

MINUTES OF CONVOCATION

Thursday, 22nd October, 2020

9:00 a.m.

Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Braithwaite, Brown, Burd, Charette, Chiummiento, Cooper, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Falconer, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lau, Lean, LeSage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murchie, Murray, Painchaud, Parry, Pawlitz, 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

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 acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She also acknowledges the Haudenosaunee. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She 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 noted that the week of November 2, 2020 will mark the 5th Annual Treaties Recognition Week in Ontario and reminded benchers of the Law Society's commitment to rebuilding trust and the relationships with Indigenous peoples.

INDIGENOUS CEREMONY

The Treasurer introduced Elder Myeengun Henry of the Chippewas of the Thames First Nation.

Elder Henry performed an Indigenous Ceremony.

The Treasurer thanked Elder Henry for honouring Convocation with the Ceremony, and for guiding the Law Society today and in the future in a good way.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer advised that Convocation is being webcast once again through a livestream of the Zoom meeting and welcomed those joining by webcast.

The Treasurer advised that on October 8, 2020 she attended a virtual program hosted by the Commonwealth Law Association which addressed the impact of the COVID-19 pandemic and the regulation of the legal profession.

The Treasurer advised that she attended the virtual Hispanic Heritage Month event on October 20, 2020 and brought greetings from the Law Society.

The Treasurer advised that she recently hosted virtual meetings with the Treasurer's Liaison Group and the Early Careers Roundtable.

The Treasurer highlighted her priorities for mental health and wellness in the professions and referred benchers to her recent blog for Mental Health Awareness Week available on LinkedIn, the Law Society Gazette and Diligent Boards. She also highlighted the Member Assistance Program that offers counselling and other resources for licensees, law students, paralegal students and licensing candidates.

The Treasurer reminded benchers of the 5th Annual Access to Justice Week beginning October 26, 2020 and noted keynote speakers Ojibwe journalist and author Tanya Talaga and Trevor Farrow.

The Treasurer highlighted the upcoming event for Louis Riel Day on November 16, 2020.

The Treasurer advised that the Family Legal Services Provider (FLSP) consultation will conclude on November 30, 2020.

The Treasurer reminded benchers that the deadline for nominations for the Human Rights Award has been extended to December 31, 2020.

The Treasurer advised that nominations for the Law Society Awards are now open, with a deadline of January 20, 2021. The Treasurer encouraged benchers to reach out to their networks and encourage others to nominate individuals.

The Treasurer advised that the 2020 Law Society Award Recipients will be honoured in a virtual ceremony to be arranged sometime in December.

MOTION – CONSENT AGENDA – Tab 1

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

Ms. Shi and Mr. Charette requested that the Report from the Human Rights Monitoring Group be removed from the Consent Agenda.

The remaining items on the Consent Agenda carried.

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of September 24, 2020 were confirmed.

IN PUBLIC

HUMAN RIGHTS MONITORING GROUP REPORT

Re: Letter of Intervention on behalf of Nasrin Sotoudeh

It was moved by Ms. Walker, seconded by Mr. Poliacik that Convocation approve the letter of intervention set out at Tab 1.3.1 and public statement set out at Tab 1.3.2 calling for the immediate release of Nasrin Sotoudeh from Iran's Evin Prison.

Carried

ROLL-CALL VOTE

Adourian	For	Lippa	For
Alford	For	Lockhart	For
Braithwaite	For	Lomazzo	For
Brown	For	Lyon	Abstain
Burd	For	Marshall	For
Charette	Abstain	Merali	For
Chiummiento	For	Murchie	For
Cooper	For	Painchaud	For
Corbiere	For	Parry	For
Corsetti	For	Pineda	For
Desgranges	For	Poliacik	For
Epstein	For	Pollock	For
Esquega	For	Prill	For
Fagan	Abstain	Rosenthal	For
Falconer	For	Sellers	For
Goldstein	Abstain	Sheff	For
Graham	For	Shi	Abstain
Groia	For	Shin Doi	For
Horgan	For	Shortreed	For
Horvat	For	Spurgeon	For
Klippenstein	For	Troister	For
Lalji	For	Walker	For
Lau	For	Wellman	For
Lean	For	Wilkes	For
LeSage	For	Wilkinson	For
Lewis	For	Wright	For

Vote: 47 For; 5 Abstentions

FINANCIAL UPDATE

Mr. Groia provided an update on the Law Society's financial information.

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

Re: Contingency Fee Reforms: Amendments to Professional Conduct Rules

1. It was moved by Mr. Spurgeon, seconded by Mr. Burd, that Convocation approve, on the recommendation of the Professional Regulation Committee and the Paralegal Standing Committee and effective July 1, 2021, proposed amendments to Rules 3.6 and 4.2 of the lawyer *Rules of Professional Conduct* and Rules 5.01 and 8.03 of the *Paralegal Rules of Conduct* as set out at Tabs 2.1.2 and 2.1.3, respectively, required to implement the new transparency requirements previously approved by Convocation as part of its recommended reforms to Ontario's contingency fee regime, namely:
 - a. Licensee requirement to disclose the maximum contingency fee percentage charged;
 - b. Licensee requirement to provide potential clients with the standard form consumer guide entitled "Contingency fees: What you need to know" before they enter into a contingency fee agreement; and
 - c. Licensee requirement to provide certain fee-related reporting to clients on completion of the agreement.
2. That Convocation receive, for information, the mandatory standard form consumer guide entitled "Contingency fees: What you need to know," approved by the Paralegal Standing Committee and the Professional Regulation Committee on October 7 and 8, 2020, respectively (Tab 2.1.4).

Carried

Mr. Chiumminto and Mr. Horgan abstained.

Re: Amendments to the Law Society's By-Laws (Fee Exemptions for Licensees Over 65 and Life Members)

It was moved by Ms. Horvat, seconded by Ms. Lomazzo, that on the recommendation of the Professional Regulation Committee, Convocation adopt the following motion:

1. In accordance with Convocation's decision on August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5, as attached at Tab 2.2.1 be approved to remove the exemption from the requirement to pay the Annual Fee for licensees who have practised law in Ontario for a period of 50 years, effective January 1, 2021.

Mr. Fagan moved, seconded by Mr. Burd, that the motion at Paragraph 1 of the Professional Regulation Committee Report be amended to read as follows:

1. In accordance with Convocation's decision on August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5 be approved to remove the exemption from the requirement to pay the Annual Fee for licensees who have practised law in Ontario for a period of 50 years, effective January 1, 2021, excluding those licensees who as of

January 1, 2021 have practised law in Ontario for a period of 50 years and are exempt from the requirement.

Carried

ROLL CALL VOTE

Adourian	For	Lippa	Against
Braithwaite	For	Lockhart	Against
Brown	For	Lomazzo	Against
Burd	For	Lyon	For
Charette	For	Marshall	For
Chiumminto	For	Merali	Abstain
Cooper	For	Murchie	For
Corbiere	Against	Painchaud	For
Corsetti	Against	Parry	For
Desgranges	For	Pineda	For
Epstein	For	Poliacik	For
Esquega	For	Pollock	For
Fagan	For	Prill	For
Falconer	For	Rosenthal	For
Goldstein	For	Sellers	Against
Graham	Against	Sheff	For
Groia	For	Shi	For
Horgan	For	Shin Doi	For
Horvat	Against	Shortreed	Against
Klippenstein	For	Spurgeon	Against
Lalji	Against	Troister	For
Lau	For	Walker	For
Lean	For	Wellman	For
LeSage	Against	Wilkes	Against
Lewis	Against	Wilkinson	For
		Wright	For

Vote: 36 For; 14 Against; 1 Abstention

Ms. Horvat and Ms. Lomazzo removed themselves as mover and seconder, respectively, of the main motion as amended.

The main motion as amended, moved by Mr. Fagan, seconded by Mr. Burd, carried.

ROLL CALL VOTE

Adourian	For	Lippa	Against
Alford	For	Lockhart	Against
Braithwaite	Against	Lomazzo	Against
Brown	For	Lyon	For
Burd	For	Marshall	For
Charette	For	Merali	Abstain
Chiummiento	For	Murchie	For
Cooper	Against	Painchaud	For
Corbiere	Against	Parry	For
Corsetti	For	Pineda	For
Desgranges	For	Poliacik	For
Epstein	For	Pollock	For
Esquega	For	Prill	For
Fagan	For	Rosenthal	For
Falconer	For	Sellers	For
Goldstein	For	Sheff	For
Graham	Against	Shi	For
Groia	For	Shin Doi	For
Horgan	For	Shortreed	Against
Horvat	Against	Spurgeon	For
Klippenstein	For	Troister	For
Lalji	Against	Walker	For
Lau	For	Wellman	For
Lean	For	Wilkes	For
LeSage	For	Wilkinson	For
Lewis	Against	Wright	For

Vote: 40 For; 11 Against; 1 Abstention

It was moved by Mr. Rosenthal, seconded by Mr. Adourian, that on the recommendation of the Professional Regulation Committee, Convocation adopt the following motion:

1. To amend Convocation's decision of August 6, 2020, that amendments to the Law Society's By-Laws 4 and 5, as attached at Tab 2.2.2, be approved to establish a new Over 65 (retired) Annual Fee (applicable to licensees over 65 years of age who no longer practice law or provide legal services) at ten percent of the Annual Fee, effective January 1, 2021.

Carried

ROLL CALL VOTE

Adourian	For	Lippa	For
Alford	Against	Lockhart	For
Braithwaite	For	Lomazzo	Against
Brown	For	Lyon	Against
Burd	For	Merali	For
Charette	For	Murchie	For
Chiummiento	Against	Painchaud	Against
Cooper	For	Pineda	For
Corbiere	For	Poliacik	Against
Corsetti	Against	Pollock	For
Desgranges	Against	Prill	Against
Epstein	For	Rosenthal	For
Esquega	For	Sellers	For
Fagan	Against	Sheff	Against
Falconer	For	Shi	Against
Goldstein	Against	Shin Doi	Against
Graham	Against	Shortreed	For
Groia	For	Spurgeon	For
Horgan	For	Troister	For
Horvat	For	Walker	For
Klippenstein	Against	Wellman	For
Lalji	For	Wilkes	Against
Lau	For	Wilkinson	For
Lean	Against	Wright	For
LeSage	For		
Lewis	For		

Vote: 32 For; 18 Against

TRIBUNAL COMMITTEE REPORT

Ms. Shin Doi presented the Report.

Re: Practice Directions

It was moved by Ms. Shin Doi, seconded by Ms. Lippa, that Convocation approve the proposed Introduction to Practice Directions and Practice Directions, to be effective immediately, set out at Tabs 4.1.1 – 4.1.8 (English) and Tabs 4.1.9 – 4.1.16 (French).

Carried

IN PUBLIC

REPORTS FOR INFORMATION ONLY

PARALEGAL STANDING COMMITTEE REPORT

- Amendments to the Paralegal Professional Conduct Guidelines

AUDIT AND FINANCE COMMITTEE REPORT (IN CAMERA)

EQUITY & INDIGENOUS AFFAIRS COMMITTEE REPORT

- Reports of the Activities of the Discrimination and Harassment Counsel

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

- Update on Licensing Enhancements

CONVOCATION ROSE AT 2:56 P.M.