



# MINUTES

## Benchers

Date:	Thursday, March 23, 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 Kameron Hutchinson Teresa Jaenen	Dr. Richard Jochelson Leah Klassen Mathieu Lafreniere Kenneth Mandzuik Brian McLeod Christian Monnin Carmen Nedohin Joëlle Pastora Sala Kelli Potter Gerri Wiebe
Regrets:	Blair Filyk Sharyne Hamm	Tehani Jainarine Nikhilesh Verma
Guests:	Gregory Evans Tamara McCaffrey	Lynda Troup Erin Wilcott
Staff Present:	Leah Kosokowsky Rennie Stonyk Noelia Bernardo Pat Bourbonnais Natasha Brown	Colleen Malone Deirdre O'Reilly Richard Porcher Sean Rivera Karen Sawatsky

Eileen Derksen  
Joan Holmstrom

Darcia Senft  
Betta Wishart

## 1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Mr. Paul, President, called the meeting to order at 12:30 pm and welcomed everyone to the meeting, including Law(yer) Strong representatives Mr. Evans and Ms McCaffrey. Treaty territories 1, 2, 5 and 10 were acknowledged with gratitude.

## 2.0 IN MEMORIAM

Benchers observed a moment of silence for Balmukand Kapoor, Marcel Andre Desautels, Harvey Irvin Pollock, K.C., Donald Andrew Slough and Garry Ruben Samaria Micflikier.

## 3.0 CONSENT AGENDA

### 3.1 Minutes of February 9, 2023 Meeting

The minutes of the benchers' meeting held on February 9, 2023 were considered.

### 3.2 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. Mandzuik  
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 had last met in February of 2023.

### 4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated March 15, 2023. Ms Kosokowsky reported to benchers on a Statement of Claim which has been filed by a member who was suspended from practice in 2018. A motion to have the claim struck was scheduled to be heard earlier in the morning. The Law Society will be participating in its third compliance review of registration processes since the *Fair Registration in Regulated Professions Act* came into effect. The review is expected to be completed by the end of June. The Society is also monitoring amendments to the *Act* introduced by the Minister of Labour and Immigration relating to registration decisions and testing requirements for English and French language proficiency. Consideration is being given to the effect these regulations would have on the Society, CPLED and the NCA. Benchers were advised that in accordance with their direction at the 2022 annual meeting of members, the Society will be inviting requests for proposals to conduct the Society's annual audit. Ms Kosokowsky also reported on the Building Connections Networking Event, held on March 16, 2023, which is designed to provide Indigenous law and articling students with an opportunity to build mentoring connections with members of the profession.

### 4.3 Strategic Plan Progress Report - March 2023

Benchers considered the March 2023 Strategic Plan Progress Report.

## 5.0 PRESENTATION

### 5.1 Law(yer) Strong

Benchers received an informative presentation from Mr. Evans and Ms McCaffrey on the development of the Law(yer) Strong program and the variety of health and well-being

services which are available to the profession through this program. Benchers were invited to volunteer their services and/or participate in the programs.

## 6.0 DISCUSSION/DECISION

### 6.1 National Mobility Agreement - Memorandum of Understanding - Federal Government Lawyers

Benchers considered Ms Kosokowsky's memorandum, dated March 15, 2023, which invited benchers to formally endorse a Memorandum of Understanding between the law societies of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador and the Government of Canada which clarifies how the terms of existing national mobility agreements, rules and by-laws would be applied to legal counsel employed by the federal government. Benchers were advised that these provisions have been put in place to eliminate the difficulties experienced in complying with the temporary mobility provisions by federal government lawyers who frequently provide advice and appear in court across Canada.

Motion: That the terms of the Memorandum of Understanding between the law societies of British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador and the Government of Canada be approved as presented.

MOVED: Mr. Driedger  
Seconded: Mr. McLeod  
Carried.

## 7.0 MISCELLANEOUS BUSINESS

### 7.1 Western Canada Competency Profile

Benchers considered a memorandum prepared by Ms Stonyk, dated March 15, 2023, which provided a detailed report on the development of a competency profile by the western law societies. This profile will assist law societies in ensuring that articling students have acquired a consistent set of soft skills by the conclusion of their articling experience.

## **7.2 Evolution of Manitoba Access to Justice Committees**

Benchers considered a memorandum prepared by Ms Senft, dated March 14, 2023, which provided a detailed report on the evolution of the two Law Society access to justice committees. Benchers were reminded that the Access to Justice Coordinator position will now be housed within the Faculty of Law and the Law Society be involved as a stakeholder in this important work. The Law Society will now need to consider how it will proceed with its own access to justice work, whether this work is undertaken by existing Law Society committees or through the striking of a new access committee.

## **7.3 FLSC Council Report**

Benchers received for information Ms Troup's report, dated March 14, 2023, which provided a detailed report on the meeting of the Federation of Law Societies Council meeting which was held in Quebec City on March 14, 2023 in conjunction with the Federation semi-annual conference.

# **8.0 MONITORING REPORTS**

## **8.1 Profit and Loss Statements - April 1, 2022 to January 31, 2023**

Benchers considered a monitoring report prepared by Ms Kosowsky, March 14, 2023, which provided a detailed report on the profit and loss statements covering the period April 1, 2022 to January 31, 2023.

## **8.2 Investment Compliance - December 31, 2022**

Benchers considered Ms Kosokowsky's memorandum, dated March 13, 2023, which reported on investment performance in both the Staff Pension Plan Fund and the Reimbursement Fund as at December 31, 2022. Benchers were advised that the statements confirm that investments in both funds were in compliance with the Society's investment policies and guidelines.

## 9.0 COMMITTEE REPORTS

### 9.1 President's Special Committee on Regulating Legal Entities

Mr. Broadfoot reported to benchers on the meeting of the President's Special Committee on Regulating Legal Entities which had taken place on February 22, 2023. At this meeting the committee considered the extent to which the Law Society should be regulating the legal clinics which provide services to the public and if so, to what extent. The committee also considered whether there should be restrictions in place for the lawyers who are supervising the students who provide legal services to the public at these clinics. The next meeting of the committee is scheduled to take place on April 20, 2023.

### 9.2 Pension Review Committee

Ms Kosokowsky reported to benchers on the meeting of the Pension Review Committee which was held on March 22, 2023. At this meeting the committee received a comprehensive presentation from the Society's investment managers, Mawer, on the current pension plan as well as a variety of options for changes which could be made to the plan. The committee will be considering these options over time.

## 10.0 NOMINATING COMMITTEE REPORT

### 10.1 Election of President and Vice-President and Bencher Vacancies

Mr. Driedger referred benchers to the report of the Nominating Committee, dated March 15, 2023, which outlined the recommendations of the committee with respect to the nomination of candidates for president and vice-president. The report also provided information on the status of the by-election which is being held in the City of Winnipeg Electoral District to fill one existing vacancy, and the decision made by the committee to invite applications to fill the appointed bencher vacancy which will arise when Mr. Paul concludes his term as president.

### 10.2 Appointment of Election Scrutineers

## Minutes

### March 23, 2023 Bencher Meeting

As the election of the incoming vice-president was being conducted in person and also by remote participation, benchers were advised that Ms Kosokowsky and Ms Stonyk would oversee the casting and counting of ballots and then review the election results with Mr. Driedger.

Motion: That Ms Kosokowsky and Ms Stonyk be appointed scrutineers and ballot counters for the election of the incoming vice-president.

MOVED: Mr. Driedger  
Seconded: Ms Dear  
Carried.

With the exception of Ms Kosokowsky, Ms Stonyk, Mr. Rivera and Ms Bourbonnais, all staff and guests were excused from the meeting while the election was conducted.

### **10.3 Election of Incoming President**

Mr. Driedger confirmed the recommendation of the Nominating Committee to put forward Mr. Onchulenko's name as candidate for the position of incoming president.

Motion: That Mr. Onchulenko be nominated for the office of President of the Law Society for the 2023/2024 period.

MOVED: Mr. Driedger  
Seconded: Ms Wiebe  
Carried.

Mr. Driedger then invited nominations from the floor. As none were received, he declared nominations to be closed and announced the acclamation of Mr. Onchulenko as president of the Law Society, effective May 18, 2023. Congratulations were extended to Mr. Onchulenko.

### **10.4 Election of Incoming Vice-President**

Mr. Driedger confirmed the recommendation of the Nominating Committee to put forward the names of Mr. Monnin and Ms Wiebe as candidates for the position of incoming vice-president. He then invited nominations from the floor. As none were received, Mr. Driedger declared nominations to be closed. Ballots were distributed to benchers at this time.

Benchers took a break at 2:40 pm while ballots were counted. The meeting was reconvened for all meeting participants at 2:50 pm.

Mr. Driedger announced the election of Ms Wiebe as incoming vice-president. Congratulations were extended to Ms Wiebe and Mr. Monnin was thanked for having agreed to have his name stand for election.

#### **10.5 Motion to Destroy Ballots**

Motion: That the paper ballots and electronic data for the election of the incoming vice-president be destroyed.

MOVED: Mr. Onchulenko  
Seconded: Ms Klassen  
Carried.

#### **11.0 FOR INFORMATION**

Benchers considered the materials provided for information.

There being no further business, Mr. Paul adjourned the meeting at 3:00 pm.