



# MINUTES

## Benchers

Date: Thursday, June 25, 2020

Time: 12:45 pm

Location: Via Video and Teleconference

Present:	Lynda Troup, President Grant Driedger, Vice President Anita Southall, Past President Susan Boulter, Officer-at-Large Mason Broadfoot Miriam Browne Paul Grower Tehani Jainarine Ashley Joyce Anthony Kavanagh Patricia Kloepfer Anna Maria Magnifico	Kenneth Mandzuik Brian McLeod Christian Monnin Wayne Onchulenko Anu Osborne Joelle Pastora Sala Sacha Paul Jason Poettcker Kelli Potter Jessica Saunders Gerri Wiebe
Regrets:	Dr. Jonathan Black-Branch	Vincent Sinclair
Guests:	Dr. Amarjit Arneja Neil Cohen Morgan Cooper	Jonathan Herman David Swayze Erin Wilcott
Staff Present:	Kris Dangerfield Leah Kosokowsky Noelia Bernardo Pat Bourbonnais Tatiana Bubnowicz Tana Christianson	Eileen Derksen Colleen Malone Deirdre O'Reilly Sean Rivera Darcia Senft

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

Ms Troup, President, called the meeting to order at 1:15 pm. Mr. Cooper and Mr. Herman, President and Chief Executive Officer, respectively, of the Federation of Law Societies of Canada were welcomed to the meeting.

## **2.0 Consent Agenda**

Ms Troup advised benchers that a request had been received to remove Agenda Item 2.2 (Appointment of Complaints Review Commissioner) from the Consent Agenda. Accordingly, Agenda Item 2.1 (Minutes of May 28, 2020 Meeting) was the only matter considered by benchers on the Consent Agenda.

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

MOVED: Ms Southall  
Seconded: Mr. Paul  
Carried.

## **3.0 Discussion/Decision**

### **3.1 Appointment of Complaints Review Commissioner**

Benchers considered Ms Dangerfield's memorandum, dated June 5, 2020, which recommended that Mr. Gibson be appointed to replace Mr. Perry as Complaints Review Commissioner, for a two year period, commencing October 1, 2020.

Motion: That Mr. Gibson be appointed to serve as Complaints Review Commissioner for a two year term, effective October 1, 2020.

MOVED: Ms Southall  
Seconded: Mr. Paul  
Carried.

Ms Magnifico abstained from voting.

Benchers acknowledged the services provided by Mr. Perry during his tenure, first as Acting Complaints Review Commissioner and then as Complaints Review Commissioner.

### **3.2 Committee Volunteer Appointment**

Ms Troup advised that at the time Justice Theodor Bock was appointed to the Court of Queen's Bench in February 2020, he had expressed a desire to continue to be involved in the

work of the Law Society provided the Chief Justice of the Court was in agreement. Benchers were advised that the Chief Justice had recently provided his consent and accordingly, the Executive Officers had agreed that a recommendation should be made to benchers to have Justice Bock appointed to serve as a member of the President's Special Committee on Regulating Legal Entities. Benchers were reminded that Justice Bock had been serving as a member of this committee at the time of his appointment to the bench.

Motion: That the Honourable Mr. Justice Theodor Bock be appointed as a member of the President's Special Committee on Regulating Legal Entities.

MOVED: Mr. Kavanagh  
Seconded: Mr. Monnin  
Carried.

## **4.0 Executive Reports**

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

Benchers received for information Ms Troup's report dated June 16, 2020.

Ms Troup advised that because Mr. Cooper and Mr. Herman had other commitments later in the afternoon, their presentations to benchers would be moved forward on the agenda.

### **4.2 Remarks by FLSC President**

Mr. Morgan thanked benchers for inviting him to meet with them in his role as President of the Federation of Law Societies of Canada and report on the work of the Federation. Benchers were advised that at its June meeting, the Council of the Federation had approved a new five year Strategic Plan. Highlights of the Plan include the addition of the Indigenous Bar Association and the legal academy as stakeholders, as well as a commitment to foster and maintain relationships with these and other stakeholders identified within the Plan. Key priorities identified within the Plan include: reaffirmation of the Federation's commitment to assist law societies and law schools as they respond to TRC Calls to Action 27 and 28; modernization of the NCA program to include a competency-based assessment system; lawyer health and wellness; and technological innovation in legal processes.

Benchers were advised that flowing from discussions held at the Annual Federation Business Meeting in March 2020, the Federation would be launching a national well-being study of the profession in partnership with the Canadian Bar Association. Phase 1 of the study will involve the collection and analysis of data gathered by a research team at the Université de Sherbrooke via a national survey of the profession. It is anticipated that the results of the survey will allow each law society to better understand the factors which are adversely

impacting the health and well-being of their members and ultimately aid law societies in the development of solutions which are jurisdiction specific (Phase 2).

Mr. Onchulenko joined the meeting at 1:30 pm.

It was suggested that the Federation consider expanding its commitment with regard to the TRC Calls to Action within its Strategic Plan to also respond to the Calls to Justice contained within the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls specifically directed toward the legal profession. Mr. Cooper undertook to raise this issue with members of the TRC Advisory Committee at the next meeting of the committee.

### **4.3 Remarks by FLSC CEO**

Mr. Herman reported to benchers on the role of the Federation of Law Societies of Canada and the impact COVID-19 has had on its operations. He advised that one operational area significantly impacted by the COVID restrictions had been the National Committee on Accreditation program because applicants were unable to write the in-person exams required to obtain a Certificate of Qualification in order to be eligible to practice law in Canada. As a result, the NCA has put in place new policies and procedures which will allow registrants to write exams online from anywhere around the world rather than in person. Mr. Herman advised that approximately 5,600 applicants were registered to write exams in August 2020 and the next cohort will be writing their exams in October 2020.

Mr. Driedger thanked Mr. Cooper and Mr. Herman for providing an update on the work of the Federation of Law Societies of Canada. He recommended that Mr. Cooper be appointed an Honourary Member of the Law Society, noting that Mr. Herman had previously been awarded Honourary Member status in 2008.

Motion: That Mr. Cooper be appointed an Honourary Member of the Law Society of Manitoba.

MOVED: Mr. Onchulenko  
Seconded: Ms Southall  
Carried.

Benchers were advised that an Honourary Member Certificate would be delivered to Mr. Cooper in due course.

Mr. Cooper and Mr. Herman excused themselves from the meeting at 2:10 pm.

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

Benchers received for information Ms Dangerfield's report dated June 15, 2020. Ms Dangerfield reported to benchers on her attendance via videoconference at the meeting of the Board of the Canadian Centre for Professional Development held on June 23, 2020. Benchers were advised that at this meeting Board members had reviewed the registration numbers for PREP, had discussed a short term business plan for the organization as well as the development of a Strategic Plan. Benchers were advised that the Board also discussed the development of educational programming on specific topics, such as cultural competency, which could be used by the CPLED member jurisdictions as well as other law societies across the country.

Ms Dangerfield advised that interviews for the junior Legal Counsel position would be held in July. Benchers were advised that the filling of this position had been postponed due to COVID-19.

Staff were encouraged to seek the assistance of the Speakers Bureau of the Treaty Relations Commission of Manitoba in the development and delivery of cultural competency programming for members. Benchers were advised that staff have been engaged with the Commission and have sought their guidance while developing cultural competency programming.

### **5.0 Committee Reports**

#### **5.1 Discipline Committee**

Benchers received for information the report of the Discipline Committee.

### **6.0 Presentations**

#### **6.1 Awarding of Honourary Member Status to Dr. Amarjit Arneja and Neil Cohen**

Dr. Arneja was recognized by benchers for the many contributions he had made to the Law Society while serving as a lay bencher from 2013 to 2020.

Mr. Cohen was also recognized by benchers for his contributions to the Law Society during his tenure as a public representative (2010 to 2014), as a lay bencher (2014 to 2020), and as the first Officer-at-Large (2018 to 2020) of the Law Society.

Mr. Driedger recommended that Dr. Arneja and Mr. Cohen be appointed Honourary Members of the Law Society.

Motion: That Dr. Arneja and Mr. Cohen be appointed Honourary Members of the Law Society of Manitoba.

MOVED: Mr. Monnin  
Seconded: Ms Southall  
Carried.

Benchers were advised that Honourary Member certificates would be delivered to both individuals in due course.

## **7.0 For Information**

Benchers considered the materials provided for information.

There being no further business, Ms Troup adjourned the meeting at 2:40 pm.