



# MINUTES

## Benchers

Date: Thursday, February 3, 2022

Time: 12:30 p.m.

Location: Via Videoconference

Present:

Grant Driedger, President	Tyler Koshowski
Sacha Paul, Vice President	Anna Maria Magnifico
Lynda Troup, Past President	Kenneth Mandzuik
Susan Boulter, Officer-at-Large	Brian McLeod
Mason Broadfoot	Christian Monnin
Miriam Browne	Wayne Onchulenko
Kyle Dear	Anu Osborne
Paul Grower	Joëlle Pastora Sala
Tehani Jainarine	Kelli Potter
Dr. Richard Jochelson	Jessica Saunders
Anthony Kavanagh	Gerri Wiebe
Patricia Kloepper	

Regrets: Ashley Joyce Vincent Sinclair

Guests: Rosemary Hnatiuk Erin Wilcott

Staff Present:

Leah Kosokowsky	Colleen Malone
Rennie Stonyk	Deirdre O'Reilly
Pat Bourbonnais	Richard Porcher
Natasha Brown	Sean Rivera
John Bryans	Karen Sawatzky
Tana Christianson	Alissa Schacter
Eileen Derksen	Darcia Senft
Kathy Levacque	

## **1.0 President's Welcome and Treaty Acknowledgement**

Mr. Driedger, President, called the meeting to order at 12:35 p.m. and welcomed everyone to the meeting. Treaty territories 1, 2 and 5 were acknowledged with gratitude.

## **2.0 In Memoriam**

Benchers observed a moment of silence for Raymond Walter Kuszelewski.

## **3.0 Consent Agenda**

### **3.1 Minutes of December 16, 2021 Meeting**

The minutes of the meeting held on December 16, 2021 were approved as presented.

### **3.2 Complaints Investigation Committee Report**

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

### **3.3 Discipline Committee Reports**

Benchers received for information the reports of the Discipline Committee.

Motion: That the Consent Agenda items be approved as presented.

MOVED: Ms Magnifico  
Seconded: Mr. Kavanagh  
Carried.

### **3.4 Indigenous Advisory Committee Report**

Benchers were advised that agenda item 8.2 - Report of the Indigenous Advisory Committee was being brought forward as Ms Saunders was not able to attend the full meeting.

Ms Saunders reported to benchers on the meeting of the Indigenous Advisory Committee which had taken place on February 1, 2022. At this meeting the committee continued

discussions on matters relating to cultural competency training, including (i) appropriate terminology when referring to cultural competency training (to be referred to as Indigenous intercultural awareness and competency training); (ii) who is qualified to provide the training; (iii) what should be included in the training program; (iv) whether training should be mandatory; and (v) whether exemptions to training should be available and if so, under what circumstances. The committee also considered amendments to its Terms of Reference. It is anticipated that a formal report, with recommendations, will be presented to benchers at their March 24, 2022 meeting.

Ms Hnatiuk joined the meeting at 12:50 pm.

## **4.0 Executive Reports**

### **4.1 President's Report**

Benchers received for information Mr. Driedger's report dated January 31, 2022.

### **4.2 Chief Executive Officer's Report**

Benchers received for information Ms Kosokowsky's report dated January 26, 2022. Ms Kosokowsky advised that the Law Society executive will be meeting with the Minister of Justice, Kelvin Goertzen, on February 17, 2022 to discuss a variety of issues of interest to both parties.

Benchers were advised that in addition to the recent hiring of William Barnstead as insurance counsel, Lori Burkowsky had been hired to fill the auditor inspector vacancy in the Audit Department, Sharon Kravetsky had been hired as the practice resource coordinator in the Continuing Professional Development Department, and John Bryans had been hired to fill a parental leave vacancy at the Manitoba Law Library Inc.

Ms Kosokowsky advised that an in-person meeting of the Federation of Law Societies Council and senior law society executives will be held in Montreal on April 25, 2022. Benchers were also advised that the President and Chief Executive Officer of the Federation have been invited to attend the bencher meeting and president's reception which have been scheduled for June 23, 2022.

## **5.0 Discussion/Decision**

### **5.1 Admissions and Education Committee re: FLSC Draft Competency Profile - Request for Input**

Benchers considered a memorandum from the Admissions and Education Committee dated January 25, 2022. Benchers were reminded that at their meeting held on December 16, 2021, they had directed that the committee review the draft Competency Profile prepared by the Federation of Law Societies of Canada NCA Assessment Modernization Committee and provide direction to benchers on how they might respond to the Modernization Committee's invitation to provide feedback. Benchers were advised that subsequent to the January 18, 2022 meeting of the Admissions and Education Committee, law societies had been advised that the Modernization Committee had determined that, based upon early feedback received from other law societies, the Competency Profile required substantial changes and that further engagement with the legal academy was necessary. Feedback provided by Manitoba's benchers remained welcome in the interim.

Benchers reviewed the detailed response recommended by the Admissions and Educations Committee.

Motion: That the recommendations contained within the memorandum of the Admissions and Education Committee, dated January 25, 2022, be shared with the NCA Assessment Modernization Committee.

MOVED: Mr. Grower  
Seconded: Ms Browne  
Carried.

### **5.2 Trust Safety Program Guideline Amendments**

Benchers considered a memorandum prepared by Ms Kosokowsky, dated January 24, 2022, which outlined a series of proposed amendments to the Trust Safety Program Guideline intended to (a) remove the unnecessary reference to a designate to the chief executive officer in decision making; (b) provide within the Notice of Appeal the option to have an appeal hearing conducted on an expedited basis; and (c) include gender neutral language throughout the document.

Motion: That the proposed amendments to the Trust Safety Program Guideline be approved as presented.

MOVED: Mr. Onchulenko  
Seconded: Ms Osborne  
Carried.

### **5.3 Election and Appointment Year - Appointment of Nominating Committee**

Benchers considered a memorandum from the Executive Committee, dated January 25, 2022, which recommended that benchers temporarily suspend the provisions of Rule 2-54 which require that the Nominating Committee propose candidates for election as the incoming president and vice-president at a meeting of the benchers held in April so that this requirement could be fulfilled at the March 24, 2022 meeting of benchers instead. The Executive Committee further recommended that the 2022 Nominating Committee consist of Lynda Troup (chairperson), Grant Driedger, Sacha Paul, Susan Boulter, Miriam Browne, Ashley Joyce and Kyle Dear.

Motion: That the requirement within Rule 2-54 which stipulates that the Nominating Committee must propose candidates for the position of president and vice-president at a meeting of benchers held in April be temporarily suspended.

MOVED: Ms Troup  
Seconded: Ms Magnifico  
Carried.

Motion: That Lynda Troup (chairperson), Grant Driedger, Sacha Paul, Susan Boulter, Miriam Browne, Ashley Joyce and Kyle Dear be appointed to serve as members of the 2022 Nominating Committee.

MOVED: Mr. McLeod  
Seconded: Ms Wiebe  
Carried.

## **6.0 Miscellaneous Business**

### **6.1 2022/2023 Bencher Expense Budget**

Benchers considered a memorandum prepared by Ms Kosokowsky, dated January 31, 2022, which reported on the setting of the Bencher Expense Budget covering the period April 1, 2022 to March 31, 2023.

Motion: That the Bencher Expense Budget for the 2022/2023 fiscal period be approved as presented.

MOVED: Mr. Monnin  
Seconded: Ms Magnifico  
Carried.

Ms Saunders was excused from the meeting at 1:35 pm.

## **6.2 2022/2023 Budget**

Benchers received for information Ms Kosokowsky's memorandum, dated January 25, 2022, which provided a detailed report on the setting of the Law Society's operating budget for the period April 1, 2022 to March 31, 2023. Benchers were advised that the budget contemplates an overall increase in the practising fee for 2022/2023 of \$170 arising from an increase in the general fund levy of \$205 and a reduction in the reimbursement fund levy of \$35. Notice of the levy, set at \$2,845 plus tax, will be received by the profession on March 1, 2022.

## **6.3 CPLED Strategic Plan**

Benchers received for information a memorandum prepared by Ms Kosokowsky, dated January 25, 2022, which reported on the 2021 - 2023 Strategic Plan for the Canadian Centre for Professional Legal Education (CPLED).

# **7.0 Monitoring Reports**

## **7.1 The Manitoba Law Library**

Benchers considered a monitoring report prepared by Ms Kosokowsky and Ms Sawatzky, dated December 8, 2021, which provided a detailed report on the operations of the Manitoba Law Library Inc.

# **8.0 Committee Reports**

## **8.1 Access to Justice Steering Committee**

Ms Wiebe reported to benchers on the meeting of the Access to Justice Steering Committee which had taken place on December 20, 2021. At this meeting the committee: (a) reviewed the Terms of Reference with a view to giving it clear objectives and measurables to quantify achievements; (b) set five broad priorities for the committee to work on and assigned a stakeholder representative to oversee each priority with the assistance of a subcommittee; and (c) agreed that each subcommittee will be comprised of members of the Access to Justice Stakeholders Committee and volunteer members of the profession. Benchers were advised that the Access to Justice Coordinator is also exploring possibilities for expanding data collection in access to justice with the Manitoba Law Foundation and the Faculty of Law.

## **8.2 President's Special Committee on Regulating Legal Entities**

Mr. Monnin reported to benchers on the meeting of the President's Special Committee on Regulating Legal Entities which had taken place on January 27, 2022. At this meeting the committee participated in a more detailed discussion on elements of the sandbox model within three specific categories: (i) lawyer participation in the sandbox; (ii) eligibility criteria for providers; and (iii) sandbox framework and term of the pilot program. Benchers were advised that the committee will meet again on March 2, 2022 and is expected to present a detailed report, with recommendations, at the March 24, 2022 meeting of the benchers.

## **9.0 For Information**

Benchers considered the materials provided for information.

There being no further business, Mr. Driedger adjourned the meeting at 2:10 p.m.