



LAW SOCIETY
OF THE NORTHWEST TERRITORIES

MINUTES

Law Society of the Northwest Territories
Law Society Training Room
June 28, 2017

ATTENDANCE:

Glen Rutland, President
Alex Godfrey, Vice President
Candace Seddon, Member at Large
Heather Chang, Lay Member
Karen Wilford, FLSC Representative

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

Regrets: Tracy Bock, Treasurer
Ian Rennie, Secretary

CALL TO ORDER:

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

APPROVAL OF THE AGENDA:

MOVED BY: Ian RENNIE
SECONDED BY: Alex GODFREY

THAT the Agenda be approved as amended.

CARRIED

APPROVAL OF THE CONSENT AGENDA:

MOVED BY: Alex GODFREY
SECONDED BY: Heather CHANG

THAT the Consent Agenda be approved as amended.

CARRIED

ACTION PLAN:

- 1) Karen Wilford is exploring presenting a screening of the NFB film “We Will Not Make the Same Mistake Twice” in collaboration with the United Church of Canada. She is consulting with Shannon Cumming about other presentations regarding the Truth and Reconciliation Commission’s Calls to Action.

FINANCE:

- 1) Axxima has agreed to do an abbreviated actuarial review to provide advice on what LSNT reserves should be, given our low retained risk. CLIA will bear the cost of this review. The report is expected in mid-July, 2017.

DISCIPLINE

- 1) The National Discipline Standards Committee Annual Report was presented for information.
- 2) A jurisdictional scan of Law Society practices regarding the sharing of information with complainants in discipline matters was presented for information. Most jurisdictions do not share the investigative report with the complainant, as this makes the complainant a party to the matter. A redacted member response is usually provided to the complainant.

BUSINESS ARISING FROM THE MINUTES:

- 1) The final recommendations from the Legal Ethics and Practices Committee, regarding trust conditions was presented for approval.
- 2) The Family and Criminal Law programs scheduled to be run in conjunction with the Intensive Trial Advocacy Course have been cancelled by the Federation of Law Societies of Canada. Registration for the Intensive Trial Advocacy Program alone will begin immediately.

RULE/POLICY AMENDMENTS

- 1) The Rules Committee is to prepare the following revisions to the *Legal Profession Act* for approval by the Executive:
 - i. Section 35 –The audited financial statements are the required report for the Assurance Funds, but the requirement for that report by March 31 is a problem as the audited financial statements are not received by that date.
 - ii. Subsection 57(2) - Interest bearing trust accounts be mandatory.

WORKPLAN REVIEW:

- 1) **ACTION ITEM- Candace Seddon will do a survey regarding the difficulty for self-represented litigants, especially those in remote communities, to file court documents.**

NEW BUSINESS:

- 1) The conditions required for the Law Society of the Northwest Territories to be able to move to electronic membership files were discussed. One thing the Executive will need to consider is the current requirement for original documents in the cases of Certificates of Standing and Character Letters. This requirement is office practice only, it is not found in legislation or rules.

Chair Glen Rutland left the meeting, and Vice Chair Alex Godfrey took over the Chair.

- 2) Sarah Kay, Chair of the Discipline Committee, joined the meeting and gave a statistical report on discipline cases since December of 2016. General issues discussed were the difficulty in finding investigators, the ongoing need to document the discipline process and decision making, and the need for member education about the discipline process.

Glen Rutland returned to the meeting and resumed the Chair.

- 3) Documentation Notification and Certification Project- the Government of the Northwest Territories Department of Justice has requested that we review the requirements found in many statutes of the *Legal Profession Act* regarding the use of mail and registered mail, and the need to certify under oath or notarization many documents. This request was referred to the Rules Committee.
- 4) The implications of the Alberta Lawyers Insurance Association (ALIA) seeking leave to appeal to the Supreme Court of Canada the decision in [Humphreys v. Trebilcock, 2017 ABCA 116](#) were presented for information and discussion. The issue is the possibility of increases in litigation against defence lawyers for delays ([R. v. Jordan, \[2016\] 1 SCR 631](#)), regardless of the cause of the delay and the impact on liability insurance.
- 5) The request for a Restricted Appearance Certificate fee reduction by an applicant working for a reduced rate was discussed. It was decided that as the request was not for a pro-bono case, it fell outside of the scope of our policy and would not be granted.

FEDERATION OF LAW SOCIETIES OF CANADA:

- 1) Karen Wilford gave a report on the Federation of Law Societies of Canada Council Meeting, held in June of 2017.
- 2) An update on CanLII was presented for information.
- 3) The coming into force on 1 July 2017 of the [Canadian Free Trade Agreement](#) (replacing the *Agreement on Internal Trade*) and its impact on the *National Mobility Agreement*, was presented for information and discussed.

The Committee moved In Camera at 1:22 pm for the duration of the meeting.

MEETING DATES:

LSNT Executive: Wednesday, July 19, 2017

MEETING ADJOURNED: 1:30 PM

Glen Rutland, President

Donna Allen, Deputy Secretary