

CONVOCATION AGENDA

Convocation Date: Friday, June 25, 2021

Location: via *Teams*

Commencement and End Time: 10:00 am – Noon

1. Approval of the Agenda

1.1 Apologies for Absence

None to date.

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
- ii. Court House Closure

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 June 23, 2021.

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 provided for approval:

- a. Minutes from the Bencher meeting held April 30, 2021;
- b. *In-Camera* Minutes from the Bencher meeting held April 30, 2021;
- c. *In-Camera* Minutes from the Bencher meeting held May 10, 2021 to approve the audited financial statements for the year ended December 31, 2020.

A motion is required.

2.2 Terms of Reference

i. Discipline Policy Committee

The Discipline Policy Committee reviewed amendments to its Terms of Reference at their meeting held June 2, 2021 and are recommending them for approval by the Benchers. A redlined copy is provided.

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, June 23, 2021.

3.1 Terms of Reference

i. Nominations Committee

The Nominations Committee reviewed their Terms or Reference at its meeting held June 15, 2021 and are recommending them for approval by the Benchers. A copy is provided.

A motion is required.

ii. Governance Committee

The Governance Committee reviewed amendments to its Terms of Reference and the Benchers Recruitment Policy at their meeting held June 9, 2021 to allow the Nominations Committee to take over the operational aspects of recruiting, vetting and recommending Benchers candidates.

The Committee is recommending both documents for approval by the Benchers. A redlined copy of each document is attached.

A motion is required.

3.2 Appointments

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

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

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

We received interest from 2 Benchers: Will Lane and Jill Drennan.

We received applications from 4 interested members, which were considered by the Nominations Committee on June 15th. After careful consideration, the Nominations Committee decided to recommend 2 of the applicants for consideration by the Benchers. Their resumes are attached, along with the Nominations Committee Report Form.

Under ordinary circumstances, the election of both the Bencher and the non-Bencher member would be done via secret ballot; instead, an electronic survey will be released during the *Teams* meeting. Once the votes are tallied, motions will be required to approve the successful candidates.

3.3 Regulation

i. Rule Amendments

a. Part 11 – Professional Responsibility

Rule 1101, Definitions; 1102, Examination of Complaints; and 1103, Notification to the Parties

The Professional Responsibility Department spends a significant amount of time dealing with complaint files that ultimately end up being dismissed under current Rule 1102(11)(a) because they are found to be “not valid,” or “trivial, frivolous or vexatious.” Discovering methods to allow Professional Responsibility Counsel (“PRC”) to more efficiently categorize and dismiss these types of complaints is one of the department’s highest priorities and a focus of legal regulators across the country.

Rule amendments to establish Summary Dismissal and Repetition Rules were approved by the Discipline Policy Committee at their meeting held June 2nd.

A memo from Valerie Payne provides background information explaining the reasoning behind the Rule amendments, as well as a redlined version of the amendments for approval by the Benchers.

A motion will be required.

b. Part 11 – Professional Responsibility

Rules 1101 – 1124

Rule amendments to establish the Hearing Administrator position were approved by the Discipline Policy Committee at their meeting held June 2nd.

A copy of the original Hearing Administrator Report provided by Greg Walen, Q.C. is included, as it describes the necessary Rule amendments at page three (section 6).

A redlined copy of Rule amendments 1101 – 1124 are provided for Benchers review and approval.

A motion will be required.

c. Part 23 Withdrawal from Practice and Part 12 Insurance

Part 23 Withdrawal from Practice Rule 2302(2), Succession Plan; and Part 12 Insurance, Rule 1204 Liability Insurance Coverage

Our current mandatory succession plan Rules appear to contemplate succession plans to deal with temporary or long-term disability and death, however, the Society approaches successors regularly within the context of “discipline-related incapacity,” which are usually suspensions.

A memo from Valerie Payne and Tim Huber provides the background reasons for the Rule amendments, along with a redlined version of the changes for approval by the Benchers.

In the process of considering the above proposed succession Rule amendments, a housekeeping amendment also needed to be made pertaining to administrative suspensions under Rule 1612. This relatively new form of administrative suspension was not added to the Rule relating to the impact of administrative suspensions on insurance liability coverage when it was created during the 2019 Rule overhaul. The memo also contains redlined amendments to Part 12 Insurance, Rule 1204, Liability Insurance Coverage.

These Rule amendments were approved by the Discipline Policy Committee at their meeting held June 2nd.

A motion will be required.

d. Part 7 Membership and Practice Privileges

Rule 714, Admission as a Lawyer Following the Bar Admission Program

With the untethering of articles from PREP, there is a gap in our Rules that could allow for stale dated PREP education on admission to the Bar. To address this issue, Administration is proposing the addition of a PREP recency requirement to the Rules. Specifically, Administration is proposing a 5-year recency requirement (ie. must have successfully completed PREP not more than 5 years prior to applying for admission as a lawyer).

The main rationale for proposing 5 years is to be consistent with our reinstatement standard (where an applicant seeking reinstatement has not been actively practising law within the five years immediately preceding their application, there is a rebuttable presumption that the applicant lacks competence). A memo from Andrea Johnston provides background information, along with the proposed Rule amendments.

The Competency Committee approved these Rule amendments and they are provided to the Benchers for approval.

A motion will be required.

3.4 Reconciliation Mapping Exercise

The Truth & Reconciliation Advisory Group has proposed that the Law Society participate in a Reconciliation Mapping Exercise developed by the Office of the Treaty Commissioner (OTC). Attached is a memorandum from Administration providing some background information.

Administration is seeking approval in principle to engage in an organization-wide Reconciliation Mapping Exercise such that Administration can move forward a Memorandum of Understanding with the OTC and development and tailoring of a survey for the Board and Staff of the Law Society.

3.5 Member Data Collection and Usage

At its June 11th meeting, the Equity & Access Committee reviewed the Law Society's member data collection and usage practices with a view to improving the data collected and its usability.

Attached is a memorandum from Administration setting out options for consideration by the Benchers.

3.6 Health and Wellness of the Legal Profession

A memo from Administration and draft language for the Strategic Plan is attached for review and discussion.

4. Discussion Items

4.1 Society Governance

- i. Operational Reporting
 - a. President's Report
 - b. Executive Director's Report – reports are now provided monthly in writing. The next report will be provided at the end of June.
 - c. Federation Council Report – a verbal report will be provided.

ii. Financial Reporting

a. Financial Statements

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

b. Investment Reports

Enclosed is the May 2021 investment statement.

c. Investment Review

As part of due diligence and best practices, Administration will be working with an independent consultant to perform a review of our investments and investment policies. Administration is currently interviewing a short-list of potential consultants. Further reporting will be provided at September Convocation.

iii. September Convocation and Convocation 2022

Vaccination progress and the Government's re-opening plan increase the likelihood that we will be able to return to in-person meetings in September. As well, Administration is seeking feedback from the Board as to whether there is a desire to continue the practice of holding some Convocations virtually in 2022, as this may have some bearing on budget discussions over the summer.

Time will be allotted to discuss these possibilities.

4.2 Strategic Initiatives

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

a. Discovery Period Consultation Update and Notice Forms

No notices have been received from legal service providers since last Convocation.

A three-hour workshop is planned for June Convocation to advance policy discussion for the Future of Legal Services initiative. Ministry of Justice guests have been invited to participate in discussion and small-group exercises focussing on two main areas: criteria for exemptions and limited licensing case studies.

4.3 Closure of Lloydminster Court House (*In-Camera*)

On June 10, 2021, a communication was included in the *ReSource* announcing that the Lloydminster Provincial Court House would be served by the North Battleford Court House, effective September 1, 2021. The *ReSource* communication is attached.

A request has been received to include this on the Agenda for 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, June 23, 2021.

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

The firms participating in the initial launch of the Assessment Tool have all received their links and several have started to engage with the Assessment Tool. Administration has not yet received any questions or feedback from the participants and will be reaching out to each of the firms at the midway point of the process to address any issues or questions they may have. Administration has begun further outreach with firms to seek out additional participants with an initial focus on sole practitioners.

The performance, appearance and functionality of the Assessment Tool continue to be evaluated and improved upon in real time over the course of the soft launch.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

- i. A report from Julie Sobowale is attached.
- ii. Legal Skies Podcast – [Managing the Pandemic – Where We Are and Where We're Headed](#). President Laosebikan, Q.C. and Past President Tegart, Q.C. discuss how the Law Society responded to the pandemic, how the pandemic changed the legal profession and where we are headed in 2021.

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

a. Joint Law Society/College of Law Futures Class

Attached for information is Craig Zawada, Q.C.'s debrief report on the class now titled *Transformation in Practice*. In September 2021, the offering will no longer be a seminar, but will be a full class.

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

a. Member Wide EDI Survey

The deadline for participation in the EDI Member Survey was extended from May 14, 2021 to May 31, 2021 in an effort to increase response rates. At survey close, 274 responses were received. Illumina Research Partners will take forward data cleaning, coding and tabulations for initial analysis. Administration will meet in mid-June with Illumina to discuss and agree on further sub-group analysis based on the data and recommendations. A draft report is anticipated by mid-July.

v. Increased Access to Legal Services (Goal 5)

a. Legal Information Guidelines

The Guidelines are available online with a form for feedback and are being disseminated and presented by Administration to stakeholders:

- March 31, 2021: dissemination at Saskatchewan Access to Legal Information (SALI) Virtual Conference to 112 registered attendees;
- April 1, 2021: inclusion in the Saskatchewan Access to Justice Network Newsletter for provincial recipients;
- June 8, 2021: virtual presentation and discussion at the Trusted Intermediaries Legal Information meeting to 11 provincial and national attendees;
- June 10, 2021: virtual presentation and discussion at the Self-Represented Litigants Network Meeting to 12 provincial attendees;
- June 16, 2021: virtual presentation at the joint conference of the Saskatchewan and Manitoba Library Associations (attendees TBC); and
- June 23, 2021: virtual presentation and discussion through case studies with the SALI network (attendees TBC).

The Guidelines support the dissemination of credible legal information, outlining how legal information providers can assist the public with their information needs. For the public, the Guidelines outline what to look for when deciding on which provider to use and how a legal information provider can help. The Guidelines address:

- What is credible legal information;
- Examples of types of legal information;
- How to assist a member of the public locate credible legal information; and
- How to assist a member of the public utilize legal information.

b. Consultation and Legal Needs Assessment

Administration continues exchanging with CREATE Justice on this assessment, receiving recently a partial literature review, data scan questions, and an updated survey for upcoming review and feedback by the Future of Legal Services Committee and Truth & Reconciliation Advisory Group. As well, Administration also continues discussions with Statistics Canada regarding a Saskatchewan-specific report from the Canadian Legal Problems Survey.

5.2 Society Governance

i. Execution of Strategy

a. Action Plan Progress Update

An updated pdf version of the annual workplan is included in the materials. Administration has been working on a new intuitive interface (Workplan Dashboard), to show the current Law Society workplan status (Activities). This can be accessed in the “Benchers – Aprio” Team>General channel. Paul Westgate will give a brief demonstration.

ii. Public Representative Benchers 2021

We now have two vacancies to be filled, with the departure of Glenn Hepp on May 7, 2021 and the completion of Monte Gorchinski’s term on December 31, 2021.

The Governance Committee met on April 13, 2021 and was in favour of the Nominations Committee taking over the function of recommending Benchers candidates. The proposed advertisement has been reviewed by the Nominations Committee and will be posted prior to the end of the month, after being shared with the Ministry of Justice.

Traditionally, the recruitment process has involved a representative from the Ministry. Administration will reach out to determine the Ministry’s intentions for this round of candidates.

iii. Bencher Election 2021

The Governance Committee has been discussing “election readiness” pertaining to this year’s Bencher Election.

Kara-Dawn Jordan has also been in contact with *Votenet* for this year’s election and reports that they are available to manage this year’s election and will provide similar services at a similar cost as the 2018 election.

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

The Law Society AGM is scheduled Thursday, June 24, 2020 over the lunch hour. A *Zoom* invitation will be sent to those who advise they will attend.

A communication was sent to the members advising that the [Annual Report](#) and [Audited Financial Statements](#) have been posted to our website.

v. Law Foundation Grants

Annual grant requests are due August 20, 2021 for a meeting in Regina on September 13, 2021. Administration started work on the budget early in the year and will finish the grant request over the summer.

vi. Federation Conference and President’s Dinner/Host Dinner 2021

If the Federation Conference proceeds in-person on October 12 and 13, 2021, the host dinner would occur on the evening of Thursday, October 14th. The Remail Modern in Saskatoon is tentatively booked for the dinner.

vii. 2022 Convocation Dates

Proposed 2022 Convocation dates are as follows:

- February 23 – 25, 2022
- April 27 – 29, 2022
- June 22 – 24, 2022 – AGM in June
- September 21 - 23, 2022
- October 28, 2022 Budget Meeting and President’s Dinner
- November 30, December 1 & 2, 2022

5.3 Committee Reports

An attached memo provides a brief report on the activities of all Bencher Committees, as follows:

- a. Audit
- b. Competency
- c. Conduct Investigation

- d. Discipline Policy
- e. Equity and Access
- f. Ethics
- g. Executive
- h. Firm Regulation
- i. Governance
- j. Insurance
- k. Trust Safety
- l. Truth and Reconciliation Advisory Group
- m. Future of Legal Services Committee
- n. Nominations Committee

5.4 Other Informational Items

- a. University of Saskatchewan Senate – report from Max Bilson
- b. PLEA – report from Maya Scott
- b. Sask Legal Aid Commission – report from Victoria Elliott-Erickson

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 22 – 24, 2021**
- 6.5 Motion to Adjourn**

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

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