



# MINUTES

## Benchers

Date: Thursday, December 17, 2020

Time: 12:30 pm

Location: Law Society Offices, 200 - 260 St. Mary Avenue  
and Via Videoconferencing and Teleconferencing

Present:

Lynda Troup, President	Anna Maria Magnifico
Grant Driedger, Vice President	Kenneth Mandzuik
Anita Southall, Past President	Brian McLeod
Susan Boulter, Officer-at-Large	Christian Monnin
Acting Dean David Asper, Q.C.	Wayne Onchulenko
Mason Broadfoot	Joëlle Pastora Sala
Miriam Browne	Sacha Paul
Paul Grower	Jessica Saunders
Tehani Jainarine	Vincent Sinclair
Anthony Kavanagh	Gerri Wiebe
Patricia Kloepper	Christine Williams

Regrets:

Ashley Joyce	Kelli Potter
Anu Osborne	

Guests: Bradley Regehr

Staff Present:

Kris Dangerfield	Colleen Malone
Leah Kosokowsky	Deirdre O'Reilly
Sandra Alleyne	Richard Porcher
Noelia Bernardo	Ronald Ramara
Pat Bourbonnais	Sean Rivera
Tana Christianson	Alissa Schacter
Eileen Derksen	Darcia Senft

Vivian Hilder  
Joan Holmstrom  
Kathy Levacque

Betta Wishart  
Simon Young

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

Ms Troup, President, called the meeting to order at 12:35 pm and welcomed Bradley Regehr, President of the Canadian Bar Association, 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 Hucal, Laureen Ann Yee-Wen Lu and Michael Skwark, Q.C.

## **3.0 Consent Agenda**

### **3.1 Minutes of October 29, 2020 Meeting**

The minutes of the meeting held on October 29, 2020 were approved as presented.

### **3.2 Report of the Complaints Investigation Committee**

Benchers received the report of the Complaints Investigation Committee.

### **3.3 Report of the Discipline Committee**

Benchers received the report of the Discipline Committee.

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

MOVED: Ms Magnifico  
Seconded: Mr. Kavanagh  
Carried.

## **4.0 Guest Presentation**

### **4.1 Remarks by Bradley Regehr, President of the Canadian Bar Association**

Mr. Regehr brought greetings on behalf of the Canadian Bar Association. He spoke with benchers about how the legal profession can work towards reconciliation and end systemic racism. Mr. Regehr reported on a variety of initiatives and resources which have been developed by the CBA as part of its commitment to promote cultural competency within the legal profession and also shared information on new initiatives which will soon be rolled out by the Association. In the spirit of the tenet adopted by the CBA, "When we know better, we can do better", benchers were encouraged to inform themselves about the history, culture and experiences of Indigenous peoples as part of their personal commitment to support reconciliation.

## **5.0 Executive Reports**

### **5.1 President's Report**

Benchers received for information Ms Troup's report dated December 8, 2020.

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

Benchers received for information Ms Dangerfield's report dated December 9, 2020. Ms Dangerfield reported that, subject to bencher approval, the Honourable Murray Sinclair has agreed to serve as chair of the Indigenous Advisory Committee. Benchers were reminded that at the recommendation of the Equity Committee, the advisory committee was being struck to guide the Law Society in responding to the Truth and Reconciliation Commission Calls to Action 27 and 28.

Ms Dangerfield advised that Clayton McKnight, an instructional designer and eLearning specialist, would be joining the Law Society as a member of the Continuing Professional Development Department in January of 2021.

### **5.3 Strategic Planning**

Benchers were advised that early in 2021 a decision will need to be made about when the next strategic planning session will take place. In the interim, benchers were encouraged to continue to raise concerns or issues which they believed ought to be considered in the short term or at the strategic planning session.

## 6.0 Discussion/Decision

### 6.1 Reimbursement Claims Fund Committee - Amendment to Guidelines

Benchers considered Ms Christianson's memorandum, dated December 7, 2020, which reported on the meeting of the Reimbursement Claims Fund Committee which had been held on November 23, 2020. Contained within the memorandum was a recommended amendment to the Reimbursement Claims Fund Payment Guidelines (provision 22) which would provide discretion to the committee to payout claims that fall within the range of \$100,000 to \$300,000 in full or with a holdback. The committee also requested that it be permitted to release the monies which had been held back to date in accordance with the terms of that provision.

Motion: That provision 22 of the Reimbursement Fund Claims Payment Guidelines be amended as follows:

"22. Once the Committee has determined to pay a claim in whole or in part, the Committee may limit initial payments on approved claims to the sum of \$100,000. At the end of the fiscal year, if the total amount of approved claims does not exceed the annual retention plus the insurance coverage on the fund, then the balance unpaid on any approved claim will be paid out together with interest from the date of the initial payment..."

and that the Reimbursement Claims Fund Committee be authorized to release any monies which had been held back until the end of the fiscal year.

MOVED: Ms Magnifico  
Seconded: Ms Southall  
Carried.

In light of the large number of claims which are anticipated to be paid out by the Reimbursement Claims Fund Committee over the next several months arising from the misappropriation of funds by one member, it was requested that the benchers receive a regular update on the total amount of the claims made against the Fund, the total paid out to date, and the anticipated amount of future payments. Benchers were advised that staff would consider the extent to which information of this nature could safely be shared with benchers and report accordingly.

## **7.2 Access to Justice Stakeholders Committee**

Ms Wiebe reported to benchers on the meeting of the Access to Justice Stakeholders Committee which had been held on December 11, 2020. At this meeting stakeholder representatives provided updates on the work being undertaken by their respective organizations to improve access to justice. Benchers were advised that the committee has identified the need to improve access to high speed internet outside of Winnipeg, particularly in northern communities. A commitment was made by certain stakeholder representatives to ensure that this becomes a priority for the Provincial Government.

## **7.3 President's Special Committee on Health and Wellness**

Mr. Sinclair reported to benchers on the meeting of the President's Special Committee on Health and Wellness which had been held on November 5, 2020. Benchers were reminded that this committee had been established in 2019 to explore initiatives which would enhance health and wellness within the legal profession. At the meeting, the committee received information on: (1) the steps taken by staff to remove language from all admissions forms and resources which stigmatize mental health and addiction; and (2) the CPD programming and resources which have been made available to the profession relating to health and wellness as well as programming being developed for the coming year. The committee also: (a) considered a detailed plan for the delivery of a Diversion Program for lawyers whose practices are being impacted by health and wellbeing issues; and (b) discussed the feasibility of partnering with the Manitoba Bar Association in the delivery of a peer support program and resources for the profession. At its next meeting, scheduled for December 21, 2020, the committee will consider who ought to bear the costs for assessment and treatment under the Diversion Program, and will further consider opportunities to partner with the MBA in a peer support program.

## **7.4 President's Special Committee on Regulating Legal Entities**

Mr. Monnin reported to benchers on the meeting of the President's Special Committee on Regulating Legal Entities which had been held on December 1, 2020. At this meeting the committee: (a) received a progress report on the Law Society's efforts to consult with the profession and targeted stakeholders on the delivery of legal services by limited practitioners; and (b) received information on initiatives undertaken by a variety of local stakeholders to improve access to legal services. The committee considered the model adopted by the Law Society of Saskatchewan to identify the legal services providers actively operating within its jurisdiction as well as the range of services which they provide to the public. It was agreed that the committee would continue to explore other means of obtaining this information. The next meeting of the committee will be held on January 25, 2021.

Mr. Onchulenko joined the meeting at 1:40 pm.

## **8.0 Miscellaneous Business**

### **8.1 Farewell to Kris Dangerfield**

Ms Troup thanked Ms Dangerfield on behalf of the benchers for her service to the Law Society, initially as General Counsel and for the last six years as Chief Executive Officer of the Society.

### **8.2 *In Camera* Discussion**

All guests and staff, with the exception of Ms Bourbonnais, were excused from the meeting at this time.

Motion: That the meeting proceed *in camera*.

MOVED: Ms Wiebe  
Seconded: Mr. Grower  
Carried.

Ms Troup provided benchers with an update on the progress which had been made by the CEO Selection Committee to identify a candidate to serve as the new Chief Executive Officer of the Law Society.

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

MOVED: Ms Southall  
Seconded: Mr. Driedger  
Carried.

## **9.0 For Information**

Benchers considered the materials provided for information. Benchers were reminded that the annual joint meeting of the benchers and the council of the Manitoba Bar Association was scheduled to begin at 3:00 pm.

There being no further business, Ms Troup adjourned the meeting at 2:30 pm.