



**LAW SOCIETY**  
OF THE NORTHWEST TERRITORIES

**MINUTES**

Law Society of the Northwest Territories  
Law Society Training Room  
May 24, 2017

**ATTENDANCE:**

Glen Rutland, President  
Alex Godfrey, Vice President  
Ian Rennie, Secretary  
Tracy Bock, Treasurer  
Candace Seddon, Member at Large

Donna Allen, Executive Director  
Bob Wilson, Communications and Planning Coordinator

Regrets: Heather Chang, Layperson  
Karen Wilford, FLSC Representative

**CALL TO ORDER:**

President Glen Rutland called the meeting to order at 11:07am.

**APPROVAL OF THE AGENDA:**

MOVED BY: Tracy BOCK  
SECONDED BY: Alex GODFREY

THAT the Agenda be approved as amended.

***CARRIED***

**APPROVAL OF THE CONSENT AGENDA:**

MOVED BY: Alex GODFREY  
SECONDED BY: Candace SEDDON

THAT the Consent Agenda be approved as amended.

***CARRIED***

**CHANGES OF STATUS:**

MOVED BY: Alex GODFREY  
SECONDED BY: Ian RENNIE

THAT the resignation of Stephen Mansell be approved.

**CARRIED**

**ACTION PLAN:**

- 1) **Bob Wilson will put out a call for expressions of interest for LSNT appointments to the Supreme Court Civil and Criminal Bench and Bar Committees.**
- 2) Guidance Documents on Trust Conditions- These documents have been reviewed by the Legal Ethics and Practices Committee. Their recommendations will be presented to the Executive Committee at their June meeting.
- 3) Justice Charbonneau will be contacted in December, 2017 to arrange a meeting with the new Executive.

**FINANCE:**

There was no financial business to discuss.

**DISCIPLINE**

- 1) Donna Allen presented a report on the judicial review initiated by Vaughn Del Valle regarding a Law Society of the Northwest Territories discipline matter. Justice Mahar found in favour of the Law Society in [\*Del Valle v Law Society, 2017 NWTSC 29.cor 1\*](#). Discipline Committee is to be asked to prepare a CPD on this.

**BUSINESS ARISING FROM THE MINUTES:**

- 1) Legal Resource Centre planning committee- The Law Society is waiting to hear from the Department of Justice regarding the proposed planning committee meeting.
- 2) Bob Wilson presented a report on the progress towards the Family and Criminal Law programs to be presented by the Federation of Law Societies of Canada and the Intensive Trial Advocacy Program, to be held one after the other in September. Members will be invited to register in June.
- 3) Reports from the Law Society appointees to the Territorial Criminal and Civil Bench and Bar Committees were received as information.
- 4)           MOVED BY: Alex GODFREY  
              SECONDED BY: Tracy BOCK

THAT the process presented for appointing FLSC council members be approved as amended, and that the present term of our Council Member, Karen Wilford, expires in October, 2019.

**CARRIED**

**RULE/POLICY AMENDMENTS**

MOVED BY: Ian RENNIE  
SECONDED BY: Tracy BOCK

THAT Policy Part 4-13- Assurance Fund, be amended as presented, that Policy Part 6-10, 12 be repealed, and that Policy Part 1-6 Publication of Minutes and Agendas be added to the Policies of the Law Society of the Northwest Territories, and Policy Part 1- 7, Childcare Subsidy – as amended be added to the Policies of the Law Society of the Northwest Territories,.

**CARRIED**

MOVED BY: Candace SEDDON  
SECONDED BY: Alex GODFREY

- 1) THAT rule 87.1 ) is repealed and the following substituted:

87.1 An Active member may apply for permission to maintain status as an active member but to be exempted from the annual assessment, by submitting to the Executive Director

- (a) an application; and
- (b) an undertaking by the member not to engage in the practice of law.

- 2) THAT and subrule 119(4) is amended by

- (a) striking out "or" at the end of paragraph (a);
- (b) adding "or" at the end of subparagraph (b)(ii); and
- (c) adding the following after paragraph 119(4)(b):
  - (c) an active member who submits to the Executive an undertaking that he or she will not engage in the practice of law during a period of leave or sabbatical.

- 3) THAT the Rules Committee be instructed as follows:

- (a) To remove requirement for witness/notarization on all application forms and undertakings in the Rules. There is no requirement in the Act or Rules for such documents to be witnessed or notarized. Rules Committee be asked to prepare amendments to Rules as necessary for review by Executive;
- (b) In the aftermath of [\*Del Valle v Law Society, 2017 NWTSC 29.cor 1\*](#), to review the *Legal Profession Act* and the Rules for possible changes of terminology with respect to "complaint/complainant" and substitution with "source". Aim would be to take pre-emptive steps to re-inforce the decision that a "complainant" is not a party to a discipline investigation or review (the parties are the Law Society and the member who is subject of the investigation/review). Rules Committee to prepare a review of the

scope of the project and suggested amendments to the Act and Rules to the Executive for review; and

- (c) Rule 79 to be reviewed with the aim of making sure that in cases where a member is sanctioned following a finding of guilt, the member's name should be published in the interests of transparency. Currently rule 79 (and sr. 79)3) in particular) could be interpreted to suggest that might not happen. Rules Committee is asked to prepare an amendment for review by the Executive fixing this. (Note: this was incorrectly identified as rule 75 in 24 May 17 Memo from the Executive Director)

**CARRIED**

MOVED BY: Tracy BOCK  
SECONDED BY: Alex GODFREY

THAT the requirement for witnesses and notarization be removed from all Law Society of the Northwest Territories application forms and undertakings.

**CARRIED**

**NEW BUSINESS:**

- 1) LSNT Promotional Items- With the adoption of a new logo, new promotional items are needed. It was decided to order 4X6 note cards and envelopes, and glassware with the new logo.
- 2) Donna presented the Law Society of Upper Canada's White Paper and correspondence regarding Payments Canada, for information.
- 3) Approved Law Society of the Northwest Territories Law Schools Law Schools

MOVED BY: Ian RENNIE  
SECONDED BY: Candace SEDDON

THAT the University of Sherbrook and the University of Montreal be added to the list of Law Society of the Northwest Territories law schools.

**CARRIED**

- 4) CLIA Cyber Liability Coverage-

MOVED BY: Tracy BOCK  
SECONDED BY: Alex GODFREY

THAT the premium for cyber liability coverage calculated at \$45.00 per member (estimated at between \$3465.00 and \$3600.00) be paid by the Law Society of the Northwest Territories for this year only. The premium will be included in CLIA's calculation and setting of next year's levy.

**CARRIED**

**FEDERATION OF LAW SOCIETIES OF CANADA:**

- 1) The Federation of Law Societies President's report was presented for information and FLSC budget.
- 2) The Bill C-39 Draft Submission from FLSC was presented for information. The Executive expressed support for the submission as presented.

The Committee moved In Camera at 12:31 pm for the duration of the meeting.

**MEETING DATES:**

LSNT Executive: Wednesday, June 28, 2017

**MEETING ADJOURNED:** 1:00 PM

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Glen Rutland, President

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Donna Allen, Deputy Secretary