

# Approved Benchers Public Minutes

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

April 21, 2022

In person in Calgary, AB, and by videoconference

8:30 am

ATTENDANCE	
<b>Benchers:</b>	Ken Warren, President Bill Hendsbee, President-Elect Sony Ahluwalia Ryan Anderson Lou Cusano Ted Feehan Kene Ilochonwu Cal Johnson Barb McKinley Bud Melnyk Sandra Petersson (by videoconference) Sanjiv Parmar Stacy Petriuk Ron Sorokin Deanna Steblyk Margaret Unsworth Moira Váně Louise Wasylenko
<b>Executive Leadership Team:</b>	Elizabeth Osler, CEO and Executive Director Cori Ghitler, Deputy Executive Director and Director, Policy and Education Nadine Meade, Chief Financial Officer (by videoconference) Andrew Norton, Chief Information Officer and Director, Business Operations David Weyant, President and CEO, Alberta Lawyers Indemnity Association (by videoconference)
<b>Staff:</b>	Susannah Alleyne, Equity, Diversity & Inclusion Counsel Barbra Bailey, Manager, Education Nancy Bains, Tribunal Counsel and Privacy Officer Denise Bjerkseth, Business Technology (by videoconference) Colleen Brown, Manager, Communications and Stakeholder Engagement



### ATTENDANCE

	<p>Ruth Corbett, Governance Administrator Shabnam Datta, Manager, Policy (by videoconference) Jennifer Freund, Policy &amp; Governance Counsel (by videoconference) Nicholas Maggisano, Manager, Conduct (by videoconference) Amanda Miller, Policy Counsel Kendall Moholityny, Senior Manager, Professionalism (by videoconference) Stephen Ong, Business Technology Christine Schreuder, Governance Coordinator Rebecca Young, Education Counsel (by videoconference)</p>
<p><b>Guests:</b> (all guests attended via videoconference)</p>	<p>Carla Caro, Program Director, ACT Loraine Champion, Executive Director, Alberta Lawyers' Assistance Society Amanda Lindberg, Vice-President, Canadian Bar Association Alberta Patricia Muenzen, Director, ACT Nonye Opara, Executive Director, Pro Bono Law Alberta Robert Philp, Indigenous Advisory Committee Bencher Liaison Kathleen Ryan, Chair, Equity Diversity and Inclusion and Lawyer Competence Advisory Committees Christine Sanderman, Executive Director, Legal Education Society of Alberta</p>
<p><b>Regrets:</b></p>	<p>Corie Flett Jim Lutz Grant Vogeli Salimah Walji-Shivji</p>

*Secretary's Note: All attendees were in person unless otherwise stated. The arrival and/or departure of participants during the meeting are recorded in the body of these minutes.*

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<p><b>Call to Order</b> Mr. Warren called the meeting to order at 8:35 a.m. and welcomed everyone to the first in-person Bencher meeting since February 20, 2020. He congratulated Mr. Sorokin on his appointment as a Bencher. Mr. Hendsbee delivered the Indigenous land acknowledgement statement for Alberta.</p>	
1	<p><b>Opening Remarks from the President</b> Mr. Warren commented on how much the Law Society has accomplished over last two years during the pandemic environment. He added congratulations to Nancy Carruthers on her Judicial appointment.</p>
2	<p><b>Leadership Report</b> Documentation for this item was circulated with the materials prior to the meeting. Ms. Osler added the following updates:</p> <ul style="list-style-type: none"> <li>- The theme of the Jasper Retreat is "<i>Spotlight on the Public Interest</i>". Ms. Osler provided an overview of the retreat program.</li> </ul>



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- The official return to office date is May 2, 2022. Staff will be required to return at least one day per week until June, when two days per week will be mandatory until September. The voluntary hybrid pilot will then be reviewed.
- The Law Society initiated the summer student program for 2022.
- Ms. Osler publicly recognized Nancy Carruthers' Judicial appointment and acknowledged her distinguished career, both in private practice and at the Law Society. On behalf of all her friends and colleagues at the Law Society, Ms. Osler thanked Ms. Carruthers and wished her good luck in her new role.

**3 Professional Development Profile**

Documentation for this item was circulated with the materials prior to the meeting. Ms. Steblyk, Chair, Lawyer Competence Committee (LCC), provided introductory remarks, highlighting the LCC's in-depth work to direct the development of the proposed Professional Development Profile (the "Profile").

Ms. Bailey provided a high-level overview of the purpose of the Profile and, if approved, next steps. Ms. Bailey introduced ACT representatives Patricia Muenzen and Carla Caro, who then made a detailed presentation on the development process, including: the roles of the LCC, the Internal Stakeholder Group, and the Task Force; surveys and consultations; the development of the proposed domains, competencies, and performance indicators based on the survey results; ratings; emerging themes; and the purpose and approach to validating the Profile.

The Benchers discussed the following:

- The importance of having visual representation of the different elements of the Profile was noted and ACT confirmed this work is underway. The overall final representation, including the messaging, educational resources, and overview of the rollout plan will be presented to the Benchers once finalized. This representation and messaging are critical to ensure lawyers understand the aspirational nature of the Profile. The Continuing Professional Development (CPD) planning tool is scheduled to launch in 2023.
- Challenges associated with rolling out the Profile before educational resources and the CPD planning tool are launched were discussed. However, support was expressed for proceeding as planned, since many lawyers are now waiting for this new program.
- The Benchers requested that the "Competency Framework Glossary" be renamed the "Professional Development Profile Glossary".
- The suggestion to reference substantive legal knowledge as an important aspect of development, where possible, was an issue that the LCC also debated. Ms. Bailey explained that the LCC ultimately determined that the Profile should approach legal practice skills and knowledge more broadly, and that the messaging and CPD planning tool will provide guidance on this and that lawyers are still encouraged to pursue CPD in their practice areas as well.
- The Law Society's intention is to support lawyers throughout their chosen development programs, not to discipline or overwhelm. The Benchers recognized that the Profile is an



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	<p>aspirational guide and that the purpose of the messaging, educational resources and CPD planning tool is to assist lawyers to self-direct their own professional development.</p> <div data-bbox="180 354 1511 483" style="border: 1px solid black; padding: 5px;"><p><b>Motion: Steblyk/Ilochonwu</b> <b>That the Benchers approve the Professional Development Profile, as written.</b> <b>Carried unanimously</b></p></div> <p>Ms. Muenzen and Ms. Caro left the meeting at 10:07 a.m.</p>
4	<p><b>Audit and Finance Committee Report and Recommendations</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Steblyk, Vice-Chair, Audit and Finance Committee (AFC), provided introductory remarks and confirmed that the AFC was satisfied that the financial statements properly reflect the Law Society's financial position for the 2021 fiscal year.</p> <p>Ms. Meade provided a high-level overview of the financial statements, highlighting the variances to budget, the surplus, income, and expenses. In summary, the Law Society is in a healthy financial position and positioned for long-term sustainability. Ms. Meade responded to questions from Benchers about accounts receivable, external funding, and pension costs.</p> <div data-bbox="180 1047 1511 1215" style="border: 1px solid black; padding: 5px;"><p><b>Motion: Steblyk/Melnyk</b> <b>That the Benchers approve the Law Society of Alberta's audited financial statements for the year ended December 31, 2021, as circulated.</b> <b>Carried unanimously</b></p></div>
5	<p><b>Bencher Election Rules</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Miller provided an overview of the history of the election process and the work of the Bencher Election Task Force and Bencher Election Working Group to review the 2020 election business processes and inform improvements for the next election. Ms. Miller highlighted the issues in the current rules and the rationale for the proposed new rules. She confirmed that all feedback and comments from the Policy and Regulatory Reform Committee were incorporated.</p> <p>In response to Benchers' questions and comments, Ms. Miller clarified the following:</p> <ul style="list-style-type: none"><li>- The proposed specified timeline for the nomination period (proposed Rule 10.1 (1)) would provide time for the Law Society to check the nominations. Ms. Miller confirmed that candidates are not permitted to campaign until after the nomination period closes.</li><li>- It was suggested that, in future, the Law Society might consider areas where the Rules might have discriminatory perceptions. For example, temporary status changes which exclude some lawyers from participating and voting in an election might be reviewed.</li><li>- It was noted that the election results are of interest to the profession and public and will continue to be published. Ms. Miller clarified that the language in 16 (2) regarding</li></ul>



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notification of the results is intended to cover candidates who are acclaimed, not only the number of votes cast.

- The proposed shortening of the voting period was discussed, it was noted that most voting occurs during the first and last days of the voting period, and whenever the Law Society sends out a reminder. A scan of other law societies indicated an average of 10 days for paper-based elections. Therefore, the rationale was that a shorter voting period would make sense for an online election. Additionally, the specificity of the voting period timeline in the Rules is intended to enable the Law Society and candidates to prepare and plan.
- The District Rule uses municipal boundaries. The proposed Rule for Eligibility was discussed, particularly with respect to the location of a member's residence. However, the Benchers determined no changes were required.

**Motion: Wasylenko/Ahluwalia**

**That Rules 7 through 17 of the *Rules of the Law Society of Alberta* and their headings be struck out and replaced with the proposed headings and proposed Rules 7 through 17.**

**Carried unanimously**

**6 Bencher Vacancy Policy and Rule 27 Amendments**

Documentation for this item was circulated with the materials prior to the meeting. Mr. Warren presented the proposed amendments. The Benchers expressed their appreciation for the work that went into the proposed revisions to the Bencher Vacancy Policy to respond to concerns expressed by some Benchers about the process.

**Motion 1: McKinley/Unsworth**

**That the Benchers approve the amendment of the Rule 17 Bencher Vacancy Policy (February 2021) as set out in the Bencher Vacancy Policy (April 2022) as proposed in Appendix B of the meeting materials.**

**Carried unanimously**

**Motion 2: Wasylenko/Feehan**

**That the Benchers approve the amendment of Rule 27(1) as proposed in Appendix A of the meeting materials.**

**Carried unanimously**

**7 Appeal from Complaint Dismissal Guideline Amendments**

Documentation for this item was circulated with the materials prior to the meeting. Ms. Miller and Ms. Bains presented the proposal for amendments to the Guideline to clarify and more accurately reflect current practice.

**Motion: Wasylenko/Johnson**



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	<p><b>That the Benchers approve the amended Appeal from Complaint Dismissals Guideline, as proposed.</b></p> <p style="text-align: right;"><b>Carried unanimously</b></p>
<p><b>8</b></p>	<p><b>Acknowledgment of Systemic Discrimination</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Alleyne presented the proposed Acknowledgment of Systemic Discrimination (the “Acknowledgement”), providing background information and highlighting the goal of the Acknowledgement to respond to learnings from the “My Experience” Project. Ms. Alleyne outlined: the survey results; the drafting and review process, including the roles of the Equity, Diversity and Inclusion Committee (EDIC), the Equity, Diversity and Inclusion Advisory Committee (EDIAC) and the Indigenous Advisory Committee (IAC); and the communications plan. Ms. Alleyne added the following recent updates since the meeting materials were circulated:</p> <ul style="list-style-type: none"> <li>- The draft Acknowledgment was shared with the Courts and positive feedback was received from the Court of Appeal and the Court of Queen’s Bench.</li> <li>- The EDIC and EDIAC provided feedback on the list of supporting resources and, as a result, this list will be shortened on the supporting sections of the website when the Acknowledgment goes live.</li> </ul> <p>The Benchers’ comments and discussion focused on the way that the Acknowledgment is presented. The Benchers directed that the text be appropriately highlighted to clarify that the first paragraph leads into the formal Acknowledgment, which starts at the second paragraph.</p> <p>Ms. Osler commended Ms. Alleyne for her work and thanked the members of EDIC, EDIAC, IAC, and the Benchers for their input. Ms. Osler noted that it was important to take time to do the work to ensure the result will meaningfully benefit the organization and the profession.</p>
	<p><b>Amended Motion: Johnson/Wasylenko</b></p> <p><b>That the Benchers approve the <i>Law Society of Alberta’s Acknowledgment of Systemic Discrimination</i>, as proposed <i>in the first six paragraphs on pages 127 and 128 of the Diligent Board meeting materials, with the first sentence of paragraph two appropriately highlighted</i> <del>Appendix A.</del></b></p> <p style="text-align: right;"><b>Carried unanimously</b></p>
	<p><i>The amendment to the above motion is reflected in italics and strikethrough.</i></p>
<p><b>9</b></p>	<p><b>Equity, Diversity and Inclusion Committee Update</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>
<p><b>10</b></p>	<p><b>Lawyer Competence Committee Update</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>



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<b>11</b>	<p data-bbox="180 275 483 310"><b>CONSENT AGENDA</b></p> <p data-bbox="180 317 1511 436">Documentation for this item was circulated with the materials prior to the meeting. There were no requests to remove any items from the consent agenda and the items were approved concurrently.</p> <div data-bbox="167 478 1500 764" style="border: 1px solid black; padding: 5px;"><p data-bbox="180 485 574 520"><b>Motion: Ahluwalia/Petriuk</b></p><p data-bbox="180 527 1268 562"><b>11.1 To approve the February 24, 2022 Public Bencher Meeting Minutes;</b></p><p data-bbox="180 569 1403 642"><b>11.2 That the Benchers approve the amendments to Rules 47(e), 107.2, 153.1 and 159.01, as proposed in Appendix A of the meeting materials; and</b></p><p data-bbox="180 648 1419 722"><b>11.3 That subrule 53(7) and subrule 53(8) be amended as proposed in the meeting materials.</b></p><p data-bbox="1370 728 1487 764" style="text-align: right;"><b>Carried</b></p></div>
<b>12</b>	<p data-bbox="180 812 480 848"><b>AGENCY REPORTS</b></p> <p data-bbox="180 854 1360 890">The following Agency reports were circulated with the materials prior to the meeting:</p> <ul data-bbox="180 932 919 1209" style="list-style-type: none"><li data-bbox="180 932 704 968">12.1 Alberta Law Foundation Report</li><li data-bbox="180 974 773 1010">12.2 Alberta Law Reform Institute Report</li><li data-bbox="180 1016 878 1052">12.3 Alberta Lawyers' Assistance Society Report</li><li data-bbox="180 1058 737 1094">12.4 Canadian Bar Association Report</li><li data-bbox="180 1100 919 1136">12.5 Federation of Law Societies of Canada Report</li><li data-bbox="180 1142 854 1178">12.6 Legal Education Society of Alberta Report</li><li data-bbox="180 1184 899 1220">12.7 Real Estate Practice Advisory Liaison Report</li></ul>
	<p data-bbox="180 1257 415 1293"><b>Other Business</b></p> <p data-bbox="180 1299 1305 1335">There being no further business, the public meeting was adjourned at 12:12 pm.</p>