

**Draft**  
**Minutes of the Annual General Meeting of the**  
**Law Society of Yukon**  
**Held at the Gold Rush Inn – General Store**  
**Whitehorse, Yukon**  
**on Thursday, May 30, 2019**

There were 31 people present, including:

Executive: Mark Wallace – President, David Christie – Chair of the CLE Committee and Acting Chair of the Discipline Committee, Marlaine Anderson-Lindsay – Secretary, Rick Smith – Treasurer, Jim Tucker – Past President, David McWhinnie – Council member of the Federation of Law Societies

Others: Linda Doll – Executive Director, Shannon Kmyta – Administrative Assistant

Also Present: Jim Bishop, Kim Sova, Leo Lane, Sarah Bailey, Katie Mercier, Bruce Warnsby, Serge Lamarche, Meagan Hannam, Lynn MacDiarmid, Amy Chandler, Lauren Whyte, Ian Fraser, Paul Lackowicz, Peter Morawsky, Rick Buchan, Keith Parkkari, Graham Lang, Shayne Fairman, John Phelps, Paul Di Libero, Ryan McCallion, Sandra Markman, Tom Ullyett

**1. Approval of Agenda**

**AGM-19-01**

**MOTION:** *to approve the agenda as circulated*  
*Moved by Graham Lang/Seconded by Kim Sova*  
*Carried*

**2. Approval of the Minutes of the 2018 Annual General Meeting**

These were distributed by e-mail in advance of the meeting, and a hard copy was available.

There were no comments.

**AGM-19-02**

**MOTION:** *to approve the 2018 Annual General Meeting minutes as presented*  
*Moved by Graham Lang/Seconded by Jim Bishop*  
*Carried*

**3. Approval of the December 31, 2018 Audited Financial Statements**

These were distributed by e-mail in advance of the meeting, and a hard copy was available.

There were no comments.

**AGM-19-03**

**MOTION:** *to approve the December 31, 2018 Audited Financial Statements  
Moved by Rick Smith/Seconded by Graham Lang  
Carried*

**4. Review of the 2018 Annual Report**

*a. President's Report – Mark Wallace*

President Mark Wallace's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

In his comments at the meeting, Mark Wallace:

- thanked John Phelps, Suzanne Duncan and Gina Nagano for their time on the Executive;
- passed along Gina Nagano's regrets for not being able to attend the meeting and her thanks to everyone for all she has learned while being on the Executive;
- thanked David Christie for taking on the additional role of Chair of the Discipline Committee upon Suzanne Duncan's departure;
- thanked the staff of the Law Society for all their work and support;
- explained that ALIA is unable to continue to manage claims on behalf of CLIA and that CLIA will be taking over this responsibility; the process for members making claims will remain the same except they will now report to CLIA as opposed to ALIA.

*b. Discipline – David Christie*

Discipline Chair David Christie's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

David Christie commented at the meeting that the report reflects the work of the Discipline Committee and the handling of complaints over the past year. There were no comments or questions from the members.

*c. CLE Committee – David Christie*

CLE Committee Chair David Christie's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

In his comments at the meeting, David Christie:

- thanked the Committee members for their hard work on the Committee;

- indicated he is proud of the work the Committee carried out in 2018, having pulled together many CLEs, and their intent is to do the same in 2019;
- advised that the Committee has scheduled another in-person Yukon First Nations 101 session for 2019, which will be the 4<sup>th</sup> year it has been held;

There were no questions or comments from the members.

*d. Secretary – Marlaine Anderson-Lindsay*

Secretary Marlaine Anderson-Lindsay's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

In her comments at the meeting, Marlaine Anderson-Lindsay:

- described some of her tasks as Secretary including reviewing applications bi-weekly, making recommendations to the Executive, meeting with students-at-law;
- advised that in 2018 the LS had 4 new calls, a small decrease in resident member and an increase in non-resident members
- thanked the law society staff;

There were no questions or comments from the members.

*e. Treasurer – Rick Smith*

Treasurer Rick Smith's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

In his comments at the meeting, Rick Smith:

- provided a history and background on the system of fund accounting maintained by the LS; the General Fund, the Liability Insurance Fund and the Special Fund;
- set out the duties of the Treasurer;
- provided brief overview of the Operating Budget, namely
  - discipline was lower than budgeted due to a low number of complaints and early resolution with none going to hearing;
  - operating expenditures in 2018 were higher than previous years due to the ongoing work on the new Rules, which costs were paid for from the Obligatory Reserve Fund, which was established to cover one-time expenses that can't be covered in the Operating Budget as per the LS strategic plan;

Rick Smith concluded in stating that the Law Society continues to be in excellent financial shape due to good fiscal policy and sound executive judgment.

There were no questions or comments from the members.

*f. Special Fund – Serge Lamarche*

Special Fund Chair Serge Lamarche's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

At the meeting, Serge Lamarche advised that he and Keith Parkkari met with Diane Bruce with RBC Investments regarding rebalancing the investment portfolio. Returns were lower in 2018 largely due to the financial market, which has since recovered. Serge Lamarche confirmed that the Special Fund is in a healthy state.

Rick Buchan asked questions about the insurance that is in place on the compensation fund including when it would be activated and what were the deductibles. Keith Parkkari responded that he did not have the specifics available but the Law Society would pay the deductible and then the insurance would cover the balance subject to limits. Keith Parkkari indicated that he could provide the information if Rick Buchan wanted to contact him after the meeting.

Meagan Hannam inquired about how the levy to the Yukon Law Foundation was addressed. Mark Wallace advised that, as the Act and Rules do not allow the law society to levy its members, the Executive elected to make its 2019 YLF contribution based on \$50 per active member from its Discretionary Reserve Fund – Operational Projects. The cost was not passed onto the members.

*g. Federation of Law Societies – Council Member – David McWhinnie*

Federation of Law Societies – Council Member David McWhinnie's report was included in the annual report, which was in the materials circulated in advance of the AGM. A hard copy was available at the meeting.

In his comments at the meeting, David McWhinnie spoke about:

- Anti-Money Laundering Rules; the Federation has introduced new rules that all jurisdictions including Yukon have adopted; these new rules will tighten the requirements for client identification and verification and will be introduced in 2020;
- Technological Competency; it is anticipated that the Federation will be adding technological competency as a requirement in the Model Code of Conduct; this will require lawyers to be technologically competent in their area of practice;
- Crossing the Border with Electronics; the Federation has put out a paper discussing the risks and providing guidelines for crossing the border with electronic devices which is available on their website.

With regard to crossing the border with electronic devices, Rick Buchan asked whether the Federation was looking at trying to establish a protocol similar to the protocol for searching a lawyer's office. David McWhinnie indicated that he is not sure; it is something the Federation is monitoring.

## **5. Legal Profession Act & Rules update**

Mark Wallace indicated that the new *Legal Profession Act* was passed November 27, 2017 and the Executive has been working diligently on updating the Rules. It turned out to be a much bigger task than expected. The Executive anticipates sending Part 1 of the Rules to the membership by the end of June followed shortly thereafter with Part 2.

The process for bringing the new Act and Rules into force will be:

- the draft new Rules will be circulated to the members for their comments and feedback;
- the Executive will host a Q&A meeting to answer any questions or concerns about the new Rules;
- a Special General Meeting will be held for approval by the members of the new Rules; and
- the Law Society will provide CLEs to educate members on the changes.

## **6. Election Results**

Mark Wallace announced the election results.

Acclaimed Members of the Executive:

President – Mark Wallace  
1<sup>st</sup> Vice President Discipline Chair – Keith Parkkari  
Past President – Jim Tucker

Members At Large of the Executive:

Marlaine Anderson-Lindsay  
David Christie  
Meagan Hannam

The three members at large will decide amongst themselves who will be the 2<sup>nd</sup> Vice President CLE Chair, Secretary and Treasurer.

Public Representatives:

Gina Nagano  
Chris Butler

Mark Wallace thanked Rick Smith for his time on the Executive.

Rick Buchan thanked the Law Society Executive and Staff.

## **7. Meeting Adjourned: 4:48 p.m.**