

MINUTES

Benchers

Date:	Thursday, December 12, 2024	
Time:	12:30 pm	
Location:	Law Society Offices and via Videoconference	
Present:	Gerri Wiebe, KC, President Christian Monnin, Vice President Wayne Onchulenko, Past President Carmen Nedohin, Officer-at-Large Kathrine Basarab Gordon Daman Kyle Dear Serena Ehrmantraut Kalanit Faingold Patrick Fortier	Sharyne Hamm Teresa Jaenen Dr. Richard Jochelson Timothy Kurbis Mathieu Lafrenière Kenneth Mandzuik, KC Penny Piper Trent Sholdice Leah Unruh Joshua Weinstein
Regrets:	Kassy Baker Simon Jack	Tehani Jainarine Deanna Wilson
Guests:	Michelle Falk Jessica Schofield	Lynda Troup Erin Wilcott
Staff:	Leah Kosokowsky Rennie Stonyk Sandra Alleyne Noelia Bernardo Pat Bourbonnais Tana Christianson Eileen Derksen	Joan Holmstrom Sharon Kravetsky Kathy Levacque Deirdre O'Reilly Richard Porcher Sean Rivera Alissa Schacter

Christopher Donaldson
Linda Fontaine

Betta Wishart

1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Ms Wiebe, President, called the meeting to order at 12:35 pm. Benchers, staff and guests were welcomed to the meeting, including Jessica Schofield and Michelle Falk, President and Executive Director, respectively, of the Manitoba Bar Association. Treaty territories 1, 2 and 5 were acknowledged with gratitude.

2.0 IN MEMORIAM

Benchers observed a moment of silence for the Honourable Calvin Murray Sinclair, John Arthur McAmmond, Richard Michael Rice, and the Honourable Richard Jamieson Scott.

Dr. Jochelson joined the meeting at 12:40 pm.

3.0 CONSENT AGENDA

3.1 Minutes of October 31, 2024 Meeting

Benchers considered the minutes of the benchers' meeting held on October 31, 2024.

3.2 Approval of Translated Rule Amendments – Removal of Benchers

Benchers considered the Rule amendments to Division 6 – Bencher Vacancies and Removal which were presented for approval in final form in both English and French.

3.3 Report of the Complaints Investigation Committee

Benchers received for information the report of the Complaints Investigation Committee.

3.4 Discipline Committee Report

Benchers received for information the report of the Discipline Committee.

Motion: That the consent agenda items be approved as presented.

MOVED: Ms Dear
Seconded: Mr. Fortier
Carried.

4.0 EXECUTIVE REPORTS

4.1 President's Report

Benchers received for information Ms Wiebe's report dated December 9, 2024.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated December 3, 2024. Benchers were advised that the Executive Officers will be meeting with the Minister of Justice on January 27, 2025 to provide an update on recent activities and initiatives undertaken by the Society and to discuss a variety of issues occurring nationally which have affected the independence of the legal profession.

Benchers were advised that new regulations have been drafted by a federal government agency which propose to set administrative penalties and consequences for those who provide certain immigration services to the public. If these regulations are applicable to lawyers providing such services, they would intrude upon the authority and regulatory role of all law societies and compromise solicitor-client privilege. A submission has been drafted by the Law Society of Ontario outlining its concerns with the draft regulations and Ms Kosokowsky has reached out to the Federation of Law Societies to determine its involvement in this matter.

4.3 2022-2025 Strategic Plan Activities Update

Benchers considered Ms Kosokowsky's memorandum, dated December 3, 2024, which provided an update on strategic plan activities in the areas of competence, engagement with

the profession and the public, access to justice and the trusted intermediaries project, and outreach to Indigenous youth.

Benchers also considered a detailed Strategic Plan Progress Report covering the period January 2022 to December 2024.

Ms Wilcott joined the meeting at 1:00 pm.

5.0 DISCUSSION/DECISION

5.1 Nominating Committee – Bencher Vacancy and Committee Appointments

Benchers considered a memorandum from the Nominating Committee dated November 22, 2024. Mr. Onchulenko confirmed the decision made by the committee to invite applications from members practicing in electoral districts outside of Winnipeg to fill the existing appointed practising bencher vacancy. Benchers were asked to encourage suitable candidates to put forward their names for consideration.

Benchers were also asked to approve the following recommendations made by the Nominating Committee to fill certain committee vacancies which had arisen following Ms Potter's appointment to the bench:

Admissions and Education Committee Chairperson – Serena Ehrmantraut

Admissions and Education Committee Vice-Chairperson – Joshua Weinstein

Admissions and Education/Trust Safety Appeals Committee Chairperson – Serena Ehrmantraut

Admissions and Education/Trust Safety Appeals Committee Vice-Chairperson – Joshua Weinstein

Professional Liability Claims Fund Committee Vice-Chairperson – Kathrine Basarab

Reimbursement Fund Claims Committee Chairperson – Mathieu Lafrenière

Reimbursement Fund Claims Committee Vice-Chairperson – Kathrine Basarab

Motion: That the proposed committee appointments be approved as recommended.

MOVED: Mr. Onchulenko

Seconded: Mr. Kurbis

Carried.

Benchers were asked to approve the appointment of the following benchers as members the Audit and Risk Committee:

Gerri Wiebe, KC (Chairperson)
Christian Monnin (Vice Chairperson)
Carmen Nedohin
Wayne Onchulenko
Timothy Kurbis

Motion: That the membership of the Audit and Risk Committee be approved as recommended.

MOVED: Mr. Lafrenière
Seconded: Ms Jaenen
Carried.

5.2 Good Character Requirement Update

Benchers considered a memorandum prepared by Ms Stonyk and Mr. Porcher, dated December 5, 2024, which invited benchers to provide direction on if and how the Society might proceed with a review of its good character requirement and assessment process.

Benchers were reminded that in March of 2021 the Canadian Civil Liberties Association had expressed concerns regarding the good character assessment process which the Society had in place at that time. The CCLA was of the view that this process created unnecessary barriers for entry by individuals from racialized and marginalized groups. In response to the concerns raised by the CCLA, the Society had at that time taken steps to improve its communications regarding the good character assessment process. As the FLSC had also established a working group to develop a unified requirement and assessment process, benchers had directed that this matter be held in abeyance until the working group had completed its work. As the working group had recently been disbanded due to other competing priorities, the matter was being brought forward for further direction.

Benchers considered a variety of options on how the Law Society might proceed as outlined within the memorandum. There was agreement that the good character requirement should be retained and that the assessment process should be reviewed to ensure that it is fair and equitable to all applicants. Accordingly, benchers directed staff to (a) continue to improve upon its communication practices where appropriate, and (b) examine the key concerns raised by the CCLA and report to the Admissions and Education Committee with recommendations of additional improvements which might be made to the good character assessment to further refine the process.

5.3 Practice Check-Up Program

Benchers considered a memorandum prepared by Ms Kosokowsky, dated December 4, 2024, which invited benchers to provide direction on whether the Law Society should proceed to roll out the practice check-up program as originally planned in 2020 now that the member resources have been developed or, in light of the results of the recent national well-being study of legal professionals, should the approach for its delivery be modified in a manner that does not inadvertently cause additional stress for practitioners. Benchers were reminded that at the time the program's model had been approved, they had directed that: (i) the pilot program should be focussed on young lawyers (one to five years of practice) and senior lawyers (30+ years of practice); and, (ii) that practice reviews be conducted on a random basis by trained private practitioners under the direction of staff.

Benchers agreed that the pilot program should proceed to the roll out phase to the two target groups as originally planned; however, they directed that: (i) the program should instead involve the delivery of a comprehensive package of resources and supports tailored to meet the specific needs and circumstances of each practitioner as described in Ms Kosokowsky's memorandum, rather than being compliance-driven; and (ii) a private practice contractor should be available to provide advice and follow-up assistance to practitioners, and particularly for those opening a small or solo practice.

Benchers also directed that this program be reviewed at least annually and that data be collected so that the Law Society is able to measure the effectiveness of the program.

5.4 Awards

Benchers considered a memorandum prepared by Ms Kosokowsky, dated November 25, 2026, which invited benchers to provide direction regarding the creation of an award in honour of the late C. Murray Sinclair and to provide direction on the development of the parameters, criteria and selection process. Benchers were also invited to consider a recommendation to develop selection criteria and processes for two other awards benchers had agreed to establish in 2020.

Benchers supported the creation of an award in honour of Mr. Sinclair, subject to the consent of his family, and agreed that the Indigenous Advisory Committee should be tasked with developing the parameters and criteria for the award as well as the nomination and selection processes. In doing so, the committee should avoid duplicating the criteria of other existing Indigenous awards and bursaries, and should also contemplate providing opportunity for award recipients to come from the broader community rather than strictly within the legal profession.

Motion: That, with the consent of Mr. Sinclair's family, an award be established in honour of the late C. Murray Sinclair and that the Indigenous Advisory Committee be tasked with developing the parameters and criteria for the award as well as the processes for nomination and selection of award recipients.

MOVED: Ms Nedohin
Seconded: Mr. Onchulenko
Carried.

Benchers were reminded that in 2020, they had supported the creation of a medal which would be awarded to members of the profession who have made significant contributions to the work of the Law Society. At that same time, benchers also supported the creation of a Certificate of Merit to be awarded to lay persons who have also made substantial contributions to the work of the Law Society, the legal profession or in the administration of justice. As the nomination and selection processes for each of these awards had not yet been established, it was recommended that the members of the Richard J. Scott Award Selection Committee be asked to complete this work. Benchers endorsed this recommendation.

Mr. Mandzuik was excused from the meeting at 2:00 pm.

6.0 MISCELLANEOUS BUSINESS

6.1 Access to Justice Proposal

Benchers received for information Ms Kosokowsky's memorandum, dated December 3, 2024, which reported on the engagement of Leita Kalinowsky to explore the feasibility of creating a Justice Centre. Benchers were advised that the information which will be gathered on the first phase of this analysis will aid in the development of the Society's new strategic plan.

6.2 Status Update on Electronic Banking Initiative

Benchers received for information a memorandum prepared by Ms Stonyk and Ms Levacque, dated December 4, 2024, which provided a detailed report on the status of the pilot phase of the electronic banking initiative.

6.3 FLSC Council Report

Benchers considered Ms Troup's report, dated December 9, 2024, which provided a detailed report on the virtual meeting of the Council of the Federation of Law Societies of Canada which was held on December 9, 2024.

7.0 COMMITTEE REPORTS

7.1 Strategic Planning Committee

Ms Wiebe advised that the Strategic Planning Committee had met on November 19, 2024 to review further amendments to the draft Strategic Plan flowing from feedback provided by staff. Benchers were advised that they can expect to receive the draft Plan in the next few days and were encouraged to review the full document in advance of their next meeting, scheduled for February 6, 2025, as this will be an item on the meeting agenda.

8.0 MONITORING REPORTS

8.1 Statements of Operations – April 1, 2024 to October 31, 2024

Benchers considered a monitoring report prepared by Ms Alleyne, dated November 29, 2024, which provided a detailed analysis on the Society's financial operations for the fiscal period ending October 31, 2024.

9.0 GUEST PRESENTATIONS

9.1 Remarks from the President and Executive Director of the Manitoba Bar Association

Ms Schofield spoke with benchers about the unique collegial relationship the Manitoba Bar Association shares with the Law Society and identified a variety of areas where the profession and public benefit from that relationship. Ms Schofield also reported on the future priorities of the MBA as outlined in its new Strategic Plan covering the 2025 – 2029 period.

10.0 IN CAMERA

With the exception of Ms Troup, Ms Kosokowsky, Ms Stonyk, Ms Bourbonnais and Mr. Rivera, all staff and guests were excused from the balance of the meeting at 2:20 pm.

10.1 BC Single Legal Regulator and Independence

Motion: That this agenda item be discussed *in camera*.

MOVED: Mr. Lafrenière
Seconded: Mr. Onchulenko
Carried.

Ms Kosokowsky and Ms Troup reported to benchers on matters relating to the establishment of a single legal regulator for lawyers, notaries and paralegals in British Columbia.

Motion: That the meeting proceed out of camera.

MOVED: Mr. Onchulenko
Seconded: Ms Dear
Carried.

11.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Ms Wiebe adjourned the meeting at 2:40 pm.