

CONVOCAATION AGENDA

Convocation Date: Friday, June 19, 2020
Location: Virtual Meeting via ZOOM
Commencement and End Time: 10:00 am - Noon

1. Approval of the Agenda

1.1 Apologies for Absence

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

1.4 Agenda Items, Committee Reports and Documents Which Are Not Open to the Public

- i. Legal Services Task Team – Notice Forms
- ii. Q.C. Nominations
- iii. CPLED – new PREP program

2. Consent Agenda

The Consent Agenda includes items which are not considered controversial and will collectively be enacted by one motion. Any Bencher, however, may remove an item from the consent Agenda by request. In order to assist with the efficiency of the meeting, please send any requests to Liz at liz.lynchuk@lawsociety.sk.ca by Wednesday, June 17, 2020.

The items included on the consent Agenda are set out in 2.1 and 2.2 below:

2.1 Approval of the Bencher Minutes

- i. Bencher Minutes from the meeting held May 1, 2020
- ii. *In Camera* Bencher Minutes from the meeting held May 1, 2020

2.2 Terms of Reference

The following revised Terms of Reference require Bencher approval.

- i. Model Code Sub-Committee Terms of Reference (new)
- ii. Competency Committee Terms of Reference

Administration has updated both the A & E and PSC Terms of Reference and consolidated them to create a proposed Terms of Reference for the newly created Competency Committee. The redlined portions reflect

updated Rule numbers and the insertion of the PSC Terms of Reference into the A & E Terms of Reference.

iii. Ethics Committee Terms of Reference

Updated to reflect new Act and Rule references. There was one addition to IV. Key Responsibilities, as a section regarding changes to the *Code of Conduct* that was previously deleted is now part of the Rules again.

iv. CIC Committee Terms of Reference

Updated to reflect new Act and Rule references. Some changes were made to clean up out-of-date references (ie. the Terms of Reference still referred to a “Panel” in once place).

Some further changes were made to clarify or correct sections that were not clear or perfectly accurate in the previous version (ie. the prosecutor does not “conduct” hearings – the Hearing Committee conducts the hearing, and the prosecutor acts as counsel to the CIC at the hearing).

The actual roles and responsibilities of the Committee and staff have not changed, just the manner in which they are described.

v. Discipline Policy Committee Terms of Reference

Updated to reflect new Act and Rule references. Some changes were made to clean up out-of-date references (ie. the Terms of Reference still referred to the Discipline Committee in one place).

Since 2019, the responsibility for the Model Code Subcommittee has shifted from the Ethics Committee to the Discipline Policy Committee, so the Terms of Reference have been changed to reflect that additional responsibility.

3. Decision Items

While decision items will be dealt with at the meeting with the normal opportunity for discussion, in order to assist with the efficiency of the meeting, please send any questions or comments that can be sent in advance to Liz at liz.lynchuk@lawsociety.sk.ca by Wednesday, June 17, 2020.

3.1 Strategic Initiatives

i. Legal Services Task Team (Increased Access to legal Services – Goal 5)

Discovery Period Consultation Update and Notice Forms (In-Camera)

The Discovery Period consultation has resumed and resulted in three notices since last Convocation. Three additional notices outside the

consultation have also been received. Administration has determined that only one notice form requires Bencher review, as the other service providers are not delivering legal services. An update on the consultation process and detailed information provided by this applicant is included:

- Discovery Period Consultation Update and Notice Form Information Memo provided by Melanie Hodges Neufeld.

A motion will be required to approve or deny the provision of a comfort letter. This will be done *in-camera*.

3.2 Appointments

i. Queen's Counsel Selection Committee (*In-Camera*)

The Committee consists of the past President, a Bencher, a Public Representative and a member-at-large.

The precedent is to elect a Bencher by secret Ballot at Convocation. We received interest from 4 Benchers.

Lynda Kushnir Pekrul is the only Public Representative Bencher who expressed interest in being on this committee, therefore, is acclaimed.

We received applications from 5 interested members (attached). A vote will be held to select one member-at-large.

Since the election of both the Bencher and the member-at-large would, in the normal course, be done by secret ballot, an electronic survey will again be prepared in advance. However, based on our experience from Convocation in May, voting will take place "live" at the appropriate time during the meeting. Once the votes are tallied, motions will be required to approve the successful candidates.

ii. Federation Council (*In-Camera*)

The term for Erin Kleisinger, Q.C. runs until December 31, 2020. She has indicated interest in serving a second term. Ms. Kleisinger has served one term and is eligible for two more two-year appointments.

A motion will be required to re-elect Ms. Kleisinger for the term January 1, 2021 to December 31, 2022.

3.3 Regulation

i. Rule Amendments – none.

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

- a. President's Report (attached)
- b. Executive Director's Report (written reports have been provided on a weekly basis)
- c. Federation Council Report (attached)

ii. Financial Reporting

a. Financial Statements

Enclosed are financial statements for the period ended April 30, 2020.

The financial statements for May 31, 2020 will not be ready in time for June Convocation. Unless Convocation is scheduled near the end of the month, financial statements will not be available for the month immediately preceding the month of Convocation, as the Audit department requires 10 business days to complete the statements and then they must be reviewed for forecasting purposes by department heads.

b. Quarterly Investment Report

The next report will cover the period April 1, 2020 to June 30, 2020. While the Quarterly Investment Report will not be ready in time for Convocation, Management remains in close contact with our investment advisor and a report for the benefit of the Benchers is attached.

c. TD Greystone Investments

The TD Greystone Investment Policy has been revised to move the balances from the self-insurance department to the general administrative department. This is an artifact in our accounting that dates back to pre-CLIA (1988) when each Law Society administered its own insurance program. This change represents long overdue housekeeping and will have no impact on the financial statements in any way.

Attached is a copy of the *redlined* Policy for Bencher review.

4.2 Data Analytics Strategy

Enclosed is a memo from Paul Westgate and Pam Harmon, CPA, CA summarizing the Law Society's proposed data analytics strategy. A short presentation will be provided to explain the proposed plan and briefly discuss potential data analytic projects being considered.

5. Information Items

Information items will not be discussed individually at the meeting, unless specific questions or requests for discussion on particular information items are sent in advance. Please direct questions or requests to Liz at liz.lynychuk@lawsociety.sk.ca by Wednesday, June 17, 2020.

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. CPLED (*In-Camera*)

The new PREP Program launched on June 1, 2020.

This year, we have approved 72 student-at-law applications. At this time, 69 of those students confirm that they have an articling position. We expect that we will receive more applications through the month of June. Comparative data from previous years is set out below:

2019-20:	88
2018-19:	84
2017-18:	92
2016-17:	75

At present, it would appear that our 2020 student cohort will be slightly smaller than the previous year; our numbers are greater than initially feared at the outset of the pandemic.

b. CPD

Attached is a brief memo from Andrea Johnston, providing an update on CPD OnDemand.

Administration will be engaging *zu.com* to facilitate a design-thinking workshop to explore issues and opportunities to build a business case for CPD OnDemand beyond the piloting phase.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

i. A report from Julie Sobowale is attached for review.

ii. Law Society Podcasts

In February, we published a special podcast series from the ABA Techshow. Due to COVID-19, we suspended recording new episodes for March and April.

In May, we published an [episode](#) featuring Craig Zawada, Q.C. about his [technology webinars](#), cybersecurity and how lawyers are adapting in this pandemic.

iii. Annual Report

The [Annual Report](#) has been posted to the Law Society website.

b. Hearing Administrator Position

Amid concerns over the economic hardship caused to lawyers by the pandemic, the job advertisement for this position was held in abeyance. With “re-opening” underway, and the desire to involve the successful candidate in planning, Administration posted the [job ad](#) on our website on June 1, 2020.

Administration will update the Benchers at Convocation respecting applications received to date.

iii. Innovative and Flexible Leader of an Engaged and Forward Thinking Membership (Goal 3)

Nothing to report.

iv. Increased Equity, Diversity and Inclusion in the Law Society and Legal Service Provision (Goal 4)

a. Equity and Access Committee

Work on this project has resumed. Melanie Hodges Neufeld and Kiran Mand have sourced two prospective providers to redraft the survey into a more user-friendly format and provide analysis: The Forensic Centre at the University of Saskatchewan and Illumina.

We expect proposals/quotes from the providers within the next two weeks with the aim of launching the survey this fall. The final results will be available in early 2021.

v. Increased Access to Legal Services (Goal 5)

a. Legal Information Guidelines (Informational)

John Greacen, one of the foremost experts on the distinction between legal information and legal advice, met virtually with the Equity and Access Committee on May 19th to begin work on this project. The aim is to have the guidelines completed for the fall.

b. Consultation and Legal Needs Assessment (Informational)

Consultation with non-lawyer legal service providers resumes in May, using the service provider inventory supplied by CREATE Justice. Melanie Hodges Neufeld will work with Riva Farrell Racette and the Truth and Reconciliation Committee to develop an outreach strategy with Indigenous providers/communities.

Melanie Hodges Neufeld is also working with CREATE Justice on a plan for a Saskatchewan Legal Needs Assessment, as there is some intersection between our consultation goals and an understanding of legal needs in the province. The timelines for both projects have been impacted and may continue to be impacted by COVID-19, but the goal is to have both projects completed by the end of 2020.

5.2 Society Governance

i. Execution of Strategy

a. Action Plan Progress Update

Attached are the Team Action Plans (Competency; Modernizing Regulation, Communications and Data & Technology) with updated progress reports.

ii. Annual General Meeting

Administration advertised to the members that the AGM will be held via *Zoom* on Friday, June 26, 2020 at Noon. No Resolutions were received.

iii. Law Foundation Grants

Annual grant requests are due August 21, 2020 for a meeting in Regina on September 14th. Legal Resources will submit its request for the September meeting.

iv. Return to Office

The province's 5-phase re-opening plan contemplates that employees who can work effectively from home should continue to do so through all 5 phases. While safety of our staff and their families remains the Administration's primary concern, the Administration has worked with all Staff to create a Return to Office ("RTO") plan for individuals whose effectiveness will be improved by physical attendance at the office. The necessary PPE and a scheduling mechanism to ensure maximum numbers are not exceeded are all in place. The offices will remain closed to the public until further notice. This is not viewed as a barrier, since other modes of contact have been well utilized by both members of the profession and the public.

A copy of the RTO plan is attached.

5.3 Committee Reports

- i. Audit: work has been completed for the year.
- ii. Competency: nothing further to report since last Convocation.
- iii. Conduct Investigation: has met as a whole on two occasions this year. Over the course of both meetings, nine matters were considered for determination. In addition, the Committee Terms of Reference were updated primarily to reflect the amended Act and Rules. Committee members continue to assist in the direction of prosecutions and complete Conduct Reviews in the normal course.
- iv. Discipline Policy: a written report from Leslie Belloc-Pinder, Q.C. is attached.
- v. Equity and Access: items are covered in the Agenda.
- vi. Ethics: met on May 15, 2020 and considered one lengthy matter. Another meeting is set for June 22, 2020, at which time we will have a further 5 matters on the Agenda.
- vii. Executive: covered in the President's Report.
- viii. Firm Regulation: a written report from Ian Wagner is attached.
- ix. Governance: met on June 4th to discuss the Bencher Evaluation process and to have a preliminary discussion about whether any improvements can be made to the LSS election process (e.g. a shorter voting window). The Committee will be meeting to consider the evaluation process further at its next meeting and it is anticipated that a revised annual evaluation will launch in the third quarter of this year.
- x. Insurance: nothing to report.
- xi. Truth and Reconciliation Advisory Group: meeting postponed to collect further information.

5.4 Other Informational Items

- i. Public Representative Bencher – Glenn Hepp has been re-appointed for another 3-year term, effective May 13, 2020

- ii. National Discipline Standards Report 2019 – from Valerie Payne, Director of Professional Responsibility
- iii. University of Saskatchewan Senate – report from Max Bilson

6. Meeting Finalization

- 6.1 Review Actions to be Taken**
- 6.2 Confirm Items under 1.4**
- 6.3 Meeting Evaluation**
- 6.4 Next Meeting** (September 16 – 18, 2020, Saskatoon, if possible)
- 6.5 Motion to Adjourn**

7. Bencher *In-Camera* Session with Executive Director

8. Bencher *In-Camera* Session without Executive Director