

MINUTES OF CONVOCATION

Friday, 30th November, 2018
9:00 a.m.

PRESENT:

The Treasurer (Malcolm M. Mercer), Anand, Armstrong, Banack (by telephone), Beach, Bickford, Boyd, Braithwaite, Brecht, Burd, Callaghan, Chrétien, Clément, Conway, Cooper, Copeland (by telephone), Corbiere (by telephone), Corsetti, Criger, Donnelly, Durcan, Earnshaw, Epstein, Evans, Falconer, Ferrier, Furlong, Galati, Go (by telephone), Goldblatt, Groia (by telephone), Hartman, Horvat, Howell, Krishna, Lawrie, Leiper, Lem, Lerner, Lippa (by telephone), MacLean (by telephone), Manes, McDowell, McGrath, Merali, Murchie, Murray, Papageorgiou, Pawlitza, Porter, Potter, Richardson, Richer, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff, Sikand, Spurgeon, C. Strosberg, H. Strosberg, Troister, Udell, Vespry, Walker, Wardle, Wright and Zordel.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed everyone joining Convocation 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 the long history of all of the First Nations in Ontario and the Métis and Inuit peoples. The Treasurer thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

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

The Treasurer noted several reports for information: Tribunal Committee Report, Professional Regulation Committee Report and the Federation of Law Societies of Canada Update.

The Treasurer advised Convocation about the funding received by Pro Bono Ontario through the Department of Justice and fundraising by the profession. The Treasurer also advised that the Law Society would now consider the prospect of long-term funding for Pro Bono Ontario in the broader context of access to justice.

The Treasurer noted the launch of the Community Legal Education Ontario (CLEO) French website on November 27, 2018, called Justice pas-à-pas, a collaborative effort involving many justice partners.

The Treasurer noted the paralegal reception held last evening to welcome newly licensed paralegals.

The Treasurer advised that the process for the 2019 bench election has begun, and that nominations close on February 8, 2019.

The Treasurer reminded benchers that nominations for the Law Society Awards are open until January 25, 2019.

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MOTION – CONSENT AGENDA – Tab 2

It was moved by Mr. Bredt, seconded by Ms. Leiper that the consent agenda at Tab 2 of the Convocation Materials be approved.

Carried

Tab 2.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of October 25, 2018 were confirmed.

MOTIONS - Tab 2.2.1 – APPOINTMENTS

THAT Gina Papageorgiou be removed from the Treasurer’s Appointments Advisory Group at her own request.

THAT Virginia MacLean be appointed to the Treasurer’s Appointments Advisory Group.

THAT Gisèle Chrétien, Ross Earnshaw, Jacqueline Horvat and W. A. Derry Millar be reappointed to the LibraryCo Inc. Board of Directors for a one year term commencing December 31, 2018.

THAT Wes Marsden be removed from the Hearing Division of the Law Society Tribunal at his own request.

Carried

Tab 2.2.2 – AMENDMENT TO BY-LAW 6

THAT By-Law 6 [Professional Liability Insurance] made by Convocation on May 1, 2007 and in force immediately before this motion is made, be amended as set out in the motion at Tab 2.2.2.

Carried

Tab 2.3 – 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

GOVERNANCE TASK FORCE 2016 REPORT

Ms. Leiper presented the Report.

Ms. Vespry moved, seconded by Mr. Beach, that various amendments be made to By-Law 3 with respect to the rights and privileges of benchers.

The Treasurer ruled the motion out of order.

Re: Motion

It was moved by Ms. Leiper, seconded by Mr. Cooper,

Recommendation 1

That effective for the bencher term beginning in 2019, Convocation approve that *ex officio* benchers who have served 16 years or more as an elected bencher have no rights or privileges in Convocation.

ROLL-CALL VOTE

Anand	For	Howell	For
Armstrong	Against	Krishna	Against
Beach	Against	Lawrie	Against
Bickford	Against	Leiper	For
Boyd	Against	Lem	For
Braithwaite	Against	Lerner	Against
Bredt	For	Lippa	For
Burd	Against	MacLean	Against
Callaghan	For	McDowell	For
Chrétien	For	McGrath	Against
Clément	For	Merali	For
Cooper	For	Murchie	For
Corbiere	For	Papageorgiou	For
Corsetti	Against	Richardson	Against
Criger	For	Richer	Against
Donnelly	For	Rosenthal	For
Durcan	For	Sharda	Against
Earnshaw	For	Sheff	For
Epstein	Against	Sikand	Against
Evans	Against	Spurgeon	For
Falconer	Against	C. Strosberg	Against
Ferrier	Against	H. Strosberg	Against
Galati	Against	Troister	For
Go	For	Udell	Against
Goldblatt	Against	Vespry	Against
Groia	For	Walker	For
Hartman	For	Wardle	For
Horvat	For	Zordel	Against

Vote: 29 For; 27 Against
Carried

Recommendation 2

That effective for the bencher term beginning in 2019, Convocation approve that *ex officio* benchers who are former Attorneys-General of Ontario have no rights or privileges in Convocation.

ROLL-CALL VOTE

Anand	For	Howell	For
Armstrong	Against	Krishna	Against
Beach	For	Lawrie	For
Bickford	Against	Leiper	For
Boyd	Abstain	Lem	For
Braithwaite	Against	Lerner	For
Bredt	For	Lippa	For
Burd	For	MacLean	Against
Callaghan	For	McDowell	For
Chrétien	For	McGrath	Against
Clément	For	Merali	For
Cooper	For	Murchie	For
Corbiere	For	Papageorgiou	For
Corsetti	Against	Richardson	Against
Criger	For	Richer	Against
Donnelly	For	Rosenthal	For
Durcan	For	Sharda	Against
Earnshaw	For	Sheff	For
Epstein	Against	Sikand	Against
Evans	For	Spurgeon	For
Falconer	Against	C. Strosberg	For
Ferrier	Against	H. Strosberg	Against
Galati	For	Troister	For
Go	For	Udell	For
Goldblatt	For	Vespry	Against
Groia	For	Walker	For
Hartman	For	Wardle	For
Horvat	For	Zordel	Against

Vote: 38 For; 17 Against; 1 Abstention
Carried

Recommendation 3

That effective for the bencher term beginning in 2019, Convocation approve that *ex officio* Treasurers continue to have the right to participate in a debate in Convocation but not the right to vote.

ROLL-CALL VOTE

Anand	For	Howell	For
Armstrong*	For	Krishna	Against
Beach	For	Lawrie	For
Bickford	Against	Leiper	For
Boyd	For	Lem	For
Braithwaite	Against	Lerner	Against
Bredt	For	Lippa	For
Burd	For	MacLean	Against
Callaghan	Against	McDowell	Against
Chrétien	For	McGrath	Against
Clément	For	Merali	For
Cooper	Against	Murchie	For
Corbiere	For	Papageorgiou	For
Corsetti	For	Richardson	Against
Criger	For	Richer	Against
Donnelly	Against	Rosenthal	Against
Durcan	For	Sharda	Against
Earnshaw	For	Sheff	Against
Epstein	Against	Sikand	Against
Evans	Against	Spurgeon	For
Falconer	Against	C. Strosberg	Against
Ferrier	Abstain	H. Strosberg	Against
Galati	Against	Troister	For
Go	For	Udell	For
Goldblatt	For	Vespry	Against
Groia	For	Walker	For
Hartman	Against	Wardle	For
Horvat	Against	Zordel	Against

Vote: 29 For; 26 Against; 1 Abstention
Carried

*Mr. Armstrong advised the Secretary following Convocation that his vote for the motion was in error and that he had intended to vote against the motion.

Recommendation 4

Ms. Leiper accepted a request that Recommendation 4 be divided to deal separately with emeritus Treasurers (4a) and emeritus benchers (4b).

4(a) That Convocation approve that the office of emeritus Treasurer be ended effective for the bencher term beginning in 2019.

ROLL-CALL VOTE

Anand	Against	Howell	Against
Armstrong	Against	Krishna	Against
Beach	Against	Lawrie	Against
Bickford	Against	Leiper	For
Boyd	Against	Lem	For
Braithwaite	Against	Lerner	Against
Bredt	For	Lippa	For
Burd	Against	MacLean	Against
Callaghan	Against	McDowell	Against
Chrétien	For	McGrath	Against
Clément	Against	Merali	Against
Cooper	For	Murchie	Against
Corbiere	For	Papageorgiou	For
Corsetti	Against	Richardson	Against
Criger	Against	Richer	Against
Donnelly	For	Rosenthal	For
Durcan	For	Sharda	Against
Earnshaw	Against	Sheff	For
Epstein	Against	Sikand	Against
Evans	Against	Spurgeon	Against
Falconer	Against	C. Strosberg	Against
Ferrier	Against	H. Strosberg	Against
Galati	Against	Troister	Against
Go	Against	Udell	Against
Goldblatt	Against	Vespary	Against
Groia	For	Walker	For
Hartman	Against	Wardle	For
Horvat	For	Zordel	Against

Vote: 16 For; 40 Against
Lost

4(b) That Convocation approve that the office of emeritus bencher be ended effective for the bencher term beginning in 2019.

ROLL-CALL VOTE

Anand	For	Howell	For
Armstrong	Against	Krishna	Against
Beach	Against	Lawrie	Against
Bickford	Against	Leiper	For
Boyd	Against	Lem	For
Braithwaite	Against	Lerner	Against
Bredt	For	Lippa	For
Burd	Against	MacLean	Against
Callaghan	For	McDowell	For
Chrétien	For	McGrath	Against
Clément	For	Merali	For
Cooper	For	Murchie	For
Corbiere	For	Papageorgiou	For
Corsetti	Against	Richardson	Against
Criger	For	Richer	Against
Donnelly	For	Rosenthal	For
Durcan	For	Sharda	Against
Earnshaw	For	Sheff	For
Epstein	Against	Sikand	Against
Evans	Against	Spurgeon	For
Falconer	Against	C. Strosberg	For
Ferrier	Against	H. Strosberg	Against
Galati	Against	Troister	For
Go	For	Udell	For
Goldblatt	For	Vespry	Against
Groia	For	Walker	For
Hartman	For	Wardle	For
Horvat	For	Zordel	Against

Vote: 32 For; 24 Against
Carried

Recommendation 5

That Convocation approve a reduction in the maximum term of service for elected lawyer and paralegal benchers (the term limit) to eight years, to be effective for the bencher election in 2023.

ROLL-CALL VOTE

Anand	For	Howell	Against
Armstrong	Abstain	Krishna	Against
Beach	Against	Lawrie	Against
Bickford	Against	Leiper	For
Boyd	For	Lem	Against
Braithwaite	Against	Lerner	Against
Bredt	For	MacLean	Against
Burd	Against	McDowell	Against
Callaghan	Against	McGrath	Against
Chrétien	For	Merali	Against
Clément	Against	Murchie	Against
Cooper	Against	Papageorgiou	For
Corbiere	For	Richardson	Against
Corsetti	Against	Richer	Against
Criger	Against	Rosenthal	Against
Donnelly	Against	Sharda	Against
Durcan	For	Sheff	Against
Earnshaw	Against	Sikand	Against
Epstein	Against	Spurgeon	Against
Evans	Against	C. Strosberg	Against
Falconer	Against	H. Strosberg	Against
Ferrier	Against	Troister	Against
Galati	Against	Udell	Against
Go	Against	Vespry	Against
Goldblatt	Against	Walker	Against
Groia	For	Wardle	Against
Hartman	Against	Zordel	Against
Horvat	Against		

Vote: 9 For; 45 Against; 1 Abstention

Lost

Recommendation 6

That Convocation adopt the Governance Policies and Practices incorporating the Bencher Code of Conduct and the Declaration of Adherence, set out at Tab 3.1.

Ms. Leiper accepted an amendment from Mr. Galati to replace the word “director” with “bencher” in paragraph 1 of the Declaration of Adherence.

The motion as amended carried.

The Treasurer agreed to a request to reconsider the vote to approve Recommendation 6 and reopen debate on Recommendation 6 given some benchers’ unclear understanding of the procedure explained by the Treasurer to consider Recommendation 6.

Motion to Reconsider

It was moved by Mr. McDowell, seconded by Ms. Criger, that Convocation reconsider the motion to approve Recommendation 6.

Carried

Motion to Table

It was moved by Ms. Vespry, seconded by Ms. Zordel, that the motion to adopt the Governance Policies and Procedures incorporating the Bencher Code of Conduct and the Declaration of Adherence set out at Tab 3.1 be tabled.

Carried

AUDIT & FINANCE COMMITTEE REPORT

Ms. Donnelly presented the Report.

Re: Remuneration Policy for Bencher Adjudicators

It was moved by Ms. Donnelly, seconded by Ms. Clément,

1. That Convocation approve amendments to sections 49 and 50 of By-Law 3 (Benchers, Convocation and Committees) to modernize the remuneration structure applicable to benchers who perform adjudication work at the Law Society Tribunal (“Tribunal”), which amendments are discussed in this report, reflected in the policy at Tab 4.1.4 and identified further in paragraph 1 of the report.
2. That Convocation approve the policy at Tab 4.1.4 with an effective date of January 1, 2019 and direct staff to use this policy as the basis for drafting the required amendments to By-Law 3.

Not Put

The Treasurer adjourned debate on the motion and deferred it to the December 10, 2018 Convocation.

For Information:

- Third Quarter Law Society Financial Statements and Other Committee Work

REPORTS FOR INFORMATION ONLY

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

- Equity Legal Education and Rule of Law Series Calendar Winter 2019

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

TRIBUNAL COMMITTEE REPORT

- Proposed Amendments to the Law Society Tribunal Rules of Practice and Procedure

PROFESSIONAL REGULATION COMMITTEE REPORT

- Update on the Review of the Good Character Process

CONVOCATION ROSE AT 1:28 P.M.