

# Approved Benchers Public Minutes

Five Hundred Twenty First Meeting of the Benchers of the Law  
Society of Alberta (Law Society)

**November 28, 2024**

In person in Calgary, AB and by videoconference

## ATTENDANCE

**Benchers** Deanna Steblyk, KC, President  
Ryan Anderson, KC, President-Elect  
A. Danielle Bourgeois  
Glen Buick  
Arman Chak, KC (videoconference)  
Stephanie Dobson (videoconference)  
Kene Ilochonwu, KC  
Levonne Louie  
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 Moholitny, 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  
Colleen Brown, Manager, Communications and Stakeholder Engagement  
Jennifer Freund, Policy & Governance Counsel  
Calvin McCarron, Support Staff, Business Technology  
Andrew McGrath, Support Staff, Business Technology  
Tina McKay, Senior Manager, Business Operations  
Christa Milne, Senior Conduct Counsel  
Noria Neuhart, Policy Counsel  
Michael Oxman, Education Counsel  
Erica Pridham, Manager, Conduct  
Laura Scheuerman, Governance Coordinator  
Christine Schreuder, Supervisor, Governance  
Rebecca Young, Education Counsel

**Guests**

Loraine Champion, KC, Executive Director, Alberta Lawyers' Assistance Society  
Carsten Jensen, KC, Law Society of Alberta representative to the Federation of Law Societies of Canada  
Christopher Samuel, Canadian Bar Association Alberta  
Liza Worthington, Executive Director, Canadian Centre for Legal Education

*Secretary's Note: All Benchers and Executive Leadership Team attendees were 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.*



## 1. Opening Remarks from the President

Ms. Steblyk called the meeting to order at 9:03 a.m. and thanked everyone for attending.

Ms. Nagina delivered the Indigenous land acknowledgment.

## 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. Ms. Steblyk announced that Mr. Melnyk and Ms. Petriuk put their names forward as candidates for President-Elect.

Ms. Steblyk read the election procedures and explained how the elections would be conducted anonymously through an electronic survey and verified. She called for nominations from the floor for President-Elect in accordance with Rule 27(1). There were no nominations from the floor and the nominations were declared closed. Mr. Melnyk and Ms. Petriuk provided remarks.

The Benchers cast their votes for the election of the 2025 President-Elect and Ms. Petriuk was declared the incoming President-Elect.

Ms. Steblyk confirmed the five candidates who remained after removing Ms. Petriuk's name from the list of confirmed Statements of Intention to stand for election to the Executive Committee were Mr. Ilochonwu, Mr. Lutz, Mr. Melnyk, Ms. Petersson and Mr. Sorokin. There were no nominations from the floor. The nominations were declared closed, then Ms. Steblyk read the Executive Committee election procedures.

The Benchers cast their votes for the election of the 2025 Executive Committee. The successful candidates for the four elected positions on the Executive Committee were (in alphabetical order) Mr. Ilochonwu, Mr. Lutz, Mr. Melnyk, and Ms. Petersson. Ms. Steblyk reported that the Lay Benchers appointed Levonne Louie as the public representative on the 2025 Executive Committee and by virtue of that appointment, she will also sit on the 2025 Nominating Committee.

The Benchers who expressed interest in being appointed to the 2025 Nominating Committee and were not elected to the Executive Committee were Mr. Matheson, Ms. Meyer and Mr. Sorokin. Ms. Steblyk noted that the Executive Committee would meet during the lunch break to decide who to recommend the Benchers appoint to the 2025 Nominating Committee.

## 4. Letters of Caution

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

Ms. Neuhart provided an overview of the proposed amendments to Rule 88 and related Conduct Committee and Threshold Test Guidelines to implement a Letter of Caution as



an option that may be relied on by a Conduct Committee Panel (CCP). The effect will be to create greater efficiencies within the Conduct Process when considering conduct that may not require a discipline hearing, and where further investigation is not warranted. In this scenario, the CCP could dismiss the complaint and issue a Letter of Caution.

Ms. Neuhart emphasized that the Letter of Caution is not intended as an alternative to a dismissal, but rather to a hearing or mandatory conduct advisory (MCA) and would only be used when the Threshold Test is met. Matters that do not meet the Threshold Test will continue to be dismissed. The Letter of Caution or equivalent is common practice in other jurisdictions. The proposed Letter of Caution would set out concerns of the CCP, explain how the lawyer's conduct has breached their professional obligations, and provide recommendations on how the lawyer can meet their professional obligations in the future. The Letter of Caution would be issued in the final stage of the CCP process and a record of the reasons for the decision is required. Ms. Neuhart provided some examples of when a Letter of Caution would be used which include a retired member, lawyers with serious health issues or when a lawyer has already demonstrated they understand or have taken steps to remedy the situation.

The Benchers' key discussion points and staff responses included the following:

- Ms. Milne explained that the efficiencies created by using Letters of Caution as opposed to MCAs are related to the time spent at each step in the current process that may take months to resolve and involve multiple touches by staff, CCP, and the member.
- MCAs will not be replaced with Letters of Caution. There are some circumstances that may require more investigation and will need to proceed via MCA.

*Mr. Chak left at 9:42 a.m.*

- A full copy of the Letter of Caution would go to the lawyer and an excerpt of the minutes would go to the complainant indicating that a Letter of Caution had been directed.
- Staff would, provide a draft Letter of Caution to the CCP to consider and issue as deemed appropriate. It would be a form of progressive discipline.
- The Benchers expressed their thanks to staff for a useful tool to be used by CCPs and expressed caution to carefully assess whether a matter should be dealt with using a Letter of Caution or if it should appropriately be dismissed.

The following three motions were considered concurrently:

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

**That the Benchers amend Rule 88 of the Rules of the Law Society of Alberta by:**

- (1) inserting new subrule (7) to create the authority within the Rules for the Conduct Committee Panel to dismiss a complaint and issue a Letter of Caution,**
- (2) inserting new subrule (4.2) to formalize the Threshold Test in the Rules,**



**(3) amending subrule (6) to align the MCA process with the process for Letters of Caution in new subrule (7), and  
(4) amending subrule (5) for clarity and consistency, applying retroactively to all impacted processes underway, as proposed.**

**Carried**

**Motion 2:**

**That the Benchers amend the Conduct Committee Guideline to set out the process for the Conduct Committee Panel to dismiss a complaint and issue a Letter of Caution in alignment with the proposed Rule amendments, applying retroactively to all impacted processes underway, as proposed.**

**Carried**

**Motion 3:**

**That the Benchers amend the Threshold Test Guideline to align with amendments to the Rules and Conduct Committee Guideline which propose to implement the authority and process for the Conduct Committee Panel to dismiss a complaint and issue a Letter of Caution, applying retroactively to all impacted processes underway, as proposed.**

**Carried**

## **5. Mobility of Government of Canada Lawyers**

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

Ms. Neuhart gave an overview of the proposed Rule amendments. Ms. Steblyk noted that the amendments are for housekeeping purposes.

**Motion: Petersson/Sorokin**

**That the Benchers amend Rule 72.2 by:**

- (1) striking subrule (5),**
- (2) renumbering the subsequent subrules,**
- (3) adding new subrule (8) to implement the Memorandum of Understanding between signatories of the National Mobility Agreement and the Government of Canada which exempts lawyers exclusively employed by the Government of Canada from the temporary mobility and economic nexus provisions in certain circumstances, and**
- (4) amending newly renumbered subrule (6) to correct cross-referencing, as proposed.**

**Carried**

**One abstained**

## **6. Rule 115 Amendments - Payment of Prior Years' Inactive Fees**

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

Ms. Neuhart provided an overview of the proposed Rule amendments.

**Motion: Petersson/Sorokin**

**That the Benchers amend Rule 115 of the Rules of the Law Society of Alberta by:**

- (1) striking clause (2)(d) to remove the requirement that a member, who is subject to an administrative suspension under the Rules, pay the annual member fee for inactive status for each year of non-payment during their suspension,**
- (2) striking clauses (2)(a) and (b), and**
- (3) renumbering the remaining clauses 2(a) through (e), for clarity, as proposed, and insert “, 153” into clause (1)(c) and subrule (1.3) after “149.9” and before “or 165” to correct cross-referencing errors.**

**Carried**

## **7. Nominating Committee Appointment**

This item was deferred until after the lunch break.

## **8. 2025 Budget**

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

Mr. Lutz reported that the Audit and Finance Committee (AFC) has fully reviewed the proposed 2025 Draft Budget and recommends it to the Benchers for approval.

Ms. Meade presented the 2025 Draft Budget and reported that it was prepared considering operational requirements, investments in capital expenditures, the Strategic Plan, long-term operational and financial stability of the organization, and adhering to the parameters of the Contingency Reserves policy. The steps taken in preparing the proposed 2024 Budget included:

1. July 2024 – Funding applications were distributed to external organizations and budget templates were distributed to Law Society Managers.
2. August 2024 – External funding Applications, Departmental budgets and resource plans were due.
3. September 2024 – The Executive Leadership Team met several times to review all department budgets and plans. Draft budget assumptions were presented to the Benchers and a draft budget was developed.
4. October 2024 – The first draft budget and Bencher budget assumptions were presented to the AFC. More information was received regarding the operational and capital budget for the Transforming Us project and added to the second draft budget for the AFC to review.
5. November 2024 – The Benchers reviewed the draft 2025 Budget. The AFC discussed and reviewed the final draft 2025 Budget and proposed practice fee and unanimously recommended to the Benchers for approval.

Ms. Osler, on behalf of the Executive Leadership Team, expressed her gratitude to everyone involved in the process, in particular to Ms. Meade, CFO, Mr. Lutz, Chair, and the AFC, and the Benchers for their thoughtful engagement in this important work.

**Motion: Lutz/Neilson****To approve the Law Society of Alberta's 2025 Budget as presented and to set the 2025 annual active Practice Fee at \$2,640.****Carried****9. Investments Recommendation****9.1 Statement of Investment Policies and Goals Amendment**

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

Ms. Meade provided an overview of the investment recommendations and background information to the motions as proposed. She noted that it is advisable that the Law Society and ALIA maintain a consistent approach in their investment philosophy and the ALIA Board is expected to approve the recommendations at their December 3, 2024 Board meeting. This change will result in a more diversified investment portfolio for both the Law Society and ALIA and aims to mitigate risk. The change will also result in overall investment fee cost savings.

The Benchers' key discussion points and management responses included:

- Investment fee cost savings are related to Mawer's lower fees than other active investment managers due to long-term relationship combined with lower fees for passive investment management.
- Moving some of the actively managed investments from Mawer to a balanced passive investment manager, TD Asset Management, helps to diversify the portfolio, which can help mitigate risk, especially during volatile periods.
- Mawer is recommended as Balanced Active Investment Manager because they have performed well since inception, and throughout the last ten years. Investment consultant, Jeremy Bell, has spoken to Mawer and is optimistic about future success. Ms. Meade explained that Mawer's recent performance has been comparable to other active investment managers, the Law Society and ALIA benefits from reduced fees due to the long-term relationship, and although Mawer's performance has been below benchmark in the past five years, it has been above benchmark over the long term.
- Mawer performed below benchmark because they maintained their conservative philosophy from a long-term perspective and did not invest in high performing stock like NVIDIA.

Ms. Neilson, Vice-Chair, AFC, provided perspective that the AFC discussed extensively the issues reiterated during the Bencher discussion. Ms. Neilson shared that the AFC asked Mr. Bell, if this were a request for proposals and in looking at competitors would he recommend Mawer if there was no long-term relationship? Mr. Bell responded that he would recommend Mawer because they have the lowest fees, recent performance has improved, and they were restricted a bit because of what the Law Society and ALIA asked them to invest in. Mawer has performed well over the long-term. Diversifying some of the Mawer portfolio to the passive investment manager is projected to benefit



financially from some of the stocks in those indices. Mr. Bell cautioned that splitting the portfolio further will drive the fees up and increase Ms. Meade's workload.

*Ms. Steblyk recessed the Public Bencher meeting at 10:30 a.m. to conduct the Law Society Annual General Meeting.*

*The Public Bencher meeting reconvened at 12:30 p.m.*

- A recommendation was made to maintain the new investments for a period of time to monitor their performance.

The following two motions were made concurrently:

**Motion 1: Lutz/Neilson**

**That the Benchers approve TD Asset Management as a Balanced Passive Investment Manager.**

**Carried**

**Motion 2:**

**That the Benchers approve amendments to the Law Society of Alberta's Statement of Investment Policies and Goals as presented.**

**Carried**

## **10. Nominating Committee Appointment (agenda item 7)**

Ms. Steblyk reported that the Executive Committee met during the lunch break, and considered the Nominating Committee Bencher candidates' demographics and Bencher experience. The Executive Committee unanimously recommended Ron Sorokin be appointed to the 2025 Nominating Committee.

**Motion: Steblyk/Anderson**

**That the Benchers approve the appointment of Ron Sorokin to the 2025 Nominating Committee, effective immediately.**

**Carried**

The 2025 Nominating Committee is:

- incoming President, Ryan Anderson, Chair
- incoming President-Elect, Stacy Petriuk
- incoming Past-President, Deanna Steblyk
- Levonne Louie, public representative Bencher
- Ron Sorokin, Bencher not on the Executive Committee



## **11. Complaint Dismissal Appeals Working Group Update (agenda item 10)**

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

Ms. Runnalls reported that the Complaint Dismissal Appeals (CDA) Working Group will begin a thorough review of the CDA Guideline at their next meeting and welcomed feedback from all Benchers.

## **12. Equity, Diversity and Inclusion Committee Update (agenda item 11)**

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

## **13. Lawyer Competence Committee Update (agenda item 12)**

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

## **14. Policy and Regulatory Reform Committee Update (agenda item 13)**

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

## **15. Federation of Law Societies of Canada Update (agenda item 14)**

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

In response to a question, Mr. Jensen reported that the Federation of Law Societies of Canada (FLSC) is considering all feedback from Canadian law societies regarding the Model Code Consultation - Truth and Reconciliation Commission Call to Action 27 proposed amendments. He expects the FLSC will engage in a second round of consultation with a modified version and proposals.

## **16. Audit and Finance Committee Update (agenda item 15)**

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

## **17. CONSENT AGENDA (agenda item 16)**

Documentation for this item was circulated with the materials prior to the meeting. Ms. Steblyk reported that in response to a Bencher question recorded in the September 26-27, 2024 Bencher meeting minutes about whether the client verification exemptions apply to restitution payments, Ms. Charan responded that she consulted with Regulation Counsel and the Manager of Conduct. They concluded that restitution does not fit within the exemptions under Rule 119.49.

No requests were made to remove this item from the consent agenda.

### **Motion: Melnyk/Bourgeois**

**That the Benchers approve the September 26-27, 2024, Public Bencher Meeting Minutes as presented.**

**Carried**



## 18. EXTERNAL REPORTS (agenda item 17)

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

### 18.1 Alberta Law Reform Institute Report

Ms. Petersson reported that the amendments to the *Alberta Evidence Act* are at second reading in the Legislature. There is also a small amendment going through the *Miscellaneous Statutes Amendment Act* to make permanent the virtual processes for witnessing wills, personal directives, powers of attorney and guarantee acknowledgments that were brought in as temporary measures during the COVID-19 Pandemic. In response to a question she explained that another change to the *Oaths and Affirmations Act* may be delayed due to ongoing litigation.

### 18.2 Alberta Lawyers' Assistance Society Report

In response to a question, Ms. Champion committed to sending a chart comparing Alberta to National lawyers' data and data that compares Alberta lawyers' mental health issues to global findings. She suggested that crisis numbers may be higher in Alberta due to a successful 24/7 crisis counseling service line and increased awareness among Alberta lawyers.

Ms. Champion reported that she received recent information that Assist crisis counseling service usage is down from last year and that this may be attributed to a decrease in need. She added that 33% of Alberta lawyers have used Assist, which is a healthy statistic indicating reduced stigma in the profession. A financial update will be provided at the February 27, 2025 Bencher meeting.

*Secretary's note: The data promised by Ms. Champion was shared, on her behalf, with the Benchers by email on November 29, 2025, sent by Ms. Schreuder.*

### 18.3 Canadian Bar Association Report

### 18.4 Canadian Centre for Professional Legal Education Report

### 18.5 Legal Education of Society of Alberta Report

### 18.6 Pro Bono Law Alberta Report

## Other Business

There was no other business, and the public meeting adjourned at 1:17 p.m.