



LAW SOCIETY

Newfoundland & Labrador

26 September 2022 IN PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE FALL TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD AT THE OFFICES OF THE LAW SOCIETY AND VIA VIDEOCONFERENCE ON FRIDAY, THE 26TH DAY OF SEPTEMBER 2022, COMMENCING AT 9:30 A.M.

The following Benchers were present:

Elective Benchers:

Suzanne Orsborn, President
Renée L.F. Appleby, KC, Past-President
Scott Worsfold, Vice-President
Gladys Dunne
Brenda Duffy, KC
Valerie Hynes, KC
Carey Majid, KC
Sheilagh Murphy, KC
Dean Porter
Alex Templeton
David Williams
Doug Wright

Appointed Benchers:

Ross Elliott
Linda Harnett
Glenda Reid
Allan Skanes

Regrets:

Lauren Chafe
Michael Ladha, KC
Desmond Parsons
Jonathan Regan
Rod Zdebiak

Law Society Staff: Brenda B. Grimes, KC
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 and recognized the Inuit of Nunatsiavut and NunatuKavut and the Innu of Nitassinan, and their ancestors, as the original people of Labrador.

New Benchers were welcomed to the meeting and introductions were made.

2. Excusal of Benchers unable to attend Convocation

*On Motion by David Williams 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

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

5. **Adoption of Agenda**

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

ITEMS FOR DECISION/DISCUSSION

6. **Education Committee Report:**

Certificates of Fitness

Benchers were asked to approve Certificates of Fitness for:

Morgan Jean Wilcox
Blaine Jacobus Cowan
Zachary Wian Michael Roberts
Michael Joseph Bourgeois
Karen Marie Holloway
Sylvie Isabelle Michaud, KC
Andrew Philip Weber
Amanda Kelly Brown

*On Motion by Allan Skanes and seconded by Valerie Hynes, KC: that the Certificates of Fitness be approved. **CARRIED.***

7. **Strategic Planning Work Plan**

***Strategic Work Plan – Enhance and Clarify Governance Structure –
Develop a Governance Structure Policy – Outline Options for the
Composition of Benchers***

Benchers were provided with a memo from the Executive Director outlining options for the composition of Benchers, and in particular options with respect to the number of Benchers, the number of Lay Benchers, and how to best promote the diversity of Benchers. An amendment to the composition of the Executive Committee to allow for a Lay Bencher was also proposed.

The Executive Director noted that changing the composition of Benchers would require amendments to the *Law Society Act, 1999*, but that changes to the composition of the Executive Committee could be accomplished through Law Society Rule amendments.

It was highlighted that several Law Society committees require the appointment of a Lay Bencher; the requirement that one serve on the Executive Committee may cause undue pressure on the Lay Benchers' time.

Benchers agreed that:

1. The Law Society should lobby the provincial government for legislative amendments to provide for the appointment of additional Lay Benchers;
2. Lay Benchers should be permitted to audit Executive Committee Meetings to determine, based on the current composition of Benchers, whether any would have the time needed to contribute to the Committee's work; and
3. Diversity is promoted by the requirement of regional representation and that the skills matrix should continue to be used to promote diversity in vacancy appointments and in the appointment of Lay Benchers (as it has been sent to the Committee responsible for appointing Lay Benchers).

Benchers directed that Law Society staff:

1. prepare a letter to the Minister of Justice and Public Safety requesting amendments to the *Law Society Act, 1999* to provide for the appointment of additional Lay Benchers; and
2. review the Terms of Reference for each Law Society Committee to ensure: i) the Committee is justified in its existence by delivering value to the Law Society; ii) the Committee's composition accords with its Terms of Reference.

Strategic Work Plan – Enhance Public Engagement and Communication – Improve Communications and Engagement with the Public – Consider How to Utilize and Improve LSNL's Website and/or Other Communications tools to Increase Transparency and Communications

Benchers were provided with a memo from the Executive Director requesting approval of the draft LSNL Communications Plan along with its supporting documents, including the: i) Social Media Policy; ii) Social Media Procedure; and iii) website and communications recommendations.

The Executive Director acknowledged the contributions that the Law Society's new Communications Specialist, Amelia White, made to the draft documents. She added that the Communications Plan provides a framework of policies and procedures that Benchers can approve and that staff can follow.

On Motion by Allan Skanes and seconded by Alex Templeton: that Benchers approve the Communications Plan along with i) Social Media Policy; ii) Social Media Procedure; and, iii) website and communications recommendations and that Benchers authorize the Executive Director to approve amendments/communications, consistent with the Communications Plan, deemed necessary or desirable. CARRIED.

General Discussion

Benchers were provided with a copy of the Strategic Work Plan with an updated status section.

The Executive Director, Brenda Grimes, KC, noted that under the Strategic Priority Enhance Competence is an initiative to implement technology training. The Director of Admissions and Education has completed the related jurisdictional scan and noted that no jurisdictions have implemented compulsory technology training. She added that the Director has recommended that this initiative be implemented through the continuing professional development program. Benchers agreed that this is an appropriate approach and that the initiative could be noted as "complete" on the Strategic Work Plan.

Ms. Grimes further noted that under the Strategic Priority Increase Organizational Effectiveness is an initiative to Enhance the Trust Audit Program, which requires a jurisdictional scan of the program in other countries and an options paper for June, 2023. Ms. Grimes suggested that the timeline may require adjustment due to the departure of our newly hired Trust Compliance Auditor and the challenges being faced in recruiting for the position.

Finally, Ms. Grimes noted that under the Strategic Priority Promote Access to Justice is an initiative to Advocate for Increased Technology in Court Operations, which is stalled due to an inability to get the information from the Court. The matter will be discussed with the Access to Justice Committee but may have to be removed from the Plan.

Benchers inquired about the status of lobbying for the permanency of the *Temporary Alternate Witnessing of Documents Act*. General Counsel noted that the government appeared to be open to the concept and that she would follow up on the issue.

ITEMS FOR INFORMATION

8. President's Report

A report was provided. There were no questions arising.

9. Education Committee Report – Notice of Resumption of Practicing Status and Transfers under the National Mobility Agreement

A report was provided. There were no questions arising.

10. Benchers' Minutes – For Public – 10 June 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

11. Other Business

There was no other business arising.

12. 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 Allan Skanes and seconded by Sheilagh Murphy, KC: that the in-public portion of the Benchers' meeting be adjourned. **CARRIED.***

SUZANNE ORSBORN