



Approved Public Bencher Minutes

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

June 26, 2020

Videoconference

8:30 a.m.

Benchers present	Kent Teskey, President Darlene Scott, President-Elect Ryan Anderson Arman Chak Corie Flett Elizabeth Hak Bill Hendsbee Cal Johnson Linda Long Jim Lutz Barb McKinley Bud Melnyk Lou Pesta Corinne Petersen Stacy Petriuk Robert Philp Kathleen Ryan Deanna Steblyk Margaret Unsworth Cora Voyageur Ken Warren Louise Wasylenko
Regrets	Walter Pavlic
Executive Leadership Team members present	Elizabeth Osler, CEO and Executive Director Cori Gitter, Deputy Executive Director and Director, Professionalism and Policy Paule Armeneau, Director, Regulation, and General Counsel Nadine Meade, Chief Financial Officer Andrew Norton, Director, Business Technology
Staff present	Barbra Bailey, Policy Counsel



	<p>Nancy Bains, Associate General Counsel Colleen Brown, Manager, Communications Nancy Carruthers, Manager, Professionalism and Ethics Ruth Corbett, Governance Administrator Sharon Heine, Senior Manager, Regulation Stephen Ong, Business Technology Christine Schreuder, Governance Coordinator</p>
Guest present:	Carsten Jensen, 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.

	Item
1	<p>Opening Remarks from the President</p> <p>Mr. Teskey called the public meeting to order at 8:35 a.m. and read the Indigenous land territorial acknowledgement statement for Alberta.</p> <p>Mr. Teskey welcomed Ms. Heine to her first Benchers meeting in her new role as Senior Manager, Regulation, to replace Ms. Armeneau upon her retirement from the Law Society at the end of June. Mr. Teskey paid tribute to Ms. Armeneau for her dedication to moving the work of the Law Society forward, noting that her achievements and her legacy are deeply imprinted on the organization.</p>
2	<p>Leadership Report</p> <p>The Leadership Report was circulated with the meeting materials. Ms. Osler highlighted the following:</p> <ul style="list-style-type: none"> - The Executive Leadership Team is planning a phased return to the office commencing following the announcement of stage 3 of Alberta's relaunch strategy. Currently Mr. Norton is working on staff needs for returning. Ms. Osler thanked Mr. Norton and his team for their hard work. - Staff continue to receive regular communications throughout remote operations. - Ms. Osler congratulated the Benchers for their commitment to progressing the strategic work of the organization during remote operations. - Stakeholder relations are currently on a strong footing, with many collaborations underway; for example, Cori Ghitter and Jordan Furlong's joint podcast on "after the pandemic", which was referenced in the Leadership Report. - The Leadership Report also included recommendations for reading on regulatory developments and reforms globally.
3	<p>Big Issues and Engagement Timelines</p> <p>Documentation for this item was circulated with the meeting materials.</p>



4 **Alternative Hearings Rule Amendments and Pilot Project**

Documentation for this item was circulated with the meeting materials. Ms. Osler introduced the proposal for a pilot project to conduct all hearings by video-conference, highlighting the Law Society's commitment to transparency and regular reporting throughout the process.

Ms. Bailey provided an overview of the work of the Policy and Regulatory Reform Committee ("PRRC") in conjunction with Policy Counsel and the Tribunal Office to develop the proposed Rule amendments and the draft Video-Conference Hearing Pilot Project Guideline. The PRRC requested a review of the program by June 30, 2021 and this commitment is formalized in the proposed motions.

Ms. Bains then provided the Benchers with an oral report on the virtual hearings which have taken place since the commencement of remote operations, highlighting the challenges, successes and future plans. Ms. Bains noted that there have been some technical issues and there is a need for more breaks during lengthy hearings; however, feedback from hearing participants has been positive. Benchers and hearing participants are encouraged to provide feedback at any time.

Mr. Hendsbee, PRRC Chair, advised the Benchers that the PRRC unanimously supported the recommendation. The PRRC requested the sunset clause to ensure information from the pilot project informs the long-term approach. The PRRC also discussed the need to continue working on public access disclosure issues.

The Benchers' discussion included the following:

- Ms. Bains confirmed that to-date only non-sensitive information has been shared on-screen; however, continuous review will be required to ensure there are no compromises in this regard.
- With new Benchers coming to the table early in 2021, there will be some who may not have experienced in-person hearings. Ms. Osler advised that this is one reason to ensure that all data is captured and regularly reported to the Benchers throughout the pilot project, to assist decision-making going forward. It is expected that circumstances will drive the appropriate format for hearings in the future and that there will be some in-person and hybrid hearings by application or with agreement by the parties.
- In response to a concern that video-conference hearings may not fulfil the requirements under the *Legal Profession Act* to allow the public to attend and observe, Ms. Bains advised that notices of all hearings are posted on the public website with the option to request to attend. Although there have been no requests to-date, staff are reviewing this issue and canvassing other law societies, to determine how to safely and securely allow the public to attend. In the meantime, any requests would be dealt with on a case by case basis.

Ms. Voyageur and Mr. Chak left the meeting at 9:45 a.m.



- Ms. Bains confirmed that Tribunal Counsel will assist in dealing with specific directions for pre-hearing conferences when required.
- The adjudicator training session in July will include a round table on virtual hearings, providing additional opportunities to feedback on the process.
- The proposed definition of “hearing” was discussed, and the Benchers supported the suggestion for an amendment to the wording of Rule 1(h.2) and a corresponding amendment to the guideline, to capture committees of the Benchers as well as panels.

Motion 1: Warren/Hendsbee

That the Benchers approve a one-year pilot project to conduct all Law Society hearings by video-conference, to be reviewed by the Benchers no later than June 30, 2021.

Motion 2:

That the Benchers approve the proposed amendments to Rules 1, 48.5, 90.1, 93, 111 and 112, and approve new Rule 2.4, subject to an amendment to proposed Rule 1(h.2) to read: *““hearing” means an adjudicated proceeding, conducted before a Hearing Committee, a panel of any committee, the Benchers or a panel or committee of Benchers”*.

Motion 3:

That the Benchers approve the Video-Conference Hearing Pilot Project Guideline, subject to an amendment to paragraph 5 to read: *““panel” means any panel of a committee or a panel or committee of the Benchers presiding over a hearing under the Act or the Rules”*.

Carried unanimously

Mr. Melnyk left the meeting at 9:55 a.m.

5 Access to Justice Update

Documentation for this item was circulated with the meeting materials. Ms. Ghitter highlighted the success of the Lawyer Referral Service so far and the discussions that are underway with the Calgary Justice Constellation on a “Poverty and the Law” training module.

6 Bencher Election Task Force (“BETF”) Report

Ms. Petriuk, BETF Chair, provided an oral report on the task force’s June 15 meeting, highlighting the following:

- The Communications Plan will incorporate video interviews designed to increase the number and diversity of candidates and voters. The Equity, Diversity and Inclusion Committee and the Equity, Diversity and Inclusion Advisory Committee will have an opportunity to provide input into this component of the Communications Plan.



- The launch of the Election website is on schedule. Candidates will be able to post their own materials; however, all content will be vetted and there will not be links to external sites that candidates may have. Any issues that arise relating to content will be addressed on a case by case basis.
- The next step for the BETF is to ensure there is appropriate and timely education on Rule 17 in advance of the election.
- In response to a question, Ms. Petriuk noted that the task force will discuss special interest groups and their impact on the election in 2017.

7 **Equity, Diversity and Inclusion Committee (“EDIC”) Report**

Documentation for this item was circulated with the meeting materials. Ms. Wasylenko advised that the EDIC continues to work on issues consistent with its mandate and Strategic Plan objectives. Current events with respect to systemic racism was an additional topic of discussion at the June 17 meeting.

8 **Lawyer Competence Committee (“LCC”) Report**

Documentation for this item was circulated with the meeting materials. Mr. Warren highlighted the LCC’s work with Jordan Furlong to develop a new program for Lawyer Formation and Lifelong Learning.

Mr. Teskey remarked that reports from the committees and task forces demonstrate that the work of the Benchers continues at a fast pace and a high level.

9 **Consent Agenda**

The consent agenda items were circulated with the meeting materials. There were no requests to remove any items from the consent agenda.

Motion: Long/Scott

**9.1 That the Benchers approve the May 14, 2020 Public Bencher Meeting Minutes; and
9.2 That the Benchers appoint Sukhi Sidhu to fill the Conduct Committee vacancy, created by the judicial appointment of Denise Kiss to the Court of Queen’s Bench of Alberta, effective immediately.**

Carried unanimously

10 **Other Business**

There being no further business the public meeting was adjourned at 10:10 a.m.