

CONVOCATION AGENDA

Convocation Date: June 23 and 24, 2022
Location: Dakota Dunes Resort & Casino and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, June 23rd at 12:00 Noon AGM, Lunch at 12:30 pm, Bencher Session 1:00 – 5:00 pm; Convocation commencing at 9:00 am on Friday, June 24th, with lunch to be served at noon.

1. Approval of the Agenda

1.1 Apologies for Absence

None.

1.2 Confirmation of Agenda

1.3 Bencher Conflict of Interest Disclosures

1.4 Committee Reports and Documents Which Are Not Available to the Public

Documents and Reports related to the following items are not available to the public.

- i. Appointments
- ii. Statement on Commitment to Reconciliation
- iii. Informational Items – Operational reports, Committee Reports and reports from Representatives of outside organizations

2. Decision Items

2.1 Appointments

- i. Queen's Counsel Selection Committee

The Committee consists of the past President, a member Bencher, a Public Representative Bencher and a member-at-large.

We received interest from 3 member Benchers and 2 Public Representative Benchers.

The election of the Bencher members will be done via secret ballot which will be released electronically during the meeting. Once the votes are tallied, motions will be required to approve the successful candidates.

We received interest from two members-at-large. The Nominations Committee will make a recommendation to the Benchers at Convocation. The Nominations Committee Report Form is attached.

A motion will also be required to confirm the recommendation of the member at large.

ii. Senate of the University of Regina

Since Derek Maher was appointed to the Bench in February 2022, we require one appointment to the Senate of the University of Regina.

Interest has been expressed by two candidates. The Nominations Committee will make a recommendation to the Benchers at Convocation. The Nominations Committee Report Form is attached.

A motion to confirm the recommendation will be required.

iii. PREP Appeal Hearing Committee

The term for the current Committee members will expire on June 30, 2022. and all current members are willing to stand for another 1-year term from July 1, 2022 – June 30, 2023.

The Nominations Committee considered this matter and will make a recommendation to the Benchers at Convocation.

A memo from Administration is attached.

A motion to confirm the recommendation will be required.

iv. Council of the Federation

The second term for Erin Kleisinger, Q.C. as Council for the Federation will expire December 31, 2022.

The Nominations Committee considered this matter and will make a recommendation to the Benchers in relation to this position at Convocation.

A motion will be required to confirm the recommendation.

2.2 Regulation

i. Rule Amendments

- a. Part 7 – Membership and Practice Privileges, Rules 703 and 715; and Part 8 – National Mobility and Interjurisdictional Practice, Rules 815 and 817

Attached is a memo from Administration proposing amendments to Part 7 and Part 8 of the Rules to revise the identification requirement for applicants and correct a Rule reference error.

The Competency Committee reviewed this matter and is recommending the proposed Rule amendments for approval by the Benchers.

ii. Legal Information Guidelines

An updated version of the Legal Information Guidelines has been reviewed by the Future of Legal Services Committee and is being recommended for approval at June Convocation prior to dissemination and posting online.

Attached is a memo from Administration with the updated Guidelines and overview of feedback and changes incorporated.

2.3 New Uniform Trust Condition Letter and Companion Piece

The new Uniform Trust Condition Letter (UTCL) and educational Companion Piece have been approved by the Real Estate Sub-Committee and the Ethics Committee. A memorandum is attached for background information.

The Committees are seeking approval from the Benchers to circulate the new UTCL to the membership.

A motion will be required.

2.4 Statement on Commitment to Reconciliation

One of the four short-term priorities set by the Truth and Reconciliation Group is for the Law Society to make a formal commitment to reconciliation and develop a framework to put that commitment into action. A formal statement was developed under the oversight of the Equity & Access Committee and in consultation with the Truth & Reconciliation Advisory Group, which also formed a Statement Working Group. Several iterations of the statement have been reviewed by each of these groups, and feedback was received and incorporated from Law Society staff.

Attached for discussion is a memo from Administration with the draft Statement, as well as an overview of the drafting process, feedback and next steps.

A motion to adopt the Statement will be required.

3. Discussion Items

3.1 Society Governance

- i. Standing Reports
 - a. President's Report – verbal report will be provided.
 - b. Executive Director's Report – a written report was provided June 1, 2022.
 - c. Federation Council Report – a written report was provided by Erin Kleisinger, Q.C.
- ii. Financial Reporting
 - a. Financial Statements

Enclosed are the financial statements for the month ended May 31, 2022.
 - b. Investment Reports

Enclosed for review is the May 31, 2022 TDAM investments Summary.
- iii. 2022 Workplan

An updated 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

Thirty-two sole practitioner firms are currently engaged in completing the online Assessment Tool. The deadline for completion for this group of firms is August 2, 2022. Including the soft-launch participants, 108 firms (approximately 1/3 of firms in the province), have completed or are currently engaged in completing the online Assessment Tool. We have had very few concerns raised by the firms being asked to complete the Assessment Tool. The concerns that

have been raised have been related to requests to complete at a later date, which have been accommodated, or the perception that because of years of experience the Assessment Tool may not be of value. The latter concerns have been resolved by sharing that many senior lawyers, both in large firms and sole practitioners, have completed the Assessment Tool and have found it to be a beneficial experience for their law firm.

b. Principal Training

As previously reported, the Law Society and Annie Rochette, Law Foundation Chair for 2022, have been working together to develop an online training program for principals. The program is now complete and will be available for free to all principals. It is not mandatory at this point, but Administration intends to bring this matter before the Competency Committee later in the year to review feedback related to the program and consider whether to make the program mandatory for principals effective 2023.

The Principal Training Course will be available in the Law Society Online Shop. A coupon code will be emailed to all Benchers so those who are interested in viewing the Course can obtain free access.

ii. Trusted and Transparent Regulation (Goal 2)

a. Practice Directives 1 and 3, with Corresponding Forms

On May 18, 2022, Bills 54 and 55 received Royal Assent and will come into force upon the making of an Order in Council (likely July 1, 2022).

These Bills modify various pieces of legislation that gave rise to the ability to execute documents remotely, namely; The Health Care Directives and Substitute Health Care Decision Makers Act, 2015, The Powers of Attorney Act, 2002, The Electronic Information and Documents Act, 2000 and The Wills Act, 1996. The changes bring the remote witnessing provisions out of the regulations and into the Acts. They also remove reference to the ability of participants to hear each other and replaced it with a requirement that the parties simply be able to “adequately communicate” with each other.

The changes to The Land Titles Act, 2000 are lagging so the reference is still to the amendments to the Land Titles Regulations, 2001.

The Practice Directives (attached) have been amended to change the location of the provisions, to include each of the slightly different definitions of “electronic means” and to make a few minor housekeeping changes.

Pursuant to Rule 1143.1, the Executive Committee has the authority to issue enduring directives or continue temporary directives governing the remote execution of documents via electronic means. At their meeting held June 7, 2022, the Executive approved amendments to Practice Directive 1 and 3, along with their corresponding forms to take effect on July 1, 2022.

b. Inaugural Adjudicator Hearing Pool

Hearing Administrator Greg 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 which was shared with the Benchers at April Convocation.

The general sentiment of the DPC was 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. It was noted that the matter of who ultimately provides approval must be resolved.

Following discussion of the proposal at April Convocation, further work is underway to flesh out the policy and process that will be used to recruit and select candidates, giving consideration to diversity of skills, perspectives and experiences. This matter will come back before the Benchers for consideration following further review by the Discipline Policy Committee.

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

Pursuant to its Terms of Reference, the Equity & Access Committee is responsible for identifying and recommending actions to address barriers faced by equity-seeking groups to serving as Benchers.

Following consideration of the Bencher Election Survey findings, the Equity & Access Committee agreed to make the following recommendation to the Governance Committee and the Nominations Committee.

Recognizing the importance of the perspectives of members of equity-seeking groups and considering the findings of the Bencher Election Research Report, the Committee recommends that the Governance Committee and the Nominations Committee each take action within their respective mandates to address barriers faced by equity-seeking groups in becoming Benchers of the Law Society, which may include:

- changes to the Rules and governance policies and processes related to Bencher selection; and
- policies and processes in relation to the appointment of Benchers to fill Bencher vacancies.

The Committee further recommends that, given the urgency for change, action should be taken such that changes are in effect as soon as possible and no later than in advance of the next scheduled election.

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

a. Limited Licensing Pilot

Nineteen applications have been received by the Future of Legal Services Committee for the Pilot, with 17 approved participants, one non-approval, and one application pending review/decision. The Committee has also reviewed two corporate name registration matters, as well as early lessons (including one Consumer Review) from the Pilot with an accompanying framework for measurement. A first meeting of the Code of Conduct Working Group has been held with active participation and input from Pilot participants.

b. Direct Supervision Requirement

At April Convocation, redlined amendments to the Code of Conduct were brought before the Benchers for initial feedback. The Model Code Sub-Committee and SLIA have provided feedback on the draft amendments which were incorporated for consideration by the Discipline Policy Committee. Feedback is pending from Discipline Policy, following a final review by the Future of Legal Services Committee and referral to the full Benchers table for decision, which is expected to occur at September Convocation.

4.2 Reconciliation Mapping Exercise Update

A third 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 May 10, 2022. Participants were presented with findings from the organization wide survey and took part in exercises to inform development of tailored recommendations towards truth and reconciliation.

The final session was held June 14, 2022 and focused on review of a draft report and discussion and prioritization of 37 recommendations for the Law Society. A final report that incorporates feedback from the session will be shared in the coming weeks and a presentation from OTC is anticipated for September Convocation.

4.3 Information Items

i. Federation Conference

The Federation Annual Conference is scheduled in Saskatoon on October 12 – 14, 2022, with a Saskatchewan Host Dinner being planned for Thursday, October 13, 2022.

ii. Convocation 2023

Proposed 2023 Convocation dates are as follows:

- February 16 and 17, 2023
- April 27 and 28, 2023
- June 21 – 23, 2023
- September 21 and 22, 2023
- Friday, October 27, 2023 (Budget and President's Dinner)
- November 30 and December 1, 2023

iii. Reports

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 below:

6.1 Approval of the Bencher Minutes

The following Bencher Minutes are provided for review:

- a. Minutes from the Bencher meeting held April 29, 2022; and
- b. Minutes from the *In-Camera* Bencher meeting held April 29, 2022.
- c. Minutes from the Special Meeting of the Benchers held May 11, 2022.
- d. Minutes from the *Closed* Special Meeting of the Benchers held May 11, 2022.

A motion is required.

7. Meeting Finalization

7.1 Review Actions to be Taken

7.2 Confirmation Items under 1.4

7.3 Meeting Evaluation

7.4 Next Meeting - September 22 and 23, 2022 in Regina.

7.5 Motion to Adjourn