

Approved Bencher Public Minutes

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

June 2, 2021

Videoconference

1:00 pm

ATTENDANCE

<p>Benchers:</p>	<p>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 Maira Váně Grant Vogeli Cora Voyageur Salimah Walji-Shivji Louise Wasylenko</p>
<p>Executive Leadership Team:</p>	<p>Elizabeth Osler, CEO and Executive Director Cori Ghitter, Deputy Executive Director and Director, Policy and Education Nancy Carruthers, General Counsel and Director, Regulation</p>



ATTENDANCE

	<p>Nadine Meade, Chief Financial Officer Andrew Norton, Chief Information Officer and Director, Business Operations David Weyant, President and CEO, Alberta Lawyers Indemnity Association (“ALIA”)</p>
Staff:	<p>Sharon Allard, Executive Assistant to the Deputy Executive Director and Director, Policy and Education Susannah Alleyne, Equity, Diversity & Inclusion Counsel, Education Barbra Bailey, Manager, Education Nancy Bains, Tribunal Counsel and Privacy Officer Catherine Bennett, Executive Assistant to the CEO and Executive Director Colleen Brown, Manager, Communications Shabnam Datta, Manager, 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 Amanda Miller, Policy Counsel Stephen Ong, Business Technology Laura Scheuerman, Governance Assistant Christine Schreuder, Governance Coordinator Rebecca Young, Education Counsel</p>
Guests:	<p>Loraine Champion, Executive Director, Alberta Lawyers’ Assistance Society Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada Bianca Kratt, Vice-President, Canadian Bar Association Alberta Nonye Opara, Executive Director, Pro Bono Law Alberta Bob Philp, Bencher Liaison, Indigenous Advisory Committee Steve Raby, Chair, ALIA Board Kathleen Ryan, Chair, Equity Diversity and Inclusion Advisory Committee and Lawyer Competence Advisory Committee 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>The document for this item was circulated with the materials prior to the meeting. Ms. Scott called the meeting to order and welcomed everyone to meeting #504 of the Benchers. In response to the discovery of a mass grave of 215 Indigenous children at the former site of</p>



the Kamloops Residential School, Ms. Scott expressed condolences to T'Kemplups, te Secwépemc community, and to the survivors of the Kamloops Residential School; to all survivors of the residential school systems across Canada; as well as intergenerational survivors.

Ms. Scott expressed regrets about not being in Jasper due to COVID-19 and noted that the tradition should be revived in 2022.

Ms. Scott delivered the Indigenous land acknowledgement statement for Treaties 6, 7, and 8 and welcomed new staff attending their first Benchers meeting, Equity, Diversity and Inclusion Counsel, Susannah Alleyne; Policy Counsel, Amanda Miller; and Education Counsel, Rebecca Young.

Ms. Menard left the meeting.

2 Leadership Report

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

Ms. Osler acknowledged the efforts of Mr. Furlong, Mr. Norton, Ms. Ghitter, the Communications, Business Technology and Governance Teams in the preparation and background work on the Virtual Jasper Retreat. She thanked the Benchers who were recruited as retreat facilitators or panelists. The Leadership Report included in the materials provides strategic updates and more information on how strategic work is progressing, as well as a summary of the anticipated work that will come out of the Retreat. She reported that the staff return to office continues to be planned for October 12, 2021.

3 ALIA Recommendation to fill Board Vacancy

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

Mr. Raby, ALIA Board Chair, provided an overview of the ALIA Board recruitment process and the reasons for recommending that Mr. Cranston be appointed to the ALIA Board to fill the vacancy left by Mr. Armstrong's appointment to the Court of Queen's Bench.

Motion: Melnyk/Ahluwalia

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

- 1. The following person be appointed to the ALIA Board effective from June 14, 2021 for a two (2) year term expiring on June 12, 2023, or his sooner resignation or removal from office:
Don Cranston, Q.C.**
- 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.**

Carried unanimously

Mr. Raby left the meeting.



4 **Mandatory Principal Training**

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

Mr. Warren reminded the Benchers of their decision at the December 2020 Bencher meeting to adopt the recommendations of Jordan Furlong. He reported that the Lawyer Competence Committee reviewed Mandatory Principal Training and recommended Bencher approval. He added that the training is not onerous and meets the Competence and Wellness Strategic Plan goal.

Ms. Bailey explained that the proposed parameters of the training are: 1. Low time commitment, with an engaging, online, interactive, accessible format. 2. One-time training unless a refresher is required. 3. Assessment through quizzes to increase engagement and course effectiveness. 4. Continuous Professional Development (“CPD”) credit. 5. Supervisors of short-term secondments of fewer than 30 days would not require principal training. Principal training would be required for those supervisors acting in that capacity for a period of more than 30 days. Ms. Bailey reported that the training cost has not been finalized and that it anticipated to be low cost.

Motion: Warren/Steblyk

That the completion of a principal training course be a requirement for all lawyers seeking to be approved as a principal in the articling process.

Carried unanimously

5 **Video-Conference Hearing Guideline (the “Guideline”)**

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

Ms. Bains provided a review of the video-hearing experience over the past year noting that the pros outweighed the cons. Ms. Bains sought feedback from the Benchers, the Adjudicator Pool, defense counsel, and LSA counsel. Ms. Datta noted that the video-conference hearing pilot project met two of the Strategic Plan goals of Innovation & Proactive Regulation and Access.

Ms. Bains reported that the changes to the Guideline were made for clarity and consistency with the Pre-Hearing and Hearing Guideline. The Policy and Regulatory Reform Committee reviewed the extension of the pilot project and the proposed revisions to the Guideline and recommended Bencher approval.

The three motions were made concurrently.

Motion 1: Steblyk/Johnson

That the Benchers approve an extension to the existing pilot project to conduct all Law Society hearings by video-conference, to be reviewed by the Benchers no later than June 30, 2022.

Motion 2:

That the Benchers approve the proposed amendment to Rule 2.5(6), as set out in Appendix A.



Motion 3:

That the Benchers approve the amendments to the Video-Conference Hearing Pilot Project Guideline, as proposed in Appendix B (mark-up) and Appendix C (clean).

Carried unanimously

Ms. Walji-Shivji left the meeting at 2 pm.

Ms. Menard rejoined the meeting.

6 Equity, Diversity and Inclusion Committee Update

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

7 Access to Justice Update

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

8 Indigenous Initiatives Liaison Update

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

9 CONSENT AGENDA

The document for this item was circulated with the materials prior to the meeting. There were no requests to remove the item from the consent agenda.

Motion: Melnyk/Feehan

To approve the April 15, 2021 Public Bencher Meeting Minutes.

Carried unanimously

10 Reports for Information

The following reports were included with the meeting materials for information:

- 10.1 Alberta Law Foundation Report
- 10.2 Alberta Law Reform Institute Report
- 10.3 Alberta Lawyers' Assistance Society Report
- 10.4 Canadian Bar Association Report
- 10.5 Federation of Law Societies of Canada Report
- 10.6 Legal Education Society of Alberta Report
- 10.7 Pro Bono Law Alberta Report

Other Business

There being no further business the public meeting was adjourned at 2:50 pm.