

MINUTES OF CONVOCATION

Friday, 29th November, 2019
9:30 a.m.

PRESENT:

The Treasurer (Malcolm M. Mercer), Adourian, Alford, Armstrong (by telephone), Banack, Bateman, Braithwaite, Brown, Burd, Charette, Chiumminto, Cooper (by telephone), Corbiere, Corsetti (by telephone), Desgranges, Donnelly, Epstein, Esquega, Fagan, Ferrier, Goldstein, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lau, Lean, Lewis, Lippa (by telephone), Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor (by telephone), Painchaud, Papageorgiou, Parry (by telephone), Pawlitzka, Pineda, Poliacik, Pollock, Rosenthal, Sellers, Sheff, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker (by telephone), 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 those joining Convocation by public 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 also acknowledged that November 4, 2019 marked the fourth annual Treaties Recognition Week, and advised that promoting awareness and understanding of treaties helps to advance and support reconciliation.

INDIGENOUS PEOPLES CEREMONY

The Treasurer welcomed Elder Myeengun Henry to Convocation.

Elder Henry performed a ceremony acknowledging the relationship between the Law Society of Ontario and the Indigenous community.

Elder Henry performed a smudging ceremony and performed a ceremony to polish the eagle feathers and a pipe ceremony.

The Treasurer expressed his gratitude to Elder Henry for honouring Convocation with a ceremony that represents the strong partnership between the Law Society and the Indigenous community.

TREASURER'S REMARKS

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

The Treasurer expressed condolences to the family of former bencher Thomas G. Heintzman, O.C., Q.C., LL.D. who passed away on October 24, 2019.

The Treasurer advised Convocation of the launch of an access to justice survey in early 2020 respecting legal services in French, and referred benchers to the Diligent Boards Resource Centre for more information about the survey.

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

The Treasurer noted the fourth annual Access to Justice week that occurred at the end of October and the various programs associated with the event.

The Treasurer reminded benchers that nominations for the Law Society Awards close on January 20, 2020.

The Treasurer congratulated bencher Tanya Walker on being named the recipient of the 2019 Alumni Gold Key for Osgoode Hall Law School. The Treasurer also congratulated bencher Atrisha Lewis on being named one of Lexpert's Rising Stars in 2019.

The Treasurer highlighted information reports in today's agenda from the Compensation Fund Committee and the Technology Task Force.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Lomazzo, seconded by Mr. Poliacik, 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 October 24 and November 6, 2019 were confirmed.

Tab 1.2 – MOTION - APPOINTMENTS

THAT Jack Braithwaite be appointed to the Professional Development and Competence Committee.

THAT Gina Papageorgiou be appointed to the Treasurer's Appointments Advisory Group.

THAT Jonathan Rosenthal be appointed to the Access to Justice Committee, the Professional Regulation Committee and the Program Review Task Force.

THAT Jonathan Rosenthal and Doug Wellman be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 28, 2021.

THAT Harvey Strosberg be appointed to the Technology Task Force.

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

Tab 1.4 – AUDIT AND FINANCE COMMITTEE REPORT

Re: Errors & Omissions Insurance Fund Banking Resolution

THAT Convocation approve an update to the banking resolution in respect of the bank account for the Law Society's Errors and Omissions Insurance Fund, approving LawPRO's President & CEO; Executive Vice President, General Counsel & Chief Privacy Officer; Chief Financial Officer; Vice President, Claims; Vice President, Underwriting & Customer Service and Secretary; Vice President, Public Affairs; Vice President, TitlePLUS; and Controller as signing officers.

Carried

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Ms. Miles presented the Report.

Re: Transition from LibraryCo to LIRN Inc. (Legal Information and Resource Network)

It was moved by Mr. Troister, seconded by Ms. Donnelly, that Convocation approve the structure of LIRN Inc. (Legal Information and Resource Network), a corporation that will continue the work of the former LibraryCo Inc. to deliver legal information and library services to licensees, and approve the nominations of a skills-based Board of Directors to oversee the corporation, and specifically, approve

- an amended and restated Unanimous Shareholder Agreement (USA);
- signing authority for the Treasurer and the Chief Executive Officer (CEO) to enter into an amended USA;
- the amendment of Law Society By-Law 13, as set out in the motion at Tab 2.1; and
- the appointment of a new Board of Directors.

Carried

TRIBUNAL COMMITTEE REPORT

Ms. Merali presented the Report.

Re: Rules of Practice and Procedure

It was moved by Ms. Merali, seconded by Ms. Shin Doi, that Convocation revoke, effective January 1, 2020, the current Law Society Tribunal Hearing Division and Appeal Division *Rules of Practice and Procedure* and the forms under those rules.

That Convocation make, to be effective January 1, 2020, the Law Society Tribunal *Rules of Practice and Procedure* in English and French and corresponding forms, as set out at Tabs 3.1.1 and 3.1.2 in English and 3.1.3 and 3.1.4 in French, pursuant to s. 61.2 of the *Law Society Act*, RSO 1990, c. L. 8.

Carried

For Information:

- Third Quarter Law Society Tribunal Statistics for the Nine Months ended September 30, 2019

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Horvat presented the Report.

Re: Amendments to the Law Society's By-Laws – Anti-Money Laundering and Terrorist Financing

It was moved by Ms. Horvat, seconded by Mr. Brown, that Convocation approve:

- (a) amendments in principle to the Law Society's By-Laws 7.1 and 9 to adopt changes that have been made to the Model Rules to Fight Money Laundering and Terrorist Financing approved by the Federation of Law Societies of Canada, subject to (b) below; and
- (b) the establishment of a working group of interested benchers to work with the Professional Regulation Committee including its Chair and Vice-Chair on the proposed by-law amendments.

Carried

TRIBUNAL COMMITTEE REPORT

Re: Third Quarter Law Society Tribunal Statistics

Ms. Merali addressed a question from Mr. Esquega about the statistics.

REPORTS FOR INFORMATION ONLY

AUDIT AND FINANCE COMMITTEE REPORT

- Third Quarter Law Society Financial Statements for the Nine Months ended September 30, 2019
- Investment Compliance Reports

COMPENSATION FUND COMMITTEE REPORT

- Compensation Fund Overview Report

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

TECHNOLOGY TASK FORCE REPORT

- Update Report

CONVOCATION ROSE AT 11:28 A.M.