



**LAW SOCIETY**  
Newfoundland & Labrador

**2022-2023**  
**Annual Report**

**The Law Society of Newfoundland and Labrador  
Annual Report 2022-2023  
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# BENCHERS

## Officers

**President: Suzanne M. Orsborn**  
**Vice-President: D. Scott Worsfold**

### Elective Benchers

#### **Eastern District**

Lauren J. Chafe

Gladys H. Dunne, KC

Valerie A. Hynes, KC

Michael Ladha, KC

Kimberly J. Mackay  
(resigned 8 August 2022)

Carey S. Majid, KC

Sheilagh M. Murphy, KC  
(appointed 22 September 2022)

J. Alexander Templeton

David S. Williams

Douglas W. Wright

Rodney J. Zdebiak

#### **Central District**

Desmond K. Parsons

Renée L. F. Appleby, KC

#### **Western District**

Brenda P. Duffy, KC

Dean A. Porter

#### **Labrador District**

Jonathan D. Regan

### Appointed Benchers

Linda Harnett

Ross Elliott

Glenda Reid

Allan Skanes

### Honorary Benchers

Lewis B. Andrews, KC

R. Paul Burgess, KC

Donald E. Anthony, KC

Renée L. F. Appleby, KC

Morgan C. Cooper

Kenneth L. Baggs, KC

V. Randell J. Earle, KC

Jeffrey P. Benson, KC

J. David B. Eaton, KC

Augustine F. Bruce, KC

Barry G. Fleming, KC

J. Vernon French, KC

Thomas R. Kendell, KC

R. Barry Learmonth, KC

Susan M. LeDrew, KC

Dana K. Lenehan, KC

Augustus G. Lilly, KC

Dennis C. MacKay, KC

Ann F. Martin

J. Derek D. Green, KC

Paul M. McDonald, KC

Stephanie L. Newell, KC

M. Francis O'Dea, KC

Ian S. Patey

Ernest G. Reid, KC

John F. Roil, KC

Marina C. Whitten, KC

## Treasurers/Presidents of the Law Society

## Secretaries/Vice Presidents of the Law Society

1834-1845 Records of the Society were destroyed in the Great Fire of June 9, 1846

1834 Bryan Robinson  
1841 Hon. Wm. B. Rowe, KC  
1846 Hon. Wm. B. Rowe, KC  
1849 Bryan Robinson, KC  
1852 E. M. Archibald  
1855 F. B. T. Carter  
1866 Wm V. Whiteway  
1869 Robert J. Pinsent, KC  
1870 Wm. V. Whiteway  
1879 Robert J. Pinsent, KC  
1881 J. I. Little, KC  
1885 Robert J. Kent, KC  
1893 Sir Wm. V. Whiteway, KCMG, KC  
1908 Sir James S Winter  
1911 Daniel J. Greene, KC  
1912 Donald Morison, KC  
1919 J. A. Clift, KC  
1923 P. J. Summers, KC  
1927 W. R. Howley, KC  
1941 C. O’N Conroy, KC  
1947 John G. Higgins, KC  
1958 R.S. Furlong, KC  
1959 G. M. Stirling, CM, KC  
1971 R. W. Bartlett, KC  
1974 Donald A. Mercer, KC  
1977 Robert Wells, KC  
1981 Francis P. Fowler, KC  
1982 Ernest G. Reid, KC  
1983 Thomas J. O’Reilly, KC  
1984 M. Francis O’Dea, KC  
1986 David L. Russell, KC  
1986 G. David Martin, KC  
1987 J. Vernon French, KC  
1988 Lewis B. Andrews, KC  
1989 John F. Roil, KC  
1990 J. Derek Green, KC  
1991 R. Barry Learmonth, KC

1834 E. M. Archibald  
1841 E. M. Archibald  
1846 E. M. Archibald  
1847 H. W. Hoyles  
1849 F. B. T. Carter  
1855 George Hogsett  
1856 Henry A. Clift  
1869 M. W. Walbank  
1866 Robert J. Pinsent  
1869 M. W. Walbank  
1877 T. J. Keough, KC  
1879 Prescott Emerson, KC  
1879 Prescott Emerson, KC  
1885 Prescott Emerson, KC  
1889 A. J. W. McNeily, KC  
1895 D. M. Browning  
1914 C. O’N Conroy  
1916 C. H. Emerson, KC  
1919 Rt Hon. Sir Wm. Lloyd  
1937 J. G. Higgins, KC  
1947 J. A. Barron, KC  
1958 G. M. Stirling, CM, KC  
1959 T. Alex Hickman, KC  
1967 D. A. Mercer, KC  
1974 Noel Goodridge, KC  
1976 Francis P. Fowler, KC  
1981 Ernest G. Reid, KC  
1982 Thomas J. O’Reilly, KC  
1983 M. Francis O’Dea, KC  
1984 Peter W. Strong, KC  
1986 G. David Martin, KC  
1986 J. Vernon French, KC  
1987 Lewis B. Andrews, KC  
1988 John F. Roil, KC  
1989 J. Derek Green, KC  
1990 R. Barry Learmonth, KC  
1991 Thomas R. Kendell, KC

1992 Thomas R. Kendell, KC  
1993 Augustus G. Lilly, KC  
1994 V. Randell J. Earle, KC  
1995 Reginald H. Brown, KC  
1996 Dana K. Lenehan, KC  
1997 Gloria Harding  
1998 J. David B. Eaton, KC  
1999 Dennis C. MacKay, KC  
2000 Robert M. Sinclair, KC  
2001 Jeffrey P. Benson, KC  
2002 William H. Goodridge, KC  
2003 Stephanie L. Newell, KC  
2004 Brian F. Furey, KC  
2005 Edward M. Hearn, KC  
2006 Paul M. McDonald, KC  
2007 Marina C. Whitten, KC  
2008 Sheila H. Greene, KC  
2009 Irene S. Muzychka, KC  
2010 Glen L.C. Noel, KC  
2011 Augustine F. Bruce, KC  
2012 Morgan C. Cooper  
2013 George L. Murphy, KC  
2014 Kenneth L. Baggs, KC  
2015 Susan M. LeDrew, KC  
2016 Barry G. Fleming, KC  
2017 R. Paul Burgess, KC  
2018 Donald E. Anthony KC  
2019 Ian S. Patey  
2020 Ann F. Martin  
2021 Renée L.F. Appleby, KC  
2022 Suzanne M. Orsborn

1992 Augustus G. Lilly, KC  
1993 V. Randell J. Earle, KC  
1994 Reginald H. Brown, KC  
1995 Dana K. Lenehan, KC  
1996 Gloria Harding  
1997 J. David B. Eaton, KC  
1998 Dennis C. MacKay, KC  
1999 Robert M. Sinclair, KC  
2000 Jeffrey P. Benson, KC  
2001 William H. Goodridge, KC  
2002 Stephanie L. Newell, KC  
2003 Brian F. Furey, KC  
2004 Edward M. Hearn, KC  
2005 Paul M. McDonald, KC  
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2007 Sheila H. Greene, KC  
2008 Irene S. Muzychka, KC  
2009 Glen L.C. Noel, KC  
2010 Augustine F. Bruce, KC  
2011 Morgan C. Cooper  
2012 George L. Murphy, KC  
2013 Kenneth L. Baggs, KC  
2014 Susan M. LeDrew, KC  
2015 Barry G. Fleming, KC  
2016 R. Paul Burgess, KC  
2017 Donald E. Anthony, KC  
2018 Ian S. Patey  
2019 Ann F. Martin  
2020 Renée L.F. Appleby, KC  
2021 Suzanne M. Orsborn  
2022 D. Scott Worsfold

**Everything we  
do...  
is in the public  
interest**

## Law Society Staff

**Executive Director  
Brenda B. Grimes, KC**

**General Counsel/Deputy Executive Director  
Aimee N. Rowe**

**Administrative Assistant (Executive)  
Erin C. Rowe**

**Manager of Finance and Administration  
Frank G. Skanes**

**Administrative Assistant (Office/Receptionist)  
S. Renee Whalen**

**Communications Specialist  
Amelia F. D. White**

**Director of Professional Responsibility  
Lori S. Chafe**

**Professional Responsibility Administrator  
Pamela A. Marks**

**Administrative Assistant (Professional Responsibility)  
Anne P. Cross**

**Trust Compliance Auditor  
Nicole L. Miller**

**Director of Admissions and Education  
Christian J. Hurley**

**Administrative Assistant (Admissions and Education)  
Temitayo Abiodun-Oje**

**Director of Practice Management  
Angie M. Whitehead**

**Insurance and Risk Manager  
Janice K. Ringrose**

**Administrative Assistant (Risk Management)  
Julia Z. Reid**

**Director of Custodianships  
Nakita A. F. Ryan**

**Administrative Assistant (Custodianship)  
Lisa E. Kennedy**

**Law Librarian  
Jenny E. Thornhill**

**Library Technician  
Leah A. Griffiths**

**Maintenance Technician  
Keith J. Burke**

# Membership

Lawyers were first regulated in Newfoundland under a Royal Charter of 1826; the Law Society was incorporated on July 1, 1834.

The Barristers and Solicitors Roll, as of April 21, 2023, records that 2018 members have been called to the Bar since 1826.

## Membership Statistics as of June 2023:

Practising (Insured):	607
Practising (Uninsured):	225
Non-Practising:	238
Life:	49
<b>TOTAL</b>	<b>1119</b>

The total membership figures for the years since Confederation with Canada are as follows:

1950 - 66	1951 - 64	1952 - 66	1998 - 706	2014 - 983
1953 - 69	1954 - 72	1955 - 75	1999 - 728	2015 - 997
1956 - 73	1957 - 76	1958 - 76	2000 - 750	2016 - 1018
1959 - 77	1960 - 81	1961 - 83	2001 - 767	2017 - 1032
1962 - 86	1963 - 86	1964 - 86	2002 - 772	2018 - 1054
1965 - 86	1966 - 86	1967 - 89	2003 - 798	2019 - 1077
1968 - 106	1969 - 110	1970 - 124	2004 - 808	2020 - 1080
1971 - 129	1972 - 129	1973 - 145	2005 - 832	2021 - 1086
1974 - 153	1975 - 179	1976 - 189	2006 - 858	2022 - 1088
1977 - 203	1978 - 237	1979 - 261	2007 - 870	2023 - 1119
1980 - 281	1981 - 316	1982 - 333	2008 - 904	
1983 - 351	1984 - 371	1985 - 378	2009 - 923	
1986 - 394	1987 - 408	1988 - 435	2010 - 931	
1989 - 445	1990 - 477	1991 - 514	2011 - 948	
1992 - 560	1993 - 588	1994 - 617	2012 - 931	
1995 - 635	1996 - 669	1997 - 683	2013 - 937	





# Called to the Bar

Nineteen lawyers were called to Bar of Newfoundland and Labrador  
on June 17, 2022

## Roll #

1969 Emily Jane Hickey

1970 Kaylyn Rae Anthony

1971 Siobhan Marie Donovan

1972 Sarah Jane Dominic

1973 Patrick Cameron

1974 Kathryn Margaret Power

1975 Chelsea Eugena Audrey Drodge

1976 Joshua David Merrigan

1977 Bradley Michael Budden

1978 Adam Charles Leopold Godlewski

## Roll #

1979 Chelsey Elva Ruth Buggie

1980 Jessie Ann Faye McNeil

1981 Michael Julian Hrabowsky

1982 Dana Tricia Evans

1983 Jillian Roseanna Hickey

1984 Carolyn Mary Woolridge

1985 Deborah Rebecca Mary Yetman

1886 Lucas Christopher Roche

1987 Michele Lynn Grant



# Called to the Bar

**Eight lawyers were called to the Bar of Newfoundland and Labrador on October 7, 2022**

**Roll #**

- 1988 Morgan Jean Wilcox**
- 1989 Blaine Jacobus Cowan**
- 1990 Zachary Wian Michael Roberts**
- 1991 Michael Joseph Bourgeois**
- 1992 Karen Marie Holloway**
- 1993 Sylvie Isabelle Michaud, KC**
- 1994 Andrew Philip Weber**
- 1995 Amanda Kelly Brown**

**Ten lawyers were called to the Bar of Newfoundland and Labrador on April 21, 2023**

**Roll #**

- 2010 Kelsie Leanne Lockyer**
- 2011 Laura Francis Murphy**
- 2012 Olivia Caitlin Bungay**
- 2013 Zayd Majed Khraishi**
- 2014 Stuart Hogan Wallace**
- 2015 Jeffrey Joseph Wicks**
- 2016 Hillary Victoria Winter**
- 2017 Lindsey Carolyn Tulk**
- 2018 Nicole Elizabeth Walker**
- 2019 Nadine Blair Otten**

**Fourteen lawyers were called to the Bar of Newfoundland and Labrador on February 24, 2023**

**Roll #**

- 1996 Jillian Maxine Cleary**
- 1997 Alysha Stephanie Snow**
- 1998 Jane Rebecca Soucy**
- 1999 Lynn Ann Sullivan**
- 2000 Amelia Ann Martin Harris**
- 2001 Alysa Sara O'Keefe**
- 2002 Olivia Jane Genge**
- 2003 Raylene Glenna Mackey**
- 2004 Alden Mariah Spencer**
- 2005 Christopher Edward Mallard**
- 2006 Robert Leonard Miedema**
- 2007 Jeffrey Thomas Mitchell**
- 2008 Cordelia Eveline Lynde Ayers**
- 2009 Timothy Douglas Roberts**

**The Benchers note, with regret, the death of the following members and former members during the period from June 2022 to June 2023:**



**Derek Bradford Lewis Wicks, KC,  
called December 20, 1982, Roll #589**



**Cabot James Martin,  
called April 23, 1969, Roll #293**



**Eugene Raymond Ozon, KC  
called December 9, 1977, Roll #433**



**David Richard Robbins  
called April 15, 1980, Roll #498**



**Timothy William Hill  
called April 12, 2019, Roll #1866**



**Delmar Paul Althouse, KC  
called December 15, 1970, Roll #312**



# Law Society Committees

## Statutory Committees

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### Executive Committee

Suzanne M. Orsborn  
President

D. Scott Worsfold  
Vice-President

Renée L. F. Appleby, KC  
Past President

Gladys H. Dunne, KC  
CAC Chair

Rodney J. Zdebiak  
CAC Vice-Chair

Brenda B. Grimes, KC  
ex officio

Aimee N. Rowe  
ex officio

### Complaints Authorization Committee

Gladys H. Dunne, KC  
Chair

Rodney J. Zdebiak  
Vice-Chair

Linda Harnett  
Appointed Bencher

Lori S. Chafe  
ex officio

### Alternate Members

Donald E. Anthony, KC

Renée L. F. Appleby, KC

Desmond K. Parsons

Michael Ladha, KC

Morgan C. Cooper

V. Randell J. Earle, KC

Dennis C. MacKay, KC

Allan Skanes,  
Appointed Bencher

Ross Elliott,  
Appointed Bencher

# Law Society Committees

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## Education Committee

**Desmond K. Parsons, Chair**

**Sarah G. Fitzgerald**

**Renée L. F. Appleby, KC**

**Allan Skanes**

**André J Clair**

**D. Scott Worsfold, ex officio**

**J. David B. Eaton, KC**

**Christian J. Hurley, ex officio**



## Bar Admission Committee

**J. David B. Eaton, KC, Chair**

**D. Lynne Butler**

**Sandra M. Burke, KC**

**Darren C. Stratton**

**Gregory M. Smith, KC**

**Stacey L. O’Dea, KC**

**Padraig J. Mohan**

**Tannis L. King**

**Stephen F. Penney**

**Christian J. Hurley, ex officio**

**Beth M. W. McGrath, KC**

# Disciplinary Panel

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## Appointed Member Representatives

David Eaton, KC, Chair  
Glenda C. Best, KC  
Philip J. Buckingham  
David G. Conway  
Morgan C. Cooper  
Justin G.J. Caines  
Michael H. Duffy  
Erin L. Delaney  
Marcus A. Evans, KC  
Robert J. Dillon  
Colin D. Feltham  
Gregory J. French  
Robert J. Hickey  
Jason N. House  
Tannis L. King  
Jennifer E. Lundrigan  
Chantelle MacDonald Newhook, KC  
Olga R. McWilliam Benson  
Todd S. Newhook  
Tanya L. O'Neill  
Jacqueline A. M. Penney, KC  
Rebecca Redmond MacLean, KC  
Elaine M. Reid  
R. Neil Smith  
Lisa M. Stead, KC  
Darren C. Stratton  
John R. Whelan  
Michelle A. Willette

## Appointed Lay Representatives

Catherine A. Barker Pinsent  
Stephen Belanger  
Aubrey Dawe  
Craig Ennis  
Dwayne Hopkins  
Matthew Janes  
Darlene Joyce Kelly  
Janine O'Malley  
Inspector Sharon Warren  
Dr. Cindy Whitten

# Law Society Committees

## Standing Committees

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### Accounts and Finance Committee

Douglas W. Wright, Chair

Michael Ladha, KC

Allan Skanes

Brenda B. Grimes, KC, ex officio

Frank G. Skanes, ex officio

### Honours and Awards Committee

Linda D. Harnett, Chair

Jill N. Quilty

Ian S. Patey

Jonathan D. Regan

Ashley E. Savinov

Keri-Lynn Power

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### Insurance Committee

Rodney J. Zdebiak, Chair

Colin D. Feltham

James E. Merrigan, KC

Rebecca A. Redmond MacLean, KC

Thomas E. Williams, KC

Stephen J. May, KC

Janice K. Ringrose, ex officio

Brenda B. Grimes, KC, ex officio

# Law Society Committees

## Standing Committees

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### Claims Review Committee

CLIA Requirement

Janice K. Ringrose  
Chair

Thomas E. Williams, KC  
Counsel

Noel Doyle  
Adjuster

### Real Estate Committee

Valerie A. Hynes, KC  
Chair

Linda S. Bishop, KC

Blair G. Downey

Padraig J. Mohan

Sharyl J. Rowsell

William T. Cahill

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### SS Daisy Legal History Committee

John L. Joy, Co-Chair

Anna M. Wadden, Co-Chair

Christopher P. Curran, KC

Donald K. Powell

Melvin Baker

J. Michael Collins

Noel M.G. Daley

Gregory J. French

J. Derek D. Green, KC

Janet Henley, KC

Riley M. Moss

Robert P. Pittman, KC

Nakita A.F. Ryan

J. Alexander Templeton, Bencher Liaison

Leah Griffiths, ex officio

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### Access to Justice Committee

Lauren J. Chafe  
Chair

Tamara L. Drover

Ross Elliott

Allan Skanes

Kyle R Rees

Kathy P. Moulton

Jenny Thornhill  
ex officio



# Law Society Committees

## Standing Committees

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### Equity and Diversity Committee

Carey S. Majid, KC, Chair  
D. Scott Worsfold  
G. Lori Savory  
Elizabeth M. Zarpa  
Sheila M. Devine  
Michael Ladha, KC  
Seren Cahill  
Tanya L. O'Neill  
Rebecca C. Phillipps  
Nakita A. F. Ryan, ex officio

### Code of Professional Conduct Review Committee

Linda Harnett, Chair  
Ann F. Martin  
Rodney J. Zdebiak  
Lori S. Chafe, ex officio

### Indigenous Education and Action Committee

Elizabeth M. Zarpa, Chair  
M. Gerald Wetzel  
(resigned 5 May 2023)  
Daniel W. Bennett  
Denise L. Spencer  
Andrew L. John  
David S. Williams, Bencher Liaison  
Christian J. Hurley, ex officio

### Rules Revision Committee Ad Hoc Committee

Suzanne M. Orsborn, Chair  
Andrea L. Murphy McGrath  
Douglas W. Wright  
Shawn I. Patten  
Allan Skanes  
Lorna A. Proudfoot, KC  
Ruth E. Trask  
Aimee N. Rowe, ex officio

# PRESIDENT'S ANNUAL REPORT

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## Suzanne M. Orsborn

I am pleased to present this report for 2022-2023 summarizing some of the significant events, accomplishments, and activities of the Law Society during the past year.

### **Calls to the Bar**

One of the most enjoyable responsibilities of a President of the Law Society is participating in its various ceremonies and celebrations, including the Call to Bar ceremonies. From June 2022 to May 2023, four calls were held at the Supreme Court of Newfoundland and Labrador. 51 lawyers were admitted to our Bar, including new lawyers and lawyers transferring from other provinces.

I encourage all members of the Law Society to continue to provide guidance and support to our new colleagues as they move forward in their legal careers.

### **Appointments to the Bench**

An appointment to the bench marks the end of a lawyer's membership in the Society and the swearing-in ceremony provides an opportunity to highlight their achievements, and the high esteem in which they are held by the legal community.

I was honoured to bring remarks on behalf of the Law Society at the swearing-in ceremonies for Justice Thomas Johnson (Supreme Court of Newfoundland and Labrador), Justice Melanie Del Rizzo (Supreme Court of Newfoundland and Labrador), Judge Andrew Wadden (Provincial Court of Newfoundland and Labrador), and Judge Lloyd Strickland (Provincial Court of Newfoundland and Labrador).

I was also pleased to bring remarks at the swearing-in ceremonies for Associate Chief Justice McGrath (Supreme Court of Newfoundland and Labrador), Chief Judge Robin Fowler (Provincial Court of

Newfoundland and Labrador) and Associate Chief Judge Jennifer Mercer (Provincial Court of Newfoundland and Labrador).

### **New Queen's/King's Counsel**

On August 19, 2022, I attended the swearing-in ceremony for what would become the last group of individuals to be appointed as Queen's Counsel in this province. Appointed at that time were: Kenneth J. Brothers, Denis Mahoney, Beth McGrath, Gary P. Mooney, and Stacey O'Dea.

On February 23, 2023, Vice-President Scott Worsfold attended the swearing-in ceremony on behalf of the Law Society for the appointments of Gladys H. Dunne, Stephen Fitzgerald, Susan M. King, Paul M. McDonald, Jonathan E. Noonan, Leanne M. O'Leary, and Lisa M. Stead as King's Counsel.

The Law Society congratulates these members on their appointments, which recognizes their contributions and dedication to the legal profession.

### **Acknowledgment of Passing**

Along with joyful occasions, it is important to acknowledge sorrowful ones as well. Benchers, Law Society staff, and members were saddened to learn of the passing of members Derek Bradford Lewis Wicks, KC, Cabot James Martin, Eugene Raymond Ozon, KC, David Richard Robbins, Timothy William Hill, and Delmar Paul Althouse, KC.

These individuals will be greatly missed. On behalf of the Law Society, I offer my sincere condolences to their families, friends and colleagues.

### **The Work of the Law Society:**

#### **Benchers**

As the governing body of the Law Society, the Benchers regulate the practice of law and the legal profession in the public interest. The Benchers are comprised of 17 lawyers elected by members of the Law Society and four lay members appointed by a committee chaired by the Chief Justice of the General Division of the Supreme Court of Newfoundland and Labrador.

Members of our bar are often unaware of the work that Benchers do behind the scenes.

Benchers deal with many important issues and make decisions that can have a fundamental impact on individual members, the profession, and the public.

### **Committees**

Committees perform much of the work of the Law Society and play an important role in fulfilling the Law Society's mandate to regulate the practice of law and the legal profession in the public interest. Membership on the Law Society's committees includes Benchers and members of the Law Society, with the support of Law Society staff.

The committees' work is central to ensuring that the Law Society meets the objectives outlined in its strategic work plan for 2021-2023. I encourage members to review the committee reports included in this Annual Report to learn more about the committees' work and activities over the past year.

### **Law Society Staff**

The Law Society's senior professional staff provide information, guidance, and advice that help Benchers in their decision-making. The administrative staff provide essential support to all aspects of the Law Society's activities.

The importance of the Law Society staff under the leadership of Executive Director Brenda B. Grimes, KC to the work of Benchers, committees, and the day-to-day operation of the Law Society cannot be overstated. Benchers look forward to continuing to work and collaborate with Law Society staff in the execution of their duties in the regulation of the profession.

### **Notable Achievements for 2022-2023**

Benchers, committees, and Law Society staff work hard to ensure that the Law Society operates effectively and efficiently in carrying out its public protection mandate and in achieving the initiatives set out in the Society's Strategic Plan. Some of the key achievements of the past year include:

- The Executive Director and I met with Chief Justice Fry on 21 October 2022; Chief Justice Whalen on 23 November 2022, and Chief Judge Fowler on 27 January 2023. These meetings offer an

opportunity to discuss issues of common interest to the Law Society and the bench;

- Redeveloping the bar admission program, including through a stronger emphasis on practical skills and shifting some of the "introductory" material to the summer;
- Approving a new Indigenous Law Student Scholarship;
- Continuing to provide funding to the Public Legal Information Association of NL(PLIAN);
- Providing funding for Community Justice Connects;
- Establishing the "Early Career Pro Bono Award" for junior lawyers;
- Participating in equity, diversity, and inclusion training;
- Ongoing review of policies and processes;
- Ongoing monitoring of infrastructure requirements to ensure that the integrity and safety of Law Society information is protected;
- Aiding the Department of Immigration, Population Growth, and Skills as they assisted individuals displaced by the war in Ukraine to find employment;
- Hiring a Director of Custodianships and Administrative Assistant – Risk Management;
- Completing the implementation of a document management system and working on the development of a Records Retention Policy to continue to advance the Law Society's technical competencies;
- Supporting the return of the Francis Forbes Annual Law Lecture as a co-sponsor with the Law Foundation, and Memorial University. The Forbes Lecture was initiated to address legal issues of public concern and to unite Memorial University and the provincial legal community in a venture seeking to examine the public interest. It is dedicated to the memory of Sir Francis Forbes, who served as the Chief Justice

in the Supreme Court of Judicature in Newfoundland from 1816 to 1822;

- Developing and distributing a practice resource on the best practices to follow when witnessing, commissioning, and notarizing documents (this can be found in the Practice Resource section of the Law Society's website);
- Continuing to work toward the implementation of the Fitness to Practice Program, and
- Revising various rules and approving amendments to the Code of Professional Conduct.

### **Federation of Law Societies of Canada**

Canada's fourteen provincial and territorial law societies govern over 100,000 lawyers and 3,500 Québec notaries in the public interest. The Federation of Law Societies of Canada is their national coordinating body.

As a member of the Federation of Law Societies of Canada, the Law Society has access to a broader range of resources to assist it in carrying out its mandate. Matters of national importance which are discussed at the Federation level quite often lead to the creation of and implementation of common policies in each jurisdiction. This commonality helps in the adoption of uniform best practices and provides for a larger pool of precedents on which to draw when interpreting matters locally. It also ensures that mobility between provinces is more seamless. All of this is of benefit to the profession and protects the public interest.

The Federation continues to engage in strategic planning to ensure that it is equipped to meet the needs of all jurisdictions in Canada and the public we serve. The FLSC has three main strategic priorities:

1. It is the national information-sharing centre for law societies;
2. It is the national collaboration hub for law societies; and
3. It is the respected national voice of law societies.

Membership in the FLSC provides a significant benefit to the Law Society. This includes the collaboration between Law Society staff across the country in identifying issues of common

interest and sharing best practices. Another key aspect of the FLSC's work is intervention on behalf of Law Societies in cases before the Supreme Court of Canada on issues of national importance related to the legal profession and democratic values.

Below is a brief outline of some of the initiatives undertaken by the Federation:

- The Federation is continuing its work with the National Wellness Study, which is intended to address the gap in data on the mental health of legal professionals in Canada. At the Joint Presidents and CEOs Forum held in March of 2023, following discussions and reporting on this topic, session moderators provided a summary of common themes and possible next steps for the Federation and member law societies. It is anticipated that the results of the discussions will inform further initiatives with both Federation members and the Federation.
- The National Requirement Review Committee (NRCC), in consideration of input received at its December 2022 meeting, confirmed a list of priority issues, including:
  1. A review of the mode of study provisions;
  2. Consideration of how to respond to the Truth and Reconciliation Commission's Call to Action #28;
  3. A review of the skills competencies and place for experiential learning in the National Requirement; and
  4. A review of assessment/operational issues identified by the Canadian Common Law Program Approval Committee.

The NRCC also expects to consider ways to promote innovation in legal education and to respond to the recommendations of the National Wellness Study.

The Anti-Money Laundering and Terrorist Financing Standing Committee has decided to pause plans to conduct a consultation on possible additional rule amendments and has focused on creating additional guidance and

educational materials on subjects proposed for amendment, including source of funds and source of wealth, risk assessment, compliance measures, the treatment of politically exposed persons and enhancements to monitoring requirements. Members of the AMLTF Standing Committee are also working with an external developer to produce online education modules on these issues.

### **Law Foundation**

The Governors of the Law Foundation are Regan P. O’Dea (Chair), D. Gordon Woodland, KC, Justin S.C. Mellor, Dr. Judit Lovas, M. Gerald Wetzels, Sheilagh M. Murphy, KC, and Erin E. E. Best. Virginia English is the Foundation’s Executive Director. On behalf of Benchers and the Law Society, I would like to extend sincere thanks to the Law Foundation and its Board of Governors for their continued work.

### **Our Volunteers**

The dedication of numerous members and non-members who contribute, on a volunteer basis, to the important work of the Law Society does not go unnoticed. Whether they are contributing at the Benchers’ level, on one of the Law Society’s committees, or in other ways, our volunteers strengthen our professional community, thus enhancing and advancing the integrity, credibility, and future of the profession. On behalf of Benchers and the Law Society, thank you for all of your hard work and commitment.

### **Conclusion**

The above is a very small reflection of the overall ongoing work of the Law Society in regulating the legal profession and the practice of law in the province. It has been a true honour and privilege to participate in this important work, particularly over the past four years as a member of the Executive Committee and this year as President.

I will admit that when I was first elected as a Bencher in 2016, I was somewhat intimidated by my new role. While I understood the work of a professional regulator in theory, it was quite another thing to become a member of this group.

The first thing that I learned as a Bencher was how welcoming and collegial this group is. All Benchers take their work very seriously and approach even the most challenging questions openly and respectfully. I have greatly appreciated the opportunity to work with and learn from my colleagues around the Benchers’ table, and I offer my sincere thanks and gratitude to all Benchers for their dedication and professionalism to this meaningful work.

The second thing that I learned as a Bencher is how incredibly important the excellent work of Law Society staff is to Benchers, committees, and the overall operation of the Law Society. Led by Executive Director Brenda B. Grimes, KC, the Law Society staff are an incredibly capable, proficient, and thoughtful group. Benchers and members are extremely fortunate to have the support and expertise of all Law Society staff, and I cannot thank them enough for all of their excellent work.

As I conclude my term as President, I offer my congratulations and best wishes to Vice-President Scott Worsfold as he begins his term as President for 2023-2024. I am confident that he will serve Benchers and members well in this role.





# VICE-PRESIDENT'S ANNUAL REPORT

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## Scott Worsfold

The *Law Society Act, 1999* (the "Act") prescribes the Vice-President's role in the disciplinary process. The Vice-President receives reports from the Director of Professional Responsibility and submits allegations to the Complaints Authorization Committee (the "Committee"). The Committee is a statutory committee consisting of at least three Benchers, at least one of whom is an appointed Bencher. The Committee screens allegations of conduct deserving of sanction. Conduct deserving of sanction is defined in section 41 of the Act to include professional misconduct, failure to maintain the standards of practice, conduct unbecoming a member of the Society, and acting in breach of the Act, the Law Society Rules, or the Code of Professional Conduct.

The Vice-President, with the consent of the parties, may attempt to resolve an allegation or may refer the allegation to alternate dispute resolution. Where the allegation is not satisfactorily resolved by the Vice-President or through alternate dispute resolution, the Vice-President may conduct an investigation and submit the results to the Committee. Otherwise, the Vice-President must refer the allegation to the Committee.

The powers of the Committee are prescribed by section 45 of the Act and include the authority to: i) refer the matter back to the VP for investigation, further investigation, or alternate dispute resolution, ii) conduct an investigation or appoint a person to do so; iii) conduct a practice review; and iv) require the member's appearance before the Committee. The investigations and reviews are conducted through the Director of Professional Responsibility's office. The Committee must determine whether they are of the opinion that there are reasonable grounds to believe that the respondent has engaged in conduct deserving of sanction.

Where the Committee is of the opinion that there are no reasonable grounds, the Committee will dismiss the allegation. When an allegation is

dismissed by the Committee, the complainant has a statutory right of appeal to the Supreme Court of Newfoundland and Labrador.

Where the Committee is of the opinion that there are reasonable grounds, the allegation shall be considered as constituting a complaint. The Committee may then counsel the respondent, caution the respondent, or instruct the Vice-President to file the Complaint and refer it to the Disciplinary Panel. Where the Committee instructs the Vice-President to file the Complaint, the Committee may make an application for the appointment of a Custodian of the member's practice and may suspend or restrict the respondent's licence to practice.

The Disciplinary Panel, appointed pursuant to section 42 of the Act, is comprised of Law Society members and public representatives. For complaints referred to the Disciplinary Panel, the Chairperson appoints an Adjudication Tribunal to hear the matter. Each Adjudication Tribunal consists of two members and one public representative. The Adjudication Tribunal is independent of the Law Society and derives its authority from the Act and in particular sections 46 through 51 thereof. The Society and the respondent have a statutory right to appeal of a decision or order of an Adjudication Tribunal to the Supreme Court of Newfoundland and Labrador.

During the current reporting period, there were twenty-two matters dismissed, as the Committee opined that there were no reasonable grounds to believe that the respondent had engaged in conduct deserving of sanction. There are four ongoing appeals of the Committee's decision to dismiss an allegation.

During the current reporting period, there were eighteen matters which constituted a Complaint, as the Committee opined that there were reasonable grounds to believe that the respondent has engaged in conduct deserving of sanction. The Committee issued two letters of counsel and six letters of caution. Summaries of

letters of counsel and cautions are provided on the Law Society's website. Ten Complaints were referred to the Disciplinary Panel.

During the current reporting period, there were eight Adjudication Tribunals engaged in disciplinary proceedings. Five decisions were rendered by Adjudication Tribunals. There are five ongoing appeals of Adjudication Tribunal decisions.

Hundreds of hours of volunteer time are contributed on an annual basis by members of the Complaints Authorization Committee and by members of the Disciplinary Panel.

The Society could not function without the dedication and volunteer time of these individuals. Their contribution is significant and greatly appreciated.



# EDUCATION COMMITTEE REPORT

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## Desmond K. Parsons, Chair

The Education Committee is responsible for matters concerning members and prospective members of the Law Society related to admissions and education. The Committee deals with all applications for admission and re-admission to practice, which applications generally involve an assessment of academic credentials, currency of legal knowledge, fitness to practice, and good character elements. The Education Committee deals with requests throughout the year from members and prospective members relating to the requirements in the Law Society Act, 1999 and the Law Society Rules on educational and admissions issues.

As such, the Education Committee considers applications from:

- Law students regarding admission as a Student-at-Law;
- Applications from members of other Law Societies who wish to practice in Newfoundland and Labrador on a temporary basis under the National Mobility Agreement; and
- Applications from members of other Law Societies who wish to transfer to Newfoundland and Labrador on a permanent basis pursuant to the National Mobility Agreement; and applications from non-practicing or former members of the Law Society who wish to reinstate their status to practicing membership.

In all of these cases, the Committee must ensure that the applicant has met the required standards, educational and otherwise.

Each year the Education Committee also reviews and approves the marks from the Bar Admission Course examinations and directs, when required, the writing of supplementary

examinations or the completion of further educational requirements before a Student-at-Law is eligible to be called to the Newfoundland and Labrador Bar.

From May 2022-April 2023:

- Admitted 15 new applicants as Students-at-Law;
- recommended to Benchers that 38 students, having met the requirements of a Student-at-Law, be called to the Bar in Newfoundland and Labrador;
- Approved the application of 13 transfer candidates to be called to the Bar of Newfoundland and Labrador under the National Mobility Agreement; and
- Approved a change from non-practicing to practicing status for 33 Law Society members.





## CONTINUING PROFESSIONAL DEVELOPMENT REPORT

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The Law Society of Newfoundland and Labrador administers a mandatory continuing professional development program in an effort to ensure the competency and continued development of its members.

Pursuant to Rule 6.17(2), a member who fails to file their Annual CPD Report in compliance with the Mandatory CPD Requirements on or before the required deadline will be assessed a \$500 late fee (plus applicable taxes) and shall be referred to the Vice-President who may take further action as described therein.

There were 9 incidences of late fees being invoiced related to the 2022 reporting year. Members are encouraged to report their CPD hours in a timely manner to avoid penalties.

The Law Society offers continuing professional development seminars to members of the Newfoundland and Labrador Bar on a variety of topics. Examples of recent programs include:

- Cybersecurity Threats and How You Can Protect Yourself – February 28, 2023
- Labour, Employment and Administrative Law – March 1, 2023
- Limitations Periods: What a Litigator Needs to Know – March 6, 2023
- An Overview of the Adult Protection Act, 2021- March 30, 2023
- AI and Lawyers: A Beginner's Guide- May 24, 2023

Additional professional development seminars can be found on the Law Society website under *Library of Available Seminars*.

Lawyers in Newfoundland and Labrador continue to be very interested in continuing professional development and they continue to support our programming by their excellent levels of attendance, positive feedback, and suggestions for future programs.

We appreciate our many volunteer lawyers, judges, and other professionals who give their time and talents, as presenters at our seminars, to enhance the knowledge and professional standards of other practitioners. The Law Society greatly appreciates these contributions

and we are continuously impressed with the excellence and enthusiasm of our presenters.

Members with questions or program suggestions should contact Mr. Christian J. Hurley at (709) 722-4898 or by email at [churley@lsnl.ca](mailto:churley@lsnl.ca).



# BAR ADMISSION COURSE COMMITTEE REPORT

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## David Eaton, KC, Chair

The Law Society requires all Students-at-Law to attend the Bar Admission Course and successfully complete the Bar Admission Course Examinations as part of the Law Society's licensing requirements.

The 2022 cohort attended several sessions delivered over the summer months on topics including: professional conduct, practice management, equity/diversity/inclusion, managing relationships with justice system stakeholders, trust account and client identification rules, and courtroom mechanics. The intensive in-person portion of the Course began on October 3, 2022, and continued until November 10, 2022. This portion of the Course normally involves in-class teaching, scheduled from 9:00 am – 5:00 pm daily, and runs for a period of six (6) weeks in total.

Daily attendance at the Bar Admission Course is mandatory for all Students-at-Law. There are approximately 200 scheduled hours of instruction in the Bar Admission Course, delivered through lectures, seminars and workshops. There were 85 volunteer instructors involved in the 2022 Bar Admission Course.

There were 26 students enrolled in the 2022 Bar Admission Course. Students attending the Course are articling in a variety of legal environments. Approximately three quarters of students are articling with a firm in private practice, with approximately one quarter articling in a public sector placement, for example with the NL Legal Aid Commission, the Crown Attorney's Office or the Department of Justice (Civil Division). While the majority of students are articling in the St. John's metropolitan area, this year's Course also had representation of students articling throughout the province, for example in Marystown, Corner Brook and Labrador.

To pass the Bar Admission Course, students must pass 3 Bar Admission Course licensing examinations in the following areas: Criminal & Family, Civil Procedure, Real Estate & Wills, Business & Administrative. Each of the three

licensing examinations exams are 3 ½ hours long and focus on the lectures and in-class presentations, the Bar Admission Course materials and the approximately 80 provincial and federal statutes and regulations covered in the Course. Students must also complete several short papers assigned throughout the Course.

The goal of the Bar Admission Course is to give new lawyers a comprehensive overview of Newfoundland and Labrador and Canadian law and procedure, and transfer to them the necessary information to ensure entry-level competence in the profession. The Course is intensive, practical and relevant to what a new lawyer will see in practice.

What follows is an overview, providing further particulars on each section of the Course:

### **The Law Society of Newfoundland and Labrador**

Topics include the role of the Law Society and Benchers, the resources available through the Law Society Library, the Law Society Trust Accounting requirements and professional conduct and client complaints, the Law Society's professional liability insurance program, risk management, and how to avoid professional negligence claims.

### **Civil Procedure**

Topics include limitations of actions, fatal accidents, survival of actions, commencing proceedings, service, defences, counterclaims, third party proceedings, summary trial, expedited trial, discovery and disclosure of evidence, setting down for trial, the Judgment Enforcement Act, civil appeals, costs and alternative dispute resolution mechanisms.

### **Family Law**

Topics include divorce proceedings, parenting (custody and access), child and spousal support, matrimonial property, provincial family legislation, pensions, court procedures, child

protection, support enforcement and tax implications of family law.

### **Corporate/Commercial Law**

Topics include incorporation and organizing a business, registration issues, corporate procedures, corporate finance, the Personal Property Security Act, security opinions, and the purchase and sale of a business (including related tax issues).

### **Criminal Law and Procedure**

Topics include court structure, presumptions and burdens, classification of offences, pre-arrest, arrest, charge, first appearances, judicial interim release, disclosure, elections and re-elections, solicitor/client matters, preliminary inquiries, pre-trial matters, Charter applications, trial by judge alone, jury trials, the sentencing process, types of sentences, criminal appeals, young offenders, evidentiary matters, voir dres, search and seizure and defences, specialty criminal courts, victim services, as well as a session discussing specific common offences.

### **Administrative Law**

Topics include privacy law, municipal law, the Human Rights Commission, the professional discipline process, statutory appeals, judicial review and other prerogative orders, and advocacy before administrative tribunals.

### **Real Estate**

Topics include the registry system and land tenure, the real estate transaction, the mortgage, condominiums, professional responsibility in real estate issues, title insurance, survey/location certificates, taxation issues, crown lands, quieting of titles, possessory title, and title searches. There is also a real estate transaction workshop where students work through an actual real estate file from beginning to end.

### **Wills and Estates**

Topics include testamentary capacity, estate planning, will drafting, and the administration/probate of estates.

### **Labour and Employment**

Topics include the statutory framework of employment law, the Labour Relations Board, and labour arbitration.

### **Indigenous Cultural Competency**

Incorporated in response to the Truth and Reconciliation Commission's Calls to Action, this section, focused on the development of indigenous cultural competency and included presentations from most of the indigenous groups in Newfoundland and Labrador as well as a session focused on case briefing Indigenous stories, which was facilitated by a panel of Indigenous lawyers and students.

### **Practice Skills, Practice Management and Ethics**

Topics include written advocacy, oral advocacy, interviewing clients, networking and the marketing of legal services, starting a new law firm, as well as mental health and work/life balance. There is a judicial panel made up of judges from all levels of court in Newfoundland and Labrador wherein students are walked through courtroom mechanics and provided with advocacy tips. There is a separate section on ethics and the Code of Professional Conduct, in which students complete a written assignment and discuss a selection of these assignments in class.

Law Society members or prospective members interested in obtaining further information about the Bar Admission Course should contact Christian J. Hurley at (709) 722-489 or by email at [churley@lsnl.ca](mailto:churley@lsnl.ca).

# INSURANCE COMMITTEE REPORT

## Rodney Zdebiak, Chair

The Insurance Committee benefits greatly from the generosity of our members who devote significant time and effort to the success of the Lawyers' Insurance Programme. The Insurance Committee currently are: Rod Zdebiak (Chair), Steve May, KC, Tom Williams, KC, Rebecca Redmond-MacLean, KC, Jamie Merrigan, KC and Colin Feltham.

This past year, Marina Whitten, KC's second 3-year term ended, Tom Johnson, KC was appointed a Justice of the Supreme Court and Andrew Wadden, KC was appointed a Judge of the Provincial Court. The Insurance Committee welcomed Colin Feltham and Tom Williams, KC to the Committee.

Under its Terms of Reference, the Insurance Committee is responsible for ensuring that the Lawyers' Insurance Programme is effectively administered and financially stable. It is also responsible to provide the best coverage to members and to protect the public as effectively as possible. The Committee provides oversight to our participation as a subscriber to the Canadian Lawyers Insurance Association (CLIA). Through this affiliation with CLIA, the Insurance Committee is able to provide lawyers in this province with:

- a reliable and permanent source of insurance;

- stable premiums in the mandatory insurance layer;
- reasonably priced and effective excess insurance with excess limits of \$1m to \$19m; and
- premium rates that reflect the loss experience of Canadian lawyers.

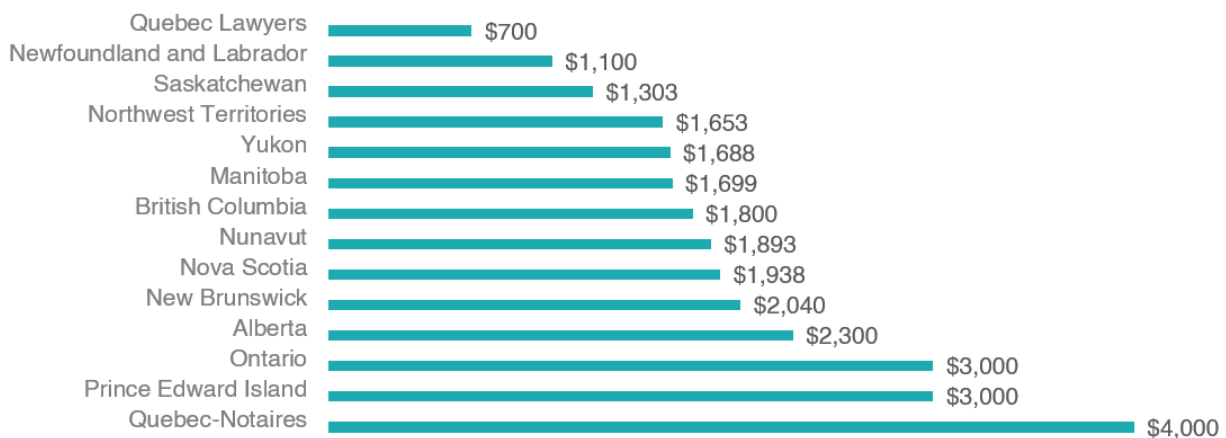
The Committee also continues to benefit from the hard work and guidance of our Claims Review Committee consisting of Janice Ringrose, Tom Williams, KC, adjuster Noel Doyle, appointed defence counsel and alternates from the Insurance Committee as required.

## Insurance

### Part A: Professional Liability Insurance

We continue to maintain a strong, stable financial position. The premium setting policy at the foundation of our premium setting process continues to provide this stability. This is evident in the experience of recent years. From 2012-2019, we maintained the same insurance premium of \$1655. From 2020 to current year, we have steadily reduced the premium to \$1100. Comparatively with other jurisdictions, NL has one of the lowest insurance premium rates in the country.

## 2022 INSURANCE PREMIUMS



## Insurance Claims

As of December 31, 2022, the Claims Review Committee has opened 1113 claim files since joining CLIA in 2005. The Lawyers' Insurance Programme's claims management philosophy is to repair or resolve claims quickly in situations where there is liability, defend vigorously if the claim has no merit, and avoid economic settlements. Since joining CLIA, the Programme has paid damages in 148 claims.

## Causes of Loss

The Lawyers' Insurance Programme has identified the top three Causes of Loss, these representing 95% of insurance claims. They are as follows:

### Systems/Procedures/Administration (49%)

Missed deadlines, poor office procedures, and time management errors are grouped as the number one cause of insurance claims.

### Communication (34%)

Lawyer/client communication-related errors such as disputed instructions or failure to obtain the client's consent is the second highest group of causes of loss.

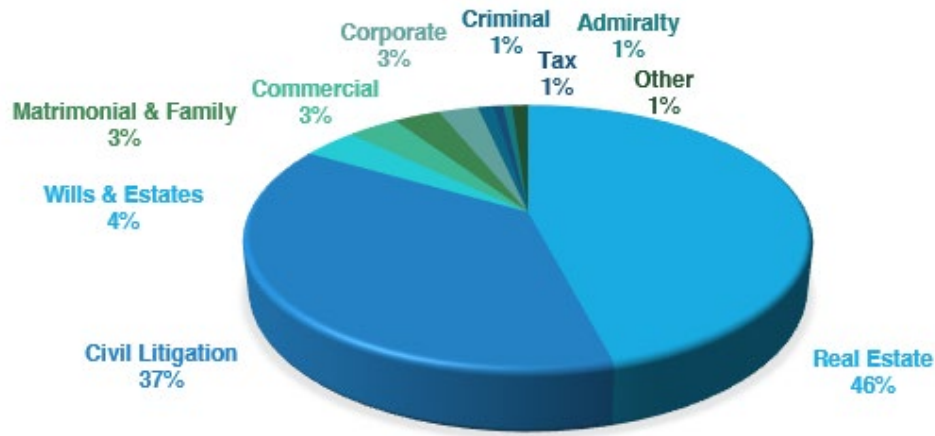
### Law (11%)

Failure to know and properly apply the law is the third highest cause of insurance claims.



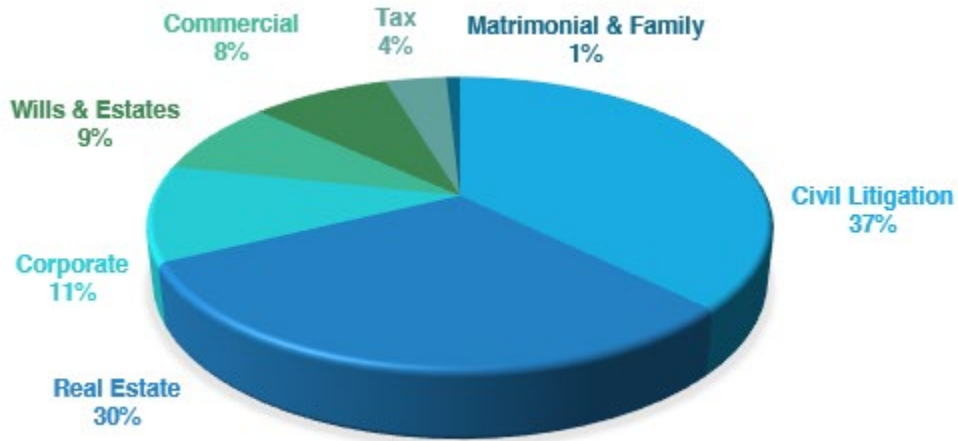
### Areas of Law - Frequency

The largest percentage of reported claims by areas of law are in Real Estate and Civil Litigation, followed by Wills & Estates, Matrimonial & Family, Commercial and Corporate files.



### Areas of Law – Severity

The largest percentage of paid claims are in civil litigation matters, followed by Real Estate, Corporate, Wills & Estates, Commercial, Tax & Matrimonial & Family areas of law.



In addition to the basic \$1m (Part A) coverage, CLIA offers a Voluntary Excess Program to lawyers and law firms through its subscriber law societies. The Voluntary Excess Program offers limits ranging from \$1,000,000 to \$19,000,000 in excess of the underlying mandatory \$1m limit. Like most liability policies, the excess liability program is “Claims Made”, meaning you will need to have insurance in place when a claim is made and not when the work was done. It is not transactional based coverage. Statutes of limitations provide for a time period in which to present claims, and firms that do not renew their insurance will not have coverage for losses reported after the expiry date of the policy. As such, coverage purchased out of the need for a single transaction will need to be purchased as long as the possibility of a claim still exists. Roughly, 33% of the law firms in Newfoundland avail of the Excess Insurance through CLIA.



## Part C: Assurance

Part A of the errors and omissions insurance policy will not cover theft by a lawyer. For this reason, public protection coverage against theft is provided through the Law Society's Assurance Fund. The Fund is comprised of cash reserves accumulated over many years (contributed by members as part of their annual fees) and, as well, covered by an insurance policy on the Assurance Fund under Part C of the Society's policy with CLIA. Rule XIII of the Law Society Rules provides information about applying for reimbursement from the Assurance Fund.

The Assurance Fund was first established by Benchers in 1983 and has paid out approximately \$293,483.38 in compensation claims to date.

### Cyber Liability Insurance Coverage (Stand Alone Policy)

The Law Society arranges mandatory first response cyber insurance coverage for all insured lawyers. If you want protection under that policy, there are steps that you must take.

#### IT Requirements for Coverage to Respond

- Weekly backups of data, stored offsite, and tested at least annually.
- Application of critical patches to your systems, anti-virus software, and anti-spyware software must be made within two weeks of release.
- Installation and maintenance, and active monitoring within reasonable business practices, of firewalls and endpoint protection (also known as anti-virus and anti-spyware).
- Multi-factor authentication must be enabled on email accounts and for remote network access (also known as VPN or Virtual Private Networking, or remote desktop access).
- Email scanning must be enabled on your mail services to ensure each email is scanned before entering your inbox or leaving your sent box for malicious attachments, links, or other content.
- Firm members must engage in cyber awareness training before June 30, 2023.

## Risk Management

The Risk Management Program, which encompasses the Lawyers' Insurance Programme, the Professional Assistance Program, the Practice Management Review Program, and the Custodianship Department, had another successful year providing loss prevention support, information, resources, and tips to the practicing insured members of the Law Society. Some particulars of the past year's initiatives are provided below.

### Lawyers Insurance Programme

#### Loss Prevention Information to Members

We continue to email Loss Prevention Tips to our practicing insured members. Some of the topics circulated to members this past year include:

- When Instructions Change
- Warnings re Private Mortgages in Real Estate
- Do Not Delay Filing the Statement of Claim
- Get Cyber Safe

#### Loss Prevention Self-Assessment Checklist

The Loss Prevention Self-Assessment Checklist was developed with a particular focus on addressing the previously noted top three causes of loss in insurance claims. The Checklist was offered as a tool and resource for members, completion of which qualified for a one-hour credit toward the Mandatory Continuing Professional Development activity. Data from the CPD Department shows positive usage of the Checklist.

#### Mentoring Program

The Mentoring Program puts some structure to current networking and, in doing so, assists those who might be hesitant about asking for help, or who simply don't know where to turn for guidance. The Program provides the membership with opportunities to expand their personal network, improve camaraderie among members and enhance career satisfaction. We currently have 68 volunteer mentors. To qualify as a mentor, the requirement is at least seven (7) years called to the Bar.

#### Risk Assessment Visits

The Risk Assessment Visits recently started up again and offer firms, especially solo and small

firms (2-5 members) a free, confidential service to assist in identifying areas of risk that have the potential to result in insurance claims. To date, 35 Risk Assessment Visits have been completed all over Newfoundland and Labrador. The Visits have been very well received with positive feedback. The Risk Assessment Visit also allows for a one-hour credit toward CPD activities.

### **Presentation at Bar Admission Course**

As in previous years, the Insurance & Risk Manager introduced the Professional Liability Insurance Policy, and provided information on how to report a potential claim and the claim process along with information on loss prevention initiatives. She also provided statistics and spoke to specific examples of types of claims and areas of loss in our insurance portfolio.

### **Member Inquiries**

The Insurance & Risk Manager continues to provide one-on-one assistance through a dedicated phone line to members concerning possible errors, incident reports, potential and real insurance claims, the Professionals' Assistance Program, and insurance coverage.

### **Fraud Alerts & Cyber Scam Notices**

We constantly monitor and periodically notify the membership of new scams. We maintain a database of these fraudulent emails in order to confirm whether we are familiar with that particular scam and maintain a list on our website as a reference tool for the membership. Cyber Scam Notices are circulated to members as soon as we become aware of them.

### **Professionals' Assistance Program**

In accordance with the Law Society's strategic priority to promote health and wellness, the Lawyer's Insurance Programme has developed a Wellness Program, which aims to ensure that effective assistance is available to lawyers, their staff, articled clerks, students, and their families who may require support. The Law Society website is updated regularly to provide Wellness resources.

On March 18, 2022, we offered a mandatory Seminar, *Mental Health in The Legal Profession*, with presenters Doron Gold and Ariel Kirby of Homewood Health.

A Wellness Toolbox was also rolled out at the seminar. The Toolbox is a collection of resources members can use to support health and well-being, now and in the future. A well-stocked toolbox can help a person identify signs that they are struggling, and help them employ practical strategies and actions to can take when faced with a setback. The Wellness Toolbox, found on the Law Society's website, continues to be updated regularly.

Reports from Homewood, our provider of the Professionals' Assistance Program, indicate that the Program continues to be utilized with usage steadily increasing. We receive quarterly reports of a statistical nature.

During the past year, Homewood has provided many resources which have been circulated to members:

- Mental Health Checkup: Preparing for the Year Ahead
- Holiday Stress and Anxiety Prevention Techniques
- The Impact of Social Media on Body Image & Mental Health
- Kickstart your Wellness
- Stress-Finding Your Balance
- Living a Fulfilling Life
- Understanding Mental Health with Chronic Disease
- Children's Mental Health: Technology and Cyberbullying

Homewood has also offered the following Webinar: *Social Media: The Impact on Mental Health, May 2022*. Homewood provides a quarterly newsletter, "VITALITY" and a monthly newsletter, "LIFELINES" which are both intended to support wellness generally and in the workplace with useful information and tips. This information can be found in the Health Library under the Wellness section on the Law Society's website.

### **Presentation at the BAC**

A representative from Homewood annually presents to the students a detailed description of the Professionals' Assistance Program and how it will benefit them.



## **New Initiative**

Homewood recently launched a new digital platform called Pathfinder. Members, students, their dependent family members, and staff can continue to access a full range of expert health and wellness tools and resources, with this new customized service which includes a personalized dashboard and a new online booking system.

## **Practice Management Review Program**

The Practice Management Review Program was introduced in February 2020 as Rule XIVA. The program provides a one-on-one assessment of a lawyer's practice designed to identify risks and to educate lawyers on practice management. Each review consists of a discussion based on a questionnaire the member completes and a review of files and accounting records. The reviewer also prepares a report containing recommendations to help the lawyer improve their practice and avoid risk. The Executive Director then directs the next step in the process (see rule 14.07A).

The Director of Practice Management is responsible for the operation of the program and conducts the reviews.

- To date, 104 practice management review files have been opened and 49 of those files involve sole practitioners;
- 55 files have been closed – 30 of these files have been through the full review process with the remaining files being closed due to changes in member status;
- The average number of recommendations per report is 16.5 for sole practitioners, 10.6 for lawyers in small firms and 3.7 for the small firms themselves; and
- Of the 30 files that were closed after completing the full review process, there were previous complaints against 9 of the members involved.

## **Member Inquiries**

The Director of Practice Management fields inquiries from members about ethical questions and other practice management issues. Members are not given legal advice but are directed to sections of the Law Society Rules and Code of Professional Conduct that are

applicable as well as resources that are available. Topics vary, but common ones include client identification, opening and closing a practice as well as conflicts.

## **Presentation at the BAC**

The Director of Practice Management makes a presentation each year during the Bar Admission Course on best practices for good practice management. The last presentation touched on the following topics (among others):

- File management;
- Ticklers and bring-forward systems;
- Managing conflicts;
- Documenting the file; and
- Retainer agreements.

## **Practice Resources**

The Law Society's website contains valuable practice resources for members on a wide range of subjects. They are organized into broad categories such as Managing Money, Law Office Organization and Administration, Real Estate Transactions and Client Identification. The resources are researched and prepared by, or in consultation with, the Director of Practice Management. The newest practice resource was added in February and is entitled, "Best Practices When Witnessing, Commissioning, and Notarizing Documents."

## **Custodianship**

On June 28, 2022 the Law Society created the position of Director of Custodianships and hired Nakita A. F. Ryan to fill the newly created position. Since that time, Ms. Ryan has been familiarizing herself with the custodianship department and its current processes. She has been networking with other custodians across the country, and getting to know their respective custodianship programs. All custodianships have been transferred into Ms. Ryan's name. Currently, there are fifteen law practices under custodianship.

A Retention Policy has been approved to guide the review, retention, and/or destruction of client files. This policy has allowed us to start going through client files. The Director of Custodianships has also been completing outstanding legal work, working to return active files to clients, and disbursing trust funds. That

process can now move forward effectively with closed files now being reviewed.



# HONOURS AND AWARDS COMMITTEE REPORT

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Linda Harnett, Chair

As mandated in its Terms of Reference, the Honours and Awards Committee makes recommendations to Benchers regarding the granting of the Law Society's honours and awards.

## **Law Society Honours and Awards**

The Law Society's highest honour, the Degree of Doctor of Laws, *honoris causa*, recognizes outstanding achievements by distinguished members of the profession or of the judiciary. Recipients are known for conducting themselves according to the highest ideals of the legal profession. The honour is bestowed upon those who, through their inspirational leadership and significant accomplishments, have demonstrated devotion to the betterment of the profession over a long period of time. Recipients must have provided outstanding service to the legal profession or to the administration of justice through contributions that improve the justice system and enhance the practice of law. There were no nominations for the honorary degree in 2023.

The Gordon M Stirling Distinguished Service Award recognizes substantial contributions to the Law Society, the legal profession or the administration of justice. It is awarded to members and former members of the Law Society and of the judiciary who, in addition to outstanding professional service, make a significant contribution to the public or to the community. Judy A. White, KC was approved for this award during the 17 April 2023 Benchers' Convocation.

The Jean Bruneau, OC, Certificate of Merit, is granted to lay Benchers who have made a substantial contribution to the Law Society through years of service on Benchers or in some other capacity that requires significant contributions of time and effort. The honour may also be bestowed upon lay persons who have made a substantial contribution to the

legal profession or to the administration of justice. There were no nominations for the award in 2023.

The Kenneth W. Jerrett Award was established in June 2020 in honour of the late Kenneth Jerrett who practiced law in the Province of Newfoundland and Labrador for more than 20 years. Throughout his career, despite experiencing significant health issues, Mr. Jerrett demonstrated tenacity and the motivation to persevere in his pursuit of achieving excellence in the legal profession; in making exceptional contributions to the profession; and in his commitment to community service. To be eligible for the award, nominees must have demonstrated the qualities exemplified by Mr. Jerrett that made him an inspiration to others in the profession. Nominees must have excelled in three areas: the practice of law; service to the legal profession; and service to the community at large. The award was not bestowed in 2023.

The Early Career Achievement Award was established in December 2020. The award recognizes lawyers who, early in their careers, show excellence in their work; demonstrate outstanding service and dedication to the profession; and show commitment to professional and ethical standards. To be eligible for the award, nominees must be under forty (40) years of age and/or within their first ten (10) years of call to the bar of Newfoundland and Labrador. The recipient of this award for 2023 is Sarah Evans.

## **Life Membership**

The Honours and Awards Committee reviews applications and nominations for Life Membership and makes recommendations to Benchers regarding the granting of this honour. During the past year, Benchers bestowed Life Membership on retired member, John Lavers.

## **Law Society 2022 Bar Admission Course Awards**

The Honours and Awards Committee determines the recipients of Law Society awards for Articled Students-At-Law.

The Hunt Award is presented to the Student-At-Law who receives the highest overall average mark in the Law Society of Newfoundland and Labrador's Bar Admission Examinations. The recipient of the Hunt Award for the 2022 Bar Admission Course is Zayd Khraishi. Zayd served Articles of Clerkship at the firm Martin Whalen Hennebury Stamp and their principal was Geoffrey Davis-Abraham. Zayd was called to the Newfoundland and Labrador Bar on April 21, 2023.

The Legal Aid NL Family Law Award is presented to the Student-At-Law achieving the highest mark in the Family Law section of the Bar Admission Examinations. The recipient of the 2022 Legal Aid NL Family Law Award is Alden Spencer. Alden served Articles of Clerkship at Legal Aid NL and their principal was Marcus Evans. Alden was called to the Newfoundland and Labrador Bar on February 24, 2023.

The Spracklin Award is presented to the Student-At-Law achieving the highest mark in the Real Estate/Wills section of the Bar Admission Examinations. The recipient of the 2022 Spracklin Award is again, Zayd Khraishi.

The Provincial Court Judges' Association Award is presented to the Student-At-Law achieving the highest mark in the Criminal Law section of the Bar Admission Examinations. The Provincial Court Judges' Association Award is presented to the Student-at-Law achieving the highest mark in the Criminal Law Examination of the Bar Admission Course. The co-recipients of the 2022 Provincial Court Judges' Association Award are Olivia Bungay and Jeffrey Wicks.

Olivia Bungay served Articles of Clerkship at the firm Stewart McKelvey and their principal was William Sheppard. Olivia was called to the Newfoundland and Labrador Bar on April 21, 2023.

Jeffrey served Articles of Clerkship at the Department of Justice & Public Safety and their principal was Jennifer Standen. Jeffrey was

called to the Newfoundland and Labrador Bar on April 21, 2023.

The O'Reilly Award is presented to the Student-At-Law achieving the highest mark in the Civil Practice and Procedure section of the Bar Admission Examinations. The 2022 recipient of the O'Reilly award is Jillian Cleary. Jillian served Articles of Clerkship at the firm McInnes Cooper and their principal was David Eaton, KC. Jillian was called to the Newfoundland and Labrador Bar on February 24, 2023.

The William J Browne Scholarship is presented to a Student-At-Law who has submitted the winning research essay on a legal issue of current public concern. There is no recipient for 2023.

The Maxwell J Pratt Scholarship is based on academic performance and is presented to a Student-At-Law who is a graduate of Memorial University of Newfoundland and a student at Dalhousie Law School. There is no recipient for 2023.

The Honours and Awards Committee congratulates all recipients of the Law Society's honours and awards. The above-described awards will be formally presented on 9 June 2023 at the Law Society of Newfoundland and Labrador Annual Dinner.

## **The Work of the Honours and Awards Committee**

At the June 2022 convocation, Benchers approved the Committee's amendments to the Gordon M Stirling Distinguished Service Award and the Jean Bruneau, OC, Certificate of Merit. During the past year, the Committee carried out its work as mandated, including:

- Completing a review of the criteria and guidelines for Law Society honours and awards in accordance with its Terms of Reference;
- Recommending to Benchers that Life Membership be granted to one member;
- Making recommendations to Benchers regarding the conferring of honours and awards; and
- Developing a Consent and Eligibility Form to accompany applications/

nominations for Law Society honours and awards.

The Committee also developed a Committee Handbook of Guidelines and Procedures, an information resource to assist members when carrying out the work of the Committee.

The Honours and Awards Committee Members for 2022-2023 are:

- Linda Harnett, Chair
- Ian Patey
- Keri-Lynn Power
- Jill Quilty
- Jonathan Regan
- Ashley Savinov
- Douglas Wright

*and the honour*

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GOES TO

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# SS DAISY LEGAL HISTORY COMMITTEE REPORT

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## John Joy & Anna Wadden, Co-Chairs

The mandate of the SS Daisy Legal History Committee (the “Committee”) is the preservation of Newfoundland and Labrador’s legal heritage, including the history of law, the courts, the lawyers and the Law Society. The Committee’s name is taken from the government boat, the SS Daisy, which carried members, judges, sheriffs and clerks to the courts in the smaller communities in pre -1949 Newfoundland.

Current members of the Committee are: John Joy (Co-Chair); Anna M. Wadden (Co-Chair); Derek Green; Chris Curran; Janet Henley; Melvin Baker; Robert Pittman; Riley Moss; Don Powell; Noel Daley; Michael Collins; Gregory French; Nakita Ryan; and, Alex Templeton, Bencher Representative. The committee is supported by Leah Griffiths, Library Technician at the Law Society.

Members of the Committee are engaged on a volunteer basis and are responsible for undertaking and overseeing the Committee’s projects, which are substantial works that require significant time and effort over time.

In 2022, the Committee published a new work *Three Chief Justices, Volume II*. The Committee also published new editions of *A Ferryland Merchant-Magistrate and Discourse* and *Discovery with place and names indexes* and some new material. The anticipated publication schedule for 2023 is as follows:

- J. Derek Green and John Joy are currently working on completing *The Reports, 1949: Decisions of the Supreme Court of Newfoundland—Volume 17* and *The Reports, 1950: Decisions of the Supreme Court of Newfoundland—Volume 18*. Preliminary work on the 1951 written decisions of the Supreme Court has already started.
- John Joy and E. Doyle Wells continue to advance the preparation of the manuscript of E. Doyle Wells (ed.), *Sworn Before Me: The Journals of Magistrate Thomas E. Wells, 1909-1914*,

*Little Bay, Notre Dame Bay, Newfoundland and Labrador*. Anna Wadden assists when time permits. Anticipated publication date is Fall 2023.

- Janet Henley and Anna Wadden are reviving the Committee’s Oral History Project, this time with a focus on early women barristers and solicitors. They plan to interview women called to the Newfoundland and Labrador Bar whom they believe are still living that appear on the Barristers’ Roll between 1955 and 1990. They anticipate being in the position to start interviewing subjects in Summer/Fall 2023.

The Committee has a budget of \$10,000 and is applying to the Law Foundation of Newfoundland and Labrador to seek additional funding for 2022 and 2023 publications.

The Committee is working on additional publications and continues efforts to liaise with The Rooms Archives and Memorial University’s Centre of Newfoundland and Labrador Studies and Library.



# ACCESS TO JUSTICE COMMITTEE REPORT

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## Lauren Chafe, Chair

The Access to Justice Committee (the “Committee”) was initially formed to represent the Law Society on the Newfoundland and Labrador Access to Justice Steering Committee (the “Steering Committee”). The Committee’s mandate is: to use a cohesive and collaborative approach to provide leadership for initiatives intended to improve access to the civil and family justice systems in Newfoundland and Labrador; to provide, as appropriate, a forum for engaging the public and public sector participants on issues related to access to justice; to share information, monitor and co-ordinate work undertaken, and educate the public about efforts of the committee and working groups; to promote innovation in all aspects of the delivery of civil and family justice service; and to gather feedback from various stakeholders on initiatives being implemented in the various sectors of civil and family justice services to ensure that we are meeting the needs of the targeted audience.

With an underlying theme of relevance to the Law Society of Newfoundland and Labrador, the Committee’s responsibilities include: identifying access to justice initiatives that may be in the public interest to regulate; advising and recommending to Benchers access to justice initiatives; engaging Members on access to justice initiatives; engaging the public on access to justice initiatives; promoting and facilitating access to justice initiatives; and supporting the Steering Committee in attaining its objectives.

In 2020 - 2021 Benchers approved a new and ambitious strategic plan to guide the work of the Law Society for the next four years. Promoting Access to Justice was identified as one of the key priorities to fulfilling the Law Society’s mandate. That work began in 2020 – 2021.

In its 2021 – 2022 Work Plan, the Committee committed to studying the information contained in the Jurisdictional Scans of all Law Societies across Canada completed by the Committee in 2020 – 2021 looking at their access to justice initiatives. The goal is to identify those options that should be studied further and put forward for

Benchers’ consideration. That study has resulted in the development of short, medium, and long-term initiatives that might be embarked on by the Law Society, in furtherance of the goal of promoting Access to Justice.

This year the committee continued work on a number of access to justice initiatives. It developed an award for Early Career lawyers that was approved by Benchers in December 2022. The “Early Career Pro Bono Award” recognizes an early career lawyer who has demonstrated excellence in providing pro bono services to the public in Newfoundland and Labrador.

Additionally, the Law Society continues to support access to justice initiatives for the public, including contributions to CanLII, an online legal resource funded by all Law Societies in Canada available to the public without charge. The Law Society also dedicates a section of its website to the public, including links to important resources. In 2023 the Law Society approved a contribution of \$125,000 to the Public Legal Information Association of Newfoundland and Labrador (PLIAN) to assist it in the furtherance of access to justice.

The Chair of the Committee sits as a member of the Steering Committee, which was formed in 2014 from recommendations from the report of the Action Committee on Access to Justice in Civil and Family Matters. The committee is comprised of members from fifteen justice stakeholder groups including: the Department of Justice and Public Safety, the Court of Appeal of Newfoundland and Labrador, Supreme Court of Newfoundland and Labrador General and Family Divisions, the Provincial Court of Newfoundland and Labrador, Newfoundland and Labrador Legal Aid Commission, Law Society of Newfoundland and Labrador, Canadian Bar Association – Newfoundland and Labrador Branch,

Public Legal Information Association of Newfoundland and Labrador, Provincial Advisory Council on the Status of Women, Newfoundland

and Labrador Human Rights Commission, Newfoundland and Labrador English School District, Adult Corrections, and Francophone Justice Network of Newfoundland and Labrador (Réseau Justice en français de Terre-Neuve-et-Labrador), the Office of French Services, as well as an individual member who is a practicing lawyer.

The Steering Committee, inter alia, provides leadership on initiatives intended to improve access to the civil and family justice systems in the province, including engaging the public on issues related to access to justice and promoting innovation in all aspects of the delivery of civil and family justice services.

The Steering Committee members continue to collaborate to organize the volunteer-run Legal Clinics below:

#### **Small Claims Legal Assistance Clinic**

Established in 2016, the Small Claims Legal Assistance Clinic is held once a month and to date has assisted over 100 clients. The clinic offers individual appointments with a volunteer lawyer or articling student who can provide self-represented litigants with summary legal advice and suggestions for next steps on Small Claims Court matters.

This clinic is currently on hiatus due to challenges in recruiting volunteers. Stakeholders are working together to develop strategies to promote the clinic.

#### **Court of Appeal Legal Assistance Clinic**

The Court of Appeal of Newfoundland and Labrador launched the Court of Appeal Legal Assistance Clinic, in June of 2016. The project is intended to promote access to justice and legal education. The clinic is held once a month and

offers free legal assistance to people who do not have a lawyer and are seeking advice about their appeal. Appointments are held in person and via telephone.

#### **Gathering Place Legal Clinic**

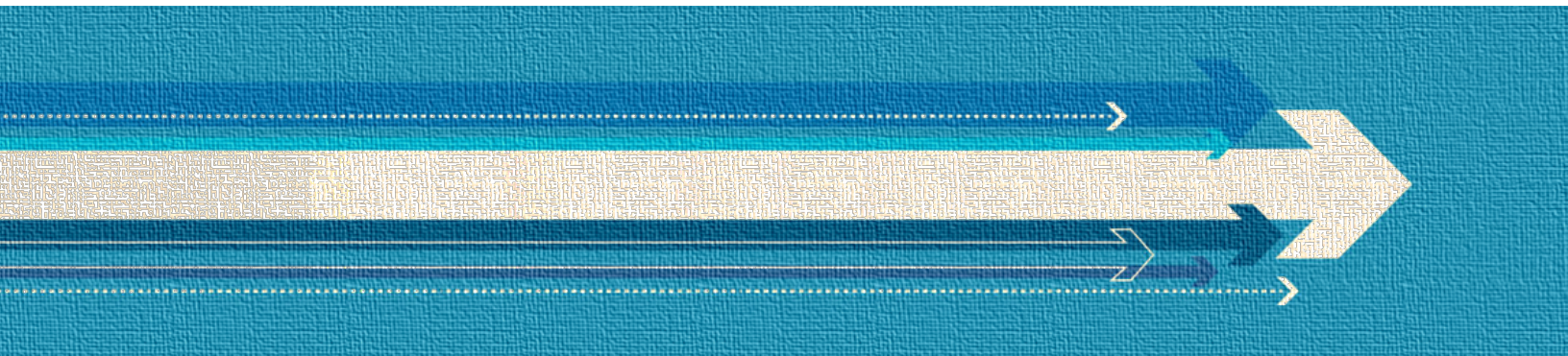
The Gathering Place Legal Clinic was established in the summer of 2017. The clinics ran monthly from February to June at the Gathering Place where volunteer lawyers, articling students and law students meet with clients to discuss matters related to a wide range of issues including small claims/civil litigation, housing/residential tenancies, wills and estates, family law, criminal law, and issues with accessing benefits. The Gathering Place is a service center and non-profit organization offering a range of programs and services to persons aged 25 or older who are homeless, live in less than desirable housing conditions, unemployed, or who do not have adequate social support in their lives.

#### **Family Law Legal Clinics**

The Public Legal Information Association of NL (PLIAN) held legal clinics aimed at addressing family law questions. A clinic was held in Corner Brook co-hosted with the Journey Project. Another clinic was held in Grand Falls-Winsor.

#### **Journey Project**

The Journey Project offers legal support and navigation to individuals who have experienced sexual violence. As an ongoing partnership between the PLIAN and the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (NLSACPC), the Project works to enhance supports and responses for survivors of sexual violence in Newfoundland and Labrador within the legal system.





# ACCOUNTS AND FINANCE COMMITTEE REPORT

Doug Wright, Chair

Part One of this report will focus on the financial results of the Law Society's investment accounts and investment performance in 2022.

Part Two of the report will summarize the activities of the Committee during the year.

## **Part One:**

### **Law Society Investment Accounts**

The Law Society has four investment accounts that are managed by CIBC Private Wealth – Wood Gundy:

1. The General Operating Account, in which retained funds of the Law Society are invested;
2. The Insurance Account, in which funds of the Law Society Insurance Program are invested;
3. The Assurance Account, in which the funds of the Law Society Assurance Program are invested; and
4. The Scholarship Account, in which the Law Society's contributions to the scholarship fund are invested.

### **Key Investment Policies**

Under the current Law Society Investment Policy Statement, which was adopted in 2019 and is currently under review by the committee, the investment objectives of the Law Society are:

- Preservation of capital
- Income generation, with an emphasis on interest and dividends
- Meeting the short-term income and cash flow requirements of each of the four Law Society mandates (operations, the insurance/assurance programs, and the scholarship program) when required.

Within these objectives, the desired long-term rate of return across all investment accounts under the Investment Policy Statement is 2% - 4% per year.

### **Investment Performance**

Excluding withdrawals and contributions to the various accounts, the performance of the Law Society investments from 2019 to 2022 inclusive (on a total return basis, i.e., including interest and dividend income and realized and unrealized capital gains), is as follows:

<b>Account</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Since Inception<sup>1</sup></b>
Operating	-4.05%	+7.23%	+2.04%	+6.47%	-2.18%	+2.22%
Insurance	-3.56%	+5.95%	+0.09%	+4.84%	-0.94%	+1.49%
Assurance	-1.47%	+6.43%	-0.97%	+6.78%	-1.47%	+1.73%
Scholarship	-0.96%	+8.54%	+4.38%	+5.39%	-10.65%	+1.35%

The Accounts were opened with CIBC Wood Gundy on 12/06/2018/\*

## Part Two

The Committee met with Wood Gundy on five occasions throughout 2022 to review quarterly performance reports and address recommendations of Wood Gundy with respect to specific investments.

The committee met with the Law Society external auditors KPMG in December for the initial audit planning meeting. In keeping with past practice, the committee met with KPMG in April to review the auditors' draft audit which, as always, was subject to a few minor accounting matters to be finalized. The auditor's opinion was a "clean" opinion that the financial statements of the Law Society fairly represented the state of its financial affairs as at the end of 2022, subject to the qualification that we always receive regarding the characteristics of the transaction levy that are not amenable audit testing.

The Committee recommends that KPMG be re-appointed as the auditors of the Law Society for the 2023 fiscal year.

The Committee's terms of reference include the periodic review of the tender process for audit services. The Committee will therefore include in its work plan for 2023-24 discussion of initiating a tender process for audit services for the fiscal year ending December 31, 2024.



# REAL ESTATE COMMITTEE REPORT

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Valerie Hynes, KC, Chair

## Mandate

The Real Estate Committee was established to support Benchers in the governance of the Law Society by developing professional standards for the area of Real Estate Law. Members of the Committee are: Valerie Hynes, Blair Downey, Will Cahill, Linda Bishop, Padraig Mohan and Sharyl Rowsell.

The Real Estate Committee is responsible for:

- Identifying existing applicable professional standards of Real Estate Law practice;
- Identifying emerging Real Estate Law issues that may require the development of new professional standards or the revision of current standards and advising Benchers;
- Identifying resources and tools to assist members to practice in accordance with professional standards;
- Acting as a resource on issues of professional standards for Real Estate Law as may be requested by Benchers; and
- Engaging members in determining real estate practice education initiatives relevant to the Law Society and its role of regulating the profession in the public interest.

## Initiatives

The committee remains committed to preparing real estate checklists for both residential purchase, refinance and sale transactions. It is our goal to make these resources available to all members of the Law Society. The current committee has drawn upon the work from the previous committee and divided the work up between members. Three members have each taken a Checklist on and provided it to the committee

in draft form. As well one committee member has reviewed each draft check list for municipal compliance issues. The final edits will be completed in the coming months.

The committee has addressed a couple of new Real Estate law issues that arose during the course of the year.

The committee last met on June 20, 2022 virtually and have been exchanging emails and draft documents between members since that time.

In addition, on January 9, 2023 the Government of Newfoundland and Labrador announced the following:

- The Provincial Government is seeking public and stakeholder input on amendments to section 36 of the Lands Act. This section focuses on adverse possession of Crown lands – commonly referred to as “squatters’ rights.”
- Three changes are being considered to clarify adverse possession and protect the land interests of the people of the province, including:
  - Changing the possessory period of land from the current 20 continuous years immediately prior to January 1, 1977, to 10 continuous years immediately prior to January 1, 1977. No other period of possession would count in acquiring an interest in Crown lands;
  - Setting a definitive time period within which persons making claims to Crown lands based on adverse possession have to make those claims; and
  - Allowing the Crown to issue a document that declares the Crown claims no interest where the conditions of adverse possession have been met,

without granting title or transferring any interest.

Two consultation meetings were scheduled and the Executive of the Law Society asked me to participate as the Chair of the Real Estate Committee and report back to the Executive Committee.

I participated in a discussion about the proposed changes and other ideas together with representatives from the CBA-NL, NL Surveyors, the Real Estate Brokers Association and prepared a Memo for the Executive. I also provided a copy of the CBA-NL submissions which were primarily the same as their 2021 submissions on the reforms to the Lands Act which the Law Society had supported. In light of this, the Executive Committee determined that no further submissions were required.

We have had two separate inquiries from members for further information regarding a new piece of Federal Legislation that came into effect on January 1, 2023 known as the Prohibition on the Purchase of Residential Property by Non-Canadians Act, S.C. 2022, c. 10. We are preparing an information circular similar to what other law societies in Canada have posted, for members information.

The only item on the Real Estate Committee's work plan is to complete the Residential Checklists which are in final draft.

The Real Estate Committee is available to address any additional issues that may be brought to its attention by Benchers, the Law Society or practitioners.



# INDIGENOUS EDUCATION AND ACTION COMMITTEE REPORT

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## Elizabeth Zarpa, Chair

The focus of this Annual Report of the Indigenous Education Action Committee (“IEAC” or the “Committee”) will be to highlight the mandate and responsibilities of the Committee; the success of the Indigenous law revitalization seminar held on October 31, 2022, at the Bar Admission Course; the creation of the Indigenous Law Student Scholarship and the priorities of this Committee for the year ahead – which is highly focused on building capacity and permanency in the ongoing work of the Law Society of Newfoundland and Labrador (“Law Society”) in its inclusion and accommodation to adapting Indigenous peoples and their laws into the practice of law within this jurisdiction.

### **Mandate and Responsibilities**

The IEAC was formed in the Spring of 2017. The Committee’s mandate is the following:

“The Indigenous Education and Action Committee will work within the legal profession to advise, educate and act on reconciliation with Indigenous peoples in Newfoundland and Labrador, which includes addressing the Calls to Action arising from the Truth and Reconciliation Commission.”

The responsibilities of the Committee include, but are not limited to:

- a) Working with Indigenous communities to access and promote Indigenous legal traditions and knowledge;
- b) Educating within the legal community, including continuing legal education and the bar admission course, as well as within the broader community;
- c) Collecting and promoting resources and tools to help ensure the Indigenous cultural competency of members of the bar in Newfoundland and Labrador;
- d) Acting as a resource for consultation on issues relating to Indigenous law;
- e) Identifying challenges faced by Indigenous peoples in accessing justice and providing recommendations to

- f) relevant stakeholders on remediating the gap in access to legal services;
- g) Engaging Indigenous members of the bar on the work of this committee.

### **Indigenous Law Revitalization at the Bar Course**

A large focus of this year’s work was on creating an Indigenous law revitalization seminar for the 2022 Bar Course. The seminar focused on showcasing the histories of the Indigenous people of this province to the students, as well as case briefing Inuit stories using the case briefing methodology.

There were four Mi’kmaq, Innu and Inuit women that led the seminar, namely, Elizabeth Zarpa, Barbara Barker, Sabre Pictou and Jolene Ashini. It was a major success with positive feedback and support from the students. This written feedback will be helpful in moving this work along in future years.

A major focus of the IEAC moving ahead is to establish a permanent space within the Bar Course where students can learn about the Indigenous people of this province, the Indigenous laws, the barriers and opportunities for Indigenous peoples who interact with legal systems, and the historical realities of Indigenous people.

### **Indigenous Law Student Scholarship**

The Law Society announced the Indigenous Law Student Scholarship (“ILSS”) in October 2022. The idea for the ILSS came about during an introductory meeting between Law Society executive/staff members and Qalipu First Nation Chief Brendan Mitchell and Band Manager Keith Goulding. When discussing opportunities to promote the Truth and Reconciliation Commissions Calls to Action, as they relate to the Law Society, Chief Mitchell suggested a scholarship for Indigenous law students.

This idea was further discussed at the IEAC in February of 2022 and a sub-committee was formed to put together a proposal for Benchers. After considering the needs and challenges of

Newfoundland and Labrador's Indigenous law students and reviewing Indigenous law student scholarships from other provinces' law societies and private/public foundations, a proposal was forwarded to Benchers at their June 2022 meeting. The scholarship was approved and the IEAC sub-committee drafted an application and guidelines for the ILSS.

An element of the application process is an essay from applicants that includes a section on their experience with colonization. This aspect of the application process provides a meaningful opportunity to educate Benchers, and more generally the Law Society membership that they represent, on the historical and ongoing impacts of colonization on Indigenous peoples.

This sharing of truth from Indigenous law students provides an opportunity to promote reconciliation between members of the legal community within the province. Meanwhile the financial support provided through the ILSS helps alleviate barriers for Indigenous law students. The Law Society has received applications for the inaugural ILSS well in advance of the June 1, 2023, deadline. Applications will be reviewed by the ILSS sub-committee of the IEAC who will select up to three qualified applicants to recommend to Benchers. This annual scholarship will provide awards of \$5000 to three successful applicants.

### **Conclusion**

The workings of the Committee in the last year have been impactful on the legal profession and its students throughout the province. It was because of the work of dedicated volunteers that these initiatives evolved.

In moving ahead, the Committee is considering options to ensure that the Indigenous law revitalization seminar and the Indigenous Law Students Scholarship become permanent evolving pillars within the Law Society and the province's legal profession as a whole.





## EQUITY AND DIVERSITY COMMITTEE

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### Carey Majid, KC, Chair

The Equity and Diversity Committee's mandate is to:

- Gather information about issues related to equity and diversity in the legal profession;
- Engage collaboratively with Law Society members to increase recognition and awareness about equity and diversity issues in the legal profession; and
- Develop and implement initiatives related to equity and diversity.

The Committee continues to deliver on the initiatives outlined in the Bias Training Proposal approved by Benchers on February 14, 2022.

A 2-hour unconscious bias seminar was held on April 11, 2022. The first two of a series of presentations from members of different equity seeking groups were held on December 16, 2022, and April 17, 2023.

The first presentation was about the geography and people of Labrador and highlighted the many access to justice barriers that people face. The second presentation was an introduction for lawyers to the concepts of equity, diversity, and inclusion.

Benchers committed to setting aside the time for these sessions at upcoming Benchers' Meetings.

The Committee continues to meet on the first Friday of every month via Zoom. In addition to these meetings, we regularly circulate and discuss EDI resources obtained from other law societies and organizations.

The Committee will also continue to develop new CPD seminars and other educational materials for members based on their feedback and input.



# Auditor's Report and Financial Statements

Fiscal Year Ended 31 December 2022





# LAW SOCIETY

Newfoundland & Labrador

**Financial Statements of**

**LAW SOCIETY OF  
NEWFOUNDLAND AND  
LABRADOR**

**Year Ended December 31, 2022**

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## INDEPENDENT AUDITOR'S REPORT

To the Members of Law Society of Newfoundland and Labrador

### **Qualified Opinion**

We have audited the financial statements of Law Society of Newfoundland and Labrador (the Entity), which comprise:

- the balance sheet as at December 31, 2022
- the statement of earnings for the year then ended
- the statement of changes in net assets for the year then ended
- the statement of cash flows for the year then ended
- and notes to the financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the "financial statements").

In our opinion, except for the possible effects of the matter described in the "**Basis for Qualified Opinion**" section of our auditor's report, the accompanying financial statements present fairly, in all material respects, the financial position of the Entity as at December 31, 2022 and its results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

### **Basis for Qualified Opinion**

The Lawyer's Insurance Programme derives revenues from transaction levies, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amount recorded in the Lawyer's Insurance Programme.

Therefore, we were not able to determine whether any adjustments might be necessary to:

- the current assets reported in the balance sheet as at December 31, 2022 and December 31, 2021
- the revenues and net earnings reported in the statement of earnings for the years ended December 31, 2022 and December 31, 2021
- the unrestricted net assets at the beginning and end of the year reported in the statement of changes in net assets for the years ended December 31, 2022 and December 31, 2021
- the net earnings reported in the statements of cash flows for the years ended December 31, 2022 and December 31, 2021

KPMG LLP, an Ontario limited liability partnership and member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. KPMG Canada provides services to KPMG LLP.



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Our opinion on the financial statements for the year ended December 31, 2021 was qualified accordingly because of the possible effects of this limitation in scope.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the **"Auditor's Responsibilities for the Audit of the Financial Statements"** section of our auditor's report.

We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other ethical responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified opinion.

### ***Responsibilities of Management and Those Charged with Governance for the Financial Statements***

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.



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- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

A handwritten signature in black ink that reads 'KPMG LLP'. The signature is written in a cursive, slightly slanted style and is underlined with a single horizontal stroke.

Chartered Professional Accountants

St. John's, Canada

April 18, 2023

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

## Balance Sheet

December 31, 2022, with comparative information for 2021

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2022	2021
<b>Assets</b>							
<b>Current assets:</b>							
Cash and cash equivalents	\$ 251,991	\$ 240,961	\$ 3,732	\$ -	\$ -	\$ 496,684	\$ 1,255,258
Trade receivable (net of allowance of \$6,284 (2021 - \$17,427))	38,231	249,500	-	-	-	287,731	394,996
Accounts receivable - other	25,721	-	-	-	-	25,721	14,543
Investments and marketable securities (note 4)	1,316,697	16,590,097	860,426	12,076	-	18,779,296	19,362,547
Receivable from CLIA (note 14)	-	90,056	-	-	-	90,056	-
Prepaid expenses	71,550	126,900	42,671	-	-	241,121	115,236
Interfund balances	(1,109,656)	-	-	-	1,109,656	-	-
	594,534	17,297,514	906,829	12,076	1,109,656	19,920,609	21,142,580
Capital assets (note 6)	857,009	-	-	-	-	857,009	724,356
Claims recovery receivable (note 7)	-	-	-	-	-	-	5,332
Accounts receivable - non-current	35,374	-	-	-	-	35,374	35,374
	\$ 1,486,917	\$ 17,297,514	\$ 906,829	\$ 12,076	\$ 1,109,656	\$ 20,812,992	\$ 21,907,642
<b>Liabilities and Net Assets</b>							
<b>Current liabilities:</b>							
Accounts payable and accrued liabilities (note 8)	\$ 221,819	\$ 23,401	\$ -	\$ -	\$ -	\$ 245,220	\$ 184,605
Provision for unpaid claims	22,100	-	-	-	-	22,100	22,100
Reserve for claims and related costs (note 9)	-	3,647,708	-	-	-	3,647,708	3,780,414
	243,919	3,671,109	-	-	-	3,915,028	3,987,119
<b>Net assets:</b>							
General Fund	1,242,998	-	-	-	-	1,242,998	1,605,389
Lawyers' Insurance Programme	-	13,626,405	-	-	-	13,626,405	14,105,437
Assurance Fund	-	-	906,829	-	-	906,829	974,526
Endowment Fund	-	-	-	12,076	-	12,076	13,515
Internally Restricted Fund (note 2)	-	-	-	-	1,109,656	1,109,656	1,221,656
	1,242,998	13,626,405	906,829	12,076	1,109,656	16,897,964	17,920,523
Contingent liability (note 10)	-	-	-	-	-	-	-
Commitments (note 11)	-	-	-	-	-	-	-
	\$ 1,486,917	\$ 17,297,514	\$ 906,829	\$ 12,076	\$ 1,109,656	\$ 20,812,992	\$ 21,907,642

See accompanying notes to financial statements.

On behalf of the Board:

 President

 Vice President

 Chair of

Insurance Programme

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

## Statement of Earnings

Year ended December 31, 2022, with comparative information for 2021

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2022	2021
<b>Revenue:</b>							
Admission fees (note 12)	\$ 55,550	\$ -	\$ -	\$ -	\$ -	\$ 55,550	\$ 63,775
Annual fees (note 13)	1,576,391	604,615	40,151	-	-	2,221,157	2,329,309
Audit program	13,781	-	-	-	-	13,781	96,862
Bar admission course	56,598	-	-	-	-	56,598	72,000
Continuing legal education	57,538	-	-	-	-	57,538	38,872
Grant - Law Foundation	15,000	-	-	-	-	15,000	7,500
Interest - membership fees	45,467	-	-	-	-	45,467	49,826
Investment (loss) income (note 4)	(23,801)	(159,838)	(13,576)	(1,439)	-	(198,654)	987,230
Other income	35,581	-	45	-	-	35,626	70,894
Transaction levy revenue	-	988,591	-	-	-	988,591	1,019,375
	1,832,105	1,433,368	26,620	(1,439)	-	3,290,654	4,735,443
<b>General and administrative expenses:</b>							
Salaries and benefits	1,280,979	537,846	-	-	-	1,798,825	1,564,521
Claim costs and provision for unpaid claims and related costs (note 5)	-	907,204	-	-	-	907,204	1,373,696
Discipline expense	4,069	-	-	-	-	4,069	15,950
CLIA premiums	-	209,575	-	-	-	209,575	239,539
Miscellaneous expenses	305,638	19,801	4,784	-	-	330,221	267,627
Libraries	206,323	-	-	-	-	206,323	193,413
Building operation	134,210	-	-	-	-	134,210	130,611
Custodianship	15,936	18,327	-	-	-	34,263	26,993
Audit program	2,704	-	-	-	-	2,704	103,238
Amortization	151,318	-	-	-	-	151,318	125,661
Insurance	32,566	-	89,533	-	-	122,099	103,589
Professional fees	42,592	22,891	-	-	-	65,483	48,441
Federation of Law Societies' fees	57,426	-	-	-	-	57,426	56,055
Continuing legal education	19,055	-	-	-	-	19,055	9,172
Benchers' convocations and receptions	31,535	-	-	-	-	31,535	24,002
Professional development	34,766	-	-	-	-	34,766	15,823
Actuarial costs	-	43,056	-	-	-	43,056	40,112
Strategic initiatives	-	-	-	-	112,000	112,000	100,000
Professional Assistance Program	-	33,700	-	-	-	33,700	33,700
Bar admission course	15,381	-	-	-	-	15,381	9,767
Administration fees	(120,000)	120,000	-	-	-	-	-
	2,194,496	1,912,400	94,317	-	112,000	4,313,213	4,481,910
<b>Net earnings</b>	\$ (362,391)	\$ (479,032)	\$ (67,697)	\$ (1,439)	\$ (112,000)	\$ (1,022,559)	\$ 253,533

See accompanying notes to financial statements.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

## Statement of Changes in Net Assets

Year ended December 31, 2022, with comparative information for 2021

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2022	2021
Net assets, beginning of year	\$ 1,605,389	\$ 14,105,437	\$ 974,526	\$ 13,515	\$ 1,221,656	\$ 17,920,523	\$ 17,666,990
Net earnings	(362,391)	(479,032)	(67,697)	(1,439)	(112,000)	(1,022,559)	253,533
Transfer to capital asset reinvestment	-	-	-	-	-	-	-
<b>Net assets, end of year</b>	<b>\$ 1,242,998</b>	<b>\$ 13,626,405</b>	<b>\$ 906,829</b>	<b>\$ 12,076</b>	<b>\$ 1,109,656</b>	<b>\$ 16,897,964</b>	<b>\$ 17,920,523</b>

See accompanying notes to financial statements.



# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

## Statement of Cash Flows

Year ended December 31, 2022, with comparative information for 2021

	2022	2021
Cash provided by (used in):		
Operations:		
Net earnings	\$ (1,022,559)	\$ 253,533
Items not involving cash:		
Amortization	151,318	125,661
Unrealized loss (gain) on investments	659,431	(375,477)
Change in provision for unpaid claims	-	9,000
Change in reserve for claims and related costs	(132,706)	429,402
	<u>(344,516)</u>	<u>442,119</u>
Changes in non-cash operating working capital:		
Decrease (increase) in trade receivable	107,265	(54,670)
(Increase) decrease in accounts receivable - other	(11,178)	7,845
(Increase) decrease in receivable from CLIA	(90,056)	761,119
(Increase) decrease in prepaid expenses	(122,600)	122,901
Increase (decrease) in accounts payable and accrued liabilities	60,616	(59,259)
Decrease in claims recovery receivable	5,332	10,436
Increase in accounts receivable non-current	-	(5,504)
	<u>(395,137)</u>	<u>1,224,987</u>
Investing:		
Proceeds from sales of investments and marketable securities	2,623,963	2,968,613
Purchases of investments and marketable securities	(2,703,430)	(3,289,705)
Purchase of capital assets	(283,970)	(125,512)
	<u>(363,437)</u>	<u>(446,604)</u>
(Decrease) increase in cash and cash equivalents	(758,574)	778,383
Cash and cash equivalents, beginning of year	1,255,258	476,875
Cash and cash equivalents, end of year	<u>\$ 496,684</u>	<u>\$ 1,255,258</u>

See accompanying notes to financial statements.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year ended December 31, 2022

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The Law Society of Newfoundland and Labrador (the "Law Society") is a regulatory body for the legal profession in the province. The Law Society is a not-for-profit entity and, as such, is exempt from the payment of income tax.

## 1. Significant accounting policies:

The financial statements have been prepared by management in accordance with Canadian accounting standards for not-for-profit organizations in Part III of the CPA Canada Handbook.

### (a) Fund accounting:

The Law Society records its financial transactions on the fund accounting basis as follows:

#### (i) General Fund:

Operations include all activities related to the Law Society not directly associated with the Assurance Fund or the Lawyers' Insurance Programme.

#### (ii) Lawyers' Insurance Programme (the "Programme"):

Operations relate to the administration of professional liability insurance for members of the Law Society whereby professional liability insurance is provided to the members of the Law Society by the Canadian Lawyers' Insurance Association ("CLIA"). The Programme receives contributions from members of the Law Society through annual insurance premiums. In addition, effective October 1, 2005, the Programme commenced the collection of transaction levies. The levies are collected from members of the Law Society on certain legal transactions and are then reported and remitted to the Programme on a quarterly basis.

#### (iii) Assurance Fund:

Operations relate to providing compensation to individuals who have suffered a loss due to misappropriation of funds or other fraudulent activities by a member.

#### (iv) Endowment Fund:

The endowment fund holds investments for the purposes of providing scholarships to law students in the province of Newfoundland and Labrador.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

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## 1. Significant accounting policies (continued):

### (a) Fund accounting (continued):

#### (v) Internally Restricted Fund:

Benchers restrict certain funds which are not available without approval from the Benchers.

### (b) Reserve for claims and related costs:

The reserve for claims and related costs is based upon the change from year to year of the claims and related costs. The reserve value is based upon the greater of the Programme's current year estimate of incurred costs of claims and the actuarial computed discounted costs of possible claims for the current year.

The Programme's appointed actuary is engaged to provide an annual valuation of the reserve for claims and related costs in accordance with the standards of practice adopted by the Canadian Institute of Actuaries. For the purpose of the actuarial valuation, the actuary is making use of certain information contained in the Programme's financial records.

Claims and related costs of the Programme are subject to specific maximum limits set out in the insurance policy with CLIA. CLIA's liability is limited to \$1,000,000 per occurrence, and \$2,000,000 in aggregate per policy year. A deductible of \$5,000 is recoverable from the insured member at the time of claim pay-out. Until June 30, 2009 the Programme was responsible for administrative costs but did not retain any responsibility for the indemnification of claims. From July 1, 2009 onward the Programme has been responsible for administrative costs and for the indemnification of claims to specified limits. The limits per claim year are as follows:

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 1. Significant accounting policies (continued):

### (b) Reserve for claims and related costs (continued):

	Per occurrence	In aggregate
July 1, 2009 - June 30, 2010	\$ 100,000	\$ 900,000
July 1, 2010 - June 30, 2011	100,000	1,000,000
July 1, 2011 - June 30, 2012	200,000	1,350,000
July 1, 2012 - June 30, 2013	200,000	1,375,000
July 1, 2013 - June 30, 2014	200,000	1,400,000
July 1, 2014 - June 30, 2015	300,000	1,600,000
July 1, 2015 - June 30, 2016	300,000	1,675,000
July 1, 2016 - June 30, 2017	300,000	1,305,000
July 1, 2017 - June 30, 2018	300,000	1,365,000
July 1, 2018 - June 30, 2019	300,000	1,500,000
July 1, 2019 - June 30, 2020	300,000	1,400,000
July 1, 2020 - June 30, 2021	300,000	1,360,000
July 1, 2021 - June 30, 2022	300,000	1,405,000
July 1, 2022 - June 30, 2023	300,000	1,390,000

### (c) Recoveries:

Recoveries from claims and related costs from insurers and other parties are recorded when they can be reasonably estimated, and collectability is reasonably assured. Otherwise, the recovery is recorded when received.

### (d) Provision for unpaid claims:

Lawyers' Professional Indemnity Company ("LawPRO") is an insurance company that is licensed to provide professional liability insurance and title insurance in numerous jurisdictions across Canada. This insurance applies to acts or omissions committed by insured in connection with his/her practice as a member of the Law Society, provided the original claim or suit for damages is brought during the policy period.

The 2003 and 2004 insurance program insures all practicing members up to \$1,000,000 per claim, after an individual deductible of at least \$5,000 per member per claim, to a maximum annual limit of \$2,000,000 per insured.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

---

## 1. Significant accounting policies (continued):

### (d) Provision for unpaid claims (continued):

The program is responsible for all claims and legal and adjusting expenses above the members' deductible and has arranged for 90% quota share reinsurance above the members' deductible, retaining the other 10% for its own account for claims relating to 2003. For claims relating to 2004 the program has arranged for 80% quota share reinsurance above the members' deductible, retaining the other 20% for its own account. The Law Society has agreed to share equally in this 10% and 20% retention.

The determination of the provisions for unpaid claims includes reported claims, legal and adjusting fees, less recoveries.

### (e) Cash and cash equivalents:

Cash and cash equivalents consist of cash and short-term investments with a maturity of less than 90 days.

### (f) Revenue recognition:

The Law Society follows the restricted fund method of accounting for revenue which include annual fees, admission fees, and other fees for education and trust audits, grants, and investment income. Revenue from annual fees are recognized in the general fund over the course of the calendar year. Revenue from insurance and assurance premiums are recognized in the Lawyers' Insurance Programme and General Assurance Program, respectively, as they are earned. Revenue from various other services provided by the Law Society, are recognized in the general fund over time as the services are provided. Investment income is recognized in the corresponding fund in the period in which it is earned.

Unrestricted revenue is recognized in the general fund when it is received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Endowment contributions are recognized as revenue in the endowment fund in the period in which they are received.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

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## 1. Significant accounting policies (continued):

### (g) Financial instruments:

Financial instruments are recorded at fair value on initial recognition. Equity instruments that are quoted in an active market are subsequently measured at fair value. All other financial instruments are subsequently recorded at cost or amortized costs, unless management has elected to carry any such financial instruments at fair value.

Transaction costs incurred on the acquisition of financial instruments measured subsequently at fair value are expensed as incurred.

Financial assets are assessed for impairment on an annual basis at the end of the fiscal year if there are indicators of impairment. If there is an indicator of impairment, the Law Society determines if there is a significant adverse change in the expected amount or timing of future cash flows from the financial asset. If there is a significant adverse change in the expected cash flows, the carrying value of the financial asset is reduced to the highest of the present value of the expected cash flows, the amount that could be realized from selling the financial asset or the amount the Law Society expects to realize by exercising its right to any collateral. If events and circumstances reverse in a future period, an impairment loss will be reversed to the extent of the improvement, not exceeding the initial carrying value.

### (h) Use of estimates:

The preparation of the financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the year. Items subject to such assumptions include collectability of trade receivables, and claims recovery receivable, the useful life of capital assets, reserve for claims and related costs, and provision for unpaid claims. Actual results could differ from those estimates.



# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

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## 1. Significant accounting policies (continued):

### (i) Capital assets:

Capital assets are stated at cost, less accumulated amortization. Amortization is provided using the following methods and annual rates:

Asset	Basis	Rate
Building	Straight-line	25 years
Library	Straight-line	5 years
Furniture and equipment	Declining balance	25%
Computer	Declining balance	25%
Software	Declining balance	25%

The carrying amount of an item of capital assets is tested for recoverability whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognized when the asset's carrying amount is not recoverable and exceeds its fair value.

## 2. Internally restricted fund:

Internally restricted funds consist of the following:

- \$323,486 for capital asset reinvestment (2021 - \$547,486)
- \$286,170 for strategic initiatives (2021 - \$174,170)
- \$500,000 for future operations (2021 - \$500,000)

These internally restricted amounts are not available for other purposes without approval by the Benchers.

## 3. Trust Account:

The Law Society holds a trust account which represents cash received from law firms for funds unclaimed in trust accounts. At the balance sheet date, the amounts received from law firms and held in trust was \$287,620 (2021 - \$268,827). The Law Society holds these funds until such time as they are claimed to a maximum period of 10 years after which unclaimed funds are turned over to the Law Foundation.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 4. Investments and marketable securities:

	2022	2021
Fixed income	\$ 11,145,102	\$ 9,625,751
Equities	3,966,854	3,129,973
Mutual funds	2,432,559	5,534,006
Principal protected notes and other	1,234,781	1,072,817
	<b>\$ 18,779,296</b>	<b>\$ 19,362,547</b>

Included in investment income is interest income of \$456,338 (2021 - \$409,252), dividend income of \$149,648 (2021 - \$181,932), unrealized (losses) of \$659,431 (2021 - gains of \$375,477) and realized losses on the disposal of marketable securities of \$145,208 (2021 - gains of \$20,569).

## 5. Claim costs and provision for unpaid claims and related costs:

During the year, the Programme purchased a property located on the Avalon peninsula of Newfoundland as part of a settlement of claim. The cost of the settlement was \$355,639 and is recorded within claim costs and provision for unpaid claims and related costs. The title of the property is currently being disputed, therefore management is unable to determine whether any future economic benefit will flow to the Programme. Any potential recovery from an eventual sale of the property will be recognized in the year received.

## 6. Capital assets:

			2022	2021
	Cost	Accumulated amortization	Net book value	Net book value
Land	\$ 73,429	\$ -	\$ 73,429	\$ 73,429
Building	2,155,813	1,596,392	559,421	506,188
Library	144,504	28,900	115,604	-
Furniture and equipment	430,717	392,822	37,895	50,526
Computer	22,110	22,110	-	-
Software	141,586	70,926	70,660	94,213
	<b>\$ 2,968,159</b>	<b>\$ 2,111,150</b>	<b>\$ 857,009</b>	<b>\$ 724,356</b>



# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 7. Claims recovery receivable:

	2022	2021
Non-interest bearing receivable to be received in monthly installments of \$1,000.	\$ -	\$ 13,000
Promissory note to be received in blended monthly payments of \$400 including interest at 3.5% until the balance is paid in full.	2,000	8,893
	2,000	21,893
Less current portion (included in trade receivable)	2,000	16,561
	\$ -	\$ 5,332

## 8. Accounts payable and accrued liabilities:

As at December 31, 2022 there was \$573 (2021 - \$396) payroll related taxes included in accounts payable and accrued liabilities.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 9. Reserve for claims and related costs:

	2022	2021
Provision for claims and related costs beginning of year	\$ 3,780,414	\$ 3,351,012
Current year expense	907,204	1,373,696
Claims and related costs paid during the year	(1,039,910)	(944,294)
	<b>\$ 3,647,708</b>	<b>\$ 3,780,414</b>

As at December 31, 2022, the outstanding claims liabilities, calculated by the Programme's actuaries in accordance with the standards of practice of the Canadian Institute of Actuaries, were as follows:

	2022	2021
Discounted damages and defence costs	\$ 2,687,874	\$ 2,784,972
Discounted adjusting and counselling fees	199,474	241,581
Discounted internal claim administration expenses	371,177	343,998
	<b>3,258,525</b>	<b>3,370,551</b>
Provision for adverse deviation	389,183	387,970
Discounted receivable	-	21,893
Total discounted liabilities plus provision for adverse deviation	<b>\$ 3,647,708</b>	<b>\$ 3,780,414</b>

The liabilities have been discounted at a rate of 4.2% (2021 - 1.5%). The provision for adverse deviation for 2022 and 2021 includes a margin of 25 to 200 basis points on the discount rate and 2.5% to 20% on the claims development variables. There is no active market for the trading of claims liabilities, however the present value of the actuarial claims liabilities, including provision for adverse deviation is considered an indicator of fair value.

## 10. Contingent liability:

The Law Society is periodically the subject of potential legal claims. The outcome of any potential claim is not determinable at this time. Accordingly, no provision for losses has been reflected in the accounts of the Law Society.

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 11. Commitments:

The Law Society has equipment leases with the following annual lease payments:

2023	\$	7,035
2024		7,035
2025		6,516
2026		4,959
2027		3,720
	\$	29,265

The Law Society has also committed to providing the Public Legal Information Association of NL ("PLIAN") with funding in the amount of \$100,000 for the next year, subject to good financial stewardship.

## 12. Admission fees:

Admission fees consist of the following:

	2022	2021
Articled clerks	\$ 3,900	\$ 11,100
Call to bar	23,750	21,875
Certificate of standing	5,400	5,800
Transfers	22,500	25,000
	\$ 55,550	\$ 63,775

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

## 13. Annual fees:

Annual fees consist of the following:

	2022	2021
Assurance Fund annual membership fee	\$ 40,151	\$ 40,250
Law Society annual membership fee	1,496,776	1,491,904
Federation fees	48,415	48,300
Professional law corporation fees	31,200	30,800
Insurance premiums	604,615	718,055
	<b>\$ 2,221,157</b>	<b>\$ 2,329,309</b>

## 14. Equity in Canadian Lawyers' Insurance Programme:

The Canadian Lawyers' Insurance Programme (the "Programme") is a subscriber to the CLIA, a reciprocal insurance exchange through which the law societies of six provinces and three territories (or their associated liability insurance entities) enter into agreements of mutual indemnification. CLIA maintains separate reserves for each participating entity with regards to risks assumed, and the Programme has an interest in the surpluses of these reserves. CLIA prepares annual Subscriber Accounts as of December 31, which represents the end of their fiscal year, which are reviewed and approved by CLIA's Advisory Board. These accounts include a reserve for claims liabilities on a discounted basis. The Subscribers Accounts of CLIA in respect of Part A coverage as of December 31, 2022 show the Programme's subscriber's equity to be \$1,555,435 (2021 - \$1,523,577) of which \$90,056 (2021 - \$nil) is recorded as recoverable as of December 31, 2022. The Subscribers Accounts of CLIA in respect of Part C coverage as at December 31, 2022 show the Programme's subscriber's equity to be \$286,225 (2021 - \$247,864), of which \$nil is recorded as recoverable as of December 31, 2022 (2021 - \$nil).

# LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2022

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## 15. Financial risks:

Financial instruments consist of cash and cash equivalents, accrued claims recovery, trade receivable, other receivables, investments and marketable securities, accounts payable and accrued liabilities, and provision for unpaid claims. Investments and marketable securities are carried at fair value, and all other financial instruments approximates their carrying amounts due to their short-term maturity and liquidity.

Risk management relates to the understanding and active management of risks associated with all areas of the business and the associated operating environment. Financial instruments are primarily exposed to interest rate volatility, credit and liquidity risk.

### (a) Credit risk:

Financial instruments which potentially subject the Law Society to credit risk consist primarily of cash and cash equivalents, claims receivable, trade receivables, other receivables, investments and marketable securities. The Law Society limits the amount of credit exposure with its cash balances by only maintaining cash with major Canadian financial institutions. Credit exposure is minimized by dealing with only credit worthy counter parties and monitoring cash payments.

### (b) Interest rate risk:

Interest rate risk refers to the impact of future changes in interest rates on cash flows and fair values of assets and liabilities. Interest rate changes directly impact the fair value of fixed income securities. Interest rate changes will also have an indirect impact on the other investments and marketable securities. The Law Society uses investment diversification to manage this risk.

### (c) Liquidity risk:

Liquidity risk is the risk that the Law Society will not be able to meet its cash requirements in a timely and cost-effective manner. Liquidity requirements are managed through the receipt of funds from the Law Society's various revenue sources. These sources of funds are used to pay operating expenses.