

TAB 7

Notices of Motions

Law Society of Ontario

Notice of Motion (For the 1st Regularly Scheduled Convocation in 2021)

WHEREAS on October 22, 2020, Convocation passed a motion to establish a new Over 65 (retired) Annual Fee Category (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.

WHEREAS all other licensees (excepting those who are not working, who are charged 25% of the Annual Fee), must pay 50% of the Annual Fee.

WHEREAS close to 500 lawyers who have been practicing law for 50 years are currently exempted by the LSO from the requirement to pay Annual Fees, regardless of whether they are practicing law and earning remuneration as a result;

WHEREAS there is no principled or equitable basis to accord a discount on Annual Fees or to otherwise favor those over 65 or those who have practiced for over 50 years, when there are other categories of licensees who are not similarly accorded a discount, including new calls and those on parental leave.

WHEREAS there needs to be a recognition of the challenges faced by new licensees, including in finding gainful employment, the high cost of law school tuition, the continued (partial) closure of the courts, and the deterioration of the legal market occasioned by COVID-19 .

NOW THEREFORE, BE IT RESOLVED THAT, effective on January 1, 2021, Convocation:

1. Approve a new Annual Fee category for licensees who have been practicing for under five (5) years who do not practice law or provide legal services at ten percent of the Annual Fee, effective January 1, 2021.
2. Approve a new Annual Fee category for licensees on a parental leave who do not practice law or provide legal services at ten percent of the Annual Fee, effective January 1, 2021.
3. By-Law 3 shall be amended in order to effect the changes described in paragraphs 1 & 2.

November 26, 2020

Moved By: /s Atrisha Lewis

Seconded By: /s Michael Lesage

(Motion with original signatures received by the Secretary)

LAW SOCIETY OF ONTARIO (“LSO”)

NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the following motion to be moved at Convocation on February 25, 2021:

WHEREAS

- (1) Since the passage of The Law of the People’s Republic of China for Safeguarding National Security in the Hong Kong Special Administrative Region (the “National Security Law”), Hong Kong government has used it to arrest and charge dissenters. Those targeted are mostly activists and young people who did no more than to participate in expressing views on how Hong Kong should be governed.

The latest round of arresting 55 activists was condemned around the world, including Canada. **(Tab 1)**

Respected Chinese human rights artist Ai Weiwei made a film about the struggle of Hongkongers, including teenagers, for freedom and the price that they have paid for it. **(Tab 2)**

Amnesty International raised its concern about this Law. **(Tab 3)**

- (2) On January 14, 2021, Hong Kong passed another grim milestone. A lawyer has been arrested with others for having assisted protesters seeking universal suffrage **(Tab 4)**

- (3) The Right Honourable Beverley McLachlin, former Chief Justice of Canada, is a current overseas non-permanent judge of Hong Kong Court of Final Appeal and therefore part of the system of enforcement of the National Security Law. **(Tab 5)**

- (4) Unlike Canada, Hong Kong does not enjoy any constitutional guarantee of fundamental rights and freedoms that the judiciary can safeguard by striking down any laws that are in breach of such rights and freedoms.

- (5) Instead, this National Security Law specifically stipulates in *Article 65 that*

The power of interpretation of this law shall be vested in the Standing Committee of the National People’s Congress (of the People’s Republic of China) **(Tab 6)**

(6) There is increasing concern that the Communist rulers of China use foreign judges in the Hong Kong Court of Final Appeal as a fig leaf to create the illusion of legitimacy to an increasingly oppressive regime and its latest and most blatant oppression of the fundamental freedoms of people of Hong Kong.

(7) Noted UK barrister David Perry QC has withdrawn from Hong Kong government's team that will prosecute Martin Lee QC, a noted Hong Kong barrister and the founder of Hong Kong Democratic Party. Mr. Lee was arrested for having participated in the well-known demonstration in Hong Kong which was attended by over 1 million Hongkongers last year. **(Tab 7, 8)**

UK has commenced discussion on whether UK judges should continue their membership of said Court. **(Tab 9)**

(8) It is time that LSO and the former Chief Justice address such concern.

(9) Not only is it a moral imperative for LSO to take a stand with respect to one of the highest and most respected legal officers of Canada and her continuing membership in an oppressive and brutal regime, but it is also difficult to justify the LSO's having a Human Rights Monitoring Group advocating human rights to foreigners, while remaining silent as Canada's own former Chief Justice sits on a court whose mandate from a brutal regime is to enforce a law as interpreted by the Communist government of China, a law that is antithetical to all that Canada stands for, and one that punishes a lawyer for doing his or her job in supporting fundamental freedoms.

THEREFORE BE IT RESOLVED that Convocation

Direct LSO to write to the Right Honourable Beverly McLachlin forthwith, and request that she resign her position at the Hong Kong Court of Final Appeal immediately.

Dated: February 11, 2021

Mover: Chi-Kun Shi

Seconder: John Fagan

(Motion with original signatures received by the Secretary)

Links to Tabs referred to in Shi/Fagan Notice of Motion

Link to Tab 1 information:

<https://www.ctvnews.ca/world/canada-joins-other-nations-in-condemning-hong-kong-mass-arrests-1.5260744>

Link to Tab 2 information:

<https://www.artnews.com/art-news/artists/ai-weiwei-cockroach-hong-kong-protests-review-1234579945/>

Link to Tab 3 information:

<https://www.amnesty.org/en/latest/news/2020/07/hong-kong-national-security-law-10-things-you-need-to-know/>

Link to Tab 4 information:

<https://globalnews.ca/news/7575459/hong-kong-lawyer-arrested/>

Link to Tab 5 information:

https://www.hkcfa.hk/en/about/who/judges/njis/index_id_61.html

Link to Tab 6 information:

[https://www.elegislation.gov.hk/doc/hk/a406/eng_translation_\(a406\)_en.pdf](https://www.elegislation.gov.hk/doc/hk/a406/eng_translation_(a406)_en.pdf)

Link to Tab 7 information:

https://www.spectator.co.uk/article/the-legal-profession-s-troubling-relationship-with-china?irclid=z8Mxsn2k%3AxyLWKAwUx0Mo3b3UkEWUbxNMSqsyA0&utm_source=27795&utm_medium=planit_affiliates&irgwc=1

Link to Tab 8 information:

<https://www.washingtonpost.com/opinions/2020/04/21/i-was-arrested-hong-kong-its-part-chinas-larger-plan/>

Link to Tab 9 information:

<https://www.reuters.com/article/hongkong-britain/uk-considers-whether-to-remove-british-judges-from-hong-kong-court-idINKBN28405V>