

Tab 6

Tribunal Committee

For Information

May 28, 2020

Committee Members:

Isfahan Merali (Chair)

Julia Shin Doi (Vice-Chair)

David A. Wright (*ex officio*)

Larry Banack

Jack Braithwaite

Paul Cooper

John Fagan

Marian Lippa

Geneviève Painchaud

Gina Papageorgiou

Lubomir Poliacik

Authored By:

Lisa Mallia, Tribunal Counsel



Table of Contents

Tribunal Statistics – 2019 Year End Report.....	Tab 6.1
2019 Law Society Tribunal Annual Report.....	Tab 6.2



Law Society
of Ontario

Barreau
de l'Ontario

Tab 6.1

Tribunal Committee

2019 Law Society Tribunal Annual Statistics

May 28, 2020

Committee Members:

Isfahan Merali (Chair)

Julia Shin Doi (Vice-Chair)

David A. Wright (*ex officio*)

Larry Banack

Jack Braithwaite

Paul Cooper

John Fagan

Marian Lippa

Geneviève Painchaud

Gina Papageorgiou

Lubomir Poliacik

Authored By:

Lisa Mallia, Tribunal Counsel



Table of Contents

Tribunal Statistics – For Information 2

A. Executive Summary..... 2

B. Committee Process 2

Background 2

C. Year-End Report..... 2

 Proceeding Types..... 3

 Conduct subject areas 3

 Vacated hearing days 3

 Pre-hearing conferences 3

 Penalties in conduct files 3

 Panels 4



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. The 2019 Law Society Tribunal Annual Statistics are attached. In general, the statistics, including the Tribunal's caseload, timeliness and the results of proceedings are steady.

B. Committee Process

In the absence of an in-person Tribunal Committee meeting in May 2020, the 2019 Tribunal year-end statistics were sent to the Committee by e-mail on May 14, 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 2019 year-end report is set out at **TAB 6.1.1**.

C. Year-End Report

The year-end report shows that the number of files opened and closed continues to vary only slightly year to year. Figure 1 shows that in 2019, 161 files were opened. This compares to the 149 that were opened in 2018 and the 173 that were opened in 2017 (Fig. 34). The number of files closed tends to follow the number of files opened: 145 were closed in 2019 (Fig. 2), 146 in 2018 and 190 in 2017 (Fig. 34).



Proceeding Types

Conduct files continue to make up the majority of the applications brought to the Tribunal (Fig.3), with almost 50% of lawyer files opened in 2019 being non-summary conduct files (42% of all files). Summary conduct files are the second largest category, accounting for approximately 23% of all files opened. Similar statistics are shown on closing (Fig. 4). Non-summary conduct files account for approximately 40% of the 145 files closed in 2019 and summary conduct files add another 23%. Fifteen appeals were opened in 2019, with one appeal being brought by the Law Society. Fourteen appeals were closed in 2019, only one of which was granted.

You will find below highlights of some of the information contained in the year-end report that is different than in the quarterly reports.

Conduct subject areas

Figure 6 sets out the subject areas for the conduct applications opened in 2019. The most common subject area was responsibility to the Law Society. Of all paralegal conduct files opened 69% included allegations related to responsibility to the Law Society. For the lawyer conduct files, 38% included allegations related to responsibility to the Law Society.

Vacated hearing days

More than double the number of full days of hearing were vacated in 2019 than in 2018 (Fig. 12). This highlights the influence that a small number of exceptional cases can have on the overall numbers at the Tribunal. Eight files had five or more full days of hearing vacated. This includes several unusual sets of circumstances including one file that had two separate five-day hearing blocks adjourned due to novel disclosure issues involving an outside party that took considerable time to resolve. Another file required nine full days over the course of the year to be adjourned to accommodate witness availability and trial calendars, for example. A final example is a five-day hearing that was vacated due to witness availability but then the re-scheduled dates also turned out to be unavailable. Although the error with the re-scheduled dates was discovered shortly after they were set, the second set of dates still appear as vacated.

There were also several files where the parties either reached an ASF and a joint submission on penalty or were close to settlement, causing hearing dates to be cancelled after a five-day hearing had been scheduled.

Pre-hearing conferences

Figure 23 sets out the data regarding PHCs. The Tribunal holds pre-hearing conferences (PHCs) which are used to identify, limit, simplify, and attempt to settle some or all of the issues in the case. In 2019, of the 90 non-summary conduct files closed, 49 had at least one PHC, and 37 of those saw the parties reach some kind of agreement. Of the total 90 conduct files closed, 49 had some kind of agreement.

Penalties in conduct files

Figure 24 sets out the penalties ordered for the conduct files that were closed in 2019. Definite suspensions were ordered in most cases. For the files closed in 2019, twenty lawyers and three paralegals had their licences revoked; eight lawyers and one paralegal were granted permission to surrender their licences.



Panels

There were 66 adjudicators who sat on at least one panel in 2019. The 2019 bench elections resulted in a significant change of Tribunal members. At the end of the year, there were 64 active adjudicators on the Tribunal, 47 of whom sat on at least one panel in 2019.

The number of adjudicator hours was relatively steady, increasing from 3,230 in 2018 to 3,322 in 2019 (Fig. 36). Appointee adjudicators sat on a greater share and bench adjudicators sat on a lesser share of these hours than in previous years. This was largely because of the high turnover in benchers in 2019, and the consequent need to train newly elected and appointed bench adjudicators before they were ready to sit.

The number of reasons issued remained steady: there were 157 written reasons and 31 oral reasons in 2019, compared with 156 and 36 in 2018 (Fig. 35).

TRIBUNAL COMMITTEE REPORT

Law Society Tribunal 2019 Annual Statistics

Available upon request via the Law Society Tribunal website

<https://lawsocietytribunal.ca/>

TRIBUNAL COMMITTEE REPORT

Law Society Tribunal 2019 Annual Report

Available at the Law Society Tribunal website

[Annual Reports page](#)