



Approved Benchers Public Minutes

Public Minutes of the Five Hundred and Fifteenth Meeting of the Benchers of the Law Society of Alberta (Law Society)

Oct. 4, 2023

In person in Calgary, AB and by videoconference

ATTENDANCE	
Benchers:	Bill Hendsbee, President Deanna Steblyk, President-Elect Sony Ahluwalia (by videoconference) Ryan Anderson Glen Buick Lou Cusano Corie Flett Kene Ilochonwu (by videoconference) Cal Johnson (by videoconference) Levonne Louie Jim Lutz Bud Melnyk Sharilyn Nagina Mary Ellen Neilson (by videoconference) Sanjiv Parmar Sandra Petersson Stacy Petriuk Ron Sorokin Margaret Unsworth Moira Váně Grant Vogeli Louise Wasylenko
Executive Leadership Team:	Elizabeth Osler, CEO and Executive Director Cori Ghitter, Deputy Executive Director and Director, Policy and Education Nadine Meade, Chief Financial Officer Kendall Moholityny, Director, Regulation and Professionalism



ATTENDANCE	
	Andrew Norton, Chief Information Officer and Director, Business Operations
Staff:	Susannah Alleyne, Equity, Diversity & Inclusion Counsel and Equity Ombudsperson Barbra Bailey, Manager, Education (in person) Reed Bjerkseth, Support Staff, Business Technology (in person) Colin Brandt, Senior Advisor, Communications (in person) Colleen Brown, Manager, Communications & Stakeholder Engagement (in person) Shabnam Datta, Manager, Policy (in person) Jennifer Freund, Policy & Governance Counsel Andrew McGrath, Support Staff, Business Technology (in person) Tina McKay, Senior Manager, Business Operations (in person) Noria Neuhart, Policy Counsel (in person) Rachel Provencher, Senior Advisor, Communications (in person) Christine Schreuder, Supervisor, Governance (in person) Julie James, Governance Coordinator (in person) Rebecca Young, Education Counsel
Guests:	Loraine Champion, Executive Director, Alberta Lawyers' Assistance Society Sarah Coderre, Secretary, Canadian Bar Association Alberta Hyder Hassan, Executive Director, Pro Bono Law Alberta Christine Sanderman, Executive Director, Legal Education Society of Alberta Liza Worthington, CEO, Canadian Centre for Professional Legal Education
Regrets:	Ted Feehan, Bencher
Observer:	Ian Burns, Digital Reporter, The Lawyer's Daily

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

ITEM	
Call to Order The public meeting convened at 10:50 a.m.	
1	Opening Remarks from the President (agenda item 4) Mr. Hendsbee extended a special welcome to Mr. Hassan, new Executive Director, Pro Bono Law Alberta and to Ms. Coderre, Secretary, Canadian Bar



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	<p>Association (CBA) Alberta sitting in for Robert Bassett, Vice-President, CBA Alberta, to their first meeting.</p> <p>Ms. Runnalls delivered an Alberta land acknowledgment statement.</p>
2	<p>Leadership Report (agenda item 5)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>
3	<p>Practice Fundamentals Program Outline (agenda item 6)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Young provided an overview of the Practice Fundamentals Program (Program) Outline and requested Bencher feedback.</p> <p>The key Bencher discussion and feedback and staff responses included:</p> <ul style="list-style-type: none">- The net cost to the Law Society to provide the Program for free is approximately \$400,000 over five years.- The webinars will initially be offered live, recorded, then available on demand. Workshops will be live only and the numbers capped to offer more meaningful active study. Once released, the self-directed lessons will be available as long as the Program is in place.- In response to a question regarding the number of students expected to use the Program, Ms. Young responded that it is difficult to assess given the nature of the Program and that it will be piloted on a voluntary basis. She noted that while a mandatory program would provide more reliable data, launching the Program as voluntary will allow time to build up content and test for future success.- Staff are considering how the Continuing Professional Development (CPD) tool may promote the Program for free to the targeted early years of practice demographic and at low cost to other lawyers.- The Program can be utilized for practice management and conduct related purposes.- It was suggested that staff consider whether the Program could be made available to law school graduates and internationally trained lawyers while they are looking for articles.



	ITEM
4	<p>Rule Amendments RE: <i>Labour Mobility Act</i> (agenda item 7)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Neuhart provided an overview of the Rules in need of amendment to align with the requirements of the new <i>Labour Mobility Act</i> and <i>Labour Mobility Regulation</i> (Labour Mobility legislation). Ms. Neuhart indicated that Ms. McKay was also available for questions.</p> <p>The key Bencher discussion, feedback and staff responses included:</p> <ul style="list-style-type: none">- Gratitude was expressed for the work done to carry out the requirements under the Labour Mobility legislation, including the requirement to process interprovincial transfers within 20 days concurrently while managing reinstatement applications.- Staff reported that the new requirements also had a significant impact on the operations side, including the design and implementation of the online Canadian Lawyer Application.- Staff confirmed that the number of applicants is increasing. So far in 2023 there have been 155 new lawyers registered and there are 65 in the queue.- In response to a question regarding the National Mobility Agreement, staff responded that the Labour Mobility legislation impacts permanent mobility but will not impact temporary mobility.- Ms. McKay confirmed that it is possible to hold membership with multiple law societies if fees are paid. However, temporary mobility does not generally incur fees. <div data-bbox="310 1339 1419 1923" style="border: 1px solid black; padding: 10px;"><p>Motion: Melnyk/Petriuk</p><p>That the Benchers approve the Rules amendments and the new Rules, the amendments to the Rules headings, the new Rules headings, and the new Rules subdivision as proposed in Appendix A. Carried unanimously</p><p><i>Secretary's note: The Rules amendments proposed in Appendix A are as follows:</i></p><p><i>Rules 47(n), 47(o), 66, 66.1, 66.2, 67, 70 To amend and renumber Rules and headings, and to insert new Rules and headings into Division 4 of Part 2, to implement the Labour Mobility Act and Labour Mobility Regulation</i></p><p><i>Rules 47.1, 48.1, 48.4, 50, 50.3, 51, 51.1, 51.2, 54, 55, 63.1, 64, 64.2, 64.3, 64.4, 64.5, 64.6, 64.7, 64.8, 64.9, 64.10, 65, 65.1, 65.2, 65.3, 65.4, 65.5, 66.3, 69.2, 72.1, 72.2, 72.3, 72.4, 72.5, 72.6, 73, 73.2, 73.3 To amend, renumber, insert and repeal Rules for clarity and to update processes and terminology</i></p><p><i>Rules 47(e), 47(g), 107.2, 153.1, 159.01 To update terminology and formatting</i></p></div>



	ITEM
5	<p data-bbox="310 243 1325 279">Active Non-Practising Status for Lawyers on Leave (agenda item 8)</p> <p data-bbox="310 296 1325 365">Documentation for this item was circulated with the materials prior to the meeting.</p> <p data-bbox="310 392 1336 462">Ms. Datta provided an overview of the active non-practising status memo included with the meeting materials.</p> <p data-bbox="310 485 1133 516"><i>Secretary's note: The following motions were considered concurrently.</i></p> <div data-bbox="310 531 1419 1787" style="border: 1px solid black; padding: 10px;"><p data-bbox="326 552 724 583">Motion 1: Petersson/ Váně</p><p data-bbox="326 606 1362 758">That the Benchers approve the amendment to the heading of Rule 115, the amendments to Rule 115, and new Rule 115.1 and the new heading for Rule 115.1, as proposed, with Rule 115.1 and its heading to take effect on February 1, 2024.</p><p data-bbox="326 783 467 814">Motion 2:</p><p data-bbox="326 837 1344 951">That the Benchers approve the annual fee for <i>active non-practising status</i> to be one-half of the annual fee for full active status, with the fee to take effect on February 1, 2024.</p><p data-bbox="326 976 1292 1008">The key Bencher discussion, feedback and staff responses included:</p><ul data-bbox="370 1033 1401 1717" style="list-style-type: none">- Staff confirmed that they considered how current a lawyer's practice is for the proposed expedited reinstatement for lawyers who hold active non-practising status for three years or less.- Staff confirmed that lawyers can and do change their status multiple times over the course of their careers.- Gratitude was expressed for the proposed amendments regarding reinstatement and the fee for lawyers who take a leave from practice for any reason. The importance of addressing leave from practice and status and the benefit in particular, to young female lawyers was recognized.- A question was asking about exploring a refund option for those lawyers who pay the full annual fee and then change their status to a status with a lower fee. Staff noted that implementing a refund schedule would have a significant impact on the organization overall, which would result in an increase in costs which would be subsidized by active lawyers.<p data-bbox="1062 1738 1382 1770" style="text-align: right;">Carried unanimously</p></div>



	ITEM
6	<p>Bencher Vacancy Policy (agenda item 9)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund provided an overview of the proposed Bencher Vacancy Policy amendments.</p> <p><i>Secretary's note: The following motions were considered concurrently.</i></p> <div style="border: 1px solid black; padding: 10px;"><p>Motion 1: Buick/ Váně</p><p>That the <i>Bencher Vacancy Policy</i> be amended to insert a new paragraph 11, to permit the Nominating Committee to convene in advance of an anticipated vacancy, stating:</p><p style="padding-left: 40px;">When a vacancy is anticipated by the Benchers, the Nominating Committee may convene to implement the vacancy appointment process but no appointment can be made effective until the vacancy occurs, in accordance with section 19 of the <i>Legal Profession Act</i>.</p><p>Motion 2:</p><p>That the <i>Bencher Vacancy Policy</i> be amended to renumber paragraph 27 as paragraph 29 and, within this paragraph, to strike “six” and insert “twelve” in its place following “arising within” and before “months”.</p><p>Motion 3:</p><p>That the <i>Bencher Vacancy Policy</i> be amended to renumber paragraphs, improve wording, remove unnecessary repetition, increase clarity and create consistency, as proposed.</p><p style="text-align: right;">Carried Unanimously</p></div>
7	<p>Rule 33 Amendments (agenda item 10)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund provided an overview of the Rule 33 amendments proposed in the meeting materials.</p> <p><i>Secretary's note: The following motions were considered concurrently.</i></p> <div style="border: 1px solid black; padding: 10px;"><p>Motion 1: Lutz/Wasylenko</p><p>That the Benchers amend subrule 33(2), as proposed, to add clarity to clauses (a), (b), (c), (h), (i), and (j); and to insert the proposed new clauses, which will be lettered (n), (o), (p), (q) and (r), to add clarity and transparency to decision making for meetings.</p></div>



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	<p>Motion 2:</p> <p>That the Benchers amend subrule 33(3) to:</p> <ul style="list-style-type: none">- clarify the registration requirement in clause (b);- in clause (l), amend the cross reference to subrule 33(2), clarify the voting requirement, and renumber the clause to be clause (i);- move clauses (i) and (j) to subrule 33(2);- move clause (k) to subrule 33(2) following amendment to add clarity and amend the time limit on debate; and- move clause (m) to subrule 33(2) following amendment to inset additional possible forms of recording and distribution methods to the restrictions listed; <p>and that the clauses in subrules 33(2) and 33(3) be re-lettered, as required, as a consequence of moving the four above noted clauses.</p> <p>Motion 3:</p> <p>That the Benchers strike out subrule 33(4).</p> <p style="text-align: right;">Carried unanimously</p>
8	<p>Bencher Delegations Review and Recommendations (agenda item 11)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund provided an overview of the Bencher delegations review and recommendations.</p> <p>A request was made to amend the proposed wording of motion 1 by striking out the proposed text and substituting with the wording provided in the first paragraph of page seven of the memo for clarity. It was agreed to amend the wording of the proposed motion prior to it being moved.</p> <p><i>Secretary's note: The following motions were considered concurrently. The substituted wording in motion 1 as requested above is reflected in red font.</i></p> <p>Motion 1: Melnyk/Petersson</p> <p>That the following resolution,</p> <p><i>The Benchers agreed by consensus to delegate the authority for decisions on future applications under 3(2) to the Executive Director.</i></p> <p>adopted at Bencher meeting 471, on April 9 and 10, 2015, be amended to substitute the following wording for the original</p>



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That the Benchers agree to delegate the review of future applications made under subrule 3(2) to the Executive Director for assessment and a recommendation for decision.

Motion 2:

That the following resolution, adopted at Bencher meeting 454 on November 24 and 25, 2011, be rescinded:

That the present requirement for a bond or other security in the amount of \$1 million as a condition of licensing an FLC be eliminated; that a new requirement be substituted to the effect that the Executive Director or his or her delegate may require security in a form and amount as is satisfactory to the Executive Director or delegate, and that this decision be reviewable by or appealable to the Trust Safety Committee or other committee as the Benchers may from time to time establish; that a guideline be developed to guide the exercise of discretion; that the present FLC licensing rules be clarified to provide that an FLC may not hold any trust property in addition to trust funds.

That the Executive Director be authorized to process in a timely way the application in accordance with the motion.

Motion 3:

That the following resolution, adopted at Bencher meeting 412 on June 5, 2002, be rescinded:

THAT, in addition to the delegation of the Executive Director's powers and duties previously made, the powers and duties of the Executive Director under Parts 2 and 8 of the Legal Profession Act; parts 2, 8, 8.1, 9 and Rule 46 of the Rules of the Law Society of Alberta; and Form 1-4 be delegated to the employees holding the positions of "Counsel" and "Counsel, Policy and Programs".

- Part 2 of the Act and the Rules deals with membership.***
- Part 8 of the Act and the Rules deals with professional corporations.***
- Part 8.1 of the Rules deals with limited liability partnerships.***
- Part 9 of the Rules deals with extension of time to return Member Information Update forms.***
- Rule 46 and Form 1-4 deal with Certificates of Standing.***

Motion 4:

That the following resolution, adopted at Bencher meeting 401 on May 31, 2001, be rescinded:



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THAT the delegation of authority by the Benchers to the Credentials and Education Committee, Rule 68, be approved as found in Appendix #2 attached to the original of these minutes.

Motion 5:

That the following resolution, adopted at Bencher meeting 414 on November 27, 2003, be rescinded:

THAT the Benchers delegate to the Director, Lawyer Conduct, an employee of the Law Society of Alberta, the powers and duties of the Executive Director under the Legal Profession Act, such delegation to be effective in circumstances in which it is not reasonably practicable for the Executive Director to discharge those powers and duties.

Motion 6:

That the following resolution, adopted at Bencher meeting 406 on April 11, 2002, be rescinded:

THAT the powers and duties of the Executive Director under part 3 of the Legal Profession Act and part 3 of the Rules of the Law Society are delegated to:

- (i) The President or the President-elect where the member who is the subject of a review under section 53 is a member of the Law Society staff, an agent of the Law Society or a Bencher; and to***
- (ii) The President–elect where the member who is the subject of a review under section 53 is the President or the immediate Past President.***

Motion 7:

That the following resolutions, adopted at Bencher meeting 365 on November 27, 1997, be rescinded:

THAT the Conduct Review Committee may carry on its business under the name and style of the Practice Review Committee;

THAT the Practice Review Committee is authorized to identify members encountering difficulties in their law practice and to take pro-active steps to assist such members in whatever manner the committee sees fit;

THAT in carrying out its functions, the committee may receive referrals from and branch of the Law Society including, without



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restrictions the generality of the foregoing, the Secretary, Conduct, Insurance, Complaints Officers and Audit;

THAT the committee shall be entitled to all information with respect to any member of the Law Society to which the Secretary of the Law Society has Access; and

THAT in the case of non-statutory referrals, a report by way of a copy of the relevant minutes shall be provided by the Practice Review Committee to the referring source if such report is requested by that source.

Motion 8:

That the following resolutions, adopted at Bencher meeting 415 on February 4, 2004, and Bencher meeting 395 on November 23 and 24, 2000, be rescinded:

THAT the Manager, Practice Review, an employee of the Law Society of Alberta, be granted the authority to exercise his/her discretion in reviewing the voluntary case files of members to determine if committee involvement is required, based on the nature of the referral and the information available and that same discretion previously granted to the Director of Practice Review be rescinded and the position eliminated.

THAT the chair of the Practice Review Committee and/or the Director of the Practice Review Department, be granted the authority to exercise their discretion reviewing the voluntary case files of members to determine if committee involvement is required, based on the nature of the referral and the information available.

Motion 9:

That the following resolutions, adopted at Bencher meeting 309 on February 6, 1992, be rescinded:

THAT there be delegated to the Executive Committee authority to enter into an agreement with the Legal Archives Society of Alberta relating to access to the Law Society files.

Motion 10:

That subrule 75(3), in the Rules of the Law Society of Alberta, be amended to strike out “and” at the end of clause (f), to insert a new clause (g) to read “supporting documentation to provide proof of exceptional circumstances where any request is made of the Executive Director for a reduction in the required amounts noted in



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	<p>clauses (e) and (f); and” and to re-letter the original clause (g) to be clause (h).</p> <p style="text-align: right;">Carried unanimously</p>
9	<p>Student Recruitment Rules (agenda item 12)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund provided an overview of the Student Recruitment Rules noting that the Executive Committee discussed the proposed amendment and recommends it to the Benchers.</p> <div style="border: 1px solid black; padding: 10px;"><p>Motion: Lutz/Louie</p><p>That the Benchers amend subrule 49.2(1) to add “, graduates of a Canadian law school or internationally trained lawyers who have received their Certificate of Qualification from the National Committee on Accreditation” to clause (c).</p><p style="text-align: right;">Carried unanimously</p></div>
10	<p>Audit and Finance Committee Report (agenda item 13)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>
11	<p>Equity, Diversity and Inclusion Committee Update (agenda item 14)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>
12	<p>Lawyer Competence Committee Update (agenda item 15)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Mr. Cusano provided a CPD Plan (Plan) filing update and reported that 10,642 lawyers have completed the Plan, 176 lawyers have not completed the Plan and 48 lawyers were exempted from having to complete the Plan.</p> <p>Approximately 35 per cent of lawyers who completed the Plan responded to the CPD Plan survey, with 85 per cent providing a positive rating of between four and five out of five stars.</p>
13	<p>Policy and Regulatory Reform Committee Update (agenda item 16)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>



ITEM	
14	<p>Bencher Election Update (agenda item 17)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Mr. Brandt presented a Bencher Election progress update and in response to a question confirmed that the complete election results will be released to the profession and published to the public website. Mr. Brandt also noted that communication will be sent out advising that credentials for voting will be generated and issued by email to eligible voters directly from the voting platform on the morning of Nov. 14.</p>
15	<p>CONSENT AGENDA (agenda item 18)</p> <p>Documentation for this item was circulated with the materials prior to the meeting. No requests were made to remove any items from the consent agenda and the items were approved concurrently.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Motion: Anderson/Parmar</p> <p>18.1 That the Benchers approve the June 9, 2023 Public Bencher Meeting Minutes.</p> <p>18.2 To approve the following 2025 Bencher Meeting dates:</p> <p style="padding-left: 20px;">Feb. 27 – 28, 2025</p> <p style="padding-left: 20px;">May 1 – 2, 2025</p> <p style="padding-left: 20px;">June 4 – 7, 2025 – Jasper</p> <p style="padding-left: 20px;">Sep. 25 – 26, 2025</p> <p style="padding-left: 20px;">Nov. 6, 2025 – Special Bencher Budget review (videoconference from 1 - 4 p.m.)</p> <p style="padding-left: 20px;">Nov. 27 – 28, 2025</p> <p style="padding-left: 40px;">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 style="text-align: right;">Carried unanimously</p> </div>
16	<p>EXTERNAL REPORTS (agenda item 19)</p> <p>The following External Agency Reports were circulated with the materials prior to the meeting:</p> <ul style="list-style-type: none"> 19.1 Alberta Law Reform Institute Report 19.2 Alberta Lawyers' Assistance Society Report 19.3 Canadian Bar Association Report 19.4 Canadian Centre for Professional Legal Education (CPLED) Report 19.5 Federation of Law Societies of Canada Report



	ITEM
	<p>19.6 Legal Education Society of Alberta Report 19.7 Pro Bono Law Alberta Report 19.8 Real Estate Practice Advisory Committee Liaison Report</p> <p>Ms. Osler acknowledged the passing of Dr. Kara Mitchelmore, recognized her significant contributions as Executive Director of CPLED and expressed sincere gratitude for her advancement of CPLED.</p>
17	<p>President-Elect and Executive Committee Election Rule and Policy Amendments (agenda item 22)</p> <p><i>Secretary's note: This item was on the agenda for Thursday, Oct. 5, 2023, and was promoted due to time availability.</i></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund presented the President-Elect and Executive Committee Election Rule and Policy Amendments, illustrating the President-Elect and Executive Committee election options and why the current process is the most suitable to maintain with Rule amendments made for clarity.</p> <p style="text-align: right;"><i>Mr. Ilochonwu joined the meeting at 1:35 p.m.</i></p> <p>The key Bencher discussion, feedback and staff responses included:</p> <ul style="list-style-type: none"> - Ms. Freund clarified that the Law Society's tradition is for the President to resign as Bencher at the end of their presidency whether or not their Bencher term has expired. There is no legislation that compels the President to resign as Bencher. Resignation is necessary to sit on a committee as past-President. - A request was made to amend the proposed wording of Rule 26.1(e) to clarify how the Bencher who is not a public representative or a member of the incoming Executive Committee is appointed to the Nominating Committee. <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Motion: Sorokin/Petersson</p> <p>To amend the proposed wording of Rule 26.1(e) to read as follows:</p> <p>26.1(e) one Bencher who is not a Lay Bencher or a member of the incoming Executive Committee, to be appointed by the Benchers following a recommendation by the outgoing Executive Committee.</p> <p><i>Secretary's note: The amended wording for 26.1(e) is reflected above by the addition in red font.</i></p> <p style="text-align: right;">Carried unanimously</p> </div>



ITEM

Secretary's note: The following motions were considered concurrently by consensus.

Motion 1:

That Rule 26 be amended to combine subrules (1) and (2) and amend the wording in clauses (c), (d) and (e) for clarity, as proposed, as well as to renumber subrule (3) to be subrule (2).

Motion 2:

That Rule 26.1 be created and inserted to more formally establish the Nominating Committee and set out its composition and terms of office, as proposed.

Motion 3:

That Rule 27 be amended as follows: that the wording of subrules 27(1) and (2) be amended for clarity, that a new subrule (3) defining the position of immediate past president be created and inserted, and that the original subrule (3) be renumbered as subrule (4) and that its wording be amended as a consequence of the creation of Rule 26.1, as proposed.

Motion 4:

That subrule 28(1) be amended to clarify that that a sole nominee for president-elect will be acclaimed, that subrule 28(2) be amended for clarity and that that subrule (3) be amended to more clearly address the *Act* and Rules regarding any election of President or Acting President, as proposed.

Motion 5:

That Rule 24 be amended to strike out subrule (2) and renumber the subsequent subrules.

Motion 6:

That the *Election Procedures* document be amended for clarity, as proposed.

Carried unanimously

RECESS

The public meeting recessed at 2:10 p.m.



October 5, 2023

In person in Calgary, AB and by videoconference

8:30 a.m.

ATTENDANCE	
Benchers:	<p>Bill Hendsbee, President Deanna Steblyk, President-Elect Sony Ahluwalia (by videoconference) Ryan Anderson Glen Buick Lou Cusano Corie Flett Cal Johnson Levonne Louie Jim Lutz Bud Melnyk Sharilyn Nagina Mary Ellen Neilson (by videoconference) Sanjiv Parmar Sandra Petersson Stacy Petriuk Ron Sorokin Margaret Unsworth Maira Váně Grant Vogeli Louise Wasylenko</p>
Executive Leadership Team:	<p>Elizabeth Osler, CEO and Executive Director Cori Ghitler, Deputy Executive Director and Director, Policy and Education Nadine Meade, Chief Financial Officer Kendall Moholity, Director, Regulation and Professionalism Andrew Norton, Chief Information Officer and Director, Business Operations David Weyant, CEO & President, Alberta Lawyers Indemnity Association (by videoconference)</p>
Staff:	<p>Susannah Alleyne, Equity, Diversity & Inclusion Counsel and Equity Ombudsperson (in person) Barbra Bailey, Manager, Education (in person) Colin Brandt, Senior Advisor, Communications (in person) Colleen Brown, Manager, Communications & Stakeholder Engagement (in person) Shabnam Datta, Manager, Policy</p>



ATTENDANCE

	Jennifer Freund, Policy & Governance Counsel Julie James, Coordinator, Governance (in person) Andrew McGrath, Business Technology (in person) Noria Neuhart, Policy Counsel Christine Schreuder, Supervisor, Governance (in person) Rebecca Young, Education Counsel
Guests:	Elizabeth Aspinall, Associate General Counsel, Bennett Jones (in person) Sarah Coderre, Secretary, Canadian Bar Association Alberta Hyder Hassan, Executive Director, Pro Bono Law Alberta Carsten Jensen, Law Society of Alberta representative to the Federation of Law Societies of Canada
Regrets:	Ted Feehan, Bencher Kene Ilochonwu, Bencher
Observer:	Ian Burns, Digital Reporter, The Lawyer's Daily

Item

Call to Order

The public meeting reconvened at 8:37 a.m.

- 18 Harassment and Discrimination Code Amendments (agenda item 21)**
Documentation for this item was circulated with the materials prior to the meeting.
- Mr. Hendsbee introduced Ms. Aspinall and invited Ms. Petriuk, Chair, Policy and Regulatory Reform Committee (PRRC) to introduce this item. Ms. Petriuk provided the history and noted that the PRRC has reviewed and discussed the variations of the amendments at a number of meetings. Mr. Buick added that the PRRC members who objected with some of these revisions stated that they could abide with the amendments.
- Ms. Aspinall described the multi-year process, including lengthy consultations, culminating in the proposed amendments to the Law Society of Alberta's Code of Conduct (Code of Conduct). Ms. Aspinall provided an overview of the *ex parte Rules 5.1-2A and 2B*.
- Motion 1: Petriuk/Buick**
That, further to recommendations proposed by the Federation of Law Societies of Canada to insert new Rules 5.1-2B and 5.1-2C into the Code of Conduct, the Benchers:



- **insert the proposed new Rules, headings and associated commentary into the Code of Conduct, as amended by the Policy and Regulatory Reform Committee, with the Rules numbered as 5.1-2A and 5.1-2B, respectively, and**
- **strike commentary paragraph 6 in Rule 5.1-1 of the Code of Conduct, as it is captured in proposed new Rule 5.1-2A.**

Carried Unanimously

Ms. Aspinall provided an overview of the process leading to the proposed amendments to Code of Conduct Discrimination and Harassment Rule 6.3 and associated commentary.

The Benchers fully discussed the proposed amendments with particular focus on the example list of behaviours that constitute discrimination in commentary [7] to Rule 6.3-1 which Ms. Aspinall clarified are based on Canadian human rights legislation.

Motion: Petriuk/Buick

To amend the proposed Code of Conduct amendments to commentary [7] of Rule 6.3-1 as follows:

- **Strike sub c. from the list.**
- **Amend sub l. by adding “*protected by applicable law*” at the end of the paragraph.**
- **Revise the sub paragraph letters accordingly.**

Carried

Motion 2: Petriuk/Buick

That the Benchers approve and adopt the amendments to the Law Society of Alberta's Code of Conduct Rule 6.3 and associated Commentary, as proposed by the Federation of Law Societies of Canada in its Model Code of Conduct as amended by the Benchers.

Carried unanimously

Other Business

There was no other business and the public meeting adjourned at 10:03 a.m.