

MINUTES

Benchers

Date:	Thursday, March 21, 2024	
Time:	12:30 pm	
Location:	Law Society Offices and via Videoconference	
Present:	Wayne Onchulenko, President Gerri Wiebe, Vice President Sacha Paul, Past President Miriam Browne, Officer-at-Large Kathrine Basarab Susan Boulter Mason Broadfoot Kyle Dear Serena Ehrmantraut Mason Geddes Sharyne Hamm	Kameron Hutchinson Teresa Jaenen Tehani Jainarine Dr. Richard Jochelson Mathieu Lafreniere Christopher Lange Kenneth Mandzuik Christian Monnin Kelli Potter Leah Unruh
Regrets:	Blair Filyk Brian McLeod	Carmen Nedohin Joëlle Pastora Sala
Guests:	Lynda Troup	Erin Wilcott
Staff Present:	Leah Kosokowsky Rennie Stonyk Sandra Alleyne Noelia Bernardo Pat Bourbonnais Eileen Derksen	Deirdre O'Reilly Richard Porcher Ronald Rarama Sean Rivera Karen Sawatsky Alissa Schacter

Joan Holmstrom
Kathy Levacque

Darcia Senft

1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Mr. Onchulenko, President, called the meeting to order at 12:35 pm and welcomed benchers, guests and staff to the meeting. Treaty territories 1, 2 and 5 were acknowledged with gratitude.

2.0 IN MEMORIAM

Benchers observed a moment of silence for Robert Alexander Reimer and the Honourable Walter Scott Wright.

3.0 CONSENT AGENDA

3.1 Minutes of February 8, 2024 Meeting

Benchers considered the minutes of the benchers' meeting held on February 8, 2024.

3.2 Approval of Translated Amendments to Rule 2-62 and Finalized Bencher Policies 1, 2 & 6.

Benchers considered the amendment to Rule 2-62 in final form in both English and French and Bencher Policies 1, 2 and 6 in final form.

3.3 Report of the Complaints Investigation Committee

Benchers received the report of the Complaints Investigation Committee.

3.4 Reports of the Discipline Committee

Benchers received the report of the Discipline Committee.

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

MOVED: Mr. Hutchinson
Seconded: Mr. Paul
Carried.

4.0 EXECUTIVE REPORTS

4.1 President's Report

Benchers received for information Mr. Onchulenko's report dated March 13, 2024.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated March 7, 2024. Benchers were advised that Linda Fontaine will replace Karen Sawatzky as Director of Legal Resources. Ms Sawatzky will continue to work on a reduced basis for six months to mentor and train Ms Fontaine in her new role. Ms Kosokowsky advised that at the Federation's Spring Business Meetings, held in Banff on March 11 and 12, 2024, delegates received a presentation on a generative artificial intelligence tool which is being developed by CanLII and Lexum. It is expected that the law societies would fund this project.

Ms Hamm arrived at 12:45 pm.

4.3 Strategic Plan Progress Report

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

5.0 DISCUSSION/DECISION

5.1 Rule Amendments – Expansion of CSO Category

Bencher considered a memorandum prepared by Ms Stonyk, dated March 8, 2024, which outlined draft rule amendments which broaden the qualifying criteria of civil society organizations to allow more organizations to participate in the program. These amendments also provide the chief executive officer with authority to approve, refuse or withdraw the registration of a CSO applicant and also requires the filing of an annual report by all CSO registrants.

Motion: That the draft rule amendments relating to civil society organizations be approved in principle as presented.

MOVED: Ms Boulter
Seconded: Mr. Lafreniere
Carried.

Bencher were advised that these rule amendments would return for final approval once the French translation has been received. It was confirmed that bencher will receive periodic updates on CSO registrations.

5.2 Electronic Banking for Trust Account Withdrawals

Bencher considered a memorandum prepared by Ms Stonyk, dated March 8, 2024, which reported on the results of a preliminary review conducted by one of the Society's former auditor-inspectors to assess the feasibility of modernizing the Society's trust account rules to permit the electronic withdrawal of funds from law firm trust accounts. Bencher were advised that Manitoba is currently one of three Canadian jurisdictions which has not updated its rules to permit electronic transfers from trust accounts. Bencher were asked to provide direction on whether the Law Society should proceed to the next phase of this initiative, which would include drafting rule amendments, developing internal control requirements and procedures for firms, preparing educational resources and developing a communications strategy.

A concern was expressed that electronic withdrawals may result in an increased risk of fraud to firms and clients. Additionally, while the larger banking institutions may have robust control capabilities to safely facilitate electronic bank transfers, the credit unions do not

currently appear to have the same level of online controls in place. Benchers were advised that none of the other jurisdictions have experienced an increase in fraud as a result of using online banking technology. As for concerns regarding the reduced level of controls in place by Manitoba's credit unions, benchers were advised that if credit unions are unable to put in place satisfactory safety controls, the Law Society would be in a position to address this concern (and any other issues) through the internal controls and procedures which will be required of firms before they can adopt these new banking practices.

Motion: That staff proceed to the second phase of this initiative, which will include drafting rule amendments, drafting control requirements and procedures for firms, drafting educational resources and developing a communications strategy.

MOVED: Ms Unruh
Seconded: Mr. Monnin
Carried.

Staff were asked to provide periodic updates and seek direction as needed as progress is made on this initiative.

5.3 Western Canada Competency Profile

Benchers considered a memorandum from the Western Canada Competency Profile Advisory Committee, dated March 7, 2024, which provided a detailed report on the development of a competency profile for use in British Columbia, Alberta, Saskatchewan and Manitoba. Ms Stonyk advised that at this stage, each law society has been asked to adopt the competency profile as drafted to ensure consistency in the approach to entry-level competency assessments in these regions. Benchers were advised that if the Profile is approved by all four jurisdictions, the Advisory Committee will next develop guidelines for its use by bar admission programs and principals.

Motion: That the Western Canada Competency Profile be adopted as presented.

MOVED: Mr. Lange
Seconded: Mr. Paul
Carried.

6.0 MISCELLANEOUS BUSINESS

6.1 Bencher Election Officers

Benchers considered a memorandum prepared by Ms Stonyk, dated March 7, 2024, which recommended the appointment of Ms Kosokowsky and Ms Alleyne to serve as scrutineers in the 2024 bencher election and that Mr. Onchulenko be appointed to serve as substitute Chief Electoral Officer in the event Ms Wiebe is unable to serve in this capacity.

Motion: That Ms Kosokowsky and Ms Alleyne serve as scrutineers in the 2024 bencher election and that Mr. Onchulenko serve as substitute chief electoral officer.

MOVED: Ms Dear
Seconded: Mr. Hutchinson
Carried.

6.2 FLSC Council Report

Benchers received for information Ms Troup's report, dated March 14, 2023, which provided a detailed report on the meeting of the Federation of Law Societies Council which was held in Banff on March 12, 2024 in conjunction with the Federation's Spring Business Meetings.

7.0 MONITORING REPORTS

7.1 Admissions and Membership Department

Benchers considered a monitoring report prepared by Ms Stonyk and Mr. Porcher, dated March 13, 2024, which provided a detailed report on operations within the Admissions and Membership Department.

Benchers discussed the results of a review conducted by the Fair Registration Practices Office to ascertain the Society's compliance with the most recent set of FRPO reporting requirements and registration practices. The monitoring report highlighted the challenges faced by the Law Society to comply with certain existing and newly proposed standards relating to recognition of academic training and language testing requirements as these require the National Committee on Accreditation to make changes to its registration processes in order for the Law Society to fulfill its obligations. These challenges further

underscore the erosion of the independence of the legal profession and inhibit the Society's ability to meet its mandate to protect the public interest in the delivery of legal services.

Benchers discussed the Society's compliance concerns with respect to academic training and language proficiency testing for foreign trained lawyers. Benchers agreed that reliable data was needed to identify exactly where the problems lie so that an informed decision can be made on the best course of action to be taken by the Law Society to address these problems.

Benchers directed that staff explore how the Law Society could collect the necessary data, including any associated costs, and report back to benchers with recommendations of how the Society might move this matter forward. In the interim, the Law Society should continue to share its concerns regarding FRPO regulations with the Minister of Justice and other government officials.

7.2 Statements of Operations – April 1, 2023 to January 31, 2024

Benchers considered a monitoring report prepared by Ms Alleyne, dated, March 6, 2024, which provided a detailed report on the profit and loss statements covering the period April 1, 2023 to January 31, 2024.

8.0 NOMINATING COMMITTEE REPORT

8.1 Election of President and Vice-President

Benchers considered the memorandum of the Nominating Committee, dated March 7, 2024, which reported on the work of the committee to date.

8.2 Appointment of Election Scrutineers

As the election of the incoming vice-president was being conducted in person and also by remote participation, benchers were advised that Ms Kosokowsky and Ms Stonyk would oversee the casting and counting of the paper and electronic ballots for the election of the vice-president and then review the election results with Mr. Paul.

Motion: That Ms Kosokowsky and Ms Stonyk be appointed scrutineers and ballot counters for the election of the incoming vice-president.

MOVED: Mr. Hutchinson
Seconded: Ms Hamm
Carried.

8.3 Election of Incoming President

Mr. Paul confirmed the recommendation of the Nominating Committee to put forward Ms Wiebe's name as candidate for the position of incoming president. He then invited nominations from the floor. As none were received, Mr. Paul declared nominations to be closed and announced the acclamation of Ms Wiebe as incoming president of the Law Society, to take office at the May 16, 2024 meeting. Congratulations were extended to Ms Wiebe.

8.4 Election of Incoming Vice-President

Mr. Paul confirmed the recommendation of the Nominating Committee to put forward the names of Ms Dear and Mr. Monnin for the position of incoming vice-president. He then invited nominations from the floor. As none were received, Mr. Paul declared nominations to be closed.

With the exception of Ms Kosokowsky, Ms Stonyk, Mr. Rivera and Ms Bourbonnais, all staff and guests were excused from the remainder of the meeting at 1:55 p.m.

Ballots for the vice-president election were distributed to benchers. Benchers then took a break at 2:00 pm while ballots were completed and votes counted. The meeting was reconvened at 2:15 pm.

Mr. Paul announced the election of Mr. Monnin as incoming vice-president and congratulations were extended to him. Ms Dear was thanked for having agreed to have her name stand for election.

8.5 Motion to Destroy Ballots

Motion: That the paper ballots and electronic data for the election of the incoming vice-president be destroyed.

MOVED: Ms Hamm
Seconded: Mr. Hutchinson
Carried.

9.0 IN CAMERA

9.1 Miscellaneous Matters

Motion: That this agenda item be discussed in camera.

MOVED: Mr. Mandzuik
Seconded: Mr. Hutchinson
Carried.

Ms Kosokowsky provided an update to benchers on matters relating to the Staff Pension Plan and 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. Paul
Seconded: Mr. Mandzuik
Carried.

10.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Mr. Onchulenko adjourned the meeting at 2:50 pm.