

**Minutes for the Meeting of the Benchers
Held Friday, October 28, 2022, In-Person and via Zoom
Hotel Saskatchewan, Regina**

Present:

James Korpan, K.C., John Morrall, Foluke Laosebikan, K.C., Andrea Argue, K.C., Jonathan Bodvarson, Sonia Eggerman, James Fyfe, Suzanne Jeanson, Nolan Kondratoff, Will Lane, Jeff Lee, K.C., Tiffany Paulsen, K.C., Martin Phillipson, Adam Touet, and Rochelle Wempe

In attendance:

Tim Brown, K.C., Tim Huber, Kara-Dawn Jordan, K.C., Valerie Payne, Andrea Johnston, Christine Johnston, Jody Martin, Michelle Owolagba, Julie Sobowale, Stephanie Kievits, CPA, CA, Pamela Harmon, CPA, CA, Pamela Kovacs, Kiran Mand, Paul Westgate and Chinye Talabi

The meeting was called to order at 1:03 pm.

1. Approval of the Agenda

1.1 Apologies for Absence

Apologies for absence were received from Lynda Kushnir Pekrul, Zachery Solomon, James Morrison, K.C. and Julie Ann Wriston.

1.2 Confirmation of Agenda

Moved by Adam Touet, seconded by Suzanne Jeanson, 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

Materials and discussion related to Agenda item 2.1 Budget 2023 and 2.3 Trust Safety Rules are of a confidential nature and were not available to the public.

2. Decision Items

2.1 Budget 2023

For discussion, a memo was prepared by Tim Brown, K.C., along with the following documents:

- i. Operating Fund Budget 2023 - General Fund
- ii. Capital Budget 2023 - General Fund
- iii. Strategic Development Budget 2023 - General Fund
- iv. Consolidated General Fund Budget 2023
- v. Special Fund Budget 2023
- vi. 2023 Consolidated General Fund Budget including 3-year forecasts and fee scenarios
- vii. 2023 Special Fund Budget including 3-year forecasts and fee scenarios

Tim Brown, K.C. briefed the Benchers with a presentation and answered questions.

Moved by Adam Touet, seconded by Jeff Lee, K.C., to approve the practicing fee for 2023 at \$2,675, an increase of \$500 from last year. 13 in favour, 1 opposed. The motion carried.

A motion to approve the Special Fund assessment for 2023 in the amount of \$200 was moved by James Fyfe, seconded by Suzanne Jeanson. The motion carried. 13 in favour, 1 opposed.

A motion to approve amendments to Schedule 1 Law Society Fees and Assessments to set the Practice Fee for 2023 in the amount of \$2,675, the Special Fund Assessment in the amount of \$200, the Transfer Application fee at \$300, the Transfer Enrollment Fee at \$1,000, the Professional Corporation Application for Registration Fee at \$300 and the Professional Corporation Renewal Fee at \$300 was moved by James Fyfe, seconded by Adam Touet. The motion carried. 13 in favour, 1 opposed.

A motion to grant second reading on the same day was presented by Suzanne Jeanson, seconded by Rochelle Wempe. The motion carried.

On second reading, a motion to approve amendments to Schedule 1 Law Society Fees and Assessments to set the Practice Fee for 2023 in the amount of \$2,675, the Special Fund Assessment in the amount of \$200, the Transfer Application fee at \$300, the Transfer Enrollment Fee at \$1,000, the Professional Corporation Application for Registration Fee at \$300 and the Professional Corporation Renewal Fee at \$300 was presented by James Fyfe, seconded by Adam Touet. 13 in favour, 1 opposed. The motion carried.

2.2 Appointments to fill Bencher Vacancies

At the Governance Committee meeting held October 11, 2022, the Committee approved a *draft* Member Bencher Vacancy Appointment Policy to be brought before the Benchers for approval.

A background memo, along with a copy of the *draft* Policy, was included for review. The draft policy, if approved, will replace the existing policy relating to the filling of member Bencher vacancies.

It was noted that the existing policy has not been updated with consideration to current values and strategic directions or changes that have occurred within the Law Society as a result. The new draft policy is meant to increase transparency and fairness, promote diversity, and is responsive to the Bencher Election Survey and the related recommendation from the Equity & Access Committee to the Governance and Nominations Committees.

Moved by Martin Phillipson, seconded by Suzanne Jeanson, to replace existing policy C-XII: Bencher Recruitment and Election Policy with C-XII: Member Bencher Vacancy Appointment Policy, relating to the filling of member Bencher vacancies, be approved as written. The motion carried.

2.3 Regulation

i. Rule Amendments

a. Part 14, Law Society Fees and Assessment - Rule 1407, Refund of Fees

A memo from Administration proposing an amendment to Rule 1407 to permit the issuance of refunds for Active Members who change to *Pro Bono* Member status was attached for review. The Competency Committee recommended approval of this Rule amendment.

It was noted that refunds currently are only provided in limited circumstances (i.e. death, serious illness, parenting of a child newly in a members' care, undue hardship) and it was determined that the amendment should be made to support *pro bono* work.

Moved by Tiffany Paulsen, K.C., seconded by Adam Touet, that amendments to Rule 1407, Refund of Fees, to allow the issuance of fee refunds for *Pro Bono* members be approved, as written. The motion carried.

A motion to grant second reading on the same day was presented by Suzanne Jeanson, seconded by Rochelle Wempe. The motion carried.

Moved by Rochelle Wempe, seconded by James Fyfe, that amendments to Rule 1407, Refund of Fees, to allow the issuance of fee refunds for *Pro Bono* members be approved, as written. The motion carried.

- b. Part 7, Membership and Practice Privileges - Rules 706, Articling Term and Rule 714, Admission as a Lawyer Following the Bar Admission Program

A memo from Administration proposing minor amendments to Part 7 of the Rules to clarify the requirement to article in Saskatchewan was included for review.

The Competency Committee recommended these Rule amendments for approval by the Benchers.

Moved by Rochelle Wempe, seconded by Andrea Argue, K.C. that amendments to Rule 706, Articling Term and Rule 714, Admission as a Lawyer Following the Bar Admission Program to clarify the requirement to article in Saskatchewan be approved, as written. The motion carried.

A motion to grant second reading on the same day was presented by Adam Touet, seconded by Tiffany Paulsen, K.C. The motion carried.

Moved by James Fyfe, seconded by Suzanne Jeanson, that amendments to Rule 706, Articling Term and Rule 714, Admission as a Lawyer Following the Bar Admission Program to clarify the requirement to article in Saskatchewan be approved, as written. The motion carried.

- c. Trust Safety Rules - Part 9, Firm Regulation, Rule 905 and Part 16, Reporting Requirements, Rules 1604 – 1608

At September Convocation the Benchers approved, in principal, a shift of the trust safety model to an enhanced risk-based approach requiring an elimination of the Accountant's Report from annual reporting requirements for all firms and implementing an annual Trust Safety Administration Fee for all firms with trust accounts. Rule amendments to support this change were outlined in an attached memo. It was noted that the Trust Safety Administration Fee represents substantial savings for most firms as compared to the costs associated with completing the Accountant's Report.

Moved by Andrea Argue, K.C., seconded by Rochelle Wempe, that amendments to Part 9, Firm Regulation, Rule 905 and Part 16, Reporting Requirements, Rules 1604 – 1608, as outlined in the memo dated October 14, 2022 to reflect approval of a Trust Safety Administration fee in the amount of \$500 and removal of the requirement for an Accountant's Report, be approved, as written. The motion carried.

A motion to grant second reading on the same day was presented by Adam Touet, seconded by Suzanne Jeanson. The motion carried.

Moved by James Fyfe, seconded by Adam Touet, that amendments to Part 9, Firm Regulation, Rule 905 and Part 16, Reporting Requirements, Rules 1604 – 1608, as outlined in the memo dated October 14, 2022 to reflect approval of a Trust Safety Administration fee in the amount of \$500 and removal of the requirement for an Accountant's Report, be approved, as written. The motion carried.

3. Discussion Items

3.1 Society Governance

i. Financial Reporting

Financial Statements for the period ended September 30, 2022 were provided for review.

ii. Investments

The following documents were attached for review:

- TDAM Investments as at September 30, 2022
- TDAM Investment Performance Summary, Administration Fund

iii. Benchers Running a Second Term who wish to Run for Office

At their meeting on October 11, 2022, the Governance Committee considered the implications of Benchers running for office in their second term under our current Rules. Specifically, that Benchers running for office in their second term would not be able to complete the leadership ladder as Benchers. The Governance Committee has recommended the development of Rule amendments that will allow Benchers in the first and second years of their second terms (4th and 5th years as Benchers) to run for office and remain Benchers at large for the period required to fulfill the leadership ladder. The Rule amendments, if passed by the Benchers, will require a 2/3's majority approval at the 2023 AGM.

If the Rule amendments are not passed, the Rules allow for persons to sit on the Executive Committee as non-Benchers. It was determined at the Governance Committee meeting that since there are two second-term Benchers who have expressed interest in running this year, that the Governance Committee recommendation, as well as the default position of sitting on Executive as non-Benchers (without the ability to vote at Convocation), be communicated to the Benchers.

4. Information Items

4.1 2023 Convocation Dates

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

5. Meeting Finalization

5.1 Review Actions to be Taken

5.2 Confirm Items under 1.4

5.3 Meeting Evaluation

5.4 Next Meeting

The next Convocation is scheduled for December 1 and 2, 2022 in person at Elkridge Resort, as well as virtually for those unable to attend in person.

Please plan to arrive Wednesday evening for an early start on Thursday, December 1st. Glenn Tecker will be in attendance to lead a Strategic Planning Session all day Thursday. Convocation will be held on Friday morning.

5.5 Motion to Adjourn

James Fyfe moved to adjourn the meeting. Adam Touet Seconded. The meeting was adjourned.

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

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

TIMOTHY J. BROWN, K.C.
Executive Director