



Law Society of Yukon
ANNUAL REPORT
December 31, 2019

#304 – 104 Elliott Street
Whitehorse, Yukon
Y1A 0M2

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Financial Statements
Year Ended December 31, 2019

EXECUTIVE

President:	Mark E. Wallace
Past-President:	James R. Tucker
First Vice-President, Discipline:	Keith Parkkari
Second Vice-President, CLE:	David J. Christie
Secretary:	Marlaine Anderson-Lindsay
Treasurer:	Meagan Lang
Public Representatives:	Chris Butler Vacant

PRESIDENT

Changes to the Executive

I would like to welcome Bruce Warnsby, and Melissa Carlick to the Law Society of the Yukon Executive. Bruce was acclaimed and became the Member-at-Large on June 17, 2020, the first executive meeting. Melissa was appointed by the Minister of Justice Tracy McPhee to the executive in May of this year as our newest public representative.

I will also take this opportunity to thank David Christie, Second Vice-President/Chair of CLE, who chose not to put his name forward for a further term in the 2020 election. I think I speak for everyone in thanking Dave for his commitment to the Society. David sat on the Executive from May 2015 to May 2020. However, Dave will continue in his role as Chair the CPD Committee.

The Rules and Legal Profession Act

Much of the Society's resources and time in 2019 was spent on finalizing the new Rules for the Law Society of Yukon. The proposed new rules were finalized in June 2019 and circulated to members July 4, 2019 for their review and comments.

On August 14, 2019, the Executive hosted a Q&A townhall on the proposed new rules with members. Following consultation with the members, the rules were sent for translation and finalized.

On January 7, 2020 the executive passed a motion approving part one and two of the proposed new Rules of the Law Society of Yukon; at a special meeting on January 16, 2020 the membership approved part one of the new rules; and on February 6, 2020, the new *Legal Profession Act, 2017* together with the Rules came into force.

It has been a very long road to get the modernisation of the Legal Profession Act and rules completed. Now that it is done, I would like to thank those involved, including Law Society of the Yukon staff, past and present members of the executive and the Yukon Government.

It is anticipated that in 2020, members can expect to see changes to our rules dealing with anti-money laundering and client identification. These changes are based on the Federation of Law Societies' model rules which deal with concerns raised internationally as well as by the Federal Government over the perceived concern that Canadian lawyers are a weak link in money laundering and terrorism financing protections.

Federation of Law Societies Conferences

In March, 2020, I attended the Federation of Law Societies Spring Conference in Montreal where I participated in a joint meeting of law society Presidents, Vice-Presidents and CEOs. At this meeting, the group discussed the impact of legal technology on the profession and the need to continue to share information in this area. The group also discussed potential areas of national collaboration, which will be taken into consideration in the Federation of Law Societies strategic planning process later in 2019.

I also attended the Federation of Law Societies Annual Conference in St. John's, Newfoundland October 16-19, 2019. The focus of the conference was on the role of legal regulator's in the health and well-being of its members. A recent study in Quebec indicated lawyers are more likely to suffer from burnout or other stress related problems including anxiety, depression, substance abuse and suicide than the rest of the employed population. Over the course of one and half days, the conference discussed the intersection of legal regulation and the well-being of legal professionals. It examined the effect of stigma and how law societies can respond to legal professionals facing well-being challenges. At the conclusion, there was an interest in supporting further study nationally on the issue and to share strategies to address the health and wellness of its members.

Annual General Meeting

So far, 2020 has truly been an extra-ordinary year. COVID-19 has resulted in many challenges to the practice of law, management of law firms and for the Law Society of the Yukon. I believe that this was the first year that the AGM has been postponed. I hope that in the not too distant future we will all be able to meet and have our AGM, and enjoy a get together afterwards as has become a tradition over the last number of years.

It has been my pleasure and honour to serve as president of the Law Society for this last year.

Mark E. Wallace
President

FIRST VICE-PRESIDENT (Discipline)

Mandate

The Law Society of Yukon is responsible for administering complaints about lawyers who are members of the Law Society.

The Law Society is also responsible for investigating concerns about the unauthorized practice of law in the Yukon.

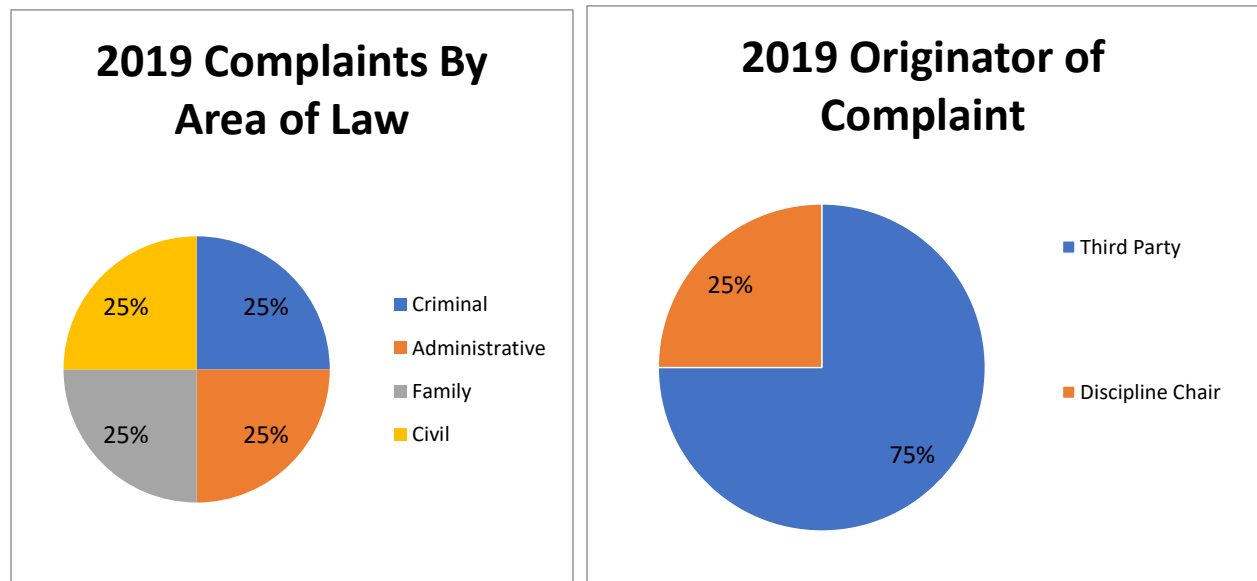
Complaint Statistics

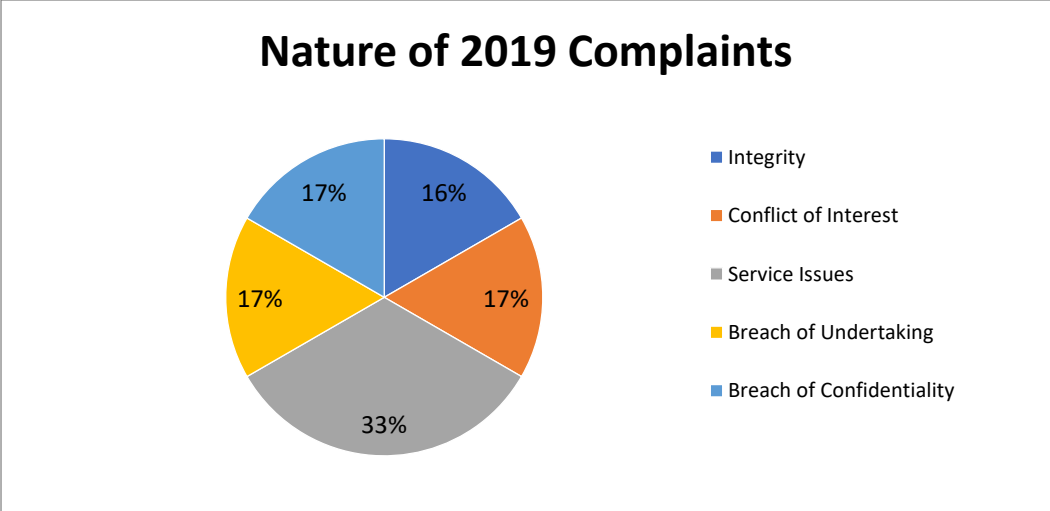
This past year the Law Society closed five complaint files that had been opened in 2018. The dispositions were five dismissals. One decision to dismiss was appealed by the complainant and the decision to dismiss the complaint was upheld by the Appeal Panel.

In 2019 we received four new complaints.

Two of these files were closed and two remain open. Of the two complaint files that were opened and closed in 2019, both were dismissed without investigation.

The percentage breakdown of the source of the complaints and their subject matter is set out in the charts below.





2019 Committee Members

The Law Society relies heavily on a number of our resident and non-resident committee members who generously donate their time and expertise to administer complaints. This is a significant responsibility and the Society wishes to extend thanks to Acting Chairs Sharleen Dumont, Karen Wenckebach, Jean Whittow and Debbie Hoffman.

Resident

- Keith Parkkari, Chair
- K. Wenckebach, A/Chair
- Rick Buchan
- Laura Cabott
- Debra Fendrick
- Kathy Kinchen
- Serge Lamarche
- Graham Lang
- David McWhinnie
- Stephen Phillips

Non-Resident

- Sharleen Dumont – A/Chair
- Jean Whittow – A/Chair
- Daniel Bennett
- Charles Bois
- John Cliffe
- Tom Flavin
- Debbie Hoffman – A/Chair
- Daryn Leas
- David Martin
- Scott Niblock
- Michael Preston
- Art Vertlieb
- James Vilvang

**Public
Representatives**

- Paula Pasquali
- Lee Pigage
- Dan Robinson

Changes to Administering Complaints

Under the new *Legal Profession Act, 2017 - Part 4 - Professional Conduct and Competence*, there are many substantive improvements to our regulatory procedures. Some of the key changes and highlights include:

New Committee Structure – under the new legislation there is a requirement for several conduct and competence committees. These include:

- *Complaints Investigation Committee* which will consist of at least two qualified members appointed by the Executive; one member is appointed as the chair and one or more members are appointed as vice-chairs.
- *Complaint Dismissal Review Committee* which will consist of 3 or more qualified members appointed by the Executive and 2 or more individuals appointed by the Minister, who are not members.
- *Discipline Committee* which will consist of 3 or more qualified members appointed by the Executive and 2 or more individuals appointed by the Minister, who are not members.
- *Fitness to Practise Committee* which will consist of one or more individuals appointed by the Executive.

Appointments to the Complaint Dismissal Review Committee, Discipline Committee and Fitness to Practise Committee may be made on an as-needed basis. For practical purposes, which include finding qualified members who are not conflicted and who have the necessary expertise in the area of law of the matter, the Executive may wait to make appointments to these committees until there is a need to form a committee.

In order to have a pool of members who have agreed to take part in the conduct and competence process, the Executive has established a register of qualified members from whom committee appointments will be made.

Appeal from Dismissal – the new legislation permits an appeal of a complaint that was dismissed after investigation to be conducted in writing by a Complaint Dismissal Review Committee. The complainant must provide the grounds for appealing the dismissal of a complaint. Our old legislation required the appeal be held in-person and all parties appeared before an Appeal Panel.

Dismissible Complaint – under the new legislation an in-coming complaint is first examined by the Complaints Investigation Committee Chair to determine whether it is dismissible on a very limited basis (essentially, does not meet the threshold of a 'complaint'). The act defines "dismissible" as follows:

- is outside the jurisdiction of the Society;
- does not allege facts that, if proven, would amount to conduct unbecoming of a member, professional misconduct or incompetence of the member;
- does not include enough information to allow the processes under the Act to be initiated;
- is frivolous, vexatious or moot; or constitutes an abuse of process

Under our old legislation, all complaints received, even if they did not meet the threshold of a complaint at the outset, had to be investigated and when dismissed, the complainant had a right of appeal. The discretion to find a complaint dismissible under the Act is intended to be very narrowly applied.

Charges and Convictions – members must now report when they are charged with an offence (criminal, specified summary convictions, Securities Act, personal or corporate tax legislation, etc.). Under the old Act, a member was only required to report a conviction.

Charging Body – under the new legislation the Chair or Vice-Chair of the Complaints Investigation Committee who is designated as the “investigator” of a complaint has the authority to issue a discipline charge in relation to a complaint. The disciplinary charge is referred to a Discipline Committee for hearing of the charge.

Fitness to Practise – the Law Society now has the ability to refer a capacity issue (a physical, mental or emotional condition, disorder or addiction that substantially impairs the member's ability to provide legal services with reasonable skill and judgement) to a Fitness to Practise Committee. This option did not exist under our old legislation.

Review and Recommendations – under the new legislation the investigator may refer a complaint to two members of the Complaint Investigation Committee to meet privately with the member. Consent of the member is not required. Under our old legislation, consent of the member was required in order to conduct the private meeting.

Unauthorized Practise – The Law Society now has the authority to prosecute the unauthorized practice of law. Under our old legislation, the Government of Yukon was the body who administered unauthorized practice of law charges.

Concluding Remarks

The administration of complaints and discipline by the Law Society is a necessary function of being a self-governing profession. No matter how competent and professional our members are, there will always be complaints. The members of the previous Discipline Committee and the members of the various committees under the new Legal Profession Act should be commended for their commitment and service to the Law Society and the legal profession.

Keith Parkkari
First Vice-President, Chair of Discipline Committee
and current Complaints Investigation Committee Chair

SECOND VICE–PRESIDENT (CLE)

The Continuing Legal Education Committee, now called the Continuing Professional Development Committee, provides legal educational programs to members of the Law Society. The Committee focuses on programs that will assist members to increase their legal knowledge and practical skills, remain aware of their professional obligations, and provide better client service.

The Committee members appointed in 2019 were: David Christie as Chair, Lauren Whyte as Vice Chair, Leo Lane, Bhreagh Dabbs, Megan Whittle, Tara Grandy and Cathy Rasmussen.

The current Committee members are: David Christie as Chair, Lauren Whyte as Vice Chair, Leo Lane, Bhreagh Dabbs, Megan Whittle, Mike Reynolds, and Cathy Rasmussen.

I would like to thank the members for volunteering their time for this work. Without their dedication, the Law Society would not be able to offer the excellent education programs we have all come to enjoy.

In 2019, the Committee continued to work to offer programs on a variety of topics including:

- Survey Law for Real Property Law Practitioners – Presenters: Paul Burbidge, Elden Pfeiffer, George Asquith and Lorne Austring as moderator;
- Indian Residential Schools – Yukon – Presenters: Davida Wood and Jackie MacLaren;
- Wyant & Cheese – Presenter: Judge Wyant;
- Justice from an Indigenous Perspective – Presenter: Judge Morin;
- A Business Case for Well-Being – Presenter: Derek LaCroix;
- Yukon First Nations 101 – Provided through Yukon College;
- The “Duty to Learn” Indigenous Litigants and Indigenous Legal Traditions – Presenter: Chief Justice Paul Crampton;
- Advanced Evidence – Presenters: Sandra Cunningham and Ian Fraser;
- Development Consequences of Intimate Partner Violence – Presenter: Evelyn Wotherspoon.

The Committee encourages members to bring forward ideas or topics for future CPD's.

Reporting

Members should take note of changes to the CPD requirements in the new Rules of the Law Society of Yukon brought into force on February 6, 2020. **There is no longer an exemption for meeting the requirements in a ‘comparable jurisdiction’.**

Members who are also called in another jurisdiction must now meet the requirements set out in the rules and record their CPD hours by January 31 of the following calendar year.

It is no longer sufficient to indicate that you have met the requirements in a comparable jurisdiction.

As always, we encourage all members to review the CPD Rules and Guidelines, which are available on the Law Society website.

A list of CPD events are available on the Society website at the following link <https://lawsocietyyukon.com/for-the-lawyer/continuing-legal-education/>.

David J. Christie
Second Vice-President, Chair of CLE Committee

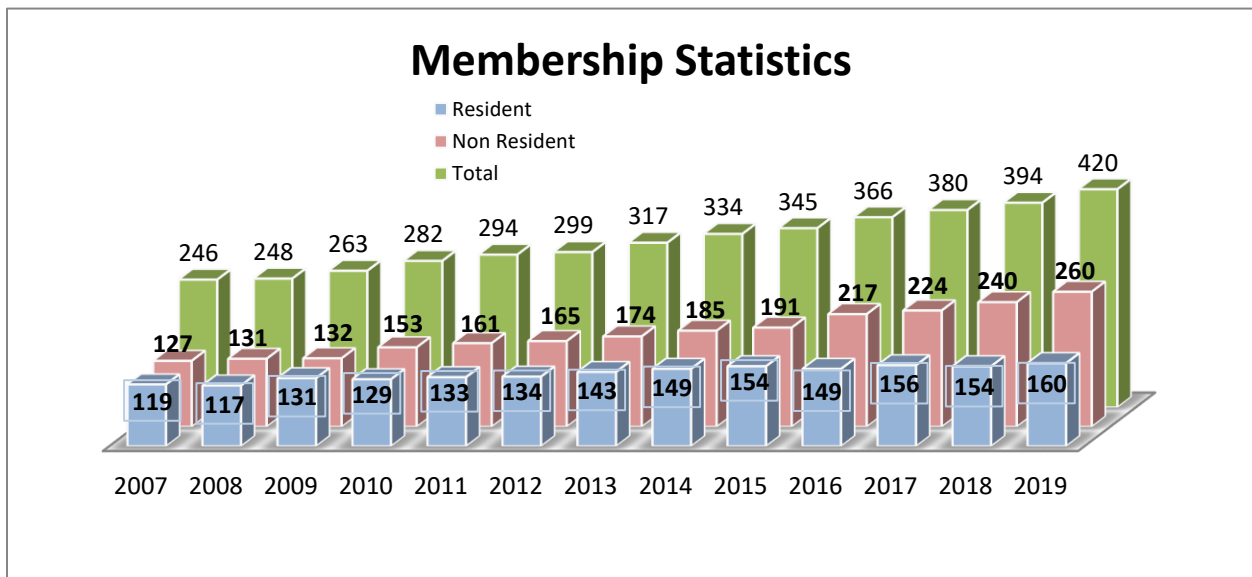
SECRETARY'S REPORT

Pursuant to Rule 16 of the former Rules of the Law Society of Yukon in force in 2019, the Secretary is responsible for reviewing and presenting all applications to the Executive for approval. This report summarizes membership changes in 2019.

New Members in 2019

In 2019 the following 39 individuals were approved for membership, bringing the total membership to 420.

<p>Resident Bailey, Sarah Eberhard, Benjamin Filipovic, George Gutman, Rachel Hart, Sarah Lewis, Michael Macdonald, Kevin McCallum Rougerie, Sylvie Park, Jane Tone, Allyssa</p>	<p>Students-at-law Fadden, Lorna Hughes, Leah MacPhail, Rowan Mauro, Arthur Nasager, Alexandra</p> <p>Non-Resident Aldridge, Robert Bolger, Ellen Bruggeman, Marina Cabott, Benjamin Coles, Daniel Corrin, Daniel Dawson, Samantha DiPuma, Caily</p>	<p>Donihee, John Ellergodt, Jeremy Gilbridge, Elizabeth Graham, Jaimie Harley, Jason Hendrix, Denise Isman, Miriam Kruger, Tobias Macleod, Brandon Mahon, Frances McMillan, Kelly Monem, Alexander Paulin, Brianne Rohani, Sara Sain, Lori Turner, Saro</p>
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Non-Practising Membership

In 2019 the following members changed their membership status to non-practising:

Bolger, Ellen	Jerome, Brenda	McCallion, Ryan
Goswami, Monmi	Macleod, Brandon	Morgan, Sonya

Resignations

The following members voluntarily resigned their membership in 2019:

Bentivegna, Giuseppa	Fairweather, Paul	Singleton, John
Ciarrocchi, Sarah	Hickey, Shane	Staav, Miriam
Coffin, Gordon	Jonsson, Darlene	Stirling, Gregory
Cowper, Geoffrey	Marcoux, Eric	Woodhead, William
Dennehy, Susan	Orr, Patrick	
Deschamps, Jean-Benoit	Reynolds, Mark	

Suspensions

The following members were suspended for non-payment of fees:

Alexander, Merle	Lindberg, Darcy	MacKinnon, Mary Margaret
Doust, Leonard	MacDonald, Bonnie	

Certificates of Permission to Act in the Yukon

Pursuant to section 20(2)(7) of the former *Legal Profession Act*, the Executive can issue a Certificate of Permission to Act to an applicant in relation to a specific matter. In 2019, 81 new Certificates of Permission were issued. Comparatively, 38 Certificates were issued in 2018.

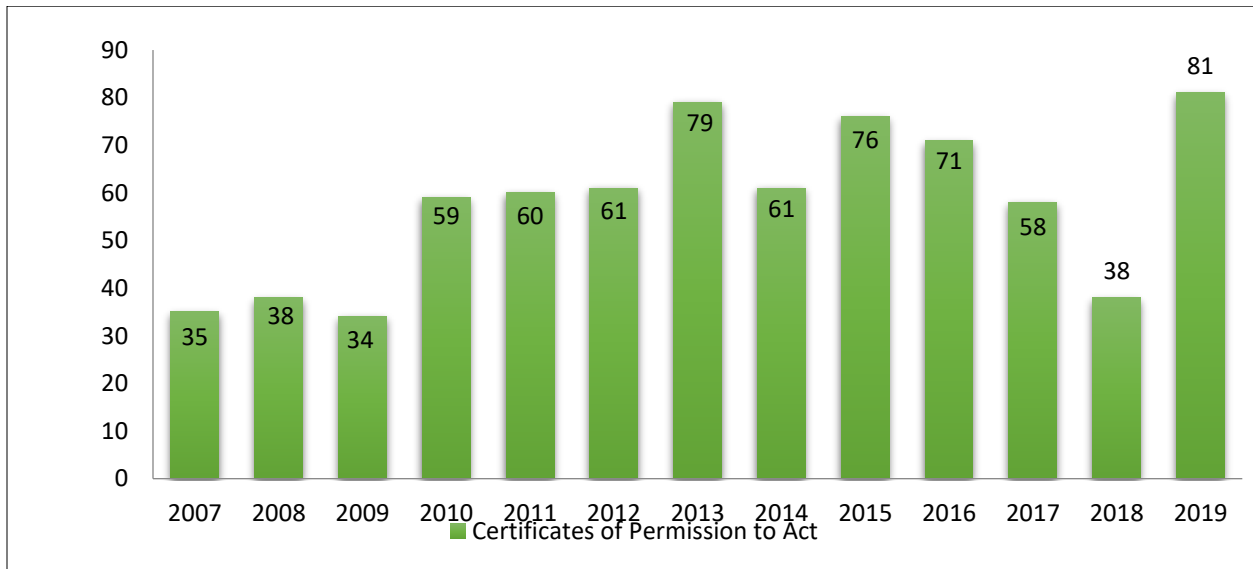
The following individuals were granted Certificate(s) of Permission to Act in the Yukon in 2019:

Aldridge, Vince	Gill, Rishi	Norman, Gregory
Alfred, Glorie	Goulden, Mason	Nowicki, Kenneth
Allingham, Jordan	Gray, David	O'Neill, Maryna
André, Nadir	Howell, Ann x2	Ouellette, Joseph
Bain, Mark	Isaac, Thomas J.	Pearson, Andrew
Bainbridge, Gary	Jackson, Kibben	Pollock, Scott x2
Belanger, William	Jhaj, Manjote	Porter, John
Block, Sheila	Jones, David G.	Rankin, Michael
Boulbee, Amelia	Kapusianyuk, Brian	Readshaw, Michael
Boyer, Craig	Kerwin, Michael	Render, Allison
Bromely, Hollis	Lafond, Drew	Rossiter, Marshall
Bychawski, Peter	Lawson, Alana	Rowe, Mary Angela

Campbell, Margaret
 Canadian Nurses Protective
 Society
 Chartier, Jean
 Cheuk, Cindy
 Chow, David x2
 Church, David
 Clark, Rosalie x2
 Cullen, Timothy
 Cumbo-Steinmetz, Shalom
 Dineen, Michael
 Dingle, Gillian
 French, Olivia
 Fridman, Frances
 Gibbs, Richard

Linden, Sinead
 Loutas, Eleni
 Mann, Harshdeep
 Marin, Jonathan
 Matheson, Scott
 McAfee, Janis
 McDonnell, Robert
 McDonnell, Fergus
 McLeod, Cameron
 Millen, Roy
 Mitha, Nazeer
 Nemetz-Sinchein,
 Talya
 Nilsson, Lindsay

Sandilands, Marion
 Sandrelli, John
 Schiessler, Derek
 Sherriff-Scott, David x2
 Smith, Stephen
 Steele, Jana
 Sutherland, David
 Talach, Robert
 Tarnowsky, Gordon
 Van Deurzen, Joshua
 Vickers, Brian
 Walker, Joelle
 Williams, Kristy



Website

The Executive would like to remind members that the names and contact information of all lawyers who have a Certificate of Permission to Act is available on our website under "Find a Lawyer".

Because there is no limit to the number of Certificates of Permission that a lawyer may hold at one time the Law Society may be contacted to provide clarification, subject to privacy concerns, regarding the exact matter(s) on which the lawyer is permitted to act.

Secretary
 Marlaine Anderson-Lindsay

TREASURER

This report is intended to highlight various matters of significance as outlined in the Law Society's financial statements accompanying this report. The Law Society's auditors, Crowe Mackay LLP, have audited the financial statements.

The financial statements are prepared using the fund accounting method of reporting. The consolidation of statements provides a Combined Statement of Operations and Changes in Fund Balances, together with a breakdown that includes separate statements for each of the General Fund (day-to-day operations), Liability Insurance Fund and Special Fund. This allows each fund's management to be viewed in a clearer format, with a more transparent accounting of the day-to-day operating costs of the Society. Budget figures are also included in the General Fund Statement of Operations.

Financials

Our Combined Statement of Financial Position shows a net assets value of \$4,976,643.00. This represents an increase of \$194,817.00. This is primarily due to increased unrealized gains on investments and revenue for applications for membership and certificates of permission to act. The securities are recorded at fair market value (FMV), as this is a Generally Accepted Accounting Practices (GAAP) requirement. Note 3 in the Audited Financial Statement breaks down the cost, as well as the unrealized gain/loss, to give fair market value.

The net asset value of the General Fund is \$1,423,332.00. This represents a decrease of \$17,667.00 from last year's value. The General Fund Statement of Operations shows a deficit of \$17,667.00. The deficiency is due to the ongoing professional fees incurred in 2019 to finalize the Rules of the Law Society necessary to accompany the new *Legal Professional Act, 2017*, which were brought into force February 6, 2020.

The net asset value of the Liability Insurance Fund is \$841,739.00. This represents an increase of \$29,873.00 from last year's value. The increase is primarily due to unrealized gains on investments.

The per lawyer rate levied by the Law Society to its insured members for mandatory professional liability coverage is the same rate per lawyer that the Society is charged by CLIA. In past years, the Society did not include an additional administration charge to cover the expenses of the CLIA program including claims management or the Lawyer Assistance Program. This was possible as a result of CLIA rebates from past years that provided the Society with sufficient funds to cover these expenses for a number of years.

In October, 2019, the Executive made adjustments to its financial policy for the CLIA fund as the funds from past rebates had been depleted and, due to a restructuring of CLIA several years ago, there would be no future rebates to cover program expenses.

The most significant adjustment was the transfer of the cost of the Lawyer's Assistance Program from the CLIA fund to the Society's general operating budget. This will be reflected in the 2020 Financial Statements.

The net asset value of the Special Fund is \$2,711,572.00. This represents an increase of \$182,611.00 from last year. The Special Fund is currently invested in marketable securities through RBC Dominion Securities. The increase is primarily due to unrealized gains on investments.

As noted at Note 10 of the financial statement, subsequent to the year-end, there was the global outbreak of COVID-19 which resulted in measures which have caused material disruptions to business, governments and other organizations resulting in an economic slowdown and increased volatility in national and global equity and commodity markets. The duration and impact of the COVID-19 outbreak is unknown, as is its impact on the financial condition of the Society and its operations in future.

At this time, as the Financial Statements indicate, the finances of the Law Society continue to be in a state of financial stability. However, its investment income will be vulnerable to global markets. The Executive will continue to monitor the impacts of COVID-19 but does not anticipate any change to its operations at this time.

Meagan Lang
Treasurer

SPECIAL FUND

The Statement of Financial Position prepared by Crowe Mackay LLP indicates that the net asset value at December 31, 2019 is \$2,711,572, an increase in value of \$182,611.00 over 2018.

The Statement of Operations and Changes in Fund Balances indicates that revenue in 2019 included member's assessments in the amount of \$30,800.00 and revenue from investments in the amount of \$62,420.00.

The market value of the investment portfolio, cash and prepaid expenses was \$2,712,805.00 whereas the market value at the end of 2018 was \$2,530,375.00.

The Special Fund money is invested in marketable securities, principally Canadian GICs. Investment income has been re-invested on a conservative basis.

The Special Fund Committee is comprised of Chair, Serge Lamarche and Keith Parkkari.

Serge Lamarche
Chair, Special Fund Committee

Federation of Law Societies of Canada

This was my first full year as the Federation Council member for the Yukon since being nominated in the fall of 2018. In 2019 I attended all 4 scheduled Council meetings – two 'Council' only meetings in Ottawa (June and December), and two in conjunction with other Federation activities – the March meeting in Montreal which featured additional meetings for Law Society Presidents and CEOs and the October National conference in St. John's, Newfoundland (attended by several other LSY members). Mark Wallace and Linda Doll attended those additional meetings on behalf of LSY.

The advance preparation and materials to be reviewed for each meeting are considerable, and I am always grateful for the assistance of Linda Doll and Shannon Kmyta in helping keep me 'on track' and prepared.

Model Rules and Code of Conduct

One of the key functions of the Federation is, in a consensus driven process, to develop and promulgate Model Codes of Conduct and Rules for Law Societies across the country.

Model Rules on Anti-money Laundering and Client Identification Amendments

A significant recent effort, the new Model Rules concerning Anti-Money Laundering and Anti-Terrorist Financing, is well into the implementation stage, and a number of Canadian Law Societies have already adopted them. With Yukon's new Legal Profession Act and Rules having recently been enabled, efforts are now being taken by the LSY Executive to adopt the new Model Rules here.

The Federation continues to develop and disseminate training materials regarding the new Rules, along with some practical materials to assist practitioners in assessing potentially risky situations. These materials, along with a good deal of background on the subject, can be found on the pertinent Federation web page: <https://flsc.ca/national-initiatives/model-rules-to-fight-money-laundering-and-terrorist-financing/>

Model Code of Conduct Amendments

My last report referenced the then pending proposal to amend the competency Chapter of the *Code of Conduct*, to specifically provide a requirement of knowledge and competency in the use of technology appropriate to one's practice. After additional consultation and minor amendment, that proposal was adopted, and is now part of our Code. (It can be found at Commentary [4A] of Chapter 3.1 'Competence' on the LSY website: <https://lawsocietyyukon.com/wp-content/uploads/2020/02/Code-of-Conduct.pdf>)

Proposed Model Code of Conduct Amendments

Two further amendments to the *Model Code of Conduct* are currently being considered, with a profession-wide consultation process ongoing at the time of writing.

The first proposal is to significantly amend Chapter 6.3 of the *Code* ('Harassment and Discrimination') to clarify and more explicitly identify discriminatory, bullying or harassing behaviour (including sexual harassment) deserving of sanction.

The second relates to *ex-parte* communications with, and proceedings in the Courts. It is proposed to make explicit the generally known principles governing whether, how, or when *ex-parte* communications with, or *ex-parte* applications to the Courts are permitted or prohibited.

Both draft amendments and considerable background and commentary are available at: <https://flsc.ca/wp-content/uploads/2020/01/Consultation-Report-Draft-Model-Code-Amendments-with-Draft-Rules-and-Commentary.pdf>

Other Federation Activities / Initiatives

Covid-19

The current Covid-19 crisis has affected virtually every business, individual, or organization, and the Federation of Law Societies is no exception. Core activities are ongoing, albeit sometimes delayed, but the various health protection measures implemented across the country have affected not only what the Federation can do, but how it can do it.

Recent committee meetings have been held by way of video or tele-conferencing, and the upcoming June Council meeting will also be held electronically rather than in person.

Two major continuing legal education events – the *National Criminal Law Program* and the *National Family Law Program* – have been cancelled for this year. The Criminal program runs annually, and planning is underway for the 2021 program, scheduled to occur in Halifax, Nova Scotia. The Family Law program has generally occurred bi-annually, but there are discussions underway with an eye to hold the 2020 event in 2021, also in Halifax.

Also cancelled were the scheduled May exam sessions for the National Committee on Accreditation, the Federation body which deals with examination/certification of all foreign trained lawyers seeking to have their credentials recognized in Canada. It remains to be seen whether the rescheduling of the May exams to August, 2020, will significantly lengthen the overall process for applicants, especially those nearing the end of their series of exams.

At the time of writing, it is not known whether it will be possible to hold the annual national conference scheduled for Saskatoon, Saskatchewan in early October.

Accreditation / Professional Standards

Accreditation of foreign trained lawyers continues to be a significant ongoing activity for the Federation. According to the most recent report to the Council, the number of applicants and qualification exams again rose significantly last year. As the accreditation program is essentially self funded – exam and application fees are determined by the cost of administering the service, this increase in demand had little impact on the Federation budget as a whole.

As noted in my report last year, concerns have been expressed in the last number of years that foreign trained lawyers may not be faring as well in practice (i.e. even after meeting all the certification and local admission requirements) as Canadian trained lawyers. A study sponsored by the Federation appears to confirm that this is likely the case, and analysis is being undertaken to determine how to address any gaps in the certification/testing process, or other, possibly systemic factors that underlie or contribute to the issue.

CanLII

CanLII continues to be a 'success story' for the Federation. As many members are aware, CanLII is essentially a Federation subsidiary, established as a joint effort of all the Canadian law societies. Each year the number and range of accessible primary (and now secondary) sources has increased, and CanLII staff continue to add features and utilities to the web-based system. According to the most recent report to Council, CanLII is exploring whether it is feasible to integrate certain features of the system with knowledge and practice management applications.

Truth and Reconciliation Commission commitments

A key part of the ongoing Federation work in this area centers on Calls to Action 27 and 28 from the TRC report – developing standards and strategies to enhance indigenous cultural competency for practitioners as well as law students. It is anticipated that draft recommendations, including recommendations for specific steps/action by individual law societies, will be presented to the Federation Council in June.

Public Advocacy / Case Intervention

From time to time the Federation will take a public position or make submissions to legislators on matters of universal concern to Canadian law societies. In some instances, the Federation will seek to intervene in court cases, generally at the Supreme Court of Canada, where matters of particular concern to Canadian law societies are in issue.

Currently there are no court interventions ongoing, but there are two legislative initiatives that have engaged the Federation.

One is Bill C-3, which is intended to establish a single external review process for both the RCMP and Canadian Border Services. Certain of the proposed provisions would

seemingly empower the Review authority established by the Act to require production to it of any information it seeks, including solicitor-client privileged material. The Federation is preparing a submission to the legislative committee addressing this.

The other is an ongoing consultation process concerning the establishment of an accessible beneficial ownership registry regarding corporate entities. While lawyers have an obligation to attempt to identify and record who the beneficial owners of a client corporate entity are, there is no accessible authoritative registry for them to consult for verification purposes. The Federation is preparing a submission to government concerning the merits of such a registry, and identifying privacy and privilege issues that may be impacted, depending on the model/approach adopted.

Strategic Planning

The Federation is finalizing its formal Strategic Plan for the coming 5 years, with formal adoption being anticipated for the June Council meeting.

Further information

Of necessity, reports such as this can but scratch the surface of the ongoing activities and initiatives of the Federation. Their website (<http://www.flsc.ca/>) is very user friendly, and contains a great deal of information of interest to practitioners.

David A. McWhinnie
Federation Council Member for LSY

MEET WITH A LAWYER PROGRAM

(formerly known as Lawyer Referral Program)

This is the service operated by the Law Society of Yukon for members of the public. It is to help clients determine if they have a legal problem for which they require the services of a lawyer.

The Law Society Executive wishes to thank those lawyers who have agreed to participate in the Meet with a Lawyer Program. This service is much appreciated by members of the public. If you are not currently listed as accepting certificates and wish to do so, please feel free to contact the Law Society office to make the necessary arrangements.

In 2019 there were 172 certificates issued in the following areas of law:

Aboriginal – 2	Administrative – 7	Civil Litigation – 53
Conveyancing – 5	Corporate/Commercial - 3	Criminal – 18
Debtor/Creditor - 4	Family Law – 20	Labour/Employment - 37
Landlord/Tenant – 1	Personal Injury – 11	
Wills/Estates - 11		

Guidelines for Meet with a Lawyer Program

- ✓ The client is responsible for contacting the lawyer of his/her choice from a list and making the appointment.
- ✓ When the client makes the appointment, they are to advise the lawyer that they have a certificate to meet with a lawyer from the Law Society and when they attend at the lawyer's office, they are to present the certificate to the lawyer at the beginning of the consultation.
- ✓ The lawyer will provide the client with some basic legal information and advise them whether or not they require a lawyer for their problem.
- ✓ The lawyer is not responsible under the program for doing any legal work or taking any further action on the client's behalf beyond the one half-hour consultation.
- ✓ If the client would like that lawyer to represent them after their meeting and the lawyer agrees to represent the client, the fee and retainer arrangements and instructions will be a private matter between the client and the lawyer.

The cost for the consultation is \$30.00 (inclusive of GST) and is payable directly to the lawyer.

COMMITTEES

In 2019 the following people volunteered their time to serve on Law Society Committees or as Law Society of Yukon representatives on the following boards and committees.

INTERNAL LAW SOCIETY COMMITTEES

Audit

Keith Parkkari – Chair
Meagan Lang

Mark Wallace

Access to Justice

Paul Battin – Chair
Alex Benitah
Paul Di Libero
Mark Stevens

Eden Alexander – Vice Chair
Rick Buchan
Jim Tucker

Continuing Legal Education

David Christie – Chair
Megan Whittle
Tara Grandy [resigned in 2019]
Cathy Rasmussen

Lauren Whyte – Vice Chair
Bhreagh Dabbs
Leo Lane

Discipline

Keith Parkkari, First-Vice President and Chair of the Discipline Committee

Resident Members

Karen Wenckebach, Acting Chair
David McWhinnie
Rick Buchan
Laura Cabott
Debra Fendrick
Kathy Kinchen
Serge Lamarche

Non-Resident Members

Sharleen Dumont, Acting Chair
Daniel Bennett
Charles Bois
Tom Flavin
David Martin
Michael Preston
Scott Niblock
Art Vertlieb
Jean Whittow
Daryn Leas
Debbie Hoffman
John Cliffe
James Vilvang

Public Representatives

Paula Pasquali
Lee Pigage
Dan Robinson

Law Office Searches

Rick Buchan
Keith Parkkari

Lawyers Assistance Program

Megan Whittle – Chair Stephen Walsh Kathy Kinchen

Social Committee

Kevin Gillespie - Chair
Rachel Gutman
Lauren Whyte
Luke Faught

Joni Ellerton
Cathy Rasmussen
Vida Nelson
Paul Battin

Special Fund

Serge Lamarche, Chair Keith Parkkari

EXTERNAL LAW SOCIETY APPOINTMENTS

Federation of Law Societies of Canada

Council Member: David McWhinnie

Judicial Council of the Territorial Court

Leo Lane

Federal Judicial Advisory Committee

David Christie [term expired April 2019]

LTO Stakeholder Advisory Committee

Kim Sova

Yukon Foundation

Lauren Whyte

Yukon Law Foundation

Paul Battin
Alex Benitah
Kelly McGill

Yukon Legal Services Society Board

Megan Whittle

ACCESS TO JUSTICE COMMITTEE

2019 was the third year of operations for the Access to Justice Committee (A2JC).

Members consisted of Paul Di Libero – Chair, Eden Alexander – Vice-Chair; Paul Battin [Chair until spring of 2019]; Jim Tucker; Alex Benitah; Rick Buchan and Mark Stevens.

Survey:

A Yukon-wide survey was conducted to help the Law Society of Yukon better understand the barriers associated with accessing justice with a goal to hear from a broad cross-section of communities from varying demographics.

The survey was accessible online for six weeks at SurveyMonkey.com and on paper at various locations in Whitehorse and other Yukon communities. Posters were distributed to advertise the survey which included a participation prize of a \$500 gift certificate to Superstore. A total of 136 surveys were completed including some from every community in the Yukon.

An internal summary report written by Paul Di Libero and Alex Benitah, which uses the data collected, is now available to help focus the A2JC's future projects.

Pro Bono Clinics:

Pro-Bono Clinics on Enduring Powers of Attorney (EPAs) were held on Saturday, September 21, 2019 for residents at Whistle Bend Place and Copper Ridge Place. Thirteen EPAs were completed with the help of volunteer lawyers Paul Battin; Jon Gorton; Ian Yap; Andrea Bailey and Leo Lane. Leslie McRae was contracted to facilitate this project. She provided training to volunteer lawyers in advance of the clinic date, and also facilitated the event itself. Ken Kilpatrick facilitated at Copper Ridge Place. This project brought Yukon lawyers otherwise unable to provide pro-bono work (government lawyers) directly into the community due to Canadian Lawyers Insurance Association granting an endorsement for the project. The Law Society staff and the social workers at each facility played a key role in helping to ensure the project's success.

Whitehorse Connects:

On Tuesday, October 22, 2019 from 10:00 a.m. to 2:00 p.m. at the Kwanlin Dün Cultural Centre the A2JC had its first table for outreach/awareness at the Whitehorse Connects event. Approximately 270 people attended. A hot lunch and musical entertainment were provided. A2JC provided the public who came by our table with information on what the Law Society of Yukon provides including our Meet with a Lawyer Program and Find a Lawyer by Area of Practice listing. We served Timbits and provided a door prize

of a gift certificate to Superstore. Fifty-nine people entered the draw. One Law Society staff person and one volunteer person from the A2JC helped at the table at a time. The A2JC intends to host a table at the event in the future.

Paul Di Libero, Chair
Eden Alexander, Vice-Chair