

Benchers' Digest

Spring 2017



Volume 30, Issue 1

Then & Now

Celebrating 110 Years

Law Society of Saskatchewan

Benchers' Digest

The *Benchers' Digest* is published quarterly by the Law Society of Saskatchewan Library to update Saskatchewan lawyers on policy and regulatory decisions made by the Benchers at each Convocation, to inform members about Society programs and activities, and to provide news and announcements of interest to the legal profession.

Members are encouraged to send in articles and photos of interest; however, publication rests with the editorial team. Articles and photos can be submitted to: publications@lawsociety.sk.ca.

Current and archived issues may be viewed on the Law Society website www.lawsociety.sk.ca. See "Publications/Benchers' Digest."

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Timeline

The Then & Now Timeline was researched by Kelly Laycock. Information for 1907 to 2007 came primarily from Iain Mentiplay's book, *A Century of Integrity: The Law Society of Saskatchewan 1907 to 2007*. Information from 2007 to 2017 was found in previous issues of the *Benchers' Digest* and Minutes of Convocation.

Submission Guidelines for Contributors

Here's how to take part in the conversation.

The *Benchers' Digest* and *Legal Sourcery* are always looking for contributors to share their knowledge of issues affecting the legal profession in Saskatchewan, or across the country.

Send your Letters to the Editor (**no more than 250 words**) to publications@lawsociety.sk.ca or by fax to 306.569.0155.

If you have an idea for a longer article (500 to 1500 words), let us know, and our editorial team will work with you to make the most of your publishing experience!

- Have an upcoming event of interest to our members? **Tell us about it!**
- If you have an idea for an article, **we want to hear it.**
- If **YOU** want to write it, we're here to help!

We will engage with contributors throughout the editorial process.

Our editorial process looks like this:

- **We are flexible.** We will set a deadline for the first draft that works with your schedule.
- **We want your article to be the best it can be.** We'll do a professional edit and provide feedback for how to make your writing stand out.
- **You decide.** You'll have two weeks to review our suggestions and streamline your article.
- **Don't worry about mistakes.** We'll do a final copyedit to clean up any spelling and punctuation issues.
- **Then it is ready for publishing!**

**Submission Deadline for Summer Issue:
May 15, 2017.**

The Law Society of Saskatchewan is a leader in
fostering public confidence through
effective and innovative regulation of legal services.

Integrity • Accountability • Fairness • Independence • Inclusivity • Access

Then & Now

Celebrating 110 Years

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Legal Sourcery

President's Message

Staying in Touch

Erin Kleisinger, QC



I am honoured to have been elected by the Benchers to serve as President of the Law Society for 2017.

The annual changing of the guard at the Law Society requires several notes of recognition. Firstly, an immense thank-you to Brenda Hildebrandt, QC, who has now completed her term as Past-President (and three years on the Executive). Brenda provided wisdom, thoughtful counsel, and good humour to our Executive, and remains an important voice at the Bencher table, including through her work on the Access Committee and in her role as Chair of Discipline Executive.

Congratulations and thank you to Perry Erhardt, QC, who worked tirelessly as our President in 2016, always exhibiting his trademark wit, patience and diplomacy. His workload was

To stay in touch law societies must evolve to meet the challenge of ensuring that the public is well served by a competent, ethical and independent bar.

amplified as he led the search for our new Executive Director. I look forward to his continued contributions and perspective as he moves into his role of Past-President.

Thank you also to Donna Sigmeth, QC, who ably stepped up and in as our Acting Executive Director, following the retirement of Tom Schonhoffer, QC, giving us the time and opportunity to undertake a fulsome search process. Donna provided much-needed stability and leadership to the Law Society, while continuing with her duties as Deputy Director and Complaints Counsel.

Congratulations and welcome to Craig Zawada, QC, who was elected Vice-President by the Benchers. Craig has already distinguished himself through his leadership of our Governance Committee and I am so pleased to have him join our Executive.

The final welcome is to our new Executive Director, Tim Brown. Most of you will have seen Tim's profile in the Winter 2016 *Benchers' Digest*. He brings a wealth of skills and varied experience to this role. Although his official start was January 1, he has been actively involved in management at the Law Society since late 2016. I am excited

for the opportunity to work with Tim as the Law Society faces the changes and challenges ahead.

The theme of this edition of the *Benchers' Digest* is "Then and Now", celebrating the 110th anniversary of the Law Society of Saskatchewan. That reminded me of an article from *Canadian Lawyer* that was included in our Bencher materials a year or so ago. It was entitled "Are Law Societies Out of Touch?" What is interesting about that question is that it was posed (and the article first published) in September 1989—the exact month and year that I started law school.

What also resonated with me from the article was June Callwood's comment that change was not likely to occur until "the new crop of lawyers" who were just entering the profession "come of age and try for Bencher positions". I am sown from that crop, and cannot deny that I have "come of age".

Fast-forward to 2017: while all of the issues outlined in the article may not be precisely applicable today, the question posed remains a key one for the Law Society and its stakeholders (including the public whose interest we serve, and the members of the legal profession

whom we govern). To stay in touch law societies must evolve to meet the challenge of ensuring that the public is well served by a competent, ethical and independent bar.

We are not alone in this task. We maintain an open dialogue with Justice Minister Gordon Wyant, QC, and his Ministry. We enjoy a collaborative relationship with the College of Law, and appreciate the input and insights of Dean Phillipson at our Benchers table. We continue to work with the Law Societies of Alberta and Manitoba on the Prairie Provinces Innovating

Regulation Project, and CPLED. And through the Federation of Law Societies we liaise and consult with our colleagues across Canada on matters ranging from national discipline standards to the future of legal education.

The *Canadian Lawyer* article noted that 65 percent of lawyers surveyed in 1989 thought that law societies “should be more progressive and proactive”. To that end, this year we will continue to examine and seek input on various issues, including (i) the delivery of some legal services by non-lawyers, (ii) innovating regulation (through proactive, risk

management entity based approach), (iii) revamping the CPLED program, (iv) equity and diversity matters, and (v) the nature of and funding for library and legal information resources.

I am privileged to work with a dedicated group of Benchers and Law Society staff who continue to develop and implement strategic direction for regulating an increasingly changing profession. I look forward to seeing progress on our many initiatives, and to hearing from our members, and others, to ensure that we stay “in touch”.

Profile on the Vice-President

Craig Zawada, QC

Craig grew up in Shell Lake, SK, and attended the University of Saskatchewan’s College of Commerce (now Edwards School of Business). After obtaining his LLB at Osgoode Hall in Toronto and working for a time in Calgary, he returned to Saskatchewan and has practiced in Saskatoon since 1987. Craig has worked in intellectual property law, commercial law and agricultural contracting. He was CEO of WMCZ Lawyers for nine years, a firm he helped found in 1996. In 2016 he became the firm’s Director of Boundary Pushing, a position that leverages his skills in technology, marketing and strategic planning.

Craig has been active in community and non-legal organizations through his career. Some of his roles have included Chair of the Saskatchewan

Research Council, University of Saskatchewan Senate, Trustee and Treasurer for Saskatoon’s Mendel Art Gallery and the CanLII national board of directors. Craig taught Intellectual Property Law for many years at the U of S College of Law.

Craig developed a strong interest in corporate governance issues through the Director’s College program. He obtained his Chartered Director designation and continues as a faculty member for the College. He also conducts training and consultation on governance issues for a variety of businesses and non-profit organizations.

After he was appointed a Benchers by the Law Society in 2014, Craig was re-elected in 2015. He has served on



the Access to Justice and Admissions & Education Committees, and previously chaired the Governance and Trust Safety Committees.

Craig is a recovering marathon runner and one of the world’s slowest motorcycle enthusiasts. 🏍️

Leading with Vision

Q&A with Tim Brown, LSS Executive Director

Melanie Hodges Neufeld & Jenneth Mainil

In November 2016, it was announced that Tim Brown would be taking over the position of Executive Director of the Law Society of Saskatchewan, a position left vacant back in August by Tom Schonhoffer, QC. With a couple of months now under his belt, the *Benchers' Digest* wanted to ask him a few questions to help our members get to know him a little better and to give him the opportunity to share his vision for the coming years.

What is one characteristic that you believe every leader should possess?

For me, it's about having a relentless passion for protecting the team, whatever that entails. My observation has been that leaders also have a similar passion for incessant improvement, and tirelessly support the people around them to achieve these goals.

When asked to name a particular person who has shaped him as a leader, Tim hesitated. "I have been fortunate throughout my life to have had many strong leadership influences and I would never be able to accurately recount them all. I think we all look for leadership within others as we go along and I have been blessed to have had some amazing people in my life." He went on to list some influences from the past, his family and friends, teachers and coaches, and lawyers and judges he's been privileged to work with, but he is keen to point out that no leader walks alone. "I think for the present mission, the goal becomes to find leadership within an organization that consists of many individuals—Benchers, staff, and a well-informed membership. Whatever I have learned to this point will be focussed on working with others to find leadership from within this group."



Photo: Shutterstock.com

So what is your vision for the future of the LSS?

I am one person on a bigger team. If successful in my role, it will be because I do my part to positively influence the process of getting **everyone pulling together on the same rope**. There are so many calls to action right now for the profession, not only here, but across North America and around the world. There are powerful macro forces at work—things like globalization, rapid advancements in technology, demographic changes, etc. For regulators everywhere, the challenge will be to forecast and keep pace with these changes. As a profession, we can't afford to hit the snooze button. We will have to adapt, and we will. To do so, we not only need to work together as a profession, but with other stakeholders here at home and across Canada to ensure that we remain autonomous, relevant, and strong.

Working as a team while adapting to stay ahead of the curve might be the Law Society's new motto with Tim at the helm, but we wanted to know how that might be accomplished.

Which is most important to the Law Society of Saskatchewan – mission, core values, or vision?

In 2015, the Benchers went through a comprehensive governance review (ongoing) that does a nice job of setting out all of the above. The concepts work in concert to express the same thing: the essence of our purpose, which is to continue, as lawyers have done throughout the history of the profession, to serve and protect the public and the administration of justice. In today's rapidly changing world, I believe vision needs to be highlighted as a priority for regulators, indeed industry, in every facet of society. Organizations must constantly improve as we move into the future to ensure that they are able to remain true to their mission, and to grow and remain relevant.

What are the big projects on the horizon that the team will be working on that will put us ahead of the curve?

There are so many right now. The first thing that comes to mind is implementing the process of Entity Regulation. We know that firm culture drives outcomes of the service that individual lawyers within a firm provide to clients. Firm culture also expresses itself through those lawyers in relationships with other members of the profession, the Courts and, indeed, every facet of the system of justice. The regulation of entities will require both a re-envisioning and an overhaul of the way things are currently done. The goal as regulators, for the first time for more than 100 years,



is to create a two-way dialogue with the profession and work together to find individually tailored solutions to ensure better outcomes for both consumers of legal services, and the Lawyers who provide them. In other jurisdictions—Australia and Britain—where Entity Regulation is a reality, the incidence of both claims and complaints has dramatically reduced.

This is a very exciting shared goal to explore together and I am looking forward to the opportunity to work closely with the profession to see these improved outcomes become our reality here at home.

Another massive issue is Access to Justice, a very complex and not-well-understood problem for which many bear responsibility and for which multi-stakeholder solutions will be required. As a profession that exists for the protection of the public, it becomes harder and harder

to rationalize that we truly live in a free and democratic society when so many are unable to access appropriate legal services. I believe that the members of our profession for the most part do a tremendous job of stepping up and filling gaps. We are helpers, and I don't much care for the many criticisms heaped on Lawyers to the contrary. Overall, those criticisms are wrong and we need to celebrate and share the many efforts we make each day with the public we serve.

Having said that, there is always room for improvement. There are many possible solutions to assist members of the public in ways that will not only ensure greater access to justice, but also the survival and growth of a strong and robust legal profession, which is critical.

There are so many other front-burner issues right now: trust safety, demographic changes (which provide yet another critically important reason to focus on the retention of women in the profession), the future of legal resources... and the list goes on (and on...).

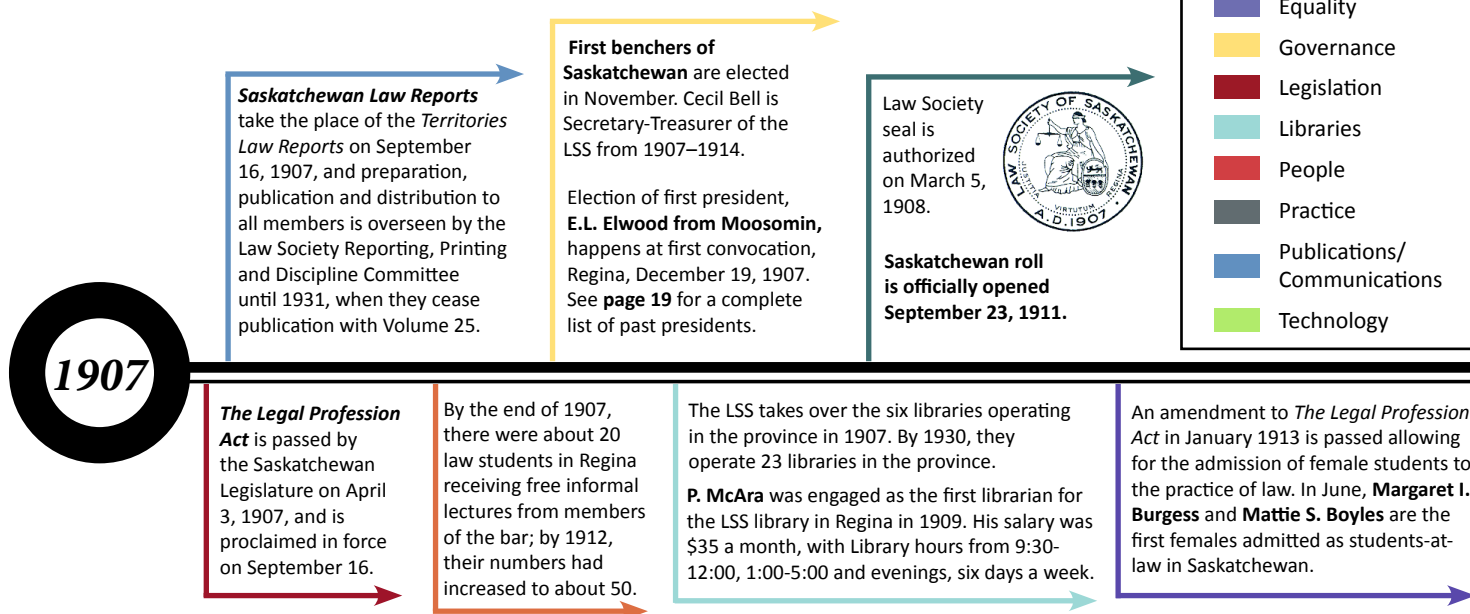
Leadership is the capacity to translate **vision into reality.**

—Warren Bennis, American Author

continued on page 8

Then & Now Timeline

Celebrating 110 Years with the LSS



Leading with Vision *continued from page 7*

As Tim talks about all these critical issues facing the profession today, the task of leading the organization through these changes seems a bit daunting.

How do you approach these changes without becoming overwhelmed by them?

Like taxes and death, change is a guarantee. I approach change as an exciting opportunity for innovation. I consider myself to be creative and forward thinking, and the trick in the world we live in is to forecast priorities within the exponentially growing number of areas in which we are seeing change. Guiding precious resources to where they are needed most becomes an important and educated guessing-game for our Law Society team. With things changing almost at the speed of information, staying current doesn't cut it. We have to constantly work to stay ahead of the curve. I don't doubt for a second the resolve or the ingenuity of the staff, the Benchers or the excellent people in this profession—here and elsewhere—to rise to the occasion.

What have you learned during your time with SLIA that will help aid in your new leadership role with the Law Society?

I had the opportunity to meet Lawyers from every corner of the province and to develop a sense far beyond my community here at home about the needs and the concerns of both lawyers and clients from across this great province.

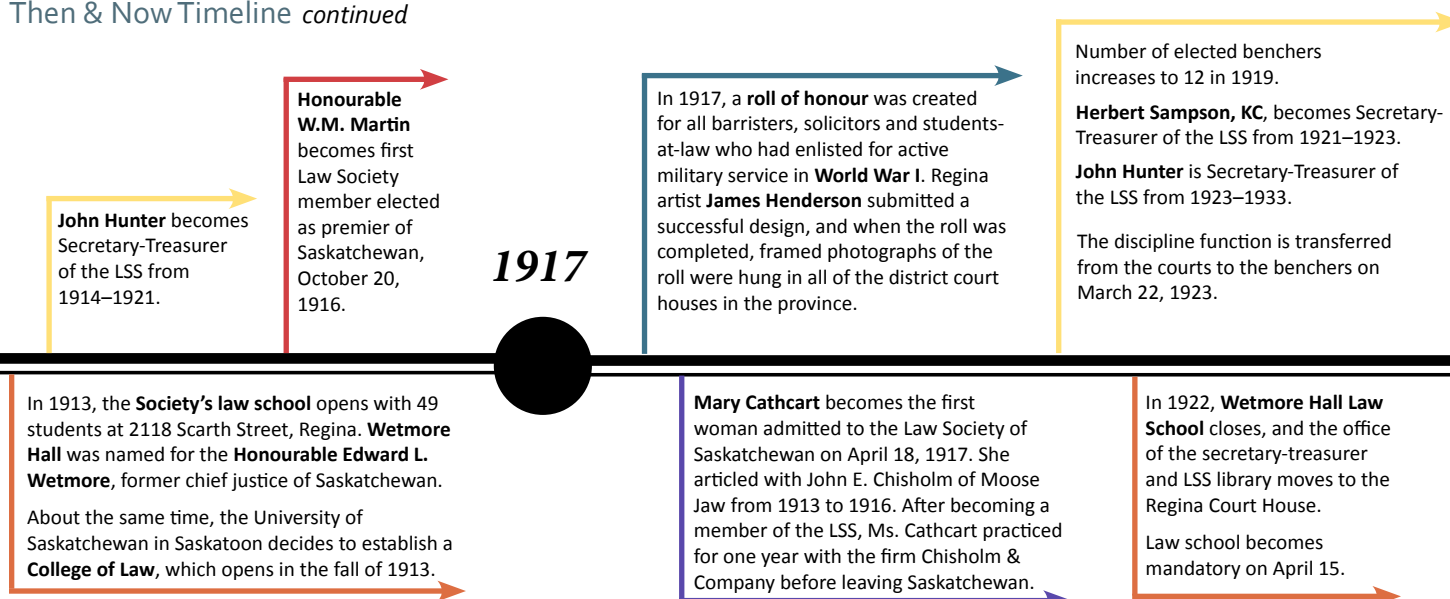
I also had the opportunity to plug-in to the “national scene”, which for me began a process of understanding some of the bigger-picture issues facing lawyers everywhere. Insurers and regulators have historically walked separate and parallel paths in the process of providing a combined and over-arching scheme of public protection. More recently, however, there are issues of common interest to both causing these once parallel lines to converge. As a result, with increasing regularity, both arms are working together towards ultimate solutions. For those who recognize this synergy, it's an exciting pairing of resources and my time in insurance was foundational in understanding these new possibilities.

With this year being the 110th anniversary of the Law Society of Saskatchewan, history is foremost on our minds. Our final question for Tim was in relation to this.

What is the greatest strength of the LSS, and how do you hope to build on that?

First and foremost, Saskatchewan, though relatively small in terms of membership, has always found ways to “punch above its weight” nationally. We have either been on, or have been significant contributors to, the leading edge of regulation in Canada. Despite our size, I think we must aim to be the best at what we do. I want to continue to build on this tradition. ➡

Then & Now Timeline *continued*



Highlights of the Meeting of the Benchers

December 1 & 2, 2016

The last Convocation of each year is the time to appoint new officers to the Law Society. This year, Erin Kleisinger, QC, was acclaimed as President of the Law Society, and Craig Zawada, QC, was elected as Vice-President.

Greg Walen, QC, and Evert Van Olst, QC, former Benchers and current members of the Conduct Investigation Committee (CIC), attended the meeting on December 1, 2016, to assist staff in providing refresher investigation training to members of the CIC.

According to *The Legal Profession Act, 1990*, the Law Society may appoint five persons to the Law Foundation as chosen by the Benchers. The Law Society is also required to appoint a Chairperson. All five terms were up for renewal:

- Eileen Libby, QC, was appointed as the Chair for a two-year term, commencing January 1, 2017, and terminating on December 31, 2018;
- Melanie Baldwin, QC, was appointed as the Vice-Chair for

a two-year term, commencing January 1, 2017, and terminating on December 31, 2018;

- Evert Van Olst, QC, was re-appointed for a second term on the Law Foundation board, commencing January 1, 2017 and terminating December 31, 2018; and
- Brenda Walper-Bossence, QC, and Tom Schonhoffer, QC, were appointed as first-term board appointees, commencing January 1, 2017, and terminating December 31, 2018.

Rule Amendments: Rule 92(10) and (15) were amended to allow Benchers to “meet” to hold a vote via email under limited circumstances.

February 8, 9 & 10, 2017

The Law Society of Manitoba's president, Roberta Campbell, and CEO, Kristen Dangerfield, were special guests in attendance. Ms. Campbell was presented an honorary membership in the Law Society of Saskatchewan and Ms. Dangerfield received a small gift in appreciation.

The Law Society is often asked to make appointments to outside boards. On this occasion, the following appointments were made:

- Tom Schonhoffer, QC, was appointed to the CPLED board for a two-year term.
- David Brundige was re-appointed to the University of Regina Senate for a second three-year term.

The Library Review Committee's request to become a standing committee and to change their name to the Legal Resources Committee was approved by the Benchers.

The Equity and Diversity Committee was re-activated to carry on the work of the Justicia Committee and to deal with matters to implement the TRC recommendations and other such equity and diversity issues within the practice of law. 🐾

The Honourable Emmett M. Hall enjoyed a distinguished legal career. A few of his many achievements:

- admitted to the LSS on March 5, 1922.
- appointed King's Counsel in 1935
- served as a Bencher of the LSS from 1946 to 1958
- president of the Society in 1952
- appointed chief justice of the Court of Queen's Bench in 1957
- appointed chief justice of the Court of Appeal in 1961

1927

R.M. Paul is the 1,000th member to sign the roll on August 13, 1927.

J.H. Lamont becomes first member appointed to Supreme Court of Canada.

Herbert Sampson, KC, is Secretary-Treasurer of the LSS from 1934–1935.

Andrew Hall, KC, becomes Secretary-Treasurer of the LSS from 1935–1941.

The Saskatchewan Bar Association is disbanded by members at the annual meeting held in Regina on June 25, 1935. It was resolved that the former functions of the Bar Association would be assumed by the benchers of the LSS.

A new publication, the **Saskatchewan Bar Review**, is launched in March 1936 and is published for 16 years by the LSS. By 1942, both editors, **David Tyerman** and **Stuart Thom**, are on active service in **World War II**, and editorial duties are passed to the Faculty of Law in 1943. In 1967, the name was changed to the **Saskatchewan Law Review**.



- In 1962 Mr. Hall was elevated to the Supreme Court of Canada, a position he held until his retirement in 1973.

McKercher LLP is proud to trace its roots back to Mr. Hall in 1926.

Photo courtesy of McKercher LLP Archives.

John Hunter prepares a 20-page *History of the Law Society*, complete with the Rules of the Society and *The Legal Profession Act*, in 1929.

The LSS creates the quarterly report **The Law Society's Gazette** for distribution to its members beginning in June of the same year.

The first annual meeting of the Law Society is held at the brand-new Hotel Bessborough in Saskatoon on June 24–25, 1936.

Glamorous Gown to Gown Gala a Success!

Carly Romanow, Programs Director and Staff Lawyer, PBLS

The 8th Annual Gown to Gown Lawyers' Charity Gala was held in Regina at the Doubletree by Hilton on January 27, 2017. The event is one that is held annually rotating between Regina and Saskatoon and benefitting Pro Bono Law Saskatchewan and CLASSIC respectively. The proceeds from this year's gala went to Pro Bono Law Saskatchewan.

We had a great evening of entertainment. The Honourable Mr. Justice Richards did a fantastic job of entertaining the crowd as Master of Ceremonies. The Jack Semple Band brought the crowd to the dance floor following the program. As always, Jack and his band were phenomenal and played for a packed dance floor.

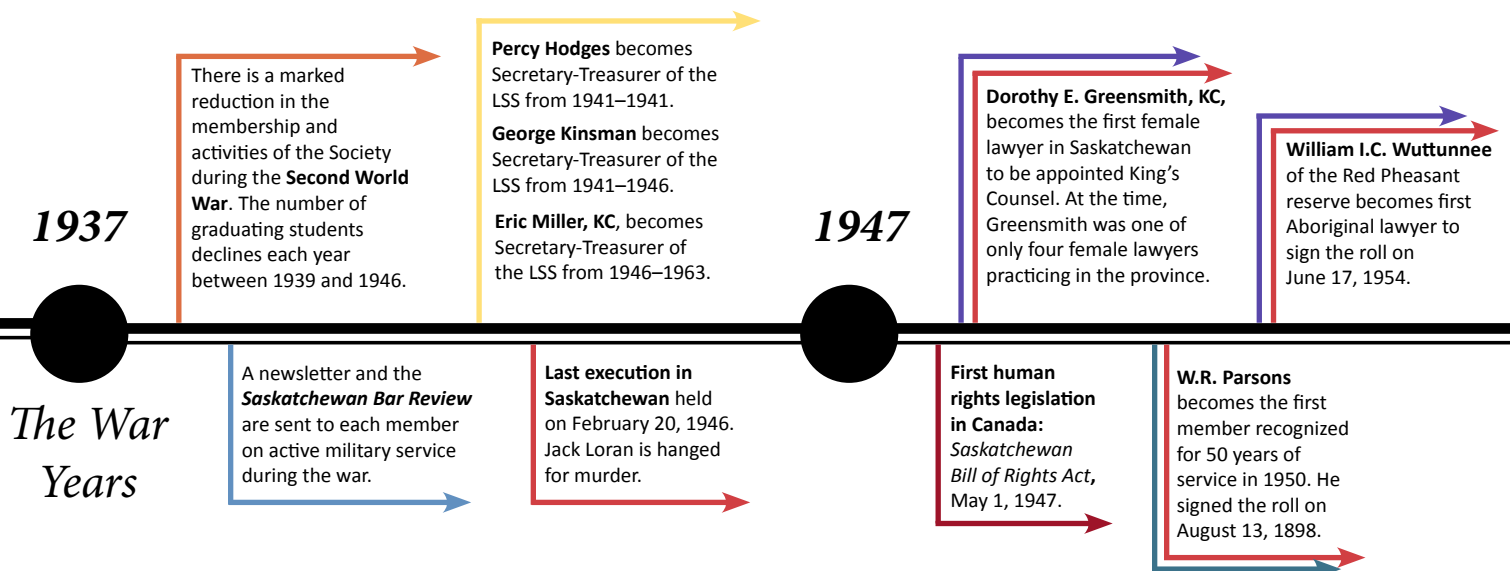
The 2016 Pro Bono Service Award was presented at the event. The Pro Bono Service Award is an annual award presented in recognition of the contribution of lawyers in Saskatchewan to supporting access to justice for persons of limited means. The award is presented jointly by the Law Society of Saskatchewan and Pro Bono Law Saskatchewan to recognize outstanding pro bono service in any or of all of the following activities: (1) delivering pro bono legal services; (2) assisting with the establishment of pro bono programs; (3) coordinating pro bono services; and (4) education and advocacy to promote a pro bono culture.



F. William Johnson, QC, and his wife, Janet, dancing to The Jack Semple Band at the Gown to Gown.

Photo courtesy of PBLS.

Then & Now Timeline *continued*



The nominees for the 2016 Pro Bono Service Award were:

- **Randi Arnot**, senior partner with Arnot Heffernan Slobodian, who has been a volunteer with Pro Bono Law Saskatchewan since its inception;
- **Tom Baldry**, an associate with KMP North in Saskatoon and has been a volunteer with the Legal Advice Clinic operated by CLASSIC since he was called to the bar in 2015; and
- **Sandra Bobyk, Barbara Mysko, and Katherine Roy**, who have been nominated as a group for their pro bono service in the immigration area.

Sandra, Barbara and Katherine were awarded the 2016 Pro Bono Service Award. In addition to their work with the Ministry of Justice, and their involvement in the legal community and the larger community, these three ladies are all long time volunteers with Pro Bono Law Saskatchewan. Sandra, Barbara and Katherine have all been volunteers with Pro Bono Law Saskatchewan's Immigration & Refugee Panel since 2009, providing full representation to newcomers involved in immigration and refugee processes in Saskatchewan. Over the years they have taken on numerous clients, appearing on their behalf in front of the Immigration and Refugee Board as well as the Immigration and Refugee Appeals Division.

Thanks to everyone who came to the Gala, and we are looking forward to next year's Gala being held in Saskatoon and hosted by CLASSIC! ♡

*For more details on the nominees, please see
Legal Sourcery for the full blog post.*



2016 Pro Bono Service Award Winners, Barbara Mysko and Katherine Roy, and Award Presenter, Craig Zawada, QC.



Pro Bono Law
Saskatchewan

Photo courtesy of PBLS.

1957

Rt. Hon. J.G. Diefenbaker is sworn in as Prime Minister of Canada, June 21, 1957.



John Diefenbaker as a law student, circa 1919.

University of Saskatchewan Archives A-3358.

Thomas O'Donnell, QC, becomes the first full-time Secretary-Treasurer of the LSS from 1964–1976.

The number of elected benchers increases to 15. Maximum number of consecutive terms is reduced from four to two three-year terms for a total of six years.

In September 1964, the benchers adopt the **Canons of Legal Ethics and Etiquette of the Law Society of Saskatchewan**, the precursor of the **Code of Professional Conduct**.

1967

In 1970, a one-hour presentation by the president of the LSS is given to the students of the bar admission course on the organization and operation of the Society. This lecture continues to be a regular part of the course.

Saskatoon's new court house on Spadina Crescent opens on October 8, 1958.

Regina's new court house on Victoria Avenue opens in 1961.

The new 6-week bar admission course comes into effect in the spring of 1960 under the control of the University of Saskatchewan.

Nine senior life membership certificates are awarded to members who have been on the roll of the Society for 50 years and who hold practising certificates at the time of receiving the award.

Law Society President **James Eremko** proposes the initiation of a continuing legal education program in 1968. One-day seminars for the practicing bar begin being held in 1969.

A Brief History of A&E, Discipline and PSC

Evolution of A&E

In August 2004, the Saskatchewan Bar Admission Course was replaced by the CPLED program we know today. An acronym for Canadian Centre for Professional Legal Education, CPLED was developed by educators in Alberta, Saskatchewan and Manitoba to provide the essential skills for new lawyers in the first five years of practice.

Although significant updates have been made to the content, the basic structure of the program has remained relatively unchanged with a combination of face-to-face and online modules, which assess a variety of lawyering skills. In 2014 the administration of the CPLED program moved from Saskatoon to the Law Society office in Regina, where it remains.

In April 2008, the Benchers approved, in principle, the concept of mandatory continuing legal education, now

referred to as continuing professional development (CPD), on the recommendation of the Admissions & Education Committee. The Admissions & Education Committee was given the mandate to develop a process for the eventual implementation of a mandatory CPD program. At Convocation in October 2008, the Benchers approved a final CPD Policy, which commenced January 1, 2010. Although the CPD Policy has evolved over the last seven years, the fundamentals remain unchanged.

Delivery of CPD and the CPLED program was carried out by the Saskatchewan Legal Education Society Inc. (SKLESI) for many years. However, in 2009 the Law Society made the decision to take back its legal education mandate, resulting in the dissolution of SKLESI and the assumption of its activities (both CPD and the CPLED program) by the

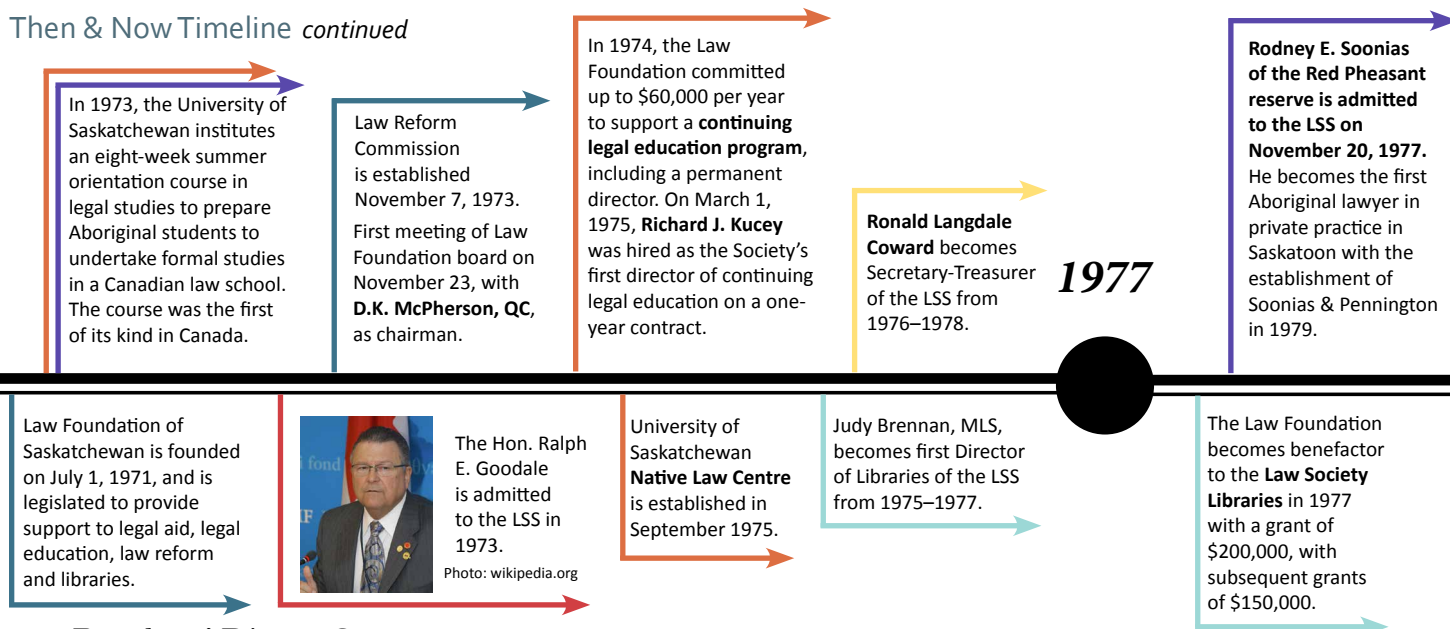
Law Society. The platform created by SKLESI positioned the Law Society well to take this initiative forward and to continue to provide first-rate education and training to our lawyers (via CPD activities) and students-at-law (via the CPLED program).

Changes in Discipline

Discipline Hearings have been open to the public since November 1, 1994. Thus, members of the public, including the media, have been able to and have attended Discipline Hearings and disseminated the results of those hearings. In addition, the Law Society has, at least for the past 25 years, advised the membership of the results of Discipline Hearings, providing a précis of facts and identifying the member involved.

In 2006, after a review of the procedures in other jurisdictions in Canada,

Then & Now Timeline *continued*



the Benchers approved a policy that allows Hearing Committee decisions, Statements of Fact and details of sentencing to be published on the Law Society website and CanLII unless the Hearing Committee or the Discipline Committee directs otherwise. Discipline decisions are anonymized to the extent that only members of the Law Society will be identified in order to protect the privacy of clients and non-members. As well, Notices of Hearing, Notices of Sentencing and Notices of Suspension are published on the website immediately. This brought the Law Society of Saskatchewan into line with other Law Societies in Canada who do publish this information.

The amendment of The Legal Profession Act, 1990 in 2010 streamlined the discipline process. At the referral stage, Complaints Counsel can now refer a matter to a Conduct Investigation Committee comprised of Benchers rather than first to the Chair of the Discipline Committee. This change shortens the review process while maintaining the safeguard of Bencher oversight. At the sentencing stage, a sentence is now

determined by the Hearing Committee rather than the Discipline Committee as a whole. The amendment removed the ungainly process of having 20 people debate sentence. In addition, the panel that hears the evidence passes sentence. Additional amendments in 2010 conferred a right of appeal to the Law Society in connection with discipline matters. Prior to 2010 only the lawyer being discipline had a right of appeal in connection with a discipline finding. A series of rule amendments in 2011 streamlined the process surrounding resignation in the face of discipline to allow for such applications to be handled by conduct investigation committees rather than the Benchers as a whole. Further amendments to the Act in 2014 gave more flexibility by allowing the Benchers to make rules with respect to the composition of hearing panels.

The Federation of Law Societies of Canada worked with Canada's law societies to develop high national standards for how they handle complaints to ensure that members of the public are treated promptly, fairly and openly wherever in Canada they

have used the services of members of the legal profession. In April 2014, the Council of the Federation adopted new National Discipline Standards. These standards were referred to the law societies for adoption and implementation effective January 1, 2015. The Law Society of Saskatchewan was substantially in compliance with the National Discipline Standards in 2015. It was necessary to work out some "bugs" with the database and data entry in order to accurately measure exactly what the Standards required. The Law Society of Saskatchewan hopes to be able to provide a full and accurate status report in the 2016 Annual Report.

Progress with the Practice Advisor Project

The Professional Standards Committee (PSC) is a committee of the Law Society established pursuant to *The Legal Profession Act*. The primary function of this committee is to ensure that the standards of competency prescribed by the Benchers are upheld. In 1999, the Law Society struck the Sub-committee

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By-law No. 2 of the *Canons of Legal Ethics and Etiquette* is repealed and By-law No. 3, the *Code of Professional Conduct*, is enacted January 1, 1978. **Observance of the Code is made a condition of membership of the society.**

In 1979, the LSS installs its **first fax machine network** across the province, allowing the library to send material to other judicial centres and Northern communities more quickly. It is the first service of its kind in Canada.

Photo: Wikipedia.org



The Public Legal Education Association of Saskatchewan (PLEA) was incorporated in 1980 as a non-profit, non-government organization that exists to educate, inform and empower through law-related education.

In April 1981, **Iain Mentiplay** and **Douglass MacElven**, editors, inaugurate the ***Practitioners' Journal***, a joint publication of administration and libraries. It included professional conduct rulings, informal reports of the benches' convocations and annual reports. The last issue was published in March 1989.

The Law Society of Saskatchewan celebrates its **75th Anniversary** in 1982. Number of lawyers practising in Saskatchewan reaches 1,000 on July 15, 1983.

Just Reporting newsletter is created in 1977 to inform members of miscellaneous professional information for members, but ceases production in 1981.

Iain Mentiplay, QC, becomes Secretary-Treasurer of the LSS from 1979–1991. The number of elected benchers is increased to 17 in 1981.

The benchers approve the installation of an **in-house computer** at the libraries in 1981, and library staff developed automated **Saskatchewan research databases**.

G. Randall, QC, is the first female Bencher elected, November 1, 1982.

On April 17, 1982, Queen Elizabeth II and Prime Minister Pierre Trudeau sign the ***Charter of Rights and Freedoms***, thus guaranteeing fundamental rights and freedoms for all Canadians.

A Brief History *continued from page 13*

on Competence to provide guidance on how the PSC could improve upon the options available to it to assist members in maintaining or regaining appropriate standards for practice. One of the sub-committee's recommendations was that a practice advisor or practice review person be hired. As a result of this recommendation, the PSC agreed to pilot the Practice Advisor Project in 2003, using the services of Rod MacDonald, a senior practitioner and consultant from Radville, Saskatchewan, with extensive knowledge and experience in office management and organization.

The purpose of the program was not disciplinary, but rather educational and supportive, to ensure that members brought adequate skills and knowledge to the practice of law. The idea being that Mr. MacDonald would be engaged on a case-by-case basis to conduct on-site, hands-on reviews of members' office procedures, accounting, file organization, file opening and closing practices, case advancement and

general management of office, staff and clients. The second step in each case would be for Mr. MacDonald to provide practical, concrete advice for improvement. Lastly, he would follow up with the member from time to time as required. Mr. MacDonald's services were only engaged in circumstances where the member agreed to participate in the program.

The program proved successful and was made permanent in 2005. However, the PSC observed that it was not able to provide assistance to all members who were struggling with practice issues and required assistance. The program was "complaints driven" and "reactive," as only members with complaint matters were referred by Complaints Counsel to the PSC and were able to access the Practice Advisor Program. The committee sought to improve upon and add to the options available to it to more proactively assist members in maintaining appropriate standards of practice and, thus, to protect the

public. The program was thus modified in 2009 to be more proactive and was redesigned to further protect the public by identifying problems in a member's practice before a complaint arises.

This new program, simply called the Practice Review Program, extended the practice advisor's role and the services to members who meet any of the following six criteria. The participation of practitioners in the programs is compulsory. The criteria capture the majority of the issues that cause problems, claims and complaints.

1. New sole practitioners¹
2. Number of SLIA claims
3. Number, nature, seriousness and timeframe of complaints

¹"New sole practitioners" includes both junior lawyers and more senior lawyers from a larger firm environment. "Sole practitioners" also includes members who are in a loose association of a few members where expenses are shared but there is no real "firm management" or consistency of procedures.

Then & Now Timeline *continued*

This Week's Law (TWL) is launched in 1982 and edited by **Judy Livingstone**, the LSS librarian in Regina. This publication provided rapid digesting of all Court of Appeal and Court of Queen's Bench judgments. It ceased publication in 2002, as its contents were being delivered to each member's desktop through the LSS website.

LSS Executive Committee is established in 1984, consisting of the president, vice-president and past president of the Society, along with the chairs of the Finance, Discipline, Legal Education and Libraries committees. The Insurance Committee chair is added in 1986.

Code of Professional Conduct is adopted in its entirety on October 25, 1984.

Professional Conduct Committee switches from a special committee to a standing committee.

The Queen's Bench Rules of Saskatchewan: Annotated is produced by **Neva McKeague** and **Willia Voroney** through the Continuing Legal Education Office in 1985. Publication is taken over by the LSS library in 1992 and turned into a looseleaf binder, which is continually updated each year.

Canadian Bar Association introduces Law Day in 1983 to commemorate the signing of the *Charter of Rights and Freedoms* and to educate the public about the legal system.

M.J. Batton is appointed first woman Chief Justice of the Queen's Bench, June 30, 1983.

M.A. Delia Opekokew of the Canoe Lake reserve becomes the first Aboriginal woman admitted to the LSS, and was previously the first Aboriginal woman admitted to the Law Society of Upper Canada in 1979.

The **Saskatchewan Law Information Committee (SLIC)** is formed in the fall of 1985 to report on the provincial computerization of legal information, with the goal of providing current, low-cost legal research and other information to Saskatchewan practitioners through the establishment of a province-wide computer system.

4. Number of accounting issues
5. Concerns raised by the courts and/or members
6. Failure to meet mandatory professional development requirements

When Rod MacDonald, QC, retired in 2010, the Law Society was pleased to welcome Victor Dietz, QC, Jeffrey Scott (now QC) and Brent Gough, QC, as practice advisors. The practice advisors continue to provide practical and concrete advice for improvement and assist the member in implementation of the recommendations.

On July 1, 2014, changes to *The Legal Profession Act, 1990* and the Rules of the Law Society of Saskatchewan took place, which introduced the concepts of mandatory practice reviews. The changes to the Act and Rules now permit a practice review to be conducted by the practice advisor without the necessity of a complaint being made against the member. Rule 996 reads as follows:

996. (1) The Executive Director may direct a review of any member's practice to determine whether the member is in compliance with the Act, these Rules and The Code of Professional Conduct.

(2) The Executive Director shall appoint a person or persons authorized by section 10(t) of the Act to conduct any review conducted pursuant to this rule.

(3) Without limiting subrule (1), a review conducted in relation to a member's practice may include:

- (a)** a review of any or all of the member's:
 - (i)** files;
 - (ii)** books;
 - (iii)** records, including electronic records; and
 - (iv)** office management systems, including but not limited to the procedures in place to reduce the risk of complaints and liability for insurance claims; and
- (b)** interviews with the member's staff; at any or all of the member's offices.

(4) Members shall co-operate with the person carrying out the practice review authorized by this rule and comply with all reasonable requests.

(5) A review under this rule may be conducted whether or not a complaint has been made against a member.

(6) Any report arising from a review conducted pursuant to this rule:

- (a)** shall be provided to the Executive Director and the member; and
- (b)** unless otherwise ordered by the Professional Standards Committee, shall not be disclosed except for the purpose of complying with the objects of the Act.

By creating a practice review program outside the complaints-driven process, a more proactive assistance program is established for the benefit of the public and the membership. At the same time, the expansion of the practice review program complies with the mandate of the committee to reduce the risk of complaints and insurance claims. ➤

1987



First issue of the **Benchers' Digest** is published in January 1988 with **Iain Mentiplay** as editorial director.

The Legal Profession Act, 1990 comes into force, effective October 1, 1991, and provides for two Lay Benchers appointed by the Lt. Governor-in-Council.

The title of secretary-treasurer is abolished and a new **executive director** position is created. **Carl Dombek** becomes first Executive Director of the LSS from 1991–1992.

From 1992–2007, **A. Kirsten Logan, QC**, and **Allan Thompson Snell, QC**, share the position of Co-director of Administration of the LSS.

Iain Mentiplay becomes first Complaints Counsel in 1992.

The Builders' Lien Act: A Practitioners' Manual by **W. Brent Gough** is published under the sponsorship of the Law Foundation in 1994. In 2014, the 20th anniversary, the manual is updated and republished by the LSS library.

Saskatchewan Lawyers Insurance Association (SLIA) is established September 1, 1988.

Lawyers Concerned for Lawyers (LCL) office and staff is established in 1987 with a dependence counsellor.

The LSS libraries introduce the **Law Society Libraries Information Network (LSLIN)** in 1990, and a new database is made available, incorporating summaries of all Saskatchewan court judgments from the early 1980s.

SKLESI is incorporated in January 1993 and **Madeleine Butschler** is hired as CLE director and becomes first executive director of SKLESI. **Gisèle Dumonceaux** is hired in November to administer the bar admissions course.

SKLESI Volunteer Awards are introduced in 1994 to honour individuals who have made exceptional commitments to legal education.



Federation News

Greg Walen, QC, Council of the Federation

In recognition of the Law Society of Saskatchewan's 110th anniversary, the editors of the *Bencher's Digest* offered to give me a break from my regular submission in order to highlight an article from the website of Federation of Law Societies entitled "Yesterday and Today"*, a look at the history behind the Federation from its beginnings in 1927. I hope to return in the next edition of the *Bencher's Digest* with further news from the Federation. —Greg Walen, QC

Yesterday and Today

From Conference to the Nation's Capital

Though Canada's oldest law society, the Law Society of Upper Canada, was established in 1797 and many others are well over 100 years old, it was not until 1927 that law society leaders, at the initiative of Sir James Aikins of Manitoba, first came together to form the Conference of Governing Bodies of the Legal Profession in Canada.

The main objective of the Conference was "the consideration of matters of common interest to the Governing Bodies of the profession in the several provinces and the making of recommendations in respect thereof to the Canadian Bar Association and to the Governing Bodies of the profession in the provinces."

The annual conference structure endured for 45 years and served its primary purpose as a vehicle for Canada's bar leaders to share ideas and common experiences. In 1972, the Federation of Law Societies of Canada was established as a non-profit corporation whose mission as a coordinating body and forum for exchange between law societies gradually took on more importance with the growth of the legal profession and the complexity of issues facing the law societies. The Federation was housed in Montreal, Quebec from 1985 until 2006 when it engaged its first full-time Chief Executive Officer and relocated to Ottawa, the nation's capital.

Then & Now Timeline *continued*

In 1994, the benchers decide that discipline hearings should be **open to the public**, as many other jurisdictions are doing at the time. Prior to this, orders of the Hearing Committee or Discipline Committee were circulated to members and other governing bodies of the legal profession.

1997



Photo courtesy of Heather Hodgson.

C. Willy Hodgson, the Society's first female Aboriginal bencher, is appointed Lay Bencher on February 11, 1997.

To recognize the commitment and contributions that Willy Hodgson made to the Law Society of Saskatchewan, the Benchers created an award in her honour. See **page 21**.

In 1998, **Beth Bilson** becomes the first female appointed to the position of Dean of the College of Law, which she held until 2002. She receives the QC designation in 2000.



Admissions Committee and the Legal Education and Scholarships Committee are amalgamated into a new **Admissions and Education Committee** in 1995.

In 1997, the Law Foundation provides a grant to convert all of the libraries' research databases from the DOS-based LINE service to an **Internet-based service**.

Lynn MacDonald, QC, becomes the first woman to hold the office of president of the Law Society of Saskatchewan in 1998.

Regina Camera One; Photo courtesy of Lynn MacDonald.



The Law Foundation celebrates its **25th anniversary** in 1998.

Today's Federation

Recent years have seen a rapid and dynamic evolution in how law societies have come together nationally through the Federation to fulfill their public interest mandates. Here are a few examples:

2001	The Canadian Legal Information Institute (CanLII) is founded to provide free access to legal information for the public and the legal profession. Its online collection has grown to include all laws of Canada's federal and provincial governments, as well as more than 1,000,000 Court cases and decisions of administrative tribunals.
2002–2006	The National Mobility Agreement is signed and implemented to break down interprovincial barriers and facilitate the recognition of credentials and the transfer of lawyers between Canada's common law jurisdictions.
2005 – 2008	Canada's law societies agree on new national rules for lawyers and Quebec notaries to help fight money laundering including a prohibition for them to accept more than \$7,500 in cash and requiring them to observe rigorous client identification and verification rules.
2006	The Territorial Mobility Agreement extends the regime for lawyer mobility to Canada's northern territories.
2009	With rapidly growing demand for assessment of credentials of individuals whose legal education was obtained abroad, the Federation modernizes its processes and relocates its assessment service (the National Committee on Accreditation) from the University of Ottawa to the Federation's head office.
2009	The Federation adopts a Model Code of Professional Conduct to set the benchmark for harmonizing codes of conduct to be implemented in each of Canada's law societies so that the public can expect the same high ethical standards to apply to the legal profession everywhere in Canada.
2010	The Federation and Canada's law societies formally approve national requirements for law degree programs in Canada's common law jurisdictions to ensure high standards of competence for individuals who wish to enter the legal profession.
2010	The law societies approve the Quebec Mobility Agreement which formalizes reciprocal recognition of the Canadian Legal Advisor category of membership for lawyers and enables their transfer between common law and civil law legal systems.

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In 1999, a multi-dimensional task force committee of benchers and practitioners is established to look at formal education, admission standards, professional standards and practice standards in order to create awareness, raise standards and develop remedial programs.

In 1999, Benchers decide to provide access to the libraries' databases to all members as a benefit of membership. This decision became the precursor for the development of a new Internet service, the **Canadian Legal Information Institute (CanLII)**, that would have its roots in Saskatchewan.

The first volume of **Case Mail** is created by Web Master Kelly Chiu in September 1999. This bi-monthly newsletter provides members with current digests of Saskatchewan case law, and was once offered at a cost to members based on the number of subscribers. This popular resource is now offered for free on the LSS website, and the library is currently producing the 19th volume.

Case Mail

2000

Western Law Societies Conveyancing Protocol is established February 1, 2000.

John Allen is appointed new Auditor/Inspector of the LSS from 2000 to the present.

The libraries create and maintain the new **LSS website**, which launches in June 1998. The research databases were offered to members for a subscription fee of \$95 per year.

Donna Sigmeth, QC, becomes complaints counsel from 1999 to present. In 2007, she is also appointed deputy director for the LSS.



In 1999, the Law Society approves and recommends for use by the membership a set of **uniform trust conditions** for residential real estate transactions across the province.

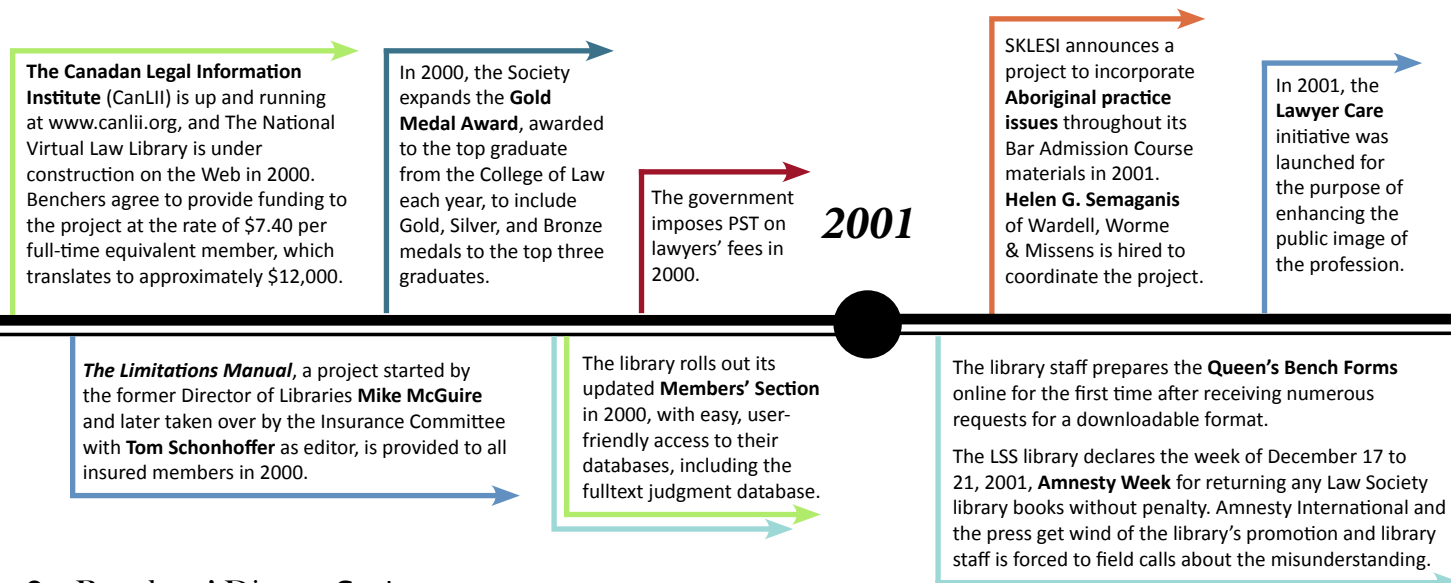
With the fifth anniversary of the Bar Admission Course, the A&E Committee undertakes a review of the program in 2000.

Federation News *continued from page 17*

2011	The Federation approves the applications for two new Canadian law degree programs at Thompson Rivers University in British Columbia and Lakehead University in Ontario—the first new law schools in Canada in over 35 years.
2013	Law societies signed the National Mobility Agreement 2013 and the Territorial Mobility Agreement 2013. These agreements expand mobility rights to permit Canadian lawyers to transfer between Quebec and the common law provinces and territories with ease regardless of whether they are trained in Canadian common law or civil law. The new mobility agreements will come into effect only once implemented by each law society.
2014	Law societies adopted National Discipline Standards governing how law they handle complaints to ensure that members of the public are treated promptly, fairly and openly wherever in Canada they have used the services of members of the legal profession.
2015	The National Requirement that specifies the competencies and skills graduates of Canadian common law programs must have attained and the academic program and learning resources law schools must have in place came into effect. The Federation's Canadian Common Law Program Approval Committee approved 19 existing Canadian law school programs.
2015	The Supreme Court of Canada upheld the Federation's constitutional challenge to the applicability of certain provisions of Canada's <i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i> and regulations to the legal profession, ending a 14-year legal battle with the federal government. The Court found that regulations that would have forced lawyers to collect information about their clients and their financial transactions and turn that information over to the government on demand interfered with legal counsels' duty of commitment to the client's cause and violated protection in the Charter against unreasonable search and seizure, and rights of security of the person. ➔

*Original Source: flsc.ca/about-us/yesterday-and-today/. Reproduced with permission of the Federation of Law Societies of Canada.

Greg Walen, QC, was a Bencher of the Law Society from 2005 to 2012 and was President in 2012. He has been a Council member with the Federation of Law Societies of Canada representing the Law Society of Saskatchewan since 2013.

Then & Now Timeline *continued*

Past Presidents of the Law Society

1908	Edward Lindsay Elwood, Moosomin	1928	Harold J. Schull, KC, Moose Jaw	1944	Richard Mulcaster, KC, Prince Albert
1909	Norman Mackenzie, KC, Regina	1929	Alfred Edward Bence, KC, Saskatoon	1944/45	Arthur Moxon, KC, Saskatoon
1910	Wellington Bartley Willoughby, KC, Moose Jaw	1930	Herbert Edmund Sampson, KC, Regina	1946	Gordon Wright Forbes, KC, Regina
1911	John Alexander Macdonald Patrick, KC, Yorkton	1931	James Hawkins Lindsay, KC, Prince Albert	1947	Alan Carl Stewart, KC, Yorkton
1912	Charles Edward Dudley Wood, Regina	1932	J.M. Hanbidge, KC, Kerrobert	1948	Herbert Elwood Keown, KC, Melfort
1913	Herbert Acheson, Saskatoon	1933	Herbert Gilpin Sparling, KC, Battleford	1949	John Newbery Conroy, KC, North Battleford
1914	Oliver Steele Black, KC, Weyburn	1934	Andrew Murray McIntyre, KC, Saskatoon	1950	Lester McTaggart, KC, Moose Jaw
1915	James Balfour, KC, Regina	1935	James Oswald Begg, KC, Swift Current	1951	William Wallace Lynd, KC, Estevan
1916	Philip Edward Mackenzie, KC, Saskatoon	1936	William Henry Buchan Spotton, KC, Moose Jaw	1952	Emmett Matthew Hall, KC, Saskatoon
1917	Rufus Redmond Earle, KC, Battleford	1937	Percy McCuaig Anderson, KC, Regina	1953	Frederick Charles Hayes, KC, Swift Current
1918	Albert Leslie Gordon, KC, Regina	1938	Albert Edward Cairns, KC, Melfort	1954	Charles Roberts Davidson, KC, Regina
1919	Norman Mackenzie, KC, Regina	1939	William Milverton Rose, KC, Moose Jaw	1955	George Milledge Salter, KC, Prince Albert
1920	Joseph F. Frame, KC, Regina	1940	William James Perkins, KC, Estevan	1955/56	Edward Denis Noonan, KC, Regina
1921	William Grayson, KC, Moose Jaw	1941	Frank Lindsay Bastedo, KC, Regina	1957	Jacob Michael Goldenberg, KC, Saskatoon
1922	William Wellington Livingston, KC, Battleford	1942	Percy George Hodges, KC, Regina	1958	John Lorn McDougall, KC, Regina
1923	Everett Bruce Jonah, KC, Regina	1943	Walter Buchanan Francis, KC, Saskatoon	1959	Stanley McDonald Mighton, KC, North Battleford
1924	Henry Lawson Jordan, KC, Saskatoon				
1925	Daniel Buckles, KC, Swift Current				
1926	Louis Thompson McKim, KC, Melville				
1927	Frank Clayton Wilson, KC, Yorkton				

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On July 6, 2001, the Saskatchewan Legislative Assembly passes **The Miscellaneous Statutes (Domestic Relations) Amendment Act, 2001**, resulting in amendments that extend benefits and obligations already in place as regards common-law couples to same sex couples, and to extend benefits and obligations to unmarried couples (both opposite sex and same sex) where they were previously provided only to married couples.

2002

In 2001, the Equity/Diversity Committee proposes that the Law Society consider the position of an **equity/diversity ombudsperson**. In 2002, **Norma Farkvam** is hired to provide neutral and confidential assistance to lawyers, articling students, and support staff to help resolve complaints about discrimination and harassment.

In 2002 the **National Mobility Agreement** is signed by eight provincial law societies, facilitating both temporary and permanent mobility of lawyers between Canadian jurisdictions. Saskatchewan implements the agreement effective July 1, 2003.

2003

The Professional Standards Committee (PSC) pilots a practice advisor project in 2003 to focus on the area of office management. In 2005, the program is made permanent. See page 12 for more details.

Incorporation of lawyers is permitted by **The Professional Corporations Act**, May 1, 2001.

The Federal Court of Appeal rules on a number of key **copyright issues** arising in a long-standing dispute between the Law Society of Upper Canada and three Canadian legal publishers in 2002. As a result of the ruling, the LSS library changes procedures to comply with the court's ruling on "fair dealing".

A **Collaborative Law initiative** is undertaken by several lawyers in Saskatchewan to introduce a formal program to the province in 2002.

This Week's Law (TWL) turns 20, and the library lauds Library Director **Douglass MacEIlven** as the visionary for the original project back in 1982.

Past Presidents *continued from page 19*

1960	William Harold Morrison, KC, Yorkton	1977	Grant Harold Martin Armstrong, QC, Regina	1995	Lawrence John Zatyln, QC, Prince Albert
1961	Norman R. McDonald, KC, Weyburn	1978	Robert Hamilton McKercher, QC, Saskatoon	1996	Neil George Gabrielson, QC, Saskatoon
1961	Frederick Wood Alexander, KC, Regina	1979	Thomas Clarkson Wakeling, QC, Regina	1997	Richard Shawn Smith, QC, Regina
1962	John Marcel Cuelenaere, KC, Prince Albert	1980	Paul Hrabinsky, QC, Saskatoon	***1998	Lynn B. MacDonald, QC, Radville
1963	Cecil Gilbert Schmitt, KC, Saskatoon	1981	Gerald Lorne Gerrand, QC, Regina	1998/99	Maurice Laprairie, QC, Regina
1964	Boris Dubinsky, KC, Moose Jaw	1982	Gerald Norman Allbright, QC, Saskatoon	2000	Randall Baker, QC, Regina
1965	Alastair MacLean Nicol, KC, Regina	1983	Elton Ronald Gritzfeld, QC, Regina	2001	Martel Popescul, QC, Prince Albert
1966	David Eldon Gauley, QC, Saskatoon	1984	Donald Anthony Wilhelm, QC, North Battleford	2002	Michael W. Milani, QC, Regina
1967	Joseph Gerard McIntyre, QC, Regina	1985	Gordon Joseph Kuski, QC, Regina	2003	Robert Gibbings, QC, Saskatoon
1968	James Eremko, QC, Nipawin	1986	Robert Donald Laing, QC, Saskatoon	2004	W. Brent Gough, QC, Saskatoon
1969	Alan Williams Embury, QC, Regina	1987	Franklin Alexander MacBean, QC, Swift Current	2005	Michael Fisher, QC, Melville
1970	Joseph Frederick Polley, QC, Swift Current	1988	Loran Theodore Andrew Priel, QC, Saskatoon	2006	Alma Wiebe, QC, Saskatoon
1971	Donald Stewart McKercher, QC, Saskatoon	1989	Gerald Mervin Kraus, QC, Regina	2007	Victor Dietz, QC, Regina
1972	Edward John Moss, QC, Regina	1990	David Jackson McKeague, QC, Saskatoon	2008	Richard Danyliuk, QC, Saskatoon
1973	Henry Albert Osborn, QC, North Battleford	1991	Lyle Victor Cundall, QC, Estevan	2009	Karl Bazin, QC, Swift Current
1974	Ramon John Hnatyshyn, QC, Saskatoon	1992	Robert Bruce Pletch, QC, Regina	2010	Eileen Libby, QC, Regina
1975	Donald Kenneth MacPherson, QC, Regina	1993	Leslie William Prosser, QC, Saskatoon	2011	Paul Korpan, QC, Regina
1976	Silas Eugene Halyk, QC, Saskatoon	1994	Peter Stephen Kolenick, QC, Yorkton	2012	Gregory Walen, QC, Saskatoon
				2013	Heather Laing, QC, Saskatoon
				2014	Miguel Martinez, QC, Lloydminster
				2014	Robert Heinrichs, QC, Swift Current
				2015	Brenda Hildebrandt, QC, Saskatoon
				2016	Perry Erhardt, QC, Regina
				***1998	First female president of the LSS

Then & Now Timeline *continued*

Commercial databases are added to the Members' Section through the **Multitype Database Licensing Program**, in which many Saskatchewan libraries finance the bulk purchase of access to electronic information databases as a consortium.

The **Joint No Fault Committee**, formed in 1999 to conduct a mandatory 5-year review of no-fault insurance provision of *The Automobile Accident Insurance Act*, develops an alternative option that allows persons to elect tort coverage instead. This option comes into effect on January 1, 2003.

In June 2003 the LSS establishes an **ISC Liaison Committee** to collect concerns that lawyers across the province have with the new online **LAND Registration Project**.

2004

In 2004, **HeinOnline**, a comprehensive online legal periodical collection, is now offered to all members through the Members' Section.

Bar Course Harmonization Project receives funding from the Law Foundation in 2003 to create an Education Task Force to explore the feasibility of some form of harmonization of the Bar Admission Courses offered in each Western province.

In 2003, the benchers pass **Rule 1620** that prohibits a lawyer from describing themselves as being qualified to practice **collaborative law** without first completing a course approved by the A&E Committee.

In 2003, SKLESI launches an **Online CLE seminar service** and the **Practice Management Resource Library** that houses over 70 articles, practice tips, sample forms and annotated links.

The **Stuart J. Eisner Memorial Bursary** is established to assist a student from rural Saskatchewan to attend law school.

Benchers Briefs

Family Firm

Sometimes the practice of law is woven into a family's tapestry, and, in the case of **Hnatyshyn Gough**, into several tapestries. In 1935, John Hnatyshyn established the firm which later became home to his daughter Elizabeth, and sons Ramon, Victor and David (who recently celebrated his 46th year of LSS membership). Adam, a next generation Hnatyshyn, joined in 2009 and looks forward to celebrating the firm's 100 anniversary in 18 short years.

In 1976, Brent Gough arrived as an articling student and 35 years later, his daughter, Gillian, followed suit. Other partners, Don McIver and Leslie Belloc-Pinder, have contributed children to the firm's cause, assigning them tasks from front office greeting to manual labor (and, in the process, perhaps ensuring they would not pursue legal careers.)

Throughout the decades, the firm has welcomed babies, pets, toys and noise into the office and taken the term "family firm" literally.

—Leslie Belloc-Pinder, Bencher



Leslie with Vic Dietz in 1985 as Leslie is being welcomed to the Regina Bar.

Photo courtesy of Leslie Belloc-Pinder.

Big Shoes to Fill

My late mother [C. Willy Hodgson] was a bencher who was also Cree and a Cree speaker with an abiding interest and involvement with legal matters and First Nation issues. I may well be the second LSS bencher of First Nation origin, and I have followed in her footsteps though I will never fill her shoes.

—Heather Hodgson,
Bencher



Heather and her dad, Bill Hodgson, presenting the C. Willy Hodgson Award in 2008.

Photo courtesy of Heather Hodgson.

In 2004, a new regional licensing program developed by educators in Alberta, Saskatchewan and Manitoba would be administered through the new **Canadian Centre for Professional Legal Education (CPLED)** on behalf of the LSS. The **Online Bar Admission Course** is launched on July 15.

2005

The Limitations Act is proclaimed into force on May 1, 2005. With the new Act comes a new **Limitations Manual** from SLIA, which is now only available online to reduce the cost of updating the print edition. The library staff continue to update this resource annually.

By 2005, 676 of the 1,000 **Aboriginal law graduates** in Canada graduate from the Native Law Centre's Program of Legal Studies for Native People (PLSNP). When the program began in 1973 as a pilot project, there were only four lawyers and five law students of Aboriginal ancestry in Canada.

2006

In 2006, SKLESI announces they will provide the **Saskatchewan CPLED Prize** to the student who has demonstrated outstanding performance during the CPLED Bar Admissions Program.

Dr. Roger Carter receives the first **C. Willy Hodgson Award** in 2004 for his work in establishing the Native Law Centre and the Saskatchewan Legal Aid Plan.

The Public Relations Committee creates the **Centennial Sub-committee** in 2005 to begin plans for the Centennial celebration in 2007.

Ron Kruzeniski, QC, is appointed Chair of the committee, along with LSS Co-Director **Kirsten Logan** and Director of Libraries, **Sue Baer**, and volunteers **Beth Bilson, QC**, **William Selnes, QC**, **John McIntosh, QC**, **David Conroy**, and **President Victor Dietz**.

In 2005, **Judge Mary Ellen Turpel-Lafond** becomes the second recipient of the **C. Willy Hodgson Award** for her extensive advocacy for First Nations people, particularly women, through teaching, scholarship and the practice of law.

The Adventures of PBLS

Improving Access to Justice in Saskatchewan



Pro Bono Law
Saskatchewan

Carly Romanow, Programs Director and Staff Lawyer, PBLS

2008

- Pro Bono Law Saskatchewan ("PBLS") is officially launched on **June 19, 2008**. PBLS was created in response to the provincial Access to Justice Task Force with the support of the Law Society of Saskatchewan.
- Saskatchewan is the **fourth jurisdiction in Canada** to adopt a coordinated approach to pro bono legal service delivery.
- The founding President of the Board is Victor Dietz, QC, and the other founding Directors are Alma Wiebe, QC, Richard Danyliuk, QC, and Tom Schonhoffer, QC.
- The founding Executive Director is Pamela Kovacs.
- The clinics in operation are the Regina Free Legal Clinic, the Aboriginal Family Service Centre Clinic, CLASSIC and the Prince Albert Free Legal Clinic.
- 32 clinic program volunteer lawyers help **675 individuals** throughout Saskatchewan with all manner of legal issues.

2009

- Volunteer lawyers provide **742** free legal clinic appointments to individuals.
- 170** lawyers volunteer with PBLS.
- The PBLS website records **20,521** visitors and **108,108** hits.
- Telephone calls and emails to the PBLS office total **560**.
- Staff at PBLS include Pamela Kovacs as Executive Director and Staff Lawyer, and Kim Huber, Legal Assistant. Three practicum students from the University of Regina also participate in the PBLS office.

2010

- Kara-Dawn Jordan** is hired as the new Executive Director of PBLS.
- 926** clients are served at the free legal clinics.

Then & Now Timeline *continued*

In 2006, the benchers approve a policy that allows **Hearing Committee decisions**, Statements of Fact and details of sentencing to be published on the Law Society website and CanLII unless the Hearing Committee or the Discipline Committee directs otherwise.

SKLESI introduces the **CLE Select Seminars** in 2006 to encourage attendance at CLE programs by members with 25 or more years at the Bar by providing a forum tailored specifically to their needs and interests.

Prairie Lawyer, Country Judge by Justice David Beaubier launches in June 2006 with the help of the Law Society Library staff.



Judge Gerald Morin becomes the third recipient of the **C. Willy Hodgson Award** in 2006 for his commitment to the Aboriginal community and his dedication to Northern and Aboriginal justice issues.

President Vic Dietz presenting the award to Gerald Morin in Prince Albert, March 2007.

2007

Renovations to the Regina Queen's Bench Court House begins January 23, 2006. The renovation reduces the main space of the LSS library, but does create a space in the basement to house a large part of the collection. Through careful planning, the library remains open during the construction. Renovations are completed in May 2007.

The **Centennial logo**, created by Omni Studios of Regina, is launched in 2006 as the official representation of the anniversary. The column represents stability, the open book represents the profession's reliance on words and respectful communication, and the wheat represents the legal profession being well-rooted in Saskatchewan, standing firmly in the Saskatchewan wind and pointing to the future. The circular shape is a spiritual symbol for many cultures, including First Nations' culture.



LAW SOCIETY OF SASKATCHEWAN
CENTENNIAL
JUSTITIA VIRTUTUM REGINA 2007

- The **Swift Current Free Legal Clinic** opens.
- **123** individuals and organizations receive assistance through a Panel Program.
- **192** lawyers volunteer with PBLs.
- The PBLs website logs a record **32,183** visitors and **122,787** hits.
- Telephone calls and emails to the PBLs office number **861** during 2010, a 65% increase from 2009.

2011

- **Nicole Sarauer** joins the PBLs team as Programs Manager and Staff Lawyer, as well as a full-time assistant Julia Bewcyk.
- The **Residential Tenancy Program** in Regina is piloted.
- **214** volunteer lawyers participate in PBLs programming.
- **921** appointments are provided by volunteer lawyers.
- Telephone calls and emails to the PBLs office total **896**.

2012

- **3** additional free legal clinics are opened in Moose Jaw, North Battleford and Estevan.
- **249** lawyers volunteer with PBLs.
- Volunteer lawyers provide **1,213** free legal clinic appointments.
- **96** individuals receive assistance through a Panel Program.
- The PBLs website logs a record **41,799** visitors and **158,449** hits.
- Telephone calls and emails to the PBLs office total **1,743**.
- The toll-free line is introduced to allow individuals throughout the province to call one central office. The toll-free line receives **979** calls.

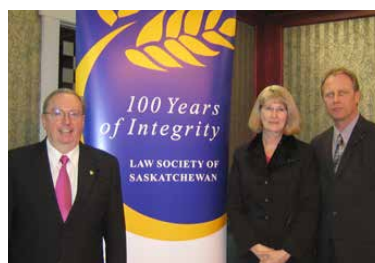
2013

- **335** lawyers volunteer with PBLs.
- Free legal clinic appointments increase 24%—**1,531** clinic appointments.
- Panel Program referrals increase by 50%—**144** individuals receive assistance.
- **3** new free clinics open in La Ronge, Meadow Lake and Yorkton.
- The **Criminal Appeals Panel Program** is created to provide representation to needy individuals who are denied both Legal Aid and court-appointed counsel and are to appeal a conviction or sentence or are the respondents to a criminal appeal.
- The Law Society of Saskatchewan creates a new category of membership, the **Pro Bono Membership**, to allow inactive and retired lawyers to provide pro bono legal services.

continued on page 24

Centennial Year

Allan Snell, QC, steps down as Co-Administrative Director of the LSS in January 2007, and the benchers strike a committee to begin a review of the structure of the Society. **Kirsten Logan, QC**, the remaining Administrative Director, resigns in April after 22 years of service to the LSS.



Bill Selnes, Madam Justice A.R. Rothery and Victor Dietz, QC, Centennial Series, Melfort.

The offices of the LSS are relocated from the Canadian Oils Building at 2500 Victoria Avenue to the 11th Floor of **Avord Tower** at 2002 Victoria Avenue.

Iain Mentiplay's book, ***A Century of Integrity: The Law Society of Saskatchewan 1907-2007***, is launched in December.



A **Centennial calendar of events** is created inviting members to participate in local luncheons, dinners or golf tournaments all over the province.

Canada Post recognizes the Society's 100 years with a **commemorative stamp**. The Centennial website is launched.



Thomas J. Schonhoffer, QC, is appointed Executive Director of the LSS in the summer of 2007.

Michael Milani, QC, past president of the LSS (2002), is named President of the Federation of Law Societies in 2007.

The LSS launches an email-based broadcast service (aka the **Thursday Email Blast**) to communicate more efficiently and cost-effectively with the membership.

Adventures of PBLS *continued from page 23*

2014

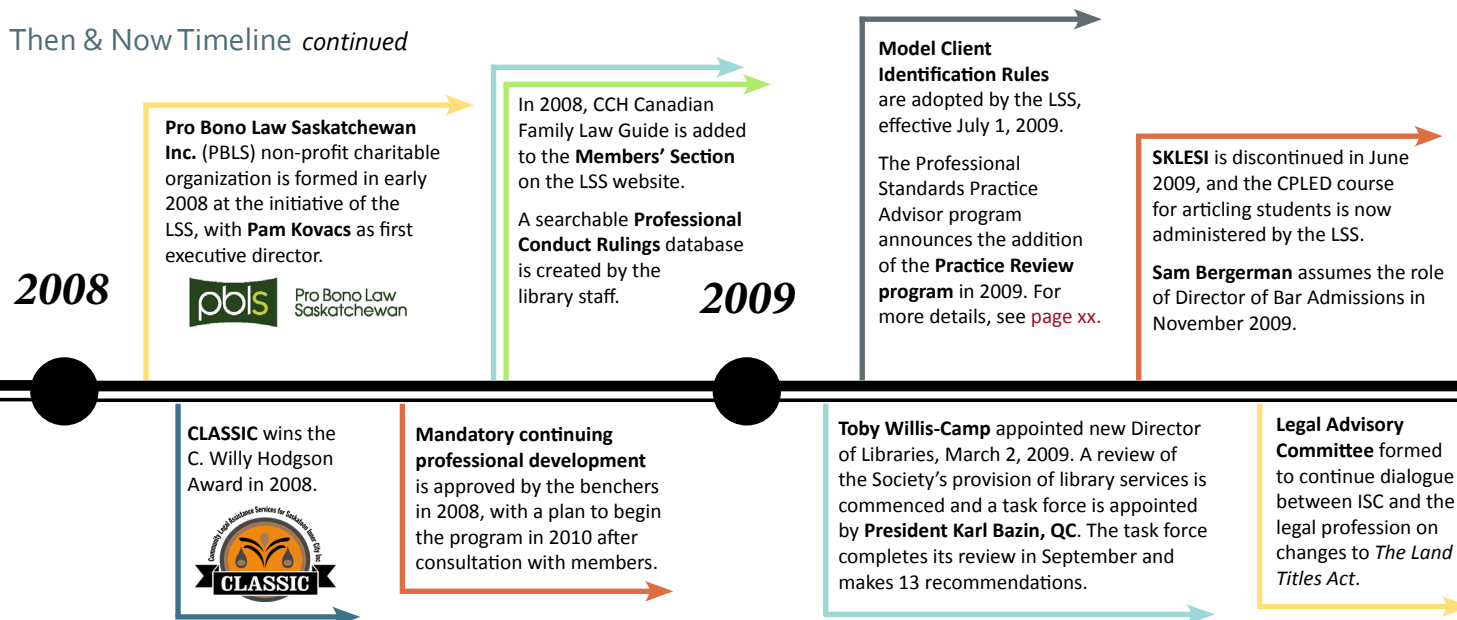
- The **Child & Youth Panel** is retired with the introduction of the Counsel for Children Program operated by the Government of Saskatchewan.
- **372** lawyers volunteer with PBLS.
- The **Regina Small Claims Clinic** and the **Weyburn Free Legal Clinic** open.
- PBLS hosts the **5th National Pro Bono Conference**.
- **1,795** clinic appointments.
- **104** individuals receive assistance through the Panel Programs.

2015

- **1,978** appointments are scheduled through a free legal clinic.
- **1,158** clients are served through a free legal clinic.
- **79** individuals and organizations receive assistance through a Panel Program.
- The **Lloydminster Free Legal Clinic** pilot is launched in partnership with Pro Bono Law Alberta.
- **341** lawyers volunteer with PBLS.
- PBLS staff field over **3,500** calls and emails.

Today

- We have four permanent staff members:
 - **Kara-Dawn Jordan** – Executive Director and Staff Lawyer
 - **Carly Romanow** – Programs Director and Staff Lawyer
 - **Tomilola Adebayi** – Intake Worker and Articling Student
 - **Kaitlynn McArthur** – Intake Worker
 - 1–2 practicum students from the University of Regina, Human Justice department.
- We have **11** free legal clinics throughout the province.
- **354** registered volunteer lawyers.
- We have partnered with the Ministry of Justice to operate **Walk In Wednesdays** at the Court of Queen's Bench in Regina, providing family law legal information to walk-in clients. ➔

Then & Now Timeline *continued*

Who's Who

New Faces at SLIA



Dave McCashin • SLIA Counsel

SLIA is pleased to announce that David J. McCashin has accepted the position of In-house Counsel, taking over from Tim Brown. Dave has extensive experience in the areas of litigation and insurance and began his new position on January 23, 2017.

Dave began his education at the University of Regina, where he earned a Bachelor of Arts Honours degree in 1982, and continued his studies at Queen's University, receiving his Bachelor of Laws in 1989. After being admitted to the Saskatchewan Bar in 1990, Dave practiced with McKercher LLP for the next 20 years as an associate and then as partner, primarily focussing on

insurance-related litigation. In 2007, he was certified as a mediator by the Law Society of Saskatchewan.

Looking in new directions, Dave left McKercher in 2010 and became Defence Counsel with the Co-operators Life Insurance Company for two years, at the same time becoming a member of the Law Society of Upper Canada from 2011 to 2012. For the past five years, he has broadened his experience working with Saskatchewan Government Insurance as Senior Counsel.

We would like to extend our welcome to Dave McCashin and wish him the best of luck in his new role at SLIA. 🍀

Hot Topic

E.M. Culliton Scholarship Endowment

As a tribute to the former Chief Justice E.M. Culliton, an endowment was established by the Law Society of Saskatchewan to provide that in perpetuity a special scholarship is to be awarded for the pursuit of post-graduate studies in criminal law.

The value of the scholarship to be awarded in 2016 has not yet been finally determined, but the maximum amount available is expected to be \$10,000. Up to two scholarships may be awarded in any one year.

**The deadline date for
receipt of applications is
May 5, 2017.**

Application forms are available on the Law Society [website](#).

Andrea Johnston becomes the first **Director of Education** as the LSS tries to implement mandatory continuing professional development in Saskatchewan.

Chief Judge Clifford Toth accepts the 2009 **C. Willy Hodgson Award** on behalf of the **Regina Drug Treatment Court**.

2010

Continuing Professional Development Policy (CPD) comes into force January 1, 2010, under which all active members are required to complete 36 hours of accredited CPD activities in a three-year term.

Saskatchewan's Public Legal Education Association (PLEA) celebrates 30 years of making justice and the law more accessible to the public.

PLEA 
Legal Information for Everyone

A new disciplinary process is in effect as of July 2010 that involves smaller panels of three benchers to adjudicate on all matters of discipline, including sentencing.

The final chapter of the **National Mobility Agreement** is concluded with the accommodation of Quebec lawyers through the Canadian Legal Advisor Status.

LSS implements a new **Membership Management database** to assist members in renewing annual membership and paying fees, as well as allowing the public to search for individual lawyers in the Find a Lawyer feature on the website.

The University of Saskatchewan approves the change of the law degree designation to **Juris Doctor (JD)** from Bachelor of Laws (LLB). The change comes after a thorough consultation process in which 90% of students supported the change.

Addition of O'Brien's Forms and Precedents, DART: Western Decisions, Irwin Law e-Library, and Criminal Spectrum to the **Members' Section** online resources.

In 2010, **Reginald Watson, QC**, is appointed as Chair of an ad hoc Advertising Committee charged with reviewing and possibly proposing amendments to the existing rules that govern the advertising of legal services in Saskatchewan.

Riding the Digital Wave

Technology and the Library

Alan Kilpatrick, Reference Librarian

Over the past century, the Law Society of Saskatchewan Library (LSSL) has been tasked with providing members access to legal information and resources in the latest, most convenient, and most accessible formats available. While the physical presence of the LSSL has been constant since 1907 (there were six libraries operating in the province at that time), technological developments in the last three decades have radically changed the way law libraries operate and provide services. This has been an exciting, and absolutely necessary, opportunity to reinvent the library for the digital era. At the forefront of these developments, the LSSL has appropriately shifted its focus away from print resources and towards online resources in digital formats, taking advantage of the latest technologies, and has become a leader among Canadian law society libraries.

The 1970s saw the library hire its first Director of Libraries, Judy Brennan, MLS, in 1975, but it wasn't until 1977, when the Law Foundation became the benefactor of the libraries, that the library could fully embrace the technological

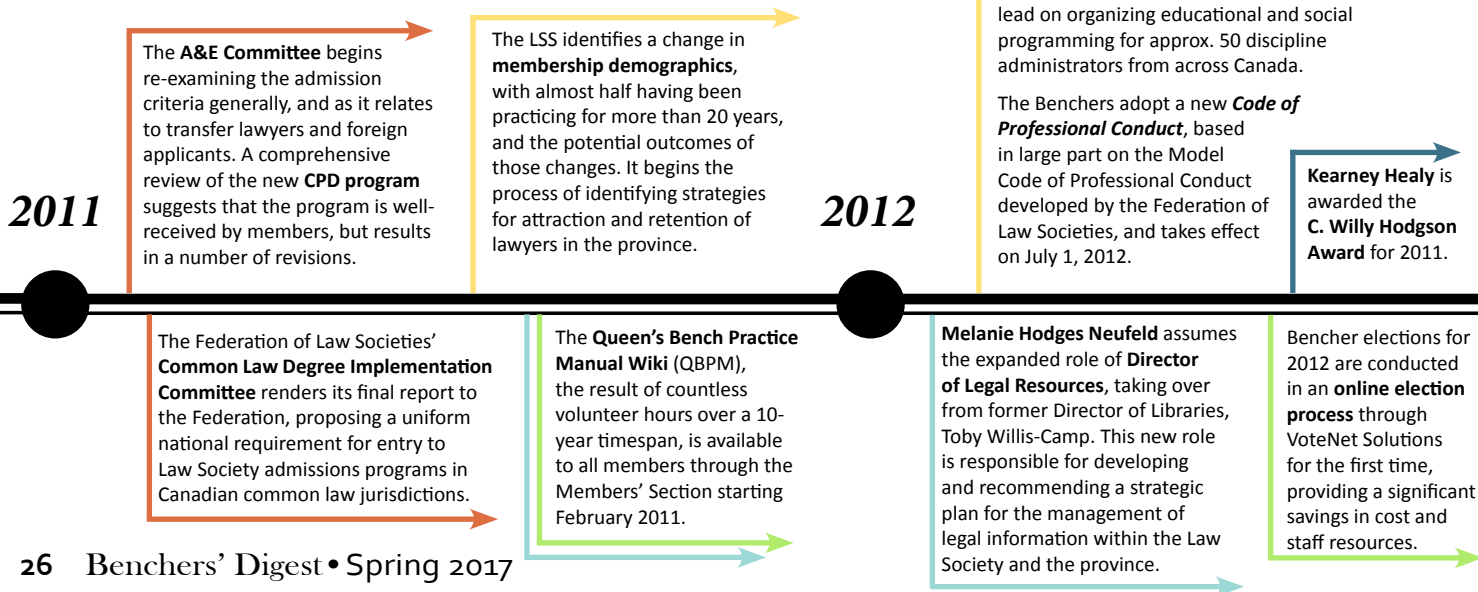
advancements of the time. Under the direction of librarian Douglass MacEllven, a graduate of MacGregor Law School and Washington State University, and Director of Libraries from 1977 to 1988, library service was extended to rural areas of the province by telephone and by the introduction of a province-wide fax machine network in 1979. This network, likely one of the first in Canada, allowed information to be sent anywhere.

In 1980, the Law Society Library became the first computerized courthouse library in North America, an event covered heavily in the media. With access to Quicklaw and a fax machine network, the library was able to complete computer research and rapidly send detailed materials to rural members. The early 1980s also saw the creation of *This Week's Law* (TWL), a Saskatchewan judgment digesting service, the precursor of today's popular *Case Mail* newsletter, which began in 1999 and continues today.

Technology made leaps and bounds in the 1990s, and the library jumped on board. The Law Society Library



Then & Now Timeline *continued*



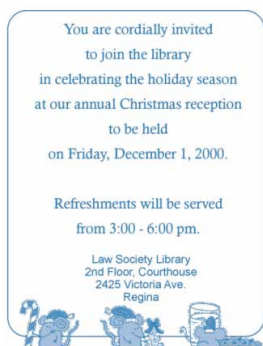
Information Network (LSLIN), later called the Legal Information Network Extension (LINE), expanded members' access to legal databases and the library collection, through a toll-free telephone dial-up line. This ground-breaking system, described as state-of-the-art by Iain Mentiplay in *A Century of Integrity: The Law Society of Saskatchewan 1907 to 2007*, was a first among law society libraries in Canada. This was also the decade that the library created the LSS website and joined the Internet community, offering members exclusive access to its valuable research databases for the first time. In fact, the Law Society Library was one of the first jurisdictions to offer such convenient desktop access to legal resources.

Today, members can access an amazingly comprehensive set of subscription legal databases, like WestlawNext Canada and HeinOnline, from the Members' Section of the Law Society website right on their computer's desktop. The Members' Section also boasts almost 200 eBooks.

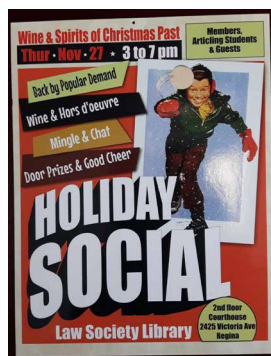
As the Law Society Library moves forward toward a brave new world of online legal resources, we remain fully committed to providing all members with access to legal resources, wherever they're located in the province, in the latest and most convenient digital formats available. ➡



1999



2000-2005



2014



2015



2016

The Law Society Library started holding a special Christmas reception back in 1999 as a way of celebrating with members and friends of the Law Society. With food, drinks and good conversation served in the library, the annual celebration became a huge success. They were held until 2005, when the renovations at the Queen's Bench Court House prevented it. After that, the venue was deemed too small to host such an elaborate affair, and many members expressed their disappointment. In 2014, the library staff decided to hold a more moderate party as a way to remind the community that the library is still a great place to get together, and the Holiday Social has been a popular event ever since!

2013

The **A&E Committee** is tasked with reviewing the **Competency Profile** approved by the Council of the Federation of Law Societies in 2012. The LSS approves the **National Competency Standards** in 2013, and they will come into effect in 2015.

The **Queen's Bench Rules of Court** undergo a thorough reorganization and are updated to be more intuitive and to use more plain language where possible. The new Rules come into force July 1, 2013. As a result, the Library staff conduct the major task of updating the third edition of **The Queen's Bench Rules of Saskatchewan: Annotated** to reflect those changes. The new looseleaf fourth edition is released to members in October 2013.

Benchers approve a **Reciprocal Suspension Rule**, which applies to lawyers who are members of more than one Law Society, that will maintain a suspension in Saskatchewan when a member is convicted of professional misconduct in their other Law Society.

2014

Pro Bono Law Saskatchewan hosts the **5th National Pro Bono Conference** in Regina on September 25 & 26, 2014, with the theme of Justice4All.

The **C. Willy Hodgson Award** is presented to **Donald Worme, QC**, in 2014.

A comprehensive review of the library system is underway, prompted in large part by the closure of the **Saskatoon Court House library** in September 2013 during construction of the new Queen's Bench Court House.

On February 22, 2013, **Silvia Suman** signs the Roll Book to become the **Law Society's 5,000th member**.

The **Justicia Project**, a voluntary organization started in Ontario to help improve working conditions for women, receives support from benchers.

March 2014 marks the launch of the Law Society Library's blog, **Legal Sourcery**.

Legal Sourcery

Judicial Appointments

The Honourable Daryl Rayner, QC, is appointed as a judge to the Provincial Court in Moose Jaw.

Judge Rayner received his Law Degree from the University of Saskatchewan in 1983. He began his career as a Crown Prosecutor in Regina and later became the Director of Prosecutors in Saskatchewan. He most recently served as the Assistant Deputy Attorney General, Public Prosecutions for the province. In addition, he also taught criminal law for several years at the Saskatchewan Police College and RCMP "F" Division.

Judge Rayner replaces Judge Margaret Gordon, who will be retiring.

Released November 25, 2016

The Honourable Marilyn Penner is appointed as a judge to the Provincial Court.

Judge Penner received a Law Degree from the University of Saskatchewan in 1993. She articulated at McKercher McKercher Laing and Whitmore in Saskatoon, and practiced at various Saskatoon firms. At the time of her appointment she was a co-owner at WMCZ Lawyers. Judge Penner is also trained in mediation and collaborative practice.

Judge Penner has been active in several legal related organizations. She was the President of the Saskatchewan Trial Lawyers Association, Vice-President of Collaborative Professionals of Saskatchewan Inc., and Saskatchewan Legal Education Society Inc. in addition to being Chair of the Family North section of the Canadian Bar Association.

Judge Penner is a tireless advocate within various community based organizations, while also maintaining active membership on the boards of Saskatchewan Blue Cross and Business and Professional Women of Saskatoon.

Released January 13, 2017

Then & Now Timeline *continued*

On July 1, 2014, changes to **The Legal Profession Act, 1990** and the Rules of the Law Society of Saskatchewan introduced the concepts of mandatory practice reviews and mandatory succession planning.

The new **Saskatchewan Builders' Lien Manual** is released for the 20th anniversary of W. Brent Gough's original *Practitioners' Manual* from 1994. The content of this second edition is updated by **Collin K. Hirschfeld, QC**, published by the LSS Library.



2015

The Court of Appeal for Saskatchewan and the Law Society of Saskatchewan Library join forces to publish an annotated version of **The Court of Appeal Act** and the **Rules of Court in Civil Appeals in Saskatchewan**, by the **Honourable Stuart J. Cameron**.



Implementation of the National Discipline Standards reveals the need for enhanced training for Benchers, and an objective is set for the development of education modules for Benchers.

A **governance review** begins in the spring of 2014 to clarify the roles of staff and Benchers.

The LSS partners with the Law Societies of Alberta and Manitoba to initiate a review of **Alternative Business Structures (ABS)** as the idea starts to be discussed more in Canada.

The library begins a digitization project to increase the coverage of **Saskatchewan case law on CanLII**, with the goal of adding up to 20,000 cases to the database to provide a nearly complete record of Saskatchewan cases back to 1909.

Benchers adopt a business strategy for the LSS, which includes a Vision ("what we want to be/achieve"), Mission ("why we exist"), Values ("core beliefs governing how we conduct affairs") and strategic objectives ("the priority items to concentrate on").

The LSS considers the possibility of developing a "Locum Lawyer" program in the province.

A new Oath of Office is recommended by the A&E Committee and approved by the Benchers.

In Memory of Victor Dietz, QC



IT IS WITH GREAT SADNESS that we announce the passing of Victor Dietz, QC, on Monday, February 13, 2017. Vic graduated from the University of Saskatchewan Law School in 1982 and was admitted to the practice of law in 1983 with the law firm Olive Waller Zinkhan & Waller. In 1988 he became a partner and has practiced primarily in the area of

bankruptcy and insolvency as well as debtor/creditor matters on behalf of a number of financial institutions and particularly Credit Unions in the Province of Saskatchewan.

In 2004, he was elected a Bencher of the Law Society of Saskatchewan and served the maximum two full terms, concluding in 2009. Vic was President of the Law Society of Saskatchewan and served as the Society's President in its Centennial year of 2007. Besides service to the Law Society, Vic was a Commissioner with the Saskatchewan Legal Aid Commission for over five years and was also a member of the Provincial Court Judicial Council and the Law Society Representative on the Provincial Access to Justice Task Force. He also served on a number of committees, including the Provincial Court's Judges Sub-Committee on Appointing a

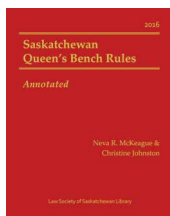
Chief Judge of the Court. He was awarded a Queen's Counsel designation in 2006.

While serving as President of the Law Society of Saskatchewan and as a member of the Provincial Access to Justice Task Force, Vic was instrumental in creating Pro Bono Law Saskatchewan as a response to the Task Force Report. He was a founding Director as well as the first President of PBLs.

In 2010, Vic Dietz resigned from his partnership at the law firm of Olive Waller Zinkhan & Waller LLP after over 25 years of partnership and was appointed Counsel to the firm and acted in that regard while also providing legal services to the Law Society of Saskatchewan as a Practice Advisor and as counsel for the Canadian Academy of Recording Arts and Sciences, which hosts the JUNO Awards each year.

Vic was a committed, hard-working professional and an influential servant of the administration of justice. Perhaps more importantly, Vic was consummately authentic, fair and honourable. As a friend and colleague, he led with his heart and did not waiver from his beliefs or convictions. He truly exemplified a life of service and will be sorely missed not only by all who had the privilege of knowing him, but by a profession and a system of justice that benefitted so greatly from his tireless efforts. Though Vic has left us, his spirit will continue to march on in the many lives he touched and the significant effort he gave to make the world a better place. ♡

2016



The **Saskatchewan Queen's Bench Rules Annotated** is consolidated and updated in 2016 by **Christine Johnston**, who has annotated every looseleaf release since 2013.

But say goodbye to the big red binder; this resource is now an annual edition in paperback and ebook formats!

Law Society consultation on **entity regulation** begins with a survey to members in May.

The LSS announces their **Locum Lawyer Registry** is now available on their website June 1, 2016.

Tom Schonhoffer, QC, resigns as Executive Director of the Law Society of Saskatchewan in August 2016. Deputy Director **Donna Sigmeth, QC**, takes over until **Tim Brown** accepts the position in November 2016.

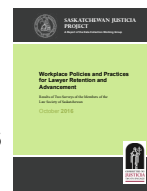


2017

The LSS Library staff celebrate the reopening of the **Saskatoon library** in April 2016. The library closed for renovations in 2013.



A pilot project of the **Saskatchewan Justicia Project**, approved by Benchers in 2014, publishes a report and sample policies in 2016 to advance equality in the workplace.



2016 Queen's Counsel Appointments

Released on December 18, 2016

"I'm pleased to recognize the dedication of these individuals who demonstrate a high standard in the legal profession and a commitment to public service. These individuals have made contributions to our communities, justice system and the citizens of our province." —Justice Minister and Attorney General Gordon Wyant

Fifteen Saskatchewan lawyers have been recognized with the honorary Queen's Counsel (QC) designation for their outstanding contributions to the legal profession and public service.

- **William Burge**, Senior Crown Prosecutor in the Public Prosecutions Division, Saskatchewan Ministry of Justice in Regina. He was admitted to the bar in 1985.
- **Christopher Donald**, a lawyer with the Robertson Stromberg law firm in Saskatoon. He was admitted to the bar in 2000.
- **Paul Elash**, a lawyer with the Kohaly, Elash & Ludwig law firm in Estevan. He was admitted to the bar in 1978.
- **Timothy Epp**, Senior Crown Counsel in the Civil Law Division, Saskatchewan Ministry of Justice. He was admitted to the bar in 1985.
- **Glen Gardner**, Assistant Deputy Minister, Justice Innovation, Saskatchewan Ministry of Justice. Effective January 16, 2017, he has been appointed as the Deputy Minister of Justice and Deputy Attorney General. He was admitted to the bar in 1981.
- **Collin Hirschfeld**, a lawyer with the McKercher law firm in Saskatoon. He was admitted to the bar in 1998.
- **James Korpan**, a lawyer with the McDougall Gauley law firm in Regina. He was admitted to the bar in 1993.
- **Valerie Macdonald**, a lawyer with Farm Credit Canada in Regina. She was admitted to the bar in 1986.
- **Mary McFadyen**, Ombudsman for Saskatchewan. She was admitted to the bar in 1985.
- **Bonnie Missens**, a lawyer with the Saskatchewan Indian Gaming Authority in Saskatoon. She was admitted to the bar in 1992.
- **James Morrison**, a lawyer with the McDougall Gauley law firm in Saskatoon. He was admitted to the bar in 1983.
- **Drew Plaxton**, a lawyer with Plaxton Jensen Lawyers in Saskatoon. He was admitted to the bar in 1977.
- **Leah Schatz**, a lawyer with the MacPherson Leslie & Tyerman law firm in Saskatoon. She was admitted to the bar in 1994.
- **James Vogel**, a lawyer with the Richmond Nychuk law firm in Regina. He was admitted to the bar in 1989.
- **Valerie Watson**, a lawyer with The W Law Group in Saskatoon. She was admitted to the bar in 1988.

Queen's Counsel appointments are based on recommendations from a selection committee consisting of Saskatchewan's Justice Minister and Attorney General, the Chief Justice of the Court of Appeal for Saskatchewan or the Chief Justice of the Court of Queen's Bench, and the past presidents of the Saskatchewan branch of the Canadian Bar Association and the Law Society of Saskatchewan.

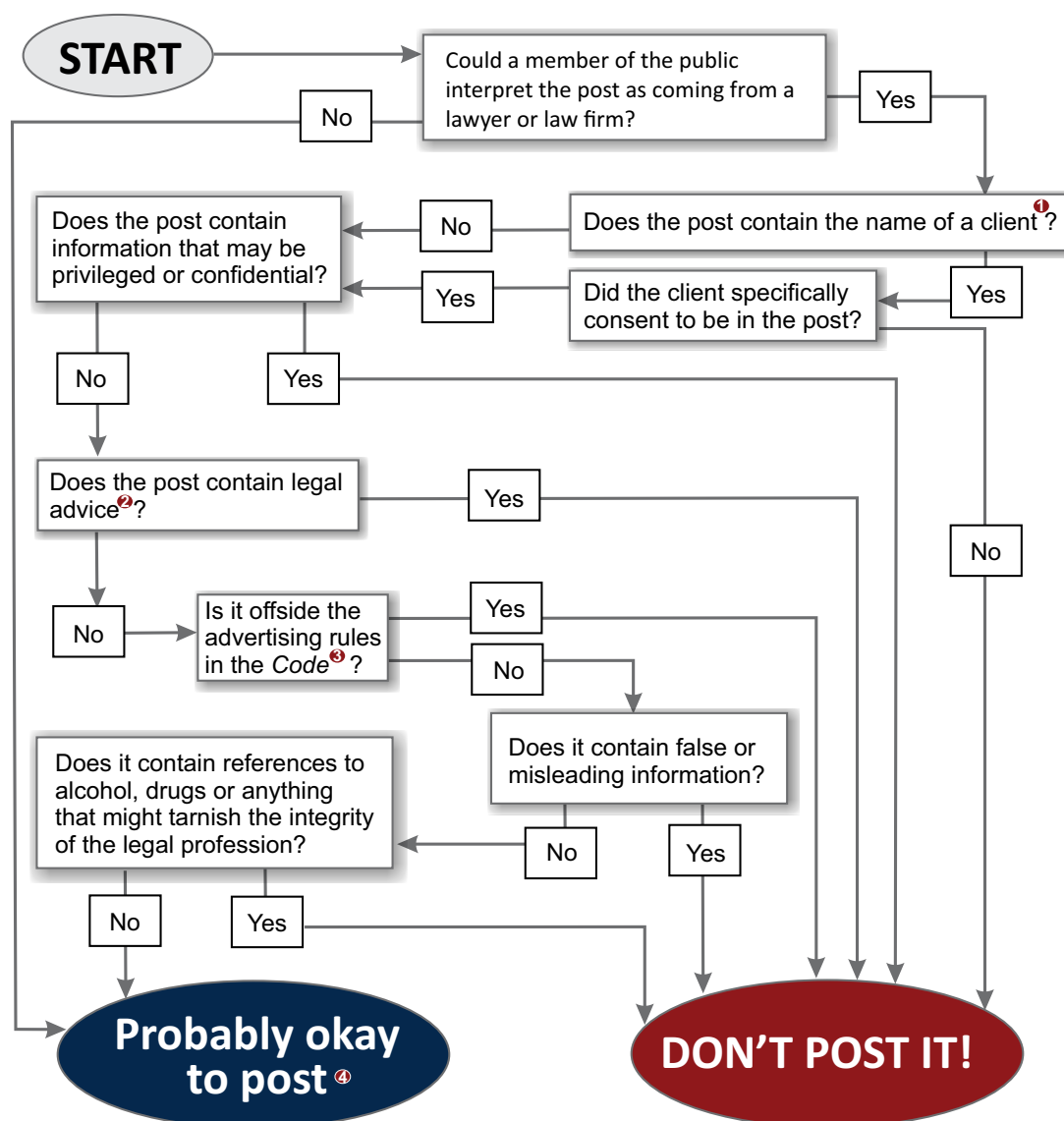
For more information, contact:

Drew Wilby, Executive Director, Corporate Affairs
Ministry of Justice • Regina, SK
Phone: 306-787-5883
Email: drew.wilby@gov.sk.ca

Lawyers and Social Media...

Stacey McPeck, Complaints Counsel

Thinking about posting a funny legal foible on Facebook? Have a tantalizing trial tidbit for Twitter? Before you post that picture of your desk full of files, we have a trusty flowchart for you to consider:



^① Pictures of files, where the name is visible when zoomed in, contains clients' names.

^② "legal advice" includes information that a person may construe as advice.

^③ See Code, Chapter 4 – Marketing of Legal Services for more information.

^④ Emphasis on probably. Lawyers should be mindful that maintaining the integrity of the profession is a foremost concern for all lawyers, even when the conduct does not directly relate to their roles as lawyers.

Flowchart created by Stacey McPeck.

Many Thanks

CPD Volunteers from 2016

The Law Society of Saskatchewan Benchers and staff would like to acknowledge the generous contributions from the following people. Without volunteers like you, we would not be able to provide such valuable CPD activities.

Idowu Adetogun	Jaqueline Francis	Ken Koshgarian	Katherine Pocha
Barbra Bailey	Aaron Friedman	Gord Kuski, QC	Chief Justice M.D. Popescul
Justice B.A. Barrington-Foote	Cory Furman	Justice D.E. Labach	Karen Prisciak, QC
Loreley Berra	James Fyfe	Heather Laing, QC	Justice A.R. Rothery
Stewart Berringer	Christine Glazer, QC	Meaghan LaRose	Mike Russell
Morris Bodnar, QC	Conrad Hadubiak	Richard Leland	Randy Sandbeck, QC
Kirby Burningham	Robert Hale	Erin Little	Nicole Sawchuk
Justice N.W. Caldwell	Ryan Hallman	Michael Mahon	Tom Schonhoffer, QC
Naomi Carriere, University of Saskatchewan	Pam Harmon	Chris Masich	Jeff Scott, QC
Justice G.M. Currie	Judge H.M. Harradence	Scott Masson	Leslie Sullivan, QC
Sherri Cybulski	Brian Hendrickson, QC	Mitch McAdam	Gerald Tegart, QC
Jamie Dickson	David Hickie	Alan McIntyre, QC	David Thera, QC
Amanda Dodge	Brenda Hildebrandt, QC	Don McIver	Michael Tochor, QC
Chris Donald	Jeff Hirsch, Federation of Law Societies of Canada	Tim McLeod	Greg Thompson, QC
Nancy Drew	Lynn Hnatick	Stacey McPeck	Judge Clifford C. Toth
Justice G.D. Dufour	Jeff Howe	Justice M.T. Megaw	Herman Van Ommen, QC, Law Society of British Columbia
Ross Earnshaw, Law Society of Upper Canada	Ian Hu, LawPRO	Justice R.C. Mills	Kelly Waddell
Sonia Eggerman	Rangi Jeerkathil	Ronni Nordal	Greg Walen, QC
Paul Favel, QC	Bob Kennedy, QC	Omolara Olayemi	Patricia Warsaba, QC
Mark Folk	Alan Kilpatrick, LSS Library	Michelle Ouellette, QC	Craig Zawada, QC
Ken Fox, LSS Library	Erin Kleisinger, QC	Charmaine Panko	Krista Zerr
		Valerie Payne	



Law Society of Saskatchewan Continuing Professional Development

Upcoming Continuing Professional Development Activities

- **Select Dinner:** [The Philosophy & Ethics of Law](#) (CPD-164)
Presenter: Professor Eldon Soifer
Monday, March 13, 2017 (Saskatoon)
Wednesday, March 15, 2017 (Regina)
- **Webinar:** [Interests in Land-Statutory and Equitable Considerations—Panel Discussion](#)
Panel: Andrea Agrue, Eric Johnson & Randy Sandbeck, QC
Tuesday, March 28, 2017—12pm to 1:30pm
- **Webinar:** [The Two Million Dollar Cheque—Practical Issues on Capacity](#) (CPD-165)
Panel: Chris Boychuk, QC, Brenda Hildebrandt, QC, & Lilian Thorpe, MD, PhD
Thursday, April 6, 2017—12pm to 1:30pm
- **Webinar:** Researching Provincial and Federal Legislative Histories Online (CPD 172)
Presenters: Ken Fox & Alan Kilpatrick
Thursday, April 13, 2017—12pm to 1:30pm
- **Negotiation Strategies & Negotiation Ethics for Lawyers** (CPD-159)
Presenter: Martin Latz
Wednesday, April 19, 2017 (Saskatoon)
Thursday, April 20, 2017 (Regina)
- **Sidebar Social on the Road:** [Ethics in Everyday Practice—Dealing With Your Client](#) (CPD-154)
Wednesday, 26 April, 2017—5 to 7:30pm
(Prince Albert)
- Commercial Arbitrations
Wednesday May 10, 2017 (Saskatoon)
Thursday May 11, 2017 (Regina)
- **Roundtable Discussion:** [Implications of the SCC Judgment in *Wilson v Atomic Energy of Canada Ltd.*](#) (CPD-162)
Tuesday May 16, 2017—4pm to 5:30pm (Regina)
Chaired by Susan Barber, QC, & Rick Engel, QC

For the most up-to-date information about upcoming CPD activities and for further information about the CPD Policy, refer to “Continuing Professional Development” on the Law Society [website](#).

Truth and Reconciliation Training for the Legal Profession

The Métis Nation: Reconciliation and *Daniels v Canada*

Presenter: Kathy Hodgson-Smith
Wednesday, May 3, 2017
12pm to 1pm
Qualifies for 1 CPD Hour,
which also qualifies as Ethics.



Professional Conduct Rulings

Recent Rulings

In case you missed our post on Legal Sourcery, we have printed the most recent ruling here. You can find this and all other rulings in our [Professional Conduct Rulings](#) database.

Date: December 1, 2016
Cite as: 2016 SKLSPC 9
Classification: Undertakings and Trust Conditions
Practice Area: Family Law

Facts:

Lawyer X and Lawyer Y represented opposing parties in a matrimonial dispute. Pursuant to an Interspousal Contract, the family home was to be sold. As Lawyer Y had agreed to handle the sale transaction, Lawyer X sent a Transfer Authorization to Lawyer Y on trust conditions. Lawyer X, via email, agreed to amend one of his trust conditions to read as follows:

“Upon receiving the [money] into your trust account, thereafter forthwith pay in full the Bank ABC Line of Credit now secured on title, and provide confirmation to our office, and shall then forthwith pay our office 50% of the remaining proceeds, plus \$1,200.00, further to paragraphs 28 and 29 of the Interspousal Contract.”

Lawyer Y proceeded to close the transaction for the sale of the parties’ family home. However, when he sought confirmation on the amount of sale proceeds each of his and Lawyer X’s client would receive, an objection was raised by Lawyer X and his client on Lawyer Y’s intention to adjust for:

1. property taxes to the date of possession;
2. Lawyer Y’s legal fees and disbursements for handling the real estate transaction; and
3. the mortgage discharge fee charged by the lender in exchange for the lender’s Interest Discharge Authorization required to clear the encumbrance from title.

Counsel then engaged in a discussion over their inconsistent understanding of the word “proceeds” in the Interspousal Agreement and trust conditions imposed on Lawyer Y. Lawyer X and his client argued that the trust conditions did not permit Lawyer Y to deduct anything from the proceeds of sale payable to Lawyer X’s client other than the money required to pay out the balance remaining on the Bank ABC Line of Credit. Lawyer Y and his client asserted that it is customary practice to deduct such payables prior to the proceeds of sale being divided and paid to the parties.

Lawyer X and Lawyer Y referred their dispute to the LSS Ethics Committee for its interpretation of “proceeds” as used in the trust condition.

Decision:

It is not within this Committee’s jurisdiction to define the term “proceeds” for the parties. This is a legal question. If the parties remain unable to agree, this question will need to be determined in another forum.

This reference, however, raises the following issues that are within this Committee’s jurisdiction:

1. Was it reasonable for Lawyer X to impose trust conditions upon Lawyer Y that were inconsistent with the customary practice in real estate transactions?
2. Was it reasonable for Lawyer Y to accept trust conditions that were in conflict with that customary practice?

The Ethics Committee considered the previous ruling of the Law Society (2012 SKLSPC 7). To summarize, it is important for lawyers to be absolutely diligent in both drafting trust conditions and in accepting them. Further, counsel should neither impose unreasonable trust conditions nor accept them. In this instance, neither of Lawyer X or Lawyer Y devoted sufficient attention to the trust conditions necessary to complete the transaction.

By way of guidance to the profession, family law practitioners may benefit from reviewing the LSS Uniform Letter of Trust Conditions used in real estate transactions and adopting similarly appropriate trust conditions when imposing binding obligations upon one another in family law matters involving real estate conveyance. Specifically, family law practitioners are encouraged to routinely prepare and provide a statement of adjustments to opposing counsel when supplying a Transfer Authorization under trust conditions. Doing so will identify any misunderstanding among counsel and the parties on how the proceeds of sale will be distributed. ➡

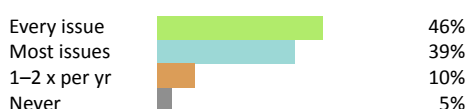
Benchers' Digest Survey Statistics

From January 15 to February 15, 2017, the editorial team of the *Benchers' Digest* hosted a Survey Monkey to find out how you think we've been doing with your newsletter. The results are extremely valuable to us for determining how to best provide you with the content you want to read. Sixty-one people participated in the survey, 60 of whom are LSS members.

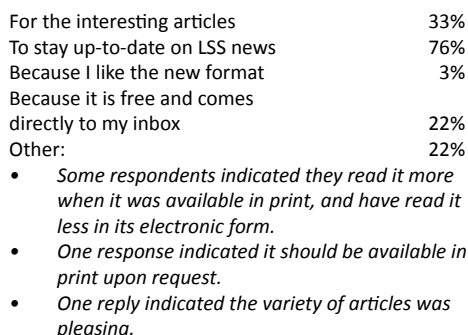
1. Do you read the Benchers' Digest (BD)?



2. How often do you read it?



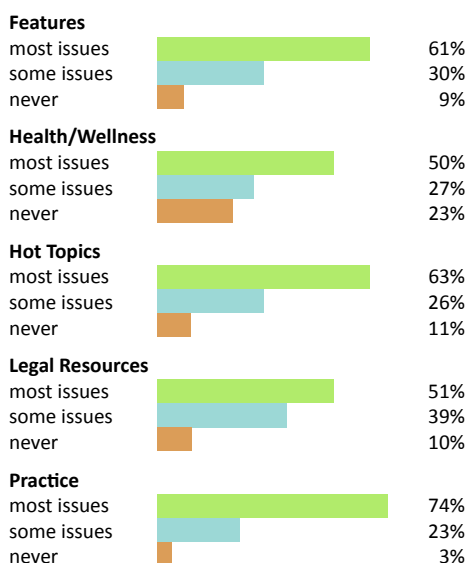
3. Why do you read the BD?



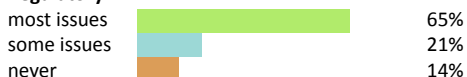
4. How long have you been reading the BD?



5. These sections appear regularly in the BD. How often you read/look at them?



Regulatory



What's New



6. Are there any sections you'd like to see more of? Please specify.

- More practice and regulation tips, possibly fewer feature articles.
- More information on rule changes and the reasoning, upcoming policies, as well as current issues facing Benchers.
- Profiles on prominent lawyers, case analyses, statistics, more pictures, letters to the editor.

7. Are there any issues, topics, or themes that you'd like to see in upcoming issues?

Women and the law, access to justice, comparisons of different law practices, ethics in and out of the courtroom, new model of governance.

8. What do you think of the BD's design?



9. In terms of the design, what stands out most and/or what could use some work?

- Most indicated the new design is distracting and bulky with too many colours.
- A few respondents said it is difficult to read onscreen, although one response indicated that it is easy to read.
- Articles are less relevant than in the past.
- A few respondents would like to return to the shorter newsletter format of the past.

10. What do you think of the BD's cover design?



11. In terms of the cover, what stands out most and/or what could use some work?

- Return to old format with CEO/Chair on the cover.
- Don't notice the cover online.

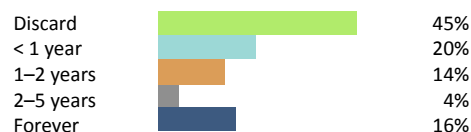
12. The BD has increased in length in the last year, with longer feature articles. What do you think of the new length?



13. Do you prefer to read the BD online or in print?



14. If you read it in print, how long do you save a copy of the BD?



15. Typically, who else reads your copy of the BD besides you?



16. If you read it online, would you like to receive a print copy?



17. Would you be willing to pay a subscription fee for a print copy?



18. What is a reasonable price to pay for a one-year subscription to the BD (4 issues)?



A big thank-you to everyone who took the time to give us your opinion.

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