

# CONVOCATION AGENDA

Convocation Date: Friday, February 26, 2021

Location: via *Teams*

Commencement and End Time: 10:00 am - Noon

## 1. Approval of the Agenda

### 1.1 Apologies for Absence

None.

### 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. Future of Legal Services Task Team – Notice Forms
- ii. Appointments
- iii. Hearing Administrator Position

## 2. Consent Agenda

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

### 2.1 Approval of the Bencher Minutes

The following Bencher Minutes are for review:

- a. Minutes from the Bencher meeting held December 4, 2020;
- b. *In-Camera* Minutes from the Bencher meeting held December 4, 2020;

A motion is required.

## 3. Decision Items

### 3.1 Strategic Initiatives

- i. Future of Legal Services Task Team  
(Increased Access to legal Services – Goal 5)
  - a. Discovery Period Consultation Update and Notice Forms  
(*In-Camera*)

One Notice Form has been received since December Convocation, however, it was not received in time for consideration at the most recent FLS Committee meeting. The current Notice Form is in the due diligence stage and raises issues of prior interaction with the Law Society. Administration will bring the Notice Form forward for consideration by the Committee at the next meeting.

b. Exceptions to Unauthorized Practice

The FLS Committee met February 9<sup>th</sup> to consider a Rule Amendment to the Unauthorized Practice provisions, as discussed below at Agenda item 3.3.

### 3.2 Appointments (*In-Camera*)

Based on discussions that occurred over the course of last year, Foluke Laosebikan, Ph. D. has proposed the creation of a “nominations” committee to seek and consider candidates and make recommendations to the Benchers regarding external appointments.

Such a committee could also potentially be responsible for recommending candidates to fill Bencher vacancies, a function which is currently the responsibility of the Governance Committee, pursuant to its Terms of Reference, as well as the Election and Recruitment Policy.

The proposed members informally convened on February 11<sup>th</sup> to begin discussing process in the context of considering candidates for the 3 appointments listed below. Further information is provided in a memorandum from Tim Huber dated February 17, 2021.

A motion will be required to formally establish a nominating committee.

The following appointments were discussed and require consideration by the Benchers.

i. Senate of the University of Regina (*In Camera*)

Benchers will vote by electronic secret ballot (resumes attached).

A motion is required to confirm the results of the ballot.

ii. CPLED Board (*In Camera*)

The most recent term for Tom Schonhoffer, Q.C. ended on February 9, 2021. According to the CPLED Bylaws, our appointee serves “at our pleasure.” For the reasons set out in the memo provided by Tim Huber, it is recommended that Tom Schonhoffer, Q.C. be allowed to overhold in this position, with the matter of his appointment to be reviewed prior to year-end.

As a matter of due diligence, the Benchers may wish to consider a motion to formalize.

iii. Practitioner Staff Appeals Tribunal (*In Camera*)

Benchers will rank candidates by electronic secret ballot. (Resumes to follow.)

A motion will be required to approve a selected pool of 6 applicants to the Minister of Health.

### 3.3 Regulation

i. Rule Amendments

a. Rule 1002 – Exceptions from the Prohibition Against the Unauthorized Practice of Law

A potential legislative incongruity flowing from the recent changes to the Act and Rules governing unauthorized practice has been identified.

The FLS Committee met on February 9<sup>th</sup> to consider the Rule amendment to accommodate legislatively authorized agents and to avoid legislative incongruity – unauthorized practice. Amendments to Rule 1002(1)(a) to add subsection (xiii) and to amend Rule 1002(2)(e) is explained in the memo provided by Tim Huber.

A motion of the Benchers will be required.

### 3.4 Resolutions

i. TD Asset Management Inc. - Investments

Attached is a TD Asset Management Inc. Resolution for signatures. With the appointment of a new President and Vice-President, they require a resolution authorizing signing authorities.

This resolution will require approval by the Benchers.

ii. TD Bank Account

Attached is a TD Bank Resolution for signatures. Again, with the appointment of a new President and Vice-President, the bank requires a resolution authorizing signing authorities.

This resolution will require approval by the Benchers.

### 3.5 Governance Policy Manual

All Committee Terms of Reference were updated to accord with the new Act and Rules over the course of 2020. The remainder of the Governance Policy manual was also updated and put before the Governance Committee at their February 16th meeting.

Attached is a memo from Kara-Dawn Jordan, including a tracked changes version of the amended Governance Policies.

A motion is required to approve the amendments.

### 3.6 CPLED Loan Interest

#### i. Finance

##### a. CPLED Loan Interest

As discussed at Convocation in October 2020, we indicated that the issue of waiving interest payments relating to our loan to CPLED may be brought back for further consideration depending on the position taken by our CPLED partners in Alberta and Manitoba. The Administration can now confirm that those jurisdictions are waiving interest for 2021 to support the financial position of this start-up. The approximate amount sought to be waived is \$38,000. We anticipated the possibility of this waiver and did not budget to receive this interest payment in the Capital Budget.

A motion is required to approve the waiver.

## 4. Discussion Items

### 4.1 Society Governance

#### i. Operational Reporting

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

#### ii. Financial Reporting

##### a. Financial Statements

Enclosed are *draft* unaudited financial statements for the year ended December 31, 2020, along with a brief memo from Pamela Harmon, CPA, CA, containing a variance analysis both from budget and most recent forecasts. Tim Brown, Q.C. will provide a further overview.

b. TD Asset Management Inc. Reports

The Quarterly Investment Report for the period October 1 – December 31, 2020 is attached for review.

c. Annual General Meeting and Approval of Audited Financial Statements for the year ended December 31, 2020

Audited financial statements for the year ended December 31, 2020 will be approved by the members at the AGM to be convened on Thursday, June 24<sup>th</sup> over the lunch hour.

The Benchers will need to approve the audited financial statements prior to the AGM, which means a *Teams* meeting will be arranged in mid-May for approval of the financial statements.

iii. Bencher Honoraria

As done in 2019 and 2020, the Law Society will grant 3 CPD ethics hours per calendar year to Benchers to acknowledge their significant contribution of time and expertise. This ethics hour credit was also extended to non-Bencher lawyers who serve on one or more of the prescribed Law Society Committees. The 3 ethics hours were manually entered by staff and can be viewed under the Member Profile.

In addition, Benchers will continue to receive full access to CPD OnDemand, to provide free access to all recorded Law Society CPD resources.

iv. Governance Refresher Training

Time has been allotted on Thursday February 25, 2021 from 1 to 4 pm for Governance Refresher Training presented by Glenn Tecker. One of the objectives of the training is to determine its value to the orientation of new Benchers.

An opportunity for discussion and feedback will be provided as part of the Convocation on Friday February 26, 2021.

## 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 by Noon on Wednesday, February 24, 2021 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 16, 2020 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.

This item will go back to the Competency Committee in March to consider a further extension. An update will be provided at April Convocation.

b. Firm Regulation

The Committee will be meeting shortly after Convocation to discuss the Online Assessment Tool. In order to accommodate shifting timelines and capacities of our Prairie Partners, as well as to increase the volunteer pool to participate in the soft launch, the launch date has been amended to April 1<sup>st</sup>. This extension will allow for more opportunity during the pre-launch phase for the Practice Advisors to provide feedback on and become familiarized with the Tool content and its resources. The additional time creates more temporal separation between the launch of the Online Annual Report and the Online Assessment Tool, thus allowing the Designated Representatives to focus initially on completing their annual reporting requirement in its new format.

Initial communications went to the Designated Representatives on January 25, 2021 seeking firms to volunteer in the soft launch process. Administration received several immediate responses from firms interested in completing the Online Assessment Tool, which is encouraging; however, we did not receive a sufficient number of volunteers with the initial request. As of February 17, 2021 we only have 14 firms who have expressed an interest in participating in the soft launch. In order to expand that group, staff will be engaged in direct outreach to the prior participants in the 2017 pilot project, as well as to sole practitioners over the next few weeks. The expanded volunteer group will increase the opportunity for feedback and help to facilitate a successful launch of the mandatory requirement, which will be considered by the Firm Regulation Committee following assessment of the soft launch in June.

Bencher firms are encouraged to participate in the soft launch phase and should contact Jody Martin to express interest.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

- i. A report from Julie Sobowale is attached.
- ii. Law Society Podcasts – Planning is underway for the 2021 podcast schedule as part of the overall communications workplan.

b. Hearing Administrator Position (*In-Camera*)

Greg Walen, Q.C. has finalized the purchase of the Adjudicator Training Program from Alberta and will begin the process of adapting, as necessary, portions of the program for Saskatchewan-specific issues.

The *ad hoc* Hiring Committee, consisting of Leslie Belloc-Pinder, Q.C., James Korpan, Q.C. and Lynda Kushnir Pekrul, met with Greg Walen, Q.C. on January 22, 2021 to conclude discussions regarding compensation. The resulting contract is attached for information.

c. Annotated Code of Conduct

Attached is a Memo from Stacey McPeek regarding the *Annotated Code of Professional Conduct*. The Code is provided as a resource only and will be released after Convocation.

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

a. Collaboration with the College of Law (informational)

As of January 15, 2021, the Futures Class has gone live with 11 student registrants. Craig Zawada, Q.C. is currently working with the Administration as they consider alternative methods for converting the Futures Class into CPD and outreach programming for the benefit of the members.

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

a. Annual Demographic Data Collection

Results of the demographic data collection portion of the 2020 Annual Renewal were similar to the results obtained in the 2019 year, both in terms of the response rate and the demographic makeup of the membership.

Attached is a memo from Kara-Dawn Jordan regarding demographic data as part of 2020 Annual Renewal.

- v. Increased Access to Legal Services (Goal 5)
  - a. Legal Information Guidelines (Informational)

The Draft Guidelines were approved at December Convocation and are currently publicly available on the LSS website. The Guidelines will be promoted more widely through our various stakeholders and partners. Feedback will be collected throughout the year for review and amendment as needed.

- 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, however, consultations and outreach are being reinvigorated and the report for Phase 1 of the Legal Needs Assessment (comprehensive scan and evaluation of existing data on legal needs/gaps in Saskatchewan) is expected in Q1.

Communication has also been initiated with Justice and Statistics Canada regarding a national population-based 2021 Canadian Legal Problems Survey and Saskatchewan-specific data.

## 5.2 Society Governance

- i. Execution of Strategy
  - a. Annual Activity Plan Progress Update

Administration has gone through the process of:

- identifying the work anticipated to go ahead across the organization in 2021 to further strategy; and
- reconfiguring how this work is tracked to allow for improved and more digestible reporting.

A *draft* Word document is attached for information. The draft document will be finalized, with the addition of strategic references, once Committees have had a chance to review and approve annual workplans. The global plan is intended to be a living document.

Technical work to integrate the content into the appropriate format for recording and reporting will occur following Convocation.

## ii. Strategic Planning Cycle

2021 is technically the last year of the 3-year strategic cycle and it was decided at September 2020 Convocation that there is no need for a complete re-write at this time and that the new Bencher cohort should participate in the next round of strategic planning. The Benchers agreed to stay the course with some adjustment and/or reprioritization of strategy, rather than develop a new plan in 2021.

The issues of wellness and mental health have been identified as noticeable gaps in our Strategic Plan. Though we have several strategies to address these issues in our tactics, whether these strategic imperatives deserve a more prominent place in the plan itself is something the Benchers may want to consider this year.

## iii. Public Representative Benchers 2021

The appointments of both Kaitlynn McArthur and Lynda Kushnir Pekrul are up for renewal this year and both are interested in serving a second term. Unfortunately, Monte Gorchinski's term ends December 31, 2021 and this vacancy will have to be filled.

Working in concert with the Governance Committee and perhaps the new Nominations Committee, the Administration will commence the search for Monte's replacement in the spring. The role and participation of the yet-to-be-established Nomination Committee has yet to be determined.

## iv. Bencher Election 2021

2021 is a Bencher Election year, therefore, plans must begin over the next few months to advertise the election to the members and attract candidates.

There are several other items to be considered in relation to "election readiness." Those items have been included in the Annual Activity Plan and will be discussed further by the Governance Committee.

## v. Annual General Meeting

An email communication will be sent to the membership at the end of April, advising that the AGM is scheduled for June 24, 2021 over the lunch hour.

According to Rule 403, Resolutions are required 30 days before the AGM, which means the deadline for Resolutions is May 24, 2021. This will also be included in the message to members.

## vi. Standardized Board Materials

In an effort to streamline the Bencher experience, the Administration is proposing standardizing Board memos to focus the attention of both the writers and the readers on issues which are common to most, if not all, matters presented to the Board.

Ideally, these memos will also make Board materials more efficient and compact and will leverage the cloud-based capabilities of the new Teams environment. The memo attached in relation to Agenda Item 3.3 i. a. provides an example of this new format.

## 5.3 Committee Reports

- a. Audit – the Committee met with Law Society staff and the Society’s external auditors, Virtus Group, on February 1<sup>st</sup>. The Committee’s Terms of Reference were reviewed and approved as is, an update on changes to internal procedures related to financial statement preparation was provided by staff and Virtus Group presented their audit plan for the audit of the Society’s 2020 financial statements. The Committee’s next meeting is scheduled for March 26<sup>th</sup> to receive and review the audit results and draft financial statements before recommending to the Benchers the approval of the audited financial statements.
- b. Competency – the Committee has not met since last Convocation. The next meeting is scheduled March 12, 2021.
- c. Conduct Investigation – the Committee’s next meeting is scheduled February 23, 2021.
- d. Discipline Policy – nothing to report.
- e. Equity and Access – the Committee last met in December 2020 and is currently scheduling a meeting for March 2021.
- f. Ethics – the Committee has not met since last Convocation. The next meeting is scheduled February 25, 2021. A copy of the *draft* Uniform Trust Condition Letter has been posted to *Teams*.
- g. Executive – no report.
- h. Firm Regulation – the Committee has not met since December Convocation, but will be scheduling a meeting for mid-March.
- i. Governance – the Committee held its first meeting of the year on February 16, 2021. The Committee reviewed its Terms of Reference and identified some minor amendments which will be brought before the Benchers at a later date, as it is anticipated that further amendments may become necessary in the coming months. The Committee also considered its Annual Workplan, considered amendments to the Governance Policy Manual (on the Convocation Agenda) and continued discussions about the development of a Bencher Code of Conduct.
- j. Insurance – the Committee is scheduled to meet in advance of February Convocation. A verbal report will be provided if appropriate.

- k. Trust Safety – the Committee has not met since December Convocation, but will be meeting prior to April Convocation.
- l. Truth and Reconciliation Advisory Group – a meeting is scheduled for February 24, 2021.
- m. Future of Legal Services Committee – the Committee met February 9<sup>th</sup> primarily to consider proposed draft amendments to Rule 1002(1)(a) to add subsection xiii, in order to accommodate legislatively authorized agents and avoid potential legislative incongruity. These draft Rule amendments were recommended for approval by the Committee for decision by the Benchers at February Convocation. The Committee also received and discussed an updated workplan and communications plan.

#### **5.4 Other Informational Items**

- a. *Saskatchewan Legal Aid Commission* – Report provided by Ray Wiebe

#### **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 – Friday, April 30, 2021**
- 6.5 Motion to Adjourn**

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

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

**TIMOTHY J. BROWN, Q.C.**  
**Executive Director**

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