

**Minutes for the Meeting of the Benchers
Held Friday, September 24, 2021, *In-Person* and via *Teams*
Hotel Saskatchewan, Regina**

Present:

Foluke Laosebikan, Q.C., James Korpan, Q.C., Gerald Tegart, Q.C., Andrea Argue, Jeff Baldwin, Leslie Belloc-Pinder, Q.C., Jill Drennan, Monte Gorchinski, Suzanne Jeanson, Nolan Kondratoff, Lynda Kushnir Pekrul, William Lane, Scott Moffat, John Morrall, Barbara Mysko, Crystal Norbeck, Martin Phillipson, Ian Wagner and Craig Zawada, Q.C.

In attendance:

Tim Brown, Q.C., Tim Huber, Valerie Payne, Andrea Johnston, Christine Johnston, Jody Martin, Jenna Bailey, Kara-Dawn Jordan, Michelle Owolagba, Paul Westgate, Julie Sobowale, Stephanie Kievits, CPA, CA, Pamela Harmon, CPA, CA, Pamela Kovacs, Sydney Young, Chinye Talabi and Liz Lynchuk, recording secretary

Riva Farrell Racette and Erin Kleisinger, Q.C., Federation Council.

The meeting was called to order at 9:03 am.

1. Approval of the Agenda

1.1 Apologies for Absence

Apologies for absence have been received from James Morrison, Q.C. and Kaitlynn McArthur.

1.2 Confirmation of Agenda

Moved by John Morrall, seconded by Ian Wagner, to approve the Agenda as written. The motion carried.

1.3 Bencher Conflict of Interest Disclosures

None.

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

2.1 Approval of the Bencher Minutes

Bencher Minutes from the meeting held June 25, 2021 were provided for approval.

Moved by Jeff Baldwin, seconded by Crystal Norbeck, that the Minutes from the Bencher meeting held June 25, 2021 be approved as written. The motion carried.

3. Decision Items

3.1 Regulation

i. Rule Amendments

a. Part 5 - Rule 506

See item 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 were also required to sequentially reorder the Rules listed in subrules 1612(1) and (3)(a).

Moved by Nolan Kondratoff, seconded by Jeff Baldwin, that amendments to Part 16, Reporting Requirements, Rule 1612, Disqualification from the Practice of Law, be approved as written in the memo dated September 13, 2021 from Jody Martin, as follows:

- Rule 1612(3)(b) to further streamline reinstatement requirements subsequent to administrative suspensions and eliminate the effect of requiring overlapping Notices of Disqualification arising from repeated administrative defaults during the Notice period pursuant to Parts 9 and 16; and
- Housekeeping amendments to sequentially reorder the Rules listed in subrules 1612(1) and (3)(a).

The motion carried.

A motion to grant second reading on the same day was presented by Crystal Norbeck, seconded by Andrea Argue. The motion carried.

Moved by Monte Gorchinski, seconded by Will Lane, that amendments to Part 16, Reporting Requirements, Rule 1612, Disqualification from the Practice of Law, be approved as written in the memo dated September 13, 2021 from Jody Martin, as follows:

- Rule 1612(3)(b) to further streamline reinstatement requirements subsequent to administrative suspensions and eliminate the effect of requiring overlapping Notices of Disqualification arising from repeated administrative defaults during the Notice period pursuant to Parts 9 and 16; and
- Housekeeping amendments to sequentially reorder the Rules listed in subrules 1612(1) and (3)(a).

The motion carried.

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 recommended the following:

- a. Adoption of the Bencher Code of Conduct as set out in the draft provided;
- 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. That 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 was set out in the Administration's memo with the subject line "Bencher Code of Conduct Scope" dated September 14, 2021.

Discussion:

- Given that the draft Code of Conduct contains a wide spectrum of issues, ranging from minor to more serious, it was determined that rather than developing a compliance provision in the Code, it would be preferable to create a mechanism to address serious misconduct in the Rules.
- The proposed Rule is intended to be used in cases of serious misconduct where a Benchers fails, refuses or is unable to fulfill the duties of a Benchers, or conducts themselves in such a way that renders them unfit to be a Benchers, such that a risk to the reputation or credibility of the Law Society is created.
- There was discussion of the provision which allows the President or the Vice-President to request a voluntary leave of absence or resignation. The intent is to give the Benchers the opportunity to voluntarily make the decision, without requiring a decision of the entire Benchers table.
- It was noted that it may be helpful to provide more specific guidance to leadership in addressing issues that would not meet the threshold required to trigger the Rule.

Moved by John Morrall, seconded by Leslie Belloc-Pinder, Q.C., that the Benchers Code of Conduct be approved as written in the *draft* provided. The motion carried.

Moved by Crystal Norbeck, seconded by Jeff Baldwin, that Part 5 Benchers Meetings, Rule 506, Benchers Absence, be amended to outline the process to suspend or remove a Benchers, as proposed in the Administration's memo titled "Process for Suspension or Removal of a Benchers" dated September 14, 2021. The motion carried.

A motion to grant second reading on the same day was presented by Suzanne Jeanson, seconded by Craig Zawada, Q.C. The motion carried.

Moved by Leslie Belloc-Pinder, Q.C. seconded by James Morrall, that Part 5 Benchers Meetings, Rule 506, Benchers Absence, be amended to outline the process to suspend or remove a Benchers, as proposed in the Administration's memo titled "Process for Suspension or Removal of a Benchers" dated September 14, 2021. The motion carried.

4. Discussion Items

4.1 Society Governance

i. Operational Reporting

a. President's Report

President Laosebikan, Q.C. reported the following:

- Attended a meeting of the OTC to honour residential school survivors.
- Bought greetings at the swearing-in ceremony for Judge Tomka in late August.
- Brought greetings at the College of Law welcoming event for new students.
- Attended a meeting called by the President of the Federation. Attendees expressed disappointment of the cancelled October Conference. Participants shared how other law societies were handling the issues of vaccinations and masks.
- Will attend the next Provincial Court Judicial Council meeting scheduled October 6th.

b. Executive Director's Report

Tim Brown provided an update on CPLED's work to transition programming to meet the demands of the pandemic as well as plans for future board composition.

c. Federation Council Report

Erin Kleisinger, Q.C. reported on the following:

- Federation Council has not met since last Convocation; therefore, a written report was not provided. The next meeting will be in conjunction with the virtual Federation Annual Conference October 12 - 15, 2021. When the decision was made to go virtual, Federation staff were able to focus on putting together a first-class virtual conference and everyone was encouraged to participate. Saskatchewan is well represented on the panel, with Foluke Laosebikan, Q.C. and Martin Phillipson as moderators on two sessions and Tim Brown, Q.C. managing the wrap-up.
- The national requirement for Canadian Common Law Degree schools is up for review. Erin will serve on the committee which will be looking at the work of the NCA starting this fall.

ii. Financial Reporting

a. Financial Statements

Financial statements for the month ended August 31, 2021 were provided for review.

b. Investment Reports

The July investment summary and the Quarterly Investment Report for the period April 1 to June 30, 2021 was provided for review.

Reports provided are until the end of June and the next quarterly report comes out at the end of September. Administration reported that investments are up, with nothing concerning to report.

c. Investment Review – Thursday Afternoon Session

There was no discussion flowing from the Investment Review presentation at the Thursday afternoon session.

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

Illumina Research Partners were in attendance on Thursday afternoon to present the findings from the EDI Member Survey and Benchers feedback was requested. Once the report is finalized, it will be publicly disseminated.

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

a. Discovery Period Consultation Update and Notice Forms

No notices were 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. There was a high level of engagement and we are optimistic that we will achieve our goal within the time framework we set.

The memo summarized the main discussion points from each session, identifying conclusions and next steps.

5. Informational Items

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

i. Practice Management Assessment Tool

Benchers were provided an update 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. Given the positive feedback on the Assessment Tool so far, the Firm Regulation Committee agreed 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. 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 was attached.

ii. Law Society Podcasts – [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 continue to be disseminated and presented by Administration to stakeholders.

The Guidelines identify types of legal information, credible sources of legal information and how to use credible legal resources. 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.

Administration 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 was emailed to Benchers and staff for review.

- ii. Public Representative Benchers 2021

Today is the close of the ad for Public Representative Benchers. It is the responsibility of the Nominations Committee to determine how recruitment will proceed and we will recruit in conjunction with the Government. Shannon Williams, Q.C., the Assistant Deputy Minister, will be part of the recruiting committee and the balance of members will be selected from the pool of members on the Nominations Committee.

iii. Benchers 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 for feedback at its September 14, 2021 meeting.

iv. Law Foundation Grants

Pam Kovacs and Alan Kilpatrick attended the Law Foundation board meeting held in Regina on September 3, 2021. On September 9, 2021, Administration received confirmation that the Society's grant request had 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. 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 positive way. 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 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 will be held on Friday, October 29, 2021 at the Remai Modern in Saskatoon. Due to the rise in Covid-19 numbers, numbers will be restricted.

5.5 Committee Reports

A brief report was provided regarding the activities of the Benchers Committees.

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.

6.5 Motion to Adjourn

Moved by Ian Wagner, seconded by Will Lane, to adjourn the meeting. The motion carried.

The meeting adjourned at 10:55 am and the Benchers went *in-camera* with the ED.

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

The Benchers went *in-camera* with the Executive Director.

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

Timothy J. Brown, Q.C.
Executive Director