

CONVOCATION AGENDA

Convocation Date: Friday, December 4, 2020
Location: Virtual Meeting via ZOOM
Commencement and End Time: 9:00 am - Noon

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence has been received from Jeff Baldwin.

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. Appointments to the Law Foundation
- ii. Saskatchewan Legal Aid Commission
- iii. PREP Hearing Appeal Panel
- iv. Hearing Administrator
- v. Discovery Period Consultation Update and Notice Forms

2. Consent Agenda

The Consent Agenda includes items which are not considered controversial and will collectively be enacted by one motion.

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 and approval:

- a. Minutes from the Bencher meeting held September 18, 2020;
- b. *In-Camera* Minutes from the Bencher meeting held September 18, 2020;
- c. Minutes from the Bencher Budget meeting held October 23, 2020.

2.2 Terms of Reference

The Trust Safety Committee approved the Terms of Reference at their November meeting and are recommending them for approval by the Benchers.

3. Decision Items

3.1 Appointments (*In-Camera*)

i. Law Foundation (*In-Camera*)

According to Benchers discussion at September Convocation, the Memorandum of Understanding (“MOU”) between the Law Society and the Law Foundation was revised and then executed on October 14th. It is attached for review.

Pursuant to the MOU, a Recruitment Committee was established and populated with the following individuals:

- Gerald Tegart, Q.C.
- Tim Brown, Q.C.
- Tom Schonhoffer, Q.C.
- Bob Watt, FCPA, FCA
- David Chow
- Evert Van Olst, Q.C.

Three vacancies need to be filled. Traditionally, these board appointments were limited to Society members, however, changes to the *Act* allowed for non-lawyer representation on the board.

Attached is a report prepared by Laurie Johnson detailing the recruitment process in its entirety. Following interviews, the Recruitment Committee unanimously recommended three individuals for appointment. Should the Benchers support these recommendations, a motion will be required to confirm these appointments.

A separate motion will be required for the reappointment of David Chow and Tom Schonhoffer, Q.C., whose appointments expire December 31, 2020.

ii. Saskatchewan Legal Aid Commission (*In-Camera*)

Valerie McDonald, Q.C. stepped down on September 11, 2020 due to a conflict, therefore, we have a vacancy on this board.

Expressions of interest from 5 individuals are attached for Benchers consideration.

The Benchers will select one candidate via a virtual secret ballot.

iii. PREP Appeal Hearing Panel (*In-Camera*)

The Society has been asked to populate a pool of 6 practicing lawyers for appointment to a PREP Appeal Hearing Panel.

An email was sent to current and past Benchers to collect expressions of interest for this Committee. Responses were received from 7 individuals. A list of candidates is attached.

A virtual secret ballot will be circulated to allow Benchers to rank the candidates.

Following discussion, a motion will be required to approve the selected pool.

3.2 Regulation

i. Rule Amendments

- a. Rules 1501, 1504 and 1514, Part 15 Accounting
Rules 1603 and 1609 – Part 16 Reporting Requirements

The changes to Part 15 include both substantive and housekeeping changes.

Changes to Part 16 are primarily housekeeping in nature to update references to form names to reflect the renaming of certain forms, as well as to correct cross references.

A memo from Jody Martin provides the proposed rationale for the changes and contains the redlined amendments for review.

The following appendixes are referenced within the memo:

- Appendix A – Practice Directive #2
- Appendix B – Part 15 Accounting, Rules 1501, 1504 and 1514
- Appendix C – Wire Transfer Procedures via Online Wire Payments Service [Rule 1514(5)]

A motion of the Benchers is required.

- b. Rules 716, 728, 729 and 2302 – Housekeeping Amendments

A memo from Andrea Johnston is included to outline an amendment to Rule 716 to clarify that Law Professor Members pay only half of the active member fee. Amendment to Rules 728 and 729 are simply to correct reference errors. Rule 2302 is amended to clarify that succession plans must be in *writing*.

A motion of the Benchers is required.

- c. Rule 703, Part 7 Membership and Practice Privileges
Rules 815 and 817, Part 8 National Mobility and Interjurisdictional Practice

Attached is a memo from Kiran Mand proposing amendments to our Rules to eliminate the requirement for applicants to submit Certificates of Character as part of their application.

A motion of the Benchers is required.

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

- a. President's Report
- b. Executive Director's Report
- c. Federation Council Report – a written report is attached.

ii. Financial Reporting

a. Financial Statements

Financial statements for the period ended October 31, 2020 are included for review.

b. Greystone Reports

A copy of the Quarterly Investment Report for the period July 31 – September 30, 2020 is included for review.

c. Special Investment Report

The Audit Committee, Executive Committee and relevant staff met with Loren Gee, TD Investment Manager. The decision was made not to alter our investment approach at this time.

A memo from Pam Harmon, CPA, CA provides a report of the meeting.

iii. Bencher Vacancy

Attached is a memo from Tim Brown, Q.C. providing an overview of the relevant legislation and policy related to Bencher vacancies.

iv. Benchers Evaluation

Attached is a memo from Kara-Dawn Jordan summarizing the results of the November 2020 Benchers Effectiveness Questionnaire.

4.2 Hearing Administrator (*In-Camera*)

Greg Walen, Q.C. will attend to present an update regarding the establishment of an *Office of the Hearing Administrator*. His written report is attached.

4.3 Futures Class

Craig Zawada, Q.C. will make a brief presentation to the Benchers on the Futures Class to be presented as a seminar class at the College of Law, starting in the semester beginning January 2021.

For background information and discussion, a course outline/description is included.

4.4 Legal Information Guidelines

Enclosed is a memo from Jody Martin, along with the draft Legal Information Guidelines and a copy of the *SALI Resource on Detecting Legal Problems and Legal Information Sources in Saskatchewan*.

The guidelines were considered by the Future of Legal Services Committee at its meeting on November 18, 2020 and are presented for review and adoption by the Benchers, pursuant to the Legal Services Task Team recommendations.

5. Informational Items

Information items will not be addressed individually at the meeting unless questions are raised. Although questions are invited at the meeting, Benchers are encouraged to provide questions in advance to Liz to allow meeting time to be structured in an efficient manner.

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Reduction in Minimum Articling Term – Extended to March 31, 2021

At its October 16th meeting, the Competency Committee passed a motion to extend the temporary waiver of Rule 706, to permit the reduction of the articling term requirement from 12 months to a minimum of 8 months, for students commencing articles up to March 31, 2021. A communication was released to the membership on October 29, 2020.

b. Firm Regulation

The Firm Regulation Committee considered an amended approach to implementation of the Assessment Tool at its meeting on November 9, 2020. The Society will implement the Assessment Tool on a voluntary basis for the first two quarters of 2021 to reduce the regulatory imposition during these challenging times, to allow firms to ease into this new process and to facilitate a mini-pilot of the Tool.

To support the successful integration of the Assessment Tool into the Society's regulatory structure, the implementation timelines and the Assessment Tool content may be subject to change to allow for improvement to the tool based on user feedback or to address other considerations as they arise. Administration will continue to work closely in partnership with the Firm Regulation Committee throughout the course of implementation and the Committee will update the Benchers accordingly through its regular reporting.

Further information is included in the attached memo from Jody Martin.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

i. A report from Julie Sobowale is attached.

ii. Law Society Podcasts

On Thursday, October 29, we released our latest episode. Tim Brown, Q.C. was one of the guests discussing the Legal Needs Assessment. More information can be found in the Communications Report.

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

a. Annual Demographic Data Collection

In preparation for the upcoming annual renewal process, a communication was sent to the membership on October 29th, advising that the Society will once again provide members with an opportunity to anonymously volunteer information about themselves to assist us in learning more about the demographic makeup of the legal profession in Saskatchewan. The information gathered will assist the Law Society to understand the makeup of the profession, focus its efforts to develop programs and initiatives to promote

equity, diversity and inclusion in the profession, and to monitor trends and progress over time.

As at the time of writing, a large majority of the members who have completed annual renewal have chosen to share their demographic information, with between approximately 6% and 15%, depending on the question, indicating a preference not to answer. A further report will be provided after annual renewal closes.

b. Equity and Access Committee

Administration has been working with Illumina on a revised version of a member-wide EDI Survey. The survey is intended to identify barriers to entry and advancement in the legal profession and seek feedback on steps the Law Society can take to address these barriers. The survey will be reviewed by the Equity & Access Committee at its next meeting in December. At this time, it is anticipated that the Survey will be launched in the first quarter of 2021.

iv. Increased Access to Legal Services (Goal 5)

a. 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 by COVID-19, however, consultations and outreach have been reinvigorated and the Final Report for Phase 1 of the Legal needs Assessment (Comprehensive scan and evaluation of existing data on legal needs/gaps in Saskatchewan) is expected at the end of January.

Phase 2, which is a survey of legal and near legal service professionals, social service agencies, and practicing lawyers, is expected to go ahead in the second quarter of 2021.

b. Future of Legal Services (*In-Camera*)

i. Discovery Period Consultation Update and Notice Forms

Two Notice Forms were received from legal service providers since September Convocation.

The staff working group determined that neither would require consideration for a comfort letter at this time, as one notice form involved strictly the provision of legal information and the other

provider is not yet an existing service provider. Administration will be in contact with the second individual to discuss concerns regarding some of the services she wishes to offer, as they pose a potentially higher risk.

5.2 Society Governance

i. Execution of Strategy

a. Action Plan Progress Update

Attached are the Team Action Plans (Competency and Modernizing Regulation), with updated progress reports, for review by the Benchers.

ii. Bencher Committee Preferences 2021

The Benchers are asked to complete the attached form, indicating their preferences for 2021 Committee appointments.

Please return the completed form to Liz by December 10, 2020.

iii. Practicing Fee 2020 – 2021

The Budget was approved at October Convocation, with no increase to the practice fee as recommended in the 3-year Strategic Plan.

A letter to the membership is attached and was released to the membership on November 9th.

iv. Convocation Dates 2021

The Executive have selected the following Convocation Dates for 2021:

- Friday, February 26, 2021
- Friday, April 30, 2021
- June 23 – 25, 2021
- September 22 – 24, 2021
- October 13 – 14, 2021 – Federation Conference (tentative)
- Friday, October 29, 2021 – Budget
- December 1 – 3, 2021

5.3 Committee Reports

- a. Audit – the Audit Committee has completed its work for the year.
- b. Competency – a written report is attached.
- c. Conduct Investigation – met on October 20, 2020 to conduct its regular business of considering referrals. Nothing new to report.

- d. Discipline Policy – nothing new to report.
- e. Equity and Access – expected to have its next meeting in December.
- f. Ethics – met on September 24, 2020, reviewed 4 matters and discussed the proposal from the Real Estate Sub-Committee regarding uniform trust conditions. It was recommended the sub-committee further consult with Randy Sandbeck, Q.C. The next meeting is scheduled for December 3, 2020.
- g. Executive – no report.
- h. Firm Regulation – a written report is attached.
- i. Governance – expected to have its next meeting in December.
- j. Insurance – no report.
- k. Trust Safety – a written report is attached.
- l. Truth and Reconciliation Advisory Group – scheduled to meet on December 2, 2020.
- m. Future of Legal Services Committee – a written report is attached.

5.4 Other Informational Items

- a. *Senate of the University of Saskatchewan* – report from Max Bilson

6. Election of President and Vice-President

Foluke Laosebikan, Ph.D is the only declared candidate for the President of the Law Society of Saskatchewan in 2021.

At the last Convocation of the year, the Benchers are asked to hold a secret ballot to elect a new Vice-President if more than one person has expressed interest in the position. This year, two Benchers have come forward to express interest in running for Vice-President: James Korpan, Q.C. and Andrea Argue.

Both candidates will be allowed an opportunity to make a brief presentation and the Benchers will cast a virtual secret vote.

The successful candidate will be announced at the conclusion of the meeting.

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 - Friday, February 26, 2021**
- 7.5 Motion to Adjourn**

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

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