

Approved Benchers Public Minutes

Public Minutes of the Five Hundred and Third Meeting of the Benchers of the Law Society of Alberta (the “Law Society”)

April 15, 2021

Videoconference

8:30 a.m.

ATTENDANCE	
Benchers:	Darlene Scott, President Ken Warren, President-Elect Sony Ahluwalia Ryan Anderson Lou Cusano Ted Feehan Corie Flett Elizabeth Hak Bill Hendsbee Kene Ilochonwu Cal Johnson Jim Lutz Sandra Mah Barb McKinley Bud Melnyk Sandra Petersson Stacy Petriuk Deanna Steblyk Margaret Unsworth Moira Váně Grant Vogeli Cora Voyageur Salimah Walji-Shivji Louise Wasylenko
Executive Leadership Team:	Elizabeth Osler, CEO and Executive Director Cori Ghitter, Deputy Executive Director and Director, Policy and Education Nadine Meade, Chief Financial Officer



ATTENDANCE

	<p>Andrew Norton, CIO and Director, Business Technology Nancy Carruthers, General Counsel and Director, Regulation David Weyant, President and CEO, Alberta Lawyers Indemnity Association (“ALIA”)</p>
Staff:	<p>Sharon Allard, Executive Assistant to the Deputy Executive Director and Director, Professionalism and Policy Barbra Bailey, Manager, Education Nancy Bains, Tribunal Counsel and Privacy Officer Catherine Bennett, Executive Assistant to the Executive Director Colleen Brown, Manager, Communications Shabnam Datta, Manger, Policy Kate Fiori, Governance Assistant Jennifer Freund, Policy Counsel Sharon Heine, Senior Manager, Regulation Tina McKay, Senior Manager, Business Operations Andrea Menard, Indigenous Initiatives Liaison Kara Mitchelmore, CEO, Canadian Centre for Professional Legal Education (“CPLED”) Stephen Ong, Business Technology Laura Scheuerman, Governance Assistant Christine Schreuder, Governance Coordinator</p>
Guests:	<p>Brett Anderson, Director, Pro Bono Law Alberta (“PBLA”) Board Barbara Billingsley, Dean, University of Alberta Loraine Champion, Executive Director, Alberta Lawyers’ Assistance Society Karen Fellowes, President, PBLA Board Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada Bianca Kratt, Vice-President, Canadian Bar Association Alberta Ed Ma, Vice-President, PBLA Board Nonye Opara, Executive Director, PBLA Steve Raby, Chair, ALIA 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</p> <p>Ms. Scott called the public meeting to order at 8:33 a.m. and delivered the Indigenous land territorial acknowledgement statement for Alberta.</p> <p>Ms. Scott welcomed everyone to the 503 meeting of the Benchers. She reported that the Committees 2021 Summary of Expectations was sent to the 2021 Committee Chairs at the beginning of the committee year to guide the work towards the Strategic Plan and was provided with the meeting materials for information.</p>
2	<p>Leadership Report</p> <p>The Leadership Report included in the materials reports on the Law Society's 2020 accomplishments and the timelines for Big Issues and Stakeholder Engagement. Ms. Osler reported that this is a helpful tool to track decisions, presentations and ebulletins.</p>
3	<p>ALIA Board Appointments</p> <p>Ms. Scott introduced this item and reported that the Alberta Lawyers Indemnity Association ("ALIA") Board has staggered terms and appointments require a 2/3 majority vote by the Benchers.</p> <p><i>Mr. Ma joined the meeting at 8:43 a.m.</i></p> <p>Mr. Raby, Chair, ALIA, gave background information on the board members recommended for reappointments. He further noted that there is a vacancy due to departure of Rob Armstrong upon his judicial appointment to the Queen's Bench. The ALIA Executive Committee is the Nominating Committee and is recruiting to fill the vacancy and a recommendation is expected for the Benchers at the June meeting.</p>
	<p>Motion: Hendsbee/Melnyk</p> <p>RESOLVED AS A RESOLUTION OF THE BENCHERS OF THE LAW SOCIETY OF ALBERTA:</p> <p>1. The following persons are re-appointed to the ALIA Board, each for a 3-year term or their sooner resignation or removal from office:</p> <p style="padding-left: 40px;">Diane Brickner; effective June 12, 2021, expiring on June 12, 2024 Sheri Epp; effective June 3, 2021, expiring on June 12, 2024 Zoe Harrison; effective June 3, 2021, expiring on June 12, 2024; and Dale Spackman, effective June 3, 2021, expiring on June 12, 2024.</p> <p>2. This resolution shall be effective only if passed by the affirmative votes of at least 2/3 of the Benchers so voting and the Benchers so voting constitute a majority of the Benchers.</p> <p style="text-align: right;">Carried unanimously</p>



Item

4 Audit and Finance Committee Report and Recommendation

The documents for this item were circulated with the materials prior to the meeting.

Ms. Petriuk introduced the Audit and Finance Committee's report and recommendation. She noted that PwC recognized the efforts of Ms. Meade and the accounting team. PwC reported no issues of concern during the audit.

Ms. Meade provided a summary of the report which included that the General Fund's year end unrestricted fund balance (contingency reserve) fund is greater than forecasted within the 2021 budget, due to increased due to pandemic related one-time costs savings, that provided for a reduction in the 2021 practice fee which is the lowest in nine years.

Ms. Meade reported that the 2021 budget contemplated the return to office in early 2021, which is now tentatively planned for October. The Executive Leadership Team has been continually re-evaluating ongoing cost savings and the Audit and Finance Committee receives quarterly forecast updates. The 2022 budget process will contemplate whether the excess surplus should be used to cover major capital projects. While there may be some savings in 2021, it is not expected to be at the level experienced in 2020 for reasons such as Trust Safety bringing audits inhouse which generated a substantial one-time contractor fee reduction in 2020 of approximately \$1 million. In addition, operating expenses are expected to resume in 2022 to pre-pandemic levels, including staff compensation which have been static during the pandemic.

Motion: Petriuk/Lutz

That the Benchers approve the Law Society of Alberta's audited financial statements for the year ended December 31, 2020, as circulated.

Carried unanimously.

5 Pre-Hearing and Hearing Guideline (the "Guideline") and Rule Amendments

The documents for this item were circulated with the materials prior to the meeting.

Ms. Datta provided background on the proposed new Guideline and Rule amendments to align with strategic and regulatory objectives. The modernized Hearing Rules were approved in principle by the Benchers in December 2020 and a new Guideline that reflects the Law Society's current hearing practices was developed. The new Guideline provides ease of access and reference. An internal working group (the "Working Group") of subject matter experts did this work which has been discussed and reviewed by the Policy and Regulatory Reform Committee.

Ms. Datta reviewed the minor revisions to the Rules approved in principle and noted that the proposed Rules should be amended by striking out 90.1(6-11) because these provisions have been captured elsewhere. Ms. Datta explained that the proposed new Guideline sets out detailed stages of the hearing process in sequential order.

Ms. Scott and Ms. Steblyk thanked the internal Working Group and the Policy and Regulatory Reform Committee for their hard work, thorough review and expertise.

The Benchers recognized the quality, layout, and detailed direction of the Guideline.



Item

The three motions were approved concurrently.

Steblyk/Johnson

An amendment to the Guideline was requested to replace 'are' with 'is' at paragraph 161 b.

Motion 1:

That the Benchers approve the amendments to the Rules, as proposed in Appendix A. as amended.

Motion 2:

That the Benchers approve the *Pre-Hearing and Hearing Guideline*, in Appendix B as amended.

Motion 3:

That the Benchers rescind the *Pre-Hearing Guideline* and the *Hearing Guide*, in Appendix C.

Carried unanimously

6 Pro Bono Law Alberta (“PBLA”) Introduction

The presentation for this item was circulated with the materials prior to the meeting.

Ms. Fellowes joined the meeting at 9:38 a.m. and Mr. Anderson joined at 9:46 a.m.

Ms. Fellowes, Chair, PBLA Board, thanked the Benchers for the opportunity to explain the PBLA and the future of the organization. PBLA's vision is *All Albertans have fair and equitable access to justice* and their mission is *To engage the legal community and leverage their skills and resources in pro bono services that facilitate access to justice for Albertans*. Mr. Ma reported that PBLA has a diverse roster of passionate volunteers who are making a difference. Ms. Opara explained that the pandemic has provided operational opportunities for change primarily seen through the impact of virtual court-based programs and the introduction of a dedicated, confidential document sharing platform.

Ms. Fellowes recognized Ms. Opara and her team's efforts during this transformative year.

The Benchers expressed gratitude for the presentation and work of the PBLA. Ms. Opara reported that not everyone wants to adopt virtual programs for varying reasons such as discomfort with technology or internet access issues. The Benchers expressed support for PBLA and noted that volunteering for the PBLA is a humbling/rewarding experience and encouraged those who have not done so, to volunteer.

Ms. Opara indicated that there is always a need for more volunteers and that a pandemic-related increase of demand is expected. Ms. Meade confirmed that the Law Society PBLA funding discussion is included in the budgeting process considered in fall.

Ms. Scott thanked Ms. Opara and the PBLA Board members for their presentation.

Ms. Fellowes, Mr. Ma and Mr. Anderson left the meeting at 10:22 am.



	Item
7	Practice Readiness Education Program (“PREP”) Update The document for this item was circulated with the materials prior to the meeting. Ms. Scott introduced Dr. Kara Mitchelmore, CEO, CPLED. Kara provided an overview of the PREP feedback process and how it is used to enhance the program. The pilot involved two cohorts of 30 students to collect feedback and fine tune the program before the 750-student cohort, who have just finished the inaugural PREP session. Stakeholder feedback will continually be evaluated so the program can evolve. People who provide low score feedback will be encouraged to explain the low score and ask for improvement suggestions. Analysis has been performed to ensure that the process is fair, it measures what it is supposed to measure and is defensible. Once the final assessment results are released independent surveys will be issued to students and principals and more analysis can be performed to identify areas for improvement and whether there are any trends emerging. Follow-up with principals is planned for one year to 18 months after the initial survey to compare and contrast the results. Ms. Scott thanked Kara and her team for this important work to provide a comprehensive program in support of competence. <i>Dr. Mitchelmore left at 10:57am.</i>
8	Equity, Diversity and Inclusion Committee Update The document for this item was circulated with the materials prior to the meeting. Ms. Wasylenko encouraged all Benchers to follow the My Experience Project, self-reflect and provide feedback.
9	Lawyer Competence Committee Update The document for this item was circulated with the materials prior to the meeting. Mr. Warren had nothing to add to his report.
10	Indigenous Initiatives Liaison Update The document for this item was circulated with the materials prior to the meeting. Ms. Ghitter reported that the Indigenous awareness education program, the Path, will launch on April 21, 2021 and that work on the program included considering accessibility through collaboration with a visually impaired lawyer. Ms. Ghitter expressed gratitude and pride in the learnings and final product and acknowledged the efforts of Barbra Bailey, Andrea Menard and Raj Atkar, Maggie Thaxter and entire internal team.



	Item
11	<p>CONSENT AGENDA</p> <p>The documents for this item were circulated with the materials prior to the meeting and presented for concurrent approval. There were no requests to remove any items from the consent agenda.</p> <div style="border: 1px solid black; padding: 10px;"><p>Motion: Lutz/Petriuk</p><p>11.1 To approve the February 25, 2021 Public Bencher Meeting Minutes</p><p>11.2 That the Benchers approve the reappointment of Bud Melnyk, QC, to the Canadian Centre for Professional Legal Education (CPLED) Board for a two-year term.</p><p>11.3 Housekeeping Amendments re: Rules 115(1), 115(1.3) and 26</p><ol style="list-style-type: none">1. That Rule 115 subrules (1) and (1.3) be amended to insert “ 67.4,” after “67.3,” and to insert “ 149.7,” after “149.2,”.2. That Rule 115 subrule (1) be amended to strike “3 months” and insert “fifteen days” in its place.3. That Rule 26 clause (1)(e) be amended to insert “or completion of their eligible terms” after “resignation” and to insert “, who shall not be entitled to vote at any meeting of the Committee” after “President”.<p style="text-align: right;">Carried unanimously</p></div>
12	<p>Reports for Information</p> <p>The following reports were included with the meeting materials for information. The Chair asked each representative whether they had anything to add and other than some common expressions of funding struggles and looking for novel ways to do the work there was nothing to add.</p> <ul style="list-style-type: none">12.1 Alberta Law Foundation Report12.2 Alberta Law Reform Institute Report12.3 Alberta Lawyers’ Assistance Society Report12.4 Canadian Bar Association Report12.5 Federation of Law Societies of Canada Report12.6 Legal Education Society of Alberta Report12.7 Pro Bono Law Alberta Report
13	<p>Other Business</p> <p>There was no other business, and the public meeting was adjourned at 11:12 am.</p>