

CONVOCATION

IN PUBLIC SESSION

THURSDAY, FEBRUARY 25th, 2021 - 9:00 a.m.

OSGOODE HALL, TORONTO

(Via videoconference)

## CONVOCATION ATTENDANCE

Treasurer - Teresa Donnelly

Robert P. Armstrong	Lee Ferrier
Harvey Strosberg	Thomas G. Conway
Janet E. Minor	Laurie H. Pawlitzka
Catherine Banning	Seymour Epstein
Dr. Benson Lau	Nancy Lockhart
Geneviève Painchaud	Clare Sellers
Gerald Sheff	Doug Wellman
Larry Banack	Ross Murray
Robert Adourian	Dr. Ryan Alford
Jack Braithwaite	D. Jared Brown
Robert Burd	Gerard Charette
Joseph Chiummiento	Paul Cooper
Dianne Corbiere	Cathy Corsetti
Jean-Jacques Desgranges	Etienne Esquega
John Fagan	Julian Falconer
Sam Goldstein	Gary Graham
Joseph Groia	Philip Horgan
Jacqueline Horvat	Murray Klippenstein
Shelina Lalji	Cheryl Lean
Michael Lesage	Atrisha Lewis
Marian Lippa	Michelle Lomazzo
Cecil Lyon	C. Scott Marshall
Isfahan Merali	Barbara Murchie

Trevor Parry

Jorge Pineda

Lubomir Poliacik

Geoff Pollock

Brian Prill

Jonathan Rosenthal

Chi-Kun Shi

Julia Shin Doi

Megan Shortreed

Andrew Spurgeon

Sidney Troister

Tanya Walker

Alexander Wilkes

Claire Wilkinson

Nicholas Wright

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--- Upon commencing at 9:00 a.m.

TREASURER DONNELLY: Good morning, everyone, and welcome to Convocation. I wish to start by recognizing that normally we would be gathered at Osgoode Hall in Toronto.

Toronto is a Mohawk word that means "where there are trees standing in the water". When Convocation meets in Toronto, I acknowledge that we are meeting on the traditional territory of the Mississaugas of the Credit First Nation.

Today we have benchers participating across the province and elsewhere and across many First Nations territories.

I am speaking to you from my home in Huron County, which is located on the traditional lands of the Ojibway Chippewa of the Anishnaabe group of Indigenous peoples.

Huron County is on territory that is covered by Crown Treaty number 29, known as the Huron Tract Purchase of 1827.

I would like to recognize the long history of all First Nations in Ontario and the Métis and Inuit peoples. We thank First Nations people who lived and live in these lands for sharing them with us in peace.

I am very pleased to welcome to Convocation today Catherine Banning. Ms. Banning was appointed by the Attorney General as a lay bencher effective February 18th of this year.

Bencher Banning is a lifetime resident of Northwestern Ontario. She spent 27 years in the financial services sector and is currently the general manager for Maawandoon Inc. on Fort William First Nation, an Aboriginal business specializing in Indigenous engagement, capacity and infrastructure development, First Nations governance policy and procedure development.

Boozhoo, Ms. Banning, and welcome. We look forward to working with you, and you'll find that we are a collegial bunch and we welcome any outreach and answering any questions that you have.

Now we're going to begin this Convocation with a ceremony to confer the degree of Doctor of Laws honoris causa upon Cathy Crowe. Ordinarily the ceremony would have taken place at a Call to the Bar ceremony, but due to the pandemic, we are conferring degrees to candidates that Convocation approved last year at meetings of Convocation.

The granting of the degree is in recognition of outstanding achievement in service and

benefits to the legal profession, the rule of law or the cause of justice. The degree is also granted to those whose extraordinary accomplishments were for public benefit. We are honoured to have with us today Cathy Crowe.

Now, before I begin I would ask benchers to please ensure that your mute is on and I would like to invite Bencher Shelina Lalji to read the citation.

[-- LL.D. CEREMONY - CATHY CROWE:](#)

MS. LALJI: Thank you, Treasurer.

Treasurer, may I present to you and this Convocation Cathy Crowe and request that you confer upon her the degree of Doctor of Laws honoris causa.

As one of Canada's first street nurses, Cathy has devoted her career to using healthcare for social justice. In 1998 she co-founded the Toronto Disaster Relief Committee, an organization that pioneered new approaches to homelessness and declared homelessness a national disaster.

As a nurse, a teacher, a filmmaker, commentator and a writer, Ms. Crowe has had an immense impact on homelessness and social justice in Canada. She has given voice to the marginalized and vulnerable through documentaries she has produced and the books she has authored. She has been a transformative force

and through her tenacious efforts as a social activist, she has bridged social justice issues of health and homelessness with the goal of making housing available for all.

Her advocacy has been widely recognized. She is the recipient of numerous honours and awards for her leadership and activism and was inducted a member of the Order of Canada in 2018.

Cathy Crowe, you have demonstrated remarkable courage and selflessness and you are deserving of the highest honour the Society can bestow. Treasurer, I ask you to confer upon her the degree of Doctor of Laws honoris causa.

SECRETARY: Treasurer, you're on mute.

TREASURER DONNELLY: Sorry about that. I listened to myself when I said mute the benchers.

On behalf of the benchers of the Law Society of Ontario and pursuant to the authority vested in me, I admit you to the degree of Doctor of Laws honoris causa and all the rights and privileges appertaining thereto.

Ms. Crowe, I invite you to address Convocation.

MR. CROWE: Thank you very much. Thank you, Treasurer, and benchers and for that lovely



citation. I guess it wouldn't be a Zoom call without a "your mute is on".

This is a great honour because I feel that in so many ways my work over the years has been boosted through engagement with the legal profession. I'm going to give you several examples. I know it's early in the morning, but I'm going to give you examples on the themes of death, disease and human rights, because I came across them in my career in that order.

First, death. It didn't take long for me as a young street nurse to realize I was going to too many funerals, but when the three 1996 freezing deaths took place in Toronto within a matter of days, the entire country reeled in shock.

The men's names were Eugene Upper, Irwin Anderson, Mirsaleh-Aldin Kompani. And that's when the Toronto Coalition Against Homelessness was formed and we demanded and won an inquest. We got standing and lawyer Peter Rosenthal represented us.

Peter, described as a bull in a china shop, took full advantage of the five week inquest, as we did, to advocate and put forward evidence and recommendations.

The inquest was a perfect marriage of a

legal process and activism. For five weeks we worked on the outside, sponsoring a daily lunch outside the courtroom for attendees, including homeless people. We held media conferences, we filled the courtroom and we issued a media statement every night that had titles such as this. "Presiding coroner angrily demands don't use the "H" word anymore," the expression, "Justice delayed is justice denied running through this inquest.

The presiding coroner literally would not allow the word "housing" to be said or evidence on housing. Fortunately the jurors didn't listen to him. We won significant victories. The court of public opinion, recommendations on funding and policy, including a managed alcohol program in a shelter, now known as harm reduction. The jury did use the "H" word and made a strong recommendation on housing.

Over the years there were many more inquests, some of which I know that you will be familiar with: Edmond Yu, Grant Faulkner, Brad Chapman. And this is where I come to the issue of disease.

In 2001 we saw deaths due to an old disease that reared its ugly head in shelters. The disease? Tuberculosis. A direct result of poverty, crowding and government neglect to housing.

An inquest was also held into this issue into the death of Joseph Tiegesser, and this time a new coalition, the TP Action Group, was formed. We were again represented by Peter Rosenthal and also Kike Roach, and we won provincial funding for enhanced public health measures.

But conditions overall worsened without investment in housing and today's horrific COVID situation bears witness to that. In between those years and today, there were many justice, human rights, health efforts. We knew that Canada had signed the United Nations International Covenant on civil and political rights that affirmed the right to housing, so we put on a mock trial in a drop-in centre and we took the province and federal government to Peoples Court.

The judges were played by Rotarian John Andras and Gian Mura, a homeless advocate, and evidence was brought forward by people affected by the issue, including homeless people and front line workers.

Direct actions also took place, for example, the setting up of tents on the lawn of Queen's Park on National Housing Day to make the point they should be funding housing, and several people, including myself, were arrested that day.

And then there was the ten year Charter

Challenge on the right to housing that involved Bruce Porter, Leilani Farha, and numerous lawyers from the Centre for Equality Rights and Accommodation, the Advocacy Centre for Tenants Ontario, the Colour of Poverty, Colour of Change Network and many more, and there were always people with lived experience at the table planning that court case.

The brave applicants were Brian Dubourdieu, Jennifer Tanudjaja, Ansar Mahmood and Janice Arsenault. While this case was thrown out of court, despite over ten thousand pages of evidence, it set the stage for an ongoing campaign for the right to housing, which is now enshrined in Bill C-97, the 2019 National Housing Strategy Act, although it is certainly not providing an ounce of protection, even in a pandemic.

Which brings me to my closing story to share with you on human rights. I used to always say that the thing I was most proud of in my career was the 1998 declaration that homelessness was a national disaster. In fact, that work brought in a new federal homelessness program worth billions across the country. But then COVID hit last year and I was stunned when Toronto's Medical Officer of Health and Ontario's Chief Medical Officer chose to ignore numerous

recommendations in a letter signed by 300 doctors and nurses last April.

Our most basic simple request in that letter was that the medical officers use their powers in a pandemic to order two metres physical distancing between shelter beds, cots and mats, and discontinue the use of bunkbeds.

Toronto's Dr. de Villa responded by stating there is "No merit or need for an order to be given". Her preference was for voluntary action. We heard nothing from the province.

I knew that inaction would be a death sentence in a pandemic and, as a nurse, felt helpless. So what I am proud of today is that I appealed for help. I went to a homeless Google group and called for legal help. Help came. No surprise, it came from the grassroots; neighbourhood legal services responded and literally within days we pulled together a legal coalition, the Canadian Civil Liberties Association, Goldblatt Partners, Aboriginal Legal Services, Advocacy Centre for Tenants Ontario, Black Legal Action Centre, HIV/AIDS Legal Clinic Ontario and Sanctuary Toronto.

I had the privilege, working with Andrew Porter, of being consultant to the group. The coalition took the city to court, to the Ontario

Superior Court, Judge Sossin, who I'm sure you know, presided.

An agreement happened quickly on the two meter physical distancing and bed bunk issue, although we are still not technically done the case as we argue is it two metres just head to head as people are lying down or is it two metres around the entire space, if you can imagine.

I would like to say that I have seen the end of courtrooms to achieve health justice, but that's clearly not the case. Literally today, this week, we prepare to support carpenter, Khaleel Seivwright, who is being taken to court by the City of Toronto for building tiny wooden shelters for people who are forced to live outdoors in Toronto in a shelter and housing crisis and in a pandemic.

So thank you for all your good work, which I have great appreciation for, and thank you especially for this honour and I thank my guests and family and friends and colleagues that are witnessing this today. Thank you.

TREASURER DONNELLY: Ms. Crowe, on behalf of Convocation I would like to express our thanks to you. Your lifelong commitment as a nurse and social justice activist, particularly the 30 years as a

street nurse, is inspiring.

You are a true champion, advocating for the most vulnerable and marginalized people in our communities and fostering awareness for homelessness. It is indeed an honour to have you join us today. Thank you.

MS. CROWE: Thank you very much, thanks, everybody. Have a good meeting.

TREASURER DONNELLY: Now I would like to introduce to Convocation Ian Hull, who will be addressing us on behalf of the Law Society Foundation.

Ian Hull was appointed as a trustee of the Law Society Foundation in 2005 and is the chair. The Law Society Foundation report can be found at tab 15 in Convocation materials. Welcome, Mr. Hull.

[-- ADDRESS BY IAN HULL:](#)

MR. HULL: Thank you, Treasurer, and thank you very much for this opportunity. What wonderful remarks from Cathy, and as you identified, Treasurer, inspiring comments and incredible work.

I just want to spend a few minutes just to give Convocation, and appreciate the time that you're going to give me and obviously I can try to answer any questions, but the Law Society Foundation was a registered charity established in 1962, and it

serves to encourage and promote legal education, financial assistance for Ontario law students, and it undertakes hunger relief initiatives to the Lawyers Feed the Hungry Programs, and that is obviously a primary concern of the Foundation and what I want to speak of and focus on most of my remarks today.

It's governed by five members of the board of trustees, where I'm the chair. As the Treasurer noted, Derry Millar is the vice chair, Megan Shortreed, Sidney Troister and Jonathan Rosenthal are the other members. Brenda Albuquerque-Boutilier is the Foundation's secretary-treasurer. So that's the framework of what we're dealing with.

The operations are most important and I want to talk a little bit about the meal services that are being provided.

In 1998, Marty Teplitsky launched in Toronto, with the support of many of the benchers at the time, including Harvey Strosberg, the program, and it has, over time, grown and we now have throughout the province, in London the Lawyers Feed the Hungry program, Ottawa, Windsor, Barrie, Peel, Halton, Hamilton, Timmins and Waterloo region, all of which are focused on hunger relief initiatives.

Some partner with local programs, like



the Salvation Army and so forth, and other programs are self-funding, like the Toronto program. Some fundraise through contributions and so forth, I'll talk a little bit about that in a minute, but in non-pandemic times the Toronto program is dine-in and it's table service program that's served with the gracious support of the Law Society and -- who allows the Foundation to use the cafeteria to prepare and serve the meals, and that's in non-pandemic times, and I'll talk about in a moment what we're doing today.

Just as an overview, the program itself, the program is the -- the Toronto program is the largest of all of the -- across the province of the programs and it has four meal services prepared and served each week: Tuesday and Wednesday dinner, Thursday and Sunday breakfast -- sorry, Tuesday and Wednesday and dinner Thursday and Sunday breakfast, and we're serving between 55,000 and 60,000 meals each year at the cost approximately \$500,000 a year out of the Toronto program.

It is one of the -- the Toronto program is one of the few year-round meal programs in the city and, as such, we are a key player in the larger network of support for those living in poverty and homeless guests.

All the meals are prepared from scratch with the focus on hot and nutritious balanced meals, and that tradition has been -- was started by -- insisted upon by Marty Teplitsky when he started the program and it's been embraced and we have never wavered in that regard.

The volunteers are immense in terms of the numbers, in terms of serving the meals and so on, but right from the beginning the lead volunteers have been Amanda Ross, Jay Brecher and David Bronskill, and we're honoured to have current and -- sorry, current and sitting justices who support the program itself.

In terms of revenue generation, the program in Toronto is one hundred percent funded by the generous donations of individual organizations within and outside of the legal community. We have over one hundred firms support the program in some way, shape or form.

The fundraising is supported by the fundraising committee, so we have created a committee some years ago and it's co-chaired by myself and Stephen Goudge, with the help and support of the Foundation's development manager, Lisa Mills.

The committee is a cross-section of both lawyers and corporate members from the corporate

community and the revenues are generated through sort of a comprehensive strategy.

Pre-pandemic we had three major events.

We had a golf tournament, the Bugsy and Ken Golf Tournament, Billiards and the Bar, Toronto Lawyers Feed the Hungry Bowling Challenge, and they are generally -- we were lucky enough to be sort of generating around \$225,000 by those fundraising efforts.

There's opportunities to support the -- sponsor the meals and there is a meal service sponsorship for \$3,000 where you get recognition from in the Ontario Reports or a charitable receipt. That meal sponsorship program, in and of itself, generates about \$250,000 a year.

We also make specific approaches and so forth. We have, as I said, a fundraising committee where we have -- those are sort of our core steps, steps that we take, but we have all sorts of other initiatives.

I also want to mention that the Law Society employees also contribute casual day donations and organize staff events, and that's raised over \$30,000 a year for the program for many, many years. It's remarkable, the Law Society employees' consistent contributions and efforts.

Just briefly, then, just to sort of wind up and tell you a little bit about what we're doing now in COVID.

In March, of course, the program had to pivot and we got rid of the traditional sit down table service and now we serve takeaway meals. Now, the same approach in the menu is healthy, wholesome, from scratch foods, but we're delivering in a slightly different way.

The consistent -- interestingly -- the demand for meals has been consistent, the attendance levels, although the pandemic forced us to reposition our service, we have been able to service the guests and, as I say, the consistent numbers.

The biggest hurdle for us beyond that, which was a giant hurdle in and of itself from a logistics standpoint, was, of course, the fundraising, and so we have pivoted there as well completely. We can't run events the way we used to run events.

So in 2020, again, the sponsorship revenue was fantastic. Many, many firms, even though in what was very difficult time, maintained their sponsorship for the meals. We successfully pivoted there again and with our fundraising goal of this year, we are down about \$100,000 from the year before, and

just to give you an idea of the numbers here, we were in -- we ran a mission driven appeal last year and we were able to raise \$800,000 in 2020, and that was only \$100,000 less the 900,000 that we had raised the year before.

Now, these are completely new revenue generating efforts that we have undertaken to allow for that and, of course, you know, sponsorship was a big part of that and an important backstop.

The final point I will say is this. In 2021 the program itself is self -- has sufficient funding in the absence of any future fundraising, even if we stop fundraising, to sustain the program for approximately five years of operation, so it's in a strong financial position.

But having said that, the Foundation board and the fundraising committee recognizes that we are not going to be complacent and we will never be complacent, and we are going to continue to innovatively raise money during the pandemic and we're going to continue to go back to some of our fundamental tools for fundraising, one of which, of course, is the golf tournament, which we're hoping to actually run in the fall, which would be a big help, and we're shooting to have the 16th annual tournament and we invite any of

you on this in Convocation, of course, to join us because the support is so very much important.

So I just -- I'd just like to thank the Treasurer and Convocation for giving me this opportunity to speak about the Foundation and the Lawyers Feed the Hungry Program, a program that is so important and so near and dear to so many of us that we're at it.

So thank you, Treasurer, and thank you for your time.

TREASURER DONNELLY: Thank you so much. It's important to hear about the work of the Law Society Foundation, especially having heard from our LL.D. recipient about the important work that lawyers are doing to contribute to ending or combating homelessness, so thank you very much.

Is there anybody who had a question for -- yes, I see Mr. Poliacik.

MR. POLIACIK: Yes, Mr. Hull, thank you very much for this presentation and clearly the Feed the Hungry Program is an astounding success and the volunteer participation is remarkable and I'm sure all the other benchers thank you and all the volunteers for the work they have done.

What I would like to ask about is the

other objects of the Foundation. I had a quick look at the Foundation's objects and I'll just list some of them, and these objects are close to the hearts of many of the benchers.

One of the first ones is to receive donations and maintain funds to foster, encourage and promote legal education material.

TREASURER DONNELLY: Mr. Poliacik, I'm having difficulty --

MR. POLIACIK: -- to receive donations and to maintain and use funds to provide financial assistance. Yes?

TREASURER DONNELLY: It's difficult to hear you, Mr. Poliacik, sometimes. I wonder if it would be of assistance if you turned off your camera.

MR. POLIACIK: Maybe I'll switch my -- I'll switch -- I apologize for that.

TREASURER DONNELLY: Mr. Poliacik, I'm not certain that's any better. I'm just wondering if maybe your camera were off if that might be better.

MR. POLIACIK: Okay. I'll try again. Is this any better?

TREASURER DONNELLY: Far better, thank you very much.

MR. POLIACIK: I'm having trouble. One

moment.

TREASURER DONNELLY: Mr. Poliacik, could I assist with this?

MR. POLIACIK: Can you hear me at all now?

TREASURER DONNELLY: Yes, we can hear you now, yes.

MR. POLIACIK: Sorry. So the other objects of the Foundation is to provide financial assistance to all students in Ontario, including students in the Law Society of Ontario's licensing process; to receive donations and maintain use of funds for the restoration and preservation of lands and buildings of historic significance to Canada's legal heritage.

Are there any plans by the Foundation, by the trustees, to pursue any programs regarding these objectives of the Foundation?

MR. HULL: Well, yes, I mean we have an ongoing -- we're always ongoing considerations, especially when you just mentioned addressing the bursaries, that's something that we do annually, and we review and assess and ensure that they're paid in accordance with our obligations, but also in the context of the -- people who are seeking the bursaries.



The second point is, of course, we're not -- we have obligations to consider preserving the building, for example. From time to time we have used funds to support a repair in the building, a fireplace -- I'm trying to remember the last meaningful repairs that we dealt with, but that is all top of mind, and the committee, the board meets regularly to consider any of those aspects of it, but of course we are preserving the ongoing obligations of ensuring the bursaries are properly administered and disbursed.

TREASURER DONNELLY: Mr. Lyon.

MR. LYON: Thank you, Treasurer.

Mr. Hull, that was an excellent presentation and I know that the Feed the Hungry Program is alive and hopefully well in Toronto.

In reading the report, I note that it also does it in other cities in Ontario. Do you have a breakdown? The report didn't provide a breakdown though of the funds for Toronto versus London or Ottawa, and I'm just wondering how that's spread around and how that's determined.

MR. HULL: Sure, I'll just speak generally and Brenda may have more specifics she may want to add.

The difference with all of the programs

outside Toronto is that they are self-funding. For example, London has a fantastic program and they run an event typically that will -- will raise the funds sufficient for their support of their program. They don't provide a program beyond what -- the funds they've raised, and that's the model outside of the Toronto program.

And so it's -- we, of course, support all of those programs and we ensure that -- through our development manager that they have sufficient assistance for -- you know, if there's going to be a fundraising event or we give them some guidance on what we've found has worked or not worked, we do some collaboration in that regard. But the beauty of the outside Toronto programs are that they don't get to a point in time where they're beyond their own self funding.

TREASURER DONNELLY: Thank you. Last question I'm going to take is Mr. Wellman.

MR. WELLMAN: Thank you, Mr. Hull. I just wanted to comment that this is, I think we all agree, a fabulous program and I encourage my fellow benchers to, in their philanthropic giving -- I signed up for the automatic bank monthly deduction, it's easy, and I just encourage, if you haven't, to consider

supporting the program Feed the Hungry. Thank you.

TREASURER DONNELLY: Thank you very much. Mr. Hull, thank you very much for taking the time to join us today.

MR. HULL: Thank you, Treasurer. Thanks again for the opportunity.

-- TREASURER'S REMARKS:

TREASURER DONNELLY: I'm now going to move on to my remarks, and I welcome those to Convocation who are joining us by way of the live webcast. A transcript and a video file of these proceedings will be posted on the Law Society website.

A brief reminder to benchers today about our Zoom meeting. You are displayed in the participants' panel, so please ensure that the names that you have in front of you is your proper name so that we know who you are, especially if you're on the telephone, and Mr. Varro will mark attendance based on that.

Please stay muted during the meeting and use the raised hand function. If you're on the telephone and you wish to speak, please use star 9 or please otherwise let myself or Mr. Varro know.

We will use the yes, no icons provided for in the Zoom meeting platform and raise hand for

abstentions when we come to vote.

Just a reminder that the Zoom platform has been updated so the yes, no, raise hand icons appear in the reactions tab in Zoom, so please make sure you find them there. And for those on the telephone, would you please indicate any vote orally.

So before I turn to the agenda, I have some things that I would like to address. On behalf of Convocation, I would like to congratulate one of our former bencher colleagues, Philip M. Epstein, who was recently inducted as a member of the Order of Canada.

Mr. Epstein is a former bencher as well. The Law Society honoured him last June with a Doctor of Laws. He is being recognized for his leadership in family law and contributions to access to justice. Chief Justice Wagner noted at a virtual investiture ceremony that Mr. Epstein has improved the lives of families across the country.

On behalf of Convocation I wish Mr. Epstein our sincere congratulations on this outstanding achievement.

On another very happy note, I would like to congratulate Nick Wright, Bencher Nick Wright and his wife, Yazmin, who welcomed their daughter Elizabeth to the world on February 23rd.

Congratulations, fantastic news, and I have seen absolutely adorable pictures of her. So congratulations on behalf of Convocation.

MR. WRIGHT: Thank you.

TREASURER DONNELLY: And we look forward to hearing about her throughout our time together.

I turn now to my continued outreach activities. As you know, I'm interested in strengthening connections between the Law Society, its members, law students and paralegal students.

So far in 2021 I have hosted virtual roundtable meetings with benchers and stakeholder representatives in northeast, northwest and central south regions. I will be finishing off the virtual outside of Toronto regional meetings in early March with the meeting for the southwest region, which is March the 3rd. In addition, I've spoken to the Middlesex Law Association, the Huron Law Association and Lerner's LLP.

I'm continuing my outreach to paralegal programs at colleges, paralegal colleges. I have presented to seven paralegal colleges so far and I have more booked and I hope to complete those in the spring. I'm also going to be doing outreach and attending at law schools and speaking to third year law students,

and that's coming up starting in March.

I'm really enjoying this outreach, I wish it was in person, but it's not, we're doing it by Zoom, of course, but it's an invaluable way to build connections and to understand the challenges that our members and future members are facing.

I was also honoured to deliver greetings on behalf of the Law Society at the swearing in for The Honourable Justice Faye McWatt, Associate Chief Justice for the Superior Court of Justice, and I look forward to working with her.

I don't know how many people, benchers and others, who are watching who were able to attend. On February 5th I participated in a CPD program hosted by LawPro and the Toronto Lawyers Association. That program focused on mental health and the impact of the pandemic on lawyers, paralegals and students. There were more than 1600 registrants for the program.

The program focused on the added pressure and stresses that the pandemic has caused, the economic uncertainty due to the pandemic, the negative impact on practices, all of which impact on mental health. The feedback was overwhelmingly positive and there was just an amazing outreach and support group that grew in the chat function on the platform that we

used.

I'm just going to share with you some of the feedback on this program. "Frankly, it was one of the best and most useful sessions I have ever attended." Another, "43 years in practice, one of the best programs I've ever attended." Another, "Powerful, concise takeaways that had an immediate impact on my wellbeing and mental state." And another one, "It was the single most moving and impactful CPD presentation I have ever attended in nearly 33 years of practice. It was both comforting and empowering to be part of something bigger than myself. It was the first time since the pandemic began that I felt a sense of hope, hope for the pandemic to end, hope for change in the world, hope for the future of the profession. I spent the whole 1.5 hours with a lump in my throat and tears running down my face. I was completely blown away by the kindness of colleagues and the shared tips in the chat function which I have begun to explore and already shared with others."

Thank you to everybody who attended that program, thank you for your eloquent words on feedback to help us understand how we can make these programs better and continue our outreach on mental health, and for everyone who hasn't had a chance or an opportunity

to participate or to watch that program, I encourage you to do so. It is now available online at LawPro's risk management website. Since it's been posted it's had more than 500 views.

As I do my outreach, mental health and wellness and addictions are top of mind. It is a very important time to raise awareness, to reduce stigma and to support our members and to ensure they have access to support and resources to help them navigate through these challenging times. I encourage everyone here today, all benchers and everyone watching with us on the webcast, to pass on through your networks the information about the confidential member assistance program which is funded by the Law Society, but which is completely confidential and completely independent. You are not alone. If you need support, please reach out.

I draw your attention to the upcoming Mental Health Awareness Week from March 3rd to 9th, and also to -- to the fact that the Law Society is planning a mental health summit together with members from the Ministry of the Attorney General, and this summit is scheduled to be held on March 19th and March 20th, so please mark your calendars.

I also have a reminder about this



evening. We will be holding the Law Society's Black History Month event in partnership with the Canadian Association of Black Lawyers.

This program is scheduled from six until 7:30 and is accredited for an hour and a half of EDI content. It's a free program that you can access virtually.

The panel will be exploring the quality, diversity and inclusion from a BIPOC perspective with focus on strategies to overcome systemic anti-Black racism.

While there is increased recognition of the importance of EDI, many individuals and organizations still struggle to implement meaningful changes in the workplace. Panellists will discuss concrete tools and strategies to institute impactful change.

We are pleased to report that we have had an outstanding response from the profession and the public for this program, with over 3,000 registrants, which may well be a record, I'm not sure about that, but it's certainly a huge number and double or triple what I have been aware of in past programs.

The Law Society will also acknowledge International Women's Day on March 4th from 5 to 6:30.

This program again, as well, is free. It's accredited for 1.5 hours of EDI.

The program is being done in partnership with the Ontario Bar Association Women Lawyers Forum, the Women's Law Association of Ontario, the Women's Legal Education and Action Fund, the Barbara Schlifer Commemorative Clinic, and for the first time this year, the Ontario Paralegal Association.

This program will focus on COVID-19 and its economic impact and regressive effect on gender equality. Across the world women are facing increased domestic violence, unpaid care duties, unemployment and poverty. Women with children are more likely to leave the labour force than men.

Speakers will share their unique experiences, challenges, success stories and strategies to better accommodate and support women, with perspectives ranging from newly called members to the judiciary.

Also coming up in March is the Law Society's Francophone event in partnership with AJEFO. The program is scheduled for March 23rd.

De plus, l'évènement francophone organisé par le Barreau et l'Association des juristes d'expression française de l'Ontario aura lieu le 23

Mars.

Information on all these events is available on the Law Society's website.

Well, benchers, it was a year ago that the onset of the pandemic in Canada and for us at the Law Society. It's a year ago now where February was our last Convocation in person.

If we think back to one year ago when we were here exactly in February Convocation, we would have never imagined the world today. Working with our justice partners we have changed the face of the justice system, pivoting to online delivery of legal and justice services.

We have had to consider many regulatory issues while continuing to fulfill our mandate and regulate the legal professions in the public interest. Thanks to the dedication of our staff, change was implemented at warp speed in response to member needs and they continued to respond to and take steps to change and be innovative in ways in which we can serve the public, further the public interest and strengthen public confidence.

I would like to thank Convocation and the staff at the Law Society for their hard work and guidance in addressing the many challenges we have

faced as a regulator. Thank you, staff, thank you, benchers, we're engaged in very important work at a very difficult time and I appreciate all the work that you're doing.

I would like to publicly announce the appointment that was made at our in camera Convocation on February 9th. Due to scheduling conflicts, Bencher Julia Shin Doi had to resign her position on the LawPro board of directors. Thank you, Ms. Shin Doi, for your service.

Convocation nominated Bencher Etienne Esquega for election to the LawPro board and I understand he attended his first board meeting yesterday.

Now, I turn to a very serious matter, I turn now to the death of Scott Rosen. I was saddened to hear about the death of Ontario lawyer, Scott Rosen, on December 18th, 2020. Mr. Rosen apparently left his Toronto law firm, entered a parking lot where he was struck by a truck and killed. First degree murder charges have been laid in this death.

As we know, and as the Supreme Court of Canada has noted, lawyers are vital to the proper functioning of the administration of justice in our free and democratic society. The UN principles on the

role of lawyers also acknowledges the important role that lawyers play in protecting human rights and fundamental freedoms.

Scott Rosen's death impacts on all of us in the justice system and beyond. On behalf of Convocation, I would like to express our deepest condolences to the Rosen family.

I now turn to the agenda. I would like to update benchers and members who are watching on live webcast that two items on our agenda today will not be considered. The Priority Planning Committee report is being referred back to committee and, in addition, the notice of motion found at tab 7 brought by benchers Atrisha Lewis and Michael Lesage, with their agreement, is being referred for consideration to the Audit and Finance Committee. I anticipate that Ms. Lewis and Mr. Lesage's motion will return to Convocation's agenda in May.

You will also see, benchers, that there are reports for information, there are a number of those on today's agenda from the Audit and Finance Committee, the Professional Development, Competence, Professional Regulation and Tribunal Committees.

If you haven't had time to fully consider those reports, I would encourage you to do so.

-- CONSENT AGENDA:

TREASURER DONNELLY: I move now to the consent agenda that is found at tab 1. The motions in the agenda are moved by Ms. Murchie. Mr. Fagan?

MR. FAGAN: Yes, Treasurer, thank you.

Although I have no objection to the consent agenda, per se, I just wanted to alert you and all that right after we are finished discussing the consent agenda I will be moving on a separate agenda item to move the Equity and Indigenous Affairs Committee item, now listed in the in camera portion of the agenda, to the public portion. That will be right after the consent agenda has been dealt with. Thank you.

TREASURER DONNELLY: The motions in the -- Ms. Lewis?

MS. LEWIS: Thank you, Treasurer. I have no issues with the consent agenda, but there's one item that was moved, the LSSO motion. I was hoping to provide some commentary and some thoughts on it. I'm not sure if now is the appropriate time.

TREASURER DONNELLY: I'm sorry that they were moved. They're on the agenda, Ms. Lewis.

MS. LEWIS: I thought you said they were being moved, or maybe I --

TREASURER DONNELLY: No, sorry, the

Priority and Planning Committee, the change in structure of committee reports is being moved.

MS. LEWIS: Sorry, my apologies.

TREASURER DONNELLY: No, that's fine.

Mr. Lyon.

MR. LYON: Thank you, Treasurer. I want to raise -- rise on a point of personal privilege with respect to the volume of information that was disseminated between Friday last and yesterday.

1301 pages were provided to us on Diligent in three separate tranches, and as someone who likes to read and study everything that's provided, I think that volume of material is not comprehensible, certainly by me, in that period of time and it highlights, I think perhaps, that had we had a January Convocation and been able to deal with at least some of those materials, we wouldn't be dealing with 1301 pages of materials today.

So I just wanted to highlight that issue because, as a bencher, I find that that's not an acceptable way to govern. Thank you.

TREASURER DONNELLY: Thank you, Mr. Lyon, and thank you for raising this with me yesterday. I followed up on it already.

You will note from reviewing the

materials that a number of the pages of materials, in fact a substantial amount, relate to by-law amendments. So we're going to be looking, going forward, at changing that, Mr. Lyon.

I know that staff and management take very seriously their obligations to provide information to benchers in a timely and constructive way and I know that we are always looking at ways in which to improve that, so we will take forward your comments and continue to look at that. But I did have a conversation with Mr. Varro this morning and I know Ms. Miles is supportive of moving forward to look at the issues that you have raised. So thank you.

I'm now going to try to get to the consent agenda. For the consent agenda, this is being moved by Ms. Murchie and Mr. Poliacik.

So there are a number of items on the consent agenda. Does anyone seek to have an item removed from the consent agenda?

MR. GOLDSTEIN: Treasurer, it's Bencher Goldstein. Here I am. Just a point of clarification. Is the issue of the Human Rights Tribunal letter part of the consent agenda or is that a separate motion which is being debated?

TREASURER DONNELLY: When you say Human



Rights Tribunal, are you referring to the Human Rights Monitoring Group request for information that's on the consent agenda?

MR. GOLDSTEIN: Yes. Sorry, slip of the tongue. Yes.

TREASURER DONNELLY: Yes, Mr. Goldstein, that is on the consent agenda.

MR. GOLDSTEIN: Okay. I want to oppose that letter. It's my ongoing opposition to that committee. I ask that that be removed.

TREASURER DONNELLY: Okay. Is there anything else that a bencher asked to be removed from the consent agenda?

MS. LALJI: My apologies, Treasurer, I couldn't hear Bencher Goldstein.

TREASURER DONNELLY: Okay, so Mr. Goldstein has requested that the Human Rights Monitoring Group request for intervention be removed from the consent agenda, okay. So I'm removing that from the consent agenda and then I'm asking benchers then to vote on the balance of the consent agenda.

So just to be clear, it will be everything that's on the Consent Agenda, with the exception of the Human Rights Monitoring Group report.

If I could please ask that you use the

voting buttons on the -- in the reactions tab. If you're abstaining to use the raise hand function, please.

MS. WILKINSON: Treasurer, I am not seeing the voting functions with reactions. Apparently I have to update my whole Zoom program, which I will do on a break. I e-mailed Mr. Varro my approval of the consent agenda.

TREASURER DONNELLY: Thank you.

MS. WILKINSON: I will continue to function that way until I can deal with this on a break.

TREASURER DONNELLY: Okay, thank you very much, Ms. Wilkinson. And perhaps I might explain to others if they're not seeing it on their platform as well. All right. And Ms. Lalji is saying the same thing.

So, Mr. Varro, do we have that vote?  
Are we finished with that?

SECRETARY: Yes, we have a majority of benchers voting in favour, Treasurer.

TREASURER DONNELLY: Okay. If there are any abstentions please use the raise hand function.

MR. FALCONER: Treasurer, Julian Falconer on the phone.

TREASURER DONNELLY: Okay, Mr. Falconer.

MR. FALCONER: And, yes, I support the consent agenda.

TREASURER DONNELLY: Thank you very much. And we're --

MR. FAGAN: Treasurer, I was able to vote on the participants' sheet, I put in a yes, and I just wonder if Mr. Varro can confirm whether that was a successful vote.

SECRETARY: Just give me a moment, Mr. Fagan, I'll find your name and see if the icon shows beside it.

MR. FAGAN: Thank you.

SECRETARY: I'm actually not seeing your name on the list, Mr. Fagan, so just give me a moment longer.

MR. FAGAN: Mine was not the only yes vote that I saw on the good old participants' sheet.

SECRETARY: Yes, sorry to interrupt, but, yes, your vote is shown as yes beside your name.

MR. FAGAN: Thank you.

TREASURER DONNELLY: Thank you. So we're going to move on, now we're going to deal with the matter that was removed from the consent agenda. That's the Human Rights Monitoring Group request for

information.

Ms. Murchie, I don't know if, as mover of the motion, you wish to address this or whether you wish to defer to one of the chairs of the Human Rights Monitoring Group or to Mr. Poliacik, who is the seconder.

MS. MURCHIE: I will defer to one of the chairs of the Human Rights Group, Treasurer.

TREASURER DONNELLY: Mr. Poliacik, as a seconder do you wish to speak now or do you wish to speak at the end? Mr. Poliacik, if you're speaking I can't hear you. Mr. Falconer, Ms. Walker, do you wish to address that?

MS. WALKER: Yes, we're speaking about intervention, correct?

TREASURER DONNELLY: Yes.

MS. WALKER: Good morning, everyone. I'm actually moving this motion. As a member of the Human Rights Monitoring Group, I have a motion for Convocation today. This motion can be found at tab 1.3 of your materials, with the proposed letter and public statement in the sub tabs below.

The item before Convocation today had the unanimous support of the Monitoring Group.

In February 2020, lawyer Zhang Zhan

travelled to Wuhan after hearing reports about the severity of the Chinese government's lockdown in response to the COVID-19 pandemic. She posted videos on social media showing deserted streets, completely empty stores, vans full of body bags leaving hospitals, and crematoriums were running day and night.

Her videos also showed the chaos in local hospitals, which were struggling to keep up with the rapidly spreading virus.

On May 15th, 2020, she was arrested and her license to practice law was revoked. She was held in custody until her trial in December.

While in custody, she began a hunger strike to protest the government's actions. In response, she was force fed through a feeding tube and shackled to her bed with her hands bound 24 hours a day to ensure that she could not remove the tube. She was kept in these conditions for three months.

Amnesty International has condemned her treatment by the Chinese government as torture. By the time of her trial her health had greatly deteriorated and she was forced to attend in a wheelchair. She is found guilty of picking quarrels and provoking trouble and sentenced to four years in prison, even though prosecutors did not display any evidence that the

claims she made in her posts were false.

After considering the above facts, including the mandate of the group, we ask that the proposed letter of intervention and public statement be supported by this Convocation so we can continue to stand up for members of the legal profession when they are persecuted for defending some of the world's most vulnerable people.

Lubomir Poliacik, another member of the Human Rights Monitoring Group, is seconding this motion.

TREASURER DONNELLY: Thank you. I'm not sure Mr. Poliacik is still on this. So, Mr. Falconer...

MR. POLIACIK: I think --

TREASURER DONNELLY: Are you here, Mr. Poliacik?

MR. POLIACIK: I am.

TREASURER DONNELLY: Mr. Poliacik, are you here?

MR. POLIACIK: Can you hear me? I'm having real trouble with my audio, unfortunately.

TREASURER DONNELLY: Yes, we can hear you.

MR. POLIACIK: Okay. Excellent. All

right, as the chair noted, this motion has the unanimous support of the Human Rights Monitoring Group. Ms. Zhan's case meets all the criteria of the Human Rights Monitoring Group and we believe it's an obvious case for intervention.

Ms. Zhan, a lawyer, has -- three months and was sentenced to four years in jail for sharing the truth about the impact of the COVID-19 pandemic on Chinese citizens and the Chinese government's handling of the situation.

By issuing this public statement and the letter of intervention, the Law Society will be adding its name to the list of organizations calling on the Chinese government to free Ms. Zhan and to adhere to its obligations under international human rights law.

Just as important, or perhaps even more importantly, our letter will provide moral support to Ms. Zhan and help her to endure her long imprisonment. So I would ask benchers to support our group.

TREASURER DONNELLY: Anybody else who wishes to be heard in this debate? Mr. Goldstein.

MR. GOLDSTEIN: Yes, thank you, Treasurer. There is an organization called Canadian Lawyers for International Human Rights which does this type of function.

When I was elected as part of the slate, one of our principles, in addition to stopping the SOP and reducing fees, was also the mission creep that the Law Society is engaged in. It's my belief that having a Human Rights Monitoring Group is part of that mission creep.

No matter how good the intentions may be of this body and no matter how good the intentions are of that letter, the reality is that we are a regulatory body, not a government starting -- getting involved in international affairs, no matter how good the issue may be, and as such, I have an ongoing issue with this committee. I think it should be disbanded.

We are, again, a regulatory body, not a government agency, getting involved in international political affairs. That's my ultimate objection to the letter, not that it's not a good cause, not that it meets some criteria, but we are a regulatory body.

Again, if people are interested in this very noble pursuit of defending lawyers, then they can get involved in the Canadian Lawyers for International Human Rights, just as the College of Physicians doesn't get involved in matters, they have Médecins sans Frontières, we should be handing this type of work over to the Canadian Lawyers for International Human Rights.



Thank you.

TREASURER DONNELLY: Ms. Horvat.

MS. HORVAT: I'd simply request a roll call vote, please.

TREASURER DONNELLY: Is there anybody else who wishes -- Mr. Desgranges.

MR. DESGRANGES: Yes, can you hear me?

TREASURER DONNELLY: Yes, we can, Mr. Desgranges, thank you.

MR. DESGRANGES: Thank you. So I will vote in favour of this motion of course, because other than siding to a certain extent with my colleague, Bencher Goldstein's, point of view, I would like to note, though, that similar occurrences, although not to the extent of torture, is happening in Canada, and I wish that if we keep on with human rights violations or this group I think we should probably look at making some comments on the national situation in Canada, and to that extent, to the provincial situation in Ontario.

I think it would be wise to look into that because we are actually going under lockdown as well and it is causing, as you stated in your address, a lot of stress to a lot of Ontario residents at minimum.

So to the extent that this is not

international, I understand that it would be out of the mandate, but somewhere along the line I think there's room for the Law Society to speak to this. Thank you.

MR. FALCONER: If I may, Treasurer.

Julian Falconer here.

TREASURER DONNELLY: Yes, Mr. Falconer.

MR. FALCONER: Yes, good morning, colleagues.

Treasurer, I just wanted to respond to the suggestion that the -- somehow the mandate of the Human Rights Monitoring Group is outside the mandate of the regulator. Those kinds of discussions might have resonated more at a time when our legislation didn't speak directly to the public interest, but, of course, our legislative foundation under the Act is very clear that the regulator is to operate with a view to furthering the public interest.

I can think of no higher purpose than attempting to call out threats to the lives of defenders of human rights across the world.

So we have found, frankly, a very significant uptick in the numbers of support letters and inquiries by both members of the bars and the judiciary alike domestically.

So I simply say this. There is a great

deal of support, not just for the issue, but for the Law Society as regulator supporting this issue, and I point out that when it comes to a question of concern over overhead or cost, the Human Rights Monitoring Group costs close to nothing and -- relative to all other programs that the Law Society administers. I'm not proud of that, that we don't expend much resources, but we don't.

With the very limited resources that we take up, with excellent support by Mr. Pichelli, our staff, the bottom line to all of this is I think this is a very worthwhile endeavour and I certainly hope that my colleagues agree and that from the point of view of the work it will continue. Thank you, Treasurer.

TREASURER DONNELLY: Thank you, Mr. Falconer. Mr. Lesage.

MR. LESAGE: Thank you, Treasurer. So I would like to second Mr. Falconer's comments.

CCP China is perhaps the world's foremost violator of human rights. It detains its own citizens, it detains Canadian citizens, especially those named Michael, arbitrarily. It signs treaties, as it did in Hong Kong, and then ignores them, and the Canadian Parliament has just stated that China is

engaging in genocide against its Uyghur population in Xinjiang, which I have mispronounced terribly, but I would ask for the support of other benchers on this.

I do feel it's a very important issue and we need to speak as a regulator and given our role in the justice system. Thank you.

TREASURER DONNELLY: Thank you. Move to a vote then. I think with the issues that we're having with the voting that we will do the roll call vote, as requested by Ms. Horvat. Mr. Varro, if you would please do that.

SECRETARY: Thank you, Treasurer.

Mr. Adourian?

MR. ADOURIAN: Yes.

SECRETARY: Dr. Alford?

DR. ALFORD: Yes.

SECRETARY: Ms. Banning?

MS. BANNING: Yes.

SECRETARY: Mr. Braithwaite?

MR. BRAITHWAITE: Yes.

SECRETARY: Mr. Brown?

MR. BROWN: Yes.

SECRETARY: Mr. Burd?

MR. BURD: Yes.

SECRETARY: Mr. Charette? Mr.

Chiummianto?

MR. CHIUMMIENTO: Yes.

SECRETARY: Mr. Cooper?

MR. COOPER: Yes.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: Yes.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: Yes.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: Yes.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: Abstain.

SECRETARY: I'm sorry, you said abstain?

MR. EPSTEIN: Abstain.

SECRETARY: Abstain. Thank you. Mr.

Esquega?

MR. ESQUEGA: Yes.

SECRETARY: Mr. Fagan?

MR. FAGAN: Abstain.

SECRETARY: Mr. Falconer?

MR. FALCONER: Yes.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Abstain.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: Yes.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: Yes.

SECRETARY: Dr. Lau?

DR. LAU: Abstain.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: Yes.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: Yes.

SECRETARY: Ms. Lockhart?

MS. LOCKHART: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: Yes.

SECRETARY: Mr. Lyon?

MR. LYON: Abstain.

SECRETARY: Mr. Marshall?

MR. MARSHALL: Yes.

SECRETARY: Ms. Merali? Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: Yes.

SECRETARY: Mr. Parry? Mr. Pineda?

MR. PINEDA: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: Yes.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: Yes.

SECRETARY: Ms. Shi?

MS. SHI: Abstain.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: Yes.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman?

MR. WELLMAN: Yes.

SECRETARY: Mr. Wilkes?

MR. WILKES: Yes.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: Yes.

SECRETARY: Mr. Wright?

MR. WRIGHT: Yes.

SECRETARY: Treasurer, I'm just going to go back and ask if Mr. Charette is now here for a vote, and Mr. Parry.

TREASURER DONNELLY: And the result of the vote, please?

SECRETARY: The motion carries, Treasurer, 44 in favour, six abstentions.

TREASURER DONNELLY: Thank you. If we could move on then. Mr. Fagan, you said you had an



issue to raise at the end of the consent agenda?

MR. FAGAN: Yes, Treasurer. Thank you.

I wish to move that the matter now listed in the in camera portion of today's agenda relating to a report from the Equity and Indigenous Affairs Committee be moved from the in camera portion of today's agenda to the public portion thereof.

The report goes far beyond any matter that should remain in camera, such as personnel selection matter, for example, and raises serious questions of good governance, or lack thereof, relating to the situation leading to the production of the Equity and Indigenous Affairs Committee report and its minority report involved in this listing on the in camera portion of agenda. I move that that report be moved to the public portion of agenda.

TREASURER DONNELLY: Pursuant to section 79 (2)(5), we're going into camera immediately. Mr. Varro, could you please tell me when that's been done?

SECRETARY: Ms. Fischer-Mitchell will let me know when our technicians have switched off the video feed.

--- In public portion adjourns at 10:13 a.m.

--- Recess taken at 10:45 a.m.

--- On resuming at 11:00 a.m.

TREASURER DONNELLY: Hello, welcome back and thank you to those of you who are watching the live webcast.

I just want to clarify something that I said in my opening remarks. I understand that I said that the mental health summit is being held on March 19th and 20th, but it's actually held in May. So I just clarify that. Yes, Mr. Lyon, I see that you have your hand up.

MR. LYON: Thank you, Treasurer. I have a point of personal privilege over the dissemination or lack thereof of information from the Law Society.

I have been asking now for six months about the costs of the investigation occasioned by Mr. Hojjadi's bench code of conduct complaint and that information has not been forthcoming.

TREASURER DONNELLY: Thank you, Mr. Lyon. That is not a point of personal privilege. You're inquiring about a private bench investigation and a confidential matter, and pursuant to section 87.2 paragraph 1 of the by-laws, this is not a debatable or appealable matter and I'm going to ask Mr. Groia to please give us a financial update.

[-- AUDIT AND FINANCE COMMITTEE REPORT:](#)

MR. GROIA: Thank you, Treasurer, and

good morning, everyone. I'm pleased to provide  
Convocation with another in our --

MR. POLLOCK: Mr. Groia, sorry to  
interrupt. I'm just having some difficulty hearing  
you. Is it possible you could get a little bit closer  
to your microphone?

MR. GROIA: Certainly, I will do my  
best, Mr. Pollock. I don't know if anyone else shares  
that difficulty, but is this better for you?

MS. LEAN: Very tough to hear.

MR. LYON: It's sounding a little bit  
muffled, Mr. Groia.

MR. GROIA: I will get closer still.  
How about that?

MR. POLLOCK: That sounds better, thank  
you very much. I apologize for interrupting you.

MR. GROIA: No, that's quite all right,  
Mr. Pollock. It would defeat the whole purpose of  
making a report if no one could hear me.

So I'm pleased to present another in a  
series of reports about the state of affairs of our  
finances at the Society, and I'm also pleased to tell  
you that, notwithstanding the uncertainty of COVID-19  
and the capital markets, I believe the Society is in a  
strong financial position as we start fiscal 2021.

In particular, I believe the Society will end 2020 with a gain of about \$15-million in our finances, taking into account all of our various funds.

I have to say, however, that these are preliminary numbers, as our auditors at Price Waterhouse Coopers are still finalizing their work on the audit for 2020, which we believe should be completed in time for consideration by the Audit and Finance Committee in April.

As you may recall, last year's budget called for a loss of approximately \$8.7 million in our General Fund. In fact, the General Fund will end the year with a gain of approximately \$4 million, a positive variance to budget of approximately \$13 million.

While the impact of COVID-19 on our 2020 revenue was materially negative, some of management and Convocation's deliberate and consequential expense savings have more than offset the revenue reduction. Moving to online meetings, online teaching, online licensing and bench events has caused a significant reduction in our expenses.

On the revenue side, I want to note that CPD revenues are estimated to end the year approximately \$1.8 million below budget, and this is

largely attributable to the CPD's team ability to pivot program delivery and content to deal with COVID-19 concerns.

Furthermore, the market value of the Law Society's investments improved substantially in Q3 and Q4 and ended the year with an unrealized gain of approximately \$1.7 million.

On the expense side, because of the cost cutting measures that have been taken for salaries and benefits, we are about six million dollars under budget, with savings spread throughout the organization. There were also approximately 6-million dollars in expense savings as a result of Convocation policy and outreach reductions related to benchers remuneration, expense reimbursements and stakeholder engagement.

In the future, management and Convocation will need to continue to carefully monitor the Society's program and service delivery levels in 2021.

Looking at our funds, the General Fund will have a combined fund balance of approximately \$32-million at the end of December. Please remember, however, that we have already allocated approximately \$8.4 million of that balance to fund our 2021 budget.

In addition, we are just now starting to see what the COVID-19 impact will be on our 2021 revenues and expenses.

In the Compensation Fund, the planned replenishment of \$5-million in the lawyer pool of the fund has now been completed and the fund is well positioned to deal with the expected increase in claims that may come about from the effects of COVID-19.

The paralegal pool of the Compensation Fund ended the year with a small gain of \$11,000.

These results contribute \$8 million of the overall \$15 million positive variance for the Law Society fund.

So what about this year? Although the Society is going to end the year in a strong financial position, we will need to carefully monitor our 2021 finances as the year progresses. In particular, we are starting to see the results of the 2021 annual fee COVID-19 deferral option.

As of February 23rd, there were 541 licensees deferring their 2021 annual fees at a cost of about \$815,000. Of these deferrals, 313 were lawyers and 228 were paralegals. 201 of these licensees were sole practitioners, 35 came from small firms and 305 were new licensees recently called to the bar.

The 2021 annual fee bill was issued in January, and depending upon the impact of COVID-19, we may also see some shift to retired, not working status, particularly from our over 65 colleagues. This will happen by the end of the first quarter, with our fees being payable by March 31st.

The continuation of provincial emergency measures will continue to impact our 2021 CPD revenue. No one can predict, at least not at the Audit and Finance Committee, exactly when and how we will return to more normal practice matters.

As you will recall, our 2021 budget included cost cutting measures that will need to be monitored for their potential impact on the Law Society's ability to fulfill its responsibilities to the public, as well as to support licensees and candidates.

Historically as well, we have seen an increase in Compensation Fund claims after an economic downturn and we are anticipating that this may very well occur as a result of COVID-19.

Finally, the markets are expected to continue to show considerable volatility this year and this may affect our investment income.

So, in closing, I would like to thank

our senior management team for helping the Society work through the myriad of challenges that we faced in 2020. We start 2021 in a strong financial position and we have the financial resources we need to deal with the uncertainty that still lies ahead of us.

I can see no reason why we cannot continue to do the important policy, licensing and enforcement work that is necessary to regulate the legal professions in the public interest.

Brenda, her team or I will be pleased to try and answer any questions you may have. Thank you, Treasurer.

TREASURER DONNELLY: Mr. Burd.

MR. BURD: Thank you, Mr. Groia, for your presentation. I note that you had mentioned a considerable amount of the savings was, in part, due to the lack of remuneration that was required for benchers and the cost of bringing everybody into Toronto for meetings.

The question that I have for you, and I don't know if this is something that Audit and Finance will look at, but say come September, if we take Mr. Trudeau's word for it that the vaccines will be given to every Canadian by that point in time, what is the outlook for returning back to either in person



meetings, or a hybrid thereof, and if that is part of your committee's outlook as to that future or is that something that PPC would look at?

I'm just wondering what thought has been put into that, since you mentioned it as being a significant part of the savings. What committee would be looking at that issue?

TREASURER DONNELLY: Sorry, that wouldn't be a committee issue, that's an issue that Ms. Miles and I are considering when and -- when we can return safely. It's an issue of safety of all of us and the safety of staff. It's something that is definitely top of mind, Mr. Burd, and that the CEO and I are continually assessing and we will continue to do that and message out to benchers.

Is there anyone who has a question related to the financial report? If not, I'm going to ask then, Diana Miles, the Chief Executive Officer of the Law Society to do her report, and I thank you, Mr. Groia, for your presentation.

MR. GROIA: Thank you, Treasurer.

### -- CEO'S REPORT:

MS. MILES: Thank you, Treasurer, and good morning, benchers. Every year in February I present the board with a synopsis of annual operational

results for the prior year and also operational objectives for the current year, so that information is starting for you at page 84 of your BoardBook today.

The outcomes in the data provide just a snapshot to show the what and the how of the activities that were undertaken to keep over 40 Law Society programs and services stable and ongoing and, of course, for 2020 it also includes key indicators related to pandemic-specific work flows.

Obviously for all of us the global health crisis resulted in a whole new set of very time sensitive challenges for our business lines. There are numerous examples across the organization where teams and individuals excelled to ensure that the Law Society was able to maintain our high standards of working with our client groups and with all of our stakeholders, and the divisions across the organization continued to fulfill all of their corporate obligations at outcome levels that were similar to previous years.

As you look at that data in the deck that I provided to you, you will see evidence of how the nudge of the pandemic actually moved us as an organization faster and closer to improved automation and processing as well, so additional achievements in a year where things were otherwise very disrupted.

Now, I'm not going to go through this entire presentation deck with you, given its breadth, but I'm sure you'll be pleased to hear that, but certainly I'm going to encourage you to contact me to discuss any of the information in the deck. There's a lot of it in there, a lot of good data for you to review.

For today I'm just going to highlight some of the 2020 year, and I want to start in the CEO's office where I'll call your attention to page 89 of BoardBooks, and I've outlined for you here and on the following pages a list of the strategic priority achievements that have been made by the board and by management, establishing focused objectives to respond to the strategic plan that was put into place by all of you in fall of 2019.

You'll see that within the four key priorities chosen by the board to represent this bench term's objectives to date, we have approved, assigned or otherwise completed well over 20 items of development or change that address these priorities, and all of this despite over half of your bench term to date now being completed in a mostly lockdown pandemic emergency state.

So we have made great strides in

approving action items to fulfill our priorities, particularly in the area of burden reduction, both internally and for our licensees.

Many of the approved items set out in this report are now in process, so they will require a workup and operational plans and implementation plans to make them happen alongside our usual daily work, but they are in flight, and this is quite an achievement in the circumstances.

Moving on to finance and facilities, the pandemic required, as you know, a tremendous increase in financial oversight for our operations and for our board. In a year of upheaval, the finance team was extremely busy assisting all of the other divisions and Convocation to come to informed decisions regarding potential pandemic impacts and funding options to balance those, and they continue to support the thousands of financial transactions that are required to keep business going as usual at the Law Society.

So on page 94 of BoardBooks we have provided you with just an indication of the variety of activity that is overseen by this finance and facilities division, with over 60,000 licensees, almost 600 employees, a number of subsidiaries and 40 plus programs and services in a wide array of business

lines.

#### Managing the financials of the Law

Society is a complex effort, whether that's managing payroll, accounts receivable, accounts payable, receipts from and through to our subsidiary organization, and then moving to electronic payroll and benefit systems for increased efficiency while we were doing that, and also supporting multitudes of changes to licensee statuses and, therefore, fee invoices and reimbursements.

So on this note, at page 97 and 98 of BoardBooks we provided some information of interest. We see thousands of changes to licensee statuses at the Law Society every year, and in 2020 you can see from your materials that between lawyers and paralegals we have almost 11,000 interactions with licensees who changed their statuses, which then result in fee invoicing work and licensee registration changes and impacts in the finance division and in the client service centre.

We see this year in and year out, due to the number of status categories, fee exemptions and fee exceptions that the organization has implemented over the years. This is a process heavy reality of our current policies.

As I mentioned, in 2020 the team was also constantly modelling financial outcomes for the year in light of pandemic realities to ensure that we were all able to make informed decisions in a challenging year, and supporting the creation of new options while they were doing that, such as the fee deferral program to address the needs of licensees who were negatively impacted by the pandemic.

Now, the finance division also includes our bricks and mortar oversight, so our facilities management, making sure we can keep the lights on literally by paying the bills and also managing the infrastructure, and I'll leave that information for you to review at your leisure.

I would like to move on to the office of general counsel at page 108 of Diligent. On top of having all of our backs legally and managing and maintaining the usual legal issues of our complex organization, this small team was critical to our need to make some significant and very difficult changes in our employee base this past year.

The management and the oversight of termination agreements with employees was impactful for us in 2020. As you all know, we reduced our work force by almost 12 percent as a consequence of the realities

of the pandemic restrictions on some of our business lines, as well as the anticipated need to proactively mitigate against the potential of longer term pandemic financial risks.

In addition to that, the office of general counsel continued to provide wise and timely advice to me, the senior executive, on COVID impacts and issues, and to the whole organization, to management, the Treasurer, committees and Convocation related to policy changes.

The team handles a significant number of legal inquiries received from across our operational divisions. In 2020 they managed about 450 different file matters, ranging from contract negotiations and contract terms through to employee terminations, and then on through to the provision of drafting and advice on by-laws and legislative changes.

Moving now to our client and people services division, starting at page 110, we saw a significant shift in the work processes in the client service centre, where the realities of the pandemic led the group to quickly transform to new electronic processes to support continuity of service.

The client service centre, as you know, is the first line of supporting members of the public

in whose interests we all serve. They managed over 125,000 calls into the centre in 2020, and at the same time this team processed all licensee applications for a large variety of regulated membership requirements, moving that documentation exchange to be one hundred percent electronic to address the realities of the pandemic.

In compliance -- complaints and compliance, which is first stage of complaints against lawyers and paralegals that are coming into the organization, that team managed over 5800 complaints received in 2020, so the similar volumes to the previous years, and they focused on making additional efforts through their skilled discussions with complainants and with licensees to resolve those issues and reduce the volume of complaints that were eventually transferred to the Professional Regulation Division. They closed 34 percent of those complaints, which was a substantial increase in closures for the year.

Now, there's also a head count reduction in the client service centre area for 2021, the call centre, the by-law administration areas and the complaints and compliance areas, and this reduction will impact the time to closure and resolution of these



complaints and decreases in response time to members of the public and licensees, so those are things that we're going to have to be monitoring closely throughout 2021.

Looking more inwardly, the client and people services area also includes our human resources and our information technology support services departments, and those groups were focused on supporting our team to maintain work flow from their new completely work-at-home environment last year to ensure that we were able to transition quickly and efficiently and engage our teams to maintain morale and also productivity.

With respect to information technology and maximizing our infrastructure in this regard, as I have mentioned to you on a number of occasions, a key 2021 objective will be a significant focus and time allocated to business systems prioritization and IT systems reconfiguration, including establishing a long term transition plan and a capital plan for that, with a particular emphasis on decommissioning of legacy systems and aligning our IT supports, which will help us to streamline our work flow and improve our abilities to extract, use and share our data.

I'd like to move now to Professional

Development and Competence, starting at page 125 of your book.

The transitions taken in PD&C to address licensing candidates, licensee supports and resources, and also our ongoing quality assurance activities really required significant foundational shifts in their operations last year. They moved to online licensing examinations and changed just about everything there was to change in that licensing process to enable candidates for lawyer and paralegal licensing to effectively move through the process in a timely way in a lockdown.

The team also supported a 15 percent increase in inquiries to the practice management help line, those inquiries coming from our licensees who are in need of support.

They developed practice management resources and they produced free COVID learning programs alongside producing the usual number of substantive legal practice CPD programs for the year.

With a never before attained registration high of almost 120,000 licensees, more than double the year before, with all of those registrants being supported in their learning efforts through our online learning store, the provision of our

technical supports through our responsive webcast team, and also the work of our CPD team and finance team, as they both managed payments and completed the financial processes that are the results of program development and registrations activity.

I do want to give a shout-out here as well to the many licensee and guest participants who gave so much of their time to help the Law Society develop resources to help others to keep on top of the crisis and manage day to day and evolving practice issues. So our thanks to them for giving of their time.

I would also draw your attention to page 129 of Diligent, where we set out a few further stats on activity levels for key competence resources, and I note here a significant shift, such as the move to new remote audit and review protocols that support our quality assurance function.

That's another significant milestone for us. The audit teams embraced modernizing and modifying our audit protocols to ensure that we could fulfill our obligations as a regulator in a proportionate manner in the public interest while reducing the burdens for our licensees who will be audited.

Now, moving to Professional Regulation

at page 135 and forward, where the agility of our Professional Regulation Division to completely change their way of doing their work has been a remarkable 2020 achievement. They moved all regulatory services off-site and maintained all their file completion benchmarks to similar levels as previous years, despite the disruption.

Building on what they had already accomplished in the previous two years, the intake and resolution team streamlined their triage to ensure that risk criteria were aligned with the outcomes and the requirements of our regulatory obligations, and also proportionate to the outcomes that we were seeking to realize, and this has permitted a very carefully managed and risk appropriate decrease in the types and the number of files that are referred to in investigation.

Internally, this change and evolution has been significant for regulation and, to be clear, it did come with stressors. As you know, our regulatory area is still heavily paper oriented and we have been transitioning to more electronic methods of document and evidence management. The group's ability to recalibrate and get on with this online work and to do so at comparable levels of historical volumes is a

testament to their dedication.

You can also see at page 140 that the team moved files through and issued an increased number of notices of discipline last year, and on page 141 also a higher number of hearings were completed last year.

Now, some of these hearings were less complex matters because COVID did, of course, make the completion of highly complex disciplinary matters a little bit more difficult, given virtual restriction, but the team used this opportunity to dig into their caseloads and they cleared up their backlogs and made significant progress on all matters.

I would also draw your attention to the trustee services data. The team saw a sharp increase in active windup assistance requests from licensees and licensee's families, almost double. This means we have inventoried all those practice's client files and we are now working to transition those files to other licensees, so this increase is likely related to COVID impacts, but we will have to monitor this as we move forward and as we continue to address modernizing and efficiencies in this area.

While all of this work was happening operationally, we were also continuing to and

increasing, actually, our engagement with our justice sector participants and partners in keeping our licensees informed during this tumultuous time, and we did that through our external relations and communications division, starting at page 151.

Now, all of our key communications channels were very busy this year in our efforts to engage with external parties and get the important information out to them. Our website, in particular, of COVID-19 pages both saw dramatically high usage. While ERC was supporting that, they were working alongside their colleagues in the IT department and also volunteers from departments across the organization.

As we remediated, we replaced, we reviewed and removed the content on our various websites and online conduits to ensure that our organization is AODA compliant, addressing our larger community and corporate obligation to meet the required government standards to ensure accessibility for Ontarians with disabilities.

We also streamlined the information on our websites to make all of that more easily accessible and searchable. And there was, and continues to be, a lot of content on our sites, given the breadth of

regulatory oversight that we support and the scope of the resources that we provide.

In 2020 we supported a significantly increased volume of stakeholder engagements as well. Keeping the lines of communication open, even in -- is even more important, of course, in a difficult time like a pandemic, and this included developing an extensive outreach protocol for Treasurer Donnelly, and you heard a little bit about her activities earlier.

She was getting out to individuals and groups to let them know that the Law Society is here to assist them and to help practitioners to serve the public. This has been a substantial effort and, as it turns out, greatly enhanced by the reality that the Treasurer is able to do that virtually and save all that travel time as well.

So a Herculean effort by Treasurer Donnelly and our dedicated team in the Treasurer's and CEO's offices, and also in external relations and our policy division to make sure that we were out there and communicating issues of importance and receiving feedback and input.

And just speaking of the policy division, a few minutes on an area of our organization that is mostly about all of you as board members,

supported by our stellar policy team. Our policy division continued to work to ensure that board policies and dialogue were facilitated and supported by providing all of you with research analysis and recommendations for managing issues raised by our usual board policy development activities, as well as the pandemic.

As you can see from the data on page 161, the organization was very busy evolving our policies and priorities in 2020, with over 92 meetings or group interactions taking place to facilitate the work of the board; with 76 of those for bench committees, working groups and task forces that meet on a regular occasion.

Two more items in the materials I'll just mention to you before I close. Provided at page 164, the profile of licensees and firms at year-end 2020. Now, there's some interesting data for you here on our stakeholders that you may wish to review.

The profile of those that we regulate, the type and stage of their practices, is an important context within which we all work and make informed decisions about risk and regulatory management.

For your further information, I've also prepared an in camera document that supplements today's



report. Please give me a call if you would like to discuss any of that content.

Moving forward into and through 2021, we are going to continue to have some challenges ahead of us, and not just the ongoing pandemic situation. One of those will be our ability to direct resources to streamlining our systems in a multifaceted business environment, when each four-year bench term is marked by creating, reconsidering and often revising our policies and our programs.

The pandemic lockdown situations and staffing reductions will have an impact on completion rates and benchmarks for our ongoing regulatory work and our administrative systems changes and developments in 2021.

Senior management will be carefully monitoring impacts and prioritizing to ensure that we can meet our most critical organizational outcomes this year.

Now, this may mean overtly determining the processes that will not be developed and benchmarks that will not be achieved in favour of supporting other, more critical work flow in order to address our priorities. This is a consequence of reduced resources and an already extensive list of new policy and process

changes that are now in the pipeline for implementation, all of which are important to our evolution as a modern regulator.

Which brings me to the opportunities for 2021 and beyond. As an organization we are now beginning to and we must focus on setting the stage for establishing a new vision for the Law Society as a regulatory authority and as a progressive, modernized player in the justice system, tasked with assuring high quality legal services that are accessible for consumers.

In the next year or so we will be making critical decisions on some foundational aspects of our regulatory platform, and that will change the way that we approach our work. This includes considering the future state, the triumvirate of the safe provision of legal services, the proportionate application of our regulation, and the new world according to technology in law.

This will be a very exciting opportunity for us as a regulator and for the professions as legal service providers as we delve into potential areas of limited licensing and also legal sandboxes. Both pathways allow us to expand provision options, while still overtly ensuring that no harm comes to the public

by providing regulatory oversight for these creative pathways.

We are also embarking upon a cornerstone review of the continuum of legal practice by looking to establish new foundations to manage risk and assure quality of service for those who are licensed and, importantly, to assist legal professionals to remain viable and capable of providing high quality services.

So how do we ensure that those we regulate are set up for success in the early years of the provision of their services, and how do we assist them to maintain the quality of those services throughout their careers, so that we all avoid the risks that negatively impact the public and our licensees, who pay for those mistakes.

And, finally, we will soon be starting to look more closely at our risk tolerance and risk management as a regulator, tied directly to proportionate regulation and establishing realistically achievable outcomes in our regulatory work.

This must include considering the depth and scope of our professional conduct interventions as a regulator, and is critical to the future of how we will be applying our resources. So key foundational aspects of regulation that will no doubt begin to set

the new vision for the Law Society of Ontario for the next decade.

Now, as we reflect on the outcomes from 2020 and we look ahead to supporting our priorities in 2021, it is important to recognize that our organization is financially and operationally sound. Our team has made significant contributions and difficult decisions to ensure that that remains the case.

The functions, the strategies and the mandate of the Law Society have not changed and our work to support the regulation of legal professionals to ensure that no harm comes to the public did not stop, and that is thanks to our Law Society team and their commitment to our organization.

In 2021 we will need to focus on ensuring that that team is supported and that morale, motivation and productivity are maintained. As the board and management move forward together, we will want to thoughtfully consider and prioritize policy or program course corrections, carefully managing the impact of those changes, making sure that the organization has the time and sufficient resources to support our operational needs, to evolve our processes and our systems, and to reduce burdens, while we still

evolve our regulatory policies and our protocols.

Of course, we look forward to working with all of you throughout and to a time when the words "pandemic" and "COVID" are no longer part of every decision taken and every sentence everyone utters.

Our team is incredibly resilient, as you can see by the 2020 results, but, like everyone else, we could use a break from the added complications of the pandemic.

So, Treasurer, thank you for the time to touch on some of our many organizational outcomes and next steps today. That's my report.

TREASURER DONNELLY: Ms. Miles, thank you very much and thank you for your leadership in an incredibly difficult time that required you to pivot an organization, to transition your staff to working at home, and also to set up procedures and policies and questions to assist lawyers and paralegals who were struggling with questions of practice, but also paralegal students and law students who were in the licensing process, and for them the uncertainty of not knowing whether they would have an opportunity to join their chosen professions. So thank you very much.

We're going to move on now and consider, then, the Law Student Society of Ontario motions on

governance.

MR. FAGAN: Excuse me, Treasurer. Are there to be questions permitted from the benchers to the CEO?

TREASURER DONNELLY: Yes. I didn't see your hand up, Mr. Fagan.

MR. FAGAN: Okay, thank you. Thank you. I -- okay, thank you. I'll ask my question, thank you very much.

Earlier in today's proceedings Bencher Lyon raised the matter of a certain bencher code of conduct complaint currently underway. The Treasurer's response to what he raised indicated that the fact that such complaint is confidential caused me to review the situation. Before I ask --

TREASURER DONNELLY: Mr. Fagan --

MR. FAGAN: Yes?

TREASURER DONNELLY: Do you have a question about the CEO's report?

MR. FAGAN: Yes, I do.

TREASURER DONNELLY: Would you please ask your question, then.

MR. FAGAN: I will, thank you. How much has the Law Society thus far paid on the investigation stage of the current outstanding bencher code of

conduct complaint by Mr. Nima Hojjati against bencher Cheryl Lean?

MS. MILES: Mr. Fagan, I will not be answering that question today. That is a private, confidential bencher matter under the authority of the Treasurer, but thank you for your question.

Treasurer, are there any other questions for today?

TREASURER DONNELLY: Mr. Chiumminto.

MR. CHIUMMIENTO: Thank you, Treasurer. Thank you, Ms. Miles, for a -- an excellent report, both in writing and verbal.

My question is really just a general question, it's nothing too specific, but it relates to the page 109 of your presentation or 109 of Diligent materials, 26 of your presentation.

I notice that there's about 15 files relating to policy and government relations work and another 22 or so on the corporate litigation. I'm just wondering on the policy and government relations, is that -- when you reference "working closely with," is that in reference to a subcommittee within the LSO or is that with the Policy and Government Relations Committee itself of benchers?

MS. MILES: That's actually directly

with the operational teams, Mr. Chiumminto, so that would be working closely with the policy division and then wrapping through the policy division into the Priority Planning Committee related to Government Relations, when it's necessary.

So OGC, which is the office of general counsel, provides quite a substantial amount of legal advice and support related to predominantly legislative type changes and that type of activity.

MR. CHIUMMIENTO: Thank you very much.

TREASURER DONNELLY: Mr. Lyon.

MR. LYON: Thank you, Treasurer. I want to challenge the CEO on making a determination which I think is really for Convocation to make, whether or not it's a personal matter. The cost surely has nothing to do with the substance or the personal issues.

TREASURER DONNELLY: Thank you, Mr. Lyon. It's not a matter that's before Convocation today.

Ms. Murchie, do you have anything for the CEO's report?

MS. MURCHIE: Yes, thank you, Treasurer. First of all, congratulations on a great report, Ms. Miles, and thank you for the vision you described for the Law Society going forward. It's very



heartening.

My question perhaps won't surprise you, because I have long been interested in practice reviews, I see them as very valuable, and I just wonder if you can tell me if -- or tell us, have you any assurance that the quality of the practice reviews done virtually is equivalent to the quality of the practice reviews done in person?

MS. MILES: Well, that's an excellent question, Ms. Murchie. With every program, whenever you're evolving it, to drive, I guess, a less burdensome actually and more directed approach, you're going to have to do some measures across time to see what the outcomes are.

I think our audit and our review teams have done an absolutely exceptional job transferring the protocols to be virtual. Like most of us, I think many of us are hoping that we can get back to some in person activity sooner than later, and perhaps this has opened up a whole new window for us to take a look at some of our regulatory quality assurance activities to ask ourselves what portions of them should be in person because it's more useful for the licensee to actually have that dynamic with our auditors, who, as you know, take education and lots of input and feedback out there

as well and what questions of it are absolutely adequate to be done in an online and virtual configuration. Even if that's a one-on-one on a Zoom call.

So I think there are lots of opportunities that we should be looking at there and something that we will see evolve, I would imagine, in the next twelve to eighteen months or so as we start to work through those issues.

TREASURER DONNELLY: Thank you. And then the last question, Mr. Esquega.

MR. ESQUEGA: Thank you, and thank you, Ms. Miles, for your thorough report and the hard work you have been doing with you and your team.

My question follows up on technology as well. I'm curious to know what -- how much work is being put into technology and in terms of interactions with the Law Society.

So I'll give you a couple of examples. As benchers, we submit information to the Law Society on our activities and what we do is we print off -- we fill information in a PDF form, and then we print it off, we sign it, we scan it, send it to a person, and then that person must take all 50 of our submissions and have to process it.

I think that that type of interaction needs to be revisited. We're living in a technology world now. There's all sorts of different technologies available where we can automate a lot of that type of interaction, whether it's between us and the Law Society, licensees in the Law Society and the public and the Law Society.

I'm just curious if you can elaborate on the efforts we're making to automate and make things easier for everyone to communicate with the Law Society. Thank you.

MS. MILES: Thank you, Mr. Esquega, I would love to. In fact, we have launched inside the Law Society operationally internally a new electronic expense management system which is going to be rolled out to all of you in short order; stay tuned. We're going to make you learn that because you are going to have to be submitting all of your expenses to us electronically.

We are, as I mentioned in my report, we are working on the decommissioning and the transfer of our legacy systems to new automation and new interactions, that includes both internally for internal burden reduction, and it will also extend to other external outreaches to our licensees so that they

can better engage with us virtually.

Our portal, as you saw from the materials, has close to 900,000 touches a year now, so we're really happy with the fact that our technology is progressing and we'll continue to work on that and you'll see more reports from me in the future on technological evolution as well.

Thanks for the question. You will be seeing your expense management processes change shortly.

[-- LAW STUDENTS' SOCIETY OF ONTARIO](#)  
[MOTIONS ON GOVERNANCE ISSUES FROM](#)  
[THE 2020 ANNUAL GENERAL MEETING:](#)

TREASURER DONNELLY: Thank you. We're going to move on, then, to tab 3. This is the Law Students' Society of Ontario motions on governance issues.

So these are not framed as motions because they don't come from the committee, they come before Convocation as a result of the annual general meeting that we held in the summer, and these motions were -- we had an opportunity to start to consider them at the Priority and Planning Committee meetings and we had members of the Law Students' Society come to present to benchers, and the benchers included members

of the Priority and Planning Committee, as well as other benchers who came to observe.

And it was just so impressive, the presentations that we received from the law students, and I know I remarked during the meetings and I remark now that I know the future of the legal profession is in good hands when I hear the presentations that were made by these diligent, thoughtful, impressive representatives of the Law Students' Society of Ontario that came to present to us.

So I know that each of you have read the materials, so I'm not going to go through them in any detail. All I'm going to go through is what we're deciding today.

So under the by-law for the annual general meeting we're required to consider motions. So you'll see that the questions that are framed for us today are two, and they relate to the two motions that the Law Students' Society of Ontario brought.

They brought motions to have a permanent member of the Professional Development and Competence Committee or to attend the committee by way of permanent invitation. That's one issue we're going to decide, whether we should further consider that, and the second is should we further consider the matter of

candidates in the licensing process being permitted to vote in bencher elections and whether these motions should be further considered at this time.

For your reference, they're found at -- the questions are found at tab 3 and -- so they're set out there, and I'm going to go to Ms. Murchie first.

MS. MURCHIE: Thank you, Treasurer, and I'm pleased to speak as chair of the Professional Development and Competence Committee, and I'd like to thank the LSSO for raising the important issue of stakeholder engagement. I would also like to thank the LSSO for continuing to work with the Law Society positively and proactively.

I should also say on kind of a personal note, I'm thrilled that our next generation of lawyers has taken an interest in the Law Society and regulation. As we have seen from low voter turnout in the bencher elections, it's not always a subject that the entire profession embraces, so I thank you for that and I also thank you for your efforts and input over the course of last year while the Law Society was pivoting from in person to online examinations, licensing examinations. Your input was immensely helpful.

Regardless of the decision that

Convocation makes today, I wholeheartedly support the intent of ensuring Convocation benefits from the views of law and paralegal students, licensing candidates and other licensing stakeholders.

Speaking as chair of the PD&C Committee, I can assure the LSSO that we are committed to ongoing and meaningful outreach and consultation and to your attendance at meetings where your input would be valuable.

As it turns out, I will be verbally inviting representatives of the LSSO to attend our April committee meeting. Ms. Bhatia will be reaching out to coordinate your participation.

I should also say that participation in committee meetings is not the only meaningful way for us to hear your input and in recognizing the crucial role that stakeholder engagement plays in the policy development process, PD&C supports other types of consultation and communication and the LSSO well knows from a significant involvement over the years in those consultations how valuable their input has been.

So, Treasurer, let me just close by saying to the LSSO that our committee recognizes the value of your engagement for the Law Society and for the PD&C Committee and we appreciate it, and as we move

forward with consideration of the issues of relevance to licensing process stakeholders, we're going to ensure that they're a wholesome and multifaceted consultation. Thank you.

TREASURER DONNELLY: Thank you.

Ms. Lewis.

MS. LEWIS: Thank you, Treasurer. I first off would like to say, to point out, both your remarks and the remarks of the Chair Murchie reflected that the LSSO represents the future of the legal profession and the next generation, and that's why I think these motions are really important, because it's important that we are meaningfully engaging the future of our profession now.

There are two issues that are being considered right now and I'm going to speak to both of them. The first is with respect to representation at PD&C, and I think it's very important that licensing candidates, and when I say licensing candidates, I mean both lawyer licensing candidates and paralegal licensing candidates, have some representation at PD&C Committee, because that is fundamentally a committee that makes recommendations to Convocation about things that are directly relevant to licensing candidates, such as entry level competence.



Just to provide an example of something that was discussed and decided at PD&C and then recommended to Convocation is, for instance, the minimum salary requirements for articling students. That's an issue, and I just raise this as but one example, an issue that is directly relevant to licensing candidates for which right now our current mechanism doesn't have -- doesn't provide licensing candidates with an opportunity to contribute at PD&C meetings.

I do very much welcome Chair Murchie's comments and invitation that members of the LSSO will have an opportunity to participate in these meetings, because I think it's very important that we are engaging the future of our profession, especially on issues that directly relate to them. It really is a matter of procedural fairness.

There's this Latin phrase that I am going to probably butcher, but *audi alteram partem*, which reflects that if there's going to be a decision made about a group of individuals, that they should be -- they should have an opportunity to make submissions and be consulted. So I think that's a very important principle that we should be considering as a go forward basis.

The second issue is voting at bencher elections. So my review of the report prepared by the Priority Planning Committee is that there were no specific concerns identified about providing licensing candidates with the ability to vote at bencher elections. There were other concerns identified about some of the other proposals, but I didn't see any specifically to the voting issue. And I think this is also a very important issue because licensing candidates pay fees, they pay fees to the Law Society and they are regulated by the Law Society, so they very much have the same stake in the Law Society as, frankly, I do as a lawyer who pays fees and is regulated, and so I think it's really important when they have that kind of a relationship with the Law Society that they have some form of input.

And I have a stat, and I'm not sure actually if it came to me from the LSSO directly or from the Law Society, but I understand that 94 percent of licensing candidates become members. So this isn't necessarily a transient body. This is the future of our profession. Once they're in the licensing candidate pool, overwhelmingly they become licensees.

And the unfairness about not giving them a vote in the bencher election is this. So let's use

the 2023 bencher election, because that's the next one that's coming up.

If you are a licensing candidate in 2023 you will not have a right to vote in the bencher election, and then 94 percent of those licensing candidates will become licensees, and then for the next three years they are being governed by a bench for whom they did not vote for.

That, I think, is problematic. I think permitting them to vote makes sense from just a basic fairness principle, but also recognizing that they are the future of our profession, and given the historically low voter turnout, I think we should be, as a Law Society, doing things to encourage greater engagement of our licensing candidates.

So just to summarize, I think the LSSO represents the future of our profession. I would very much like to see greater participation from licensing candidates, both for lawyers and paralegals at PD&C, and I believe both categories of licensing candidates, paralegals and future lawyers, should have a right to vote in upcoming bencher elections. Thank you.

TREASURER DONNELLY: Dr. Alford.

DR. ALFORD: Thank you, Treasurer. I'd just like to echo the comments of Chair Murchie.

During the meetings that we had at PD&C where we discussed really important changes to the licensing process, including online administration of exams, changes to the articling term, it was so important for us to consider the views of students and to get those views in front of the committee.

I have no doubts that given Chair Murchie's commitment to that, they will continue to see instances of that committee reaching out to the LSSO to have them come, to convey those views, to serve as a conduit for information.

I really think it's important, regardless of the outcome of this vote, which is to say if there are people who agree with the concerns raised by the PPC report about the particular proposals, as I do, that we will continue to do this. There will still be that consultation and deliberation.

In the event, for instance, that there is no permanent representative on PPC, what that means, I think in effect, is that when we're having discussions about issues that do not relate to the competence of articling students or people in the licensing process, but rather which relate to other issues, that they will not be there for those discussions, but with respect to the discussions that

bear on them and are important to them, I have no doubt that we will continue to hear their views by seeking them out and, in fact, by bringing them before the committee.

Despite the particular concerns raised by PPC and the issues that we have with the by-laws and how they affect these proposals, I just want to echo her remarks about how seriously those concerns will continue to be taken, particularly at PD&C. Thank you.

TREASURER DONNELLY: Thank you very much. Mr. Burd.

MR. BURD: Thank you, Treasurer. To follow up on that, although PD&C does a great job in looking at the issues pertaining to law students, it's exclusive for Paralegal Standing to review that of paralegal students, and I want to thank Victor and the LSSO for their submissions and that they were welcome to the idea when I asked them about inclusion of paralegal students.

As we heard with the opening comments of our Treasurer, she has been actively engaged in outreach to the colleges, the accredited paralegal colleges, and as part of our committee, the PSC Committee, we are involved in a comprehensive study where we will be reaching out to students, paralegal

students, to get their perspective.

So to Ms. Murchie and Dr. Alford's comments, both from the lawyer standpoint and the paralegal standpoint, there will be outreach and consideration of their views of all of our decision making going forward, so although I'm not in favour of what was requested in their motions, I am committed to including their involvement in the decision making process at PSC, thank you.

TREASURER DONNELLY: Thank you.

Mr. Charette.

MR. FALCONER: Treasurer, could I please be added to the list? Julian Falconer here.

TREASURER DONNELLY: Yes, Mr. Falconer.

MR. CHARETTE: Thank you, Treasurer. Yeah, I think it's important that when we talk about self governance we not lose the sight of the concept of self, that it is easy for an organization to cease to understand who it is if it doesn't maintain a clear focus on "self" in self governance.

I guess what is the limiting or controlling factor, what is the policy rationale or the principle of policy which would drive us to grant voting rights to people who are not members, they're in the stream, no doubt about it, very fine, and have very

much in the future, but you have to remember there are perhaps others who have a higher claim.

For example, the Law Society grants permission to lawyers from outside of Ontario to practice law. These are lawyers, and surely what would be the policy rationale for denying them the right to vote, and as has been mentioned with paralegal students.

So I think we can make this very much complicated and find ourselves in a system where we have very little policy rationale for excluding many others from membership.

I'd also note that although there is some ability in the Law Society Act to, in effect, override the Corporations Act, nonetheless, it is foundational that the members vote for the board of directors. That is a foundational principle in the Corporations Act, and I think it might possibly be seen as being cavalier for that to be overridden.

Moreover, subsection 2(2), paragraph 2 of the Law Society Act itself, identifies who are the members of this Law Society and they are the Treasurer, benchers, and all the persons who are licensed as barristers and solicitors in the province, including, of course, paralegals. So there is a statutory problem

right inside the Law Society Act that needs to be dealt with.

And as to the question of access to committee meetings, I think that's a function that we can keep close in touch with these people, as we should, but there are many, many PD&C issues that have nothing -- have really no direct relevance to the concerns of law students, and I'm very concerned that we lose control of our committee process if we have standing invitations for external parties to attend committee meetings. Thank you.

TREASURER DONNELLY: Thank you. I'm going to close the list with who I have now for their hands. I have next Mr. Desgranges, Mr. Rosenthal, Mr. Fagan, Ms. Shi, Ms. Wilkinson and Mr. Falconer. So I'm going to go next, then, to Mr. Desgranges.

MR. DESGRANGES: Thank you, Treasurer. I'd just like to echo the comments of Bencher Murchie and those who followed her with respect to getting student views.

I think it's most important that we do get their views, especially when they want to get involved and they want to provide some very good -- very good points that we might consider as a regulatory body.



That being said, and, as they said, I think it's best and better if they remain on an invitation type of situation where they're invited to participate in PD&C.

With respect to the vote I'll echo pretty well what Bencher Charette said because, A, it is a legal matter and, B, I think we have to remember that getting a vote into a particular professional order requires that certain skills are known and some experience as well, and I think that by allowing certain categories to come in and vote, such as law students, I think would be doing a disservice to the profession.

Once they practice, however, they become certainly more than welcome to vote, as hopefully we will get more and more voting happening when it's voting time at the Law Society bencher election.

Anyways, all that to say that, A, welcome by invitation to participate at the PD&C, and, B, I do not think that as a member or non-member of the profession they should be allowed to vote. Thank you.

TREASURER DONNELLY: Thank you. Mr. Rosenthal.

MR. ROSENTHAL: Thank you very much, Treasurer. I have been involved in legal education at

Osgoode probably for about 20 years, and I can tell you how out of touch even I am with law students, and their future became no more apparent -- and I was on faculty council and we discussed whether there should be graded marks during the pandemic.

With respect to all of us, we are totally out of touch with the needs of law students and with the future members of this profession, the future leaders of this profession.

I don't think at all we can be maternalistic and we know what's best for you, trust us.

I can tell you, I know I met with then Treasurer Minor and law students, then Treasurer Schabas, and I know, Treasurer, you were kind enough to come to speak to our law students class, but you can't understand in those brief meetings what it means to be a law student and what their stresses and what their pressures are. We just don't get it.

With respect to Bencher Charette, this isn't about people who are in other provinces. Those people aren't going to be members of the Society. Law students are, and that's why we've got to respect their views, because we just don't get it.

I'm trying to echo what Bencher Lewis

says, I'm not doing it as articulate, they are the future, they're the future leaders. We should enjoy that they want to participate in our process. We should encourage them and make sure their views are heard loudly and clearly.

Thank you, Treasurer. And they're still talking about your brief meeting in our criminal intensive class and I thank you.

TREASURER DONNELLY: Thank you. Next we have Mr. Fagan.

MR. FAGAN: Thank you, Treasurer. Yes, it is wonderful that these students are so involved and want to get further involved. The best part of my many years of practice was in mentoring and bringing on the new recruits.

With respect to these two particular questions we're asked to vote on, with respect to some sort of membership on committees, I actually don't think that's needed. I think proper attitudes on the part of the committees that have anything to do with students, such as Professional Regulation and all the other committees that, from time to time, have students on the front burner, should be free and I hope we'll invite students to come make delegations and suggestions any time.

With respect to students voting in  
bencher elections, I would -- two problems. One, in  
the Law Society of Ontario bar admission process these  
days, far from all the law students are in Ontario when  
they are law school students, and they -- some of them  
would arrive in Ontario to start the last stages of  
their bar admission process, essentially knowing  
nothing about Ontario legal affairs.

This feeds to my final point. I submit  
that, above all on this question, the needs and  
requirements of the public interest be kept in mind.  
It is my forthright belief and, therefore, my  
submission that it is not in the public interest to  
give any law students, including bar -- including Law  
Practice Program and articling students the right to  
vote in bencher elections.

The affairs of the Law Society should be  
left in the hands that currently hold them, and I fear  
that not only would the public interest be ill served  
by an ill-defined group of students voting, there is  
also the public perception of the legal professions to  
consider.

I submit that to the extent that the  
citizens of Ontario pay attention to these things, they  
would wish lawyers and paralegals to be governed by

lawyers, paralegals and the small number of Attorney General appointed benchers that we currently have.

Thank you, thank you.

TREASURER DONNELLY: Ms. Wilkinson.

MS. WILKINSON: Thank you, Treasurer.

As vice-chair -- one of the vice chairs of PD&C, I wanted to --

TREASURER DONNELLY: Ms. Wilkinson, you must have hit mute.

MS. WILKINSON: Sorry. As one of the vice-chairs of PD&C, I want to also echo comments made by others that we are so pleased to see the level of engagement and interest in the issues that we deal with and that you want to get involved, it's incredibly encouraging.

I do support the comments of Bencher Murchie and also Bencher Alford that your voice is incredibly important and we do want to hear it.

No matter what the outcome of today's vote, I am pleased that you will be there at PD&C giving us your input in April and we look forward to hearing from you at future meetings when we need to hear your voice. I just want to say thank you again for your willingness to get involved. It's wonderful.

Thank you.

TREASURER DONNELLY: Ms. Shi.

MS. SHI: Thank you, Treasurer. Just a couple of comments. We must hear the students, it's important, they are the future of our profession. It's an issue of method.

I suggest that this matter be sent back to PD&C for further consideration. For example, has anyone considered creating extra benchers positions dedicated to students so that there will be the lawyer benchers, paralegal benchers and student benchers.

I don't think that our thinking on how to engage the students should be limited to these two suggestions. They are all good ideas and deserve to be considered seriously.

The other question that I have, Treasurer, and it may be more appropriate for you to provide me with the information via e-mail later, on page 189 -- sorry, 192 of the BoardBook, it shows that the candidates right now, they pay to get admitted to the bar, they pay admission fee 160, then they pay experiential training fee of 2800 while they are still in law school. That's a lot of money. And then for the licensing exam, including study materials, they pay 1500.

I just -- it really hit me, this kind of

money that we ask from the students when they are still going to school, why, what it's for, because it seems that the exam materials and exam itself we already charge them separately for. So I -- I thought it might be worthwhile to look into that to see if we can do better. Thank you.

SECRETARY: Treasurer, you are muted.

MR. ROSENTHAL: May I ask for a roll call vote.

TREASURER DONNELLY: Sorry about being muted again. Yes, Mr. Rosenthal, I heard that about the roll call vote. I'm just going to respond to Ms. Shi.

Thank you very much. I can assure you that we are always looking at the fees for licensing candidates. You will know that that comes through with the budget, but I can assure you this year in particular, this is a focus that, with myself as the Treasurer, with the CEO, with the chair of Audit and Finance and with the CFO and Ms. Bhatia, this is top of mind for us. So thank you for that.

And then leaves the last speaker when I close the speaker's list is Mr. Falconer. Mr. Falconer, you're -- you just put yourself on mute.

MR. GOLDSTEIN: I'm sorry, Treasurer, I

put up my hand --

MR. FALCONER: I'm self muting --

TREASURER DONNELLY: Hang on a sec, Mr. Falconer. Sorry, Mr. Goldstein.

MR. GOLDSTEIN: Sorry to interrupt, I'm not trying to cut off Mr. Falconer, but I put up my hand before you had closed off the debate.

TREASURER DONNELLY: Okay, I didn't see that, Mr. Goldstein so -- so, Mr. Falconer, you go, please. And you're not -- you don't show as being on mute.

MR. FALCONER: Thank you, Treasurer. I simply want to address the idea that the LSSO and the folks that are leading this important -- these important initiatives should take comfort that we'll consult them when appropriate, in any event.

Those are time courteous words, but I echo the sentiment of Bencher Rosenthal and support his words and the words of Bencher Lewis, it's the ultimate in paternalistic.

Now, Bencher Lewis quoted audi alteram partem, and I try to say to my young lawyers nowadays that if you're going to go with another language, go with Swahili, "hakuna matata". Because I got to tell you, whether audi alteram partem or hakuna matata, the



English language is easy, "Nothing about us without us."

Now, you have a situation where we make decisions that affect the youth, and across the board in governance in the province of Ontario, in the country of Canada, boards of governors have figured out that a youth voice is a no brainer. Somehow we, and I've raised this issue before, Treasurer, we as a governing body, have yet to get it.

So while we make these gestures, as well intentioned as they are, we are unable to internalize or digest the notion that the youth have something to add that we cannot either replicate by repeating it or conjure up because we don't have their experience or journey.

What LSSO is offering us is a way to create that youth voice. Of course I can take the very criteria that Bencher Fagan raised, the public interest, fairness, and all those other issues and turn it on its head and say the public interest demands there be a youth voice at Convocation and the public interest should demand that the people for whom we charge fees should have a voice in the running of the Law Society.

We're at a very difficult time in terms

of the direction the Law Society is taking. I say there's almost an existential battle or issues around equity. I would like to hear what the youth have to say and I would like the youth to have a governing role.

We have a chief justice who is trying to give us guidance on governance issues. What if the youth were there, what would they say? So at the end of the day I support these motions. It's not enough to say you're a stakeholder and we'll hear you. That's not how I see the importance of a youth voice.

So, respectfully, I support these motions and I thank them for bringing them forward and it's high time we got over ourselves and had a youth voice at Convocation and, as appropriate, at our committees. Thank you, Treasurer.

TREASURER DONNELLY: Thank you. Mr. Goldstein, and then we're going to move to the vote.

MR. GOLDSTEIN: Yes. Well, let me point out to Mr. Falconer that we have a youth voice at Convocation. His name is Alex Wilkes, he's our youth voice.

In fact, if the youth want to vote, the young lawyers want to vote and get a voice on Convocation I suggest they run as bencher, I suggest

that they run with us as part of the slate in 2023, where hopefully we'll get all forty people elected and change some of the issues of the governance problems in this Convocation.

So, again, just to address Mr. Falconer's last point, we do have a voice, his name is Alex.

I just want to address what Mr. Rosenthal and many of the people here talked about which is, no, we have to hear what the -- what the youth have to say about direction in the Law Society. I'm more interested in asking a reverse question. What do the youth or young lawyers know about the operation of being a lawyer? I mean all they know in their life is some may have had prior careers, but they've never been a lawyer, they've never practised, they've never run -- never been in a firm, been perhaps in-house counsel, done any of the thing that we as the Law Society represent.

So what are they going to tell us exactly? Does that mean we shouldn't listen to what they have to say? I'm not saying that. Committees are open to inviting anyone they want. If the committee wants to invite someone from the law schools to speak, they're certainly welcome to do so.

I don't know who this LSSO group is.

Often what happens with these identity groups is you get a bunch of people who believe in certain ideology or a political point of view and they organize and they push their agenda. I don't think they're necessarily representative of all law students across Ontario, for that matter, as is pointed out. Do we expand it to all law schools across Canada because some people in B.C. or Newfoundland may want to practice in Ontario?

The reality is that we have a mechanism for people who are the public. We don't break down the public into different identity groups or different age groups.

We have lay benchers. The lay benchers are there to represent the people who are not lawyers. So if someone doesn't want to speak to Alex, who is the youngest bencher ever elected and who is constantly ignored by this Convocation with respect to his status, then any individual can simply go to a lay bencher and the lay benchers represent the public. And if you're not a lawyer, then you are a member of the public. Thank you.

TREASURER DONNELLY: Mr. Goldstein, Convocation hasn't constantly ignored Mr. Wilkes. We are very pleased that we have a bencher, a young

bencher like Mr. Wilkes, at Convocation. He is well respected and listened to and I just take issue with the idea that we are ignoring him.

We're going to move on now to a vote.

Please, Mr. Varro, if you would call the vote.

SECRETARY: Treasurer, I'll call the vote on question one first.

TREASURER DONNELLY: Yes, and let's just be clear about this. The question is should the matter of a law student or a licensing candidate being a permanent member of the Professional Development and Competence Committee or attending the committee by way of permanent invitation be further considered by the Law Society at this time.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: No.

SECRETARY: Dr. Alford?

DR. ALFORD: No.

SECRETARY: Ms. Banning?

MS. BANNING: No.

SECRETARY: Mr. Braithwaite?

MR. BRAITHWAITE: No.

SECRETARY: Mr. Brown? Mr. Burd?

MR. BURD: No.

SECRETARY: Mr. Charette?

MR. CHARETTE: No.  
SECRETARY: Mr. Chiummiento?  
MR. CHIUMMIENTO: No.  
SECRETARY: Mr. Cooper?  
MR. COOPER: Yes.  
SECRETARY: Ms. Corbiere?  
MS. CORBIERE: Yes.  
SECRETARY: Ms. Corsetti?  
MS. CORSETTI: No.  
SECRETARY: Mr. Desgranges?  
MR. DESGRANGES: No.  
SECRETARY: Mr. Epstein?  
MR. EPSTEIN: Yes.  
SECRETARY: Mr. Esquega?  
MR. ESQUEGA: Yes.  
SECRETARY: Mr. Fagan?  
MR. FAGAN: No.  
SECRETARY: Mr. Falconer?  
MR. FALCONER: Yes.  
SECRETARY: Mr. Goldstein?  
MR. GOLDSTEIN: No.  
SECRETARY: Mr. Graham?  
MR. GRAHAM: No.  
SECRETARY: Mr. Groia?  
MR. GROIA: Yes.

SECRETARY: That was a yes, Mr. Groia?

MR. GROIA: Yes, it was a yes.

SECRETARY: Thank you. Mr. Horgan?

MR. HORGAN: No.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: No.

SECRETARY: Ms. Lalji?

MS. LALJI: No.

SECRETARY: Dr. Lau? Ms. Lean?

MS. LEAN: No.

SECRETARY: Mr. Lesage?

MR. LESAGE: No.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: No.

SECRETARY: Ms. Lockhart?

MS. LOCKHART: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon?

MR. LYON: No.

SECRETARY: Mr. Marshall?

MR. MARSHALL: No.

SECRETARY: Ms. Merali? Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry? Treasurer,

Mr. Parry just sent an e-mail I saw as I was taking the vote. He is voting no.

TREASURER DONNELLY: And he's otherwise on the call, Mr. Varro?

SECRETARY: Yes, he said his internet is horrible, it's cutting in and out.

TREASURER DONNELLY: Thank you.

SECRETARY: Mr. Pineda?

MR. PINEDA: Yes -- sorry, no.

SECRETARY: Thank you. Mr. Poliacik?

MR. POLIACIK: No.

SECRETARY: Mr. Pollock?

MR. POLLOCK: No. Mr. Varro, Treasurer, I know that Mr. Brown was also having internet issues as well and I believe he will be sending an e-mail to you with his vote.

SECRETARY: Thank you, Mr. Pollock. I think I did receive an e-mail from him.

TREASURER DONNELLY: Is he otherwise on



the call?

MR. BROWN: I'm here. I said no.

Sorry.

TREASURER DONNELLY: That's okay.

SECRETARY: Thank you. Just a second.

I'll record the vote for Mr. Brown as no. All right.

Mr. Prill?

MR. PRILL: No.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: No.

SECRETARY: Ms. Shi?

MS. SHI: No.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman?

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: No.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: Yes.

SECRETARY: Mr. Wright?

MS. WRIGHT: No.

SECRETARY: Treasurer, Convocation has answered question one in the negative, 17 for, 34 against.

TREASURER DONNELLY: Thank you. Please proceed to the second question. Should the matter of candidates in the licensing process be permitted to vote in bench elections be further considered by the Law Society at this time.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: No.

SECRETARY: Mr. Alford?

DR. ALFORD: No.

SECRETARY: Ms. Banning?

MS. BANNING: No.

SECRETARY: Mr. Braithwaite?

MR. BRAITHWAITE: No.

SECRETARY: Mr. Brown?  
MR. BROWN: No.  
SECRETARY: Mr. Burd?  
MR. BURD: No.  
SECRETARY: Mr. Charette?  
MR. CHARETTE: No.  
SECRETARY: Mr. Chiumminto?  
MR. CHIUMMIENTO: No.  
SECRETARY: Mr. Cooper?  
MR. COOPER: Yes.  
SECRETARY: Ms. Corbiere?  
MS. CORBIERE: Yes.  
SECRETARY: Ms. Corsetti?  
MS. CORSETTI: No.  
SECRETARY: Mr. Desgranges?  
MR. DESGRANGES: No.  
SECRETARY: Mr. Epstein?  
MR. EPSTEIN: No.  
SECRETARY: Mr. Esquega?  
MR. ESQUEGA: Yes.  
SECRETARY: Mr. Fagan?  
MR. FAGAN: No.  
SECRETARY: Mr. Falconer?  
MR. FALCONER: Yes.  
SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: No.

SECRETARY: Mr. Graham?

MR. GRAHAM: No.

SECRETARY: Mr. Groia?

MR. GROIA: Yes.

SECRETARY: Mr. Horgan?

MR. HORGAN: No.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein? Ms.

Lalji?

MS. LALJI: No.

SECRETARY: Dr. Lau? Ms. Lean?

MS. LEAN: No.

SECRETARY: Mr. Lesage?

MR. LESAGE: No.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: No.

SECRETARY: Ms. Lockhart?

MS. LOCKHART: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon?

MR. LYON: No.

SECRETARY: Mr. Marshall?

MR. MARSHALL: No.

SECRETARY: Ms. Merali? Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry? I'm sorry,  
Treasurer, in his earlier e-mail, if you'll permit  
this, he said he was voting no to both questions.

TREASURER DONNELLY: Thank you, and you  
said he's present on the call?

SECRETARY: He was at the time when we  
started the vote.

TREASURER DONNELLY: Okay, thank you.

SECRETARY: I'll record his vote as no.

Mr. Pineda?

MR. PINEDA: No.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: No.

SECRETARY: Mr. Pollock?

MR. POLLOCK: No.

SECRETARY: Mr. Prill?

MR. PRILL: No.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: No.

SECRETARY: Ms. Shi?

MS. SHI: No.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman.

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: No.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: No.

SECRETARY: Mr. Wright?

MR. WRIGHT: Sorry for the delay. No.

SECRETARY: Thank you.

MR. POLLOCK: Mr. Varro, did you record the vote of Mr. Klippenstein? I know he is on the call, but I didn't hear his vote.

SECRETARY: I did not hear a vote for Mr. Klippenstein. Mr. Klippenstein, if you're on the call did you wish to vote now?

MR. KLIPPENSTEIN: Yes. I apologize I voted no. I thought I was heard. I apologize.

SECRETARY: Thank you.

MR. POLLOCK: Mr. Varro, just in view -- we have had this issue a few different times. I think it would helpful following the vote if there are any benchers you didn't hear from, maybe you would just let them know and give them an opportunity. I know I have spoken many times when I have been on mute without realizing it.

MR. ESQUEGA: Could I also make a suggestion. There is an opportunity to phone in on a conference number. I've tried to register votes in the past via e-mail and I was told I wasn't permitted to. So there is an option to phone a phone number. I've done that. Mr. Falconer is doing that right now from what I understand, and we can participate that way.

TREASURER DONNELLY: That's correct and

that's the way it should be done. Mr. Varro, would you please announce the results?

SECRETARY: Yes, Treasurer. The only person I hadn't heard from was Dr. Lau and I don't believe he is on the call, or Ms. Merali.

Treasurer, in answer to the second question, Convocation has voted in the negative, 17 for, 34 against.

TREASURER DONNELLY: Thank you very much. We're going to move on now. Before we do, I just want to say to the Law Students' Society of Ontario, thank you very much for bringing that matter forward to our annual general meeting, for participating in the Priority Planning Committee discussions and for your work with the Law Society in helping us quickly move online licensing examinations. We value your input, and as you've heard from the chair of the Professional Development and Competence Committee, she is looking for your insights and participation going forward. So thank you very much for that.

I'm going to turn now to the next matter on the agenda. That's Mr. Burd, if we could deal with the two matters from the Paralegal Standing Committee report, please.



-- PARALEGAL STANDING COMMITTEE REPORT:

MR. BURD: Thank you, Treasurer, and I'll try to be quick so we can have our lunch break.

So good afternoon, everyone. Today's PSC report can be found at tab 5.1 of your materials or at page 219, if you're following.

The first item for discussion and approval that I'm honoured to present is the expansion of eligibility of the Lincoln Alexander Award to include paralegals.

The motion, for those that are interested, can be found at page 220 of BoardBooks. As we all know, and we'll hear more about later today, the Lincoln Alexander Award is given to the Ontario lawyer that has demonstrated long-lasting and commitment to the public and community service.

The Treasurer proposed that PSC review and recommend to Convocation to adopt inclusion of paralegals as part of the Lincoln Alexander Award. At Paralegal Standing Committee it was almost unanimous, except for the one question that was mentioned about seeking commentary from Mr. Lincoln's family.

That discussion happened between the Treasurer and Marnie Beale, who is the widow of Lincoln Alexander, and to paraphrase that conversation, her

words were, and I'll allow the Treasurer to correct me if I'm wrong, that Mr. Alexander would have been delighted to see his award be inclusive of paralegals.

So I put that motion to Convocation and the seconder will be my -- the vice chair, Joseph Chiumminto. If there's any questions, the actual wording of the motion is that Convocation expand the eligibility of the Lincoln Alexander Award to include paralegal licensees effective immediately.

That's the motion, Treasurer, and I'm open to hearing any questions or comments.

TREASURER DONNELLY: Okay. And a seconder of the motion, Mr. Chiumminto --

MR. BURD: Was Joseph Chiumminto.

TREASURER DONNELLY: Yes, Mr. Chiumminto, do you wish to be heard now or do you wish to be heard later?

MR. CHIUMMIENTO: Later, Treasurer.

TREASURER DONNELLY: Reserved. Thank you. Mr. Desgranges.

MR. DESGRANGES: Hello. I wish to commend the Paralegal Standing Committee for bringing in the paralegals in the realm of this award. That's the only comment. Je veux féliciter le comité des parajuristes d'avoir pensé à inclure les parajuristes

en terme de participant à ce prix. Je pense que cette initiative est vraiment louable et puis j'espère que la motion va passer.

TREASURER DONNELLY: Thank you. I don't see any other hands. Mr. Chiumminto.

MR. CHIUMMIENTO: Nothing to add, Treasurer, thank you.

TREASURER DONNELLY: Could we use the voting buttons, please, and vote on the motion.

SECRETARY: Treasurer, a majority of benchers have voted in favour.

TREASURER DONNELLY: Thank you. Mr. Burd, can you please continue to the second one.

MR. BURD: Thank you, Treasurer. The second motion for approval of Convocation is the motion, and this is more of a housekeeping motion, it's -- can be found at tab 5.2 or page 224 of BoardBooks.

As many of you may recall, that with the introduction of Bill C-75 that the Law Society made amendments to by-law 4, and Convocation approved those amendments in September of 2019, and this was in order to maintain the paralegal scope in summary conviction matters.

However, in doing so, there were hearing

proceedings that were previously within scope that were omitted through the amendment to by-law 4 and these were firearm prohibition hearings and peace bond hearings that were previously within scope.

So in order to correct this, the committee is asking and recommending that Convocation approve the amendment to by-law 4, subsection 6(1)(C)(i) to be amended to remove the words, "In respect to offence," and the actual wording of the motion is that Convocation approve an amendment to by-law, 4 subsection 6(1)(C)(i) to remove the words, "in respect of an offence" to allow certain non-offence summary proceedings to fall within scope of the section.

And the information pertaining to that section and amendments in the by-law are found within the materials. I am putting forth the motion, with my vice-chair, Joseph Chiumminto being the seconder.

TREASURER DONNELLY: Thank you. Mr. Chiumminto, do you wish to be heard now?

MR. CHIUMMIENTO: I'll reserve, Treasurer, thank you.

TREASURER DONNELLY: Thank you. Please use the raise hand function if you wish to be heard.

Mr. Chiumminto, I don't see any hands up, do you wish

to say anything?

MR. CHIUMMIENTO: Nothing to add, thank you.

TREASURER DONNELLY: Thank you. Could I then ask Mr. Varro -- we're going to ask that you use the voting buttons or the raise hand if you're abstaining, and on the telephone if you would let us know orally.

MR. FALCONER: From the telephone, Julian Falconer supports it.

TREASURER DONNELLY: Thank you, Mr. Falconer. We note that.

SECRETARY: Treasurer, I just have one question for Mr. Desgranges. I see a hand raised. Is that a vote for or are you, in fact, abstaining?

MR. DESGRANGES: I am abstaining.

SECRETARY: Thank you. A majority of benchers have voted in favour, Treasurer.

TREASURER DONNELLY: Thank you very much. If we could move on to the next item on our agenda, please. It's the Professional Regulation Committee report by Ms. Shortreed.

[-- PROFESSIONAL REGULATION COMMITTEE REPORT:](#)

MS. SHORTREED: Thank you, Madam

Treasurer. The report from the Professional Regulation Committee is at tab 6.1, beginning at BoardBooks, page 372 of today's materials.

The report details a number of proposed amendments to the Law Society's by-laws to amend strategic change items that were approved in principle by Convocation in June of 2020.

In summary, those change items remove the requirement for the Law Society to approve the names of licensee professional corporations, remove the reciprocity requirement for the issuance of a foreign legal consultant permit, discontinue the Professional Conduct and Practice in Ontario course and remove the requirements that licensees notify the Law Society before entering into affiliations, apply for approval before entering into multidiscipline partnerships, and file annual reports in respect of an affiliation or a multidiscipline partnership.

These items are now asked to be implemented through amendments to by-laws 4, 7 and 14, which are detailed in the motion at tab 6.1.1, BoardBooks 386.

The motion is moved by myself as chair of the committee and seconded by Nick Wright.

The most extensive of the proposed

amendments are in by-law 7 and they address professional corporation names and reporting requirements for multidiscipline partnerships and affiliations. With respect to the professional corporation name approval, the proposed amendments eliminate the corporate name certificate process which allows licensees to apply for a certificate that the Law Society does not object to the establishment of a professional corporation under a proposed name.

That process has been very time consuming for the Law Society and is often contentious as between licensees and the Law Society. In addition, the name requirements for professional corporations are also revoked. Those requirements simply mirror existing requirements of the Rules of Professional Conduct and the Paralegal Rules of Conduct, which are applicable to all firm names, including professional corporations.

With these amendments, licensees who practice law or provide legal services through professional corporations are subject to the same business name requirements as all other licensees. They would be required to satisfy themselves that their business name complies with the marketing and advertising rules and may face regulatory action if

their professional corporation name is not compliant.

With respect to multidiscipline partnerships and affiliations, amendments to part 3 remove the requirement for licensees to apply before entering into a multidiscipline partnership and file an annual report with respect to the partnership.

And amendments to part 4 remove the requirement for licensees to provide notice when they enter into an affiliation and file an annual report in respect of the affiliation.

There are also proposed amendments to part 5 of by-law 7, which governs the committee of benchers that may consider appeals under parts 2 and 3 of that by-law.

Under part 2, the Law Society may refuse to issue or renew a certificate of authorization for a professional corporation that is not compliant with the by-law, and under part 3, the Law Society may require that a multidiscipline partnership dissolve the partnership where the licensee has failed to assume responsibility for the non-licensee partner as required. Those decisions may be appealed to a committee of benchers.

The proposed amendments to part 5, first change fax to e-mail as one of the ways in which the



Law Society will be deemed to have been notified a person -- by a person of the decision that may be appealed. Remove sections that detail procedures applicable to appeals under revoked sections relating to MDPs and provide the committee of benchers, when established, with the discretion to fashion the most appropriate procedure for appeals.

The proposed amendments to by-law 4 and the Professional Conduct and Practice in Ontario course, which was required for licensee candidates to receive an exemption from the experiential training requirement based on having practised in a common-law jurisdiction outside Canada for a minimum of ten months.

In June Convocation approved amendments in principle to end the PCPO course based on the significant administrative and financial requirements to the Law Society to administer the course and the fact that the benefits of the course are not clear.

There is only one proposed amendment to by-law 14, which implements the decision to remove the reciprocity requirement for foreign legal consultants permits applications.

That requirement is an administrative burden for the Law Society which does not enhance the

protection of the public or provide any information on standards with respect to competence. The proposed amendment removes the precondition for a foreign legal consultant permit that an applicant be licensed in a jurisdiction that would allow an Ontario licensee to give legal advice respecting the laws of Ontario. All other requirements for foreign legal consultants are maintained.

There are two additional sets of proposed amendments that the committee is recommending to be adopted by Convocation that were not part of the strategic change items last June. The proposed amendments remove the requirements that first licensees publish a notice of intention to surrender their licence as part of the licence surrender application process; and, second, professional corporations publish a notice of intention to surrender their certificate of authorization when they no longer wish to practice law or provide legal services.

These requirements are burdensome for the Law Society, which handles all aspects of the publication, as well as for licensees, who must wait for the next Ontario Reports publication and then an additional 30 days before their applications can be processed.

It appears that these requirements were intended to provide a notice period to the professions and the public, recognizing that once the surrender is processed, the licensee or the professional corporation are no longer under the Law Society's jurisdiction; however, feedback is rarely, if ever, received as a result of publication, so it is not clear that these requirements serve a purpose today, therefore, the committee is recommending and I believe it was unanimous at committee that these amendments be adopted by Convocation.

TREASURER DONNELLY: I believe the seconder is Mr. Wright, is that correct?

MR. WRIGHT: Correct, yes.

TREASURER DONNELLY: Yes, thank you.  
Mr. Wright, do you wish to be heard from now or do you wish to wait?

MR. WRIGHT: I'll just say a few brief remarks now. I support this motion because it's implementing what came before Convocation previously and when we met as committee of the whole in order to reduce regulatory burden and compliance costs to licensees.

So I think this is a set of improvements that are a great step in the right direction and we're

merely now implementing what has already been before Convocation and approved in principle, so I encourage everyone to vote in favour of this motion.

TREASURER DONNELLY: Thank you. Is there anyone else who wishes to be heard on this motion? Please use the raise hand function.

I don't see anyone. Mr. Varro, we're going to do the vote now. Could we please use the voting buttons or the raise hand if you wish to abstain.

SECRETARY: A majority of benchers have voted in favour, Treasurer.

TREASURER DONNELLY: Thank you very much. The next motion matter that we have is the notice of motion by Ms. Shi and Mr. Fagan that's found at tab 7. We're going to move to that. And I'd just say that we are -- the plan is to take a lunch break at one, but we have 15 minutes now, so I'm intending to move on to that motion.

[-- NOTICE OF MOTION:](#)

MS. SHI: Thank you, Treasurer. This motion is asking that the Law Society intervene in the continuing membership on the Hong Kong Court of Final Appeal of our former Chief Justice of Canada, The Right Honourable Beverley McLachlin.

The reason for seeking such intervention has to do with the stay of human rights in Hong Kong ever since China passed and imposed the National Security Law on Hong Kong and the role of the Hong Kong Court of Final Appeal in the enforcement of the National Security Law.

The National Security Law was passed last July 2020 and it sought to criminalize the exercise of any civil and political rights, such as right of assembly, speech, expression, if they can be characterized as a threat to national security. And as Amnesty International pointed out, the definition of national security in that legislation is most vague and the interpretation of that legislation has specifically been given to the National Peoples Congress in China.

So as a result, the international community reacted with such concern that in Canada we lowered the requirement for Hong Kongers to emigrate to Canada, and similarly in UK, they have extended a pathway to British citizenship for up to about four million Hong Kong people under the British National Passport System.

So -- and since the passage of that legislation, there has been mass arrests of human rights defenders and among them, of course, lawyers and

paralegals.

The Hong Kong Court of Final Appeal, until about three weeks ago, remained the last hope for people in Hong Kong who care about human rights that perhaps they would find a way to read into these national security cases some protection of fundamental civil and political rights.

Unfortunately, that hope was dashed when the Hong Kong Court of Final Appeal handed down its decision in the matter of Hong Kong Special Administrative Region versus Lai. I will just refer to it as Hong Kong versus Lai.

It was the first case where the Hong Kong Court of Appeal applied the National Security Law.

Lai was a thorn to the side of government. He was the publisher of Apple Daily; it is a news magazine well-known for being critical of any government that was sitting in Hong Kong.

The issue that the Hong Kong Court of Final Appeal dealt with was Jimmy Lai's bail, and in denying bail to Lai, the Court, based on a reverse onus standard that violates the United Nations International Covenant on Civil and Political Rights (inaudible) in its reasons made it clear that bail cases under the National Security Law would not apply any of the

traditional bail cases that were decided with respect and consideration for the ICCPR or, indeed, the international norms on basic human rights.

My esteemed colleague, Dr. Alford, graciously agreed to inform us as to the details of those reasons and why they were relevant and, indeed, calamitous. He has sent you, I know, his address, and I will not belabour this issue, but suffice to say that with the decision of Hong Kong versus Lai, there is -- the last hope has been extinguished and the Hong Kong Court of Final Appeal has demonstrated itself to be nothing more than an arm of the oppressive government of China, enforcing its oppressive regime in Hong Kong.

In its decision, the Court of Final Appeal enforced the National Security Law as the Chinese communist government dictates that is completely without regard for human rights and freedoms that were guaranteed to Hong Kongers, not only under the ICCPR, but also by UK and by China during the 1997 changeover.

So at this point, the Hong Kong Court of Appeal has been reduced to an arm of the brutal oppressive regime of the communist government of China. It is noteworthy that the National Security Law authorizes the chief executive of Hong Kong, who is the

top politician in Hong Kong, to choose the panel of judges that hear National Security Law cases.

In Hong Kong versus Lai, the panel that the chief executive handpicked contained no foreign judges. I should briefly explain here, the foreign judges sit as what they call non-permanent judges on the roster of the Hong Kong Court of Final Appeal by invitation of the Hong Kong government.

The absence of foreign judges on that panel that decided Hong Kong versus Lai has not gone unnoticed. It is clear that the foreign judges have been sidelined so that any of their ideas, their respect and their interest to enrich Hong Kong jurisprudence towards building a more just and free society is not going to be countenanced by the communist government of China.

Under the oppressive reign of the National Security Act, at this point the foreign judges on the Hong Kong Court of Final Appeal have been sidelined to be nothing more than ornamental to the Chinese regime. They have become a fig leaf for the -- this brutal regime that are moving closer and closer to wiping out Hong Kong peoples' fundamental freedoms, if they haven't done it already.

The -- under the National Security Law,



there were mass arrests of human rights defenders, students, workers, bankers, and, of course, among them lawyers and paralegals, and I would like to briefly speak about two of them.

TREASURER DONNELLY: Thank you, Ms. Shi. I'd just ask you to wrap up shortly, please. We're about ten minutes in now; if I could ask you to do that.

MS. SHI: I'll try.

TREASURER DONNELLY: Thank you.

MS. SHI: And so the first one is paralegal, Chan Tze-Wah. He was charged because he helped someone escape to Taiwan. He's 29 years old and he's facing life imprisonment.

The next person is Martin Lee. He's the former president of the Hong Kong Bar Association, a position like you, Treasurer. He was also a foremost barrister, founder of the Democratic party of Hong Kong, legislator, called the father of democracy. He's also been arrested and can look at spending his twilight years in jail. He's 83 years old.

So I looked at the mandate of the Human Rights Monitoring Group, and it says it is to review information that comes to its attention about Human Rights violations that target members of the profession

and the judiciary and also to review information that comes to its attention about Human Rights violations that target human rights defenders in the same event or circumstances as a member of the legal profession.

So I did write to the chair and co-chair of the Human Rights Monitoring Group in January about this motion, and as of today I have not received any response. It is a coincidence, though, that there is before you the motion to support Zhang Zhan -- I'm really sorry about my cat, she is a law unto her own, that she comes into the view from time to time.

So I abstained on that motion, not because I don't support Zhang Zhan, of course I support her, who wouldn't, but I feel that we have no moral persuasion if we are going to say silent on one of the most prominent Canadians, our former Chief Justice of Canada sits on one of the organs of the oppressive regime of Xi Jinping.

We can't send him a letter to say we think you've done wrong when one of us, a Canadian, is supporting his regime by being a member of that enforcement team.

So -- and I looked at the materials that the Law Society have on that motion on Zhang Zhan. The

letter stated the Law Society has a duty to advance the cause of justice and the rule of law and it also, in the statement to public states that the Law Society urges the government of China to ensure that all lawyers, paralegals and human rights defenders in China can carry out their professional duties and activities without fear of human rights violations.

It seems to me that my motion fits into the mandate and the commitment that the Law Society has shown in the Monitoring Group's mandate and in its written statement to president Xi Jinping of China, and I am asking that the LSO now really does, consistent with that commitment, take a stand against something Canadian that is part of that system of oppression.

If the Law Society is to take a stand on this treatment of Zhang Zhan, then it must also take a stand against the Right Honourable Beverley McLachlin sitting in the Hong Kong Court of Final Appeal. All the courageous comments made on the Zhang Zhan motion should apply to this motion.

So put another way, the Law Society has no moral authority to lecture China on its human rights regime if we stay silent on a prominent Canadian being a member of an arm of the same oppressive regime.

And I'm going to finish up now,

Treasurer, thank for your indulgence.

TREASURER DONNELLY: Yes please,  
Ms. Shi.

MS. SHI: So if the Law Society's work on human rights is meant to make a difference, I would submit that urging the Right Honourable Beverley McLachlin to resign from the Hong Kong Court of Final Appeal is an opportunity to do so.

Between the Former Chief Justice and President Xi Jinping, we have a better chance of having an impact with the Chief Justice. She may even be persuaded to take a stand with the human rights defenders by resigning.

So I urge you to pass this motion.  
Those are my submissions. Thank you, Treasurer.

TREASURER DONNELLY: Thank you very much. So I'm just going to review who I have on the speakers' list.

I have Dr. Alford, I have Mr. Epstein, I have Mr. Rosenthal, I have Mr. Charette, I have Ms. Shortreed, I have Mr. Lesage and I have Mr. Falconer.

And it's lunchtime. I said at one o'clock I was going to take a break, so we're going to take a break. I'm going to propose that we come back at 1:30, so that's 30 minutes. I'm going to propose we

come back then.

I'm going to ask everybody, Ms. Shi gave quite extensive remarks. I'm going to ask that we not -- when we come back that you take this time to refine your remarks, please, and we not repeat much of, if anything, of what Ms. Shi has already said.

Dr. Alford, we all received by e-mail your submission, so I'd ask you to work on being concise. I have added Ms. Walker to the list, and I'll see you back here at one-thirty and we'll pick up where we left off.

Thank you very much, everybody, and for those joining us at Public Convocation, we'll see you after a brief lunch. Thank you.

--- Luncheon recess at 1:00 p.m.

--- On resuming at 1:30 p.m.

TREASURER DONNELLY: Thank you, everyone, and welcome back. It's one-thirty, we're going to get started again. And --

MS. SHI: Treasurer, I'm sorry to interrupt. I forgot to ask that I would like to have a roll call, please.

TREASURER DONNELLY: Thank you. And we have to formally identify that you're the mover of the motion and that Mr. Fagan is the seconder of the

motion. And, Mr. Fagan, you -- as the seconder do you wish to be heard now or do you wish to defer? Mr. Fagan, you're on mute.

MR. FAGAN: Thank you, sorry, sorry.

Thank you, Treasurer, I wish to speak last, thank you, thank you very much.

TREASURER DONNELLY: Dr. Alford. And I'm going to impose limits on speaking please. I'm going to ask that people keep their remarks to two minutes, please.

DR. ALFORD: Thank you, Treasurer. I won't rehearse my entire written remarks.

Just to follow up from Bencher Shi's comments, two things, I think, require some clarification. So one is that when she said that the Chief Executive Hong Kong appoints the judges in National Security Law cases, the chief executive in Hong Kong is not an elected official, they're directly appointed by Beijing, so that's of significance.

Also of significance, when she says it's not normal for a foreign non-permanent judge to not sit on a panel of the Court of Final Appeal, so what that means is in the last 600 cases heard by the Court of Final Appeal, 590 have had foreign non-permanent judges sitting on those panels. So this is extremely

rare what happened in Hong Kong and Lai.

Just the significance of Hong Kong and Lai, very important to realize this is the court recognizing that it no longer has the power of constitutional review. Despite the fact that a reverse onus of bail is contrary to Hong Kong's constitution, the basic law, and article 9, sub 3 of the ICCPR, that they say we no longer have the power to judge whether or not this law can stand or fall because it offends against both the constitution and the fundamental guarantees of the international legal order as embodied in the ICCPR.

So just what I want to shift to now, this is just since February 9th -- remember that Justice McLachlin was appointed a non-permanent judge in 2018. The National Security Law did not take effect until 2019. It wasn't clear at all. All of those protests that you saw prior to the adoption of the National Security Law indicate it wasn't a foregone conclusion.

This situation that we have now where the legislature of China imposes laws directly on the Hong Kong legal order, contrary to its constitution and international law, has only existed since 2019.

And, again, before February 9th, look at

the judgment of the High Court granting bail to Jimmy Lai. What they did is they said we still have the power to construe the National Security Law's bail provisions so that they are in harmony with the basic law, in harmony with the ICCPR.

It is on February 9th that the Hong Kong Court of Final Appeal clearly and explicitly indicated that the courts of Hong Kong do not have that power. They are merely there to implement in National Security Law cases what has been directly imposed on Hong Kong by Beijing, whether or not it is contrary to its constitution or even the ICCPR.

Just with respect to how important the ICCPR is, provisions of the ICCPR identified in article 4(2) are such that they're non-derogable. Even if the state were to be destroyed, the state authority says even, you know, where there's a national security crisis so significant that the integrity of the state is threatened, you cannot dispense with these protections, and that's in the ICCPR precisely because of the need to prosecute Nazi war criminals. Because were it not the case that these peremptory norms stand above the constitution in any given state, people could have merely said the constitutional order of our country allowed for these atrocities.



That is why we have the International Criminal Tribunal for the former Yugoslavia and now the International Criminal Court to apply these peremptory norms in this situation.

So what this indicates now is that there is no reason to participate in the legal order of Hong Kong. The Court of Final Appeal does not have any restraining influence anymore.

So just my final remarks, I want to take you to my written submissions --

TREASURER DONNELLY: Sorry, Dr. Alford --

DR. ALFORD: It's thirty seconds. Justice Bokhary missed his chance. A man of clear principle, he could have resigned, as all five judges did in 1999, they all considered resigning the first time that China overruled through the national standing committee of the Chinese Peoples' Council and a judgment of the Court of Final Appeal. He missed his chance because he was a principled jurist, not because he was not a principled jurist.

What we're doing here, in my opinion in this motion, is giving collegial advice that is so needed because of the principle of a jurist of the stature of Beverley McLachlin, not for the opposite.

So we're asking her to consider the judgment in Hong Kong and Lai, which is very new, and consider the development since 2019 after she was appointed and merely give due regard to the regulator acting in its capacity to promote the public interest and to promote the rule of law domestically and internationally, the same way that we did earlier today in the case of Zhang Zhan. Thank you.

TREASURER DONNELLY: Mr. Epstein.

MR. EPSTEIN: I'll be very brief.

Needless to say, I totally disagree with the Chinese Communist Party and what it does, but I do believe that Beverley McLachlin is a brilliant person who is very capable of making all kinds of difficult judgments, and has over the years.

She would know, enormously know more than I would and, frankly, we collectively do about what's going on over there and I think the decision as to whether and when she might resign should be clear as being entirely hers.

Let's face it, guys, we don't really know what's going on underneath this whole public thing. She may be making a lot of headway in making changes there.

I think it would be a mistake and

perhaps very embarrassing for us to assume that we have such wide detailed knowledge that we can tell her what to do. Thank you.

TREASURER DONNELLY: Thank you.

Mr. Rosenthal.

MR. ROSENTHAL: Thank you very much, Treasurer. I thank Mr. Alford for the helpful summary of the atrocities going on in Hong Kong. I think we all join Mr. Alford and share his concerns. I thank Ms. Shi for her comments and for sending us the Wikipedia page. Again, we all share her concerns.

But, with respect, this motion is entirely inappropriate and irresponsible. Justice McLachlin is in a much better position than the voting benchers of the Law Society to decide how to defend the rule of law in Hong Kong.

I look around this virtual room. I don't see any judges. We know Justice McLachlin was a judge for 36 years, 28 years on the Supreme Court of Canada, 17 years as the Chief Justice. She has decided numerous human rights cases and Charter of Rights cases in Canada. There's an award named after her at the American College of Trial Lawyers recognizing the commitment to the access of justice.

In contrast, the members of this body

have not spent any time on a judge on any (inaudible) or in this country. Yet the movers in support of this motion think we have the knowledge and expertise, we do, not Justice McLachlin, to determine that she should resign and when she should resign. With respect, that view is both preposterous and arrogant.

Justice McLachlin will make whatever decision she deems appropriate and decide when to make the decision. She does not need our assistance or the assistance of this bench in deciding those issues.

What we are really doing as a regulator is effectively interfering with judicial independence, which is offensive to do, especially to a sitting judge. She will make whatever decision she deems appropriate. She doesn't need our help.

This is an embarrassing motion, and, with respect, it's offensive to say, as Ms. Shi did, that Justice McLachlin is supporting that regime by not resigning now.

We have a Human Rights Monitoring Group and they write important letters when lawyers' rights are violated. We stand up for lawyers, we stand up for paralegals, and that we've done.

Interestingly, both bringers of this motion abstained this morning. They can vote as they

wish, but it's interesting that they abstained. One of the things they have said in the past in abstaining on every single motion by the Human Rights Monitoring Group is that we've got to stay in our lane.

Well, with respect to these benchers, if we pass this motion, we're on the wrong side of the 401. We're going eastbound on a 401 westbound lane.

This motion should not be passed. It's embarrassing, it's offensive, and this is way outside of the scope of the jurisdiction of this bench. Thank you, Treasurer.

TREASURER DONNELLY: Mr. Charette.

MR. CHARETTE: Thank you, Treasurer.

You know we have had a great debate today when we see these crosscurrents where unlikely allies are joining together and it's very refreshing.

I, too, am quite concerned about this motion, and I think the benchers know historically my position on these things, that we are most effectively an authentic beacon of light to those who live in oppressive regimes when we ourselves heed the brief and the task given to us by our democratically elected legislators. That we stay, as Bencher Rosenthal said, within our lane and we comply with the directives and the jurisdiction given to us.

This is how we become true beacons of light for those who live in oppressive regimes. And I would suspect the furthest I would be prepared to go on this thing, and I tend to vote against the motion, as I have on all of these things, that although the sentiments are crystal pure, they're wonderful sentiments, I agree with them. The Chinese Communist Party is a dreadfully oppressive set of thugs who have no respect for human life, including Christians and Muslims and Hong Kongers.

I would suggest that at some point in time the Society consider practising -- giving some guidance to members and -- by way of reminding members that lawyers and paralegals emerging have historically played an important role as advocates for the constitutionally protected rights of freedom of speech, freedom of thought, right of peaceful assembly, that this has historically been our brief as lawyers and now emerging as paralegals, and I would think it would be nice for the Society to pass a practice guideline or direction that reminds all members that it is in the finest tradition of the bar that all members exercise their right and privilege to act as advocates for the constitutionally protected rights of freedom of speech, thought, peaceful assembly, and freedom from forced

speech, by the way, so we could, as a Society, recommend to all members that they take all opportunities as may seem appropriate to respectfully remind all persons, including government officials and judges, that we have the right that we as advocates want to remind these people that we stand as advocates for freedom of speech, freedom of thought and peaceful assembly. Thank you.

TREASURER DONNELLY: Thank you. I'm going to close the speakers' list. Ms. Shortreed. So I have on the list Mr. Lesage, Mr. Falconer, Ms. Walker, Mr. Desgranges and Ms. Murchie. Ms. Shortreed.

MS. SHORTREED: Thank you, Treasurer. I'm sure reasonable individuals can disagree about whether the Chief Justice in these circumstances should step down from the court in Hong Kong to send a message or should stay to assist with maintaining what judicial independence she can. And I have read in the media positions on both sides intelligently articulated.

None of this, however, is a question for this institution, whose mandate is to regulate the legal professions in Ontario. I note that former Chief Justice McLachlin is not a member of the Law Society of Ontario, nor has she ever been.

Admonitions of Canadian citizens on

questions of foreign affairs is not part of our mandate, policy or our past practice. There are many Canadians who accept public appointment or private for-profit work for many objectionable regimes around the world.

The board of the Law Society taking a position in isolated cases on an ad hoc basis, without the benefits of full information, risks uninformed decisions and the Society's reputation, with which I am very concerned as a director.

This is particularly so where the suggested sanction or advice is to be directed towards an esteemed jurist of Justice McLachlin's standing. This risks politicizing the regulator.

The work of the Human Rights Monitoring Group is done by a group of benchers of the Law Society pursuant to a policy passed by Convocation and those benchers are appointed by Convocation to carry out a very narrow mandate. That mandate is available and was available to you this morning.

They have a robust process and rely on information provided by external organizations dedicated to promoting the rule of law and human rights internationally, not just -- they do not rely just on individual director's personal views.



They are likely -- there are likely members of Convocation who believe and have stated repeatedly that the work of the Human Rights Monitoring Group is outside of our regulatory mandate, but until the currently sanctioned policy work of the Monitoring Group is ended by a policy decision of Convocation it carries on within its terms of reference.

There is no similar kind of policy sanction from this type of motion, let alone the kind of robust process that it would require and like the monitoring group has. Thank you.

TREASURER DONNELLY: Thank you. Mr. Lesage.

MR. LESAGE: Thank you, Madam Treasurer. My fellow benchers, as you know, our parliament and the U.S. Congress have recently declared the CCP to be a genocidal regime, and if we permit a Canadian jurist, even one as esteemed as Justice McLachlin, to sit on such a court without censure, we, in effect, condone the actions of the CCP, up to and including genocide.

Justice McLachlin either supports human rights or genocide. She can't support both. Her presence on the court --

TREASURER DONNELLY: Sorry, Mr. Lesage, Mr. Lesage, I'm going to ask you not to make personal

comments about the feelings or beliefs or the position of Chief Justice McLachlin. It is not fair. She is not a party to these proceedings. She is an esteemed jurist and I'd ask you to be appropriate in your language please and how you use it.

MR. LESAGE: Those are my remarks.

Thank you, Treasurer.

TREASURER DONNELLY: Mr. Falconer.

MR. FALCONER: Treasurer, am I getting through at this point?

TREASURER DONNELLY: Yes, you are, Mr. Falconer.

MR. FALCONER: Thank you, Treasurer. I will try to keep my comments brief, but I must say also, though, one always wants to be careful. I notice Ms. Shi, Bencher Shi went on for over 15 minutes.

But I want to start on my behalf, and I believe Ms. Walker will have something else to say later as co-chair of the Human Rights Monitoring Group. I want to extend my apology to Bencher Shi. I apologize that there was not a response to her letter. We got caught in an exercise of broken telephone. I had understood work was being done with Bencher Shi about this motion and whether it was ready to go, and I misunderstood that that was being addressed, so I

just -- as the chair of the Human Rights Monitoring Group, we're quite fastidious in getting back to people who correspond to us and that this didn't receive a response when it should have was not deliberate. So my apologies.

I want to thank Bencher Alford for providing yesterday morning his extensive analysis. He refers to a February 9th decision that he feels is a game changer.

The problem I have with this motion, frankly, Treasurer, is it does bring extremely complex, important issues. It is not readily apparent that those issues, for example, would be in the mandate of the Human Rights Monitoring Group, unless Convocation decided as a special decision, in other words, decided in its discretion to assign a matter to the Human Rights Monitoring Group, as in the case of any of those decisions that could change things.

My concern is this. I look at the motion brought by Benchers Shi and Fagan, and the first thing that occurs to me is that this amounts to a motion for public censure.

The regulator of the profession in the province of Ontario is being asked to censure, in this case, a former Chief Justice. And I understand, I hear

Bencher Rosenthal, his passion when he speaks to the incredibly impressive accomplishments of former Chief Justice McLachlin. I share his admiration for her.

What I want to emphasize frankly, respectfully, to all, it should not matter whether it's Beverley McLachlin or a lawyer whose practice is perhaps a lot quieter. If a motion is brought for public censure of an individual, I would hope that certain key steps are taken, steps that I did not see on the face of the motion and I raise as a concern now.

Was formal notice given to Chief Justice McLachlin when the motion was served? And my concern is if the answer is no, I am not sure that, as a regulator, we should be entertaining or deliberating over a decision about public censure. And I appreciate Bencher Lesage's remarks and his passion about the issues. These are legitimate issues.

It is not true to say that the atrocities and the human rights violations, and now the very dubious legal determinations, are not significant and shouldn't concern us. I'm simply saying it makes it all the more important to get procedural fairness right, and I say a basic obvious element of procedural fairness is that formal notice of a motion to publicly censure an individual, including, but not least, the

former Chief Justice, should have accompanying with it a formal notice to that individual.

And absent that -- and I want to, as a matter of candour, tell people that it is my understanding that actual notice did happen through back channels, but that's not the same, and in my view, that's missing.

Number 2, a workup by a committee is essential. Why? We have a Wikipedia reference by Ms. Shi, we have Bencher Alford's impressions or analysis given to us yesterday morning.

This is a huge issue. It warrants appropriate treatment. So while I'm somewhat reluctant to do this, and I hope my apology to Ms. Shi is heard, I am bringing a motion to table at this stage on the basis that this should be worked up by a committee. The Human Rights Monitoring Group is possibility. If people feel another committee should do it, fair enough. But this deserves appropriate staff support and treatment.

Each time, each time we bring a motion in respect of an intervention, people expect we tick the boxes. We have done the opposite of ticking the boxes. We're doing this on the fly. This is too important.

So I'm bringing the motion to table.

I'm suggesting it be referred to --

TREASURER DONNELLY: Do you have a seconder?

MR. GOLDSTEIN: I'll second it, Treasurer. It's Sam Goldstein. I'll second Mr. Falconer's motion.

MR. FALCONER: I propose that it be sent to committee for the proper committee workup and I respectfully urge the movers, before that committee workup happens, that formal notice be provided to the respondents of the motion by Ms. Shi.

TREASURER DONNELLY: Okay.

MR. FALCONER: Okay. Thank you.

TREASURER DONNELLY: Thank you. We have a motion to table now, moved by Mr. Falconer, seconded by Mr. Goldstein. There's no debate on a motion to table, so I'm going to ask that we vote on the motion to table.

DR. ALFORD: Just a point of information briefly, Treasurer. To which committee would this be tabled?

TREASURER DONNELLY: Well, a motion to table is to defer it indefinitely. So I would take this away, Dr. Alford, and speak to policy, to the CEO

and to Ms. O'Hagan to see if this goes to the Human Rights Monitoring Group, which it would seem to me that's likely where it would go, but to seek some policy advice about which committee it would be best to go to, but it seems to me it would likely go to the Human Rights Monitoring Group. But those decisions would be made at -- not right now. Thank you.

So I'm going to ask that you use --  
Ms. Shi, you asked for a recorded vote on the ultimate motion. Now that there's a motion to table, are you asking for a recorded vote on that? I don't want to overlook what you've requested of me.

MS. SHI: I appreciate that, Treasurer.  
Yes, please.

TREASURER DONNELLY: Okay, Mr. Varro, if I could ask that we do that, please, then. A recorded vote.

To be clear, this vote is not on Ms. Shi and Mr. Fagan's motion. The vote that you are being asked to vote on now is whether or not that motion should be tabled.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: No.

SECRETARY: Dr. Alford?

DR. ALFORD: No.

SECRETARY: Ms. Banning?

MS. BANNING: No.

SECRETARY: Mr. Braithwaite?

MR. BRAITHWAITE: Yes.

SECRETARY: Mr. Brown?

MR. BROWN: No.

SECRETARY: Mr. Burd?

MR. BURD: Yes.

SECRETARY: Mr. Charette?

MR. CHARETTE: Yes.

SECRETARY: Mr. Chiummiento?

MR. CHIUMMIENTO: Yes.

SECRETARY: Mr. Cooper?

MR. COOPER: No.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: Yes.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: No.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: No.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: Yes.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: Yes.

SECRETARY: Mr. Fagan?



MR. FAGAN: No.

SECRETARY: Mr. Falconer?

MR. FALCONER: Yes.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: No.

SECRETARY: Mr. Horgan?

MR. HORGAN: No.

SECRETARY: Ms. Horvat?

MS. HORVAT: No.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: No.

SECRETARY: Ms. Lalji?

MS. LALJI: No.

SECRETARY: Dr. Lau? Ms. Lean?

MS. LEAN: No.

SECRETARY: Mr. Lesage?

MR. LESAGE: No.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: No.

SECRETARY: Ms. Lockhart? Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon?

TREASURER DONNELLY: Mr. Lyon had to  
leave the meeting.

SECRETARY: All right, thank you.

Mr. Marshall?

MR. MARSHALL: No.

SECRETARY: Ms. Merali? Ms. Murchie?

MS. MURCHIE: No.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry? Mr. Pineda?

MR. PINEDA: Point of privilege. It's  
Pineda. There's no squiggly on top of the N.

SECRETARY: I'm sorry.

MR. PINEDA: No.

SECRETARY: Thank you. Mr. Poliacik?

MR. POLIACIK: No.

SECRETARY: Mr. Pollock?

MR. POLLOCK: No.

SECRETARY: Mr. Prill?

MR. PRILL: No.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Absolutely not.

TREASURER DONNELLY: Mr. Rosenthal, I'd just ask you to please only answer yes or no. Thank you.

MR. ROSENTHAL: No.

SECRETARY: Ms. Sellers?

MS. SELLERS: No.

SECRETARY: Mr. Sheff? Ms. Shi?

MS. SHI: No.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: No.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: No.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman?

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: No.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: No.

SECRETARY: Mr. Wright?

MR. WRIGHT: No.

SECRETARY: Is there anyone whose name I haven't called?

MR. ESQUEGA: Mr. Varro, you called Dr. Lau earlier, but he has a check mark up on the screen.

SECRETARY: Yes. I'll take the Treasurer's advice on this -- Mr. Lau, is that you?

TREASURER DONNELLY: Dr. Lau. Thank you, Dr. Lau.

SECRETARY: Your vote is?

DR. LAU: Yes.

SECRETARY: Yes, thank you. Anyone else?

MR. POLLOCK: Mr. Varro, were there any benchers that you called, but didn't record the vote other than Dr. Lau?

SECRETARY: No, I only recorded the votes of those who responded to the vote.

MR. POLLOCK: I just meant if you called anybody and you didn't hear their response. Just again because we have had this issue a few times today with different benchers that they thought their vote was recorded or thought that you heard from them or not.

SECRETARY: No, there's no one else who is present in the meeting who has not voted, according

to the roll call that was taken, Mr. Pollock.

MR. POLLOCK: Perfect. Thank you very much, Mr. Varro.

MR. SHEFF: Mr. Varro, did you get my vote? I sent it by e-mail because I was disconnected. It's Gerald Sheff.

SECRETARY: Mr. Sheff. No, I didn't. What is your vote, Mr. Sheff?

MR. SHEFF: To table.

SECRETARY: You are in favour of tabling, yes?

MR. SHEFF: Yes.

SECRETARY: Thank you. Treasurer, the motion to table fails, 15 for, 34 against.

TREASURER DONNELLY: Thank you. Ms. Walker. I have Ms. Walker, Mr. Desgranges and Ms. Murchie left and then we're going to move to vote on the motion. I'm going to end up with you, Mr. Fagan, because you're the seconder, okay. Ms. Walker.

MS. WALKER: Treasurer, I don't have anything else to add. I don't want to repeat what has been said.

TREASURER DONNELLY: Thank you. Mr. Desgranges.

MR. DESGRANGES: Sorry for the delay.

Yes, I'm here. So, you know, I think I'll agree with my colleague, Ms. Walker. I think everything has been said, except that I shall say I will be voting in favour. Thank you.

TREASURER DONNELLY: Thank you. Ms. Murchie.

MS. MURCHIE: The only thing I would add, Treasurer, is that in my view it's very fair for Ms. Shi and Dr. Alford to take this position on a personal basis, but it's not fair to ask the Law Society to do it on behalf of 60,000 lawyers and paralegals in this province. It's a very controversial issue and many of us don't agree. Thank you.

TREASURER DONNELLY: Thank you. Mr. Fagan as the seconder of the motion.

MR. FAGAN: Yes, thank you, Treasurer. I must -- I submit that I do not agree that this motion is a motion of censure at all. If it were, I would take a different view of it.

This motion is begging, asking Chief Justice McLachlin to step down from this court. There is no criticism of her, express or implied, in my mind, and I submit, or in the motion.

When she took this post it was the right thing to do, it was at a time when what we now

regrettably know the last efforts were still underway to keep the Peoples Republic of China on the right track.

The recent developments, the new law, the judges, the judicial decision, the circumstances have completely changed. No criticism of Madam Justice McLachlin, just begging as colleagues.

With respect to the issue of having given her formal notice of this motion, I submit there was no way she could have responded or gotten involved in this in any way, no way could she do anything but ignore these proceedings, and if she wished, ignore the -- any result of today's vote.

So, please, I ask that this motion not be taken as any way censorious of Madam Justice McLachlin. We're begging her as friends, for her own good. Thank you, Treasurer.

TREASURER DONNELLY: Thank you. Could we have a roll call vote now, please, Mr. Varro.

SECRETARY: Yes, Treasurer.

TREASURER DONNELLY: So to be clear, the roll call vote is on the notion itself, on Ms. Shi and Mr. Fagan's motion.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: Yes.

SECRETARY: Mr. Alford?  
DR. ALFORD: Yes.  
SECRETARY: Ms. Banning?  
MS. BANNING: No.  
SECRETARY: Mr. Braithwaite?  
MR. BRAITHWAITE: No.  
SECRETARY: Mr. Brown?  
MR. BROWN: Yes.  
SECRETARY: Mr. Burd?  
MR. BURD: No.  
SECRETARY: Mr. Charette?  
MR. CHARETTE: No.  
SECRETARY: Mr. Chiumminto?  
MR. CHIUMMIENTO: No.  
SECRETARY: Mr. Cooper?  
MR. COOPER: No.  
SECRETARY: Ms. Corbiere?  
MS. CORBIERE: No.  
SECRETARY: Ms. Corsetti?  
MS. CORSETTI: No.  
SECRETARY: Mr. Desgranges?  
MR. DESGRANGES: Yes.  
SECRETARY: Mr. Epstein?  
MR. EPSTEIN: No.  
SECRETARY: Mr. Esquega?



MR. ESQUEGA: No.

SECRETARY: Mr. Fagan?

MR. FAGAN: Yes.

SECRETARY: Mr. Falconer?

MR. FALCONER: No.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Abstain.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: No.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: No.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: No.

SECRETARY: I'm sorry, I didn't hear  
your vote, Ms. Lalji.

MS. LALJI: No.

SECRETARY: Thank you. Dr. Lau?

DR. LAU: No.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: Yes.

SECRETARY: Ms. Lewis?

MS. LEWIS: Abstain.

SECRETARY: Ms. Lippa?

MS. LIPPA: Abstain.

SECRETARY: Ms. Lockhart? Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon? Mr. Marshall?

MR. MARSHALL: Yes.

SECRETARY: Ms. Merali? Ms. Murchie?

MS. MURCHIE: No.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry?

TREASURER DONNELLY: Ms. Sellers.

MS. SELLERS: No.

SECRETARY: I think the Treasurer was asking you not to speak, Ms. Sellers, because you're unmuted, but I will record your vote now. That was a no?

MS. SELLERS: It's a no. Thank you.

SECRETARY: Sorry, I'll go back to Mr. Parry. Mr. Pineda?

MR. PINEDA: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: Oui.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: No.

SECRETARY: Mr. Sheff?

MR. SHEFF: No.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: No.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: No.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: No.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: No.

SECRETARY: Mr. Wellman?

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: Abstain.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: No.

SECRETARY: Mr. Wright?

MR. WRIGHT: Yes.

SECRETARY: Is there anyone whose name I haven't called? Treasurer, the motion fails, 17 for, 28 against, four abstentions.

TREASURER DONNELLY: Thank you very much. That concludes the public portion of our meeting today. Thank you very much to everyone who joined us live watching us online. We'll see you next time.

We're going to now move, benchers are, to deal with in camera matters. So I'd ask Mr. Varro that you please alert me to when we are now in camera.  
--- Whereupon the public proceedings adjourned at 2:07 p.m.

I HEREBY CERTIFY THE FOREGOING  
to be a true and accurate  
transcription of my shorthand notes  
to the best of my skill and ability

---

SHARI CORKUM, C.S.R.

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