



Approved Benchers Public Minutes

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

November 30, 2023

In person in Calgary, AB and by videoconference

ATTENDANCE

Benchers:

- Bill Hendsbee, President
- Deanna Steblyk, President-Elect
- Sony Ahluwalia
- Ryan Anderson
- Glen Buick
- Ted Feehan
- Corie Flett (by videoconference)
- Kene Ilochonwu
- Cal Johnson
- Levonne Louie
- Jim Lutz
- Bud Melnyk
- Sharilyn Nagina
- Mary Ellen Neilson
- Sandra Petersson
- Stacy Petriuk
- Erin Runnalls
- Ron Sorokin
- Margaret Unsworth
- Moira Váně
- Grant Vogeli
- Louise Wasylenko

Executive Leadership Team:

- Elizabeth Osler, CEO and Executive Director
- Cori Ghitler, Deputy Executive Director and Director, Policy and Education
- Nadine Meade, Chief Financial Officer
- Kendall Moholityny, Director, Regulation and Professionalism



| ATTENDANCE | |
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| | Andrew Norton, Chief Information Officer and Director, Business Operations |
| Staff: | <p>Susannah Alleyne, Equity, Diversity & Inclusion Counsel and Equity Ombudsperson (by videoconference)</p> <p>Barbra Bailey, Manager, Education</p> <p>Reed Bjerkseth, Support Staff, Business Technology</p> <p>Colleen Brown, Manager, Communications & Stakeholder Engagement</p> <p>Jessica Buffalo, Indigenous Initiatives Counsel (by videoconference)</p> <p>Shabnam Datta, Manager, Policy (by videoconference)</p> <p>Jennifer Freund, Policy & Governance Counsel (by videoconference)</p> <p>Calvin McCarron, Support Staff, Business Technology</p> <p>Andrew McGrath, Support Staff, Business Technology</p> <p>Noria Neuhart, Policy Counsel (by videoconference)</p> <p>Christine Schreuder, Supervisor, Governance</p> <p>Karly Walker, Governance Coordinator</p> <p>Tera Yates, Manager, Practice Management (by videoconference)</p> <p>Rebecca Young, Education Counsel (by videoconference)</p> |
| Guests: | <p>Robert Bassett, Canadian Bar Association Alberta</p> <p>Danielle Bourgeois, Bencher-Elect</p> <p>Arman Chak, Bencher-Elect</p> <p>Loraine Champion, Executive Director, Alberta Lawyers' Assistance Society</p> <p>Stephanie Dobson, Bencher-Elect</p> <p>Hyder Hassan, Executive Director, Pro Bono Law Alberta</p> <p>Scott Matheson, Bencher-Elect</p> <p>Christine Sanderman, Executive Director, Legal Education Society of Alberta</p> <p>Nicole Stewart, Bencher-Elect</p> <p>David Tupper, Bencher-Elect</p> |
| Regrets: | <p>Lou Cusano</p> <p>Sanjiv Parmar</p> |
| Observer: | Ian Burns, Digital Reporter, The Lawyer's Daily |

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



| Item | |
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| Call to Order and Introduction The public meeting convened at 8:35 a.m. | |
| 1 | Opening Remarks from the President Mr. Hendsbee welcomed the Benchers-Elect attending as guests and acknowledged the many contributions of departing Benchers Lou Cusano, Ted Feehan, Corie Flett, Cal Johnson, Sanjiv Parmar, Erin Runnalls, and Margaret Unsworth. Ms. Flett delivered an Alberta land acknowledgment statement. Mr. Hendsbee noted that the agenda item Federation of Law Societies of Canada Report will be moved to strategic items, following the Policy and Regulatory Reform Committee Report at this and future meetings. |
| 2 | Leadership Report Documentation for this item was circulated with the materials prior to the meeting. |
| 3 | Election of the President-Elect and the Executive Committee Documentation for this item was circulated with the materials prior to the meeting. Mr. Hendsbee announced that Mr. Anderson was the only candidate who put their name forward for President-Elect. Mr. Hendsbee read the election procedures and explained how the elections would be conducted anonymously through an electronic survey and verified. He called for nominations from the floor for President-Elect in accordance with Rule 27(1). There were no new nominations and Mr. Hendsbee declared the nominations closed by consensus. Mr. Anderson was acclaimed as President-Elect and provided remarks. Mr. Hendsbee confirmed the five candidates' Statements of Intention to stand for election to the Executive Committee and called for nominations from the floor. There were no new nominations. Motion: Ahluwalia/Sorokin To close the nominations for the Executive Committee. Carried unanimously Mr. Hendsbee declared the nominations closed then read the procedures for the election of the Executive Committee. The Benchers cast their votes for the election of the 2024 Executive Committee. The successful candidates for the four elected positions on the Executive Committee were (in alphabetical order) Jim Lutz, Bud Melnyk, Sandra Petersson and Stacy Petriuk. Mr. Hendsbee advised that the Lay Benchers appointed Louise Wasylenko as the public representative on the 2024 Executive Committee and by virtue of that appointment, she would also sit on the 2024 Nominating Committee. |



| Item | |
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| 4 | <p>Non-Executive Committee Bencher Appointment to the Nominating Committee</p> <p>The Executive Committee recommendation of the non-Executive Committee Bencher to be appointed to the 2024 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.</p> |
| 5 | <p>2024 Budget</p> <p>Documentation for this item was circulated with the materials prior to the meeting. Mr. Anderson, Chair, Audit and Finance Committee (AFC), reported on the AFC's discussions, oversight of the process and unanimous recommendation to the Benchers the approval of the 2024 Budget and Practice Fee.</p> <p>Ms. Meade reported that the 2024 Budget was prepared considering operational requirements, investments in capital expenditures, the Strategic Plan, long-term operational and financial stability of the organization, and healthy contingency reserves. The steps taken in preparing the proposed 2024 Budget included:</p> <ol style="list-style-type: none">1. July 2023 – Funding applications were distributed to external organizations and budget templates were distributed to Law Society Managers.2. August 2023 – Departmental budgets and resource plans were due.3. September 2023 – Funding applications were due. The Executive Leadership Team met several times to review all department budgets and plans. Draft budget assumptions were presented to the Executive Committee and a draft budget was developed.4. October 2023 – The Benchers reviewed and provided feedback on the draft budget assumptions. They requested the actuary review the Contingency Reserves Policy. The first draft budget and Bencher budget assumptions were presented to the AFC.5. November 2023 – The Benchers reviewed the draft 2024 Budget and confirmed that the actuary reviewed and did not recommend any changes to the Contingency Reserves Policy. The AFC discussed and reviewed the final draft 2024 Budget and proposed practice fee and unanimously recommended to the Benchers for approval. <p>Motion: Anderson/Petersson</p> <p>To approve the Law Society of Alberta's 2024 Budget as presented and to set the 2024 annual active Practice Fee at \$2,640.</p> <p style="text-align: right;">Carried unanimously</p> |
| 6 | <p>Audit and Finance Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |



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| 7 | <p>Equity, Diversity and Inclusion Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |
| 8 | <p>Lawyer Competence Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |
| 9 | <p>Policy and Regulatory Reform Committee Update</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> |
| 10 | <p>Federation of Law Societies of Canada Report (agenda item 15.5)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Osler provided Mr. Jensen's following remarks in his absence: The Truth and Reconciliation Consultation Report was issued and work is pending, subject to feedback. Work has started on the Duty to Report review and will take several months. An amendment will be made to the Model Code provisions to allow <i>Ex parte</i> communications with mediators.</p> |
| 11 | <p>Indigenous Initiatives Counsel Update (agenda item 10)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Buffalo provided an overview of her report included in the meeting materials.</p> |
| 12 | <p>Rule 89 and 89.1 Amendments (agenda item 11)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Freund provided a summary of the proposed rule amendments to clarify and codify the work and authority of the Practice Review Committee.</p> <p>Motion: Petriuk/Buick</p> <p>That the Benchers amend Rules 89 and 89.1 to reflect all of the work of the Practice Review Committee and to increase clarity, as proposed.</p> <p style="text-align: right;">Carried unanimously</p> |
| 13 | <p>Articling Placement Program Update (agenda item 12)</p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Alleyne acknowledged the land from where she was presenting by videoconference and provided an overview of her memo included in the materials.</p> <p>The Benchers' key discussion points and staff responses included:</p> <ul style="list-style-type: none">- Consider whether sharing impact statements of the students who have been placed through the program would help to increase the number of roster firms.- Can further education be provided to principals to avoid similar issues from occurring? |



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| | <ul style="list-style-type: none">- Consider ways to regulate the principal or other staff lawyer subject of complaints made by students to reduce the number of future complaints.- Consider the obstacles faced by potential roster firms such as financial, space, capacity, etc., and whether the Law Society could address these obstacles.- Consider whether initiating principal debriefing sessions after a student has been moved to an alternate article would provide helpful information and opportunities for education/remediation.- Consider tracking and reporting information on students who do not meet the Articling Placement Program criteria.- In response to a question regarding whether there are any behavioural trends that could be addressed, Ms. Alleyne reported an increase in communication expressed in anger, frustration or deemed as violent as a concerning trend.- Could firms be incentivized to be roster firms?- Consider interviewing successful roster firms to determine what works and what does not and use this information to target similar firms. |
| 14 | <p>Indigenous Cultural Competency Education Requirement Parameters (agenda item 13)</p> <p>Due to time constraints this item was deferred until after the lunch break.</p> |
| 15 | <p>CONSENT AGENDA (agenda item 14)</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 both motions were approved concurrently.</p> <p>Motion 1: Wasylenko/Nagina</p> <p>That the Benchers approved the October 4-5, 2023 Public Bencher Meeting Minutes.</p> <p style="text-align: right;">Carried unanimously</p> <p>Motion 2:</p> <p>That the Benchers insert, into the <i>Code of Conduct</i>, the words “Past or Present Relationship with Judge or Tribunal” as a heading above provision 5.1-3.</p> <p style="text-align: right;">Carried unanimously</p> |
| 16 | <p>EXTERNAL REPORTS (agenda item 15)</p> <p>The following external agency reports were circulated with the materials prior to the meeting:</p> <ul style="list-style-type: none">15.1 Alberta Law Reform Institute Report15.2 Alberta Lawyers’ Assistance Society Report |



| Item | |
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| | <p>15.3 Canadian Bar Association Report 15.4 Canadian Centre for Professional Legal Education Report 15.6 Legal Education Society of Alberta Report 15.7 Pro Bono Law Alberta Report</p> <p><i>Secretary's note: The public meeting recessed at 10:09 a.m. for the Annual General Meeting and reconvened at 1:04 p.m.</i></p> |
| 17 | <p>Non-Executive Committee Bencher Appointment to the Nominating Committee (agenda item 4)</p> <p>The Executive Committee unanimously recommended the appointment of Kene Ilochonwu to the 2024 Nominating Committee as the non-Executive Committee Bencher.</p> <p>Motion: Hendsbee/Steblyk</p> <p>That the Benchers appoint Kene Ilochonwu as the non-Executive Bencher on the Nominating Committee, effective immediately.</p> <p style="text-align: right;">Carried unanimously</p> |
| 18 | <p>Indigenous Cultural Competency Education Requirement Parameters (agenda item 13)</p> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Bailey provided an overview of the information included with the meeting materials. The Lawyer Competence Committee has reviewed and recommends the Benchers approve the motions as presented. Ms. Bailey requested Bencher feedback and direction to move forward.</p> <p>The following motions were made concurrently.</p> <p>Motion 1: Melnyk/Buick</p> <p>That the Indigenous Cultural Competency Education (ICCE) requirement be continued for incoming and reinstating lawyers, subject to those lawyers qualifying for an exemption.</p> <p>Motion 2:</p> <p>That the Benchers rescind the December 3, 2020 motion respecting the parameters for the ICCE requirement for all active Alberta lawyers in order to update the parameters.</p> <p>Motion 3:</p> <p>That the Benchers accept the recommendations of the Lawyer Competence Committee that, as of November 30, 2023, the following parameters apply to the fulfillment of the requirement for mandatory ICCE:</p> <p style="padding-left: 40px;">a. The ICCE requirement must be fulfilled by completing one of the Law Society-approved courses.</p> |



| Item | |
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| | <p>b. The list of approved courses will include some courses with no associated cost and will be posted on the Law Society website.</p> <p>c. That lawyers may request that the Law Society review other courses to be included on the approved list of courses.</p> <p>d. That the only permitted exemption from the ICCE requirement will be for those lawyers who certify they have previous education or knowledge that addresses the requirements of the Truth and Reconciliation Commission Call to Action 27.</p> <p>e. That lawyers must certify completion or exemption in the manner required by the Law Society, by the deadline, to complete the requirement to avoid administrative suspension.</p> <p>f. That all lawyers will have at least nine months to fulfill the requirement, effective the date they become active.</p> <p>g. That inactive lawyers or suspended lawyers who fulfill the ICCE requirement while inactive or suspended will meet the requirements of the mandatory education upon certifying completion when they reinstate to active status.</p> <p>The Benchers' key discussion included:</p> <ul style="list-style-type: none"> - Support was expressed for the NVision Insight Group Inc. Indigenous Cultural Competence course, The Path, specifically, the Alberta content. - Ms. Bailey confirmed that Indigenous education is being provided to Alberta law students so new lawyers will not need the training. Transfer lawyers or those seeking reinstatement who do not have equivalent Indigenous education, or a certified exemption will need to complete the training. <p>Motion: Petersson/Anderson</p> <p>That the Benchers move the meeting to <i>in camera</i>.</p> <p style="text-align: right;">Carried unanimously</p> <p><i>Secretary's note: The public meeting recessed at 1:38 p.m. and reconvened at 2:43 p.m.</i></p> <p>Mr. Hendsbee reconvened the public meeting and thanked the assembly for their patience. He reported that the Benchers have requested that staff do more work on this and return to the February Bencher meeting.</p> <p>Mr. Melnyk asked Mr. Hendsbee, President, for permission to withdraw all three motions. Mr. Hendsbee asked the Benchers whether there were any objections, and there being none, declared the motions withdrawn.</p> |
| | <p>Other Business</p> <p>There was no other business and the public meeting adjourned at 2:45 p.m.</p> |