



# LAW SOCIETY

Newfoundland & Labrador

15 APRIL 2024  
IN-PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE SPRING 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 15<sup>TH</sup> DAY OF APRIL 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  
                                 Brenda Duffy, KC  
                                 Derek Ford  
                                 Greg French  
                                 Valerie Hynes, KC  
                                 Michael Ladha, KC  
                                 Carey Majid, KC  
                                 Sheilagh Murphy, KC  
                                 Dean Porter  
                                 Alex Templeton  
                                 David Williams

Appointed Benchers:        Ross Elliott  
                                 Linda Harnett  
                                 Glenda Reid  
                                 Allan Skanes

Regrets:                        Lauren Chafe  
                                 Jonathan Regan  
                                 Doug Wright  
                                 Rod Zdebiak

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

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

## INTRODUCTORY MATTERS

### 1. Welcome and Land Acknowledgement

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

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

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

## ITEMS FOR DECISION/DISCUSSION

### 5. Discipline Rules Amendment – Administrative Suspensions

Benchers were provided with a memo from the Executive Director, Brenda B. Grimes, KC, requesting that Benchers approve amendments to the Discipline Rules to allow for administrative suspensions in circumstances where members do not comply with investigations of the Vice-President or Complaints Authorization Committee (the "CAC").

Ms. Grimes noted that there has been an increase in the number of instances where members have not responded to the Law Society's investigatory processes, including requests for information from the CAC.

Bencher members of the CAC agreed that members' failure to cooperate with investigations has increased and noted that this causes unnecessary and undesirable delays in the investigatory process and has led to referrals to the Discipline Committee.

Benchers suggested that, if they do not already do so, requests for responses from members should highlight the role of the Fitness to Practice Committee and the importance of disclosing capacity related issues.

*On Motion by Allan Skanes and seconded by Linda Harnett: that Benchers approve the requested amendments to Rule IX – Discipline Rules, to provide for administrative suspensions in circumstances where members do not comply with investigations of the Vice-President or Complaints Authorization Committee. CARRIED.*

6. **Anti-Money Laundering and Terrorist Financing Rules: Rule 15 – Cash Transactions and Record Keeping; and Rule 16 - Client Identification and Verification (collectively the "AMLTF Rules") - Administrative Penalties**

Benchers were provided with a memo from the Executive Director requesting that Benchers approve amendments to the AMLTF Rules which will provide for the imposition of administrative monetary penalties as an enforcement tool to address non-compliance with the Rules. As noted in the memo, the amendments were designed to emphasize lawyers' obligations with regards to anti-money laundering and terrorist financing and provide appropriate and proportionate penalties for violations. Benchers were also asked to delegate to the Executive Director the authority to implement guidelines necessary for the exercise of the discretion under the new Rules.

Ms. Grimes, KC noted that strict oversight of the Cash Transactions and Record Keeping and Client Identification and Verification Rules is essential to counter money laundering and terrorist financing and to ensure that the Federal Government does not seek access to such information, which, when held in a lawyer's trust or general account, contains solicitor-client privileged information.

Benchers noted the following:

- It is concerning that many lawyers are not compliant with the existing rules (with some question about why that might be the case);
- There are many resources which address members' professional responsibilities relating to cash transactions and client identification and verification, which have and will continue to be distributed to members; and
- Proceeding with discipline may not result in compliance until a protracted hearing, particularly given the limited authority of the Complaints Authorization Committee.

*On Motion by Gladys Dunne, KC and seconded by Linda Harnett: that Benchers approve the amendments to Rules 15 and 16, effective 30 June 2024 and delegate the authority to develop guidelines for the exercise of discretion to the Executive Director. CARRIED. (Greg French, David Williams and Sheilagh Murphy, KC voted against the motion.)*

## 7. Education Committee

### *Minutes – 23 February 2024*

*On Motion by Allan Skanes and seconded by Linda Harnett: that the minutes from the 23 February 2024 Call to Bar be approved. CARRIED.*

## 8. Records Retention and Archives Policies

Benchers were provided with a memo from the Executive Director requesting that they:

- i) consider approving Records Retention and Archives Policies for the Law Society of Newfoundland and Labrador's (the "Law Society") operations; and
- ii) delegate to the Executive Director the authority to make any further changes to the Retention Schedule and the Procedures that become necessary as the policies are implemented or as circumstances change.

Ms. Grimes, KC noted that, to her knowledge, the Law Society has never had a records retention policy. She noted that the process of developing the policies has been time-consuming and involved many staff members and that, while the policies and associated processes are operational in nature, the Executive

Committee felt it would be appropriate to bring it to the Benchers' table so that they could determine whether it required their approval. She further noted that, given the extensive amount of information included in the package, Benchers might wish to defer the item to the next Benchers' meeting. Following some discussion, it was agreed that the policies would be considered at the next Benchers' meeting.

## 9. **Strategic Planning Work Plan**

### **Strategic Initiative – Promote and Protect Equity and Diversity – Equity and Diversity Committee Presentation – Creating Accessibility Confidence**

Inclusion NL attended the Benchers' Meeting to highlight issues facing people with disabilities in Newfoundland and Labrador and across the country. It was noted that approximately 30% of the population in Newfoundland and Labrador identify as having a disability.

The Accessibility Act ensures that business plans are developed with inclusivity in mind. It is designed to address:

- service design and delivery (receive services that are accessible to all);
- built environment (move freely around buildings and public services);
- employment (access to employment opportunities and accessible workplaces);
- information and communication technologies (accessible digital content and technologies);
- communications (barrier-free services and spaces for persons with communication disabilities);
- transportation (barrier-free federal transportation network); and
- procurement (ensure purchases of accessible goods, services and facilities)

Under the Accessibility Act, an Accessibility Plan must be developed.

Benchers were asked to consider whether they understand how disability affects people and to consider whether the Law Society is barrier free for groups of people with disabilities and, if not, what might be changed to ensure accessibility.

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

Ms. Grimes, KC, noted that most of the work in the strategic work plan has been completed. The changes to the Trust Audit Program will be completed at a later time as the Trust Compliance Auditor continues to gain her footing with the

program. She noted, however, that there have been adjustments made to the program to streamline it.

## ITEMS FOR INFORMATION

### 10. President's Report

A report was provided. There were no questions arising.

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

---

SCOTT WORSFOLD