

Minutes for the Meeting of the Benchers Held Friday, December 2, 2022, In-Person and via Zoom Elk Ridge Resort, Prince Albert

Present:

James Korpan, K.C., Foluke Laosebikan, K.C., Andrea Argue, K.C., Jonathan Bodvarson, Sonia Eggerman, James Fyfe, Suzanne Jeanson, Nolan Kondratoff, Lynda Kushnir Pekrul, William Lane, Jeff Lee, K.C., James Morrison, K.C., Tiffany Paulsen, K.C., Martin Phillipson, Adam Touet, Rochelle Wempe and Julie Ann Wriston

In attendance:

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

Erin Kleisinger, K.C., Federation Council, Barbara Mysko, Chair of the Equity & Access Committee and Greg Walen, K.C., Hearing Administrator.

The meeting was called to order at 11:15 am.

1. Approval of the Agenda

1.1 Apologies for Absence

Apologies for absence were received from Zachery Solomon and Kaitlynn McArthur.

1.2 Confirmation of Agenda

Moved by Lynda Kushnir Pekrul seconded by Martin Phillipson, to approve the Agenda as written. The motion carried.

1.3 Bencher Conflict of Interest Disclosures

Suzanne Jeanson and Jonathan Bodvarson each declared a conflict in relation to agenda item 2.1(i).

Nolan Kondratoff declared a conflict in relation to agenda item 2.1(ii).

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

Documents and Reports related to the following items were not available to the public:

- i. Benchers Strategic Planning Session (*In-Camera*) – Thursday, December 1, 2022
- ii. Appointments
- iii. Informational Package – Operational reports, Committee Reports and reports from Representatives of outside organizations

2. Decision Items

2.1 Appointments

- i. Saskatchewan Legal Aid Commission

The Nominations Committee presented a recommendation for appointment to the Saskatchewan Legal Aid Commission.

Moved by Foluke Laosebikan, K.C., seconded by Tiffany Paulsen, K.C., that Victoria Elliott-Erickson be re-appointed a second term as Law Society Representative on the Saskatchewan Legal Aid Commission, from January 1, 2023 – December 31, 2024. The motion carried.

- ii. Inaugural Adjudicator Hearing Pool

At September Convocation, nine Benchers were approved for placement on the Hearing Committee Adjudicator Roster. Hearing Administrator, Greg Walen, K.C., presented a recommendation regarding the balance of the roster (comprised of members of the Law Society and members of the wider public).

Moved by Adam Touet, seconded by Rochelle Wempe, to appoint the following individuals to the Hearing Committee Adjudicator Roster for a term ending December 31, 2024, with the appointment of Leslie Belloc-Pinder to take effect in 6 months time:

- Ayodele Akenroye
- Bev Lafond
- D. Albert Lavoie
- Harold MacKay
- Jaime Carlson
- Leah Howie
- Lee Anne Schienbein
- Leslie Belloc-Pinder
- Maya Scott
- Melissa Nicolls
- Nicole Sawchuk
- Andrew (Andy) Livingston
- Ben Grebinski
- Deborah Parker-Loewen
- Hariduth (Harold) Bhagaloo
- Kevin Tunney

- Len Daniels
- Marg Romanow
- Richelle Lubin-Forde
- Rikki Bote
- Shelby Hamm

The motion carried.

2.2 Approval of Budget 2023

A motion to approve the 2023 Budget presented on October 28, 2022 was moved by Jeff Lee, K.C., seconded by James Morrison, K.C. The motion carried.

3. Discussion Items

3.1 Society Governance

i. Standing Reports

a. President's Report

James Korpan, K.C. reported the following:

- The Executive meeting was held to prepare for Strategic Planning
- He attended the swearing-in ceremony for Justice John Morrall

b. Executive Director's Report

Tim Brown, K.C. provided a written report in advance of Convocation.

c. Federation Council Report

Erin Kleisinger, K.C. provided a written report in advance of Convocation. Additionally, it was noted that:

- The final report coming out of the wellness study will be issued soon and phase II of the project, which involves interviews with individuals, is moving ahead; and
- Erin has been elected as a member of the Executive of the Federation Council and, as such, a new council member for Saskatchewan will need to be elected next year.

ii. Financial Reporting

a. Financial Statements

Financial statements for the month ended October 31, 2022 were provided for discussion.

Currently, we are ahead of budget in both the General and Special fund, although this is offset by investment losses. Unless markets change, we will experience unrealized investment losses significantly more than budgeted for in 2022.

b. Investment Reports

The October 31, 2022 TDAM Investments Summary was provided for review.

The Quarterly Investment Report for the period July 1 to September 30, 2022 was also provided for review.

iii. Firm Regulation

A memo regarding the integration of Firm Culture Principles in the Online Assessment Tool was provided for Benchers consideration.

The Firm Regulation and Equity & Access Committees held a joint meeting on November 8, 2022 and considered the appropriate approach to integrating Firm Culture Principles in the Assessment Tool.

The Committees discussed four key considerations to assist in identifying a reasoned and datadriven process for implementation of the Firm Culture Principles:

1. Articling Program Assessment Report (2019);
2. Training on Equity, Diversity and Inclusion and the Equity, Diversity, and Inclusion Research Report (2021);
3. Federation of Law Societies of Canada amendments and pending amendments to the Model Code of Conduct (re: Discrimination and Harassment and Indigenous Cultural Competency);
4. The Law Society's advancement of Truth and Reconciliation and the Future of Legal Services in line with its Strategic Plan.

The Committees determined that in light of the information and data available, implementation of the Firm Culture components should begin as soon as possible, that they should be integrated into the existing Assessment Tool and completion should be mandatory.

In order to allow for time to update the Firm Culture materials and integrate into the online Assessment Tool, the earliest date to integrate would be in alignment with the next group of firms beginning on February 2, 2023.

No concerns were raised by the Benchers with the recommended approach.

iv. 2022 Workplan

An updated workplan was provided for consideration.

4. Strategic Initiative Updates

4.1 Strategic Initiatives

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

a. Limited Licensing Pilot

The Pilot has been active since January 2022 with the following information available:

- 4 potential applicants: Administration has exchanged with four individuals anticipated to apply.
- 20 applicants: 18 approved; 1 not approved; 1 pending.
- 19 risk assessments: 1 low risk; 13 medium-low risk; 5 medium-high risk.
- 19 areas of law identified in 4 general areas of practice
 - Administrative tribunal and provincial court matters (+ related enforcement)
 - General corporate/contract
 - Future planning services - basic wills, powers of attorney and health care directives
 - Family services - separation, uncontested divorces, mediation

Based on reporting information received to November 1st, the following data is available:

- 602 client inquiries
- 1,509 clients served
- 50 geographic locations outside of Regina/Saskatoon
- \$0 - 300 fee range (+ approved contingency arrangements)
- 4 days to 4 months time range for services
- 5 consumer reviews (positive)

b. Exemptions

Consultation is continuing with stakeholders regarding several exemptions from unauthorized practice and proposed amendments will be considered by the Future of Legal Services Committee at upcoming meetings.

5. Truth & Reconciliation Initiatives

5.1 Statement on Commitment to Reconciliation

The Statement on Commitment to Reconciliation was approved at September Convocation, subject to several clarifying amendments. The amendments were going to be discussed by the Truth & Reconciliation Advisory Group at their meeting on November 23, 2022, however, there was insufficient time, so the discussion will occur at the next meeting.

Additionally, Administration is reaching out to the Federation of Sovereign Indigenous Nations and Métis Nation Saskatchewan to determine if there is interest in engaging with the Law Society in advance of the Statement's release.

5.2 Final Report on Truth and Reconciliation Through Treaty Implementation

The Office of the Treaty Commissioner presented their final report to the Benchers at September Convocation containing 38 recommendations for the Law Society. Following discussion at September Convocation, Administration has been engaged with the OTC regarding several items:

- *Statement*: request to consider a synthesized version of the recommendations for publication and accessibility.
- *Sharing indicators*: providing identified indicators for the justice sector with the Law Society to finalize the first Memorandum of Understanding (MOU);
- *Phase II implementation plan*: developing an implementation plan to advance our reconciliation journey based on the recommendations created in Phase I (Phase II tentative January - May 2023); and
- *Sector-wide engagement*: bringing together different legal stakeholders for a sector-wide conversation about Truth and Reconciliation.

6. Informational Items

i. Committee Reports

An information package was included in the materials.

ii. Bencher Committee Preferences

A questionnaire for Benchers to complete regarding their Committee preferences was included in the package of materials. Benchers were asked to provide committee preferences by December 9th.

iii. Bencher Evaluations

Circulation of the Annual Bencher Self-Evaluation Questionnaire has been delayed so as not to overlap with the Bencher Competency Self-Assessment Survey related to filling Bencher vacancies. Following circulation, the results will be considered by the Governance Committee either later this year or in the new year.

7. Election of President and Vice-President

Andrea Argue, K.C. was acclaimed as President of the Law Society for 2023 and Suzanne Jeanson was acclaimed as the Vice-President of the Law Society for 2023.

A suggestion was raised that the Benchers consider having a Public Representative Bencher member of the Executive Committee for continuity. This suggestion will be referred to the Governance Committee for consideration.

8. New Business

There was no new business.

9. Consent Agenda

9.1 Approval of the Bencher Minutes

- a. Minutes from the Bencher meeting held September 23, 2022;
- b. Minutes from the *In-Camera* Bencher meeting held September 23, 2022;
- c. Minutes from the Bencher meeting held October 28, 2022; and
- d. *In-Camera* Minutes from the Bencher meeting held October 28, 2022.

Moved by Adam Touet, seconded by Rochelle Wempe, that Minutes of the Bencher meetings held September and October as listed, be approved as written. The motion carried.

10. Meeting Finalization

10.1 Review Actions to be Taken

10.2 Meeting Evaluation

10.3 Next Meeting

The next meeting is scheduled for February 16 and 17, 2023 in Regina.

10.4 Motion to Adjourn

The Public meeting adjourned at 11:57 a.m. and the *Closed* Agenda portion of the meeting commenced.

Lynda Kushnir Pekrul moved adjournment, Martin Phillipson seconded.

TIMOTHY J. BROWN, K.C.
Executive Director