

# Approved Benchers Public Minutes

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

**February 29, 2024**

In person in Calgary, AB and by videoconference

ATTENDANCE	
<b>Benchers:</b>	Bill Hendsbee, Outgoing President Deanna Steblyk, President Ryan Anderson, President-Elect Sony Ahluwalia Glen Buick A. Danielle Bourgeois Arman Chak Stephanie Dobson Kene Ilochonwu Levonne Louie Jim Lutz Scott Matheson Bud Melnyk Kelsey Meyer Sharilyn Nagina Mary Ellen Neilson Sandra Petersson Stacy Petriuk Erin Runnalls Ron Sorokin (videoconference) Nicole Stewart David Tupper Moira Váně Grant Vogeli (videoconference) Louise Wasylenko



## ATTENDANCE

<p><b>Executive Leadership Team:</b></p>	<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, President and CEO, Alberta Lawyers Indemnity Association (ALIA) (videoconference)</p>
<p><b>Staff:</b></p>	<p>Sharon Allard, Executive Assistant, Deputy Executive Director &amp; Director, Policy and Education Nancy Bains, Tribunal Counsel &amp; Privacy Officer Barbra Bailey, Manager, Education Reed Bjerkseth, Support Staff, Business Technology (in person) Colleen Brown, Manager, Communications &amp; Stakeholder Engagement (in person) Jessica Buffalo, Indigenous Initiatives Counsel (in person) Shabnam Datta, Manager, Policy Jennifer Freund, Policy &amp; Governance Counsel Andrew McGrath, Support Staff, Business Technology (in person) Noria Neuhart, Policy Counsel Len Polsky, Manager, Legal Technology and Mentorship (in person) Jennifer Rothery, Coordinator, Policy, and the office of the Practice Advisor Christine Schreuder, Supervisor, Governance (in person) Karly Walker, Governance Coordinator (in person) Rebecca Young, Education Counsel</p>
<p><b>Outgoing Benchers:</b></p>	<p>Lou Cusano Corie Flett Cal Johnson (in person) Sanjiv Parmar</p>
<p><b>Guests:</b></p>	<p>Don Avison, Executive Director/Chief Executive Officer, Law Society of British Columbia (in person) Robert Bassett, Canadian Bar Association Alberta Loraine Champion, Executive Director, Alberta Lawyers' Assistance Society Jeevyn Dhaliwal, President, Law Society of British Columbia (in person) Hyder Hassan, Executive Director, Pro Bono Law Alberta (in person) Liza Worthington, Executive Director, Canadian Centre for Legal Education</p>
<p><b>Observer:</b></p>	<p>Ian Burns, Digital Reporter, The Lawyer's Daily</p>



*Secretary's Note: All Benchers and Executive Leadership Team 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	
<p><b>Call to Order and Introduction</b></p> <p>Ms. Steblyk called the public meeting to order at 8:30 a.m., thanked all for attending and welcomed Ms. Dhaliwal and Mr. Avison as guests from the Law Society of British Columbia (LSBC).</p> <p>Mr. Chak delivered an Indigenous land acknowledgment statement.</p>	
<b>1</b>	<p><b>Remarks from the Outgoing President</b></p> <p>Mr. Hendsbee provided his outgoing remarks recognizing his growth, the work of the Benchers, Law Society management and staff. He concluded by inspiring the new Benchers to participate and expressed confidence in Ms. Steblyk and Mr. Anderson as incoming President and President-Elect.</p>
<b>2</b>	<p><b>Opening Remarks from the President</b></p> <p>Ms. Steblyk recognized Mr. Hendsbee's contributions as Benchers and President, particularly his leadership during the 2024-2026 Strategic Plan development and the King's Counsel Selection Committee processes. She welcomed returning and new Benchers, highlighting the planned work related to regulatory process reform for efficiencies and sustainability. Ms. Steblyk concluded by expressing her gratitude for the opportunity to lead and welcomed Mr. Anderson as President-Elect, reminding all that their doors are always open.</p> <p style="text-align: right;"><i>Mr. Cusano, Ms. Flett, Mr. Parmar, Mr. Hendsbee and Mr. Johnson left the meeting.</i></p>
<b>3</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 welcomed Ms. Dhaliwal and Mr. Avison and the new Benchers. She referred to the Year in Review provided in the materials as a helpful summary of the work achieved in 2023.</p> <p>Ms. Osler, on behalf of the Executive Leadership Team and the Law Society staff, acknowledged Mr. Hendsbee as a pleasure to work with and thanked him for his service as President.</p>
<b>4</b>	<p><b>Annual Guidelines Review</b></p> <p><b>4.1 Board Relations Guideline</b></p> <p><b>4.2 In-Camera Guideline</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Mr. Anderson led the Board Relations Guideline and the <i>In-Camera</i> Guideline annual review.</p> <p style="text-align: right;"><i>Mr. Vogeli joined the meeting at 8:50 a.m.</i></p>



Item	
<b>5</b>	<p><b>2024 Committees, Liaisons, and Other Bodies</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Steblyk recognized the work of the Nominating Committee composed of Mr. Hendsbee, Mr. Anderson, Mr. Ilochonwu, Ms. Wasylenko and herself, supported by Ms. Osler and Ms. Ghitter.</p> <p><b>Motion: Louie/Ahluwalia</b></p> <p><b>To appoint the 2024 Benchers committees, liaisons and representatives to “other bodies” as set out in the 2024 Committees, Liaisons and Other Bodies list; and</b></p> <p><b>To continue the term of appointment for any person on a 2024 committee involved in any ongoing adjudicative matter until such time as a report or decision is rendered on the matter in which they are involved.</b></p> <p style="text-align: right;"><b>Carried unanimously</b></p>
<b>6</b>	<p><b>Voting Requirement – Rule 33 Amendment</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Steblyk summarized the purpose for this proposed Rule amendment and introduced Ms. Freund, who explained the rationale for the proposed Rule amendment.</p> <p><b>Motion: Petriuk/Buick</b></p> <p><b>That the Benchers amend subrule 33(2) by adding the following wording to clause (b): “and, should such unanimous consent be given, notwithstanding clause (l), the motion shall require 2/3 of those members present and voting to vote in favour of it for adoption”.</b></p> <p>The Benchers’ key discussion points and staff responses included:</p> <ul style="list-style-type: none"><li>- Ms. Freund confirmed that “(l)” in the motion is the letter L not the number one.</li><li>- Consider having an extended coming in force period for future Rule amendments when appropriate to provide more predictability for practitioners affected by the Rule changes.</li><li>- The Annual General Meeting (AGM) Notice includes a link to Rule 33.</li><li>- There is a provision in connection with the <i>Legal Profession Act (Act)</i> and the Rules of the Law Society to provide notice of a motion.</li></ul> <p style="text-align: right;"><b>Carried unanimously</b></p>
<b>7</b>	<p><b>Comprehensive Auditor Review Results</b></p> <p><b>7.1 Appointment of the Auditor for 2024</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>



Item	
	<p>Mr. Anderson summarized the Comprehensive Auditor Review of PricewaterhouseCoopers (PwC) and the obligation legislated in the Act that the Benchers approve the appointment of the auditor annually.</p> <p>The following two motions were approved concurrently.</p> <p><b>Motion 1: Anderson/Petersson</b></p> <p><b>That the Benchers approve the continuation of PricewaterhouseCoopers (“PwC”) as auditors for the Law Society of Alberta, following the Comprehensive Auditor Review, for the next five years commencing with the 2024 fiscal year, with annual recommendations by the Audit and Finance Committee to the Benchers to be made in the ordinary course.</b></p> <p><b>Motion 2:</b></p> <p><b>That the Benchers approve the re-appointment of PricewaterhouseCoopers (“PwC”) as auditors for the Law Society of Alberta for the fiscal year ending December 31, 2024.</b></p> <p style="text-align: right;"><b>Carried unanimously</b></p>
8	<p><b>Mentorship Program Update</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Mr. Polsky provided a Mentorship Program update.</p> <p>The Benchers requested that staff consider removing retired and inactive lawyers from the reporting of Mentor participation rate.</p>
9	<p><b>Articling Survey Follow-Up</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>Ms. Ghitter reported that the 2019 Articling Survey responses were foundational to the Law Society Lawyer Competence and Equity, Diversity and Inclusion Committees’ work.</p> <p>The Benchers key discussion and staff responses included:</p> <ul style="list-style-type: none"><li>- A third party has been hired to analyze and report on survey response trends.</li><li>- Consider ways to encourage a higher survey participation rate to avoid selection bias.</li><li>- The Law Societies of British Columbia, Saskatchewan, Manitoba and Nova Scotia may issue the same survey in their provinces, which could provide learning opportunities.</li></ul>
10	<p><b>Audit and Finance Committee Report</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p>



Item	
<b>11</b>	<b>Federation of Law Societies of Canada Report</b> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Osler reported on Mr. Jensen's behalf that the Federation of Law Societies of Canada (FLSC) has reset its committees composition and Mr. Jensen is the Chair of the Standing Committee on the Model Code. The Truth and Reconciliation Commission's (TRC) Call to Action 27 draft code amendments and key shareholder feedback will be included on the June Bencher agenda. The deadline to respond to the FLSC is November 2024. The annual Canadian Legal Information Institute (CanLII) levy has been set the same as in 2023, \$113,800 per quarter or \$455,200 per year.</p> <p>The FLSC is challenging Canada Revenue Agency (CRA) provisions that require legal counsel to report to the CRA on confidential information about their clients' activities. The FLSC application seeks to exempt legal counsel from the obligation of taxpayers, promoters and advisors, including legal counsel, to provide details to the CRA of transactions that may constitute tax avoidance.</p> <p>In response to a Bencher question, it was confirmed that the TRC Model Code amendments process will be discussed at the March 14, 2024 Bencher meeting.</p>
<b>12</b>	<b>Indigenous Initiatives Counsel Update (agenda item 13)</b> <p>Documentation for this item was circulated with the materials prior to the meeting. Ms. Buffalo provided an update on Indigenous Initiatives advancements since the last Bencher meeting.</p> <p>The Benchers' requested that staff explore whether the Wahkohtowin Law and Governance Lodge at the University of Alberta Faculty of Law could provide the Law Society with a condensed version of their four-day workshop.</p>
<b>13</b>	<b>Consent Agenda (agenda item 12)</b> <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.</p> <p>The following motions were approved concurrently.</p> <p><b>Motion 1: Petersson/Ilochonwu</b></p> <p><b>That the Benchers approve the November 30, 2023 Public Bencher Meeting Minutes.</b></p> <p><b>Motion 2:</b></p> <p><b>That the Benchers approve the date and time of the 2024 virtual Annual General Meeting of the Law Society of Alberta to be November 28, 2024 at 11:00</b></p>



Item	
	<p><b>a.m., or such other date and time and place (or means) as the CEO and Executive Director of the Law Society may determine in their discretion.</b></p> <p style="text-align: right;"><b>Carried unanimously</b></p>
<b>14</b>	<p><b>Tribunal Office Update</b></p> <p>Documentation for this item was circulated with the materials prior to the meeting.</p> <p>In response to a question, Ms. Bains responded that the cause of the increased number of Complaint Dismissal Appeals in 2023 is related to resourcing issues and an increase in complaints.</p>
<b>15</b>	<p><b>Pro Bono Law Alberta Presentation and Report</b></p> <p>The Report was circulated with the materials prior to the meeting. The presentation was added to the materials prior to Mr. Hassan addressing the Benchers.</p> <p>Mr. Hassan presented the history of Pro Bono Law Alberta (PBLA), data related to program highlights and a new client relationship management tool to collect the data needed to design PBLA 3.0.</p> <p>The Benchers provided feedback and suggestions to Mr. Hassan to build his roster of firms and pro bono lawyer volunteers. Mr. Hassan invited the Benchers to contact him any time with feedback or suggestions.</p> <p style="text-align: right;"><i>Mr. Sorokin joined the meeting at 11:02 a.m.</i> <i>Mr. Hassan left the meeting at 11:06 a.m.</i></p>
<b>16</b>	<p><b>EXTERNAL REPORTS</b></p> <p>The following External Reports were circulated with the materials prior to the meeting:</p> <p><b>16.1 Alberta Law Reform Institute Report</b></p> <p><b>16.2 Alberta Lawyers' Assistance Society Report</b></p> <p>Ms. Champion noted a correction on page one of her report. The last paragraph, first sentence, should read F2023 not F2022. She clarified that the graph on page six of her report relates to new cases and 32 percent of law students represented on the graph is related to the number of new cases, not a proportion of the budget.</p> <p><b>16.3 Canadian Bar Association Report</b></p> <p><b>16.4 Canadian Centre for Professional Legal Education Report</b></p> <p><b>16.5 Legal Education Society of Alberta Report</b></p>
	<p><b>Other Business</b></p> <p>There was no other business and the public meeting adjourned at 11:35 a.m.</p>