



Public Bencher Minutes

Approved Public Minutes of the Four Hundred and Ninety-Second Meeting of the Benchers of the Law Society of Alberta (the “Law Society”)

February 21, 2019

Law Society Office, Calgary

8:30 am

Benchers present	<p>Don Cranston, Outgoing President Rob Armstrong, President Kent Teskey, President-Elect Ryan Anderson Arman Chak Corie Flett Elizabeth Hak Bill Hendsbee Cal Johnson Linda Long Jim Lutz Barb McKinley Bud Melnyk Walter Pavlic Corinne Petersen Stacy Petriuk Robert Philp Kathleen Ryan Darlene Scott Deanna Steblyk Margaret Unsworth Cora Voyageur Ken Warren Louise Wasylenko Nate Whitling</p>
Executive Leadership Team members present	<p>Elizabeth Osler, Chief Executive Officer & Executive Director Cori Ghitler, Deputy Executive Director and Director, Professionalism & Policy</p>

	<p>Paule Armeneau, Director, Regulation & General Counsel Nadine Meade, Chief Financial Officer Andrew Norton, Director, Business Technology David Weyant, President and Chief Executive Officer of the Alberta Lawyers Insurance Association (ALIA) and the Alberta Lawyers Insurance Exchange (ALIEX)</p>
Staff present	<p>Colleen Brown, Manager, Communications Nancy Carruthers, Manager, Professionalism & Ethics Ruth Corbett, Governance Administrator Shabnam Datta, Policy Counsel Jennifer Freund, Policy Counsel Kendall Moholitny, Manager, Early Intervention Kara Mitchelmore, Chief Executive Officer, Canadian Centre for Professional Legal Education Jody Saunders, Tribunal Counsel Christine Schreuder, Governance Coordinator Ryan Stephanson, Business Technology</p>
Guests and observers present:	<p>Ola Malik, Vice-President, Canadian Bar Association Alberta Nonye Opara, Executive Director, Pro Bono Law Alberta Sandra Petersson, Executive Director, Alberta Law Reform Institute Steve Raby, representative of the Federation of Law Societies of Canada</p>

*Secretary's Note: The arrival and/or departure of participants during the meeting are recorded in the body of these minutes.

Tab	Item
I	<p>Remarks from the outgoing President</p> <p>The outgoing President called the public meeting to order at 8:35 am, beginning with the Indigenous territorial acknowledgement that the land on which we were gathered is Treaty 7 territory and the traditional territory of the Niitsitapi (Blackfoot), Nakoda (Stoney), and Tsuu T'ina.</p> <p>Mr. Cranston addressed the Benchers with his final remarks. He reflected on his year as President, the important work of the Law Society and the Benchers in the service of the public and thanked staff and Benchers for their support</p>



	<p>throughout his tenure. The Benchers, staff and guests expressed their appreciation through applause for Mr. Cranston as he left the meeting.</p>
2	<p>Remarks from the new President</p> <p>Mr. Armstrong took his place as President and Chair and welcomed everyone to the meeting. New Benchers, Executive Leadership Team members, and senior staff, were introduced and congratulated.</p> <p>Mr. Armstrong’s opening remarks included a look back on the achievements and of the past year, particularly the new tripartite Legal Aid Alberta Governance Agreement, the groundwork covered at the 2018 Jasper Retreat on the Truth and Reconciliation Commission calls to action, and the articulation and approval of a Board Relations Protocol that will help to guide the work of the Benchers.</p> <p>Mr. Armstrong reflected on the importance of the work on proposed amendments to the <i>Legal Profession Act</i> (the “Act”) in spite of the fact the amendments did not proceed. Looking forward, Mr. Armstrong advocated for credible, knowledge-based decision-making and regulation in the public interest that will move the Law Society and the profession forward in a meaningful way.</p>
3	<p>Big Issues update</p> <p>Ms. Osler presented the discussion and decision timeline for Big Issues which was circulated with the meeting materials. The timeline set out the schedule for the discussion of the Big Issues in 2019 based on an assessment of the work required and available resources. The timeline will be reviewed and adjusted as required and the Benchers will receive regular updates.</p> <p>Ms. Ghitter provided details on the Big Issues identified for discussion during 2019, highlighting the following:</p> <ul style="list-style-type: none">- Although not identified as a priority, Bencher table diversity requires discussion and possible changes to the Rules of the Law Society (the “Rules”) well in advance of the 2020 Bencher election.- The Jasper retreat theme will be “courageous leadership” with keynote speakers Paul Philip, Chief Executive Officer of the Solicitors Regulation Authority, and Adam Legge, former President of the Calgary Chamber of Commerce.- As part of the work on the training of new lawyers, the new Practice Foundations Task Force plans to survey articling students and new lawyers. Reports to Benchers will initiate discussion on this topic.



- Although not identified as a Big Issue, the Benchers requested strategic discussion on the role of Alberta Law Libraries.
- Discussion of the regulation of paralegals will be necessary in response to pressure from the government and the profession on this topic.

Ms. Opara joined the meeting.

4 Part Time Fees

Documentation for this item included a proposal and reference materials. Ms. Ghitter presented the background and conclusions of the work and surveys done over the last ten years.

The Benchers' discussion included the following:

- Questions arose about the duration of the pilot project, particularly that it might not be long enough to collect enough data on the financial implications, participation rate and lawyer interest, to make an informed decision and that the timeframe of the pilot project may not capture enough lawyers from the different groups, particularly non-practicing lawyers leaving and returning at different times.
- Questions about the insurance levy arose, including whether the profession understands that this is a separate and longer-term issue. It was confirmed that the part time fees survey and related communications were clear on this matter. The importance of the communications plan in relation to the pilot project was noted.
- There was overall support for the pilot project and the principle of a program that would benefit a segment of the bar.

The Benchers requested an amendment to the motion to insert the word "*Pilot*" before the word "*Program*". The amendment is reflected in italics in the motion.

Motion:

To approve the introduction of a Part Time Membership Fee *Pilot* Program for the Law Society of Alberta starting in 2020, subject to the Executive Director reporting annually to the Benchers on the administration of the program.

**Seconded
Carried**

Kara Mitchelmore joined the meeting.



5 Rule 2 and Rule 148 Amendments

Documentation for this item was circulated with the meeting materials. Ms. Freund presented the proposal from the Innovating Regulation Task Force (IRTF) for amendments to the Rules that would expand the definition of law firm, expand the pool of pro bono programs and clarify insurance coverage for volunteer lawyers in those programs.

The IRTF also recommended a staged approach to implementing the amended Rules to allow the Law Society to finalize policy work, ensure resources and technology are in place, and to develop a communications/consultation plan. A slide was projected at this point in the meeting showing the implementation timeline.

Mr. Teskey, IRTF Chair, reported on the IRTF's discussions, the need to remain innovative and responsive, to be thoughtful about change, and to embrace the public interest in moving the matter forward. The IRTF will continue to work on opportunities for innovation.

The Benchers discussed the process for establishing the criteria for legal service providers and were advised that the proposed Rules are purposely broad to ensure that governance and decision-making for matters such as scope, standards, criteria and eligibility remains at the Bencher table.

In response to a question about jurisdiction, it was confirmed that the Benchers have the authority to define law firm under section 7 of the Act. When the proposed amendments to the Act did not proceed in 2018, the work to facilitate innovation was redirected to the IRTF to develop Rule amendments under section 7 that would accomplish some of the same objectives.

Motion I:

To approve the amendments to Rules 2(1), (2) and (3), as proposed, to come into force July 1, 2019.

Seconded
Carried unanimously (2/3 majority required)



Motion 2:

To approve the amendments to Rule 2(4) and 119(1)(o) and the creation of Rules 2.1 and 2.2, as proposed, to come into force upon a date to be determined by the Benchers at a future meeting

Seconded

Carried unanimously (2/3 majority required)

Motion 3:

To approve the amendments to Rules 147, 148, 149.2, 149.3, 115(1) and (1.3), 119.1.1, 119.2, 119.4, 137(2), 151(3), 165(3), 165.1(1), 167(1), 168(1), 171(1.1), as proposed, to come into force July 1, 2019.

Seconded

Carried unanimously (2/3 majority required)

6 Sections 83 and 84 Suspension and Disbarment Guideline

Documentation for this item was circulated with the meeting materials. Ms. Datta and Ms. Saunders presented the Policy Committee's proposal for the new guideline. The Benchers requested a revision to the language in section 10 of the guideline for clarity. Policy Counsel undertook to review and revise the language accordingly.

Motion:

To approve the Sections 83 and 84 Suspension and Disbarment Guideline, as proposed, subject to revised language in Section 10 to reflect that where reasons are available they will be provided.

Seconded

Carried

Secretary's note: following the meeting Policy Counsel amended the guideline accordingly by replacing the words "may include" with the words "will include, where available" in sections 10 and 11.

7 Revocation of the 2000 Disclosure Protocol

Documentation for this item was circulated with the meeting materials. Ms. Carruthers presented the proposal to revoke the existing Disclosure Protocol with a new Pre-Hearing Disclosure Protocol that provides concrete direction to staff. It was noted that protocols, as operational documents, no longer require Bencher approval and are approved by the Executive Director; however, the



	<p>2000 Disclosure Protocol had been approved by the Benchers. The new protocol was provided to the Benchers for information.</p>
	<p>Motion: To revoke the Disclosure Protocol approved by a Bencher resolution on September 29, 2000.</p> <p style="text-align: right;">Seconded Carried</p>
	<p>Mr. Weyant left the meeting.</p>
8	<p>Audit and Finance Committee (AFC) Report and Recommendations A report and recommendations from the AFC were circulated with the meeting materials. Ms. Wasylenko, Chair of the AFC, presented the recommendations.</p> <p>8.1 Appointment of the Auditor for 2019</p>
	<p>Motion: That the Benchers re-appoint PricewaterhouseCoopers as the external auditors for the Law Society's fiscal year ending December 31, 2019.</p> <p style="text-align: right;">Seconded Carried</p>
	<p>8.2 Amendments to the Statement of Goals Investment Policies and Goals</p>
	<p>Motion: That the Benchers approve the revised Law Society of Alberta Statement of Investment Policies and Goals as set out in attachment 2.</p> <p style="text-align: right;">Seconded Carried</p>
9	<p>Leadership Report (formerly known as the Executive Director's report) Ms. Osler presented the new Leadership Report which was circulated with the meeting materials. Ms. Osler thanked the Benchers for supporting the Law</p>



	<p>Society’s organizational changes and expressed her appreciation for the opportunity to serve as the first female Chief Executive Officer & Executive Director of the Law Society. Ms. Osler reflected briefly on her career and expressed her gratitude to Don Thompson, QC, Richard Shaw, QC and the late Charles (Chuck) Meagher, for their mentorship and friendship during her career. Ms. Osler spoke about her Executive Leadership Team and the exciting challenges ahead. Highlights of the Leadership Report included the following:</p> <ul style="list-style-type: none"> - Ms. Ghitter and Ms. Osler are planning a road trip to meet with Benchers and their colleagues to learn more about their work. - The agenda outline that was circulated in advance of the meeting is intended to help Benchers prioritize their review of meeting materials. - The title of the Leadership Report reflects the subject matter expertise throughout the organization. Senior management will present to the Benchers on topics from time to time. - The podcast looked back at 2018 and forward to 2019 and beyond. The Leadership Team plans to use new and innovative reporting formats as ways to engage with the Benchers, key stakeholders and the profession. - Strategic planning during 2019 will provide the opportunity for everyone to come together to focus on important issues.
<p>10</p>	<p>Canadian Centre for Professional Legal Education (CPLED) update</p> <p>Ms. Mitchelmore presented an update on the new CPLED program and website. The presentation included an overview of the program, the foundation modules, virtual firm practice rotations, and capstone assessment. Current administrative tasks include work on the finance agreements for loans, service agreements with participating provinces and ongoing discussions on the cost per student of the new program. Overall the program is on time and on budget.</p>
<p>11</p>	<p>Early Intervention update</p> <p>Ms. Moholitney presented an update on the Early Intervention program, including the latest information on intake, dismissals, goals and effectiveness of the program. In the transition from pilot project to program, the Early Intervention department is implementing changes as a result of learnings from the pilot, measuring effectiveness, and ensuring there is ongoing education and collaboration.</p>
<p>12</p>	<p>Consent Agenda</p> <p>12.1 2019 Committees, Task Forces, and Liaisons</p> <p>12.2 Law Society Annual General Meeting date</p> <p>12.3 November 29-30, 2018 Public Bencher meeting minutes</p>



12.4 December 18, 2018 special Bencher meeting minutes

Documentation for the consent agenda items was circulated with the meeting materials. The items were approved concurrently.

Motion:

12.1 To appoint the 2019 committees, task forces, liaisons and representatives to “other bodies” as set out in the 2019 Committees, Task Forces, Liaisons and Other Bodies list; and To continue the term of appointment for any person on a 2018 committee involved in any ongoing adjudicative matter until such time as a report or decision is rendered on the matter in which they are involved.

12.2 To schedule the 2019 Annual General Meeting of the Law Society of Alberta at 4:00 pm on April 25, 2019 in Edmonton.

12.3 To approve the November 29-30, 2018 Public Bencher meeting minutes.

12.4 To approve the December 18, 2018 special Bencher meeting minutes.

**Seconded
Carried**

13 Reports for Information

The following reports were circulated with the meeting materials.

13.1 Alberta Law Foundation report

13.2 Alberta Law Reform Institute report

13.3 Alberta Lawyers’ Assistance Society report

13.4 Canadian Bar Association report

13.5 Federation of Law Societies of Canada report

13.6 Legal Education Society of Alberta report

14 Other Business - none

There being no further business the public meeting was adjourned at 1:05 pm.