



LAW SOCIETY

Newfoundland & Labrador

2020-2021 Annual Report

The Law Society of Newfoundland and Labrador
Annual Report 2020-2021
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June 2020 - June 2021

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BENCHERS

Officers

President: Ann F. Martin
Vice-President: Renée L. F. Appleby

Elective Benchers

Eastern District:

Lauren J. Chafe
Gladys H. Dunne
John J. Hogan, QC (Resigned 1
April 2021)
Valerie A. Hynes
Michael Ladha
Kimberly J. Mackay
Ian S. Patey
Suzanne M. Orsborn
Douglas W. Wright
D. Scott Worsfold
Rodney J. Zdebiak

Central District:

Desmond K. Jagger-Parsons

Western District:

Brenda P. Duffy, QC
James E. Merrigan, QC

Labrador District:

Adrienne S. Edmunds

Appointed Benchers

Linda Harnett
Glenda Reid

Ross Elliott
Allan Skanes

Honorary Benchers

Lewis B. Andrews, QC
Donald E. Anthony, QC
Kenneth L. Baggs, QC
Jeffrey P. Benson, QC
Augustine F. Bruce, QC

R. Paul Burgess, QC
Morgan C. Cooper
V. Randell J. Earle, QC
J. David B. Eaton, QC
Barry G. Fleming, QC

J. Vernon French, QC
Brian F. Furey, QC
Sheila H. Greene, QC
The Hon. Mr. Justice W.
Goodridge
The Hon. Chief Justice D. Green
The Hon. Gloria Harding
Thomas R. Kendell, QC
R. Barry Learmonth, QC
Susan M. LeDrew, QC
Dana K. Lenehan, QC

Augustus G. Lilly, QC
Dennis C. MacKay, QC
Paul M. McDonald
The Hon. George L. Murphy
Irene S. Muzychka, QC
Stephanie L. Newell, QC
The Hon. Glen L.C. Noel
M. Francis O'Dea, QC
Ernest G. Reid, QC
John F. Roil, QC
Marina C. Whitten, QC

TREASURERS/PRESIDENTS OF THE LAW SOCIETY

SECRETARIES/VICE- PRESIDENTS OF THE LAW SOCIETY

1834-1845 Records of the Society were destroyed in the Great Fire of June 9, 1846

1834 Bryan Robinson
1841 Hon. Wm. B. Row, QC
1846 Hon. Wm. B. Row, QC
1849 Bryan Robinson, QC
1852 E. M. Archibald
1855 F. B. T. Carter
1866 Wm V. Whiteway
1869 Robert J. Pinsent, QC
1870 Wm. V. Whiteway
1879 Robert J. Pinsent, QC
1881 J. I. Little, QC
1885 Robert J. Kent, QC
1893 Sir Wm. V. Whiteway, KCMG, QC
1908 Sir James S Winter
1911 Daniel J. Greene, KC
1912 Donald Morison, KC
1919 J. A. Clift, KC
1923 P. J. Summers, KC
1927 W. R. Howley, KC
1941 C. O'N Conroy, KC
1947 John G. Higgins, QC
1958 R..S. Furlong, QC
1959 G. M. Stirling, CM, QC
1971 R. W. Bartlett, QC
1974 Donald A. Mercer, QC
1977 Robert Wells, QC
1981 Francis P. Fowler, QC
1982 Ernest G. Reid, QC
1983 Thomas J. O'Reilly, QC
1984 M. Francis O'Dea, QC
1985 Peter W. Strong, QC
1986 David L. Russell, QC

1834 E. M. Archibald
1841 E. M. Archibald
1846 E. M. Archibald
1847 H. W. Hoyles
1849 F. B. T. Carter
1855 George Hogsett
1856 Henry A. Clift
1869 M. W. Walbank
1866 Robert J. Pinsent
1869 M. W. Walbank
1877 T. J. Keough, QC
1879 Prescott Emerson, QC
1879 Prescott Emerson, QC
1885 Prescott Emerson, QC
1889 A. J. W. McNeily, QC
1895 D. M. Browning
1914 C. O'N Conroy
1916 C. H. Emerson, KC
1919 Rt Hon. Sir Wm. Lloyd
1937 J. G. Higgins, QC
1947 J. A. Barron, QC
1958 G. M. Stirling, CM, QC
1959 T. Alex Hickman, QC
1967 D. A. Mercer, QC
1974 Noel Goodridge, QC
1976 Francis P. Fowler, QC
1981 Ernest G. Reid, QC
1982 Thomas J. O'Reilly, QC
1983 M. Francis O'Dea, QC
1984 Peter W. Strong, QC
1985 David L. Russell, QC
1986 G. David Martin, QC

TREASURERS/PRESIDENTS

1986 G. David Martin, QC
1987 J. Vernon French, QC
1988 Lewis B. Andrews, QC
1989 John F. Roil, QC
1990 J. Derek Green, QC
1991 R. Barry Learmonth, QC
1992 Thomas R. Kendell, QC
1993 Augustus G. Lilly, QC
1994 V. Randell J. Earle, QC
1995 Reginald H. Brown, QC
1996 Dana K. Lenehan, QC
1997 Gloria Harding
1998 J. David B. Eaton, QC
1999 Dennis C. MacKay, QC
2000 Robert M. Sinclair, QC
2001 Jeffrey P. Benson, QC
2002 William H. Goodridge, QC
2003 Stephanie L. Newell, QC
2004 Brian F. Furey, QC
2005 Edward M. Hearn, QC
2006 Paul M. McDonald
2007 Marina C. Whitten, QC
2008 Sheila H. Greene, QC
2009 Irene S. Muzychka, QC
2010 Glen L.C. Noel, QC
2011 Augustine F. Bruce, QC
2012 Morgan C. Cooper
2013 George L. Murphy, QC
2014 Kenneth L. Baggs, QC
2015 Susan M. LeDrew, QC
2016 Barry G. Fleming, QC
2017 R. Paul Burgess, QC
2018 Donald E. Anthony QC
2019 Ian S. Patey
2020 Ann F. Martin

SECRETARIES/VICE-PRESIDENTS

1986 J. Vernon French, QC
1987 Lewis B. Andrews, QC
1988 John F. Roil, QC
1989 J. Derek Green, QC
1990 R. Barry Learmonth, QC
1991 Thomas R. Kendell, QC
1992 Augustus G. Lilly, QC
1993 V. Randell J. Earle, QC
1994 Reginald H. Brown, QC
1995 Dana K. Lenehan, QC
1996 Gloria Harding
1997 J. David B. Eaton, QC
1998 Dennis C. MacKay, QC
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2008 Irene S. Muzychka, QC
2009 Glen L.C. Noel, QC
2010 Augustine F. Bruce, QC
2011 Morgan C. Cooper
2012 George L. Murphy, QC
2013 Kenneth L. Baggs, QC
2014 Susan M. LeDrew, QC
2015 Barry G. Fleming, QC
2016 R. Paul Burgess, QC
2017 Donald E. Anthony, QC
2018 Ian S. Patey
2019 Ann F. Martin
2020 Renee L.F. Appleby

LAW SOCIETY STAFF

Executive Director: Brenda B. Grimes, QC

General Counsel/Deputy Executive Director: Aimee N. Rowe

Director of Admissions and Education: Christian J. Hurley

Director of Professional Responsibility: Lori S. Chafe

Director of Practice Management: Angie M. Whitehead

Law Librarian: Jenny E. Thornhill

Accountant: Richard T. Yabsley

Insurance and Risk Manager: Janice K. Ringrose

Professional Responsibility Administrator: Pamela A. Marks

Administrative Assistants: Anne P. Cross *(Professional Responsibility)*
Lisa E. Kennedy *(Custodianship)*
Andrea E. L. Mercer *(Education)*
Erin C. Rowe *(Executive)*
S. Renee Whalen *(Office)*

Library Technician: Leah A. Griffiths

Maintenance: Keith J. Burke

MEMBERSHIP

Lawyers were first regulated in Newfoundland under a Royal Charter of 1826; the Law Society was incorporated on July 1, 1834.

The Barristers and Solicitors Roll, as of April 16, 2021, records that 1942 members have been called to the Bar since 1826.

Membership Statistics as of June 2021:

Practising (Insured):	590
Practising (Uninsured):	216
Non-Practising:	234
Life:	46
TOTAL	1086

The total membership figures for the years since Confederation with Canada are as follows:

1950 - 66	1951 - 64	1952 - 66	1998 - 706	2014 - 983
1953 - 69	1954 - 72	1955 - 75	1999 - 728	2015 - 997
1956 - 73	1957 - 76	1958 - 76	2000 - 750	2016 - 1018
1959 - 77	1960 - 81	1961 - 83	2001 - 767	2017 - 1032
1962 - 86	1963 - 86	1964 - 86	2002 - 772	2018 - 1054
1965 - 86	1966 - 86	1967 - 89	2003 - 798	2019 - 1077
1968 - 106	1969 - 110	1970 - 124	2004 - 808	2020 - 1080
1971 - 129	1972 - 129	1973 - 145	2005 - 832	2021 - 1086
1974 - 153	1975 - 179	1976 - 189	2006 - 858	
1977 - 203	1978 - 237	1979 - 261	2007 - 870	
1980 - 281	1981 - 316	1982 - 333	2008 - 904	
1983 - 351	1984 - 371	1985 - 378	2009 - 923	
1986 - 394	1987 - 408	1988 - 435	2010 - 931	
1989 - 445	1990 - 477	1991 - 514	2011 - 948	
1992 - 560	1993 - 588	1994 - 617	2012 - 931	
1995 - 635	1996 - 669	1997 - 683	2013 - 937	

Four lawyers were called to Bar of Newfoundland and Labrador on June 12, 2020

Roll#

1913 Stefan D. Brunet
1914 Leo W. Hartery
1915 Scott P. Lynch
1916 Susan McCorquodale

Six lawyers were called to Bar of Newfoundland and Labrador on October 9, 2020

Roll #

1917 Edward R. Lewis
1918 Ghazi Jarrar
1919 Annike J. Flomen
1920 Ali I. Raja
1921 Gursharan S. Sidhu
1922 Joseph Berljawsky

Eight lawyers were called to the Bar of Newfoundland and Labrador on February 12, 2021

Roll#

1923 Sarah L Dingwell
1924 Sarah M. E. Squires
1925 Lee E. R. Ballett
1926 Adam T. Mayo
1927 Jane Barriault
1928 Shaylyn Oxner
1929 Amanda R. D'Uva
1930 Robert D. Bradley

Thirteen lawyers were called to the Bar of Newfoundland and Labrador on April 16, 2021

Roll#

1931	Alexander C. Jessome	1940	Mark W. James
1932	Atanu K. Haldar	1941	Lionel J. Tupman
1933	Tiffany M. B. MacDonald	1942	Matthew G. Williams
1934	Jennifer E. Hanlon	1943	Arieh A. Bloom
1935	Christina E. Michelin		
1936	Victoria M. M. Gregory		
1937	Sandra D. V. Rickard		
1938	Joshua L. Hancott		
1939	Chineze O. Nwoked		

The Benchers note with regret the death of the following members
and former members during the period from June 2020 to June 2021:

**The Honourable Justice David Francis
Hurley,**
called December 10, 1976, Roll #407

Kathryn Mae Morrison,
called April 8, 1991, Roll #809

Christopher Edward Lewis,
called October 19, 2000, Roll #1147

**The Honourable Justice Seamus Bernard
O'Regan,**
called December 11, 1968, Roll #286

Donald Alexander MacBeath, QC,
called May 7, 1975, Roll #384

Anita Diane Smith, QC,
called December 9, 1980, Roll #520

Rhodie Edwin Mercer, QC,
called December 14, 1971, Roll #317

The Honourable Robert Wells, QC,
called February 3, 1959, Roll #247

LAW SOCIETY COMMITTEES

STATUTORY COMMITTEES

EXECUTIVE COMMITTEE

Ann F. Martin, *President*
Renée L. F. Appleby, *Vice-President*
Ian S. Patey, *Past President*
Suzanne M. Orsborn
Scott Worsfold
Brenda B. Grimes, QC, *ex officio*
Aimee N. Rowe, *ex officio*

COMPLAINTS AUTHORIZATION COMMITTEE

Suzanne M. Orsborn, *Chair*
Gladys H. Dunne, *Vice-Chair*
Linda Harnett, *Appointed Bencher*
Lori S. Chafe, *ex officio*

Alternate Members

John J. Hogan, QC (*until 1 April 2021*)
Donald E. Anthony, QC
Desmond K. Jagger-Parsons
D. Scott Worsfold
Rodney J. Zdebiak
James E. Merrigen, QC
Michael Ladha
Allan Skanes, *Appointed Bencher*
Ross Elliott, *Appointed Bencher*

DISCIPLINARY PANEL

David Eaton, QC, *Chair*

Law Society Members

Glenda C. Best, QC	David G. Conway	Michael H. Duffy
Philip J. Buckingham	Erin L. Delaney	Marcus A. Evans, QC
Trudy L. Button (<i>Until 24 March 2021</i>)	Robert J. Dillon	Peter G. Fitzgerald

Gregory J. French	Todd S. Newhook	Appointed Representatives
Brian R. Gatien (<i>Until 8 September 2020</i>)	Jacqueline A. M. Penney, QC	Aubrey Dawe
Mark J. Griffin	Elaine M. Reid	Lydia Dutton (<i>Until 23 November 2020</i>)
Robert J. Hickey	R. Neil Smith	Craig Ennis
Christina R. Kennedy	G. Todd Stanley, QC	Dwayne Hopkins
Tannis L. King	Lisa M. Stead	Kent Nash (<i>Until 11 March 2021</i>)
Barry C. Lake	Darren C. Stratton	Raymond Rose (<i>Until 2 October 2020</i>)
Raelene L. Lee	Andrew J. Wadden	Dr. Peter Seviour
Chantelle MacDonald Newhook, QC	Philip G. Warren, QC	Brittany Tibbo
Olga R. McWilliam Benson		Inspector Sharon Warren
		Dr. Cindy Whitten

EDUCATION COMMITTEE

Suzanne M. Orsborn, *Chair*

Barbara A. Barker	Andrew J. Wadden
Glenda C. Best, QC	Leanne M. O’Leary
J. David B. Eaton, QC	Renée L. F. Appleby, <i>ex officio</i>
Desmond K. Jagger-Parsons	Christian J. Hurley, <i>ex officio</i>

BAR ADMISSION COMMITTEE

J. David B. Eaton, QC, *Chair*

Sandra M. Burke, QC	Lynne D. Butler
Gregory M. Smith, QC	Darren C. Stratton
Padraig J. Mohan	Stacey L. O’Dea
Stephen F. Penney	Tannis L. King
Beth M. W. McGrath	Christian J. Hurley, <i>ex officio</i>

STANDING COMMITTEES

ACCOUNTS AND FINANCE COMMITTEE

Renée L.F. Appleby, *Chair*

Douglas W. Wright

Brenda B. Grimes, QC, *ex officio*

Glenda Reid

Richard T. Yabsley, *ex officio*

LIBRARY COMMITTEE

Linda Harnett, *Co-Chair*

Kimberly J. Mackay, *Co-Chair*

Peter N. Browne, QC (*until 11 March 2021*)

Gregory J. French

Jenny Thornhill, *ex officio*

Rebecca A. Redmond MacLean, QC

Kyle R. Rees

HONOURS AND AWARDS

Linda D. Harnett, *Chair*

Rebecca A. Redmond MacLean, QC

Jill N. Quilty

Marcus A. Evans, QC

Jonathan D. Regan

Christopher R. Quigley

Douglas W. Wright

Ian C. Wallace (*until 1 January 2021*)

Christian J. Hurley, *ex officio*

INSURANCE COMMITTEE

Rodney J. Zdebiak, *Chair*

Gary L. Baird, *Adjuster*

Marina C. Whitten, QC

Valerie A. Hynes

Rebecca A. Redmond MacLean, QC

Thomas J. Johnson, QC

Janice K. Ringrose, *ex officio*

Stephen J. May, QC

Brenda B. Grimes, QC, *ex officio*

CLAIMS REVIEW COMMITTEE (CLIA REQUIREMENT)

Janice K. Ringrose, *Chair*

Thomas J. Johnson, QC, *Counsel*

Andrew J. Wadden, *Alternate Counsel*

Gary L. Baird

SS DAISY LEGAL HISTORY COMMITTEE

John L. Joy, *Chair*

Christopher P. Curran, QC	Donald K. Powell
Melvin Baker	Anna M. Wadden
The Honourable J. Derek Green	Robin R. R. Reid
Robert P. Pittman, QC	Noel M.G. Daley
Milton R. Reid	James E. Merrigan, QC, <i>Bencher Liaison</i>
Janet Henley, QC	Christian J. Hurley, <i>ex officio</i>

REAL ESTATE COMMITTEE

Brenda P. Duffy, QC, *Chair*

Lisa M. Daly (<i>until 5 October 2020</i>)	Trevor A. Stagg
Blair G. Downey	Graham A. Wells, QC
Barry C. Lake	William T. Cahill

ACCESS TO JUSTICE COMMITTEE

Lauren J. Chafe, *Chair*

Adrienne S. Edmunds	Jennifer L. Mercer, QC
Ross Elliott	Brenda B. Grimes, QC, <i>ex officio</i>
Glenda Reid	

INDIGENOUS EDUCATION AND ACTION COMMITTEE

Violet Ford, *Chair (until 24 September 2020)*

Adrienne S. Edmunds, <i>Bencher Liaison</i>	M. Gerald Wetzel
Barbara A. Barker	Elizabeth M. Zarpa
Denise L. Spencer	Andrew L. John
Colleen A. Hanrahan (<i>until 10 February 2021</i>)	Christian J. Hurley, <i>ex officio</i>
Desmond K. Jagger-Parsons	

EQUITY AND DIVERSITY COMMITTEE

D. Scott Worsfold, *Chair*

G. Lori Savory

Elizabeth M. Zarpa

Sheila M. Devine

Michael Ladha

Kimberley M. McLennan

Tanya L. O'Neill

Rebecca C. Phillipps

Aimee N. Rowe, *ex officio*

CODE OF PROFESSIONAL CONDUCT REVIEW COMMITTEE

Linda Harnett, *Chair*

Ann F. Martin

Lori S. Chafe, *ex officio*

Rodney J. Zdebiak

AD HOC COMMITTEES

RULES REVISION COMMITTEE

Suzanne M. Orsborn, *Chair*

Andrea L. Murphy McGrath

Douglas W. Wright

Shawn I. Patten

Allan Skanes

Lorna A. Proudfoot, QC

Aimee N. Rowe, *ex officio*

Ruth E. Trask

PRESIDENT'S ANNUAL REPORT

Ann F. Martin

I am pleased to present this report for 2020-2021 which summarizes some of the significant events, accomplishments and activities of the Law Society during my term.

Call to Bar for New Lawyers

One of the most enjoyable responsibilities of a President of the Law Society is participating in its various ceremonies and celebrations, including the Call to Bar ceremonies. From June 2020 to May 2021 there were four of these, held by video-conference, which resulted in the admission of 31 new lawyers to our Bar.

While the practice of law is exciting and rewarding, it also brings with it much responsibility. It is important that all members of the Law Society continue to provide guidance and support to our new colleagues as they move forward on their chosen career path.

Judges

Another pleasant ceremonial responsibility arises when a member of the Law Society makes the transition from the Bar to the Bench upon being appointed as a judge. Although this appointment marks the end of that person's membership in the Law Society, it is still an occasion to be recognized and celebrated by the members of the Law Society as it highlights the esteem in which this former member is held. I was honoured to attend and give remarks at the Swearing-In ceremonies of Justice Irene Muzychka, Justice Peter Browne, Justice Trudy Button, and Justice Stacy Ryan on their appointments to the Supreme Court of Newfoundland and Labrador.

New Queen's Counsel

On 6 May 2021 Minister Hogan, QC announced the province's newest Queen's Counsel appointments.

Members receiving the designation are: B. John

Barrett, Erin K. Breen, Janis C. Byrne, Valerie A. Hynes, Christopher E. King, Kenneth I. Moyse, Blair J. Rogers, Justice Stacy C. Ryan, Karen M. Stone and Andrew J. Wadden.

The Law Society congratulates these members on receiving this distinction in recognition of their contribution to the legal profession.

Former Judges and Members

Along with joyful occasions, it is important to acknowledge sorrowful ones as well. Benchers, Law Society staff and members were saddened to learn of the untimely passing of members, The Honourable Justice David Francis Hurley, Christopher Edward Lewis, Donald Alexander MacBeath, QC, Rhodie Edwin Mercer, QC, Kathryn Mae Morrison, The Honourable Justice Seamus Bernard O'Regan, Anita Diane Smith, QC, and The Honourable Robert Wells, QC.

These individuals will be greatly missed by family, friends and colleagues.

The Work of the Law Society:

Benchers, the Executive Committee and Law Society Professional Staff

As the governing body of the Law Society, the Benchers have the authority to regulate the practice of law and the legal profession in the public interest. The Benchers are 17 elected members of the Law Society and four lay members appointed by a Committee chaired by the Chief Justice of the Trial Division of the Supreme Court of Newfoundland and Labrador.

Members of our bar are often unaware of the work that is done behind the scenes by Benchers. Being a Bencher requires dedication, engagement and a significant commitment of time but it is also a very rewarding experience. In the course of regulating in the public interest, Benchers deal with many interesting issues and

make decisions which can have a fundamental impact on individual members, the profession and the public. Members are encouraged to take the time to get involved in the Law Society, whether by running for election as a Benchers or by volunteering for one of the Committees.

Committees, such as the Executive Committee, the Complaints Authorization Committee, and the Education Committee have important roles to play in fulfilling our statutory mandate, as well as our other Committees, such as the Indigenous Education and Action Committee, the Access to Justice Committee and the Insurance Committee which play important roles in policy development and fulfilling our strategic commitments, all with the objective of protecting the public interest. In order to successfully carry out these roles, significant reliance must be placed on the information, guidance and advice provided by the Law Society's senior professional staff under the leadership of the Executive Director, Brenda B. Grimes, QC.

The Law Society's professional and administrative staff are diligent in advising, informing and supporting Benchers and the Executive Committee in furtherance of our protection of the public interest mandate. Benchers look forward to continuing to work in collaboration with them in the continued discharge of our responsibilities as a Law Society, and the successful regulation of the practice of law and the legal profession in the public interest.

Notable Positive Initiatives/Results Achieved this Year

Benchers and Law Society staff work hard to ensure that the Law Society is operating effectively and efficiently. Members can be confident that our Law Society is well placed to carry out its public protection mandate. Some examples of positive initiatives/results include:

1. In compliance with continuing restrictions as per the Chief Medical Officer's directives during the Covid-19 pandemic, regular business of the Law Society has continued throughout the pandemic;

2. The Law Society entered 2020 in a very strong financial position and, despite the challenges and some ups and downs during 2020, entered 2021 in an equally strong position.

The most significant negative impact of the pandemic on the Law Society's 2020 operation was in the area of investment returns which were significantly below last year's level and this year's budget. Despite this, our Audited Financial Statements report positive cumulative Net Earnings for 2020 of \$357,125.

The earnings of the General Fund were negative in the amount of \$217,227 due mainly to the shortfall experienced in investment income. Despite a similar result in its investment income, the Insurance Programme reported positive earnings of \$768,168 due to an unexpected Return of Surplus of \$761,119 from CLIA, representing our portion of their excess Surplus Reserve position at December 31, 2020. The Assurance Fund deficit of \$90,975 resulted primarily from the Investment Return shortfall as well as increased Insurance Premiums for the year.

The Law Society continues to be in a very strong financial position.

3. Benchers approved a new Strategic Plan for 2021-2024 which has the following goals:
 1. Promote Access to Justice;
 2. Enhance Public Engagement and Communication;
 3. Promote Health and Wellness;
 4. Enhance Competence;
 5. Enhance and Clarify Governance Structure;
 6. Promote Reconciliation with Indigenous Peoples;
 7. Promote and Protect Equity and Diversity; and
 8. Increase Organizational Effectiveness.

In furtherance of these, this year Benchers have:

- Benchers watched cultural competency videos at each meeting prepared by leaders of Indigenous communities in the province;
- attended a presentation on the use of gender inclusive language;
- approved the creation of a new position, Communications Specialist; and
- participated in Bencher Evaluations.

4. With the support of the Education Committee, Benchers maintain ongoing oversight of the Mandatory CLE Program. Benchers have concluded that the program continues to balance the objective of maintaining/enhancing lawyer competence with a degree of flexibility that recognizes the varied backgrounds and practices of its members. The program serves a valuable purpose in promoting continuing legal education and enhancing competence among Law Society members. Benchers noted, in particular, the positive feedback the Law Society has received from its members regarding the program.

5. On June 7, 2020, the Law Society President moderated a panel comprised of our three chief judges, Chief Justice Fry, Chief Justice Whalen and Chief Judge Goulding to discuss the Court's response to Covid-19 as part of the Law Society's Continuing Legal Education series in this area.

6. On August 19, 2020, the Law Society President and Executive Director met with President Todd Russell and other officials of the Nunatukavut Community Council to discuss the furtherance of reconciliation with their members. We were provided with an interesting and informative presentation on the Nunatukavut peoples and opened a line of communication with this organization which we hope to maintain in order to assist us in furthering our goal of reconciliation with the indigenous peoples of Newfoundland and Labrador.

7. On 14-15 October 2020, Law Society President attended the Federation of Law Societies Annual Conference. The keynote speaker was Jordan Furlong, a leading analyst of the global legal market and forecaster of its future development. He challenged existing governance structures and proposed that there needs to be an increase in the number of lay Benchers in order to fulfil the promise of protecting the public interest. We also learned that, in other jurisdictions: disciplinary tribunals moved to on-line platforms early in the pandemic; and some jurisdictions decided to reduce their articling periods, instead increasing law society oversight on new lawyers.

8. On October 23, 2020, the Law Society President and Executive Director met with Chief Justice Whalen for a discussion on issues relating to the Courts and the Bar. We agreed to keep an open line of communication for any issues impacting the Courts and the Bar.

9. On November 19, 2020, the Law Society President and Executive Director met with Chief Judge Goulding to discuss issues concerning the Provincial Courts and the Bar.

10. On December 17, 2020, the Executive Director and Law Society President met with Chief Justice Fry for a discussion on issues relating to the Courts and the Bar, addressing topics covering the operations of the Court of Appeal, time frames for rendering decisions, Unified Family Court jurisdiction and the ongoing interest in publication of Court of Appeal decisions.

11. During the month of February 2021, newly elected President of the Federation of Law Societies, Steve Raby, met with all the provincial law society presidents to discuss issues of national and provincial interest. Top on the list was the issue of Anti-Money Laundering legislation.

12. On March 10, 2021, Law Society President and the Executive Director met with Justice

Faour and Paul MacDonald who provided a briefing on the ongoing plans at Memorial University to establish a Faculty of Law. Memorial will be approaching the Law Society to enter into discussions on the possibility of resource sharing of library resources.

13. On March 25, 2021, the Law Society President attended the Annual General Meeting of the Réseau Justice en français on behalf the Law Society where there was a discussion of the mandate and initiatives of this organization. An invitation will be extended to their Executive Director to attend the June convocation with a presentation about this organization and the issues surrounding access to justice for francophones in the province.
14. Law Society President and the Executive Director worked with the International Association of Women Judges and the Newfoundland Branch of the CBA to create a planning committee which developed a forum to discuss the challenges faced by women in the legal profession. The event, called Opening Windows: Shining a Light on Women's Experience in the Legal Profession, was held on May 6, 2021.
15. On May 10, 2021, the Law Society President and Executive Director met with the Minister of Justice and Public Safety, Attorney General, John Hogan, QC, Deputy Minister and Deputy Attorney General, Jennifer Mercer, QC, and Assistant Deputy Minister – Courts and Corporate Services, Donna Ballard, QC to discuss topics of mutual concern.
16. Ongoing review of policies and processes to ensure relevance.
17. Ongoing monitoring of our infrastructure requirements to ensure that the integrity and safety of Law Society information is protected and that we can effectively receive and deliver information.
18. Ongoing oversight of management - Benchers continue to receive necessary information on key operations and programs

on a regular basis.

Committee Work

The work of Law Society staff and Benchers is often augmented by the work done by its various committees, many of whom have included summaries of their activities elsewhere in this Annual Report. The committees assist in a wide range of areas including education, accounts and finance, the library, discipline and professional conduct, admissions, insurance, Indigenous education and equity and diversity. The work of all committees is always challenging and often time consuming but it is invaluable to the success and effective operation of the Law Society. The dedication of these committee members must be recognized.

Federation of Law Societies of Canada

Canada's fourteen provincial and territorial law societies govern over 100,000 lawyers and 3,500 Québec notaries in the public interest. The Federation of Law Societies of Canada is their national coordinating body.

As a member of the Federation of Law Societies of Canada, the Law Society has access to a broader range of resources to assist it in carrying out its mandate. Matters of national importance which are discussed at the Federation level quite often lead to the creation of and implementation of common policies in each jurisdiction. This commonality helps in the adoption of uniform best practices and provides for a larger pool of precedent on which to draw when interpreting matters locally. It also ensures that mobility between provinces is more seamless. All of this is of benefit to the profession and protects the public interest.

The Federation continues to engage in strategic planning in order to ensure that it is equipped to meet the needs of all jurisdictions in Canada and the public we serve and continues to endorse the following strategic objectives: 1) information sharing; 2) collaboration; and 3) advocacy and stakeholder engagement.

We derive much value from the Federation in many ways. Notable among these is the

collaboration among staff from each Law Society (which is invaluable in terms of identification of issues and sharing of best practices) and the Federation's intervention in a number of Supreme Court of Canada cases of national importance.

Then Federation President, Morgan Cooper and Federation CEO, Jonathan Herman attended the October 2, 2020 Benchers' Convocation where Mr. Cooper highlighted the Law Society of Newfoundland and Labrador's contribution to the Federation and stated that it "punches above its weight in terms of making a difference and shaping the activities of the Federation".

As referenced earlier in the President's Report, newly elected President of the Federation of Law Societies, Steve Raby, met with all the provincial law society presidents and discussed a topic of high priority which was the issue of Anti-Money Laundering legislation. There is still a criticism from the financial world of the Supreme Court of Canada's decision to uphold the solicitor-client privilege in the context of the requirement to report suspicious financial transactions. The Federation continues to monitor the situation. The Federation continues to pursue initiatives in Truth and Reconciliation and may propose amendments to the Model Code to ensure competency in this area. Mr. Raby noted that the Benchers of the Alberta Law Society have voted to make cultural competency in Truth and Reconciliation mandatory.

The Federation has also undertaken to modernize the National Accreditation process and wellness in the profession continues to be a focus of their work. They have provided an update on the cross Canada survey being sponsored by Federation to assess lawyer wellness; the first part will be an e-survey and the second part will involve more detailed interviews and will be administered by a researcher. Provinces will only qualify for the second part if there was adequate uptake from their lawyer community in the e-survey.

Law Foundation

The Governors of the Law Foundation are Regan P. O'Dea, Chair, D. Gordon Woodland, QC, Justin

S.C. Mellor, Dr. Judit Lovas, M. Gerald Wetzel, Nicholas P. Summers and Andrew J. Wadden. Virginia English is the Foundation's Executive Director. On behalf of Benchers and the Law Society, I would like to extend sincere thanks to the Law Foundation and its Board of Governors for its continued support.

Our Volunteers

The dedication of numerous members and non-members who contribute, on a volunteer basis, to the important work of the Law Society does not go unnoticed. Whether they are contributing at the Benchers' level, on one of the Law Society's committees or in other ways, our volunteers strengthen our professional community, thus enhancing and advancing the integrity, credibility and future of the profession. On behalf of Benchers and the Law Society, thank you for all of your hard work and commitment.

Law Society Staff

The dedicated group of employees, led by Brenda B. Grimes, QC, do incredible work and should be recognized for the enormous amount of effort they put into everything they do to fulfill the Law Society's mandate in ensuring that the integrity of the profession is maintained and the interests of the public are protected.

Over this past year I have deepened my knowledge and understanding of Law Society operations and am consistently impressed with the dedication and work ethic of our staff and their ongoing commitment to excellence, which did not waver during the pandemic despite the added challenge for many of being working parents. Through my work with them, I've learned how some start their day well before dawn in order to get work accomplished before having to meet the demands of caring for small children or, work until the wee hours in the night after the kids go to bed, skimping on sleep in order to get their work done.

Conclusion

To conclude, I'd like to share a quote from Beverley McLachlin's memoir *Truth Be Told, My Journey Through Life and the Law*. I read this

quote at each Call to the Bar ceremony and although published in 2019, her words are as prophetic as they are enduring:

“The law is a framework for productive human activity, a buttress for human creativity. The law is the embodiment of more than one person’s will: it is the collective wisdom of countless sage people over great stretches of time. It secures us and allows us to move forward in peace and harmony. In an age of unravelling, it offers stability and a principled way to face the problems that surround us. It is quite simply, our best hope for the future”.

In closing, the important work of the Law Society continues throughout the pandemic and we are well positioned as an organization to come out intact and ready for the challenges on the other end. Our Society is a proactive and responsive organization and I have enjoyed working with Benchers and staff as we continually evolved the organization during these challenging times.

VICE-PRESIDENT'S ANNUAL REPORT

Renée L. F. Appleby

The *Law Society Act, 1999* (the “*Act*”) prescribes the Vice-President’s role in the disciplinary process. The Vice-President receives reports from the Director of Professional Responsibility and submits allegations to the Complaints Authorization Committee (the “Committee”). The Committee is a statutory committee consisting of at least three Benchers, at least one of whom is an appointed Bencher. The Committee screens allegations of conduct deserving of sanction. Conduct deserving of sanction is defined in section 41 of the *Act* to include professional misconduct, failure to maintain the standards of practice, conduct unbecoming a member of the Society, and acting in breach of the *Act*, the Law Society Rules or the Code of Professional Conduct.

The Vice-President, with the consent of the parties, may attempt to resolve an allegation or may refer the allegation to alternate dispute resolution. Where the allegation is not satisfactorily resolved by the Vice-President or through alternate dispute resolution, the Vice-President shall refer the allegation to the Committee.

The powers of the Committee are prescribed by section 45 of the *Act* and include the authority to conduct an investigation, conduct a practice review, and require the member’s appearance before the Committee. The investigations and reviews are conducted through the Director of Professional Responsibility’s office. Following its final consideration of an allegation, the Committee will either dismiss the allegation or, where they are of the opinion that there are reasonable grounds to believe that a respondent has engaged in conduct deserving of sanction, the allegation shall be considered as constituting a complaint. When an allegation is dismissed by the Committee, the complainant has a

statutory right of appeal to the Supreme Court of Newfoundland and Labrador.

Once the allegation is considered to constitute a complaint, the Committee may counsel the respondent, may caution the respondent, or may instruct the Vice-President to file the Complaint and refer it to the Disciplinary Panel. Where the Committee instructs the Vice-President to file the Complaint, the Committee may make an application for appointment of a Custodian of the member’s practice, and may suspend or restrict the respondent’s licence to practice.

The Disciplinary Panel, appointed pursuant to section 42 of the *Act*, is comprised of Law Society members and public representatives. For complaints referred to the Disciplinary Panel, the Chairperson appoints an Adjudication Tribunal to hear the matter. Each Adjudication Tribunal consists of two members and one public representative. The Adjudication Tribunal is independent of the Law Society and derives its authority from the *Act* and in particular sections 46 through 51 thereof. The Society and the respondent have a statutory right of appeal of a decision or order of an Adjudication Tribunal to the Supreme Court of Newfoundland and Labrador.

For the current reporting period, there were fifteen matters for which the Committee opined that there were reasonable grounds to believe that the respondent has engaged in conduct deserving of sanction. These allegations constituted a complaint. For six of these matters, the Committee issued a letter of counsel. For six of these matters, the Committee issued a letter of caution. For four of these matters, the Committee instructed the Vice-President to file the Complaint and refer it to the Disciplinary Panel. There is one ongoing appeal of the Committee’s decision to

dismiss an allegation.

There are five ongoing matters before an Adjudication Tribunal. During the current reporting period, no decisions were rendered by an Adjudication Tribunal.

During the current reporting period, the Society was engaged in four appeals of Adjudication Tribunal decisions. One matter was concluded when the appellant filed a Notice of Discontinuance. A decision was rendered for one appeal and the matter has been referred to an Adjudication Tribunal for a hearing on sanction. Two appeals are ongoing.

Hundreds of hours of volunteer time are contributed on an annual basis by members of the Complaints Authorization Committee and by members of the Disciplinary Panel. The Society could not function without the dedication and volunteer time of these individuals. Their contribution is significant and greatly appreciated.

EDUCATION COMMITTEE REPORT

Suzanne Orsborn, Chair

The Education Committee is responsible for educational issues which arise concerning members and prospective members of the Law Society. The Committee deals with all applications for admission and re-admission to practice, which applications generally involve an assessment of academic credentials, currency of legal knowledge, fitness to practice and good character elements. The Education Committee deals with requests throughout the year from members and prospective members relating to the requirements in the Law Society Act, 1999 and the Law Society Rules on educational and admissions issues.

As such, the Education Committee considers applications from:

- law students regarding admission as a Student-at-Law;
- applications from members of other Law Societies who wish to practice in Newfoundland and Labrador on a temporary basis under the National Mobility Agreement;
- applications from members of other Law Societies who wish to transfer to Newfoundland and Labrador on a permanent basis pursuant to the National Mobility Agreement; and
- applications from non-practicing or former members of the Law Society who wish to reinstate their status to practicing membership.

In all of these cases, the Committee must ensure that the applicant has met the required standards, educational and otherwise.

Each year the Education Committee also reviews and approves the marks from the Bar Admission Course examinations and directs, when required, the writing of supplementary examinations or the completion of further educational requirements before a Student-at-Law is eligible to be called to

the Newfoundland and Labrador Bar.

From May 2020-April 2021, the Education Committee:

- i. admitted 21 new applicants as Students-at-Law;
- ii. recommended to Benchers that 23 students, having met the requirements of a Student at-Law, be called to the Bar in Newfoundland and Labrador;
- iii. approved the application of 11 transfer candidates to be called to the Bar of Newfoundland and Labrador under the National Mobility Agreement; and
- iv. approved a change from non-practicing to practicing status for 22 Law Society members.

BAR ADMISSION COURSE COMMITTEE REPORT

David Eaton, QC, Chair

The Law Society requires all Students-at-Law to attend at the Bar Admission Course and successfully complete the Bar Admission Course Examinations as part of the Law Society's licensing requirements.

The 2020 Bar Admission Course began on October 5, 2020 and continued until November 20, 2020. The Bar Admission Course normally involves in-class teaching, scheduled from 9:00 am – 5:00 pm daily, and runs for a period of seven (7) weeks in total.

Due to the COVID-19 pandemic, the 2020 Bar Admission Course was delivered online. To minimize Zoom burnout, live sessions were limited, where possible, to a maximum of two a day – one in the morning and one in the afternoon. Students were provided with detailed weekly schedules for each week of the Course and, while sessions were organized in suggested viewing order, students were free to watch the recorded sessions in any order they chose.

Daily attendance at the Bar Admission Course is mandatory for all Students-at-Law. There are approximately 200 scheduled hours of instruction in the Bar Admission Course, delivered through lectures, seminars and workshops. There were 112 volunteer instructors involved in the 2020 Bar Admission Course.

There were 26 students enrolled in the 2020 Bar Admission Course. Students attending the Course are articling in a variety of legal environments. Approximately three quarters of students are articling with a firm in private practice, with approximately one quarter articling in a public sector placement, for example with the NL Legal Aid Commission, the Crown Attorney's Office or the Department of Justice (Civil Division). While the majority of students are articling in the St. John's metropolitan area, this year's Course also had representation of students articling throughout

the Province, for example in Corner Brook, Happy Valley Goose Bay, and Daniel's Harbour.

To pass the Bar Admission Course, students must pass 6 Bar Admission Course licensing examinations in the following areas: Family Law, Commercial Law, Civil Procedure, Criminal Law, Administrative Law and Real Estate/Wills. Each of the six licensing examinations exams are 31/2 hours long and focus on the lectures and in-class presentations, the Bar Admission Course materials and the approximately 80 provincial and federal statutes and regulations covered in the Course.

The Bar Admission examinations were administered electronically using Exemplify, a software program developed by ExamSoft. Bar Admission Course Examinations are traditionally delivered in-person at the Law Society building and proctored by the Director of Admissions and Education. Due to physical distancing requirements, this was not feasible in 2020. Instead, students were required to propose their proctor(s) for approval by the Director of Admissions and Education. Proctors were required to be practicing members of the Law Society and thus bound by the Professional Code of Conduct (in most cases, the proctors were the students' principals). Students and proctors were provided with detailed instructions regarding exam procedures and advised to contact the Director of Admissions and Education should any issues arise throughout. There were no major issues noted.

The goal of the Bar Admission Course is to give new lawyers a comprehensive overview of Newfoundland and Labrador and Canadian law and procedure, and transfer to them the necessary information to ensure entry level competence in the profession. The Course is intensive, practical and relevant to what a new lawyer will see in practice.

What follows is an overview, providing further particulars on each section of the Course:

The Law Society of Newfoundland and Labrador:

Topics include the role of the Law Society and Benchers, the resources available through the Law Society Library, the Law Society Trust Accounting requirements and professional conduct and client complaints, the Law Society's professional liability insurance program, risk management, and how to avoid professional negligence claims.

Civil Procedure:

Topics include limitations of actions, fatal accidents, survival of actions, commencing proceedings, service, defences, counterclaims, third party proceedings, default judgments, amendments, interpleader, summary trial, expedited trial, discovery and disclosure of evidence, setting down for trial, the Judgment Enforcement Act, civil appeals, costs and alternative dispute resolution mechanisms.

Family Law:

Topics include divorce proceedings, parenting (custody and access), child and spousal support, matrimonial property, provincial family legislation, pensions, court procedures, child protection, support enforcement and tax implications of family law.

Corporate/Commercial Law:

Topics include incorporation and organizing a business, registration issues, corporate procedures, corporate finance, the *Personal Property Security Act*, security opinions, purchase and sale of a business/ shares (including related tax issues), commercial insolvency, commercial arbitration, and a panel discussion regarding the role of in-house counsel.

Criminal Law and Procedure:

Topics include court structure, presumptions and burdens, classification of offences, pre-arrest, arrest, charge, first appearances, judicial interim release, disclosure, elections and re-elections, solicitor/client matters, preliminary inquiries, pre-trial matters, Charter applications, trial by judge alone, jury trials, the sentencing process, types of sentences, criminal appeals, young offenders,

evidentiary matters, voir dres, search and seizure and defences, specialty criminal courts, victim services, as well as a session discussing specific common offences.

Administrative Law:

Topics include privacy law, municipal law, the Human Rights Commission, Workplace NL, the professional discipline process, statutory appeals, judicial review and other prerogative orders, and advocacy before administrative tribunals.

Real Estate:

Topics include the registry system and land tenure, the real estate transaction, the mortgage, condominiums, professional responsibility in real estate issues, title insurance, survey/location certificates, taxation issues, crown lands, quieting of titles, possessory title, residential tenancies and title searches. There is also a real estate transaction workshop where students work through an actual real estate file from beginning to end.

Wills and Estates:

Topics include testamentary capacity, estate planning, will drafting, and the administration/probate of estates.

Labour and Employment:

Topics include the statutory framework of employment law, wrongful and constructive dismissal, the Labour Relations Board, and labour arbitration.

Indigenous Cultural Competency:

Incorporated in response to the Truth and Reconciliation Commission's Calls to Action, this section focused on the development of indigenous cultural competency and included presentations from most of the indigenous groups in Newfoundland and Labrador.

Practice Skills, Practice Management and Ethics:

Topics include written advocacy, oral advocacy, interviewing clients, networking and the marketing of legal services, starting a new law firm, as well as mental health and work/life balance. There is a judicial panel made up of judges from all

levels of court in Newfoundland and Labrador wherein students are walked through courtroom mechanics and provided with advocacy tips. There is a separate section on ethics and the Code of Professional Conduct, in which students complete a written assignment and discuss a selection of these assignments in class.

Law Society members or prospective members interested in obtaining further information about the Bar Admission Course should contact Mr. Christian J. Hurley at (709) 722-4898 or by email at churley@lsnl.ca.

CONTINUING LEGAL EDUCATION REPORT

The Law Society of Newfoundland and Labrador administers a mandatory continuing legal education program in an effort to ensure the competency and continued development of its members.

In 2019, an amendment was made to Law Society Rule 6.20 that implemented a late fee for members failing to comply with the Mandatory CLE Requirements.

Pursuant to the revised Rule 6.20, a member who fails to file their Annual CLE Report, in compliance with the Mandatory CLE Requirements, on or before the required deadline will be assessed a \$500 late fee (plus applicable taxes) and shall be referred to the Vice-President who may take further action as described therein.

The Law Society offers continuing legal education seminars to members of the Newfoundland and Labrador Bar on a variety of topics. Examples of recent and upcoming programs include:

- Administrative Tribunal Advocacy: The Good, The Bad and The Ugly
- The Court's Response to Covid-19
- Diversity and Inclusion: An Overview and Implications for the Workplace
- A Review of the Revised Hearing Procedures at the Newfoundland and Labrador Human Rights Commission
- Labour and Employment Law: 2019 Year in Review
- Lawyer Wellness and Mental Health
- How to Better Manage Your Workload: Time, Task, and E-Mail Management for Legal Professionals
- The National Inquiry into Missing and Murdered Indigenous Women and Girls: A Brief History and Groundwork for Implementing the Calls for Justice
- Personal Injury Income Loss Claims for the

Self-Employed

- Plan Well Guide: A novel tool to support decision-making in serious illness that requires collaboration between Lawyers and Doctors
- The Seven C's of Good Practice Management and an Overview of the Practice Management Review Program
- Social Media and Electronic Evidence in Court:
- What's New & What You Need to Know
- Tax-Effective Will Planning and Mistakes to Avoid
- The Role of Title Insurance in Covid-19
- Grappling with Unconscious Bias

Lawyers in Newfoundland and Labrador continue to be very interested in continuing legal education and they continue to support our programming by their excellent levels of attendance, positive feedback and suggestions for future programs.

We appreciate our many volunteer lawyers, judges and other professionals who give their time and talents, as presenters at our seminars, to enhance the knowledge and professional standards of other practitioners. The Law Society greatly appreciates these contributions and we are continuously impressed with the excellence and enthusiasm of our presenters.

Members with questions or program suggestions should contact Christian J. Hurley at (709) 722-4898 or by email at churley@lsnl.ca.

INSURANCE COMMITTEE REPORT

Rodney Zdebiak, Chair

Under its Terms of Reference, the Insurance Committee is responsible for ensuring that the Lawyers' Insurance Programme is effectively administered and financially stable. It is also responsible to provide the best coverage to members and to protect the public as effectively as possible. The Committee provides oversight to our participation as a subscriber to the Canadian Lawyers Insurance Association (CLIA). Through this affiliation with CLIA, the Insurance Committee is able to provide lawyers in this province with:

- a reliable and permanent source of insurance;
- stable premiums in the mandatory insurance layer;
- reasonably priced and effective excess insurance with excess limits of \$1m to \$9m; and
- premium rates that reflect the loss experience

of Canadian lawyers

The Committee continues to benefit from the hard work and guidance of our Claims Review Committee consisting of Janice Ringrose, Tom Johnson QC, and Gary Baird. Our past years claims history continues to be on par with previous years as we maintain a strong, stable financial position. The premium setting policy at the foundation of our premium setting process continues to provide stability. From 2012-2019, we maintained the same insurance premium of \$1655. For 2020, the insurance premium was reduced to \$1600 and, for 2021, the insurance premium was further reduced to \$1300.

Since joining CLIA in 2005, the Claims Review Committee has opened 1015 files. Missed deadlines, poor office procedures, and time management errors are grouped together

2005-2020 Statistical Chart

1015 Claims	CAUSE OF LOSS	CAUSE OF LOSS
	498 - Systems/Procedures/Administration 341 - Communication 24 - Delegation/Supervision 116 - Law, failure to know or apply 20 - Conflict 5 - Fee dispute 4 - Fraud 7 - Other <hr/> 1015	467 - Real Estate 375 - Civil Litigation 37 - Estate Planning/Admin 38 - Commercial 26 - Corporate 11 - Criminal 30 - Matrimonial & Family 2 - Employment & Labour 5 - Administrative/Boards/Tribunals 2 - Arbitration 7 - Admiralty 5 - Tax 1 - Mediation 5 - Intellectual Property 1 - Bankruptcy/Insolvency/Receivership 1 - Immigration 2 - Other <hr/> 1015

under Systems/Procedures/Administration as the number one cause of insurance claims and amount to 49% of claim files. The predominant two areas of law where we find these causes of loss are in Real Estate (46%) and Civil Litigation (36%) files. In order to manage the risk and reduce or eliminate the number of claim files, the Insurance Committee has implemented a number of loss prevention initiatives including a mentoring program for lawyers, a loss prevention self-assessment checklist, CLE's, risk assessment visits, loss prevention bulletins, and fraud alerts. We continue to update the insurance and risk management section of our website and we do annual presentations at the Bar Admission Course.

The Insurance Committee also continues to provide Member wellness and employee assistance services through its provider Homewood Health. Some interesting statistics from our Professional Assistance Program show:

- Annual utilization was 13.94% which is slightly higher than last year (13.77%)
- There was an increase in dependent utilization with 13.5% this year vs 6.3% last year

- While the 31-40 age category remains the age category with highest utilization, there was an increase in the under 20 age category (9.4% this year vs 3.1% last year) and the 51-60 age category (13.5% vs 7.3% last year)
- Counselling was the only utilized service
- 77.1% of counselling requests were for Psychological issues
- The top presenting issues are Anxiety (27.1%), Stress (14.6%) and Depression (9.4%)
- 9 general courses were taken. 'Taking Control of Stress' was the most requested with 4
- 1 Key Person course was taken titled 'The Fundamentals of Effective Supervision'
- One person took to the online Health Risk Assessment

The Insurance Committee benefits greatly from the generosity of our members who devote significant time and effort to the success of the Lawyers' Insurance Programme.

Further information on the activities of the Insurance Committee may be found at <https://lsnl.ca/lawyers-students/insurance/>.

LIBRARY COMMITTEE REPORT

Linda Harnett, Co-Chair

Kimberly Mackay, Co-Chair

The Law Library Committee, consisting of members, Peter Browne, QC (prior to his appointment as Justice), Gregory J French, Rebecca Redmond MacLean, QC, Kyle Rees, Kimberly Mackay, Co-Chair, and Linda Harnett, Co-Chair, met regularly throughout the year to assist Law Librarian, Jenny Thornhill, regarding the provision of resources and services to members of the Law Society.

The COVID-19 Pandemic and its Impact on the Law Library

The COVID-19 pandemic shifted the strategies and priorities of the Law Society Library staff as they navigated a more-constrained environment than that in which they typically work. For a prolonged period, the Law Library was closed but staff remained available to assist members of the profession. Unfortunately, the closures meant that members of the public were no longer able to access library resources.

In accordance with the Law Society's COVID-19 response plan and to ensure compliance with directives from public health officials, access to library resources and materials continued but with several restrictions. Cleaning protocols; quarantining of library materials; an appointment system and no afterhours access for members of the profession; no access for members of the public; and remote service including contactless loans, resource scan service and database searching have continued throughout the year.

As might be anticipated, a review of library usage indicated a decrease in the borrowing of library materials during the period April to mid-September 2020. However, staff experienced an increase in overall reference questions as compared with 2019 numbers. Although an appointment system was implemented in late September 2020, library

usage fluctuated, with many members preferring to use the library's remote services rather than in-person appointments. With the March 2021 COVID-19 lockdown, the appointment system was suspended but remote services continued. Despite COVID-19's impact, library users reported satisfaction with the streamlined and efficient service provided.

Strategic Work Plan 2021-2024

In December 2020, with the assistance of the Law Librarian, the Law Library Committee began the work identified in the Law Society's Strategic Work Plan 2021-2024, specifically in relation to the Committee's responsibilities regarding the strategic priority, "Increasing Organizational Effectiveness". Two objectives which were set for completion by June 2021 have been achieved. A report outlining the Law Society's library usage statistics and a jurisdictional scan outlining library usage statistics of other Law Society libraries in Canada, including their operational budgets, was presented to the Law Library Committee in April 2021 and will be submitted to Benchers in June 2021.

Law Library Survey

Plans are being finalized to conduct a Law Library Use Survey in September 2021. The Survey, developed by the Law Librarian, will collect information to be used to identify issues of importance to users and to make decisions in relation to enhancing service and purchasing new materials and resources. This initiative will satisfy a third objective assigned to the Law Library Committee under the Strategic Work Plan 2021-2024.

New Acquisitions

In keeping with the Law Society's strategic goal of promoting reconciliation with Indigenous

Peoples, and based upon recommendations by the Law Society's Indigenous Education and Action Committee, the Law Library purchased a number of publications that are now available to members of the profession. These acquisitions have updated and expanded the library's holdings of relevant texts in the field of Aboriginal/Indigenous law.

The Law Library Committee expresses congratulations to former Committee member, Justice Peter Browne, on his appointment as a Justice of the Supreme Court of Newfoundland and Labrador.

Thanks and appreciation are extended to Jenny Thornhill and Leah Griffiths for their assistance to the Committee and for their efforts in ensuring that the Law Library remained accessible to members of the profession during the pandemic year.

HONOURS AND AWARDS COMMITTEE REPORT

Linda Harnett, Chair

As mandated by the Honours and Awards Committee's Terms of Reference, the Committee makes recommendations to Benchers regarding the Law Society's honours and awards.

Law Society Honours and Awards

The Law Society's highest honour, the **Degree of Doctor of Laws**, *honoris causa*, recognizes outstanding achievements by distinguished members of the profession or of the judiciary. Recipients are known for conducting themselves according to the highest ideals of the legal profession. The honour is bestowed upon those who, through their inspirational leadership and significant accomplishments, have demonstrated devotion to the betterment of the profession over a long period of time and have provided outstanding service to the legal profession or to the administration of justice through contributions that improve the justice system and enhance the practice of law. The Honours and Awards Committee did not receive a nomination for the honorary degree in 2021.

The **Gordon M. Stirling Distinguished Service Award** recognizes substantial contributions to the Law Society, the legal profession or the administration of justice. It is awarded to members and former members of the Law Society and of the judiciary who, in addition to outstanding professional service, make a significant contribution to the public or to the community. The committee has recommended and Benchers have approved bestowing this award on Glenda C. Best, QC, partner at the firm Roebothan, McKay & Marshall.

The **Jean Bruneau, OC, Certificate of Merit**, is granted to lay Benchers who have made a substantial contribution to the Law Society through years of service on Benchers or in some other capacity that requires significant contributions of time and effort. The honour may

also be bestowed upon lay persons who have made a substantial contribution to the legal profession or to the administration of justice. There were no nominations for this honour in 2021.

The **Kenneth W. Jerrett Award** was established in June 2020 in honour of the late Kenneth Jerrett who practiced law in the Province of Newfoundland and Labrador for more than 20 years. Throughout his career, despite experiencing significant health issues, Mr. Jerrett demonstrated tenacity and the motivation to persevere in his pursuit of achieving excellence in the legal profession; in making exceptional contributions to the profession; and in his commitment to community service. To be eligible for the award, nominees must have demonstrated the qualities exemplified by Mr. Jerrett that made him an inspiration to others in the profession. Nominees must have excelled in three areas: the practice of law; service to the legal profession; and service to the community at large. There were no nominations for the Kenneth W. Jerrett Award in 2021.

The **Early Career Achievement Award** was established in December 2020. The award recognizes lawyers who, early in their careers, demonstrate excellence in their practice and dedication to the profession. To be eligible for the award, nominees must be under forty (40) years of age and/or within their first ten (10) years of call to the bar of Newfoundland and Labrador, have shown excellence in their work and have demonstrated outstanding service and dedication to the profession. The recipient of the 2021 inaugural award is Joseph J. Thorne of the firm, Stewart McKelvey.

Life Membership

The Honours and Awards Committee reviews applications for Life Membership and makes

recommendations to Benchers regarding the granting of this honour. John Green, QC, was approved for Life Membership by Benchers in April 2021.

Law Society 2020 Bar Admission Course Awards

The Honours and Awards Committee determines the recipients of Law Society awards for Articled Students-At-Law.

The **Hunt Award** is presented to the Student-At-Law who receives the highest overall average mark in the Law Society of Newfoundland and Labrador's Bar Admission Course. The recipient of the Hunt Award for the 2020 Bar Admission Course is Mr. Marc Lewis. Mr. Lewis served Articles of Clerkship at the firm McInnes Cooper and his principal was Mr. David Eaton, QC. Mr. Lewis will be called to the Newfoundland and Labrador Bar on June 11, 2021.

The **Legal Aid NL Family Law Award** is presented to the Student-At-Law achieving the highest mark in the Family Law Examination of the Bar Admission Course. The recipient of the 2020 Legal Aid NL Family Law Award is Mr. Marc Lewis.

The **Spracklin Award** is presented to the Student-At-Law achieving the highest mark in the Real Estate/Wills Examination of the Bar Admission Course. The recipient of the 2020 Spracklin Award is Mr. Marc Lewis.

The **Provincial Court Judges' Association Award** is presented to the Student-At-Law achieving the highest mark in the Criminal Law Examination of the Bar Admission Course. The recipient of the 2020 Provincial Court Judges' Association Award is Mr. Marc Lewis.

The **O'Reilly Award** is presented to the Student-At-Law achieving the highest mark in the Civil Practice and Procedure Examination of the Bar Admission Course. The 2020 recipient of the inaugural O'Reilly Award is Mr. Marc Lewis.

The **William J. Browne Scholarship** is presented to a Student-At-Law who has submitted the winning research essay on a legal

issue of current public concern. There was no recipient of this Award for 2021.

The **Maxwell J. Pratt Scholarship** is based on academic performance and is presented to a Student-At-Law who is a graduate of Memorial University of Newfoundland and a student at Dalhousie Law School. The 2021 recipient of the Maxwell J. Pratt Scholarship is Kaylyn Anthony, who is currently serving Articles of Clerkship at the firm Cox & Palmer.

The Honours and Awards Committee congratulates all recipients of the Law Society's honours and awards.

The Work of the Honours and Awards Committee

Throughout the past year, the Committee has continued its review of the criteria and guidelines for Law Society honours and awards in accordance with its Terms of Reference. In June 2020, Benchers approved amendments to the Degree of Doctor of Laws, *honoris causa* and approved a set of Procedures for the honorary degree to assist the Committee and those nominating a candidate.

At the June 2020 convocation, Benchers approved amendments to the Honours and Awards Committee's Terms of Reference that enlarged the Committee's composition to include representatives from all districts of the Province. Jill Quilty of Stephenville and Jonathan Regan of Happy Valley-Goose Bay have joined the Committee. In January 2021, Ian Wallace's retirement from the practice of law created a vacancy on the Committee. The Committee at that time undertook a comparison of the composition of all Law Society committees and found that an elected Bencher sits on the majority of committees. Approving the recommendation that an elected Bencher serve on the Committee, Benchers appointed Douglas Wright. Continuing members are Marcus Evans, QC, Rebecca Redmond MacLean, QC, Christopher Quigley and Linda Harnett.

Ian Wallace's significant contributions to the Honours and Awards Committee for nearly a

decade were acknowledged with appreciation and thanks at his final meeting in December 2020.

Two new Law Society awards were approved by Benchers in 2020. The Kenneth W. Jerrett Award was established in June 2020, with the inaugural award having been bestowed upon Kenneth Jerrett, posthumously. In December 2020, the Early Career Achievement Award was established. The inaugural award is being presented in June 2021.

The Honours and Awards Committee has completed a review of Life Membership Rule 2.18 and is finalizing a proposal for amendments to the Rule to be presented to Benchers at its Fall 2021 convocation.

The Committee has begun the review of the criteria and guidelines for the Gordon M. Stirling Distinguished Service Award and the Jean Bruneau, OC, Certificate of Merit. It is the goal of the Committee to complete the review of all Law Society honours and awards by December 2021.

SS DAISY LEGAL HISTORY COMMITTEE REPORT

John Joy, Chair

The S.S. Daisy Legal History Committee is pleased to provide this 2020-2021 Annual Report covering the following topics: meetings, book publishing and general matters.

Meetings

The Committee met on September 18 and November 27 in 2020, and January 29 and April 9 in 2021 with all meetings conducted via Zoom.

The committee notes that, while the work of the committee continues, it looks forward to resuming in-person meetings and regaining collegial rapport and morale, when circumstances permit.

Book Publishing

(a) Achievements July 2020 and June 2021.

Lewis Amadeus Anspach, *A Summary of the Laws of Commerce and Navigation*.

The major publishing achievement, between July 1, 2020 and June 30, 2021, has been Louis Amadeus Anspach, *A Summary of the Laws of Commerce and Navigation, Adapted to the Present State, Government and Trade of the Island of Newfoundland* (London, 1809). The production of this two-volume publication included creating a page-by-page reproduction of the original. Dawn Kieley, Manager, Information Services, Supreme Court of Newfoundland and Labrador, under the direction of the editors, retyped the entire book with this purpose in mind.

This publication is, however, much more than simply a reproduction of Anspach's book. Chris Curran and Melvin Baker, as the editors of this work, each wrote introductory essays and supplied maps, illustrations, and photographs. They then included, after the some 140 pages of Anspach's book, the Judicature Acts 1791-1809, transcriptions of the Minute Book of Court of Sessions, the Surrogate Court and the Supreme Court for the period, which have never been

published before.

In order to accommodate all of this additional material, the project expanded from one volume to two comprising over 500 pages of fine legal history scholarship.

E. Doyle Wells (ed.), *Sworn Before Me: The Journals of Magistrate Thomas E. Wells, 1909-1914*.

John Joy and Anna Wadden have been meeting regularly with Doyle Wells for the purposes of preparing the manuscript he has prepared of his great grandfather's court journals for publication under the working title *Sworn Before Me: The Journals of Magistrate Thomas E. Wells, 1909-1914*, Little Bay, Notre Dame Bay, Newfoundland and Labrador.

Joy, Wadden and Wells have almost completed an initial review of the manuscript examining it in association with extensive notes they have prepared for the purposes of supplying endnotes and annotations to the cases. They will then turn their attention to assisting with adding additional legal context to the introduction associated with the manuscript, as well as additional photographs, maps, illustrations, and indexes.

The extraordinary work Doyle Wells has done in this case warrant the effort the committee is making to prepare this book for publication. We expect to have a camera-ready manuscript in the hands of the printer in the Fall of 2021.

1949-1950 Newfoundland and Labrador Law Reports.

J. Derek Green, John Joy and Christopher Curran began working on this project as a prototype for a series of volumes that would publish Newfoundland and Labrador Supreme Court cases in a manner consistent with the Newfoundland Law Reports which presently run from 1817 to 1949 in 16 volumes. The

Newfoundland and Labrador cases, however, are poorly represented in other report series from 1949 to the beginning of the Newfoundland and P.E.I. Reports early in the 1970s.

The editors have identified and obtained copies of all the cases in which justices had filed written reasons in 1949 and 1950. J. Derek Green has written headnotes and annotations on almost all of the cases, and will finish this part of the project shortly. We are checking the cases as they appear in the Minute Books against the Cause Books, and are making inquiries about a small number of cases in the Exchequer Court of Canada. A young lawyer, Gregory French, who is a published legal scholar practicing in Clarenville, has recently volunteered to assist with this project.

This project will also involve an introductory essay, which J. Derek Green has almost completed, as well as illustrations, photographs, maps, tables of cases, legislation, and abbreviations, and indexes in line with prior volumes in this series.

We expect to have a camera-ready manuscript of this volume in the hands of the printer in the Fall of 2021.

(b) Works in Progress for 2022 and Beyond.

The committee's publishing plans for the future include: (1) John Reeves, *History of the Government of Newfoundland and Labrador*, with his Report to the British Parliament, introductory essays, indexes, and other relevant material; (2) Chief Justices' Memorial addresses for judges, lawyers and others in the justice system; (3) a Dictionary of Newfoundland and Labrador Magistrates' Biographies; (4) John Joy, *Leviathan Unbound: the Case of Currie v. Macdonald: The 1948 Case to Strike Down the Confederation Referendum*, a play about the case; (5) a book about Richard White, law student, Labrador Justice of the Peace, and trader; and (6) *The Quarantine Letter Books, 1832-1836* with introductory essays, and other features enhancing the work.

General Matters

Additional matters that are on the committee's agenda are: (1) the collection of 950 CBC courtroom drawings and plans for archiving them; (2) a watching brief on the renovations and future use of the Greenspond Court House; (3) assisting Eugene Long with his Ph.D. thesis on the Labrador boundary case; (4) reviving the oral history project including the "Women and the Law" project; (5) arranging for the photography of additional pages of the Barristers' Roll responding to specific requests; and (6) efforts to locate the missing Benchers' Minute Books, especially those for the period 1914 to 1941.

The committee is pleased to advise that Anna Wadden is prepared to act as co-Chair and requests that Benchers approve her appointment in that capacity.

The committee presently comprises John Joy (Chair), Anna Wadden, J. Derek Green, Christopher Curran, Melvin Baker, Robert Pittman, Christian Hurley, James Merrigan, Janet Henley, Donald Powell, and Robin Reid. Leah Griffiths of the Law Library continues to provide significant organizational services including hosting the ZOOM meetings under present COVID-19 conditions.

We hope to encourage greater co-operation and support between the work of the Daisy Committee and other NL historical organizations, such as the NL Historical Society, the Family History Society of NL, and the Wessex Society.

We also have tremendous potential to work co-operatively with The Rooms Archives and the Centre for Newfoundland and Labrador Studies Archives.

ACCESS TO JUSTICE COMMITTEE REPORT

Lauren Chafe, Chair

The Access to Justice Committee (the “Committee”) was formed to represent the Law Society on the Newfoundland and Labrador Access to Justice Steering Committee (the “Steering Committee”). The Committee’s mandate is: to provide leadership to a cohesive and collaborative approach for initiatives intended to improve access to the civil and family justice systems in Newfoundland and Labrador; to provide, as appropriate, a forum for engaging the public and public sector participants on issues related to access to justice; to share information, monitor and co-ordinate work undertaken, and educate the public about efforts of the committee and working groups; to promote innovation in all aspects of the delivery of civil and family justice service; to gather feedback from various stakeholders on initiatives being implemented in the various sectors of civil and family justice services to ensure that we are meeting the needs of the targeted audience.

With an underlying theme of relevance to the Law Society of Newfoundland and Labrador, the Committee’s responsibilities include: identifying access to justice initiatives which may be in the public interest to regulate; advising and recommending to Benchers access to justice initiatives; engaging Members on access to justice initiatives; engaging the public on access to justice initiatives; promoting and facilitating access to justice initiatives; and supporting the Steering Committee in attaining its objectives.

In its 2020 – 2021 Work Plan, the Committee identified and committed to exploring five new access to justice initiatives with a view to determining to what degree these initiatives have been implemented across the Country and whether they are viable options for our Law Society to explore. The Committee has conducted jurisdictional scans of all Law

Societies across Canada regarding their access to justice initiatives and will report to Benchers as to what was learned. Thereafter, the Committee will present an Options Paper to Benchers in December 2021, identifying the access to justice initiatives that Benchers may want to study further for possible implementation in this Province.

Additionally, the Law Society continues to support access to justice initiatives for the public, including contributions to CanLII, an online legal resource funded by all Law Societies in Canada available to the public without charge, and dedicating a section of its website to the public, including links to important resources. In 2019 the Law Society approved another three year commitment of funding at an increased amount of \$100,000 per year to the Public Legal Information Association of Newfoundland and Labrador (PLIAN) to assist it in furtherance of access to justice.

The Chair of the Committee sits as a member of the Steering Committee, which was formed in 2014 out of recommendations from the report of the Action Committee on Access to Justice in Civil and Family Matters. The committee is comprised of members from fifteen justice stakeholder groups including: Department of Justice and Public Safety, Court of Appeal of Newfoundland and Labrador, Supreme Court of Newfoundland and Labrador General and Family Divisions, Provincial Court of Newfoundland and Labrador, Newfoundland and Labrador Legal Aid Commission, Law Society of Newfoundland and Labrador, Canadian Bar Association – Newfoundland and Labrador Branch, Public Legal Information Association of Newfoundland and Labrador, Provincial Advisory Council on the Status of Women, Newfoundland and Labrador Human Rights Commission, Newfoundland and Labrador English School District, Adult Corrections, and Francophone Justice Network

of Newfoundland and Labrador (**Réseau Justice en français de Terre-Neuve-et-Labrador**), the Office of French Services, as well as an individual member who is a practicing lawyer.

The Steering Committee, *inter alia*, provides leadership on initiatives intended to improve access to the civil and family justice systems in the Province, including engaging the public on issues related to access to justice and promoting innovation in all aspects of the delivery of civil and family justice services.

The Steering Committee members continue to collaborate to organize the volunteer run Legal Clinics below:

Small Claims Legal Assistance Clinic

Established in 2016, the Small Claims Legal Assistance Clinic is held once a month and to date has assisted over 100 clients. The clinic offers individual appointments with a volunteer lawyer or articling student who can provide self-represented litigants with summary legal advice and suggestions for next steps on Small Claims Court matters. This clinic is currently on hold and hopes to resume remotely in the coming months.

Court of Appeal Legal Assistance Clinic

The Court of Appeal of Newfoundland and Labrador launched the Court of Appeal Legal Assistance Clinic, in June of 2016. The project is intended to promote access to justice and legal education. The clinic is held once a month and offers free legal assistance to people who do not have a lawyer and are seeking advice about their appeal. This clinic was on hold for part of the year due in part to the pandemic and in part to lack of demand, however the Clinic resumed operations in October of 2020 with two lawyers assisting clients.

Gathering Place Legal Clinic

The Gathering Place Legal Clinic was established in the summer of 2017. The clinics generally run monthly at the Gathering Place where volunteer lawyers, articling students and law students meet with clients to discuss matters related to a wide range of issues including small claims/

civil litigation, housing/residential tenancies, wills and estates, family law, criminal law, and issues with accessing benefits. The Gathering Place is a service centre and non-profit organization offering a range of programs and services to persons aged 25 or older who are homeless, live in less than desirable housing conditions, unemployed, or who do not have adequate social supports in their lives. This clinic was on hold for part of the year due to pandemic and resumed operations in November 2020.

St. John's Pride – PLIAN Legal Clinic

PLIAN and St. John's Pride held a joint virtual legal clinic in early July as part of Pride Week. The clinic was very well received by the legal community and was expanded to be held across the Province.

Central NL Legal Clinic

PLIAN and Vanessa McCarthy, Committee member and private lawyer in Gander, organized Legal Clinics in Central NL on September 29 and October 1, 2020. The clinics featured lawyers from Gander and Grand Falls Winsor; there was significant community interest.

COVID-19 Legal Support Service

For part of the year, PLIAN offered up to 5 hours of free legal support province wide to persons impacted directly or indirectly by COVID-19. This program was broad in scope and included any legal matter except for criminal and family. People who had financial struggles due to COVID-19, those who have experienced discrimination, or a new on-going legal matter because of COVID, are examples of the types of people assisted. There was no financial eligibility requirement. The program ended March 31, 2021 and was deemed a great success.

ACCOUNTS AND FINANCE COMMITTEE REPORT

Renee Appleby, Chair

The Accounts and Finance Committee is established pursuant to Rule 2.16(3) to support Benchers in the governance of the Law Society by monitoring significant financial planning management and reporting matters and to serve as the Law Society's Audit Committee. Members of the Committee are Renee Appleby, Chair, Doug Wright, Elected Bencher, and Glenda Reid, Lay Bencher. The Executive Director and the Law Society Accountant attend all meetings of the Committee as representatives of the management team.

The mandate of the Accounts and Finance Committee is to:

- Make recommendations to the Benchers on the selection of financial advisors for the Law Society;
- Regularly meet with the financial advisors of the Law Society to assess the performance of its financial assets;
- Report generally on the performance of the Law Society's financial assets to Benchers;
- Regularly monitor and assess the performance of the Law Society's financial advisors and, when necessary, make recommendations to Benchers for a change of financial advisors;
- Serve as the Audit Committee to:
 - i. Review the audit tender process;
 - ii. Recommend the appointment of an auditing firm to Benchers;
 - iii. Meet with external auditors to ensure that:
 - a. The Law Society has implemented appropriate systems to identify, monitor and mitigate significant financial risk;
 - b. The appropriate systems of internal

control, which ensure compliance with Law Society policies and procedures, are in place and operate effectively;

- c. The Law Society's annual financial statements are fairly represented in accordance with generally accepted accounting principles;
- d. Any matter which the external auditors wish to bring to Benchers has been given adequate attention; and
- e. The external audit function has been effectively carried out.

The Accounts and Finance Committee presented its Work Plan for 2020-2021 at the October 2, 2020 Convocation which detailed the upcoming activities for the Committee. The Committee meets regularly with the Law Society's financial advisor, Keith Butler at CIBC Wood Gundy, to monitor holdings and ensure that they are kept in accordance with the terms of our Investment Policy Statement. The Committee held quarterly meetings with the Law Society's financial advisor October 20, 2020 and January 19, 2021 using Zoom videoconferencing. During these meetings, the Committee was presented with detailed reports on asset performance, market overview and recommendations for changes to the investment portfolio.

The Committee is scheduled to meet with the Financial Advisors again on April 20 and July 20, 2021. At the April meeting, we will review our first quarter performance and do our annual review of the Law Society's Investment Policy Statement. A similar review of investment performance will occur in July, together with a review of the 2020-2021 Work Plan and preparation of the 2021-2022 Work Plan. We will also be discussing both: 1) the audit tender process and making

recommendations to Benchers respecting external auditors; and 2) the performance of the Law Society Financial Advisors and making recommendations to Benchers respecting the selection of financial advisors.

In addition to its scheduled meetings, the Committee has frequent contact with its Financial Advisors and receives recommendations on the management of its financial assets from time to time outside of scheduled meetings.

With respect to the discharge of its audit review functions, a pre-audit meeting was held with the Law Society Auditors at KPMG on December 14, 2020, at which time the Audit Planning Report was presented. On March 26, 2021, the Committee again met with Auditors Steve Power and Krista Burton for the detailed presentation of the 2020 audit, to review the audit process and determine whether there are any issues

of concern. The Audit process identified three areas of risk endemic to the operations of the Law Society, all of which were addressed through the audit process with testing procedures performed by the Auditors without exception.

Also on March 26, 2021, Committee members met with the auditors in the absence of the Law Society Executive Director and Accountant, during which time no concerns were brought to the attention of the Committee. The Auditors again expressed their appreciation for the work of the management team of the Law Society, both in general and during the audit process, and remarked on the detail and quality of oversight provided by Mr. Yabsley.

The Committee appreciates feedback from any members on matters within the terms of reference of the Committee.

REAL ESTATE COMMITTEE REPORT

Brenda Duffy, QC, Chair

The Real Estate Committee was established to support Benchers in the governance of the Law Society by developing professional standards for the area of Real Estate Law.

The Real Estate Committee is responsible for:

- Identifying existing applicable professional standards of Real Estate Law practice;
- Identifying emerging Real Estate Law issues which may require the development of new professional standards or the revision of current standards and advising Benchers;
- Identifying resources and tolls to assist members to practice in accordance with professional standards;
- Acting as a resource on issues of professional standards for Real Estate Law as may be requested by Benchers; and
- Engaging members in determining real estate practice education initiatives relevant to the Law Society and its role of regulating the profession in the public interest.

The members of the Real Estate Committee are Brenda Duffy, Q.C., Graham Wells, Q.C., Blair Downey, Barry Lake, Trevor Stagg and William Cahill. Angela Whitehead, the Law Society's Director of Practice Management, is also assigned to our committee to offer support. The Committee met on October 5th and November 4th, 2020 and February 3rd, 2021. A fourth meeting date will be set in May.

In recent years the Real Estate Committee's primary focus has been the finalization of draft practice standards. In June 2020 the committee submitted a final draft of those standards to Angie Whitehead for her review as Director of Practice Management. Angie recommended that the document would better serve all members if it was divided into three separate practice

resources, those being: (1) Money Matters in a Real Estate Practice (2) Practice Management Issues in a Real Estate Practice and (3) Real Estate Practice Essentials. Throughout the fall of 2020, committee meetings were largely taken up with discussions over the editing of these three resources. The final drafts were submitted to Benchers at December Convocation where they were adopted as Law Society resources by a unanimous vote of Benchers.

In our February meeting we focused on the production of a draft real estate checklist. It is hoped that the availability of such a resource would benefit all members. As this report is being filed, Angie is preparing a draft of the checklist. The next few committee meetings will focus on editing the draft checklist with the goal of eventually presenting the checklist to Benchers for their review and approval as another practice resource.

The Real Estate Committee invites members of the bar to contact its members should they have an issue or concern with the practice of real estate law in the Province that they feel should be addressed by the Committee and which fall within its terms of reference.

INDIGENOUS EDUCATION AND ACTION COMMITTEE REPORT

The Indigenous Education and Action Committee (the “IEAC” or the “Committee”) was formed in the spring of 2017. Its mandate is to work within the legal profession to advise, educate and act on reconciliation with Indigenous peoples in Newfoundland and Labrador, which includes addressing the Calls to Action arising from the Truth and Reconciliation Commission. Barbara Barker is the chair of the Committee.

The Committee has been quite active over the past year, meeting frequently to discuss and plan CLE seminars and an expanded Indigenous Cultural Competency section for the Bar Admission Course. The Committee has focused its recent efforts on developing relationships with all the Indigenous groups in Newfoundland and Labrador.

Members of the Committee and/or members of the Executive Committee and Law Society staff have now had the opportunity to meet with leaders, members, and staff of the Miawpukek First Nation, Qalipu First Nation Band, Nunatsiavut Government, and Nunatukavut Community Council. We hope to be able to schedule meetings with the two Innu groups in Labrador in 2021.

The purpose of these meetings was to explain the role of the Law Society and to communicate our commitment to meet the Calls to Action specified in the Truth and Reconciliation Commission Report in collaboration with the Indigenous organizations in the province. Each group that we met with was responsive to our message and graciously contributed content for the 2020 Bar Admission Course, which was delivered online.

The Indigenous Cultural Competency section of the 2020 Bar Admission Course featured:

1. A video entitled “Close that Door” wherein a residential school survivor recounted his experiences growing up within the residential school system;
2. A greeting and introduction to the Miawpukek First Nation by Chief Mi’sel Joe;
3. A greeting and introduction to the Qalipu First Nation Band by Chief Brendan Mitchell;
4. A live lecture delivered by Mark Gillette, Director of Legal Services with the Nunatsiavut Government, which focused on an introduction to that group and the Labrador Inuit Land Claims Agreement;
5. A greeting and introduction to the Nunatukavut Community Council by President Todd Russell and Amy Hudson, Research, Education, and Culture Director; and
6. A recorded lecture by Jerry Wetzel, a member of the Miawpukek First Nation as well as a member of the Committee, based upon his thesis entitled Decolonizing Ktaqmkuk Mi’Kmaq History.

With the consent of the presenters, a number of these videos have been made available for members to view as well.

The Law Society released a statement drafted by the Committee via email broadcast on June 25, 2020, in recognition of National Indigenous History Month, which confirmed the Law Society’s pledge to promote reconciliation within the province and to support the continual implementation of the Truth and Reconciliation Calls to Action within the Newfoundland and Labrador bar, and the ongoing work of implementing the Missing and Murdered Indigenous Women and Girls and LGBTQ National Inquiry Calls for Justice. This statement was also posted to the Law Society’s website. The Law Society also released a statement, drafted by the Committee, in recognition of Orange Shirt Day. This statement was circulated in the Law Society’s e-newsletter dated September 29, 2020.

The Law Society asked the Committee to provide it with a list of dates and campaigns that should be

recognized throughout the year. The Committee recently provided its list to the Law Society, which includes: Orange Shirt Day (September 30), the Conne River Pow Wow (1st Weekend of July), St. Ann's Day (July 26th), Treaty Day (October 1st), Mi'kmaq History Month (October), National Indigenous Peoples Day (June 21), Nunatsiavut Day (December 1), International Day of the World's Indigenous Peoples (August 9), Moose Hide Campaign (February), and Red Dress Day (May 5).

The IEAC delivered a CLE seminar on September 14, 2020 that examined the work of the Missing and Murdered Indigenous Women and Girls National Inquiry. This seminar was moderated by Elizabeth Zarpa and featured Qajaq Robinson, who served as a Commissioner for the MMIWG Inquiry, and Christa Big Canoe, who served as Lead Counsel for the Inquiry. It was offered to members for free and the feedback was quite positive.

The Committee plans to deliver further CLE seminars on various topics, including issues arising from the TRC and MMIWG Calls to Action. Potential topics being discussed at this time include:

1. A legal update to the profession regarding indigenous child welfare. The law in this area has changed significantly over the past year or so with significant changes to the process both provincially (Children Youth & Families Act came into force July 1, 2019) and federally (An Act respecting First Nations, Inuit and Métis children, youth and families came into force January 1, 2020). The latter is historic in so far as it is the first time Canada has asserted its jurisdiction in this area of law and brought minimum standards to indigenous child welfare across the country.
2. A series of CLEs on Gladue and Peele reports and the law surrounding sentencing indigenous offenders under the Criminal Code. The preliminary information would indicate that there are significant shortcomings of respecting Gladue sentencing reports in this province. The goal is to provoke conversation

by inviting presenters from other jurisdictions within Canada to learn from the models that are being employed in those settings.

3. An analysis of Indigenous child welfare, including the application of the "best interest of the child" provisions contained in family law legislation (particularly with respect to the removal and/or relocation of Indigenous children from their families/communities.

Benchers continue to commence their regular meetings with appropriate land acknowledgments that recognize and respect Indigenous Peoples as traditional stewards of the land and the enduring relationship that exists between Indigenous Peoples and their traditional territories. Benchers recently asked the IEAC to review the land acknowledgments that they use and the Committee has prepared draft language, which it hopes to finalize and approve in the near future.

Finally, the IEAC assisted the Law Society with a review of its library collection to ensure that it includes relevant and appropriate Indigenous resources. Following receipt of the IEAC's recommendations, the Law Society ordered several new resources that will be made available to its members and the public.

EQUITY AND DIVERSITY COMMITTEE

Scott Worsfold, Chair

The Equity and Diversity Committee was struck in late 2018 as a new Law Society Committee and is just over 2 years into its interesting work. The Committee has continued to meet each month throughout the pandemic, via Zoom.

Under its Terms of Reference, the Equity and Diversity Committee's mandate is to gather information about issues related to equity and diversity in the legal profession, engage collaboratively with the Law Society membership to increase recognition and awareness about equity and diversity issues in the profession, and to develop and implement initiatives related to equity and diversity.

The first major initiative of the Committee, the information collection tool in the form of a demographic data questionnaire, was rolled out in November 2020. The response rate was encouraging with a total of 168 responses. The results were gathered in early 2021. A summary of anonymous data was presented to the Committee in February, and to the Benchers in April 2021. This was the first such initiative for the Law Society of Newfoundland and Labrador. The Committee had, however, scanned the practices of other law societies across Canada to determine best practices and to look at the type of information they have been collecting. We will work with Christian Hurley to have the survey distributed at this year's Bar Admission Course in October and at successive bar courses. The results of such questionnaires will be helpful to this Committee in planning for future CLE events and topics of interest to a diverse membership.

The Committee sponsored two CLE events over this last year. The first was held on December 10, 2020 on the topic of Unconscious Bias. The facilitators were Dr. Christina Doonan from Memorial University and Ms. Marlene Power, from the Marine Institute at Memorial University.

They engaged in an extremely interesting and informative discussion on the unconscious or implicit bias each of us has as a result of our upbringing, the television shows we watch, our physical attributes, race, sex or status.

The second CLE sponsored by the Equity and Diversity Committee was held on March 3, 2021 in connection with Black History Month and Black Lives Matter. This CLE was facilitated by Angela Simmonds, the Manager of Equity and Access to Justice at the Nova Scotia Barristers' Society. Ms. Simmonds engaged participants in a very enlightening discussion on topics such as equity versus equality and diversity versus inclusion. She also spoke about the concept of "micro-aggression in the form of micro-insults, micro-invalidations and micro-assaults.

As Chair of this committee, I chaired each meeting and in November 2020, participated with Aimee Rowe in a meeting of the Law Societies Equity Network.

In addition to our regular monthly meetings the members of the committee are constantly scanning information from other law societies and organizations around resources and information for and about equity seeking groups.

Much of this Committee's focus will be on continuing to develop interesting and informative continuing education seminars and presentations on topics related to equity and diversity. It is our hope that as we collect more information from the Members about their questions and interests in this area, we will be able to create and deliver helpful and informative continuing legal education material to serve an ever-increasingly diverse membership and population.

AUDITOR'S REPORT AND FINANCIAL STATEMENTS



LAW SOCIETY

Newfoundland & Labrador

**Financial Statements of the
LAW SOCIETY OF NEWFOUNDLAND
AND LABRADOR**

and Independent Auditor's Report thereon

Year Ended December 31, 2020

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

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INDEPENDENT AUDITORS' REPORT

To the Members of the Law Society of Newfoundland and Labrador.

Qualified Opinion

We have audited the financial statements of the Law Society of Newfoundland and Labrador (the Entity), which comprise:

- the balance sheet as at December 31, 2020
- the statement of earnings for the year then ended
- the statement of changes in net assets for the year then ended
- the statement of and cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, except for the possible effects of the matter described in the "***Basis for Qualified Opinion***" section of our auditors report, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2020, and its results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Qualified Opinion

The Lawyer's Insurance Programme derives revenues from transaction levies, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amount recorded in the Lawyer's Insurance Programme.

Therefore, we are not able to determine whether any adjustments might be necessary to:

- the current assets reported in the balance sheet as at end of December 31, 2020 and end of December 31, 2019.



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- the revenues and net earnings reported in the statements of earnings for the years ended end of December 31, 2020 and end of December 31, 2019.
- the unrestricted net assets, at the beginning and end of the year, reported in the statements of changes in net assets for the years ended end of December 31, 2020 and end of December 31, 2019.
- the net earnings reported in the statements of cash flows for the years ended end of December 31, 2020 and end of December 31, 2019.

Our opinion on the financial statements for the year ended December 31, 2019 was qualified accordingly because of the possible effects of this limitation in scope.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the ***“Auditors’ Responsibilities for the Audit of the Financial Statements”*** section of our auditors’ report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity’s ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.



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Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.



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- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Entity's to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

A handwritten signature in black ink that reads 'KPMG LLP'. The signature is written in a cursive, stylized font and is underlined with a single horizontal stroke.

Chartered Professional Accountants
St. John's, Canada
April 14, 2021

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Balance Sheet

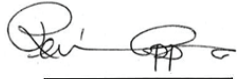
December 31, 2020, with comparative information for 2019


	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2020	2019
Assets							
Current assets:							
Cash and cash equivalents	\$ 254,801	\$ 221,398	\$ 676	\$ -	\$ -	\$ 476,875	\$ 1,240,515
Investments and marketable securities (note 4)	1,948,359	15,817,557	887,238	12,824	-	18,665,978	18,380,537
Accounts receivable - other	22,388	-	-	-	-	22,388	35,939
Trade receivable (net of allowance of \$15,136) (2019 - \$572)	69,707	270,619	-	-	-	340,326	329,885
Receivable from CLIA (note 12)	-	761,119	-	-	-	761,119	-
Prepaid expenses	16,840	180,820	40,477	-	-	238,137	102,805
Interfund balances	(1,320,208)	(1,200)	(100)	-	1,321,508	-	-
	991,887	17,250,313	928,291	12,824	1,321,508	20,504,823	20,089,681
Capital assets (note 5)	724,505	-	-	-	-	724,505	765,157
Claims recovery receivable (note 6)	-	15,768	-	-	-	15,768	18,937
Accounts receivable - other	29,870	-	-	-	-	29,870	24,368
	\$ 1,746,262	\$ 17,266,081	\$ 928,291	\$ 12,824	\$ 1,321,508	\$ 21,274,966	\$ 20,898,143
Liabilities and Net Assets							
Current liabilities:							
Accounts payable and accrued liabilities (note 7)	\$ 142,981	\$ 100,883	\$ -	\$ -	\$ -	\$ 243,864	\$ 307,897
Provision for unpaid claims	13,100	-	-	-	-	13,100	13,100
Reserve for claims and related costs (note 8)	-	3,351,012	-	-	-	3,351,012	3,267,281
	156,081	3,451,895	-	-	-	3,607,976	3,588,278
Net Assets:							
General Fund	1,590,181	-	-	-	-	1,590,181	1,848,061
Lawyers' Insurance Programme	-	13,814,186	-	-	-	13,814,186	13,046,018
Assurance Fund	-	-	928,291	-	-	928,291	1,019,266
Endowment Fund	-	-	-	12,824	-	12,824	12,435
Internally Restricted Fund (note 2)	-	-	-	-	1,321,508	1,321,508	1,384,085
	1,590,181	13,814,186	928,291	12,824	1,321,508	17,666,990	17,309,865
Commitments (note 9)							
Impact of COVID-19 (note 14)							
	\$ 1,746,262	\$ 17,266,081	\$ 928,291	\$ 12,824	\$ 1,321,508	\$ 21,274,966	\$ 20,898,143

See accompanying notes to financial statements.

On behalf of the Benchers:

 President

 Vice President

 Chair of Insurance Programme

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Statement of Earnings

Year ended December 31, 2020, with comparative information for 2019

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2020	2019
Revenue:							
Admission fees (note 10)	\$ 54,525	\$ -	\$ -	\$ -	\$ -	\$ 54,525	\$ 82,575
Annual fees (note 11)	1,540,773	874,400	39,554	-	-	2,454,727	2,472,797
Audit program	76,793	-	-	-	-	76,793	85,489
Bar admission course	58,500	-	-	-	-	58,500	56,250
Continuing legal education	29,527	-	-	-	-	29,527	98,111
Grant - Law Foundation	10,000	-	-	-	-	10,000	16,500
Interest - membership fees	57,401	-	-	-	-	57,401	59,065
Investment income (note 4)	(24,116)	48,211	(11,582)	589	-	13,102	1,309,985
Other income	31,448	-	12	-	-	31,460	25,262
Transaction levy revenue	-	774,935	-	-	-	774,935	802,076
CLIA return of surplus (note 12)	-	761,119	-	-	-	761,119	-
	1,834,851	2,458,665	27,984	589	-	4,322,089	5,008,110
General and administrative expenses:							
Salaries and benefits	1,133,246	359,199	-	-	-	1,492,445	1,376,074
Provision for unpaid claims and related costs	-	845,015	-	-	-	845,015	519,400
Discipline expense	49,613	-	-	-	-	49,613	49,819
CLIA premiums and assessments	-	236,389	-	-	-	236,389	214,663
Miscellaneous expenses	249,450	18,112	25,340	-	3,230	296,132	398,755
Libraries	188,158	-	-	-	-	188,158	196,100
Building operation	157,749	-	-	-	-	157,749	156,118
Custodianship	3,872	4,452	-	-	-	8,324	27,470
Audit program	91,030	-	-	-	-	91,030	95,555
Amortization	105,335	-	-	-	-	105,335	114,642
Insurance	17,008	-	92,663	-	-	109,671	66,690
Professional fees	30,511	19,199	956	-	-	50,666	49,056
Federation of Law Societies' fees	58,139	-	-	-	-	58,139	58,511
Continuing legal education	24,372	-	-	-	-	24,372	39,415
Benchers' convocations and receptions	36,145	-	-	-	-	36,145	62,127
Professional development	12,806	-	-	-	-	12,806	85,655
Actuarial fees	-	60,484	-	-	-	60,484	38,173
PLIAN	-	-	-	-	100,000	100,000	50,000
Professional Assistance Program	-	27,647	-	-	-	27,647	27,096
Bar admission course	14,644	-	-	-	-	14,644	19,597
Scholarships	-	-	-	200	-	200	400
Administration fees	(120,000)	120,000	-	-	-	-	-
	2,052,078	1,690,497	118,959	200	103,230	3,964,964	3,645,316
Net earnings	\$ (217,227)	\$ 768,168	\$ (90,975)	\$ 389	\$ (103,230)	\$ 357,125	\$ 1,362,794

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year ended December 31, 2020, with comparative information for 2019

		General Fund	Lawyers' Insurance Programme		Assurance Fund		Endowment Fund		Internally Restricted Fund (note 2)		2020		2019	
Net assets, beginning of year	\$	1,848,061	\$	13,046,018	\$	1,019,266	\$	12,435	\$	1,384,085	\$	17,309,865	\$	15,947,071
Net earnings		(217,227)		768,168		(90,975)		389		(103,230)		357,125		1,362,794
Transfer to capital asset reinvestment		(40,653)		—		—		—		40,653		—		—
Net assets, end of year	\$	1,590,181	\$	13,814,186	\$	928,291	\$	12,824	\$	1,321,508	\$	17,666,990	\$	17,309,865

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Statement of Cash Flows

Year ended December 31, 2020, with comparative information for 2019

	2020	2019
Cash provided by (used in):		
Operations:		
Net earnings	\$ 357,125	\$ 1,362,794
Items not involving cash:		
Amortization	105,335	114,642
Unrealized loss (gain) on investment	525,396	(825,338)
Change in reserve for claims and related costs	83,731	(546,016)
	1,071,587	106,082
Change in non-cash operating working capital:		
Decrease (increase) in accounts receivable other	13,551	(12,697)
(Increase) decrease in trade receivable	(10,441)	8,060
Increase in receivable from CLIA	(761,119)	-
(Increase) decrease in prepaid expenses	(135,332)	91,756
Increase in accounts receivable non-current	(5,502)	(5,503)
(Decrease) increase in accounts payable and accrued liabilities	(64,033)	123,280
Decrease in claims recovery receivable	3,169	16,186
	111,880	327,164
Investing:		
Proceeds from sales of investments and marketable securities	2,184,700	2,421,833
Purchases of investments and marketable securities	(2,995,537)	(2,289,338)
Purchase of capital assets	(64,683)	(28,165)
	(875,520)	104,330
(Decrease) increase in cash and cash equivalents	(763,640)	431,494
Cash and cash equivalents, beginning of year	1,240,515	809,021
Cash and cash equivalents, end of year	\$ 476,875	\$ 1,240,515

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year ended December 31, 2020

The Law Society of Newfoundland and Labrador (the "Law Society") is a regulatory body for the legal profession in the province. The Law Society is a not-for-profit entity and, as such, is exempt from the payment of income tax.

1. Significant accounting policies:

The financial statements have been prepared by management in accordance with Canadian accounting standards for not-for-profit organizations in Part III of the CPA Canada Handbook.

(a) Fund accounting:

The Law Society records its financial transactions on the fund accounting basis as follows:

(i) General Fund:

Operations include all activities related to the Law Society not directly associated with the Assurance Fund or the Lawyers' Insurance Programme.

(ii) Lawyers' Insurance Programme (the "Programme"):

Operations relate to the administration of professional liability insurance for members of the Law Society whereby professional liability insurance is provided to the members of the Law Society by the Canadian Lawyers' Insurance Association ("CLIA"). The Programme receives contributions from members of the Law Society through annual insurance premiums. In addition, effective October 1, 2005, the Programme commenced the collection of transaction levies. The levies are collected from members of the Law Society on certain legal transactions and are then reported and remitted to the Programme on a quarterly basis.

(iii) Assurance Fund:

Operations relate to providing compensation to individuals who have suffered a loss due to misappropriation of funds or other fraudulent activities by a member.

(iv) Endowment Fund:

The endowment fund holds investments for the purposes of providing scholarships to law students in the province of Newfoundland and Labrador.

(v) Internally Restricted Fund:

Benchers restrict certain funds which are not available without approval from the Benchers.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

1. Significant accounting policies (continued):

(b) Reserve for claims and related costs:

The reserve for claims and related costs is based upon the change from year to year of the claims and related costs. The reserve value is based upon the greater of the Programme's current year estimate of incurred costs of claims and the actuarial computed discounted costs of possible claims for the current year.

The Programme's appointed actuary is engaged to provide an annual valuation of the reserve for claims and related costs in accordance with the standards of practice adopted by the Canadian Institute of Actuaries. For the purpose of the actuarial valuation, the actuary is making use of certain information contained in the Programme's financial records.

Claims and related costs of the Programme are subject to specific maximum limits set out in the insurance policy with CLIA. CLIA's liability is limited to \$1,000,000 per occurrence, and \$2,000,000 in aggregate per policy year. A deductible of \$5,000 is recoverable from the insured member at the time of claim pay-out. Until June 30, 2009 the Programme was responsible for administrative costs but did not retain any responsibility for the indemnification of claims. From July 1, 2009 onward the Programme has been responsible for administrative costs and for the indemnification of claims to specified limits. The limits per claim year are as follows:

Period	Per occurrence	In aggregate
July 1, 2009 - June 30, 2010	\$ 100,000	\$ 900,000
July 1, 2010 - June 30, 2011	100,000	1,000,000
July 1, 2011 - June 30, 2012	200,000	1,350,000
July 1, 2012 - June 30, 2013	200,000	1,375,000
July 1, 2013 - June 30, 2014	200,000	1,400,000
July 1, 2014 - June 30, 2015	300,000	1,600,000
July 1, 2015 - June 30, 2016	300,000	1,675,000
July 1, 2016 - June 30, 2018	300,000	1,305,000
July 1, 2018 - June 30, 2018	300,000	1,365,000
July 1, 2018 - June 30, 2019	300,000	1,500,000
July 1, 2019 - June 30, 2020	300,000	1,400,000
July 1, 2020 - June 30, 2021	300,000	1,360,000

(c) Recoveries:

Recoveries from claims and related costs from insurers and other parties are recorded when they can be reasonably estimated, and collectability is reasonably assured. Otherwise, the recovery is recorded when received.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

1. Significant accounting policies (continued):

(d) Provision for unpaid claims:

Lawyers' Professional Indemnity Company ("LawPRO") is an insurance company that is licensed to provide professional liability insurance and the title insurance in numerous jurisdictions across Canada. This insurance applies to acts or omissions committed by an insured in connection with his/her practice as a member of the Law Society, provided the original claim or suit for damages is brought during the policy period.

The 2003 and 2004 insurance program insures all practicing members up to \$1,000,000 per claim, after an individual deductible of at least \$5,000 per member per claim, to a maximum annual limit of \$2,000,000 per insured.

The program is responsible for all claims and legal and adjusting expenses above the members' deductible and has arranged for 90% quota share reinsurance above the members' deductible, retaining the other 10% for its own account for claims relating to 2003. For claims relating to 2004 the program has arranged for 80% quota share reinsurance above the members' deductible, retaining the other 20% for its own account. The Law Society has agreed to share equally in this 10% and 20% retention.

The determination of the provisions for unpaid claims includes reported claims, legal and adjusting fees, less recoveries.

(e) Cash and cash equivalents:

Cash and cash equivalents consist of cash and short-term investments with a maturity of less than 90 days.

(f) Revenue recognition:

The Law Society follows the restricted fund method of accounting for revenue which include annual fees, admission fees, and other fees for education and trust audits, grants, and investment income. Revenue from annual fees are recognized in the general fund over the course of the calendar year. Revenue from insurance and assurance premiums are recognized in the Lawyers' Insurance Programme and General Assurance Program, respectively, as they are earned. Revenue from various other services provided by the Law Society, are recognized in the general fund over time as the services are provided. Investment income is recognized in the corresponding fund in the period in which it is earned.

Unrestricted revenue is recognized in the general fund when it is received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Endowment contributions are recognized as revenue in the endowment fund in the period in which they are received.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

1. Significant accounting policies (continued):

(g) Financial instruments:

Financial instruments are recorded at fair value on initial recognition. Equity instruments that are quoted in an active market are subsequently measured at fair value. All other financial instruments are subsequently recorded at cost or amortized costs, unless management has elected to carry any such financial instruments at fair value.

Transaction costs incurred on the acquisition of financial instruments measured subsequently at fair value are expensed as incurred.

Financial assets are assessed for impairment on an annual basis at the end of the fiscal year if there are indicators of impairment. If there is an indicator of impairment, the Law Society determines if there is a significant adverse change in the expected amount or timing of future cash flows from the financial asset. If there is a significant adverse change in the expected cash flows, the carrying value of the financial asset is reduced to the highest of the present value of the expected cash flows, the amount that could be realized from selling the financial asset or the amount the Law Society expects to realize by exercising its right to any collateral. If events and circumstances reverse in a future period, an impairment loss will be reversed to the extent of the improvement, not exceeding the initial carrying value.

(h) Use of estimates:

The preparation of the financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the year. Items subject to such assumptions include collectability of trade receivables, and claims recovery receivable, the useful life of capital assets, reserve for claims and related costs, and provision for unpaid claims. Actual results could differ from those estimates.

(i) Capital assets:

Capital assets are stated at cost, less accumulated amortization. Amortization is provided using the following methods and annual rates:

Asset	Basis	Rate
Building	Straight line	4%
Furniture and equipment	Declining balance	25%
Software	Declining balance	25%

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

2. Internally Restricted Fund:

Internally restricted funds consist of the following:

- \$547,338 for capital asset reinvestment (2019 - \$506,685)
- \$274,170 for strategic initiatives (2019 - \$377,400)
- \$500,000 for future operations (2019 - \$500,000)

These internally restricted amounts are not available for other purposes without approval by the Benchers.

3. Trust Account:

The Law Society holds a trust account which represents cash received from law firms for funds unclaimed in trust accounts. At the balance sheet date, the amounts received from law firms and held in trust was \$256,791(2019 - \$265,424). The Law Society holds these funds until such time as they are claimed to a maximum period of 10 years after which unclaimed funds are turned over to the Law Foundation.

4. Investments and marketable securities:

Fixed income investments certificates are measured at fair value which is equal to cost plus accrued interest. Equity instruments and mutual funds holdings are measured at fair value.

	2020	2019
Fixed income	\$ 9,786,935	\$ 9,920,010
Equities	2,828,795	2,860,357
Mutual funds	5,643,896	5,195,983
Other	406,352	404,187
	\$ 18,665,978	\$ 18,380,537

Included in investment income is interest income of \$153,982 (2019 - \$218,009), dividend income of \$193,250 (2019 - \$187,136), unrealized gains (losses) of \$(525,396) (2019 - \$825,338) and realized gains on the disposal of marketable securities of \$191,266 (2019 - \$79,502).

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

5. Capital assets:

			2020	2019
	Cost	Accumulated amortization	Net book value	Net book value
Land	\$ 73,429	\$ –	\$ 73,429	\$ 73,429
Building	1,935,376	1,432,745	502,631	580,047
Furniture and equipment	430,717	363,349	67,368	89,824
Software	97,045	15,968	81,077	21,857
	\$ 2,536,567	\$ 1,812,062	\$ 724,505	\$ 765,157

6. Claims recovery receivable:

	2020	2019
Non-interest bearing receivable to be received in monthly installments of \$1,000.	\$ 15,000	\$ 18,000
Promissory note to be received in blended monthly payments of \$400 including interest at 3.5% until the balance is paid in full.	12,937	17,203
	27,937	35,203
Less current portion (included in trade receivable)	12,169	16,266
	\$ 15,768	\$ 18,937

7. Accounts payable and accrued liabilities:

As at December 31, 2020 there was \$nil (2019 - \$3,541) payroll related taxes included in accounts payable and accrued liabilities.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

8. Reserve for claims and related costs:

	2020	2019
Provision for claims and related costs		
beginning of year	\$ 3,267,281	\$ 3,813,297
Current year expense	845,015	519,400
Claims and related costs paid during the year	(761,284)	(1,065,416)
	\$ 3,351,012	\$ 3,267,281

As at December 31, 2020, the outstanding claims liabilities, calculated by the Programme's actuaries in accordance with the standards of practice of the Canadian Institute of Actuaries, were as follows:

	2020	2019
Discounted damages and defence costs	\$ 2,439,134	\$ 2,428,581
Discounted adjusting and counselling fees	235,612	203,363
Discounted internal claim administration expenses	307,596	277,871
	2,982,342	2,909,815
Provision for adverse deviation	340,733	333,966
Discounted receivable	27,937	23,500
Total discounted liabilities plus provision for adverse deviation	\$ 3,351,012	\$ 3,267,281

The liabilities have been discounted at a rate of 2.00% (2019 - 2.50%). The provision for adverse deviation for 2020 and 2019 includes a margin of 25 to 200 basis points on the discount rate and 2.5% to 20% on the claims development variables. There is no active market for the trading of claims liabilities, however the present value of the actuarial claims liabilities, including provision for adverse deviation is considered an indicator of fair value.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

9. Commitments:

The Law Society has equipment and building leases with the following annual lease payments:

2021	\$	7,668
2022		5,803
2023		2,076
2024		2,706
2025		1,557

The Law Society has also committed to providing the Public Legal Information Association of NL ("PLIAN") with funding in the amount of \$100,000 per year for the next two years, subject to good financial stewardship.

10. Admission fees:

Admission fees consist of the following:

	2020	2019
Articled clerks	\$ 6,900	\$ 5,700
Call to bar	20,625	31,875
Certificate of standing	4,500	5,000
Transfers	22,500	40,000
	\$ 54,525	\$ 82,575

11. Annual fees:

Annual fees consist of the following:

	2020	2019
Assurance Fund annual membership fee	\$ 39,554	\$ 39,188
Law Society annual membership fee	1,464,908	1,456,050
Federation fees	47,465	47,025
Professional law corporation fees	28,400	29,800
Insurance premiums	874,400	900,734
	\$ 2,454,727	\$ 2,472,797

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

12. Equity in Canadian Lawyers' Insurance Program:

The Programme is a subscriber to the CLIA, a reciprocal insurance exchange through which the law societies of six provinces and three territories (or their associated liability insurance entities) enter into agreements of mutual indemnification. CLIA maintains separate reserves for each participating entity with regards to risks assumed, and the Programme has an interest in the surpluses of these reserves. CLIA prepares annual Subscriber Accounts as of December 31, which represents the end of their fiscal year, which are reviewed and approved by CLIA's Advisory Board. These accounts include a reserve for claims liabilities on a discounted basis. The Subscribers Accounts of CLIA in respect of Part A coverage as of December 31, 2020 show the Programme's subscriber's equity to be \$2,382,850 (2019 - \$1,736,725) of which \$761,119 is recorded as recoverable as of December 31, 2020 (2019 - \$nil). The Subscribers Accounts of CLIA in respect of Part C coverage as at December 31, 2020 show the Programme's subscriber's equity to be \$225,201 (2019 - \$89,145), of which \$nil is recorded as recoverable as of December 31, 2020 (2019 - \$nil).

13. Financial risks:

Financial instruments consist of cash and cash equivalents, accrued claims recovery, trade receivable, other receivables, investments and marketable securities, accounts payable and accrued liabilities, and provision for unpaid claims. Investments and marketable securities are carried at fair value, and all other financial instruments approximates their carrying amounts due to their short-term maturity and liquidity.

Risk management relates to the understanding and active management of risks associated with all areas of the business and the associated operating environment. Financial instruments are primarily exposed to interest rate volatility, credit and liquidity risk.

(a) Credit risk:

Financial instruments which potentially subject the Law Society to credit risk consist primarily of cash and cash equivalents, accrued claims recovery, trade receivables, other receivables, investments and marketable securities. The Law Society limits the amount of credit exposure with its cash balances by only maintaining cash with major Canadian financial institutions. Credit exposure is minimized by dealing with only credit worthy counter parties and monitoring cash payments.

(b) Interest rate risk:

Interest rate risk refers to the impact of future changes in interest rates on cash flows and fair values of assets and liabilities. Interest rate changes directly impact the fair value of fixed income securities. Interest rate changes will also have an indirect impact on the other investments and marketable securities. The Law Society uses investment diversification to manage this risk.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2020

13. Financial risks (continued):

(c) Liquidity risk:

Liquidity risk is the risk that the Law Society will not be able to meet its cash requirements in a timely and cost-effective manner. Liquidity requirements are managed through the receipt of funds from the Law Society's various revenue sources. These sources of funds are used to pay operating expenses.

14. Impact of COVID-19:

In March 2020, the COVID-19 outbreak was declared a pandemic by the World Health Organization and has had a significant financial, market and social dislocating impact. At the time of approval of these financial statements, The Law Society has undertaken the following activities in relation to the COVID-19 pandemic:

- required staff to work from home and limited travel in accordance with public health guidelines;
- deferred the requirement for filing of transaction levy reports and remittances for the first and second quarter of 2020 to the end of the third quarter; and,
- dispensed with fees charged in relation to Continuing Legal Education offered by the Law Society from June through the end of 2020.

Financial statements are required to be adjusted for events occurring between the date of the financial statements and the date of the auditors' report which provide additional evidence relating to conditions that existed at year end. Management has assessed the financial impacts of COVID-19 and the impacts on the 2020 year have been reflected in the financial statements. The ongoing pandemic may continue to have an impact on future operations and an estimate of the financial effect is not practicable at this time.

