



**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  
Ian Rennie, Secretary  
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

**CALL TO ORDER:**

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

**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. 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 approved as presented.
- 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 will begin immediately.

**RULE/POLICY AMENDMENTS**

- 1) The Rules Committee will seek to have the following revisions to the statute done through the miscellaneous amendment process at the first opportunity:
  - i. 57(2) makes interest bearing trust accounts mandatory
  - ii. 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.

**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.
- 2) The Law Society of the Northwest Territories custodianship of Phillips Law Office was discussed.

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

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 Supreme Court of Canada decision in *Humphries v Trebilcock* were presented for information and discussion. The issue is the possibility of increases in litigation against defense lawyers for delays, 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) Developments in the Canadian Free Trade Agreement, and their impacts on the National Mobility Agreement, were 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

---

Ian Rennie, Secretary