

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 23, 2021

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

DRAFT

MINUTES OF CONVOCATION

Thursday, 27th May, 2021
9:00 a.m.
Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Banning, Braithwaite, Brown, Burd, Charette, Chiummiento, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Falconer, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lau, Lean, Lesage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murchie, Painchaud, Parry, Pineda, Poliacik, Pollock, Prill, Rosenthal, Ross, Sellers, Sheff, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation would normally be meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanks the First Nations people who lived and live in these lands for sharing them with us in peace.

LL.D. CEREMONY – THE HONOURABLE GEORGE CZUTRIN

The Treasurer introduced Justice George Czutrin, the candidate for the degree of Doctor of Laws, *honoris causa*.

Ms. Lockhart read the citation.

The Treasurer admitted Justice Czutrin to the degree of Doctor of Laws, *honoris causa*.

Justice Czutrin addressed Convocation.

The Treasurer thanked Justice Czutrin for honouring Convocation with his presence.

TREASURER'S REMARKS

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer expressed condolences to the family of former bencher Frederick Bickford who passed away on April 21, 2021.

The Treasurer advised Convocation that she was pleased to co-host the Mental Health for Legal Professionals Summit last week with Beth Beattie of the Ministry of the Attorney General, which was attended by more than 4000 registrants.

The Treasurer notified benchers of the Toronto Lawyers Association and LAWPRO program on "Continuing to Manage – Mental Health, Resilience and Resources" scheduled for June 15, 2021.

The Treasurer advised benchers of the Federation of Law Societies of Canada and University of Sherbrooke National Well-Being Study, including a survey to be launched on June 7, 2021.

The Treasurer, noting that she hosted the LSO Awards Ceremony last evening, congratulated all award recipients.

The Treasurer advised that the Law Society of Ontario Human Rights Award event is scheduled for June 15, 2021, at which Professor Payam Akhavan will receive the award and provide a keynote address.

The Treasurer noted upcoming events:

- National Accessibility Week – May 30 to June 5, 2021
- Pride Month – with a virtual program on June 24, 2021
- National Indigenous Peoples Day – June 21, 2021
- Filipino Heritage Month in June – program on June 1, 2021
- Access to Justice Week – October 25 to 29, 2021

The Treasurer advised that the Law Society's Annual General Meeting was held on May 12, 2021 at which the motion filed for the meeting carried. The Treasurer also advised that the first part of the motion dealing with exemptions from paralegal licensing is being referred to the Paralegal Standing Committee, and that the second part of the motion addressing unauthorized practice is being referred to the Chief Executive Officer.

The Treasurer referred to information about the new contingency fee requirements effective July 1, 2021 on the Law Society's website and as the subject of an upcoming Continuing Professional Development (CPD) session on June 9, 2021.

The Treasurer noted that the Barreau du Québec relayed to her that they are pleased to hear that the Law Society approved by-law amendments to allow for the mobility of lawyers licensed in Québec.

The Treasurer congratulated bencher Murray Klippenstein who was named as an awardee by the Canadian Law Awards 2021 for Class Action Team of the Year for his work on *Good v. Toronto Police Service Board*.

The Treasurer congratulated Law Society General Counsel Elliot Spears, who will be awarded the Canadian Bar Association's Canadian Corporate Counsel Association, Ontario Chapter Award of Excellence on June 24, 2021.

The Treasurer referred benchers to information reports in the Convocation Materials, including the Law Society Tribunal 2020 Annual Report.

MOTION – CONSENT AGENDA – Tab 1

The Treasurer advised that at the request of Ms. Shi the Human Rights Monitoring Group Report is being removed from the Consent Agenda.

It was moved by Mr. Falconer, seconded by Mr. Spurgeon, that Convocation approve the remaining items on the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

Mr. Lyon abstained.

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of April 22, 2021 were confirmed.

Tab 1.2 – TRIBUNAL COMMITTEE REPORT

Re: Tab 1.2.1: Adjudicator Appointments/Reappointments

That Convocation appoint or reappoint the following for a term from May 27, 2021 to May 31, 2023:

a. to the Hearing Division of the Law Society Tribunal:

Ryan Alford, Raj Anand, Larry Banack, Jack Braithwaite, Chris Bredt, Jared Brown, Robert Burd, Jean-Jacques Desgranges, Seymour Epstein, Etienne Esquega, Sam Goldstein, Philip H. Horgan, Vern Krishna, Shelina Lalji, Cheryl R. Lean, Michael B. Lesage, Atrisha S. Lewis, Marian Lippa, Cecil Lyon, Scott Marshall, Isfahan Merali, Barbara Murchie, Ross Murray, Geneviève Painchaud, Jorge Pineda, Lubomir Poliacik, Geoff Pollock, Brian Prill, Clayton Ruby, Chi-Kun Shi, Julia Shin Doi, Megan Shortreed, Harvey Strosberg, Tanya Walker, Peter Wardle, Doug Wellman, Alexander Wilkes, Bradley Wright

b. to the Appeal Division of the Law Society Tribunal:

Ryan Alford, Raj Anand, Cathy Banning, Jack Braithwaite, Chris Bredt, Robert Burd, Seymour Epstein, Scott Marshall, Isfahan Merali, Barbara Murchie, Geneviève Painchaud, Lubomir Poliacik, Julia Shin Doi, Megan Shortreed, Tanya Walker, Peter Wardle, Doug Wellman

Carried

That Convocation appoint Jack Braithwaite as Vice-Chair of the Hearing Division for a term from May 27, 2021 to May 31, 2023.

Carried

IN PUBLIC

Tab 1.3 – PROFESSIONAL REGULATION COMMITTEE REPORT

Re: Report on the Annual General Meeting Motion Respecting Civil Rules

That Convocation approve the recommendation of the Professional Regulation Committee that a motion brought to the Law Society's 2020 Annual General Meeting relating to the Civil Rules not be considered further.

Carried

Tab 11 – MOTIONS

Re: Tab 11.1 – Election of Bencher

WHEREAS Paul M. Cooper who was elected from the Province of Ontario "B" Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors, has been appointed a judge of the Ontario Court of Justice; and

WHEREAS upon being appointed a judge of the Ontario Court of Justice, Paul M. Cooper became unable to continue in office as a bencher thereby creating a vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

THAT under the authority contained in By-Law 3, Quinn M. Ross, having satisfied the requirements contained in subsection 43(1) and section 45 of the By-Law, and having consented to the election in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

Carried

The Treasurer welcomed Mr. Ross to Convocation.

The Treasurer congratulated Mr. Justice Paul Cooper on his appointment as a judge of the Ontario Court of Justice and thanked Justice Cooper for his contributions to the Law Society as a bencher over the past six years.

Re: Tab 11.2 – Committee Appointment

THAT Jack Braithwaite be appointed to the Tribunal Committee.

Carried

Tab 1.4 – HUMAN RIGHTS MONITORING GROUP REPORT

Mr. Falconer presented the Report.

Re: Requests for Interventions

It was moved by Mr. Falconer, seconded by Mr. Spurgeon, that Convocation approve the letters and public statements in the following cases:

- a) Hejaaz Hizbullah – Sri Lanka – letter of intervention and public statement presented at Tab 1.3.1; and
- b) Dr. Margaret Ng Ngoi-yee, Martin Lee Chu-ming, and Albert Ho Chun-yan – China – letter of intervention and public statement presented at Tab 1.3.2.

Carried

ROLL-CALL VOTE

Adourian	For
Alford	Abstain
Banning	Against
Braithwaite	For
Brown	Abstain
Burd	For
Charette	Abstain
Chiumminto	Abstain
Corbiere	For
Corsetti	For
Desgranges	Abstain
Epstein	Abstain
Esquega	For
Fagan	Against
Falconer	For
Goldstein	Abstain
Graham	Abstain
Groia	For
Horgan	Abstain
Horvat	For
Klippenstein	Abstain
Lau	Abstain
Lean	Abstain
Lesage	For
Lewis	For
Lockhart	For
Lomazzo	For
Lyon	Against
Marshall	For
Murchie	For
Painchaud	For
Parry	Abstain
Pineda	For
Poliacik	For
Pollock	For
Prill	Abstain
Rosenthal	For
Ross	For
Sellers	For

Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Abstain

Vote: 31 For; 3 Against; 16 Abstain

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

Re: Amendments to the Law Society’s By-Laws (Anti-Money Laundering and Terrorist Financing)

It was moved by Ms. Shortreed, seconded by Ms. Sellers, that Convocation approve the motion at Tab 2.1 which amends the Law Society’s By-Laws 7.1 [Operational Obligations and Responsibilities] and 9 [Financial Transactions and Records], effective January 1, 2022 in order to implement amendments to the Federation of Law Societies Model Rules to fight money-laundering and terrorist financing.

Carried

ROLL-CALL VOTE

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

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

Vote: 37 For; 14 Against; 1 Abstain

PRIORITY PLANNING COMMITTEE REPORT

Ms. Horvat presented the Report.

Re: By-Law 3 Amendments Respecting Reforms to Certain Standing Committees Structure

It was moved by Ms. Horvat, seconded by Ms. Corsetti, that on the recommendation of the Priority Planning Committee, Convocation make amendments to By-Law 3 as set out in the motion at Tab 3.1.1 to create a new standing committee called the Strategic Planning and Advisory Committee and its mandate and to revoke the mandates of the Government and Public Affairs Committee, the Litigation Committee and the Priority Planning Committee.

Carried

Re: Merger of Awards and External Appointments Functions

It was moved by Ms. Horvat, seconded by Ms. Corsetti, that on the recommendation of the Priority Planning Committee, Convocation approve the merger of the functions of the Law Society awards committees described in this report with the function of the Treasurer's

Appointments Advisory Group, and the assumption of the awards committees' terms of reference and processes in the Group's process.

Carried

COMPENSATION FUND COMMITTEE REPORT

Mr. Poliacik presented the Report.

Re: By-Law 12 Amendments to Improve the Administration of the Compensation Fund

It was moved by Mr. Poliacik, seconded by Ms. Painchaud, that Convocation approve the amendments to By-Law 12, found at Tab 4.1, as recommended by the Compensation Fund Committee.

Carried

Dr. Alford and Mr. Graham abstained.

PARALEGAL STANDING COMMITTEE REPORT

Mr. Burd presented the Report.

Re: Ending Exemptions from Paralegal Licensure for the Office of the Worker Advisor and the Office of the Employer Advisor

It was moved by Mr. Burd, seconded by Ms. Lomazzo, that Convocation approve an amendment to subsections 31(2) and (3) of By-Law 4 in order to end the following exemptions from the paralegal licensure, effective January 1, 2022: public servants in the service of the Office of the Worker Adviser ("OWA") and the Office of the Employer Adviser ("OEA"), with certain exceptions.

Carried

Mr. Lyon abstained.

IN PUBLIC

REPORTS FOR INFORMATION ONLY

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Three Months ended March 31, 2021
- Investment Compliance Reports for the Quarter ended March 31, 2021

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Update on Discrimination and Harassment Counsel Program Review

HUMAN RIGHTS MONITORING GROUP REPORT

- Update on 2021 Human Rights Award

SECRETARY'S REPORT

- Law Society of Ontario Annual General Meeting

TRIBUNAL COMMITTEE REPORT

- Law Society Tribunal 2020 Annual Report
- Law Society Tribunal 2020 Annual Report on Statistics
- Law Society Tribunal Quarterly Statistics, for the period from January 1, 2021 to March 31, 2021

CONVOCATION ROSE AT 1:18 P.M

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 23, 2021

THAT Andrew Spurgeon be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 31, 2023.

Explanatory Note

Bencher Andrew Spurgeon has applied to be a member of the Tribunal. Under the Tribunal model passed by Convocation in 2012, benchers are eligible to be appointed to an initial term by virtue of their position. Mr. Spurgeon has previously been a member of the Tribunal.