



**The Law Society
of Manitoba**

INCORPORATED 1877 | INCORPORÉ EN 1877

MINUTES

Benchers

Date: Thursday, April 23, 2020

Time: 12:30 pm

Location: Via Video and Teleconference

Present:

Anita Southall, President	Ashley Joyce
Lynda Troup, Vice President	Patricia Kloepfer
Kathy Bueti, Past President	Brian McLeod
Neil Cohen, Officer-at-Large	Christian Monnin
Dr. Amarjit Arneja	Wayne Onchulenko
Dr. Jonathan Black-Branch	Sacha Paul
Susan Boulter	Jason Poettcker
Miriam Browne	Jessica Saunders
Richard Buchwald	Vincent Sinclair
Kyle Dear	Gerrit Theule
Grant Driedger	Karen Webb
Jay Funke	Gerri Wiebe
Paul Grower	

Guests: David Swayze Erin Wilcott

Staff Present:

Kris Dangerfield	Colleen Malone
Leah Kosokowsky	Trevor Oleniuk
Noelia Bernardo	Richard Porcher
Pat Bourbonnais	Sean Rivera
Tana Christianson	Darcia Senft
Joan Holmstrom	Simon Young

1.0 President's Welcome and Treaty Acknowledgement

Ms Southall, President, called the meeting to order at 12:35 pm. Treaty 1 Territory, the ancestral and traditional lands of the Anishinaabeg, Cree and Dakota First Nations and the homeland of the Metis, was acknowledged.

2.0 In Memoriam

Benchers observed a moment of silence for Richard Norman Urbanoski, Garnet Orlando DeLucia, Edwin Arthur Braid, Q.C., C.M., Robin Michael Kersey, Peter William Hogg, Dennis Hugh Ringstrom, and Eric William Olson, Q.C.

3.0 Consent Agenda

3.1 Minutes of February 13, 2020 Meeting

The minutes of the meeting held on February 13, 2020 were approved as presented.

3.2 Minutes of April 13, 2020 Special Meeting

The minutes of the special meeting held on April 13, 2020 were approved as presented.

3.3 Appointment of Bencher Election Scrutineers

The benchers approved the appointment of Ms Dangerfield and Ms Halpenny as election scrutineers and Ms Southall as the substitute chief electoral officer for the May 6, 2020 bencher election.

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

MOVED: Ms Troup
Seconded: Ms Bueti
Carried.

4.0 Executive Reports

4.1 President's Report

Benchers received for information Ms Southall's report dated April 16, 2020. Congratulations were extended to Mr. Broadfoot, Mr. Driedger, Mr. Joyce and Mr. Sinclair who had been acclaimed benchers in the Dauphin-Central, Eastern, Western and Northern Electoral Districts respectively in the 2020 bencher election.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Dangerfield's report dated April 16, 2020. Benchers were advised that due to the COVID-19 pandemic, the Manitoba Law Foundation has postponed the awarding of all special and discretionary grants for the time being. Accordingly, the hiring of an Access to Justice Coordinator has been put on hold at least until the end of June.

Benchers were advised that investments for the period ending March 31, 2020 indicated a loss in the Reserve Fund of 5% and a loss in the Pension Plan of 8%. A meeting of the Investment Committee has been scheduled to discuss investment performance with the Law Society's investment counsel.

Benchers were advised that a complainant has informed Law Society staff that she has filed a complaint about Law Society staff with the Manitoba Human Rights Commission which includes allegations of discrimination against female nurses. The Law Society has not yet been contacted by the Commission about the complaint.

Ms Dangerfield advised that a bencher had requested that consideration be given to further extending the deadline for payment of the annual practising fee and levies to May 30, 2020 as some members may be experiencing financial hardship as a result of the COVID-19 pandemic. Benchers were advised that the executive had considered the matter and were of the view that rather than extend the deadline, members would instead be invited to contact Ms Dangerfield directly if further accommodation was needed by any member and appropriate arrangements would be made at that time on a case by case basis. Benchers were advised that this information would be conveyed to members as part of the next regular COVID-19 update to the profession.

4.3 COVID-19 Update

Benchers received for information Ms Dangerfield's memorandum, dated April 16, 2020, which provided a detailed report on the internal and external operations of the Law Society in response to the COVID-19 pandemic.

5.0 Discussion/Decision

5.1 Rule Amendments - Part 5, Division 1 - Admissions

Benchers were invited to consider Ms Kosokowsky's memorandum, dated April 16, 2020, which provided a series of draft rule amendments flowing from the direction provided by benchers at their meetings held on February 13, 2020 and April 13, 2020. Benchers were reminded that these rule amendments would allow students to register and participate in the new PREP program being administered by CPLED. It was noted that while the proposed rule amendments would transfer full authority to CPLED to manage such matters as the issuance of grades, assessments and appeals, the Law Society would retain authority over all aspects relating to the admission of articling students, discipline and termination of articles by students who have been expelled from the CPLED program. Benchers were advised that the rule amendments also included a series of transitional rules specifically for the CPLED legacy students as well as amendments to permit administrative calls to the Bar for applicants who cannot be presented to the Court or sign the roll books as a result of the COVID-19 pandemic.

Ms Kosokowsky advised that the rules included an additional amendment which, if approved by benchers, would prevent a principal from providing opportunities for articling to more than one student at a time unless otherwise approved by the chief executive officer.

Motion: That the proposed amendments to Part 5 - Division 1 be approved in principle as presented.

MOVED: Ms Bueti
Seconded: Mr. Paul
Carried.

Benchers wondered whether any accommodation would be available for articling students who may need to obtain their call before the rules come into effect. Benchers were advised that the Law Society was exploring how the signing of the rolls and presentation to the Court could be addressed in the short term.

Benchers were advised that the rule amendments would be presented for approval in final form in both the English and French versions at the May 28, 2020 bencher meeting.

6.0 Nominating Committee Report

6.1 Report to Benchers

Ms Bueti presented the report of the Nominating Committee, dated April 9, 2020, which provided recommendations regarding the nomination of candidates for the positions of incoming president and vice-president and also provided a proposed amendment to the policies for appointed benchers.

6.2 Election of Incoming President

Ms Bueti confirmed that the Nominating Committee had agreed to put forward Ms Troup's name as the candidate for the position of incoming president. She then invited nominations from the floor. As none were received, Ms Bueti declared nominations to be closed and announced the acclamation of Ms Troup as incoming president of the Law Society of Manitoba.

6.3 Appointment of Election Scrutineers

Motion: That Ms Bueti and Mr. Rivera be appointed scrutineers and ballot counters for the election of the incoming vice-president.

MOVED: Ms Wiebe
Seconded: Ms Boulter
Carried.

6.4 Election of Incoming Vice-President

Ms Bueti confirmed that the Nominating Committee had agreed to put forward the names of Mr. Driedger and Mr. Onchulenko as candidates for the position of incoming vice-president. She then invited nominations from the floor. As none were received, Ms Bueti declared nominations to be closed.

As not all benchers were able to access the electronic ballot via videoconference to cast their vote for the election of the incoming vice-president, benchers were instructed to cast their vote via email correspondence sent directly to Mr. Rivera. Benchers were advised that Mr. Rivera would review the results of the election with Ms Bueti and Ms Bueti would then share the election results with the candidates and Ms Southall.

Ms Southall announced the election of Mr. Driedger as incoming vice-president. Mr. Onchulenko was thanked for having agreed to have his name stand for election.

6.5 Motion to Destroy Ballots

Motion: That the email ballots for the election of the incoming vice-president be deleted.

MOVED: Ms Bueti
 Seconded: Mr. Paul
 Carried.

6.6 Amendments to Appointed Bencher Policies

Ms Bueti invited benchers to consider the proposed amendment to the Criteria for appointment as a lay bencher or practising bencher within Bencher Policy #1 and Bencher Policy #2. Benchers were reminded that this amendment flowed from the direction provided at their February 13, 2020 meeting in response to the recommendation of the Nominating Committee.

Motion: That the Criteria within Bencher Policy #1 and Bencher Policy #2 be amended as follows:

The Nominating Committee will assess candidates against the skills matrix approved by the Benchers from time to time and will ensure that all candidates possess the required competencies. *In recognition of the cultural and historic context in Manitoba, particular regard will be given to Indigenous candidates, whether as an elected or appointed lawyer bencher or lay bencher.*

MOVED: Mr. Paul
 Seconded: Mr. Theule
 Carried.

7.0 Committee Reports

7.1 Discipline Committee

Benchers received for information the report of the Discipline Committee.

7.2 President's Special Committee on Regulating Legal Entities

Benchers considered Ms Senft's memorandum, dated April 16, 2020, which provided a status report on the work of the President's Special Committee on Regulating Legal Entities and also reported on the anticipated impact Bill 28 - *The Legal Profession Amendment Act* would have upon the work of this committee if passed by government. Benchers were advised that a final report of the committee would be presented at the May 28, 2020 meeting of benchers.

8.0 Miscellaneous Business

8.1 Response to the COVID-19 Pandemic

Mr. Grower recommended that the record reflect the exceptional service provided by the staff of the Law Society in response to the COVID-19 pandemic.

Motion: That the staff of the Law Society of Manitoba be commended and thanked for the tremendous efforts they have all made, both for the profession and the public at large, during the COVID-19 outbreak.

MOVED: Mr. Grower
Seconded: Ms Troup
Carried.

8.2 Report of Federation Council Member

Mr. Swayze reported to benchers on the meeting of the Council of the Federation of Law Societies of Canada held in Montreal on March 3, 2020. Benchers were advised that at this meeting Council had approved the operating budget for the 2020-2021 fiscal year and had reviewed in draft form the 2020 - 2024 Strategic Plan of the Federation. Council also received updates on the work of the Standing Committee on the Model Code of Professional Conduct, the Anti-Money Laundering Working Group, the TRC Calls to Action Advisory Committee, the National CLE Program Advisory Group, and CanLII. Benchers were advised that the next meeting of Council would be held on June 8, 2020 via video conference due to the COVID-19 pandemic.

8.3 *In Camera* Discussion

Ms Southall advised that she wished to meet with benchers *in camera* to provide an update on matters discussed *in camera* at the February 13, 2020 meeting. All staff and guests were excused from the meeting at this time, with the exception of Ms Bourbonnais and Mr. Rivera.

Motion: That the meeting proceed *in camera*.

MOVED: Ms Troup
Seconded: Dr. Black-Branch
Carried.

Ms Bueti provided benchers with a status report on the steps which had been taken on matters discussed since the February 2020 meeting.

Motion: That the meeting proceed *out of camera*.

MOVED: Ms Bueti
Seconded: Dr. Black-Branch
Carried.

9.0 For Information

Benchers considered the materials provided for information.

There being no further business, Ms Southall adjourned the meeting at 2:45 pm.