



LAW SOCIETY

Newfoundland & Labrador

19 FEBRUARY 2024 IN-PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE WINTER 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 19TH DAY OF FEBRUARY 2024, COMMENCING AT 9:30 A.M.

The following Benchers were present:

Elective Benchers: Scott Worsfold, President
 Gladys Dunne, KC, Vice-President
 Suzanne Orsborn, Past-President
 Lauren Chafe
 Brenda Duffy, KC
 Greg French
 Valerie Hynes, KC
 Carey Majid, KC
 Sheilagh Murphy, KC
 Dean Porter
 Jonathan Regan
 David Williams
 Doug Wright
 Rod Zdebiak

Appointed Benchers: Ross Elliott
 Linda Harnett
 Glenda Reid
 Allan Skanes

Regrets: Derek Ford
 Michael Ladha, KC
 Alex Templeton

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

The President stated that a notice of the Benchers' Convocation was provided to all Benchers in accordance with the Rules of the Law Society. A quorum of Elective Benchers and Lay Benchers being present, the President declared the Convocation regularly constituted.

INTRODUCTORY MATTERS

1. Welcome and Land Acknowledgement

The President welcomed everyone to the meeting and formally acknowledged that the Island of Newfoundland is the ancestral homeland of the Beothuk and Mi'kmaq.

2. Excusal of Benchers unable to attend Convocation

On Motion by Suzanne Orsborn and seconded by Gladys Dunne, KC: that Benchers unable to attend Convocation be excused. CARRIED.

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

There was no motion.

4. Adoption of Agenda

On Motion by Allan Skanes and seconded by Greg French: that the Agenda be adopted. CARRIED.

ITEMS FOR DECISION/DISCUSSION

5. Updates to the National Discipline Standards

Benchers were provided with a memo from the Executive Director, Brenda B. Grimes, KC, requesting that Benchers adopt the revisions to the National Discipline Standards (the “Standards”) approved by the Federation of Law Societies of Canada (the “Federation”) in October 2023. It was noted that the Standards were originally adopted by the Law Society on 1 January, 2015. Amendments were made by the Federation in 2016, 2018, 2019, 2020 and 2021 but were not formally adopted by the Law Society.

Ms. Grimes noted that the Law Society has been, for the most part, successful in adhering to the Standards, including those as amended, and that there were not any compliance issues anticipated.

On Motion by Sheilagh Murphy, KC and Greg French: that Benchers adopt the version of the National Discipline Standards approved by the Federation in October 2023, including the 2016, 2018, 2019, 2020 and 2021 revisions. CARRIED.

6. Changes to the Process of Opening a New Trust Account

Benchers were provided with a memo from the Executive Director requesting that Benchers consider changes to the process members must follow when opening a new trust account.

It was noted that the Trust Compliance Auditor has advised that it would be a conflict for her to complete Form 5.07C (certification from an accountant that a member has a trust accounting system in place that will enable the member to comply with the Uniform Trust Account Rules) for firms and then conduct an audit of the firm.

The Auditor also advised that members are having difficulty finding an accountant for the purpose of completing Form 5.07C as such an accountant must have a

public accounting license to do so and only 5% of all chartered accountants registered in the province have that designation.

The Trust Auditor proposed amending the Rule so that a member can attest to satisfying the trust account requirements on Form 5.07C.

The Executive Director noted, in addition, that Form 5.07C is intended to ensure trust accounts are set up in accordance with the Uniform Trust Account Rules, which members should be aware of. She added that the Auditor does provide regular advice to members relating to compliance with the Rules.

On Motion by Allan Skanes and seconded by Gladys Dunne, KC: that Benchers approve the change in the process members are required to follow when opening a new trust account and the amendments to Rule 5.07(2) outlined above. CARRIED.

7. Communications Plan – New Policy Re: Use of AI Chatbots

Benchers were provided with a memo from the Executive Director requesting that Benchers consider approving a new workplace policy relating to the use of AI chatbots and consequential amendments to the Communications Plan.

Ms. Grimes noted that, given the increasing prevalence of AI chatbots, the Communications Specialist has recommended that the Law Society adopt a policy to govern its use within the Law Society. The use of AI chatbots will also be the subject of an upcoming cybersecurity training campaign.

She further cautioned against prohibiting the use of AI chatbots, noting that they can be useful tools if used appropriately.

On Motion by Doug Wright and seconded by Valerie Hynes, KC: that Benchers approve the workplace policy, Use of AI Chatbots Policy and any consequential amendments to the Communications Plan required to incorporate it. CARRIED.

8. Education Committee

Amendment to Rules 6.07 and 6.17(5)

Benchers were provided with a memo from the Education Committee requesting that Benchers consider approving revisions to Law Society Rules 6.07 and 6.17(5)(b).

The amendments to Rule 6.07 will include a catch-all provision that allows the Education Committee to make additional inquiries when there are reasons to suspect a member may not be suitable as a principal, despite meeting the specified criteria.

The amendments to Rule 6.17(5)(b) will provide that members may claim credit under the “teaching” category of continuing professional development hours for a reasonable amount of time it may take to prepare for the “teaching”.

On Motion by Allan Skanes and seconded by Greg French: that Benchers approve the noted amendments to Rule 6.07 and 6.17(5)(b) presented by the Education Committee. CARRIED.

Certificates of Fitness – 23 February 2024 Call to Bar

Benchers were asked to approve the certificates of fitness for the following:

Giuseppe Antonio Reitano
Oluwabiyi Olafimihan
Scott Marshall
Christina Driscoll
Noor Tayyaba
Cassidy Marie LaCosta
Leah Robertson
Jeffrey Stephen Thomas
Kristie Smith
Sharon Kour
Caitlin Fell

On Motion by Allan Skanes and seconded by Doug Wright: that the Certificates of Fitness be approved. CARRIED.

9. **Strategic Planning Work Plan**

Strategic Initiative – Promote and Protect Equity and Diversity – Equity and Diversity Committee Presentation – French Justice Network

Anne Pelta, the Justice Coordinator for the Federation des francophones de Terre-Neuve et du Labrador (“FFTNL”) attended the meeting to discuss access to justice issues faced by the francophone communities in the Province of Newfoundland and Labrador.

Ms. Pelta noted the following roadblocks to access to justice:

- Lack of legal information in French;
- Lack of understanding in the legal system;
- Difficulty identifying legal practitioners who can understand/speak French;
- Difficulty for legal practitioners to access French language training; and
- Lack of awareness of potential careers in law for francophones.

Ms. Pelta noted that the FFTNL is helping to mitigate these barriers by:

- Organizing conferences and workshops on various legal questions;
- Encouraging lawyers to select and publish their language(s) of practice;
- Working on offering lower-level French training;
- Increasing awareness of the importance of being able to practice law in French; and
- Working with Courts and PLIAN to make their resources available in French.

The President thanked Ms. Pelta for her presentation.

Strategic Initiative – Enhance Organizational Effectiveness – Consider How Technology can be used to Enhance Practice Management Reviews

Benchers were provided with a memo from the Executive Director outlining the information obtained from other law societies in response to inquiries about how

they use technology in their practice management programs. It was noted that the approach currently taken for practice reviews is consistent with that taken across the country (where such programs exist).

It was recommended, on the advice of the Director of Practice Management, that the program remain the same. It was noted, though, that the Director would continue to search for ways that technology could enhance the review process.

On Motion by Suzanne Orsborn and seconded by Glenda Reid: that Benchers agree that the status quo should be maintained with respect to the use of technology in the Practice Management Review Program. CARRIED.

Strategic Initiative – Promote Access to Justice – Access to Justice Committee – Survey to Members on Court Technology

Benchers were provided with a memo from the Access to Justice Committee requesting that Benchers consider and approve the Survey to Members on Court Technology, created by the Access to Justice Committee for distribution to the membership.

The Chair of the Access to Justice Committee, Lauren Chafe, noted that the jurisdictional scan undertaken by the Committee did not yield helpful results. Courts were unwilling to divulge any information relating to their use of technology.

As a result, the Committee developed a survey to canvass members on their interactions with the courts and to identify what issues might be ameliorated with advanced technology. The Committee will review the results and seek direction from Benchers on whether lobbying efforts should be made to implement new technology to improve court filings, dealings with the court and appearances.

On Motion by Lauren Chafe and seconded by Gladys Dunne, KC: that Benchers approve the Survey to Members on Court Technology presented for distribution to members. CARRIED.

Access to Justice Committee – Promotion of Limited Scope Retainers

Benchers were provided with a memo from the Access to Justice Committee requesting that Benchers consider promoting Limited Scope Retainers as an Access to Justice Initiative. The Committee noted that limited scope retainers are

useful for clients who cannot afford or do not want full service legal representation, but could benefit from and want some limited legal assistance.

On Motion by Lauren Chafe and seconded by Brenda Duffy, KC: that Benchers approve the promotion of limited scope retainers on the Law Society's website as an access to justice initiative through the use of mechanisms identified, subject to review and modification, as needed, by the Director of Practice Management and General Counsel. CARRIED.

Benchers thanked the Committee for their work on this initiative.

General Discussion about the Strategic Work Plan

The Executive Director noted that most of the initiatives outlined in the Work Plan have been completed. There are some activities outstanding relating to the Access to Justice strategic priority.

She noted that she anticipates that staff will present further information on how to deal with boundary violations in the near future. She further noted that there are 2 more bias training programs which are anticipated to occur in April and June, 2024, time permitting.

ITEMS FOR INFORMATION

10. President's Report

A report was provided. There were no questions arising.

The President noted that he had spoken to the Executive Director of PLIAN, Kevin O'Shea, who expressed his understanding of the rationale behind the reduced funding provided. Mr. O'Shea also expressed his gratitude for the Law Society's continued support and for sending a letter of support to the provincial government to support PLIAN's funding request.

11. Education Committee Report – Student Admission, Transfers under NMA and Notice of Resumption of Practicing Status

A report was provided. There were no questions arising.

CONCLUDING MATTERS

12. Other Business

There was no other business.

13. Adjournment

The President noted that Benchers would move to the *in-camera* portion of the meeting and that the public portion of the Benchers' Meeting was adjourned.

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

SCOTT WORSFOLD