

MINUTES

Benchers

Date:	Thursday, November 10, 2022	
Time:	12:30 p.m.	
Location:	Law Society Offices and via Videoconference	
Present:	Sacha Paul, President Miriam Browne, Officer-at-Large Susan Boulter Mason Broadfoot Serena Ehrmantraut Blair Filyk Sharyne Hamm Kameron Hutchinson Teresa Jaenen	Dr. Richard Jochelson Anthony Kavanagh Leah Klassen Mathieu Lafreniere Kenneth Mandzuik Christian Monnin Kelli Potter Nikhilesh Verma Gerri Wiebe
Regrets:	Wayne Onchulenko, Vice President Grant Driedger, Past President Kyle Dear Tehani Jainarine	Brian McLeod Carmen Nedohin Joëlle Pastora Sala
Guests:	Erin Wilcott	
Staff Present:	Leah Kosokowsky Rennie Stonyk Noelia Bernardo Pat Bourbonnais Natasha Brown Tana Christianson Eileen Derksen	Sharon Kravetsky Colleen Malone Deirdre O'Reilly Sean Rivera Karen Sawatsky Alissa Schacter Darcia Senft

1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Mr. Paul, President, called the meeting to order at 12:30 p.m. and welcomed everyone to the meeting, including newly elected student bencher, Nikhilesh Verma. Treaty territories 1, 2 and 10 were acknowledged with gratitude.

2.0 IN MEMORIAM

Benchers observed a moment of silence for Ronald Gary Reimer, Mark Chapnick, Jagjit Singh Gill, William Samuel Hechter, Sidney Roe Restall and Lydia Louise Ritchie.

3.0 CONSENT AGENDA

3.1 Minutes of September 9, 2022 Meeting

The minutes of the meeting held on September 9, 2022 were approved as presented.

3.2 Complaints Investigation Committee

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

3.3 Discipline Committee Reports

Benchers received for information the reports of the Discipline Committee.

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

MOVED: Mr. Monnin
Seconded: Ms Boulter
Carried.

4.0 EXECUTIVE REPORTS

4.1 President's Report

Mr. Paul reported to benchers on his attendance at several events, including: a retirement dinner in honour of Chief Justice Richard Chartier and a continuing professional development program delivered by the National Judicial Institute on September 22, 2022; a CPD program delivered by the Law Society in association with the Manitoba Bar Association and the Faculty of Law on September 28, 2022 in honor of Truth and Reconciliation Day; and the Federation of Law Societies' Annual Conference held in Saskatoon on October 12 and 13, 2022. Mr. Paul also reported on his attendance at several Law Society committee meetings and also reported on his participation on the newly established Judicial Appointment Committee to which he serves as Acting Chair.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated October 21, 2022. Ms Kosokowsky reported to benchers on the activities undertaken by Law Society staff in the delivery of a CPD program and retirement gala dinner in honour of Chief Justice Chartier on October 27, 2022. She also reported to benchers on a CPD program which was delivered nationally by the Law Society, in cooperation with the Manitoba Bar Association and the Faculty of Law, on *People Centred Data Collection* as part of Access to Justice Week.

4.3 Strategic Plan Progress Report - October 2022 and Website Presentation

Ms Kosokowsky reviewed with benchers a detailed Strategic Activities Progress Report for the period ending October 2022 which outlined the progress which has been made by the Law Society to date to achieve the objectives identified within the Society's Strategic Plan. Benchers also received a visual presentation of the extensive educational resources and supports which have been developed and made available to the profession via the Law Society's website. Benchers were encouraged to share this information with their colleagues.

5.0 DISCUSSION/DECISION

5.1 *Code of Professional Conduct - Language Rights - AJEFM Request for Amendments*

Benches considered a memorandum prepared by Ms Senft, dated October 20, 2022, regarding a request received from L'Association des juristes d'expression française du Manitoba to expand the commentary within the *Code of Professional Conduct*, both locally and nationally, at Rule 3.2-2A and 3.2-2B to recognize the language rights recently added to the *Divorce Act*. The AJEFM had also requested that the commentary in Manitoba's *Code* be further expanded to identify additional language rights specific to Manitoba legislation. Benches were reminded that at their June 23, 2022 meeting they had directed that discussion of this matter be put over to a future meeting to allow staff time to further consult with the AJEFM and Mr. Monnin on further changes to the draft amendments.

Benches were invited to consider the newly drafted amendments and were advised that both the AJEFM and Mr. Monnin had indicated that they were satisfied with the amendments as presented.

Motion: That the proposed amendments to the Commentary of Rule 3.2-2A and Rule 3.2-2B of the *Code of Professional Conduct* at Appendix 2 of Ms Senft's memorandum, dated October 20, 2022, be approved in principle as presented.

MOVED: Mr. Monnin
Seconded: Mr. Lafreniere
Carried.

Benches were advised that these amendments will return to them for approval in final form once the French translation of the amendments has been received. A recommendation will also be made to the FLSC Model Code Committee to consider the adoption of a similar amendment to the Model Code at Commentary 2, in relation to the *Divorce Act* provision.

5.2 *British Columbia Single Legal Services Regulator*

Benches considered a memorandum prepared by Ms Kosokowsky, dated October 21, 2022, which reported on changes proposed by the provincial government of British Columbia to put in place a single regulator who would be responsible for the regulation of all lawyers, paralegals and notaries public operating within that jurisdiction. The Law Society of British Columbia has expressed concern that the regulatory board, as proposed within the new legislation, would no longer preserve the independence of the legal profession or the

regulator. Accordingly, the LSBC has requested that the proposed composition of the board be altered to provide for the majority of director positions to be held by lawyers and notaries.

Benchers were advised that the provincial government has invited submissions to its proposal and the Federation of Law Societies has indicated that it will be preparing a submission which supports the position of the LSBC. Benchers directed that the Law Society should also provide a submission which: emphasizes the importance of maintaining an independent regulator and legal profession and proposes that this be achieved through a board structure which provides for the establishment of a diverse board of directors to which the majority of seats are held by lawyers.

Benchers were advised that Mr. McLeod has recommended that as a proactive measure, the Law Society might also explore what such a model might look like in Manitoba in the event the provincial government were to consider adopting similar regulations in this jurisdiction. Benchers agreed that, while not a priority at this time, there may be value in exploring this further.

6.0 MONITORING REPORTS

6.1 Complaints Resolution Department and Discipline Department

Benchers considered a monitoring report prepared by Ms Kosokowsky, dated October 24, 2022, which provided a detailed report on the work of the Complaints Resolution Department and the Discipline Department.

7.0 COMMITTEE REPORTS

7.1 Access to Justice Steering Committee

Mr. Mandzuik reported to benchers on the meeting of the Access to Justice Steering Committee held on October 11, 2022. At this meeting the committee: (a) received a report from Ms Brown on the activities hosted by the Law Society, the Manitoba Bar Association and the Faculty of Law as part of the National Access to Justice Week; (b) received information about an Access to Justice blog recently launched by the Faculty of Law; and, (c) received progress reports on the work undertaken by three of the committee's working groups in the areas of: (i) amendments to the Terms of Reference for the committee; (ii) upgrades to

systems and technology for rural and remote communities; and, (iii) utilization of trusted intermediaries in rural and remote communities.

7.2 Equity Committee

Mr. Mandzuik reported to benchers on the meeting of the Equity Committee which was held on November 3, 2022. At this meeting the committee began a review of two primary matters: (a) eligibility requirements to run for and vote in bencher elections; and, (b) increasing the number of people from Indigenous communities in the practice of law through recruitment and retention activities.

7.3 Indigenous Advisory Committee

Ms Schacter reported to benchers on the meeting of the Indigenous Advisory Committee held on October 20, 2022. At this meeting the committee was advised that roll out of the Indigenous intercultural awareness and competency training program (originally scheduled for April 1, 2023) has been postponed as it recently became evident that some of the content of the program, The Path, is outdated. The committee has now identified October 1, 2023 as the new target date for delivery to the profession, with a participation deadline of March 31, 2025. The committee also considered a request made by the Manitoba Metis Federation to have a representative added to the IAC and to also amend the Society's treaty acknowledgement. At its next meeting the committee will receive an interactive storyboard presentation of the Manitoba-specific segment of the competency training program.

8.0 MISCELLANEOUS BUSINESS

8.1 FLSC Council Report

Benchers received for information a memorandum prepared by Ms Troup, dated October 17, 2022, which reported on the meeting of the Federation of Law Societies Council which was held in Saskatoon on October 14, 2022.

8.2 National Wellness Study - Phase I Report

Benchers considered the National Wellness Study - Phase I Report and Executive Summary released by the Université de Sherbrooke in October of 2022. The report provided a detailed analysis of the data which had been collected by researchers across Canada regarding the

health and wellness of lawyers and articling students. In Phase II of the Study, members of the profession will be invited to participate in interviews with the research team. Benchers noted that the information contained within the report underscores the importance of recent work and initiatives undertaken by the Law Society to support the mental health and well-being of the profession. Benchers were advised that the Law Society will continue to pursue its strategic objectives in the area of health and well-being while it awaits further reporting and recommendations flowing from the Study.

9.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Mr. Paul adjourned the meeting at 2:25 p.m.