schools who wish to have their law degrees recognized by the Federation and thus all Law Societies in Canada. One of the challenges, of late, has been the application by Trinity Western University of British Columbia to have their law school approved by the committee. The committee is working diligently and under considerable pressure to consider the application in a timely and thoughtful way.

I hope to continue to report to you on the work of the Federation. Until next time, I would like to thank the Benchers of the Law Society for placing their trust in me to represent the Law Society at the Federation table.

## Highlights of the Meeting of Benchers

September 26th and 27th, 2013

Benchers usually spend as much time in committee work as they do in Convocation. At this meeting, several committees were very active.

- The Insurance Committee considered the audited financial statements for SLIA for the year ended June 30, 2013. We are pleased to report an increased surplus.
- The Admissions & Education Committee considered the National Suitability Standard for applicants for admission.
- The Discipline Committee discussed a *Benchers Code of Conduct* and publication of Hearing Decisions.
- The Ethics Committee discussed an amendment to Rule 1602 dealing with vulnerable clients.

At Convocation, several appointments were made as follows:

- University of Saskatchewan Senate – Karen Prisciak, O.C.
- Law Foundation – Pat Quaroni's term was extended for a further year.
- Land Liaison Committee – William Nickel was extended for another term.

The National Mobility Agreement was signed by all provinces in 2002. However, Quebec did not implement the agreement at that time largely because of the perceived difference between civil and common law jurisdictions. These differences have now been worked out and the Benchers authorized the President to sign a revised National Mobility Agreement that includes Quebec.

The Benchers considered a memorandum from the Library Review Committee titled, *The Future of Libraries – a Service, not a Space*. It documents the reduced utilization of the libraries and the increasing availability and usage of digital resources. It is essentially a strategic plan for the future of libraries.

The Justicia Project was started in Ontario and is a voluntary organization of law firms that commit to improve working conditions for women. The project has spread to other provinces and the Benchers supported the initiative in Saskatchewan.

## Highlights of the Meeting of Benchers

October 9, 2013

The only item on the Agenda at the Benchers meeting was approval of the 2014 budget and the annual practice fees.

The Benchers decided that the annual practicing fee would remain at \$1,690 per member for another year.



# President's Dinner 2013

September 27, 2013

The President's Dinner took place in Saskatoon at the Top of the Inn, with a picturesque view of the Saskatoon landscape. 121 guests attended in honour of President Laing, O.C., including Minister Gordon Wyant, O.C. who brought greetings on behalf of Justice, as well as Carsten Jensen, O.C., President of the Law Society of Alberta.

Special guest Dennis Berezowsky, retired local registrar at the Saskatoon Court House, accepted an honorary membership from the Law Society of Saskatchewan for his long service at the court and for being a friend of the legal profession. Entertainment was provided by duo Jen Lane and John Antoniuk on vocals and guitar.

Highlights of the evening were captured by the photos below.



**Left to right:** President Heather Laing, O.C. and past Co-Director Kirsten Logan, O.C.



**Left to right:** Tom Schonhoffer, O.C., Dennis Berezowsky and Chief Justice R.G. Richards.



**Left to right:** Andrew Heinrichs, Robert Heinrichs, Victor Dietz, O.C. and David Rusnak.



**Heather Laing, O.C. accepts the President's Certificate from Miguel Martinez, Vice-President.**

# New Direction for the Library

by: Melanie Hodges Neufeld, Director of Legal Resources

The Library Review Committee has spent 2013 working on a plan to revitalize and reinvent the role of the Law Society in the management of legal information. The library is a key component of maintaining member competency and the administration of justice by collecting, cataloguing, creating and distributing legal information to the profession, the judiciary and members of the public. However, most active legal research is conducted online and has resulted in a significant reduction in traffic and usage in the paper-based libraries.

In 2009 and this past spring, we conducted surveys of our membership to determine what library resources are

being used and what further resources are required. The surveys confirmed what we already suspected: our members are relying upon the physical library space less and online resources more. In response, we have greatly increased online resources and currently offer more online resources to our members than any other Law Society in Canada.

Our long-term goal is to facilitate access to legal resources for all our users, no matter the location. The best way to accomplish this goal is to convert to even more online resources. That is, to invest in ebooks, public online case sources such as CanLII, commercial online databases/forms and our own

library-created materials. This means the library will become, for the most part, an online gateway that grants users access to legal resources and services. While maintaining historic materials, over time our collection will move from the bookshelf to the desktop or mobile device. We believe this goal is attainable within the next five years as changes in technology allow for more textbooks in e-format, greater coverage of online cases, and more online databases and services.

More information will be provided as it becomes available. If you have any questions or concerns, please contact Melanie Hodges Neufeld at [melanie@lawsociety.sk.ca](mailto:melanie@lawsociety.sk.ca) or (306) 569-8020.

## Judicial Appointments

**The Honourable Peter A. Whitmore**, a judge of the Court of Queen's Bench, has been appointed a judge of the Court of Appeal. Justice Whitmore replaces Justice R.G. Richards who was appointed Chief Justice of Saskatchewan in June 2013.

Mr. Justice Whitmore obtained a Bachelor of Commerce from McGill University in 1971, a Bachelor of Laws from the University of Saskatchewan in 1974 and a Doctorate of Canon Law from the University of Emmanuel College (Saskatoon) in 2004.

Prior to his appointment to the Court of Queen's Bench, Justice Whitmore had been a partner with McKercher McKercher & Whitmore since 1989. Corporate law, commercial law, financing law, tort liability, dispute resolution and real estate law were his main areas of practice.

**The Honourable Richard W. Elson** was appointed a judge of the Court of Queen's Bench for Saskatchewan in June 2013. He replaces Justice Peter A. Whitmore who was appointed a judge of the Court of Appeal for Saskatchewan.

Justice Elson received a Bachelor of Laws from the University of Manitoba in 1980 and was called to the Manitoba bar in 1981. He was called to the Saskatchewan Bar in 1982.

Mr. Justice Elson had been a partner with McKercher LLP in Saskatoon since 1989. He practiced in the areas of medical and tort liability, employment law, commercial litigation, administrative law and Aboriginal law. He appeared before all courts in Saskatchewan, as well as administrative tribunals, such as the Discipline Committees of the College of Physicians and Surgeons and the Chiropractors Association of Saskatchewan.



# Many Thanks

by: Donna Sigmeth, Q.C., Complaints Counsel/Deputy Director

The Benchers and professional staff of the Law Society of Saskatchewan wish to express their sincere gratitude to members of the profession who volunteered their time to act as pro bono counsel to members facing discipline, to those who sat on Hearing Committees and to those who acted as "alternate" Complaints Counsel to review complaints against staff, Benchers or Benchers firms.

We would also like to extend thanks to Law Society members and members of the judiciary who have contributed their time as members of various Law Society Committees and as Law Society representatives to other organizations. 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.

## Non-Benchers Volunteers for 2013

### Law Society Committee Members and Representatives to Other Organizations:

|                                  |                       |                         |                       |
|----------------------------------|-----------------------|-------------------------|-----------------------|
| Jamie Patterson                  | Marianne Kramchynsky  | Christine Glazer, Q.C.  | Gregory Willows, Q.C. |
| Hon. Judge Shannon Metivier      | Ken Koshgarian        | Alan McIntyre           | William Holliday      |
| Kathy Hodgson-Smith              | Randy Sandbeck        | Bruce Wirth             | Scott Polischuk       |
| Eric Neufeld, Q.C.               | William Nickel        | Gary Young, Q.C.        | David Leland          |
| Hon. Justice J.M. Klebuc         | John McIntosh, Q.C.   | Marusia Kobrynsky       | Jerome Tholl          |
| Hon. Chief Justice M.D. Popescul | Robert Gibbings, Q.C. | Ken Neil                | Donna Taylor          |
| Professor Tim Quigley            | Eileen Libby, Q.C.    | Norma Sim, Q.C.         | Karen Prisciak, Q.C.  |
| Gregory Walen, Q.C.              | Merlis Belsher        | Brian Hendrickson, Q.C. | Patrick Kelly, Q.C.   |
| Scott Hopley                     | Pat Quaroni           | Heather Jensen          | Michael Milani, Q.C.  |
| Grant Scharfstein, Q.C.          | Ron Kruzeniski, Q.C.  | Robert Kennedy, Q.C.    | Kara-Dawn Jordan      |

### Designated Complaints Counsel:

|                         |                       |                    |                        |
|-------------------------|-----------------------|--------------------|------------------------|
| Michael Fisher, Q.C.    | Leah Kosokowsky       | Paul Korpan, Q.C.  | George Patterson, Q.C. |
| John McIntosh, Q.C.     | Robert Gibbings, Q.C. | Thomas Campbell    | Loreley Berra          |
| Larry Zatlun, Q.C.      | Catherine Zuck, Q.C.  | Peter Hryhorchuk   |                        |
| Brian Hendrickson, Q.C. | Reché McKeague        | Eileen Libby, Q.C. |                        |

### Conduct Investigation Committee:

|                     |                  |                        |               |
|---------------------|------------------|------------------------|---------------|
| Evert Van Olst      | John Will        | William Holliday       | Loreley Berra |
| Gregory Walen, Q.C. | Alma Wiebe, Q.C. | George Patterson, Q.C. |               |

### Volunteers for Education:

|                          |                          |                          |                                  |
|--------------------------|--------------------------|--------------------------|----------------------------------|
| Kim Anderson             | Derrek Fahl              | Reché McKeague           | Scott Wickenden                  |
| Susan Barber, Q.C.       | Aaron Fox, Q.C.          | Jason Mohrbutter         | Hon. Justice D.L. Wilson         |
| Erin Bokshowan           | W. Brent Gough, Q.C.     | Michelle Ouellette, Q.C. | Gary Young, Q.C.                 |
| Chris Boychuk, Q.C.      | Jordan Hardy             | Daniel Parrott           | Terry Zakreski                   |
| Keith Boyd, Q.C.         | Lynn Hnatick             | Randy Sandbeck           | Morris Bodnar, Q.C.              |
| Darryl Brown             | Terry Jordan             | Jeff Scott               | Catherine Knox                   |
| Kevin Clarke             | Hon. Justice T.J. Keene  | Doug Surtees             | Brian Hendrickson, Q.C.          |
| Bettyann Cox             | Robert Kennedy, Q.C.     | Rollie Thompson, Q.C.    | Hon. Justice J.E. McMurtry       |
| Hon. Justice G.M. Currie | Robert Kirkpatrick, Q.C. | Chris Veeman             | Robert Leurer, Q.C.              |
| Victor Dietz, Q.C.       | Erin Kleisinger          | Keir Vallance            | Hon. Judge D.E. Labach           |
| Hon. Justice G.D. Dufour | Paul Korpan, Q.C.        | Rick Van Beselaere, Q.C. | Hon. Chief Justice M.D. Popescul |
| Mark Dolan               | Darren Kraushaar         | James Vogel              | William Roe, Q.C.                |
| Christopher Donald       | Brett Ledingham          | Gregory Walen, Q.C.      | Hon. Justice A.R. Rothery        |
| Jill Drennan             | Meghan McCreary          | Patricia Warsaba, Q.C.   | Krista Zerr                      |
| Karen Prisciak, Q.C.     | W. Brent Cotter, Q.C.    | Janet Stevens            | Kendra Jacobs                    |
| Stephen McLellan         | Richard Morris, Q.C.     | Jane Wootten             | Hon. Judge P.A. Demong           |
| William Nickel           |                          |                          |                                  |





Pro Bono Law  
Saskatchewan

## Benchers' Digest Report

Kara-Dawn Jordan, Executive Director  
[www.pblsask.ca](http://www.pblsask.ca)

### 2013 PRO BONO SERVICE AWARD

The 2013 Pro Bono Service Award will be presented at the 2014 Gown to Gown Lawyers' Charity Gala which will be held in Saskatoon to benefit CLASSIC on January 31, 2014. Pro Bono Law Saskatchewan and the Law Society of Saskatchewan established this annual award to recognize outstanding *pro bono* service in the province. To be eligible for the Pro Bono Service Award, an individual must be a resident of Saskatchewan, a member in good standing of the Law Society of Saskatchewan, and have demonstrated an outstanding contribution to access to justice in Saskatchewan, whether by delivering *pro bono* services, assisting with the establishment of *pro bono* programs, coordinating *pro bono* services, or educating or advocating to promote a *pro bono* culture. The deadline for nominations is January 17, 2014. Nomination information and forms are available online at [www.pblsask.ca](http://www.pblsask.ca) or by contacting the Executive Director of PBLs.

### VOLUNTEER SPOTLIGHT – NOAH EVANCHUK

Noah Evanchuk is one of the Regina Free Legal Clinic's original volunteers. He was called to the bar in 2005 after articling at Balfour Moss and in 2007 began practicing in association with the Andrews Benko Law office. His practice has primarily been focused in the area of criminal defence, where he has conducted trials and appeals at all levels of court in Saskatchewan. As a defence attorney, *pro bono* work comes with the territory, and Noah estimates that he conducts several *pro bono* matters in court annually, both through his own office and through Pro Bono Law Saskatchewan. As a result of the high number of cases involving clients with mental health issues, Noah has developed a practice that is sensitive to issues involving mental wellness. For the past 4 years he has been a board member of the Canadian Mental Health Association (Saskatchewan Section). Noah has been voted Regina's best lawyer by readers of Prairie Dog

Magazine 3 years running. Noah often goes above and beyond his clinic appointments and will represent clients *pro bono* that he meets at the clinic. Noah is also a strong public supporter of *pro bono* work and encourages others in the community to volunteer. Thank you for all your hard work, Noah!



Noah Evanchuk

## 2014 Convocation Dates of the Benchers of the Law Society of Saskatchewan

February 12th, 13th and 14th – Regina

April 30th, May 1st and 2nd – Kenosee Inn

June 18th, 19th and 20th – Saskatoon  
(annual meeting set for evening of Thursday, June 19th)

September 11th & 12th – Saskatoon

October 17th – Saskatoon

November 27th and 28th – Regina

---

## Bar Admissions Program

---

Samuel J. Bergerman, Director of Bar Admissions, would like to congratulate Andrew Heinrichs and Jared Pashovitz for their exemplary performance in the 2012 – 2013 CPLED Bar Admissions Program. Andrew and Jared received the Law Society's Award of Distinction for displaying the highest levels of academic achievement in the CPLED Program.

---

## Pro Bono Counsel for Members Facing Discipline

---

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 at [dsigmeth@lawsociety.sk.ca](mailto:dsigmeth@lawsociety.sk.ca).

---

## Nominations open for the C. Willy Hodgson Award

---

The C. Willy Hodgson Award is intended to recognize individuals or organizations who exemplify integrity, leadership and character, and have made or are making outstanding contributions to advancing equity and diversity in legal education, the legal profession and/or the administration of justice in Saskatchewan or in Canada.

Nominations are now open for the 2013 award which will be presented in 2014. Nomination forms and more information can be located on the website at [www.lawsociety.sk.ca](http://www.lawsociety.sk.ca).

The deadline for nominations is **November 22, 2013**.

---

## In Memory

---

**John "Jack" Cooper** passed away on September 8, 2013. He leaves behind Marilyn Ann, his wife of 53 years, sons William and John and step-daughter Mary.

Born in Prince Albert, John graduated from P.A.C.I. and became a passenger clerk with the CNR for 8 years. He married Marilyn Ann in 1959 and began studies at the U of S, graduating with his law degree in 1964. He articulated with Moss & Wimmer in Regina and then moved his family to Moose Jaw where he practiced with Grayson & Co. until failing health forced him to retire. He served on the advisory board with St. Anthony's Home for many years. John was also board chairman with Providence Hospital and later on, the Ethics Committee, at Providence Place.

\* Excerpts rendered from obituaries printed in local newspapers.

---

## 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](mailto: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>.

---

## 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**.

