

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE SPECIAL CONVOCATION ON AUGUST 6, 2020

MOVED BY: Lubomir Poliacik

SECONDED BY: Etienne Esquega

THAT the attached list of appointments and task force Terms of Reference, as indicated, under **Schedule A** be approved.

THAT Geneviève Painchaud be appointed to the Law Commission of Ontario Board of Governors for a term of three years effective October 15, 2020.

THAT Etienne Esquega be appointed to the Law Foundation of Ontario Board of Trustees, to replace Isfahan Merali at her request.

THAT Convocation approve Clare Sellers for election to the LawPRO Board of Directors, so that the Law Society nominees are Robert Adourian, Clare Sellers, Julia Shin Doi and Andrew Spurgeon.

THAT Geoff Pollock be appointed to the Ontario Justice Education Network Board of Directors for a three-year term.

SCHEDULE A COMMITTEE, TASK FORCE, WORKING GROUP AND OTHER APPOINTMENTS

Not included in the list of appointments in Schedule A are appointments or reappointments not currently required because the appointments have not yet expired or no changes are being made to certain groups.

COMMITTEES

Access to Justice

Cathy Corsetti (Co-Chair)

Doug Wellman (Co-Chair)

Murray Klippenstein (Vice-Chair)

Robert Burd

Jean-Jacques Desgranges

Sam Goldstein

Shelina Lalji

Benson Lau

Marian Lippa

Michelle Lomazzo

Cecil Lyon

Barbara Murchie

Brian Prill

Jonathan Rosenthal

Audit & Finance

Joseph Groia (Chair)

Lubomir Poliacik (Vice-Chair)

Ryan Alford

Seymour Epstein

Gary Graham

Philip Horgan

Vern Krishna

Shelina Lalji

Michelle Lomazzo

Cecil Lyon

Clare Sellers

Sidney Troister

Tanya Walker

Compensation

Teresa Donnelly (Chair)

Robert Burd

Joseph Groia

Gerald Sheff

Jacqueline Horvat

Compensation Fund

Lubomir Poliacik (Chair)

Shelina Lalji (Vice-Chair)

Jack Braithwaite

Geneviève Painchaud

Clare Sellers

Equity and Indigenous Affairs

Dianne Corbiere (Chair)

Atrisha Lewis (Vice-Chair)

Jorge Pineda (Vice-Chair)

Robert Burd

Etienne Esquega

John Fagan

Julian Falconer

Murray Klippenstein

Nancy Lockhart

Megan Shortreed

Alexander Wilkes

Law Society Awards/LL.D. Advisory

Teresa Donnelly (Chair)

Gerard Charette

Dianne Corbiere

Cheryl Lean

Marian Lippa

Isfahan Merali

Geneviève Painchaud

Julia Shin Doi

Paralegal Awards

(External appointees not included)

Teresa Donnelly (Chair)

Joseph Chiumminto (Vice-Chair)

Robert Burd

Cathy Corsetti

Seymour Epstein

Shelina Lalji

Marian Lippa

Michelle Lomazzo

Paralegal Standing

Robert Burd (Chair)

Joseph Chiumminto (Vice-Chair)

Cathy Corsetti
Seymour Epstein
Sam Goldstein
Shelina Lalji
Marian Lippa
Michelle Lomazzo
Geneviève Painchaud
Geoff Pollock
Chi-Kun Shi
Doug Wellman
Claire Wilkinson

Priority Planning¹

Government and Public Affairs

Litigation

Teresa Donnelly (Chair)

Jacqueline Horvat (Vice-Chair)

Robert Burd
Joseph Chiumminto
Dianne Corbiere
Cathy Corsetti
Joseph Groia
Philip Horgan
Nancy Lockhart
Barbara Murchie
Lubomir Poliacik
Megan Shortreed
Andrew Spurgeon
Sidney Troister

Proceedings Authorization

Jacqueline Horvat (Chair)

Robert Adourian
Cathy Corsetti
Jonathan Rosenthal
Gerald Sheff
Claire Wilkinson

Professional Development and Competence

Barbara Murchie (Chair)

Philip Horgan (Vice-Chair)

Claire Wilkinson (Vice-Chair)

Ryan Alford

Jack Braithwaite

Jared Brown

Murray Klippenstein

Marian Lippa

Cecil Lyon

Trevor Parry

Sidney Troister

Doug Wellman

Alexander Wilkes

Professional Regulation

Megan Shortreed (Chair)

Jacqueline Horvat (Vice-Chair)

Michelle Lomazzo (Vice-Chair)

Robert Adourian

Gerard Charette

Etienne Esquega

Julian Falconer

Michael LeSage

Jorge Pineda

Jonathan Rosenthal

Clare Sellers

Andrew Spurgeon

Nicholas Wright

Tribunal

Julia Shin Doi (Chair)

Marian Lippa (Vice-Chair)

Ryan Alford (Vice-Chair)

Jared Brown

Jean-Jacques Desgranges

Paul Cooper

John Fagan

Michael LeSage

Isfahan Merali

C. Scott Marshall

Barbara Murchie

Chi-Kun Shi

Geneviève Painchaud

Tanya Walker

David Wright (*Ex Officio*)

Committee of Benchers under By-Laws 4, 7, 10 and 14²

Gerard Charette
Cathy Corsetti
Seymour Epstein
C. Scott Marshall
Julia Shin Doi

Committee of Benchers under By-Law 11³

Cathy Corsetti
C. Scott Marshall
Julia Shin Doi

TASK FORCES

Competence Task Force⁴

Sidney Troister (Chair)

C. Scott Marshall (Vice-Chair)

Ryan Alford

Joseph Chiummiento

Dianne Corbiere

Cathy Corsetti

Cheryl Lean

Atrisha Lewis

Barbara Murchie

Geneviève Painchaud

Jorge Pineda

Megan Shortreed

Andrew Spurgeon

Claire Wilkinson

Alexander Wilkes

Technology Task Force

Jacqueline Horvat (Chair)

Jack Braithwaite (Vice-Chair)

Gary Graham (Vice-Chair)

Paul Cooper

Seymour Epstein

Cheryl Lean

Michelle Lomazzo

Brian Prill

Clare Sellers

Andrew Spurgeon

Harvey Strosberg

Nicholas Wright

WORKING/OTHER GROUPS

Human Rights Monitoring Group (Equity)

Julian Falconer (Co-Chair)

Tanya Walker (Co-Chair)

Paul Cooper

Atrisha Lewis

Marian Lippa

Isfahan Merali

Lubomir Poliacik

Doug Wellman

Mental Health Working Group (PRC)

Gerard Charette (Co-Chair)

Etienne Esquega (Co-Chair)

Jean-Jacques Desgranges

John Fagan

Sam Goldstein

Shelina Lalji

Benson Lau

Geoff Pollock

Brian Prill

Chi-Kun Shi

Andrew Spurgeon

Claire Wilkinson

Nicholas Wright

OTHER APPOINTMENTS

Summary Disposition

Atrisha Lewis

Chi-Kun Shi

FOR INFORMATION

SCHEDULE B OTHER APPOINTMENTS

Alliance for Sustainable Legal Aid (ASLA)

Benson Lau
Jonathan Rosenthal

Bencher Code of Conduct Working Group (Priority Planning Committee)⁵

Harvey Strosberg (Chair)

Jared Brown
Dianne Corbiere
Joseph Groia
Philip Horgan
Nancy Lockhart
Michelle Lomazzo
Clare Sellers

Real Estate Liaison Group (Law Society Representatives)

Robert Adourian (Chair)

Geneviève Painchaud
Geoff Pollock
Sidney Troister

Treasurer's Appointments Advisory Group (Treasurer's appointees)

Teresa Donnelly
Dianne Corbiere
Nancy Lockhart
Michelle Lomazzo
Lubomir Poliacik

¹ These three committees continue as separate entities but have common memberships.

² **By-Law 4 (Licensing) (2 committee functions)**

Section 40 of this By-Law addresses circumstances relating to the inter-provincial practice of law when a person requires the prior permission of the Law Society to practise law. If the Law Society refuses to permit a person to practise law in Ontario and that person required such prior permission under the provisions of the By-Law, the person may apply to a committee of benchers for the purpose of hearing that person's application. The application must be considered by at least three benchers.

The By-Law provides that permission to practise law in Ontario may be withdrawn by the Law Society if it determines that continued permission to practise law in Ontario would be contrary to the public interest. If that happens, the person may apply to a committee of benchers appointed for the purpose by Convocation

for a determination of whether the permission was properly withdrawn. The application must be considered by at least three benchers.

By-Law 7 (Business Entities)

This committee of at least three benchers deals with applications for a review of a Law Society decision rejecting the proposed name of a professional corporation, appeals from Law Society decisions refusing to issue a certificate of authorization to a professional corporation, appeals from a refusal to renew a professional corporation's certificate of authorization, appeals from a refusal to permit a licensee to enter into a multi-disciplinary partnership and appeals from a Law Society order dissolving a multi-discipline partnership.

By-Law 10 (Unclaimed Trust Funds)

This committee of at least three benchers considers applications for a reconsideration of a Law Society decision to deny a claim to have unclaimed trust funds paid out by the Law Society.

By-Law 14 (Foreign Legal Consultants)

This committee hears appeals for a reconsideration of a Law Society decision rejecting an application for the granting of a permit to a Foreign Legal Consultant to give legal advice respecting the law of a foreign jurisdiction. The application must be considered by at least three benchers.

³ By-Law 11 (Regulation of Conduct, Capacity and Professional Competence)

Section 38 provides that on application of the Law Society, a bencher appointed by Convocation for the purpose may make an order that a licensee who was subject to an audit under s. 49.2 of the *Law Society Act* pay the costs or part of the cost of that audit. A licensee may appeal the bencher's decision to a panel of three benchers appointed by Convocation for the purpose.

⁴ Competence Task Force - Terms of Reference

Mandate and Objective:

The Competence Task Force will examine the Law Society's regulatory approaches to ensuring and improving lawyer and paralegal post-licensure competence. It will examine the principles and rationales for regulating post-licensure competence and will study potential approaches in order to identify the most appropriate regulatory tools available.

The Task Force's objective is to recommend an effective, proportionate, and balanced regulatory framework addressing career long licensee competence, in a manner that protects the public interest and is responsive to the public's legal needs.

The Task Force will:

- identify the key components of professional competence in a dynamic and evolving environment for legal professionals;
- consider the Law Society's legislative mandate for regulating post-licensure competence, and identify the principles and rationales on which the Law Society should proceed;
- study approaches to post-licensure competence used in other jurisdictions and by other professional regulators;
- articulate a regulatory framework for post-licensure competence that:
 - prioritizes proactively identifying and mitigating risks and reducing demonstrated harms;
 - enables the achievement of competence benchmarks in a manner that is not duplicative, onerous or fails to address certain risks;

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- consider whether, and if so how, the regulatory framework should include improving post-licensure competence as well as ensuring minimum competence
 - assess the effectiveness of the post-licensure competence programs and procedures currently operated or supported by the Law Society, including assessing:
 - the validity of the program's policy objectives,
 - the effectiveness of the program in meeting its objectives,
 - the efficiency of the program in delivering its outcomes,
 - the efficiency, including cost-effectiveness, of the program's structure for its purpose,
 - the proportionality of the program's operations and regulatory obligations in relation to its purpose and objectives, and
 - whether the Law Society is or continues to be the appropriate body to support the program;
 - determine which programs and procedures, based on the assessment, should continue, be modified or restructured, or be ended;
 - identify and evaluate alternative post-licensure competence programs and procedures that would better achieve the regulatory framework articulated;
 - identify any policy issues arising from these determinations that may require review by a standing or other committee;
 - consider any budgetary implications arising from these determinations that may require referral to the Audit & Finance Committee;
 - update Convocation from time to time on the Task Force's work; and
 - submit a final report, including recommendations, to Convocation.

Parameters:

In undertaking this work the Task Force is expected to be open to re-evaluating the Law Society's approaches to post-licensure competence, in light of continuous changes in the legal landscape, in the profiles and practices of the legal professions, in the legal needs of the public, and in regulatory best practices.

The Task Force's work will involve evaluating current Law Society programs and procedures, as well as identifying and considering alternative options for regulating post-licensure competence, such as specialized licensing for certain types of practice and self-reported competence evaluations and learning plans.

Current Law Society programs and procedures include:

- continuing professional development programming and the annual CPD requirement;
- quality assurance programs, such as practice management reviews and spot audits;
- practice supports and resources, such as the Practice Management Helpline and the Coach and Advisor Network;
- the Certified Specialist program; and
- the Great Library and the Legal Information and Resource Network.

Methodology:

The Task Force will study potential regulatory approaches and tools using environmental scans and ongoing subject monitoring, data collection and assessment, review of leading reports, and engagement with subject matter experts. The Task Force will also consult widely as engages in its work and as it develops any recommendations.

Timetable:

The Task Force will commence its work under these terms of reference in the fall of 2020 and will meet regularly thereafter. The Task Force will report to Convocation from time to time on the Task Force's work,

as appropriate, and will submit a status report to Convocation by September 2021. That report should include a plan and timetable for completing the Task Force's work by no later than June 2022.

⁵Bencher Code of Conduct Working Group - Terms of Reference

Mandate and Objective:

The Bencher Code of Conduct Working Group of the Priority Planning Committee will review the Bencher Code of Conduct ("the Code") and, as appropriate, propose changes to the Code and by-law amendments following its review.

The review is to focus on:

- Best practices relating to the duties and obligations that apply to benchers as directors and policy decision-makers
- Gaps, ambiguities and/or deficiencies in the Code, including those that may be apparent based on its application to date, that merit reworking or change to achieve the intended goal of guidance and instruction for the ethical conduct of benchers as directors and policy-decision makers including:
 - any duties or obligations that should be removed or revised
 - any duties or obligations that should be added
 - how the process under the Code may be initiated and by whom
 - with respect to the actions that may be taken under the Code other than referring a matter to Convocation:
 - should the Treasurer be the sole decision-maker with respect to such actions or should the process be changed
 - in what circumstances should such an action be taken other than referral to Convocation
 - the process by which Convocation ought to determine non-compliance with the Code
 - remedies for non-compliance with the Code including whether specific remedies should be set out in the Code and, if so, the nature of those remedies;
- a proposed draft by-law amendment for consideration by Convocation

Methodology:

The Working Group will have access to Law Society resources through the Office the CEO, the Office of General Counsel and Policy, and may engage external legal or other expertise as required to assist in its work.

Timetable:

The Working Group will commence its work under these terms of reference in the fall of 2020, and will meet regularly thereafter. The Working Group is to report to the Committee with a preliminary report on its progress to the Committee's October 7, 2020 meeting, and is to provide a final report with recommendations to the Committee by its January 13, 2021 meeting.