

CONVOCATION AGENDA

Convocation Date: Friday, April 30, 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. Discovery Period Consultation Update and Notice Forms
- ii. Appointments
- iii. Hearing Administrator Position

2. Consent Agenda

The Consent Agenda includes items which are not considered controversial and will collectively be enacted by one motion. In order to assist with the efficiency of the meeting, please send any questions to Liz at liz.lynchuk@lawsociety.sk.ca by Wednesday April 28, 2021.

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 provided for approval:

- a. Minutes from the Bencher meeting held February 26, 2021;
- b. *In-Camera* Minutes from the Bencher meeting held February 26, 2021.

A motion is required.

3. Decision Items

Decision items will be dealt with at the meeting in the normal course with opportunities provided for all necessary discussion. In order to assist with the efficiency of the meeting, please send any questions to Liz at liz.lynchuk@lawsociety.sk.ca by Wednesday April 28, 2021.

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*)

No new Notices have been received from legal services providers.

The Committee met on April 15, 2021. Administration prepared a presentation for the Committee to highlight and facilitate discussion around the progress and next steps in the implementation of the Legal Services Task Team Recommendations. The Committee also received an analysis of the information collected during the current 15-month Discovery Period with lessons and recommendations in four areas:

- Communication and outreach
- Information deficits
- Criteria and transparency
- Outcomes

To advance implementation, Administration will initiate actions within these areas, bringing forward discrete policy elements for consideration at upcoming Committee meetings and during an afternoon discussion/workshop at June Convocation.

A memo dated April 21, 2021 summarizing this information is attached.

3.2 Appointments

The two following appointments were brought before the Nominations Committee on April 14, 2021.

- i. Legislative Assembly of Saskatchewan Audit Committee (*In-Camera*)

The Standing Committee on Public Accounts has advised that the term of our current representative, Jason Majid, is expiring. Administration confirmed Mr. Majid's desire to continue for a second term.

A motion is required.

- ii. Senate of the University of Saskatchewan (*In-Camera*)

The term for our current representative, Max Bilson, ends June 30, 2021. Administration confirmed Mr. Bilson's desire to continue for a second term.

A motion is required.

3.3 Regulation

i. Rule Amendments

a. Part 6 – Committees, Rule 601(1)

At February Convocation, the Benchers passed a motion to approve the creation of a new Nominations Committee pursuant to Rule 601(1). The Law Society Rules require amendment to incorporate the new Committee, as follows:

PART 6- Committees

Establishment

601(1) The following Committees are established:

- (a) the Executive Committee;
- (b) the Competency Committee,
- (c) the Discipline Policy Committee;
- (d) the Ethics Committee;
- (e) the Insurance Committee;
- (f) the Audit Committee;
- (g) the Conduct Investigation Committee;
- (h) the Governance Committee; ~~and~~
- (i) the Equity and Access Committee-; and
- (j) the Nominations Committee.

(2) The Benchers may establish any other Committee for the better governance of the Society.

A motion is required.

b. Part 7 – Membership and Practice Privileges, Rules 701 and 743

A memo from Andrea Johnston outlines amendments to definitions in Rule 701 (“Hearing Panel” and “license to practise”), as well as correction to subrule reference errors in Rule 743.

A motion is required.

ii. Insurance Levy

The Benchers will be asked to approve the Insurance Levy for the year beginning July 1, 2021. Brad Hunter, Q.C., Insurance Counsel, will explain the recommendation to the Benchers. Following discussion, James Morrison, Q.C., Chair of Insurance, will seek a motion to approve the Insurance Levy for the upcoming year.

The following materials are attached:

- SLIA Memorandum with Insurance Levy Recommendation for the 2021 - 2022 Policy Year
- Exhibit 1 – Surplus and Subsidy History
- Exhibit 2 – Insurance Fees 2000 – 2021

If the Insurance Levy changes in 2021, changes to Schedule 1 of the Law Society Fees and Assessments will need to be approved by the Benchers, as the Schedule forms part of the Law Society Rules. A motion will be required.

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

- a. President's Report
- b. Executive Director's Report – a monthly report will be provided in advance of Convocation.
- c. Federation Council Report – a written report is provided.

ii. Financial Reporting

a. Financial Statements

Enclosed are financial statements for the period ended March 31, 2021.

b. Investment Reports

Enclosed is a summary of the TD Asset Management Investments held at March 31, 2021.

iii. Bencher Code of Conduct

Attached is a memo from Kara-Dawn Jordan, as well as a *draft* Bencher Code of Conduct for review and discussion.

5. Informational Items

Information items will not be individually discussed at the meeting, unless there are specific questions relating to those Items. To budget time at Convocation, Benchers are encouraged to provide questions or requests for discussion on particular information items to Administration in advance. Please direct questions or requests to Liz at liz.lynchuk@lawsociety.sk.ca by Wednesday April 28, 2021.

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Reduction in Minimum Articling Term

At the Competency Committee meeting held March 12, 2021, the option to reduce the articling term from 12 months to a minimum of 8 months was extended further from March 31, 2021 to September 30, 2021. The reduced term is intended to apply to firms who will be unable or unwilling to take on an articling student without the reduced term, due to hardships or constraints resulting from COVID-19. The purpose is not intended to ease the articling requirement burden for students, but rather to help firms follow through on their commitments to articling students and hopefully create additional articling positions. The Committee emphasized that this is only a temporary measure and are not suggesting the reduced articling term be implemented permanently.

b. Number of Articling Students per Principal

At their meeting held March 12, 2021, the Competency Committee also approved a temporary waiver of Rule 704(4) to grant Administration the discretion to allow members to act as a principal to two students-at-law at the same time. The Committee was comfortable with this measure, as it will be temporary in nature and has been tested by other law societies across the country.

The temporary waiver will act as a pandemic impact measure to create additional articling positions. While it will not assist those principals/firms who do not have the work or incoming revenue to support an articling student, it will allow those less affected by the pandemic to take a second student. Any principal interested in taking a second student will be required to provide supporting information on how they plan to appropriately accommodate and supervise two students.

c. Firm Regulation

The Firm Regulation Committee met on April 20th. The primary focus of that meeting was to receive a demonstration of the online Assessment Tool and supporting resources, and a preview of the new DR Hub in the member's section of the website. The meeting had originally been scheduled for April 1st but was postponed to accommodate some unexpected minor technical issues with the online Assessment Tool. This postponement allowed our developer time to resolve these issues to ensure that we are delivering the best product for the LSS and for our members. Administration has

started the process of sending out the links to the online Assessment Tool to firms participating in the initial launch.

Currently, there are 17 firms who have volunteered for the initial launch; 5 of those are Bencher firms (and 1 non-Bencher Committee member firm). Once this initial group is engaged, Administration will conduct further outreach with firms to seek out additional participants with an initial focus on sole practitioners.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

- i. A report from Julie Sobowale is attached.
- ii. Law Society Podcasts - A podcast highlighting the Law Society's COVID-19 response will be published in May.

b. Annotated Code of Conduct

The Annotated *Code of Professional Conduct* is now posted to the Law Society website, along with a copy of the Consolidated *Code*. A communication was sent to the members on April 8, 2021.

An email from Brent Cotter, Q.C. lauding the Law Society for the creation of these annotations is attached.

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

The Alberta training program is currently undergoing review for adaptation to the needs of the Law Society of Saskatchewan.

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

Further updates will be provided at June Convocation.

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

a. Member Wide EDI Survey

Following the soft-launch, the EDI Member Survey was finalized for member-wide distribution. A communication (attached) was sent to the membership regarding the Survey on April 15, 2021 which included a link to an [informational video](#). A blog post promoting the survey will also be posted in advance of distribution to the membership which is scheduled to occur on April 22, 2021.

v. Increased Access to Legal Services (Goal 5)

a. Legal Information Guidelines (Informational)

The Guidelines are available online with a form for feedback and are being disseminated and presented by Administration to stakeholders. This included presentation at the Saskatchewan Access to Legal Information (SALI) Virtual Conference on March 31, 2021 to 112 registered attendees and inclusion in the Saskatchewan Access to Justice Network Newsletter on April 1, 2021.

Opportunities to exchange further with stakeholders on these Guidelines will continue to be identified, including through outreach with SALI, the Trusted Intermediaries Legal Information Network, the Self-Represented Litigants Network, the Legal Coaching and Unbundling Project and through public-focused communications.

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. A 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 Q2. To date, an excel file listing government related data sources has been received.

The Law Society also continues to advance discussion with Statistics Canada regarding a Saskatchewan-specific report from the [Canadian Legal Problems Survey](#), anticipated for release in early 2022. There are two main options for a Saskatchewan-specific report through Memorandum of Understanding or Letter of Agreement with Statistics Canada:

- A. *Simplified Report*: available several weeks beyond the December 2021 deadline for the full study with replicated tables/charts specific to Saskatchewan vis-à-vis national averages. While not a formal report published on the Stats Canada website which necessitates certain requirements, the report is verified, with footnotes, usable for quotes, citation, and publication locally.
- B. *Complete Report*: available several months beyond the December 2021 deadline for the full study with a peer-reviewed narrative and data that provides more in-depth analysis and is translated and published officially on the Stats Canada website.

Administration has identified Law Society funds for the Simplified Report and is investigating with other justice stakeholders if there is interest in co-funding the Complete Report.

5.2 Society Governance

- i. Execution of Strategy
 - a. Action Plan Progress Update

An updated pdf version of the workplan has been included in your materials.

- ii. Strategic Planning Cycle

The issues of wellness and mental health have been identified as noticeable gaps in our Strategic Plan.

Our Thursday afternoon session on April 29th from 2:00 – 4:00 pm will be devoted to discussion about the desirability of including more express language in our Strategic Plan relating to the wellness and mental health of the profession.

5.3 Committee Reports

- a. Audit – the Committee met on March 26, 2021 with management and the external auditor, Virtus Group, to receive and review the audit results and draft audited financial statements. A meeting is being scheduled for May 10th at 1:00 pm with the Benchers and the external auditor, Virtus Group, to obtain approval of the draft audited financial statements to be presented at the AGM scheduled for June 24th.
- b. Competency – all items are covered in the Agenda.
- c. Conduct Investigation – a meeting is scheduled May 13, 2021.
- d. Discipline Policy – a meeting is being scheduled prior to June Convocation.
- e. Equity and Access – The Committee met on March 17, 2021 to review its Terms of Reference, consider an annual workplan and discuss finalization of the EDI Member Survey. The Committee will meet again on April 26, 2021 to discuss candidate diversity for the 2021 election and the development of an internal EDI focussed session.
- f. Ethics – the next Committee meeting is scheduled for April 29, 2021. Nothing new to report.
- g. Executive – no report.
- h. Firm Regulation – the Committee met on April 20, 2021. A brief verbal report will be provided by the Chair.

- i. Governance – the Committee met April 13, 2021 to discuss development of a *Bencher Code of Conduct*, the cross-over between Governance Committee responsibilities and potential responsibilities of the Nominations Committee, as well as limitations regarding running for Law Society office during second term as a Bencher.
- j. Insurance – the Committee held a meeting on April 16, 2021 to discuss the 2021 insurance levy.
- k. Trust Safety – as the Committee did not have any decision items to consider prior to Convocation, a formal meeting was not held. However, the Committee held an “online meeting” to allow the Committee to receive an operational update which included a review of Remote Audit procedures prepared by LSS Auditors. The Committee was invited to submit any questions or comments to Administration staff.
- l. Truth and Reconciliation Advisory Group – efforts to schedule the next meeting are underway.
- m. Future of Legal Services Committee – the Committee met April 15, 2021.
- n. Nominations Committee – the Committee met April 14, 2021 to consider appointment recommendations as per the Agenda and further discuss process. The Committee determined that it would beta test a Nominations Committee Report (included for information) intended to enhance transparency in relation to recommendations and the process used in each case.

5.4 Other Informational Items

- a. National Discipline Standards – Annual Report provided by Valerie Payne
- b. PLEA Report January 2021 – Report provided by Maya Scott

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, June 25, 2021**
(AGM on Thursday, June 24th over the lunch hour)
- 6.5 Motion to Adjourn**

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

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