



## Tab 6

# Tribunal Committee

## For Information

June 26, 2020

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## Tribunal Statistics – For Information

### A. Executive Summary

Ongoing collection and reporting of Tribunal operational statistics assists the Tribunal to track issues, identify needs and monitor emerging trends in Tribunal proceedings. This enables the Tribunal Committee and Convocation to make policy decisions with a more fulsome understanding of the Tribunal's work.

### B. Committee Process

In the absence of an in-person Tribunal Committee meeting in June 2020, the Q1 2020 Tribunal quarterly statistics were sent to the Committee by e-mail on June 12, 2020.

## Background

The statistics we report were decided upon through an extensive process. In 2016, the Tribunal Committee considered what types of data would be useful in public and internal reports. This review was done while considering the goals of the Tribunal model as well as issues raised in the 2016 Tribunal Model Three-Year Review final report. That report highlighted the need for a revised approach to data collection that would focus on adjudicative purposes in order to measure the effectiveness of the Tribunal's processes.

In 2017, the Committee approved a list of statistics to be gathered and reported on quarterly and annually. The Tribunal then designed data collection and technology around this list. The goal of the statistics the Committee chose is to have focused reporting that:

- measures outcomes;
- measures efficiency;
- monitors trends; and
- monitors data around adjudicators, duty counsel/self-represented licensees, French language hearings, and licensee/licensee applicant data.

These goals must be pursued while bearing in mind the public interest nature of the information and the goal of transparency.

The Tribunal provides five statistical reports each year to Convocation: four quarterly reports and one year-end report. The Q1 2020 quarterly report is set out at [TAB 6.1](#). Note that while the statistics largely reflect what happened before COVID-19 affected the Tribunal's operations, Law Society staff, including those at the Tribunal, began working at home during the last two weeks of the quarter. In addition all in-person hearings were cancelled at that time.

### C. Q1 2020 quarterly report

The volume of cases open at any point in time is generally between 165 and 175, although in Q1 this year there were 185 files open at the end of the quarter: see *Caseload* on page 5 of the Q1 report. This is also shown in that more files were opened in Q1 of 2020 than 2019 and fewer files were closed in Q1 of 2020 than 2019: see *Figure 2* on page 3 and *Figure 6* on page 4. The same increase also occurred in terms of hearing days used compared to Q1 of 2019: See *Figure 10* on



page 6. Longer, more complex hearings were held in Q1: nine different files involved three or more full days of hearing and at least five involved five full days of hearing or more.

The figures on timeliness show that, on average, files are closed within a year of the first PMC: see *Figure 11* on page 7.

The Tribunal also measures the length of time taken to complete reasons: see *Figure 15* on page 11. The average number of days to deliver written reasons increased from 59 in Q4 2019 to 82 in this quarter. *Figure 16* on page 12 shows the differences in the longer time periods for completing reasons. In an effort to reduce the time taken to complete reasons, the Tribunal is making an active effort to communicate with adjudicators with reasons past the time limit to encourage submission of reasons as soon as possible.

The report also shows that all 17 applications by the Law Society that were closed in Q1 were granted in full: see *Figure 18* on page 13. In addition, all five motions for interlocutory suspension that were closed were granted, in full or in part: see *Figure 20* on page 14. Three matters initiated by the licensee / licence applicant were closed in Q1, all of which were granted in full or in part: see *Figure 12* on page 15.

Three appeals brought by licensee / licence applicants were closed in the first quarter – one was abandoned and two were dismissed: see *Figure 24* on page 16. The one appeal brought by the Law Society that was closed in Q1 was granted in part: see *Figure 26* on page 16. The charts on page 16 also show how Q1 in 2019 and in 2020 are very similar.



# Law Society Tribunal Quarterly Statistics

For the period from January 1, 2020 to March 31, 2020

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## Introduction

Statistics are critical to understanding the work of the Law Society Tribunal. By recording, analyzing and sharing data, we are able to identify areas for improvement, inform the continual evolution of our processes and policies, assist Convocation in making policy decisions, and be transparent with the public about the work we do. These statistics largely capture the period in 2020 before COVID-19 affected Tribunal operations. However, they also include approximately two weeks after March 16, 2020 when Law Society staff, including those at the Tribunal, began to work at home, and all in-person hearings were cancelled.

## Volume

### Files Opened

A Tribunal file is opened when an applicant files a notice of application, notice of referral for hearing, notice of motion for an interlocutory suspension or restriction or notice of appeal with the Tribunal.

**Figure 1: Types of files opened in this quarter**

Type of file	Lawyer	Paralegal	Total
Regular	21	7	<b>28</b>
Summary	10	1	<b>11</b>
Appeal	2	0	<b>2</b>

Unlike non-summary files, summary hearings tend to be brief, and are always heard by a single adjudicator.

Figure 2: Types of files opened in Q1 of 2020 and 2019

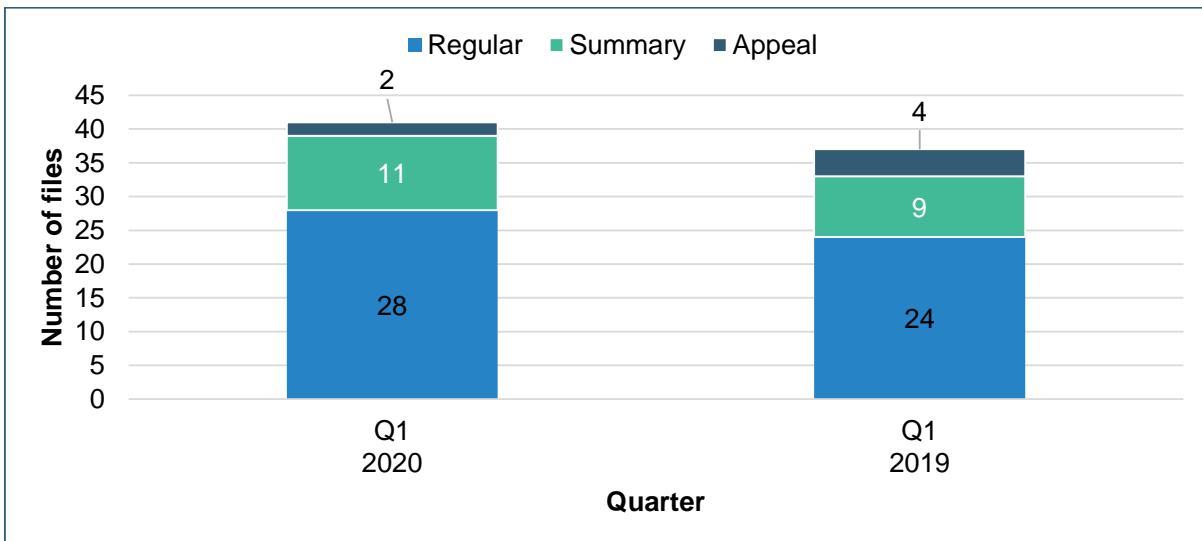


Figure 3: Ratio of licence types for the 41 files opened in Q1 of 2020

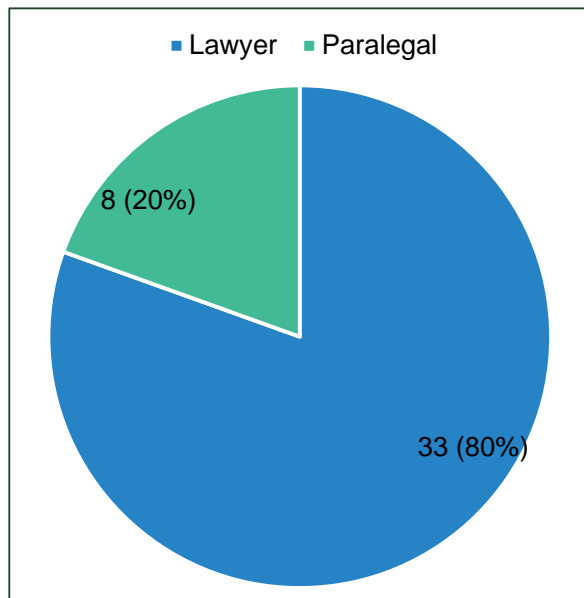
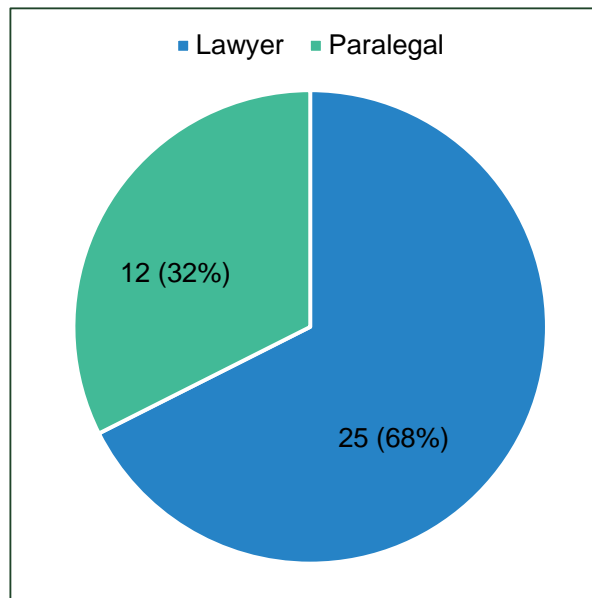


Figure 4: Ratio of licence types for the 37 files opened in Q1 of 2019





## Files Closed

The Tribunal closes a file after the final order is issued, final reasons are published, or if the matter is withdrawn, abandoned or deemed abandoned.

**Figure 5: Types of files closed in this quarter**

Type of file	Lawyer	Paralegal	Total
Regular	12	4	16
Summary	4	5	9
Appeal	4	0	4

**Figure 6: Types of files closed in Q1 of 2020 and 2019**

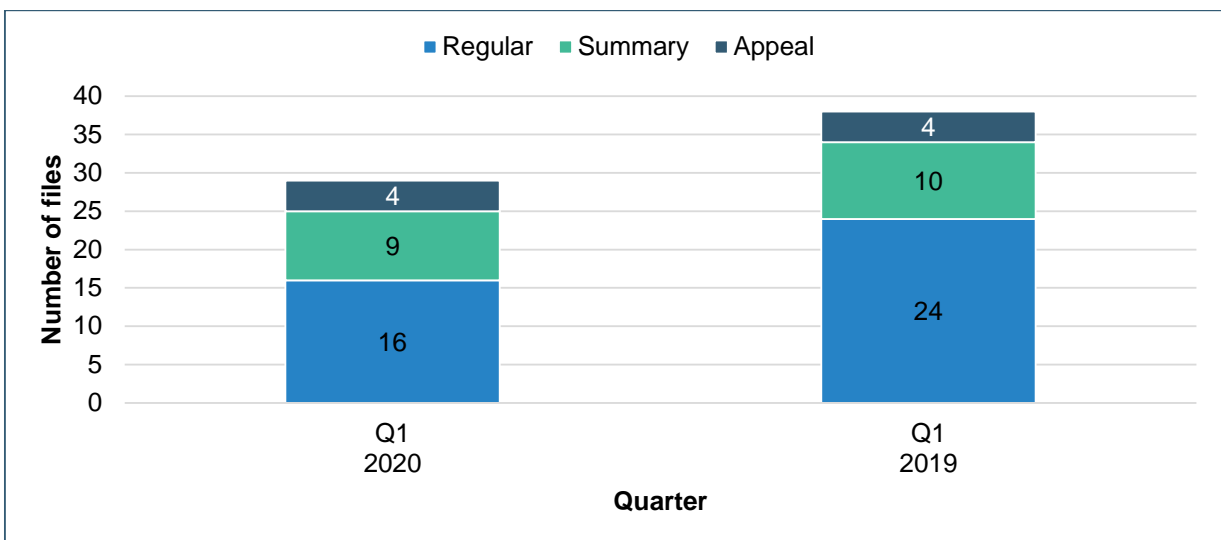


Figure 7: Ratio of licence type for the 29 files closed in Q1 of 2020

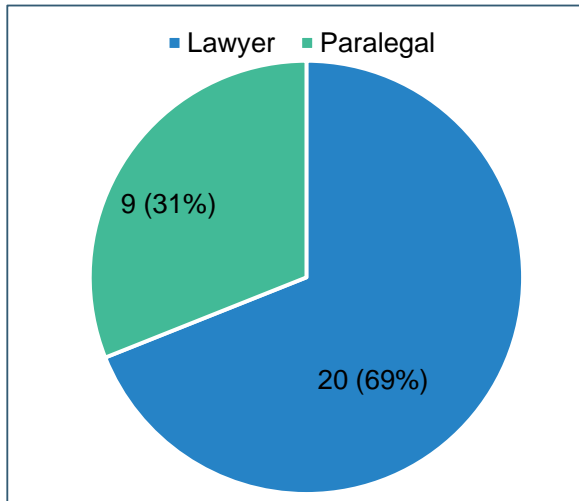
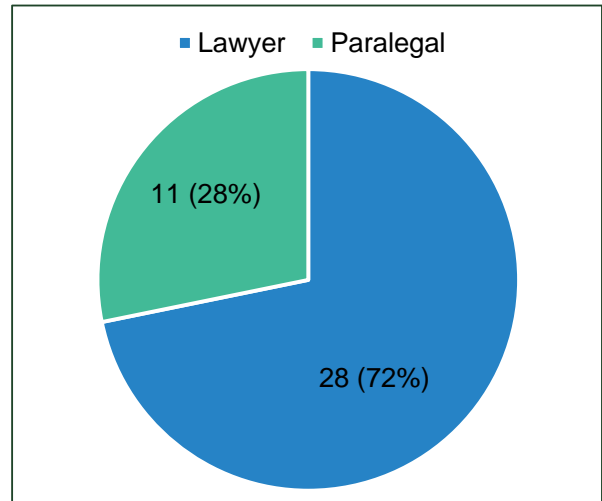


Figure 8: Ratio of licence types for the 39 files closed in Q1 of 2019



## Caseload

185 files (148 lawyer and 37 paralegal files) were open at the end of the first quarter of 2020 compared to 173 at the end of the previous quarter and 166 at the end of the first quarter of 2019.

## Hearings

All hearings at the Tribunal are either oral or written.

Oral hearing days (either in-person or electronic) that are more than three hours are considered a full hearing day and those that conclude within three hours are considered a half hearing day.

Written hearings are conducted by written submissions, with the panel making its decision based on the documents without an in-person or electronic hearing. There were **seven** written hearings this quarter compared to 19 last quarter.

Figure 9: Half days used for hearings in Q1 of 2020 and 2019

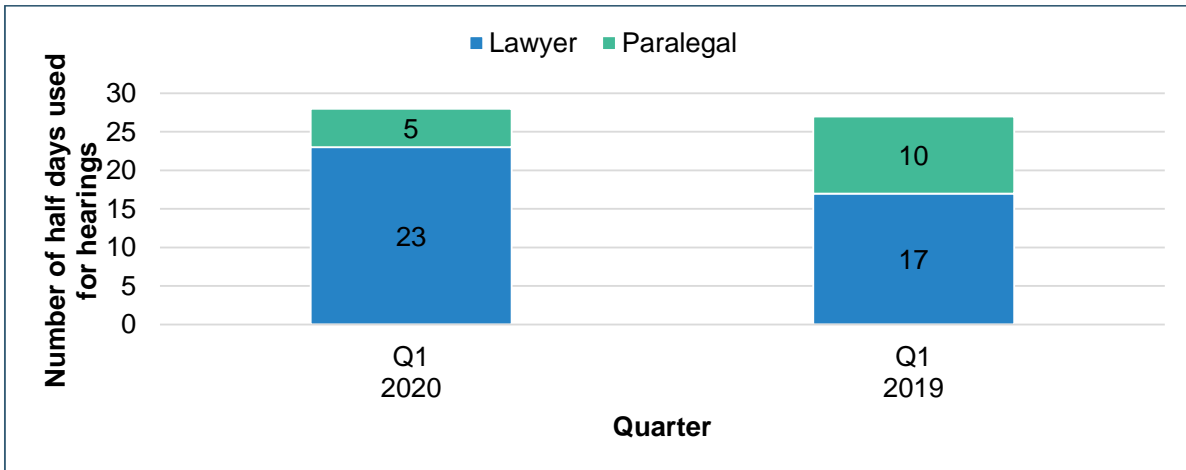
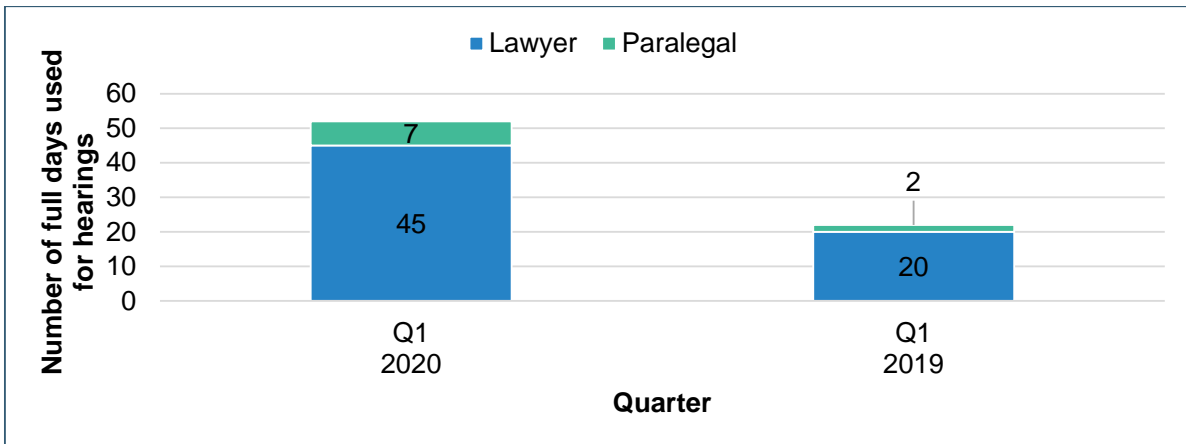


Figure 10: Full days used for hearings in Q1 of 2020 and 2019



## Timeliness

### Proceedings Milestones

Tribunal proceedings pass most or all of the following milestones, though not always in the order listed below.

Averages are based on files that do pass the corresponding milestone.

**Figure 11: Average days to significant milestones for files closed in the first quarter**

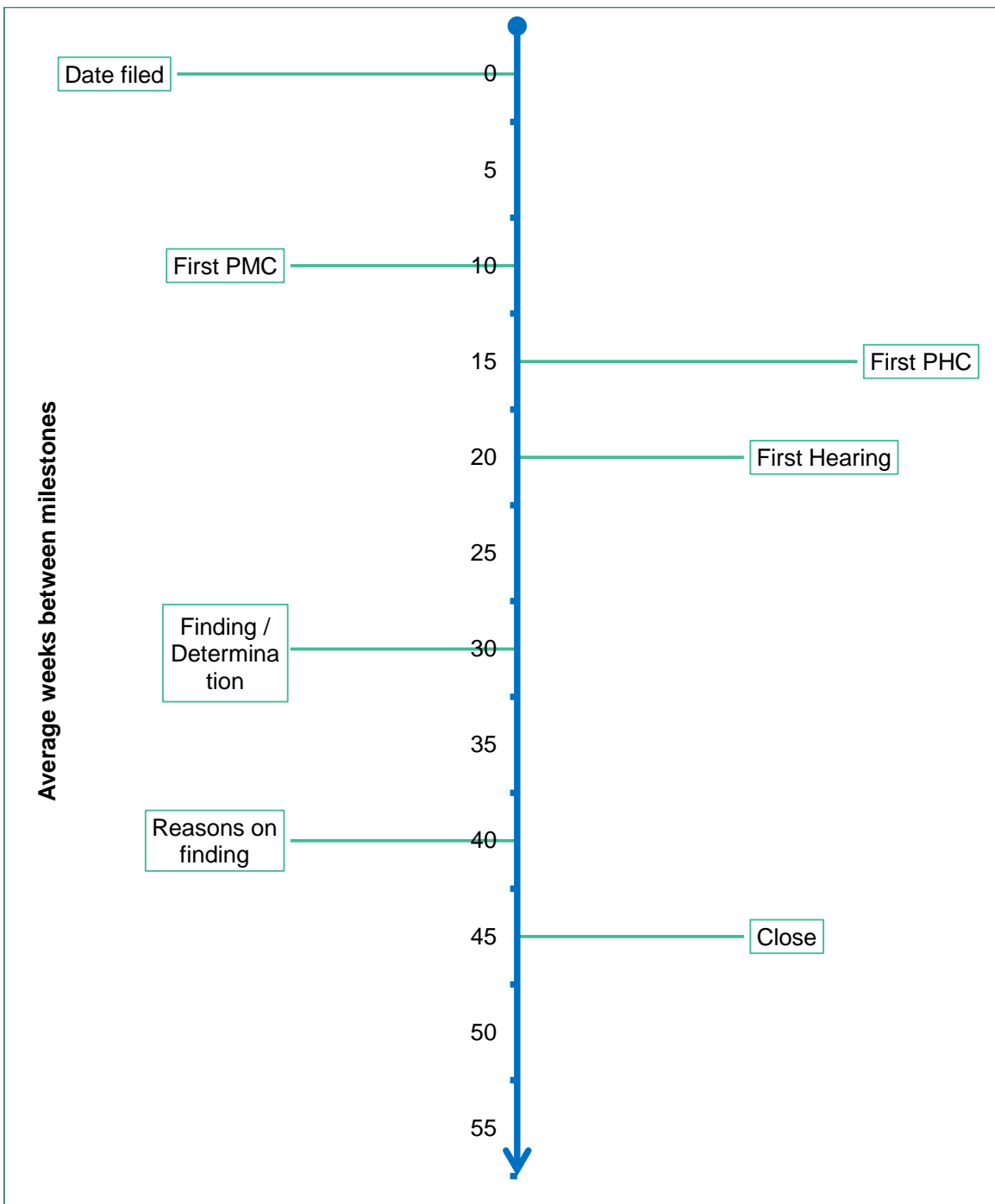
<b>Milestone</b>	<b>Lawyer files</b>	<b>Paralegal files</b>	<b>All files</b>
First PMC	56	21	<b>47</b>
First PHC	114	73	<b>107</b>
First hearing	170	89	<b>145</b>
Decision on finding / determination	281	96	<b>221</b>
Reasons on finding / determination	322	175	<b>273</b>
Decision on penalty (conduct matters only)	372	130	<b>286</b>
Reasons on penalty (conduct matters only)	400	155	<b>313</b>
File closed	345	187	<b>296</b>

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*The average number of hearing days used per file closed in this quarter was 1.3 days.*

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Figure 12: Approximate average weeks between milestones for files closed this quarter



The Law Society of Ontario requires approval from the Proceedings Authorization Committee (PAC) to commence certain proceedings at the Tribunal. Conduct, capacity, non-compliance and interlocutory suspension or restriction motions require PAC approval.

Of the 29 files closed in this quarter **22** files were authorized by PAC.

**Figure 13: Average days from authorization to significant milestones for PAC-authorized files closed this quarter**

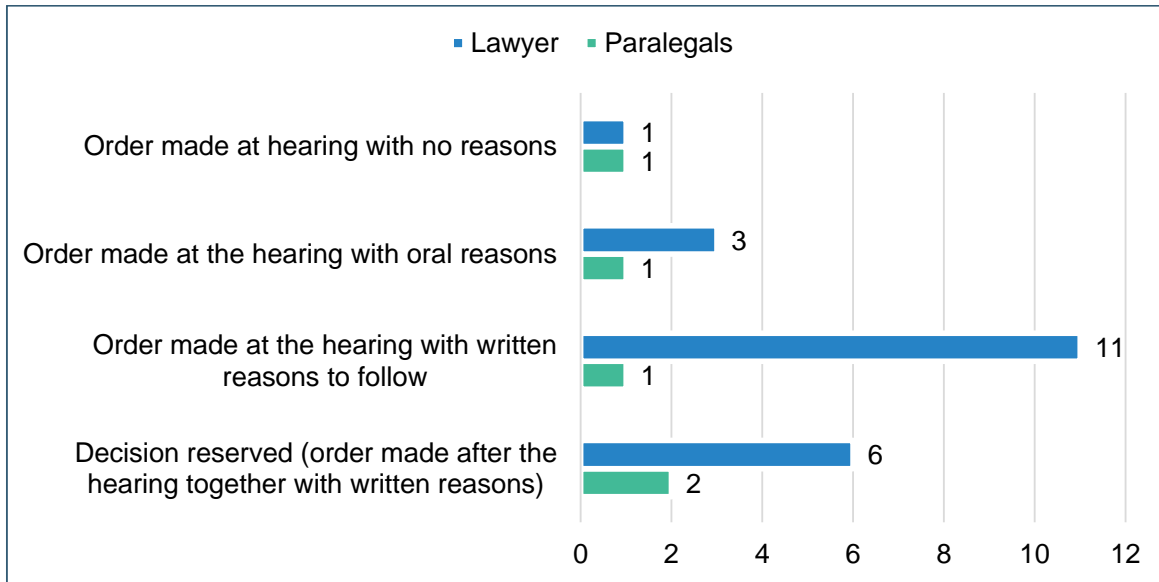
<b>Milestone</b>	<b>Lawyer files</b>	<b>Paralegal files</b>	<b>Overall average</b>
Date filed	28	15	<b>23</b>
First PMC	80	31	<b>61</b>
First PHC	127	86	<b>117</b>
First hearing	201	104	<b>162</b>
Decision on finding / determination	287	111	<b>215</b>
Reasons on finding / determination	317	190	<b>265</b>
Last hearing / written submissions	327	118	<b>242</b>
Decision on penalty (conduct matters only)	404	147	<b>313</b>
Reasons on penalty (conduct matters only)	432	172	<b>340</b>
File closed	371	201	<b>301</b>

## Orders and Reasons

### Orders

There are many types of orders that the Tribunal may make during the course of a proceeding. Merits orders decide an application on its merits (for example, whether an interlocutory suspension is granted or whether a licensee has engaged in misconduct and will be subject to penalty) and are often accompanied by reasons.

The panel may reserve its decision at the end of a hearing or may provide its decision at the hearing with oral reasons given on the record or with written reasons to follow.

**Figure 14: Merits orders issued this quarter and their corresponding reasons**

The Tribunal issued **52** orders this quarter, 26 of which were merits only or merits and costs orders while the remaining 26 were orders pertaining to a motion, public access or costs only.

### Reasons

At the end of an oral hearing, or when the last submissions are received in a written hearing, the panel can begin the process of writing reasons. The Tribunal publishes written reasons on CanLII, usually within a week of their delivery to the parties.

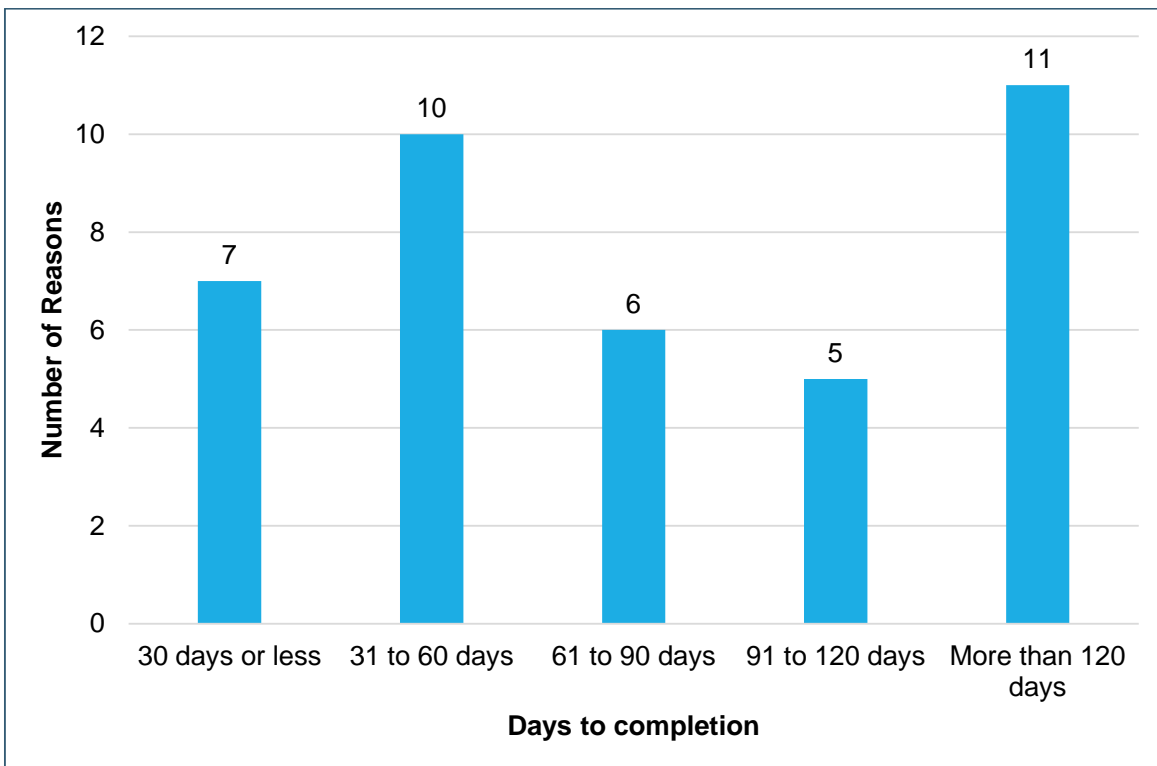
Sometimes the panel delivers oral reasons at the end of the hearing instead of written reasons. When oral reasons are given, the Tribunal also publishes a written version on CanLII.

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*The Tribunal published a total of **52** reasons this quarter, with 39 written reasons and 13 written versions of oral reasons.*

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**Figure 15: Number of written reasons issued this quarter and time taken to release them**



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*The average number of days taken to deliver written reasons this quarter was **82** days compared with 59 in the last quarter.*

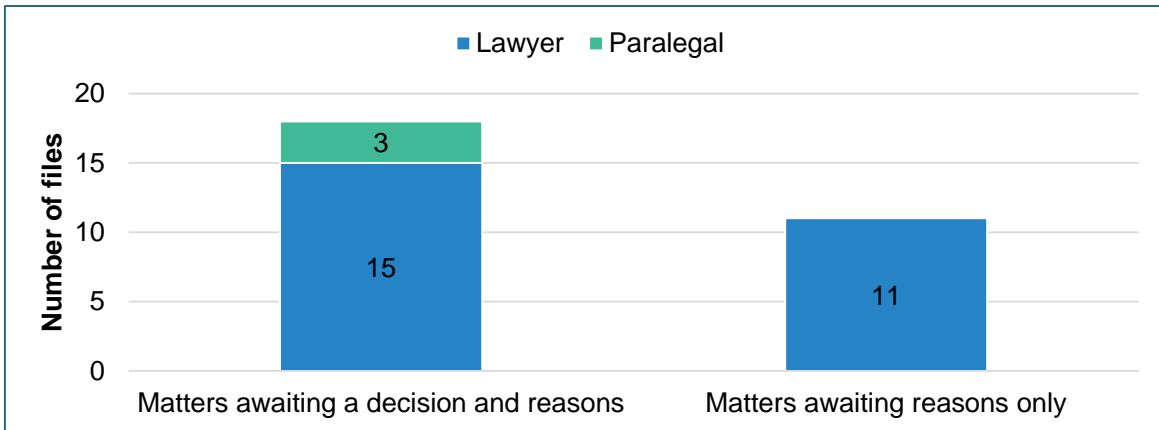
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Figure 16: Time taken to complete reasons in Q1 for 2020 and 2019

Days taken to deliver reasons to the parties	Q1 2020	Q1 2019
Oral reasons at the hearing	6	7
30 days or less	7	11
31 to 60 days	10	5
61 to 90 days	6	8
91 to 120 days	5	9
More than 120 days	11	7
<b>Total</b>	<b>45</b>	<b>47</b>

Figure 17: Matters awaiting reasons and/or a decision at the end of this quarter



*29 reasons were outstanding at the end of this quarter. Of those, 6 had been outstanding for more than 90 days.*

## Outcomes

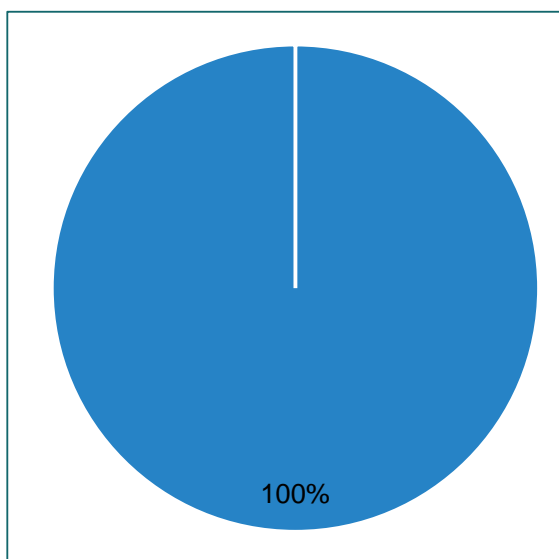
### Applications by the Law Society

Most matters that are heard by the Tribunal are initiated by the Law Society, with the Law Society as the applicant and a licensee as the respondent.

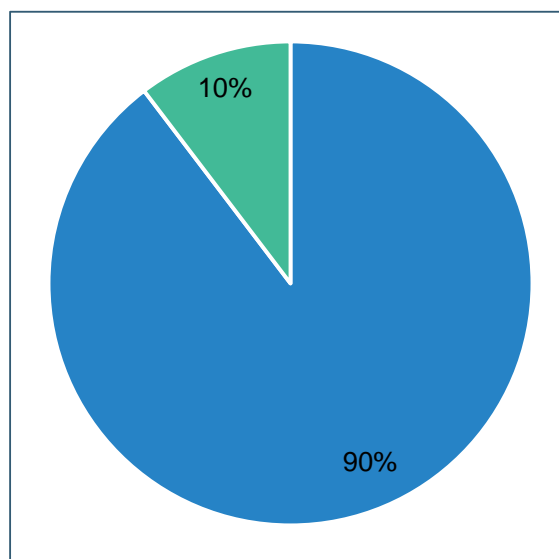
For Figures 18-19 below please refer to the following legend key.

■ Granted in full   ■ Granted in part   ■ Dismissed   ■ Abandoned / Withdrawn

**Figure 18: Results of the 17 applications by the Law Society that were closed in Q1 of 2020**



**Figure 19: Results of the 29 applications by the Law Society that were closed in Q1 of 2019**



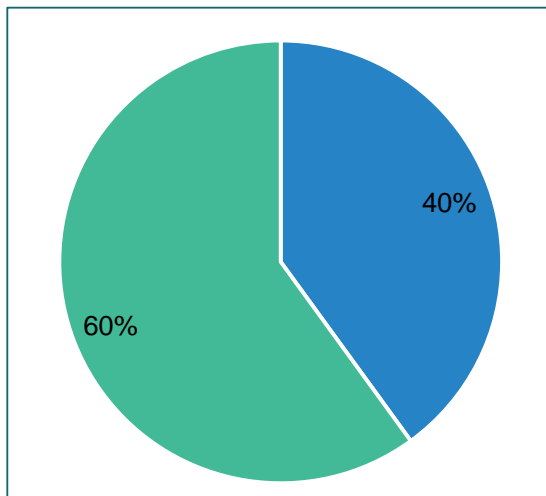
## Interlocutory Suspension or Restriction Motions

An interlocutory suspension or restriction is an interim measure that may be requested by the Law Society before a case is heard on its merits. Interlocutory suspensions may be ordered when significant risk to the public, or to the public interest in the administration of justice, has been demonstrated.

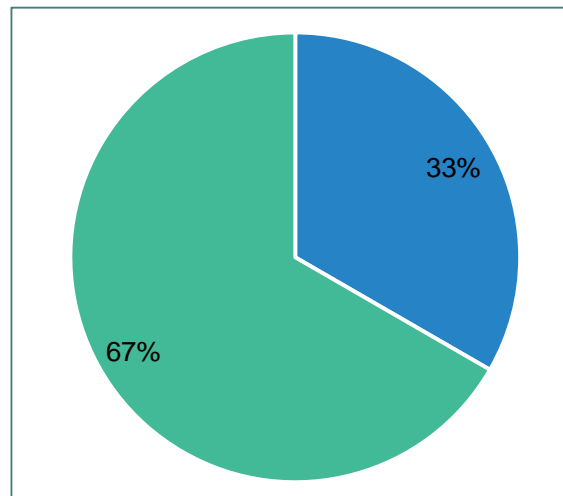
For Figures 20-21 below please refer to the following legend key.

■ Granted in full   
 ■ Granted in part   
 ■ Dismissed   
 ■ Abandoned / Withdrawn

**Figure 20: Results of the 5 motions for interlocutory suspension or restriction closed in Q1 of 2020**



**Figure 21: Results of the 3 motions for interlocutory suspension or restriction closed in Q1 of 2019**



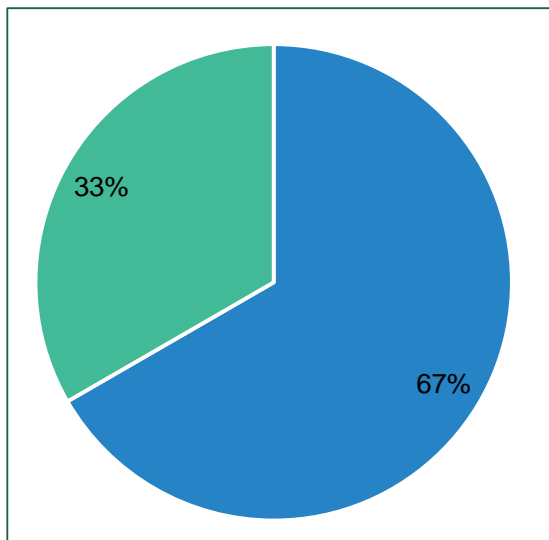
## Applications by the Licensee or Licence Applicant

Some matters that are heard by the Tribunal are initiated by the licensee or licence applicant with the Law Society as the respondent.

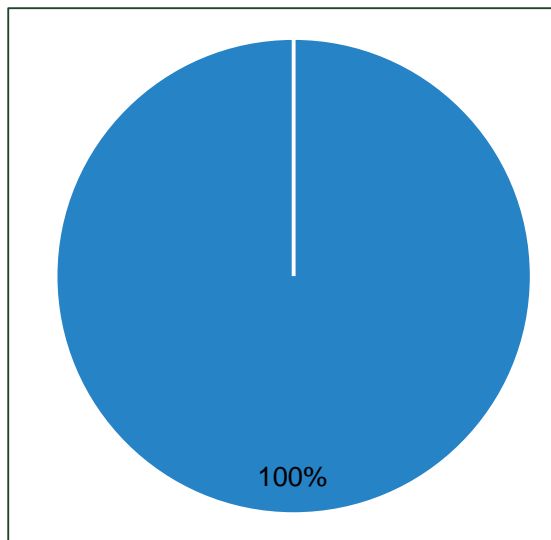
For Figures 22-23 below please refer to the following legend key.

■ Granted in full   ■ Granted in part   ■ Dismissed   ■ Abandoned / Withdrawn

**Figure 22: Results of the 3 matters initiated by the licensee / licence applicant that were closed in Q1 of 2020**



**Figure 23: Results of the 3 matters initiated by the licensee / licence applicant that were closed in Q1 of 2019**



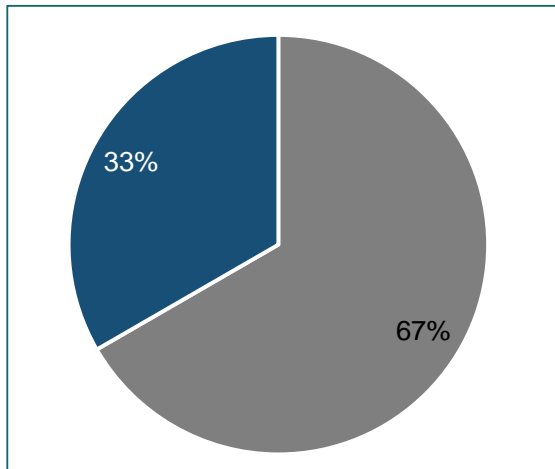
## Appeals

If an applicant or respondent believes that the Tribunal's Hearing Division has made an incorrect decision, they may appeal the decision to the Appeal Division.

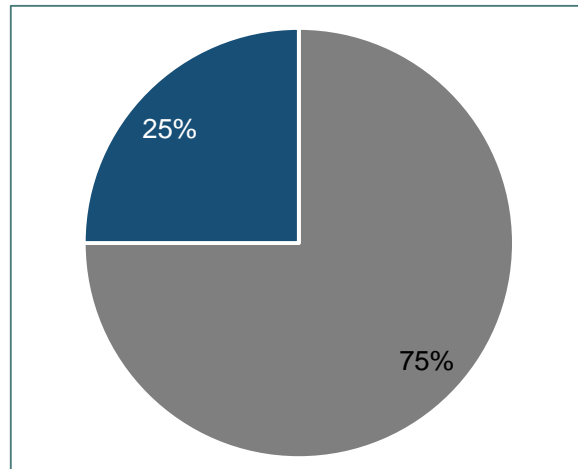
For Figures 24-26 below please refer to the following legend key.

■ Granted in full   
 ■ Granted in part   
 ■ Dismissed   
 ■ Abandoned / Withdrawn

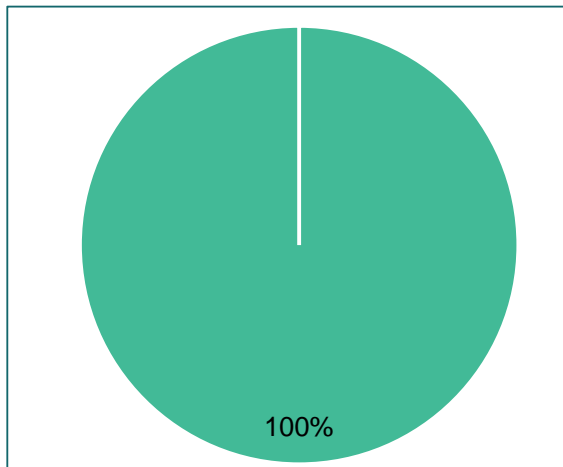
**Figure 24: Results of the 3 appeals by licensee / licence applicant that were closed in Q1 of 2020**



**Figure 25: Results of the 4 appeals by licensee / licence applicant that were closed in Q1 of 2019**



**Figure 26: Results of the one appeal by the Law Society that was closed in Q1 2020**



There were no appeals by the Law Society closed in Q1 of 2019.