

CONVOCATION AGENDA

Convocation Date: February 17 and 18, 2022
Location: In-person at the *Hotel Saskatchewan* and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, February 17th at 12:00 Noon (Lunch), then Training Session for Benchers 1:00 – 5:00 pm;
Convocation will end Friday, February 18th after lunch

1. Approval of the Agenda

1.1 Apologies for Absence

An apology for absence was received from Suzanne Jeanson.

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 – February 17, 2022
- ii. Investment Review

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 and 2.2 below:

2.1 Approval of the Bencher Minutes

- a. Minutes from the Bencher meeting held December 3, 2021 are provided for review;
- b. Minutes from the *In-Camera* Bencher meeting held December 3, 2021 are provided for review.

A motion is required.

2.2 Terms of Reference

There are no proposed amendments to Committee Terms of Reference at this Convocation. Any proposed amendments following inaugural committee meetings will come before the Benchers at April Convocation.

3. Decision Items

3.1 Appointments

None.

3.2 Regulation

i. Rule Amendments

a. Part 10, Alternative Legal Services Providers

The Future of Legal Services Committee met on February 9th and is recommending amendments to the exemptions contained in Rule 1002. The attached memo dated February 10, 2022 summarizes the current status of exemptions and identifies four items for discussion and three for associated motion for amendment:

- (For Discussion) Subrule 1002(1)(a)(i) to consider feedback from the Early Family Resolution Office to remove conciliator, include parenting coordinator, and include registration and statutory requirements for parenting coordinators and family mediators.
- (Amendment) Subrule 1002(1)(a)(vii) – amend language to “pursuant to statutory authority” rather than “by law” for consistent drafting within the section.
- (Amendment) Subrule 1002(1)(a)(ix) – amend language to more closely reflect the definition of practice of law in *The Legal Profession Act, 1990* applicable to agent activities.
- (Amendment) Subrule 1002(1)(xiii) – remove this subrule following the Court of Appeal decision in *Zielke v Law Society of Saskatchewan* (2021 SKCA 156) and pending any further legislative amendments, in the interim relying on subrule 1002(1)(ix) (with amendment) and related communications to stakeholders.

Further to discussion, a motion will be required to:

- approve amendments to subrules 1002(1)(a) (ix) and (vii); and
- remove subrule 1002(1)(a)(xiii) pending any legislative amendments.

3.3 Society Governance

i. Investment Review (*In-Camera*)

Various asset mixes were presented to the Benchers in September 2021 and Administration was tasked to work with Aon and our investment managers, TDAM, to prepare a revised investment policy to accommodate the preferred option (“Alt 1”).

In the process of review, TDAM advised that “Alt 1” would be difficult to implement, difficult to adjust and significantly more expensive to manage. After further review by Aon and TDAM, both Law Society and SLIA Administration have identified an asset mix that closely resembles the return and risk profiles of “Alt 1,” but is more practical and efficient to implement and maintain.

Based on this asset mix, a revised *Investment Policy* is included for review and approval by the Benchers. One version contains tracked changes and the second version is a clean copy with all changes accepted.

A motion will be required.

ii. Resolutions

A. TD Asset Management Inc. - Investments

Attached is a TD Asset Management Inc. Resolution. With the appointment of a new President and Vice-President, they require a resolution authorizing signing authorities.

A motion will be required by the Benchers.

B. TD Bank – Bank Accounts

Attached is a TD Bank Resolution. Again, with the appointment of a new President and Vice-President, they require a resolution authorizing signing authorities.

A motion will be required by the Benchers.

4. Discussion Items

4.1 Society Governance

i. Standing Reports

- a. President’s Report – verbal report to be provided.
- b. Executive Director’s Report – written report will be provided prior to Convocation.
- c. Federation Council Report – Erin Kleisinger, Q.C. advised that Council has not met since last Convocation.

ii. Bencher Session at February 2022 Convocation (*In-Camera*)

The Anti-Racism Network will facilitate a workshop entitled “Shifting the Lens from Multiculturalism to Anti-Racism: A Systems Change Approach” for Benchers and Staff on Thursday, February 17, 2022.

Background materials will be circulated in advance of the session and time will be allotted at Convocation for discussion regarding the session.

iii. Bencher Vacancies

Currently, there are two Bencher vacancies. One resulting from the absence of candidates in the South East electoral division for the 2021 Bencher Election and another due to the appointment of Judge Derek Maher to the Provincial Court.

Section 20 of *The Legal Profession Act, 1990* provides as follows:

20 Where:

- (a) there is a failure to elect the required number of benchers; or
- (b) an elected bencher vacates office for any reason;
the remaining benchers may appoint a member who is eligible pursuant to section 17 and the rules to fill the vacancy for the remainder of the period for which the other benchers have been elected.

Subject to discussion by the Benchers, presently it is suggested that the matter be deferred to allow for assessment of the present skills and perspectives make-up of our Board and to allow the Governance Committee and, ultimately the Benchers, to review and consider policy in relation to appointments with consideration of:

- The Cayton Report, a Governance Review Report recently released by the Law Society of British Columbia (attached);
- A review of the Bencher Election Survey which closed on January 4th; and
- Our current strategic initiatives.

Ideally, this matter will be brought back for further Bencher consideration/discussion at Convocation in April or June.

iv. Limited Licensing Pilot

Please reference the attached memo dated February 10, 2022 providing an update on the Limited Licensing Pilot and framework approved by the Future of Legal Services Committee to advance implementation.

v. Financial Reporting

a. Financial Statements

Enclosed are the *draft* financial statements for the year ended December 31, 2021, along with a memo from Pamela Harmon, CPA, CA, containing a variance analysis both from budget and most recent forecasts.

b. Investment Reports

Enclosed for review is the December 31, 2021 TDAM investments Summary.

Also enclosed for review is the Quarterly Investment Report for the period October 1 to December 31, 2021.

c. Annual General Meeting and Approval of Audited Financial Statements for the year ended December 31, 2021

Audited financial statements for the year ended December 31, 2021 will be approved by the members at the AGM proposed to be held virtually, over the lunch hour on June 23, 2022.

In advance of this meeting, Benchers will be required to approve the Audited Financial Statements, which will be ready for consideration at April Convocation.

vi. 2022 Workplan

The Administration is in the process of concluding the initial draft of the annual workplan. Relevant portions of the plan will be presented to Law Society Committees for adoption. Once concluded, the workplan dashboard will be updated accordingly and available for Bencher review.

5. Informational Items

5.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

i. Practice Management Assessment Tool

We have now entered Q2 (Year 1) with 28 small firms, each with two lawyers, engaged in the assessment process. In addition to those required to complete the Assessment Tool at this time, 3 firms volunteered to participate during this quarter. The completion deadline for Q2 participants is May 1, 2022.

Administration is currently pursuing any requested follow-up by the firms who participated in Q1.

ii. Trusted and Transparent Regulation (Goal 2)

a. Communications

A report from Julie Sobowale is attached.

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

Craig Zawada, Q.C. continues to produce free “bite-size” CPD videos offered weekly in *ReSource*. Craig will be meeting with Tim Brown, Q.C. and Dean Martin Phillipson following Convocation to discuss the ongoing collaborative initiatives between the Law Society and the College of Law.

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

a. Benchers Election Survey

Please see Item 5.2(ii).

v. Increased Access to Legal Services (Goal 5) and Future of Legal Services Initiative

a. Discovery Period and Notice Forms Final Update

Two new Notice Forms were received prior to the end of 2021 as a result of outreach. Upon contact, both were identified as intended to be applications for the Limited Licensing Pilot. Final statistics from January 2020 to December 2021 are:

CATEGORIZATION	NUMBER
Under further investigation	1
Unauthorized practice notification	2
Outside current scope notification	5
Courtesy letter issued (legal information provider)	5
Comfort letter issued (status quo)	19
TOTAL	32

With the conclusion of the Discovery Period, a full summary of the Discovery Period is available on the Law Society's [website](#).

b. Direct Supervision Requirements

Administration has advanced outreach and consultation on proposed amendment to section 6.1-1 of the *Code of Conduct* regarding direct supervision requirements:

1. *Article* titled [Better connecting consumers of legal services to paraprofessionals](#) (December 2021) – 58 views
2. *Information and Continuing Professional Development Sessions*
 - a. December 9, 2021: 60 participants
 - b. January 12, 2022: 73 participants
3. *Online Survey* for lawyers (189 completes) and paraprofessionals (135 completes) for a total of 324 completed surveys from December 2021 - January 2022
4. *Consultation* with Saskatchewan Lawyers' Insurance Association (January 2022)

The results of the survey are being tabulated/reviewed and will be brought forward to the next Future of Legal Services Committee meeting, along with proposed next steps.

5.2 Society Governance

i. Strategic Planning

At their meeting on January 28, 2022, the Executive agreed that Strategic Planning be organized to occur in conjunction with December Convocation. The ElkRidge Resort has been secured, with arrival on the evening of Wednesday, November 30th, for an early start on Thursday, December 1st. The workshop session will run the course of the day, led by Glenn Tecker from Tecker International. Convocation will formally take place on Friday, December 2nd.

ii. Bencher Election

The 2021 election went well from a process perspective. The overall voter turnout for the four divisions in which elections were held (New Lawyer, North West, Regina and Saskatoon) was 52.3%. This is slightly down from 2018 at 56.7%, but on par with the 2015 election and higher than previous elections. Candidates were acclaimed in 4 divisions and there was no candidate in the South East division.

A Bencher Election survey was released following the close of the election to better understand barriers to becoming a Bencher and whether there are compounded or additional barriers for members of equity-seeking groups. It is anticipated that a final draft of the survey report will be completed soon, which will be considered by both the Equity & Access Committee and the Governance Committee, prior to coming before the Benchers.

iii. Bencher Honoraria

As done since 2019 - 2021, the Law Society will grant 3 CPD ethics hours per calendar year to Benchers to acknowledge their significant contribution of time and expertise. This ethics hour credit was also extended to non-Bencher lawyers who serve on one or more of the prescribed Law Society Committees.

Law Society staff manually enter these 3 ethics hours for Benchers and non-Bencher Committee members annually so that it will appear in their individual Member Profiles each year. The hours for 2022 will be reflected in their Member Profile by the end of January.

In addition, Benchers will continue to receive full access to CPD OnDemand, to provide free access to all recorded Law Society CPD resources.

5.3 Reconciliation Mapping Exercise

As part of the Reconciliation Mapping Exercise, Reconciliation 101 Training with Annie Battiste was offered to all Benchers and Law Society Staff on December 16, 2021.

The first Law Society Community of Practice (which includes Law Society representatives from all corners of the organization) meeting with Office of the Treaty Commissioner (OTC) facilitators is scheduled for March 8, 2022, following which an organization wide survey will be distributed.

6. Committee Reports

A memo is included in the materials to provide a brief report on the activities of all Bencher Committees.

7. Other Informational Items

- i. Sask Legal Aid Commission – report from Victoria Elliott-Erickson.

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 – April 28 and 29, 2022 in Saskatoon
- 8.5 Motion to Adjourn

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

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