

# Approved Bencher Public Minutes

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

December 2, 2021

Videoconference

8:30 am

## 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  
Barb McKinley  
Bud Melnyk  
Sandra Petersson  
Stacy Petriuk  
Deanna Steblyk  
Margaret Unsworth  
Maira Váně  
Grant Vogeli  
Cora Voyageur  
Salimah Walji-Shivji  
Louise Wasylenko

### Executive Leadership Team:

Elizabeth Osler, CEO and Executive Director  
Cori Ghitler, Deputy Executive Director and Director, Policy and Education  
Nadine Meade, Chief Financial Officer  
Andrew Norton, Chief Information Officer and Director, Business Operations  
Nancy Carruthers, General Counsel and Director, Regulation  
David Weyant, President and CEO, Alberta Lawyers Indemnity Association (“ALIA”)



**ATTENDANCE**

<p><b>Staff:</b></p>	<p>Sharon Allard, Executive Assistant to the Deputy Executive Director and Director, Policy and Education          Susannah Alleyne, Equity, Diversity &amp; Inclusion Counsel          Ryan Ancona, Business Technology          Barbra Bailey, Manager, Education          Nancy Bains, Tribunal Counsel and Privacy Officer          Denise Bjerkseth, Business Technology          Colleen Brown, Manager, Communications and Stakeholder Engagement          Ruth Corbett, Governance Administrator          Shabnam Datta, Manager, Policy          Kate Fiori, Governance Assistant          Jennifer Freund, Policy &amp; Governance Counsel          Karen Hansen, Legal Counsel, Office of the General Counsel          Sharon Heine, Senior Manager, Regulation          Tina McKay, Senior Manager, Business Operations          Amanda Miller, Policy Counsel          Len Polsky, Manager, Legal Technology and Mentorship, Policy and Education          Katie Shea, Membership Counsel          Christine Schreuder, Governance Coordinator          Avery Stodalka, Senior Communications Advisor          Rebecca Young, Education Counsel</p>
<p><b>Guests:</b></p>	<p>Lorraine Champion, Executive Director, Alberta Lawyers' Assistance Society          Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada          Amanda Lindberg, Vice-President, Canadian Bar Association Alberta          Nonye Opara, Executive Director, Pro Bono Law Alberta          Kathleen Ryan, Chair, Equity Diversity and Inclusion and Lawyer Competence Advisory Committees          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
<p><b>1</b></p>	<p><b>Opening Remarks from the President</b>            Ms. Scott called the meeting to order at 8:30 am. Mr. Vogeli delivered the Indigenous land acknowledgement statement for Alberta.</p>
<p><b>2</b></p>	<p><b>Leadership Report</b>            Documentation for this item was circulated with the materials prior to the meeting. Ms. Osler thanked Len Polsky for the success of the Mentor Connect and Mentor Express programs that have facilitated growth and relationship building within the profession.</p>



Item	
<b>3</b>	<p><b>Election of the President-Elect and Executive Committee</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Scott advised that Ms. Petriuk and Mr. Hendsbee put their names forward for President-Elect. Ms. Scott read the election procedures and called for nominations from the floor in accordance with Rule 27(1). There were no new nominations.</p> <div data-bbox="167 474 1523 604" style="border: 1px solid black; padding: 5px;"><p><b>Motion: Petersson/Warren</b> <b>To close the nominations for President-Elect.</b></p><p style="text-align: right;"><b>Carried unanimously</b></p></div> <p>Ms. Petriuk and Mr. Hendsbee provided their remarks to the Benchers. The Benchers then cast their votes through an anonymous online survey and Mr. Hendsbee was elected.</p> <p>Ms. Scott read the procedures for the election of the Executive Committee, confirmed the Statements of Intention, and called for nominations from the floor. There were no new nominations.</p> <div data-bbox="167 926 1523 1056" style="border: 1px solid black; padding: 5px;"><p><b>Motion: Anderson/Melnyk</b> <b>To close the nominations for the Executive Committee.</b></p><p style="text-align: right;"><b>Carried unanimously</b></p></div> <p>The election for the 2022 Executive Committee proceeded and the Benchers cast their votes through an anonymous online survey. Following one round of voting the successful candidates for the four elected positions on the Executive Committee were (in alphabetical order) Bud Melnyk, Stacy Petriuk, Deanna Steblyk, and Margaret Unsworth. Ms. Scott advised that the Lay Benchers appointed Louise Wasylenko as the public representative on the 2022 Executive Committee.</p>
<b>4</b>	<p><b>Part-Time Fees Pilot Project</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Ghitter provided an overview of the background, key considerations and rationale behind the proposal for a permanent part-time membership fee program. Summary of the Benchers' discussion:</p> <ul style="list-style-type: none"><li>- There were differing opinions about the scope of the program and proposed thresholds and demographics of the eligibility criteria, and a level of discomfort about potential unintended consequences and cost effectiveness of the program.</li><li>- There was also a sense that the program is needed, that the advantages, particularly for young, marginalized, or racialized lawyers, outweigh the disadvantages, and that the Law Society should continue as planned, providing there is continuous review and improvement.</li><li>- It was noted that part-time programs in other jurisdictions are for insurance only and it was suggested that the ALIA Board's plans to consider a risk-based program for insured lawyers are appropriate.</li></ul>



Item

Overall, there were concerns about making the program permanent. The Benchers discussed proposed amendments to the motion that would extend the pilot program and provide time for a full review of the criteria and scope, while remaining broad enough to minimize financial implications and giving the Benchers flexibility to make other decisions about the program. Ms. Ghitter confirmed that the Equity, Diversity, and Inclusion Committee (EDIC) will revisit the questions raised by the Benchers during this meeting.

The amendments to the motion are set out in italics and blacklined.

**Amended Motion: Petersson/McKinley**

**That the Benchers approve a *2-year extension of the part-time membership fee pilot program in accordance with the current criteria, to allow time to review all the criteria and parameters of the program.* ~~permanent part-time membership fee program in accordance with the criteria as set out in the part-time membership fee pilot program.~~**

**Carried**

Three Benchers voted against the motion.

**5 2022 Business Plan and Budget**

Documentation for this item was circulated with the materials prior to the meeting. Ms. Petriuk reported on the Audit and Finance Committee's (AFC) discussions and oversight of the 2022 budget process. Ms. Petriuk thanked the AFC, the Benchers, Ms. Meade and her team, and the Executive Leadership Team (ELT) for their work. Ms. Meade added that ELT is confident that the budget is thoughtful and sustainable while maintaining strong contingency reserves.

**Motion: Petriuk/Lutz**

**To approve the Law Society of Alberta's 2022 Business Plan and Budget as presented and to set the 2022 annual active Practice Fee at \$2,340.**

**Carried unanimously**

Ms. Osler expressed her appreciation to the AFC, Ms. Meade, and ELT, for improving the process to ensure Benchers have a genuine understanding of the budget. Ms. Osler thanked the Benchers for their high level of engagement in the budget review.

*Secretary's note: Ms. Scott called for a recess at 10:20 am. The Law Society Annual General Meeting was held at 11:00 am. The Public Bencher meeting reconvened at 1:00 pm. Katie Shea and Ryan Ancona joined the meeting. Christine Sanderman, Len Polsky, and Sharon Allard were not present for the afternoon session.*



	Item
6	<p><b>Assurance Fund Claims Guideline Amendments</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Freund presented the proposal for an amended Assurance Fund Claims Guideline and revised Rule 142.1(1), and responded to questions about the process for Assurance Fund decisions. The Benchers voted on the motions concurrently.</p> <div data-bbox="167 478 1523 762" style="border: 1px solid black; padding: 5px;"><p><b>Steblyk/Melnyk</b></p><p><b>Motion 1:</b> That the Benchers adopt the amended Assurance Fund Guideline, as proposed.</p><p><b>Motion 2:</b> That subrule 142.1(1) be amended to insert “of the claimant and member concerned” following “notice of the right” and before “to request an oral hearing”.</p><p style="text-align: right;"><b>Carried unanimously</b></p></div>
7	<p><b>Appeal from Complaint Dismissal Guideline (the “Guideline”) Amendments</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Miller presented the proposal for an updated and renamed Guideline, noting that the main purpose of the proposed amendments is to ensure current practice is clearly reflected.</p> <p>During their discussion, the Benchers grappled with some of the same issues that the Policy and Regulatory Reform Committee (PRRC) also discussed, particularly questions around the Submissions and Evidence section of the Guideline; the process for determining the relevant information for the Appeal Committee Panel; and the process for rebuttals. Although the intention of the proposed amendments was to reflect current practice, given the fundamental divergence of views at the table the Benchers directed the PRRC to do more work on the Guideline and bring it back to a future meeting.</p>
8	<p><b>Rule Amendments to Implement Mandatory Principal Training</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Bailey presented the proposal. The Rule amendments establish the requirement that had been approved by the Benchers in June 2021. The Benchers’ discussion focused on the proposed amendments to Rule 55 which sets out the qualification requirements. The Benchers voted on the motions concurrently.</p> <div data-bbox="167 1612 1523 1934" style="border: 1px solid black; padding: 5px;"><p><b>Steblyk/Vane</b></p><p><b>Motion 1:</b> That the Benchers amend Rules 55 and 57 to require mandatory principal training, as proposed.</p><p><b>Motion 2:</b> That the Benchers amend Rules 48.4 and 57.3, as a consequence of the amendments to Rules 55 and 57.</p><p style="text-align: right;"><b>Carried unanimously</b></p></div>



	Item
9	<p><b>Appointment of the Bencher-at-Large to the Nominating Committee</b> Ms. Scott advised the Benchers that the Executive Committee met at noon to finalize their recommendation.</p> <div style="border: 1px solid black; padding: 5px;"><p><b>Motion: Feehan/Melnyk</b> <b>That the Benchers appoint Cal Johnson as the Bencher-at-Large on the Nominating Committee, effective immediately.</b></p><p style="text-align: right;"><b>Carried unanimously</b></p></div>
10	<p><b>Access to Justice Update</b> Documentation for this item was circulated with the materials prior to the meeting.</p>
11	<p><b>Equity, Diversity and Inclusion Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.</p>
12	<p><b>Lawyer Competence Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.</p>
13	<p><b>Tribunal Office Update</b> Documentation for this item was circulated with the materials prior to the meeting.</p>
14	<p><b>CONSENT AGENDA</b> Documentation for this item was circulated with the materials prior to the meeting.</p> <div style="border: 1px solid black; padding: 5px;"><p><b>Motion: Cusano/ Walji-Shivji</b> <b>To approve the October 1, 2021 Public Bencher Meeting Minutes.</b></p><p style="text-align: right;"><b>Carried unanimously</b></p></div>
15	<p><b>AGENCY REPORTS</b> Agency reports were circulated with the materials prior to the meeting.</p> <ul style="list-style-type: none"><li>15.1 Alberta Law Foundation Report</li><li>15.2 Alberta Law Reform Institute Report</li><li>15.3 Alberta Lawyers' Assistance Society Report</li><li>15.4 Canadian Bar Association Report</li><li>15.5 Federation of Law Societies of Canada Report</li><li>15.6 Legal Education Society of Alberta Report</li><li>15.7 Pro Bono Law Alberta Report</li><li>15.8 Real Estate Practice Advisory Liaison Report</li></ul>
16	<p><b>Other Business</b> There being no further business, the public meeting was adjourned at 2:15 pm.</p>