



LAW SOCIETY

Newfoundland & Labrador

11 APRIL 2022
IN PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE SPRING TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD VIA VIDEOCONFERENCE ON MONDAY, THE 11TH DAY OF APRIL 2022, COMMENCING AT 1:00 P.M.

The following Benchers were present:

Elective Benchers:	Renée L.F. Appleby, QC President Ann Martin, Past-President Suzanne Orsborn, Vice-President Scott Worsfold Gladys Dunne Lauren Chafe Brenda Duffy, QC Valerie Hynes, QC Desmond Parsons Michael Ladha, QC Kimberly Mackay Carey Majid, QC James E. Merrigan, QC Alex Templeton David Williams Doug Wright Rod Zdebiak
Appointed Benchers:	Ross Elliott Linda Harnett Glenda Reid Allan Skanes
Regrets:	Jonathan Regan

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.

2. Excusal of Benchers unable to attend Convocation

The President welcomed new Bencher, Alex Templeton. There were brief introductions.

On Motion by Valerie Hynes, QC and seconded by Gladys Dunne: 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

On Motion by Brenda Duffy, QC and seconded by Kimberly Mackay: that the Consent Agenda be approved. CARRIED.

5. Adoption of Agenda

On Motion by Brenda Duffy, QC and seconded by Kimberly Mackay: that the Agenda be adopted. CARRIED.

ITEMS FOR DECISION/DISCUSSION

6. Strategic Planning Work Plan

Strategic Initiative – Enhance and Clarify Governance Structure – Skills Matrix (Elected and Appointed Benchers)

Benchers were provided with a memo that included a jurisdictional scan relating to the use of skills matrices for Benchers across the country and draft skills matrices for both elected and appointed Benchers. General Counsel noted that the matrices would help promote: i) merit-based appointments; and ii) increased diversity at the Benchers' table.

It was noted that the matrices would also be helpful: i) as a self-assessment tool to identify areas where Benchers require/desire more training; and ii) in highlighting the skills/knowledge that is desired from Benchers running for election.

Benchers recommended several amendments to the matrices and directed that they be presented again at the 10 June 2022 Benchers' Meeting.

General Discussion

The Executive Director, Brenda Grimes, QC, noted that work on the strategic initiatives identified in the Strategic Work Plan is progressing and that, while some timelines in the Plan will require adjustment (due to external factors), it is anticipated they will be complete prior to the end date of the Plan (2024).

She further noted that the new Trust Compliance Auditor had commenced employment with the Law Society and that the new Communications Specialist is settling well in her new position.

7. **Education Committee Report:**

Call to Bar Minutes

On Motion by Desmond Jagger Parsons and seconded by Allan Skanes: that the minutes from the 18 February 2022 Call to Bar be approved. CARRIED.

8. **Temporary Alternate Witnessing of Documents Act - Inquiries**

Benchers were provided with a memo outlining the Law Society's involvement with the development of the *Temporary Alternate Witnessing of Documents Act* (the "Act") as well as a copy of several inquiries received from members and the Canadian Bar Association relating to the remote witnessing of documents. Benchers were asked to consider what, if any, steps they may wish to take to lobby the Provincial Government for permanent change in this regard.

Benchers agreed that the Act had a positive impact on access to justice in the Province, particularly for members of the public living in rural areas and those that are immunocompromised.

It was noted that the pandemic highlighted the importance of incorporating technology in the legal field; and that the profession should not move backward in this regard.

Benchers requested that staff draft a letter to the Minister of Justice and Public Safety, highlighting the importance of providing an alternate to in-person witnessing of documents (with the proper safeguards).

9. **Publication Policy – Inquiry from Member**

Benchers were provided with a memo from the Executive Director outlining: i) Benchers' past consideration of the issue of publication of disciplinary decisions; ii) a jurisdictional scan of the policies around publication of disciplinary decisions across the country; and iii) an inquiry from a member regarding the publication of discipline decisions on the Law Society's website.

Benchers noted that putting a timeline on the publication of disciplinary decisions is inconsistent with Benchers' commitment in the Strategic Work Plan to increase transparency and accountability. The fact that a member is deceased does not

impact the precedential value of a decision and should not impact its publication. Further, it would not be administratively efficient to remove decisions from the Law Society's website. And finally, all disciplinary decisions are forwarded to CanLII for publication.

On Motion by Brenda Duffy, QC and seconded by Valerie Hynes, QC: that, having considered the information presented with respect to past practice and the practice in other jurisdictions, the mandate of the Law Society, and the strategic priorities of the Law Society, the Benchers deny the request to amend the Publication Policy to limit the number of years that disciplinary decisions should remain on the website. CARRIED.

10. Rule Changes – Order of Proceedings for Convocations

Benchers were provided with a memo outlining proposed Law Society Rule amendments, specifically to Law Society Rule 2.07 and 2.10. The amendments are intended to: i) remove the “order of procedures at convocation”; and ii) provide that the President has the authority to control the contents of the agenda (with provision for Bencher oversight).

The President noted that the numerous inquiries relating to the publication of discipline decisions highlighted the need to have the Rules reflect the process for the development of Benchers' agendas. It is imperative that members appreciate that they do not control Benchers' agendas, as Benchers are representatives “of” not “for” members.

On Motion by Alex Templeton and seconded by Gladys Dunne: that the Benchers approve the deletion of Rule 2.07, the proposed amendments to Rule 2.10 and any Rule numbering changes arising therefrom. CARRIED.

ITEMS FOR INFORMATION

11. President's Report

A report was provided. There were no questions arising.

12. Education Committee Report – Notice of Resumption of Practicing Status

A report was provided. There were no questions arising.

13. Benchers' Minutes – For Public – 14 February 2022

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

14. Other Business

There was no other business arising.

15. 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 Gladys Dunne and seconded by Glenda Reid: that the in public portion of the Benchers' meeting be adjourned. CARRIED.

RENÉE APPLEBY, QC