

Law Society of Yukon
ANNUAL REPORT
December 31, 2022

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Whitehorse, Yukon
Y1A 0M2

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Financial Statements
Year Ended December 31, 2022

2022 EXECUTIVE

President:	Meagan Lang
Past-President:	Mark Wallace
Vice-President:	Vacant
Secretary:	Bruce Warnsby
Treasurer:	Megan Whittle
Member-at-Large:	Rick Smith
Public Representatives:	Chris Butler Melissa Carlick

PRESIDENT'S REPORT

Changes to the Executive

- Marlaine Anderson-Lindsay resigned as a Member at Large in 2022.
- A general election for the four Member at Large seats was announced April 4, 2023. The following four nominees have been acclaimed to the positions for a three year term - Megan Whittle, Rick Smith, Bruce Warnsby and Leo Lane.
- My term as President expires in May 2024.

Operational Changes

- In 2022, Shannon Kmyta retired as the Law Society of Yukon's [LSY] administrative assistant. Fatima Bruckman has been hired as office administrator.
- As part of its strategic planning, the LSY identified a need to reduce reliance on outside counsel to reduce costs and build corporate knowledge and capacity. Michelle Chan has been retained as part-time general counsel. She will oversee professional conduct, assist with policy development, provide legal opinions and advice to the Executive, among other tasks.

Strategic Planning

- The Executive finalized a three-year Strategic Plan in June 2022 a copy of which is included as Appendix A of the 2022 Annual Report.
- The strategic plan identifies access to justice as a priority, which includes the ability to access a lawyer. The Executive will be examining barriers for lawyers wishing to practice in Yukon and how the LSY can address these concerns within its mandate.
- The Executive is beginning its review and update of the LSY's Financial Policy, including a review of the reserves for its compensation fund, Liability Insurance fund and operations.

Truth and Reconciliation

- With the assistance and recommendation of the TRC Advisory Committee, the Executive released a Statement of Commitment to Reconciliation in February 2023.
- In 2024, the Executive will update its CPD Guidelines to include mandatory CPD to meet TRC Call to Action #27.

Legislative, Rule and Code Amendments

- The Executive worked with the Yukon Government to make amendments to the LPA, which were passed by the legislature in 2022:
 - the LPA now allows extra-territorially registered professional corporations to obtain a professional corporation permit in the Yukon;
 - an immunity clause has been added to the Act, which is consistent with other jurisdictions, for individuals acting in good faith on behalf of the LSY; and
 - s.64 now clarifies an Investigator's ability to dismiss a complaint after investigation.
- In January 2022, the Executive amended the Rules to permit a principal to have two articulated students at a given time (the previous rule only permitted one articulated student at a time).
- In June 2022, the Executive amended the Rules to accommodate LLP's, which are now permitted in the new *Legal Profession Act, 2017*.
- In October 2022, the Executive approved amendments to the Model Code proposed by the Federation of Law Societies, and adopted in other jurisdictions, on harassment and *ex parte* communications, which will be adopted into the LSY Code of Conduct in 2023.

Federation of Law Societies

- The Federation of Law Societies of Canada is the national association of the 14 provincial and territorial law societies in Canada. It is the body through which Canada's law societies collaborate at the national level, share information on issues affecting the legal profession, and engage in collective action and decision-making. The LSY benefits from the work of the Federation on several portfolios including the Model Code, Discipline, Assessing Competency of Lawyers, etc.

- In September 2022, the Executive hosted Jonathan Herman, Chief Executive Officer of the Federation, and Nicholas Plourde, then President of the Federation, which was the first visit from a Federation President since 2016.
- Representatives of LSY attended the Federation's spring and fall conference in 2022, which were the first in-person meetings since March of 2020, and were focused on assisting law societies in assessing and ensuring competency in the legal profession.
- The Federation will be holding its annual fall conference in Yukon in October 2023.

Meagan Lang
President

CIC CHAIR REPORT

Mandate

The purpose of the Law Society of Yukon (LSY) is to uphold and protect the public interest in the delivery of legal services. This includes addressing complaints about lawyers who are members of the LSY.

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

Under the *Legal Profession Act, 2017*, (LPA) complaints are reviewed and investigated by the Complaints Investigation Committee [CIC]. Members appointed to the CIC in 2022 were:

- Debra Fendrick, CIC Chair
- Jean Whittow, K.C., Vice-Chair
- Sharleen Dumont, Vice-Chair
- Gregory Cavouras, Vice-Chair
- Jocelyn Barrett, Vice-Chair
- Keith Parkkari, Vice-Chair
- Mark Wallace, Vice-Chair

A person whose complaint is dismissed by an investigator may appeal to the Complaint Dismissal Review Committee. Members appointed to the Complaint Dismissal Review Committee (CDRC) in 2022 were:

- Kathleen Kinchen, Chair of the CDRC
- Paula Pasquali, Public Representative
- Noreen McGowan, Public Representative
- Margaret Dumkee, Public Representative (appointed September 2022)
- Thomas Flavin, Member (resigned December 2022)
- Daryn Leas, Member
- David Martin, Member
- Michael Preston, Member

If an investigator is unable to fully dispose of a complaint under s.64 of the LPA, the matter will be referred to the Discipline Committee for hearing. Members appointed to the Discipline Committee in 2022 were:

- Ronald S. Veale, Chair of the Discipline Committee
- Laura MacFeeters, Public Representative
- Victoria Chan, Public Representative
- Dan Robinson, Public Representative

- Thomas Flavin, Member
- Scott Niblock, Member

Complaints Investigation Committee 2022 Summary

At the start of 2022, the Complaints Investigation Committee (CIC) had six ongoing complaint files from 2021.

In addition to the six ongoing complaints from 2021, the CIC received 10 new complaints in 2022.

Of the 16 active complaints in 2022:

- Three were dismissed as dismissible by the CIC Chair
- One was referred to a Complaints Investigation Committee Sub-Committee under Rule 117 for review, and subsequently disposed of under s. 64(e) of the LPA;
- Six were dismissed by the Investigator under s.64(a) of the LPA; and
- Six were referred to a CIC Vice-Chair/Investigator for investigation and the investigations were ongoing as of December 31, 2022.

Complaints Dismissal Review Committee 2022 Summary

None of the six complaints dismissed in 2022 were appealed to the Complaints Dismissal Review Committee.

Discipline Committee 2022 Summary

No matters were referred by an Investigator to the Discipline Committee for hearing.

Complaint Statistics

The breakdown of the source of the sixteen complaints and their subject matters are set out below:

Source

- 5 complaints commenced by clients
- 9 complaints commenced by third parties
- 2 members self-reported

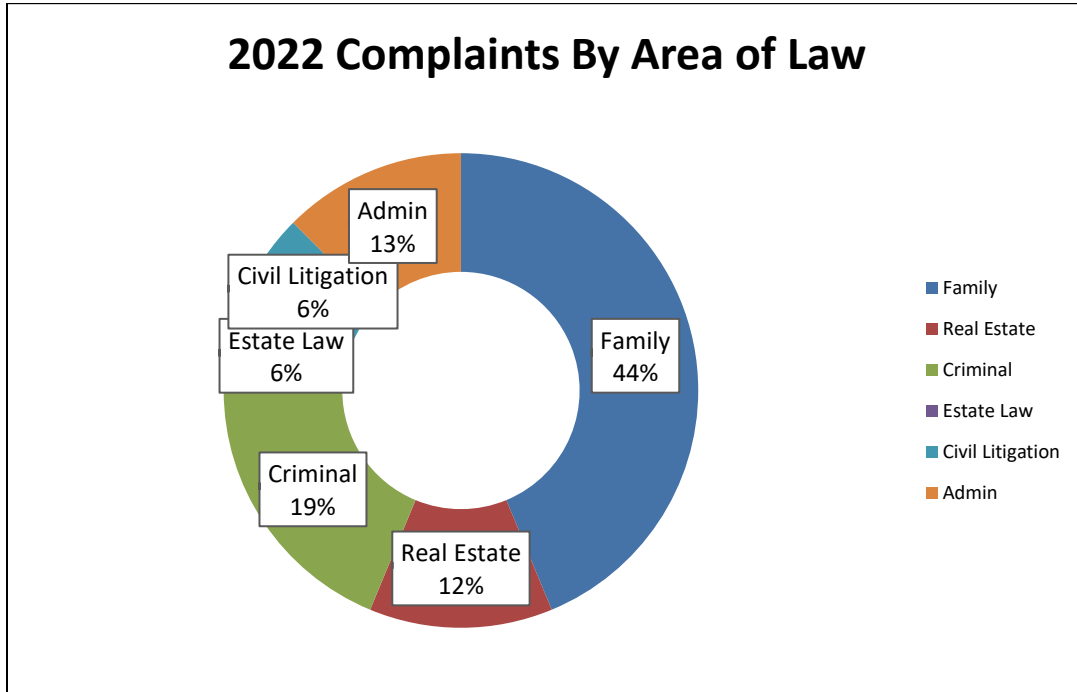
Area of Law

- 7 complaints related to family law
- 2 complaints related to real estate
- 3 complaints related to criminal
- 1 complaint related to estate law

- 1 complaint related to civil litigation
- 2 complaints related to administrative law

Nature of Complaints

A combination of services and integrity concerns were the nature of most complaints. In addition, conflict of interest issues were raised in three complaints and breach of undertaking in one complaint.



Debra L. Fendrick
CIC Chair

CREREDENTIALS COMMITTEE REPORT

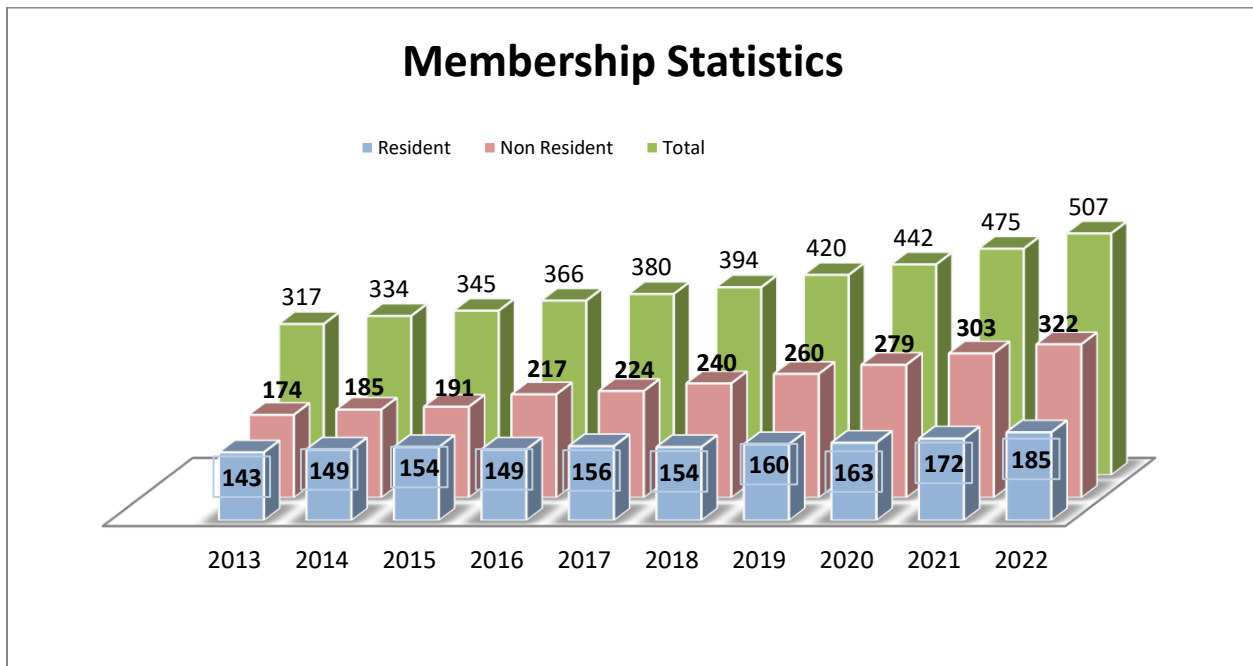
Section 8(1) of the *Legal Profession Act, 2017* requires the Society to establish a Credentials Committee consisting of the Executive Director and a member of the Executive at a minimum. Under s.8(2) of the Act, the Executive has discretion to appoint one or more members of the Society to the Credentials Committee.

The Credentials Committee for 2022 was the Executive Director, Linda Doll and Bruce Warnsby, Secretary.

The Credentials Committee is responsible for reviewing and approving applications for membership and Certificates of Permission to Act.

In 2022, the overall membership of the Society as of December 31, 2022 increased to 507, compared to 475 members as of December 31, 2021.

Of the 507 members, 185 were resident in Yukon and 322 were non-resident.



New Members in 2022

In 2022 the following Articled Students successfully completed their term of articles and were called to the bar.

- Natasha Weninger
- Helena Tlen

In addition, the following 51 lawyers were admitted to the Law Society of Yukon as active members:

Arial, Marie Kimberly (NR)	Madekufamba, Denford (NR)
Bagaslao, Rod Francis (R)	McConnell, Graeme (R)
Barsby, James (R)	McLean, Jana Katherine (NR)
Bentivegna, Giuseppa (NR)	McLean, Paul (NR)
Bhatti, Amna (R)	McLeod, Christina (NR)
Bisbicus, Robert (NR)	Mitha, Nazeer (NR)
Bowman, Geoffrey (NR)	Modi, Neil (R)
Brown, Keith (NR)	Monchalin, Shawnee (NR)
Buttery, Mary (NR)	Ndlovu, Peterson (R)
Clements, William (NR)	Penner, Michael Henry (NR)
Crews, Jennifer (NR)	Stano, Maya (NR)
Cruz, Keith (R)	Struthers, James David (NR)
Cunningham, Sandra (NR)	Stubbs, Ceilidh (NR)
Dattilo, Rosellina (R)	Sutherland, Jody (NR)
Ennis, Sebastian (NR)	Switzer, Adrienne (NR)
Feltmate, Blair (NR)	Thomson, Neil (R)
Finn, Forrest Peters (NR)	Thomson-Leach, Erin (NR)
Forhan, Meghan (NR)	Tollefson, Nicholas (NR)
Grady, Caroline (R)	Tsai, Somboun (NR)
Gray, Christina (NR)	Vellins, Stephanie (NR)
Halliday, Adam (NR)	Wildgoose, Lauren (R)
Hassall, Lilya (NR)	Williams, Madeleine (NR)
Kazimirski, Marc (NR)	Youden, Mark (NR)
Klinov, Dmitri (R)	
Kuntz, Andreas (R)	
Laurie, Kathryn Anne (R)	
Lu William Shengsi (R)	

Membership Status in 2022

Of the 507 members as of December 31, 2022, their status was as follows:

- 424 members of the LSY were active;
- 46 members were non-practising;
- 26 members were retired;
- 6 members were students;
- 5 members were administratively suspended for failing to pay fees.

Between January 1 and December 30, 2022, 11 members changed their status from active to non-practising and 4 members retired.

During this same time, 13 members changed their status from non-practising to active.

Resignations

Between January 1 and December 30, 2023, 17 members resigned from the Law Society of Yukon.

Certificates of Permission to Act in the Yukon

Pursuant to section 38(1) of the *Legal Profession Act, 2017*, the Credentials Committee can issue a Certificate of Permission to Act to a lawyer as an interjurisdictional practitioner in relation to a specific matter.

In 2022, 90 new Certificates of Permission to Act in Yukon were issued to lawyers in other Canadian jurisdictions. In comparison, 84 Certificates were issued in 2021.

A Certificate of Permission to Act permits a lawyer to act on a single matter for one year, after which time the lawyer may wish to renew their Certificate. In 2022, 86 Certificates of Permission to Act were renewed.

The LSY has seen a consistent increase in the number of Certificates of Permission to Act in Yukon over the years.



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".

As 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.

Bruce Warnsby
Chair of Credentials Committee

FINANCIAL REPORT

This report is intended to highlight various matters of significance as outlined in the Law Society of Yukon's [LSY] financial statements accompanying this report. The LSY'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 Compensation Fund (formerly called the 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 LSY. Budget figures are also included in the General Fund Statement of Operations.

Financials

Combined Statement

The Combined Statement of Operations shows an Excess of Revenue Over Expenditures before other items of \$213,696 in 2022 compared to \$90,762 in 2021. However, after factoring the loss on disposal of capital assets and the unrealized loss on investment in 2022 in the amount of \$244,451, the Combined Deficiency of Revenue Over Expenditures is \$30,755 compared to an Excess of Revenue Over Expenditures of \$323,200 in 2021.

The difference in Combined Excess (deficiency) of Revenue Over Expenditures between 2021 and 2022 is primarily due to unrealized losses on investments. In 2022, the unrealized loss on investments was \$243,926 compared to the unrealized gain on investments in 2021 in the amount of \$161,493.

The Combined Statement of Financial Position shows Total Net Assets valued at \$5,414,201 in 2022 compared to \$5,444,956 in 2021. This represents a decrease of \$30,755 from 2021.

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.

General Fund

The General Fund Statement of Operations shows an excess of revenues over expenditure before other items of \$93,976. in 2022. After factoring in the loss on disposal

of capital assets and unrealized loss on investments, the Excess of Revenue over Expenditures for 2022 is \$91,042 which is an increase of \$90,034 from 2021.

This excess of revenue over expenditures in 2022 reflects an increase in revenue, but more significantly, a decrease in expenses. In the summer of 2022, the Executive adopted a three-year strategic plan to take effect January 1, 2023, which plan shifted the Executive's priorities from those identified in the 2022 budget. Initiatives such as revising the rules on books and accounting and developing a data base, were put on hold in favour of ensuring adequate internal resources to address the priorities set out in its strategic plan. In addition, staff changes and a difficult labour market negatively impacted the LSY's operations. These challenges were addressed in early 2023.

The Statement of Financial Position indicates a net asset value of \$1,522,337 in 2022, compared to \$1,431,295 in 2021. This represents a gain of \$91,042 from 2021.

Liability Insurance Fund

The Statement of Operations shows an Excess of Revenues over Expenditure before other items of \$22,445 in 2022 compared to \$19,331 in 2021. After factoring in the unrealized loss on investments, the Deficiency of Revenue over Expenditures for 2022 is \$35,314. This is a decrease from 2021 which showed a \$48,720 Excess of Revenue over Expenditures.

The difference in Excess (deficiency) of Revenue Over Expenditures between 2021 and 2022 is due to unrealized gains (losses) on investments. In 2022, the unrealized loss on investments was \$57,759 compared to the unrealized gain on investments in 2021 in the amount of \$29,389.

The Statement of Financial Position shows a total net assets value of \$894,536 in 2022 compared to \$929,850 in 2021. This represents a decrease of \$35,314 from 2021.

The per lawyer rate levied by the LSY to its insured members for mandatory professional liability coverage is the same rate per lawyer that the LSY is charged by CLIA.

Compensation Fund

The Statement of Operations shows an Excess of Revenues over Expenditure before other items of \$97,275 in 2022 compared to \$74,409 in 2021. After factoring in the unrealized loss on investments, the Deficiency of Revenue over Expenditures for 2022 is \$86,483, compared to Excess Revenue over Expenditures in the amount of \$273,573 in 2021.

The difference in Excess (deficiency) of Revenue Over Expenditures between 2021 and 2022 is due to unrealized gains (losses) on investments. In 2022, the unrealized loss on investments was \$183,758 compared to the unrealized gain on investments in 2021 in the amount of \$128,219.

The Statement of Financial Position shows total net assets valued at \$2,997,328 in 2022 compared to \$3,083,811 in 2021. This represents a decrease of \$86,483 from 2021.

At this time, as the Financial Statements indicate, the finances of the LSY continue to be in a state of financial stability.

Megan Whittle
Treasurer

COMPENSATION FUND REPORT

The Compensation fund is required under s.90 of the *Legal Profession Act, 2017* [LPA].

Under s.91 of the LPA, the purpose of the Compensation Fund is to reimburse individuals for pecuniary losses sustained because of the misappropriate or wrongful conversion by a member of property entrusted to them in relation to their provisions of legal services in Yukon.

The Compensation Fund must be kept separate from the other funds of the Law Society of Yukon [LSY] and may be invested in a manner that a trustee may invest under the *Trustee Act*.

The Compensation Fund is currently invested in marketable securities through RBC Dominion Securities.

The Compensation Fund Statement of Operations and Changes in Fund Balances indicates revenues, including member's assessments in the amount of \$53,000 and revenue from investments in the amount of \$81,860, totaling \$134,860 in 2022. This is an increase of \$17,538 from 2021.

Fund expenditures in 2022 included the premium for insuring the fund with CLIA and professional fees. Professional fees include the costs associated with the LSY audit program (which audits trust accounts), and the cost of the Audited Financial Statement.

The Statement of Financial Position prepared by Crowe MacKay LLP indicates net assets valued at \$2,997,328 as of December 31, 2022, compared to \$3,083,811 in 2021. This is a decrease in value of \$86,483. This decrease is a result of the unrealized loss on investments in 2022 compared to 2021.

The funds in the Compensation Fund are invested in marketable securities, principally Canadian GICs. Investment income has been re-invested on a conservative basis.

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

Serge Lamarche
Chair, Compensation Fund Committee

CONTINUING PROFESSIONAL DEVELOPMENT

The Continuing Professional Development Committee [CPDC] 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 services.

Members consisted of Bruce Warnsby – Chair, Leo Lane, Emma Dickson, Arthur Mauro and Cathy Rasmussen. In August of 2022 the CPDC welcomed Nathan Forester to the team. The CPDC would like to thank members Bheagh Dabbs, Amy Chandler, and Lauren Whyte for their work on the CPDC.

In 2022 the CPDC hosted 12 events in either an in-person format or a Zoom live-webinar format at no charge to members. Some of the events are recorded and available to members on the Law Society of Yukon's [website](#) for viewing and CPD credit.

The CPDC offered the following events in 2022:

Title of Event	Date of Event	Speakers	Attendance Total
Practical Tips with Judge Chisholm and David McWhinnie	Jan 11 for 1.5 CPD hours	Judge Peter Chisholm and David McWhinnie	67
The Mentally Disordered Accused – Navigating Part XX.1 of the <i>Criminal Code</i>	Feb 4 for 1.5 CPD hours	Judge Schneider and Rick Buchan	44
Navigating 276, 278 Applications in Sexual Assault Cases Since the Passing of Bill C-51	Feb 22 for 2.5 CPD hours	Dawne Way, Jill Witkin and Jacob Legault	113
Practice Interruptions: Essential Tips for Contingency Planning	March 15, 2022 for 1.5 CPD hours	Donna Moore and Eleanor Platt	27
Yukon Restorative Justice & Diversion Program	April 20, 2022 for 1.5 CPD hours	Christina Laing	46
The New Condo Act Explained	April 27, 2022 for 1.5 CPD hours	Leslie McRae	31

Impaired Driving Consequences – Territorial and Federal	May 2, 2022 for 2.0 CPD hours	Julius Debuschewitz, Kelly McGill and Leo Lane	32
Teaching Indigenous Law – Today and Tomorrow	June 29, 2022 for 1.5 CPD hours	Prof. Val Napoleon and David Milward	41
Families, Family Breakdown and the Law	Sept 7, 2022 for 8 CPD hours	Alyson Jones and John-Paul Boyd	Undetermined
Yukon First Nations People and the Justice System – Redefining the Conversation	Sept 13, 2022 for 7 CPD hours	Chantal Genier, Elder Shirley Adamson, Maisie Smith, Samantha Dawson	25
Federation 101 – Intro to the Federation of Law Societies of Canada	Sept 21, 2022 for 1.5 CPD hours	Jonathan Herman and Nicolas Plourde	20
Engagement of Women in the Legal Profession: A Virtual Round Table in the Territories	Oct 5, 2022 for 1.5 CPD credits	J. Cochard, J. Shaner, S. MacKenzie, S. Whitecloud-Brass and Lesley McCullough	Undetermined
Total Number of CPD Hours 2022	38.0		

Although First Nations 101 was planned, we were unable to offer this important CPD event in 2022. Dates for First Nations 101 for 2023 are already reserved. The Committee welcomes topic ideas for future CPD events.

Bruce Warnsby
CPD Chair

Federation of Law Societies of Canada

I am pleased to present my fifth annual report as the Law Society of Yukon representative to the Federation of Law Societies.

As with many organizations, 2022 was a transition year for the Federation, which resumed some, but not all of its previous 'in person' activities and programs as we all gradually came out of Covid related lockdowns and restrictions. In person meetings and conferences have returned, but the lockdown experience showed that at least one of the Federation's usual four yearly business meetings could and will remain a virtual meeting, with attendant cost savings.

Some other functions, such as the administration of 'transfer' examinations for foreign trained lawyers, continue as a virtual rather than an 'in person' process.

Lawyer Wellness Study

A key activity for the Federation this past year was the release of the Lawyer Wellness Study jointly commissioned with the Canadian Bar Association.

While in some ways it served to confirm what many members already suspected, the study starkly details the prevalence and nature of the psychological distress, depression, substance abuse and suicidal ideation afflicting far too many of our colleagues during their professional lives. That close to a quarter of our colleagues experience suicidal thoughts at some point in their career, nearly six times the current rate for the general Canadian population, is truly alarming.

Much of the most recent joint meeting of Federation Council members and Law Society Presidents and CEOs focused on identifying practical and effective steps the Federation and its constituent law societies can take as regulators to address these serious issues.

A convenient link to the Executive Summary of the Phase I study results can be found [here](#):

The Federation's Steering Committee on Wellness Issues has advised that work on Phase II, involving individual interviews, is expected to proceed during 2023 with a Phase II report anticipated in 2024. Yukon's Megan Whittle is currently a member of that Committee.

Ongoing Federation Activities:

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.

As anticipated in last year's report, the Federation adopted amendments to Chapter 6.3 of the Model Code, ('Harassment and Discrimination') and new rules (5.1-2B & 2C) concerning *ex parte* proceedings as well as *ex parte* communications with a court or tribunal. I am advised that the process to adopt and implement these changes to the Model Code as part of the LSY Rules is underway, and that the CPD Committee is planning a CPD session regarding them.

Anti-Money Laundering / Anti-Terrorist Financing Rules

As implementation and enforcement of the most recent amendments to the Model Rules regarding client identification and verification occurred across Canada, various minor inconsistencies or deficiencies were identified. With the protracted period of limited personal contact during the Covid pandemic, specific issues became evident with respect to the process of adequately verifying client identification.

Most recently the Federation adopted an amendment intended to permit using a technological means of remotely verifying client identification documents. The current rules do not permit this, specifying instead that verification of identification documents requires they be presented and examined in person.

LSY supported the premise, facilitating remote verification in certain instances. However, we abstained on the motion, as it was felt here that the amendment proposed was insufficiently clear how the technological approach was to be implemented, leading potentially to inadvertent breaches of the requirements.

Anecdotally, it appears that there is an appetite nationally to clarify and simplify the rules generally in light of the various issues identified during implementation. It remains to be seen whether such an effort might overtake an LSY effort to clarify/simplify this specific amendment before it can be implemented.

NCLP / NFLP

Both the usually well received and attended National Criminal Law and National Family Law CPD programs proceeded in 2022 after a two year 'Covid hiatus'. Attendance was somewhat lower than expected, perhaps reflecting that restrictions on larger gatherings had only recently been relaxed. The National Criminal Law Program is currently scheduled for July 10-14, in Montreal, and is evidently expected to be fully subscribed, or nearly so.

For those seeking/hoping to attend this year, or in coming years, the Federation main page has links to information regarding both programs: <https://www.flsc.ca/>

Public Advocacy / Case Intervention

When appropriate and necessary the Federation will take a public position or make submissions to legislators or other authorities on matters of general concern to Canadian law societies. In some instances, the Federation will seek to intervene in court cases, generally at the Supreme Court of Canada level, where matters of particular concern to Canadian law societies are in issue.

Three issues of interest to the profession are currently being closely monitored by the Federation, with submissions to the Federal government having been made already with respect to two items of federal legislation.

As many of you know, the BC government has announced an intention to consolidate the regulation of all legal professionals and para-professionals in a single regulator. While it is early in the process, concerns have already been identified regarding the structure of the proposed regulatory body.

Although lawyers would constitute the bulk of those governed, it currently appears possible that a majority of members of the body tasked with defining, implementing and enforcing lawyer's professional standards could potentially be non-lawyers. The Federation continues to monitor developments, and is considering whether and how best to assist the BC Law Society during its participation in the ongoing legislative process.

Nationally, two *Income Tax Act* amendments, one recently enacted, one more recently proposed, (relating to tax avoidance and reporting requirements), have been identified as being of specific concern to lawyers and law societies.

The recently enacted Bill C-32 requires a considerable amount of information to be collected and provided to CRA regarding trusts. This would require lawyers to provide information to the CRA concerning trust accounts that are client

specific, interest bearing trust accounts (as opposed to common 'pooled' trust accounts containing money from multiple clients). Failing to report as required is an offence punishable by fine and/or imprisonment.

The Federation has already made submissions to government and Parliament regarding aspects of the new legislation and pending regulations which have the potential to breach solicitor-client privilege, or the related duty of confidentiality, and continues to monitor the situation.

More recently, a set of amendments to the *Tax Act* has been introduced which expands mandatory reporting by 'advisors' (which may include lawyers in a number of instances) regarding transactions considered by the CRA to be unduly aggressive tax planning, or deemed too similar to previous transactions determined to be such by CRA.

There would be tight timelines for reporting, and significant (thousands or tens of thousands of dollars) penalties for advisors in the event of non-compliance. (Previous provisions relieving from multiple reports where one person – taxpayer or advisor- has done so, would be repealed.)

While the amendment includes a provision regarding solicitor-client privileged information, it appears that the amendments are intended to be narrowly crafted and applied in order to capture and require reporting of otherwise confidential client information even if not strictly privileged.

The Federation has already made submissions to government regarding the potential for these amendments to create conflicts of interest between client and lawyer, and undermine the confidence essential to the professional relationship. This was a key failing of the previous anti-money laundering provisions struck down by the Supreme Court of Canada.

The Federation continues to monitor the situation, and consider what additional representations or actions might be required.

Reconciliation Initiatives

As noted previously, one aspect of the Federation's commitment to Reconciliation Initiatives was its decision to establish an Indigenous Advisory Council, comprised of eight to ten indigenous members, to provide advice and guidance to the Federation on an ongoing basis. As anticipated, the Advisory Council members were identified and appointed in 2022, and have begun engaging with the Federation.

Further information

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

Thank-you

As always, I am grateful for the assistance of Linda Doll and all the LSY staff for their assistance throughout the year, especially for keeping me 'on track' and prepared.

David A. McWhinnie
Federation Council Member for LSY

TRC ADVISORY COMMITTEE REPORT

The TRC Advisory Committee [Committee] was created under s. 10 of the *Legal Profession Act, 2017* [Act] in 2021 and is comprised of five individuals and one *ex officio* member appointed by the Law Society of Yukon Executive.

The Committee members in 2022 were:

- Melissa Carlick, Public Representative and Chair of the Committee
- Dave Joe, Member of the Law Society of Yukon
- The Honourable Robert Kilpatrick, Chief Justice of the Nunavut Court of Justice (retired)
- Gavin Gardiner, Member of the Law Society of Yukon
- Erin Linklater, Member of the Law Society of Yukon
- Chris Butler, *ex officio* member and Public Representative on the LSY Executive (appointed June 2022)
- Marlaine Anderson-Lindsay, *ex officio* member and Public Representative on the LSY Executive (resigned May 26, 2022)

The purpose of the Committee is to make recommendations to the Executive in response to the Truth and Reconciliation Commission of Canada's Call to Action #27 and the recommendations set out in a Federation of Law Societies TRC Advisory Committee's report dated May 13, 2020.

Call to Action #27

Call to Action #27 calls upon the Federation of Law Societies and individual Law Societies across Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal Rights and Title, Indigenous law and Aboriginal-Crown relations.

Federation of Law Societies TRC Advisory Committee Recommendations

The Federation of Law Societies TRC Advisory Committee issued a report on May 13, 2020 to the Federation Council, setting out its recommendations for responding to the report of the Truth and Reconciliation Commission.

The recommendations adopted by the Federation Council included recommendations for individual law societies, which include:

- making a formal commitment to Reconciliation and developing a framework for putting that commitment into action, which could include adopting the guiding principles adopted by the Federation as a guide;
- critically examining the regulatory processes and structures of the Law Society to consider how it may be more inclusive of the needs and perspectives of Indigenous peoples;
- providing ongoing opportunities for competency and awareness training for law society leadership and staff;
- building relationships with local Indigenous organizations, the Indigenous bar and other appropriate groups through formal and informal opportunities for collaboration;
- collaborating with Indigenous organizations, members of the bar and law students to explore opportunities for providing additional supports to Indigenous students and members of the bar;
- considering mandatory Indigenous cultural competency training and ensuring that members are provided with access to educational opportunities to enhance their knowledge and understanding of Indigenous peoples;
- ensuring the availability of a continuum of educational opportunities and resources to recognize the diversity of legal practices and Indigenous peoples and legal orders within a given jurisdiction;
- reviewing admissions curriculum and licensing requirements and make necessary modifications to reflect the spirit and intent of the TRC Calls to Action.

The Committee commenced its work with the development of a formal statement of commitment to reconciliation for adoption by the Law Society of Yukon. On October 21, 2022 the Committee issued its first recommendation to the Executive to release the approved formal Statement of the Law Society of Yukon's Commitment to Reconciliation to First Nations and the public. The Statement was released in February 2023.

On November 28, 2022, the TRC Advisory Committee issued its second set of recommendations to the Executive recommending all members be required to take mandatory professional development training on Indigenous history,

traditions and laws. It is the view of the Committee that mandatory education with regard to Indigenous history, traditions and laws are a necessary part of being competent to practise law in Yukon. These recommendations have been adopted by the Executive. The Executive is currently working on up-dating its Continuing Professional Development guidelines to include mandatory Indigenous training commencing in 2024, and will be releasing more details in the up-coming months.

The Committee is currently working on the development of a Yukon specific program on Indigenous and Yukon First Nation history, traditions and laws, including the constitutional framework of existing Yukon First Nation Land Claim and Self-Government Agreement for members of the Law Society of Yukon. This work is ongoing.

Melissa Carlick
Chair of the TRC Advisory Committee

MEET WITH A LAWYER 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 2022 there were 116 certificates issued in the following areas of law:

Aboriginal – 0	Administrative – 2	Civil Litigation – 45
Conveyancing – 4	Corporate/Commercial - 5	Criminal – 7
Debtor/Creditor - 0	Family Law – 17	Labour/Employment - 14
Landlord/Tenant – 6	Personal Injury – 4	
Wills/Estates - 12		

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 2022 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

Megan Whittle [appointed May 18, 2022]
Meagan Lang

Mark Wallace
Keith Parkkari [to May 18, 2022]

Access to Justice

Paul Di Libero – Chair
Alex Benitah
Robert Kilpatrick
Mark Stevens [to Sept 21 2022]

Eden Alexander
Cathy Rasmussen
Jim Tucker [to April 16 2022]

Compensation Fund

Serge Lamarche, Chair

Keith Parkkari

Continuing Professional Development

Bruce Warnsby – Chair
Arthur Mauro
Nathan Forester
Cathy Rasmussen
Emma Dickson

Lauren Whyte [to Nov 9 2022]
Bhreagh Dabbs [to Jan 22 2022]
Leo Lane
Amy Chandler [to Aug 18 2022]

Conduct & Competence Committees

Complaints Investigation Committee

Debra Fendrick, Chair [appt June 15, 2022]
Jean Whittow, KC
Greg Cavouras
Keith Parkkari

Sharleen Dumont
Jocelyn Barrett
Mark Wallace

Complaint Dismissal Review Committee

Kathleen Kinchen – Chair
David Martin
Thomas Flavin [to Dec. 15, 2022]

Daryn Leas
Michael Preston

Paula Pasquali, Public Representative
Noreen McGowan, Public Representative
Margaret Dumkee, Public Representative [appointed Sep. 21, 2022]

Discipline Committee

Ronald S. Veale, Chair,
Thomas Flavin, Member
Scott Niblock, Member

Laura MacFeeters, Public Representative
Victoria Chan, Public Representative
Dan Robinson, Public Representative

Credentials Committee

Bruce Warnsby
Linda Doll

Lawyers Assistance Program

Megan Whittle – Chair

Kathy Kinchen

Social Committee

Kevin Gillespie – Chair
Cathy Rasmussen
Nic Mercier

Joni Ellerton
Vida Nelson
Lauren Whyte [to Oct 2022]

Truth and Reconciliation Committee

Melissa Carlick, Chair
David Joe
Erin Linklater
Marlaine Anderson-Lindsay, ex officio [to May 26, 2022]

Robert Kilpatrick
Gavin Gardiner
Chris Butler

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

Position vacant – awaiting Federal appointment

Yukon Foundation

Amy Chandler [appointed Feb 7, 2022; resigned Oct. 22, 2022]

Cindy Freedman [appointed December 1, 2022]

Yukon Law Foundation

Carmen Gustafson

Alex Benitah

Kelly McGill

Yukon Legal Services Society Board

Megan Whittle [to August 2022]

LAW SOCIETY OF YUKON

STRATEGIC PLAN 2023 – 2025

Mission Statement	The Law Society protects the public interest in the delivery of legal services by ensuring the competence and professional integrity of legal service providers, upholding the rule of law and independence of the legal profession and promoting access to justice.
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STRATEGIC OBJECTIVES

<p>Work Towards Reconciliation</p> <p>Goal: Reflect the spirit of truth and reconciliation with Indigenous peoples in all aspects of how the LSY fulfills its mandate and meets its strategic objectives.</p>	<ul style="list-style-type: none"> • Consider and reflect the principals of the TRC Report in all ongoing and future LSY regulation and policy. • Release a Statement of Reconciliation. • Implement mandatory cultural competency training. • Review Rules to identify and reduce barriers for the admission of Indigenous people as LSY members.
<p>Continuous improvement of LPA, Rules, Code of Conduct and polices of the LSY</p> <p>Goal: Review and improve the LSY Rules, Code and policies</p>	<ul style="list-style-type: none"> • Complete Discipline Handbook reflecting new <i>Legal Profession Act, 2017</i>. • Review and up-date rules with respect to Books, Accounts and Records. • Review LPA, Rules, Code of Conduct and Policy Manual to identify and prioritize rules and policies requiring updates or changes. • Develop governance policies.
<p>Increase access to legal services in the Yukon</p> <p>Goal: Work in partnership with stakeholders to increase the number of resident lawyers in private practice in the Yukon.</p>	<ul style="list-style-type: none"> • Refresh the mandate of the A2J Committee to focus on identifying the underlying challenges to retaining lawyers in private practice in Yukon and work on solutions to address those challenges.

	<ul style="list-style-type: none"> • Develop a program to encourage and support Yukoners to become lawyers, including through mentorship, outreach and scholarships. • Create an information HUB to support lawyers in private practice by providing access to resources to assist with the business of practicing law. • Host a job board on the LSY website for resident lawyers, paralegals and legal assistants.
<p>Provide the LSY with the resources needed to adequately meet its mandate, now and in the future.</p> <p>Goal: Ensure the LSY has adequate financial, human and IT resources to address current and future demands and challenges in the regulation of legal services in the Yukon</p>	<ul style="list-style-type: none"> • Retain in-house counsel. • Review and up-date HR policies, job descriptions and compensation packages. • Modernize office operations and increase administrative capacity by expanding use of technology, including the development of a data base and up-grading website. • Develop procedural and operation manuals for the day-to-day operations of the LSY. • Review and up-date existing strategic financial plans for the LSY. • Develop a succession plan for the Executive Director.