



Approved Benchers Public Minutes

Public Minutes of the Five Hundredth Meeting of the Benchers of the
Law Society of Alberta (the “Law Society”)

October 1, 2020

Videoconference

8:30 am

Benchers present	Kent Teskey, President Darlene Scott, President-Elect Ryan Anderson Corie Flett Elizabeth Hak Bill Hendsbee Cal Johnson Linda Long Jim Lutz Barb McKinley Bud Melnyk Walter Pavlic Lou Pesta Corinne Petersen Stacy Petriuk Robert Philp Kathleen Ryan Deanna Steblyk Margaret Unsworth Ken Warren Louise Wasylenko
Regrets	Arman Chak Cora Voyageur
Executive Leadership Team members present	Elizabeth Osler, CEO and Executive Director Cori Ghitler, Deputy Executive Director and Director, Policy and Education Nancy Carruthers, General Counsel and Director, Regulations Nadine Meade, Chief Financial Officer Andrew Norton, Chief Information Officer and Director, Business Operations David Weyant, President and CEO, Alberta Lawyers Indemnity Association



Staff present	<p>Barbra Bailey, Policy Counsel Nancy Bains, Tribunal Counsel & Privacy Officer Colleen Brown, Manager, Communications Ruth Corbett, Governance Administrator Shabnam Datta, Policy Counsel Jennifer Freund, Policy Counsel Tina McKay, Senior Manager, Business Operations, Membership Andrea Menard, Indigenous Initiatives Liaison Kara Mitchelmore, CEO, Canadian Centre for Professional Legal Education Stephen Ong, Business Technology Len Polsky, Manager, Legal Technology and Mentorship Katie Shea, Membership Counsel Christine Schreuder, Governance Coordinator</p>
Guests present	<p>Lorraine Champion, Executive Director, Alberta Lawyers' Assistance Society Jordan Furlong, Consultant Bianca Kratt, Vice-President, Canadian Bar Association Alberta Nonye Opara, Executive Director, Pro Bono Law Alberta Sandra Petersson, Executive Director, Alberta Law Reform Institute Christine Sanderman, Executive Director, Legal Education Society of Alberta</p>

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 Mr. Teskey called the public meeting to order at 8:35 a.m. and delivered the Indigenous land territorial acknowledgement statement for Alberta. Mr. Teskey welcomed guests Jordan Furlong and Bianca Kratt to the meeting.</p> <p>Mr. Ong left the meeting.</p>
2	<p>Leadership Report The Leadership Report included a memo on the Law Society's COVID-19 pandemic response, Big Issues and Engagement timelines, an updated Law Society organizational chart, and a Membership Statistics Update Memo. Ms. Osler thanked Benchers for their support of the Law Society as it pivoted in response to the pandemic to keep the strategic work moving forward. Ms. Osler thanked staff for their commitment to advancing the operational and strategic work in the face of additional pandemic-related work, in particular, members of the Executive Leadership Team (ELT) and Dr. Kara Mitchelmore for stepping up in countless ways over the last six months. Ms. Osler highlighted the following items from the Leadership Report:</p> <ul style="list-style-type: none"> - Organizational changes: ELT has been looking ahead to identify the challenges and opportunities and the resources required to meet the Law Society's strategic goals and objectives in the next few years. The resulting reorganization demonstrates the Law



Society's commitment to excellence and strength within the leadership groups. Ms. Osler outlined the updated organizational changes, in particular introducing and welcoming Ms. Carruthers to her new role as General Counsel and Director of Regulation. The following changes were announced:

- A new Education division has been formed under the Policy department to support the strategic goal of competence and wellness. Accordingly, Ms. Ghitter's title has changed to Deputy Executive Director and Director, Policy and Education. Len Polsky has assumed the new role of Manager, Legal Technology and Mentorship in the Policy and Education department. Newly created positions to be filled are for a Manager, Education and Manager, Policy.
- The reorganization in the Regulation department reflects the Law Society's commitment to proactive regulatory reform. The newly-titled Professionalism and Practice Advisors division comes under the direction of General Counsel and Director, Regulation. Ms. Osler thanked Sharon Heine for stepping in as acting General Counsel. Ms. Heine will continue as Senior Manager, Regulation. Kendall Moholity will assume the role of Senior Manager, Professionalism.
- The Practice Advisors will join the Regulation group and will report directly to Ms. Carruthers.
- In the Finance and Accounting department, Chioma Ufodike has accepted the new role of Senior Manager, Risk and Compliance. Ms. Ufodike has been tasked with a special project to review and enhance the billings process in response to the increasing complexity of the risk and compliance work. Ms. Ufodike will report to the CFO with a dotted line to General Counsel and Director, Regulation. The new Manager, Trust Safety will be Bernadette Charan, previously Supervisor, Trust Safety.
- Membership Statistics Memo from Tina McKay, Senior Manager, Membership: steps are being taken to address the impact of the cancellation of the National Committee on Accreditation exams on internationally trained lawyers.
- Return to Office: the Law Society continues to be guided by the Alberta government's updates on COVID-19.

Ms. Osler advised the Benchers that her goal for the Law Society is to show resilience as it moves forward with its strategic work during these unprecedented times.

3 Lawyer Competence Committee ("LCC")

Documentation for the following two items was circulated with the meeting materials.

3.1 Lawyer Licensing and Competence in Alberta Report

Mr. Warren, LCC Chair, introduced Mr. Furlong's report, noting that it will provide the Law Society with an opportunity to lead in this area. Mr. Furlong then presented preliminary observations, the categories of lawyer licencing, new lawyer development, and continuing lawyer learning, and finally a series of recommendations for the Law Society's discussion.



Summary of the Benchers' discussion:

- In response to a concern expressed about the diminishing supply of articling positions and decreasing demand for legal services, Mr. Furlong advised that in his conversations with law school Deans, there was recognition that not everyone with a law degree will become a licenced lawyer. The report is intended not only to help the Law Society begin to deal with significant issues of imminent importance, but also to consider how to approach the licensing of lawyers, including an understanding of what a lawyer is.
- The significant cost of some of the proposals contained in the report was discussed, particularly the "Possibilities of a Teaching Law Firm", although this was recognized as an aspirational target.
- The Benchers discussed how to prioritize the recommendations. The report suggested that the recommendation that the Law Society develop new pathways into the profession is a top priority. Mr. Furlong advised that although implementation is not an immediate requirement, the Law Society should begin working on this as soon as possible to plan for the challenging times ahead.
- As well as the consideration of alternatives to articling, it will be important to improve the current articling system and the Law Society's budget will provide for this work to begin. The need to create opportunities in a fair and equitable manner will be important to the public, students, and the government.
- The recommendation that the Law Society require solo practitioners to submit a business continuity plan was discussed, particularly audit and compliance, and how to ensure resources are provided to the profession in a non-discriminatory manner. Ms. Ghitter advised that the Law Society's intention would be assistive not punitive, and that providing resources and requiring compliance would start in a small way.
- Discussions at the LCC Advisory Committee revealed a variety of different experiences and priorities that were helpful and informed the final report.
- It was suggested that the Law Society is well-positioned to begin work on short term projects immediately. Longer-term initiatives would be shaped by regular Bencher conversations.
- The Benchers commended Mr. Furlong on his report and the LCC on the work done. The opportunity for the Law Society to begin addressing these issues was recognized and there was broad support for continuing with the next phase of the work.

Mr. Furlong left the meeting.

3.2 Indigenous Cultural Competence Training

Mr. Warren introduced the proposal for Indigenous Cultural Competence Training through NVision's online video-based course, "The Path". He advised that the discussions at LCC and the LCC Advisory Committee revealed strongly held views on both sides of the question of whether the course should be mandatory. The ensuing discussion at the Bencher table revealed a similar divergence of views.



Ms. Bains joined the meeting.

Summary of Benchers' perspectives:

- Some Bencher members of the LCC found that their thinking evolved as they participated in the discussions and the training. They found the course engaging, informative and easy to complete. Moreover, there was a substantial amount of information they hadn't been aware of which informed their final view on the matter.
- It was suggested that legal aspects of the course would need to be relevant in Alberta.
- Some Benchers felt that forcing the membership to take the course could be contentious and they questioned the view that some lawyers wouldn't take the course voluntarily. It was suggested that the course should be promoted as a choice and that a variety of resources could be utilized to inform members of its importance and encourage participation.
- The February 21, 2020 Bencher resolution to create competence programs on Indigenous issues to meaningfully address the Law Society's obligation arising from the Calls to Action in the Truth and Reconciliation Reports was suggested to be an important consideration in support of making the course mandatory.
- Regardless of whether the course is mandatory or not, Benchers recognized that communications would be key to ensuring the membership understands the importance of the training.

Mr. Teskey advised the Benchers that the vote would normally require a simple majority if taken at an in-person meeting; however, the 2/3 rule was adopted for votes at meetings by virtual means.

Motion: Warren/Ryan

That the Benchers mandate Indigenous cultural competency training for all Active Alberta lawyers.

Carried by a 2/3 majority

Ms. Sanderman, Ms. Menard and Ms. Shea left the meeting.

4 ALIA Civil Litigation Filing Levy

Documentation for this item was circulated with the meeting materials. Mr. Weyant presented ALIA's initiative to pilot a levy for civil litigation files. He advised the Benchers that consultation meetings with key stakeholders have been productive so far, with overall support for the initiative and helpful suggestions for its implementation.

The Benchers' comments and questions mirrored those at the consultation meetings, namely on issues of disbursement; areas of exclusion/inclusion; the anticipated impact on the base levy; whether the revenue can be counted before the levy is collected; how compliance will be



	handled; and that clear communications will be key to successful implementation of the pilot project.
5	Access to Justice Update Documentation for this item was circulated with the meeting materials.
6	CPLED Update Documentation for this item was circulated with the meeting materials.
7	Equity, Diversity and Inclusion Committee Report Documentation for this item was circulated with the meeting materials.
8	Indigenous Initiatives Liaison Report Documentation for this item was circulated with the meeting materials.
9	Tribunal Office Update Documentation for this item was circulated with the meeting materials.
10	Consent Agenda The consent agenda items were circulated with the materials. There were no requests to remove any items from the consent agenda. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p>Motion: Warren/Scott 10.1 To approve the June 26, 2020 Public Bencher Meeting Minutes; and 10.2 To approve the 2022 Bencher Meeting Dates.</p><p style="text-align: right;">Carried</p></div>
11	Reports for Information 11.1 Alberta Law Foundation report 11.2 Alberta Law Reform Institute report 11.3 Alberta Lawyers' Assistance Society report 11.4 Canadian Bar Association report 11.5 Legal Education Society of Alberta report 11.6 Pro Bono Law Alberta report
12	Other Business There being no further business the public meeting was adjourned at 1:00 pm.