

# Approved Benchers Public Minutes

## Five Hundred Twentieth Meeting of the Benchers of the Law Society of Alberta (Law Society)

**September 26, 2024**

In person in Calgary, AB and by videoconference

### ATTENDANCE

**Benchers**

- Deanna Steblyk, KC, President
- Ryan Anderson, KC, President-Elect
- Danielle Bourgeois
- Glen Buick
- Arman Chak, KC
- Stephanie Dobson
- Kene Ilochonwu, KC
- Levonne Louie (videoconference)
- Jim Lutz, KC
- Scott Matheson
- Bud Melnyk, KC
- Kelsey Meyer
- Sharilyn Nagina, KC
- Mary Ellen Neilson
- Sandra Petersson, KC
- Stacy Petriuk, KC
- Erin Runnalls, KC
- Ron Sorokin, KC
- Nicole Stewart
- David Tupper
- Moira Váně, KC
- Grant Vogeli, KC
- Louise Wasylenko, CPA, CMA



**Executive  
Leadership  
Team**

Elizabeth Osler, KC, CEO and Executive Director

Cori Ghitler, KC, 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, KC, President and CEO, Alberta Lawyers Indemnity Association (ALIA) (videoconference)

**Staff**

Grace Ajele, Membership and Compliance Counsel

Nancy Bains, Tribunal Counsel & Privacy Officer

Barbra Bailey, Manager, Education

Reed Bjerkseth, Support Staff, Business Technology

Deborah Book, Practice Advisor and Equity Ombudsperson

Colin Brandt, Senior Communications Advisor, Communications

Colleen Brown, Manager, Communications and Stakeholder Engagement

Bernadette Charan, Manager, Trust Safety

Jennifer Freund, Policy & Governance Counsel

Jonathan Griffith, Practice Advisor and Equity Ombudsperson

Jesse Mackenzie, Practice Advisor and Equity Ombudsperson

Calvin McCarron, Support Staff, Business Technology

Andrew McGrath, Support Staff, Business Technology

Christa Milne, Senior Conduct Counsel, Conduct

Noria Neuhart, Policy Counsel

Michael Oxman, Education Counsel

Len Polsky, KC, Manager, Legal Technology and Mentorship

Erica Pridham, Manager, Conduct

Rachel Provencher, Senior Communications Advisor, Communications

Christine Schreuder, Supervisor, Governance

Naina Singh, Membership and Compliance Counsel

Avery Stodalka, Senior Communications Advisor



Karly Walker, Coordinator, Governance

Rebecca Young, Education Counsel

**Guests**

Loraine Champion, KC, Executive Director, Alberta Lawyers' Assistance Society

Hyder Hassan, Executive Director, Pro Bono Law Alberta

Carsten Jensen, KC, Law Society of Alberta representative to the Federation of Law Societies of Canada (FLSC) (in person)

Jody Martin, Director of Regulation, Law Society of Saskatchewan

Christopher Samuel, Canadian Bar Association Alberta

Svitlana Winters, PhD, Market Research Consultant (in person)

Liza Worthington, Executive Director, Canadian Centre for Legal Education (CPLED) (in person)

*Secretary's Note: All Benchers and Executive Leadership Team attended in person unless otherwise stated. All 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.*

## Call to Order and Introduction

The public meeting convened at 9:02 a.m.

## 1. Opening Remarks from the President

Ms. Steblyk thanked all for attending and welcomed Mr. Samuel, Vice-President, Canadian Bar Association (Alberta Branch) and Dr. Winters, PhD, Marketing Research Consultant presenting the Articling Survey results.

Mr. Matheson delivered an Indigenous land acknowledgment.

## 2. Leadership Report

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

## 3. Articling Survey Presentation

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

Dr. Winters presented highlights of the 2024 Articling Survey and provided a detailed explanation of the methodology used to do this work.

Dr. Winters and staff responded to the Benchers' key discussion points related to:

- Survey design and data presentation including response rate, bias, methodology, coding factors, and target audiences,

- Possibility of mandatory surveys to students at the time of bar call,
- Potential Transforming Us project resourcing,
- Principal engagement,
- The value of maintaining the current reflective survey for lawyers in their first five years of practice, and,
- The potential to address principal and mentor self-awareness issues with principal training.

Dr. Winters reported 135 respondents indicated they experienced discrimination and harassment, which is five per cent of the self-selected survey response student population.

The Benchers noted that the survey results provide helpful information and discussed the positive trend of the “somewhat prepared” response results and how data shows significant improvement in preparedness between 2022 and 2023. The observation was also made that the impacts of COVID-19 on articling students should be considered a risk issue.

Ms. Steblyk thanked Dr. Winters for her work on the survey.

*Dr. Winters left the meeting.*

#### **4. Federation of Law Societies of Canada (FLSC) Model Code Consultation – Truth and Reconciliation Commission Call to Action 27**

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

Mr. Griffith reviewed the Law Society’s work preparing feedback to the FLSC on amendments to the Model Code in response to the Truth and Reconciliation Commission’s (TRC) Call to Action (CTA) 27. Following staff review, three roundtables, and feedback from the Benchers at the June 2024 meeting and from the Policy and Regulatory Reform Committee, a draft letter to the FLSC was presented to the Benchers for adoption.

Ms. Freund provided an overview of the draft letter and feedback.

Mr. Jensen noted the complexity of the Model Code amendment project and highlighted that the Standing Committee recognizes an ethical obligation alongside the educational requirements of CTA 27. The FLSC anticipates a second round of consultation before finalizing changes to the Model Code.

The Benchers discussed the aspirational nature of the Model Code and proposed amendments and agreed that the draft letter accurately reflects the issues that were raised throughout the consultation process.

#### **Motion: Petersson/Melnyk**

**That the Benchers adopt the letter to the Federation of Law Societies of Canada**

**(FLSC) Standing Committee on the Model Code of Professional Conduct, included in the meeting materials and drafted in response to the *FLSC Consultation Report-Draft Amendments in Response to Call to Action 27: Model Code of Professional Conduct*, as their response and submit it to the FLSC.**

**Carried**

## **5. Rule 58.1 – The Executive Director’s Authority to Extend Student-at-Law Registration**

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

Ms. Neuhart provided an overview of the proposed amendments to address a gap in Rule 58.1 of the Rules of the Law Society (Rules) which prevents the Executive Director, on their own initiative, from extending the registration of a student-at-law beyond the three-year time limit when the student-at-law is facing proceedings under Part 3 of the *Legal Profession Act* (the Act). The impacts to regulatory and disciplinary processes due to the current Rule gap were highlighted. Potential benefits to students-at-law with the proposed amendment were also discussed, including the removal of an additional administrative step for the student-at-law who would no longer have to apply for an extension. The motion specified that the proposed amendments are effective immediately and apply to processes already underway. Ms. Pridham was available to help answer questions.

The Benchers questioned if the amendments are proactive, and if any students currently facing proceedings under Part 3 of the Act would be impacted by the Rule change. Ms. Pridham confirmed that there were a few students-at-law currently facing Part 3 proceedings who would now be subject to the new Rules.

**Motion: Petersson/Sorokin**

**That the Benchers amend Rule 58.1 to correct an error in subrule (1) and by adding new subrules (5) and (6) to provide the Executive Director with the authority to extend the registration of a student-at-law beyond the three-year time limit when the student-at-law faces outstanding proceedings under Part 3 of the *Legal Profession Act*, effective immediately and applying to processes already underway.**

**Carried with 2/3 majority**

## **6. Amend Benchers Vacancy Policy**

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

Ms. Freund provided an overview of the proposed amendment, noting that the intent is to improve the Benchers Vacancy process by removing an extraneous paragraph.

**Motion: Buick/Melnyk**

To amend the *Benchers Vacancy Policy* to strike out “minimum” in paragraph 16 after “The” and before “required”; to strike out paragraph 17; and to renumber paragraphs 18-29 to be 17-28.

Carried

## 7. Anti-Money Laundering Education and Client ID Verification Rule Amendments

### 7.1 Education

The presentation was included with the materials prior to the meeting.

Ms. Charan gave an overview of what money laundering is and highlighted that the Law Society will be involved along with the Federation of Law Societies and other Law Societies in the Financial Action Task Force (FATF) Mutual Evaluation of Canada in 2025/2026 to assess compliance with recommendations.

### 7.2 Rule Amendments

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

Ms. Freund spoke to the impact of the proposed client identification and verification Rule amendments sought to align with National Anti-Money Laundering Rules. The January 1, 2025, effective date gives the Law Society time to provide education and guidance.

The Benchers’ key discussion and staff responses included:

- No fines will be associated with the Mutual Evaluation as FATF is a global watchdog and will only report recommendations and outcomes.
- Asked if client verification exemptions apply to restitution payments, Ms. Charan committed to providing the Benchers with an answer.
- The Rules allow 30 days after being retained to complete verification. Data security is being evaluated and FAQs and key messages will be provided to Members including resources on Digital ID & Authentication Council of Canada-certified providers.
- The Sample Guidance Documents should be amended to improve clarity on the authentication process.

The following four motions were made concurrently.

#### **Motion 1: Petersson/Sorokin**

**That the Benchers amend Rule 119.50 by:**

- **striking out subrule (3) in its entirety,**
- **amending subrule (4) to strike out “or (3)” after “referred to in subrule (2)” and before “must”, and**



- amending subrule (6) to strike out “original” after “which must be valid,” and before “and current” and insert “authentic” in its place, and to strike out “, and which must not include an electronic image of a document” at the end of the opening words,

as well as

- amending subrule (4) to
  - renumber the subrule as subrule (3),
  - strike out “(6)” and insert “(5)” in its place at the end of clause (b),
- amending subrule (5) to
  - renumber the subrule as subrule (4), and
  - strike out “(6)” and insert “(5)” in its place at the end of clause (b),
- amending subrule (6) to
  - renumber the subrule as subrule (5), and
  - strike out “(6)” and insert “(5)” in its place in clauses (b) and (d),
- amending subrule (7) to
  - renumber the subrule as subrule (6), and
  - strike out “(6)” after “organization referred to in clause” and before “(e) or (f),” and insert “(5)” in its place in the opening words,
- amending subrule (8) to
  - renumber the subrule as subrule (7), and
  - strike out “(7)” and insert “(6)” in its place at the end of the subrule,
- amending subrule (9) to
  - renumber the subrule as subrule (8), and
  - strike out “(7)” and insert “(6)” in its place in both clause (a) and (b),
- amending subrule (10) to
  - renumber the subrule as subrule (9),
  - strike out “(7)” and insert “(6)” in its place and strike out “(8)” and insert “(7)”
  - in its place in the opening words, and
  - strike out “(10)” and insert “(9)” in its place in clause (d),
- amending subrules (11) through (13) by renumbering them as subrules (10) through (12), and
- amending subrule (14) to
  - renumber the subrule as subrule (13), and
  - strike out “(7)” and insert “(6)” in its place,

with a coming into force date of January 1, 2025.



**Motion 2:**

**That the Benchers amend Rule 119.51 by striking out “119.50(7)” and inserting “119.50(6)” in its place in subrule (3), with a coming into force date of January 1, 2025.**

**Motion 3:**

**That the Benchers amend Rule 119.53 by striking out “119.50(1), (7) or (10)” and inserting “119.50(1), (6) or (9)” in its place in subrule (1), with a coming into force date of January 1, 2025.**

**Motion 4:**

**That the Benchers end the temporary exemption from the requirement under subclause 119.50(6)(a)(i) that a lawyer be in their client’s physical presence when using the government-issued photo ID method, effective January 1, 2025.**

**Carried by 2/3 majority**

**8. Equity, Diversity and Inclusion Committee Update**

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

Answering questions about the Office of the Equity Ombudsperson (EO) and Practice Advisors, Ms. Ghitter explained that the EO role was transitioned to the Practice Advisors, and she noted that the Practice Advisors are accessed through an online booking tool. In addition, she noted that the Law Society is in the process of recruiting an Equity, Diversity and Inclusion (EDI) Counsel.

**9. Lawyer Competence Committee Update**

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

**10. Policy and Regulatory Reform Committee Update**

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

**11. Federation of Law Societies of Canada Update**

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

**12. Audit and Finance Committee Update**

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

**13. Real Estate Practice Advisory Update**

Mr. Anderson provided an oral update on issues discussed including bank holds and Land Titles Office delays.

The Benchers were reminded that wired funds are the only guaranteed funds.



## 14. CONSENT AGENDA

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 however a question was asked. Responding to the question, Ms. Freund clarified that law firms were consulted by the Universities on the proposed Rule 49.2 amendments after the Law Society received the request for amendment from the University of Alberta and University of Calgary Faculties of Law.

The following four motions were made concurrently.

### **Motion 1: Bourgeois/Dobson**

**That the Benchers approve the June 7, 2024, Public Bencher Meeting Minutes.**

### **Motion 2:**

**That the Benchers approved the following 2026 Board meeting dates:**

**February 26-27, 2026**

**May 7-8, 2026**

**October 6-7, 2026**

**November 5, 2026 – Bencher Budget Review virtual meeting**

**November 26-27, 2026**

**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.**

### **Motion 3:**

**That the Benchers amend Rule 49.2 by striking out clause (1)(b); re-lettering clause (1)(c) as (1)(b); renumbering subrules (2), (3) and (4) as subrules (3), (4) and (5); inserting “articling” into the renumbered clause (3)(b) and subrule (4) prior to “recruitment period”; and inserting the following as a new subrule (2):**

**Recruitment activity concerning a second-year law student who has been employed by the offering employer between that student's first and second years of law school, or between second and third years of law school, is exempt from subrules (3) and (4) if recruitment activity is completed and offers of employment are made before the articling recruitment period commences.**

### **Motion 4:**

**That the Benchers amend subrule 49.3(3) to strike out “5:00” after “before” and before “p.m.” and insert “4:00” in its place.**

**Carried by 2/3 majority**

## 15. EXTERNAL REPORTS

The following external agency reports were circulated with the materials prior to the meeting:

### 15.1 Alberta Law Reform Institute (ALRI) Report

A Bencher suggested that the *Residential Tenancies Act* project consider different types of landlords. Ms. Petersson noted that ALRI has completed a roundtable with landlords, who will also receive a survey.

### 15.2 Alberta Lawyers' Assistance Society Report

Ms. Champion highlighted Assist's 2024 Hand to Hand Evening on October 3, 2024, and welcomed everyone to attend.

### 15.3 Canadian Bar Association (CBA) Report

Mr. Samuel highlighted the December 31, 2024, Distinguished Service Award Nominations deadline and the annual roundtable webinar with Chief Justices on November 19, 2024. The CBA has commissioned public market research on Albertans' views and priorities regarding the legal system, which is currently in the consolidation and reporting phase.

### 15.4 Canadian Centre for Professional Legal Education Report

Ms. Worthington provided an overview of the Practice Readiness Education Program (PREP) phases, Internationally Trained Lawyer (ITL) capstone performance, and supports.

Ms. Worthington noted that effective writing and analysis are areas of low performance for ITLs, and all students struggle with the Ethics and Client Relationship Management component. Added supports for students include increased materials for phases one to three, enhanced capstone evaluation feedback, the Legal Research and Writing Course, additional materials and assignments in the Foundation Modules, and the ITL Education Needs Assessment project. A survey will be distributed to legal organizations in October 2024 to identify additional programs and supports.

Ms. Worthington affirmed that CPLED is considering shifting the timing of Accelerated PREP and the constraints are due to the timing of law schools and the National Committee on Accreditation confirmation of degree and Certificate of Qualification completion. Accelerated PREP has not been extended and the capstone was moved after Labour Day due to resourcing issues.

### 15.5 Legal Education of Society of Alberta Report

### 15.6 Pro Bono Law Alberta Report

## Other Business

There was no other business and the public meeting adjourned at 2:11 p.m.