

MINUTES OF CONVOCATION

Thursday, 25th April, 2019
9:00 a.m.

PRESENT:

The Treasurer (Malcolm M. Mercer), Akazaki, Anand, Armstrong (by telephone), Banack, Beach, Bickford, Boyd, Bredt, Burd, Callaghan, Chrétien, Clément (by telephone), Conway, Cooper, Copeland (by telephone), Corbiere (by telephone), Corsetti, Criger, Donnelly, Durcan, Earnshaw, Epstein, Evans, Falconer, Ferrier, Galati, Go, Goldblatt, Groia, Haigh, Hartman, Horvat, Howell, Krishna, Lawrie (by telephone), Lem, Lippa, MacLean, McGrath, Merali, Murchie, Papageorgiou, Pawlitzka, Potter, Richardson, Rock (by telephone), Rosenthal, Sharda, Sheff, Sikand, Spurgeon, C. Strosberg, H. Strosberg, Troister, Udell, Vespry, Walker (by telephone), Wardle, Wright and Zordel.

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Secretary: James Varro

The Reporter was sworn.

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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 welcomed the following guests to Convocation:

Dan Pinnington, President and CEO, LAWPRO
Steve Jorgensen, Chief Financial Officer, LAWPRO
Michael Hawtin, PricewaterhouseCoopers LLP
Alodie Brew, PricewaterhouseCoopers LLP

The Treasurer noted the welcome reception for licensed paralegals yesterday.

The Treasurer noted the bench election currently underway, and advised that voting closes on April 30, 2019. The Treasurer encouraged all lawyers and paralegals to vote.

The Treasurer commented on the work done by Convocation in this past bench term. The Treasurer thanked all benchers and Law Society management for their work over the past term. He acknowledged that this would be the last Convocation for some benchers, that they have been valued members of Convocation and that they will be missed.

The Treasurer reminded benchers of the Annual General Meeting on May 8, 2019 at 5:15 pm and the motion filed for the meeting.

The Treasurer expressed condolences to the family of former benchers David Scott who passed away on March 21, 2019.

The Treasurer spoke of the cuts in funding to Legal Aid Ontario by the provincial government, noting the expressions of concern set out in a press release issued by the Law Society, and indicated the plans to address this issue directly with the Attorney General.

The Treasurer congratulated former benchers The Honourable Janet Leiper and former Treasurer emeritus The Honourable Paul B. Schabas on their appointments to the Ontario Superior Court of Justice.

The Treasurer congratulated the recipients of the Law Society Awards, to be bestowed at a ceremony on May 22, 2019.

The Treasurer encouraged all licensees to update their information in the Law Society directory as a matter of access to information for the public.

The Treasurer commented on the Law Society's financial statements for clarification in light of recent comments in the legal press and elsewhere.

The Treasurer noted and referred benchers to information reports in the Convocation agenda from the Professional Regulation Committee.

ELECTION OF BENCHER

It was moved by Mr. Earnshaw, seconded by Ms. Donnelly, that, –

WHEREAS Janet Leiper, who was elected from the Province of Ontario "A" Region (City of Toronto) on the basis of the votes cast by all electors, has been appointed a judge of the Superior Court of Justice of Ontario; and

WHEREAS upon being appointed a judge of the Superior Court of Justice of Ontario, Janet Leiper became unable to continue in office as a bencher, thereby creating a vacancy in the number of benchers elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by all electors;

THAT under the authority contained in By-Law 3, Lee Akazaki, having satisfied the requirements contained in subsections 43(1) and 45 of the By-Law, and having consented to the election in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by all electors.

AND WHEREAS Janet Leiper was elected as a bencher from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by electors residing in that electoral region.

WHEREAS upon being appointed a judge of the Superior Court of Justice of Ontario, Janet Leiper became unable to continue in office as a bencher thereby creating a vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by electors residing in that electoral region.

THAT under the authority contained in By-Law 3, Raj Anand, having satisfied the requirements contained in subsections 42 (2) and 45 of the By-Law, and having consented to the election in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation as bencher to fill the vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by electors residing in that electoral region.

Carried

The Treasurer welcomed Mr. Akazaki to Convocation.

MOTION – CONSENT AGENDA – Tab 2

It was moved by Mr. Burd, seconded by Ms. Criger that Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Carried

Tab 2.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of February 28, 2019 were confirmed.

Tab 2.2 – APPOINTMENTS

THAT Jack Braithwaite be reappointed as the Law Society's representative on the Canadian National Exhibition Association for a term of one year commencing June 5, 2019.

THAT Evelyn Baxter be appointed to the Access to Justice Committee and the Legal Aid Working Group.

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

Tab 2.4 – EQUITY AND INDIGENOUS AFFAIRS COMMITTEE/COMITÉ SUR L’ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Re: Human Rights Monitoring Group Requests for Interventions

That Convocation approve the interventions in the cases set out in the Report.

Carried

Tab 2.5 – TREASURER’S REPORT

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 2.5.1.

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 2.5.4.

Carried

NOTICE OF MOTION

It was moved by Mr. Strosberg, seconded by Mr. Krishna, –

THAT given that:

1. some benchers in Convocation on November 30, 2018 were confused about the wording of the motion to end the voting rights of ex officio Treasurers who are described in section 14 of the Law Society Act and voted mistakenly, and
2. the motion that resulted in allowing former Treasurers elected after 2010 (emeritus Treasurers) to continue to attend and participate in Convocation but not vote should have been decided BEFORE the vote on the section 14 ex officio Treasurer issue above,

Convocation reconsider its decision that section 14 ex officio Treasurers cannot vote in Convocation.

The Treasurer advised Convocation that Mr. Strosberg intended that the motion be a motion to rescind.

Mr. Strosberg and Mr. Krishna agreed that the motion be amended to replace the word “reconsider” with the word “rescind”.

The motion as amended was lost.

ROLL-CALL VOTE

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

Vote: 24 For; 30 Against; 1 Abstention

AUDIT & FINANCE COMMITTEE REPORT

Ms. Donnelly presented the Report.

Re: Law Society of Ontario Draft Audited Financial Statements for the Year Ended December 31, 2018

It was moved by Ms. Donnelly, seconded by Mr. Bredt, that Convocation approve the audited annual financial statements for the Law Society of Ontario for the financial year ended December 31, 2018 including the interfund transfers listed in Note 14.

Carried

Re: LawPRO Annual Report

Ms. McGrath, chair of the LawPRO Board of Directors, presented the report for information.

For Information:

- In Camera Item
- LAWPRO Annual Financial Statements for the year ended December 31, 2018
- LibraryCo Annual Financial Statements for the year ended December 31, 2018
- Review of Investment Performance
- Investment Compliance Reporting
- LAWPRO Report

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Wardle presented the Report.

Re: Ryerson University Proposed Integrated Practice Curriculum

Mr. Wardle introduced the following guests from Ryerson University:

Dr. Anver Salojee, Interim Dean, Faculty of Law
Mark Lovewell, Senior Administrator
Gina Alexandris, Senior Director, Ryerson Law Practice Program

It was moved by Mr. Wardle, seconded by Ms. Vespry, that Convocation approve the application by Ryerson University to have its Juris Doctor (JD) program designated as an Integrated Practice Curriculum (IPC), which satisfies the experiential training requirements for lawyer licensing.

Carried

GOVERNANCE TASK FORCE 2016 REPORT

Mr. Wardle presented the Report.

Re: Amendment to Governance Practices and Policies

It was moved by Mr. Wardle, seconded by Ms. Papageorgiou, that Convocation amend the Governance Practices and Policies as set out at Tab 5.3.

Mr. Wardle and Ms. Papageorgiou accepted an amendment proposed by Mr. Earnshaw to change “a director” to “directors” and “a bencher is” to “benchers are” in paragraph 32 of the Governance Practices and Policies.

The motion as amended carried.

Ms. Vespry abstained.

Re: Amendments to By-Law 3

It was moved by Mr. Wardle, seconded by Ms. Papageorgiou, that Convocation make the amendments to By-Law 3 to implement the recommendations of the Governance Task Force 2016 approved by Convocation on November 30, 2018 and February 28, 2019 as set out at Tab 5.1.

Ms. Vespry moved, seconded by Ms. Zordel, that the motion to make the By-Law 3 amendments be deferred to June 27, 2019 Convocation.

Lost

Ms. Boyd abstained.

The main motion carried.

Ms. Boyd abstained.

POINTS OF PRIVILEGE

Mr. Wright addressed Convocation on his experience as an elected and life bencher.

Ms. Potter addressed Convocation on her experience as an elected and life bencher.

The Treasurer advised that these remarks will form part of the public record of Convocation.

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IN PUBLIC

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REPORTS FOR INFORMATION ONLY

PROFESSIONAL REGULATION COMMITTEE REPORT

- Annual Report of the Complaints Resolution Commissioner
- Complaints Resolution Commissioner – Scope of Review
- 2018 Report of the Professional Regulation Division
- Update on Amendments to the Conflict of Interest Rules – Legal Aid Ontario
- Call for Comment – Proposed Amendments to the Rules of Professional Conduct – Finance Company

LAW SOCIETY TRIBUNAL ANNUAL REPORT

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

CONVOCATION ROSE AT 12:30 P.M.