

BENCHERS' DIGEST

January 2013

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President's Message

Heather Laing, Q.C.



It is my honour to serve as President of the Law Society for 2013. I am delighted to be joined on the Executive by Miguel Martinez, Vice-President, our Executive Director, Tom Schonhoffer, Q.C., and Deputy Director, Donna Sigmeth, Q.C. I am very thankful for the guidance and insight provided by outgoing President, Greg Walen, Q.C., and Past President, Paul Korpan, Q.C., both of whom completed their terms as Benchers at the end of 2012.

2013 will be an exciting year as we welcome ten new Benchers from across the province. For the first time in Saskatchewan, Bencher elections in November 2012 were conducted online through *VoteNet* Solutions. Elections were held in the districts of Regina and Saskatoon, with overall voter turnout at approximately 50%. The online process resulted in significant administrative savings in terms of costs and staff resources, and provided accuracy and security in the election results.

One of the key issues facing the Benchers in the upcoming year will be a comprehensive review of the current library system. We welcome Melanie Hodges Neufeld to the expanded role of Director of Legal Resources, where in addition to the administration of traditional libraries in Saskatchewan, she will be responsible for developing and recommending a strategic plan for the management of legal information within the Law Society and the province. Her duties also encompass oversight of provision of online information services to the membership, education of members in legal research, publication of legal information and website maintenance.

Melanie will be supported in her role by the Bencher's Library Committee, chaired by Vice-President, Miguel Martinez. Prompted in large part by the impending closure of the Saskatoon court house library during construction of the new Queen's Bench courthouse and an overall decline in accessing library resources by the membership, the Library Committee will be examining whether the current library system accords with the usage and requirements of members and the public alike.

The first rolling three year term of the Continuing Professional Development program concluded on December 31st. The program requires all lawyers in the

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President's Message

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province to complete 36 hours of programming, including six hours of ethics, professional responsibility or practice management issues. To date, the Law Society has approved more than 3,500 CPD Activities delivered by 450 different providers. We are pleased that most active members have completed their required hours and that the program has received an overall positive response from the membership.

After years of review and development by the Federation of Law Societies and Law Societies across Canada, the Benchers adopted a new *Code of Professional Conduct* which came into effect in Saskatchewan on July 1, 2012. Since the *Code* is fundamental to the conduct of members and the Law Society's role as regulator, the Benchers deemed it essential that all lawyers attend mandatory training on the new *Code* and sessions were held around the province from July to December 2012. I would like to thank Professor Brent Cotter, Q.C., for sharing his expertise in legal ethics and providing a comprehensive, relevant overview of the *Code* to the membership.

The changing demographics in the legal profession over the next decade and the impact this will have on the delivery of legal services in the province will continue to be addressed by the Access to Justice Committee. As impending en masse retirements of private practice lawyers will have the greatest effect in small and rural centres and on sole practitioners, the committee will focus on "town hall" meetings with local bar associations and seek input from the members on developing strategies to ensure the competence and quality of legal services is addressed within the Law Society's mandate of public protection.

On the national front, in September 2012, the Council of the Federation of Law Societies approved a Competency Profile as a national standard for admission to the bar. The Competency Profile was prepared and recommended by the National Admission Standards Project Steering Committee of the Federation and has now been remitted to all Canadian Law Societies for approval. Our Admissions & Education Committee will be tasked with reviewing the Profile and making recommendations to the Benchers on issues of approval and an implementation plan.

The other national issue that will be on the horizon in 2013 is the Barreau du Québec's initiative to have the National Mobility Agreement extended to allow for permanent mobility for Quebec civil-law educated lawyers. The implications of this change will be discussed by the Federation and by all Law Societies to determine whether it is in the public interest to move forward from the current regime, which requires a Quebec lawyer who wishes to become a full member of a Law Society of another province or territory, to pass up to 6 exams with the National Committee on Accreditation of the Federation.

In closing, I wish to thank the Benchers for affording me the privilege of overseeing these exciting and challenging issues in the upcoming year.

Profile of the Vice-President

Miguel Martinez



Miguel was raised in Regina, where he attended Campion High School and the University of Regina before attending the College of Law in Saskatoon. After graduating from law school, he returned to Regina to begin his legal career. In 1985, Miguel relocated to Weyburn to join the MacDonald Dawson law firm. In 1989, Miguel and his wife, Sarah, moved to Lloydminster where he worked with Robertson Baynton and its successor firms until 1996 when he, Laurie Meunier and Al Sholter, formed the Martinez Meunier Sholter law firm.

Since Lloydminster lies on the Saskatchewan/Alberta border, Miguel practices full-time in both provinces. His is a typical small firm, general practice, encompassing a broad range of legal services, but the emphasis of his practice is on litigation, from family and criminal law to civil litigation and personal injury.

Since moving to Lloydminster, Miguel has been active in the local and Saskatchewan legal communities. He has been a district governor of the Saskatchewan Trial Lawyers Association and president of the Battlefords Bar Association; he has served on the provincial council of the Saskatchewan Branch of the Canadian Bar Association and as a National Council representative for the Saskatchewan Branch. As a Benchers, Miguel chaired the Library and Insurance committees, served as Vice-Chair of the Ethics Committee, and served on the Discipline Executive and the Professional Standards Committee.

Highlights of the Meeting of Benchers

November 30, 2012

November Convocation was attended by many special guests, including new Benchers Bruce Bauer, Q.C., David Chow, Perry Erhardt, Q.C., Ronni Nordal, Ron Parchomchuk, Patrick Reis, Q.C., David Rusnak, Sean Sinclair, Jay Watson and Brenda Hildebrandt, Q.C. In addition, the treasurer of the Law Society of Upper Canada, Tom Conway, was in attendance and received an honorary membership in the Law Society of Saskatchewan. Interestingly, Tom Conway and the preceding two treasurers, Laurie Pawlitza and Derry Miller, all have Saskatchewan roots.

Graeme Mitchell, Q.C. provided his last report as Saskatchewan's Council member to the Federation of Law Societies. We gratefully and publicly

acknowledge Graeme's contribution over the years. Gregory Walen, Q.C. was elected to succeed Graeme as Federation Council member.

If you missed the front cover of this issue, Heather Laing, Q.C. was elected President for 2013 and Miguel Martinez was elected Vice-President.

Other appointments are as follows:

- Merlis Belsher and Eileen Libby, Q.C. were appointed to the Law Foundation for a two year term.
- Robert Gibbings, Q.C. was re-appointed to the Law Foundation for a second term and John McIntosh, Q.C. was appointed Chair of the Law Foundation.

- Ron Kruzeniski, Q.C. and Jay Watson were appointed to a further term on the Saskatchewan Legal Aid Commission.

Convocation introduced significant amendment to Rule 432. When a member is prosecuted for conduct unbecoming, the Law Society is required to disclose its case to the member. The amendment to Rule 432 now requires the member to also disclose particulars, such as the names of witnesses and copies of all documents intended to be used at the Hearing. The change is consistent with the Law Society's duty to protect the public and with the efficient use of hearing time.



Left to right (back row): Samuel Bergerman, Thomas Schonhoffer, Q.C., Sean Sinclair, Bruce Bauer, Q.C., Timothy Huber, Joel Hesje, Q.C., Miguel Martinez, Jody Martin, Thomas Healey, Michael Megaw, Q.C., Ronald Parchomchuk and John Allen, CA

Left to right (middle row): Lorne Mysko, Melanie Hodges Neufeld, Stephanie Yakimowski, CA, Brenda Hildebrandt, Q.C., Laura Lacoursiere, Lorraine St. Cyr, Robert Heinrichs, Andrea Johnston, Barbra Bailey, Darcia Schirr, Q.C., Donna Sigmeth, Q.C. and David Rusnak

Left to right (front row): Jay Watson, David Chow, Perry Erhardt, Q.C., Ronalda Nordal, Heather Laing, Q.C., Patrick Reis, Q.C., Dr. Sanjeev Anand, Q.C., Dr. Greg Stevens and Della Stumborg

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

2012 Queen's Counsel Appointments

Thirteen Saskatchewan lawyers were honoured with Queen's Counsel appointments on December 18, 2012. *Congratulations are extended to:*

Brian Banilevic, with the McDougall Gauley law firm in Regina. He was admitted to the bar in 1983.

Bruce Bauer, Associate Regional Prosecutor in the Public Prosecutions Division, Saskatoon. He was admitted to the bar in 1980 and is a Bencher of the Law Society of Saskatchewan.

Beaty Beaubier, with the Stevenson Hood Thornton Beaubier law firm in Saskatoon. He was admitted to the bar in 1985.

Bradley Hunter, with the McKercher law firm in Regina. He was admitted to the bar in 1986.

Heather Laing, with the McDougall Gauley law firm in Saskatoon. She was admitted to the bar in 1995 and is President of the Law Society of Saskatchewan.

Jeffrey Lee, with the MacPherson Leslie & Tyerman law firm in Saskatoon. He was admitted to the bar in 1988.

Heather MacMillan-Brown, with the Miller Thomson law firm in Saskatoon. She was admitted to the bar in 1997 and is President of the Canadian Bar Association, Saskatchewan Branch.

Theodore Nieman, Senior Vice-President, General Counsel and Corporate Secretary of Canpotex in Saskatoon. He was admitted to the bar in 1974.

George Patterson, with the Grayson & Company law firm in Moose Jaw. He was admitted to the bar in 1987.

Heather Sinclair, Senior Crown Counsel in the Civil Law Division, Saskatchewan Ministry of Justice. She was admitted to the bar in 1983.

Foster Tessem, with the MacBean Tessem law firm in Swift Current. He was admitted to the bar in 1970.

Rick Van Beselaere, with the Miller Thomson law firm in Regina. He was admitted to the bar in 1983.

Laurance Yakimowski, with the Kanuka Thuringer law firm in Regina. He was admitted to the bar in 1977.



Reduced Annual Reporting Requirements

by: John Allen, CA

Every few years we review the year-end reporting practices in place for members/firms in public practice. As part of that process, we look at changes in the number and type of issues identified for follow up in the most recent year-end review process and compare our reporting requirements, including individual questions, with requirements in other provinces.

Since our last review in 2008, there has been a decrease in the number of issues identified annually in most firms. As a result, the current Accountant's Report Short Form (TA-5S) has been eliminated.

In the future, all members/firms in public practice will be required to file a

Practice Declaration Form (TA-3) as in the past, and will either be exempt from or required to file an Accountant's Report (TA-5).

As in the past, a certain number of exempt firms will be identified on a random basis only to complete the new Accountant's Report (Random) (TA-5R). This form is similar, although somewhat shorter, than the old TA-5S form.

The net effect of these changes will be to:

- i. increase the number of members/firms exempt from filing an Accountant's Report for 2012/13 and subsequent reporting years;
- ii. eliminate the short form Accountant's Report TA-5S.
- iii. randomly select 40 to 50 firms to complete the new Accountant's Report (Random) (TA-5R) each year.

Members/firms should note that this change to increase the number of firms exempt from filing an Accountant's Report is a direct result of their continued efforts to reduce the number of financial/accounting issues.

Please note that due to the above changes, the year-end forms are expected to be mailed by January 18, 2013.

Changes at the Saskatoon Library

by: Thomas Schonhoffer, Q.C.

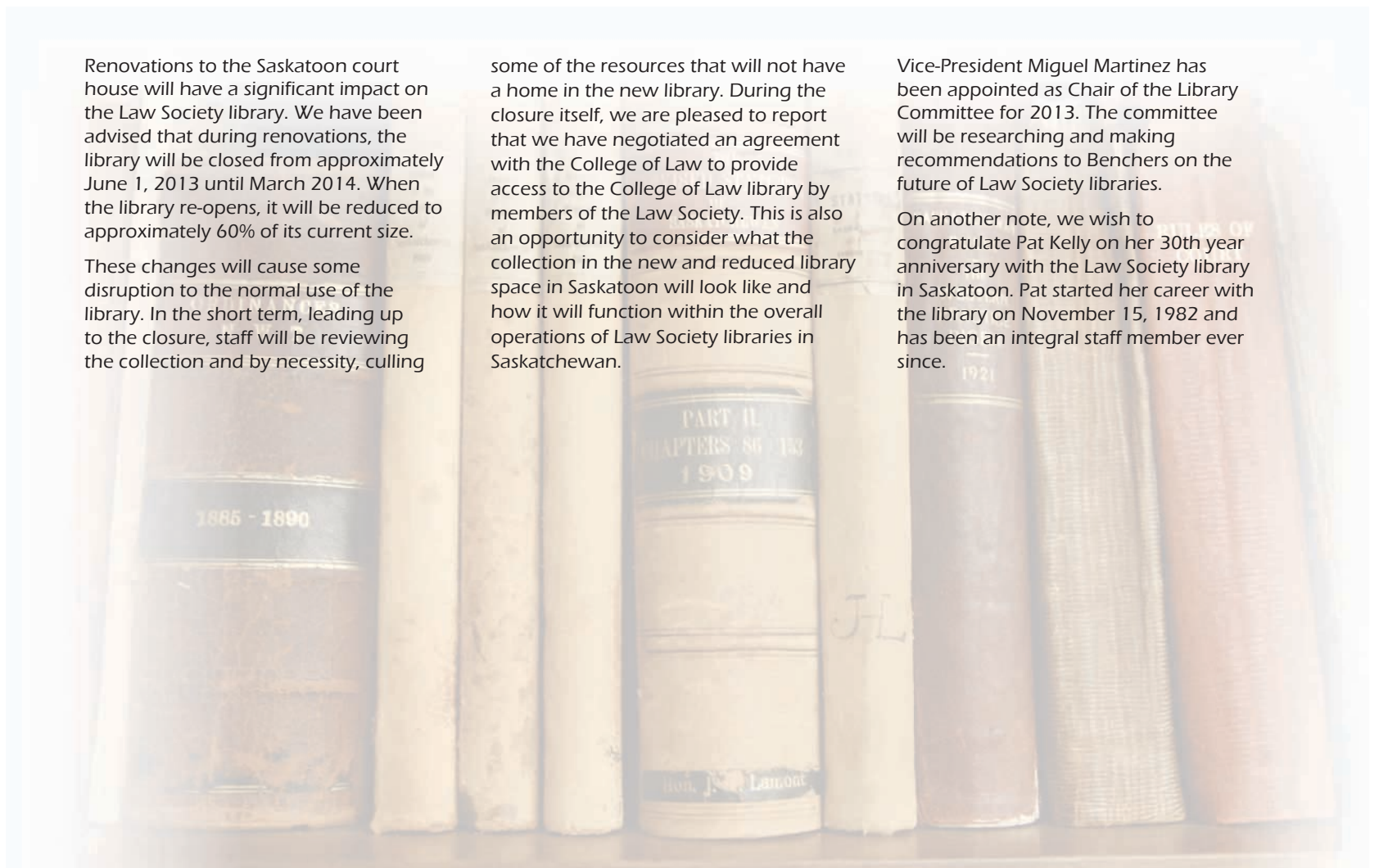
Renovations to the Saskatoon court house will have a significant impact on the Law Society library. We have been advised that during renovations, the library will be closed from approximately June 1, 2013 until March 2014. When the library re-opens, it will be reduced to approximately 60% of its current size.

These changes will cause some disruption to the normal use of the library. In the short term, leading up to the closure, staff will be reviewing the collection and by necessity, culling

some of the resources that will not have a home in the new library. During the closure itself, we are pleased to report that 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 is also an opportunity to consider what the collection in the new and reduced library space in Saskatoon will look like and how it will function within the overall operations of Law Society libraries in Saskatchewan.

Vice-President Miguel Martinez has been appointed as Chair of the Library Committee for 2013. The committee will be researching and making recommendations to Benchers on the future of Law Society libraries.

On another note, we wish to congratulate Pat Kelly on her 30th year anniversary with the Law Society library in Saskatoon. Pat started her career with the library on November 15, 1982 and has been an integral staff member ever since.



Saskatchewan Order of Merit

W. Thomas Molloy, O.C., Q.C., LL.B., LL.D.

Tom Molloy of the Miller Thomson law firm in Saskatoon was one of 8 recipients of the 2012 Saskatchewan Order of Merit.

For almost 30 years, he served as chief federal negotiator for the Government of Canada and is one of the nation's most respected negotiators involving indigenous land claims and treaty settlements. Most notably, he negotiated the claim that led to the creation of the territory of Nunavut.

Mr. Molloy assisted in developing the Meewasin Valley Foundation which helped in the creation of the Meewasin Valley Trail. He also chaired a committee that raised millions of dollars for the Wanuskewin Heritage Park and served on

the board for many different organizations, including the RCMP Heritage Centre, St. Thomas More College, Aboriginal Human Resource Council, Habitat for Humanity Canada and St. Paul's Hospital. He was a chancellor of the University of Saskatchewan, Governor for Hockey Canada and a director of the Saskatoon Chamber of Commerce.

Mr. Molloy has received many honoured distinctions, including Officer of the Order of Canada in 1996, recipient of the Queen's Golden Jubilee Medal in 2002, the Queen's Diamond Jubilee Medal in 2012 and the Commemorative Medal for the Saskatchewan Centennial. He also wrote the book, *The World is Our Witness: The Historic Journey of the Nisga'a Into Canada*.

Judicial Appointments

The Honourable Paul Demong has been appointed a judge for the Provincial Court in Regina.

Judge Demong holds an undergraduate degree in English History and Political Science from the University of Saskatchewan. He became a member of the Saskatchewan bar in 1987 and the Alberta Bar in 1999. He practiced civil litigation mostly in Saskatchewan, but in Alberta and Manitoba as well.

His career started out with the law firms of Whitmore and Company and Rendek McCrank. He left private practice in 1992 to work for SGI as a lawyer, senior counsel and most recently as Associate General Counsel. Throughout his career, his focus was in civil litigation, but he also gained experience in criminal and family law.



Pro Bono Law
Saskatchewan

Benchers' Digest Report

Nicole Sarauer, Acting Executive Director
www.pbalsask.ca



Katherine Roy

Pro Bono Volunteer Spotlight

Katherine is employed as Crown Counsel at the Ministry of Justice, Constitutional Law Branch. Prior to this position, she worked as an associate at MacPherson Leslie & Tyerman LLP's Regina office practicing civil litigation and immigration law.

Katherine received her Bachelor of Laws at the University of Saskatchewan in 2008. Prior to receiving her law degree, she completed a Bachelor of Arts with Distinction at McGill University and also studied at the Instituto Cultural Oaxaca. After law school, Katherine attended Leiden University, where she studied Public International Law.

Katherine has been an avid volunteer with PBLs since being called to the bar in 2010 and has used her experience in immigration law to help many new-comers navigate our complex immigration system. Katherine volunteers regularly at our Regina Free Legal Clinic at the Salvation Army, often going above and beyond her scheduled appointments to assist clients with document drafting on her own time. Katherine is also a member of our Immigration and Refugee Panel, where she teams with other lawyers to provide representation at refugee hearings. Through her work on the Panel and at the Free Legal Clinic, Katherine provides a service to members in our community who would otherwise not receive any legal advice or representation. Thank you for your great volunteer work, Kate!

E.M. Culliton Scholarship Endowment

As a tribute to the former Chief Justice E. M. Culliton, an endowment was established by the Law Society of Saskatchewan to provide that in perpetuity a special scholarship is to be awarded for the pursuit of post-graduate studies in criminal law.

The value of the scholarship to be awarded in 2013 has not yet been finally determined, but the maximum amount available is expected to be \$10,000. Up to two scholarships may be awarded in any one year. **The deadline date for receipt of applications is May 3, 2013.**

Application forms are available on our website at www.lawsociety.sk.ca.

2013 Convocation Dates of the Benchers of the Law Society of Saskatchewan

February 13th, 14th and 15th – Saskatoon

April 24th, 25th and 26th – Nipawin

June 19th, 20th and 21st – Regina
(annual meeting set for evening of Thursday, June 20th)

September 26th and 27th – Saskatoon

October 9th – Conference Call to Approve Budget

November 28th and 29th – Regina

In Memory

Joseph Kanuka, Q.C., passed away on October 22, 2012 in White Rock, BC. He leaves behind his wife June Ann and five children, Lynn, Mike, Laureen, Kerri and Chris, as well as 16 grandchildren.

Joseph attended the University of Saskatchewan, obtaining his commerce degree in 1957 and completing law school in 1958.

Joe Kanuka was one of the founding partners of Kanuka Thuringer. The focus of his practice was in transportation law, acting for hundreds of motor carriers, appearing before transportation boards in Canada and the Interstate Commerce Commission in the US. His interest in transportation policy led him to become involved in initiatives to foster co-operation between Highway Traffic Boards in Saskatchewan, Manitoba and Alberta and the ICC. In 2002, Joe was inducted into the Saskatchewan Transportation Hall of Fame for his service to the transportation industry.

His belief in the importance of education and sports influenced his children who excelled in sports and in their careers. Joe was also a founder of the Canadian Junior Football League and was inducted into the Saskatchewan Sports Hall of Fame in 1998.

* 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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The seal of The Law Society of Saskatchewan is a large, faint circular emblem in the background. It features a central crest with a book and a torch, surrounded by the text "THE LAW SOCIETY OF SASKATCHEWAN" and "VIRTUTUM A.D. 1907".

BENCHERS' DIGEST

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