

CONVOCATION AGENDA

Convocation Date: April 27 and 28, 2023
Location: In-person at Dakota Dunes Resort and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, April 27th at 12:00 Noon (Lunch), then Bencher Training Session 1:00 – 4:00 pm;
Convocation will begin at 9:00 am Friday, April 28th

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. Bencher afternoon session to be held *in-camera* on Thursday, April 27, 2023
- ii. Draft Audited Financial Statements for the year ended December 31, 2022
- iii. Appointments
- iv. SLIA Memorandum with Insurance Levy Recommendation for the 2023 - 2024 Policy Year and related documents
- v. Informational Items – Operational reports, Committee Reports and reports from Representatives on outside organizations

2. Decision Items

2.1 Approval of Audited Financial Statements for the year ended December 31, 2022

Approval of the *draft* Audited Financial Statements and appointment of the Auditor for 2023 are required prior to presentation for approval at the Annual General Meeting to be convened on Thursday, June 22, 2023.

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

Attached are the *Draft* Audited Financial Statements for the year ended December 31, 2022, as well as the internal December 31, 2022 Financial Statements, along with a memo from Pamela Harmon, CPA, CA.

The 2022 Audit Completion Report is also 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 2023. A further motion for this appointment will be required.

2.2 Mobility of Federal Government Lawyers

Federation Council approved the terms of a *Memorandum of Understanding on Mobility for Federal Government Lawyers* ("MOU"). The matter is now being submitted to each of the law societies in common law provinces for approval and execution.

Briefing materials prepared for Federation Council containing the proposed MOU are attached for Bencher consideration and approval.

A motion authorizing execution of the MOU by an officer of the Law Society of Saskatchewan is required.

2.3 Appointments

i. Appointments to Fill Member Bencher Vacancies

The Nominations Committee has overseen the recruitment process in relation to the appointment of members to fill existing Bencher vacancies. A report outlining their recommendation will be circulated in advance of Convocation.

A motion will be required to approve the successful candidates.

2.4 Regulation

i. Rule Amendments

a. Part 4, Meetings of the Society - Rule Amendments around Member Resolutions

The Legal Profession Act, 1990, provides for an annual meeting of the members and gives the Benchers the ability to make Rules regarding procedure. Our Rules provide for member resolutions, but neither the *Act* or the Rules speak to the appropriate subject matter or the effect of successful member resolutions, resulting in a lack of clarity around how resolutions are to be treated, for example, how a successful

resolution that is either outside of or contrary to the mandate of the Law Society is to be dealt with.

The Governance Committee examined this issue at its meeting on April 12, 2023. A memo from Administration containing the Committee's recommendation, as well as proposed Rule amendments, is attached.

A motion is required.

b. Part 11 – Professional Responsibility - Appointment of Hearing Committee

The Hearing Administrator has requested some Rule changes to recognise the existence of the Hearing Committee Roster and to provide for the public roster members to be appointed. Currently, the Rule only provides for public Benchers to be appointed. That is not consistent with the intention of the roster. The proposed changes are as follows:

Appointment of Hearing Committee

1118(1) The Hearing Administrator shall, after receiving notice of a motion pursuant to Rule 1110(3)(e), draw from the Hearing Committee Roster to appoint a Hearing Committee and designate a Chairperson to hear and determine a Formal Complaint.

(2) Unless the Hearing Administrator concludes that there are extraordinary circumstances that make it impractical to appoint a Bencher as Chairperson of a Hearing Committee, the Chairperson of the Hearing Committee appointed in accordance with subrule (1) shall be a Bencher from the Hearing Committee Roster.

(3) If the Hearing Administrator concludes that there are extraordinary circumstances that make it impractical to appoint a Bencher as Chairperson of a Hearing Committee, a former Bencher or lawyer member of from the Hearing Committee Roster may be appointed as the Chairperson of the Hearing Committee.

(4) Unless the Hearing Administrator concludes that there are extraordinary circumstances that make it impractical, to appoint a public representative Bencher as one member of every a Hearing Committee, one member of any Hearing Committee should be a public representative Bencher from the Hearing Committee Roster member who is not a lawyer.

~~(5) If the Hearing Administrator concludes that there are extraordinary circumstances that make it impractical to appoint a public representative Bencher as one member of a Hearing Committee, the Hearing Administrator may appoint a public representative volunteer from the Hearing Committee Roster.~~

~~(6) If the Hearing Administrator concludes that there are extraordinary circumstances that make it impractical to appoint a public representative Bencher or volunteer as one member of a Hearing Committee, the Hearing Administrator may appoint a hearing panel which does not include a public representative Bencher.~~

A motion is required.

ii. Code of Professional Conduct

The Federation of Law Societies recently approved amendments to the *Model Code* relating to discrimination and harassment.

The Federation completed two rounds of consultations prior to presenting the provisions for approval in April 2020 and October 2021. The Model Code Sub-committee and subsequently the Discipline Policy Committee, reviewed and provided feedback during the consultations.

The attached memo regarding the recommended amendments to section *6.3 Harassment and Discrimination* was provided to the Discipline Policy Committee in advance of Convocation for information and feedback. No additional feedback was received from the Discipline Policy Committee. The amendments are provided for review and approval.

A motion is required.

iii. Insurance Levy

The Benchers will be asked to approve the Insurance Levy for the year beginning July 1, 2023. Dave McCashin, Insurance Counsel, will explain the recommendation to the Benchers.

The following materials are attached:

- SLIA Memorandum with Insurance Levy Recommendation for the 2023 - 2024 Policy Year
- Exhibit 1 – Insurance Fees 2000 – 2022
- Exhibit 2 – Surplus and Subsidy History
- Exhibit 3 – Insurance Fees of Canadian Law Societies

A motion will be required to approve the Insurance Levy for the 2023 – 2024 year.

If the Insurance Levy changes in the 2023 – 2024 year, amendments to Schedule 1 of the Law Society Fees and Assessments (attached) will need to be approved by the Benchers, as the Schedule forms part of the Law Society Rules. A motion will be 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 following Convocation.
- c. Federation Council Report – a written report has been provided by Erin Kleisinger, K.C.

ii. Financial Reporting

a. Financial Statements

Enclosed are the financial statements for the three months ended March 31, 2023, along with a memo from Pamela Harmon.

b. Investment Reports

Enclosed for review is the March 31, 2023 TDAM investments Summary.

The next Quarterly Investment Report will cover the period January 1 to March 31, 2023 and will be available at the end of April or early May.

iii. 2023 Workplan

The Workplan is attached for review and discussion. A revised workplan with additional action items will be prepared following finalization of the new Strategic Plan.

iv. Annual Benchner Evaluation Results

The results were considered by the Governance Committee at its April 12th meeting and are attached for review and any resulting discussion.

4. Informational Items

4.1 Strategic Initiatives

i. Expanded Approach to Competency (Goal 1)

a. Firm Regulation

The Firm Culture Principles and resources have been successfully integrated into the online Assessment Tool and incorporated into the two workbooks which are available to all members in the DR Hub. All Designated Representatives (DRs) received a communication on February 3rd introducing the Firm Culture Principles with the indication of their integration into the online Assessment Tool. We received no feedback or inquiries from any of the DRs regarding this integration. The first group of firms is currently working in the newly integrated version of the Assessment Tool and consists of 23 firms, all with 5-7 lawyers. These firms have similarly not contacted Administration with any inquiries regarding these two new principles. The firms that have already completed the Assessment Tool (in advance of the May completion deadline), have not included any comments in their reports

relating to these principles and have generally self-assessed well in these two areas.

b. Western Law Societies Competency Project

As previously reported, we have partnered with the law societies of British Columbia, Alberta and Manitoba to develop an entry to practice competency profile.

Andie Johnston and Kiran Mand are the Saskatchewan representatives on the Advisory Committee that will oversee the development of the Profile.

A Task Force will work closely with our consultants (ACT) in carrying out the substantive drafting work involved in developing the Profile. We have confirmed our Saskatchewan representatives for the Task Force: Adam Touet (W Law LLP/Bencher), Heather Heavin (University of Saskatchewan, College of Law) and Joanne Moser, K.C. (Nychuk & Company).

The Task Force will commence their work at an in-person meeting in Calgary on June 1 - 2, 2023. Once a significant amount of drafting is completed by the Task Force, the draft document will be workshopped with several focus groups established in consultation with ACT and the Advisory Committee. Following this, once the Profile is complete, a validation survey will go out to members.

The project is expected to be complete by March 2024.

ii. Trusted and Transparent Regulation (Goal 2)

a. Data Development

We have largely achieved our first of 5 milestones for 2023 in building our first data module incorporating “clean” data to better understand Admissions and Education/membership data.

Paul Westgate will provide a brief demonstration at April Convocation.

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

a. Equity and Access Committee

Following consideration of research conducted in relation to best practice, discussions with other law related organizations regarding mentorship, and the results of a pilot using mentorship software, the Equity & Access Committee recommended that Administration advance development of a mentorship program for 2024.

iv. 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 and at the March meeting of the Future of Legal Services Committee, four new applicants were approved and one not approved. One applicant has been removed from the Pilot due to a change in employment circumstances bringing the total of Pilot participants to twenty-two. The Committee also reviewed a general (non-meritorious) complaint and agreed on a process for complaint review as well as an early outline of rules to be developed.

Below are some quick facts about the Pilot current to March 2023:

APPLICANTS	APPROVED PARTICIPANTS	NOT APPROVED PARTICIPANTS	REMOVED PARTICIPANTS	APPLICATIONS PENDING REVIEW
26	22	2	1	1
CLIENT INQUIRIES	CLIENTS SERVED	CLIENT GEOGRAPHIC LOCATIONS	CONSUMER REVIEW – POSITIVE	CONSUMER REVIEW - NEGATIVE
5,354	1,613	205+ outside of Regina and Saskatoon	9	1

b. Exemptions

Consultation is continuing with stakeholders regarding two exemptions from unauthorized practice, which will be considered by the Future of Legal Services Committee at upcoming meetings.

4.2 Truth and Reconciliation through Treaty Implementation (TRTI)

Administration continues work with the Office of the Treaty Commissioner and has advanced several items:

- *Recommendations*: development of a more accessible public format that synthesizes the 38 recommendations from the final report for publication; and
- *Phase II implementation plan*: the Law Society entered into a second Letter of Agreement to develop an implementation plan and indicators for the recommendations created in Phase I.

The Phase II process again utilizes a *Community of Practice* comprised of Board and Staff and will focus on implementation according to the Law Society's resources, capacity and strategic planning.

The March 8, 2023 *Community of Practice* meeting focused on several objectives:

- Reviewing Phase I of the TRTI process, including the TRTI framework and Growth Model, the key results of the report, and the recommendations outlined for the Law Society;
- Understanding the objectives of Phase II and identifying common expectations and concerns; and
- Identifying concrete actions to implement Phase I recommendations.

Additional *Community of Practice* meetings are scheduled for April 19, May 10 and June 7.

4.3 Statement on Commitment to Reconciliation

Following approval of the Statement at September Convocation and discussion on next steps, Administration reached out to the Métis Nation Saskatchewan as well as the Federation of Sovereign Indigenous Nations to provide an embargoed copy of the Statement and determine interest in engaging in dialogue in advance of the Statement's release.

Administration met with a representative of the Métis Nation Saskatchewan on January 19, 2023 and received contact details for a Michif translator, as well as several inputs that would update the references to the Métis/Michif Nation and include references to the [Canada-Métis Nation Accord](#) and the [Métis Government Recognition and Self-Government Agreement](#). On March 20, 2023, with the inclusion of the new agreement ([the Métis Nation–Saskatchewan Self-government Recognition and Implementation Agreement](#)), General Counsel for the Métis Nation Saskatchewan signaled support for the Statement with these revisions.

We will also provide an embargoed copy to other Law Society jurisdictions as a courtesy, prior to release.

4.4 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 17, 2023; and
- b. Minutes from the *In-Camera* Bencher meeting held February 17, 2023.

A motion is required.

6.2 Terms of Reference

Several Committees met in advance of Convocation to review their Terms of Reference and most Committees did not require changes.

Only the Audit Committee required changes to their Terms of Reference and a redlined version is provided for review and approval.

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

June Convocation will be held June 22 & 23, 2023 at Dakota Dunes Resort near Saskatoon.

7.5 Motion to Adjourn