

July 13, 2022

To Our Fellow Members of the Law Society of Alberta:

Re: Call for a Special Meeting of the LSA pursuant to Section 28(1) of the *Legal Profession Act*, concerning Rule 67.4 (mandatory specific CPD)

Dear fellow Members,

We invite you to join us in calling for a special meeting of LSA pursuant to Section 28(1) of the *Legal Profession Act* (Alberta) (the "**Act**"), concerning Rule 67.4 (mandatory specific CPD) of the *Rules of the Law Society of Alberta* (the "**Rules**").

On October 1, 2020, the Benchers carried a motion by a 2/3 majority to mandate Indigenous cultural competency training for all Active Alberta lawyers. However, under the Rules as of October 1, 2020, the Benchers did not have any power to mandate any cultural education on Alberta lawyers. And so, on December 3, 2020, the Benchers amended the Rules to expand their authority by adopting Rule 67.4.

Rule 67.4 authorizes the Benchers to (a) prescribe, from time to time, "specific continuing professional development requirements to be completed by members, in a form and manner, as well as time frame, acceptable to the Benchers", and (b) administratively suspend the practice of any member "who does not comply within the specified time frame" imposed by the Benchers.

Using Rule 67.4, the Benchers are requiring all Alberta lawyers who do not qualify for an exemption to complete the "Indigenous Cultural Competency Education" course known as "The Path" (the "**Path**") within 18 months from April 21, 2021 or by October 20, 2022. According to the Law Society's website, "As per the Rules of the Law Society of Alberta (see Rule 67.4), lawyers who do not complete the Indigenous education within the 18 months will be administratively suspended".

We believe the Act only authorizes the Benchers to establish and prescribe an education course called the "bar course" for persons required to pass a bar admission. Under Rule 67.1 (3), each lawyer has the freedom and the responsibility to determine whether a learning activity meets the criteria of Rule 67.1 (1) and (2) and therefore qualifies as continuing professional development (CPD). Under Rule 67.2, each member must prepare and make a record of a plan for his or her CPD during the twelve-month period commencing October 1 of each year and make a declaration, no later than September 30 of each year, confirming compliance with the above requirement. Under Rule 67.3, each active member who does not comply with the requirement of CPD plan under Rule 67.2 will be administratively suspended.

We believe this is as it should be, given the diversity of the practice of more than 10,000 lawyers who practice law in the province and the Benchers' inability to know the specific needs of individual lawyers and firms. However, the Benchers suspended Rules 67.2 and 67.3 from February

20, 2020 until May 2023, adopted Rule 67.4 on December 3, 2020 and imposed a deadline for complying with a mandatory cultural education by October 2022.

To be clear, we do not oppose Rule 67.4 based on a belief that understanding Indigenous culture is unimportant. Rather, we oppose it because we do not believe the Benchers have or should have the power to mandate cultural, political, or ideological education of any kind on Alberta lawyers as a condition of practice. We believe the profession and our clients are best served by an approach to CPD recognizing that individual lawyers and firms, not the Benchers, are best situated to understand and address their CPD requirements and professional needs.

We seek your endorsements of our attached petition for a Special Meeting to debate and vote on a resolution to repeal Rule 67.4. Please contact either of the writers directly to confirm your endorsement on the enclosed petition by emailing or faxing to us a copy of the petition you have signed.

Yours very truly,



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