

**Minutes for the Meeting of the Benchers  
Held Friday, April 28, 2023, In-Person and via Zoom  
Dakota Dunes, Whitecap**

**Present:**

Andrea Argue, K.C., Suzanne Jeanson, James Korpan, K.C., Jonathan Bodvarson, Sonia Eggerman, James Fyfe, K.C., Nolan Kondratoff, Lynda Kushnir Pekrul, William Lane, Foluke Laosebikan, K.C., 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., Andrea Johnston, Kiran Mand, Jody Martin, Valerie Payne, Michelle Owolagba, Pamela Harmon, CPA, CA, Stephanie Kievits, CPA, CA, Pamela Kovacs, Laurie Johnson, Paul Westgate, Alan Kilpatrick and Ken Fox

Guests present for the open portion of the meeting were: The Federation of Law Societies of Canada President Jill Perry, K.C. and Jonathan Herman, CEO. Guests from the Law Society of Manitoba, President Sacha Paul, Leah Kosokowsky, CEO and Rennie Stonyk, Deputy CEO. Guest Dave McCashin, Director of Insurance at SLIA, was present for the Insurance Levy discussion only.

The meeting was called to order at 9:08 am.

**1. Approval of the Agenda**

**1.1 Apologies for Absence**

None.

**1.2 Confirmation of Agenda**

Moved by Foluke Laosebikan, K.C., seconded by Nolan Kondratoff, to approve the Agenda as written. The motion carried.

**1.3 Bencher Conflict of Interest Disclosures**

None

**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 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**

The Audit Committee recommended approval of the December 31, 2022 audited financial statements.

A motion to approve the December 31, 2022 audited financial statements, for approval at the AGM, was presented by Sonia Eggerman, Chair of the Audit Committee, seconded by James Korpan, K.C. The motion carried.

Moved by Sonia Eggerman, seconded by Lynda Kushnir Pekrul, to recommend that Virtus Group be appointed as auditor for the year ended December 31, 2023. The motion carried.

### **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 MOU reflects the national work of federal government legal counsel and the extensive oversight by government. The matter has now been submitted to each of the law societies in common law provinces for approval and execution.

#### Discussion:

- A question was raised as to whether the MOU applies to Public Prosecutors and it was confirmed that it does.

Moved by Tiffany Paulsen, K.C., seconded by Foluke Laosebikan, K.C., to authorize execution of the MOU by Timothy J. Brown, K.C. The motion carried.

### **2.3 Appointments**

- i. Appointments to Fill Member Benchers Vacancies

The Nominations Committee oversaw the recruitment process in relation to the appointment of members to fill existing Benchers vacancies and met on April 21<sup>st</sup> to determine their final recommendation of candidates.

Moved by Will Lane, seconded by Foluke Laosebikan, K.C., to appoint the following 4 members to fill member Benchers vacancies, as per the recommendation:

- Idowu Adetogun
- Keith Amyotte
- Laura Klemmer
- Christopher Triggs

The motion carried.

## 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. The 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 and recommended Rule amendments to clarify the appropriate subject matter of a resolution, the process for that determination, and what is to occur with a resolution that is successful (i.e. it will be considered by the Benchers in the context of the mandate of the Law Society and their duties and can be adopted, amended or rejected). The amendments also remove the ability for members to bring motions from the floor without appropriate notice to the members.

#### Discussion:

A question was raised as to how we communicate to the members a decision with respect to a successful resolution. The decision would be recorded in the public minutes and additionally, a tailored communication plan would be developed in relation to the issue at hand.

Moved by Adam Touet, seconded by Lynda Kushnir Pekrul, to approve amendments to member resolutions, Rules 401 – 405, Part 4, Meetings of the Society, to clarify the procedure for bringing member resolutions forward and the effect of member resolutions passed at a meeting, as written. The motion carried.

A motion to grant second reading on the same day was presented by Nolan Kondratoff, seconded by Jeff Lee, K.C. The motion carried.

On second reading, a motion was presented by Julie Ann Wriston, seconded by Suzanne Jeanson, to approve amendments to member resolutions, Rules 401 – 405, Part 4, Meetings of the Society, to clarify the procedure for bringing member resolutions forward and the effect of member resolutions passed at a meeting, as written. The motion carried.

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

The Hearing Administrator requested some Rule changes to recognise the existence of the Hearing Committee Roster and to provide for the public roster members to be appointed to Hearing Committees. Currently, the Rule only provides for public Benchers to be appointed, which is not consistent with the intention of the roster.

Moved by Foluke Laosebikan, K.C., seconded by James Korpan, K.C., to approve amendments to Rule 1118(1) – (6), Appointment of Hearing Committee, Part 11, Professional Responsibility, to recognize the existence of the Hearing Committee Roster and to provide for the public roster members to be appointed to Hearing Committees, as written. The motion carried.

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

On second reading, moved by Lynda Kushnir Pekrul, seconded by Rochelle Wempe, to approve amendments to Rule 1118(1) – (6), Appointment of Hearing Committee, Part 11, Professional Responsibility, to recognize the existence of the Hearing Committee Roster and to provide for the public roster members to be appointed to Hearing Committees, as written. The motion carried.

ii. Code of Professional Conduct

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

A memo regarding the recommended amendments to the Model Code, section 6.3 *Harassment and Discrimination*, was provided for Benchers review and consideration.

The Federation completed two rounds of consultations prior to presenting the provisions for approval in April 2020 and October 2021. The Model Code Subcommittee and subsequently the Discipline Policy Committee reviewed and provided feedback at that time. The amendments have

recently been reviewed by the Discipline Policy Committee and no further feedback was provided. They are now being advanced for Board approval.

The proposed amendments address ongoing problems of harassment and discrimination faced by members of the profession whose personal characteristics are covered by human rights protections. The amendments recommended reflect contemporary understandings of discrimination and harassment law, while also acknowledging that legal professionals must stay abreast of developments in the law, understand the past and ongoing impacts of colonialism on Indigenous members of the profession, and remain aware of their own biases.

The recommended amendments expand the breadth of provisions that are currently in our *Code* and create a much stronger rationale for addressing discrimination and harassment as a regulatory issue.

*Discussion:*

- It was noted that the wording in 6.3-1 [3] which references “particular care” seems to impose a higher standard in regard to one group of individuals.
- It was noted that the language is not intended to create a higher standard, but to give specific attention to issues that historically many people have not thought about.

Moved by Rochelle Wempe, seconded by Tiffany Paulsen, K.C., that amendments to the *Code of Professional Conduct* regarding Chapter 6, section 6.3 *Harassment and Discrimination* be approved as written in the memo dated March 16, 2023. The motion carried.

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

On second reading, the motion was presented by Foluke Laosebikan, K.C., seconded by Suzanne Jeanson, that amendments to the *Code of Professional Conduct* regarding Chapter 6, section 6.3 *Harassment and Discrimination* be approved as written in the memo dated March 16, 2023. The motion carried.

iii. Insurance Levy

Dave McCashin, Director of Insurance, presented the recommendation of the Insurance Committee in relation to the Insurance Levy for the 2023-2024 policy year which aligns with the SLIA surplus management policy and the recommendation of an actuary.

Moved by James Morrison, K.C., seconded by Nolan Kondratoff, that the Benchers approve and set the 2023 – 2024 Insurance Levy at the rate of \$1,849, as recommended by the Insurance Committee. The motion carried.

Moved by Lynda Kushnir Pekrul, seconded by Nolan Kondratoff, that Schedule 1, Law Society Fees and Assessments, Liability Insurance Assessment, Annual Assessment be amended to indicate the amount of \$1,849. The motion carried.

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

On second reading, the motion was presented by Foluke Laosebikan, K.C., seconded by Adam Touet, that Schedule 1, Law Society Fees and Assessments, Liability Insurance Assessment, Annual Assessment be amended to indicate the amount of \$1,849. The motion carried.

### **3. Discussion Items**

#### **3.1 Society Governance**

##### **i. Standing Reports**

##### **a. President's Report**

Andrea Argue, K.C. reported on the following:

- Attendance at the March 6<sup>th</sup> Swift Current Bar Association at which Pamela Kovacs and Jody Martin presented
- Attendance at Federation meetings
- Attendance at the King's Counsel Ceremony
- Will be attending meetings with other Law Societies in Jasper and Whistler in June

##### **b. Executive Director's Report**

A written report will be provided following Convocation.

It was noted that the Law Society has had initial discussions with the Ministry in relation to the appointment of two public representative Benchers to replace Zachery Solomon and Kaitlynn McArthur and will be following up on next steps.

##### **c. Federation Council Report**

Erin Kleisinger, K.C. provided her report in advance of Convocation.

##### **ii. Financial Reporting**

##### **a. Financial Statements**

Financial statements for the three months ended March 31, 2023, along with a memo from Pamela Harmon, were provided for review.

It was noted that the Law Society is ahead of budget in both the General and Special Funds. This is largely due to improvements in the investment market and timing of expenses. Permanent variances from budget have been reflected in the forecast and are mostly in relation to expected lower than budgeted personnel expenses.

b. Investment Reports

The March 31, 2023 TDAM investments Summary was provided for review.

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

A Workplan was attached for review and discussion.

A revised workplan with additional action items will be prepared following finalization of the new Strategic Plan.

iv. Annual Benchers Evaluation Results

The results were considered by the Governance Committee at its April 12<sup>th</sup> meeting and were attached for review and discussion.

It was noted that there were some very insightful comments in the results which should be discussed amongst the Benchers.

## 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 3<sup>rd</sup> 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 provided a demonstration for the Benchers.

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.

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.

### **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.

It was noted that much thought will need to be given as to how we communicate the statement when we are ready to make it public.

### **4.4 Information Items**

An information package was included in the Agenda.

## **5. New Business**

None.

## **6. Consent Agenda**

Consent Agenda items are not considered controversial and will collectively be enacted by one motion.

### **6.1 Approval of the Bencher Minutes**

The following Bencher Minutes were 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.

## **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. To date, only the Audit Committee required changes to their Terms of Reference and a redlined version was provided for review and approval.

Moved by Tiffany Paulsen, K.C., seconded by Adam Touet, that Minutes of the Benchers meetings held February 17, 2023 as listed and the Audit Committee's Terms of Reference be approved as written. The motion carried.

## **7. Meeting Finalization**

President Argue, K.C. thanked all guests for making the time to attend our meeting.

Moved by Julie Ann Wriston, seconded by Martin Phillipson, to bestow honorary Law Society of Saskatchewan memberships for guests Jill Perry, K.C., Sasha Paul, Leah Kosokowsky and Rennie Stonyk. The motion carried.

It was noted that Federation of Law Societies of Canada CEO Jonathan Herman has already been given this honour.

### **7.1 Review Actions to be Taken**

### **7.2 Confirm Items under 1.4**

### **7.3 Meeting Evaluation**

An April Convocation survey was released.

### **7.4 Next Meetings**

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

### **7.5 Motion to Adjourn**

Jonathan Bodvarson moved to adjourn the meeting. Foluke Laosebikan, K.C. seconded. The meeting adjourned.

**TIMOTHY J. BROWN, K.C.**  
**Executive Director**