

## MINUTES OF CONVOCATION

Wednesday, 11<sup>th</sup> September, 2019  
9:00 a.m.

### PRESENT:

The Treasurer (Malcolm M. Mercer), Adourian, Alford, Armstrong, Bateman, Braithwaite, Brown, Burd, Charette, Chiummiento, Conway (by telephone), Cooper (by telephone), Corbiere (by telephone), Corsetti, Da Silva, Desgranges, Donnelly, Epstein, Esquega (by telephone), Fagan, Falconer (by telephone), Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Lalji, Lean, Lewis, Lippa, Lomazzo, Lyon, Marshall, Merali (by telephone), Minor, Painchaud, Papageorgiou, Parry, Pineda, Poliacik, Pollock, Prill, Sellers, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson, N. Wright (by telephone).

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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 and in the Lamont Learning Centre.

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 expressed condolences to the family of former bencher Nicholas J. Pustina, Q.C., who passed away on September 1, 2019.

The Treasurer advised of his attendance at the opening of the courts yesterday, September 10, 2019, and congratulated Gregory Richards who received the 2019 Catzman Award at the ceremony.

The Treasurer noted upcoming events:  
Jean Teillet Event, September 18, 2019  
Francophone Event, September 25, 2019

The Treasurer congratulated bencher Robert Burd on his re-election as chair of the Paralegal Standing Committee by acclamation.

#### MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Burd, seconded by Ms. Horvat, 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 June 27 and August 8, 2019 were confirmed.

#### Tab 1.2 – APPOINTMENTS

THAT Marian Lipka and Brian Prill be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 28, 2021.

THAT Geneviève Painchaud be appointed to the Paralegal Awards Committee.

Carried

#### Tab 1.3 – REPORT OF THE EXECUTIVE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE

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

## PARALEGAL STANDING COMMITTEE REPORT

Mr. Burd presented the Report.

### Re: Bill C-75 Response

It was moved by Mr. Burd, seconded by Ms. Shortreed, that Convocation approve, in order to preserve as closely as possible the range of services currently provided by regulated agents, in response to the enactment of Bill C-75:

- a) with respect to paralegal scope of activities, the following two-stage approach:
  - i. amending By-Law 4, in principle, to establish a scope for criminal matters comprised of the following:
    - 1) all offences that were punishable by a maximum penalty of six months' imprisonment when proceeding by summary conviction at the time that Bill C-75 was enacted; and
    - 2) four offences that had been within agent scope since the onset of regulation but were amended by Bill C-46, and as a result of which were no longer within scope as of December 17, 2018: specifically, sections 320.13(1), 320.16(1), 320.17, 320.18(1) of the *Criminal Code*; and
  - ii. continuing to review and develop the scope of activities for paralegals in criminal law matters, taking into account education and training standards and competency development in this field.
- b) with respect to lawyer licensing candidates and law students, amending the Law Society's Rights of Appearance documents, in principle, to permit appearances on all offences described in part (a)(i) above.

And that, provided Convocation approves the above approach, Convocation implement that approach with respect to part (a)(i) above by adopting the amendments to By-Law 4 as set out, in English and French, at Tab 3.1.

Carried

### MOTION RESPECTING THE LAW SOCIETY OF ONTARIO STATEMENT OF PRINCIPLES REQUIREMENT

The Treasurer introduced the matter and outlined the proposed process for dealing with the motions:

With the consent of the movers and seconders, the motion moved by Mr. Groia and seconded by Ms. Donnelly at Convocation on June 27, 2019 to amend the motion moved by Mr. Horgan and seconded by Mr. Pollock at Convocation on June 27, 2019 is withdrawn.

The motion to be moved by Mr. Groia and seconded by Ms. Donnelly circulated to benchers by the Secretary on August 30, 2019 (the Groia/Donnelly motion) is a stand-alone motion.

The Groia/Donnelly motion will be put to a vote first.

A motion to be moved by Mr. Horgan and seconded by Mr. Pollock (the Horgan/Pollock motion) to repeal the requirement for a Statement of Principles or the voluntary provision for a Statement of Principles, depending on the result of the vote on the Groia/Donnelly motion, will then be put to a vote.

Votes will be by roll call immediately after each motion.

Motions to table once voting begins will be ruled out of order.

Ms. Lewis moved, seconded by Ms. Papageorgiou, that the motions be deferred to another Convocation.

Lost

#### Groia/Donnelly Motion

It was moved by Mr. Groia, seconded by Ms. Donnelly, that Convocation repeal requirement 3(1) of the report entitled *Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions*, that it approved on December 2, 2016, and replace it with a new provision that:

- (a) all licensees be encouraged to voluntarily adopt their own personal and private Statement of Principles on how the licensee intends to best advance the goals of equity, diversity and inclusion in the legal profession and elsewhere;
- (b) the Society provide a section in the lawyer annual report and the paralegal annual report in which any licensee may choose to disclose that they have voluntarily adopted a Statement of Principles; and
- (c) any information thereby provided shall be strictly confidential and no record shall be kept of that information except on an aggregate basis.

Lost

ROLL-CALL VOTE

Adourian	Against	Lean	Against
Alford	Against	Lewis	For
Bateman	Against	Lippa	Against
Braithwaite	Against	Lomazzo	For
Brown	Against	Lyon	Against
Burd	For	Marshall	Against
Charette	Against	Merali	For
Chiummiento	Against	Painchaud	Against
Cooper	For	Papageorgiou	For
Corbiere	For	Parry	Against
Corsetti	For	Pineda	Against
Da Silva	For	Poliacik	Against
Desgranges	Against	Pollock	Against
Donnelly	For	Prill	Against
Epstein	For	Sellers	For
Esquega	For	Shi	Against
Fagan	Against	Shin Doi	For
Falconer	For	Shortreed	For
Goldstein	Against	Spurgeon	For
Graham	Against	Troister	For
Groia	For	Walker	For
Horgan	Against	Wellman	For
Horvat	For	Wilkes	Against
Klippenstein	Against	Wilkinson	For
Lalji	Against	Wright	Against

Vote: 23 For; 27 Against

Horgan/Pollock Motion

It was moved by Mr. Horgan, seconded by Mr. Pollock, that Convocation repeal the requirement that it approved on December 2, 2016 that every licensee adopt and abide by a

statement of principles acknowledging their obligation to promote equality, diversity and inclusion generally and in their behaviour towards colleagues, employees, clients and the public.

Carried

ROLL-CALL VOTE

Adourian	For	Lean	For
Alford	For	Lewis	Against
Bateman	For	Lippa	For
Braithwaite	Against	Lomazzo	Against
Brown	For	Lyon	For
Burd	Against	Marshall	For
Charette	For	Merali	Against
Chiummiento	For	Painchaud	For
Cooper	Against	Papageorgiou	Against
Corbiere	Against	Parry	For
Corsetti	Against	Pineda	For
Da Silva	Against	Poliacik	For
Desgranges	For	Pollock	For
Donnelly	Against	Prill	For
Epstein	For	Sellers	For
Esquega	Against	Shi	For
Fagan	For	Shin Doi	Against
Falconer	Against	Shortreed	Against
Goldstein	For	Spurgeon	Against
Graham	For	Troister	Against
Groia	Abstain	Walker	Against
Horgan	For	Wellman	Abstain
Horvat	Against	Wilkes	For
Klippenstein	For	Wilkinson	Against
Lalji	For	Wright	For

Vote: 28 For; 20 Against; 2 Abstain

Mr. Troister moved, seconded by Mr. Spurgeon, that:

- a) the Law Society shall require every lawyer licensee to acknowledge in the lawyer annual report that, in accordance with the Rules of Professional Conduct, the lawyer has a special responsibility to respect the requirements of human rights laws in force in Ontario and, specifically, to honour the obligation not to discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (as defined in the Ontario Human Rights Code), marital status, family status, or disability with respect to professional employment of other lawyers, articled students, or any other person or in professional dealings with other licensees or any other person; and
- b) the Law Society shall require every paralegal licensee to acknowledge in the paralegal annual report that, in accordance with the Paralegal Rules of Professional Conduct, the paralegal has the obligation to respect the requirements of human rights laws in force in Ontario and without restricting the generality of the foregoing, a paralegal shall not discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability with respect to the employment of others or in dealings with other licensees or any other person.

Dr. Alford moved, seconded by Mr. Poliacik, to table the motion.

Lost

ROLL-CALL VOTE

Adourian	Against	Lean	For
Alford	For	Lewis	Against
Bateman	For	Lippa	For
Braithwaite	Against	Lomazzo	Against
Brown	For	Lyon	For
Burd	Against	Marshall	For
Charette	For	Merali	Against
Chiummiento	For	Painchaud	Against
Cooper	Against	Papageorgiou	Against
Corbiere	Against	Parry	For
Corsetti	Against	Pineda	For
Da Silva	Against	Poliacik	For
Desgranges	For	Pollock	For
Donnelly	Against	Prill	For
Epstein	Against	Sellers	Against
Esquega	Against	Shi	For
Fagan	For	Shin Doi	Against
Falconer	Against	Shortreed	Against
Goldstein	For	Spurgeon	Against
Graham	For	Troister	Against
Groia	Against	Walker	Against
Horgan	For	Wellman	Against
Horvat	Against	Wilkes	Abstain
Klippenstein	For	Wilkinson	Against
Lalji	For	Wright	For

Vote: 23 For; 26 Against; 1 Abstain

The main motion carried.



ROLL-CALL VOTE

Adourian	For	Lean	Abstain
Alford	Against	Lewis	For
Bateman	For	Lippa	Abstain
Braithwaite	Against	Lomazzo	For
Brown	Against	Lyon	Against
Burd	For	Marshall	Against
Charette	Against	Merali	For
Chiummiento	Against	Painchaud	For
Cooper	For	Papageorgiou	For
Corbiere	For	Parry	Against
Corsetti	For	Pineda	Against
Da Silva	For	Poliacik	Against
Desgranges	Against	Pollock	Abstain
Donnelly	For	Prill	Against
Epstein	For	Sellers	For
Esquega	For	Shi	Against
Fagan	Against	Shin Doi	For
Falconer	For	Shortreed	For
Goldstein	Abstain	Spurgeon	For
Graham	Against	Troister	For
Groia	For	Walker	For
Horgan	Against	Wellman	For
Horvat	For	Wilkes	Abstain
Klippenstein	Against	Wilkinson	For
Lalji	For	Wright	Against

Vote: 27 For; 18 Against; 5 Abstain

LAWPRO REPORT

Mr. Spurgeon presented the Report.

Re: 2020 Insurance Program

It was moved by Mr. Spurgeon, seconded by Mr. Pollock, that Convocation approve the program of insurance offered by LAWPRO for 2020 as set out in the Report at Tab 2 of the Convocation Materials.

Carried

The Treasurer advised Convocation that he has received the resignation of bencher Orlando Da Silva. The Treasurer thanked Mr. Da Silva for his contribution to Convocation.

CONVOCATION ROSE AT 12:10 P.M.