



MINUTES

Benchers

Date:	Thursday, May 18, 2023	
Time:	12:30 p.m.	
Location:	Law Society Offices and via Videoconference	
Present:	Sacha Paul, President Wayne Onchulenko, Vice President Grant Driedger, Past President Miriam Browne, Officer-at-Large Susan Boulter Mason Broadfoot Kyle Dear Serena Ehrmantraut Blair Filyk Sharyne Hamm Kameron Hutchinson Teresa Jaenen	Tehani Jainarine Dr. Richard Jochelson Leah Klassen Mathieu Lafreniere Kenneth Mandzuik Brian McLeod Christian Monnin Carmen Nedohin Joëlle Pastora Sala Kelli Potter Nikhilesh Verma Gerri Wiebe
Guests:	Lynda Troup Erin Wilcott	Dave Jackson (CLIA) Jon Bridge (CLIA)
Staff Present:	Leah Kosokowsky Rennie Stonyk Will Barnstead Noelia Bernardo Tana Christianson Jim Cox Eileen Derksen	Sharon Kravetsky, KC Kathy Levacque Colleen Malone Leah Neufeld Deirdre O'Reilly Sean Rivera Karen Sawatzky

Lee-Ann Harrison
Joan Holmstrom
Elaine Kinchen

Alissa Schacter
Darcia Senft
Betta Wishart

1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Mr. Paul, President, called the meeting to order at 12:45 pm and welcomed everyone to the meeting, including Dave Jackson, CEO and Jon Bridge, CFO of the Canadian Lawyers Insurance Association. Treaty territories 1, 2, 5 and 10 were acknowledged with gratitude.

2.0 IN MEMORIAM

Benchers observed a moment of silence for Cecil Alfred Chapman, Richard Synenko, Arnold Elia Piragoff, K.C. and Thomas Alexander Goodman, K.C.

3.0 CONSENT AGENDA

3.1 Minutes of March 23, 2023 Meeting

The minutes of the benchers' meeting held on March 23, 2023 were considered.

3.2 Report of the Complaints Investigation Committee

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

3.3 Report of the Discipline Committee

Benchers received for information the report of the Discipline Committee.

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

MOVED: Ms Boulter
Seconded: Mr. Monnin
Carried.

4.0 EXECUTIVE REPORTS

4.1 President's Report

Mr. Paul reported to benchers on his attendance at several internal and external meetings since the benchers last met in March 2023.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated May 5, 2023.

Ms Kosokowsky also reported on the March 2023 Capstone results for Manitoba. There were 87 students in total, of which three failed (one student was attempting the Capstone for the second time) and 16 were required to write a supplemental. While the performance of last year's students was sub-par to the other CPLED jurisdictions, this year there was improvement with Manitoba's students performing as well, if not better, than students in the other CPLED jurisdictions. Ms Kosokowsky reminded everyone that the Call to the Bar is on June 16, 2023 and they are welcome to attend.

Ms Kosokowsky also reported that Neil Cohen and Lynne McCarthy are both retiring as Public Representatives and that she will be putting together a proposal to seek out additional Public Representatives.

Ms Kosokowsky further reported that the recent Wills and Estates hybrid CPD program was outstanding with over 200 attendees and 18 presenters.

Finally, she reported that she attended the CLIA AGM in Toronto with Tana Christianson where the discussion largely focused on cyber attacks and insurance.

4.3 Strategic Plan Progress Report - May 2023

Benchers considered the May 2023 Strategic Plan Progress Report.

5.0 NOMINATING COMMITTEE REPORT

5.1 Approval of Nominating Committee Report

Bencher considered the report of the Nominating Committee, dated May 4, 2023, which set out the recommendations of the committee regarding the filling of two bencher vacancies, the proposed membership of all Law Society committees, and the appointment of representatives to external boards and committees.

Motion: That Sarah Inness, K.C. be appointed to fill the vacancy in the Winnipeg Electoral District and that Christopher Lange be appointed to fill the appointed practising bencher vacancy which will arise following the appointment of Mr. Paul as a Life Bencher.

MOVED: Mr. Lafreniere
Seconded: Ms Boulter
Carried.

Motion: That the report of the Nominating Committee which set out the committee membership and external committee appointments be approved as presented.

MOVED: Mr. Mandzuik
Seconded: Mr. Filyk
Carried.

Mr. McLeod suggested that consideration be given to adding a lay bencher to the Practice and Ethics Committee.

Bencher were also invited to provide direction regarding the reappointment of life benchers to the Discipline Committee in circumstances where the life bencher had resigned to represent a member before Discipline Committee. The benchers requested staff return with a proposal on how to deal with life benchers in these circumstances.

5.2 Awarding of Life Bencher Status to Sacha Paul

Mr. Onchulenko thanked Mr. Paul for his service as a bencher and President of the Law Society and recommended his appointment as a Life Bencher.

Motion: That Sacha Paul be appointed a Life Bencher of the Law Society.

MOVED: Mr. McLeod
Seconded: Mr. Lafreniere
Carried.

5.3 Thank you to Past President Grant Driedger

Mr. Driedger was recognized for the many contributions he has made to the Law Society during his tenure as a bencher and executive officer of the Law Society.

Mr. Onchulenko assumed the role of President of the Law Society and chaired the balance of the meeting. Ms Wiebe assumed the role of Vice-President.

6.0 PRESENTATION

6.1 Canadian Lawyers Insurance Association (CLIA)

Mr. Dave Jackson the CEO of CLIA provided a briefing on what CLIA represents, how it operates and the services it provides. Mr. Jon Bridge the CFO for CLIA attended the meeting as well and provided his thoughtful and analytical financial market knowledge.

7.0 DISCUSSION/DECISION

7.1 Admissions and Education Committee

Bencher considered the memorandum of the Admissions and Education Committee dated May 8, 2023, which provided the historical context of the Forgivable Loan Program and its current challenges. The Admissions and Education Committee recommended that the Forgivable Loan Program be discontinued. The benchers agreed with this recommendation and also to refer any options to the Access to Justice Committee.

Motion: That the Law Society discontinue the Forgivable Loan Program and that options to replace the program be referred to the Access to Justice Committee.

MOVED: Ms Dear
Seconded: Mr. Lafreniere
Carried.

7.2 President's Special Committee on Regulating Legal Entities

Benchers considered the memorandum of the President's Special Committee on Regulating Legal Entities dated May 11, 2023.

Over the course of three meetings, the Committee considered and is recommending to the benchers that:

1. The Law Society continue with its Sandbox communication plan and assess the nature of the applications received.
2. The Law Society regulate with a light touch all entities that seek to provide legal services to the public, whether they be in the form of a CSO, a pro bono legal clinic or an experiential learning program for law students.
3. That such regulation be accomplished by expanding the eligibility for an organization to qualify as a CSO, provided that the services are delivered on a pro bono basis.
4. That such regulation should not include a requirement that supervising lawyers of law students have practiced for a minimum period of time, but that the CEO ought to have the discretion to permit a lawyer to supervise a law student and the discretion to revoke that permission.
5. The Society ought not to decide at this stage on the nature and scope of a limited practitioner licence, but should rather continue to monitor and report on the progress of the Sandbox initiative.

Motion: That the benchers adopt the recommendations of the President's Special Committee on Regulating Legal Entities.

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

7.3 Bencher Policy # 5 Honoraria – Lay Benchers

Benchers considered Ms Kosokowsky's memorandum, dated May 7, 2023, which sought clarification of Bencher Policy #5 insofar as it relates to the honoraria that is paid to lay benchers for their attendance at Law Society meetings. After some discussion the benchers agreed that the policy is to apply payment "per meeting" as opposed to "per day", excepting out attendance at hearings where the payment structure is different.

Motion: That lay benchers be compensated for their attendance on a "per meeting" basis.

MOVED: Ms Wiebe
Seconded: Mr. Broadfoot
Carried.

7.4 Articling Term Requirements

Benchers considered and discussed the memorandum from Ms Stonyk and Ms Holmstrom, dated May 8, 2023, regarding articling term requirements and the following recommendations:

1. Students who complete accelerated PREP be permitted to serve 38 weeks of articles, on a full-time basis, instead of the usual 52 weeks.
2. Students who complete accelerated PREP, be permitted to serve 38 weeks of articles on a full-time basis, regardless of when they commence their articles after the completion of accelerated PREP.
3. Students who complete any PREP course (accelerated or traditional) be permitted to serve 38 weeks of articles on a full-time basis.

Motion: That the benchers adopt all three recommendations, effective immediately.

MOVED: Mr. Broadfoot
Seconded: Mr. Lafreniere
Carried.

Ms Stonyk advised that she will return to the benchers with draft rules for their approval. In the interim, the benchers' decision will be implemented pursuant to the CEO's discretion as currently allowed by the rules.

8.0 COMMITTEE REPORTS

8.1 Indigenous Advisory Committee

Ms Schacter provided an update on the work of the Indigenous Advisory Committee and the creation of the Manitoba module of The Path. Ms Schacter further advised that the committee has reversed its earlier position and decided not to recommend that Indigenous lawyers be exempt from the requirement that they complete the education program. Rather, the only exemption would be for lawyers that have already taken The Path and therefore, would only have to take the Manitoba module.

Ms Schacter advised that she would return to the benchers with a memorandum and recommendations at the next bencher meeting.

9.0 MISCELLANEOUS BUSINESS

Ms Troup provided an update from the Federation litigation committee. She advised that the Federation is recommending that they intervene in the SCC hearing of the Poonian appeal. The case involves the question of whether administrative fines survive bankruptcy and the impact on whether law societies can collect outstanding fees/penalties from bankrupt lawyers.

Motion: That the Law Society approve of the Federation seeking leave to intervene.

MOVED: Mr. Mandzuik
Seconded: Mr. Monnin
Carried.

9.1 Paul Hesse Defalcation - In Camera

Mr. Onchulenko requested that any conflicted members leave the meeting. Mr. Paul, Mr. Broadfoot, Ms Hamm, Ms Troup and guests left the meeting.

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Motion: To move the meeting in camera.

MOVED: Mr. Lafreniere
Seconded: Ms Dear
Carried.

Ms Kosokowsky provided an update from the prior meeting on this matter.

Motion: To move the meeting out of camera.

MOVED: Mr. Monnin
Seconded: Ms Boulter
Carried.

10.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Mr. Onchulenko adjourned the meeting at 3:30 pm.