
[490]

**Approved Public Minutes
of the Four Hundred and Ninetieth Meeting
of the Benchers of the Law Society of Alberta (the “Law Society”)
held at the Law Society Offices, Calgary, Alberta
September 27, 2018**

Benchers present:

Don Cranston, President
Rob Armstrong, President-Elect
Ryan Anderson
Glen Buick
Arman Chak
Bob Dunster
Corie Flett
Bill Hendsbee
Cal Johnson
Linda Long
Jim Lutz
Bud Melnyk
Walter Pavlic
Stacy Petriuk
Bob Philp
Kathleen Ryan
Darlene Scott
Deanna Steblyk
Kent Teskey
Margaret Unsworth
Ken Warren
Louise Wasylenko

Regrets:

Amal Umar
Nate Whitling

Executive Leadership Team members present:

Don Thompson, Executive Director and Chief
Executive Officer (CEO)
Elizabeth Osler, Deputy Executive Director and
Director, Regulation
Cori Ghitler, Director, Professionalism and Policy
Andrew Norton, Director, Business Technology
Drew Thomson, Chief Financial Officer (CFO)

Senior Staff present:

Paule Armeneau, General Counsel and Senior
Manager, Regulation
Colleen Brown, Manager, Communications
Nancy Carruthers, Manager, Professionalism and
Ethics
Ruth Corbett, Governance Administrator
Shabnam Datta, Policy Counsel
Jennifer Freund, Policy Counsel
Koren Lighting-Earle, Indigenous Initiatives Liaison
Nadine Meade, Manager, Accounting*
Shane Sackman, Research Counsel
Jody Saunders, Tribunal Counsel
Christine Schreuder, Governance Coordinator
Ryan Stephanson, Business Technology
Chioma Ufodike, Manager, Trust Safety

Guests and observers present:

Loraine Champion, Executive Director, Alberta
Lawyers' Assistance Society
Ola Malik, Canadian Bar Association, Alberta
Nonye Opara, Executive Director, Pro Bono Law
Association*

Sandra Petersson, Executive Director, Alberta Law Reform Institute
Christine Sanderman, Acting Executive Director, Legal Education Society of Alberta
Steve Raby, Alberta representative of the Federation of Law Societies of Canada

**Secretary's Note: The arrival and/or departure of participants during the meeting are recorded in the body of these minutes. A flexible approach was taken to the order of business to accommodate guests and scheduling.*

1 Opening Remarks from the Chair

Don Cranston

The Chair opened the meeting at 11:40 a.m. on September 27, 2018 by acknowledging that the land on which we gathered is Treaty 7 territory and the traditional territory of the Niitsitapi (Blackfoot), Nakoda (Stoney), and Tsuu T'ina.

The Chair thanked everyone for participating in Orange Shirt Day, in a spirit of reconciliation and hope, and in recognition and remembrance of the children who attended residential schools.

The Chair welcomed new Benchers Deanna Steblyk and Ken Warren to their first meeting. First-time guests Christine Sanderman and Nonye Opara were also introduced.

2 Ceremonial Calls to the Bar

Don Cranston

Documentation for this item was circulated with the meeting materials. The Chair presented the resolution to posthumously admit Alberta law students who lost their lives in the first World War, into the Law Society. The recognition project was initiated by the Legal Archives Society of Alberta. A posthumous call to the bar ceremony is scheduled for November 9, 2018.

RESOLVED AS A RESOLUTION OF THE BENCHERS OF THE LAW SOCIETY OF ALBERTA:

In memory and recognition of the sacrifice of Alberta students-at-law who enlisted in the Canadian Expeditionary Force, and who served therewith in the Great War of 1914-1918, and who lost their lives in service of our country in said War, the Law Society of Alberta waives all enrolment requirements and acknowledges they are entitled to be posthumously admitted to the Law Society of Alberta.

1. **Thoburn Stephens Allan**
2. **Herbert Joseph Ball**
3. **Francis Benedict Barnes**
4. **Percy Douglas Sinclair Broad**
5. **Bernal Benjamin Brown**
6. **John Francis Costigan**
7. **Henry Humphreys Dinning**
8. **Albert Graham Eakins**
9. **John Norris Eaton**
10. **Nelson Rankin English**
11. **John Ogilvy Fairlie**
12. **Thomas Harold Fennell**
13. **Samuel Cranswick Ferguson**
14. **Maxwell Donald Fraser**
15. **Desmond St. Clair George**
16. **Joseph Albert Gordon**
17. **Pierre-Eugene Guay**
18. **George Mason Lavell**
19. **William Alfred Lipsett**
20. **William Roberts Lister**
21. **John William Gow Logan**
22. **John MacPherson**
23. **John Dalton MacWilliams**
24. **Warine Frederick Martindale**
25. **William Carey McKee**
26. **Thomas Gordon McLean**
27. **Douglas Rutherford Morison**
28. **Frank Proctor Oldroyd**
29. **Frederick Arnott Perraton**
30. **Ernest Frederick John Vernon Pinkham**
31. **Llewellyn Isaac Hilton Roberts**
32. **Alexander Everett Ross**
33. **Harold Alexander Skene**
34. **Roy Clarke Steckley**
35. **Edwin Donald Wilson**
36. **Joshua Stanley Wright**
37. **James Christian Lawrence Young**

**Seconded
Carried**

3 Indigenous Initiatives Liaison (IIL) update

Koren Lightning-Earle

The IIL update was circulated with the meeting materials. Ms. Lightning-Earle highlighted the following activities and projects, underway or planned, in response to the Truth and Reconciliation Commission (TRC) Calls to Action:

- Cultural awareness training programs for Alberta lawyers, including a free education seminar series, are being launched by the Law Society this fall.
- Students of the Canadian Centre for Professional Legal Education (CPLED) will be required to complete the University of Alberta's 'Indigenous Canada' course.
- Within the Law Society, all staff have participated in cultural awareness training and an internal working group meets regularly to provide feedback on the IIL workplan. An internal blog and a lending library have been created. The Law Society has also established an Indigenous Advisory Committee to collect feedback on initiatives to facilitate advancement of the TRC Calls to Action. An update on the Law Society's progress on the TRC recommendations will be provided to the Alberta lawyers soon.
- The IIL has been meeting with Indigenous lawyers in Edmonton and Calgary and providing feedback to the Law Society. The Benchers met with Calgary Indigenous lawyers and law students on September 26, 2018.
- The IIL is working with the membership department to explore ways to incorporate indigenous culture into the Law Society's admission processes.
- The IIL has revamped the Indigenous Summer Student Program, which provides support to participating firms and fosters understanding of Indigenous culture and issues.

4 Business Plan and Budget Overview

Drew Thomson

Nadine Meade joined the meeting. Ms. Meade was congratulated on her appointment as the incoming CFO of the Law Society, ALIA and ALIEX, to succeed Mr. Thomson on his retirement at the end of the year.

The Benchers were provided with an overview of the Law Society 2019 Business Plan, including the budget planning process and the areas of focus and goals of the 2019 budget. In addition to core regulatory business and initiatives to support the Strategic Plan, a few key areas of focus have been identified for 2019: digitalization; renewal of the Strategic Plan; the redesign of CPLED; the Calgary office move; and service provider changes within the Trust Safety program. Department budgets have been prepared and are currently being consolidated. The Audit and Finance Committee will review the draft budget at

meetings in October. The Benchers will review the draft budget at a special budget meeting on November 7, 2018.

4.1 CPLED Fees and Program Development

The Benchers received a summary of the history of the CPLED program and the rationale for the redesign. The initiative is a joint project with the law societies of Manitoba and Saskatchewan and is intended to transform the overall quality of the program, with a new competency framework, dynamic education and training, improved assessments, and effective administration and governance. The goal is for the new program to be rolled out in the fall of 2020. It was noted that CPLED will be physically housed in the Law Society's new office space in 2019.

The budget for the redesign was presented and discussed. A capital investment of an estimated \$3 million, spread over two years, would be shared by the three provinces and has been endorsed by the law societies of Manitoba and Saskatchewan. The expected rise in the tuition cost per student from \$5,000 to \$6,000 due to increased operating costs raised some questions. Details of the financial plan require further discussion among the three law societies. Possibilities for other law societies to join the program are also being explored.

Nonye Opara left the meeting.

5 Trust Safety Rule changes

Nancy Carruthers/Chioma Ufodike

Documentation for this item was circulated with the meeting materials. It was confirmed that the proposed changes to the Trust Safety Rules were reviewed and endorsed by the Policy Committee. In addition, the Benchers were directed to a submission by Mr. Jason Morris which was included in their materials.

The Benchers' discussion focused on a concern raised about the collection of transactional data and whether that data can be protected. The Director of Business Technology for the Law Society advised that he is satisfied that the Law Society takes appropriate steps to maintain its security.

In response to a concern about the Law Society's collection of personal client information and the lack of clarity with respect to nature of the information, how it is treated, and how long it is kept, General Counsel for the Law Society confirmed that the Law Society's collection of privileged information is not a waiver of privilege and that any information that

forms part of a lawyer's self-report would not be disclosed under any circumstances in keeping with current case law.

Motion:

To amend Rules 119.30 and 119.33 of the *Rules of the Law Society of Alberta*, as set forth in Appendix "A" of the meeting materials.

**Seconded
Carried**

Mr. Chak abstained from voting.

6 Threshold Test Guideline

Jennifer Freund

Documentation for this item was circulated with the meeting materials. The Policy Committee reviewed and endorsed the proposed Threshold Test Guideline. Consequential amendments to some other guidelines is also required.

Motion: To

- a. **repeal the Threshold Guide and approve the *Threshold Test Guideline*, as proposed; and**
- b. **approve consequential amendments to all Guidelines that set out the Threshold Test to remove Test wording and references to the *Threshold Guide* and replace them with a general reference to the *Threshold Test Guideline*, as proposed.**

**Seconded
Carried**

7 Hearing Committee Appointment Protocol (HCAP)

Jody Saunders

Documentation for this item was circulated with the meeting materials. The Policy Committee reviewed and endorsed the proposed revisions to the HCAP, which are intended to increase flexibility, simplify language, and clarify roles. It was confirmed that all hearing committees would still require a Bencher; however, the proposed revisions remove the presumption that a Bencher must be the Chair.

Motion:

To approve the *Hearing Committee Appointment Protocol revisions* as set out in Appendix "B" of the meeting materials.

**Seconded
Carried**

8 Consent Agenda

Don Cranston

Documentation for items on the consent agenda was circulated with the meeting materials. There were no requests to move any of the consent agenda items onto the main agenda for discussion. The consent agenda items were approved concurrently.

Motion:

- a. **To approve the following 2020 Bencher meeting dates and locations:**
February 20 – 21, 2020 – Edmonton
April 23 – 24, 2020 – Calgary
June 10 – 13, 2020 – Jasper
October 1 – 2, 2020 – Edmonton
November 5, 2020 – Budget meeting via videoconference (1 – 4 pm)
December 3 – 4, 2020 – Calgary

- b. **To reappoint Steve Raby, QC, as the Law Society of Alberta’s representative to the Council of the Federation of Law Societies of Canada, effective November 15, 2018 for one year.**

Seconded
Carried

9 President’s Report

Don Cranston

The President’s report was circulated with the meeting materials. The President added that the Law Society continues to wait for news from the government with respect to the QC issue and the appointment of Lay Benchers. The Benchers expressed their appreciation to the current Lay Benchers for their willingness to continue to serve beyond their term dates.

10 Executive Director Report

Don Thompson

The Executive Director’s report was circulated with the meeting materials. Good progress is being made in all areas of the Business Plan.

In response to the news that Merry Rogers, Administrator, Practice Management, celebrated 25 years with the Law Society, the Benchers expressed their appreciation for this milestone.

11 Custodianship Office Report

Paule Armeneau

A PowerPoint presentation entitled “Custodianship 101” was circulated with the meeting materials. The presentation highlighted the role of the Custodianship department, including when, why and how custody of a lawyer’s practice is taken and what services are provided during custodianship. Data for the last five years was presented.

12 Alberta Law Reform Institute (ALRI) presentation

Sandra Petersson

The Benchers received a presentation on ALRI, including information about the establishment of ALRI 50 years ago, its founding partners, original objectives, vision and mission, staff and board members, details on events and achievements, and data on reports and publications over the last 50 years. The goals and objectives of the strategic plan and an overview of the project selection process were presented and discussed.

13 Other reports

The following information items were circulated with the meeting materials:

- 13.1 Alberta Lawyers Insurance Exchange report
- 13.2 Federation of Law Societies of Canada report
- 13.3 Audit and Finance Committee report
- 13.4 Conduct Protocol
- 13.5 Practice Advisors report
- 13.6 Tribunal Office report
- 13.7 Jasper Retreat summary
- 13.8 Alberta Law Foundation report
- 13.9 Alberta Lawyers’ Assistance Society
- 13.10 Canadian Bar Association report
- 13.11 Legal Education Society of Alberta report
- 13.12 Pro Bono Law Alberta report

14 Other Business

There being no further business the Chair adjourned the public meeting at 3:00 pm.