

# Bencher Public Minutes

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

September 29, 2022

In person in Calgary, AB and by videoconference

8:30 am

## ATTENDANCE – In-person unless otherwise indicated

<b>Benchers:</b>	<p>Ken Warren, President          Bill Hendsbee, President-Elect          Sony Ahluwalia          Ryan Anderson          Glen Buick          Lou Cusano (videoconference)          Ted Feehan          Kene Ilochonwu          Cal Johnson          Levonne Louie          Jim Lutz          Bud Melnyk          Mary Ellen Neilson          Sanjiv Parmar          Sandra Petersson          Stacy Petriuk          Ron Sorokin          Deanna Steblyk          Margaret Unsworth          Moira Váně          Grant Vogeli          Salimah Walji-Shivji          Louise Wasylenko</p>
<b>Executive Leadership Team (ELT):</b>	<p>Elizabeth Osler, CEO and Executive Director          Cori Ghitter, Deputy Executive Director and Director, Policy and Education          Nadine Meade, Chief Financial Officer          Andrew Norton, Chief Information Officer and Director, Business Operations          David Weyant, CEO, ALIA (videoconference)</p>

## ATTENDANCE – By videoconference unless otherwise indicated



<b>Staff:</b>	<p>Barbra Bailey, Manager, Education          Nancy Bains, Tribunal Counsel and Privacy Officer (In-person)          Reed Bjerkseth, Support Staff, Business Technology (In-person)          Jessica Buffalo, Indigenous Initiatives Counsel (In-person)          John Eamon, General Counsel and Senior Manager, Risk (ALIA)          Jennifer Freund, Policy &amp; Governance Counsel          Andrew McGrath, Support Staff, Business Technology (In-person)          Laura Scheuerman, Coordinator, Governance (In-person)          Christine Schreuder, Supervisor, Governance (In-person)</p>
<b>Guests:</b>	<p>Barbara Billingsley, Dean, University of Alberta          Loraine Champion, Executive Director, Alberta Lawyers' Assistance Society          Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada          Indra Maharaj, Vice-President, Canadian Bar Association Alberta          Nonye Opara, Executive Director, PBLA          Robert Philp, Liaison, Indigenous Advisory Committee          Steve Raby, Chair, ALIA          Kathleen Ryan, Chair, Lawyer Competence and Equity, Diversity and Inclusion Advisory Committees          Christine Sanderman, Executive Director, Legal Education Society of Alberta</p>
<b>Regrets:</b>	<p>Corie Flett</p>

Mr. Warren called the meeting to order at 8:30 am.

	Item
<b>1</b>	<p><b>Opening Remarks from the President</b></p> <p>Mr. Warren welcomed and introduced the new Lay Benchers Glen Buick, Levonne Louie and Mary Ellen Neilson to their first Bencher meeting since their appointment. Quorum was confirmed.</p> <p>Jessica Buffalo was welcomed and introduced in her new role as Indigenous Initiatives Counsel.</p> <p>Ms. Buffalo delivered the territorial Indigenous land acknowledgement statement.</p>
<b>2</b>	<p><b>Leadership Report</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Osler encouraged those who did not attend the Jasper Retreat in June to review the Jasper Retreat Summary in the materials. She provided a warm welcome to new and returning Lay Benchers. An update was provided on the Path completion rate, and everyone was encouraged to attend the upcoming Well-Being in Practice Summit.</p>
<b>3</b>	<p><b>CPD Program Requirements and Review Process – Agenda item 4</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>



**Item**

Ms. Bailey provided an update on the implementation of the new approach to the Continuing Professional Development (CPD) program.

Ms. Freund explained the timeline to draft a CPD process guideline including rule amendments to ensure that appropriate authority to conduct reviews is established in the Rules.

Highlights and discussion included:

- The CPD competencies will not be mandatory and will be changed if needed.
- The approach to CPD in early years of practice will be more prescriptive than later years.
- Consider clear communication that lawyers have an ethical obligation to remain current. Deliver reminders that applicable training opportunities are available through the Canadian Bar Association (CBA), Alberta and the Legal Education Society of Alberta (LESA).
- The new approach is intended to encourage participation and not policing. Lawyers will be accountable for their individual learning. There will be random reviews as an opportunity for coaching and a means to check on how the lawyer is doing, whether there is need for support and to solicit feedback on how the system is working with follow-up at their request. Those who will not comply with the review will be referred to Early Intervention.
- The CPD rollout will be in July 2023 to allow three months to file the CPD plan by September 30 annually.
- Consider reframing the word 'review' to touchpoint or check-in.
- Continue Lawyer Competence Committee discussions regarding whether there should be big firm exemptions for those with inhouse CPD programs.
- The CPD self-reflection, personal accountability approach is preferable to rigorous oversight and enforcement.

**4 Articling Terms - Agenda item 3**

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

Ms. Freund provided a historical overview of the articling terms and reasons for the proposed reversion of Rule 56 to the pre-April 2020 Rule which was amended due to COVID-19.

**Motion: Steblyk/Petriuk**

**That the Benchers amend Rule 56 to substitute the previous version of the Rule for the current version, to come into effect on January 1, 2023.**

Further discussion included the affordability for Internationally trained lawyers who may be caught in longer articles and are not being paid, which may also affect the public who would like to be represented by lawyers who are from their same country of origin.

**Carried  
Two opposed**

**5 Impact of Abrametz Decision**

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



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	<p>Ms. Bains provided an overview of the impact of the Abrametz decision and the effect of delays. The Benchers were reminded of the importance of completing well-documented, adequate reasons for decisions quickly.</p>
<b>6</b>	<b>Audit and Finance Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.
<b>7</b>	<b>Equity, Diversity and Inclusion Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting. It was clarified that part-time status is intended for practicing lawyers who are delivering services to the public.
<b>8</b>	<b>Lawyer Competence Committee Update</b> Documentation for this item was circulated with the materials prior to the meeting.
<b>9</b>	<b>CONSENT AGENDA</b> 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><b>Motion: Ahluwalia/Melnyk</b></p> <p><b>9.1 To approve the June 3, 2022 Public Bencher Meeting Minutes as circulated.</b></p> <p><b>9.2 To approve the following 2024 Bencher meeting dates:</b> February 29 – March 1, 2024 April 25 – 26, 2024 June 5 – 8, 2024 – Jasper September 26 – 27, 2024 November 7, 2024 – Budget review (videoconference from 1 - 4 pm) November 28 – 29, 2024</p> <p>All meetings will be held in Calgary unless otherwise indicated, or, if necessary, at such other date and time and place (or means) as the CEO and Executive Director of the Law Society may determine.</p> <p><b>9.3 Rules and Guidelines Terminology Amendments</b></p> <p><b>MOTION 1:</b> That Rules 16.1, 53, 67 and 110 be amended to strike “Queen” and insert “King” in its place.</p> <p><b>MOTION 2:</b> That subrule 159(4) be amended to strike “Q.C.” and insert “KC” in its place.</p>



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**MOTION 3:**

That subrule 159(4) be amended to strike “Q.C.” and insert “KC” in its place.

**MOTION 4:**

That Rules 53 and 68 be amended to strike “a masters in chambers” and insert “an applications judge” in its place.

**MOTION 5:**

That subrule 115(2) be amended to strike “a Masters in Chambers” and insert “an applications judge” in its place.

**MOTION 6:**

That Rule 110 be amended to strike “Masters in” and insert “Applications Judges” in its place.

**MOTION 7:**

That subrule 115(6) be amended to strike “Masters in Chambers” and insert “applications judge” in its place.

**MOTION 8:**

That Rule 117 be amended to strike “masters in chambers” and insert “applications judge” in its place.

**MOTION 9:**

That the heading to Rule 117 be amended to strike “Masters in Chambers” and insert “Applications Judges” in its place.

**MOTION 10:**

That the Pre-Hearing and Hearing Guideline, paragraph 83, and Publication and Redaction Guideline, paragraph 30, be amended to strike “Queen” and insert “King” in its place.

**MOTION 11:**

That the Publication and Redaction Guideline, paragraph 30, be amended to strike “Masters in” and insert “Applications Judges” in its place.

**MOTION 12:**

That the Publication and Redaction Guideline, paragraph 53, be amended to



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strike “masters in chambers” and insert “applications judges” in its place.

**9.4 ALIA Rule Amendments – Housekeeping**

**MOTION 1:**

To amend Rule 145.2, to enhance the clarity of the Rule, by striking out “(c)” and the wording of subrule (c) in its entirety, and to amend the lettering of the subrules that follow by striking out “(d)” and inserting “(c)” in its place and striking out “(e)” and inserting “(d)” in its place

**MOTION 2:**

To amend subrule 114(2), to include payments to ALIA as an item to be provided to the Executive Director, by inserting “or ALIA” after “Society” in clause (e).

**Carried unanimously**

**10 EXTERNAL REPORTS**

The following External Agency Reports were circulated with the materials prior to the meeting unless otherwise noted:

- 10.1 Alberta Law Foundation Report - Ms. Váně provided an oral report.
- 10.2 Alberta Lawyers’ Assistance Society Report
- 10.3 Alberta Law Reform Institute Report
- 10.4 Canadian Bar Association Report
- 10.5 Canadian Centre for Professional Legal Education Report
- 10.6 Federation of Law Societies of Canada Report
- 10.7 Legal Education Society of Alberta Report
- 10.8 Real Estate Practice Advisory Committee Liaison Report

**Other Business**

Mr. Warren publicly acknowledged the contribution, involvement and continued service of former Lay Benchers Barb McKinley, during and after her term expired until the recent Government appointments were made.

There being no further business, the public meeting was adjourned at 11:10 am.