

MINUTES OF CONVOCATION

Thursday, 26th April, 2018
9:30 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Banack, Beach, Bickford, Braithwaite (by telephone), Bredt, Burd, Callaghan, Chrétien, Clément, Conway, Cooper, Copeland (by telephone), Corbiere, Corsetti (by telephone), Criger, Donnelly, Earnshaw, Epstein, Evans, Ferrier, Furlong, Goldblatt, Gottlieb, Groia (by telephone), Haigh, Horvat, Howell, Leiper (by telephone), Lem (by telephone), Lerner (by telephone), Lippa, MacLean (by telephone), McDowell, McGrath, Merali (by telephone), Mercer, Murchie, Murray, Papageorgiou, Pawlitza, Porter, Potter, Richardson, Richer, Rock, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff, Sikand, Spurgeon, C. Strosberg, H. Strosberg, Swaye, Udell (by telephone), Vespry (by telephone), Walker, Wardle, Wright, Yachetti (by telephone) and Zordel.

.....

Secretary: James Varro

The Reporter was sworn.

.....

IN PUBLIC

.....

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation including those joining by webcast.

The Treasurer recognized that Convocation is meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

The Treasurer acknowledged that Convocation is meeting on the traditional territory of the Mississaugas of New Credit First Nation and acknowledged the Haudenosaunee, and recognized the long history of all of the First Nations in Ontario and the Métis and Inuit peoples. The Treasurer offered these remarks in the spirit of reconciliation and the importance of reminding everyone that we share this land with one another and our Indigenous Peoples.

The Treasurer addressed the protocol for Convocation in the Lamont Learning Centre.

At the Treasurer's request, Convocation observed a moment of silence in honour of those who died and were injured in the event in Toronto on April 23, 2018. The Treasurer expressed condolences and support to their families.

The Treasurer welcomed guests to Convocation: Dan Pinnington, President and CEO, LAWPRO, Steve Jorgensen, Chief Financial Officer, LAWPRO, Alodie Brew, LAWPRO auditor,

PricewaterhouseCoopers LLP and Michael Hawtin, Law Society auditor, PricewaterhouseCoopers LLP.

The Treasurer congratulated Dan Pinnington on his appointment as the new President and CEO of LAWPRO.

The Treasurer congratulated Diana Miles on her appointment as the Law Society's Chief Executive Officer on March 8, 2018 and thanked Ms. Miles for her service in the interim period as acting CEO.

The Treasurer congratulated Priya Bhatia on her appointment as Executive Director, Professional Development & Competence.

The Treasurer congratulated Lesley Cameron on her appointment as Executive Director, Professional Regulation Division.

The Treasurer congratulated Robert Burd on his election as chair of the Paralegal Standing Committee for a one year term commencing April 11, 2018.

The Treasurer noted the Paralegal Reception last evening for newly qualified paralegals and the upcoming 10th anniversary celebration of paralegal regulation by the Law Society on May 1, 2018.

The Treasurer congratulated Marilyn Marshall on her appointment as the Law Society's new Complaints Resolution Commissioner effective April 1, 2018, and thanked former Complaints Resolution Commissioner Bernard Morrow for his service.

The Treasurer congratulated Raj Anand on receiving the Ontario Bar Association's 2018 Distinguished Service Award.

The Treasurer noted positive developments on the government relations front both federally and provincially, including support in the Federal budget for expansion of the Unified Family Courts, additional funding for legal aid services to asylum seekers and victims of sexual harassment, provincial legislation to amend the Law Society's name to the "Law Society of Ontario", to amend the *Solicitors Act* respecting contingency fees and to recognize paralegals as officers of the court.

The Treasurer advised Convocation of upcoming events including the Law Society Awards ceremony on May 23, 2018 and congratulated all award recipients.

The Treasurer reminded benchers of the Annual General Meeting on May 9, 2018 and the two motions which have been published in the Ontario Reports and on the Law Society website.

The Treasurer noted the upcoming Federation of Ontario Law Associations (FOLA) plenary, May 9 to 11, 2018 in Toronto and the Workshop on Emerging Legal Technology on May 15, 2018 at the Law Society.

The Treasurer announced the May 22, 2018 launch of the Indigenous Guide for Lawyers Working with Indigenous Peoples in partnership with the Indigenous Bar Association and the Advocates' Society.

The Treasurer reported on his visit to Iqaluit in Nunavut at the invitation of the Chief Executive Officer of the Law Society of Nunavut, Nalini Vaddapalli.

The Treasurer noted upcoming public education events in May and June.

The Treasurer advised Convocation of the passing of Colonel The Honourable Robert Campbell Rutherford, MBE, DC, QC, on April 3, 2018, who also served as a bencher in 1975, and expressed condolences to his family.

The Treasurer welcomed bencher The Honourable Allan Rock, P.C., Q.C., back to Convocation.

The Treasurer noted guests for lunch, including Attorney General of Ontario, The Honourable Yasir Naqvi, MPP, and the board of Legal Aid Ontario.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Goldblatt, seconded by Mr. Mercer, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of February 22 and March 8, 2018 were confirmed.

Tab 1.2 – MOTION – APPOINTMENTS

THAT Michelle Haigh be removed from the Priority Planning Committee at her own request.

THAT Robert Burd be appointed to the Priority Planning Committee.

THAT Michelle A. Tamlin be removed as a member of the Hearing Division of the Law Society Tribunal as a result of her resignation as a member of the Hearing Division effective April 26, 2018.

Carried

Tab 1.3 – EXECUTIVE DIRECTOR'S REPORT ON ADMINISTRATIVE CALLS TO THE BAR

THAT the Report of the Executive Director of Professional Development and Competence listing the names of the call to the bar candidates be adopted.

Carried

Tab 1.4 – TREASURER’S REPORT TO CONVOCATION

Re: LAWPRO Annual Shareholder Resolutions

That Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers’ Professional Indemnity Company (LAWPRO) set out at Tab 1.4.1.

Carried

Re: LibraryCo Inc. Annual Meeting

That Convocation authorize the Treasurer to sign the proxy, in favour of the proposed shareholder resolutions, set out at Tab 1.4.4.

Carried

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Law Society of Upper Canada Draft Audited Financial Statements for the Year Ended December 31, 2017

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation approve the audited Annual Financial Statements for the Law Society for the financial year ended December 31, 2017, including the interfund transfers listed in Note 13 of the financial statements.

Carried

Re: Investment Policy

It was moved by Mr. Bredt, seconded by Ms. Clément, that Convocation approve the updated Investment Policy set out in the report.

Carried

For Information

- In Camera Item
- LAWPRO Annual Financial Statements for the year ended December 31, 2017
- LibraryCo Annual Financial Statements for the year ended December 31, 2017
- Investment Compliance Reporting
- LAWPRO Report

LAWPRO ANNUAL REPORT

Ms. McGrath presented the report for information.

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Ms. Donnelly presented the Report.

Re: Proposed Expansion of Mandate of the Human Rights Monitoring Group

Ms. Donnelly advised that the expansion of the mandate respecting the rule of law as set out in 1.b. in paragraph 7 is being deferred.

It was moved by Ms. Donnelly, seconded by Ms. Walker, that Convocation approve the proposed expansion of the mandate of the Law Society's Human Rights Monitoring Group as set out in this report except for 1.b in paragraph 7.

Carried

Re: Human Rights Monitoring Group Requests for Interventions

It was moved by Ms. Donnelly, seconded by Mr. Evans, that Convocation approve the letters and public statements in the cases set out in subparagraphs a. through d. of paragraph 69 of the Report.

Carried

.....
IN PUBLIC
.....

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Ms. Corbiere presented the Report.

Re: Statistical Snapshots of Lawyers and Paralegals in Ontario

Ms. Corbiere presented the report for information.

For Information:

- Statistical Snapshots of Lawyers and Paralegals in Ontario 2016
- Equity Legal Education and Rule of Law Series Calendar

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Re: Amendments to the Rules of Professional Conduct and the Paralegal Rules of Conduct – Law Society of Ontario

It was moved by Mr. McDowell, seconded by Mr. Howell, that Convocation approve amendments to the *Rules of Professional Conduct* and the *Paralegal Rules of Conduct* to substitute any and all references to “The Law Society of Upper Canada” with “the Law Society of Ontario”, at the same time that any changes to the *Law Society Act* changing the Law Society’s name take effect.

Carried

Re: Amendments to the Rules of Professional Conduct – Articling Experience Survey

It was moved by Mr. McDowell, seconded by Mr. Howell, that Convocation approve amendments to Sections 6.3 and 6.3.1 of the *Rules of Professional Conduct* as set out at Tab 4.2.1 (English) and Tab 4.2.2 (French).

Carried

Re: Report of the Alternative Business Structures Working Group

Mr. Mercer and Ms. McGrath presented the Report for information.

Re: Update from the Advertising and Fee Arrangements Issues Working Group

Mr. Mercer provided an oral update on the work of the Working Group.

For information:

- Report from the Alternative Business Structures Working Group
- Update from the Advertising and Fee Arrangements Issues Working Group

SECRETARY'S REPORT

Mr. Bredt presented the Report.

Re: Amendments to By-Law 3

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation make the amendments to By-Law 3 [Benchers, Convocation and Committees] as set out in the motion at Tab 7.1.

Carried

REPORT ON THE FEDERATION OF LAW SOCIETIES OF CANADA COUNCIL AND RELATED MEETINGS, OTTAWA, MARCH 5 AND 6, 2018

Mr. Earnshaw presented the Report.

Re: Council and Related Meetings of the Federation of Law Societies of Canada

Mr. Earnshaw presented the report for information.

SPOT TEAM REPORT

Ms. Horvat presented the report for information.

LAW SOCIETY TRIBUNAL ANNUAL REPORT

Mr. Wright, Chair of the Tribunal, presented the Annual Report for information.

.....
IN PUBLIC

.....

REPORTS FOR INFORMATION ONLY

PARALEGAL STANDING COMMITTEE REPORT

- Election of the Chair of the Paralegal Standing Committee

REPORT FROM THE ACTION GROUP ON ACCESS TO JUSTICE (TAG)

CONVOCATION ROSE AT 12:55 P.M.