

CONVOCATION AGENDA

Convocation Date: December 2 and 3, 2021
Location: In-person at the Elk Ridge Resort and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, December 2nd at 10:30 am Bencher Training Session for new Benchers, returning Benchers and Public Representative Benchers;
Convocation will end Friday, December 3rd 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. Bencher Training Session – December 2, 2021
- ii. Appointments
- iii. Investment Review
- iv. Public Representative Bencher Selection
- v. Queen's Counsel Nominations 2021

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 3.1 and 3.2:

2.1 Approval of the Bencher Minutes

- a. Minutes from the Bencher meeting held September 24, 2021;
- b. Minutes from the Bencher meeting held October 29, 2021.

A motion is required.

2.2 Terms of Reference

i. Future of Legal Services Committee (FLS)

The FLS Committee conducted its annual review of its Terms of Reference.

A redlined copy is included for approval by the Benchers.

3. Decision Items

3.1 Appointments

i. CPLED Board

Tom Schonhoffer's position was set to expire in February 2021, but his term was extended until December 3, 2021 at Convocation in February 2021. CPLED had requested this extension due to several factors involving the recent transition to PREP from the legacy program.

CPLED has now requested that his term be extended until June 30, 2022.

The issue was considered by the Nominations Committee at its November 25th meeting.

A motion to extend his term will be required.

ii. College of Law Endowment Fund

Derek Maher's term expires December 31, 2021.

The recruitment for Mr. Maher's replacement closed on November 19th and the candidates were assessed by the Nominations Committee at its November 25th meeting. The Nominations Committee report is included in the materials.

A motion to appoint the successful candidate will be required.

iii. PLEA Board

Maya Scott's term expires December 31, 2021.

The recruitment for Ms. Scott's replacement closed on November 19th and the candidates were assessed by the Nominations Committee at its November 25th meeting. The Nominations Committee report is included in the materials.

A motion to appoint the successful candidate will be required.

iv. PREP Appeal Hearing Committee

At December 2020 Convocation, 7 members were appointed to this Appeal Panel for a one-year term from January 1, 2021 – December 31, 2021.

The appointees are: Ronni Nordal, Q.C., Foluke Laosebikan, Q.C., Scott Moffat, Barbara Mysko, Crystal Norbeck, John Morrall and Ian Wagner.

CPLED would like the term to run from July to June instead and has therefore asked whether we could extend the current appointments to June 30, 2022.

Administration has contacted the members on this Committee and all 7 members are willing to have their terms extended to June 30, 2022.

A motion to extend their appointments will be required.

v. Saskatchewan Legal Aid Commission

Raymond Wiebe is currently on his third and final term as Law Society representative and was made Chair on January 1, 2021. His term is due to expire on December 31, 2021. The Commission would like to extend his appointment another year.

The issue was considered by the Nominations Committee at its November 25th meeting.

A motion to extend Mr. Wiebe's term will be required.

vi. Public Representative Benchers (*In-Camera*)

The Selection Committee, consisting of Foluke Laosebikan, Q.C., Tim Brown, Q.C. and Shannon Williams, Q.C. interviewed the shortlist of 7 candidates identified by the Nominations Committee.

Tim Brown, Q.C. will provide an update to the Benchers.

3.2 Regulation

i. Rule Amendments

The following Rule amendments are housekeeping in nature.

a. Part 1 – Definitions and Interpretation

Under Rule 101(1), Definitions and Interpretation, the definition for "member" includes reference to subsection 2(2.2) of the Act; however, that portion has not yet been declared into force, as it relates to limited licensees.

This reference must be removed for the time being as a housekeeping amendment. It will be reintroduced as a Rule once the limited licencing provisions in the *Act* have been proclaimed.

Definitions and Interpretation

101(1) in these Rules:

“**member**” means ~~subject to subsection 2(2.2) of the Act,~~ member pursuant to clause 2(1)(h) of the Act;

A motion will be required.

b. Part 8 – National Mobility and Interjurisdictional Practice

An amendment to Rule 804(4), Temporary Mobility Without a Permit Pursuant to National Mobility Agreement and Protocol, will be required to correct a subrule reference error. A memo is included in the meeting materials.

A motion will be required.

c. Part 11 – Professional Responsibility

Rule amendments were approved at June 2021 Convocation to delete the “Hearing Committee Appointment Coordinator” definition and replace it with “Hearing Administrator”; however, amendments to Rule 1110(2), 1110(3)(e) and 1123(1), (2) & (4) were inadvertently missed.

A memo outlining the proposed changes is included in the meeting materials.

A motion will be required.

d. Part 15 - Accounting

An amendment to Rule 1534, Practice Reviews, was approved by the Competency Committee to provide the authority to direct members of new solo and small firms to complete the Practice Management Course (the “PM Course”), as well as the flexibility to exempt members from such requirement under appropriate circumstances.

A memo outlining the changes is included in the meeting materials.

A motion will be required.

e. Part 10 Alternative Legal Services Providers - Rule 1002(1)(a)(vi)

The FLS Committee considered an amendment to exemption 1002(1)(a)(vi) current exemptions to support the transition of a Notice Form provider from a comfort letter to an exemption.

A memo outlining the proposed Rule amendments is included in the materials.

Further background information relating to this Rule amendment can be found in the materials in a memo relating to Agenda item 5.1(v)(a). This memo provides necessary background information regarding the transition from the “Discovery Phase” to the “Pilot Project Phase.”

A motion will be required.

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

- a. President’s Report – verbal report to be provided.
- b. Executive Director’s Report – written report will be provided in advance of 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 October 31, 2021 are included in the materials.

b. Investment Reports

Included in the materials for review is the October 31, 2021 investment summary and the Quarterly Investment Report for the period July 1 to September 30, 2021.

c. Investment Review (*In-Camera*)

Tim Brown, Q.C. will provide an update at Convocation.

d. Practicing Fee 2021 - 2022

The Budget was approved at October Convocation, with no increase to the practice fee.

A letter to the membership is included in the materials and was released on November 18th. The deadline for fees is December 9, 2021.

e. Contracting Spot Audits and Review Accountant's Report Requirement

The Trust Safety Committee received an update regarding the contract position at its meeting on September 8, 2021, and with the approval of the budget at October Convocation, Administration is expanding its search for a suitable contractor to supplement in-house audit work and ultimately shift towards a more risk-based approach to audit practices. Administration is in the process of conducting directed outreach to accounting firms who complete the accountant's reports for members and to gauge any further interest.

f. Annual Reporting

The new online version of the Annual Report is fully operational. There have been few issues raised or identified since the online Annual Report launched, and all have been easily and quickly resolved. Bookkeepers have been given their own login credentials with restricted access through *Alinity*, allowing them to answer questions on the form, where appropriate. Review and submission of the forms remains the responsibility of the Designated Representative.

5. Informational Items

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

A memo from Jody Martin containing further updates on the following items is attached for information.

i. Practice Management Assessment Tool

In response to some of the feedback received from the volunteer firms during the soft launch of the Assessment Tool, improvements were made to the appearance and functionality of the Assessment Tool.

ii. Implementation of Mandatory Requirement

Following the successful soft launch of the online Practice Management Assessment Tool, the mandatory requirement to complete the Assessment Tool came into effect on November 1, 2021.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

i. A report from Julie Sobowale is attached.

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

Nothing to report.

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

- a. Bencher Election Survey

The pilot phase of the Bencher Election Survey is now complete. The Survey was disseminated to the membership on November 19, 2021.

- v. Increased Access to Legal Services (Goal 5)

- a. Alternative Legal Service Providers

- i. Discovery Period Transition to Limited Licensing Program

The next phase of the Discovery Period transition to the Limited Licensing Program is outlined in a memo included in the materials, dated November 23, 2021.

- ii. Communications

To ensure stakeholders remain well-informed, Administration is continuing efforts to communicate information about this initiative which is summarized in the FLS Committee Report under Item 5.5 Committee Reports. There is no further update.

5.2 Society Governance

- i. Execution of Strategy

- a. Action Plan Progress Update

Updates can be viewed in the workplan dashboard.

- ii. Bencher Committee Preferences

Attached is a questionnaire for Benchers to complete by ranking their Committee preferences. The Administration asks that completed questionnaires be provided to Liz by December 10th.

- iii. Bencher Election 2021

The Bencher election closed on November 15, 2021.

It is anticipated that the Governance Committee will debrief the 2021 election at a wrap-up meeting in December and will report to the Benchers in the new year.

5.3 Reconciliation Mapping Exercise

During national Access to Justice week, a joint [presentation](#) by the Law Society and the Office of the Treaty Commissioner (OTC) titled “*Developing and Engaging in a Reconciliation Mapping Exercise*” was held virtually on October 27, 2021. There were 115 registrants and 85 participants and feedback from attendees revealed that 76% of respondents (10/13) indicated the session was excellent. Several respondents commented that it would be beneficial to attend another session following the completion of the Mapping Exercise.

A Pipe Ceremony was held at the OTC offices in Saskatoon on October 6, 2021 to begin the Reconciliation Mapping Exercise in a good way. The first meeting of the Law Society Community of Practice (which includes Law Society representatives from all corners of the organization) with OTC facilitators will occur in December. The aim of the first meeting is for people to get to know one another and to determine objectives. An organization wide survey will follow the first meeting for completion by all Benchers and staff. Subsequent meetings of the Community of Practice will focus on discussing and understanding the survey results to facilitate the development of recommendations.

5.4 Q.C. Nominations 2021 (*In-Camera*)

The Law Society's internal Q.C. Selection Committee, comprised of Sherry Fitzsimmons, Q.C., Lynda Kushnir Pekar, William Lane and Gerald Tegar, Q.C. met via *Teams* on October 12th and 15th to consider nominations for appointment as Queen's Counsel and a list has been advanced to the Minister's Committee for consideration.

5.5 Committee Reports

Three memos included in the materials provide a brief report on the activities of all Bencher Committees.

5.6 Other Informational Items

- i. PLEA Board – October Report from Maya Scott
- ii. Senate of the University of Saskatchewan – October Report from Max Bilson
- iii. University of Regina Senate – report from Derek Maher

6. Recovery of Costs

This item is for approval of the reassessment of costs on the basis of the signed consent Order. A copy of the letter from Karen Prisciak, Q.C., counsel, as well as a copy of the Order, is attached.

7. Election of President and Vice-President

James Korpan, Q.C. is the only declared candidate for the President of the Law Society of Saskatchewan in 2022.

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, Crystal Norbeck and John Morrall have come forward to express interest in running for the position of Vice-President.

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

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

8. Meeting Finalization

- 8.1 Review Actions to be Taken**
- 8.2 Confirm Items under 1.4**
- 8.3 Meeting Evaluation**
- 8.4 Next Meeting - February 17 and 18, 2022 in Regina**
- 8.5 Motion to Adjourn**

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

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