

CONVOCATION AGENDA

Convocation Date: Friday, September 18, 2020
Location: Virtual Meeting via ZOOM
Commencement and End Time: 9:00 am - Noon

1. Approval of the Agenda

1.1 Apologies for Absence

Leslie Belloc-Pinder, Q.C. sends her regrets.

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. Appointments to the Law Foundation
- iii. Proposed Pilot Project: Contracting Spot Audits and Review Accountant's Report Requirement

2. Consent Agenda

The Consent Agenda includes items which are not considered controversial and will collectively be enacted by one motion. (Benchers will be canvassed for any questions or concerns prior to the meeting.)

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

2.1 Approval of the Bencher Minutes

The following Bencher Minutes are for review:

- a. Minutes from the Bencher meeting held June 19, 2020.
- b. *In-Camera* Minutes from the Bencher meeting held June 19, 2020.

2.2 Terms of Reference

The following revised Terms of Reference requires Bencher approval.

- i. Firm Regulation Committee

The Firm Regulation Committee approved the attached Terms of Reference at their meeting on August 30, 2020.

3. Presentation by Jordan Furlong

Further to the presentation at February Convocation on the future of law and the future of self-regulation, Jordan Furlong will make a presentation titled “If I knew then what I knew now,” to shed some light on the remarkable number of changes that have occurred in the environment since that presentation.

Time will be allotted for comments, observations and discussion.

4. Decision Items

Decision items will be dealt with at the meeting with the usual opportunity for discussion and the Benchers will be canvassed for any questions or concerns prior to the meeting.

4.1 Strategic Initiatives

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

- a. *Notice Forms (In-Camera)*

Three notices have been received since last Convocation. These applications were first vetted by the staff working group and then provided to the Future of Legal Services (FLS) Committee for consideration.

A memorandum along with the supporting materials and draft comfort letters have been included for Benchers review and approval. The FLS Committee is recommending all three service providers receive Comfort Letters.

A motion is required to approve, deny or qualify the Committee’s recommendation that each provider receive a Comfort Letter in the form provided. This will be done *in-camera*.

4.2 Appointments

- i. Law Foundation (*In-Camera*)

Three Board appointments are up for renewal at the end of this year.

Due to changes in *The Legal Profession Act* in 2019, the process for the appointment of new board members has changed somewhat.

A brief memo from Tim Brown, Q.C. outlines the 2019 changes to the LPA and how they affect the Society’s process in selecting new Board appointees to the Law Foundation. Our current Memorandum of Understanding with the Law Foundation also needs to be updated to accord with the changes made to the LPA.

A copy of the current Memorandum of Understanding, as well as a new MOU that contains possible revisions, are both attached for Benchers consideration.

Subject to any recommended revisions, the new Memorandum of Understanding is presented to the Benchers for consideration and approval.

A motion will be required.

4.3 Regulation

i. Rule Amendments

a. Rule 1143 Temporary Practice Directives by Executive Director

Tim Huber reached out to the government in June to adapt the emergency measures relating to remote execution of documents to make them permanent. On August 7, 2020, the Government of Saskatchewan repealed those emergency regulations and made them permanent.

On August 7, 2020, the Executive Committee approved proposed changes to Practice Directives 1 and 3, to remove reference to a public emergency period. The website has been updated to reflect the changes.

The next step is amendment of Rule 1143, as follows:

Temporary Practice Directives by Executive Director

1143(1) During a public emergency period, the Executive Director may, at the direction of the Executive Committee, issue temporary directives governing the provision of legal services and where a directive has been issued it shall have the same force and effect as a Rule.

(2) Directives issued pursuant to subrule (1) may apply to all legal service providers or any subset thereof, as stipulated within the directive.

1143.1 The Executive Director may, at the direction of the Executive Committee, issue enduring directives or continue temporary directives governing the following specific areas:

(a) the remote execution of documents via electronic means.

This Rule amendment is presented to the Benchers for approval.

A motion is required.

- b. Rule 1514 - Procedure for Withdrawing Funds from a Pooled Trust Account

Practice Directive 2, Wire Transfer Procedures via Online Wire Payments Service, will be addressed separately from the Rule Amendments to Rule 1143 Temporary Practice Directives by the Executive Director. In order to implement Practice Directive 2 on a permanent basis, draft amendments to the trust Rules will be prepared to accommodate this change. Specifically, Rule 1514 will be considered by the Committee, then referred to the Benchers at the next Convocation for review and approval.

- ii. Code Amendments

None.

4.4 Future of Legal Services Committee

The new *ad hoc* Committee held its first meeting August 31, 2020 and the first order of business was the creation of a Committee Terms of Reference.

The Terms of Reference require Bencher approval.

A motion is required.

4.5 Proposed Pilot Project: Contracting Spot Audits and Review Accountant's Report Requirement (*In-Camera*)

This portion of the meeting will be held *in-camera*.

5. Discussion Items

5.1 Society Governance

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

- ii. Financial Reporting

- a. Financial Statements

Enclosed are financial statements for the period ended July 31, 2020.

b. Greystone Reports

For review are the following reports from Greystone:

- Quarterly Investment Report for the period April 1, 2020 to June 30, 2020;
- Listing of the individual Canadian Equity Holdings in our investment fund;
- Listing of the individual High Yield Bond Fund Holdings.

iii. Bencher Self-Evaluation Questionnaire

The Bencher Self-Evaluation Questionnaire was not administered following June Convocation, as the Governance Committee was in the process of revising the evaluation process.

The Governance Committee held a meeting on September 1st for a final review of the revised evaluation process. The following are attached for review:

- Memo from Kara-Dawn Jordan Re: Revised Bencher Evaluation
- Original Bencher Self-Evaluation Questionnaire
- *Revised* Bencher Self-Evaluation Questionnaire
- Questions for Immediate Feedback

iv. Bencher Election 2021

The Governance Committee has completed a preliminary review of the election process to determine whether there are improvements that might be made for the 2021 Election. Attached is a memo from Kara-Dawn Jordan providing an overview of the areas considered and the conclusions/recommendations of the Committee.

6. Information Items

Information items will not be addressed individually at the meeting. Benchers will again be asked to provide questions in advance via email to Liz Lynchuk by Wednesday, September 16th to allow Administration the opportunity to structure discussion where required during the meeting.

6.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. CPLED

1. PREP Statistics

The new PREP program launched on June 1st. Current Saskatchewan student numbers in PREP are as follows:

- 85 students total
- 71 students with articles
- 14 students without articles

2. Compressed PREP Consultations

CPLED is considering introducing a compressed, full-time, 3 month PREP program in addition to the existing 9 month program in 2021. This option is being considered to provide more flexible alternatives to students and firms, prompted by Covid-19.

In order to identify the desirability and the implications of a compressed option, CPLED administration will be conducting market research in each of the CPLED jurisdictions in the fall of 2020. The proposed methodology is described in the attached email from Dr. Kara Mitchelmore.

3. CPD OnDemand

a. Pandemic Pricing Extended for CPD OnDemand

Subscriptions for the Law Society's new CPD OnDemand streaming service have increased significantly throughout the month of August. As of September 3rd, there are 213 active subscriptions (this includes 33 individuals (Benchers and others) who have received a free subscription).

Despite an initial deadline of August 31st, the pilot period and pandemic pricing (\$349) has been extended until December 31, 2020 in an effort to continue to support member competency during the pandemic. This extension also gives us an opportunity to continue to monitor the COVID-19 situation and assess feedback related to CPD OnDemand throughout the fall. This extension was communicated to the membership on August 31st.

b. CPD OnDemand Survey Feedback

In a survey sent on July 23rd and re-sent on August 28th, subscribers were asked to provide feedback about their experience using CPD OnDemand. Seven respondents have completed the form since our last report. Major themes emerging from the data are that members find value in the bundling of registration and discounts to live events, with the majority of the respondents indicating that they would register and attend a live webinar; and half of the respondents indicating

they would attend a live seminar instead of waiting for the recording of either to be added to CPD OnDemand. Other important feedback also includes the request for the addition of recording dates to the descriptions of videos and the release of “episodes” in bulk, as members do not check regularly whether new content is released.

Overall, the feedback is extremely positive and it is clear that members appreciate the service, while still seeing the value of participating in live and in-person CPD events, both from the Law Society and other providers, for networking purposes.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

i. A report from Julie Sobowale is attached.

ii. Law Society Podcasts

In July, we published a [podcast](#) with Dr. Kara Mitchelmore, CEO of CPLED, about the PREP program.

The future of bar admissions education, particularly the fading out of the bar exam, is a hot button issue, so the podcast received significant attention. The podcast has more than 150 downloads and is the most popular episode this year.

The following [tweet](#) from Toronto articling student Adil Abdulla went viral, with 17 retweets and 37 likes – “The @LawSocietySask replaced the #BarExam with the #PREP admission course. It was designed using data on how licensees fail rather than subjective beliefs about what’s important to know. @LawSocietyLSO, consider catching up to the prairies.”

b. Hearing Administrator Position

Meetings to start the process of building recommendations for the Office of the Hearing Administrator are now well underway.

Greg Walen, Q.C. will work on a proposal to be overseen by the Discipline Policy Committee for presentation at Convocation in November.

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

a. Collaboration with the College of Law

The Futures Class designed by Craig Zawada, Q.C., in collaboration with Dean Phillipson and Tim Brown, Q.C., was approved by the Curriculum Committee on August 12, 2020.

The class will now move to implementation and development and will be rolled out in January of 2021. It will proceed as a seminar and Craig Zawada, Q.C. will work on content.

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

a. Equity and Access Committee

Administration is in the process of finalizing a contract with Illumina to re-draft the EDI membership survey into a more user-friendly format. While it is anticipated that the survey will be ready to launch this fall, based on the advice of our Communications department, it is likely that we would postpone until the first quarter of 2021. The timing of the survey launch will be discussed with the Equity and Access Committee at its next meeting.

b. Saskatchewan's Judiciary

Global News aired a video on July 3rd, titled "[Saskatchewan's Judiciary is 91% white; judge says diversity builds trust.](#)" Judge Mary McAuley and Foluke Laosebikan, Ph.D contributed to the video.

c. Truth and Reconciliation Advisory Group

The Administration, along with Riva Farrell-Racette, are still in the process of considering the Federation TRC Committee Report, as well as looking at the Canadian Bar Association's "The Path" which is a 5 module online series developed by a majority Indigenous company and was developed with First Nations, Inuit and Metis advisors and reviewers. A description of the series can be found at <https://www.cba.org/Truth-and-Reconciliation/Professional-Development>. The Law Societies of Alberta and Manitoba are both considering this series with the view to determining whether there might be the opportunity to work with the CBA to add local content and negotiate an arrangement to provide the series to their memberships.

Additionally, Riva Farrell-Racette, with Administration support, is working on a proposed model to guide the Society's approach to responding to Call to Action 27.

v. Increased Access to Legal Services (Goal 5)

a. Legal Information Guidelines (Informational)

Administration has been working closely with John Greacen on the development of these Guidelines and is currently reviewing a second draft. Following this review, the Administration determined that further information is needed in relation to some components of the draft. It is expected that draft guidelines will be available for the next Committee meeting yet to be scheduled, following which Guidelines will be ready to be finalized for December Convocation.

b. Consultation and Legal Needs Assessment (Informational)

The Administration worked 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, ideally, is to have both projects completed by the end of 2020.

With the departure of Melanie Hodges Neufeld, this collaboration will be managed by Julie Sobowale and Jody Martin.

6.2 Society Governance

i. Execution of Strategy

a. Action Plan Progress Update

In an effort to streamline reporting and recognizing that communications and data & technology are integral to the work of the Society as a whole, Administration is shifting from four Teams to two Teams, Competency and Modernizing Regulation, with communications and data & tech expertise embedded in both Teams.

Communications and data & tech work will be tracked and reported as appropriate in the Competency and Modernizing Regulation Action Plan Reports.

The Action Plan for the Competency and Modernizing Action Teams are attached for review and consideration. You will note that in

addition to incorporating communications and data & tech into the other plans, some work has been done to combine tactics, again to reduce duplication in reporting. Work to further refine reporting will continue following this Convocation as part of the dashboard project.

The Administration has also been considering changes in the environment that might affect strategy or tactics and anticipates that this may result in some new tactics for 2021, and the deferral or abandonment of some existing tactics due to emerging priorities.

b. Website Migration

On August 28, 2020, all content was migrated from the live website to the new WordPress Website platform.

This migration will improve website user experience by modernizing and improving functionality for both the profession and the public. Some notable improvements include:

- improved searchability;
- online payment for CPD courses, events and products;
- the ability to host CPD webinars on the website, along with online registration and payment;
- a chat feature that allows communication between Reference Librarians, members and the public who require assistance in legal research, thereby improving customer service. It will be piloted during specific hours on the Legal Resources page to gauge the uptake by the public and members, and to assess the staff resourcing requirements and usability of the online tool.

c. Data Analytics Strategy Update

We have now created the hardware infrastructure for our data analytics warehouse. It will serve as one central hub that enables the Administration to connect information stored in multiple software applications that can be accessed to create reports and produce statistics. The dashboard resides in Teams, which also fits well with the proposed migration of Bencher processes from APRIO to Teams.

d. Alinity Upgrade

The Alinity upgrade created a big change in the way things have been done over the last 10 years. We have the same functionality, but everything has been redesigned.

In July, the Law Society went live with the first modules of the upgraded Alinity platform. This upgrade constituted a total revamp of the database. The introductory release included the administration staff's database interface, online member profile management and updates, online find-a-lawyer functionality, and the entire complaints and discipline module.

Further development continues in relation to a revamp of the CPD database and trust safety. The next phase will be an online complaints form that can be filed directly from our website, replacing the paper process; which can then be imported directly into the database for vetting and investigation (including relevant documents which may be uploaded during the process).

Testing is also in the works to ensure membership renewal is in place for November renewal. Trust audit will follow, with deadlines in March 2021. The goal is to convert the audit short form and the TA3 entirely to electronic, eliminating the arduous task of paper filing.

ii. Law Foundation Grants

Legal Resources submitted its 2021 grant request in time for the September 14th meeting. Tim Brown, Q.C. has been advised by Bob Watt, CEO of the Law Foundation, that his attendance at the meeting will not be required.

Tim Brown, Q.C. will update the Benchers at Convocation about the meeting results if they become available.

iii. Strategic Planning Cycle

One of the issues that the Governance Committee will be considering over the next few months is how to increase Governance performance, particularly strategic discussions, should the pandemic persist.

Gerald Tegar, Q.C., Craig Zawada, Q.C., Foluke Laosebikan, Ph.D , Tim Brown, Q.C., Kara-Dawn Jordan and Tim Huber recently met with Glenn Tecker to discuss the approaches various organizations are taking and considering to improve performance during social distancing.

A major consideration is strategic planning. 2021 is technically the last year of the strategic cycle and therefore the Governance Committee will consider whether the existing plan needs to be tweaked given changes in the environment, or overhauled, with the likely recommendation being the former of the two.

Craig Zawada, Q.C. may wish to provide further thoughts on this issue and further updates about the Committee's discussions.

iv. Convocation 2021

The Executive decided that it was best to postpone securing in-person bookings until the first quarter of next year, since it is impossible to make predictions about 2021. Virtual meetings can continue as they have until in-person meetings are possible.

6.3 Committee Reports

- a. Audit – the Audit Committee has completed its work for the year.
- b. Competency – the Competency Committee has not met since last Convocation. A meeting will be scheduled following Convocation.
- c. Conduct Investigation – the next meeting is Scheduled September 16, 2020.
- d. Discipline Policy – will be communicated *in-camera*.
- e. Equity and Access – the Equity and Access Committee has not met since last Convocation. The next meeting will be scheduled following Convocation.
- f. Ethics – the Ethics Committee has not met since last Convocation. The next meeting is scheduled September 24, 2020.
- g. Executive – no report.
- h. Firm Regulation – the Firm Regulation Committee met via email to review updated Terms of Reference included on the Convocation Agenda.
- i. Governance – items are covered in the Convocation Agenda.
- j. Insurance – no report.
- k. Truth and Reconciliation Advisory Group – the Advisory Group has not met. Work to support this Committee is covered on the Convocation Agenda.
- l. Future of Legal Services Committee – the FLS Committee met on August 31st to consider Terms of Reference and a workplan for the year. A subsequent meeting was held via email to review and discuss the notices as set out in the Convocation Agenda.

6.4 Other Informational Items

- a. *PLEA* – report by Maya Scott
- b. *Sask. Legal Aid Commission* – report by Valerie Macdonald, Q.C.
- c. *University of Regina Senate* – report by David Brundige, Q.C.

7. Meeting Finalization

- 7.1 Review Actions to be Taken
- 7.2 Confirm Items under 1.4
- 7.3 Meeting Evaluation
- 7.4 Next Meeting
- 7.5 Motion to Adjourn

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

TIMOTHY J. BROWN, Q.C.
Executive Director

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