

MINUTES

Benchers

Date: Thursday, February 6, 2025

Time: 1:00 pm

Location: Law Society Offices and via Videoconference

Present:

Gerri Wiebe, KC, President	Teresa Jaenen
Wayne Onchulenko, Past President	Tehani Jainarine
Carmen Nedohin, Officer-at-Large	Dr. Richard Jochelson
Kassy Baker	Timothy Kurbis
Kathrine Basarab	Mathieu Lafrenière
Gordon Daman	Kenneth Mandzuik, KC
Kyle Dear	Penny Piper
Serena Ehrmantraut	Trent Sholdice
Kalanit Faingold	Leah Unruh
Patrick Fortier	Joshua Weinstein
Sharyne Hamm	Deanna Wilson

Regrets: Christian Monnin, Vice President Simon Jack

Guests: Lynda Troup Erin Wilcott

Staff:

Leah Kosokowsky	Kathy Levacque
Sandra Alleyne	Deirdre O'Reilly
Pat Bourbonnais	Richard Porcher
Eileen Derksen	Sean Rivera
Linda Fontaine	Alissa Schacter
Joan Holmstrom	Betta Wishart
Sharon Kravetsky	

1.0 PRESIDENT'S WELCOME AND TREATY ACKNOWLEDGEMENT

Ms Wiebe, President, called the meeting to order at 1:00 pm. Benchers, staff and guests were welcomed to the meeting. Treaty territories 1, 2 and 5 were acknowledged with gratitude.

2.0 IN MEMORIAM

Benchers observed a moment of silence for Yude Maurice Henteleff, KC, the Honourable Ruth Krindle and Jackson Herbert Mugerwa.

3.0 CONSENT AGENDA

3.1 Minutes of December 12, 2024 Meeting

Benchers considered the minutes of the benchers' meeting held on December 12, 2024.

Motion: That the consent agenda item be approved as presented.

MOVED: Mr. Kurbis
Seconded: Mr. Lafrenière
Carried.

4.0 EXECUTIVE REPORTS

4.1 President's Report

Benchers received for information Ms Wiebe's report dated January 31, 2025.

4.2 Chief Executive Officer's Report

Benchers received for information Ms Kosokowsky's report dated January 28, 2025. Ms Kosokowsky advised that the Sankofa Lecture which was held at the Law Society offices on February 3, 2025 in honour of Black History Month had been well attended. Benchers received an update on efforts made by the Federation of Law Societies' National Anti-Money Laundering Standing Committee to ensure the continued exemption of Canadian lawyers from certain reporting requirements set by the Financial Action Task Force (FATF). Ms Kosokowsky advised that in response to an increasing trend by governments across the country to adopt measures which intrude upon independence, law society chief executives will be recommending that the preservation and promotion of independence and the rule of law be included as a priority within the Federation's new strategic plan.

5.0 DISCUSSION/DECISION

5.1 Nominating Committee – Appointments and Potential Removal

Benchers considered a memorandum from the Nominating Committee, dated January 28, 2025, which provided an update on the status of the recruitment process to fill the appointed practising benchers vacancy. Mr. Onchulenko advised that the committee has reviewed the applications received and have identified two candidates who will be interviewed by a sub-committee comprised of Ms Jaenen, Mr. Lafrenière and Ms Stonyk. The committee will next meet on February 25, 2025 at which time the sub-committee will report on the results of those interviews. It is expected that the committee will be in a position to present its recommendation to benchers at the March 20, 2025 meeting.

Mr. Onchulenko advised that the Nominating Committee had also discussed the removal of Mr. Finlayson as the Law Society's representative to the King's Bench Statutory Rules Committee. This came as a result of statements he had publicly made at a program hosted by the Manitoba Bar Association at its Annual MidWinter Meeting which were considered to be disparaging, discriminating and offensive. As these comments do not align with the Society's values and goal to improve and advance equity, diversity and inclusion within the profession, the committee agreed that it would be inappropriate for the member to continue to serve as a representative of the Law Society and that a recommendation for his removal from this committee be brought to the benchers. Benchers were advised that the Manitoba Bar Association had issued a statement to its membership immediately following the incident.

Motion: That Mr. Finlayson's appointment as a Law Society representative on the King's Bench Statutory Rules Committee be immediately revoked.

MOVED: Mr. Mandzuik
Seconded: Ms Hamm

Benchers participated in a full discussion of the matter. There was a general consensus that the statements made by the member were not in alignment with the values and goals of the Society, however, there were varied views on how the matter should be addressed. It was suggested that the member might first be provided with an opportunity to respond to the matter before a final decision is made by benchers on how to proceed. Alternatively, since the committee is not expected to meet before the new committee assignments are set in May, it was suggested that the appointment could remain in place until that time. Benchers were cautioned that any appearance of inaction may be perceived as the Law Society having condoned the statements made by the member.

Ms Wiebe called for the question.

MOTION: Carried
Abstentions: Mr. Kurbis
Ms Piper

Benchers were advised that letters would be sent to both the member and to the Chief Justice advising of Mr. Finlayson's immediate removal as Law Society representative to the King's Bench Statutory Rules Committee.

6.0 MISCELLANEOUS BUSINESS

6.1 Immigration Lawyers and the Proposed Administrative Penalties and Related Consequences Regime

Benchers received for information Ms Kosokowsky's memorandum, dated January 28, 2025, which reported on the submission made by the Society to the Federal Government to the proposed establishment of a new regime which would have the authority to impose administrative penalties and related consequences for fraud and non-compliance by persons, including lawyers, who provide immigration services and advice to the public. Although numerous regulatory bodies have made submissions to the government, it is unlikely that changes will be made to the model.

6.2 Access to Justice Initiative – Phase I

Benchers received for information Ms Kosokowsky's memorandum, dated January 28, 2025, which provided a progress report on Phase 1 of the Access to Justice initiative.

6.3 French Language Services and Professional Obligations

Benchers received for information Ms Kosokowsky's memorandum, dated January 28, 2025, which reported on the need to provide further direction to the profession on their obligations to comply with the provisions of Rules 3.2-2A and 2B in the delivery of legal services in English and French in a variety of scenarios. Ms Wishart, in her new part-time role as Conseillère des services en langue française (French Languages Services Advisor), will oversee the review of this matter.

6.4 2025/2026 Benchers Expense Budget

Benchers considered Ms Alleyne's memorandum, dated January 27, 2025, which provided a detailed report on the draft benchers expense budget for the 2025/2026 fiscal period.

Motion: That the benchers expense budget for the period April 1, 2025 to March 31, 2026 be approved as presented.

MOVED: Mr. Kurbis
Seconded: Mr. Onchulenko
Carried.

6.5 2025/2026 Budget

Benchers received for information Ms Alleyne's memorandum, dated January 29, 2025, which provided a detailed report on the setting of the operating budget for the 2025/2026 fiscal period. Benchers were advised that the budget provides for the practising fee and levies to be set at \$2,645 for the second year in a row.

7.0 MONITORING REPORTS

7.1 Statements of Operations – April 1, 2024 to December 31, 2024

Benchers considered a monitoring report prepared by Ms Alleyne, dated January 27, 2025, which provided a detailed analysis on the Society's financial operations for the fiscal period ending December 31, 2024.

7.2 Investment Compliance – December 31, 2024

Benchers considered a monitoring report prepared by Ms Alleyne, dated January 27, 2025, which provided a detailed report on the investment performance in both the Reserve Fund and the Staff Pension Plan for the period ending December 31, 2024 and confirmed that investments remained in compliance with investment guidelines.

8.0 COMMITTEE REPORTS

8.1 Audit and Risk Committee

Ms Wiebe reported to benchers on the meeting of the Audit and Risk Committee which was held on January 21, 2025. At this meeting BDO Auditor Pam Dupuis presented the Audit Plan to the committee. Questions were raised by the committee concerning the gathering and retention of information collected through the audit process. Ms Dupuis confirmed that appropriate measures are in place to ensure the safekeeping of such information and undertook to provide more detailed information on how those protections are assured. That information has now been received and will be shared with the committee.

The committee will next meet with Ms Dupuis in advance of the Annual General Meeting to receive the audit report and to confirm the absence of fraud or other financial misconduct within the organization.

8.2 Indigenous Advisory Committee

Benchers received for information Ms Bernardo's memorandum, dated January 30, 2025, which reported on the meeting of the Indigenous Advisory Committee which was held on December 19, 2024.

8.3 Strategic Planning Committee

Ms Wiebe advised that the Strategic Planning Committee had met on January 17, 2025 to review the feedback received from benchers regarding the draft Strategic Plan which had been circulated following the December 2024 bencher meeting. The committee will next meet on February 13, 2025 to review a final draft of the Plan. The draft Strategic Plan will be presented to benchers at their March 20, 2025 meeting.

9.0 FOR INFORMATION

Benchers considered the materials provided for information.

There being no further business, Ms Wiebe adjourned the meeting at 3:00 pm.