

CONVOCATION AGENDA

Convocation Date: November 30 and December 1, 2023
Location: In-person at the Bessborough Hotel, Saskatoon and virtually via *Zoom* on both Thursday and Friday
Commencement and End Time: Thursday, November 30th - Lunch at 1:00 pm; Bencher Session from 2:00 – 5:00 pm.
Friday, December 1st - Breakfast at 8:30 am; Convocation will begin at 9:00 am, with lunch service 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. Bencher Thursday Afternoon Session
- ii. Appointments
- iii. Informational Items – Operational reports, Committee Reports and reports from Representatives on outside organizations

2. Decision Items

2.1 Appointments (*discussion In-Camera, motions are public*)

- i. Law Foundation of Saskatchewan

David Chow, K.C. was appointed to the Provincial Court in Moose Jaw on July 31st with an immediate departure and Tom Schonhoffer, K.C. will complete his final term effective December 31, 2023.

Recruiting efforts began in October to fill the resulting vacancies and we received a total of 15 applications. Laurie Johnson, HR Director, met with the joint Selection Committee made up of members of the Nominations Committee and the Law Foundation on October 31st to short-list the

candidates. Interviews took place between November 6 – 8 and background checks have also been completed.

Terms for Sean Sinclair, Irene Seiferling and Lee Anne Schienbein (Acting and incoming Chair) also expire on December 31, 2023. The Law Foundation is seeking the re-appointment of all 3.

The Nominations Committee will make a recommendation to the Benchers. A memo outlining the overall selection process is attached in the *Closed* Bencher Agenda.

A motion of the Benchers will be required to approve the two new appointments to the Law Foundation Board and to re-appoint existing members.

2.2 Regulation

i. Rule Amendments

- a. Part 3, Elections, Part 7 – Membership and Practice Privileges, and Part 12 – Insurance

At its November 21, 2023 meeting, the Governance Committee considered *draft* amendments to Part 3 of the Rules - “Elections,” largely aimed at correcting errors, clarifying the Rules and bringing them in line with practice. Optional amendments were also considered that would allow member Benchers who are elected to office in their final elected Bencher term to remain Benchers for the period required to complete the executive leadership ladder.

Finally, related to the election Rules, the Governance Committee also considered Rule amendments that would discontinue the retired member category of membership.

Attached is a memo outlining the *draft* Rule amendments and the conclusions and recommendations reached by the Governance Committee for Board consideration.

The memo seeks specific consideration of whether the Rules should be amended to formally establish the executive leadership ladder (i.e. Vice-President, President, Past-President) and remove the Presidential election such that the only election for office is for Vice-President elect. The Committee has not advanced a recommendation on this item.

A motion to approve Rule amendments is not sought at this time. Following consideration by the Benchers, the *draft* amendments will be revised appropriately, and the Rule amendments will be brought back as a complete package to the first Convocation of 2024.

It should be noted that any Rule amendments respecting the appointment or election of Benchers will ultimately need to be approved by a two-thirds majority of the members at the next Annual General Meeting before coming into effect.

2.3 Society Governance

i. Law Society Committees

At its meeting held on November 21st, the Governance Committee considered and is recommending amendments to *Policy B-VI: Committees* to include guidelines for the establishment of new committees and the dissolution of existing committees.

Additionally, the Committee considered a proposal that the responsibilities of the Firm Regulation Committee and Trust Safety Committee be carried out by a single Committee in 2024, with further review to occur in 2025, and is recommending that the proposal be approved.

A memo outlining the amendments and proposal is attached.

Motions are required to approve amendments to the Policy and to combine the existing Firm Regulation and Trust Safety committees into one Committee for 2024.

3. Discussion Items

3.1 Regulation

i. *Draft* Rules for Limited Licensees

The *draft* Rules for limited licensing will be considered by the Future of Legal Services Committee at their meeting on November 27th and are attached for initial discussion and feedback. A formal motion to approve is anticipated to occur in Q1-2 2024, pending incorporation of feedback and finalization of select items (e.g., insurance and exchange with Government).

Administration will provide a presentation which is also attached.

ii. *Draft* Code of Conduct for Limited Licensees

The *draft* Code of Conduct for Limited Licensees will be considered by the Future of Legal Services Committee at their November 27th meeting and is attached for discussion and feedback, with a formal motion to approval likely to occur in Q1-2 2024.

3.2 Society Governance

i. Standing Reports

- a. President's Report – verbal report will be provided.
- b. Executive Director's Report – Tim Brown, K.C. will provide a written report in advance of Convocation.
- c. Federation Council Report – Andrea Argue, K.C. began her role as Federation Council representative on November 15, 2023.

ii. Financial Reporting

a. Financial Statements

Enclosed are the financial statements for the month ended October 31, 2023, along with a memo on the October 31, 2023 YTD financials from Pam Harmon, CPA, CA.

b. Investment Reports

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

The Quarterly Investment Report for the period July 1 to September 30, 2023 is also enclosed for review.

c. Practicing Fee 2023 – 2024

Attached is a letter to the membership that was released on November 15, 2023. The deadline for payment of fees is December 8, 2023.

iii. 2023 Workplan

An updated workplan is attached for review and discussion.

4. Strategic Initiatives Update

4.1 Strategic Initiatives

i. Strengthen Regulation (Goal 1)

a. Legal Guided Pathway Project

The developer is meeting weekly with Valerie Payne and with others as needed within the Professional Responsibility Department during the knowledge engineering and content mapping processes. The project timelines and milestones are being met within expected target timeframes.

The expected timeline for completion of the project is March 2024.

ii. Enhance Competence (Goal 2)

a. Firm Regulation

Year 3 of delivery of the online Practice Management Assessment Tool began on November 9th. Two-thirds of the law firms in the province have now successfully completed the Assessment Tool, resulting in 240 completes, with an additional 30 firms currently in progress. We have recently renewed our three-year contract with Standpoint for the ongoing delivery of the Assessment Tool. The vast majority of firms continue to engage positively with the assessment process.

b. Cloud Computing Guide – Best Practices and Checklist

The purpose of the *Cloud Computing Guide* (attached) is to provide practitioners with a set of best practices and a checklist to assist with evaluating or implementing cloud services. Practitioners should consider the questions and issues raised in this document when selecting or validating cloud service providers.

A working group of staff and practitioners has completed a review and reworking of the Guide and Checklist resulting in a more up-to-date and relevant document for the membership. The final draft received approval by the Working Group on November 20, 2023. This updated resource will be made available to the membership immediately and CPD will be developed in the new year to support these changes.

The CBA has also requested to include a session involving the updated Guide and Checklist at their upcoming tech conference in April 2024. A note of acknowledgement and thanks to the following practitioners who worked diligently to update this resource: Josh MacFadden, Nathan Schissel, Cory Furman K.C. and Joseph Gill.

iii. Increase Equity, Diversity and Inclusion (Goal 3)

a. Equity & Access Committee

The implementation plan for a mentorship program will be considered by the Equity and Access Committee at a meeting to be scheduled following Convocation and will be provided to the Benchers for any further input/comment prior to implementation by Administration during 2024.

An end-of year survey will also be sent to collect and report on Law Society Board and Staff diversity data for inclusion in the 2023 Annual Report.

The “Becoming a Lawyer” project with Pro Bono Students Canada and the Public Legal Education Association of Saskatchewan is ongoing with school visits in 2023 and a virtual option anticipated for 2024.

iv. Advance Truth and Reconciliation (Goal 4)

a. Statement on Commitment to Reconciliation

Further to feedback at a recent Advisory Group meeting, with the support of the Treaty Commissioner, Administration is consulting with the Federation of Sovereign Indigenous Nations in general, as well as regarding the specific inputs received by Métis Nation Saskatchewan. This is anticipated to be completed prior to the end of the year.

It was identified that Treaty 7 may be included in the list of Treaties in the province of Saskatchewan:

“The Law Society regulates the practice of law on the shared lands of Treaties 2, 4, 5, 6, 7, 8, 10, and the Homeland of the Métis/Michif Nation.”

However, Treaty 7 is not included by some organizations, for instance the Office of the Treaty Commissioner, as there are no Treaty 7 nations in this small area of Saskatchewan. It is often used as an example to reinforce that Treaty boundaries were created prior to provincial boundaries.

Administration is also completing the recruitment of translators to advance translation of the statement and simple language guides (written and oral). Translators in the Siouan languages (Dakota, Lakota and Nakota) have not yet been identified.

b. Truth and Reconciliation through Treaty Implementation (TRTI)

Administration is advancing the short-term priorities as identified in the TRTI Action Plan and detailed in the Workplan, with several highlighted here:

- continued consultation with Indigenous stakeholders and initial consideration for composition of the Advisory Group;
- increasing participation of Elders/Knowledge Keepers in meetings/events;
- initial review of governance structures to increase diversity on the Board;

- external training and a program of continuing professional development related to Indigenous priorities;
- support for attendance of Indigenous law students at the Indigenous Bar Association Annual Conference;
- purchase and display of a new resource titled “Cultural Teachings: First Nations Protocols and Methodologies”; and
- review of investigative and adjudicative processes with development of training and materials, as well as support for the Gladue Rights Research Database.

v. Increase Access to Legal Services (Goal 5) and Future of Legal Services Initiative

a. Limited Licensing Pilot

An upcoming meeting of the Future of Legal Services Committee will consider two new applicants, a request for expanded scope of practice, and several items to advance the formalization of the limited licensing framework, including *draft* Rules and *Code of Conduct*. Administration has also continued attending local Bar Association meetings to provide a presentation on the first year and a half of the Pilot and answer questions, most recently in Regina, Lloydminster and Saskatoon. These meetings have highlighted:

- shared concern for the issue of access to legal services / justice but a range of perspectives on the seriousness of this problem and mixed familiarity with existing data;
- support for increased funding for Legal Aid which is consistently viewed as not covering the range of issues those of limited means encounter and not providing support for a wide enough range of incomes;
- important clarifications regarding the existing regulatory structure including exceptions, exemptions, direct supervision, legal information and the definition of the practice of law; and
- interest in the Pilot and targeted questions particularly regarding: the volume and education, training and experience of participants; areas of practice; the anticipated regulatory structure and how it will intersect with practice by lawyers; and opportunities for internationally trained lawyers.

vi. Increased Focus on Member Wellness (Goal 6)

On October 20, 2023, a Kick-off meeting was held with the Health and Wellness working group. The members of the group were presented with a series of real-world scenarios to help inform them about the needs that exist. These scenarios will later serve as test cases to consider as new approaches are developed.

The members of the working group also reviewed an environmental scan detailing the initiatives being advanced by several other Law Societies in Canada.

Next steps will include seeking feedback from an expert in Human Rights law and then the development of some draft protocols.

5. Informational Items

i. CPLED Update

CPLED is conducting annual stakeholder visits to participating law societies. Liza Worthington, CPLED CEO, will be in attendance on Friday to provide a CPLED update. Time will be allotted for Bencher discussion.

ii. Committee Reports

An information package is included in the materials, including Bencher Committee reports and any reports received from Representatives on outside Committees.

iii. Bencher Committee Preferences

Attached is a questionnaire for Benchers to complete by ranking their Committee preferences. The Administration asks that completed questionnaires be provided to Liz Lynchuk by December 8th.

iv. Bencher Evaluations

The Annual Bencher Self-Evaluation Questionnaire, which allows the Benchers to evaluate how the Benchers are performing collectively, will be sent to the Benchers later in November.

The results will be considered by the Governance Committee either later this year or in the new year.

v. Bencher Election 2024

2024 is a Bencher Election year, therefore, planning will need to begin in the new year to promote the election and attract qualified Bencher candidates.

vi. Convocation 2024

2024 Convocation dates have been posted to the Benchers Portal under *Important Dates*.

6. Election of President and Vice-President

Adam Touet and Tiffany Paulsen, K.C. have expressed interest in running for Vice-President in 2024.

Time will be allotted for the Vice-Presidential Election, as well as the Presidential Election, should there be more than one candidate for the presidential office. Each candidate will be allowed to make a brief presentation and the Benchers will then cast their votes electronically via a secret ballot.

The successful President and Vice-President for 2023 will be announced at the conclusion of the meeting.

7. New Business

8. 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 8.1 below:

8.1 Approval of the Bencher Minutes

The following Bencher Minutes are provided for review:

- a. Minutes from the Bencher meeting held September 22, 2023;
- b. Minutes from the *Closed* Bencher meeting held September 22, 2023; and
- c. Minutes from the *Closed* Bencher Budget meeting held September 21, 2023.

9. Meeting Finalization

9.1 Review Actions to be Taken

9.2 Meeting Evaluation

9.3 Next Meeting

The next meeting is scheduled for March 27 and 28, 2024 in Regina.

10. Motion to Adjourn