

MINUTES OF CONVOCATION

Friday, 26th November 2021

9:00 a.m.

Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Banning, Braithwaite, Brown, Burd, Charette, Chiummiento, Conway, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Falconer, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lau, Lean, Lesage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murchie, Murray, Painchaud, Parry, Poliacik, Pollock, Prill, Rosenthal, Ross, 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 everyone to Convocation.

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 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 thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

LL.D. CEREMONY – THE HONOURABLE JOHN I. LASKIN

The Treasurer introduced The Honourable John I. Laskin, the candidate for the degree of Doctor of Laws, *honoris causa*.

Mr. Strosberg read the citation.

The Treasurer admitted Mr. Laskin to the degree of Doctor of Laws, *honoris causa*.

Mr. Laskin addressed Convocation.

The Treasurer thanked Mr. Laskin for honouring Convocation with his presence.

TREASURER'S REMARKS

On behalf of Convocation, the Treasurer expressed condolences to the family of life bencher Abraham Feinstein, Q.C., LSM who passed away earlier this month.

On behalf of Convocation, the Treasurer expressed condolences to the family of life bencher Patrick G. Furlong, Q.C., LSM who passed away on November 23, 2021.

The Treasurer provided an update on the Access to Innovation project, which launched earlier in November, and noted the positive response to the project so far.

The Treasurer reported on the events of Access to Justice Week that concluded on October 29, 2021 and expressed gratitude to The Action Group (TAG) reference group and all programming partners for their hard work in developing the Week's programming.

The Treasurer spoke to her outreach initiatives and her focus on mental health issues, including the Member Assistance Plan resources.

The Treasurer reminded benchers that the call for comment on the Competence Task Force consultation document closes on November 30, 2021.

The Treasurer reminded benchers that the deadline for nominations for the Law Society Awards is December 17, 2021.

The Treasurer noted upcoming events:

- 12 Minute Paralegal CPD Program, December 9, 2021
- Day of the Endangered Lawyer Program, January 24, 2022
- Black History Month Event, February 10, 2022

The Treasurer thanked benchers and Law Society staff for their support and resilience over the last 18 months in navigating through the COVID-19 pandemic.

MOTION – CONSENT AGENDA – Tab 1

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

Mr. Fagan requested that the confirmation of the draft minutes of October 28, 2021 Convocation be removed from the consent agenda.

The remaining item on the consent agenda was approved.

Mr. Desgranges abstained.

Tab 1.2 – PARALEGAL STANDING COMMITTEE REPORT

Re: Response to Motion at the 2021 Annual General Meeting

That Convocation approve the following recommendations in response to the motion made at the 2021 Annual General Meeting in accordance with s. 42(1)(b) of By-Law 2:

- With respect to the first part of motion on exemptions from paralegal licensure, the Committee understands the importance and timeliness of this issue and will continue to review the exemptions. The Committee will establish a working group to study the exemptions and to consult with impacted stakeholders, including the provincial government, with a view to reducing the exemptions where appropriate.
- With respect to the second part of the motion on complaints of unauthorized practice, Professional Regulation will continue to prosecute complaints of unauthorized practice as per its protocols and in a manner consistent with the Law Society's mandate.

Carried

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Ms. Murchie presented the Report.

Re: Experiential Training Enhancements

It was moved by Ms. Murchie, seconded by Mr. Adourian, that Convocation replace the enhancements to the experiential training component of the lawyer licensing process, as approved by Convocation in December 2018, with the following measures recommended by a majority of the Professional Development & Competence Committee:

- 1) The Law Society will develop an orientation program for articling principals, work placement supervisors, and licensing candidates to facilitate effective and fair experiential training, to be encouraged rather than mandatory;
- 2) The Law Society will leverage the new Bridge to Practice platform to foster entry-level competence and skills by developing free training modules designed for candidates and new lawyers and focused on filling the identified gaps in articling placements such as practice management and client communications;
- 3) The Law Society will apply a risk-based approach to monitoring of experiential training by initiating outreach to both the candidate and the principal where placements end prematurely; and
- 4) The Law Society will adopt a best practices approach to compensation which encourages rather than requires that all experiential training placements be paid, which may be achieved by the following measures:
 - a. Continuing to require that postings on the Articling Registry be paid;
 - b. Requiring disclosure of salary of information on articles of clerkship;

- c. Striving for more paid work placements in the Law Practice Program and Programme de Pratique du Droit; and
- d. Collecting and reporting data on compensation ranges to allow candidates to make informed choices as they progress through the licensing process.

At the request of Ms. Lewis, and with the approval of Ms. Murchie, the Treasurer advised that the motion will be put to a vote as follows: a vote on items 1 through 3 in the motion and a vote on item 4 of the motion.

The Treasurer agreed to Ms. Lewis's request for a roll call on both votes.

In response to views expressed by benchers, Ms. Murchie and Mr. Adourian agreed to defer consideration of item 4 in the motion for a period of consultation.

Mr. Charette moved, seconded by Mr. Chiumminto, that the entire report be deferred for comment on all four items in the motion.

Lost

ROLL-CALL VOTE

Adourian	Against
Alford	Abstain
Banning	Against
Braithwaite	Against
Brown	Against
Burd	Against
Charette	For
Chiumminto	For
Corbiere	Against
Corsetti	Against
Desgranges	For
Epstein	Against
Esquega	Against
Fagan	For
Falconer	For
Goldstein	Against
Graham	Against
Groia	Against
Horgan	Against
Horvat	Against
Klippenstein	Against
Lalji	Against
Lau	Against
Lean	Against
Lesage	For
Lewis	For
Lippa	Against
Lockhart	Against
Lomazzo	Against
Lyon	Against
Marshall	Against

Merali	For
Murchie	Against
Painchaud	Against
Parry	Against
Poliacik	Against
Pollock	Against
Prill	Against
Rosenthal	Against
Ross	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against
Wilkes	Against
Wilkinson	Against
Wright	Against

Vote: 9 For; 42 Against; 1 Abstain

The motion with respect to items 1 through 3 in the main motion carried.

ROLL-CALL VOTE

Adourian	For
Alford	Abstain
Banning	For
Braithwaite	For
Brown	For
Burd	For
Charette	For
Chiumminto	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	For
Esquega	For
Fagan	For
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
Lesage	Against

Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Parry	For
Poliacik	For
Pollock	Against
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	For

Vote: 49 For; 2 Against; 1 Abstain

STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Ms. Horvat presented the Report.

Re: By-Law 3 Amendments Respecting Election Processes Reforms

It was moved by Ms. Horvat, seconded by Mr. Poliacik, that on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 3, set out in the motion at Tab 3.2, to implement changes to the bench election and the Treasurer election processes.

At the request of Mr. Fagan, the Treasurer agreed to make Amendment 2 as described in the report the subject of a separate vote.

The motion to amend By-Law 3 with respect to Amendments 1, 3, 4 and the amendment with respect to the Treasurer's election as described in the report carried.

Mr. Desgranges abstained.

The motion to amend By-Law 3 with respect to Amendment 2 as described in the report carried.

ROLL-CALL VOTE

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

Vote: 36 For; 9 Against; 2 Abstain

NOTICE OF MOTION

It was moved by Mr. Goldstein, seconded by Mr. Lyon:

WHEREAS law libraries are an essential resource for the legal profession that practice law in small and medium communities:

AND WHEREAS law libraries are an indispensable component of access to justice particularly in small and medium communities:

AND WHEREAS law libraries solely rely on funding from membership dues in those communities, funding from LIRN, and the Law Foundation of Ontario (LFO):

AND WHEREAS the Law Foundation of Ontario was created, in part, to fund the establishment, maintenance and operation of law libraries;

AND WHEREAS the 2020 Law Foundation Annual Report indicates that, contrary to one of its statutory objects, the LFO did not distribute any funds to the libraries in that year, nor, according to available annual reports, has the LFO distributed any funds to libraries since at least 2011;

AND WHEREAS the LFO's failure to provide funds for the establishment, maintenance, and operation of libraries since at least 2011, raises clear concerns that the LFO has not been complying with its statutory obligations;

AND WHEREAS the Law Society of Ontario appoints three Trustees to the LFO board of trustees:

BE IT RESOLVED THAT Convocation directs and encourages its appointees to the LFO Board of Directors to ensure that the LFO forthwith recommences funding the establishment, maintenance, and operation of law libraries in Ontario.

Mr. Goldstein and Mr. Lyon advised that they agreed to amend the motion to remove the words "directs and".

Mr Goldstein advised that the year 2011 in the preamble should be 2014.

The motion as amended failed.

ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	Against
Braithwaite	Against
Burd	Against
Charette	For
Chiummiento	Against
Corbiere	Against
Corsetti	Against

Desgranges	For
Epstein	Against
Esquega	Against
Fagan	For
Falconer	Against
Goldstein	For
Graham	For
Groia	Against
Horgan	For
Horvat	Against
Klippenstein	For
Lalji	Against
Lau	Against
Lesage	For
Lewis	Against
Lockhart	Against
Lomazzo	Against
Lyon	For
Marshall	Against
Merali	Against
Murchie	Against
Painchaud	Against
Parry	For
Poliacik	Against
Pollock	For
Prill	For
Rosenthal	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Abstain
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against
Wilkes	Against
Wilkinson	Against

Vote: 15 For; 31 Against; 1 Abstain

DRAFT MINUTES OF CONVOCATION – OCTOBER 28, 2021

Mr. Fagan requested discussion and debate on the draft minutes, specifically with reference to a request that important language that was not included in the minutes on the Equity and Indigenous Affairs Committee Report item on page 9 of the draft minutes be added.

Mr. Fagan stated his requested addition which described the statements made by him and various benchers during the discussion on October 28, 2021 relating to the Equity and Indigenous Affairs Committee Report.

Following brief discussion, the Treasurer ruled the request for the addition out of order as it is neither a correction to the minutes nor the appropriate subject of minutes.

It was moved by Mr. Burd, seconded by Ms. Lomazzo, that Convocation confirm the draft minutes of October 28, 2021 Convocation.

Carried

ROLL-CALL VOTE

Adourian	Against
Alford	Abstain
Banning	For
Braithwaite	For
Burd	For
Charette	For
Chiumminto	For
Corsetti	For
Desgranges	Abstain
Epstein	For
Esquega	For
Fagan	Against
Falconer	For
Graham	Against
Groia	For
Horgan	Abstain
Horvat	For
Klippenstein	Abstain
Lalji	For
Lau	For
Lesage	For
Lewis	For
Lockhart	For
Lomazzo	For
Lyon	Against
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Poliacik	Abstain
Pollock	For
Prill	Abstain
Rosenthal	For
Sellers	For
Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For

Wilkes For
Wilkinson For

Vote: 33 For; 4 Against; 7 Abstain

IN PUBLIC

REPORTS FOR INFORMATION ONLY

ACCESS TO JUSTICE COMMITTEE REPORT

- Access to Justice Week 2021

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Nine Months ended September 30, 2021
- Investment Compliance Reports for the Quarter ended September 30, 2021

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

PARALEGAL STANDING COMMITTEE REPORT

- Hybrid Delivery of Paralegal Education

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

- Certified Specialist Board Chair Appointment

CONVOCATION ADJOURNED AT 1:30 P.M.

Confirmed in Convocation this 24th day of February 2022.

Teresa Donnelly,
Treasurer