



LAW SOCIETY

Newfoundland & Labrador

7 JUNE 2024 IN-PUBLIC BENCHERS' CONVOCATION

MINUTES OF THE SUMMER TERM CONVOCATION OF THE BENCHERS OF THE LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR HELD AT THE OFFICES OF THE LAW SOCIETY AND VIA VIDEOCONFERENCE ON FRIDAY, THE 7TH DAY OF JUNE 2024, COMMENCING AT 9:30 A.M.

The following Benchers were present:

Elective Benchers: Scott Worsfold, President
 Gladys Dunne, KC, Vice-President
 Suzanne Orsborn, Past-President
 Brenda Duffy, KC
 Derek Ford
 Greg French
 Valerie Hynes, KC
 Carey Majid, KC
 Dean Porter
 Jonathan Regan
 Allan Skanes
 Alex Templeton
 David Williams
 Rod Zdebiak, KC

Appointed Benchers: Ross Elliott
 Linda Harnett
 Glenda Reid
 Allan Skanes

Regrets: Michael Ladha, KC
 Sheilagh Murphy, KC
 Doug Wright

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

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

INTRODUCTORY MATTERS

1. Welcome and Land Acknowledgement

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

2. Excusal of Benchers unable to attend Convocation

On Motion by Ross Elliott and seconded by Alex Templeton: that Benchers unable to attend Convocation be excused. CARRIED.

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

There was no motion.

4. Adoption of Agenda

On Motion by Ross Elliott and seconded by Suzanne Orsborn: that the Agenda be adopted. CARRIED.

ITEMS FOR DECISION/DISCUSSION

5. Amendment to Rule 5.1-2C of the Code of Professional Conduct

Benchers were provided with a memo from the Code of Professional Conduct Committee recommending an amendment to Rule 5.1-2C of the Code of Professional Conduct to clarify that the prohibition against single party communications with a tribunal does not apply in the context of mediation.

On Motion by Dean Porter and seconded by Glenda Reid: that Benchers approve the requested amendment to Rule 5.1-2C of the Code of Professional Conduct. CARRIED.

6. Education Committee Report:

Certificates of Fitness

Benchers were asked to approve Certificates of Fitness for:

Sharon Kour
Caitlin Fell
Rebekkah Robbins
Alexander Packman
Ryan Fancey
Chris Layte
Alex Marshall
Ian Hennessey
Isabella Koltunski
Dianna Alteen
Nicholas Millot
Duncan Wallace
Nick Peddle
Rachel Boushel
Rachel Delaney
Kayla Mosher
Stephanie Dicks
George Philp
Amy Pascher
Jillian Lahey
Ben Stratton
Matthew Raske
Kait O'Reilly
Emmanuel Oyesomi
MacKenzie Jefferies
Shelby Tena Batten
Jayna Green
Frankie Leonard

Amanda Sooley
Brendan Slater
Claire Dowden
Duncan Allison
Saad Syed
Angelina Amaral

On Motion by Brenda Duffy, KC and seconded by Jonathan Regan: that the Certificates of Fitness be approved. CARRIED.

Consent and Eligibility Form for Principals

Benchers were provided with a memo from the Education Committee requesting the approval and adoption of a Consent and Eligibility Form to be completed by members seeking to act as a principal for a student-at-law.

Recent revisions to Rule 6 expanded the criteria that a member must meet to act as a principal. The new rules give the Education Committee the authority to inquire into a member's suitability to act as a principal. The new form will assist the Committee in determining whether such inquiries are needed.

Benchers noted that Question 3 on the Form inquires whether the member has been "continuously engaged in the full-time practice of law within Newfoundland and Labrador for the previous 5 years". Benchers agreed that parental leave shall not be included in the calculation of the 5 years.

On Motion by Allan Skanes and seconded by Glenda Reid: that Benchers approve the proposed Consent and Eligibility Form presented by the Education Committee with the clarification that parental leave is excluded from the calculation of the 5-year period outlined in question 3. CARRIED.

7. Records Retention and Archives Policies

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

- i) consider approving Records Retention and Archives Policies for the Law Society of Newfoundland and Labrador's (the "Law Society") operations; and

- ii) delegate to the Executive Director the authority to make any further changes to the Retention Schedule and the Procedures that become necessary as the policies are implemented or as circumstances change.

The President noted that records retention and archives policies are operational policies that should be under the purview of the Executive Director.

On Motion by Suzanne Orsborn and seconded by Derek Ford: that Benchers approve the Records Retention and Archives Policies along with the Retention Schedule and Procedures, and delegate to the Executive Director the authority to make any further changes to the Retention Schedule and Procedures that become necessary as the policies are implemented or as circumstances change. CARRIED.

8. Strategic Planning Work Plan

Strategic Initiative – Promote and Protect Equity and Diversity – Equity and Diversity Committee Presentation – Indigenous Cultural Diversity Training

Chair of the Equity and Diversity Committee, Carey Majid, KC, welcomed Kevin Coffey from First Light to present to Benchers about Indigenous Cultural Diversity in the province of Newfoundland and Labrador.

Mr. Coffey noted that First Light currently serves the urban Indigenous population but that it is open to anyone of any heritage.

The following additional points were highlighted:

- **The friendship center adapts its programming to community needs, its services are free except for social enterprises and participants must register in advance of programming.**
- **There is a continuum of cultural competency:**
 - **cultural destructiveness (made extinct - Beothuk);**
 - **cultural incapacity (wrong or less than dominant group – see negative reinforcement of culture);**
 - **cultural unawareness (not learning about Indigenous cultures in our K-12 system – this is getting better; age-appropriate learning very important);**
 - **cultural awareness – sometimes done in token way, i.e. requests to**

bring dancers and drummers often made last minute. It is important to include Indigenous culture in a meaningful and respectful way;

- cultural humility – willingness to work with others and work toward reconciliation; adapt services, policies and procedures to accommodate – have a plan in place;
- arrow goes on both ends of the continuum as we are always learning about cultures;
- it is important to use humility to grow from exchanges;
- cultural humility is replacing the term cultural competency. Cultural humility means challenging personal biases, being willing to adapt, becoming aware of your privilege, learning about other cultures, interacting with other cultures (Harvard Implicit Bias – will impact the way you are thinking);
- Communication differences – eye contact, personal space/touch, gestures and vocals may not be the same;
- Do not make assumptions – avoid stereotypes;
- Indigenous groups in Canada – Inuit (arctic regions – Inuk singular); First Nations and Metis (mixed European and First Nations decent); 1,807,250 people recognized as having Indigenous Identity; there are unrecognized Indigenous people as well;
- 17.9% live on reserves and 82.1% off reserves; a reserve is a First Nations term;
- Land claim and reserves are not the same; some groups use the word settlement;
- First Nations - Mi'kmaq and Innu;
- Inuit – Inuit and Inuit of Nunavik;
- 46,550 in NL recognized as having Indigenous Identity; majority First Nations, but also Inuit and Metis (Labrador and some from Manitoba);
- Terminology:
 - Aboriginal and Indigenous umbrella terms – association with term aboriginal (associated with abnormal – some might take offence to the term but not generally seen as negative) – First Light shifted to Indigenous;
 - Inuit, First Nations and Metis – there are 634 bands under First Nations;
 - First Nations Band; nation is when 2 or more bands combine – 2 Innu groups are combined in NL creating an Innu Nation;
- Nunatsiavut – Inuit – population 6953, Language Inuktitut – North coast of Labrador – 4,528 are on land claim area;
- Inuit of NunatuKavut – population 6000, language – Inuktitut;
- Mi'kmaq – total population 27,738 – language Mi'kmaq; Qalipu – Landless Band – 24,681 members;
- Over 130 residential schools – 150,000 children and over 7323 deaths;

- **There were residential schools in NL;**
- **Intergenerational trauma – much suffering arising from residential schools.**

The President thanked Mr. Coffey for the informative presentation.

General Discussion about Strategic Work Plan

The Executive Director noted that most of the outstanding initiatives relate to the priority to promote access to justice. She noted that those initiatives are more complex and will likely be included in the next strategic work plan.

She further noted that strategic planning will be scheduled in the Fall.

The Chair of the Access to Justice Committee, Lauren Chafe, noted that the results of the court survey on technology are included in the Benchers' materials and that there will be a survey for the public distributed soon.

Ms. Chafe further noted that the Committee will be presenting a memo on the intersection of access to justice and education in the province.

ITEMS FOR INFORMATION

9. President's Report

A report was provided.

The President noted that it has been his honour and privilege to serve the legal community for the past year and that, while his term passed quickly, he experienced and accomplished a lot with the support of Benchers.

10. Education Committee Report – Transfers under NMA, Notices of Resumption of Practicing Status and Student Admissions

A report was provided. There were no questions arising.

CONCLUDING MATTERS

12. Other Business

There was no other business.

13. Adjournment

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

On Motion by Gladys Dunne, KC and seconded by Alex Templeton: that the in-public portion of the Benchers' meeting be adjourned. CARRIED.

SCOTT WORSFOLD