



# MINUTES

## Benchers

Date:	Thursday, June 27, 2024	
Time:	12:00 pm	
Location:	Law Society Offices, 200 – 260 St. Mary Avenue and via Videoconference	
Present:	Gerri Wiebe, KC, President Christian Monnin, Vice President Wayne Onchulenko, Past President Carmen Nedohin, Officer-at-Large Kassy Baker Kathrine Basarab Gordon Daman Kyle Dear Serena Ehrmantraut Patrick Fortier Sharyne Hamm Simon Jack	Teresa Jaenen Tehani Jainarine Dr. Richard Jochelson Timothy Kurbis Mathieu Lafrenière Kenneth Mandzuik, KC Penny Piper Kelli Potter Trent Sholdice Leah Unruh Deanna Wilson
Regrets:	Mason Geddes	Joshua Weinstein
Guests:	Kalanit Faingold Dominique Gibson Jonathan Herman Erin Kleisinger, KC	Noah Lesiuk Lynda Troup Erin Wilcott
Staff Present:	Leah Kosokowsky Rennie Stonyk	Sharon Kravetsky Kathy Levacque

Sandra Alleyne  
Pat Bourbonnais  
Tana Christianson  
Eileen Derksen  
Joan Holmstrom

Deirdre O'Reilly  
Richard Porcher  
Ronald Rarama  
Sean Rivera  
Simon Young

## 1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Ms Wiebe, President, called the meeting to order at 1:10 pm. Benchers, guest and staff were welcomed to the meeting.

## 2.0 IN MEMORIAM

Benchers observed a moment of silence for Cornelius Enns, Martin Elliott Kovnats, Professor Gerald Nemiroff, Joseph Allan MacDonald and Ariel Gliner.

## 3.0 CONSENT AGENDA

### 3.1 Minutes of May 16, 2024 Meeting

Benchers considered the minutes of the benchers' meeting held on May 16, 2024.

### 3.2 Minutes of May 30, 2024 Special Meeting

Benchers considered the minutes of the special benchers' meeting held on May 30, 2024.

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

MOVED: Mr. Lafrenière  
Seconded: Mr. Fortier  
Carried.

## 4.0 PRESENTATION TO STUDENT PRIZE WINNERS

### 4.1 Presentation to Students with the Four Highest Standings in Third Year Law

Congratulations were extended to the following University of Manitoba, Faculty of Law students for having attained the four highest standings in third year law:

Margaret Hypatia Crawford Award for the highest standing in third year law	Dominique Gibson
Second highest standing in third year law	Noah Lesiuk
Third highest standing in third year law	Keelin Griffin
Fourth highest standing in third year law	Kalanit Faingold

Benchers were advised that the award recipients had received the prize money associated with each award.

Ms Faingold, Mr. Gibson and Mr. Lesiuk were excused from the meeting at 1:20 pm.

## 5.0 EXECUTIVE REPORTS

### 5.1 President's Report

Benchers received for information Ms Wiebe's report dated June 19, 2024.

### 5.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated June 14, 2024. Ms Kosokowsky advised that the Law Society is the subject of a human rights complaint filed by a member who alleges discrimination on the basis of having failed to accommodate a medical disability.

Benchers were advised that Ms Wiesenthal had recently joined the Society as Complaints Resolution Counsel and that a new staff person had been hired to fill a vacancy at the Manitoba Law Library. Ms Kosokowsky advised that the Strategic Planning Committee would be meeting with Andrew Norton, the Strategic Planning Facilitator, over the summer to develop the outline for the delivery of the strategic planning session being held in Clear Lake on September 12, 2024. Benchers should expect to receive a full package of materials in advance of the session.

### **5.3 Strategic Plan Progress Report - June 2024**

Benchers received for information the Strategic Plan Progress Report covering the period January 2022 to June, 2024.

## **6.0 DISCUSSION/DECISION**

### **6.1 Rule Amendments - Mobility for Federal Government Lawyers**

Benchers considered a memorandum prepared by Ms Stonyk, dated June 17, 2024 which provided a status report on a Memorandum of Understanding between the Federation of Law Societies of Canada and the Government of Canada which clarifies how the National Mobility Agreement 2013 will apply to legal counsel who work for or provide services exclusively to the federal government. As the agreement has now come into effect, the FLSC has asked all participating jurisdictions to amend their rules to reflect the provisions of the agreement. Benchers were asked to consider and approve the proposed amendments to Part 3 of the Society's Rules at Divisions 6 and 7.

Motion: That the amendments to Part 3, Division 6 and Division 7 be approved in principle as presented.

MOVED: Mr. Lafrenière  
Seconded: Ms Ehrmantraut  
Carried.

Benchers were advised that the rule amendments would return to them for approval in final form once the French translation had been obtained.

## 6.2 Status Update on Electronic Banking Initiative

Benchers considered a memorandum prepared by Ms Stonyk and Ms Levacque, dated June 17, 2024. The memorandum provided a detailed report on the status and proposed roll out of Phase 2 of the electronic banking initiative, which will include the testing of mandatory participation requirements by ten Manitoba law firms of various size and location. Benchers were asked to consider and approve the draft mandatory participation requirements contained within the memorandum, which were as follows:

1. Firms must apply to the Audit Department for blanket approval of electronic banking for trust withdrawals if the firm is planning to use electronic banking.
2. All users for electronic transfers from trust must use two-factor authentication. In addition, to process a transfer, there must be a minimum of two users – one to initiate the transfer and another to approve it. A non-lawyer support staff can be set up to initiate the transfer, however only a lawyer can approve the transfer, and only lawyers with signing authority on the trust account can be set up to approve the transfer. (Benchers were advised that sole practitioners would be required to have two separate accounts, one to set up the transfer and another to approve the transfer.)
3. For all forms of electronic transfers, an electronic banking transfer requisition form must be prepared and filled out with all the required information to complete the transfer. A lawyer requesting the transfer must sign the requisition form.
4. Confirmation of the transfer must be received from the savings institution by no later than the following day and must include the following information:
  - (i) The date of the transfer;
  - (ii) The source trust account name and account number;
  - (iii) The destination name and account number, savings institution, and address;
  - (iv) The name of the member approving the transfer;
  - (v) The name of the person initiating the transfer; and
  - (vi) The amount of the transfer.
5. The information in the electronic requisition form must be compared to the information provided in the confirmation received from the savings institution to ensure all information is consistent. The requisition form and the confirmation form must be filed together in the client file and with the accounting records.

It was recommended that the Society inform the banking institutions, and credit unions in particular, of this change in trust accounting practices so that they are able to put in place the necessary banking security features (such as two-factor authentication) for firms to participate in the program.

Motion: That the mandatory requirements for participation in the pilot phase of the electronic banking initiative be approved in principle as presented.

MOVED: Mr. Kurbis  
Seconded: Ms Unruh  
Carried.

Benchers were advised that the pilot will provide the Law Society with an opportunity to test the mandatory participation requirements and make adjustments where needed before a final report and rule amendments are presented for consideration and approval.

## 7.0 MISCELLANEOUS BUSINESS

### 7.1 Insurance Levy 2024-2025

Benchers considered a memorandum prepared by Ms Kosokowsky, dated June 12, 2024, which reported on the setting of the insurance levy for the period July 1, 2024 to June 30, 2025 at \$1,839. Benchers were advised that this represents a \$175 reduction in the levy and is attributable to a reduction in the number and severity of claims, better investment performance, and a reduction in the premium assessed by the Canadian Lawyers Insurance Association.

### 7.2 Letter from the Assembly of First Nations

Benchers received for information a memorandum prepared by Ms Kosokowsky, dated June 17, 2024. Attached to the memorandum was a letter received from the Assembly of First Nations, dated June 17, 2024, which invited the Law Society to work with the AFN to develop and implement rules to ensure that First Nations clients are charged fair and reasonable legal fees (including contingency fee caps and a ban on exorbitant fees). As all other Canadian jurisdictions have received a similar request, this matter may require a considered and collective response. It was agreed that in the interim, the Practice and Ethics Committee would be asked to consider this matter in consultation with the Indigenous Advisory Committee, and report back to benchers in due course with its recommendations.

### **7.3 Law Library Hub – Final Report**

Benchers received for information a memorandum prepared by Ms Kosokowsky, dated June 18, 2024, which provided a final report on the Law Library Hub Pilot Project covering the third year of the program. Benchers were advised that this program will continue to operate in its current format under the direction of the Faculty of Law.

### **7.4 CPLED Report – June 2024 Update**

Benchers received for information a report prepared by Liza Worthington, CEO of the Canadian Centre for Professional Legal Education, dated June 17, 2024, which reported on the Practice Readiness Education Program registrations and included the organization's new Strategic Plan for the period July 1, 2024 to June 30, 2027.

### **7.5 Summer 2024 – Wellness Challenge**

Benchers received for information a memorandum prepared by Ms Kosokowsky and Ms Derksen, dated June 14, 2024, which provided a detailed outline for the delivery to the profession of the Wellness Challenge initiative over the next three months. Benchers were encouraged to participate in the Wellness Challenge and to also promote and encourage participation within their workplaces.

### **7.6 FLSC Council Report – June 2024**

Benchers received for information Ms Troup's report, dated June 10, 2024, which provided a detailed report on the Federation Council meeting which was held in Ottawa on June 10, 2024.

## **8.0 GUEST PRESENTATIONS**

### **8.1 Remarks from the President and CEO of the Federation**

Ms Kleisinger thanked benchers for providing her with an opportunity to meet with them in her role as President of the Federation of Law Societies of Canada. She provided a detailed report on the role of the Federation and also provided updates on key initiatives in the following areas: anti-money laundering and terrorist financing; the constitutional challenge

to certain provisions within *The Income Tax Act* which expand mandatory reporting obligations for lawyers; the delivery of new and improved research technologies provided by CanLII and Lexum; national discipline standards; the national study of health and well-being within the legal profession; a review of the national standards for entry to the legal profession; and reconciliation with Canada's Indigenous peoples. Benchers were reminded that collectively, all of these initiatives support and enhance the mobility of the legal profession across Canada.

Mr. Herman, Chief Executive Officer of the FLSC, noted the importance of the regulatory decisions made at the bencher table as these can have a local, national and international impact, as evidenced by the regulations adopted nationally in the area of anti-money laundering and terrorist financing.

With the exception of Ms Troup, Ms Kosokowsky, Ms Stonyk, Ms Bourbonnais and Mr. Rarama, all guests and staff were excused from the balance of the meeting at 3:10 pm.

## 9.0 IN CAMERA

### 9.1 Bill 21 – BC Single Legal Regulator

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

MOVED: Mr. Lafrenière  
Seconded: Mr. Mandzuik  
Carried.

Ms Kosokowsky provided an update on matters relating to the proposed establishment of a single legal regulator for lawyers, notaries and paralegals by British Columbia's provincial government.

Motion: That the meeting proceed out of camera.

MOVED: Mr. Mandzuik  
Seconded: Mr. Lafrenière  
Carried.



## 10.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Ms Wiebe adjourned the meeting at 3:25 pm.