



LAW SOCIETY
Newfoundland & Labrador

2023-2024 Annual Report

**The Law Society of Newfoundland and Labrador
Annual Report 2023-2024
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**This report covers the period of
June 2023 - June 2024**

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Benchers

Officers

President: D. Scott Worsfold

Vice-President: Gladys H. Dunne, KC

Elective Benchers

Eastern District

Lauren J. Chafe

Valerie A. Hynes, KC

Michael Ladha, KC

Carey S. Majid, KC

Sheilagh M. Murphy, KC

Suzanne M. Orsborn

J. Alexander Templeton

David S. Williams

Douglas W. Wright

Rodney J. Zdebiak, KC

Central District

Gregory J. French

Derek P. Ford

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

J. Derek D. Green, 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, 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. Row, KC
1842 Charles Simms
1846 Hon. Wm. B. Row, 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
1842 NA
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. Lenahan, 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, KC
2021 Renée L.F. Appleby, KC
2022 Suzanne M. Orsborn
2023 D. Scott Worsfold

1992 Augustus G. Lilly, KC
1993 V. Randell J. Earle, KC
1994 Reginald H. Brown, KC
1995 Dana K. Lenahan, KC
1996 Gloria Harding
1997 J. David B. Eaton, KC
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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, KC
2020 Renée L.F. Appleby, KC
2021 Suzanne M. Orsborn
2022 D. Scott Worsfold
2023 Gladys H. Dunne, KC

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

Director of Admissions and Education
Christian J. Hurley

Director of Professional Responsibility
Lori S. Chafe

Director of Practice Management
Angie M. Whitehead

Director of Custodianships
Nakita A. F. Ryan

Law Librarian
Jenny E. Thornhill

Trust Compliance Auditor
Nicole L. Miller

Manager of Finance and Administration
Frank G. Skanes

Insurance and Risk Manager
Janice K. Ringrose

Professional Responsibility Administrator
Pamela A. Marks

Communications Specialist
Amelia F. D. White

Administrative Assistant
(Professional Responsibility)
Anne P. Cross

Administrative Assistant (Custodianship)
Lisa E. Kennedy

Administrative Assistant
(Admissions and Education)
Temitayo Abiodun-Oje

Administrative Assistant (Executive)
Erin C. Rowe

Administrative Assistant (Risk Management)
Julia Z. Reid

Administrative Assistant (Office/Receptionist)
S. Renee Whalen

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 February 23, 2024, records that 2037 members have been called to the Bar since 1826.

Membership Statistics as of June 2023:

Practising (Insured):	602
Practising (Uninsured):	218
Non-Practising:	235
Life:	48
TOTAL	1103

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	2024- 1103
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...

Ten lawyers were called to Bar of Newfoundland and Labrador
on June 16, 2023

Roll #

2020	Grace Alexandra Butler	2025	Daniel William Vlitos
2021	Alexandra Maria Hayward	2026	David Arthur Barry
2022	Rebecca Catrena Kirkwood	2027	Patrick Michael Murphy
2023	Taryn Waverly McLachlan	2028	Lauren Joanna Walker
2024	Erik Brennan Stiller	2029	Lori Katelyn Wareham

Nine lawyers were called to Bar of Newfoundland and Labrador
on February 23, 2024

Roll #

2030	Giuseppe Antonio Reitano	2035	Cassidy Marie LaCosta
2031	Oluwabiyi Ayodeji Olafimihan	2036	Leah Marie Robertson
2032	Scott Douglas Marshall	2037	Jeffrey Stephen Thomas
2033	Christina Elizabeth Driscoll	2038	Kristie Kathleen Smith
2034	Noor Tayyaba		



**The Benchers note, with regret, the death of the following
members and former members during the period from June
2023 to June 2024:**



**The Honourable Gloria Harding
called December 14, 1979, Roll #486**



**Anna English-Smith
called April 17, 1995, Roll #956**



**Marilyn Ann Pendergast
called April 12, 1993, Roll #887**



**Edward Patrick Noonan, KC
called April 21, 1970, Roll #308**



**Christopher John Basil English
called January 25, 1993, Roll #873**



**The Honourable Willam Marshall
called November 25, 1958, Roll #246**



**Ronald Ashley Gordon MacNab, KC
called January 29, 1973, Roll #342**



**Graham Alexander Wells, KC
called April 10, 1981, Roll #527**



**Karen Lynn Walsh
called April 20, 1999, Roll #1092**



**Devon Jonathan O'Grady
called October 8, 2021, Roll #1956**



Law Society Committees

Statutory Committees

Complaints Authorization Committee

Rodney J. Zdebiak, KC
Chair

Douglas W. Wright
Vice-Chair

Linda Harnett
Appointed Benchers

Lori Chafe
ex officio

Alternate Members

Donald E. Anthony, KC

Brenda Duffy, KC

Dennis C. Mackay, KC

Michael Ladha, KC

Morgan C. Cooper

Renée L F Appleby, KC

V. Randell J. Earle, KC

Allan Skanes
Appointed Benchers

Ross Elliott
Appointed Benchers

Executive Committee

D. Scott Worsfold
President

Gladys H. Dunne, KC
Vice-President

Suzanne M. Orsborn
Past-President

Rodney J. Zdebiak, KC
CAC Chair

Douglas W. Wright
CAC Vice-Chair

Brenda B. Grimes, KC
ex officio

Aimee N. Rowe
ex officio

Law Society Committees

Education Committee

Allan Skanes, Chair

J. David B. Eaton, KC

Renée L F Appleby, KC

Sarah G. Fitzgerald

Justin G.J. Caines

Gladys H. Dunne, KC, ex officio

André J. Clair

Christian J. Hurley, ex officio



Bar Admission Committee

J. David B. Eaton, KC, Chair

Padraig J Mohan

D. Lynne Butler

Stacey L. O'Dea, KC

C. Brodie Gallant

Stephen F. Penney

David L. Hearn

Gregory M. Smith, KC

Tannis L. King

Darren C. Stratton

Beth M. W. McGrath, KC

Christian J. Hurley, ex officio

Disciplinary Panel

Appointed Member Representatives

J. David B. Eaton, KC, Chair

Glenda C. Best, KC

Rhona M. Buchan

Philip J. Buckingham, KC

Justin G.J. Caines

J. Michael Collins

Morgan C. Cooper

Erin L. Delaney

Jessica A. Dellow

Michael H. Duffy

Colin D. Feltham

Jason N. House

Robert J. Hickey

Tannis L. King

Jennifer E. Lundrigan

Chantelle MacDonald Newhook, KC

Olga R. McWilliam Benson

Tanya L. O'Neill

Jacqueline A. Penney, KC

Kathleen M. O'Reilly

Rebecca A. Redmond MacLean, KC

Trina D. Simms

R. Neil Smith

Sophie E. St. Croix

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

Darleen Joyce Kelly

Janine O'Malley

Inspector Sharon Warren

Dr. Cindy Whitten

Law Society Committees

Standing Committees

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 Harnett, Chair

Jonathan D. Regan, Vice Chair

Derek P.L. Ford

Ian S. Patey

Keri-Lynn Power

Jill N. Quilty

Ashley E. Savinov

Insurance Committee

Sheilagh M. Murphy, KC, Chair

Glenda C. Best, KC

Colin D. Feltham

Stephen J. May, KC

James E. Merrigan, KC

Thomas E. Williams, KC

Janice K. Ringrose, ex officio

Brenda B. Grimes, KC, ex officio

Law Society Committees

Standing Committees

Claims Review Committee

Janice K. Ringrose, Chair

Thomas E. Williams, KC, Counsel

Stephen J. May, KC, Alternate Counsel

Real Estate Committee

Valerie A. Hynes, KC, Chair

Linda S. Bishop, KC

Blair G. Downey

Padraig J. Mohan

Sharyl J. Rowsell

SS Daisy Legal History Committee

John L. Joy, Co-Chair

Anna M. Wadden, Co-Chair

Melvin Baker

J. Michael Collins

Christopher P. Curran, KC

Noel Daley

Gregory J. French

J. Derek D. Green, KC

Alexander C. Jessome

Janet Henley, KC

Chris O. P. Layte

Riley M. Moss

Robert P. Pittman, KC

Donald K. Powell

Nakita A.F. Ryan

J. Alexander Templeton, Benchers Liaison

Leah Griffiths, ex officio

Access to Justice Committee

Lauren J. Chafe, Chair

Tamara L. Drover

Kathy P. Moulton

Kyle R. Rees

Allan Skanes

Jenny Thornhill, ex officio

Law Society Committees

Standing Committees

Equity and Diversity Committee

Carey S. Majid, KC, Chair

Seren Cahill

Sheila Devine

Michael Ladha, KC

Tanya L. O'Neill

Rebecca C. Phillipps

D. Scott Worsfold

Nakita A. F. Ryan, ex officio

Code of Professional Conduct

Review Committee

Linda Harnett, Chair

Ann F. Martin, KC

Rodney J. Zdebiak

Lori S. Chafe, ex officio

Indigenous Education and Action Committee

Barbara A. Barker, Chair

Daniel W. Bennett

Trevor N. Bridger

Aimee C. Letto

Gerrie M. Smith

Elizabeth M. Zarpa
(resigned 10 January 2024)

David S. Williams, Bencher Liaison

Christian J. Hurley, ex officio

Fitness to Practice Committee

Ann F. Martin, KC

Tannis L. King

Alternates

Richard L. Deveau

Adrienne H.Y. Ding

Ruth K Peters Wakeham, KC

Philip G. Warren, KC

Public Representatives

Patrick Whalen

Montgomery Keough

Emily Timmins

Law Society Committees

Land Titles Committee

ad hoc

Gregory J. French, Chair

Marc A. C. Cooper

Adam G. Baker

Jonathan W. Moore

Benjamin J. Blackmore

Keith S. Morgan



Rules Revision Committee

ad hoc

Suzanne M. Orsborn, Chair

Allan Skanes

Shawn I. Patten

Ruth E. Trask

Lorna A. Proudfoot, KC

Douglas W. Wright

Andrea L. Murphy McGrath

Aimee N. Rowe, ex officio

President's Annual Report

Scott Worsfold

I am pleased to present this report for 2023-2024, 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 2023 to May 2024, two calls were held at the Supreme Court of Newfoundland and Labrador. 19 lawyers were admitted to our Bar, including new lawyers and lawyers transferring from other provinces.

This is one of my favourite responsibilities as the President. It is such an honour to be part of this ceremony and to join the new lawyers as they embark on their careers and opportunities. It also helps me to reflect on my own call and how my career has progressed over the almost 30 years since.

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 attend and give remarks at the swearing-in ceremonies of Justice Leanne O'Leary (Supreme Court of Newfoundland and Labrador), Justice David Conway (Supreme Court of Newfoundland and Labrador), Justice Stephanie Hickman (Supreme Court of Newfoundland and Labrador), Judge Karen Rehner (Provincial Court of Newfoundland and Labrador), and I thank Past-President, Suzanne Orsborn, for attending and giving remarks at the swearing-in ceremony of Judge Jennifer Standen

(Provincial Court of Newfoundland and Labrador).

New King's Counsel

On 28 December 2023 Minister Hogan, KC announced the province's newest King's Counsel appointments: Philip J. Buckingham, Anna M. Cook, Amy M. Crosbie, John F. Duggan, Ann F. Martin, Kathleen M. O'Neill, Nicholas J. Whalen, and Rodney J. Zdebiak.

I was invited to be present for the KC Swearing-In Ceremony at the Supreme Court on 10 May 2024 and was pleased to be able to attend.

The Law Society congratulates these members on receiving this distinction in recognition of their contribution 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 untimely passing of members and former members: The Hon. Gloria Harding, Marilyn Pendergast, Christopher English, Anna English-Smith, Edward Noonan, KC, Gordon MacNab, KC, The Hon. William Marshall, Graham Wells, KC, Karen Walsh, and Devon O'Grady.

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 2021-2024. 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 understated. 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 2023-2024

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, General Counsel/Deputy Executive Director and I met with the Federal Minister of Justice and Attorney General (at that time) David Lametti on 14 July 2024. We discussed generally some of the issues facing Law

Societies and the legal profession both here and across the country;

- The Executive Director and I met with Associate Chief Justice McGrath on 27 October 2023, Chief Justice Fry on 6 November 2023, and Chief Judge Fowler on 6 December 2023. These meetings offered an opportunity to discuss issues of common interest to the Law Society and the bench;
- On 27 October 2023 I attended the launch of the Women in the Law History Project, sponsored by the SS *Daisy* Legal History Committee. This event was well-attended and Chief Justice Fry's remarks as guest speaker were extremely interesting and well-received;
- Consistent with the Strategic Priorities to "Enhance Competence" and "Promote Truth and Reconciliation with Indigenous Peoples, several new sessions have been added to the bar admission course, including a session focused on NL Legal History and a session on Civility and Legal Writing. Two new sessions are being crafted to address the Truth and Reconciliation Commission's Calls to Action regarding cultural competency training; and, the Civil Procedure section will introduce an interactive exercise in which students prepare and deliver submissions related to a short form application before a Justice at the Supreme Court;
- Consistent with the Strategic Priority to "Promote Truth and Reconciliation with Indigenous Peoples", Benchers approved remuneration or honoraria for future Indigenous BAC presenters who teach Indigenous histories and law. Benchers recognize the essential nature of Indigenous education initiatives and the emotional burden the work can place on members of Indigenous communities.
- Consistent with the Strategic Priorities to "Enhance Public Engagement and Communication" and "Promote Access to Justice", Benchers have approved funding for the Public Legal Information Association of NL (PLIAN);
- Consistent with the Strategic Priority to Promote and Protect Equity and Diversity, the Equity and Diversity

Committee is working with Dalhousie Pro Bono on 2 projects, one of which is a script for the use of pronouns before the Courts. Benchers have also continued to undergo equity, diversity and inclusion training at Benchers' Meetings;

- Consistent with the Strategic Priorities to "Increase Organizational Effectiveness" and "Enhance Public Engagement and Communication," Benchers have adopted a Use of AI Chatbots Policy to govern use of AI Chatbots within the Law Society;
- Consistent with the Strategic Priority to "Promote Access to Justice", the Access to Justice Committee, with the support of Benchers, created and distributed a survey on Court Technology. The survey is intended 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 consider how improvements might be secured. Benchers have also approved the promotion of limited scope retainers on the Law Society's website;
- Consistent with the Strategic Priority to "Increase Organizational Effectiveness", Benchers continually review policies and processes. Benchers approved amendments to the Law Society Rules to provide for administrative suspensions for failure to respond to allegations and administrative penalties for failure to comply with the cash transaction and client identification and verification rules, which help to prevent money laundering and terrorist financing;
- Benchers also continually monitor infrastructure requirements and ensure the protection of information held by the Law Society;
- In addition, Benchers are reviewing a draft Records Retention Policy to ensure appropriate retention and destruction of information;
- In response to the Government of Newfoundland and Labrador's inquiries about the land titles system in the province, Benchers established an ad

hoc Land Titles Committee to present Benchers with draft standards of good title.

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. Information Sharing: The Federation is the national information-sharing center for law societies;
2. Collaboration: The Federation is the national collaboration hub for law societies; and
3. Advocacy and Stakeholder Engagement: The Federation 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. Federation staff has developed the framework for a wellness portal on the Federation Intranet and the portal will be launched in spring 2024;
- The Standing Committee on the Model Code of Professional Conduct circulated to law societies and other stakeholders in November 2023 a consultation document presenting draft amendments to the Model Code in response to the Truth and Reconciliation Commission's Call to Action 27. The consultation deadline is November 29, 2024;
- Amendments to the *Income Tax Act* ("ITA") expanding existing mandatory disclosure obligations, creating a new category of notifiable transactions, and deleting a provision that relieved parties from the disclosure obligation when it had been fulfilled by another party to the transaction, received Royal Assent at the end of June. Backed by significant financial penalties and the possibility of imprisonment for non-compliance, the provisions require legal counsel acting as advisors to report to the Canada Revenue Agency on transactions that may constitute aggressive tax planning. While information reasonably believed to be protected by solicitor-client privilege is exempt from disclosure, legal professionals are required to disclose other confidential information. In July 2023, the law societies authorized the Federation to take legal action challenging the constitutionality of the new provisions. The law societies also approved the creation of a Special Litigation Committee to oversee the litigation. The Special Litigation Committee is comprised of the Federation Executive and CEO, Law Society of British Columbia CEO, Don Avison, Law Society of Newfoundland and Labrador Executive Director, Brenda Grimes, KC and the Barreau du Québec's Secrétaire de l'ordre, Sylvie Champagne;
- On March 11, 2024, representatives from the fourteen-member law societies met in Banff, Alberta for the annual Joint Presidents and CEOs Forum. Among other issues, one of particular significance was a discussion on the latest developments regarding the BC government's anticipated creation of a single legal regulator for lawyers, notaries, and paralegals. Attendees discussed potential implications for other law societies and the Federation arising from the BC government's initiative;
- Plans are underway for a joint Indigenous symposium that would bring together law school faculty, students, and leadership, as well as law societies and other stakeholders;
- The Standing Committee on Anti-Money Laundering and Terrorist Financing ("Standing Committee"), addresses developments and anticipated developments on the anti-money laundering and counter-terrorist financing landscape of importance to the Federation and the public interest mandates of its member law societies. The Standing Committee's work on anti-money laundering is one of the Federation's strategic priorities and encompasses the setting of regulatory standards in model rules and proactive educational, compliance, and collaborative initiatives. Brenda B. Grimes, KC is Co-Chair of this committee.

Law Foundation

The Governors of the Law Foundation are Regan P. O'Dea (Chair), Justin S.C. Mellor, Dr. Judit Lovas, Sheilagh M. Murphy, KC, Erin E. E. Best, Morgan C. Cooper, and Robert J. Hickey. Kirsten Morry 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 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.

As Benchers and members, we are extremely fortunate to have a highly skilled and competent staff doing the work of the Law Society. In conclusion, I offer my thanks and gratitude to all of the staff for their excellent work and in particular to Brenda B. Grimes, KC, and Aimee Rowe for their strong guidance throughout my tenure as President.

As I conclude my term as President, I offer my congratulations and best wishes to Vice-President Gladys Dunne, KC as she begins her term as President for 2024-2025. I am confident that she will serve Benchers and members well in this role.

Vice-President's Annual Report

Gladys Dunne, KC

The Law Society Act, 1999 (the “Act”) provides a process for the Law Society to review allegations that members have engaged in conduct deserving of sanction. Conduct is reviewed in accordance with the standards of ethical practice prescribed by the Act, the Law Society Rules, and the Code of Professional Conduct.

The Vice-President, with the assistance of the office of the Director of Professional Responsibility, is responsible for oversight of this discipline process. The Vice-President's role includes:

- Reviewing allegations from the public.
- Filing Vice-President's allegations.
- Attempting informal resolutions or alternate dispute resolution.
- Investigation of allegations.
- Referral of allegations to the Fitness to Practice Committee (the “FTPC”).
- Referral of allegations to the Complaints Authorization Committee (the “CAC”).

The FTPC is responsible for reviewing matters where there are concerns that a member's ability to practice law with reasonable skill and judgment is substantially impaired by a physical, mental, or emotional condition, disorder or addiction. The FTPC offers an alternate path to traditional discipline. The FTPC has the authority to enter into agreements with members to address the issue of capacity. These agreements may include:

- The member being required to submit to medical assessment.
- The member being required to complete a course of treatment.
- The member being subject to practice restrictions or conditions.
- The member temporarily withdrawing from practice.
- The member being permitted to permanently withdraw from practice.

The CAC performs a screening function for allegations. The CAC is responsible for determining whether there are reasonable

grounds to believe that the member engaged in conduct deserving of sanction as alleged. In conducting its review, the CAC has the authority to conduct further investigation, order practice reviews, and compel a member to appear before the CAC. Where a CAC is of the opinion that there are no reasonable grounds to believe that the member engaged in conduct deserving of sanction, the CAC must dismiss the allegation. Where the CAC is of the opinion that there are reasonable grounds, options available to the CAC include:

- Issuing letters of counsel or caution to the member.
- Instructing the Vice-President to file a Complaint and refer it to the Disciplinary Panel.
- Suspending or restricting the member's licence to practice.
- Making an application for appointment of a Custodian of the member's practice.

The Disciplinary Panel is a group of Law Society members and public representatives from which Adjudication Tribunals are selected. Adjudication Tribunals conduct hearings of Complaints filed by the Vice-President, to determine whether a member is guilty of conduct deserving of sanction. The member and the Law Society are parties to these hearings.

While it is difficult to summarize the vast amount of work undertaken in the discipline process, we offer the following point in time statistics to offer a glimpse into the work completed during 2023-2024:

- Current number of active allegation files (at various stages of investigation): 34
- Current number of matters before the FTPC: 0
- Allegations dismissed by the CAC: 11
- Letters of Counsel/Caution issued by the CAC: 6
- Matters referred to the Disciplinary Panel: 13
- Current number of active Adjudication Tribunals: 5

- Number of decisions issued by an Adjudication Tribunal: 5

The discipline process could not function without the dedication of a large group of volunteers. Members of the Complaints Authorization Committee, the Disciplinary Panel, and the Fitness to Practice Committee contribute considerable time and experience to this work. These contributions are greatly appreciated.



Education Committee Report

Allan Skanes, Chair

The Education Committee is responsible for matters concerning members and prospective members of the Law Society related to admissions and education. The Committee's primary responsibilities, as outlined in *the Law Society Act, 1999* and the Law Society Rules, encompass several key areas, including the consideration of applications related to:

- admission as a student-at-law;
- accommodations in the Bar Admission Course;
- reinstatement of non-practising or former members;
- transfer pursuant to the National Mobility Agreement or the Territorial Mobility Agreement; and
- waiver or variance of the requirements of Rule 6.

Additionally, the Committee may be tasked with conducting hearings related to the character and fitness of students, members, or applicants.

Periodically, the Committee is called upon to provide input on initiatives undertaken by the Law Society or the Federation of Law Societies of Canada, as well as its associated Committees and working groups. This array of responsibilities typically occupies the majority of the Committee's meeting time.

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 2023-April 2024, the Education Committee:

- admitted 31 new applicants as students-at-law;
- recommended to Benchers that 21 students, having met the requirements of a student-at-law, be called to the Bar in Newfoundland and Labrador;
- approved the application of 10 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 18 Law Society members.

Continuing Professional Development Report

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. The Law Society issued 3 late filing fees to members with outstanding CPD Reports for 2023.

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

- AI Language Models for Law: Potential and Pitfalls - June 21, 2023
- Strategies for Lawyers Dealing with Clients or Other Parties with Addictions or Mental Health Issues - July 4, 2023
- Real Estate Fraud and Title Insurance - July 19, 2023
- Trans Competency for Lawyers - Navigating Gender Together - September 13, 2023
- Exploring the Law of Privilege: Principles, Applications, and Future Trends - September 27, 2023
- Family Law Update 2023 - November 17, 2023
- An Evidence Law Refresher - Session 1: Back to Basics: Purposes, Sources & Fundamental Concepts of Canadian Evidence Law - November 30, 2023
- Title Insurance Coverage: Known vs. Unknown Defects and How to Make a Claim - December 12, 2023
- An Evidence Law Refresher - Session 2: Shortcuts to Proof: How to Avoid Leading Evidence (or Lead Less of It) - January 18, 2024

- An Evidence Law Refresher - Session 3: Opinion Evidence: Admissibility, Pitfalls - February 20, 2024
- An Evidence Law Refresher - Session 4: Famous and Frustrating: The Law of Hearsay – March 19, 2024
- An Introduction to Intimate Partner Violence Intervention Court in Central, Western and St. John's Metro - March 21, 2024
- An Evidence Law Refresher - Session 5: Documents, Electronic Documents, and Affidavits – April 16, 2024

Lawyers in Newfoundland and Labrador continue to be very interested in continuing professional development and they continue to support our programming with 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 Christian Hurley at (709) 722-4898 or by email at churley@lsnl.ca.

Bar Admission Course Committee Report

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 2023 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, 2023, and continued until November 10, 2023. 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 82 volunteer instructors involved in the 2023 Bar Admission Course.

There were 34 students enrolled in the 2023 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 South Dildo, Corner Brook and Happy Valley-Goose Bay.

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; and

Business & Administrative. Each of the three licensing examinations 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 dires, 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.

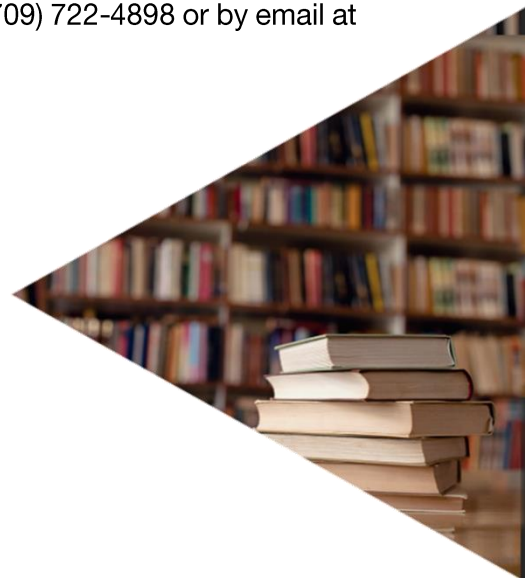
Indigenous Cultural Competency

This session, formed in response to the Truth and Reconciliation Commission's Calls to Action, emphasized Indigenous cultural competency. It featured presentations from various Indigenous groups in Newfoundland and Labrador, along with sessions on respectful communication and case briefing Indigenous stories, led by a panel of Indigenous lawyers.

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 the Provincial Court and Supreme Court 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 written assignments 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 Hurley at (709) 722-4898 or by email at churley@lsnl.ca.



Insurance Committee Report

Sheilagh Murphy, KC, 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. This past year, Rebecca Redmond Maclean retired from the practice of law, and the Insurance Committee welcomed Glenda Best, KC to the Committee.

The Insurance Committee is presently comprised of Sheilagh Murphy, KC (Chair), Steve May KC, Tom Williams KC, Jamie Merrigan KC, Colin Feltham, and Glenda Best, KC.

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 for providing 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;
- premium rates that reflect the loss experience of Canadian lawyers.

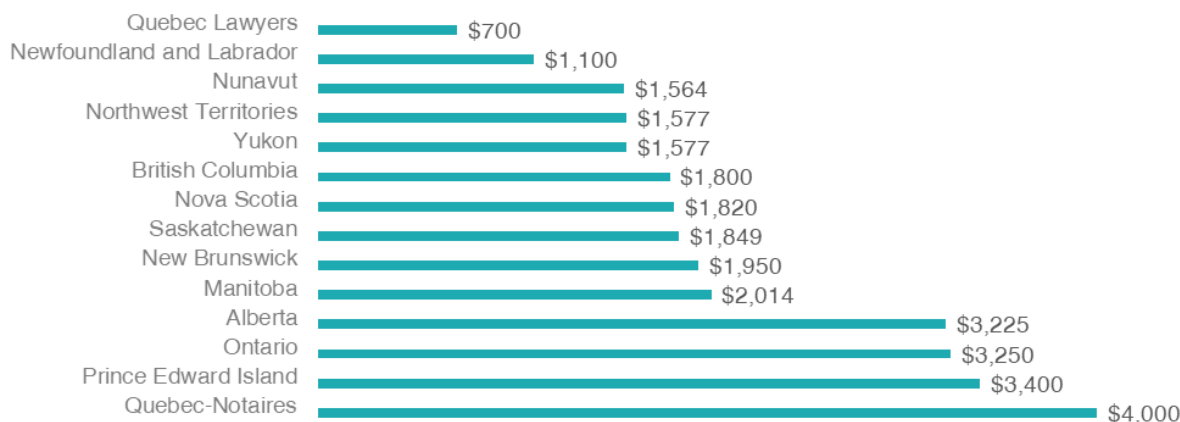
The Committee also continues to benefit from the hard work and guidance of our Claims Review Committee consisting of Janice Ringrose, Tom Williams KC, Steve May KC, appointed defence counsel, and alternates from the Insurance Committee as required.

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 \$1,100. Compared with other jurisdictions, NL has one of the lowest insurance premium rates in the country.

2023 INSURANCE PREMIUMS



Insurance Claims

As of December 31, 2023, the Claims Review Committee has opened 1,185 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 161 claims.

Causes of Loss

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

Systems/Procedures/Administration (49%)

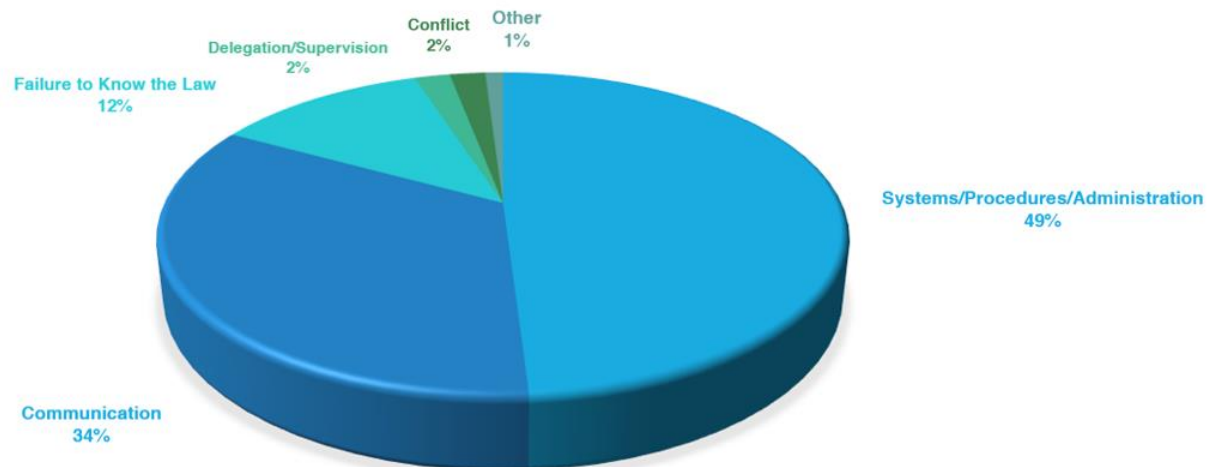
Missed deadlines, poor office procedures, and time management errors are grouped as the number one cause of insurance claims.

Communication (34%)

Lawyer/client communication-related errors (such as disputed instructions or failure to obtain the client's consent) are the second highest cause of insurance claims.

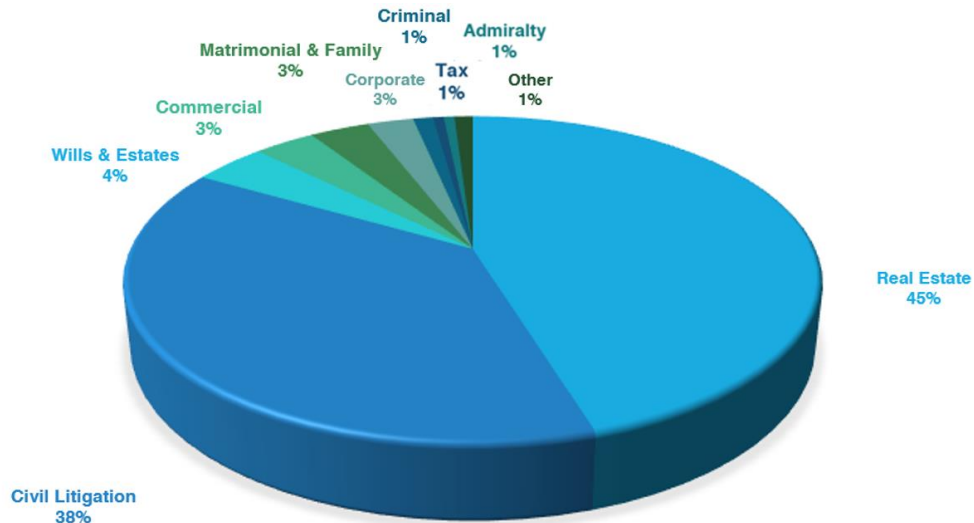
Law (12%)

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



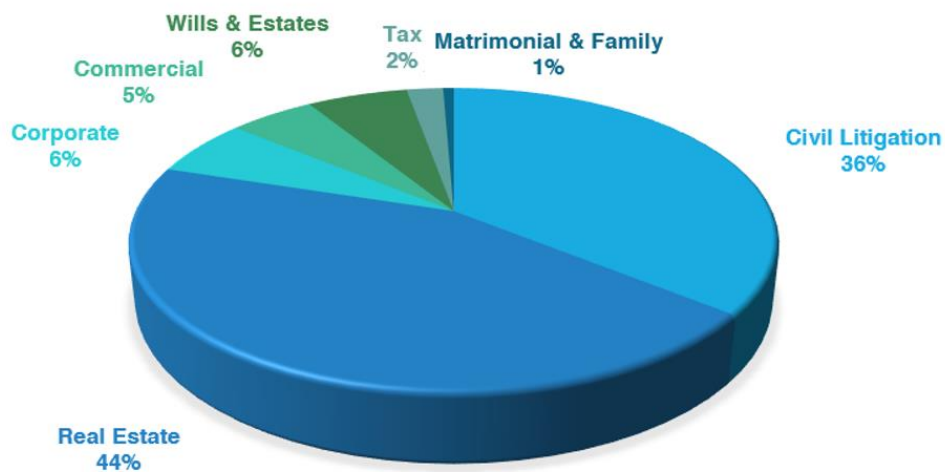
Areas of Law - Frequency

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 Real Estate, followed by Civil Litigation, Corporate, Wills & Estates, Commercial, Tax, and Matrimonial & Family areas of law.



Part B: Excess Insurance

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 35% 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) as well as coverage 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 the Assurance Fund and how an innocent member of the public may assert a claim for fraud or theft against a practicing lawyer.

The Assurance Fund was first established by Benchers in 1983. It has paid out approximately \$206,945.62 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. To be eligible for coverage under the Mandatory Program, the following minimum standards are necessary:

- Backup Controls: Weekly backups of data, stored offsite, and tested at least annually.

- Patching: Application of critical patches to your systems, anti-virus software, and anti-spyware software must be made within two weeks of release.
- Anti-Virus/Firewalls: Installation and maintenance, and active monitoring within reasonable business practices, of firewalls and endpoint protection (also known as anti-virus and anti-spyware)
- Multifactor Authentication (MFA): MFA is an authentication method that requires the user to provide two or more verification factors to gain access. MFA 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: 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.
- Employee Awareness Training: Engage in cyber awareness training on at least an annual basis.

Risk Management

The Lawyers’ Insurance Programme continues to provide loss prevention support, information, resources, and tips to the practicing insured membership of the Law Society. Some particulars of the past year’s initiatives are provided below.

Loss Prevention Tips

Some of the topics circulated to members this past year include:

- Bad Cheque Scams Still Exist
- Avoiding Business Email Compromise Scams
- Mitigating Risk When Witnessing, Commissioning and Notarizing Documents
- The Importance of Succession Planning
- Top Five Recommendations to Avoid Cyber Risk
- Dual Obligation in Filing Certificate of Possession for Warranty Certificates
- Tips When Giving Independent Legal Advice (ILA)

- Tips on Identifying Holiday Scams and Fraud

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 members for a one-hour credit toward the Mandatory Continuing Professional Development activity. Data from the CPD Department show 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 offer firms a free, confidential service to assist in identifying areas of risk that have the potential to result in insurance claims. 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 BAC

As in previous years, the Insurance & Risk Manager introduced the Professional Liability Insurance Policy, 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 Professional Assistance Program, and insurance coverage.

Fraud Alerts & Cyber Scam Notices

The Law Society monitors and notifies the membership of new scams as soon as we become aware of them. 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.

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 and a Wellness Toolbox.

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 that have been circulated to members and can also be found in the Health Library under the Wellness section of the Law Society Website. Also, a representative from Homewood annually presents to the students a detailed description of the Professionals' Assistance Program and how it will benefit them.

I would very much like to thank Janice Ringrose for her help and support with this committee and with the preparation of this report.

Honours and Awards Committee Report

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 Degree of Doctor of Laws, *honoris causa*, recognizes outstanding achievements by distinguished members of the profession or of the judiciary who conduct themselves according to the highest ideals of the legal profession. Through their inspirational leadership and significant accomplishments, recipients will have demonstrated devotion to the betterment of the profession over a long period of time. They must have provided outstanding service to the legal profession or 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 2024.

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. There were no nominations for the award in 2024.

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 the administration of justice. There were no nominations for the award in 2024.

The Kenneth W Jerrett Award was established in June 2020 in honour of the late Kenneth Jerrett.

Throughout his career, despite experiencing significant health issues, Kenneth 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 Kenneth Jerrett that made him an inspiration to others in the profession. There were no nominations for the award in 2024.

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 recipients of the award for 2024 are Justin Caines, Allison Conway, and Caitlin Urquhart.

The Early Career Pro Bono Award was established in December 2022. The award recognizes an early career lawyer who has demonstrated excellence in providing pro bono services to the public in Newfoundland and Labrador. To be eligible for the award, a nominee must be within their first ten years of call to the bar of Newfoundland and Labrador and have shown a regular and substantial commitment to providing quality legal services to individuals and/or organizations in Newfoundland and Labrador without any compensation for legal fees associated with the service. Consideration may also be given to contributions in any or all of the following areas: assisting with the establishment of pro bono law programs; coordinating pro bono legal services; education and advocacy to promote a pro bono culture in the legal profession; and legal research/reform relating to pro bono legal services. The award was not bestowed in 2024.

Life Membership

The Honours and Awards Committee reviews applications and nominations for Life Membership and makes recommendations to Benchers regarding the granting of the honour. Benchers bestowed Life Membership to retired member Heather Jacobs, KC, and Rebecca Redmond-MacLean, KC, in April 2024.

Law Society 2023 Bar Admission Course Awards

The Honours and Awards Committee presents awards annually to Articled Students-at-Law who achieve the highest marks in various sections of the Bar Admission Examinations.

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 Course. The recipient of the Hunt Award for the 2023 Bar Admission Course is George Philp, who served Articles of Clerkship at the Department of Justice and Public Safety of Newfoundland & Labrador. George's principal was Deidre Badcock. George will be called to the Newfoundland and Labrador Bar on June 21, 2024.

The Legal Aid NL Family Law Award is presented to the Student-at-Law achieving the highest mark in the Family Law Examination of the Bar Admission Course. The recipient of the 2023 Legal Aid NL Family Law Award is George Philp.

The Spracklin Award is presented to the Student-at-Law achieving the highest mark in the Real Estate/Wills Examination of the Bar Admission Course. The recipient of the 2023 Spracklin Award is George Philp.

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 recipient of the 2023 Provincial Court Judges' Association Award is George Philp.

The O'Reilly Award is presented to the Student-at-Law achieving the highest mark in the Civil

Practice and Procedure Examination of the Bar Admission Course. The 2023 recipient of the O'Reilly Award is Amy E. Pascher, who served Articles of Clerkship at the Department of Justice and Public Safety of Newfoundland & Labrador. Amy's principal was Mark Sheppard. Amy will be called to the Newfoundland and Labrador Bar on June 21, 2024.

The William J. Browne Scholarship is presented to a Student-at-Law who has submitted a research essay on a legal issue of current public concern. The recipient of the 2024 William J. Browne Scholarship is Nicholas Millot. Nicholas is presently serving Articles of Clerkship at the Department of Justice and Public Safety of Newfoundland & Labrador.

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. The recipient of the 2024 Maxwell J. Pratt Scholarship is Matthew Raske. Matthew is presently serving Articles of Clerkship at Stewart McKelvey.

The Honours and Awards Committee congratulates all recipients of the Law Society's honours and awards.

The Work of the Honours and Awards Committee

In addition to its regular work under the Committee's Terms of Reference, the Honours and Awards Committee developed a Conflict of Interest Policy for the Committee that will be presented to Benchers in the Fall of 2024.

The 2023-2024 Honours and Awards Committee is composed of the following members:

- Linda Harnett, Chair
- Jonathan Regan, Vice-Chair
- Derek Ford
- Ian Patey
- Keri-Lynn Power
- Jill Quilty
- Ashley Savinov

SS Daisy Legal History Committee Report

John Joy and Anna Wadden, Co-Chairs

The mandate of the Newfoundland and Labrador Law Society's *SS Daisy* Legal History Committee (the "Committee") is the preservation of the province's legal heritage, including the history of law, the courts, the lawyers, and the law society.

The current members of the Committee are John L. Joy (Co-Chair); Anna M. Wadden (Co-Chair); Christopher P. Curran, KC; Melvin Baker; J. Derek Green; J. Michael Collins; Gregory J. French; Janet Henley, KC; Riley M. Moss; Robert P. Pittman, KC; Nakita A. F. Ryan; Noel M. G. Daley; Donald K. Powell; Alexander C. Jessome; Christopher O.P. Layte; J. Alexander Templeton, Bench Liaison; and, Leah Griffiths, ex officio.

Meetings

The Committee met on 23 June 2023, 8 September 2023, 13 October 2023, 1 December 2023, 8 March 2024, and 24 March 2024.

Book Publications

- J. Derek Green and John L. Joy continued finalizing their work on *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*. They anticipate publishing both Reports in 2024/2025. The Committee received funding from the Law Foundation to subsidize publication costs.
- John L. Joy (and Anna M. Wadden, as available) continued to work on the preparation of the manuscript *E. Doyle Wells (ed.), Sworn Before Me: The Journals of Magistrate Thomas E. Wells, 1909-1914*, Little Bay, Notre Dame Bay, Newfoundland and Labrador. The goal is to publish in 2024. The Committee received funding from the Law Foundation to subsidize publication costs.

- Christopher C. Curran continued to work on the 17th & 18th Century Judicature: *The Path to 1792 and the Role of the Law Officers of the Crown, the Documentary Record: 1634-1792*. Nakita AF Ryan assisted with editing in anticipation of a publication date in 2024.
- The Honourable J. Derek Green and Christopher C. Curran continued to work on John Reeves, *History of Government of the Island of Newfoundland (1793)* with an introductory essay.
- Other ongoing publication projects included: *Dictionary of Newfoundland and Labrador Magistrates' Biographies*; *The Quarantine Letter Books, 1832-1836*, the *Law and the Global Asiatic Cholera Epidemic*; Richard White, *Law Student, Labrador Justice of the Peace*.

The Committee continued to brainstorm other publication ideas, such as a biography on Elizabeth McGrath Conroy Mennie, the second woman admitted to the bar for which there is a significant amount of primary and secondary sources and living relatives.

Oral History Project

Janet Henley, KC, Anna M. Wadden, Riley M. Moss and Nakita A. F. Ryan struck a subcommittee to conduct interviews and transcribe the personal and professional histories of early women lawyers in Newfoundland and Labrador, which they have dubbed the Women's Legal History Project (the "Project"). They launched the Project by hosting an event to celebrate the 90th anniversary of the first woman called to the bar in the Dominion of Newfoundland (as it then was) at the Law Society on 27 October 2023. Chief Justice Deborah E. Fry was guest speaker. Following the event, invitation letters were sent to early women members of the Bench and Bar to sit for an interview to which they have received positive responses. Interviews to start in Spring 2024.

Anniversary of Confederation

2024 marks 75 years since Newfoundland (as it then was) joined Canada. John L. Joy developed the idea to organize a dramatic reading of *Leviathan Unbound: the Case of Currie et al. v Macdonald: The 1948 Case to Strike Down the Confederation Referendum* (1999) and continues to plan this event for some time in 2024.

Other Committee Projects

- **CBC Drawings:** John L. Joy successfully found an archival home at Memorial University for CBC Court House drawings of members of the Bench and Bar.
- **E-Books:** The Committee sought and obtained funding from the Law Foundation to explore the electronic publication of the Committee's publications. The Committee consulted Morgen Mills and Mark Turner of Brack and Brine, a firm and publisher incorporated in January 2023 and headquartered in Labrador. Brack and Brine provided information and guidance on the Committee's e-publishing strategy to which the Committee plans to make one publication, *Silk Robes & Sou'westers – The Supreme Court 1791-1991*, available online/accessible electronically on the Law Society's website as a pilot project. There is minimal cost involved and the Committee intends to monitor and bring forward for discussion.

Access to Justice Committee Report

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.

For 2021-2024, Benchers approved a new and ambitious strategic plan to guide the work of the Law Society. Promoting Access to Justice was identified as one of the key priorities.

In its 2023 – 2024 Work Plan, the Committee committed to various access to justice Initiatives including: the drafting of a letter to the Minister of Justice regarding Access to Justice Issues at HMP; the promotion of Limited Scope Retainers; creation of an Early Career Pro Bono Award;

exploration of what pro bono or other legal services beyond Legal Aid are available to people across the Country; exploration of the intersection between education and access to justice; and, exploration into advocacy for the increased use of technology in Court operations.

This year the committee continued work on a number of these initiatives. The Committee:

- drafted for Benchers consideration a letter to the Minister of Justice regarding Access to Justice Issues at HMP.
- drafted for Benchers consideration materials relating to Limited Scope Retainers for inclusion on the Law Society’s website, which we anticipate will be uploaded in the near future.
- developed for Benchers consideration an Early Career Pro Bono Award, which has been approved.
- completed a Jurisdictional Scan of what pro bono or other legal services beyond Legal Aid are available to people across the Country.
- prepared a report of the materials being taught in kindergarten to grade 12 regarding the Law.
- prepared for Benchers consideration a questionnaire regarding members’ use of technology in Court operations. The questionnaire has been distributed to the membership.

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 2023-24 the Law Society approved a contribution of \$65,000 to the Public Legal Information Association of Newfoundland and Labrador (PLIAN).

The Chair of the Committee also 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 Department of Justice and Public Safety, Court of Appeal of Newfoundland and Labrador, Supreme Court of Newfoundland and Labrador General and Family Divisions, 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), and the Office of French Services.

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 following volunteer-run Legal Clinics: Small Claims Legal Assistance Clinic; Court of Appeal Legal Assistance Clinic; and Gathering Place Legal Clinic.

Accounts and Finance Committee Report

Doug Wright, Chair

The Terms of Reference of the Accounts and Finance Committee include:

- Meeting regularly with the Law Society's investment advisors to assess the performance of the Law Society's financial assets and reporting to Benchers accordingly; and
- Serving as the Audit Committee of Benchers for the audit.

Law Society Investment Accounts

The Law Society has four investment accounts that are managed by CIBC Private Wealth – Wood Gundy in accordance with an Investment Policy Statement that includes the following investment objectives:

- Preservation of capital;
- Income generation, with an emphasis on interest and dividends; and
- 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. There will be years where investment performance may be below or above the target range, but this is considered an appropriate desired annual rate of return when results are averaged over the longer term.

The 2023 year saw more positive results than in 2022, consistent with the higher interest rate environment throughout the year and more favourable equity market conditions in the last quarter of the year.

Independent of contributions and withdrawals by the Law Society in relation to the various investment accounts, at the end of 2023, the Law Society's investment portfolio had an overall increase in value on a total return basis (i.e., interest and dividends income and realized and unrealized capital gains) for the year of 6.07%. That was an increase of 7.8% over the total return of -1.01% for 2022.

Law Society Audit and Recommended Change of Auditors

In keeping with past practice, the Committee met with the external auditors in the spring to review the auditors' draft audit which, as always, was subject to a few minor accounting matters to be finalized. Consistent with prior years, 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 2023, subject to the qualification that we always receive regarding the characteristics of the transaction levy that are not amenable to audit testing.

In 2023, the Law Society issued a request for proposals to accounting firms in the province for the provision of services for the purposes of the annual audit of the Law Society's financial statements as required by the Law Society Act, 1999. The Audit Committee oversaw the RFP process, reviewed the RFP documents submitted by the interested firms and interviewed their representatives, and reported to Benchers.

At their meeting in April, Benchers approved the acceptance of the RFP of Noseworthy Chapman for five years commencing with the audit of the 2024 fiscal year and have recommended that the members approve the appointment of Noseworthy Chapman as auditors for 2024.

Real Estate Committee Report

Valerie Hynes, KC, Chair

Mandate

The Real Estate Committee was established to

- Identify existing applicable professional standards of Real Estate Law practice;
- Identify emerging Real Estate Law issues that may require the development of new professional standards or the revision of current standards and advising Benchers;
- Identify resources and tools to assist members to practice in accordance with professional standards;
- Act as a resource on issues of professional standards for Real Estate Law as may be requested by Benchers; and
- Engage 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

In August, 2023, members of the Committee met with the Deputy Minister and Assistant Deputy Minister of Service NL regarding the existing land registry system and the possible transition to a land titles system. The meeting led to the creation of an Ad Hoc Land Titles Committee that has been tasked with drafting standards of good title for Benchers' consideration.

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 once completed and approved.



Indigenous Education and Action Committee Report

Barbara Barker, Chair

The IEAC was formed in the Spring of 2017. The Committee's mandate is to 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 and the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls.

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

- Working with Indigenous communities to access and promote Indigenous legal traditions and knowledge;
- Educating within the legal community, including continuing legal education and the bar admission course, as well as within the broader community;
- Collecting and promoting resources and tools to help ensure the Indigenous cultural competency of members of the bar in Newfoundland and Labrador;
- Acting as a resource for consultation on issues relating to Indigenous law;
- Identifying challenges faced by Indigenous peoples in accessing justice and providing recommendations to relevant stakeholders on remediating the gap in access to legal services; and
- Engaging Indigenous members of the bar on the work of this committee.

Bar Admission Course

The IEAC continues to work on the development of content to support Indigenous cultural competency training within the Bar Admission Course. In 2023, a new seminar was added that focused on respectful communication and engagement with Indigenous people in the context of a legal proceeding. This seminar was led by Naomi Metallic, Associate Professor of Law and Chancellor's Chair in Aboriginal Law and Policy at Dalhousie University, and featured other presenters including Chief Judge Robin

Fowler, Shelly Martin, Director of Governance for the Confederacy of Mainland Mi'kmaq, and Andrew John, General Manager for Miawpukek First Nation.

Other lectures/seminars that formed a part of the 2023 Bar Admission Course included:

- Greeting and introduction to the Miawpukek First Nation by Chief Mi'sel Joe;
- Greeting and introduction to the Qalipu First Nation Band by Chief Brendan Mitchell;
- Greeting and introduction to the Nunatukavut Community Council by President Todd Russell and Amy Hudson, Research, Education, and Culture Director;
- Live lecture delivered by Mark Gillette, Director of Legal Services with the Nunatsiavut Government, which focused on an introduction to that group and the Labrador Inuit Land Claims Agreement;
- Recorded lecture by Jerry Wetzel, a member of the Miawpukek First Nation as well as a member of the Committee, based upon his thesis entitled *Decolonizing Ktaqmkuk Mi'Kmaq History*; and
- Live lecture providing a historical legal overview of the Mi'kmaq, Innu, and Nunatsiavut Government led by Barbara Barker, chair of the IEAC, Elizabeth Zarpa, past-chair of the IEAC, and Jolene Ashini, an Associate at Olthuis Kleer Townshend LLP, which was followed by an interactive seminar focused on Indigenous legal orders and case briefing Innu and Inuit stories.

Gladue Report Advocacy

A Gladue Report is a document used in Canadian courts during the sentencing process for Indigenous persons convicted of criminal offences. The report can provide background information about the offender, including their personal history, family background, and the effects of colonization, residential schools,

intergenerational trauma, and systemic discrimination in their life, amongst other things. It is named after the landmark 1999 Supreme Court of Canada case *R. v. Gladue*, which recognized the need for the criminal justice system and our courts to acknowledge the unique circumstances of Indigenous offenders and take into account the historical and systemic factors that may have contributed to their involvement in the criminal justice system. Although the Gladue decision is 25 years old, Newfoundland and Labrador has yet to implement an appropriate program to support the preparation of these reports. With the support of Benchers, the IEAC prepared a letter addressed to the Honourable John Hogan, KC, Minister of Justice and Public Safety and Attorney General for the Province of Newfoundland and Labrador, calling for the government to establish an appropriate program to address this gap in our criminal justice system. The IEAC solicited and received

letters of support from numerous Indigenous groups and other justice system stakeholders, which were attached to the letter sent to Minister Hogan.

Indigenous Law Student Scholarship

The Law Society's Indigenous Law Student Scholarship supports Indigenous law students who are pursuing a Juris Doctor degree, a Master of Laws degree, or a Ph.D. in law. It also promotes legal research and scholarly work related to Indigenous legal orders, language, history, traditions, and culture. Up to three scholarships in the amount of \$5,000 are awarded annually to candidates chosen through a selection process developed by the Law Society's Indigenous Education Action Committee. The first scholarships were awarded in 2023 and the recipients were Madison Janes and Cole Curnew. The deadline for 2024 scholarship applications is June 1, 2024.

Equity and Diversity Committee Report

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.

The remainder of the bias training series were held in the reporting year. Additional sessions were held on September 13th (Trans-Competency for Lawyers), February 19th (French Justice Network and A2J Issues for NL Francophones), April 19th (Disability Rights and A2J Issues) and June 7th (Cultural Diversity Training with First Light).

Our committee also partnered with Pro Bono Dalhousie in 2023/24. Students were assigned to complete two projects: an equity lens toolkit for members to use (similar to the Nova Scotia Barristers Society equity toolkit) and a Research and Draft Practice Directive – Forms of Address.

If approved, the equity lens toolkit can be posted on the Law Society's website. The guide allows lawyers to evaluate their work and values, consider ways to remove barriers, and gives practical tips on how to promote equity and inclusion in the legal profession.

The Forms of Address project includes a paper on the impacts of misgendering and the harm that can come from mispronouncing names. It also discusses the forms of address directives that have been adopted by courts across the country. Lastly, the students developed a draft practice directive and a script for lawyers and others to use when introducing their forms of address in court. This project will be presented to both the Supreme and Provincial Courts for their information and consideration. If approved, the project can also be posted on the Law Society's website.

The Committee changed its meeting schedule and now meets four times a year in person at the Law Society. We can meet by Zoom if the need arises. In addition to these meetings, we regularly circulate and discuss EDI resources obtained from other law societies and organizations.

The Committee will 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 2023



LAW SOCIETY

Newfoundland & Labrador

Financial Statements of

LAW SOCIETY OF
NEWFOUNDLAND AND
LABRADOR

Year Ended December 31, 2023

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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 statement of financial position as at December 31, 2023
- the statement of operations 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, 2023 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 statement of financial position as at December 31, 2023 and December 31, 2022
- the revenues and net earnings (loss) reported in the statement of operations for the years ended December 31, 2023 and December 31, 2022
- 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, 2023 and December 31, 2022
- the net loss reported in the statements of cash flows for the years ended December 31, 2023 and December 31, 2022

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, 2022 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.



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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. risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

- 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 stylized, handwritten-style signature of 'KPMG LLP' in black ink, with a horizontal line underneath the text.

Chartered Professional Accountants

St. John's, Canada

April 19, 2024

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

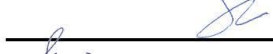

Statement of Financial Position

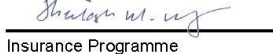
December 31, 2023, with comparative information for 2022

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2023	2022
Assets							
Current assets:							
Cash and cash equivalents	\$ 315,070	\$ 1,403,284	\$ 3,949	\$ -	\$ -	\$ 1,722,303	\$ 496,684
Trade receivable (net of allowance of \$6,284 (2022 - \$17,427))	49,040	230,965	-	-	-	280,005	287,731
Accounts receivable - other	12,033	-	-	-	-	12,033	25,721
Investments and marketable securities (note 4)	998,604	15,756,933	856,634	12,886	-	17,625,057	18,779,296
Receivable from CLIA (note 13)	-	97,833	-	-	-	97,833	90,056
Prepaid expenses	67,161	159,189	46,016	-	-	272,366	241,121
Interfund balances	(878,094)	(26,709)	(271)	-	905,074	-	-
	563,814	17,621,495	906,328	12,886	905,074	20,009,597	19,920,609
Capital assets (note 6)	741,789	-	-	-	-	741,789	857,009
Accounts receivable - non-current	-	-	-	-	-	-	35,374
	\$ 1,305,603	\$ 17,621,495	\$ 906,328	\$ 12,886	\$ 905,074	\$ 20,751,386	\$ 20,812,992
Liabilities and Net Assets							
Current liabilities:							
Accounts payable and accrued liabilities (note 7)	\$ 110,554	\$ 23,402	\$ -	\$ -	\$ -	\$ 133,956	\$ 245,220
Provision for unpaid claims	17,369	-	-	-	-	17,369	22,100
Reserve for claims and related costs (note 8)	-	4,213,352	-	-	-	4,213,352	3,647,708
	127,923	4,236,754	-	-	-	4,364,677	3,915,028
Net assets:							
General Fund	1,177,680	-	-	-	-	1,177,680	1,242,998
Lawyers' Insurance Programme	-	13,384,741	-	-	-	13,384,741	13,626,405
Assurance Fund	-	-	906,328	-	-	906,328	906,829
Endowment Fund	-	-	-	12,886	-	12,886	12,076
Internally Restricted Fund (note 2)	-	-	-	-	905,074	905,074	1,109,656
	1,177,680	13,384,741	906,328	12,886	905,074	16,386,709	16,897,964
Contingent liability (note 9)	-	-	-	-	-	-	-
Commitments (note 10)	-	-	-	-	-	-	-
	\$ 1,305,603	\$ 17,621,495	\$ 906,328	\$ 12,886	\$ 905,074	\$ 20,751,386	\$ 20,812,992

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 Operations

Year ended December 31, 2023, with comparative information for 2022

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2023	2022
Revenue:							
Admission fees (note 11)	\$ 62,550	\$ -	\$ -	\$ -	\$ -	\$ 62,550	\$ 55,550
Annual fees (note 12)	1,615,062	617,692	41,096	-	-	2,273,850	2,221,157
Audit program	-	20,265	-	-	-	20,265	13,781
Bar admission course	76,500	-	-	-	-	76,500	56,598
Continuing legal education	89,645	-	-	-	-	89,645	57,538
Grant - Law Foundation	150,000	-	-	-	-	150,000	15,000
Interest - membership fees	46,603	-	-	-	-	46,603	45,467
Investment income(loss) (note 4)	115,268	930,735	54,775	810	-	1,101,588	(198,654)
Other income	31,003	-	97	-	-	31,100	19,689
Transaction levy revenue	-	876,435	-	-	-	876,435	988,591
	2,186,631	2,445,127	95,968	810	-	4,728,536	3,274,717
General and administrative expenses:							
Salaries and benefits	1,364,911	727,159	-	-	50,000	2,142,070	1,798,825
Claim costs and provision for unpaid claims and related costs (note 5)	-	1,364,832	7,579	-	-	1,372,411	911,988
Discipline expense	23,018	-	-	-	-	23,018	4,069
CLIA premiums	-	338,958	-	-	-	338,958	209,575
Federation of Law Societies' fees	61,211	-	-	-	-	61,211	57,426
Libraries	196,088	-	-	-	-	196,088	208,064
Building operation	142,076	-	-	-	-	142,076	134,210
Custodianship	-	16,673	-	-	-	16,673	18,327
Audit program	-	1,011	-	-	-	1,011	2,704
Amortization	145,269	-	-	-	-	145,269	151,318
Insurance	15,974	-	88,690	-	-	104,664	122,099
Professional fees	31,816	23,000	-	-	28,241	83,057	65,483
Continuing legal education	6,171	-	-	-	-	6,171	19,055
Benchers' convocations and receptions	56,836	-	-	-	-	56,836	31,535
Professional development	53,592	9,289	-	-	-	62,881	41,403
Strategic initiatives	-	-	-	-	125,000	125,000	112,000
Professional Assistance Program	-	34,405	-	-	-	34,405	33,700
Bar admission course	21,652	-	-	-	-	21,652	15,381
Materials and supplies	206,510	3,509	200	-	-	210,219	265,321
Courier Services	13,059	-	-	-	-	13,059	17,569
Actuarial fees	-	46,144	-	-	-	46,144	43,056
Telephone	31,591	1,811	-	-	-	33,402	32,547
Bad debt	3,516	-	-	-	-	3,516	1,621
Admin expenses	(120,000)	120,000	-	-	-	-	-
	2,253,290	2,686,791	96,469	-	203,241	5,239,791	4,297,276
Net earnings (loss)	\$ (66,659)	\$ (241,664)	\$ (501)	\$ 810	\$ (203,241)	\$ (511,255)	\$ (1,022,559)

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Statement of Changes in Net Assets

Year ended December 31, 2023, with comparative information for 2022

	General Fund	Lawyers' Insurance Programme	Assurance Fund	Endowment Fund	Internally Restricted Fund (note 2)	2023	2022
Net assets, beginning of year	\$ 1,242,998	\$ 13,626,405	\$ 906,829	\$ 12,076	\$ 1,109,656	\$ 16,897,964	\$ 17,920,523
Net earnings (loss)	(66,659)	(241,664)	(501)	810	(203,241)	(511,255)	(1,022,559)
Transfer from capital asset reinvestment	1,341	-	-	-	(1,341)	-	-
Net assets, end of year	\$ 1,177,680	\$ 13,384,741	\$ 906,328	\$ 12,886	\$ 905,074	\$ 16,386,709	\$ 16,897,964

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Statement of Cash Flows

Year ended December 31, 2023, with comparative information for 2022

	2023	2022
Cash provided by (used in):		
Operations:		
Net loss	\$ (511,255)	\$ (1,022,559)
Items not involving cash:		
Amortization	145,269	151,318
Unrealized (gain) loss on investments	(378,108)	659,431
Change in provision for unpaid claims	(4,731)	-
Change in reserve for claims and related costs	565,644	(132,706)
	(183,181)	(344,516)
Changes in non-cash operating working capital:		
Decrease in trade receivable	7,726	107,265
Decrease (increase) in accounts receivable - other	13,688	(11,178)
(Increase) decrease in receivable from CLIA	(7,777)	(90,056)
Increase in prepaid expenses	(31,245)	(122,600)
(Decrease) increase in accounts payable and accrued liabilities	(111,264)	60,616
Decrease in claims recovery receivable	-	5,332
Decrease in accounts receivable non-current	35,374	-
	(276,679)	(395,137)
Investing:		
Proceeds from sales of investments and marketable securities	2,685,363	2,623,963
Purchases of investments and marketable securities	(1,153,016)	(2,703,430)
Purchase of capital assets	(30,049)	(283,970)
	1,502,298	(363,437)
Increase (decrease) in cash and cash equivalents	1,225,619	(758,574)
Cash and cash equivalents, beginning of year	496,684	1,255,258
Cash and cash equivalents, end of year	\$ 1,722,303	\$ 496,684

See accompanying notes to financial statements.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements

Year ended December 31, 2023

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, 2023

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, 2023

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
July 1, 2023 - June 30, 2024	300,000	1,510,000

(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, 2023

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, 2023

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, 2023

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:

- \$396,145 for capital asset reinvestment (2022 - \$323,486)
- \$87,170 for strategic initiatives (2022 - \$286,170)
- \$421,759 for future operations (2022 - \$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 \$280,902 (2022 - \$287,620). 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, 2023

4. Investments and marketable securities:

	2023	2022
Fixed income	\$ 7,842,051	\$ 11,145,102
Equities	3,411,694	3,966,854
Mutual funds	5,094,048	2,432,559
Principal protected notes and other	1,277,264	1,234,781
	\$ 17,625,057	\$ 18,779,296

Included in investment income is interest income of \$545,494 (2022 - \$456,338), dividend income of \$217,354 (2022 - \$149,648), unrealized gains of \$378,108 (2022 - (losses) of \$659,431) and realized losses on the disposal of marketable securities of \$35,216 (2022 - (losses) of \$145,208).

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

In 2022, 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 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. As of December 31, 2023, there was no change to the status as the Entity is waiting for a response from the Crown.

6. Capital assets:

			2023	2022
	Cost	Accumulated amortization	Net book value	Net book value
Land	\$ 73,429	\$ -	\$ 73,429	\$ 73,429
Building	2,155,814	1,682,624	473,190	559,421
Library	144,504	57,802	86,702	115,604
Furniture and equipment	451,062	406,164	44,898	37,895
Computer	31,815	23,545	8,270	-
Software	141,586	86,286	55,300	70,660
	\$ 2,998,210	\$ 2,256,421	\$ 741,789	\$ 857,009

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2023

7. Accounts payable and accrued liabilities:

As at December 31, 2023 there was \$30,586 (2022 - \$112,130) accounts payable included in the accounts payable and accrued liabilities.

8. Reserve for claims and related costs:

	2023	2022
Provision for claims and related costs beginning of year	\$ 3,647,708	\$ 3,780,414
Current year expense	911,988	907,204
Claims and related costs paid during the year	(346,344)	(1,039,910)
	<u>\$ 4,213,352</u>	<u>\$ 3,647,708</u>

As at December 31, 2023, 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:

	2023	2022
Discounted damages and defence costs	\$ 3,095,170	\$ 2,687,874
Discounted adjusting and counselling fees	242,153	199,474
Discounted internal claim administration expenses	403,050	371,177
Deductible write-off	39,049	-
	<u>3,779,422</u>	<u>3,258,525</u>
Provision for adverse deviation	393,154	389,183
Discounted receivable	40,776	-
Total discounted liabilities plus provision for adverse deviation	<u>\$ 4,213,352</u>	<u>\$ 3,647,708</u>

The liabilities have been discounted at a rate of 4.4% (2022 - 4.2%). The provision for adverse deviation for 2023 and 2022 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.

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2023

9. 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.

10. 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 \$65,000 for the next year, subject to good financial stewardship.

11. Admission fees:

Admission fees consist of the following:

	2023	2022
Articled clerks	\$ 9,900	\$ 3,900
Call to bar	21,250	23,750
Certificate of standing	3,900	5,400
Transfers	27,500	22,500
	\$ 62,550	\$ 55,550

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2023

12. Annual fees:

Annual fees consist of the following:

	2023	2022
Assurance Fund annual membership fee	\$ 41,096	\$ 40,151
Law Society annual membership fee	1,522,637	1,496,776
Federation fees	61,651	48,415
Professional law corporation fees	30,774	31,200
Insurance premiums	617,692	604,615
	<u>\$ 2,273,850</u>	<u>\$ 2,221,157</u>

13. 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, 2023 show the Programme's subscriber's equity to be \$1,940,407 (2022 - \$1,555,435) of which \$97,833 (2022 - \$90,056) is recorded as recoverable as of December 31, 2023. The Subscribers Accounts of CLIA in respect of Part C coverage as at December 31, 2023 show the Programme's subscriber's equity to be \$344,488 (2022 - \$286,2254), of which \$nil is recorded as recoverable as of December 31, 2023 (2022 - \$nil).

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR

Notes to Financial Statements (continued)

Year ended December 31, 2023

14. 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 approximate 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.