

# CONVOCATION AGENDA

Convocation Date: September 21 and 22, 2023  
Location: In-person at the Hotel Saskatchewan, Regina  
and virtually via *Zoom* on both Thursday and Friday  
Commencement and End Time: Thursday, September 21<sup>st</sup> - Lunch at Noon;  
Budget meeting 1:00 pm – 2:30 pm; followed by a  
Bencher Activity 4:00 – 5:00 pm  
Friday, September 22<sup>nd</sup>- Breakfast at 8:30 am;  
Convocation will begin at 9:00 am

## 1. Approval of the Agenda

### 1.1 Apologies for Absence

Jonathan Bodvarson sends his regrets.

### 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. Budget 2024
- ii. Appointments
- iii. Informational Items – Operational reports, Committee Reports and reports from Representatives on outside organizations
- iv. Truth and Reconciliation through Treaty Implementation Action Plan

## 2. Decision Items

### 2.1 Budget 2024

The 2024 Budget, practicing fee and special fund assessment for 2024, as well as a *draft* Reserve and Surplus Management Policy, will be considered at the Thursday afternoon Bencher session and a separate Agenda has been prepared for this purpose. The meeting is to be held *in-camera*.

Separate motions will be required:

- A motion to approve the 2024 budget;
- A motion to approve the practicing fee for 2024 and Special Fund assessment for 2024 (included in the practice fee);
- A motion to approve the Reserve and Surplus Management Policy;

- A motion to approve Rule amendments to *Schedule 1 Law Society Fees and Assessments*, if required.

The motions will be recorded in the public record.

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

### i. Provincial Court Judicial Council of Saskatchewan

Section 53 of the *Provincial Court Act* sets out as follows:

(d) the president of the Law Society of Saskatchewan or a bencher or former bencher of the Law Society appointed by a resolution of the benchers;

The Saskatchewan Provincial Court Judicial Council is a body created under *The Provincial Court Act, 1998*. It is composed of the Chief Justice of Saskatchewan, the Chief Justice of the Court of Queen's Bench, the Chief Judge of the Provincial Court or their designates, the President of the Law Society of Saskatchewan or a Bencher or former Bencher of the Law Society appointed by a resolution of the Benchers, two additional judges, and two people who represent the community at large. It has two main purposes:

- recommending candidates for appointment to Provincial Court; and
- hearing complaints about the conduct of Provincial Court judges.

James Korpan, K.C. has now served 2 terms and his current term will expire on December 31, 2023. The Executive Committee will provide a recommendation regarding this appointment at September Convocation.

A motion will be required.

### ii. Saskatchewan Legal Aid Commission

The Law Society makes two appointments to the Legal Aid Commission. Victoria Elliott-Erickson was re-appointed in December for a second term that will expire December 31, 2024. There is currently one Law Society vacancy resulting from the retirement of Raymond Wiebe, K.C. at the end of 2022, who held the position of Chair.

A call for volunteers was sent to the membership and we received interest from 4 members. The Nominations Committee will make a recommendation to the Benchers. A Nominations Committee Report Form is attached.

A motion will be required to confirm the recommendation.

### iii. Council of the Federation

Erin Kleisinger, K.C. will be joining the leadership ladder of the Federation of Law Societies of Canada, effective November 15, 2023, ending her term as the Saskatchewan's appointee to Council.

A recruitment for this position began in August. Given the importance of a current understanding of issues facing the Law Society and legal regulators generally, the recruitment was open to current Benchers and recent past Benchers with Executive Committee experience.

Applications were received from two candidates. As both of the candidates are current Benchers, the Nominations Committee determined that both names should be brought forward for the Board to make a selection. The cover letters and resumes of the candidates are attached.

The selection will be made by secret ballot which will be circulated at the meeting.

A motion will be required to confirm the appointment.

## 2.3 Regulation

### i. Rule Amendments

#### a. Part 12 - Insurance, Rule 1202 Saskatchewan Lawyers' Insurance Association Inc.

Attached is a memo proposing amendments to Rule 1202 that would expand the exemption from the insurance program for members employed by the Federal Government of Canada and change the process by which eligibility for exemption is established. The amendments have been reviewed by the Insurance Committee and are being recommended for approval.

A motion will be required to approve the Rule amendments.

#### b. Part 11 – Professional Responsibility, Rule 1102, Examination of Complaints

Attached is a memo proposing housekeeping amendments to Rule 1102(4) to recognize the difference in the regulatory impact of the use of the term "no further action" in the repetition clause, and eliminate the risk of the looping effect resulting from allowing a Complainants' Review of a complaint determined to be repetitive pursuant to Rule 1102(4). This amendment would provide greater transparency and support for the non-acceptance of certain complaints without requiring the official "opening" of a complaint and triggering the right to a Complainants' Review.

A motion will be required to approve the Rule amendments.

ii. Professional Code of Conduct, Chapter 5.7

- a. 5.1-2B Ex Parte Proceedings  
5.1-2C Single Party Communications with a Tribunal

Amendments to the Model Code regarding Ex Parte Proceedings and Single Party Communication with a Tribunal were approved by the Federation in conjunction with the Harassment and Discrimination provisions, which were adopted by the Board at April Convocation. Both the Discipline Policy Committee and Model Code Sub-Committee were involved in and provided feedback through the two rounds of Consultation. The outstanding amendments adding s. 5.1-2B and C were reviewed by the Discipline Policy Committee on September 14<sup>th</sup> and a recommendation will be provided to the Benchers. A memo with background information and redlined amendments is attached.

A motion will be required to approve the amendments.

## **2.4 Truth and Reconciliation through Treaty Implementation Action Plan**

The Community of Practice has completed its work with the Office of the Treaty Commissioner to develop an action plan for the Truth and Reconciliation through Treaty Implementation recommendations.

The full Community of Practice held their final meeting in Regina on June 7<sup>th</sup> to review and validate the action plan which was shared with the Board as part of the strategic planning process at June Convocation.

The Action Plan (attached) will be reviewed more fully during September Convocation and a motion will be required for approval and public dissemination as part of the Annex in the Statement of Commitment to Reconciliation. For reference is the updated Statement of Commitment following consultation with the Federation of Sovereign Indigenous Nations and Métis Nation - Saskatchewan and the associated communication (attached).

## **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 verbal report will be provided.
  - c. Federation Council Report – no report for this Convocation.

## ii. Financial Reporting

### a. Financial Statements

Enclosed for review are the financial statements for the month ended August 31, 2023.

### b. Investment Reports

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

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

## iii. 2023 + Workplan and Strategic Plan (2023 - 2026)

A new workplan, detailing work currently contemplated to implement the new Strategic Plan for the remainder of 2023 and beyond, is attached for review and discussion.

The workplan is intended to be a living document and will be built out as further consideration is given to areas of strategic priority and appropriate direction is received.

Following discussion of the workplan, the Goal and Objective portions of the Strategic Plan will be publicly disseminated in a desktop published version.

## 4. Informational Items

### 4.1 Strategic Initiatives Update

#### i. Strengthen Regulation (Goal 1)

##### a. Legal Guided Pathways Project

Administration has contracted a consultant to support in the development of a Legal Guided Pathway (LGP) in the complaints area. An LGP provides a tailored, plain-language information and self-help tool to aid the public in understanding legal professional obligations. The LGP will empower the public to take informed next steps to resolve their issue with the legal professional including:

- seeking the appropriate process for legal professionals outside of the Law Society's jurisdiction (e.g. Judiciary);
- seeking the appropriate process for issues outside the Law Society's jurisdiction (e.g. fee assessment);

- attempting to resolve the dispute with their lawyer in appropriate circumstances (e.g. if they feel more communication with their lawyer is required); and
- efficient filing of a complaint against a lawyer if the issue is within the jurisdiction of the Law Society complaints process.

The LGP asks users simple questions and provides customized information and options based on those answers. See for example the Financial and Consumer Affairs Authority (FCAA) Consumer Rights LGP.

The Legal Guided Pathway complaints project is expected to have a significant positive impact both for the public and the Professional Responsibility Department. The public will be served by the LGP by receiving assistance in:

- understanding the varied responsibilities of different legal professionals;
- facilitating navigation and understanding of the complaints process; and
- the provision of legal information and direction if their matter is not a complaint issue within the Law Society's jurisdiction.

The LGP will assist the Professional Responsibility Department in the delivery of service by allowing for the more effective and timely review of complaint matters, and by allowing greater focus on those complaint matters properly within the Law Society's jurisdiction. Members of the public will continue to be able to contact the Law Society for assistance in completing a complaint form in the event they are unable to access the Legal Guided Pathway, or continue to have questions following completion of the Legal Guided Pathway.

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

## ii. Enhance Competence (Goal 2)

### a. Firm Regulation

The largest firms in the Province completed the Assessment Tool in the last quarter ending at the beginning of August. This was the second group to complete the Assessment Tool with the Principles of Equity, Diversity and Inclusion, and Access to Justice incorporated. A preliminary review of the firms reporting indicates a high level of thoughtful engagement in these areas; many having identified the desire to enhance training in these areas for their staff and lawyers. Several firms have also specifically indicated that they have created an internal Committee to review their Assessment Report and develop and implement policies and procedures in their identified areas of need. To date, 213 firms (approximately 60% of all firms) have completed or are actively engaged in completing the Assessment Tool. The vast majority of firms continue to engage positively with the assessment process.

We recently completed an update and clean-up of the master library connected to the Assessment Tool, adding nearly 100 additional resources and CPD sessions in an effort to maintain the most up to date and relevant resources available to support law firms.

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

a. Equity & Access Committee

Administration is advancing the Committee workplan and additional information is included in the Memo with Information Items. This includes background work to launch a mentorship program in 2024. In relation to outreach, a meeting occurred with the Saskatchewan Human Rights Commission regarding referrals related to matters that may arise via the Law Society's Equity Office. The Law Society has also been invited to present to first year law students on human rights and the *Code of Conduct* as part of a new series of presentations to guide law students through their legal careers.

iv. Advance Truth and Reconciliation (Goal 4)

a. Statement on Commitment to Reconciliation

The Law Society is progressing work to identify translators and implement the communications plan in preparation for the Statement's release.

b. Truth and Reconciliation through Treaty Implementation

The Law Society was invited to co-present with the Office of the Treaty Commissioner at a workshop titled "Unlearn and Learn: Truth and Reconciliation" with the Canadian Network of Agencies of Regulation on September 6, 2023. There were 191 registrants and 163 attendees at the session and Elder Doug Pee-Ace provided Opening and Closing prayers.

Additional information on work regarding Truth and Reconciliation is included in the Memo on informational items.

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

A presentation on the Future of Legal Services Initiative with an emphasis on the Limited Licensing Pilot was provided to the Manitoba Law Society at their recent Board meeting.

a. Limited Licensing Pilot

The Pilot remains active and below are several fast facts about the Pilot current to the end of June 2023:

APPLICANTS	PARTICIPANTS - APPROVED	PARTICIPANTS - NOT APPROVED	PARTICIPANTS - WITHDRAWN	APPLICATIONS PENDING REVIEW
29	26	2	1	0
CLIENT INQUIRIES	CLIENTS SERVED	CLIENT GEOGRAPHIC LOCATIONS	CONSUMER REVIEW – POSITIVE	CONSUMER REVIEW – ISSUE RAISED
11,029 *In some Pilot service contexts there is a high volume of inquiry regarding legal services, but not all clients will elect or be candidates for services.	3,265	300+ locations outside of Regina / Saskatoon	28	5

An update current to the end of June 2023 (1.5 years of the Pilot) will be posted online. Additionally, work is progressing on the development of a Code of Conduct and mandatory ethics training for Limited Licensees, as well as Rules to guide the licensing process. The Future of Legal Services Committee considered several issues raised by lawyers in relation to Pilot participants at its September meeting.

b. Exemptions from the Prohibition Against the Unauthorized Practice of Law

In relation to exemption 1002(1)(a)(i), a survey was sent to lawyers and dispute resolution practitioners for their input around potential changes in the area of mediation and family law dispute resolution with a deadline of July 21<sup>st</sup>. Responses and related recommendations to the Rules and Code are being analyzed by the Future of Legal Services Committee, the Model Code Sub-Committee, and the Discipline Policy Committee and will be brought to the Board in due course.

## 4.2 Convocation Dates 2024

2024 Convocation dates were proposed at June Convocation and the change from 6 full in person Convocations to 4 full in person Convocations per year, with issue specific virtual meetings as required, was approved. Below are the final dates selected. Please mark them in your 2024 calendars.

- March 27 and 28, 2024, in-person and virtually. *Please note these dates are a Wed/Thursday, due to Good Friday falling on March 29<sup>th</sup>.*
- April 30, 2024, virtual meeting to approve Audited Financial Statements and consider the SLIA Insurance Levy.
- June 19 - 21, 2024, in-person and virtually. Cypress Hills is booked for arrival on the evening of Wednesday, June 19<sup>th</sup> for an early start on Thursday, June 20<sup>th</sup>.
- Convocation was originally indicated to be in September. However, is now planned to occur on October 3 - 4, 2024.
- December 5 and 6, 2024, in-person and virtually.



## **5. Information Package for Convocation**

An informational package is included in the materials.

## **6. New Business**

## **7. 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 7.1 below:

### **7.1 Approval of the Bencher Minutes**

The following Bencher Minutes are provided for approval:

- a. Minutes from the Bencher meeting held June 23, 2023; and
- b. Minutes from the *CLOSED* Bencher meeting held June 23, 2023.

A motion is required.

## **8. Meeting Finalization**

### **8.1 Review Actions to be Taken**

### **8.2 Meeting Evaluation**

### **8.3 Next Meeting**

The last Convocation of the year will be held on November 30<sup>th</sup> and December 1<sup>st</sup> in Saskatoon.

The President's Reception has been scheduled for Saturday, November 18, 2023 in Swift Current. Details to follow.

### **8.4 Motion to Adjourn**