

Approved Benchers Public Minutes

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

December 1, 2022

In person in Calgary, AB and by videoconference

8:30 am

ATTENDANCE

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



ATTENDANCE

| | |
|-----------------|---|
| Staff: | <p>Susannah Alleyne, Equity, Diversity & Inclusion Counsel Barbra Bailey, Manager, Education Nancy Bains, Tribunal Counsel and Privacy Officer Catherine Bennett, Executive Assistant to the CEO & Executive Director Reed Bjerkseth, Business Technology (in person) Jessica Buffalo, Indigenous Initiatives Counsel Bernadette Charan, Manager, Trust Safety Shabnam Datta, Manager, Policy Jennifer Freund, Policy & Governance Counsel Sharon Heine, Senior Manager, Regulation Julie James, Governance Coordinator (in person) Andrew McGrath, Business Technology (in person) Noria Neuhart, Policy Counsel Stephen Ong, Business Technology Christine Schreuder, Supervisor, Governance (in person) Avery Stodalka, Senior Communications Advisor (in person) 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 Yvonne Ladouceur, Senior Manager, Operations (ALIA) Darren LaRose, Senior Claims Counsel (ALIA) Indra Maharaj, Vice-President, Canadian Bar Association Alberta Nonye Opara, Executive Director, Pro Bono Law Alberta Robert Philp, Bencher Liaison, Indigenous Advisory Committee Stephen Raby Kathleen Ryan, Bencher Liaison, Chair, Lawyer Competence and Equity Diversity and Inclusion Advisory Committees Christine Sanderman, Executive Director, Legal Education Society of Alberta Liza Worthington, Acting CEO, Canadian Centre for Professional Legal Education</p> |
| Regrets: | <p>Salimah Walji-Shivji</p> |

Secretary's Note: All Bencher and ELT attendees were in person unless otherwise stated. All Staff and guests attended via videoconference unless otherwise stated. The arrival or departure of participants during the meeting are recorded in the body of these minutes.

Mr. Warren called the meeting to order at 8:32 am

| Item | |
|----------|---|
| 1 | <p>Opening Remarks from the President</p> <p>Mr. Warren welcomed everyone with a special welcome extended to Kendall Moholityn, Director, Regulation and Professionalism, and Noria Neuhart, Policy Counsel for their first meeting in their new roles.</p> <p>Ms. Louie delivered the Alberta land acknowledgement statement.</p> |



| | Item |
|---|--|
| 2 | <p>Leadership Report</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p><i>Secretary's note: The Leadership Report was deferred until after the elections.</i></p> |
| 3 | <p>Election of the President-Elect and the Executive Committee</p> <p>Documentation for this item was circulated with the materials prior to the meeting. Mr. Warren advised that Ms. Petriuk and Ms. Steblyk put their names forward for President-Elect 2023. Mr. Warren read the election procedures and called for nominations from the floor in accordance with Rule 27(1). There were no new nominations and Mr. Warren declared the nominations closed by consensus.</p> <p>Ms. Petriuk and then Ms. Steblyk provided their remarks to the Benchers. The Benchers cast their votes through a paper ballot. Virtual Bencher attendees, Ms. Louie and Ms. Neilson, sent their votes to Ms. Osler who in turn completed paper ballots, confirmed with them electronically and then submitted the ballots on their behalf. Ms. Steblyk was elected.</p> <p>Mr. Warren confirmed the ten Statements of Intention to stand for election to the Executive Committee and called for nominations from the floor. There were no new nominations and Mr. Warren declared the nominations closed by consensus. Mr. Warren read the procedures for the election of the Executive Committee.</p> <p>The Benchers cast their votes for the election of the 2023 Executive Committee in the same manner as above. Following several rounds of voting in accordance with the election Rules, the successful candidates for the four elected positions on the Executive Committee were (in alphabetical order) Ryan Anderson, Lou Cusano, Stacy Petriuk and Margaret Unsworth. Mr. Warren advised that the Lay Benchers appointed Glen Buick as the public representative on the 2023 Executive Committee and by virtue of being appointed to the Executive, he would also sit on the 2023 Nominating Committee.</p> <p>The Executive Committee recommendation of the non-Executive Committee Bencher to be appointed to the 2023 Nominating Committee was deferred until after the Executive Committee (excluding those with interest in being appointed to the Nominating Committee) met during the lunch break to decide. The Benchers expressed interest in reviewing possible amendments to the Executive Committee election Rules.</p> |
| 4 | <p>Equity, Diversity and Inclusion Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |
| 5 | <p>Indigenous Initiatives Counsel Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |
| 6 | <p>Lawyer Competence Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |



| | Item |
|---|--|
| 7 | <p>Tribunal Office Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p><i>Secretary's note: Mr. Warren called for a recess at 10:20 a.m. The Law Society Annual General Meeting was held at 11:00 a.m. The Public Bencher meeting reconvened at 11:30 a.m.</i></p> |

AGM

| | |
|---|--|
| 8 | <p>2023 Budget</p> <p>Documentation for this item was circulated with the materials prior to the meeting. Jim Lutz, Chair, Audit and Finance Committee (AFC), reported on the AFC's discussions and oversight of the 2023 Budget process. Ms. Meade reported the steps taken in preparing the proposed 2023 Budget were:</p> <ol style="list-style-type: none">1. Development of a more sophisticated Budget document for improved ease of use and understandability.2. Preparation of a draft budget during the summer which was reviewed by the Executive Leadership Team (ELT) during multiple meetings in September.3. Presentation of the ELT prepared 2023 Budget Assumptions to the Executive Committee on September 19, 2022.4. Presentation of the draft 2023 Budget Assumptions to the Benchers on September 29, 2022 for feedback and to provide the Benchers the opportunity to influence the Budget in advance of the AFC's review of the 2023 Budget in detail.5. The AFC met October 19, 2022 and found the Bencher feedback to be valuable during the AFC's thorough review of the 2023 Budget.6. The Benchers fully reviewed the draft Budget on November 9, 2022, carefully considering the operational requirements and sustainability of the organization.7. The AFC met on November 17, 2022, reviewed the final draft budget and recommended that the Benchers approve the 2023 Budget as presented. <p>Ms. Meade thanked the AFC and Benchers for the important roles they played in the budget process. The AFC recommended that the Benchers approve the 2023 Budget which proactively considers long term operational objectives and sustainability while maintaining a healthy contingency reserves balance.</p> <div style="border: 1px solid black; padding: 5px;"><p>Motion: Lutz/Steblyk</p><p>To approve the Law Society of Alberta's 2023 Budget as presented and to set the 2023 annual active Practice Fee at \$2,490.</p><p style="text-align: right;">Carried unanimously</p></div> |
|---|--|

The meeting recessed at 11:40 a.m. for lunch and Executive Committee meeting.

The meeting reconvened at 12:40 p.m.



| | Item |
|----|---|
| 9 | <p>Non-Executive Committee Bencher Appointment to the Nominating Committee</p> <p>The Executive Committee unanimously recommended that Sandra Petersson be appointed to the 2023 Nominating Committee as the non-Executive Committee Bencher.</p> <p>Motion: Hendsbee/Buick</p> <p>That the Benchers appoint Sandra Petersson as the non-Executive Bencher on the Nominating Committee, effective immediately.</p> <p style="text-align: right;">Carried unanimously</p> |
| 10 | <p>Code of Conduct Amendments – Official Language Rights</p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Freund provided an overview of the proposed official language rights amendments to the Code of Conduct (Code) provisions and associated commentary.</p> <p>The Benchers debated the proposed amendments and understood that there is an obligation to inform clients of their official language rights and therefore determined that the amendment to provision 3.2-7 from ‘should’ to ‘must’ is appropriate. The Benchers agreed to separate the proposed motion in the memo into two motions.</p> <p>Motion 1: Váně/Petersson</p> <p>That the Benchers amend the Code of Conduct provisions 3.2-7 as proposed.</p> <p style="text-align: right;">Carried</p> <p>The Benchers debated the amendments to provision 3.2-8 and commentary. The key points of debate were:</p> <ul style="list-style-type: none">- The use of ‘should’ versus ‘must’ in the proposed amendment to provision 3.2-8 regarding the lawyer’s competence when undertaking a matter.- Softening ‘must’ to ‘should’ whereby not all roles in the trial are served by people who are fluent in the official language results in the trial effectively being translated at some level rather than being truly represented in that official language.- Including the opportunity to arrange for the assistance of an interpreter in the Code provision dilutes the right to representation in the client’s official language of choice.- The law has not changed and therefore there is no governance need to move to amend the Code. Furthermore, Alberta is not a bilingual province.- Concern was expressed with including information in the commentary that should be in the Code provision itself.- The client may not get a sufficiently experienced or qualified lawyer if they choose one based on their proficiency in the official language.- The Association des juristes d’expression française de l’Alberta’s concern is that members of the public are not aware of their rights because they are not being |



| Item | |
|-----------|--|
| | <p>properly explained. Consider amending commentary two on page 12 of the memo for clarity.</p> <div data-bbox="180 331 1481 514" style="border: 1px solid black; padding: 5px;"><p>Motion 2: Wasylenko/Johnson That the Benchers amend the Code of Conduct provisions 3.2-8 and the associated commentary, as proposed.</p><p style="text-align: right;">Defeated</p></div> |
| | <div data-bbox="180 558 1481 821" style="border: 1px solid black; padding: 5px;"><p>Motion 3: Petriuk/Váně That the Benchers request that Policy Counsel revise the proposed amendments to the Code of Conduct provision 3.2-8 and the associated commentary for the Policy and Regulatory Reform Committee’s consideration and recommendation to the Benchers at the February Board meeting.</p><p style="text-align: right;">Carried unanimously</p></div> |
| 11 | <p>CONSENT AGENDA</p> <p>Documentation for this item was circulated with the materials prior to the meeting. There was no request to remove the item from the consent agenda and the item was approved as circulated.</p> <div data-bbox="180 1041 1481 1224" style="border: 1px solid black; padding: 5px;"><p>Motion: 11.1 To approve the September 29, 2022 Public Bencher Meeting Minutes as circulated.</p><p style="text-align: right;">Approved by consent</p></div> |
| 12 | <p>EXTERNAL REPORTS</p> <p>The following External Agency Reports were circulated with the materials prior to the meeting:</p> <ul style="list-style-type: none">12.1 Alberta Law Foundation Report12.2 Alberta Lawyers’ Assistance Society Report12.3 Alberta Lawyers’ Indemnity Association Summary Claims Trend Report <p>The Benchers posed questions to Mr. Weyant and Ms. Ladouceur regarding the Claims Trend Report. Mr. Warren concluded that it is incumbent on the Law Society to take action to protect the public interest from the problem with 1) financial losses due to multiple claim lawyers and 2) lawyer competency - more work is required to dissuade multiple claims.</p> <ul style="list-style-type: none">12.4 Canadian Bar Association Report12.5 Canadian Centre for Professional Legal Education Report12.6 Federation of Law Societies of Canada Report12.7 Legal Education Society of Alberta Report12.8 Real Estate Practice Advisory Committee Liaison Report |



Item

Other Business

There being no further business, the public meeting was adjourned at 2:02 pm