

LAW SOCIETY OF ONTARIO

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

MOVED BY: Dianne Corbiere

SECONDED BY: Barbara Murchie

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

DRAFT

MINUTES OF CONVOCATION

Friday, 26th June, 2020

9:30 a.m.

Via Videoconference

PRESENT:

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

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

Treasurer Mercer welcomed those joining Convocation by videoconference.

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 advised that he acknowledges that Convocation meets on the traditional territory of the Mississaugas of New Credit First Nation. He also acknowledges the Haudenosaunee. He advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. He 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.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer advised Convocation that on June 24, 2020, he presided at the ceremony to confer the degree of Doctor of Laws, honoris causa, on Philip M. Epstein, Q.C., approved by Convocation on February 27, 2020.

At the Treasurer's invitation, bencher Sidney Troister read the citation that was read at the ceremony.

ELECTION OF TREASURER

The Secretary announced the results of the first ballot:

Teresa Donnelly	31
Philip Horgan	22

The Secretary declared Ms. Donnelly elected as Treasurer.

Former Treasurer Mercer congratulated the new Treasurer and addressed Convocation.

Treasurer Donnelly thanked Mr. Mercer for his service as Treasurer.

Treasurer Donnelly invited Mr. Horgan to address Convocation.

Mr. Horgan congratulated the new Treasurer and addressed Convocation.

It was moved by Mr. Horgan, seconded by Mr. Lyon that the vote in the Treasurer's election be made unanimous.

Carried Unanimously

Treasurer Donnelly addressed Convocation.

TREASURER'S REMARKS

The Treasurer commented on the extraordinary experiences in the last four months as a result of the COVID-19 pandemic, and how the Law Society has adapted and innovated in this time.

The Treasurer also noted the current issues surrounding the Indigenous and racialized communities, and the important part the Law Society plays in fighting racism.

The Treasurer advised that the Law Society must continue to adapt and innovate in regulating as part of fulfilling its duties in the service of justice.

The Treasurer referred to the Access to Justice Committee Report in the Convocation Materials and noted the launch today of the consultation on the licensing model for family legal service providers.

The Treasurer also referred to the information report from the Tribunal Committee at Tab 5 of the agenda.

The Treasurer advised that she will consider committee appointments in the next four weeks and will likely call a Special Convocation this summer to approve appointments.

MOTION – CONSENT AGENDA – Tab 1

The Treasurer advised that a new motion has been added to the Consent Agenda at Tab 1.3 for the election of benchers, and that supplementary information has been provided in the motion at Tab 1.2 respecting appointments to the Law Society Tribunal, via e-mail.

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

Mr. Nicholas Wright requested that the motion for Law Society Tribunal appointments at Tab 1.2 be removed from the consent agenda.

The remaining items on the Consent Agenda were approved.

Mr. Parry and Mr. Prill abstained

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of May 28, 2020 were confirmed.

Tab 1.3 - ELECTION OF BENCHER

WHEREAS Teresa Donnelly who was elected from the Province of Ontario “B” Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors, has been elected as Treasurer; and

WHEREAS upon being elected Treasurer, Teresa Donnelly ceased to hold office as an elected bencher in accordance with subsection 25(2) of the *Law Society Act*, thereby creating a vacancy in the number of benchers elected from the Province of Ontario “B” Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

THAT under the authority contained in By-Law 3, Michael B. LeSage, 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 “B” Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

Carried

Tab 1.2 – TRIBUNAL APPOINTMENTS

HEARING DIVISION

It was moved by Ms. Lewis, seconded by Mr. Esquega:

THAT the following be reappointed to the Hearing Division of the Law Society Tribunal for a term from September 26, 2020 to September 30, 2022:

Thomas G. Conway
Jacqueline Harper
Jay Sengupta
Anne E. Spafford

HEARING AND APPEAL DIVISIONS

THAT Malcolm M. Mercer be appointed to the Hearing and Appeal Divisions of the Law Society Tribunal for a term expiring June 24, 2022.

Mr. Pollock, seconded by Dr. Alford, moved that the motion be amended to appoint Michael LeSage to the Law Society Tribunal.

The Treasurer ruled the motion out of order.

The main motion carried.

Mr. Chiumminto, Mr. Fagan and Mr. Pollock abstained.

The Treasurer welcomed Mr. LeSage to Convocation.

AUDIT AND FINANCE COMMITTEE REPORT

Mr. Poliacik presented the Report.

Re: Lawyer Pool of the Compensation Fund Fund Balance Management Policy

It was moved by Mr. Poliacik, seconded by Mr. Groia, that on the unanimous recommendation of the Audit and Finance Committee, Convocation approve the revised Fund Balance Management Policy for the Lawyer Pool of the Compensation Fund set out in paragraphs A through D in the motion in the Report.

Carried

For Information:

- Fund Balance Management Policy – General Fund
- LIRN Inc. Financial Statements for the Quarter ended March 31, 2020
- Investment Compliance Reports – March 31, 2020

PRIORITY PLANNING COMMITTEE REPORT

Ms. Miles presented the Report.

Re: Recommendations for Strategic Change

It was moved by Ms. Shortreed, seconded by Mr. Chiumminto, that on the recommendation of the Priority Planning Committee, Convocation adopt the following motions:

1. That licensing candidates be permitted to choose between an administrative Call to the Bar or participation in a Call to the Bar ceremony and that the requirement to sign the Rolls of the Court of Appeal and the Superior Court of Ontario be revoked.

Mr. Troister, seconded by Mr. Wellman, moved that the motion be amended to permit a candidate to receive an administrative call and at the option of the candidate, a ceremonial call.

Lost

Mr. Horgan abstained.

The main motion carried.

Mr. Troister abstained.

2. That the Law Society cease publishing the names of administratively suspended licensees in the Ontario Reports.

Carried

Mr. Cooper and Mr. Desgranges abstained.

3. That all licensees be required to use the Portal to complete standard interactions with the Law Society unless the Society has a duty to provide alternative methods of interaction pursuant to its duty to accommodate persons as prescribed in the Ontario *Human Rights Code*.

Carried

4. That amendments in principle to By-Law 7 be approved to remove the requirement for the Law Society to approve the names of licensee professional corporations.

Carried

5. That amendments in principle to By-Law 7 be approved to remove requirements that licensees:

- notify the Law Society before entering into affiliations;
- apply for approval before entering into multi-discipline partnerships; and
- file annual reports in respect of an affiliation or a multi-discipline partnership.

Carried

6. That amendments in principle to By-Law 14 be approved to remove the reciprocity requirement for the issuance of a Foreign Legal Consultant permit.

Carried

7. That amendments in principle to By-Law 4 be approved to permit Quebec lawyers to practise in Ontario subject to the same terms and conditions as lawyers from other Canadian provinces.

Carried

8. That the Professional Conduct and Practice in Ontario Course be discontinued.

Carried

PROPOSED CHANGES TO THE BENCHER ELECTION PROCESS

Mr. Charette, seconded by Mr. Fagan, moved that the release of the consultation on proposed bencher election reforms be deferred.

Carried

For Information:

- Update on Proposed Bencher Election Reforms

IN PUBLIC

REPORTS FOR INFORMATION ONLY

ACCESS TO JUSTICE COMMITTEE REPORT

- In Camera Matter

TRIBUNAL COMMITTEE REPORT

- Law Society Tribunal Quarterly Statistics January to March 31, 2020

CONVOCATION ROSE AT 1:20 P.M

LAW SOCIETY OF ONTARIO

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

THAT Teresa Donnelly be removed from the Hearing and Appeal Divisions of the Law Society Tribunal at her own request, as a result of her election as Treasurer on June 26, 2020.

THAT Michael LeSage and Atrisha Lewis be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 28, 2021 (see Explanatory Note below).

Explanatory Note

Benchers Michael Lesage and Atrisha Lewis have applied to be Tribunal members. Under the Tribunal model passed by Convocation in 2012, benchers are eligible to be appointed to an initial term by virtue of their position. Before appointment or reappointment, all adjudicators sign an application in which they make various commitments and must complete extensive training before sitting on a panel. All benchers' appointments expire in May 2021, the two-year mark since the last bencher election and as such, halfway through the bencher term.