

FORTY-FIRST ANNUAL GENERAL MEETING

Saturday, December 1, 2018

9:00 AM

Explorer Hotel- Katimavik Room

4825-49th Avenue, Yellowknife, Northwest Territories

CHILD CARE SUBSIDY

Child care subsidies of up to \$40.00 per member are available to assist members with children in attending the 41st Annual General Meeting of the Law Society of the Northwest Territories. To receive this allowance, subsidy forms must be signed and returned to the Law Society staff at the Annual General Meeting. Forms are available at the Meeting

MOTIONS

To assist in the accurate recording of motions and to ensure that members are aware of the substance of those motions, motion sheets are available at the Law Society office, online at the Law Society website, and at the Annual General Meeting. Please follow the instructions for completion. Completed motions will be retained by the Law Society.

Agenda

1. Call to Order
2. Approval of the Agenda **(D)**
3. Meeting Notice and Verification
[*Legal Profession Act*, Section 10(2)]
4. Approval of the Minutes **(D)**
40th Annual General Meeting
- December 2, 2017
5. Business Arising from the Minutes
6. President's Report **(D)**
[*Legal Profession Act*, Section 10(3)]
7. Treasurer's Report **(D)**
[*Legal Profession Act*, Section 12]
8. Acceptance of the 2017 Auditor's Report **(D)**
9. Appointment of Auditors- **(D)**
10. Executive Director's Report
11. Committee Reports **(D)**
Admissions
Continuing Professional Development
Discipline
Social
Rules- Presentation of Rule Changes **(D)**
12. External Reports
Legal Aid Commission
Report on the Federation of Law Societies
Supreme Court Criminal Bench and Bar
Territorial Court Criminal Bench and Bar
Territorial Court Civil Bench and Bar
13. Other Business
14. Adjournment and Next Meeting

(D) indicates a decision item



NOTICE

ELECTION and ANNUAL GENERAL MEETING

TAKE NOTICE THAT an election of members to the Executive of the Law Society of the Northwest Territories will be held on Friday, November 30th, 2018 pursuant to the *Legal Profession Act* and the Rules of the Law Society of the Northwest Territories.

AND FURTHER TAKE NOTICE THAT the Forty-First Annual General Meeting of the Law Society of the Northwest Territories will be held on Saturday, December 1st, 2018 commencing at 9:00 am, in the Katimavik Room of the Explorer Hotel, 4825-49th Ave., Yellowknife, Northwest Territories.

The Annual General Meeting shall be immediately followed by a meeting of the present and newly elected members of the Executive.

DATED at Yellowknife, Northwest Territories, this 5th day of October, 2018.

A handwritten signature in black ink, appearing to read "Glenn Tait".

Glenn Tait
Executive Director
(Deputy Secretary-Treasurer)



LAW SOCIETY OF THE NORTHWEST TERRITORIES

MINUTES
Annual General Meeting
Law Society of the Northwest Territories
December 2, 2017; Janvier Room, Explorer Hotel

ATTENDANCE:

Glen Rutland
Glenn Tait
Alex Godfrey
Heather Chang
Ian Rennie
Karen Wilford
Susanne Boucher
Tim Syer
Michael Woodward
Scott Duke
Edward Gullberg
Margo Nightingale

Dana Webster
Sandra Aitken
Tom Boyd
Mark Aitken
Elaine Keenan Bengts
Glen Rutland
Sarah Kay
Louis Sebert
Ed Gullberg
Tracy Bock
Karen Lajoie
Andrew Fox

Austin Marshall
Jacques Roberge
Alan Regel
Geoff Wiest
Keith Sulzer
Jeremy Walsh
Jinal Shah
Mike Reddy
Caroline Wawzonek
Donna Allen
Liz Jackson
Bob Wilson

Call To Order:

President Glen Rutland called the meeting to order at 9:05 am and welcomed everyone to the meeting.

Approval of the Agenda:

MOVED BY: Elaine KEENAN-BENGT
SECONDED BY: Margo NIGHTINGALE

THAT the Agenda be approved as presented.

CARRIED

Meeting Notice:

The Executive Director confirmed the Notice of the Meeting and Notice of Election had been distributed to the membership in accordance with the Rules of the Law Society of the NWT.

Election of Executive:

The new member of the Executive Committee, Mike Reddy, was introduced to the meeting.

Approval of the Minutes:

MOVED BY: Margo NIGHTINGALE
SECONDED BY: Elaine KEENAN-BENGT

THAT the Minutes of the 39th Annual General Meeting of December 3, 2016, be approved as presented.

CARRIED

Business Arising From the Minutes:

None

President's Report:

The Report of the President was received by the meeting.

It was then:

MOVED BY: Karen WILFORD
SECONDED BY: Michael WOODWARD

THAT the President's Report be adopted as presented.

CARRIED

Michael Woodward thanked the Executive Committee for posting the Executive Committee Agendas and Minutes on the website.

Treasurer's Report:

The Report of the Treasurer was received by the meeting. It was then:

MOVED BY: Michael WOODWARD
SECONDED BY: Tim SYER

THAT the Treasurer's Report be adopted as presented.

CARRIED

Acceptance of the 2015 Auditor's Report

The audited financial statements of the Law Society of the NWT for the year ending December 31, 2016 as prepared by Crowe MacKay LLP were received by the meeting. It was then:

MOVED BY: Tom BOYD
SECONDED BY: Dana WEBSTER

THAT the Audited Financial Statement for the year ending December 31, 2017 be adopted as presented.

CARRIED

Appointment of Auditors

It was then:

MOVED BY: Tracy BOCK
SECONDED BY: Karen LAJOIE

THAT Crowe MacKay LLP be appointed as auditors for the Law Society of the Northwest Territories for the year ending December 31, 2017.

CARRIED

Executive Director's Report

The Report of the Executive Director was received as information.

Committee Reports

The following Committee Reports were received by the meeting:

- Admissions
- Continuing Professional Development
- Discipline
- Legal Ethics and Practice
- Social
- Insurance
- Access to Justice

Having all of the Committee reports presented, it was then:

MOVED BY: Glenn TAIT
SECONDED BY: Austin MARSHALL

THAT all Committee reports be accepted as presented.

CARRIED

Rules Committee Report and Rule Changes Ratification

Matthew Yap gave the Rules Committee Report and outlined the rule changes recommended by the Rules Committee, proposed in AL-2 and AL-3.

MOVED BY: Mark AITKEN

SECONDED BY: Jacques ROBERGE

THAT the proposed rule changes proposed in AL-2 and AL-3 be accepted.

CARRIED

External Reports

- Report on the Federation of Law Societies of Canada
- Report of the Law Foundation of the Northwest Territories (Oral)

Other Business

There was discussion regarding the process for the approval of the new Law Society logo and website design. The Executive Committee will examine the communications process as it relates to the approval and roll-out of major decisions of this nature.

There being no further business of the meeting, it was adjourned. 10:20 am.

MOVED BY- Scott DUKE
SECONDED BY- Andrew FOX

THAT the meeting be adjourned.

CARRIED

Glenn Rutland, President

Ian Rennie, Secretary

PRESIDENT'S REPORT

Alex Godfrey

It has been my honour to serve as President of the Law Society of the Northwest Territories. As my term as President ends, so too does my time on the Executive.

The Executive has had a busy and productive year. Highlights of our achievements include:

- Roundtable discussions between the Executive and the Minister of Justice;
- Co-hosting the retirement reception for Judge Schmaltz;
- Providing for admission as full members for lawyers who attended civil law schools in Quebec. We were the third jurisdiction in Canada to do so;
- Creating a new Strategic Plan for the Law Society going forward to 2020;
- Implemented a number of new policies which bring the Law Society even with, or ahead of other Law Societies. Most of these policies deal with circumstances which have never arisen, which is the best time to enact policies. These policies include:
 - Reporting to Law Enforcement by the Law Society – a situation which happily has never presented itself;
 - Policy for Fund Solicitation by Outside Agencies – providing direction when requests for funding come from third parties for events which are consistent with the Law Society's mandate;
 - Policy on Disclosing Disciplinary Material – again a situation which has never presented itself;
 - Policy on Graduated Insurance Assessments for those members with more than two Claims – again, not a situation we have ever faced.

One major advantage of our Law Society is that we are nimble. We can, and do, consider policy issues, make determinations, and then implement policy often within the space of two Executive meetings. Our ability to get things done is the envy of other law societies.

There were three other major events which occurred this year.

First, we had a successful search for a new Executive Director. Donna Allen retired after three and a half years and we thank her for her work during her time with the law society. Glenn Tait has taken over the position and this is the first time the Law Society has had an Executive Director who is a lawyer. His insight from being a volunteer with the Law Society as Discipline Chair and from being in private practice has allowed us to embark down many new roads which we are looking forward to continue to pursue in the next year.

Second, as part of our Strategic Plan, we have embarked on a process towards a new *Legal Profession Act*. This is a unique opportunity for the Law Society to create legislation that is the “gold standard”, to have legislation that is the envy of other jurisdictions.

We have a hard working Committee that has canvassed the membership, Committees, the CBA, other law Societies, our insurer, the GNWT Department of Justice, the Law Foundation, the FLSC and the Alberta Practice Advisor for comments. The Committee has also done its own review of various sections of the Act.

The Committee will soon be generating a discussion paper, which will be distributed broadly for comment. The plan is for there to be meetings with the Membership as well in the coming year. If all goes well, by the time of the 2019 Annual General Meeting, the Law Society will have put forward its final position to the Department of Justice, and a new Act will be off for drafting.

Finally, the introduction of Helsby Drake, a regulatory database system is something that we believe will dramatically improve all member’s interaction with the Law Society. It will provide for online

- ✓ Registration
- ✓ Renewal
- ✓ Request for Certificate of Standing
- ✓ Registration for CPD
- ✓ Tracking of CPD
- ✓ Lawyer Referral
- ✓ Registration for social events

And hopefully much more. This software is going to streamline all of these processes. It will allow the Law Society to move to an almost entirely paperless operation with data stored in Canada with state of the art security. This software is customizable and what we will get is what we require, not something that was designed for another organization. This software will also allow for much more efficient management of the Law Society disciplinary processes.

This software comes at a price. It is a price which we can afford, without the necessity of any membership fee increases.

Your Executive has also been diligently monitoring the Law Society finances. Our new Executive Director has been taking steps to reduce expenditures where possible, and the Executive is supporting him in those endeavors.

In particular, we have decided to roll back the increase of two years ago. Our Law Society is still in a strong financial position and the Executive is proud to report that we are controlling the costs for the membership.

The Law Society continues to make a mark on the national stage. Sheila MacPherson has just completed a term as the President of the Federation of Law Societies of Canada. Karen Wilford, the Law Society Federation Council member, continues her important work as Co-Chair of the Federation's Committee charged with responding to the calls in the Truth and Reconciliation Committee. Glenn Tait recently moderated a panel at the national Discipline Administrators Conference and drafted a policy on vexatious complainants which was recommended for adoption by all law societies.

As I leave the Presidency, I give a huge thank you to Donna Allen, Glenn Tait, Bob Wilson and Liz Jackson at the Law Society office. They have been very helpful in the successful functioning of the office this past year.

Finally I want to thank this year's Executive, Candace Seddon, Ian Rennie, Tracy Bock Mike Reddy and Heather Chang. The work of the Executive is far more than attending a meeting every week. All of our members give freely of their time to complete the myriad of tasks that had to be done over the year.

Our lay member Heather recently relocated to Calgary. However, that has not stopped her from being an active, effective and vigorous participant in not only Executive meetings, but also on working groups for the Law Society.

I wish Candace, Ian, Tracy, Mike, Heather and our new Executive member, Brad Patzer all the best in the next few years. I am going to miss our regular monthly meetings and weekly e-mail exchanges as well as the home cooked meals we had during Executive meetings.

My time with the Executive has been very rewarding to me and I will continue to volunteer for the Law Society on committees. I would continue to urge members of the Law Society to get involved with the Law Society. As is noted above, if you wish to get involved you will have the opportunity to impact our self-regulated profession on a local, national and international level.

As I depart, I am certain that your Executive in 2019 will continue to lead the Society in a manner that is responsive to members while ensuring our public interest mandate is met, and that residents of the Northwest Territories continue to be served by a competent and qualified bar.

**MOVED BY
SECONDED BY
THAT the President's Report be accepted as presented.**

TREASURER'S REPORT

Mike Reddy

WORK OF THE COMMITTEE

The members of the Finance Committee for 2018 were Brad Patzer, Geoff Weist, Karen Wilford and myself as Treasurer. Over the course of 2018, the Committee met both in person and by email as required. The following are highlights of our activities:

- Met in person with the two Law Society investment portfolio managers from RBC and CIBC for the purpose of examining our investments;
- Reviewed the Law Society investment portfolios and the Law Society's internal Investment Guidelines;
- Prepared the Law Society policy on Fund Solicitation by Outside Agencies, consistent with the Law Society's Strategic Financial Plan;
- Prepared the 2019 Budget for review and approval by the Executive of the Law Society;
- Provided ongoing oversight of our accounts and investments;
- Ensured that both the Liability and Assurance reserve funds remained at levels higher than those recommended in the Strategic Financial Plan; and
- Recommended a \$20.00 reduction in the annual fee for active members.

2017 AUDITED FINANCIAL STATEMENTS

The audited Financial Statements for 2017 are attached. In 2017, the Law Society enjoyed a surplus well in excess of what was originally budgeted.

The Auditor will be present to answer any questions.

2018 YEAR TO DATE INCOME STATEMENT

Also attached is a year to date Income Statement to November 16, 2018. Expenses will be incurred before the end of the year for the second installment of mandatory insurance premiums, our Annual General Meeting and Christmas Party. We are on track for a small surplus at the end of 2018.

2019 BUDGET

The approved Budget for 2019 is attached for your information. There are several differences between this Budget and Budgets of previous years:

- We have attempted to more accurately forecast expenses. In previous years, several categories of expenses have been under budgeted. We have attempted to be conservative with the budgeting of revenues, and be aggressive with the budgeting of expenses.
- We have also attempted to more accurately align expenses with the projects and committees that those expenses are attributable to, rather than having those expenses be assigned to the general budget category of "Administration".
- There is projected deficit of approximately \$171,000. This should be contrasted with the projected deficit of approximately \$66,000 last year.
- The bulk of this deficit (\$89,500) is made up of the Helsby Drake software purchase. It is expected that this purchase will be financed out of the surpluses from the past two years. It is not expected to be necessary to rely upon either of our Liability or Assurance reserves. Nor will it be necessary to increase membership fees; as noted above, we are in a position to make a modest reduction in the annual membership fee amount.
- The remainder of the deficit results from the change in budgeting philosophy, particularly the more realistic expense budgeting. Again, it is expected that this deficit will be managed without the need to rely on either Liability or Assurance reserves.
- Catering charges are higher to reflect lunches which are provided for all Committee meetings, and for Continuing Legal Education.
- We are pleased to announce a \$20.00 reduction in the annual fee for active members.

I would like to thank Glenn Tait and our bookkeepers at Office Compliments for their hard work in assisting the Finance Committee over the course of the past year.

The Committee has closely monitored our finances and will continue to explore ways to reduce our operating expenses.

As Treasurer, I will be making three motions:

- ✓ moving the acceptance of the Treasurer's report;
- ✓ moving the approval of the Audited Financial statements for the year ending December 31, 2017; and
- ✓ moving that Crowe MacKay be appointed auditors for the Law Society of the Northwest Territories for the year ending December 31, 2018.

I am happy to answer any questions that you might have.

Law Society of the Northwest Territories

Financial Statements

December 31, 2017

Law Society of the Northwest Territories

Financial Statements

December 31, 2017

	Page
Independent Auditors' Report	3
Statement of Operations	4 - 5
Statement of Changes in Net Assets	6
Statement of Financial Position	7
Statement of Cash Flows	8
Notes to the Financial Statements	9 - 19

Independent Auditors' Report

To the Members of the Law Society of the Northwest Territories

We have audited the accompanying financial statements of the Law Society of the Northwest Territories, which comprise the statement of financial position as at December 31, 2017, and the statements of operations, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the Society's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Law Society of the Northwest Territories as at December 31, 2017, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.



Yellowknife, Canada
May 16, 2018

Chartered Professional Accountants

Law Society of the Northwest Territories

Statement of Operations

For the year ended December 31,	2017 Budget	2017 Actual	2016 Actual
Revenues			
Application and admission fees	\$ 12,750	\$ 21,490	\$ 12,413
Discipline cost recovery	7,750	10,448	9,750
Interest income	50,000	70,460	16,166
Levies	160,000	243,816	134,709
Membership fees	548,425	557,437	521,471
Miscellaneous (note 13)	18,850	59,246	32,271
N.W.T. Law Foundation grant	5,000	2,500	10,000
Restricted appearance fees	26,360	37,200	37,395
Unclaimed trust monies	5,000	1,779	1,944
	834,135	1,004,376	776,119

Law Society of the Northwest Territories

Statement of Operations (continued)

For the year ended December 31,	2017 Budget	2017 Actual	2016 Actual
Expenditures			
Advertising and promotions	6,500	6,210	2,301
Amortization	5,000	2,489	4,652
Audit	23,600	20,711	22,330
Bad debts (recovered)	500	55	(1,428)
Bookkeeping	30,000	21,727	21,813
Canada Legal Information Institute	-	14,950	14,744
Committee meeting	20,200	24,027	22,150
Donations	5,000	961	500
Equipment rental	9,016	10,862	8,111
Federation activities	30,800	10,714	11,168
Information technology and technical support	6,600	9,203	55,390
Insurance	154,900	4,363	1,707
Interest and bank charges	5,200	10,323	1,943
Investment management fees	-	16,374	12,534
Lawyer assistance program	3,000	2,731	4,188
Lawyers trust protection premium	-	11,704	12,363
Legal fees	10,200	6,080	42,404
Liability insurance premium	1,000	161,152	152,850
Office	19,250	17,347	13,469
Professional development	1,500	3,015	2,089
Professional fees (speakers)	16,000	3,338	6,545
Rent	118,315	108,478	100,458
Spot audit	-	15,712	24,741
Telephone and utilities	7,440	7,029	6,556
Travel	19,000	33,097	24,558
Unclaimed trust money remitted	-	6,713	4,381
Wages and benefits	332,100	313,557	295,408
	825,121	842,922	867,925
Excess (deficiency) of revenues over expenditures before other items	9,014	161,454	(91,806)
Other income (expenses)			
Loss on sale of investments	-	(5,163)	(2,897)
Unrealized gain (loss) on investments	-	(41,685)	6,995
	-	(46,848)	4,098
Excess (deficiency) of revenues over expenditures	\$ 9,014	\$ 114,606	\$ (87,708)

Law Society of the Northwest Territories

Statement of Changes in Net Assets

For the year ended December 31, 2017

	General Reserve	Assurance Reserve	Total 2017	Total 2016
Balance, beginning of year	\$ 1,141,886	\$ 2,138,358	\$ 3,280,244	\$ 3,367,952
Excess (deficiency) of revenues over expenditures	114,606	-	114,606	(87,708)
Investment income (note 7)	6,718	(6,718)	-	-
Balance, end of year	\$ 1,263,210	\$ 2,131,640	\$ 3,394,850	\$ 3,280,244

Law Society of the Northwest Territories

Statement of Financial Position

December 31,	2017	2016
Assets		
Current		
Cash (note 3)	\$ 159,845	\$ 175,660
Short term investments (note 4)	11,511	21,056
Accounts receivable (note 5)	11,723	13,572
Prepaid expenses	41,555	15,243
Restricted cash (note 6)	12,069	10,270
	236,703	235,801
Investments (note 7)	3,205,748	3,119,956
Tangible capital assets (note 8)	5,660	8,149
	\$ 3,448,111	\$ 3,363,906

Liability

Current		
Accounts payable and accrued liabilities (note 9)	\$ 53,261	\$ 83,662

Fund balances

General Reserve	1,263,210	1,141,886
Assurance Reserve	2,131,640	2,138,358
	3,394,850	3,280,244
	\$ 3,448,111	\$ 3,363,906

Contingent liabilities (note 10)

Commitments (note 11)

Approved on behalf of the board:

_____ President _____ Treasurer

Law Society of the Northwest Territories

Statement of Cash Flows

For the year ended December 31,	2017	2016
Operating activities		
Cash receipts from members	\$ 940,046	\$ 800,475
Investment income	4,257	31,036
Cash payments for operating expenses	(576,635)	(540,191)
Cash payments for salaries and benefits	(305,437)	(304,744)
	62,231	(13,424)
Investing activities		
Increase in investments	(85,792)	(1,585,480)
Decrease in short-term investments	9,545	1,100,609
Decrease (increase) in restricted cash	(1,799)	2,025
	(78,046)	(482,846)
Increase (decrease) in cash and cash equivalents	(15,815)	(496,270)
Cash and cash equivalents, beginning of year	175,660	671,930
Cash and cash equivalents, end of year	\$ 159,845	\$ 175,660

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

1. Nature of operations

Law Society of the Northwest Territories (the "Society") is the governing body for the legal profession in the Northwest Territories. The Society was established by, and operates pursuant to, the *Legal Profession Act* of the Northwest Territories. The Society is a non-profit organization, and accordingly is exempt from income taxes under Section 149(1)(l) of the *Income Tax Act*.

2. Significant accounting policies

These financial statements are prepared in accordance with Canadian accounting standards for not-for-profit organizations. The significant policies are detailed as follows:

(a) Financial instruments

Financial assets originated or acquired or financial liabilities issued or assumed in an arm's length transaction are initially measured at their fair value. In the case of a financial asset or financial liability not subsequently measured at its fair value, the initial fair value is adjusted for financing fees and transaction costs that are directly attributable to its origination, acquisition, issuance or assumption. Such fees and costs in respect of financial assets and liabilities subsequently measured at fair value are expensed.

The Society subsequently measures the following financial assets and financial liabilities at amortized cost:

Financial assets measured at amortized cost include cash, restricted cash, accounts receivable and short-term investments.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities.

Financial assets measured at fair value include investments.

At the end of each reporting period, management assesses whether there are any indications that financial assets measured at cost or amortized cost may be impaired. If there is an indication of impairment, management determines whether a significant adverse change has occurred in the expected timing or the amount of future cash flows from the asset, in which case the asset's carrying amount is reduced to the highest expected value that is recoverable by either holding the asset, selling the asset or by exercising the right to any collateral. The carrying amount of the asset is reduced directly or through the use of an allowance account and the amount of the reduction is recognized as an impairment loss in operations. Previously recognized impairment losses may be reversed to the extent of any improvement. The amount of the reversal, to a maximum of the related accumulated impairment charges recorded in respect of the particular asset, is recognized in operations.

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

2. Significant accounting policies (continued)

(b) Tangible capital assets

Tangible capital assets are recorded at cost. The Society provides for amortization using the declining balance method at rates designed to amortize the cost of the assets over their estimated useful lives, as set out in note 8.

When tangible capital assets are sold or retired, the related cost and accumulated amortization are removed from the accounts and any gain or loss is charged against earnings in the period.

One half of the year's amortization is recorded in the year of acquisition. No amortization is recorded in the year of disposal.

(c) Revenue recognition

Membership fees are the annual fees for membership in the Association. Fees paid by members cover the fiscal year. LLP registration and renewal fees are due by December 31 and cover the next fiscal year. These revenues are recorded in the period they are paid.

Interest income is recognized as it is earned.

Unclaimed trust monies revenue is recognized when claimed by the recipient.

All other revenue such as levies, application and admission fees, restricted appearance fees, grants, miscellaneous revenue, and discipline cost recovery are recognized when earned if the amount receivable can be reasonably estimated and its collection is reasonably assured.

(d) Cash and cash equivalents

Cash and cash equivalents includes bank balances and other highly liquid interest bearing instruments.

(e) Professional liability insurance levy

The levy and premium expense for insurance coverage for the policy year July 1, 2017 to June 30, 2018 is recorded in the 2017 fiscal year. The expenses are recognized in the current period in order to match the expenses to the revenues collected from members.

(f) Contributed services

Volunteers contribute a significant number of hours to the Society in carrying out its service delivery activities. Because of the difficulty of determining their fair value, contributed services are not recognized in the financial statements.

(g) Budget

The budget figures are unaudited and were approved by the Executive Committee on December 3, 2016.

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

2. Significant accounting policies (continued)

(h) Reserves

The General Reserve accounts for the Society's program delivery and administrative activities. This reserve reports unrestricted resources and restricted operating grants.

The Assurance Reserve reports only internally restricted funds to be used in conjunction with any defalcation claims which may be made against a member and expenses related to the assurance of compliance.

(i) Use of estimates

The preparation of the financial statements in conformity with Canadian generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the amounts of revenues and expenses during the period. Actual results could differ from those estimates.

3. Cash

The Society holds bank accounts as follows:

	2017	2016
Cash - General Reserve	\$ 85	\$ 18,812
Cash - Assurance Reserve	159,760	156,848
	\$ 159,845	\$ 175,660

4. Short term investments

	2017	2016
Canadian Imperial Bank of Commerce cash account (General Reserve)	\$ 3,785	\$ 5,765
Royal Bank of Canada cash account (Assurance Reserve)	7,726	15,291
	\$ 11,511	\$ 21,056

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

5. Accounts receivable

	2017	2016
Accounts receivable	\$ 2,641	\$ 8,419
Employee advances	5,310	-
Goods and Services tax receivable	3,772	5,153
	\$ 11,723	\$ 13,572

No allowance for doubtful accounts has been recorded for the 2017 or 2016 years.

6. Restricted cash

Restricted cash consists of unclaimed trust monies held by the Society. Legislation provides lawyers the option to forward money held in trust that has not been claimed to the Society to be held in trust until the amount is claimed or settled by legislative process, in accordance with policy.

7. Investments

The following table presents the fair value of the Society's restricted investments as at December 31, 2017 together with the change in fair value from their cost base. The fair value of the Society's investments were determined by reference to published price quotations in an active market.

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

7. Investments (continued)

	2017 Fair value	2017 Cost	2016 Fair value	2016 Cost
Canadian Imperial Bank of Commerce Bonds (General Reserve)				
5.70% RES Shaw Communications, due March 2, 2017	\$ -	\$ -	\$ 39,901	\$ 39,352
3.26% RES National Bank of Canada, due April 11, 2017	-	-	39,866	39,360
1.97% B2B Bank, due April 27, 2018	103,330	100,000	101,334	100,000
2.00% Canada Housing Trust, due December 15, 2019	297,273	305,472	303,341	305,472
2.50% Laurentian Bank of Canada, due January 23, 2020	73,756	74,148	74,261	74,148
1.45% Canada Housing Trust, due June 15, 2020	293,226	299,404	297,877	299,404
3.95% Ville De Laval Quebec Serial Bonds, due June 29, 2021	42,118	43,520	43,152	43,520
3.95% Province of Ontario, due September 8, 2022	35,597	35,308	35,163	35,308
2.55% Province of Manitoba, due June 2, 2023	40,396	41,452	41,058	41,452
5.36% Hydro One Inc, due November 20, 2023	61,679	60,473	60,334	60,473
3.23% Toronto Dominion Bank, due July 24, 2024	-	-	77,690	79,232
4.19% Cameco Corporation, due June 24, 2024	97,402	98,690	-	-
3.50% City of Montreal, due September 1, 2024	42,052	42,584	42,447	42,584
3.12% Bank of Montreal Fixed Rate, due September 19, 2024	74,791	74,533	74,940	74,533
3.42% Canadian Imperial Bank of Commerce Fixed Rate, due January 1, 2026	75,436	75,066	75,254	75,066
3.45% Royal Bank of Canada, due September 29, 2026	75,553	74,681	75,475	74,681
2.58% Bank of Nova Scotia Fixed Rate, due March 30, 2027	72,855	70,818	72,130	70,818
3.22% Toronto Dominion Bank, due July 25, 2029	96,857	98,042	-	-
	\$ 1,482,321	\$ 1,494,191	\$ 1,454,223	\$ 1,455,403

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

7. Investments (continued)

	2017 Fair value	2017 Cost	2016 Fair value	2016 Cost
Canadian Imperial Bank of Commerce Mutual Funds / Segregated Funds (General Reserve)				
Renaissance High Interest Savings Account	\$ 12,861	\$ 12,861	\$ 28,380	\$ 28,357
Royal Bank of Canada Bonds (Assurance Reserve)				
1.50% Government of Canada, due March 1, 2017	-	-	95,618	95,883
1.75% Province of Alberta, due June 15, 2017	-	-	55,313	55,024
4.55% Bank of Montreal Fixed Rate, due August 1, 2017	-	-	35,323	34,351
1.90% Province of Ontario, due September 8, 2017	-	-	50,698	51,360
1.75% Province of Alberta, due December 15, 2017	-	-	151,482	150,336
1.25% Government of Canada, due March 1, 2018	83,362	82,541	83,926	82,541
4.20% Province of Ontario, due March 8, 2018	34,625	34,430	35,771	34,430
2.26% Royal Bank of Canada, due March 12, 2018	67,555	67,253	68,286	67,253
2.24% Bank of Nova Scotia Senior Deposit Notes, due March 22, 2018	62,484	63,764	63,146	63,764
1.60% Province of Alberta, due June 15, 2018	25,047	25,391	25,259	25,391
1.75% Canada Housing Trust, due June 15, 2018	100,282	101,061	101,461	101,061
4.20% Province of Ontario, due September 8, 2018	50,532	51,365	51,248	51,365
2.25% Province of British Columbia, due March 1, 2019	55,804	57,020	56,825	57,020
1.75% Government of Canada, due March 1, 2019	100,792	100,180	102,641	100,180
1.95% Province of Saskatchewan, due March 1, 2019	50,490	52,141	51,228	52,141
2.45% Toronto Dominion Bank, due April 2, 2019	40,471	40,300	51,358	50,375
1.95% Canada Housing Trust, due June 15, 2019	100,426	100,444	102,280	100,444

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

7. Investments (continued)

	2017 Fair value	2017 Cost	2016 Fair value	2016 Cost
Carried forward	\$ 771,870	\$ 775,890	\$ 1,181,863	\$ 1,172,919
1.74% National Bank of Canada, due March 3, 2020	49,761	50,411	50,252	50,411
1.69% Toronto Dominion Bank, due April 2, 2020	39,705	40,302	40,138	40,302
1.25% Province of Alberta, due June 1, 2020	108,376	109,976	109,561	109,976
1.20% Canada Housing Trust, due June 15, 2020	78,797	80,845	79,861	80,845
1.60% Province of Manitoba, due September 5, 2020	94,562	95,218	95,938	95,218
1.25% Canada Housing Trust, due December 15, 2020	78,508	80,709	79,740	80,709
1.55% Province of Manitoba, due September 5, 2021	98,557	99,855	-	-
1.83% Bank of Nova Scotia, due April 27, 2022	48,767	48,977	-	-
2.35% Province of Alberta, due June 1, 2025	54,376	53,769	-	-
2.45% Province of Manitoba, due June 2, 2025	54,673	55,330	-	-
1.95% Canada Housing Trust, due December 15, 2025	81,636	83,629	-	-
2.20% Province of Alberta, due June 1, 2026	58,208	60,008	-	-
2.30% Province of British Columbia, due June 18, 2016	49,207	49,969	-	-
1.90% Canada Housing Trust, due September 15, 2026	43,563	44,898	-	-
	1,710,566	1,729,786	1,637,353	1,630,380
	\$ 3,205,748	\$ 3,236,838	\$ 3,119,956	\$ 3,114,140

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

7. Investments (continued)

The following table presents the remaining terms to maturity at fair value, along with the average effective yields for each maturity for securities investments exposed to interest rate risk as at December 31, 2017.

	Within 1 year	1-5 years	Over 5 years	2017	2016
Canadian Imperial Bank of Commerce Bonds (General Reserve)					
Securities	\$ 103,331	\$ 741,970	\$ 637,021	\$ 1,482,322	\$ 1,454,224
Effective yields	-7.925%	2.162%	3.768%	2.149%	2.479%
Royal Bank of Canada Bonds (Assurance Reserve)					
Securities	\$ 423,887	\$ 945,016	\$ 341,663	\$ 1,710,566	\$ 1,637,352
Effective yields	-0.770%	1.692%	2.465%	1.236%	0.607%

The excess of expenditures over revenues for the Assurance Reserve is derived from internally restricted investments as follows:

	2017
Interest income	\$ 31,989
Investment management fee	(8,510)
Realized loss on investment	(2,818)
Unrealized loss on investment	(27,379)
	\$ (6,718)

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

8. Tangible capital assets

				2017	2016
	Rate	Cost	Accumulated amortization	Net book value	Net book value
Equipment	20%	\$ 32,165	\$ 27,610	\$ 4,555	\$ 5,694
Computer equipment	55%	14,236	13,131	1,105	2,455
		\$ 46,401	\$ 40,741	\$ 5,660	\$ 8,149

9. Accounts payable and accrued liabilities

	2017	2016
Accounts payable and accrued liabilities	\$ 28,708	\$ 67,017
Government remittances payable	18,856	9,073
Vacation payable	5,697	7,572
	\$ 53,261	\$ 83,662

10. Contingent liabilities

Liability Insurance Retroassessment

The Canadian Lawyers Insurance Association is a reciprocal insurance exchange established to provide professional liability insurance for the legal profession. There have been retroassessment calls to subscribing law societies of \$2,000,000 as at December 31, 1991, and \$1,000,000 as at December 31, 1992. The Society's share of these retroassessments has been recorded in previous financial statements. The likelihood of a retroassessment call for other years is unknown.

General

The Society has received statements of claim related to various matters arising in the ordinary course of business. These matters are at various stages and their outcome and an estimate of loss, if any, is not determinable. The Society has no reason to expect that the ultimate disposition of any of these matters will have a material adverse impact on its financial position, results of operations or its ability to carry on any of its business activities

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

11. Commitments

The Society has entered into a rent agreement with the following future payments:

2018	\$	104,995
2019		104,995
2020		61,247
		<hr/>
		\$ 271,237

12. Subsequent events

Subsequent to the year end, the Society lent, in conjunction with all Law Societies in Canada, funds to 9372-0035 Quebec Inc. for the acquisition of Lexum Informatique Juridique Inc.

The Society was responsible to lend 0.4418% of the total loan for a total amount of \$8,836. This amount was paid on February 21, 2018.

13. Miscellaneous revenue

	2017	2016
Board room rental	\$ 6,307	\$ 5,735
Canadian Bar Association administration contract	3,980	2,700
Change of status fees	1,025	400
Intensive Trial Advocacy program	30,000	-
Professional Corporation/LLP registration and renewal fees	5,645	4,900
Registration fees	8,974	14,536
Reinstatement fees	3,315	4,000
<hr/>		<hr/>
	\$ 59,246	\$ 32,271

14. Comparative figures

The financial statements have been reclassified, where applicable, to conform to the presentation used in the current year.

Law Society of the Northwest Territories

Notes to the Financial Statements

December 31, 2017

15. Financial instruments

Transactions in financial instruments may result in an entity assuming or transferring to another party one or more of the financial risks described below. The required disclosures provide information that assists users of financial statements in assessing the extent of risk related to financial instruments.

(a) Market risk

Market risk is the risk that the value of a financial instrument will fluctuate as a result of changes in market prices, whether the factors are specific to the instrument or all instruments traded in the market. The Society is exposed to market risk for investments of \$3,205,748 (2016 - \$3,119,956). The risk has not changed since the prior year.

(b) Credit risk

The Society does have credit risk in cash, restricted cash, accounts receivable and short-term investments of \$195,148 (2016 - \$220,558). Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. This Society is also exposed to credit risk related to cash. The Society's cash is maintained with a large federally regulated financial institution and exceeds federally insured limits. The risk has not changed since the prior year.

(c) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Society's interest-bearing financial instruments include fixed rate bonds within investments. The fair values of fixed rate financial instruments fluctuate as market rates of interest change. The risk has not changed since the prior year.

Law Society of the Northwest Territories
Income Statement 01/01/2018 to 16/11/2018

REVENUE

Membership Dues

Application and Admissions	26,260.00
Active	545,561.08
Inactive	23,738.70
Articling Students	480.00
Certificate of Standing	2,805.00
Change of Status	1,025.00
Reinstatement	255.00
Professional Corp/LLP	7,050.00
RAC Application	410.00
RAC New File	14,620.00
RAC Renewal	5,115.00
Liability Insurance Fund Levy	189,894.95
Assurance Fund Levy	0.00
Total Membership Dues	817,214.73

Other Revenue

General	12,167.02
Recovery	2,016.81
Trust Funds (Unclaimed)	0.00
Grants	8,000.00
Interest	50,445.33
Rentals (Boardroom)	5,250.00
Unrealized gain (loss) on invest...	(44,479.46)
Total Other Revenue	33,399.70

TOTAL REVENUE 850,614.43

EXPENSE

Employee Compensation

Salaries	259,120.66
VTA	8,500.00
Northern Living Allowance	9,200.00
WSCC	2,815.99
EI Employers Portion	3,936.89
CPP Employers Portion	8,467.66
Health and Disability Ins Premiums	8,406.77
Total Employee Compensation	300,447.97

General Expenses

Audit	20,666.65
Bank Charges	1,004.27
Bank Charges-Rev. Credit Card...	7,469.88
Total Bank Charges	8,474.15
Bookkeeping	12,967.00
Contributions External Events	0.00
Donations	2,611.45
Email / Internet	1,796.60
Equipment Leases	7,584.38
Hospitality Expense	2,287.35
Insurance - Premiums	184,861.30
Insurance - Claims Admin	678.16
IT / Technical Support	4,894.74
Legal Fees	29,394.31
Catering	12,330.46
Rentals	680.00
Memberships / Dues	11,860.94
Members Health Benefits	687.50
Office Supplies	2,161.51
Office Software	184.80
Office Equipment Purchases	2,354.98
Postage	1,378.07

**Law Society of the Northwest Territories
Income Statement 01/01/2018 to 16/11/2018**

Printing and Publications	1,506.14
Investment Management Fees	6,646.92
Rent	76,684.45
Telephone / Fax	4,498.65
Travel	14,058.14
Unclaimed Trust	3,045.57
Total General Expenses	<u>414,294.22</u>
TOTAL EXPENSE	<u>714,742.19</u>
NET INCOME	<u><u>135,872.24</u></u>

**LAW SOCIETY OF THE NORTHWEST TERRITORIES
BUDGET - JANUARY 1, 2019 - DECEMBER 31, 2019**

Project	1	10	20	30	40	50	60	80	81	82	83	84	85	86	87	88	90	55	87A	TOTALS
Line Description	Admin	Assurance	Liability	Discipline	Uncl Trust	FLSC	CanLI	Admissions:	CPD	Discipline Executive	Finance	LEAP	Rules	Social	A2J	LPA	NWTLF	Pres Dinn		
REVENUE																				
Membership Fees																				
4105 Applications and Admissions	22500																			22500
4110 Active	520000																			520000
4112 Inactive	20000																			20000
4114 Articling Students	225																			225
4120 Certificate of Standing	2000																			2000
4122 Change of Status	400																			400
4124 Reinstatement	560																			560
4126 Professional Corp/LLP	3000																			3000
4132 RAC new files	14025																			14025
4134 RAC renewal	4200																			4200
Total Membership Fees	586910	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	586910
Insurance Levy																				
4140 Liability Insurance Fund levy			175000																	175000
4145 Assurance Fund levy																				
Total Levy	0	0	175000	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	175000
Other Revenue																				
4210 General															4500			6000	4000	14500
4220 Recovery							6000													6000
4230 Unclaimed Trust Funds (received)					2000															2000
4240 Grants							10000													10000
4250 Interest	11000																			11000
4260 Rentals (Boardroom)	4000																			4000
Total Other Revenue	15000	0	0	0	2000	6000	10000	0	0	0	0	0	0	0	4500	0	0	6000	4000	47500
TOTAL REVENUE	601910	0	175000	0	2000	6000	10000	0	0	0	0	0	0	0	4500	0	0	6000	4000	809410

**LAW SOCIETY OF THE NORTHWEST TERRITORIES
BUDGET - JANUARY 1, 2019 - DECEMBER 31, 2019**

Project Description	1	10	20	30	40	50	60	80	81	82	83	84	85	86	87	88	90	55	87A	TOTALS
EXPENSE	Admin	Assurance	Liability	Discipline	Uncl Trust	FLSC	Canlll	Admissions	CPD	Discipline Executive	Finance	LEAP	Rules	Social	AZJ	LPA	NWTLF	Pres Dinn		
Employee Compensation																				
5010 Salaries	283400																			283400
5020 VTA	3000																			3000
5030 Northern living Allowance	10000																			10000
5040 RRSP employer share	3600																			3600
5045 WSCC	3000																			3000
5055 EI employers portion	5000																			5000
5060 CPP Employer portion	8500																			8500
5070 Healthy and Disability Premium	9000																			9000
Total Employee Comp	325500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	325500
Other Expenses																				
5105 Advertising	1000				200															1200
5110 Amortization	4000																			4000
5115 Audit	14000		14000																	28000
5117 Awards and Grants																				0
5120 Bad Debt	500																			500
5125 Bank Charges	900	150		150																1500
5126 Bank Charges - Credit Card Fees	9500																			9500
5130 Bookkeeping	30000																			30000
5135 Donations																				0
Contributions - External Events	5000																			5000
5140 E-mail - Internet	2640																			2640
5150 Equipment Leases	11000																			11000
5155 Hospitality Expense											3000									3000
5170 Insurance Premiums	3000					185000														188000
5180 Claims Administration			1000																	1000

**LAW SOCIETY OF THE NORTHWEST TERRITORIES
BUDGET - JANUARY 1, 2019 - DECEMBER 31, 2019**

Project	1	10	20	30	40	50	60	80	81	82	83	84	85	86	87	88	90	55	87A	TOTALS
Description	Admin	Assurance	Liability	Discipline	Uncl Trust	FLSC	CanLI	Admissions:	CPD	Discipline Executive	Finance	LEAP	Rules	Social	A2J	LPA	NWTLF	Pres Dinn		
5200 IT/Tech Support	13000			15000																13000
5210 Legal Fees																				15000
5220 Catering								250		250	500	250	200	250	7750		500			6500
5230 Events Rentals															1250					2350
5240 Membership/Dues						12500	32000													44500
5245 Members Health Benefits			2500																	2500
5250 Office Supplies	4000																			4450
5255 Office Software	89500																			89500
5260 Office Equipment Purchases	750																			750
5270 Postage	1500			150																1650
5280 Printing and publications	5000			250						50										5300
5290 Professional Development (Trai	1500																			1500
5300 Professional Fees (Speakers)									5000											5000
5301 Investment Management Fees		8000	8000																	16000
5310 Rent	100460		17855																	118315
5320 Telephone/Fax	4000			100																4100
5350 Travel	0		3000	5000		15000										2500				25500
5360 Unclaimed Trust Funds (paid)					2336															2336
Total Other Expenses	301251	8160	231525	20680	2726	27550	32060	330	5331	332	3633	334	285	336	9337	2588	590	55	9300	655291
TOTAL EXPENSE	626751	8160	231525	20680	2726	27550	32060	330	5331	332	3633	334	285	336	9337	2588	590	55	9300	980791
Surplus/Deficit	-24841	-8160	-56525	-20680	-726	-21550	-22060	-330	-5331	-332	-3633	-334	-285	-336	-4837	-2588	-590	5945	-5300	-171381

MOTIONS

MOVED BY
SECONDED BY
THAT the Treasurer's Report be adopted as presented.

MOVED BY
SECONDED BY
THAT the Audited Financial Statements for the year ending December 31, 2017 be adopted as presented.

MOVED BY
SECONDED BY
THAT Crowe MacKay LLP be appointed as auditors for the Law Society of the Northwest Territories for the year ending December 31, 2019.

EXECUTIVE DIRECTOR'S REPORT

Glenn Tait

INTRODUCTION AND PHILOSOPHY

This report, my first as Executive Director, may differ from those you have seen previously.

The difference between practicing law and assisting in the registration, regulation and administration of lawyers is substantial. I appreciate the patience of all of you as I continue to make that adjustment.

I came into this position with one goal, which was to provide the best service possible for all of our members. One of the ways to do that is to provide more communication. The Newsletters seem to have been well received.

Another way to provide good service is to try, at every step, to keep the costs spent by the Law Society to a minimum. I have no interest in collecting, or spending, any more of your money and mine than I have to.

While many of the costs incurred by the Law Society are fixed, some are controllable. As part of eliminating unnecessary costs, we have:

- Eliminated the hiring of a summer student at the office;
- Reduced the number of out of town meetings attended in person by staff;
- Limited the number of lunches ordered for noon meetings and continuing professional development sessions to those who have confirmed attendance;
- Eliminated disposable plates cups and mugs;
- Moved to keeping paperless files where possible;
- Encouraging members to pay by electronic transfer rather than credit card;
- Replacing our office copier/printer/scanner with one which has a lower monthly cost;
- Applying for Employment Insurance premium rebates;
- Trying to reduce, where possible, other office expenses.

Our efforts to manage the costs of the Law Society at the same time as we maximize the service we provide to members continues.

MAJOR PROJECTS

There are two major initiatives which I am excited about. The first is the review of the *Legal Profession Act*, which is underway. We have set an aggressive timeline for that Committee, with the hope that by this time next year the Committee will have finished its work, and the final product will be in the hands of the membership for approval.

I thank all of you who have already provided your comments. The Committee is distilling those into a Discussion Paper which will go to the membership. I urge all of you to provide your comments on that Discussion Paper. We are anticipating that in addition to soliciting written comments, there will be a special meeting of the membership to review and discuss the Discussion Paper before it goes back to the Executive for final approval and then on to the Department of Justice.

This is likely going to be the only time in our careers we will have the ability to shape our governing legislation. We want to hear what each of you has to say on this important issue.

The second initiative I am energized about is the introduction of online registration and administration. We have been working with the designers of Helsby Drake, software and database developers who design products specifically developed for organizations like us with the responsibility of regulating professionals.

The rollout of this product will allow members “one stop shopping” through our website. Members will register completely online. Members will pay their insurance online. Applicants for membership will apply online. Members will register and track their CPD courses online. Certificates of Standing will be requested online. Members will update their Find a Lawyer and Lawyer Listing information online. Tickets for the Christmas party will be purchased online.

For us in the office, it means that the application, registration and other process will be completely paperless, and a record of all member interactions is instantly available. Members will be automatically reminded about upcoming deadlines. Any change a member makes to their contact information will be instantaneously reflected in the Lawyer Listing and Find A Lawyer pages. We will be able to track visits to our Find A Lawyer site, allowing us to adapt it and make it easier for members of the public to find the type of lawyer they are looking for. We will be able to gather greater amounts of demographic information about our membership. We will be able to manage disciplinary complaints much more effectively.

This software comes with a cost. I am confident that the benefits that the members will experience will more than justify that cost.

ADMINISTRATION AND COMMITTEE WORK

Margo Nightingale has been instrumental in providing the staff with suggestions on how we can improve that portion of the Law Society website dedicated to providing information to the public. That material has been extensively revamped. We welcome additional comments on that information, and on the website generally.

The Committee reports, showing the great work that was done by all our Committees, are elsewhere in the materials. The volunteers on all of these Committees provide valuable service to all in the profession. I want to specifically identify the Rules Committee and the Admissions Committee. Both of these Committees had a number of challenging projects which they completed this year.

The Law Society continues to be in a very good financial position. As a result, the Executive is proposing a 1.5% fee reduction for active members in 2019, rolling back the fee increase that was implemented in 2016. Also, as was the case in 2018, there will be no levy assessed for the Law Society Assurance Fund, a fund which thankfully we have never had to draw upon.

ADMISSIONS

As shown in the Admissions Committee report, we have seen an increase in new members this year, while applications for Restricted Appearance Certificates remained about the same as last year. Starting September 1, lawyers with civil law degrees were able to apply to become members. We have since September 1 two new members as a result, including the “conversion” of our one Canadian Legal Advisor into a member.

FEDERATION OF LAW SOCIETIES OF CANADA

Karen Wilford, our Federation Council member, has detailed the work that the Federation has undertaken this year. Karen’s task is monumental, something that I did not appreciate until I took this position, and discovered the number of Federation activities and initiatives that are ongoing. Karen gets nowhere near the credit she deserves for boldly representing us at the Federation.

And I remind all of you that our own Sheila MacPherson just finished a term as Federation President, the first NWT lawyer to do so. Sheila did a great job of not only representing the Federation, also giving the NWT a much higher profile within the Federation.

I have become immersed in Federation activities from a staff perspective. Because the Federation has so many initiatives ongoing, we have had to prioritize those which we will actively participate in, and those which we will maintain “watching briefs” on. Otherwise, more than half of my time would be spend on Federation teleconferences.

VOLUNTEERS

The vast majority of the work of the Law Society is done by volunteer members. These members are doing thankless work which for the most part goes unrecognized, and is work which is absolutely necessary for the Law Society’s continued operation.

And we can never have enough volunteers. I encourage every one of you to consider how you might be able to assist all of us in making the Law Society better – what are you able to volunteer for? Committee signup sheets are available online and will be available at the AGM.

THANKS

Thanks first to all of the volunteers, committee members and chairs. I appreciated their patience as I found my way in this position. And I appreciated even more how cheerfully they accepted the occasional, or sometimes more than occasional nag from me about tasks that were outstanding.

Thanks also to the Executive Committee. These are our super-volunteers. The time that they put in, both in our monthly meetings, and outside of them, is extraordinary. And they do it without any expectation of a reward, except the lunches during Executive meetings.

Each of them are completely committed to making the Law Society a better place, and to serving the members of the Law Society. I appreciated their patience as they listened, and in the main accepted, the suggestions I had about making this place better. I have appreciated their support as I find my way.

Our President, Alex Godfrey, finishes his term on the Executive today. I owe a particular debt to Alex, as he has acted as a sounding board for me. Alex has found many different ways to “temper my enthusiasm”! We look forward to working with the new Executive, including the new member, Brad Patzer.

Thanks also to the great people who we have at the Law Society. They made both Zorra and I feel welcome from the first day we arrived.

Liz Jackson is the person most of you interact with the most. I knew Liz to be charming, friendly and knowledgeable before I started working here. I had no idea how knowledgeable she was until I began to ask her questions. Watching her deal with members and the public has shown me that she has an absolutely wonderful way of dealing with people.

Bob Wilson manages all of our communications and our website. He organizes all of the CLE events that occur in the office. His patience as we worked through the many changes to the website we made, and his ability to rectify whatever glitches come along is extraordinary.

Finally, thanks to you the members. Without you there is no Law Society. We are here working for you. I again encourage you to reach out to us if you have any questions or comments. Let us know how we are doing, and how we can better help you.

ADMISSIONS COMMITTEE

Austin Marshall, Co-Chair

The Admissions Committee is mandated under the Rules of the Law Society. The responsibilities of the Committee are to examine applications for admission and to make recommendations on other matters relating to admissions that come within the Executive's jurisdiction.

This year there were 35 members on the Committee.

TRAINING SESSION

The Committee met on June 14, 2018 for a training session on the admissions process. This meeting was well attended and appeared to be well received. The training manual that had been completed in 2017 had now been in use for a year. By and large, the Committee members were finding it helpful. A few bugs and need for an update were noted.

Many thanks to our Executive Director for preparing the Resource Manual to go along with the Training Manual.

BAR ADMISSION EXAMINATION

The Membership will recall that a Sub-Committee had been formed in 2017 to review the entrance examination and policies. The Sub-Committee would be meeting in the New Year.

The Sub-Committee had its first meeting on March 12, 2018.

Questions arose as to the breadth of the work that should be undertaken. They included the question of whether an examination is necessary.

The Sub-Committee is presently discussing a number of revisions to the exam and the supplemental exam. The members are considering changes on the wider front of cultural competency that would be based on the Calls to Action coming from the Truth and Reconciliation Commission. The work of the Sub-Committee will carry on into early next year. There will be a new examination which will include questions on NWT Devolution and the Calls to Action.

MOBILITY

The final steps in the agreement between Quebec and the other Provinces and Territories for the reciprocal admission of members to the Bar have now been completed. Effective

September 1, 2018 all members of the Barreau du Quebec became eligible to be members of the Law Society of the Northwest Territories. The distinction between lawyers trained in civil law and common law for admissions purposes is a thing of the past. There is no longer a Canadian Legal Advisor status in the Northwest Territories.

MATTERS ARISING ON APPLICATIONS FOR ADMISSION

The Review Panels have had a busy year examining applications for membership.

A variety of concerns have arisen that have led to exchanges of views between panel members, either in the form of e-mail correspondence or in meetings of the panellists.

All of this reflects the awareness on the part of panellists that applications must adhere to our admissions procedures, our website material must be current and questions concerning matters such as character or not being in active practice for extended periods of time must be given a thorough airing. There have also been problems in grading bar examinations because of discrepancies in the answer key. The work of the Sub-Committee will resolve this problem.

The Chair and Co-Chair met with the Executive Director to discuss the problems the Panels had encountered and the recommendations they had made to resolve them. It was decided that the work the Panels did warranted a report from the Committee to all the Committee members on what kinds of problems had come up and what the outcomes were. This report went out to the Committee members on October 10, 2018.

MEMBERSHIP STATISTICS

The membership statistics for 2018 are:

MEMBERSHIP ACTIVITY	
Full Applications Reviewed	49
Student-at-law Applications Reviewed	3
Examinations Reviewed	3
Restricted Appearance Certificates Reviewed	44
Status Changes (to inactive)	23
Status Changed (to active)	5
Administrative Suspensions	9

Reinstatements	3
Judicial Appointments	1
Resignations	22
Deaths	0
TOTAL MEMBERSHIP	
Active Residents (insured)	75
Active Residents (uninsured)	89
Total Active Resident	164
Active Non Resident	251
Total Active	415
Inactive Resident	14
Inactive Non Resident	76
Open Restricted Appearance Certificates	82
Suspended	22

I would like to thank the Committee members and Law Society staff for their work over the past year. The Bar and the public are well served by the commitment of the Committee members and Law Society staff to the fulfillment of the Committee's mandate in a careful and timely way. The work of everyone involved is greatly appreciated.

CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

Tim Syer, Chair

MEMBERS:

Candace Seddon- Executive Liaison

Mark Ishack

Blair MacPherson

Rohan Brown

Jeremy Walsh

Jay Potter

The Continuing Professional Development (CPD) Committee for 2018 was composed of six members and was supported by Bob Wilson. It met on March 19, 2108 and conducted most of its business by email.

MANDATE

The Committee's official mandate is three-fold:

- To educate the Society's membership by sponsoring or funding seminars on various legal topics of current interest or importance;
- To provide resources to the Society's membership, such as video and reading materials, relating to topics of current interest and importance; and
- To educate the public regarding legal issues when fiscally possible.

To achieve the first object, the Committee engages in planning of CPD courses with the assistance of the Law Society, various members, the CBA-NT Branch and its sections and other national bodies including the CBA-National Branch and other Law Societies. There are numerous CPD opportunities for members. The Committee recognizes that the CPD programming provided by the CBA is significant and members who need CPD time should seriously exploit the opportunities provided by the CBA in the North.

The Committee continued to ensure the members of the Society have access to no less than 12 hours of CPD material provided free of charge during the year. As of this writing, approximately 78 hours of CPD programming has been made available of which approximately 30.5 hours was provided by the Law Society. By the end of 2018, we expect to have provided an additional 4 hours of CPD programming through the Law Society.

CPD Presentations 2018

<u>Date</u>	<u>Title</u>	<u>Presenter</u>	<u>Hours</u>
1/24/2018	Land Titles- Registrar's Presentation	Matthew Yap	2
1/25/2018	Labour Law and Human Rights Decisions 2017	Lancaster Audio	1.5
2/2/2018	Administrative Law Post-Dunsmuir	CBA Administrative Law Section	3
2/20/2018	Accounting Fundamentals for Lawyers	CBA Skilled Lawyer Series	1.5
3/6/2018	Understanding Balance Sheets	CBA Skilled Lawyer Series	1.5
3/8/2018	Parties, Interveners and Experts	CBA Administrative Law Section	3
3/20/2018	Understanding Income Statements	CBA Skilled Lawyer Series	1.5
3/23/2018	Computer Support in Criminal Litigation	Peter Harte, Kelsey McNabb	1
3/27/2018	Harrassment, Insubordination, Defamation	Lancaster Audio	1.5
4/3/2018	Income for Tax Purposes	CBA Skilled Lawyer Series	1.5
4/17/2018	Financial Ratios and Statement Analysis	CBA Skilled Lawyer Series	1.5
4/20/2017	Ethics of In-House and Corporate Service	Ross McLeod	0.5
4/20/2018	Letters to Judges- Ex-Parte Applications	Ross McLeod	0.5
4/27/2018	Practice, Time and Stress management	CBA Civil Litigation, Young Lawyers	3.5
5/1/2018	Business Valuation	CBA Skilled Lawyer Series	1.5
5/11/2018	Managing Your Career	CBA Women Lawyers Section	4
5/14/2018	Westlaw Canada and Proview Training	GNWT Court Services	1
5/15/2018	Applying Accounting Principles	CBA Skilled Lawyer Series	1.5
5/23/2018	Litigating Social Change through the Charter	Julius Gray, Robert Frater, Cheryl Milne	1.5
5/29/2018	Financial Statements in Practice	CBA Skilled Lawyer Series	1.5
6/6/2018	Integrated Case Management System	Katie-Sue Derejko	1
6/12/2018	Avoiding Ambiguity in Documents	CBA Skilled Lawyer Series	1.5
6/22/2018	Criminal Practice Management	Peter Harte	1
6/25/2018	Collective Rights under the Constitution	CBA Public Sector Lawyers Section	1.5
6/26/2018	Drafting Critical Boilerplate Revisions	CBA Skilled Lawyer Series	1.5
7/5/2018	Transgender Federal Prisoners- Legal Framework	CBA SOGIC	1.5
7/10/2018	Drafting Pre-Contractual Agreements	CBA Skilled Lawyer Series	1.5
7/12/2018	Workplace Stress and Burnout	Lancaster Audio	1.5
7/19/2018	Marijuana in the Workplace	CBA Young Lawyers Section	1
7/24/2018	Drafting Intellectual Property Agreements	CBA Skilled Lawyer Series	1.5
8/1/2018	Environmental Assessment- Ministerial Decisions	CBA- Various Sections	1.5
8/2/2018	Mathematics and Legislation	Ian Rennie	1
8/7/2018	Drafting Asset Purchase Agreements	CBA Skilled Lawyer Series	1.5
8/21/2018	Drafting Indemnity Agreements	CBA Skilled Lawyer Series	1.5
8/23/2018	Update- National and Provincial Privacy Law	CBA Privacy and Access Section	1.5
8/30/2018	Trinity Western University S. C. Decisions	CBA SOGIC	1.5
9/4/2018	Avoiding Drafting Blunders	CBA Skilled Lawyer Series	1.5
9/10/2018	Trauma Informed Justice Worksop	Kim Barthel, Dr. Lori Haskel	8
9/12/2018	Legum Borealis NWT Law 1670-1955	Scott Duke	1
9/13/2018	Cannabis Legalization	Lancaster Audio	1.5
9/18/2018	Drafting Arbitration Clauses	CBA Skilled Lawyer Series	1.5
9/20/2018	Tax Rules - Mediating Separation and Divorce	Gillian Lee	1
9/25/2018	Active Adjudication	Sheldon Toner, Colin Baile	1
10/15/2018	The Cannabis Act	Charles Davison, Blair MacPherson	1
11/31/2018	Aboriginal Consultation and Northern Tribunals	John Donihee	1.5
11/15/2018	Absenteeism and Disabilities	Lancaster Audio	1.5
11/20/2018	Transmountain and Mikisew Cree SCC Decisions	John Donihee, Julie Abouchar	1.5

DISCIPLINE COMMITTEE REPORT

Sarah Kay, Chair

COMPLAINTS:

Our volume of complaints continues to remain consistent. Up to November 16, 2018, we have received nine complaints. After investigation, four were dismissed, two mediated resolutions, and three are still at the investigation stage. We also conducted one hearing stemming from a 2017 matter and one hearing regarding a bijurisdictional member in accordance with section 32 of the *Legal Profession Act*. The 2017 matter was heard early in 2018 before a Sole Inquirer and we are awaiting the decision

The concerns raised in our complaints continue to be failure to communicate, failure to effectively represent, excessive fees and conflict of interest. In terms of practise areas, the complaints have been focused primarily on those practising in the areas of criminal and family law and public sector lawyers.

A series of emails containing allegations of professional misconduct included the Law Society of the Northwest Territories in a list of respondents including all other law societies, the provincial and territorial attorney-general, the federal, provincial and territorial Ministers of Justice, the CBA and the FLSC. The matter was not found to be a complaint.

I am pleased to report that the Law Society met the National Discipline Standard time lines and requirements for all complaints filed in 2018 except one. That complaint has a number of extenuating circumstances.

DISCIPLINE ADMINISTRATORS CONFERENCE (DAC)

I attended the DAC conference in St. Andrew's, New Brunswick in October which is part of the Federation of Law Societies. DAC brings together all of the discipline administrators from all jurisdictions. This provides us with a wealth of knowledge, experience and expertise to draw on when required. This year's conference looked at the impact of #Me Too on Law Societies and the ability of law society's to respond to complaints involving sexual harassment which has seen an upswing in other jurisdictions, including looking at the adequacy of reporting mechanisms, prosecution of a complaint and procedural fairness. Other presentations included an update on Interim Suspension/Restriction Hearings, Cultural Competency in investigations and hearings, developing an effective tool kit for managing vexatious complainants (moderated by our own Glenn Tait) and social media evidence.

OTHER PROJECTS

Last year I identified desirability to developing an early intervention program. This has not progressed as much as I had hoped but will continue to be a priority for 2019. We are also looking at options for additional adjudicator training. Any amendments that may be required will also be considered during the review of the *Legal Profession Act*.

VOLUNTEERS

I continue to be very appreciative of the time and efforts of all Members who volunteer for the Discipline Committee. We should all be very proud of the work we do as volunteers – most other jurisdictions do this work through paid staff. The complaints are becoming more complex and the standards required of regulators are increasingly high. It is difficult and time consuming work.

However, discipline is some of the most critical work that we do to fulfil our mandate as a self-regulating profession. In assigning investigators, we try to make the process meaningful by ensuring that the investigator has some awareness and experience in the practice area that is the subject area of the complaint. We also have to manage conflicts and particularly, perceptions of conflict. As a consequence, this means that we have some volunteers who have not yet been called upon. We ask you to continue to volunteer – unfortunately it is only a matter of time until you are called upon. We also need more volunteers particularly in the areas of criminal and family.

My thanks also goes out to my Vice-Chair, Glen Rutland who has been called upon many times over the last year. And last but not least, I am grateful for the assistance and support of our staff in the Law Society Office: Glenn, Liz and Bob. Each of them is on the front line when clients call or come into the office. They have dealt with them with empathy and professionalism.

SOCIAL COMMITTEE

MEMBERS

The Social Committee is made up of the following individuals this year:

- Keelen Simpson (Chair)
- Christopher Buchanan
- Magnolia Unka-Wool
- Rylund Johnson
- Keith Sulzer
- Candace Seddon (Law Society Executive Representative)

The Law Society staff has also provided a tremendous amount of support and assistance to the Social Committee in planning and organising the events.

RESPONSIBILITIES

The Social Committee is responsible for planning and implementing the following events throughout the year:

- Bar and Bench BBQ (June/July)
- Meet the Students and New Associates (October)
- Christmas Dinner (December)

SUMMARY OF EVENTS

Bar and Bench BBQ

This year the **Bar and Bench BBQ** returned to the JTFN Bear's Den and was held on 17 July 2018. Overall the event went well. Approximately 47 people RSVP'd and 49 attended, including one Territorial Court Judge. Tickets were \$30 and included a drink ticket. The price of the tickets did not cover the entire cost of the event and the Law Society contributed \$955.33 in Social Committee funds. Robin Wasicuna from Twin Pine Diner catered and provided a wonderful selection of food. He was great to work with and everyone seemed to enjoy the meal. However, we did run out of mains for the last approximately 5 people, so this is something to address and ensure does not happen next year.

Meet the Students and New Associates

Meet the Students and New Associates was held on 23 October 2018 at Twist. The Law Society covered the appetizers for the event, for a total cost of \$531.55 (which includes GST and an 18% gratuity). There is no charge for the venue. There were 35 RSVPs for the

event. 28 people attended, including one Supreme Court Justice. This year 3 students and 4 new associates were presented. Glenn Tait MC'd the event. Before introducing the students and new associates, Kelly McLaughlin gave a brief speech on the Canadian Bar Association highlighting the plans the CBA NT branch has for the year, the lowered fees to be a CBA member, and the benefits of joining the CBA.

Last year Magnolia included a brief speech on the integration of reconciliation into law and our practice. Having a member of the legal community present on a topic that is of interest and benefit to us all, but that we might not all be aware of is a great addition to this event. I encourage next year's Social Committee to ensure another brief presentation is organized for the Meet the Students and New Associates event.

Upcoming Events

The **Christmas Dinner** will be held at the Chateau Nova on 14 December 2018. This year is the first year in quite a while that the Christmas Dinner will not be on the same day as the Law Society's AGM. This is due to the previous venue, the Black Knight, cancelling our reservation with 3 months' notice upon receiving a "more lucrative" offer. The Social Committee has not had a meeting to organize the event, but it is expected most planning will take place via email.

A request was made by the membership for another social event this year, specifically **curling**. This is something the Social Committee will look into hosting in the new year. Anyone with a passion for curling that is interested in assisting with organising this event is welcome to contact me.

Following this year's Meet the Students and New Associates, it was suggested that as a way to boost attendance at events, that any future correspondence on Social Committee planned events come from the Social Committee Chair. I will work with the Law Society to have this arranged for future events.

QUESTIONS, COMMENTS, AND SUGGESTIONS

Should you have any questions, comments, or suggestions about the Social Committee's activities, please feel free to send them to Keelen at keelen_simpson@gov.nt.ca.

RULES COMMITTEE REPORT

Matthew Yap, Chair

This year's Committee was composed of Jacques Roberge, Ed Gullberg and Matthew Yap, with Glenn Tait and Ian Rennie acting as the secretary and executive liaison respectively.

The Committee met on January 22, March 9, April 30, July 6, August 28, and October 4 and, with numerous matters addressed via e-mail.

COMMITTEE ACTIVITIES

Most of the Committee's work was carried over from 2017 and included the following:

MODEL RULES

The Committee analyzed and provided comments to the Federation of Law Societies of Canada Anti-Money Laundering and Terrorist Financial Working Group's *Final Report on the Model Rules* (October 2, 2017). A copy of the reply sent on March 12 on behalf of the Law Society is attached. The Federation responded to our comments on August 30 (also attached). In addition, the Committee had a conference call to discuss the Federation's response. To summarize that telephone conversation:

- The Model Rules allow for the use of an agent (role of a guarantor in the current Rules) but the Model Rules are vague in respect of who can be an agent. Our Rules can be more specific when amended, and can have requirements similar to the concept of the guarantor.
- Clarification was given that the added requirement of there being an agreement between the agent and lawyer can be done informally through an email or a letter.
- In the comments regarding s. 6(6) of the Model Rules, rather than "must", the verb should be "may". The obligation on the lawyer is set out in s. 6(1)(b) – and "may" should be used in s. 6(6) as it is listing any of a set of options but those options still do not override the obligation in s. 6(1). Our thinking is that this stems from a common drafting practice in other jurisdictions that "must", "may" and "shall" are often confused or synonymous.
- There is also reference to "guidance materials" that will not be available until October.

We are expecting a new draft of the Model Rules and the guidance materials from the Federation in late 2018. Once received, the Committee plans to study that iteration. At this time, the Committee is satisfied with the response and that the concerns raised in March have been addressed. It is likely that Part 5 (Accounts) and Part 6 (Client Identity and Verification) of the Rules will be revised in 2019 to accommodate the new Model Rules.

RULE AMENDMENTS

The following Rules amendments were prepared this year:

- (a) **AL-1.** Committee studied our rules respecting trust accounting (around rule 114). The Alberta Trust Rules were reviewed and are still being studied. Committee attempted to adjust the Alberta Rules to make them regional-specific but the Committee notes that the legislative foundations for the Alberta Rules are not the same as for the NWT. The Committee does not have an amendment ready at this time, but after the work to date a possible amendment may be ready in 2019.
- (b) **AL-2 and AL-3.**
 - i. Both Saskatchewan and New Brunswick have opted to recognize members of the *Barreau du Québec* trained in civil law as part of mobility into common law jurisdictions. The Executive studied this problem and concluded that the Society should follow Saskatchewan and New Brunswick. These amendments allow members of the *Barreau du Québec*, trained in civil law, who are not members of any other Canadian common law jurisdiction, to become full members of the Law Society. The Law Society will require Québec applicants to undertake a more extensive reading list to ensure they are familiar with the common law system.
 - ii. In addition, the amendment removed a special category of membership (Canadian Legal Advisor) for these persons.
 - iii. This amendment was passed by the Executive and came into force on 1 September 2018. At the time of writing of this report, at least one new member has been enrolled.

- (c) **AL-4.** In 2017 the Committee amended all of the Forms in the Rules with an aim to making them PDF fillable. Several members expressed concerns with the amendments. The Committee reviewed their suggestions and recommends additional amendments to the forms. The Committee thanks Margo Nightingale, Sheila MacPherson and Kelly McLaughlin for their suggestions. In the process of reviewing these amendments, further amendments were identified as follows:
- (1) new rule 18.1 is added to accommodate the reference to new Form 1.0. It is the Committee's belief that the Notice of Motion Form has to be prescribed under s. 8 of the *Legal Profession Act*; previously it was only locally generated;
 - (2) subrule 140(3) is amended so that the form need not appear in the Rules. This is the current practice so the amendment brings the Rules in line with practice;
 - (3) subrule 162(2) changes "certificate of status" to "certificate of standing" – there is also a change shown in Appendix 1 at item 7 – the reference to "certificate of status" also to be changed in item 7(h) of Schedule A. This amendment aims to improve consistency of use of terminology;
 - (4) paragraph (d) of item 1 in column IV is amended by changing the active membership fee amount from \$1,270 to \$1,250. This reflects a decision by the Executive to reduce this fee amount;
 - (5) Appendix 2 to AL-4 contains the following forms:
 - (a) Form 1.0 is added (Notice of Motion)
 - (b) Forms 2.1 and 2.3 are updated (insurance exemption certificate issue and correcting some fields)
 - (c) Form 2.4 is updated to accommodate members' comments
 - (d) Form 2.9 is updated (insurance exemption certificate issue)
 - (e) Form 2.15 removes reference to "under the Seal of the Law Society"
 - (f) Forms 2.21, 2.22 and 2.23 are updated (insurance exemption certificate issue)
- (d) The Committee recommends confirmation of AL-2, AL-3 and AL-4 in accordance with s. 8 of the *Legal Profession Act* and will make a Notice of Motion to that effect (Motion attached).

CONSOLIDATION

The Committee reviewed all online forms (both those prescribed by the Rules and locally generated forms). The primary aim of this review was to determine if the forms should be locally generated or if they should be prescribed in the Rules. Recommendations were made to the Executive Director on how to improve some of the locally generated forms. During this review, it became apparent that the amendment history of each prescribed form in the Rules was not present. The Committee has fixed this and when the new consolidation is generated all forms will have the amendment version history. This will require a regeneration of all prescribed PDF fillable forms superseding forms currently available online. Amendment history does not require any amendment.

WORK OUTSTANDING

For 2019, the Committee will

- continue work on AL-1 - Trust Accounting;
- review and implement the FLSC Model Rules on Client Identity and Verification; and
- follow closely the work of the Committee reviewing the *Legal Profession Act*.¹

CONCLUSION

This Committee continues to benefit from the assistance of the GNWT's Legislation Division. Glenn Tait and Ian Rennie deserve special recognition this year for the many, many hours devoted to the drafting, reviewing and revising of the Rules.

The Committee invites members who are interested in its work and in the function of the Law Society to consider volunteering for the Committee, including members from the private Bar.

¹ That Committee's work is expected to give rise to a complete revision of the Rules.

Bob Wilson

From: Glenn Tait
Sent: Monday, March 12, 2018 9:41 AM
To: karen_wilford
Cc: Ed Gullberg; Ian Rennie; Jacques Roberge; Matthew Yap
Subject: LSNWT response on Model Rules

Karen, at its most recent meeting of February 9, the Law Society of the Northwest Territories Rules Committee considered the three Model Rules which were contained in the October 2, 2017 Consultation Paper from the Anti-Money Laundering and Terrorist Financing Working Group.

Model Rule on Cash Transactions

The Committee had no concerns with this Model Rule.

Model Trust Accounting Rule

The Committee suggest that the word “practical” in Rule #2 should more properly be “practicable”, consistent with *Fowlers Modern English Usage*.

Model Rule on Client identification and Verification Requirements

The Committee has grave concerns about the adoption of this proposed Rule. Specifically, the deletion of the non face-to-face verification provisions in paragraph 6(4) are unacceptable. In this jurisdiction, where fully 50% of clients reside in communities other than those of their lawyers, it is impossible to conduct face to face verification. The existing provisions, which provided for designated occupations to be guarantors, worked well, as there would be, in every community, at least a school principal and an RCMP officer. Should the proposed rules be adopted as drafted, there is a strong possibility it will not be adopted by this NWT, as this proposal is not reflective of the realities of practicing in the north.

We recognize that replacing those provisions makes the Model Rule consistent with the federal scheme. However, this change, if adopted, will create an access to justice issues in this jurisdiction. Furthermore, this process puts the onus of verification squarely on the lawyer. It requires the lawyer to determine who are “reliable sources”. It is easy to imagine an unscrupulous client bringing forward two equally unscrupulous associates to act as reliable sources. It also leaves a lawyer’s discretion in determining “reliable sources” subject to second-guessing after the fact. The current rule gives specific examples of who can objectively be seen as reliable – there is no such clarity in the proposed amendments.

Similarly, the model rule contains a presumption that confirmation from lawyers from an affiliated or allied law firm is acceptable, while identify confirmation from lawyers from an unaffiliated law firm located in a different community is not. This illogical distinction suggests that lawyers in large firms are inherently more trustworthy than lawyers in small firms or sole practitioners, a view that the Federation should not be supporting.

In addition to these grave substantive concerns, the Committee has identified a number of drafting/grammar/consistency concerns:

In a number of locations, the rule uses “provincial” or “province”. Those references should be more properly to “province or territory” or Provincial or territorial”

Also, the drafting is inconsistent in the use of “their”. In some cases, that term is used in place of “his or her”. In other instances, the term “his or her” is used. The usage, we suggest, should be consistent.

In paragraph 1, the definition of “electronic funds transfer” there is a reference to the “Financial Action Task Force”. That term is not defined.

The definition of “lawyer” is not needed in the NWT as that term is already defined in our Rules.

The definition of “organization” – the word “means” should be replaced with “includes”, so the definition is inclusive, rather than exclusive.

“Income Tax Act” should be underlined or in italics in the definition of “reporting issuer”

In paragraph 2(2)(b) there is a drafting issue. The Committee suggests that the clause should read:

- ...a lawyer, when the client’s lawyer has complied with sections 3 through 9,
- (i) who is engaged as an agent by the lawyer for a client to provide legal services to the client, or
 - (ii) to whom a matter for the provision of legal services is referred by the lawyer for a client;
- or

In paragraph 6(2), the word “shall” should be replaced by “may”.

In paragraph 6(10), there is a drafting issue. The Committee suggest that clause should read:

- A lawyer shall, upon engaging in or giving instructions in respect of any of the activities described in section 4, verify the identity of
- (a) a client who is an individual; and
 - (b) an individual authorized to provide and give instruction on behalf of an organization with respect to the matter for which the lawyer is retained.

In paragraph 6(12) the recommendation is:

A lawyer shall verify the identity of a client that is an organization not later than 30 days after engaging in or giving instructions in respect of any of the activities described in section 4.

In paragraph 7(3) the words “at least” can be deleted

The Committee proposes that paragraph 11 of the model rule be deleted, and that paragraph 9(1) be amended to cover paragraph 10:

In the course of obtaining the information and taking the steps required in sections 3 or subsections 6(1) or 6(3) or section 10, a lawyer knows or ought to know that he or she is or would be assisting a client in fraud or other illegal conduct, the lawyer **shall** ~~must~~ withdraw from representation of the client.

Paragraph 10(a) is recommended to be changed to read:

- ...monitor on a periodic basis the professional business relationship with the client for the purposes of
- (i) determining whether the following are consistent with the purpose of the retainer and the information obtained about the client as required by this Rule:
 - (A) the client’s information in respect of his or her activities,
 - (B) the client’s information in respect of the source of the funds described in section 4, and
 - (C) the client’s instructions in respect of transactions;

- and
(ii) ensuring that the lawyer is not assisting in or encouraging dishonesty, fraud, crime or illegal conduct.

Karen, if you have any questions about this, please contact me.

Thanks

Glenn Tait
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Law Society of the Northwest Territories
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<https://www.lawsociety.nt.ca/>

Bob Wilson

From: Frederica Wilson <FWilson@flsc.ca>
Sent: Thursday, August 30, 2018 10:01 AM
To: karen_wilford
Subject: Model AML Rules

Hi.

As promised, I reviewed the feedback received from the LSNWT and the final version of the Client Identification rule.

From the original feedback, it looks like the most serious concern expressed by the law society relates to non-face-to-face verification:

The Committee has grave concerns about the adoption of this proposed Rule. Specifically, the deletion of the non-face-to-face verification provisions in paragraph 6(4) are unacceptable. In this jurisdiction, where fully 50% of clients reside in communities other than those of their lawyers, it is impossible to conduct face to face verification. The existing provisions, which provided for designated occupations to be guarantors, worked well, as there would be, in every community, at least a school principal and an RCMP officer. Should the proposed rules be adopted as drafted, there is a strong possibility it will not be adopted by this NWT, as this proposal is not reflective of the realities of practicing in the north.

As I mentioned during our call, the original draft amendment did not actually require face-to-face verification by the lawyer. The rule was, however reorganized and the existing provisions referring to the use of guarantors was deleted. In their place, Rule 6(2) now specifies that the lawyer may use an agent to verify a client's identity. There is no restriction on who may act as an agent – it could certainly be a school principal or RCMP agent, as was the case under the former “guarantor” scheme. The rule does require that the lawyer have a written agreement with the agent and that the lawyer obtain from the agent the information used to verify identity. Under the former rule, the guarantor was required to provide an attestation on a photocopy of the document used to verify identity. At the end of the day the only truly substantive change is the requirement for an agreement between the agent and the lawyer. You will see that the rule doesn't set out any requirements for the agreement other than it be in writing. In the circumstances, an email between the lawyer and the agent would satisfy the requirement.

The law society also raised a concern about the reference to reliable source documents. The feedback doesn't identify the rule number, but I understand the comment to refer to the original proposed amendment to rule 6(2) and perhaps 6(1).

...Furthermore, this process puts the onus of verification squarely on the lawyer. It requires the lawyer to determine who are “reliable sources”. It is easy to imagine an unscrupulous client bringing forward two equally unscrupulous associates to act as reliable sources. It also leaves a lawyer's discretion in determining “reliable sources” subject to second-guessing after the fact. The current rule gives specific examples of who can objectively be seen as reliable – there is no such clarity in the proposed amendments.

The final rule amendment has removed the reference to verifying identification using “documents or information from a reliable, independent source” in rule 6(1). Section 6(1)(b) now specifies that verification must be done using the documents or information described in section 6(6). Sections

6(6)(a)(iii)(A) and (B) do refer to “a reliable source”. Although this does imply that the lawyer must exercise judgment I would note that while the existing rule provides examples of independent source documents, it also explicitly requires the lawyer to exercise judgment in determining whether a document is reliable.

6. (1) When a lawyer is engaged in or gives instructions in respect of any of the activities described in section 4, including non-face-to-face transactions, the lawyer shall take reasonable steps to verify the identity of the client, including the individual(s) described in section 3, clause (f)(ii), and, where appropriate, the third party, using what the lawyer reasonably considers to be reliable, independent source documents, data or information.

The members of the working group understand that guidance is required on what constitutes a “reliable source” and we be addressing that issue in the guidance materials we are preparing (a draft of which we hope to have ready for the October meeting).

Of the other issues raised by the LSNWT, we addressed both the issues of referring to provinces and territories, the use of “their” in various places in the rule, and a number of the other drafting suggestions.

I look forward to the opportunity to speak with you and others about the law society’s concerns.

Warm regards,

Frederica Wilson

*Executive Director, Policy and Public Affairs and Deputy CEO /
Directrice générale des politiques et affaires publiques, et première dirigeante adjointe*

**Federation of Law Societies of Canada /
Fédération des ordres professionnels de juristes du Canada**

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LEGAL PROFESSION ACT
RULES OF THE LAW SOCIETY
OF THE NORTHWEST TERRITORIES, amendment

The Executive of the Law Society of the Northwest Territories, under section 8 of the *Legal Profession Act* and every enabling power, orders that the *Rules of the Law Society of the Northwest Territories*, established by regulation numbered R-044-2012, are amended by these regulations.

1. Rule 33 is amended by repealing the definition "Canadian legal advisor".
2. The heading immediately before rule 52 and rule 52 are repealed.
3. Subrule 53(7) is amended by striking out "who is not a Canadian Legal Advisor".
4. Paragraph 56(7)(a) is amended by striking out "a Restricted Appearance Certificate in Form 2.17 or a Canadian Legal Advisor Certificate in Form 2.18" and substituting "or a Restricted Appearance Certificate in Form 2.17".
5. Subrule 68(2) is repealed.
6. Rule 138 is amended by repealing the definition "governing body" and substituting the following:
"governing body" means
 - (a) the Law Society or Barristers' Society in a Canadian common law jurisdiction, or
 - (b) the *Barreau du Québec*.
7. Schedule A is amended by striking out item 4.
8. Schedule B is amended by
 - (a) striking out "common law degree" in each of the following and substituting "law degree"
 - (i) item 3 of Form 2.1;
 - (ii) item 3 of Form 2.12;
 - (b) repealing Form 2.13 and Form 2.18.
9. These regulations come into force September 1, 2018.

Alex Godfrey
President

LEGAL PROFESSION ACT
RULES OF THE LAW SOCIETY
OF THE NORTHWEST TERRITORIES, amendment

The Executive of the Law Society of the Northwest Territories, under section 8 of the *Legal Profession Act* and every enabling power, orders that the *Rules of the Law Society of the Northwest Territories, amendment* established by regulation numbered R-005-2014, is amended by these regulations.

1. Sections 1 and 5 are repealed.
2. These regulations come into force September 1, 2018.

Alex Godfrey
President

LEGAL PROFESSION ACT
RULES OF THE LAW SOCIETY
OF THE NORTHWEST TERRITORIES, amendment

The Executive of the Law Society of the Northwest Territories, under section 8 of the *Legal Profession Act* and every enabling power, orders that the *Rules of the Law Society of the Northwest Territories, amendment* established by regulation numbered R-005-2014, is amended by these regulations.

1. The following is added after rule 18:

18.1. Any motion tabled at the Society's annual general meeting must be presented in a Notice of Motion in Form 1.0.

2. Paragraph 49(e) is repealed and the following is substituted:

- (e) if applicable, payment of the insurance levy, or if the applicant is exempt under subrule 119(4), proof that he or she
 - (i) is covered by errors and omissions insurance referred to in paragraph 119(4)(a),
 - (ii) is exempt under paragraph 119(4)(b), or
 - (iii) has submitted an undertaking under paragraph 119(4)(c).

3. Subrule 140(3) is amended by striking out "in a prescribed form" and substituting "in a form approved by the Executive,".

4. Subrule 162(2) is amended by striking out "certificate of status" and substituting "certificate of standing".

5. Schedule A is amended to the extent set out in Appendix 1 to these regulations.

6. Schedule B is amended to the extent set out in Appendix 2 to these regulations.

Alex Godfrey
President

APPENDIX 1

1. (1) The description in item 1 preceding paragraph (a) "Regular Members" is struck out and replaced by "Member".

(2) Paragraph (d) of item 1 in column IV is amended by striking out the amount "1270" and substituting "1250".

2. Item 7 is amended in paragraph (h) by striking out "Certificate of status" and substituting "Certificate of standing".

APPENDIX 2

1. The following Form is added before Form 1.1:

Motion No. _____

INSTRUCTIONS

1. Ensure that motions are legible, clear and concise.
2. Notice of Motion must be signed by the Mover and the Seconder
3. Amendments to Notice of Motion must be made on separate Notice of Motion.
4. Notices of Motion must be returned to Executive Director once voting is complete.

Moved by:

Seconded by:

Dated at _____ on _____, 20 _____

Mover

Seconder

2. Forms 2.1 and 2.3 are repealed and the following forms substituted:

**APPLICATION FOR
ADMISSION AS MEMBER**
(Paragraph 40(1)(a))

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____ apply for admission as an active inactive
(full name)
member of the Law Society of the Northwest Territories.

1. My contact address is:

City/Town: _____ Territory/Province: _____ Postal Code: _____
 Telephone: _____ Fax: _____
 Email: _____

For active members, your name and contact information will be published in the member directory of the website of the Law Society of the Northwest Territories. This information cannot be withheld (see s. 14 *Legal Profession Act* and rules 34-38).

2. My date of birth is: _____
(YYYY-MM-DD)

3. I received a common law degree from _____ on _____
(name of university) *(YYYY-MM-DD)*

4. (1) I am or have been a member of the following law societies, or comparable bodies, for the following periods of time:

_____	from	_____	to	_____
_____	from	_____	to	_____
_____	from	_____	to	_____

(2) I have been actively engaged in practising law in the following jurisdictions for the following periods of time:

_____	from	_____	to	_____
_____	from	_____	to	_____
_____	from	_____	to	_____

(3) No disciplinary proceedings are pending or have been taken against me as a member of the societies or bodies listed in subsection (1) except:

N/A
[check if not applicable]

(4) The results of any disciplinary proceedings taken against me were:

N/A
[check if not applicable]

(5) No claims for lawyer's professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1), other than:

N/A
[check if not applicable]

(6) The results of any claims for lawyer's professional liability insurance made against me were:

N/A
[check if not applicable]

5. I am presently practising law with

(name)

(address)

6. I will be practicing law in:

(name of jurisdiction(s))

7. (1) Instructions: Please respond to the following statements by marking YES or NO:

- | | | |
|--|------------------------------|-----------------------------|
| (a) I have since attaining 18 years of age been convicted of an offence under the <i>Criminal Code</i> , the <i>Controlled Drugs and Substances Act</i> , the <i>Income Tax Act</i> , the <i>Income Tax Act (Canada)</i> , the <i>Bankruptcy and Insolvency Act</i> , the <i>Excise Tax Act</i> , legislation of any province or territory respecting securities or income tax or any legislation similar to any of the foregoing in any other jurisdiction. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (b) I have been adjudged a bankrupt in a legal proceeding. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (c) I have changed my name. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (d) I have had a civil judgment made against me relating to fraud. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (e) I am a judgment debtor. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (f) I have been found guilty in a disciplinary action instituted against me as a member of a professional organization. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| (g) I have been held in civil contempt. | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

(2) I have attached full particulars in respect of each affirmative response to the statements set out in paragraphs (a) to (g).

8. Annexed to this application are:

- (a) two letters of good character from members in good standing of a provincial or territorial law society or a comparable body of which the applicant is a member, or from judges of a provincial, territorial or superior court of the jurisdiction of the law society or body of which the applicant is a member;
- (b) a certificate from each provincial or territorial law society or comparable body of which I am a member dated not earlier than 45 days before the presentation of the application, stating
 - (i) my standing,
 - (ii) the period of time during which I have been listed as an active member of the society or body,
 - (iii) whether disciplinary proceedings are pending against me,
 - (iv) the nature and disposition of any disciplinary action that has been taken against me;
- (c) an Accountant's Report in Form 2.2 or my or an Application and Lawyer's Undertaking in Form 2.3 or a statement indicating the applicant indicating that I am
 - (i) joining a partnership that, or am becoming associated with a member who, has filed a Certificate of Accountant and Member in Form 2.4, or
 - (ii) becoming associated with a member who has filed a Certificate of Accountant and Member in Form 2.4;
- (d) if applicable, the insurance levy or proof of coverage or my Insurance Exemption Certificate and Undertaking attached;
- (e) if applicable, payment of the assurance fund levy;
- (f) payment of admission and annual fees as set out in Schedule A.

9. I certify that the information I have provided in or annexed to this application is correct.

10. I undertake with the Law Society of the Northwest Territories that I will, during my enrolment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the Legal Profession Act, the Rules of the Law Society of the Northwest Territories and the requirements of the Law Society.

11. I authorize the Law Society of the Northwest Territories to make enquiries of any person, other law societies, any government, any official or body, including the police or academic authority, with regard to any of the statements in this application or in any document provided in connection with this application. I authorize any law society of which I am or ever have been a member or any other persons or organizations enquired of, under this authorization, to provide all information requested.

12. I consent to receiving emails from the Law Society of the Northwest Territories apprising members and other interested parties of relevant information such as, but not limited to, key dates, meetings, events, general community notices and professional development opportunities. I understand that I may withdraw my consent at any time by clicking the "unsubscribe" link at the bottom of the emails. I understand that if I unsubscribe from the emails I assume full and sole responsibility for regularly visiting the website of the Society for regulatory and other Notices as well as general information relevant to my membership in the Society.

Dated at _____ on _____, 20 _____

(signature of applicant)

The personal information collected in this form will be used by the Law Society of the Northwest Territories for one or more purposes contemplated by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories*, the *Code of Professional Conduct*, or a resolution of the Executive, and will be accessible to all departments of the Law Society and where applicable the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Society, now or in the future, for regulatory purposes, including Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact the Executive Director of the Law Society at (867) 873-3828.

APPLICATION AND LAWYER'S UNDERTAKING
(Paragraphs 40(1)(d), 49(d), 51(2)(d), 52(2)(e), 57(2)(c), 82(1)(a),
83(1)(c) and 104(1)(a))

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____
(full name)

UNDERTAKE THAT:.

(Select those boxes that apply)

- I am applying for membership in the Law Society of the Northwest Territories.
- I am applying for a change of status from an inactive to an active member of the Law Society.
- I will be practising law with a firm that maintains a trust account in the Northwest Territories.

I will not maintain a clients' trust account in the Northwest Territories with respect to this membership.

If I do set up a client's trust account in the Northwest Territories, I will immediately notify the Law Society and I will comply with the Rules of the Law Society of the Northwest Territories and any other requirements of the Law Society.

I make this undertaking in place of completing an Accountant's Report in Form 2.2 under the Rules of the Law Society of the Northwest Territories, conscientiously believing it to be true.

Dated at _____ on _____, 20 _____

(signature of applicant lawyer)

**INSURANCE EXEMPTION
CERTIFICATE AND UNDERTAKING**
(Form 2.1)

TO: The Executive
Law Society of the Northwest Territories

I, _____ CERTIFY THAT
(print or type name)

- 1. I am applying for membership in the Law Society of the Northwest Territories.
- 2. I am employed by, and my professional services are provided exclusively to:
 - (a) a government agency; or
 - (b) an employer who does not practice law.
- 3. I do not render or will not be rendering legal services of any kind to the public in the Northwest Territories with the possible exception of: providing *pro bono* professional services to the public through the Law Line Program or a similar program approved by the Law Society of the Northwest Territories.

- OR -

- 1. I am applying for membership in the Law Society of the Northwest Territories.
- 2. I do not ordinarily reside or carry out my principal practice of law in the Northwest Territories.
- 3. I am covered by errors and omissions insurance which provides indemnification to a minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and which covers my practice of the law in the Northwest Territories, which insurance is carried through the following insurer or Law Society:

- 4. I will provide further information, upon request, respecting my insurance coverage.

I UNDERTAKE to notify the Law Society immediately if there is a change in my status such that the foregoing statements are no longer applicable.

Dated at _____ on _____, 20 _____

(signature)

3. (1) Form 2.4 is amended by striking out item 4 and substituting the following:

4. In addition to its main office in the Northwest Territories, is this law practice carried on at more than one location: Yes No

Are any of these other locations within the Northwest Territories? Yes No N/A

Are any of these other locations in other provinces or territories of Canada other than the Northwest Territories? Yes No N/A

Are any of these other locations outside of Canada? Yes No N/A

(2) Form 2.4 is amended by striking out "If not" in item 5 and substituting "If no".

4. Form 2.9 is repealed and the following substituted:

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____ apply for admission as a member of the
(full name)
Law Society of the Northwest Territories.

1. My contact address is:

City/Town: _____ Territory/Province: _____ Postal Code: _____
Telephone: _____ Fax: _____
Email: _____

For active members, your name and contact information will be published in the member directory of the website of the Law Society of the Northwest Territories. This information cannot be withheld (see s. 14 *Legal Profession Act* and rules 34-38).

2. My date of birth is: _____
(YYYY-MM-DD)

3. I was admitted to the Law Society of _____ as a student-at-law on _____
_____ day of _____, 20_____.

4. Annexed to this application are:

- (a) if applicable, my declaration respecting service under my articles of clerkship;
- (b) if applicable, the declaration of my principal (or principals) respecting service under my articles of clerkship;
- (c) proof that I have successfully completed the bar admission course as required by the Executive Committee of the Law Society;
- (d) an Accountant's Report in Form 2.2 or my Application and Lawyer's Undertaking in Form 2.3 or a statement indicating that I am joining a partnership that, or am becoming associated with a member who, has filed a Certificate of Accountant and Member in Form 2.4;
- (e) the insurance levy or my Insurance Exemption Certificate and Undertaking attached;
- (f) the assurance fund levy;
- (g) the prescribed application, admission and annual fees.

5. I certify that the information I have provided in or annexed to this application is correct.

6. I undertake with the Law Society of the Northwest Territories that I will, during my enrolment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories* and the requirements of the Law Society.

7. I authorize the Law Society of the Northwest Territories to make enquiries of any person, other law societies, any government, any official or body, including the police or academic authority, with regard to any of the statements in this application or in any document provided in connection with this application. I authorize any law society of which I am or ever have been a member or any other persons or organizations enquired of, under this authorization, to provide all information requested.

8. I consent to receiving emails from the Law Society of the Northwest Territories apprising members and other interested parties of relevant information such as, but not limited to, key dates, meetings, events, general community notices and professional development opportunities. I understand that I may withdraw my consent at any time by clicking the "unsubscribe" link at the bottom of the emails. I understand that if I unsubscribe from the emails I assume full and sole responsibility for regularly visiting the website of the Society for regulatory and other Notices as well as general information relevant to my membership in the Society.

Dated at _____ on _____, 20 _____

(signature of applicant)

The personal information collected in this form will be used by the Law Society of the Northwest Territories for one or more purposes contemplated by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories*, the *Code of Professional Conduct*, or a resolution of the Executive, and will be accessible to all departments of the Law Society and where applicable the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Society, now or in the future, for regulatory purposes, including Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact the Executive Director of the Law Society at (867) 873-3828.

**INSURANCE EXEMPTION
CERTIFICATE AND UNDERTAKING**
(Form 2.9)

TO: The Executive
Law Society of the Northwest Territories

I, _____ CERTIFY THAT
(print or type name)

- 1. I am a student-at-law and am applying for membership in the Law Society of the Northwest Territories.
- 2. I am or will be employed by, and my professional services are or will be provided exclusively to:
 - (a) a government agency; or
 - (b) an employer who does not practice law.
- 3. I do not render or will not be rendering legal services of any kind to the public in the Northwest Territories with the possible exception of: providing *pro bono* professional services to the public through the Law Line Program or a similar program approved by the Law Society of the Northwest Territories.

- OR -

- 1. I am a student-at-law and am applying for membership in the Law Society of the Northwest Territories.
- 2. I do not ordinarily reside or carry out my principal practice of law in the Northwest Territories.
- 3. I am covered by errors and omissions insurance which provides indemnification to a minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and which covers my practice of the law in the Northwest Territories, which insurance is carried through the following insurer or Law Society:

- 4. I will provide further information, upon request, respecting my insurance coverage.

I UNDERTAKE to notify the Law Society immediately if there is a change in my status such that the foregoing statements are no longer applicable.

Dated at _____ on _____, 20 _____

(signature)

- 5. Form 2.15 is amended by striking out "under the Seal of the Law Society".**
- 6. Forms 2.21, 2.22 and 2.23 are repealed and the following are substituted:**

**APPLICATION FOR CHANGE OF STATUS
FROM INACTIVE TO ACTIVE MEMBER**
(Paragraph 57(2)(a))

TO: The Secretary
Law Society of the Northwest Territories

I, _____, of _____ apply change my status from an inactive member to an
(full name)
active member of the Law Society of the Northwest Territories.

1. My contact address is:

City/Town: _____ Territory/Province: _____ Postal Code: _____
Telephone: _____ Fax: _____
Email: _____

For active members, your name and contact information will be published in the member’s directory of the website of the Law Society of the Northwest Territories. This information cannot be withheld (see s. 14 *Legal Profession Act* and rules 34-38).

2. I have been an inactive member since _____

3. I will be principally practising law in: _____
(name of jurisdiction)

4. As an active member, I will be practising law with the following firm or employer or under the following firm name and address:

City/Town: _____ Territory/Province: _____ Postal Code: _____
Telephone: _____ Fax: _____
Email: _____

5. (1) I am or have been a member of the following law societies, or comparable bodies, for the following periods of time:

_____ from _____ to _____
_____ from _____ to _____
_____ from _____ to _____

(2) Since the later of my Application for Admission in Form 2.1 or my last Application for Renewal or Reinstatement in Form 2.22, I have been actively engaged in practising law in the following jurisdictions for the following periods of time:

_____ from _____ to _____
_____ from _____ to _____
_____ from _____ to _____

(3) Since the later of my Application for Admission in Form 2.1 or my last Application for Renewal or Reinstatement in Form 2.22, no disciplinary proceedings are pending or have been taken against me as a member of the societies or bodies listed in subsection (1), other than:

(4) The results of any disciplinary proceedings taken against me were:

(5) Since the later of my Application for Admission in Form 2.1 or my last Application for Renewal or Reinstatement in Form 2.22, no claims for lawyer's professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1), other than:

(6) The results of any claims for lawyer's professional liability insurance listed in subsection (5) were:

6. Annexed to this application are

- (a) a certificate from each provincial or territorial law society of which I am a member stating
 - (i) my standing,
 - (ii) the period of time during which I have been listed as an active member of the society or body,
 - (iii) whether disciplinary proceedings are pending against me, and
 - (iv) the nature and disposition of any disciplinary action that has been taken against me;
- (c) an Accountant's Report in Form 2.2 or my Application and Lawyer's Undertaking in Form 2.3 or a statement indicating that I am joining a partnership that, or becoming associated with a member who, has filed a Certificate of Accountant and Member in Form 2.4;
- (d) the insurance levy or my Insurance Exemption Certificate and Undertaking attached;
- (e) the assurance fund levy; and
- (f) the prescribed application and admission fees.

7. I certify that the information I have provided in or annexed to this application is correct.

8. I undertake with the Law Society of the Northwest Territories that I will, during my enrolment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories* and the requirements of the Law Society.

9. I authorize the Law Society of the Northwest Territories to make enquiries of any person, other law societies, any government, any official or body, including the police or academic authority, with regard to any of the statements in this application or in any document provided in connection with this application. I authorize any law society of which I am or ever have been a member or any other persons or organizations enquired of, under this authorization, to provide all information requested.

10. I consent to receiving emails from the Law Society of the Northwest Territories apprising members and other interested parties of relevant information such as, but not limited to, key dates, meetings, events, general community notices and professional development opportunities. I understand that I may withdraw my consent at any time by clicking the "unsubscribe" link at the bottom of the emails. I understand that if I unsubscribe from the emails I assume full and sole responsibility for regularly visiting the website of the Society for regulatory and other Notices as well as general information relevant to my membership in the Society.

Dated at _____ on _____, 20 _____

(signature of applicant)

The personal information collected in this form will be used by the Law Society of the Northwest Territories for one or more purposes contemplated by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories*, the *Code of Professional Conduct*, or a resolution of the Executive, and will be accessible to all departments of the Law Society and where applicable the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Society, now or in the future, for regulatory purposes, including Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact the Executive Director of the Law Society at (867) 873-3828.

**INSURANCE EXEMPTION
CERTIFICATE AND UNDERTAKING**
(Form 2.21)

TO: The Executive
Law Society of the Northwest Territories

I, _____ CERTIFY THAT
(print or type name)

- 1. I am an inactive member and am applying to change my status from inactive to active in the Law Society of the Northwest Territories.
- 2. I am employed by, and my professional services are provided exclusively to:
 - (a) a government agency; or
 - (b) an employer who does not practice law.
- 3. I do not render or will not be rendering legal services of any kind to the public in the Northwest Territories with the possible exception of: providing *pro bono* professional services to the public through the Law Line Program or a similar program approved by the Law Society of the Northwest Territories.

- OR -

- 1. I am an inactive member and am applying to change my status from inactive to active in the Law Society of the Northwest Territories.
- 2. I do not ordinarily reside or carry out my principal practice of law in the Northwest Territories.
- 3. I am covered by errors and omissions insurance which provides indemnification to a minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and which covers my practice of the law in the Northwest Territories, which insurance is carried through the following insurer or Law Society:

- 4. I will provide further information, upon request, respecting my insurance coverage.

I UNDERTAKE to notify the Law Society immediately if there is a change in my status such that the foregoing statements are no longer applicable.

Dated at _____ on _____, 20____

(signature)

**NOTICE TO PAY ANNUAL FEES AND
ASSURANCE LEVY**
(Paragraph 58(1)(a))

TAKE NOTICE that your annual fee and assurance fund levy for the year beginning April 1, 20 ____ and ending March 31, 20 ____ is required under the Rules of the Law Society to be paid on or before March 31, 20 ____ by cheque made payable to "The Law Society of the Northwest Territories" as follows:

- (a) The amount payable by an active member is \$ _____, consisting of the following:
 - (i) annual fee \$ _____
 - (ii) assurance fund levy \$ _____
 - (iii) applicable taxes \$ _____

- (b) The amount payable by an inactive member is \$ _____, consisting of the following:
 - (i) annual fee \$ _____
 - (ii) applicable taxes \$ _____

TAKE NOTICE that the assurance fund levy is payable by each active member, whether a resident or non-resident member of the Law Society.

AND FURTHER TAKE NOTICE that each active member who is applying for an exemption from payment of the annual professional liability insurance levy must also complete and submit the attached Insurance Exemption Certificate and Undertaking.

AND FURTHER TAKE NOTICE that any member who fails to complete the attached Application for Renewal in Form 2.23 or fails to pay the required fee and levy on or before March 31, 20 ____ is, without further notice, automatically suspended as a member.

Dated at _____ on _____, 20 ____

Secretary

APPLICATION FOR RENEWAL

(Paragraphs 59(1)(a) and 82(1)(c))

TO: The Secretary

Law Society of the Northwest Territories

I, _____, of _____ apply for renewal as an active inactive
(full name)
 member of the Law Society of the Northwest Territories.

1. My contact address is:

City/Town: _____ Territory/Province: _____ Postal Code: _____
 Telephone: _____ Fax: _____
 Email: _____

For active members, the information above will be published in the member directory of the website of the Law Society of the Northwest Territories. This information cannot be withheld (see s. 14 *Legal Profession Act* and rules 34-38).

2. I am presently practising law with the following firm or employer or under the firm name with address:

3. (1) I am or have been a member of the following law societies, or comparable bodies, for the following periods of time:

_____	from	_____	to	_____
_____	from	_____	to	_____
_____	from	_____	to	_____

(2) During the past year, I have been actively engaged in practising law in the following jurisdictions for the following periods of time:

_____	from	_____	to	_____
_____	from	_____	to	_____
_____	from	_____	to	_____

(3) No disciplinary proceedings are pending or have been taken against me as a member of the societies or bodies listed in subsection (1) except:

N/A
[check if not applicable]

(4) The results of any disciplinary proceedings taken against me were:

N/A
[check if not applicable]

(5) No claims for lawyer’s professional liability insurance are pending or have been made against me as a member of the societies or bodies listed in subsection (1), other than:

N/A
[check if not applicable]

(6) The results of any claims for lawyer’s professional liability insurance made against me were:

N/A
[check if not applicable]

4. Annexed to this application are

- (a) a continuing professional development report and plan in a form approved by the Executive;
- (b) a certificate, in a form approved by the Executive, certifying the existence of circumstances entitling the member to an exemption under subrule 119(4), if applicable;
- (c) the insurance levy or my Insurance Exemption Certificate and Undertaking attached;
- (d) the assurance fund levy, if applicable; and
- (e) the prescribed application and admission fees, including reinstatement fee if member is suspended.

5. I certify that the information I have provided in or annexed to this application is correct.

6. I undertake with the Law Society of the Northwest Territories that I will, during my enrolment, well and faithfully keep and perform all my obligations as a barrister and solicitor and as a member of the Society and abide by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories* and the requirements of the Law Society.

7. I authorize the Law Society of the Northwest Territories to make enquiries of any person, other law societies, any government, any official or body, including the police or academic authority, with regard to any of the statements in this application or in any document provided in connection with this application. I authorize any law society of which I am or ever have been a member or any other persons or organizations enquired of, under this authorization, to provide all information requested.

8. I consent to receiving emails from the Law Society of the Northwest Territories apprising members and other interested parties of relevant information such as, but not limited to, key dates, meetings, events, general community notices and professional development opportunities. I understand that I may withdraw my consent at any time by clicking the "unsubscribe" link at the bottom of the emails. I understand that if I unsubscribe from the emails I assume full and sole responsibility for regularly visiting the website of the Society for regulatory and other Notices as well as general information relevant to my membership in the Society.

Dated at _____ on _____, 20 _____

(signature of applicant)

The personal information collected in this form will be used by the Law Society of the Northwest Territories for one or more purposes contemplated by the *Legal Profession Act*, the *Rules of the Law Society of the Northwest Territories*, the *Code of Professional Conduct*, or a resolution of the Executive, and will be accessible to all departments of the Law Society and where applicable the Alberta Lawyers Insurance Association. The information may be used or disclosed by the Society, now or in the future, for regulatory purposes, including Society investigations and proceedings. We may contact you to obtain additional information, or to obtain clarification on the information you provided. Should you have any questions about the collection, use or disclosure of this information, please contact the Executive Director of the Law Society at (867) 873-3828.

**INSURANCE EXEMPTION
CERTIFICATE AND UNDERTAKING**
(Form 2.23)

TO: The Executive
Law Society of the Northwest Territories

I, _____ CERTIFY THAT
(print or type name)

- 1. I am an active member or am applying for membership in the Law Society of the Northwest Territories.
- 2. I am employed by, and my professional services are provided exclusively to
 - (a) a government agency; or
 - (b) an employer who does not practice law.
- 3. I do not render or will not be rendering legal services of any kind to the public in the Northwest Territories with the possible exception of: providing *pro bono* professional services to the public through the Law Line Program or a similar program approved by the Law Society of the Northwest Territories.

- OR -

- 1. I am an active member or am applying for membership in the Law Society of the Northwest Territories.
- 2. I do not ordinarily reside or carry out my principal practice of law in the Northwest Territories.
- 3. I am covered by errors and omissions insurance which provides indemnification to a minimum of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and which covers my practice of the law in the Northwest Territories, which insurance is carried through the following insurer or Law Society:

- 4. I will provide further information, upon request, respecting my insurance coverage.

I UNDERTAKE to notify the Law Society immediately if there is a change in my status such that the foregoing statements are no longer applicable.

Dated at _____ on _____, 20 _____

(signature)

Motion No. _____

INSTRUCTIONS

1. Ensure that motions are legible, clear and concise.
2. Notice of Motion must be signed by the Mover and the Seconder
3. Amendments to Notice of Motion must be made on separate Notice of Motion.
4. Notices of Motion must be returned to Executive Director once voting is complete.

Moved by: Matthew Yap

Seconded by: Ian Rennie

THAT amendments to the Rules of the Law Society AL-2 311018, AL-3 191118 and AL-4 311018
as attached, be confirmed by the Society.

Dated at Yellowknife on this 1st day of December, 20 18

Mover

Seconder

**MOVED BY
SECONDED BY
THAT the reports be accepted as presented**

REPORT FROM THE LEGAL AID COMMISSION

Caroline Wawzonek

The Legal Aid Commission plays a key role in promoting access to justice in the Northwest Territories. The Commission strives to ensure that northerners have first instance access to legal advice through generous duty counsel services in both criminal and family court as well as through the outreach clinic. There is still work to be done towards improving the market rate competitiveness for private lawyers who serve legal aid clients; a challenge faced across the country and one about which all legal professionals can play a supportive role.

One of the key projects over the last year has been to make the financial eligibility formula more comprehensible and standardized. This has been a lengthy and complex process supported by a lot of math and statistics. It was also a very necessary process to ensure that legal aid services are equitably accessible across the Northwest Territories' varied communities.

In addition to supporting policy review and development, one of the Commission's most frequent tasks is hearing appeals in cases where a legal aid application has been denied. The Commission's jurisdiction is defined by the *Legal Aid Act* and its regulations but appeals are more than just a review of a financial analysis. Appeals are an opportunity to ensure that discretion is reasonably exercised when available and to ensure that each applicant is putting forward the best information to have their situation fairly evaluated.

It has been very rewarding to serve as the Law Society's representative on the Commission. Although my term is over, I am confident that a new representative will welcome feedback from all lawyers who work with or for the Commission as much as I did in order to continue to improve the delivery of legal aid services in the Northwest Territories.

REPORT ON THE FEDERATION OF LAW SOCIETIES

Karen Wilford

The Federation of Law Societies of Canada is the national coordinating body of the 14 law societies which are mandated by provincial and territorial law to regulate Canada's 120,000 lawyers, Quebec's 3,800 notaries and Ontario's 9,000 licensed paralegals in the public interest.

The Federation is a national leader for high standards in regulation, ensuring that all Canadians are served by a profession that is competent, honourable and independent. The Federation's primary role is the enhancement of communications and the coordination of various regulatory initiatives.

The Northwest Territories has an equal voice around the Federation table due to the governance structure of federations generally and the commitment to consensus-based decision making at the FLSC in particular.

2017-2018 marked the Presidential year of Sheila MacPherson, the first time an NWT lawyer has served in this role. The profession, the Territory and the North were most ably served. Sheila brought an indefatigable work ethic, a measured and careful approach and deep respect for diverse viewpoints to her role. She will continue to serve as Past President and play a crucial role as the Federation grapples with the transition that comes with new members.

No fewer than seven new members of Council join effective November 15, 2018. While their learning curve may be steep, the Federation will benefit from new energies and perspectives. It is a rewarding time to have the honour of serving the profession and I thank the Executive of the Law Society of the Northwest Territories for its continued confidence.

This year my roles on Federation Council were to continue to Co- Chair the TRC Calls to Action Advisory Committee and to sit as a member of the Public Affairs and Governmental Relations Committee. These Committees are strongly tied to the strategic priorities of the Federation and the work, as a result, is both challenging and rewarding.

I commend the Federation's website to each of you: <https://portal.flsc.ca/en>. The significant initiatives in which the Federation is involved are all undertaken with a view to excellence in the profession and ultimately, the protection of the public interest. Our right to regulate our own profession and its intersection with the Rule of Law is taken very seriously and underpins all of the work of the Federation.

Although it may seem that the Federation does not have daily impact upon the lives and practice of lawyers such a long way away from Ottawa or Vancouver, this is the very reason that the Northern voices around those tables are essential. I encourage you to get in touch if you have any curiosity about the Federation, the role of Council or my work as your representative.

I extend my thanks, as always, to the LSNT staff and their exceptional professionalism. I have enjoyed getting to know Glenn Tait in his new role as Executive Director and look forward to working together on Federation business over the coming year.

SUPREME COURT CRIMINAL BENCH AND BAR COMMITTEE

Charles Davison

The Supreme Court Bench and Bar Committee met on April 18, 2018 (Justice Smallwood presiding), and this is a summary of the points discussed and reviewed:

1. **Use of technology in Court:** Although counsel may presently use electronic devices in court without permission, Peter Harte urged the Court to bring its policies into line with the general trend across the country, whereby counsel are allowed to connect to the internet without having to seek permission from the judge. The Supreme Court judges will shortly be meeting and are going to be considering a policy to govern such matters. There may also, at some point, also be a policy concerning the public and members of the media. For now, the policy that electronic devices used in court are not to be connected to the internet will prevail.
2. **Requirement of NWT Address for Service:** two southern counsel had asked that this be added to the agenda for discussion, on the basis that with the use of fax machines and emails, the on-going requirement of having an NWT address for service simply impedes and frustrates counsel who are attempting to serve their clients efficiently. This is a requirement included in the Rules, however, so any change will require a formal amendment. Justice Shaner is, or shortly will be, reviewing the rules for possible amendment and updating, and this provision may be considered and examined at that time.
3. **Telephone Applications:** a southern lawyer had written to both levels of court concerning the reluctance of judges to allow telephone appearances by counsel. It was felt that her concerns were likely aimed more at the Territorial Court than the Supreme Court. The matter of telephone appearances by counsel in the Supreme Court is governed by the Rules, and requires prior notice and consent of the other side. Justice Smallwood pointed out that these are done not infrequently on minor appearances (adjournments; “speak to” dates, etc.) but likely would not be allowed for something significant such as a trial or sentencing hearing.
4. **Update of List of Commonly Used Cases:** the court is looking at updating these lists, both by adding to them, and perhaps also by removing some cases which

are no longer referred to or cited very often. The Bar is invited to suggest what cases should appear on the List. Counsel is reminded that when any of these cases are being referred to counsel need NOT copy or submit the decision to the court.

5. Follow Up on Past Agenda Items:

- a. The new time table for setting PTC dates is being followed in an effort to reduce the delay between committal and trial. As the letters counsel receive request, lawyers should ensure they come with their calendars in hand so any future PTC's can be scheduled at the end of the earlier PTC, instead of having to be done through further correspondence (which includes waiting for counsel to reply). It was also suggested that if the Registry sent out PTC letters (ie., the correspondence asking counsel for dates for PTC's) by email, this too might reduce delay as counsel could respond more quickly.

- b. If counsel feel they are not receiving the jury pool lists early enough they should raise this with the trial judge or clerk's office, and enquiries can be made with the Sheriff's Office to see if the list(s) can be provided at an earlier date. If this is an on-going problem, please provide feedback so the Court and Sheriff's office can work towards an earlier provision of the lists to counsel.

The Committee will meet again on December 19, 2018 and a further report will be provided to the Law Society at that time.

TERRITORIAL COURT CRIMINAL BENCH AND BAR COMMITTEE

Charles Davison

To date, there have been two Territorial Court Bench and Bar meetings in 2018, one on May 25 and the second on September 21. Among the topics discussed and developments reviewed at those meetings were the following:

Changes to Justice of the Peace “Bail Court” procedures and times: due to a change in Crown policy, Crown and defence counsel have become involved in virtually all JP hearings; police officers will no longer act in the place of a prosecutor for the purposes of consent JP release hearings. This has led to an increase in the need for counsel on both sides and longer JP court sittings (now in both mornings and afternoons). As of late 2018, a JP will hear brief matters during the morning sitting of the court, and then (usually) a different JP will hear contested matters during the afternoon sitting. Court now begins at 10 a.m., but the prisoners are still brought to the courthouse for 9:30 a.m. in order to provide counsel with a chance to meet with them before court commences.

Changes in internet usage in Court: the usefulness of having access to the internet during proceedings has been raised, and the Court has taken the position that it will wait to see what the Supreme Court decides before changing its own policies and practices in this regard.

Fort Smith Courthouse: There will soon be a new court facility available in Fort Smith which will hopefully be in use by the end of 2018. This will be located in a new community centre, and will include video technology to accommodate needs for virtual appearances by witnesses, etc.

Circuits: The scheduling of circuits was discussed at both meetings and it was suggested that the court not attempt to book circuits involving multiple sitting points on short weeks. As well, the court was requested not to add circuits to the schedule without forewarning to Legal Aid, in particular, in order to ensure that the Legal Aid Commission will be able to provide counsel on the new dates. Finally, a judge noted that when southern counsel are assigned to a circuit they need to be prepared and willing to remain for the Friday sitting of the court as well, as there have been occasions when the circuit had to conclude without all matters being finished due to southern counsel having travel arrangements to return home during the day on Friday.

Cell Renovations: The up-coming courthouse cells renovation project was discussed briefly. The anticipated commencement date is December 2018. There may be another meeting of the B and B committee, if necessary.

Other more isolated points discussed in light of particular events during the year, included a judge raising concerns about defence counsel double-booking themselves; Crown concerns about what was felt to be delays in obtaining dates for Pre-Trial Conferences; the need for the court to be sensitive to local community situations when special events are taking place during circuit days (funerals, other traumatic events, etc.); and ensuring the continuity of counsel for Wellness and DVTO Courts.

TERRITORIAL COURT CIVIL BENCH AND BAR COMMITTEE

BettyLou McIlmoyle

Meeting Scheduled for September 11, 2017 – meeting cancelled as no agenda items.

Meeting May 11, 2018

There are two vacancies on the Committee as a prior member has left the jurisdiction and there was one position yet to be filled by the Law Society. Chief Judge Gagnon will write to the Law Society and ask that two (2) members be appointed to this committee. The letter was written on August 2, 2018 and there are now two vacancies to be filled.

The Terms of Reference were reviewed and recommendations were made as to quorum which should be of at least two (2) judges and two (2) counsel. The Terms of Reference were amended accordingly.

Meeting Scheduled for September 17, 2018 – meeting cancelled as no agenda items.