



NOVA SCOTIA BARRISTERS' SOCIETY

**COUNCIL MEETING AGENDA
VIA VIDEOCONFERENCE**

Date	Friday, July 22, 2022
Time	9:00 a.m.
Chair	Melanie Petrunia, President

ITEM	TOPIC	TIME ALLOTTED	SPEAKER	MATERIALS (Pg #)	ACTION
1. INTRODUCTORY MATTERS/CALL TO ORDER					
1.1.	Introductory remarks	5	M. Petrunia	1	Introduction
2. DISCUSSION OF BIG ISSUE					
2.1.	Activity Plan	10	J Mullenger	4	Discussion
3. POLICIES & PROCESSES					
3.1.	October retreat and strategic planning	10	M. Petrunia		Discussion
4. IN CAMERA					
5. CONSENT AGENDA The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Council members may seek clarification or ask questions without removing a matter from the consent agenda. Any Member may request that a consent agenda item be moved to the regular agenda by notifying the President or the Governance Officer prior to the meeting.					
5.1.	Minutes of June 18, 2022, Council Meeting			54	Approval
5.2.	Committee Resignations: Samira Zayid, Family Law Standards Committee Claire Levasseur, Rural Practice Working Group				Approval
5.3.	Resignations:				Approval

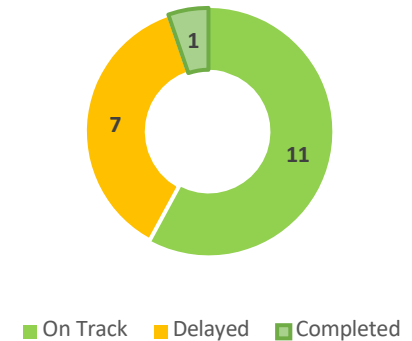
	Joseph Eric Berljawsky Mr. William Joseph Chisholm Ms. Suhanya Pushpam Edwards Ms. Lara Alexa Green Ms. Ria Joelise Guidone Jakob Harms Ms. Elizabeth Jane Hughes Ms. Jennifer Lauryn Keliher Mr. Frank Allan Mason Mr. Arthur Brian Charles Oliphant Ms. Susan Elizabeth Woolway Mr. Laurence George Worthen				
6. FOR INFORMATION					
6.1.	Rural Practice Working Group Update			57	Information
6.2.	2022-2023 Council Calendar			59	Information
6.3.	President's Report			61	Information
6.4.	Executive Director's Report			63	Information
6.5.	Updated Schedule of Meetings			64	Information
6.6.	Article on Abrametz decision			69	Information
6.7.	Equity Consultation Policy			72	Information
6.8.	Bourinot's Rules of Order			78	Information
7. WRAP UP					
8. The 2 Minute Evaluation <i>Council members are asked to complete the evaluation</i>					
9. MEETINGS					
	<ul style="list-style-type: none"> September 23, at 9:00 a.m. October 21, 22 and 23, 2022 Council Retreat November 26, 2021, at 9:00 a.m. January 27, 2023, at 9:00 a.m. March 25, 2023, at 9:00 a.m. April 28, 2023, at 9:00 a.m. May 19, 2023, at 9:00 am. June 16, 2023, at 1:00 p.m. June 17, 2023, at 8:30 a.m. (Annual Meeting) 				

Activy Plan Quick Reference Dashboard - April 2022

Overview of Current Status by Objective

Goal #1: The Society regulates the legal profession in the public interest in a proactive, principled, and proportionate manner	
1.1 Support members at every stage of their careers	On Track
1.2 Identify and remove regulatory barriers to support innovation in the delivery of legal services	Delayed
1.3 Investigate and implement, if appropriate, differential membership fee models	Delayed
1.4 Communicate and engage with members	Delayed
1.5 Create an advocacy policy	On Track
Goal #2: More Nova Scotians will have access to ethical and competent legal services	
2.1 Promote access to legal services	Delayed
Goal #3: Nova Scotians will be served by a legal profession that is diverse, inclusive and culturally proficient	
3.1 Promotion of Substantive Equality and Freedom from Discrimination in Delivery of Legal Services and the Justice System	On Track
3.2 Promotion of Equity, Diversity and Inclusion in the Legal Profession	Delayed
3.3 Implementing meaningful responses to the TRC Calls to Action and MMIWG Inquiry Call to Justice 10	On Track
3.4 Develop mechanisms to hold members accountable for the delivery of culturally proficient legal services	Delayed
3.5 Addressing barriers to entry to the legal profession	On Track

Current Task Activity Status





NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Goal #1: The Society regulates the legal profession in the public interest in a proactive, principled, and proportionate manner

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
1.1 Support members at every stage of their careers	Have the LOMC consider amending its standards to reflect changes to the FLSC Model Code around technology competence obligations	Chair of LOMC	* CPCC * E. Cumming * J Pink	* Standard Created * Resources Created * Standard Implemented	Q4	On Track	Standard completed will be brought to Council once equity review is complete
1.2 Identify and remove regulatory barriers to support innovation in the delivery of legal services	Continue to seek proposed legislative amendments	President & ED		* Advocate * Legislation amended	?	Delayed due to Government	Raised with NSDOJ No answer from government
	Implementation of multi-disciplinary practices in Nova Scotia	ED	* J. Willwerth * E. Cumming * J Pink	* MDPs Created * Resources Created * Insurance Solution Created * Implemented	Q4	Delayed	On hold pending full staff in PR and E&C
	Assess the feasibility of an “innovation sandbox” model for use in Nova Scotia	ED		* Research completed * Assessment Plan created * Confirm Resources Required * Recommendation reviewed	Q4	Delayed	On hold



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2021-2023 COUNCIL ACTIVITY PLAN

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1.3 Investigate and implement, if appropriate, differential membership fee models	Assess the feasibility of a differential fee model for use in Nova Scotia to increase access to legal services	ED	* K Shewan * J Willwerth * J Pink * Management Team	* Survey of the membership * Needs assessment * Recommendation Reviewed	Q3	Delayed	Developing pilot for Council to approve
1.4 Communicate and engage with members	Develop a new mentorship approach that is "Triple-P" and applies the equity lens	J. Pink	* Credentials Committee * Equity & Access Manager *C Ferguson	* Program Developed * Resources Created * Program Implemented	Q3	Delayed	Will resume once E&C is fully staffed
	FIRST: Devise new ways for Council to engage and communicate with members THEN: Identify member groups for more targeted engagement or collaboration in conjunction with targeted engagement or collaboration of a related community group.	President & ED	* J MacGillis * J. Willwerth	*Strategic communication audit and recommendations to improve engagement and communications - Member communications and engagement survey? *New Council communication and engagement strategy and plan *Consult with GEC/REC/TRC WG update Key stakeholder list * Targeted engagement plan * Build relationships - joint projects	Q2	Delayed	Audit was completed. Interim Communications Advisor to meet with Strategy and Engagement Officer to develop plan for Council's review.



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2021-2023 COUNCIL ACTIVITY PLAN

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1.5 Create an advocacy policy	Develop a public interest advocacy policy to guide Council's work when advocating for improvements to the administration of justice	ED	Equity & Access Office Equity Committees	* Policy Created * Resources Created * Policy Implemented	Q2	Delayed	Policy and process drafted. once equity review is completed will be brought to Council



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Goal #2: More Nova Scotians will have access to ethical and competent legal services							
	Provide recommendations to Council to address the challenges of Rural Practitioners	Rural Practitioners' Working Group		* Recommendations	Q3	On Track	Meetings set up with local county bars to inform working group
	FIRST: Develop an overall strategy for meaningful engagement with Community THEN: Use information gathered to begin to understand and address barriers these communities face in accessing legal services	Council	* Equity & Access Office * Communications Officer * Management Team	*Strategy for community engagement *Consult with GEC/REC/TRC WG update Key stakeholder list *Gather information from sessions * Identify Barriers * Potential Recommendations	Q4	Delayed	Meetings now set up to get this moving. Will develop plan to bring to Council.



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2.1 Promote access to legal services	FIRST: Review Code of Conduct requirements regarding competence to determine if changes are recommended in relation to a lawyer's obligation to be culturally competent THEN: If changes are recommended, refer to the Code of Professional Conduct Committee	CPCC	* E. Cumming	* Review Completed * Recommendations to CPCC	Q4	Delayed	Recommendations with CPCC Will move forward in coming months when Department is fully staffed



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	FIRST: Explore potential creation of Disability Equity Committee of Council. THEN: If approved Committee created.	D. Hirtle J. McKinney J. Vacon	* Equity & Access Manager * Member of Governance Committee	* Subcommittee Struck to explore options * Detailed plan for creation of DEC, including process, timelines, draft Terms of Reference, and cost prepared * If approved Committee Struck	Q2	Completed	Committee now creating work plan and terms of reference



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Goal #3: Nova Scotians will be served by a legal profession that is diverse, inclusive and culturally proficient							
3.1 Promotion of Substantive Equality and Freedom from Discrimination in Delivery of Legal Services and the Justice System	<p>Review standards for appropriate references to lawyer cultural competence in the delivery of legal services.</p> <p>And ensure all Committee Chairs receive then Equity Lens Toolkit & New Equity consultation Process training.</p>	<p>Professional Committee - Family, Real Estate, Wills & Probate</p> <p>J. Dickison</p>	<p>* C. Ferguson</p> <p>* L. Rubin</p> <p>* Committee Chairs</p>	<p>* Standards Committee Review Completed</p> <p>* Recommended updates</p> <p>* Committee Chair Training</p>	ongoing	On Track	Equity Lens training currently being scheduled for all Committes. Will continue with new Equity staff
3.2 Promotion of Equity, Diversity and Inclusion in the Legal Profession	<p>FIRST: Continue to develop and leverage our education, experiences and networks to promote equity, diversity and inclusion in the legal profession</p> <p>THEN: Share with each other how we are doing this in our communities</p>	Council	Equity & Access Office	<p>* Gather Information -Narratives feedback</p> <p>* Learn from shared experiences</p> <p>*Recommendations</p>	Q4	Delayed	Will start when Equity Office is fully staffed
	<p>FIRST: Receive GEC report following their analysis of survey results</p> <p>THEN: Create implementation plan for report recommendations</p>	GEC	<p>* Equity & Access Manager</p> <p>* J. Willwerth</p>	<p>* Report Created</p> <p>* Recommendations</p> <p>* Recommendation Implementation</p>	Q4	Report Done, recommendation being worked on	Report approved and being posted



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3.3 Implementing meaningful responses to the TRC Calls to Action and MMIWG Inquiry Call to Justice 10	Continue to support the TRC Working Group by funding its work and ensuring its input influences Council decisions	Council	* Equity & Access Manager	* Funded * Regular reports from the Committee * Seeking input when required	Ongoing	On Track	New members being added.
	Apply our familiarity with the history of colonization, the legacy of residential schools, and Nova Scotia's treaty environment to our decision-making	Council	* Equity & Access Manager	* Continue TRCWG Education for Council & Committees * Decisions influenced survey	ongoing	On Track	Working group continues to identify areas for education of membership and staff
3.4 Develop mechanisms to hold members accountable for the delivery of culturally proficient legal services	Implement mandatory cultural competency education for members	Council	* J. Pink * Equity & Access Manager * Credentials Committee * GEC * REC * TRCWG	* Education Created * Education Plan Implemented	Q2	Delayed	Recommendations will come forward to Council in fall



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2021-2023 COUNCIL ACTIVITY PLAN

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3.5 Addressing barriers to entry to the legal profession	FIRST: Make a policy decision on what community engagement should look like CONSIDER: Identify community groups for more targeted engagement or collaboration in conjunction with targeted engagement or collaboration of a related member group.	Council	ED Communications Officer Equity & Access Office J Willwerth	* Policy decision * Policy/Process Created * Groups identified (as noted in 2.1) * Communication plan created (as noted in 2.1)	Q3	On Track	



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

From: Jillian Barrington, Chair, Rural Practice Working Group

Date: July 14, 2022

Subject: RPWG Update – Local Bar consultations

Date –	Executive Committee	N/A
Date –	Council	

Recommendation/Motion:

N/A – For information only

Executive Summary:

The NSBS Rural Practice Working Group (RPWG) has been meeting regularly as a larger group every six weeks. As part of its mandate, the RPWG is to advise and make recommendations to Council relating to improving access to legal services in rural Nova Scotia and to address the challenges and needs of lawyers and firms servicing clients in rural Nova Scotia. To fulfil this mandate the Working Group divided its plan into four projects. Each project has been assigned a group lead and members, tasked with fulfilling each project's goal.

The RPWG has also been meeting as a larger group to assist in moving each project forward. At a recent meeting the benefit of speaking with rural practitioners in their communities was discussed. Members of the RPWG see a role for themselves in this work and would like to assist in facilitating meetings with rural practitioners to better engage with the people that the Society is hoping to assist.

The RPWG recognizes that in order to address access to justice issues being experienced in rural communities it is necessary to fully understand the complex issues facing lawyers working in rural communities. The RPWG feels that the best way to do this is speak to the lawyers working in these communities.

With respect to next steps we are currently in the process of contacting local Bar Presidents to schedule some time to have a discussion about the challenges and needs of lawyers and firms servicing clients in rural communities within the Province. The RPWG has identified specific themes that we will seek input on however, we will also leave it open to the Bars to bring forward issues that they have observed.

The RPWG is scheduling these meetings over the next 4-5 months. The Society's Legal Service Support Team is also offering a workshop or presentation for members alongside the meeting, or later in the day so that local Bars will also have the benefit of a CPD session.

It is hoped that these sessions will lay a foundation for the Group's work moving forward.

Council Year: July 2022 – June 2023

To be slotted in/confirmed: Meetings in the Community, Council Education Sessions (OnBoard, Risk, Governance, EDI), County Bar Visits, Managing Partner Visits, and other annual social events

JULY	AUGUST	SEPTEMBER	OCTOBER
<u>Council Meeting – July 22nd</u> <ul style="list-style-type: none"> Held via Zoom Activity plan Strategic Planning Process Approved <u>Other Activities</u> Pride events – 14 th – 24 th	<u>No Council Meeting</u> <u>Other Activities</u>	<u>Council Meeting – September 23rd</u> <ul style="list-style-type: none"> Business Continuity Planning Update from TRCWG and Equity& Access office LIANS six-month Report Review Activity plan <u>Other Activities</u> <ul style="list-style-type: none"> Wickwire Lecture (TBD) Committee Population EOI out to Membership, Public & Stakeholders 	<u>No Council Meeting</u> <u>Other Activities</u> <ul style="list-style-type: none"> Council retreat Notice re: 2nd VP out to membership FLSC Conference (TBD) Dara Gordon Event (TBD) LIANS Board & Executive (18th 3pm)
NOVEMBER	DECEMBER	JANUARY	FEBRUARY
<u>Council Meeting – November 25th</u> <ul style="list-style-type: none"> Activity Plan Check In Annual Strategic Initiative Review Committee appointments approved <u>Other Activities</u> <ul style="list-style-type: none"> Nominating Committee – Committee population day – 9th Posthumous Call to the Bar (TBD) Call to the Bar (18th 10:30am, The Law Courts) Recognition Reception (25th – 4-6pm, location to be confirmed) CBA Bench and Bar Dinner (TBD) 	<u>No Council Meeting</u> <u>Other activities</u> <ul style="list-style-type: none"> Possible TRC Education session 	<u>Council Meeting – January 27th</u> <ul style="list-style-type: none"> High Level Overview of Budget Strategic Plan Activity Plan Check In Annual Regulatory/Enterprise Risk Management Report and Update 2nd VP Nominee Committee Year End Reports <u>Other Activities</u> <ul style="list-style-type: none"> Call for District nominations Nominating Committee interviews Second VP Call to the Bar (20th 10:30am, The Law Courts) Ministers' reception honouring IB&M Law students (TBD) Committee Chair Orientation (TBD) 	<u>No Council Meeting</u> <u>Other Activities</u> <ul style="list-style-type: none"> Nomination Close for District Elections – 15th Executive host Election's information session (TBD)

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MARCH	APRIL	MAY	JUNE
<p><u>Council Meeting – March 25th</u></p> <ul style="list-style-type: none"> Budget (detailed overview) Activity Plan Check In Equity and Access Monitoring Report Annual Monitoring reports – LSS Annual Compensation and Benefits Review LIANS six- month Report Committee Work plans <p><u>Other Activities</u></p> <ul style="list-style-type: none"> Council District elections open 6th – 20th (if required) Call for at large nominations 2nd VP election (if required) FLSC Conference (TBD) Strategic Planning Session (TBD) 	<p><u>Council Meeting – April 28th</u></p> <ul style="list-style-type: none"> Approval of Budget Activity Plan Check In PR Monitoring Report Election Update <p><u>Other Activities</u></p> <ul style="list-style-type: none"> Nomination Close for at large – 3rd Election for at large open 17th-24th (if required) Call to the Bar (21st – 10:30am - The Law Courts) Possible Education session for Council and Committees 	<p><u>Council Meeting – May 19th</u></p> <ul style="list-style-type: none"> Activity Plan check in & look ahead to 22/23 Education & Credentials Monitoring Report Council Calendar 22/23 approved Board Succession Planning Review Operational Succession Planning Review Stakeholder Relations Review Highlights from Strategic planning sessions <p><u>Other Activities</u></p> <ul style="list-style-type: none"> Council evaluations Exit Interviews for Departing Council Members ED Performance Management Review/Survey 	<p><u>Council Session – June 16th</u></p> <ul style="list-style-type: none"> Orientation for new and returning Council members Annual review of Board Technology requirements Approve Annual Report Receive and Review Audit Review initial draft of Activity plan for coming year Approve Strategic Plan <p><u>Other Activities</u></p> <ul style="list-style-type: none"> Main Call to the Bar (16th – 10am – Pier21) REC Event Honouring Articled Clerks from Racialized & Indigenous Communities (TBD) Council Dinner – 16th Annual Meeting – 17th ALR filings due – June 30th All Fees due – June 30th

Updated: April 2022



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM FOR COUNCIL

From: Melanie Petrunia, President

Date: July 19, 2022

Subject: President's Report

Member and Stakeholder Engagement

Since the June Council meeting, I have been planning for the year ahead, with particular attention to the items on the Council Activity Plan which have been delayed due to covid restrictions. It is my hope to gain significant ground over the coming months with respect to member and community engagement.

Together with 2nd VP, Mark Scott, we organized a panel discussion for the June AGM to highlight access to justice during the pandemic and engage with stakeholders, including community organizations and the judiciary. I hope that this is the first of many opportunities this year for Council to hear from and engage with organizations in our community working to improve access to justice.

On June 24th and 25th, I attended the Law Society of New Brunswick Annual General Meeting in St. Andrew's, NB. The event was a great opportunity to network and engage with the Executive of the LSNB as well as the Federation of Law Societies of Canada. The FLSC representatives have offered to attend a Council meeting, which I hope will be this fall.

I had an interview with AIINS on July 7th to discuss priorities for the year ahead. I have also been reaching out to various other stakeholders and have a number of upcoming meetings with law firm managing partners and the Dean of the Schulich School of Law. I had hoped to attend a County Bar meeting in Bridgewater on June 28th but it was postponed to the fall.

CEO Search

As Tuma Young's presidency ended, he resigned from the Selection Committee for the new CEO Search. I assumed the Chair position and became more engaged in that process, involving regular communication with Royer Thompson. The Selection Committee met on June 28th, July 6th and July 8th.

Pride Reception

The 18th Annual Pride Reception was held on July 14th at the Compass Room of Casino Nova Scotia. Both Terry Sheppard (CBA President) and I delivered introductory remarks. Our guest speaker was Rhiannon Makohoniuk, Executive Director of the Rainbow Refugee Association of Nova Scotia. I encourage Council members to learn more about the important work of the RRANS.

I am happy to answer any questions.

Thank you,
Melanie



NOVA SCOTIA
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MEMORANDUM TO COUNCIL

From: Jacqueline L. Mullenger

Date: July 15, 2022

Subject: ED Report

We have just come through our busiest time of the year. We processed applications for 89 new articulated clerks and called 110 new lawyers to the bar. 31 one of those were called virtually, while 79 were called in person at Pier 21 in two ceremonies.

We also held our Annual Meeting virtually for the third year in a row and collected fees from members.

All these events went very smoothly thanks to the hard work of staff and volunteers.

We are pleased to have our Melanie Petrunia assume the role of President, along with Mark Scott QC as 1st Vice President and now joined by Andy Nickerson QC as 2nd Vice President. Staff and I look forward to working with them over the coming year.

We are happy to announce that John MacGillis has taken over as Communications Advisor while Collette Deschenes is on parental leave. John has jumped into a very busy workload and is doing a tremendous job.

We are also lucky to have a summer student working with the Finance and Administration Department. Her name is Aziza Bayoumi.

Our office reception area reopened to the public on a full-time basis in July and the library is slated to reopen with full time staff beginning on August 1st.

Overall staff continue to work in a hybrid model which means that they are in the office part of the week and working from home part of the week. We continue to be available to members and the public on a full time basis.

I hope everyone has a great summer and takes time to enjoy the beautiful weather.



NOVA SCOTIA
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LAWYERS' INSURANCE
ASSOCIATION OF NOVA SCOTIA

SCHEDULE OF MEETINGS - JUNE 2022 - MAY 2023

2022-2023	
Canada Day	Friday, July 1, 2022
Civic Holiday	Monday, August 1, 2022
Labour Day	Monday, September 5, 2022
Truth & Reconciliation Day	Friday, September 30, 2022
Thanksgiving Day	Monday, October 10, 2022
Remembrance Day	Friday, November 11, 2022
New Year's Day	Monday, January 2, 2023
NS Heritage Day	Monday, February 20, 2023
Break, Public School	March 13-17, 2023
Good Friday	Friday, April 7, 2023
Easter Monday	Monday, April 10, 2023
Victoria Day	Monday, May 22, 2023

Council		
Friday, June 17, 2022 (Council Session)	1:00 pm	Conference Room 5/6 - Hampton Inn and Homewood Suites
Saturday, June 18, 2022 – <i>Annual Meeting</i>	8:30 am	Virtual
Friday, July 22, 2022	9:00 am	Virtual
Friday, September 23, 2022	9:00 am	Virtual
October 21, 22, and 23 – Council retreat	TBC	TBC
Friday, November 25, 2022	9:00 am	Virtual
Friday, January 27, 2023	9:00 am	Virtual
Friday, March 25, 2023	9:00 am	Virtual
Friday, April 28, 2023	9:00 am	Virtual
Friday, May 19, 2023	9:00 am	Virtual
Friday, June 16, 2023	1:00 pm	Virtual
Saturday, June 17, 2023 – <i>Annual Meeting</i>	8:30 am	TBC
Executive Committee		
Friday, June 10, 2022	9:00 am	Borden Room
Friday, July 8, 2022	9:00 am	Borden Room
Friday, August 5, 2022	9:00 am	Borden Room
Friday, September 9, 2022	9:00 am	Borden Room
Friday, October 7, 2022	9:00 am	Borden Room
Friday, November 4, 2022	9:00 am	Borden Room
Friday, December 2, 2022	9:00 am	Borden Room
Friday, January 13, 2023	9:00 am	Borden Room
Friday, February 10, 2023	9:00 am	Borden Room
Friday, March 10, 2023	9:00 am	Borden Room
Thursday, April 6, 2023 (April 7 is Good Friday)	9:00 am	Borden Room

Friday, May 5, 2023	9:00 am	Borden Room
Friday, June 9, 2023	9:00 am	Borden Room
REGULATORY COMMITTEES		
Complaints Investigation Committee		
Thursday, July 21, 2022	12:00 pm	Virtual
Thursday, September 22, 2022 (PD Day)	9:00 am	Hampton Inn and Homewood Suites
Thursday, November 24, 2022	12:00 pm	Virtual
Thursday, January 26, 2023	12:00 pm	Virtual
Thursday, March 23, 2023	12:00 pm	Virtual
Thursday, May 18, 2023	12:00 pm	Virtual
Thursday, June 8, 2023	12:00 pm	Virtual
Credentials Committee		
Thursday, July 21, 2022	2:00 pm	Virtual
Thursday, November 24, 2022	2:00 pm	Virtual
Thursday, January 26, 2023	2:00 pm	Virtual
Thursday, March 23, 2023	2:00 pm	Virtual
Thursday, May 18, 2023	2:00 pm	Virtual
Thursday, July 6, 2023	2:00 pm	Virtual

COUNCIL COMMITTEES		
Code of Professional Conduct Committee		
Friday, July 22, 2022	9:00 am	Virtual
Friday, September 23, 2022	9:00 am	Virtual
Friday, November 25, 2022	9:00 am	Virtual
Friday, January 20, 2023	9:00 am	Virtual
Friday, March 3, 2023	9:00 am	Virtual
Friday, May 26, 2023	9:00 am	Virtual
Finance Committee		
Friday, June 10, 2022	11:00 am	Virtual
Friday, September 9, 2022	11:00 am	Virtual
Friday, October 7, 2022	11:00 am	Virtual
Friday, November 4, 2022	11:00 am	Virtual
Friday, December 2, 2022	11:00 am	Virtual
Friday, January 13, 2023	11:00 am	Virtual
Friday, February 10, 2023	11:00 am	Virtual
Friday, March 10, 2023	11:00 am	Virtual
Thursday, April 6, 2023 (April 7 is Good Friday)	11:00 am	Virtual
Friday, May 5, 2023	11:00 am	Virtual
Friday, June 9, 2023	11:00 am	Virtual

Gender Equity Committee		
Thursday, September 15, 2022	3:30 pm	Virtual
Thursday, November 17, 2022	3:30 pm	Virtual
Thursday, January 12, 2023	3:30 pm	Virtual
Thursday, March 2, 2023	3:30 pm	Virtual
Thursday, April 13, 2023	3:30 pm	Virtual
Thursday, May 18, 2023	3:30 pm	Virtual
Governance Committee		
Thursday, July 14, 2022	3:00 pm	Virtual
Thursday, September 8, 2022	3:00 pm	Virtual
Thursday, November 3, 2022	3:00 pm	Virtual
Thursday, January 12, 2023	3:00 pm	Virtual
Thursday, March 9, 2023	3:00 pm	Virtual
Thursday, May 11, 2023	3:00 pm	Virtual
<i>Additional meetings as required</i>		
Nominating Committee		
Wednesday, June 22, 2022	3:00 pm	Virtual
Wednesday, September 28, 2022	3:00 pm	Virtual
Wednesday, November 9, 2022 (Comm. Population)	9:00 am – 4:30 pm	Virtual
Wednesday, November 23, 2022	3:00 pm	Virtual
Wednesday, January 11, 2023 (2 nd VP Interviews)	9:00 am – 4:30 pm	Virtual
Wednesday, March 29, 2023	3:00 pm	Virtual
Wednesday, April 19, 2023 (Pub. Rep. Interviews)	12:00 – 4:30 pm	Virtual
<i>Additional meetings as required</i>		
Professional Responsibility Policies & Procedures Committee		
Monday, August 15, 2022	9:00 am	Virtual
Monday, October 17, 2022	9:00 am	Virtual
Monday, December 5, 2022	9:00 am	Virtual
Monday, February 6, 2023	9:00 am	Virtual
Tuesday, April 11, 2023 (April 10 is Easter Monday)	9:00 am	Virtual
Monday, May 29, 2023	9:00 am	Virtual
Professional Standards (Criminal Law) Committee		
Friday, September 9, 2022	12:00 pm	Virtual
Friday, November 4, 2022	12:00 pm	Virtual
Friday, January 20, 2023	12:00 pm	Virtual
Friday, March 3, 2023	12:00 pm	Virtual
Friday, May 5, 2023	12:00 pm	Virtual
Professional Standards (Family) Committee		
Thursday, September 8, 2022	2:00 pm	Virtual
Thursday, November 10, 2022	2:00 pm	Virtual
Thursday, January 19, 2023	2:00 pm	Virtual
Thursday, March 2, 2023	2:00 pm	Virtual
Thursday, May 11, 2023	2:00 pm	Virtual
Professional Standards (Law Office Management) Committee		
Monday, September 12, 2022	9:00 am	Virtual
Monday, November 14, 2022	9:00 am	Virtual
Monday, January 16, 2023	9:00 am	Virtual
Monday, March 6, 2023	9:00 am	Virtual
Monday, May 8, 2023	9:00 am	Virtual

Professional Standards (Real Estate) Committee		
Wednesday, September 7, 2022	9:30 am	Virtual
Wednesday, October 12, 2022	9:30 am	Virtual
Wednesday, November 16, 2022	9:30 am	Virtual
Wednesday, December 7, 2022	9:30 am	Virtual
Wednesday, January 4, 2023	9:30 am	Virtual
Wednesday, February 8, 2023	9:30 am	Virtual
Wednesday, March 8, 2023	9:30 am	Virtual
Wednesday, April 5, 2023	9:30 am	Virtual
Wednesday, May 3, 2023	9:30 am	Virtual
Professional Standards (Wills, Power of Attorney & Personal Directives) Committee		
Thursday, September 8, 2022	12:00 noon	Virtual
Thursday, October 6, 2022	12:00 noon	Virtual
Thursday, November 3, 2022	12:00 noon	Virtual
Thursday, December 8, 2022	12:00 noon	Virtual
Thursday, January 5, 2023	12:00 noon	Virtual
Thursday, February 9, 2023	12:00 noon	Virtual
Thursday, March 9, 2023	12:00 noon	Virtual
Thursday, April 6, 2023	12:00 noon	Virtual
Thursday, May 11, 2023	12:00 noon	Virtual
Racial Equity Committee		
Tuesday, September 13, 2022	11:30 am	Virtual
Tuesday, November 8, 2022	11:30 am	Virtual
Tuesday, January 10, 2023	11:30 am	Virtual
Tuesday, March 7, 2023	11:30 am	Virtual
Tuesday, April 18, 2023	11:30 am	Virtual
Tuesday, May 16, 2023	11:30 am	Virtual
Truth and Reconciliation Working Group		
Friday, July 15, 2022	11:00 am	Virtual
Friday, September 16, 2022	11:00 am	Virtual
Friday, November 18, 2022	11:00 am	Virtual
Friday, January 27, 2023	11:00 am	Virtual
Friday, March 3, 2023	11:00 am	Virtual
Friday, May 26, 2023	11:00 am	Virtual

LIANS Board of Directors		
Tuesday, October 18, 2022	3:00 pm	LIANS Boardroom
Tuesday, January 17, 2023	2:00 pm	LIANS Boardroom
Tuesday, March 21, 2023	2:00 pm	LIANS Boardroom
Tuesday, April 18, 2023	2:00 pm	LIANS Boardroom
Tuesday, May 16, 2023	2:00 pm	LIANS Boardroom

OTHER MEETINGS/EVENTS

Bar Admission Ceremonies	
Friday, June 17, 2022	9:00 a.m. and 11:15 a.m. - (Pier 21)
Friday, November 18, 2022	Paper call
Friday, January 20, 2023	TBC
Friday, April 21, 2023	TBC
Friday, June 16, 2023	TBC
Friday, November 17, 2023	TBC
FLSC Conferences	
October 2022	TBD
March 2023	TBD
NSBS Recognition Reception	
Friday, November 25, 2022	4:00 – 6:00 pm

Regulators Breathe a Sigh of Relief

by Julie Maciura
July 2022 – Special Edition

The Supreme Court of Canada has just released its most significant decision for professional regulators since *Green v. Law Society of Manitoba*, 2017 SCC 20 (CanLII), [2017] 1 SCR 360, <https://canlii.ca/t/h2wx1>.

The issue of when inordinate delay constitutes an abuse of process in the professional disciplinary context has been uncertain since some very restrictive rules were imposed in criminal proceedings. There was concern that the Supreme Court would impose fixed deadlines (e.g., 30 months) rather than continuing to apply the “consider all of the circumstances” approach adopted more than two decades ago in *Blencoe v. British Columbia (Human Rights Commission)*, 2000 SCC 44 (CanLII), [2000] 2 SCR 307, <https://canlii.ca/t/525t>.

However, in *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29 (CanLII), <https://canlii.ca/t/jqbs7>, the Supreme Court maintained the *Blencoe* approach with some minor modifications. In the *Abrametz* case the lawyer had been the subject of an extensive, and hotly contested, investigation into his trust accounts. While there had been no misappropriation of funds, the lawyer was found to have disregarded the rules in a dishonest way, possibly to conceal income from the tax authorities. He also was found to have made loans to clients without full disclosure and charged excessive fees for the loans.

The primary issue was whether there was inordinate delay on the part of the regulator. The Saskatchewan Court of Appeal thought so, calculating the delay as follows: “... of the 53-month period in issue, only 18 months were inherent to the process, and only 2 ½ months were attributable to Mr. Abrametz. The

remainder, totaling 32 ½ months, the Court of Appeal concluded, was undue delay.”

The majority of the Supreme Court disagreed with the Court of Appeal’s analysis. Abuse of process in discipline matters can occur in two ways: where the hearing becomes unfair (e.g., because a key witness is no longer available) or where the delay directly causes significant prejudice to one of the parties. On the second type of abuse of process, the majority held that the *Blencoe* test continued to apply:

Blencoe sets out a three-step test to determine whether delay that does not affect hearing fairness nonetheless amounts to an abuse of process. First, the delay must be inordinate. Second, the delay must have directly caused significant prejudice. When these two requirements are met, courts or tribunals will proceed to a final assessment of whether the delay amounts to an abuse of process. Delay will amount to an abuse of process if it is manifestly unfair to a party or in some other way brings the administration of justice into disrepute

In evaluating whether a delay is inordinate, one has to look at all of the circumstances including the nature and purpose of the proceedings, the length and causes of the delay, and the complexity of the facts and issues in the case.

The majority of the Court explicitly chose not to apply the criminal law principles. They stated that administrative law proceedings (especially professional disciplinary proceedings) are designed to protect the public and raised different considerations. “The purposes of disciplinary bodies are to protect the public, to regulate the profession and to preserve public confidence in the profession.... Disciplinary proceedings are neither civil nor criminal, but rather [are in a category of their own].”

FOR MORE INFORMATION

This newsletter is published by Steinecke Maciura LeBlanc, a law firm practising in the field of professional regulation. If you are not receiving a copy and would like one, please contact: Steinecke Maciura LeBlanc, 401 Bay Street, Suite 2308, P.O. Box 23, Toronto, ON M5H 2Y4, Tel: 416-599-2200 Fax: 416-593-7867, E-Mail: info@sml-law.com

WANT TO REPRINT AN ARTICLE

A number of readers have asked to reprint articles in their own newsletters. Our policy is that readers may reprint an article as long as credit is given to both the newsletter and the firm. Please send us a copy of the issue of the newsletter which contains a reprint from Grey Areas.

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

In terms of significant prejudice, that had to result directly from the delay itself and not from the fact that the registrant was facing serious allegations. "Examples include significant psychological harm, stigma attached to the individual's reputation, disruption to family life, loss of work or business opportunities, as well as extended and intrusive media attention...." The registrant has an obligation to raise the issue of delay within the process and seek an expedited process.

In terms of the final assessment of abuse of process, the majority of the Court said: "When these two requirements are met, the court or tribunal should conduct a final assessment as to whether abuse of process is established. This will be so when the delay is manifestly unfair to a party to the litigation or in some other way brings the administration of justice into disrepute."

Perhaps the most significant development from *Blencoe* is the Court's discussion of the remedy of a stay of proceedings for inordinate delay:

When faced with a proceeding that has resulted in abuse, the court or tribunal must ask itself: would going ahead with the proceeding result in more harm to the public interest than if the proceedings were permanently halted? If the answer is yes, then a stay of proceeding should be ordered. Otherwise, the application for a stay should be dismissed. In conducting this inquiry, the court or tribunal may have regard to whether other available remedies for abuse of process, short of a stay, would adequately protect the public's interest in the proper administration of justice.

A stay will be more difficult to obtain where the charges are more serious.

The majority of the Court indicated that regulatory tribunals should actively consider remedies short of staying (or halting) the proceedings, such as a

reduced sanction (to compensate for the harm caused by the delay) or a reduction in costs payable by the registrant to the regulator.

In applying the above principles to the particular case, facts of the *Abrametz* case the majority of the Court found that the Court of Appeal had not shown sufficient deference to the tribunal's findings of fact about the complexity of the investigation, in attributing portions of the delay to the registrant's failure to cooperate with the investigation, in assessing the significance of the prejudice suffered by the registrant directly because of the delay itself, and in the impact of the restrictions on the registrant's practice during the entire process.

The majority of the Court held that there was no abuse of process.

Regulators should not become complacent as a result of this decision. The Court said that: "... insufficient agency resources cannot excuse inordinate delay in any case Administrative tribunals have a duty to devote adequate resources to ensure the integrity of the process...."

There are a number of other noteworthy points in the decision that will keep regulatory lawyers busy for years. For example, the Court touched, in passing, on the argument that the absence of complaints by members of the public against the registrant was a mitigating factor for the registrant. The Court said:

The absence of a complainant is a neutral factor. The public at large expects a professional who is guilty of misconduct to be effectively regulated and properly sanctioned. A professional misconduct hearing involves more than the interests of those affected; rather one needs to consider "the effect of the individual's misconduct on both the individual client and generally on the profession in question. This public dimension is of critical significance to the mandate of professional disciplinary bodies"

Grey Areas

A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

Lawyers for regulators will also be analyzing the comments of the Court on the standard of review for procedural unfairness when there is a statutory ground of appeal. The Court seemed to suggest that the palpable and overriding error test should apply to the factual findings while the correctness test should be applied to the issue of whether those facts demonstrated an abuse of process.

In any event, even though the argument was unsuccessful in this case, regulators should prepare for more frequent instances where registrants place the regulator on notice that they are concerned about delay (in order to preserve their rights later in the process). In addition, delay arguments will likely be frequently raised in the sanction and costs portions of discipline hearings where findings are made against the registrant.

EQUITY LENS APPLICATION IN POLICY DEVELOPMENT - GUIDELINES

Purpose

These Guidelines provide direction to Council and Society committees for ensuring appropriate consideration and consultation of equity issues in the development of all Society Policies.

Guiding Principles

Representatives of the Society must apply an Equity Lens in the development of any Policies and ensure that equity considerations are appropriately addressed in all Policies, consistent with the Society's values and objectives as required by Council Policy 16.

All Society Policies must be consistent with legislation, legal standards including the Code of Professional Conduct, best practices, as well as the Society's mandate and strategic priorities. This includes Council Value 3.2.6:

3.2.6 Diversity

We promote substantive equality and encourage the profession to embrace the value of diversity. We are inclusive and supportive of people from diverse backgrounds, cultures, practice environments and life experiences.

Policies should reflect the Society's established guidance, principles and priorities regarding equity considerations, including those set out in the following resources:

- <https://nsbs.org/about/strategic-plan/>
- <https://nsbs.org/about/who-we-are-and-what-we-do/>
- <https://nsbs.org/legal-profession/your-practice/practice-support-resources/equity-access-resources/>
- <https://nsbs.org/wp-content/uploads/2019/12/MSELP-Workbook.pdf> - Element 9
- <https://www.lians.ca/standards/law-office-management-standards - Section 8>
- NSBS Regulatory Objective #6 - To promote diversity, inclusion, substantive equality, and freedom from discrimination in the delivery of legal services and the justice system.
- Council Policy #1 (1.4) and #2 (2.4 and 2.5)

Definitions

"Equity Committees" – means the Racial Equity Committee and the Gender Equity Committee. Where it is determined by the Equity and Access Office or Executive/Council that consultation on a Policy should include consultation with the Society's Truth and Reconciliation Commission Working Group (TRCWG), these Guidelines shall apply to the engagement of the TRCWG.

"Equity Lens" - means the Equity Lens as defined in the Society's Equity Lens Toolkit and its application as outlined in the Toolkit. An equity lens is a series of considerations to guide decision-making to avoid assumptions based on biases and to breakdown barriers that prohibit equal participation by all persons, particularly those from Equity-Seeking Communities. The components of the Equity Lens are:

- a) Identify barriers where they occur;
- b) Eliminate barriers by making adaptations that reflect the lived experience of those affected; and
- c) Create new ways of working by considering inclusion at the earliest stages rather than at the end.

"Equity-Seeking Communities" – means Equity-seeking groups including women, Indigenous peoples, racialized peoples, persons with disabilities and persons seeking equality based on their sexual orientation and gender identity.

"Policy" means any policy, regulation, practice standard, procedure, process, or position statement to be undertaken by Council, committees or volunteers.

“Sponsor” means a Society officer, Council member, Committee, working group or other Society representative who is developing a Policy.

Process

1. The Sponsor (together with its Society staff support, if any) is responsible for ensuring that any Policy complies with legal requirements, best practices, Council Policy 16 and the Society's guiding principles and regulatory objectives as set out in these Guidelines.
2. The Sponsor is responsible for ensuring that the Equity Lens is applied to the development of any Policy from the outset. Sponsors should ensure that all Policy drafters and reviewers are familiar with the Equity Lens Toolkit and are able to apply its principles effectively in their work. Training and support in the use of the Equity Lens Toolkit is available to Sponsors and volunteers through the Equity and Access Office.
3. The Equity and Access Office will provide support and direction to Sponsors in relation to Equity Lens application, impact, available resources, appropriate stakeholder engagement, and best practices for addressing equity considerations.
4. Sponsors should consult with the Equity and Access Office at the beginning of the Policy development process to determine how to address any equity considerations engaged by a Policy. Consultation should continue with the Equity and Access Office on an ongoing basis throughout the Policy development.
5. A Sponsor must consult with the Equity and Access Office in relation to any new Society policy, regulation or practice standard before it is sent to Executive to be placed on Council's agenda for approval. This may be done through the Sponsor's staff support where appropriate. This consultation must occur before the Policy is sent to Executive to be placed on Council's agenda for approval.
6. Consultation with the Chairs of the Equity Committees, or the Equity Committees as a whole, will occur in each of the following circumstances:
 - a) when requested or directed by the Sponsor, Executive or Council; or
 - b) when recommended by the Equity and Access Office.
7. All requests for consultation with the Equity Committees will be directed by the Sponsor to the Equity and Access Office and will include a Consultation Review form and copy of any draft Policy. A Sponsor, including Council, is responsible for planning their work in a manner that is consistent with these Guidelines and provides sufficient time for the Equity Committees to meaningfully review any Policy before them.
8. Equity Committee Chairs will review requests for consultation within 2 weeks and place the matter on the agenda for the next Equity Committee meeting where appropriate as determined by the Chairs and Equity and Access Office. Given the Committee meeting schedules, consultation feedback is anticipated to be provided within 8-12 weeks from the time it first appears before the Equity Committee meeting.
9. If additional time for review is likely to be required, the Equity Committee Chairs will communicate this as soon as possible to the Equity and Access Office.
10. If a Sponsor requires feedback and consultation more urgently, such as in relation to a matter that is currently in the media, to comply with a third party deadline or to address an ongoing risk to the public interest, the Sponsor should identify these considerations immediately and work

directly with the Equity and Access Manager (or their designate) to obtain support and consideration.

11. A Sponsor seeking abbreviated time for consultation will work collaboratively with the Equity and Access Manager and the Equity Committee Chairs to obtain assistance, where appropriate and as acceptable to the Equity Committees, on an interim basis.
12. The Sponsor, a Committee Chair on behalf of each of the Equity Committees and the Equity and Access Office Manager may mutually agree to dispense with or abridge any of the requirements or timelines under these Guidelines.
13. Subject to the other provisions of these Guidelines, the Equity Committees may provide joint feedback on a Policy or each Equity Committee may provide its feedback separately.
14. The Equity Committees will provide their feedback in relation to the consultation request to the Sponsor with a copy to the Equity and Access Manager.
15. The Equity and Access Office and/or the Equity Committees recommendations following consultation may include, but are not limited to:
 - a) changes or modifications to the draft Policy to address equity considerations;
 - b) areas for further consideration or research by the Sponsor in relation to the impacts or requirements of the Policy;
 - c) further consultation with stakeholders from Equity-Seeking Communities who are directly or indirectly impacted or will be impacted by the Policy;
 - d) considerations for the communication, implementation and/or education roll-out of the Policy.
16. The Sponsor is responsible for ensuring appropriate follow-up and consideration of feedback from the Equity and Access Office and the Equity Committees sufficient to ensure the Policy complies with the requirements of these Guidelines, including #1 above. The Sponsor may seek additional clarification or support from the Equity Committees or the Equity and Access Manager in relation to the feedback.
17. The Sponsor will ensure that the Equity Committees' feedback is shared with any committee members, volunteers, staff or stakeholders involved in the drafting or further approval of the Policy, including but not limited to the Executive Director, Executive and Council.
18. Failure to comply with these Guidelines may result in delay of approval of the Policy, rejection of the Policy, or other consequences consistent with the Society's policies and practices in relation to breaches of Society policies and guidelines.
19. Council, Executive and the Executive Director are responsible for ensuring compliance with these Guidelines prior to approval of a Policy.

Recommended amendments to Council Policy 16:

Addition 16.5A – “Committees are responsible for applying an equity lens in the conduct of all Committee work. All Committee members are expected to be familiar with the Society’s Equity Lens Toolkit and to apply its principles in their participation in Society Committees.”

Addition 16.20A – “Committee members will engage in Society business in a manner that is inclusive and demonstrative of the Society’s principles and regulatory objectives of promoting and supporting equity, diversity and inclusion in the regulation and provision of legal services.”

Appendix “A”

CONSULTATION REQUEST

Submit completed request to Equity and Access office by email to [ADD]

The standard turnaround time for consultations to be reviewed and returned with feedback is estimated at 8-12 weeks weeks*

Date:	
Submitted by:	
Policy Title Responsible Person/Title	
Background Describe if a new or existing policy/regulation/standard (“policy”) and reason for new policy or update.	
Consultation and Review Who within the Society has been involved in the creation and review of the policy to date?	
Legislation/Best Practice Review Describe what review or research of best practices, legislation and other resources was completed and how the policy reflects these.	
Key Issues for Consultation Describe the key issues, concerns or knowledge gaps that you would anticipate being addressed by the consultation.	
What alternatives, options or other issues were considered, but not included in the policy? Why were these rejected?	
Communication Issues/Implementation Plans How will the existence of the policy be communicated to stakeholders? Do you anticipate any problems or issues with implementation?	

Any other information that would be helpful for consideration in the consultation?	
Are there any timing issues or deadlines that affect when review and feedback on the policy are required?	

REVIEW Comments:

Reviewed by	Comments	Date

Bourinot's Rules of Order at a Glance

To take this action:	You say:	May interrupt the speaker?	You must be seconded?	Is the motion debatable?	Is the motion amendable?	What majority is required?
Move a motion	I move...	No	Yes	Yes	Yes	Majority
Change a motion (you may not merely amend to negate)	I move that the motion be amended to read...	No	Yes	Yes	Yes	Majority
End debate on a motion	1. I call the question...	No	Yes	Yes	No	Motions on which question is called will be debated at the next meeting if the motion fails
	2. I move that Council proceed to the next order of business	No	Yes	No	No	Majority
Consider something out of its scheduled order	I moved the agenda be amended in order to deal with the following item....	No	Yes	No	No	Majority
Have a motion studied more before voting on it	I move that the motion be referred to...	No	Yes	Yes	Yes	Majority
Postpone further discussion on a motion until a more desirable/appropriate time	I move that the motion be deferred until.... (a specific time or indefinitely)	No	Yes	Yes, only to time	Yes	Majority
Postpone consideration of a motion so that more urgent business can be attended to	I move that the motion be tabled. (Consideration of motion may resume upon motion that the matter be taken from table.)	No	Yes	Yes	No	Majority
Raise a matter previously deferred (if at a different time from when was decided)	I move that the motion about _____, previously differed be considered at this time.	No	Yes	No	No	Majority
Raise a matter previously tabled	I move that the motion about.... be lifted from table	No	Yes	No	No	Majority
Reconsider a motion that has failed	I move that the motion about... be reconsidered at the next meeting. (Written notice of motion must then be provided, advising that the matter will be readdressed at the next meeting).	No	Yes	Yes	No	2/3 Majority
Object to something which prevents your continued participation (e.g. excessive noise)	Point of Privilege	Yes	No	No	No	No vote taken, Chair rules
Seek clarification from the previous speaker	Point of Information	Yes, if urgent	No	No	No	No vote taken, Chair rules
Overturn the ruling of the Chair	I challenge the Chair on...	Yes	Yes	Yes	No	Majority
Enquire about procedure or consequences	Point of Order	Yes	No	Yes, only on the point	No	No vote taken, Chair rules
Object to incorrect procedure being used	Point of Order	Yes	No	Yes, only on the point	No	No vote take, Chair rules

Rules of order are procedures by which meetings can be conducted in an orderly fashion, issues debated and motions passed according to the majority but with due regard to the rights of the minority. For the most part, Rules of Order are based on common sense and the need to move through an Agenda expeditiously.

Duties of the Chair: The Chair conducts meetings, preserves order and decorum, and interprets the Rules of Order. The Chair is impartial and may not take part in the debate nor vote.

Agenda and Minutes: The Agenda is the order of business for the meeting. It describes the items for consideration and gives the order in which they will be taken up. The Agenda must be passed or adopted before the meeting can commence. The adoption of the minutes of the last meeting ratifies any decisions taken at that time. Any changes in the Agenda or minutes must be proposed and considered before the Agenda and minutes are adopted. An item on the Agenda may be taken out of sequence and disposed of only by majority consent.

Motions: A motion is a proposal made pursuant to an item of the agenda that certain actions be taken, certain views become policy, etc. which is then debated, possibly amended and voted on. There are also motions that propose procedures for considering other motions, e.g. Motions to Table, to Divide the Question, to Put the Question, to Adjourn, to Amend. Any member may move a substantive or procedural motion as long as it is 'in order'. A substantive motion or "an important motion, or one containing a number of considerations, should be prepared in writing and given to the Chair, preferably in advance of the meeting." The mover of a motion is allowed to speak first on the motion followed by the seconder. Questions about the motion are directed to the Chair, thence to the mover or person to whom they are addressed. The mover may withdraw her/his motion with majority consent.

Amendments: A motion to amend a (main) motion must be relevant to that motion and properly moved and seconded. An amendment may propose: (a) to leave out certain words, (b) to insert or add certain words, (c) to leave out certain words in order to insert or add other words. When 'in order', an amendment takes precedence over the main motion and becomes the subject of debate. It must be accepted or rejected before debater everts to the main motion. If accepted, the main motion as amended is debated. If it fails, the main motion is unchanged. A sub-amendment may be proposed to an amendment under the same conditions as an amendment is moved to a main motion. At no time may there be more than one main motion, one amendment and one sub-amendment on the floor. When all three exist, the Chair submits them in the reverse order to which they were moved. A motion, once defeated, cannot be re-introduced as an amendment to some other motion. The mover, with the consent of the seconder, may incorporate a 'friendly' amendment into the main motion if the mover and seconder of the amendment are agreeable.

Quorum: The quorum of a meeting is the minimum number of members required by the Constitution to conduct business. When the absence of a quorum is brought to the attention of the Chair the meeting adjourns and sets a date for a future meeting. The agenda item then being considered dies for that meeting but may be re-introduced at the next meeting. Motions passed and items considered prior to the absence of a quorum being noticed are valid and may stand.