



# MINUTES

## Benchers

Date:	Thursday, September 7, 2023	
Time:	12:00 pm	
Location:	Elkhorn Resort, Clear Lake, Manitoba and via Videoconference	
Present:	Wayne Onchulenko, President Gerri Wiebe, Vice President Sacha Paul, Past President Miriam Browne, Officer-at-Large Susan Boulter Mason Broadfoot Kyle Dear Serena Ehrmantraut Blair Filyk Sharyne Hamm Kameron Hutchinson	Teresa Jaenen Tehani Jainarine Dr. Richard Jochelson Mathieu Lafreniere Christopher Lange Brian McLeod Carmen Nedohin Joëlle Pastora Sala Kelli Potter Nikhilesh Verma
Regrets:	Leah Klassen Kenneth Mandzuik	Christian Monnin
Guests:	Andrea Argue, KC Timothy Brown, KC Pam Kovacs, KC	Lynda Troup Erin Wilcott
Staff Present:	Leah Kosokowsky Rennie Stonyk Pat Bourbonnais Tana Christianson	Kathy Levacque Colleen Malone Deirdre O'Reilly Sean Rivera

Eileen Derksen  
Carol Hiebert

Alissa Schacter  
Darcia Senft

## 1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Mr. Onchulenko, President, called the meeting to order at 12:25 pm and welcomed benchers, guests and staff to the meeting, including Andrea Argue, KC, Timothy Brown, KC, and Pam Kovacs, KC, President, Executive Director and Senior Policy Counsel, respectively, of the Law Society of Saskatchewan. Treaty territories 1 and 2 were acknowledged with gratitude.

## 2.0 IN MEMORIAM

Benchers observed a moment of silence for Thomas John Wood, Robert Steven Nozick, the Honourable Charles Richard Huband, Paul Frederick Lasko, the Honourable Theodore Joseph Lismer, the Honourable Sylvia Jean Guertin-Riley, Nestor Dmetro Bodnarchuk, Patricia Louise Fraser, Donald James Dacquisto, the Honourable Robert Maxwell Carr, Alvin Ronald McGregor, KC, Murdoch MacKay, KC, Arthur Valentine Mauro, KC, and Garth Peter James Reimer.

## 3.0 CONSENT AGENDA

### 3.1 Minutes of June 22, 2023 Meeting

Benchers considered the minutes of the benchers' meeting held on May 18, 2023. Ms Ehrmantraut requested that the minutes be amended at agenda item 7.1 (Indigenous Advisory Committee - Exemptions to Mandatory Requirement to Take The Path) to reflect her vote in opposition to the motion.

### 3.2 Final Approval of Rule Amendments to Mandate The Path

Benchers considered and approved the amendments to Division 8.1 - Professional Development in both English and French as presented.

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

Benchers were advised that the report of the Complaints Investigation Committee erroneously referred to Member #3 as being a bencher. It was clarified that Member #3 was in fact a committee member and not a bencher.

### **3.4 Reports of the Discipline Committee**

Benchers considered the reports of the Discipline Committee.

Motion: That the consent agenda be approved as presented, subject to the amendment to the Minutes of June 22, 2023 as requested by Ms Ehrmantraut.

MOVED: Mr. Paul  
Seconded: Mr. Lange  
Carried.

## **4.0 EXECUTIVE REPORTS**

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

Benchers received for information Mr. Onchulenko's report dated August 30, 2023.

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

Benchers received for information Ms Kosokowsky's report dated August 30, 2023. Ms Kosokowsky reported on the awarding of King's Counsel designations to 18 members of the profession on August 29, 2023. Congratulations were extended to Ms Wiebe and Mr. Mandzuik as well as to past presidents Katherine Bueti and Grant Driedger, who were among the named recipients.

## 5.0 DISCUSSION/DECISION

### 5.1 Anti-Money Laundering and Terrorist Financing - Amendments to Client Identification and Verification Rules

Benchers considered a memorandum prepared by Ms Kosokowsky, dated August 15, 2023, which invited approval of recommended amendments to the client identification and verification rules, specifically relating to (a) procedures to verify client identity; and (b) the deletion of a rule pertaining to use of an agent which was redundant. Benchers were advised that these amendments had been approved by Council of the Federation of Law Societies of Canada at the recommendation of the Anti-Money Laundering and Terrorist Financing Working Group. Law societies were now being asked to adopt the amendments as well.

Motion: That the proposed amendments to Division 12 - Client Identification and Verification of the Rules be approved in principle as presented.

MOVED: Mr. Hutchinson  
Seconded: Ms Nedohin  
Carried.

Benchers were advised that the rule amendments would return to them for approval in final form once the French translation had been received.

### 5.2 Proposed Removal of Inactive Member Status

Benchers considered a memorandum prepared by Ms Stonyk and Mr. Porcher, dated August 30, 2023, which invited benchers to consider a recommendation to eliminate the "inactive" category of membership from the rules, thereby leaving members with either active status or non-practising status. It was proposed that members with inactive status would automatically be moved to a non-practising status and that after a period of three years had passed, any member with a non-practising status would have their name removed from the Lawyer Lookup tool on the website and would no longer receive email communications from the Law Society. Benchers were advised that disbarred members would continue to have their names listed on the Lawyer Lookup.

It was noted that this proposed change would result in an annual loss of revenue of approximately \$32,000 as the fee associated with non-practising status would be eliminated.

Motion: That the “inactive” category of membership be removed and that the status of all members who have voluntarily left active practice be converted to non-practising.

MOVED: Mr. Filyk  
Seconded: Mr. Lafreniere  
Carried.

Benchers were advised that draft rule amendments reflecting this decision would be presented for consideration at their next meeting.

## 6.0 COMMITTEE REPORTS

### 6.1 Admissions and Education Committee

Ms Stonyk reported to benchers on the meeting of the Admissions and Education Committee which was held on August 30, 2023. At this meeting the committee was asked to consider a draft of the Western Canada Competency Profile which is a tool being developed by the western law societies to support and enhance programs and processes designed to ensure that articling students in these jurisdictions have acquired the necessary competencies for admission to the bar. Committee members provided both high level and specific comment on the draft profile and this feedback had been shared with the Task Force.

### 6.2 Indigenous Advisory Committee

Benchers considered a memorandum prepared by Ms Schacter, dated August 31, 2023, which provided an update on the work of the Indigenous Advisory Committee in preparation for the launch of The Path on October 2, 2023.

## 7.0 MONITORING REPORTS

### 7.1 Profit and Loss Statements - July 31, 2023

Benchers considered a memorandum prepared by Ms Kosokowsky, dated August 30, 2023, which provided a detailed report on the profit and loss statements for the period April 1, 2023 to July 31, 2023.

## **7.2 Investment Compliance – June 30, 2023**

Benchers considered a memorandum prepared by Ms Kosokowsky, dated August 30, 2023, which confirmed that investments within the Office Staff Pension Plan and the Reserve Fund remain in compliance with the Society's investment policies.

## **8.0 GUEST PRESENTATIONS**

### **8.1 Future of Legal Services Initiative**

Benchers received an informative presentation from Ms Argue, KC, Mr. Brown, KC and Ms Kovacs on the delivery of the Future of Legal Services initiative recently launched by the Law Society of Saskatchewan and participated in a fulsome discussion and Q&A session about their experience with the initiative.

### **8.2 Honourary Membership**

Motion: That Ms Argue, KC, be appointed an honourary member of the Law Society of Manitoba.

MOVED: Ms Wiebe  
Seconded: Mr. McLeod  
Carried.

Ms Argue, KC, was presented with an Honourary Member Certificate and gift.

Ms Ehrmantraut was excused from the meeting at 3:00 pm.

### **8.2 Risk Registers and Strategic Plan**

Benchers considered a memorandum prepared by Ms Kosokowsky, dated August 23, 2023, which provided a detailed assessment of the strategic and operational risks facing the Law Society in relation to its purpose and the strategic objectives and activities set out within the current strategic plan. Benchers were invited to provide direction on whether there was a need to depart from or alter the Society's strategic activities to address particular risks prior to the development of a new strategic plan in 2025.

Benchers indicated that the risk register was helpful in raising awareness of issues that ought to be considered at this time. It was suggested that it would be beneficial to expand the register to identify the risks posed to the Law Society, the members and the public as there will be contradictions which arise between these three groups. Artificial intelligence would be an example of this.

Benchers agreed that at this time there was no need to reconsider or depart from the existing strategic plan. They directed, however, that the Law Society continue to closely monitor developments associated with artificial intelligence and government relations in light of the regulatory changes which are occurring in British Columbia.

Benchers recommended that with respect to increasing the number of Indigenous lawyers practising in Manitoba, benchmarks be developed to measure progress in this area which includes regular reporting to the profession by both the Law Society and the Faculty of Law. This should also be done for other culturally diverse and equity deserving groups. It was also recommended that the promotion of the sandbox to non-profits be specifically included as an action item within Access to Justice and that mandatory succession planning for sole practitioners be included as an action item under Competence.

Ms Browne was excused from the meeting at 3:55 pm.

## 9.0 MISCELLANEOUS BUSINESS

### 9.1 Bencher Evaluation Survey Results

Benchers received for information a report prepared by Ms Kosokowsky, dated August 25, 2023, which provided a detailed analysis of the results of the evaluation survey which had been completed by benchers over the summer.

## 10.0 FOR INFORMATION

Benchers considered the materials provided for information.

## Minutes

### September 7, 2023 Bencher Meeting

Benchers were advised that the election for the new student bencher was being held in October of 2023. Mr. Verma was thanked for his service to the Law Society during his tenure as student bencher for the 2022-2023 term.

There being no further business, Mr. Onchulenko adjourned the meeting at 4:00 pm.