

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 26, 2020

MOVED BY: Atrisha Lewis

SECONDED BY: Etienne Esquega

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

DRAFT

MINUTES OF CONVOCATION

Thursday, 28th May, 2020
9:00 a.m.
Via Videoconference

PRESENT:

The Treasurer (Malcolm M. Mercer), Adourian, Alford, Banack, Brown, Burd, Charette, Chiumminto, Cooper, Corbiere, Corsetti, Desgranges, Donnelly, Epstein, Esquega, Fagan, Falconer, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lean, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, 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 and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer 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 that legal media and stakeholder representatives are joining Convocation under an appropriate protocol for public access to the videoconference.

The Treasurer congratulated bencher Gina Papageorgiou who was appointed a judge of the Superior Court of Justice on May 22, 2020 and thanked her for her contributions to the Law Society as a bencher over the past five years.

ELECTION OF BENCHER

It was moved by Ms. Corsetti, seconded by Ms. Corbiere, that:

WHEREAS Gina Papageorgiou, 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, Gina Papageorgiou 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, Barbara Murchie, 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.

Carried

The Treasurer welcomed Ms. Murchie to Convocation.

TREASURER'S REMARKS

The Treasurer expressed condolences to the family of life bencher Daniel J. Murphy, Q.C., who passed away on April 30, 2020.

The Treasurer expressed condolences to the family of former Treasurer Arthur R. A. Scace, C.M., Q.C., who passed away on May 3, 2020.

The Treasurer addressed the matter of the scheduling of the Annual General Meeting and referred to the motion in the consent agenda.

The Treasurer referred to information reports in the Convocation agenda at Tabs 4 through 8 of the Convocation Materials:

- Professional Development and Competence Committee Report
- Tribunal Committee Report
- LAWPRO 2019 Annual Report
- Treasurer's Report under Section 54 of the Bencher Code of Conduct

The Treasurer referred to the lists for calls to the bar at Tab 1.3 and in particular the list of 296 new lawyers. The Treasurer noted that had it not been for the COVID-19 pandemic, these lawyers would have been welcomed at the call to the bar ceremony in June.

The Treasurer advised that this is his last Convocation as Treasurer and that it has been a privilege to serve.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Corsetti, seconded by Ms. Corbiere, 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 April 23 and May 12, 2020 were confirmed.

Tab 1.2 – MOTIONS

Re: Tab 1.2.1 – Annual General Meeting

THAT, further to the postponement of the Annual General Meeting from May 13, 2020 to a date to be determined, Convocation approve Monday, August 10, 2020 at 5:15 p.m. at Osgoode Hall, 130 Queen Street West, Toronto or, if required, by telephonic or electronic means, as the time and place of the 2020 Annual General Meeting.

Carried

Re: Tab 1.2.2 – LIRN, Inc.

THAT Convocation authorize the individual who holds the office of Treasurer of the Law Society of Ontario to represent the Law Society of Ontario, a shareholder of LIRN Inc., at meetings of shareholders of LIRN Inc.

Carried

Re: Tab 1.2.3 – Law Society Tribunal

THAT Barbara Murchie be appointed Vice-Chair of the Appeal Division of the Law Society Tribunal for a term expiring May 28, 2021.

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

*THIS PAGE CONTAINS
IN CAMERA MATERIAL*

IN PUBLIC

AUDIT AND FINANCE COMMITTEE REPORT

Ms. Donnelly presented the Report.

Re: Law Society of Ontario Audited Financial Statements for the Year Ended December 31, 2019

It was moved by Ms. Donnelly, seconded by Ms. Walker, that Convocation approve the audited annual financial statements for the Law Society of Ontario for the year ended December 31, 2019, including the net inter-fund transfers listed in Note 14 to the statements.

Carried

LAWPRO 2019 ANNUAL REPORT

Mr. Spurgeon presented the LAWPRO Report for information.

PRIORITY PLANNING COMMITTEE REPORT

Mr. Varro presented the Report.

Re: Amendments to By-Law 3 Respecting an Online Treasurer's Election

It was moved by Mr. Chiumminto, seconded by Ms. Shortreed, that Convocation make amendments to By-Law 3 as set out in the motion at Tab 3.1 to implement an online election process for the 2020 Treasurer Election.

Carried

POINT OF ORDER

Mr. Falconer raised concerns about the lack of transparency on the matters to be discussed at the Committee of the Whole meeting scheduled for today.

Mr. Falconer moved that Convocation discuss the merits of creating transparency around Convocation's processes.

The Treasurer ruled the motion out of order.

CONVOCATION ROSE AT 10:23 A.M

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 26, 2020

HEARING DIVISION

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.

Explanatory note:

Mr. Mercer's appointment as recommended by the Tribunal Chair is as a lawyer adjudicator for a two-year term. As a previous bench adjudicator from 2011 to 2018, he made an exceptional contribution to the Tribunal, presiding at pre-hearings, summary hearings, and chairing numerous hearings in both Divisions. His writing contributed considerably to the jurisprudence of the Tribunal. His additional adjudicative experience includes sitting as a member of the Immigration Appeal Division of the Immigration and Refugee Board of Canada. He is an expert in professional regulation issues affecting lawyers and paralegals. Convocation has approved previous recommendations for appointments outside the general Tribunal recruitment process where a candidate has exceptional adjudicative skills and experience, possesses strong familiarity and experience with professional regulation issues affecting lawyers and paralegals, clearly meets the qualifications applied in the formal recruitment process and would make a particularly strong contribution to the work of the Tribunal. Mr. Mercer fully meets these criteria.

June 26, 2020

SUPPLEMENTARY INFORMATION FOR TRIBUNAL APPOINTMENTS MOTION

TAB 1.2 CONVOCAATION MATERIALS - CONSENT AGENDA

The reappointments are important to ensure continuity at the Tribunal. Each of the appointments was made two years ago following a competitive process and the adjudicators are at the end of their first term. All four had experience as adjudicators before being appointed and help ensure high-quality adjudication. Three are bilingual. They are recommended for reappointment by the Tribunal Chair after participating in the performance development process approved by Convocation.

LAW SOCIETY OF ONTARIO

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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 benchner 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.

MOVED BY: Atrisha Lewis

SECONDED BY: Etienne Esquega

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 benchner 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.