



THE YUKON AMICUS

PRESIDENT'S REPORT

Mark Radke, President; Law Society of Yukon

WELCOME TO OUR winter newsletter and to my first report as your new President. I confess that it was with a degree of trepidation that I took over the position from Keith Parkkari earlier this year. My first concern was, of course, that I had not sat on the Executive in the preceding term — something that is always desirable for an incoming president — and I questioned whether I was adequately abreast of the issues facing the Law Society to do justice to the position. I am happy to report that with the support of Lynn and Shannon and the assistance of the other members of the Executive we are managing the transition.



Mark Radke

My other concern was, quite naturally, that I saw Keith as being a hard act to follow. He has performed commendably as President over the past few years and on behalf of the Law Society, I would like to take this space to acknowledge that work and thank him for it. Many of you will know that he heads off on sabbatical in a few weeks time and, while we will miss him at the Executive, we wish Keith and his family all the best in their travels.

One of the few advantages to the gap in between my years of serving on the Executive is that I arrived with fresh eyes and one of the first things that struck me was how the workload for Executive members has increased since I last served on in it back in

the late 90's. It had increased steadily during that time and it is clear that the trend has continued and is unlikely to abate. Being a small Society with limited resources, our Executive has always been called upon to deal with many of the day-to-day administrative matters. Increasingly, though, we are being called upon to deal with bigger policy issues and taken together the demands these place on our volunteers have become one of the biggest challenges we face.

In order to respond to these increased demands, the current Executive is undertaking the development of a Strategic Plan to guide us through the next few years. Doubtless, among the items to be considered will be our governance structure and how we can operate

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OFFICE HOURS:

MONDAY – FRIDAY
9:00 am – 5:00 pm

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PRESIDENT:

Mark Radke

FIRST VICE-PRESIDENT:

Laura I. Cabott

SECOND VICE-PRESIDENT & COUNCIL MEMBER:

Susan Dennehy

TREASURER: Leslie McRae

SECRETARY: John W. Phelps

LAY MEMBERS:

Steven Smyth & Judy Renwick

EXECUTIVE DIRECTOR:

Lynn Daffe

lynn.daffe@lawsocietyyukon.com

ADMINISTRATIVE ASSISTANT:

Shannon Kmyta

shannon.kmyta@lawsocietyyukon.com

MEMBER STATISTICS:

(As of November 15, 2008)

Resident Members: 117

Non Resident Members: 134

Total Membership: 251

effectively given the resources available to us. On a related note, one of our first goals is to modernize our Discipline Process in order to ensure that it is fair and transparent to both our members and to the public, who of course, we are charged with protecting. Stay tuned for how things develop...

DISCIPLINE REPORT

Laura Cabott, First Vice President; Law Society of Yukon

IT IS MY FIRST TERM on the Executive and as First Vice President-Discipline Chair. I was forewarned about the significant amount of time this position takes but of course did not get the full meaning of that until I was elected.

The learning curve is steep and I have been fortunate to have the past Chair Gary Whittle and the Society's Executive Director Lynn Daffe bring me up to speed. I have put together a well rounded and respected committee to work with me. I have made a point of speaking to other Discipline Chairs or Administrators from the other territories and provinces. Discipline was a 1/2 day agenda item at the fall Federation meeting which I attended. There is a movement towards developing national benchmarks and standards for the complaints/discipline processes. I spent two days at the annual Discipline Administrators meeting a couple of weeks ago.

I learned that there is work to be done here to improve our complaint and discipline process. As a self-regulating body, the Law Society must ensure the protection of the public. We must also however be cognizant that the appropriate elements of procedural fairness are present at all stages of investigation and adjudication. Other principles include accuracy and thoroughness, efficiency, accessibility, transparency and finally privacy and confidentiality.

To this end you will see some changes this term including:

- the development of a formalized Complaint Form;
- updating the Society's website regarding the Complaint/Discipline Process;
- proposed Rule amendments;
- identifying legislative changes to ensure our Act reflects the principles set out above;
- the development of Guidelines and a Procedure Manual for Discipline Chairs, Committee Members, Investigators, and Committees of Inquiry.

These are just some of the issues identified and projects that the Law Society will be working on over the next six months. The Yukon Bar generally continues to be held in high regard both by the public and by other lawyers from other jurisdictions. It is my belief that improvements to the system can help ensure this reputation continues.

Finally, I want to thank the members in trusting me to hold this important position.

CANADIAN BAR ASSOCIATION YUKON BRANCH (CBAY)

Melissa Atkinson, Yukon Branch President

This year's Executive Yukon Branch council are:

Past President:	Lana Wickstrom
President:	Melissa Atkinson
Vice-President:	Peter Morawsky
Sec/Treasurer:	Norah Mooney

IN THE UPCOMING MONTHS, CBA Yukon will be completing orientation materials for section chairs as well as the Secretary Treasurer, and we also hope to finalize a CBA Yukon funding application request form and some policies regarding how those requests will be considered. We are also planning our first CBA Yukon Newsletter to introduce our membership to the new CBA Yukon Council and provide an additional forum to communicate local and national CBA issues and concerns. CBAY is currently preparing to approach local community businesses for CBA Yukon membership benefits and the confirming the BC benefits that have been extended to CBA Yukon members.



Laura Cabott

NEW MEMBERS:

- Giuseppa Bentivegna, Calgary
- Teri Lynn Bougie, Sherwood Park
- Carrie Burbidge, Whitehorse
- Andrea Finch, Vancouver
- Colleen Harrington, Whitehorse
- Graham Lang, Whitehorse
- Tara Marchuk, Whitehorse
- Scott McCann, Vancouver
- Robert McLennan, Vancouver
- John Shewfelt, Vancouver
- Roger Watts, Vancouver
- Ian Yap, Whitehorse

ARTICLING STUDENTS:

- Kyle Carruthers : Austring, Fendrick, Fairman & Parkkari
- Brynn Enros : Yukon Government
- Peter Sandiford : Davis & Co.

CERTIFICATES OF PERMISSION TO ACT:

71 Active Certificates



CBAY Executive Yukon Branch

We are excited about our revitalized section activity which was a result of last year's focus, including an active family law, criminal law, real estate, civil litigation, health, aboriginal and public sector lawyers sections. We will also be looking at the possibility of a Women's Lawyers forum for CBA Yukon and looking at a membership audit as well as ongoing efforts with our northern neighbours with the "North of 60 Initiative". Also of interest this year will be ensuring that our annual meeting with the Canadian Superior Court Judges Association is held at a time and date that accommodates maximum attendance.

Any CBA members who are interested in signing up for sections or have any questions or comments please contact our Executive Director, Meg Smith at: cbayukon@internorth.com or please check out our updated website at: www.cba.org/yukon.

YUKON LAW FOUNDATION UPDATE

EACH FALL THE ASSOCIATION of Canadian Law Foundations holds an annual meeting. The Chairpersons or their designates and the Executive Directors of the provincial and territorial law foundations meet to update each other on activities and discuss priorities and issues of joint concern.

Smaller law foundations such as those in the northern territories, including Yukon, benefit from the opportunity to find out what is happening across the country and how other law foundations are meeting common challenges such as interest rate negotiations with financial institutions.

The past few years have seen all law foundations experience a record-high increase in income from interest on lawyers' trust accounts. Although this year the interest has decreased somewhat, it is still seen to be an increase over historic levels. Most law foundations have tried to be proactive and use their increased funding as broadly and effectively as possible.

Some foundations fund grant applications from advocacy groups including applications for litigation, whereas others, due to legislative or policy restrictions, fund only education. Many, including the Yukon, address such applications on an ad hoc basis. Saskatchewan and Ontario are now looking at the idea of advocacy protocols that would presumably give some guidance in those situations that are ambiguous and in which grantees might genuinely find themselves going beyond the scope of what had been approved. British Columbia had a committee spend over a year and a half on the issue of funding advocacy groups and developed definitions it felt were helpful in determining what types of applications should appropriately be funded.

Some foundations are struggling with whether to fund proposals from Aboriginal applicants establishing their own legislation or undertaking law reform initiatives, particularly given that some of these applicants may be governments in their own right.

Ontario reported on the self-help initiatives that it was funding for unrepresented litigants. The Ontario foundation recognized that there was a need for this type

IN MEMORIAM

ERIK NIELSEN, who passed away September 4, 2008. Mr. Nielsen was born in Regina, Saskatchewan on February 24, 1924. He earned his law degree at Dalhousie University and was called to the bar in Nova Scotia in February 1952 and in the Yukon in October 1952. He was appointed Queen's Counsel in 1962.

SYDNEY HORTON, who passed away August 15, 2008. Mr. Horton was born in Fredericton, New Brunswick on December 16, 1946. He received his call to the Saskatchewan Bar in November 1973 and to the Yukon Bar in March 1977. He was employed by the Yukon Government Department of Justice.

of legal support and went out and looked for groups that could run such programs rather than waiting for grant applications. As well, many jurisdictions are making direct grants to law schools. In a similar vein, the Yukon Law Foundation's Board has recently decided to assist articling students with funding toward their PLTC examinations.

In Manitoba, the Law Foundation, in an attempt to use its extra money responsibly and to the greatest effect, identified a major issue, "Access to Justice", and through a series of targeted consultations with elements of the legal system (users, the bar, the bench), are trying to identify root causes that deny access and then use their additional money to ameliorate those root causes.

The Alberta Law Foundation is undertaking a provincial mapping exercise in respect of the need for assistance for self-represented litigants and the nature of that assistance. This would also provide a master list of potential grant applicants, underlying various jurisdictions' interest in proactively identifying areas in which they make contributions.

The Yukon Law Foundation puts out a call for grant proposals twice a year — in the spring and fall. The foundation's mandate is to fund law-related activities and programs, such as legal education, legal research, law reform and the maintenance of the Public Law Library.

The next call for grant applications will be in the spring of 2009. Visit our website for more information or to download grant and scholarship applications:

www.yukonlawfoundation.com or contact Deana Lemke, Executive Director, at 667.7500 or e-mail execdir@yukonlawfoundation.com.

CANLII CONTINUES TO GROW IN 2007–2008

Anna Pugh, CanLII Board Member

IF YOU ARE A LAWYER who uses CanLII on a regular basis, you're in good company. In 2007, a national survey of lawyers was completed, and it demonstrated that CanLII is now the #1 choice among Canadian lawyers, as the first source they turn to for online caselaw and legislation. In total, over 19 million searches were done on CanLII, and over 23 million documents were downloaded by users. Yukon judgments and legislation were widely downloaded, with 203,871 documents downloaded. Of those, 33,707 were downloaded by Yukoners. We downloaded another 30,755 documents from other jurisdictions. In the next year, CanLII will continue to have more cases online. Look for our new legislation database in mid-February, 2009. This database will provide current and historic legislation and regulations, with section-by-section searchability and side-by-side comparisons of different versions of all federal, provincial and territorial statutes.



Anna Pugh

CanLII is also looking to increase its scope by providing publication of board and tribunal decisions in Canadian jurisdictions. If you are a member of a Yukon board or tribunal, and you would like to have your decisions published on CanLII, please contact the Law Society of Yukon, or your Yukon CanLII board member, Anna Pugh, at apugh@lawyukon.com.

Not sure how CanLII works? Reference guides are available at the Law Society of Yukon, or contact Anna Pugh.

Mark Your Calendars
LAW SOCIETY OF YUKON CHRISTMAS PARTY
Thursday December 18, 2008 — 6:30 p.m.
Association Franco-Yukonnaise
302 Strickland Street
\$50.00 per person
Fantastic dinner buffet
Cool drinks to warm you, fun games & prizes

FEDERATION OF LAW SOCIETIES HIGHLIGHTS

Susan Dennehy, Council Member

IN RECENT YEARS THE Federation of Law Societies has become a more unified voice for provincial and territorial law societies. Ongoing FLSC initiatives include:

- Preparation of a national model code of conduct. With increased mobility of lawyers across the country the goal is to assist law societies in harmonizing their ethical standards.
- Following the release of the 2007 Competition Bureau of Canada report on self regulated professions the FLSC began work on an analysis of the issues raised in the report and coordinated a response.
- Task Force on the Canadian Common Law Degree released a paper that explores a number of issues related to legal education and approval of common law degrees for the purpose of entrance into law society bar admission/licensing programs.
- Interventions in litigation where issues relating to governance and independence of the profession are at stake.
- Maintaining CanLII, the national virtual law library.
- Working with the Canadian Bankers Association on issues relating to timely provision of mortgage discharges by financial institution.
- Monitoring World Trade Organizations negotiations on the General Agreement on Trade in Services.
- Review of the structure of the National Committee on Accreditation which assesses and accredits foreign law degrees for purposes of applying for admission to Canadian law societies.
- Facilitating inter-provincial and territorial lawyer mobility.
- Discussion with the federal Department of Justice concerning a protocol for law office searches.

For more information on any of these initiatives go to www.flsc.ca or contact Susan Dennehy at 668.4231.

EXECUTIVE DIRECTOR'S REPORT

Lynn Daffe

NAMES OF LAWYERS PRACTICING IN YUKON AND AREAS OF PRACTICE

We receive many calls from people who are seeking a list or directory containing the names of lawyers in the Yukon and their areas of practice. Often they have been directed to us by law firms.

Please be aware that the only lists maintained by the Law Society for public distribution are the Lawyer Referral Certificate lists. The Lawyer Referral Certificate lists only include those lawyers who have advised the Law Society they are willing to take the Certificates and are not an exhaustive list of all lawyers practicing in a certain area.

If someone is looking for a list of lawyers practicing in a certain area of law (not a Lawyer Referral Certificate) they should be referred to the lawyer listings in the telephone directory. Your help in ensuring callers get the correct information is appreciated.

UPCOMING DATES AND DEADLINES

It is that time of year again...

CLIA: For those of you with professional liability insurance coverage, the deadline to submit your 2nd installment payment is Wednesday, December 17, 2008.

Membership: Renewals will be sent out shortly and memberships must be renewed by January 31, 2009. As January 31st falls on a Saturday, payments received from members on Monday, February 2nd will not be subject to suspension. If you do not intend to renew your membership, please contact the Law Society well in advance of the deadline to discuss resignation or change of status options.

Client Identification and Verification Rule:

The "know your client rule" will come into effect December 31, 2008.

THE CLE COMMITTEE WANTS TO HEAR FROM YOU!



We are currently planning CLE programs for 2009 and want to know what you would like to see offered. Send in your suggestions!

Contact Lynn Daffe at 668.4231

or email info@lawsocietyyukon.com with your ideas.