



LAW SOCIETY

Newfoundland & Labrador

**16 December 2022
IN PUBLIC BENCHERS' CONVOCATION**

MINUTES OF THE DECEMBER 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 16TH DAY OF DECEMBER 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 Rod Zdebiak (until 10:45 a.m.) Lauren Chafe Brenda Duffy, KC Valerie Hynes, KC Michael Ladha, KC Carey Majid, KC Sheilagh Murphy, KC Dean Porter Jonathan Regan David Williams Doug Wright
Appointed Benchers:	Ross Elliott Linda Harnett Glenda Reid Allan Skanes
Regrets:	Desmond Parsons Alex Templeton
Law Society Staff:	Brenda B. Grimes, KC

Aimee N. Rowe
Nakita Ryan (for Agenda Item #6)

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 noted that Joseph Naytowhow, a Plains/Woodland Nehiyaw (Cree) Elder from the Sturgeon Lake First Nation Band, attended at the opening ceremony at the Federation of Law Societies of Canada (the "Federation") conference in October, to speak of his experiences, share stories of his culture and sing songs in his Cree language. Joseph Naytowhow grew up in residential schools.

The President noted that listening to Mr. Naytowhow made her reflect on the fact that his life experience was affected by the actions of her ancestors. She highlighted how impactful the experience was and encouraged Benchers to consider the meaning behind land acknowledgements.

2. Excusal of Benchers unable to attend Convocation

*On Motion by Renée Appleby 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. Adoption of Agenda

*On Motion by Scott Worsfold and seconded by Glenda Reid: that the Agenda be adopted. **CARRIED.***

5. Education Committee Report:

Amendments to the Education and Bar Admission Rules

Benchers were provided with a report from the Education Committee requesting rule revisions to:

- i) increase the number of days that Students at Law are permitted to be absent from their articles without Education Committee consent from 10 to 20 days; and
- ii) extend the authority of the Director of Admissions and Education to reinstate a non-practising member or former member to practising status where the member has held the status of non-practising member or been a former member for a period of less than 24 months (up from 12 months).

*On Motion by Allan Skanes and seconded by Lauren Chafe: that Benchers approve amendments to Law Society Rules 6.08(2) and 6.15(2): to (i) increase the number of days that Students at Law are permitted to be absent from their articles without the consent of the Education Committee from 10 to 20 days, and (ii) extend the authority of the Director of Admissions and Education to reinstate a non-practising member or former member to practising status where the member has held the status of non-practising member or been a former member for a period of less than 24 months (up from 12 months). **CARRIED.***

6. Strategic Planning Work Plan

Strategic Initiative – Promote and Protect Equity and Diversity – Equity and Diversity Committee Presentation – Access to Justice Issues in Labrador

In accordance with the strategic priority to ensure Benchers, staff and committee members have appropriate bias training, the Equity and Diversity Committee organized a presentation relating to access to justice issues in Labrador.

Presenters Shirley White, Access to Justice Coordinator (Labrador), Public Legal Information Association of NL, and Erin Broomfield, Justice Services Manager, Nunatsiavut Government, highlighted the geographic, demographic, and cultural issues giving rise to access to justice issues in Labrador.

Strategic Priority - Enhance and Clarify Governance Structure – Strategic Initiative – Develop a Governance Structure Policy - Letter to Government re Composition of Benchers

In December 2022, Benchers directed that Law Society staff prepare a letter to the Minister of Justice and Public Safety (the “Minister”) requesting amendments to the *Law Society Act, 1999* to provide for the appointment of additional Lay Benchers.

General Counsel drafted a letter requesting the appointment of “at least 2 additional Lay Benchers” on the basis that it would help provide direction to the Minister and balances the desire to increase public representation at the Benchers’ table with the importance of self-regulation.

*On Motion by Scott Worsfold and seconded by Lauren Chafe: that Benchers direct Law Society staff to forward the draft letter to the Minister of Justice and Public Safety for consideration. **CARRIED.***

General Discussion

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

The Executive Director 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. Ms. Grimes, KC, suggested that the initiative be removed from the Work Plan as it has no prospect of moving forward, therefore it does not meet the SMART objectives (specific, measurable, attainable, relevant and time-bound).

Benchers agreed that, as the issue may be related to government funding, it should be raised informally with the Department of Justice and Public Safety before removing it from the Work Plan.

7. **Amendments to the Code of Professional Conduct**

Benchers were provided with a memo outlining proposed amendments to the Code of Professional Conduct which mirror the Federation of Law Societies of Canada's amendments to the Model Code of Professional Conduct relating to discrimination and harassment.

The Chair of the Code of Professional Conduct Review Committee noted that the amendments adopted by the Federation were well considered, taking 2 years to come to fruition. She noted that the Federation received significant feedback on the amendments from various of its committees.

*On Motion by Linda Harnett and seconded by Renée Appleby, KC: that Benchers approve the amendments to LSNL's Code of Professional Conduct, effective February 1, 2023. **CARRIED.***

The President noted that the amendments were much needed and were well-done. She thanked the Committee for its work.

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 – 26 September 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.

11. **Other Business**

Lay Benchers, Linda Harnett, noted the retirement of Richard Yabsley, the Law Society's Accountant. She acknowledged, with appreciation, his contributions to the Law Society and his work in helping to ensure the financial stability of the Law Society.

Benchers joined Ms. Harnett in wishing Mr. Yabsley well in his retirement.

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 Gladys Dunne and seconded by Renée Appleby, KC: that the in-public portion of the Benchers' meeting be adjourned. **CARRIED.***

SUZANNE ORSBORN