

MINUTES OF CONVOCATION

Friday, 27th November, 2020

9:00 a.m.

Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Armstrong, Banack, Braithwaite, Brown, Burd, Charette, Chiumminto, Cooper, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Falconer, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Lalji, Lau, Lean, LeSage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murchie, Murray, Painchaud, Parry, Pineda, Poliacik, Pollock, Prill, Rosenthal, Sellers, Sheff, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

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

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She also acknowledges the Haudenosaunee. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanks the First Nations people who lived and live in these lands for sharing them with us in peace.

LL.D. CEREMONY – MAX TIBOR EISEN

The Treasurer introduced Max Tibor Eisen, the candidate for the degree of Doctor of Laws, *honoris causa*.

Mr. Troister read the citation.

The Treasurer admitted Max Tibor Eisen to the degree of Doctor of Laws, *honoris causa*

Mr. Eisen addressed Convocation.

The Treasurer thanked Mr. Eisen for honouring Convocation with his presence.

TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation via webcast.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer updated Convocation on her outreach initiatives, including regional law association meetings, meetings with shareholder groups and swearing in ceremonies, all by virtual meetings.

The Treasurer informed benchers of the activities during Access to Justice Week, October 26 to 30, 2020.

The Treasurer advised that submissions for the Family Legal Services Provider (FLSP) consultation close on November 30, 2020.

The Treasurer reminded benchers that the deadline for nominations for the Law Society's Human Rights Award is December 31, 2020.

The Treasurer reminded benchers of the deadline for nominations for the Law Society Awards on January 20, 2021.

The Treasurer advised benchers that the Law Society Awards Ceremony will be held virtually on December 8, 2020 at 5:30 p.m. The Treasurer read the names of the Award recipients.

The Treasurer congratulated Ms. Wilkinson who was awarded the John F. Evans Award for Community Distinction by the United Way of Hamilton and Halton.

The Treasurer advised that a virtual Welcome to the Professions will be held on December 10, 2020 at 5:30 p.m. to celebrate the accomplishments of recently licensed lawyers and paralegals.

The Treasurer reminded everyone of the resources available to licensees and their families to assist with mental health and other issues.

The Treasurer noted three reports for information in Convocation's agenda:

- Federation of Law Societies of Canada Update at Tab 7
- Human Rights Monitoring Group - Update on Intervention at Tab 8
- Report from The Action Group on Access to Justice (TAG) at Tab 9

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Lippa, seconded by Ms. Lewis, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Ms. Lippa requested that the Human Rights Monitoring Group Report be removed from the Consent Agenda.

The remaining items on the Consent Agenda carried.

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of October 22, 2020 were confirmed.

Tab 1.2 – MOTION

Re: Tribunal Appointment

THAT Jorge Pineda be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 28, 2021.

Carried

HUMAN RIGHTS MONITORING GROUP REPORT

Ms. Lippa presented the Report.

Re: Letter of Intervention on Behalf of Zara Alvarez

It was moved by Ms. Lippa, seconded by Mr. Wellman, that Convocation approve the letters and public statements in the following case: Zara Alvarez – Philippines – letter of intervention and public statement presented at Tab 1.3.1 and 1.3.2.

Carried

ROLL-CALL VOTE

Adourian	For
Alford	For
Brown	For
Burd	For
Charette	Abstain
Chiummiento	For
Cooper	For
Corbiere	For
Corsetti	For
Desgranges	Abstain
Epstein	Abstain
Esquega	For
Fagan	Abstain
Falconer	For
Goldstein	Abstain
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
LeSage	For
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Marshall	For
Merali	For
Murchie	For
Painchaud	For

Parry	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Sellers	For
Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Abstain

Vote: 43 For; 7 Abstentions

FINANCIAL UPDATE

Mr. Groia provided an update on the Law Society's financial information.

NOTICE OF MOTION

It was moved by Mr. Desgranges, seconded by Mr. Fagan, that effective as it comes into force on January 1, 2021, subsection 4.1(6) of By-law 5 is amended, in the following manner:

1. In the English version of the said subsection, the phrase, "10 percent", is amended to read, "5 percent";
2. In the French version of the said subsection, the phrase, "10 pour cent", is amended to read, "5 pour cent".

Lost

ROLL CALL VOTE

Adourian	Against
Alford	For
Braithwaite	For
Brown	For

Burd	Against
Charette	Against
Chiummiento	Abstain
Cooper	For
Corbiere	Against
Corsetti	Against
Desgranges	For
Epstein	Against
Esquega	Against
Fagan	For
Falconer	Against
Goldstein	Abstain
Graham	Against
Groia	Against
Horgan	Abstain
Horvat	Against
Klippenstein	For
Lalji	Against
Lau	Against
Lean	For
LeSage	For
Lewis	Against
Lippa	For
Lockhart	Against
Lomazzo	Against
Lyon	For
Marshall	Against
Merali	Against
Murchie	Against
Painchaud	Against
Parry	For
Pineda	For
Poliacik	Against
Pollock	For
Prill	For
Rosenthal	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against

Wilkes Against
 Wilkinson Against
 Wright Against

Vote: 16 For; 33 Against; 3 Abstentions

AUDIT & FINANCE COMMITTEE REPORT

Mr. Groia presented the Report.

Re: Law Society of Ontario 2021 Budget

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation approve the Law Society's 2021 budget including the following annual fee amounts and allocations of fund balances:

Fund	Lawyers	Paralegals
General Fund	\$1,555	\$890
Compensation Fund	\$86	\$1
Capital Fund	\$73	\$73
County Library Fund – LIRN	\$159	-
TOTALS	\$1,873	\$964

The budget allocates \$9,977,740 of fund balances in 2021 to mitigate fee increases as follows:

Fund Name	2021 Draft Budget
General Fund – Lawyer	\$6,172,200
General Fund – Paralegal	\$1,067,300
Errors & Omissions Insurance Fund	\$1,200,00
Compensation Fund – Lawyer	\$50,050
Compensation Fund – Paralegal	\$79,600
Capital Allocation Fund	\$1,358,325
County Libraries Fund	\$50,265
TOTAL	\$9,977,740

Carried

ROLL CALL VOTE

Adourian For
 Alford For
 Braithwaite For
 Brown For
 Burd For

Charette	Against
Chiumminto	For
Cooper	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	For
Esquega	For
Fagan	For
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
LeSage	Against
Lewis	For
Lippa	Against
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Parry	Against
Pineda	For
Poliacik	For
Pollock	Against
Prill	For
Rosenthal	For
Sellers	For
Sheff	For
Shi	Against
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For

Wilkinson For
Wright For

Vote: 46 For; 6 Against

Re: 2021 LIRN Inc. Budget

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation approve the LIRN Inc. budget for 2021, incorporating Law Society of Ontario (Law Society) funding of \$7,217,194.

Carried

Mr. Brown, Mr. Desgranges, Mr. Epstein, Ms. Lean, Mr. Lyon, Mr. Parry and Mr. Pollock abstained.

Re: COVID-19 Pandemic Response Fund

It was moved by Mr. Horgan, seconded by Ms. Lomazzo, that Convocation approve a COVID Response program that allows eligible licensees to defer their 2021 annual fees to March 31, 2022 and be available upon application to any licensee where the licensee's annual fees are paid directly by the licensee or are paid on the licensee's behalf by a small legal or paralegal firm (constituted by 5 licensees or less) and

- a) For those licensees in sole practices licensed in 2018 or earlier,
 - i. gross revenue for 2020 from the practice of law or the provision of legal services has declined by more than 50% in comparison to that of the 2019 calendar year, and
 - ii. the licensee's gross revenue from the practice of law or provision of legal services in the 2020 calendar year is less than \$50,000.
- b) For those licensees licensed in 2018 or earlier, practising in firms of two to five licensees,
 - i. gross revenue for 2020 from the firm's practice of law or the provision of legal services has declined by more than 50% in comparison to that of the 2019 calendar year, and
 - ii. the firm's gross revenue from the practice of law or provision of legal services in the 2020 calendar year is less than \$50,000 times the number of licensees in the firm.
- c) For those licensees first licensed in the years from 2019 to 2021, the licensee's gross income from all sources in 2020 is less than \$50,000.

Carried Unanimously

ROLL CALL VOTE

Adourian	For
Alford	For
Braithwaite	For
Brown	For
Burd	For
Charette	For
Chiummiento	For
Cooper	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	For
Esquega	For
Fagan	For
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
LeSage	For
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Merali	For
Painchaud	For
Parry	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For

Shortreed For
Spurgeon For
Troister For
Wellman For
Wilkes For
Wilkinson For
Wright For

Vote: 50 For

For Information:

- Law Society of Ontario Financial Statements for the Nine Months ended September 30, 2020
- Investment Compliance Reporting

PRIORITY PLANNING COMMITTEE REPORT

Ms. Horvat presented the Report.

Re: Amendments to By-Law 2 – Reforms to the LSO Annual General Meeting Process

It was moved by Ms. Horvat, seconded by Mr. Burd, that on the recommendation of the Priority Planning Committee, Convocation make amendments to By-Law 2 [Corporate Provisions] as set out in the motion at Tab 3.1 to implement changes to the process for the Law Society's Annual General Meeting to ensure engagement, inclusion and cost-effectiveness.

Not Put

The Treasurer referred the matter back to the Committee for further consideration.

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

Re: Amendments to the Law Society's By-Laws (Administrative Deadlines, Reporting and Filing, Fee Exemptions)

It was moved by Ms. Shortreed, seconded by Ms. Lomazzo, that Convocation approve the motion at Tab 4.1.1, which amends By-Laws 4, 6.1, and 8, and revokes and replaces By-Law 5, in order to implement several strategic change items effective January 1, 2021.

Carried

Mr. Desgranges abstained.

IN PUBLIC

REPORTS FOR INFORMATION ONLY

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

HUMAN RIGHTS MONITORING GROUP - UPDATE ON INTERVENTION

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

CONVOCATION ROSE AT 3:54 P.M

Confirmed in Convocation this 25th day of February, 2021.

Teresa Donnelly,
Treasurer