

CONVOCATION AGENDA

Convocation Date: September 23 and 24, 2021
Location: In-person at the Hotel Saskatchewan and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, September 23rd at 12:30 pm for lunch, with a workshop to follow from 2:00 – 5:00 pm;
Convocation will end Friday, September 24th after lunch

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence was received from James Morrison, Q.C.

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. Member Wide EDI Survey – Thursday Afternoon Session
- ii. Investment Review – Thursday Afternoon Session

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:

2.1 Approval of the Bencher Minutes

Bencher Minutes from the meeting held June 25, 2021 are provided for approval:

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.

3.1 Regulation

i. Rule Amendments

a. Part 5 - Rule 506

Please see 3.2(i)(b) below.

b. Part 16 – Reporting Requirements, Disqualified from the Practice of Law, Rule 1612

At its meeting on September 8, 2021, The Trust Safety Committee approved substantive amendments to Rule 1612(3)(b) to further streamline and enhance transparency with respect to the reinstatement requirements subsequent to administrative suspensions and eliminate the effect of requiring overlapping Notices of Disqualifications pursuant to Parts 9 (Firm Regulation) and 16 (Reporting Requirements). Additional housekeeping amendments are also required to sequentially reorder the Rules listed in subrules 1612(1) and (3)(a).

A memo from Jody Martin explains the reasoning behind the Rule amendments, along with a redlined version of the amendment for approval by the Benchers.

A motion will be required.

3.2 Society Governance

i. Bencher Code of Conduct

The Governance Committee met on September 14th to discuss several issues relating to the draft Bencher Code of Conduct arising from Bencher discussion at April Convocation. Subject to further Bencher discussion and approval, the Committee is recommending the following:

- a. Adoption of the Bencher Code of Conduct as set out in the attached draft;
- b. That the Bencher Code of Conduct remain silent in relation to compliance and that the Benchers amend Rule 506 as proposed in the Administration's memo with the subject line "Process for Suspension or Removal of a Bencher" dated September 14, 2021;
- c. The scope of the Bencher Code of Conduct be restricted to the conduct of Benchers and that it *not be* extended to include Law Society volunteers or appointees to outside committees or organizations. Following discussion, the Committee concluded that there is a need to address expectations for volunteers and appointees, but that these should be dealt with by way of separate process/policy. The rationale

for this recommendation is set out in the Administration's memo with the subject line "Bencher Code of Conduct Scope" dated September 14, 2021.

Motions will be required for items 3.2(i.)(a.) and (b.).

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

- a. President's Report – verbal report to be provided.
- b. Executive Director's Report – reports are provided monthly in writing. The next report will be provided before September Convocation.
- c. Federation Council Report – Erin Kleisinger, Q.C. to provide a verbal report.

ii. Financial Reporting

a. Financial Statements

Financial statements for the month ended August 31, 2021 are enclosed for review.

b. Investment Reports

Enclosed for review is the July investment summary and the Quarterly Investment Report for the period April 1 to June 30, 2021.

c. Investment Review – Thursday Afternoon Session (*In-Camera*)

Aon has completed their review of our investment policy, asset mix, performance and fees.

Aon will be in attendance virtually at the Thursday afternoon session to present their findings and recommended options and time will be allotted at both the Thursday afternoon session and Convocation for discussion. Attached is Aon's report to management entitled "Asset Mix Review – Optimization Report" for optional review. While there is no need to review the report in its entirety prior to the presentation, for those interested, your attention is drawn to pages 11 – 17.

4.2 Strategic Initiatives

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

a. Member Wide EDI Survey - Thursday Afternoon Session (*In-Camera*)

Illumina Research Partners will attend to present the findings from the EDI Member Survey at our Thursday afternoon session. Time will be allotted at both the presentation and at Convocation for discussion.

Originally, it was anticipated that the results would be presented in conjunction with an EDI focused workshop for Benchers and Staff at September Convocation. Instead, the working group planning the session determined that it would be beneficial to allow time for Bencher consideration prior to the workshop, now intended to proceed either in December or early in 2022 to allow incoming Benchers to participate.

ii. 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.

b. Alternative Legal Service Providers Workshop

On June 24, 2021, Benchers, staff of the Law Society and representatives from the Ministry of Justice participated in a workshop to advance policy and a framework for alternative legal service providers, focusing on two main areas: (i) exemption criteria; and (ii) limited licensing case studies and regulatory approaches.

The attached memo was considered by the FLS Committee at its meeting on September 7, 2021 and summarizes the main discussion points from each session, noting the conclusions drawn from each group's discussions and identifying next steps to continue to move this initiative forward in a measured and incremental manner. Time will be allotted for discussion and feedback.

5. Informational Items

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

i. Practice Management Assessment Tool

A memo from Jody Martin is provided to update the Benchers on the soft launch of the online Practice Management Assessment Tool.

ii. Implementation of Mandatory Requirement

In November 2020, the Benchers confirmed their agreement with the soft launch approach to the initial roll out of the online Practice Management Assessment Tool. For the initial launch period (approximately 6 months), participation was on a voluntary basis, delaying the mandatory requirement to complete the Assessment Tool. Pursuant to the implementation timeline, the commencement of the mandatory requirement will begin on or about November 1, 2021, with approximately 25 – 30 firms participating in each quarter, over a three-year period. Given the positive feedback on the Assessment Tool so far, the Firm Regulation Committee agreed at its meeting on August 11, 2021 that rolling out the mandatory component should follow the implementation timeline and commence on or about November 1, 2021.

b. Annual Reporting

The new online version of the Annual Report is fully operational. There were some delays in the development and implementation as result of *Alinity's* required timelines. To accommodate that issue, a universal extension was granted for this year without penalty to June 15, 2021. Trust Safety staff were available to respond to questions and troubleshoot issues as they arose, particularly for firms without trust accounts, who participated in the Annual Report for the first time. Trust Safety staff are now actively engaged in reviewing the Annual Report forms and following up with members as needed.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

i. A report from Julie Sobowale is attached.

ii. Law Society Podcasts – the newest podcast episode is titled [“Learning about the Future of Law and Technology,”](#) covering education, technology and the practice of law; a collaborative effort by Craig Zawada, Q.C., Martin Phillipson and Tim Brown, Q.C.

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

Craig Zawada, Q.C. continues to transform his course for the benefit of the membership in the form of bite-sized education presented in the *ReSource* each week. Administration has received positive feedback from the membership.

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

See Item 4.2(i).

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 including as six events to date, the most recent being:

- June 16, 2021: virtual presentation at the joint conference of the Saskatchewan and Manitoba Library Associations to 70 delegates; and
- June 23, 2021: virtual presentation and discussion through case studies with the Saskatchewan Access to Legal Information initiative with 67 attendees. This session was featured in a [Lawyer's Daily article](#).

Additional events are anticipated, also with smaller specialized groups:

- September 27, 2021: virtual presentation to members of the Saskatchewan Access to Justice Network;
- October 2, 2021: virtual presentation to students volunteering with the Family Law Information Center clinic in Saskatoon; and
- Fall 2021: additional presentations with specialized groups (ie. court services).

The Guidelines identify types of legal information, credible sources of legal information and how to use credible legal resources. Initial feedback received for potential updates to the Guidelines includes:

- Addition of referral sources and resources;
- Consideration for Indigenous peoples and sources of law;
- Indication of responsibilities for legal information providers and complaints if legal information is not accurate; and
- Inclusion of strategies to provide information as opposed to advice.

Feedback has also raised the possibility of specific guidelines in specific areas. The collection of feedback will continue throughout 2021 and the Guidelines will feature centrally in stakeholder engagement as part of the last phase of the two-year Discovery Period for the Future of Legal Services initiative during Fall 2021.

b. Consultation and Legal Needs Assessment

The Law Society is collaborating with CREATE Justice on the Saskatchewan Legal Needs Assessment which aims to assess current legal needs/gaps in Saskatchewan to prioritize areas and issues for action to increase access to justice. This is part of a broader study intended to address the deficit of Saskatchewan-specific data related to legal needs in the province. The Law Society has received for review and feedback:

- Literature Review – Legal Data Scan and Legal Needs Survey in the Province of Saskatchewan
- Legal Needs Questionnaire (Community)
- Legal Needs Questionnaire (Lawyer)

These materials have been reviewed by the Future of Legal Services Committee and the Truth and Reconciliation Advisory Group prior to piloting and field work.

Additionally, Administration has exchanged with Statistics Canada in August regarding a Saskatchewan-specific report from the [Canadian Legal Problems Survey](#) and will hold a further meeting in October to advance a Memorandum of Agreement.

5.2 Society Governance

i. Execution of Strategy

a. Action Plan Progress Update

A link to the dashboard will be provided for Bencher review.

Administration will bring any items of note to the attention of the Benchers at Convocation.

ii. Public Representative Benchers 2021

Advertisements have been placed on our website, social media and in newspapers with a deadline of September 24, 2021.

iii. Bencher Election 2021

The 2021 election webpage launched on September 3, 2021 in conjunction with a Notice to the Profession about the upcoming election and nominations deadline. Regular communications are planned to occur throughout the election period. Most recently, Voter Lists were posted to the website and a notice was sent to members on September 15, 2021, requesting that they check to ensure they are on the appropriate list.

Planning is also underway for Board Orientation. Administration has developed a proposed strategy which was presented to the Governance Committee at its September 14, 2021 meeting for feedback.

iv. Law Foundation Grants

Pam Kovacs and Alan Kilpatrick attended the Law Foundation board meeting held in Regina on September 3, 2021 to answer questions and address any concerns regarding this year's grant request. Following that meeting, on September 9, 2021, Administration received confirmation that the Society's grant request has been approved.

v. Strategic Planning

At June Convocation, the Benchers approved the addition of Goal 6, Increased Focus on Member Wellness. Goal 6 has now been added to our public facing Strategic Plan on our website and the link can be found [here](#). A plan with some initial steps to operationalize this strategy in 2022 will be presented prior to year end and resources allocated in the proposed 2021 budget.

5.3 Reconciliation Mapping Exercise

The Law Society of Saskatchewan (LSS) and the Office of the Treaty Commissioner (OTC) entered into a Letter of Agreement on July 23, 2021, commencing September 1, 2021, to undertake a mapping exercise developed by the OTC to determine a baseline of LSS reconciliation efforts and create recommendations for meaningful and measurable progress.

The scope of work will include mapping LSS' current activities and developing recommendations and strategies to measure impact and progress. To commence the mapping, a pipe ceremony will be held to begin in a good way through ceremony, and the OTC has asked for LSS documents which outline specific action towards reconciliation and will include:

- Strategic Plan
- Most recent Annual Report
- Minutes and Content from the Advisory Group
- CPD sessions related to Indigenous Law / Reconciliation
- Extracts from Convocation
- Communications from External Website

Additionally, the OTC and the LSS will co-host a joint session regarding the Reconciliation Mapping Exercise during National Access to Justice week on October 27, 2021.

5.4 Federation Conference and President's Dinner/Host Dinner 2021

The Federation working group has decided that the Federation Annual Conference scheduled in October will shift to an all-virtual format due to the increasing concern around the Delta variant. Saskatchewan will host the Federation Annual Conference in 2022.

The President's Dinner is currently being planned and will be held on Friday, October 29, 2021 at the Remai Modern in Saskatoon. Spouses are traditionally invited to attend, however, considering the rise in Covid-19 numbers, it will be restricted to Benchers, Staff and a few special guests.

5.5 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

5.6 Other Informational Items

- a. College of Law Endowment Fund – report from Derek Maher
- b. PLEA – report from Maya Scott
- c. 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

October 29, 2021, Budget meeting and President's Dinner to follow at Remai Modern in Saskatoon

6.5 Motion to Adjourn

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