



LAW SOCIETY

Newfoundland & Labrador

14 FEBRUARY 2022 IN PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE WINTER TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD VIA VIDEOCONFERENCE ON MONDAY, THE 14TH DAY OF FEBRUARY 2022, COMMENCING AT 9:30 A.M.

NOTE: THIS MEETING TOOK PLACE 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
 Lauren Chafe
 Brenda Duffy, QC
 Valerie Hynes
 Michael Ladha
 Kimberley Mackay
 Denis Mahoney
 Carey Majid
 Jonathan Regan
 Doug Wright
 Rod Zdebiak

Appointed Benchers: Ross Elliott
 Linda Harnett
 Glenda Reid
 Allan Skanes

Regrets: James E. Merrigan, QC
Desmond Jagger Parsons
David Williams

Law Society Staff: Brenda B. Grimes, QC
Aimee N. Rowe
Lori Chafe (for agenda item #9)

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.

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

*On Motion by Valerie Hynes and seconded by Ross Elliott: 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

Honours and Awards Committee Report

The Chair of the Honours and Awards Committee, Linda Harnett, noted that the report is provided for information only.

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

5. **Adoption of Agenda**

*On Motion by Allan Skanes and seconded by Suzanne Orsborn: that the Agenda be adopted. **CARRIED.***

ITEMS FOR DECISION/DISCUSSION

6. **Strategic Planning Work Plan**

Strategic Initiative - Ensure Benchers Staff and Committee Members Have Appropriate Bias Training

Benchers were provided with a memo from the Equity and Diversity Committee recommending that Benchers approve a bias training program in furtherance of the strategic initiative to ensure Benchers, staff and committee members have appropriate bias training.

*On Motion by Doug Wright and seconded by Lauren Chafe: that Benchers approve the Bias Training Proposal put forward by the Equity and Diversity Committee, which includes a 2-hour unconscious bias seminar and six 1-hour presentations from members of different equity seeking groups and that Benchers set aside the time for each at upcoming Benchers' Meetings as required. **CARRIED.***

General Discussion

The Executive Director, Brenda Grimes, QC noted that some of the timelines outlined in the strategic plan will be adjusted due to delays in third-party information requests (survey results, jurisdictional scans), other pressing matters taking precedence and the nature of the initiative itself (ongoing). She noted, however, that the plan is designed to be implemented over a four-year period and that there has been and will continue to be significant progress with respect to all initiatives.

Ms. Grimes advised that a new Communications Specialist has joined the Law Society and has already made great progress.

Benchers discussed generally the initiative of advocating for increased technology in court operations and noted that some other jurisdictions are utilizing online platforms for estate matters and filings.

The President thanked Ms. Grimes for her thorough report.

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

Certificates of Fitness

Benchers were asked to approve Certificates of Fitness for:

Sonya Leigh Vey
Michael Thomas Charles Williams
Benjamin Roderick Keith French
Colleen Siobhan Roach
Anna Clare Morgan
Jacob Marian Kyle Elyk
Richard Francis Cahill
Adrienne Blair Janes
Rafe Dursley-Radford
Brent Howard Vallis
Michael Joseph Blanchard

*On Motion by Allan Skanes and Seconded by Brenda Duffy: that the Certificates of Fitness be approved. **CARRIED.** (Kimberley Mackay abstained from this vote).*

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

Benchers were provided with an inquiry from a member requesting that Benchers consider allowing attendees at public Benchers’ meetings to speak and/or ask questions.

The President noted that other law societies do not permit participation at public Benchers' meetings.

Benchers agreed that the purpose of proceeding with public meetings is to encourage transparency and accountability, but that it would be administratively inefficient and perhaps unwieldy to allow members to participate in Benchers' meetings.

No motion was made to amend the Openness, Transparency and Confidentiality Policy or the procedure for the public portion of Benchers' meetings.

9. Amendments to Rule V for Trust Compliance Auditor

Benchers were provided with a memo that outlined draft amendments to Rule V and, in particular, amendments to the definition of "accountant".

The Director of Professional Responsibility advised that the amendments, as proposed, would relieve unnecessary licensure requirements for the new Trust Compliance Auditor position.

On Motion by Glenda Reid and seconded by Doug Wright: that Benchers approve amendments to the definition of "accountant" found at Rule 5.01 as follows:

"accountant" means

- (i) the Society's Trust Compliance Auditor; or
- (ii) another person retained or approved by the Society to carry out the functions of an accountant under these rules who is licenced as a public accountant by the Association of Chartered Professional Accountants of Newfoundland and Labrador.

CARRIED.

ITEMS FOR INFORMATION

10. President's Report

A report was provided. The President congratulated Michael Ladha and Carey Majid for their recent Queen's Counsel appointments. Benchers, in turn, congratulated the President for her appointment.

There were no questions arising.

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

A report was provided. There were no questions arising.

12. **Benchers' Minutes – For Public – 13 December 2021**

The minutes were provided. They were previously approved by Benchers for posting on the Law Society's website in advance of this meeting in accordance with the Openness, Transparency and Confidentiality Policy.

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.

*On Motion by Scott Worsfold and seconded by Gladys Dunne: that the in public portion of the Benchers' meeting be adjourned. **CARRIED.***

RENÉE APPLEBY

