

CONVOCATION AGENDA

Convocation Date: April 28 and 29, 2022
Location: In-person at the *Bessborough Hotel* and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, April 28th at 12:00 Noon (Lunch), then Bencher Training Session 1:00 – 5:00 pm;
Convocation will begin at 9:00 am Friday, April 29th

1. Approval of the Agenda

1.1 Apologies for Absence

Apologies for absence were received from Martin Phillipson, Foluke Laosebikan, Q.C., William Lane and Nolan Kondratoff.

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

2. Decision Items

2.1 Approval of Audited Financial Statements for the year ended December 31, 2021

Approval of the *draft* Audited Financial Statements and appointment of the Auditor for 2022 are required prior to presentation for approval at the Annual General Meeting to be convened on Thursday, June 23, 2022.

Monte Gorchinski, Chair of the Audit Committee, will be present at the meeting to report to the Benchers and Sheila Filion, CPA, CA, partner with Virtus Group (external auditor), will be present to answer any questions.

Draft Audited Financial Statements for the year ended December 31, 2021 are attached.

The 2021 Audit Completion Report is provided.

A motion for the Benchers to approve the Audited Financial Statements is required.

The Audit Committee is also recommending retaining Virtus Group as Auditor in 2022. A further motion for this appointment will be required.

2.2 Appointments

i. Judicial Advisory Committee

The Ministry has approached the Administration for 3 potential candidates of which they will select one candidate.

The Nominations Committee met to discuss the applications on April 14th and are recommending 3 candidates for Benchers approval as set out in the Committee Report in the materials.

A motion is required to confirm the successful candidates.

2.3 Regulation

i. Rule Amendments

- a. Part 7, Membership and Practice Privileges;
Part 12, Insurance; Part 14, Law Society Fees and Assessments; and
Schedule 1

A memo is attached recommending several amendments in various Parts of the Rules to streamline requirements with respect to administrative disqualification, to create efficiencies where appropriate and more accurately reflect the process and procedure in place. Administration is also recommending an amendment to increase the reinstatement fees, particularly as they relate to those who have been administratively disqualified.

Given the application across the various Parts of the Rules, no one Committee was identified as appropriate for initial review of the amendments.

A motion is required.

- b. Part 15, Accounting - Rule 1531, Filing Annual CDIC Report with Each Savings Institution

The Trust Safety Committee reviewed and is recommending approval for amendments to Rule 1531. These amendments are to account for changes the Government of Canada has made to the rules governing deposit insurance protection for funds held in trust under the *Canada Deposit Insurance Corporation Act* coming into effect on April 30, 2022.

A memo setting out the issues is attached.

A motion is required.

3. Discussion Items

3.1 Society Governance

i. Standing Reports

- a. President's Report – verbal report to be provided.
- b. Executive Director's Report – a written report will be provided prior to Convocation.
- c. Federation Council Report – a written report has been provided by Erin Kleisinger, Q.C.

ii. Financial Reporting

a. Financial Statements

Enclosed are the financial statements for the three months ended March 31, 2022.

b. Investment Reports

Enclosed for review is the March 31, 2022 TDAM investments Summary.

The next Quarterly Investment Report will cover the period January 1 to March 31, 2022 and will be available closer to the end of April or early May.

iii. Inaugural Adjudicator Hearing Pool

Hearing Administrator Gregory Walen, Q.C. brought forward a proposal to the Discipline Policy Committee ("DPC") in relation to the process that he will use to develop the inaugural adjudicator pool. The general sentiment of the DPC is that it is preferable to use a process that emphasizes a high level of independence for the Hearing Administrator in their work. The DPC believes that the Hearing Administrator should be empowered to present a roster of recommended appointees with some justification for such choices, for approval.

Attached is a copy of the *draft* proposal from Gregory Walen, Q.C. which is currently being discussed by the Discipline Policy Committee. An overview of considerations will be provided at Convocation and Benchers feedback sought.

iv. 2022 Workplan

The Law Society of Saskatchewan 2022 Strategic Workplan is attached for review and discussion.

4. Strategic Initiative Updates

Operational reports, Committee Reports and reports from Representatives from outside agencies are now dealt with in a single document under 4.3, “Informational Items.” Significant informational updates involving strategic initiatives will remain on the Convocation Agenda for presentation and any resulting questions or discussion.

4.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

i. Practice Management Assessment Tool Update

The next group of firms (small firms with 2 lawyers) received their notice to complete the Practice Management Assessment Tool and link on February 1, 2022 with a completion deadline of May 1, 2022.

b. Development of Online Training Program for Principals

The Law Society is working to develop an online training program for principals. Development of the program is expected to be complete and available to principals in May. The program will be free for all principals and will not be mandatory at this time. A memo from Andrea Johnston describes the program.

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

a. Limited Licensing Pilot Update

An update on the progress of the Limited Licensing Pilot and a summary of the Saskatchewan report of the Legal Problems Survey is contained in a memo provided in the materials.

b. Direct Supervision Requirement

Amendments to the Code of Conduct are being considered to allow greater flexibility for staff working under the supervision of a lawyer. The Future of Legal Services Committee has conducted an initial review of proposed amendments. Next, these amendments will be reviewed by the Model Code Sub-Committee and the Discipline Policy Committee. A memo summarizing the *draft* amendments to the Code of Conduct is provided in the materials.

c. Exemptions

Administration continues to review exemptions from the prohibition against the unauthorized practice of law based on the associated policy framework and identify amendments as appropriate for consideration also in light of the developing framework for limited licensing. Consultation with relevant stakeholders remains ongoing in relation to amendments identified for further review (Rule 1002(1)(a) (i), (iv), (xi), and (xii)) and will be considered further by the Future of Legal Services Committee for recommended follow-up.

4.2 Reconciliation Mapping Exercise Update

A meeting of the Law Society Community of Practice (which includes Law Society representatives from all corners of the organization) with Office of the Treaty Commissioner (OTC) facilitators took place on March 28, 2022.

The focus of the meeting was on conducting a policy and programing review using the Aboriginal Friendship Centres of Saskatchewan's *Honouring Her Spark* framework, to explore both the identified strengths and challenges of the Law Society of Saskatchewan. The next meeting will be held in May and will focus on findings from the organization wide survey conducted by the Office of the Treaty Commissioner.

4.3 Information Items

An information package is included in the Agenda.

5. New Business

6. Consent Agenda

The Consent Agenda includes items which are not considered controversial and will collectively be enacted by one motion at Convocation.

The items included on the consent Agenda are set out in 6.1 and 6.2 below:

6.1 Approval of the Bencher Minutes

The following Bencher Minutes are provided for approval:

- a. Minutes from the Bencher meeting held February 18, 2022; and
- b. Minutes from the *In-Camera* Bencher meeting held February 18, 2022.

A motion is required.

c. Minutes from the December 2021 Benchers Meeting

At April Convocation, the Benchers were unable to approve the Minutes from December 2021 Convocation, as not all 10 Benchers from the December meeting were present. As a follow up, the Minutes were distributed via email to all 10 Benchers present at the December 2021 Convocation and the following Minutes were approved:

- i. Minutes from the Benchers meeting held December 3, 2021 – moved by James Korpan, Q.C., seconded by Foluke Laosebikan, Q.C. The motion carried; and
- ii. Minutes from the *In-Camera* Benchers meeting held December 3, 2021 – moved by James Korpan, Q.C., seconded by John Morrall. The motion carried.

6.2 Terms of Reference

The Committees have now met to consider changes to their Terms of Reference. Generally, the changes address:

- Language to clarify that members of committees are not required to be Benchers or members of the Law Society (excepting certain Committees as set out in the Rules);
- Frequency of meetings (removing minimum meeting requirements to allow for Committees to meet as required); and
- Housekeeping amendments (including amendments to consolidate language).

Other more substantive amendments include:

- Detailing the role of Practice Advisors (Competency);
- Clarifying the focus of the Equity & Access Committee as it relates to the Future of Legal Services by changing the terminology from the more narrow “Access to Legal Services” to the broader language of “Access to Justice” as used in the Law Society Mission Statement (Equity & Access);
- Changes to reflect the Administration’s role in the development of education programming (Firm Regulation);
- Changes to clarify delegation to the Nominations Committee to select candidates to be put forward to Government to be considered for appointment as Public Benchers.

Public Benchers appointments are made by Government “in consultation” with the Law Society, and the logistics (the collaborative process used by the Law Society and Government representatives to interview and short list candidates) does not lend itself to formal Benchers approval of recommended candidates (Nominations).

Redlined versions for the following Committee Terms of Reference are attached for approval:

- i. Audit Committee
- ii. Competency Committee
- iii. Conduct Investigation Committee
- iv. Discipline Policy Committee
- v. Equity & Access Committee
- vi. Ethics Committee
- vii. Firm Regulation Committee
- viii. Governance Committee
- ix. Model Code Sub-Committee
- x. Nominations Committee
- xi. Trust Safety Committee

A motion is required.

7. Meeting Finalization

7.1 Review Actions to be Taken

7.2 Confirm Items under 1.4

7.3 Meeting Evaluation

7.4 Next Meetings

A special meeting of the Benchers has been scheduled for Wednesday, May 11, 2022 from 1:30 – 3:00 pm via *Zoom* to consider the 2022 - 2023 Insurance Levy.

June Convocation will be held June 23 & 24, 2022 at Dakota Dunes Resort near Saskatoon.

7.5 Motion to Adjourn