

Law Society of Yukon
ANNUAL REPORT
December 31, 2024

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

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Financial Statements
Year Ended December 31, 2024

2024 EXECUTIVE

President:	Megan Whittle
Past-President:	Meagan Lang
Vice-President:	Richard Smith
Secretary:	Bruce Warnsby
Treasurer:	Leo Lane
Member-at-Large:	William Lu (acclaimed Sept. 26, 2024)
Public Representatives:	Chris Butler Melissa Carlick

PRESIDENT'S REPORT

Changes to the Executive

- William Lu was acclaimed as a member-at-large on September 26, 2024, following a special election. This was to fill a vacancy on the Executive following a general election, where I was acclaimed President.
- Following the acclamation of William Lu, Richard Smith was designated Vice-President, Bruce Warnsby remained Secretary and Leo Lane remained Treasurer.
- In January 2025, Leo Lane took a leave of absence and William Lu was designated the Acting Treasurer in Leo's absence; it is anticipated that Leo Lane will be returning on July 1, 2025.
- In May 2026, there will be a general election for the position of President as well as for the four member-at-large positions.

Evolving Challenges:

- Over the past five years, the world has changed significantly and lawyers' ability to self-regulate is constantly facing new challenges.
- In addition, the legal profession itself is evolving rapidly, and the demands on law societies continue to grow.
- Currently, the Law Society of Yukon [LSY] is monitoring the Law Society of British Columbia's legal challenge to their new provincial *Legal Professions Act*, which establishes a single regulator for the legal profession in British Columbia and a 17-member board with only five elected positions.
- The LSY is also monitoring the Alberta government's review of its *Legal Profession Act* and how it may impact the self-regulation of its lawyers.
- Due to tariffs imposed on Canada by the United States of America, Canada is looking at eliminating provincial trade barriers for both goods and services, which could include legal services. The LSY is watching to see how these changes may impact its ability to regulate in the Yukon.

Update on notable 2024/2025 Activities

The Executive entered the 3rd year of its three-year strategic plan on January 1, 2025; a copy of which is attached as Appendix A to this report. In line with those objectives, during the 2024/2025 period, the LSY has:

- **Worked towards Reconciliation:** The LSY continues to work with YukonU on the development of a mandatory CPD course on the unique legal landscape in Yukon with a focus on the UFA/SGA. On July 28, 2024, YukonU awarded a contract for the design and development of the curriculum of the course; however, due to unforeseen events, the contractor was unable to complete the project as contemplated. Although this has resulted in a delay, YukonU and the LSY are continuing to work together and remain committed to this project.
- **Access to legal services in Yukon:** The LSY Executive continues to support the A2J Committee in its work in identifying issues on access to legal services in Yukon, and initiatives to address them. Access to Justice is a complex issue not isolated to the Yukon. The shrinking local private bar is a matter of particular concern and is also an issue facing the other Territories and smaller cities. Paul Di Libero, Chair of the A2J Committee, has provided a report on the A2J Committee's activities in 2024.
- **Law Society Office Modernization:** The LSY Office continues to work towards modernizing its operations and increasing resources. Development of a database has been slow but has commenced. As the webpage will work with the database, redesign of the webpage has been paused until the database is ready to be tested. In 2024, the LSY was set up as a payee with the five major banks' online bill payment option as an alternative to Interac E-transfers and EFT. This is both more convenient and more secure. The LSY's historical records with respect to membership and those who were previously issued Certificates of Permission to Act have been compiled and protected. This information was previously spread out over different formats over the years and needed to be consolidated and made easily accessible. The LSY continues to work on updating and modernizing its operations, while still maintaining services.
- **Housekeeping Rule Amendments:** In the near future, the LSY Executive will be circulating proposed housekeeping rule amendments to ensure the rules as introduced in 2020 remain up-to-date and reflect the needs of the LSY to meet its mandate. These amendments will not introduce any new rules or reflect any significant policy changes. The proposed amendments will be provided to members pursuant to s.22(1) of the *Legal Profession Act, 2017* for their feedback 30 days in advance of any motion for their approval.
- **Changes to the Rules on Books and Accounts:** The Audit Committee is currently reviewing a policy paper on proposed recommendations for updating the rules on Books and Accounts, in particular, trust account rules including clarity regarding electronic banking. The LSY intends to introduce updated rules on Trust

Accounts, as well as provide education and resource materials to assist its members in 2025/2026. Members will have an opportunity to provide feedback on the proposed amendments before they are finalized.

- **Improvements to the Barristers Lounge:** It has become clear that the current barristers' lounge is not temporary nor adequate for our members. The LSY has retained a consultant to provide recommendations to the LSY on how to make the space more functional and comfortable for our members. The Executive will share more information in the near future.

Engagement with the Federation of Law Societies in 2024

- The Federation of Law Societies of Canada (the "Federation") 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.
- Included with this Annual Report is a report from David McWhinnie, Federation Council Member for the LSY, on the activities of the Federation in 2024.
- In March 2024, representatives of LSY attended the Federation's Spring conference in 2024 in Banff, Alberta.
- In October 2024, representatives of the LSY attended the Federation's fall conference in Halifax, Nova Scotia. The central issues at the conference were anti-money laundering and terrorist financing.

Megan É. Whittle
President

DIRECTOR OF PROFESSIONAL REGULATION 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. Among other responsibilities, 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.

Committees

Under the *Legal Profession Act, 2017*, (LPA) complaints are reviewed and investigated by the Complaints Investigation Committee. Members appointed to the CIC in 2024 were:

- Debra Fendrick, CIC Chair, expiry of term June 15, 2025
- Jean Whittow, K.C., Vice-Chair, expiry of term March 30, 2027
- Sharleen Dumont, Vice-Chair, expiry of term February 6, 2026
- Gregory Cavouras, Vice-Chair, expiry of term November 5, 2027
- Keith Parkkari, Vice-Chair, expiry of term June 15, 2025
- Mark Wallace, Vice-Chair, expiry of term June 15, 2025
- Meghan O'Brien, Vice-Chair, expiry of term December 11, 2026
- Debbie Hoffman, Vice-Chair, expiry of term May 7, 2027

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 2024 were:

- Kathleen Kinchen, Chair of the CDRC, expiry of term March 2, 2026
- Daryn Leas, Member, expiry of term May 2, 2027
- Lesley McCullough, expiry of term June 4, 2027
- Paula Pasquali, Public Representative, expiry of term July 27, 2026
- Margaret Dumkee, Public Representative, expiry of term September 21, 2025

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 2024 were:

- Ronald S. Veale, Chair of the Discipline Committee, expiry of term December 15, 2025
- Thomas Flavin, Member, expiry of term December 15, 2025
- Scott Niblock, Member, expiry of term December 15, 2025
- Mara Pollock, Member, expiry of term December 11, 2026

- Murray Long, Public Representative, expiry of term July 26, 2026

Complaints Investigation Committee 2024 Summary

At the start of 2024, the Complaints Investigation Committee (CIC) had 8 ongoing complaint files from 2022 or 2023.

In addition to the 8 ongoing complaints from 2022-2023, the CIC received 4 new complaints in 2024.

Of the 12 active complaints in 2024:

- Three were dismissed by the CIC Chair because the Chair found that they fell within the definition of "dismissible" as defined by the Act.
- One was referred by the investigator to a Complaints Investigation Committee Sub-Committee under Rule 117 for review, and subsequently disposed of under s. 64(e) of the LPA;
- Five were dismissed by the Investigator after investigation under s.64(a) of the LPA; and
- Three were referred to a CIC Vice-Chair/Investigator for investigation and the investigations were ongoing as of December 31, 2024.

Complaints Dismissal Review Committee 2024 Summary

Of the 5 complaints dismissed after investigation in 2024, one was appealed to the Complaints Dismissal Review Committee (CDRC) and the CDRC confirmed the investigator's dismissal of the complaint.

Discipline Committee 2024 Summary

No matters were referred by an Investigator to the Discipline Committee for hearing in 2024.

Complaint Statistics

The breakdown of the source of the 12 complaints and their subject matters are set out below.

Source:

- 5 complaints commenced by clients or former clients
- 2 complaints commenced by opposing parties
- 3 complaints commenced by third parties
- 1 complaint commenced by opposing counsel
- 1 complaint was self-reported

Area of Law

- 4 complaints related to family law
- 6 complaints related to criminal
- 2 complaints related to civil litigation

Nature of Complaints

A combination of service and integrity concerns were the nature of most complaints followed by conflict of interest and competency.

Unauthorized Practice

The LSY received one report of a potential unauthorized practice. The concern arose as there was some indication the individual may be providing legal services by drafting contracts, including purchase and sale agreements, and drafting and preparing wills. After investigation, the LSY brought the relevant provisions of the Act to the attention of the individual who immediately agreed to cease any activity constituting a legal service. Since then, we have received no other concerns regarding this individual.

Michelle Chan
Director of Professional Responsibility

CREDENTIALS COMMITTEE REPORT

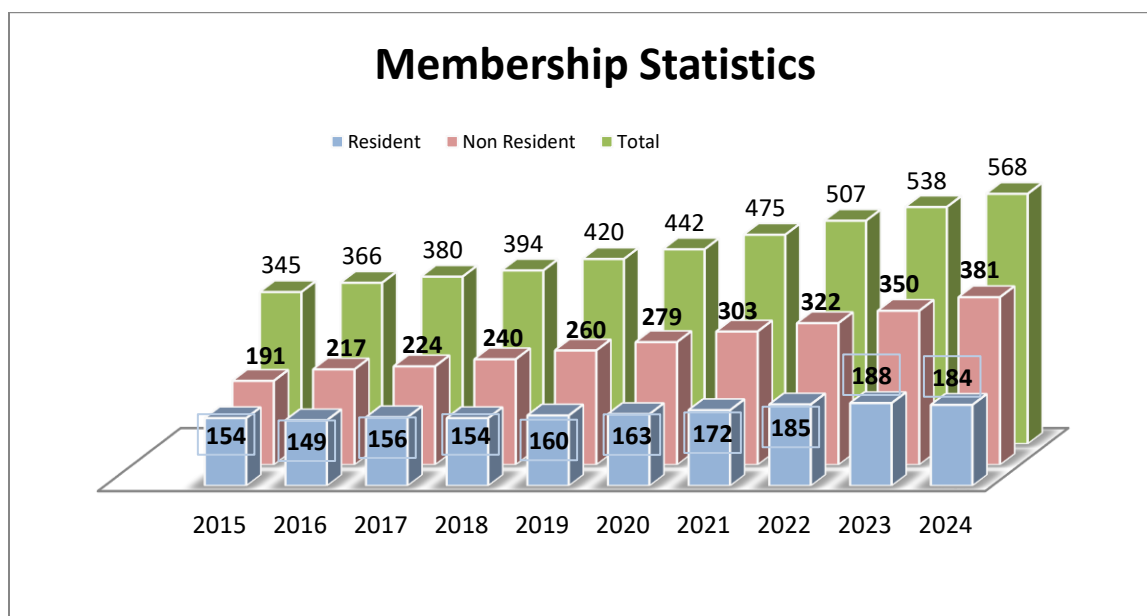
Section 8(1) of the *Legal Profession Act, 2017* requires the Law Society of Yukon (LSY) to establish a Credentials Committee consisting of the Executive Director and a member of the Executive at a minimum. Under s.8(2) of the Act, the Executive has discretion to appoint one or more members of the LSY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

The Credentials Committee for 2024 was the Executive Director, Linda Doll, Bruce Warnsby, Secretary and Michelle Chan, In-house counsel.

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

In 2024, the overall membership of the LSY as of December 31, 2024 was 568, compared to 538 members as of December 31, 2023. This includes active, non-practising, retired, suspended and student members.

Of the 568 members as of December 31, 2024, 184 were resident in Yukon and 381 were non-resident.



New Articled Students in 2024

In 2024 the following Articled Students were admitted to the LSY:

- Asher Loenen

- Sean Macdonald
- Alisa Grace Tot Jovanovic
- Andrew Nyanhete

New Members in 2024

In 2024 the following Articled Student successfully completed their term of articles and was called to the bar.

- Karlana Koot

In addition, the following 48 lawyers were newly admitted to the LSY as active members:

Atwal, Anita Kaur
 Bishop, Marsha
 Boyer, Craig Donald
 Bronsch, Annette A.
 Bryden, Sean Michael
 Buchanan, Christopher
 Burg, James Stadler
 Bustard, Keith R.
 Chewka, Kaitlyn
 Chomski, Daniel Robert
 Cruz-Mendez, Sabrina E.
 DeParde, Alexander M.
 Drolet, Caroline
 Edwards, Laura M.
 Ehrmantraut, Serena M.
 Felling, Christopher J.
 Finney, Elisabeth A.
 Gagnon, Julie M.
 Grewal-Sandhu, Simran
 Harman, Amelia P.
 Hofley, Charles V.
 Hunter, Rylund Cole
 John, Stephanie Rose
 Kaukinen, Kerry D.
 Kenny, William Joseph
 Khan, Mina R.
 Lay, Mary Andrea
 Matheson, Gabriel E.S.

McEwan, Holly Jennifer
 McMillan, Kelly Eileen
 McNeill, Kelsie S.
 McStravick, Kaitlyn M.
 Miley, Tamsin J. E.
 Morrison, Peter
 Netten-Huyer, Victoria E.
 Nicholls, Jeffrey Ryan
 Phipps, Kathryn Ruth
 Puri, Aasheesh K.
 Raasch, John Stuart
 Roark, Lewis T
 Romano, Zachary M.
 Shepherd, Damian A.
 Smith, Sydney Lynne
 Sydora, Emma R.
 Thorlakson, Gordon J.
 Volk, David Glen
 Warren, Heather Rae
 Yost, Jacqueline Marie

Membership Status in 2024

Of the 568 members as of December 31, 2024, their status was as follows:

- 469 members of the LSY were active;
- 57 members were non-practising;
- 27 members were retired;
- 6 members were students;
- 9 members were administratively suspended for failing to pay fees.

Between January 1 and December 31, 2024, 14 members changed their status from active to non-practicing and 3 members retired.

During this same time, 5 members changed their status from non-practicing to active.

Resignations

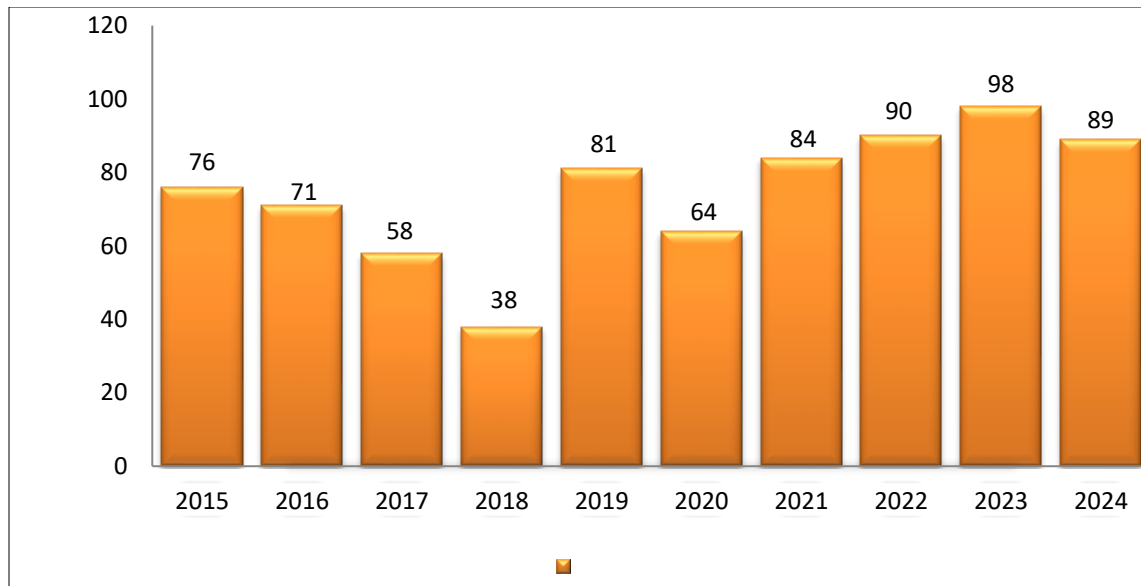
Between January 1 and December 31, 2024, 20 members resigned from the LSY.

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 2024, 89 new Certificates of Permission to Act in Yukon were issued to lawyers in other Canadian jurisdictions. In comparison, 98 Certificates were issued in 2023.

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 2024, 109 Certificates of Permission to Act were renewed.



Certificates of Permission to Act

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 LSY 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 for 2024

Combined Statement

The Combined Statement of Operations for all the Funds shows an Excess of Revenue Over Expenditures before other items of \$217,114 in 2024 compared to \$176,844 in 2023. However, after factoring the loss on disposal of capital assets, gains on sales of investments and the unrealized gain on investments as of December 31, 2024, the Combined Excess of Revenue Over Expenditures in 2024 is \$573,529 compared to \$280,764 in 2023, or a gain of \$292,765.

The difference in Combined Excess of Revenue Over Expenditures between 2023 and 2024 is primarily due to the gain on sales of marketable securities and the unrealized gains on investments as of December 31, 2024.

In 2024, the Combined gains on sales of marketable securities were \$100,580. In addition, Combined unrealized gains on investments as of December 31, 2024 were \$256,743 compared to Combined unrealized gains on investments as of December 31, 2023 in the amount of \$105,419; a Combined increase of \$151,324.

The Combined Statement of Financial Position shows Total Net Assets valued at \$6,268,494 in 2024 compared to \$5,694,965 in 2023.

The securities are recorded at fair market value (FMV), as this is a Generally Accepted Accounting Practices (GAAP) requirement. Note 4 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, or surplus, before other items of \$143,530 in 2024. After factoring in the loss on disposal of capital assets, loss on sale of investments and the unrealized gain on investments, the Excess of Revenue over Expenditures for 2024 is \$147,986 which is an increase of \$98,729 from 2023.

This increase in the Excess of Revenue over Expenditures in 2024 reflects the increase in fees that came into effect in January 2024, and expenditures coming in less than anticipated.

The Statement of Financial Position indicates a net asset value of \$1,719,580 in 2024, compared to \$1,571,594 in 2023. This represents a gain of \$147,986 from 2023.

Liability Insurance Fund

The Statement of Operations shows an Excess of Revenues over Expenditure before other items of \$25,372 in 2024 compared to \$24,750 in 2023. After factoring in the unrealized gain on investments, the Excess of Revenues over Expenditure for 2024 is \$74,524. This is an increase in Excess of Revenues over Expenditures of \$46,527 from 2023.

The difference in Excess of Revenue Over Expenditures between 2023 and 2024 is due to unrealized gains on investments as of December 31, 2024. In 2024, the unrealized gain on investments was \$49,152 compared to the unrealized gain on investments in 2023 in the amount of \$3,247.

The Statement of Financial Position shows a total net assets value of \$997,057 in 2024 compared to \$922,533 in 2023. This represents an increase of \$74,524 from 2023.

The per lawyer rate levied by the LSY to its insured members for mandatory professional liability coverage continues to be 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 \$48,212 in 2024 compared to \$102,366 in 2023, which is \$54,154 less than in 2023. This is a result of the Compensation Fund levy being waived effective January 1, 2024.

After factoring in the gain on sale of investments and the unrealized gain on investments in the amount of \$302,807 the Excess of Revenue over Expenditures for 2024 is \$351,019, compared to an Excess of Revenue over Expenditures in the amount of \$203,510 in 2023.

The increase in Excess of Revenue Over Expenditures between 2023 and 2024 in the amount of \$203,510 is almost entirely due to gains on sale of investments and unrealized gains on investments as of December 31, 2024.

The Statement of Financial Position shows total net assets valued at \$3,551,857 in 2024 compared to \$3,200,838 in 2023. This represents an increase of \$351,019 from 2023.

Financial Status

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

William Lu
Acting 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 misappropriation 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 \$1,800 and revenue from investments in the amount of \$103,363 totaling \$105,163 in 2024. This is a decrease of \$42,103 from 2023 as a result of decreased members assessments in 2024.

Commencing January 1, 2024, payment of the compensation levy in the amount of \$100 per year by active members was waived by the Executive as it was determined that the LSY had sufficient reserves in its Compensation Fund which was supported by an Actuarial Report obtained in 2023.

Fund expenditures in 2024 included the premium for insuring the fund with CLIA and professional fees. Professional fees include the costs associated with the LSY's 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 \$3,551,857 as of December 31, 2024, compared to \$3,200,838 in 2023. This is an increase in value of \$351,019. This increase in value in 2024 is primarily the result of investment revenue of \$101,149 and unrealized gains of \$201,658.

The funds in the Compensation Fund are invested in marketable securities, principally Canadian GICs. Investment income has been re-invested on a conservative basis. No claims were made against the fund in 2024.

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 of Yukon [LSY]. 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, Neil Thomson, and Cathy Rasmussen. We were joined in 2024 by two new members, Jennie Cunningham and Andrea Bailey. Thank you to Leo Lane and Cathy Rasmussen for their work on the CPDC.

In 2024 the CPDC hosted 11 events in either an in-person format or a Zoom live-webinar format. Some of the events are recorded and available to members on the LSY's website for viewing and CPD credit.

The CPDC offered the following events in 2024:

Title of Event	Date of Event	Speakers	Zoom or In Person
An Introduction to Trauma-Informed Engagement	Feb 20 for 6.0 CPD hours	Myrna McCallum	In-Person
Arbitration: The “Other” Litigation – Your Choice, Or Maybe Not	May 22 for 3.0 CPD hours	Rick Buchan and Graham Lang	In-Person
Ethical Practice in the Era of AI	June 14 for 1.5 CPD hours	Amy Salyzyn	Zoom
Yukon First Nations 101	July 24 & 25 for 7.0 CPD hours	Teresa Waugh & Temira Vance	In-Person
The Trauma of the Sexual Assault Trial	Sept 12 for 1.5 CPD hours	Elaine Craig & Teresa Donnelly	In-Person
CLIA – Understanding Your Insurance Coverage	Sept 17 for 1.5	Melanie Hodges-Neufeld & Dave Jackson	Zoom Available on YouTube

Legal AI in Canada: What is it, Why It's Important and Why You Need to Know	Oct 10 for 1.5 hours	Sophie Majeau from Lexis Nexis	In-person
CLIA Peace of Mind	Oct 24 for 4.0 hours	Erin Durant, Greg Markell, Panel on Claims	Zoom
Search Warrants	Oct 29 for 3 hours and 15 minutes	Eric Neufeld and Daniel Song	Zoom Available on YouTube
Keeping Our Elders Safe	Nov 6 for 1.5 hours	Cindy Freedman, Lenore Morris, Kyla Gifford and Tina Bunce	Zoom Available on YouTube
Child Protection Law	Nov 26 for 2.0 hours	Lauren Wildgoose, Shadelle Chambers and Tammy Shoranick	
Total Number of CPD Hours 2024	32 hours and 45 minutes		

As always, 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 seventh annual report as the Law Society of Yukon [LSY] representative to the Federation of Law Societies Council.

Since last May, Council met three times in person and once virtually. I attended all 4 meetings, but because of court commitments was obliged to attend two meetings virtually rather than just one. I also attended various other virtual meetings and online consultations/decision processes as a member of several committees or sub-committees I am part of.

The Federation routinely monitors and (where appropriate) addresses developing threats to the rule of law, particularly attacks on the judiciary or the independence and self-governance of the bar. Recent events both in Canada and the US, especially since the November 2024 US election, have brought these issues and the need for Federation action into much sharper focus than any time in recent memory.

Along with many other similar entities around the world, the Federation has spoken out strongly about our concerns, and continues to engage with other national and international bodies whose mandates include defending the rule of law.

Threats/Impingements on the Rule of Law / Independence of the Bar

Three matters mentioned in my last report continue to engage the Federation:

- British Columbia's 'single legal regulator' legislation;
- Litigation concerning federal tax legislation impacting lawyers' independence and ethical obligations;
- Preparing for a pending Parliamentary review of anti-money laundering legislation, and the related international review by the Financial Action Task Force (an international body initially mandated by a resolution of the 1989 G-7 conference).

Several new areas of concern concerning regulation of the profession have arisen since my last report:

- New Immigration Regulations impacting lawyers as well as immigration consultants;
- Alberta's announced intention to limit/restrain the extent to which professional regulators can address conduct outside purely professional service activities;
- Unintended consequences of legislated efforts to reduce internal Canadian trade barriers, such as Nova Scotia's recent Bill 36.

British Columbia Single Regulator

Despite requests for additional consultation and review the BC government invoked closure and enacted the heavily criticized Bill 21 ("*Legal Professions Act*"). As expected, litigation has begun, with claims brought by both the Law Society of BC and the Trial Lawyers of BC. The transitional process provided by the new Act is now proceeding in parallel with the litigation. While the BC Supreme Court agreed that there are serious constitutional issues to be tried, an injunction application was denied, with leave to re-apply if the expected lengthy transition process is truncated for some reason.

(Evidently the transition process has so far not been swift at all, so the Court was not satisfied that there was imminent irreparable harm justifying injunctive relief.)

Income Tax Act (ITA) Amendments

Recent *Income Tax Act* amendments which would impose additional reporting requirements on lawyers concerning so-called 'notifiable' transactions - transactions the CRA deems, or they could deem 'overly aggressive' tax planning - remain inoperative because of an interim injunction obtained by the Federation more than a year ago.

While amendments have been proposed or made to eliminate the possibility of imprisonment for lawyers who fail to comply, it does not appear that all the other constitutional frailties have in fact been addressed.

At last report the federal government still had not filed a substantive response to the claim underlying the interim injunction. With the recent prorogation of Parliament, and subsequent election, it seems the matter may be further delayed.

Anti-Money Laundering and Terrorist Financing (AMLTF) Measures

As mentioned in previous reports, the Federation has concentrated for several years on the scheduled Parliamentary review and related international Financial Action Task Force (FATF) assessment of Canada's anti-money laundering/anti-terrorist financing structures and legislation. Both were expected to occur in 2025, so last fall's National Federation conference focused on law society regulation as a means to prevent money laundering and terror financing. While the recent prorogation of Parliament and subsequent election have delayed the expected Parliamentary review, the FATF assessment process is proceeding as scheduled.

In connection with the FATF process, the Federation has prepared and recently published a comprehensive analysis of the nature of current law society anti-money laundering requirements across the country. This is the first step of several intended to demonstrate the effectiveness of the current regime, and is intended to negate the oft-raised suggestion that the absence of federal/legislative provisions regarding lawyers/notaries leaves a regulatory 'gap'. In fact, it is contended, the current law

society driven regulatory/disciplinary scheme is not only effective, it has various procedural advantages over a statutory regime.

A link to the recently released report can be found at:

https://flsc.ca/wp-content/uploads/2025/04/FLSC_Background-Document-on-Technical-Compliance-with-FATF-Recommendations_March-2025.pdf

Immigration Regulations

Just before Christmas 2024 the federal government released draft regulations under the *Immigration Act* for additional review and comment before proclamation. These regulations would provide additional governance, inspection, and discipline of anyone acting as an immigration 'advisor', including lawyers. With respect to lawyers, the draft regulations were heavily criticized as duplicating existing law society regulation of the profession, and trenching on solicitor client privilege in both the proposed inspection and the discipline processes.

The Federation's previous submissions to government on the matter were referenced by the government, but were completely misstated/misrepresented.

Alberta Regulatory Review

As most members are likely aware, in late 2024 the Alberta government announced a 'review' of all regulatory bodies/regimes, ostensibly to ensure that regulatory oversight does not go "beyond professional competence and ethics in areas such as freedom of expression and opinion", or "training not related to professional competence". While much of their effort seems to be focused on addressing/limiting the extent to which regulatory bodies can prescribe or regulate member conduct outside of directly providing regulated services, there also seems to be some intention to restrict the ability of regulators to prescribe training or competence requirements that are regarded in some quarters as excessively 'woke'. More positively, Alberta does seem inclined/interested to ensure professional regulators have a more expeditious/summary process for dismissing frivolous/meritless complaints against licensees.

Unintended Consequences – removing trade barriers

Of potentially greater immediate impact is the recent introduction of various provincial legislative initiatives intended to reduce inter-provincial trade barriers - responding to economic dislocations caused by recent unilateral US tariff changes. An early example was Nova Scotia's Bill 36, which (perhaps inadvertently) initially had a broad (essentially universal) provision that a person licensed and in good standing in another province to provide a service was deemed automatically to be licensed in Nova Scotia. As framed, it was not clear that professional licensing bodies in Nova Scotia would be able to enforce any standards of conduct, discipline, or competence, or otherwise regulate any profession or regulated occupation in any fashion. Efforts are ongoing both provincially and at the federal level to identify and address the professional regulatory issues these inter-provincial initiatives may have.

Other Federation Activities

CanLII – AI Project

As mentioned in my report last year, CanLII is working on developing a CanLII specific AI application, anticipated to be as significant a change to legal research as the original implementation of the CanLII online service. The project is currently expected to cost approximately \$3.3 million over the next two years.

Late last year the Federation voted to go ahead with the proposed project, subject to obtaining consent of all the member law societies. The member law societies have all indicated their approval, and it is anticipated the decision to proceed will be confirmed at the upcoming (June) meeting of the Federation.

For the LSY, the incremental cost of the project will be approximately \$7.85 per member in 2025, and \$23.70 per member in 2026.

Many members will have noticed that some AI features are already available on CanLII, such as the AI generated case summary function that is available for a growing number of collections on the website. At the most recent meeting of the Federation, Council was informed that CanLII already has a working prototype of the new system, and hopes to implement an initial AI tool as early as the coming summer.

New Rules / 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.

Members will likely recall that a draft consultation paper was circulated last year for review by the law societies, including the LSY, concerning potential amendments to a number of pertinent sections of the Model Code to respond to TRC Call to Action #27 – addressing indigenous knowledge, competency, and training requirements for lawyers. There has been “voluminous” feedback from all or nearly all the member law societies, and various other interested parties.

While not yet fully analyzed, it appears that a few common themes are emerging. In particular it appears that there is a consensus that the next iteration of the proposed changes needs to be much less prescriptive, and more clearly delineate 'aspirational' values vs. mandatory requirements. A further round of consultation is to be undertaken once all the response material has been fully analyzed.

Strategic Plan

The Federation is now entering the final year of its current 5 year strategic plan, and has begun the process of consultation and development of a strategic plan for the next several years. A significant portion of this year's spring conference was given over to this review and consultation process.

Because the Federation decision/action processes are (of necessity) 'consensus' based the Federation has not always been able to act quickly on emerging issues, or on a time line which meets the needs of all the member law societies. Law society CEOs across the country, including our Linda Doll, have done much to illuminate various concerns which need to be addressed, both in terms of specific activities/programs, and the Federation governance structure.

Further information / CLE opportunity

A report 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.

CLE Material – Anti-Money Laundering

For individuals, the Federation has developed and made available a set of online training modules (formally accredited for CPD hours by several law societies, including BC), accessible here:

- <https://flsc.ca/anti-money-laundering/>

The same link provides additional links to written materials and best-practices advice, also prepared by the Federation.

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 in 2024 was comprised of five individuals and one *ex officio* member appointed by the Law Society of Yukon Executive.

The Committee members:

- Melissa Carlick, Public Representative and Chair of the Committee
- Dave Joe, Member of the Law Society of Yukon
- Gavin Gardiner, Member of the Law Society of Yukon
- Erin Linklater, Member of the Law Society of Yukon (resigned June 24, 2024)
- Chris Butler, *ex officio* member and Public Representative on the LSY Executive
- Leo Lane, Member of the Law Society of Yukon, appointed February 20, 2024
- Kevin MacGillivray, appointed October 7, 2024

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.

Background:

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.

Law Society of Yukon TRC Advisory Committee Activities

On the recommendation of the Committee, a formal statement of commitment to reconciliation was approved and released by the LSY Executive in February 2023.

On the recommendation of the Committee, the Executive committed to implementing mandatory professional development training on Yukon First Nations' history, traditions and laws of the Yukon. It is the view of the Committee that mandatory education with regard to Yukon First Nations is a necessary part of being competent to practise law in Yukon.

In 2024, the LSY and the TRC Advisory Committee entered into an MOU with Yukon University (YukonU) for the development of a Yukon specific program on the constitutional framework of existing Yukon First Nation Land Claims and Self-Government Agreements. The intention is for this program to become mandatory professional development for all members of the Law Society of Yukon in the future. The goal is to have the course available for members both online and in-person.

Unfortunately, the Committee encountered some unexpected challenges which have delayed the development of the course.

YukonU had contracted with a third party to develop the course curriculum and design, with a targeted completion date of January 1, 2025. Over the course of the engagement, however, it became apparent that the Committee and contractor had different understandings of how best to approach the course. While much effort was made, the project didn't progress as we had hoped, and the contractor's contract concluded on March 31, 2025.

However, the LSY and Committee remain committed to the development of this Yukon specific course and YukonU continues to be a key partner in this work. The Committee continues to work with YukonU on the development of the course and members will be provided with an anticipated timeline when the project is further advanced.

Joint CCLD/Federation/UManitoba/LSO Symposium

In January 2025, Melissa Carlick, Chair of the Committee and Bruce Warnsby, Secretary of the LSY and Chair of the CPD Committee, attended the Joint CCLD/Federation/UManitoba/LSO Symposium in Toronto on the TRC calls to Action.

The Symposium was held over two days bringing together Indigenous and non-Indigenous legal academics, practitioners, leaders, and regulators, to create actionable strategies and national standards to advance reconciliation in the legal field. Participants engaged in collaborative discussions and roundtables aimed at addressing barriers, exploring tensions, and envisioning pathways for meaningful implementation of Indigenous legal education and cultural competency training.

It is anticipated that the organizers of the event will be releasing a written report on the discussions and outcomes of the conference in June 2025.

Anyone wishing to know about the activities of the TRC Advisory Committee or wanting to know more about its ongoing initiatives are welcome to contact the Law Society of Yukon office.

Melissa Carlick
Chair of the TRC Advisory Committee

ACCESS TO JUSTICE COMMITTEE

The Access to Justice Committee [A2JC] released the final "Community Visits Report – Access to Lawyers" in the summer of 2024. Visit <https://lawsocietyyukon.com/access-to-lawyers-report/> for a copy of the full report.

The A2JC started new team projects in 2024 with a focus on access to lawyers. Here are some of the projects underway:

- Exit Surveys and interviews of lawyers were conducted by Debra Fendrick and Ron Veale. The intention was to better understand the reasons why lawyers leave Yukon private practice. Generally, it was found that support; job security and housing were among the top issues;
- In November 2024, a Roundtable event was hosted by the A2JC for lawyers from private practice to discuss attracting, retaining and strengthening articling students in the private bar which in turn would increase access to lawyers;
- The pilot "Community Video Links" project exploring the possibility of increasing access to the lawyers in the communities using already existing video link equipment and technology is underway;
- Community Presence Project – a pilot to partner with those entities already visiting the Communities to mitigate the costs of having lawyers available in person to discuss Yukoners' concerns with the law and host summary advice clinics for family and criminal law on the same schedule as circuit court;
- Recruitment Project – Ron Veale, Paul Di Libero and Natasha Pettinger began working on a recruitment pilot project to link prospective articling students and younger lawyers with opportunities in the Yukon. The pilot project will involve visits to law schools in 2026/2027, alongside a funding and mentorship program.

Thank you to Natasha Pettinger, Cathy Rasmussen, Baird Makinson, Ruth O'Gorman and Ron Veale for their ongoing work. Welcome to new members Anna Starks-Jacob, Lynn MacDiarmid and Amy Chandler.

Paul Di Libero
Chair, A2JC

MEET WITH A LAWYER PROGRAM

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

The LSY 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 LSY office to make the necessary arrangements.

In 2024 there were 117 certificates issued in the following areas of law:

Aboriginal – 2	Administrative – 0	Civil Litigation – 25
Conveyancing – 3	Corporate/Commercial - 3	Criminal – 22
Debtor/Creditor - 0	Family Law – 5	Labour/Employment - 28
Landlord/Tenant – 6	Personal Injury – 6	Immigration - 1
Wills/Estates - 16		

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 of Yukon 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 2024 the following people volunteered their time to serve on Law Society of Yukon [LSY] Committees or as LSY representatives on the following boards and committees.

INTERNAL LAW SOCIETY COMMITTEES

Audit

Megan Whittle [to Aug 7/24]
Meagan Lang

Mark Wallace
Leo Lane

Access to Justice

Paul Di Libero – Chair
Natasha Pettinger
Cathy Rasmussen
Baird Makinson
Lynn MacDiarmid

Amy Chandler
Ruth O’Gorman
Ron Veale
Anna Starks-Jacob

Compensation Fund

Serge Lamarche, Chair

Keith Parkkari

Continuing Professional Development

Bruce Warnsby – Chair
Arthur Mauro
Emma Dickson
Cathy Rasmussen [to Jan 2/24]

Neil Thomson
Leo Lane [to Feb 21/24]
Andrea Bailey
Jennie Cunningham

Conduct & Competence Committees

Complaints Investigation Committee

Debra Fendrick, Chair
Jean Whittow, KC
Greg Cavouras
Keith Parkkari
Debbie Hoffman

Sharleen Dumont
Jocelyn Barrett [to Nov 24/24]
Mark Wallace
Meghan O’Brien

Complaint Dismissal Review Committee

Kathleen Kinchen – Chair
David Martin [to Apr 16/24]

Daryn Leas
Michael Preston [to Apr 16/24]

Elaine Cairns [to May 2, 2024]

Leslie McCullough

Paula Pasquali, Public Representative
Margaret Dumkee, Public Representative

Discipline Committee

Ronald S. Veale, Chair,
Thomas Flavin
Scott Niblock
Mara Pollock

Murray Long, Public Representative

Credentials Committee

Bruce Warnsby
Linda Doll

Lawyers Assistance Program

Megan Whittle [to Dec 14/24]
Emma Dickson – Chair

Kathy Kinchen
Kelly Hjorth

Social Committee

Cathy Rasmussen
James Barsby
Lauren Wildgoose

Vida Nelson
Amy Chandler

Truth and Reconciliation Committee

Melissa Carlick, Chair
David Joe
Erin Linklater [to Jun 24/24]
Kevin MacGillivray

Leo Lane
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 [to Dec 13/24]

Federal Judicial Advisory Committee

Lynn MacDiarmid

Yukon Legal Services Society Board

Vacant

Yukon Foundation

Cindy Freedman

Yukon Law Foundation

Alex Benitah

Kelly McGill [to Jul 2/24]

Carmen Gustafson [to Jul 2 /24]

Arthur Mauro

James Barsby

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

Work Towards Reconciliation 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.	<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.
Continuous improvement of LPA, Rules, Code of Conduct and policies of the LSY Goal: Review and improve the LSY Rules, Code and policies	<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.
Increase access to legal services in the Yukon Goal: Work in partnership with stakeholders to increase the number of resident lawyers in private practice in the Yukon.	<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.