

# Approved Benchers Public Minutes

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

June 3, 2022

Videoconference

1:30 p.m.

ATTENDANCE	
<b>Benchers:</b>	Ken Warren, President Bill Hendsbee, President-Elect Sony Ahluwalia Ryan Anderson Lou Cusano Ted Feehan Corie Flett (by phone) Kene Ilochonwu Cal Johnson Jim Lutz Barb McKinley Bud Melnyk Sanjiv Parmar Sandra Petersson Stacy Petriuk Ron Sorokin Deanna Steblyk Margaret Unsworth Moira Váně Salimah Walji-Shivji Louise Wasylenko
<b>Executive Leadership Team:</b>	Elizabeth Osler, CEO and Executive Director Cori Ghitler, Deputy Executive Director and Director, Policy and Education Andrew Norton, Chief Information Officer and Director, Business Operations David Weyant, CEO, Alberta Lawyer Indemnity Association (“ALIA”)



### ATTENDANCE

<b>Staff:</b>	Barbra Bailey, Manager, Education Nancy Bains, Tribunal Counsel and Privacy Officer Ruth Corbett, Governance Administrator Shabnam Datta, Manager, Policy Jennifer Freund, Policy & Governance Counsel (by video conference) Tina McKay, Senior Manager Business Operations, Membership Rachel Piers, Communications Advisor Stephen Ong, Business Technology Christine Schreuder, Governance Supervisor Greg Smith, President, Infrasys Group Avery Stodalka, Senior Communications Advisor
<b>Guests:</b>	Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada Amanda Lindberg, Vice-President, Canadian Bar Association (Alberta) Steve Raby, Chair, ALIA Board Kent Teskey, Past-President
<b>Regrets:</b>	Grant Vogeli

*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.*

Item	
<b>Call to Order</b> Mr. Warren called the meeting to order at 1:30 p.m. and confirmed quorum.	
<b>1</b>	<p><b>Opening Remarks from the President</b></p> <p>Mr. Warren provided his opening remarks, welcoming everyone to the 509<sup>th</sup> meeting of the Benchers, the first in Jasper for 3 years, and the 92<sup>nd</sup> anniversary of the Jasper Retreat.</p> <p>Ms. Steblyk delivered the Alberta Land Acknowledgement statement.</p> <p>Mr. Warren advised the Benchers that going forward he will ask for any conflicts on votes, not abstentions as in previous practice, as this is governance best practice.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Motion: Unsworth/Ilochonwu</b> <b>To approve the agenda for the June 3, 2022 Bencher meeting, as circulated.</b></p> <p style="text-align: right;"><b>Carried</b></p> </div>
<b>2</b>	<p><b>Leadership Report</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Osler expressed her appreciation to the Governance Team, Business Technology, Communications, and all staff, including the Jasper Park Lodge, for their work on the Jasper Retreat, and to the Benchers for their generous welcoming of guests and engagement in program.</p>



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<b>3</b>	<p><b>ALIA Board Appointments</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Mr. Raby presented the recommendation for appointments to the ALIA Board.</p> <p>Mr. Raby and Ms. Osler recused themselves from the meeting at 1:47 p.m.</p> <div style="border: 1px solid black; padding: 10px;"><p><b>Motion: Melnyk/Walji-Shivji</b> <b>RESOLVED AS A RESOLUTION OF THE BENCHERS OF THE LAW SOCIETY OF ALBERTA:</b></p><ol style="list-style-type: none"><li><b>1. The following person be appointed to the ALIA Board effective from June 3, 2022 for a two (2) year term, or her sooner resignation or removal from office: Charlene Butler</b></li><li><b>2. The following persons be appointed to the ALIA Board effective from June 3, 2022 for a one (1) year term, or their sooner resignation or removal from office: Steve Raby Linda Vennard</b></li><li><b>3. The following persons be appointed to the ALIA Board effective from June 3, 2022 for a three (3) year term, or their sooner resignation or removal from office. Dr. Larry Ohlhauser Elizabeth Osler</b></li></ol><p style="text-align: right;"><b>Carried</b></p></div> <p style="text-align: right;">Mr. Raby and Ms. Osler rejoined the meeting at 1:48.</p>
<b>4</b>	<p><b>ALIA Board Report</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Mr. Raby presented the report and responded to questions from the Benchers.</p> <p>Mr. Raby left the meeting at 2:00 p.m.</p>
<b>5</b>	<p><b>Video-Conference Hearings Rule and Guideline</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Datta presented the background, rationale, and recommendation for virtual hearings (formerly known as “video-conference hearings”) to be the permanent default mode for all oral hearings of the Law Society going forward. The recommendation included amendments to the Rules, the <i>Video-Conference Hearing Guideline</i> and the <i>Pre-Hearing and Hearing Guideline</i>, all of which the Policy and Regulatory Reform Committee recommended to the Benchers. Ms. Datta and Ms. Bains responded to questions and provided clarification on a number of points. Highlights of the discussion included:</p> <ul style="list-style-type: none"><li>- The Video-Conference Hearing Pilot Project was scheduled to conclude on June 30. If virtual hearings are approved as the default mode for oral hearings, the pilot will conclude effective today’s date.</li></ul>



**Item**

- Hearing processes will continue to be regularly assessed and the Benchers will be able to amend the *Virtual Hearing Guideline* as needed.
- The assessment and determination of credibility in virtual hearings was raised and discussed.
- Our peer law societies and other professional regulators are continuing with virtual hearings for most matters, having had success with the virtual hearing format.
- Virtual hearings have been accessible to the public regardless of location and this has resulted in an increase in the number of people who attend.
- The Benchers noted the importance of the provision to vary the mode of hearing to in-person hearings when appropriate, based on the Rules and the factors set out in the *Virtual Hearing Guideline*.

**Motion 1: Wasylenko/Cusano**

**That the Benchers approve the holding of all oral Law Society hearings by virtual hearing, subject to the existing process in subrule 2.5(2) to vary the mode of hearing.**  
**Carried**

**Motion 2: Wasylenko/Cusano**

**That the Benchers approve the amendments to Rules 1, 2.5, 90.1 and 90.2, as attached.**  
**Carried**

**Motion 3: Wasylenko/Cusano**

**That the Benchers approve the amendments to the *Video-Conference Hearing Guideline*, as attached.**  
**Carried**

**Motion 4: Wasylenko/Cusano**

**That the Benchers approve the amendments to the *Pre-Hearing and Hearing Guideline*, as attached.**  
**Carried**

One Bencher voted against each of the four motions.

**6 Presentation of Final Professional Development Profile for Alberta Lawyers and Overview of Rollout Plan**

Documentation for this item was circulated with the materials prior to the meeting and hard copies of the final Professional Development Profile for Alberta Lawyers (“PDP”) were provided to the Benchers. Ms. Bailey presented the final PDP and the Rollout Plan and provided an overview of the process followed. Highlights and discussion included:

- Key messages will be clear and succinct.
- A variety of resources and tools to help guide lawyers through the self-reflection process, will be rolled out in a staged manner.
- The need to clarify expectations for the profession is important and discussion on this is underway at the Lawyer Competence Committee. The PDP is the first piece of



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	<p>enhancements to the Law Society's Continuing Professional Development (CPD) program, which will evolve over time. Although there is no immediate requirement other than for lawyers to learn about the PDP specifically, CPD will become mandatory in the future. It is important to be very clear with the profession about what is required of them at this time.</p>
7	<p><b>Access to Justice</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Freund presented the materials and advised the Benchers that the purpose of the discussion is to assist the Law Society with budget assumptions and resource allocation.</p> <p>The Benchers discussed the questions presented:</p> <p><b>What is the Law Society's role in Access?</b></p> <ul style="list-style-type: none"><li>- There was broad agreement that the Law Society does have a role in Access.</li></ul> <p><b>How does the Law Society want to fulfill that role? Numerous suggestions were made, including:</b></p> <ul style="list-style-type: none"><li>- Stakeholders could be coordinated to do the work. The Law Society could consider ways to be a facilitator and have others provide funding.</li><li>- The Law Society could play more of an educational role by providing resources and information, for example, by expanding the Lawyer Referral Service. However, it would be important to avoid duplication of efforts with other groups.</li><li>- It was recognized that there are many overlapping problems, not only legal problems, and that this is a fundamental issue impacting the public.</li><li>- Significant resources would be required for a dedicated committee.</li><li>- Explore and leverage what other agencies have done in this field; e.g., the Alberta Law Foundation.</li></ul> <p><b>Does the Law Society want to commit additional resources to this work?</b></p> <ul style="list-style-type: none"><li>- There was general consensus among the Benchers that the Law Society should commit resources to promote access to legal services in accordance with its Strategic Plan. However, the need for caution was advised to ensure other stakeholders don't abdicate their responsibility with respect to access. The important distinction between legal services and the larger societal issue of access to justice was noted.</li><li>- Committing resources to expanding the Lawyer Referral Service, including adding more search filter options, was suggested.</li><li>- Priorities need to be set before resources can be determined. Finding efficiencies and cutting costs in other areas would need to be explored, as well as consideration of the Practice Fee. The Benchers recognized and supported the value of incremental changes over time.</li></ul>



	Item	
	Mr. Warren thanked the Benchers for the helpful discussion and feedback which will be considered in the preparation of the budget assumptions for discussion at the Bencher table in the fall.	
8	<b>Equity, Diversity and Inclusion Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.	
9	<b>Indigenous Advisory Committee Update</b> Ms. Ghitter provided an oral update on the Indigenous Advisory Committee's activities, including their input into the Model Code and the Law Society's plans for a mental health summit.	
10	<b>Lawyer Competence Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.	
11	<b>CONSENT AGENDA</b> Documentation for this item was circulated with the materials prior to the meeting. There were no requests to remove this item from the consent agenda.  <table border="1" data-bbox="167 867 1500 995"><tr><td data-bbox="167 867 1500 995"><b>The April 21, 2022 Public Bencher Meeting Minutes were approved by consent as circulated.</b>  <p style="text-align: right;"><b>Carried</b></p></td></tr></table>	<b>The April 21, 2022 Public Bencher Meeting Minutes were approved by consent as circulated.</b>  <p style="text-align: right;"><b>Carried</b></p>
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12	<b>AGENCY REPORTS</b> The following Agency reports were circulated with the materials prior to the meeting: 12.1 Alberta Lawyers' Assistance Society Report 12.2 Canadian Bar Association Report 12.3 Federation of Law Societies of Canada Report 12.4 Legal Education Society of Alberta Report 12.5 Pro Bono Law Alberta 12.6 Real Estate Practice Advisory	
	<b>Other Business</b> There being no further business, the public meeting was adjourned at 4:06 pm.	