



# LAW SOCIETY

Newfoundland & Labrador

## 25 SEPTEMBER 2023 IN PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE FALL TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD AT THE OFFICES OF THE LAW SOCIETY AND VIA VIDEOCONFERENCE ON MONDAY, THE 25<sup>TH</sup> DAY OF SEPTEMBER 2023, COMMENCING AT 9:30 A.M.

The following Benchers were present:

Elective Benchers:            Scott Worsfold, President  
   Suzanne Orsborn, Past-President  
   Gladys Dunne, KC, Vice-President  
   Doug Wright  
   Derek Ford  
   Gregory French  
   Valerie Hynes, KC  
   Jonathan Regan  
   Alex Templeton  
   David Williams  
   Doug Wright

Appointed Benchers:        Ross Elliott  
   Linda Harnett  
   Glenda Reid  
   Allan Skanes

Regrets:                        Lauren Chafe  
   Brenda Duffy, KC  
   Michael Ladha, KC  
   Carey Majid, KC  
   Sheilagh Murphy, KC  
   Dean Porter  
   Rod Zdebiak

Law Society Staff: Brenda B. Grimes, KC  
Aimee N. Rowe

## INTRODUCTORY MATTERS

### 1. Welcome and Land Acknowledgement

The President welcomed everyone to the meeting, and in particular the new Benchers, Derek Ford and Gregory French, and formally acknowledged that the Island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq.

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

*On Motion by Ross Elliott and seconded by David Williams: that Benchers unable to attend Convocation be excused. CARRIED.*

### 3. Motion to move any Agenda Item to the In-Camera Agenda

There was no motion.

### 4. Consent Agenda

#### *(A) Committee Annual Work Plans*

*On Motion by Gladys Dunne, KC and seconded by Allan Skanes: that the Consent Agenda be adopted. CARRIED.*

### 5. Adoption of Agenda

*On Motion by Valerie Hynes, KC and seconded by Alex Templeton: that the Agenda be adopted. CARRIED.*

## ITEMS FOR DECISION/DISCUSSION

### 6. Education Committee Report:

#### *Minutes – 16 June 2023 Call to Bar*

*On Motion by Allan Skanes and seconded by Suzanne Orsborn: that the Minutes from the 16 June 2023 Call to Bar be approved. CARRIED.*

### 7. Strategic Planning Work Plan

#### *Strategic Initiative – Promote and Protect Equity and Diversity – Options Paper Re: Boundary Violations*

The Executive Director noted that the Director of Professional Responsibility, Lori Chafe, prepared the memo that was presented to Benchers following the completion of a jurisdictional scan. She noted that most jurisdictions do not have disciplinary proceedings policies relating to boundary violations, but many do have internal policies relating to the issue.

She further noted that some jurisdictions have equity advisors, but such a full-time role is not being recommended at this point in time. Instead, Ms. Chafe is proposing that she be directed to develop a procedure for dealing with boundary violations and to seek proposals for training for the staff and committee members.

Member of the Complaints Authorization Committee, Linda Harnett, noted that Ms. Chafe has already informed the Committee that their input will be requested.

*On Motion by Glenda Reid and seconded by Ross Elliott: that Benchers direct the Director of Professional Responsibility to:*

- 1) *Develop a procedure for the complaints process, with a particular focus being to incorporate processes for reports of boundary violations and harassment. This procedure should address matters from the period of reporting through to the Complaints Authorization Committee's decision on a matter. This procedure should incorporate the informal processes noted by the other jurisdictions; and*

- 2) *Seek proposals for the development of specific training for the staff and committee members involved in the complaints process. Consideration should be given to whether this training can be recorded so that future staff and committee members can avail of the training.*

**CARRIED.**

***Strategic Initiative – Develop a Decision-Making Tree to Promote Principled and Consistent Decision Making – Consult with Benchers to Identify the Types of Agenda Items that Require Decision and Discuss how those Decisions Should be Made***

Benchers were provided with a memo from the Executive Director noting that, of the law societies that responded to the jurisdictional scan, none use a decision-making tree. Some law societies, however, present standardized memos that consider issues from particular lenses (equity, diversity, inclusion, truth and reconciliation, etc.).

General Counsel noted that, while a decision-making tree might promote consistent and principled decision making, it can also hamper efficient processing of agenda items and Benchers' discretion if it is inflexibly adhered to. She further noted that the current format of the memos presented to Benchers contain all information staff deems is relevant and the Chairs of members of all Law Society committees are on Benchers.

Benchers agreed that Law Society staff are doing a good job presenting all relevant information and will retrieve any additional information on request. It was agreed that the best course of action would be to continue with the current approach with staff providing the relevant information in memo format.

#### ***General Discussion about Strategic Work Plan***

The Executive Director noted that changes to the Work Plan are highlighted for Benchers.

There were no questions arising.

## **ITEMS FOR INFORMATION**

### **8. President's Report**

A report was provided.

The President noted that, in addition to the items noted in his report, he did attend PLIAN's annual general meeting, where he learned more about the association and was impressed by the breadth of their work.

There were no questions arising.

9. Education Committee Report

*Transfers under NMA*

*Notice of Resumption of Practicing Status*

A report was provided. There were no questions arising.

## CONCLUDING MATTERS

10. Other Business

There was no other business.

11. Adjournment

*On Motion by Valerie Hynes, KC and seconded by Allan Skanes: that the in-public portion of the Benchers' meeting be adjourned. CARRIED.*

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SCOTT WORSFOLD