

ACTLA QUESTIONNAIRE AND CANDIDATE RESPONSES

2017 Law Society of Alberta Benchers Election

QUESTION 1: **Are you in favour of other legal service delivery models including Alternative Business Structures (ABS)?**

<input type="checkbox"/>	Alade, Emmanuel	Yes
<input type="checkbox"/>	Flett, Chandra	Yes
<input type="checkbox"/>	Halliday, Adam	Yes
<input type="checkbox"/>	Petersen, Corinne	Yes
<input type="checkbox"/>	Warren, Ken	Yes
<input type="checkbox"/>	Anderson, Ryan	No
<input type="checkbox"/>	Chak, Arman	No
<input type="checkbox"/>	Flett, Corie	No
<input type="checkbox"/>	Gordon, Fraser	No
<input type="checkbox"/>	Grey, Leighton	No
<input type="checkbox"/>	Hendsbee, Bill	No
<input type="checkbox"/>	Hinkley, Steven	No
<input type="checkbox"/>	Jose, Cameron	No
<input type="checkbox"/>	Labrenz, David	No
<input type="checkbox"/>	Long, Linda	No
<input type="checkbox"/>	Lutz, Jim	No
<input type="checkbox"/>	Melnyk, Bud	No
<input type="checkbox"/>	Ostapek, William	No
<input type="checkbox"/>	Pavlic, Walter	No
<input type="checkbox"/>	Pesta, Lou	No
<input type="checkbox"/>	Petriuk, Stacey	No
<input type="checkbox"/>	Pritchett, Penny	No
<input type="checkbox"/>	Steblyk, Deanna	No
<input type="checkbox"/>	Unsworth, Margaret	No
<input type="checkbox"/>	Varvis, Stella	No
<input type="checkbox"/>	Whitling, Nate	No
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Corbett, Sandra	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Philp, Robert	
<input type="checkbox"/>	Ryan, Kathleen	
<input type="checkbox"/>	Scott, Darlene	
<input type="checkbox"/>	Teskey, Kent	

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QUESTION 2: Are you in favour of other legal services delivery models including Non-Lawyer Ownership (NLO) of law practices?

<input type="checkbox"/> Flett, Chandra	Yes
<input type="checkbox"/> Warren, Ken	Yes
<input type="checkbox"/> Alade, Emmanuel	No
<input type="checkbox"/> Anderson, Ryan	No
<input type="checkbox"/> Chak, Arman	No
<input type="checkbox"/> Flett, Corie	No
<input type="checkbox"/> Gordon, Fraser	No
<input type="checkbox"/> Grey, Leighton	No
<input type="checkbox"/> Halliday, Adam	No
<input type="checkbox"/> Hendsbee, Bill	No
<input type="checkbox"/> Hinkley, Steven	No
<input type="checkbox"/> Jose, Cameron	No
<input type="checkbox"/> Labrenz, David	No
<input type="checkbox"/> Long, Linda	No
<input type="checkbox"/> Lutz, Jim	No
<input type="checkbox"/> Melnyk, Bud	No
<input type="checkbox"/> Ostapek, William	No
<input type="checkbox"/> Pavlic, Walter	No
<input type="checkbox"/> Pesta, Lou	No
<input type="checkbox"/> Petersen, Corinne	No
<input type="checkbox"/> Petriuk, Stacey	No
<input type="checkbox"/> Pritchett, Penny	No
<input type="checkbox"/> Ryan, Kathleen	No
<input type="checkbox"/> Steblyk, Deanna	No
<input type="checkbox"/> Unsworth, Margaret	No
<input type="checkbox"/> Varvis, Stella	No
<input type="checkbox"/> Whitling, Nate	No
<input type="checkbox"/> Armstrong, Rob	
<input type="checkbox"/> Corbett, Sandra	
<input type="checkbox"/> Dilts, Nancy	
<input type="checkbox"/> Johnson, Cal	
<input type="checkbox"/> Philp, Robert	
<input type="checkbox"/> Scott, Darlene	
<input type="checkbox"/> Teskey, Kent	

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QUESTION 3: If you answered ‘YES’ to either question 1 or 2, in your opinion, how does such a model of ownership benefit the public?

- | | |
|--|--|
| <input type="checkbox"/> Alade, Emmanuel | The liberalization of restrictions regarding business structures may provide scope for greater innovation in the delivery of legal services. Again, there is the possibility that new source of funding will enable lawyers and paralegals to invest in new technology, marketing or administrative support. This will be in the long run make the practice of law more efficient and by extension lower the overall cost of legal services for the public and increase the bottom-line for the law firm. |
| <input type="checkbox"/> Chak, Arman | Even though I did not answer 'yes', I do want to add why the current approach by some of the law societies around the world has to be addressed. As a Law Society, we have a duty to get the information to our membership about these types of Alternative Business Structures as well as the non-lawyer involvement in the Justice system. By asking those that have or about to incorporate any of the above initiatives we as a Law Society should be provided with proof of the goals and the achievement of those goals. We also should seek objective information so we can share that with our members. |
| <input type="checkbox"/> Flett, Chandra | When I first reviewed these questions, I delayed in answering. It bothered me that only a “Yes” response allowed for an explanation. These are not simple yes or no questions. They are complicated issues with multiple positive and negative considerations. Similarly, the types of ABS that can be permitted, the methods to regulate them and the amount of ownership interest by non-lawyers are broad in scope. Our legal system is rife with access to justice concerns which are progressively getting worse, it is effecting the reputation of our profession and we need to start collectively looking at options that have moved forward in other jurisdictions to address those concerns. We then assess and make decisions to implement resolutions that are best fitted to the unique circumstances of the people of Alberta and our legal profession. Lawyer supervision needs to be the prevailing consideration but if these alternative systems have the potential to increase public confidence, access to services and lessen complaints against us which they have shown to do in other jurisdictions, we need to open our minds to those possibilities if they truly do allow for the public to be better assisted and satisfied with our profession. |
| <input type="checkbox"/> Halliday, Adam | Benefit to the public because ABS can provide innovation and access to justice in a more diversified fashion and include not for profits and foster the potential and enhance access to justice. This includes: minority ownership by non-licensees; franchise arrangements; ownership by civil society organizations such as charities; and new forms of legal service |

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<input type="checkbox"/>	Jose, Cameron	I had to enter a "NO" response based on what I believe the current situation is but the correct answer for me is "IT DEPENDS". If it was set up to benefit the lawyer it would benefit the public because it would allow better structure of the law firm. I would not allow any structure that would allow non lawyers to provide any legal advice or service. If the system would allow lawyers to streamline and reduce the costs of running a business or firm and would ease stressors then it would be a positive change in my mind. In regards to question 4, as long as anything that is implemented is done correctly to benefit lawyers and the rules are set out properly, the lawyers will remain independent. For example, voting versus non-voting shares being allowed.
<input type="checkbox"/>	Petersen, Corinne	The primary potential benefits and the primary reasons for consideration of Alternative Business Structures are improved access to justice, affordable basic legal services, and flexibility in the delivery of legal services.
<input type="checkbox"/>	Petriuk, Stacey	In the above answers, I have assumed that ABS means alternatives to currently permitted law firm structures and legal service delivery models.
<input type="checkbox"/>	Ryan, Kathleen	ABS: Legal Aid? Yes. Certain Others? No. For this reason, I did not answer the first question. This is not a "yes or no" question for me, nor is it for the regulator. The question of access to justice is a paramount question for the public, government, the judiciary, and the profession. For example, Legal Aid represents the delivery of legal services within a non-traditional delivery model. I am very much in favor of Legal Aid, but I have serious concerns about opening the profession to all forms of ABS without first fully consulting with the public and profession and without understanding potential intended, and intended, consequences of doing so. As a general rule, however, I am not in favor, without more study, of opening up law firms to non-lawyer ownership.
<input type="checkbox"/>	Warren, Ken	It all depends on the nature of the ABS. Some forms will promote access to justice and innovation, which as a profession we have an obligation to pursue. We shouldn't feel threatened by all ABS. Minority NLO doesn't bother me but majority NLO is another matter. We have enough conflicts and potential conflicts already.
<input type="checkbox"/>	Anderson, Ryan	
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Corbett, Sandra	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Flett, Corie	
<input type="checkbox"/>	Gordon, Fraser	
<input type="checkbox"/>	Grey, Leighton	
<input type="checkbox"/>	Hendsbee, Bill	
<input type="checkbox"/>	Hinkley, Steven	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Labrenz, David	
<input type="checkbox"/>	Long, Linda	
<input type="checkbox"/>	Lutz, Jim	

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<input type="checkbox"/>	Melnyk, Bud
<input type="checkbox"/>	Ostapek, William
<input type="checkbox"/>	Pavlic, Walter
<input type="checkbox"/>	Pesta, Lou
<input type="checkbox"/>	Philp, Robert
<input type="checkbox"/>	Pritchett, Penny
<input type="checkbox"/>	Scott, Darlene
<input type="checkbox"/>	Steblyk, Deanna
<input type="checkbox"/>	Teskey, Kent
<input type="checkbox"/>	Unsworth, Margaret
<input type="checkbox"/>	Varvis, Stella
<input type="checkbox"/>	Whitling, Nate

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QUESTION 4: With respect to ABS and NLO, in your opinion, as lawyers, will we remain an independent bar if non-lawyer shareholders have a financial stake in our practices?

<input type="checkbox"/>	Flett, Chandra	Yes
<input type="checkbox"/>	Jose, Cameron	Yes
<input type="checkbox"/>	Petersen, Corinne	Yes
<input type="checkbox"/>	Warren, Ken	Yes
<input type="checkbox"/>	Alade, Emmanuel	No
<input type="checkbox"/>	Anderson, Ryan	No
<input type="checkbox"/>	Chak, Arman	No
<input type="checkbox"/>	Flett, Corie	No
<input type="checkbox"/>	Gordon, Fraser	No
<input type="checkbox"/>	Grey, Leighton	No
<input type="checkbox"/>	Halliday, Adam	No
<input type="checkbox"/>	Hendsbee, Bill	No
<input type="checkbox"/>	Hinkley, Steven	No
<input type="checkbox"/>	Labrenz, David	No
<input type="checkbox"/>	Long, Linda	No
<input type="checkbox"/>	Lutz, Jim	No
<input type="checkbox"/>	Melnyk, Bud	No
<input type="checkbox"/>	Ostapek, William	No
<input type="checkbox"/>	Pavlic, Walter	No
<input type="checkbox"/>	Pesta, Lou	No
<input type="checkbox"/>	Petriuk, Stacey	No
<input type="checkbox"/>	Pritchett, Penny	No
<input type="checkbox"/>	Ryan, Kathleen	No
<input type="checkbox"/>	Steblyk, Deanna	No
<input type="checkbox"/>	Unsworth, Margaret	No
<input type="checkbox"/>	Varvis, Stella	No
<input type="checkbox"/>	Whitling, Nate	No
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Corbett, Sandra	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Philp, Robert	
<input type="checkbox"/>	Scott, Darlene	
<input type="checkbox"/>	Teskey, Kent	

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QUESTION 5: If elected, would you vote to consult fully with the members of the Law Society of Alberta regarding any proposed changes to the *Legal Profession Act*?

<input type="checkbox"/>	Alade, Emmanuel	Yes
<input type="checkbox"/>	Anderson, Ryan	Yes
<input type="checkbox"/>	Chak, Arman	Yes
<input type="checkbox"/>	Corbett, Sandra	Yes
<input type="checkbox"/>	Flett, Corie	Yes
<input type="checkbox"/>	Flett, Chandra	Yes
<input type="checkbox"/>	Gordon, Fraser	Yes
<input type="checkbox"/>	Grey, Leighton	Yes
<input type="checkbox"/>	Halliday, Adam	Yes
<input type="checkbox"/>	Hendsbee, Bill	Yes
<input type="checkbox"/>	Hinkley, Steven	Yes
<input type="checkbox"/>	Jose, Cameron	Yes
<input type="checkbox"/>	Labrenz, David	Yes
<input type="checkbox"/>	Long, Linda	Yes
<input type="checkbox"/>	Lutz, Jim	Yes
<input type="checkbox"/>	Melnyk, Bud	Yes
<input type="checkbox"/>	Ostapek, William	Yes
<input type="checkbox"/>	Pavlic, Walter	Yes
<input type="checkbox"/>	Pesta, Lou	Yes
<input type="checkbox"/>	Petersen, Corinne	Yes
<input type="checkbox"/>	Petriuk, Stacey	Yes
<input type="checkbox"/>	Pritchett, Penny	Yes
<input type="checkbox"/>	Philp, Robert	Yes
<input type="checkbox"/>	Ryan, Kathleen	Yes
<input type="checkbox"/>	Scott, Darlene	Yes
<input type="checkbox"/>	Steblyk, Deanna	Yes
<input type="checkbox"/>	Unsworth, Margaret	Yes
<input type="checkbox"/>	Varvis, Stella	Yes
<input type="checkbox"/>	Warren, Ken	Yes
<input type="checkbox"/>	Whitling, Nate	Yes
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Teskey, Kent	

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QUESTION 6: Do you think a smaller number of benchers representing the members of the Law Society of Alberta will improve diversity or representation of members?

<input type="checkbox"/>	Flett, Chandra	Yes
<input type="checkbox"/>	Gordon, Fraser	Yes
<input type="checkbox"/>	Alade, Emmanuel	No
<input type="checkbox"/>	Anderson, Ryan	No
<input type="checkbox"/>	Chak, Arman	No
<input type="checkbox"/>	Flett, Corie	No
<input type="checkbox"/>	Grey, Leighton	No
<input type="checkbox"/>	Halliday, Adam	No
<input type="checkbox"/>	Hendsbee, Bill	No
<input type="checkbox"/>	Hinkley, Steven	No
<input type="checkbox"/>	Jose, Cameron	No
<input type="checkbox"/>	Labrenz, David	No
<input type="checkbox"/>	Long, Linda	No
<input type="checkbox"/>	Lutz, Jim	No
<input type="checkbox"/>	Melnyk, Bud	No
<input type="checkbox"/>	Ostapek, William	No
<input type="checkbox"/>	Pavlic, Walter	No
<input type="checkbox"/>	Pesta, Lou	No
<input type="checkbox"/>	Petersen, Corinne	No
<input type="checkbox"/>	Petriuk, Stacey	No
<input type="checkbox"/>	Pritchett, Penny	No
<input type="checkbox"/>	Ryan, Kathleen	No
<input type="checkbox"/>	Steblyk, Deanna	No
<input type="checkbox"/>	Unsworth, Margaret	No
<input type="checkbox"/>	Varvis, Stella	No
<input type="checkbox"/>	Warren, Ken	No
<input type="checkbox"/>	Whitling, Nate	No
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Corbett, Sandra	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Philp, Robert	
<input type="checkbox"/>	Scott, Darlene	
<input type="checkbox"/>	Teskey, Kent	

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QUESTION 7: Do you think the profession has been fully consulted on various important issues, past and present?

<input type="checkbox"/>	Labrenz, David	Yes
<input type="checkbox"/>	Melnyk, Bud	Yes
<input type="checkbox"/>	Teskey, Kent	Yes
<input type="checkbox"/>	Warren, Ken	Yes
<input type="checkbox"/>	Alade, Emmanuel	No
<input type="checkbox"/>	Anderson, Ryan	No
<input type="checkbox"/>	Chak, Arman	No
<input type="checkbox"/>	Flett, Corie	No
<input type="checkbox"/>	Flett, Chandra	No
<input type="checkbox"/>	Gordon, Fraser	No
<input type="checkbox"/>	Grey, Leighton	No
<input type="checkbox"/>	Hendsbee, Bill	No
<input type="checkbox"/>	Hinkley, Steven	No
<input type="checkbox"/>	Jose, Cameron	No
<input type="checkbox"/>	Long, Linda	No
<input type="checkbox"/>	Lutz, Jim	No
<input type="checkbox"/>	Ostapek, William	No
<input type="checkbox"/>	Pavlic, Walter	No
<input type="checkbox"/>	Pesta, Lou	No
<input type="checkbox"/>	Petriuk, Stacey	No
<input type="checkbox"/>	Pritchett, Penny	No
<input type="checkbox"/>	Philp, Robert	No
<input type="checkbox"/>	Ryan, Kathleen	No
<input type="checkbox"/>	Unsworth, Margaret	No
<input type="checkbox"/>	Whitling, Nate	No
<input type="checkbox"/>	Armstrong, Rob	
<input type="checkbox"/>	Corbett, Sandra	
<input type="checkbox"/>	Dilts, Nancy	
<input type="checkbox"/>	Halliday, Adam	
<input type="checkbox"/>	Johnson, Cal	
<input type="checkbox"/>	Petersen, Corinne	
<input type="checkbox"/>	Scott, Darlene	
<input type="checkbox"/>	Steblyk, Deanna	
<input type="checkbox"/>	Varvis, Stella	

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QUESTION 8: Please provide any comments you have regarding this topic or others.

Alade, Emmanuel

I am of the opinion that before consideration be given to starting ABS, profound thoughts should be given to overhauling any regulatory challenges that could arise and such challenges may likely include - increased risk of conflicts of interest, and loss of independence as a result of more flexible ownership arrangements; - confidentiality and solicitor-client privilege could potentially be compromised.

Anderson, Ryan

I currently work with a Benchers who is not running for reelection. If it was not for the information he provided to our office we would have very limited knowledge of the proposed changes being discussed by the Law Society. For changes that are this significant there needs to be greater consultation and communication. My other concern with NLO is they will be looking at how to profit shareholders rather than benefit the client. How will they deal with conflict issues? These changes would be very hard economically on regular firms if we are competing for business with NLO that do not have the same ethical and professional standards. In general most of these changes in other jurisdictions have not helped with the access to justice issues. Lastly, it is important that we keep the number of benchers and have them elected. We do not need more political appointments or lawyers hand picked to match an agenda.

Armstrong, Rob

Q1. I am in favour of some limited alternative legal service delivery models so long as those models do not pose a risk to the public and so long as those models do not impact upon the self-governance model of the legal profession. One example of an alternative legal service delivery model that I am in favour of is the Family Law Incubator being run out of the U of C. I think it addresses a need for the public to have access to affordable family law services and it addresses a need for articling student positions in the area of family law.

Q2. I am not now in favour of legal delivery models that involve non-lawyer and for profit ownership of law practices. I have yet to see any evidence that such delivery models enhance public access to competent legal services in a meaningful way and I have concerns about how such practices could be properly regulated by the Law Society of Alberta given the limits on our regulatory power. What I do believe is very important is that the profession retains the ability to make decisions about other forms of legal service delivery models in the future and that the profession's independence is not infringed by a government mandating that non-lawyer ownership of law practices must be allowed. I think any decision surrounding legal service delivery models should be made by the Law Society and made only after thorough inquiry in to the issues associated with such alternative delivery models, after meaningful consultation with the profession and after a thorough debate of the issues.

Q3. I provided a very qualified yes answer to the question of alternative legal service delivery models giving the example of the family law incubator at the U of C. I think such a model benefits the public by providing legal information and advice at a reasonable cost and it also benefits the profession by providing training for students who wish to practice family law. One of the key features of such a model is that it is not for profit and therefore its operation is not being driven by profit or shareholder value. Furthermore, those involved in the running and operation of the clinic are lawyers and therefore subject to the regulatory powers of the Law Society. If that were not the case, I would have more concerns about such an organization. As I indicated above, I am not in favor of non-lawyer owned for profit legal

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service delivery models as I have not yet seen any evidence that such a model of ownership does benefit the public.

Q4. My concern as a Bencher is to ensure that the profession remains a self-regulated profession and that the Law Society, as the Regulatory body, is able to carry out its mandate to protect the public in an independent manner. Financial pressures constantly affect lawyers even without non-lawyer shareholders having a financial stake in a practice. If the question of non-lawyer ownership was to arise, then one of the important aspects to consider would be how to ensure the independence of the bar is maintained and regulated.

Q5. As a Bencher I have fully supported consultation with the profession on changes to the Legal Profession Act. I participated in a consultation session in Red Deer and will be participating in another session in Calgary in early November. I think consultation is a very valuable tool and the feedback will be very helpful in determining the path forward towards a more modern Legal Profession Act.

Q6. I am of the view that the number of Benchers is only one factor in ensuring diversity around the Bencher Table. By having a large number of Benchers then the odds of randomly getting a more diverse group increase. I'm not convinced this is necessarily the most effective means of achieving true diversity. In my view we need to address the issues diversity further up the chain to ensure we have diverse candidates running for election and mechanisms in place to encourage more members of the profession to take an interest in the election and vote. My personal view is that we benefit from a diverse set of viewpoints and that reducing the size of the Bencher table too much without having other means in place to achieve diversity could negatively impact diversity.

Q7. I think the Law Society is taking very positive steps to ensure the profession is consulted on important issues. Based on my experience, consultation is something that is relatively new for the Law Society but it is quickly learning how to conduct meaningful consultation with the profession and how to incorporate the findings from such consultation into its decision making. A good example was the consultation that occurred on Trust Safety. It was not perfect in that it could have occurred sooner in the decision making process but the organization acted on the consultation and learned from it to improve the consultation process for the next time. The lessons learned are very evident, in my view, in the consultation process related to the Legal Profession Act. I think the consultation process is meaningful and will greatly assist the Benchers as they continue to work through the legislative issues. I am confident that more lessons will be learned through this set of consultations and that we will be able to be even better in the future. I firmly believe there is a real commitment to meaningful engagement and consultation with the profession on important issues.

Chak, Arman

Q5 - Yes, we need to implement stronger restrictions on all policy and legislative changes which affect the membership. This election should be about more engagement with our membership. Also, it should be about innovation in how communication occurs to have a meaningful discussion.

Q6 - No, I would like to see more members at the Bencher table.

Q7 - No, we have seen that in three major areas. The implementation of the trust transaction fee, the incorporation of the Truth and Reconciliation Report (and its call for Action) as well as in the current Legal Profession Act changes.

Q8 - There have been several areas which have concerned me regarding the changes we need to see regarding diversity and inclusion. I also wanted to ensure that we have more oversight over the Law Society in terms of their statutory duties. We need to be an independent profession that is relevant to those members who serve Albertans every day. We need to encourage a more accessible Law Society which has the well-being of our members as paramount.

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Corbett, Sandra

The Law Society has been engaging the profession on issues of entity and compliance-based regulation through the Innovation in Regulation Task Force (IRTF). The consultation commenced as part of the IRTF now continues as part of the larger engagement and consultation being undertaken as a result of the AB government very recently signaling a willingness to consider modernizing the Legal Profession Act. Information about that engagement and consultation appears at www.lawsocietylistens.ca - I encourage all LSA members to attend open houses and engage in the consultation process. ABS and NLO have not been discussed at the Benchers table - and I would reserve my opinion pending further thoughtful discussion and consultation. All members should review the www.aspirelegal.ca project spear-headed by the U of C as an example of what ABS can possibly do for A2J - see also Dean Holloway's interview in Canadian Lawyer magazine. My answer to Q1 is yes if we can achieve more Aspire Legal projects. I am unable to answer Q2 to Q4 in a yes/no fashion as I have not participated in thoughtful discussion re: all of the issues raised by those questions. Wrt Q6, I believe in a skills-based diverse and inclusive Board - and I think the question should be whether we can better serve the public as that is our legislative mandate (not "representing" lawyers). Wrt Q7, the Law Society has made significant effort to engage and consult the profession in the 3 years that I have been a Benchers - I can't speak to the past. I support continued engagement and consultation, and am hopeful that our membership will participate fully.

Dilts, Nancy

Q1. We know there are alternative business structures currently operating in Alberta through which legal services are being provided to the public, most notably the new family law incubator at the U of C Aspire Legal, and Legal Aid Alberta. There are other business structures being contemplated in the country and likely to be raised in Alberta as access to justice issues push us deep into conversations about delivering needed legal services to those who cannot access it under current delivery models. In my view that the LSA should be at the forefront in the development and regulation of alternative business structures and should not be left in a reactive position.

Q2. It is premature to answer this question. I do not currently have a position with respect to legal service delivery models that include non-lawyer ownership but will listen openly and carefully when that dialogue arises.

Q4. I expect that regardless of the nature of change facing our profession the independence of the profession and the duties of the profession will remain anchored in our Code of Conduct, our defence of the rule of law and the protection of solicitor/client privilege.

Q5. The LSA is committed to consulting with its members and other stakeholders on major issues facing the profession and the regulation of the profession. The Law Society is currently undertaking broad consultation on the proposed amendments to the LPA. I personally intend to participate in that consultation.

Q6. In my view, board size does not necessarily influence diversity. In corporate boards, diversity is addressed in part by developing skills matrices that include diversity measures, and appointing board members to fill gaps or to address diversity needs. In my view, diversity is not achieved simply by a larger board size. The better question, and the one the LSA is endeavouring to address, is how do we improve diversity at the LSA Board level.

Q7. The LSA is committed to consulting with its members and other stakeholders on major issues facing the profession and the regulation of the profession.

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Flett, Chandra

We are only just beginning the consultation process for these topics in Alberta. There has been prior and is continuing consultation occurring on the Amendments to the Legal Profession Act that I was largely unaware of until I started delving deeper into these. We are only just beginning the consultation process for these topics. There has been prior and is continuing consultation occurring on the Amendments to the Legal Profession Act that I was largely unaware of until I started delving deeper into these topics. I don't propose to have a set view on what the best or most appropriate ways we should move forward. Ultimately, it is not my personal view or opinions that matter but what decisions are found to be the most appropriate based on the views of the profession as a whole and balancing those with the interests and needs of the public with serve. Other large scale organizations are run effectively with a smaller number of members on the Board of Directors than ours. As long as the needs can be met with professionalism and a high standard, I do see opportunity to lessen the responsibilities undertaken by the Benchers as well as how many there are. There are many other members of our profession involved in the business of the Law Society who do not hold a Bencher position and decreasing the number of Benchers has the potential of those skills still being well utilized within the Law Society.

Flett, Corie

There is an inherent risk to the profession and public should these alternative business structures or NLO type practices were initiated. Sufficient research has not yet been put in the various risks posed and how those would be managed to even consider at this stage. Further, it would severely endanger the ability of the profession to remain independent and public confidence in our ability to do so, given the limitations of accountability over these non-lawyer entities or ownership structures.

Gordon, Fraser

Grey, Leighton

Written explanation of Q7: I do not intend to be critical of the Law Society in stating my view that a fundamental pillar of a properly self-governing society is the need to consult with membership on important issues. This does not mean that we need to have a direct plebiscite on each issue, but certainly on the important ones like the approval of non-lawyer owned firms. In such cases, the Benchers ought not to presume that they are able to accurately represent the will of the membership, and should instead seek the direction of its individual members. There certainly are many ways that this can be achieved in a modern age where mass communication is actually instantaneous. Thank you for the opportunity to participate in the ACTLA questionnaire.

Halliday, Adam

As a profession and being the ministers of justice each member of the law society is we need to be very careful to ensure the public is being protected. That means we should continue to be independent bar while at the same time attempting limited ABS pilot models. Otherwise other professional groups like accountants, realtors, consultants etc. will fill the gap by themselves and expose the public to poor advice and/or we will necessarily be gobbled up by them as employees and pressured to compromise our values within their structures within which the values of our honoured and learned profession are not necessarily espoused and supported. This is not to mention the affect of new technologies and AI as well as the very quick exodus of experienced lawyer from practice given now very profound demographic shifts in the ranks fo the profession (baby boomers exiting and mellinials taking over the latter of which will may not want to wait to mature into their practices as they have always been very fast moving and adaptive. This lack of sucesion planning and vision for our profession viz the ecosystem of other business and helping professions that we compete with may leave us in the dust if

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we don't get this right and may capture the best and brightest of our community ranks under their umbrellas. The accounting firms and major US and international business and law consulting groups have already formed world wide alliances and pose a threat to our independent future. Let's learn from their versatility and boldly compete against them and set the standard for the public that our profession has always been known for. This is part PR/communications management and part regulation by the Law Society. Let's be great again for every member of our society. This cross polinization with the expertise offered by ABS will allow synergies and while, if balanced properly, will provide the innovation the legal profession so desparately needs to be relevant to the average Citizen over the next century.

Hendsbee, Bill

Q7 is difficult to answer with a yes or no. Unfortunately, the LSA's Edmonton Open House, which presumably will involve a detailed discussion of these issues, will not take place until after this election has concluded. Ideally, holding the Open Houses sooner would have served voters better by bringing these issues to the forefront prior to the Bencher election, which would have allowed voters to ascertain the positons of the prospective Benchers before casting their votes. I believe that any significant changes to legal service delivery models and any changes to the Legal Profession Act itself need to involve detailed discussion with all members of the bar and that the LSA must be fully transparent during this process. We need to ensure that we encourage innovation within the profession and continue to look at improving access to justice. However, issues such as alternative business structures, which allow for ownership of law firms by non-lawyers, is something I strongly oppose, given how problematic it has been in other jurisdictions. In my opinion, any proposed changes within the profession must be dealt with in a manner that ensures that we protect the integrity and independence of the profession whiel continuing to protect the public interest. I am particularly committed to making sure that these issues are dealt with properly should I be elected as a Bencher. As a small firm lawyer, practicing exlusiviely in the area of plaintiff personal injury law, I am aware of the needs of my fellow ACTLA members and will ensure that their concerns are taken into account by the Law Society.

Hinkley, Steven

Because we are a vast geographic and demographic Law Society, the duty to consult and consider input from all persons and sectors is critical to have a fully representative Law Society.

Johnson, Cal

Q1: Arguably we already have some existing alternate legal service delivery models (ALDS) such as the Legal Incubator at UofC and indeed, Legal Aid. I have become aware of other not-for-profit, community or charitable organizations that may wish to engage in ALDS but which the LSA has little or no ability to regulate or facilitate. Online legal solutions exist and are multiplying rapidly. So, the question for me is not whether to be in favour of ALDS, but rather ensuring that the LSA is able to regulate whatever ALDS models may develop in order to protect the values that are critical to our profession, including independence of the profession, the rule of law, addressing conflicts of interest and the protection of privilege and confidentiality in the legal relationship. I am supportive of ensuring the LSA has that regulatory authority. Consultation with the profession on entity regulation is still under way, so my views on what models would be appropriate for regulation would need to be informed by feedback from that consultation.

Q2: NLO raises additional issues which I require more information on to discharge my fiduciary duty as a Bencher in expressing conclusions on that subject. The matter has not come before the LSA and, at present, while there is some evidence from other jurisdictions that have adopted it in various fashions,

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without a definitive examination of those results, consultation with the profession and the public on the issue, and engaging in a comprehensive debate on the topic, I can frankly say I haven't formed a definitive opinion.

Q3: The arguments in favour of ALDS models are fundamentally rooted in and linked to Access to Justice Issues. The A2J issues have been commented on at the highest levels of our judiciary, discussed extensively currently during the Ontario Access to Justice Week and by many commentators in the context of self represented litigants and the problems that both creates and reflects. As for NLO, the public interest question is yet to be answered. Facilitating alternate legal service delivery models does not equate to NLO, nor necessarily require NLO. Of critical importance though is that the LSA have the ability (regardless of how that question is answered after a review of the empirical evidence, input from our profession and input from the public) to clearly have the authority to regulate any such models to ensure preservation of the values referenced in Question 1 above.

Q4: Retaining our independence as a profession is critical to, and must inform, all of the work we do as Benchers. This is a threshold question in any consideration of NLO. Accordingly, that will be one of the important lenses through which I would examine the empirical evidence, the input from the profession and input from the public that would be needed to provide an informed regulatory response.

Q5: As an incumbent Bencher I have already supported consultation with the profession on this issue and which is currently ongoing. Once the results of those consultations are before the Benchers, an assessment will need to be made of the success of that exercise, how best to address the response of the profession and the extent or manner in which further consultation or input may be desirable.

Q6: What do we mean by diversity in this context? For me it should engage questions of gender, age, ethnicity, practice models, competencies, geographical and demographic representation and types of experience. Simple board size, or electing Benchers in the manner we do at present, is no guarantee of diversity whatsoever. It does raise the important question of looking at the barriers to entry to the Bencher table – principally being time commitments that preclude much of this diversity from being practically achieved. For me, that should be a principal focus for efforts to diversify our board.

Q7: Over the past several years the LSA has been on a steep learning curve with respect to consultation with the profession. The trust transaction fee experience highlighted the complexity involved in designing an effective consultation and the LSA has engaged professionals to enhance the process as may be seen in the more recent approaches concerning entity regulation and amendments to the LPA. As a Bencher I expect the LSA to learn from some arguable deficiencies in past consultations to inform a more nuanced and responsive approach in the future.

Q8: The survey questions engage complex issues that are some of the most important issues our profession faces. They deserve, and in my view, require more than a simple binary answer. The role of Bencher comes with attendant fiduciary responsibilities. That means that our decisions as Benchers must be informed by much more than personal views. Decisions must be evidence based, take into account the views of the profession as a whole and take into account our responsibilities to regulate in the public interest. My lack of a black and white yes or no answer to the questions is not out of disrespect for the survey or its proponents, but rather out of respect for the responsibilities of a Bencher and the importance of the issues.

Jose, Cameron

I believe that the LSA should reflect the public it serves. We need to promote diversity. In the Criminal Law system, accused persons where English is a second language are much more confident in our system when they see it is diverse. Also when they are able to hire a lawyer that speaks their native language, this assists them in having the confidence their lawyer is understanding what they want their

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lawyer to do for them. I believe Benchers should be accessible and should canvas the bar to obtain advice on certain issues where that benchers needs to gain knowledge. Having the Benchers being a diverse group is also desirable for this reason. This is why I believe the number of Benchers should be sufficient enough to be able to properly reflect the diversity of the community and the different areas of practice. In these modern times, the LSA can send out questionnaires such as this one that asks for input from the bar on issues. The LSA can even look to using referendums in relation to important proposed changes.

Labrenz, David

I have not seen evidence that the ABS models utilized in other jurisdictions have improved access to justice which is one of my primary concerns. In my view, the potential benefit to external ownership carries with it substantial risks in regulation including increased risk of conflicts of interest, loss of independence, and the potential that solicitor-client privilege could be potentially compromised. Having said that, I have an open mind and believe that our profession must be always open to change provided the regulatory risks are properly assessed. Thank you for the opportunity to communicate my views.

Long, Linda

The voice of small business lawyer professionals must be heard. Proposed changes require a significantly longer consultation period. The public's interest in accessing a strong and independent legal profession is at stake.

Lutz, Jim

Melnyk, Bud

Ostapek, William

With regard to the changes to the Legal Profession Act, it would appear that consultations are beginning and it is my hope that the profession be given the opportunity to have an opportunity to be heard regarding the issues canvassed in this survey and other important issues (such as access to justice) which might be motivating factors behind some or all of the changes that are being discussed.

Pavlic, Walter

There is a lot that can be said on the above topic areas. Bottom line for me is that law is a profession, not a business and there are just too many ethical and legal issues that arrive with ABS.

Pesta, Lou

It is my concern respecting the dramatic amendments proposed for the Legal Profession Act and, in particular, changes to the delivery of legal services and the licensing of "entities" to deliver legal service that was the catalyst for my candidacy for benchers. I am concerned about the rationale for the changes and more importantly the unforeseen and unintended consequences that such changes may entail.

Petersen, Corinne

The issues raised in these questions are important and complex. My responses represent my leanings given what I have reviewed and considered at this time. I believe that it is important to reflect on our current legal service delivery model with a critical eye and to be open to comparing our model to other models as a means of critique and review with a view to improvement where the research and experience in other jurisdictions indicates benefits to the public in terms of better and more affordable access to justice and improved confidence in ethical and professional competence. I am open to learning about ABS and NLO for legal practices through study of other jurisdictions, consultation with the profession and to hearing debate on these issues. I feel strongly, however, that privilege and

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independence of the legal profession cannot be risked or compromised. In this regard, the LSA must be diligent in exercising its regulatory role to maintain these core values and improve public confidence in the legal profession. I support full consultation with the profession on these important issues.

Petriuk, Stacey

Some of the concerns that I have with ABS and NLO are: preserving confidentiality of information and solicitor/client privilege, avoiding conflicts of interest, and maintaining high ethical standards, fiduciary and other duties to clients and independence of the bar. I am not aware of any evidence of increased access to justice through ABS (or NLO) and would note that the jurisdictions with ABS most often referred to (England and Australia) lost self-regulation either before or in conjunction with ABS.

Philp, Robert

Q1: Uncertain should have been a possible answer to this question. ABS has been a controversial topic in a number of jurisdictions and for a number of years. There is no doubt that the practice of law has changed and is changing and will continue to do so. The Canadian Bar Association released a lengthy report on ABS at their national meeting in August of 2015. Having a law firm commingled with other business activities appears to me to be potentially very problematic. Before I could reasonably answer yes or no I would want to do a great more research and consideration. Without a close look ABS arrangements might create unintended consequences that could be quite damaging to the profession and the public. That's why my answer should be marked as uncertain.

Q2: For many of the same reasons set out in response to question one I would want to go slowly with NLO 's and ask firstly who benefits. To me caution needs to be the watch word.

Q3: Given my answers to questions one and two I would want to be truly satisfied that there is a public benefit! For example would ABS or NLOs provide greater access to justice at a affordable prices or would they simply make fees and access even more remote.

Q4: Our independence is a hallmark of our profession. I would be opposed to any business model that threatens our independence.

Q5: The LSA has in my view a fundamental obligation to consult on any major changes to LPA.

Q6: If reducing the number of Benchers is simply about cost savings then I am opposed! If there is some justifiable reason I would be prepared to consider those arguments. We have 20 Benchers for approximately 10,000 members that appears to be a reasonable ratio. I do think the Benchers should at every convocation have time allotted to hear from delegations from the Bar. In addition I think convocations should be held in locations other than Edmonton and Calgary.

Q7: No! I think a classic demonstration of the lack of consultation was the recent decision to close the Edmonton office of the LSA! More consultation not less should be a continuing goal of the LSA.

Question 8: I am delighted to participate in this survey. As a founding Vice President of ACTLA the goals of the Association have always been important to me. ACTLA goals of striving to maintain a strong independent plaintiffs Bar has been achieved but it must be continuously guarded. ACTLA lobbying efforts, challenges to the soft tissue cap legislation the continued presentation of a quality seminars are all matters for which ACTLA can be proud! I will as a Bencher always hear your voice!

Pritchett, Penny

Ryan, Kathleen

See Q3 above. In respect of the number of Benchers being elected, again, there is a balance to be achieved in obtaining a diverse board in every respect against the expedience and economies anticipated for a corporate model reduced board size. Likewise, I believe there are interests to be balanced when considering ABS. These include: access to justice, access to the profession, globalization,

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technology impact, regulation and extent of regulation, conflict, privilege, ethics, trust, professionalism, cost, risk, insurance, equity and, above all, the public. I think an open and transparent regulator, one who has openly considered and debated these interests, is critical not only to the profession, but to the public in moving forward deliberately in the public interest. When one moves forward without that consideration, one risks undermining even the most noble objectives. That said, the Law Society has committed to consultation and that is an important step forward in the public interest.

Scott, Darlene

Most of these questions are challenging to answer in the above format. With respect to the ABS issue, I am in favor of the Law Society being entitled to regulate entities, as opposed to the current model of regulating only lawyers. Many legal activities are performed by or through entities and those entities may have a significant impact on the conduct of the lawyers who deliver legal services through them. Entities such as Legal Aid, and the new Aspire Legal initiative at the University of Calgary, illustrate situations where legal services are being delivered outside of the traditional law firm model, and which contribute or have the potential to contribute to improving access to justice. I have not determined whether I am in favor of or opposed to NLO, and the Benchers have not had the opportunity to consult or consider this issue. I think we have to carefully consider whether other legal service delivery models and non lawyer ownership have the potential to result in increased access to justice or if the potential risks to the public associated with those initiatives outweigh any potential benefit. We are aware of the experience in other jurisdictions such as England and Australia, but I am not certain whether the changes in those jurisdictions has served the public interest. The independence of the legal profession and the protection of the rule of law are both paramount considerations on this topic.

With respect to Q6, I think it is important to have a diverse and skills based Benchers table and diversity can actually be improved even with a reduction in the absolute number of benchers. This is an issue which is subject to consultation now and the Benchers are committed to considering the views of the profession on this and the other proposed amendments to the Legal Profession Act. Finally, I do believe that consultation with the profession on important issues should occur. The LSA is in the process of consulting with the profession on the proposed amendments to the LPA, which is a very significant matter and I hope that members of the profession will take the time to make their views known in the various consultations which are currently underway.

Steblyk, Deanna

These are important but difficult questions to answer with a straight "Yes" or "No". I've answered them based on my first instinct and the information I have at this moment, but they likely have many nuances that could affect my answer. The Law Society must act in the public interest, and there may well be compelling public interest arguments (as the survey seems to have contemplated in question 3) in favour of ABS and NLO of which I am not currently aware - apart from the obvious ones around access to justice. Therefore, if elected, I would strive to consider all arguments both in favour of and opposed to such initiatives before arriving at a final conclusion. With respect to question 7, I could not choose either "yes" or "no" - my answer would more accurately be something like "not sure" or "Maybe". I cannot think of a specific instances where I was interested in a particular issue and found that there was inadequate consultation, but I also cannot give an unqualified "Yes, lawyers have always been fully consulted on important issues." I am, however, generally in favour of such consultation with stakeholders in most contexts, not just in relation to Law Society issues - hence my answer to question 5.

Teskey, Kent

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Q1: I am in favour of the Law Society having the ability to regulate other legal service delivery models including alternative business structures. At the outset, it is important to note that the term alternative business structure is a very broad term that defines a variety of legal service delivery models that do not look like the traditional firm or the sole practitioner. The University of Calgary has recently formed a family law incubator known as Aspire Legal to provide family law services at a reduced rate conducted by law students, articling students and young lawyers who were trained under the program. Under our existing regulatory scheme this project has been difficult to regulate evidenced by the column recently authored in Canadian Lawyers magazine by Dean Ian Holloway, which is attached (<http://www.canadianlawyermag.com/author/ian-holloway/aspire-legalaccess-initiative-the-future-is-now-14811/l>). It is difficult to argue that such initiatives do not have a significant public interest and that the regulator should have the tools to regulate these initiatives in the public interest. As well, The Law Society of Upper Canada has recently committed to regulate alternative business structures in the case of pro bono and charitable organizations. Examples of this sort of project could include First Nations Bands who create legal clinics to serve their communities, charitable organizations who conduct legal clinics to serve the low income communities or other non-profit enterprises that would serve the public interest. Currently these sorts of clinics are not directly authorized by our legislation and we have no way to regulate their conduct beyond regulating the individual lawyer. Lastly, we know that there are a number of legal service delivery organizations operating in the Province of Alberta currently who do not fit within the definition of an ordinary firm. Perhaps the best example of this is Legal Aid Alberta which has a substantial staff counsel program which is managed by the legal aid society under a governance agreement with the Minister of Justice. We know that these sorts of organizations have all sorts of ethical concerns with respect to conflicts, solicitor/client privilege and how to provide ethical legal services. Currently the Law Society only can regulate these entities by virtue of regulating the individual lawyer.

Q2: I do not currently have a position with respect to legal service delivery models that include non-lawyer ownership as the primary driver. These entities currently exist in England and Australia by virtue of government amendments to the legal profession legislation. There is mixed research as to how these entities have contributed to access to justice. Moreover, consideration needs to be given to how to ethically manage these entities within the public interest. I anticipate that the question of non-lawyer ownership will eventually find its way around the Benchers table at which time I would expect that there would be open and frank consultation with the profession.

Q3: In my view any plan that would include non-lawyer ownership or alternative business structures in fact is an effort to ensure that where new methods of legal service delivery are being contemplated that they are done with full effect to our fundamental values of solicitor/client privilege, the rule of law and the ethics imbued in our Code of Conduct. In my view, where the regulator is considering new models, it must also ensure that the public maintains the benefit of an independent and ethical legal profession no matter how they get their legal services.

Q5: The Law Society is currently engaged in a broad and wide ranging consultation on the proposed amendments to the Act both online and at numerous open houses across Alberta.

Q6: We are currently consulting with the profession on the question as to whether or not a smaller number of Benchers would be consistent with the strategic goals of the Law Society of Alberta and would be consistent with our goals that include diversity in representation. The tension within our consultation is that the best research indicates that large Boards are less efficient and less functional. That being said, the principles of diversity and representation of all members from all different types of practice may require that we consider a larger Board that may be on its face less efficient but better able

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to represent all of the views of the profession. I will await the results of the consultation and will consider the comments we get at that time.

Unsworth, Margaret

I am in favour of other legal service delivery models but only if run by lawyers (not, as I understand the term, ABS or NLO - is there a difference?). The profession has not yet been fully consulted however the consultation is current and ongoing so at some point my answer will be there has been sufficient consultation - but not yet.

Varvis, Stella

There ought to be a robust discussion about what role, if any, ABS should play in the delivery of legal services in Alberta. Numerous questions should be considered, including: regulating ABS; protecting the public interest; potential erosion of solicitor-client privilege; effect on small firms, solo practitioners, and lawyers in rural practice; maintaining high practice and ethical standards; safe-guarding the independence of the bar; preventing potential conflicts of interest or fiduciary obligations; promoting innovation in the delivery of affordable legal services; and improving access to justice. It is interesting to note that while the 2014 CBA Legal Futures Report supports ABS in legal services delivery, the Ontario Trial Lawyers Association expressed a number of reservations in its Sept 2017 submission to the Law Society of Upper Canada's request for feedback on the Interim Report on ABS in Ontario. The recent example of Slater and Gordon in Australia, a law firm with an illustrious history that went public and saw its share prices plummet in the last year necessitating a bailout by a consortium of international hedge funds, has sounded a warning bell for non-lawyer ownership of legal practices. The Law Society of Alberta should fully engage the membership in these discussions to ensure that a broad range of views representing diverse practice settings are fully canvassed and that any decisions made about whether to allow ABS properly reflects the needs of the public and the profession in Alberta.

Warren, Ken

Q4 - Minority NLO doesn't threaten our independence.

Q5 - The LSA has done a good job on consultation in the past and that should continue. Consultation on the amendment of the LPA is currently ongoing.

Q6 - That's the wrong question. A smaller number of benchers who embrace diversity, inclusion and equality will do a better job on these issues than a much larger group who don't value diversity.

Q7 - I haven't felt that I was not afforded an opportunity by the LSA to express my views. More criticism might fairly be levelled at the provincial or federal governments who implement measures impacting our profession.

Whitling, Nate
