



**13 DECEMBER 2021
IN PUBLIC BENCHERS' CONVOCATION**

MINUTES OF THE DECEMBER TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD BOTH IN-PERSON AT THE ALT HOTEL IN ST. JOHN'S, NEWFOUNDLAND AND LABRADOR, AND VIA ZOOM, ON MONDAY, THE 13th DAY OF DECEMBER 2021, COMMENCING AT 9:30 A.M.

NOTE: THIS MEETING TOOK PLACE BOTH IN-PERSON AND VIA VIDEOCONFERENCE AS A PUBLIC HEALTH STATE OF EMERGENCY WAS IN EFFECT AS A RESULT OF THE COVID-19 PANDEMIC.

The following Benchers were present:

Elective Benchers: Renée L.F. Appleby, President
 Ann Martin, Past-President
 Suzanne Orsborn, Vice-President
 Scott Worsfold
 Gladys Dunne
 Brenda Duffy, QC
 Valerie Hynes
 Michael Ladha
 Kimberley Mackay
 Denis Mahoney
 Carey Majid
 James E. Merrigan, QC
 Desmond Jagger Parsons
 Jonathan Regan
 David Williams
 Doug Wright
 Rod Zdebiak

Appointed Benchers: Ross Elliott
 Linda Harnett

Glenda Reid
Allan Skanes

Regrets: Lauren Chafe

Law Society Staff: Brenda B. Grimes, QC
Aimee N. Rowe

The President stated that a notice of the Benchers' Convocation was provided to all Benchers in accordance with the Rules of the Law Society. A quorum of Elective Benchers and Lay Benchers being present, the President declared the Convocation regularly constituted.

INTRODUCTORY MATTERS

1. **Welcome and Land Acknowledgement**

The President welcomed everyone to the meeting and formally acknowledged that the Island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq.

She also noted that this is the first in-public meeting of Benchers and acknowledged the public attendees.

2. **Excusal of Benchers unable to attend Convocation**

*On Motion by Valerie Hynes and seconded by Allan Skanes: that Benchers unable to attend Convocation be excused. **CARRIED.***

3. **Motion to move any agenda Item to the In Camera Agenda**

There was no motion.

4. **Consent Agenda**

Reports from Committees

Equity and Diversity Committee – Work Plan

Real Estate Committee – Work Plan

*On Motion by Gladys Dunne and seconded by Scott Worsfold: that the Consent Agenda be approved. **CARRIED.***

5. Adoption of Agenda

*On Motion by Michael Ladha and seconded by Valerie Hynes: that the Agenda be adopted. **CARRIED.***

ITEMS FOR DECISION/DISCUSSION

6. Strategic Planning Work Plan

General Discussion

The Executive Director, Brenda Grimes, QC, gave an overview of the status of the outstanding strategic priorities/initiatives as follows:

Strategic Work Plan		
Priority	Initiative	Status
Promote and Protect Equity and Diversity	Ensure Benchers, staff and committee members have appropriate bias training	<ul style="list-style-type: none">• Equity and Diversity Committee will present options paper at Benchers' Meeting of 14 February 2022
	Consider how to address boundary violations and harassment in the legal profession and ensure staff have appropriate training to deal with related reports	<ul style="list-style-type: none">• Jurisdictional scan has been completed• Options paper to be presented June 2022

Enhance Public Engagement and Communication	Increase transparency	<ul style="list-style-type: none"> Initiative regarding transparency of Benchers' meetings, agenda and minutes is completed and implemented as of the date of this meeting
	Improve communications and engagement with the public	<ul style="list-style-type: none"> Have hired a communications specialist who is reviewing the Law Society's website. Have been in contact with PLIAN regarding possible collaboration and, as a result, Benchers have participated in meetings providing an overview of the Law Society's work Have had 3 seminars relating to the Gladue reports
Enhance Competence	Implement technology training	<ul style="list-style-type: none"> Education Committee completing a jurisdictional scan that will be presented in April 2022
	Enhance articling program	<ul style="list-style-type: none"> Education Committee has conducted an articling survey and are reviewing the results Changes to the articling program previously approved will take effect January 2022
	Enhance Bar Admission Course	<ul style="list-style-type: none"> Proposal not anticipated until

		December 2022 as Education Committee is considering how the course is offered in other jurisdictions
Promote Reconciliation with Indigenous People	Continue to promote truth and reconciliation	<ul style="list-style-type: none"> • Indigenous Education and Action Committee is considering how to address calls to action • Initiative to develop partnerships with Indigenous groups has continued to move forward – have now had contact with all Indigenous groups in Province
Increase Organizational Effectiveness	Refine library resources	<ul style="list-style-type: none"> • Library Committee has conducted a survey and is considering the results

Insurance Committee Options Paper – Strategic Priority: Promote Health and Wellness – Strategic Initiative: Develop Programs/Initiatives that Promote Health and Wellness

Benchers were provided with a memo from the Insurance Committee requesting that they approve the following initiatives:

- i) the development of a wellness toolbox for members (to post on the Law Society's website);
- ii) the development of a confidential survey to identify what mental health resources would be beneficial for members; and
- iii) the development of a mandatory wellness CLE (in consultation with the Education Committee).

The Chair of the Insurance Committee, Rod Zdebiak, noted that the Committee completed a jurisdictional scan before presenting the options paper. He also noted that the Committee hopes that the development of the resources and a mandatory wellness CLE will help to destigmatize mental health issues.

On Motion by and seconded by Rod Zdebiak and seconded by Gladys Dunne, that Benchers approve:

- i) That the LSNL Website be updated to include the Wellness Toolbox developed by the LSNL;*
- ii) That the LSNL develop a confidential survey addressed to all members which intends to identify other health, wellness and addiction resources that would be of benefit to members, their staff and their families; and*
- iii) That, following consultation with the Education Committee, the LSNL offer a mandatory CLE in 2022 similar to the Homewood presentation given annually during the Bar Admissions Course. The CLE would also introduce the Wellness Toolbox and circulate the confidential survey to members for completion. **CARRIED.***

7. Education Committee Report: Transfers under NMA and Call to Bar Minutes

Transfers under the National Mobility Agreement

Benchers were asked to approve the following transfers under the NMA:

Brent H. Vallis
Michael J. Blanchard

*On Motion by Desmond Jagger Parsons and seconded by Allan Skanes: that the transfers under the NMA be approved. **CARRIED.***

Call to Bar Minutes – 8 October 2021

*On motion by Desmond Jagger Parsons and seconded by Scott Worsfold: that the minutes from the 8 October 2021 Call to Bar be approved. **CARRIED.***

8. Amendments to the Publication Policy

Benchers were provided with a report recommending amendments to the Publication Policy that:

- i) remove redundancies that arose from the amendments to the Discipline Rules; and*

- ii) provide for broader publication in accordance with the recent amendments to the *Law Society Act, 1999*.

*On Motion by Denis Mahoney and seconded by Gladys Dunne: that Benchers approve the draft Professional Responsibility – Publication of Discipline Proceedings Policy. **CARRIED.***

ITEMS FOR INFORMATION

9. **President's Report**

A report was provided. The President noted that she recently spoke at an access to justice forum on the challenges to practicing law in rural areas and how those challenges are growing.

There were no questions arising.

10. **Education Committee Report – Notice of Resumption of Practicing Status**

A report was provided. There were no questions arising.

11. **PLIAN Annual Core Funding Report 2021**

The Executive Director of PLIAN, Kevin O'Shea, provided a written report. There were no questions arising.

12. **Inquiry – Strategic Priority: Openness, Transparency and Confidentiality of Benchers' Meetings, Agendas and Minutes**

The President noted that an inquiry had been received from a member and that it will be placed on the 14 February 2022 agenda for discussion.

CONCLUDING MATTERS

13. **Other Business**

There was no other business arising.

14. **Adjournment**

The President noted that Benchers would move to the *in-camera* portion of the meeting and that the public portion of the Benchers' Meeting was adjourned.

RENÉE APPLEBY