



Law Society
of Ontario

Barreau
de l'Ontario

Tab 3

Report to Convocation June 23, 2021

Strategic Planning and Advisory Committee

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Purpose of Report: Decision and Information

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Tab 3.1

Strategic Planning and Advisory Committee

Amendments to By-Law 3 on the Paralegal Standing Committee Chair Election Process

June 23, 2021

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Motion

That on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 3 as set out in the motion at Tab 3.1.1 to modernize the process for the election of the chair of the Paralegal Standing Committee.

A. Executive Summary

Currently, voting for the Chair of the Paralegal Standing Committee (PSC) is required to be done in person at the Paralegal Standing Committee meeting in September and by paper ballot. Following amendments to By-Law 3 made by Convocation in 2020 to implement online voting for the Treasurer's election, the Committee is recommending that changes be made to facilitate voting in the election of the chair of the PSC either in person with paper ballots or online, if a poll to elect the chair is required. This is necessary given the ongoing uncertainty of in person meetings in the fall of 2021 as a result of the COVID-19 pandemic. This is also a means to modernize the election process, consistent with a focus by the Treasurer and the Chief Executive Officer on efficiency and modernization.

The proposed amendments to By-Law 3 are set out in the track-changes version of the By-Law at **Tab 3.1.2.**

Background

A. Current Election Process

Given the ongoing meeting restrictions as a result of the COVID-19 pandemic, and the uncertainty of changes to those restrictions by the fall of 2021, the Law Society needs to provide a voting method in addition to the paper-based in-person voting process for the PSC chair election at the PSC meeting in September if a poll is required to elect the chair. Facilitating an online voting process is also an opportunity to modernize the election process in keeping with the efforts of the Treasurer and the Law Society's CEO to make changes to increase efficiencies. While the paper-based election process is not administratively burdensome for this election, given the very small electorate of 13 members of the PSC, it is appropriate to plan for an online voting process should it be required.



This report describes changes that will facilitate an electronic (online) voting process similar to that for the election of the Treasurer, adopted in 2020.

The current PSC chair election process under By-Law 3 includes the following:

- A secret ballot;
- Paper ballots used on any required ballot;
- In-person voting at the PSC meeting in September;
- A vote for one candidate only on any ballot;
- If more than two candidates, if necessary, additional paper ballots and in-person voting at the September PSC meeting until a candidate who receives more than 50% of votes cast is declared elected;
- Use of a ballot box; and
- A requirement for the Elections Officer to count the votes in the presence of the vice-chair of the PSC.

Changes to the Election Process

A. Key Components

While the basic process in By-Law 3 to elect the PSC chair remains the same¹, changes in the procedures in By-Law 3 are recommended that would continue to allow for an in person paper-based election or facilitate an online voting process. In both scenarios, the By-Law would provide that the Elections Officer establish and publish election procedures that would detail the method and process for voting.

¹ The process will continue to provide for the following:

- Election of the chair in September
- A secret ballot
- Eligible voters are members of the PSC
- A candidate is elected PSC chair if they receive more than 50% of the votes cast
- In the event of a tie vote among two candidates, the PSC vice-chair randomly selects a candidate and casts a vote for that candidate



The following is recommended for future PSC chair elections, beginning in fall 2021, where there are two or more candidates, requiring a poll to elect the chair.

1. Voting procedures to be established and published by the Elections Officer

Similar to the process in By-Law 3 for the Treasurer election, the revised process will require the Elections Officer, the person who manages the PSC chair election, to establish and publish voting procedures for the election. Whether the voting is in person and paper-based or online, the procedures will include a description of how the voting system will work and how votes may be cast. This requirement means that the detailed procedures for the method of casting votes do not need to be set out in the By-Law.

2. A voting period on the day of the PSC September meeting

Voting would open on the day of the PSC's September meeting, as currently provided in the By-Law. The election would continue to be the first order of business at that meeting. The election would continue until the chair is elected in accordance with the By-Law.

3. Ballots as required for election

On any ballot – paper or online - PSC members choose the one candidate of their choice, in accordance with the By-Law.

The By-Law provides that if a candidate receives more than 50% of the votes cast on a ballot, they are declared elected as chair. The voting procedures would utilize a first ballot and the required number of subsequent ballots for the election.

If there are two or more candidates, PSC members would be required to select one candidate of their choice, as currently required under the By-Law, and mark the ballot with that choice. When all members who wish to cast a ballot have voted, the votes on the ballots will be counted and the results will be announced by the Elections Officer.

In the event of a tie vote where there are two candidates, as provided in the By-Law, the PSC vice-chair will manually randomly choose the name of one candidate and cast another vote for that candidate, who will then be declared elected.

Where there are more than two candidates and no candidate receives more than 50% of the votes cast, a subsequent ballot would be required. This ballot would exclude the candidate who received the least number of votes on the first ballot, who is removed as a



candidate in the election. A ballot would then be provided for the votes of PSC members and the result announced once voting is completed and ballots counted.

B. By-Law 3 Amendments

As shown in the track-changes version of By-Law 3 at **Tab 3.1.2**, the amendments

- provide that the voting procedures are established and published by the Elections Officer,
- remove references to paper ballots, in-person voting and the ballot box, as these would be included in the procedures to be published, as applicable,
- provide that the description of the voting process for the election is to be set out in the procedures described above, and
- remove references to the Elections Officer counting the votes in the presence of the PSC vice-chair.

The Committee is satisfied that the changes to the process in By-Law 3 will continue to provide an election scheme that meets the objective of a fair process for the election of the PSC chair and preserves its integrity.

LAW SOCIETY OF ONTARIO

BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE LAW SOCIETY ACT

BY-LAW 3 [BENCHERS, CONVOCATION AND COMMITTEES]

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

MOVED BY

SECONDED BY

THAT By-Law 3 [Benchers, Convocation and Committees], in force immediately before this motion is moved, be amended as follows:

1. Clause 130.3 (1) (a) of the French version of the By-Law is amended by striking out “comité” and substituting “Comité”.

2. Section 130.4 of the English version of the By-Law is revoked and the following substituted:

Elections Officer

130.4. (1) The election of chair shall be conducted by the Elections Officer.

Elections Officer to establish procedures

(2) For a poll required under sections 130.7 and 130.12, the Elections Officer shall establish the procedures by which a member of the Committee may vote and, prior to the opening of the poll, shall publish the procedures for members of the Committee.

3. Section 130.4 of the French version of the By-Law is revoked and the following substituted:

Responsable de l'élection

130.4. (1) Le ou la responsable de l'élection administre l'élection du président ou de la présidente.

Le ou la responsable de l'élection établit la procédure

(2) Pour tenir le scrutin en vertu des articles 130.7 et 130.12, le ou la responsable de l'élection établit la procédure selon laquelle les membres du Comité peuvent voter et, avant l'ouverture du scrutin, publie la procédure au profit des membres du Comité.

4. Clause 130.5 (3) (b) of the English version of the By-Law is amended by striking out “his or her” and substituting “their”.

5. Subsection 130.7 (2) of the English version of the By-Law is revoked the following substituted:

Poll: anonymity of member and secrecy of votes

(2) The procedures for conducting a poll shall be such that the anonymity of a member of the Committee and the secrecy of the member’s votes are preserved.

6. Subsection 130.7 (2) of the French version of the By-Law is revoked and the following substituted:

Scrutin : anonymat et vote secret

(2) La procédure pour tenir le scrutin garantit l’anonymat des membres du Comité et protège le secret de leur vote.

7. Section 130.7 of the English version of the By-Law is amended by adding the following subsection:

Poll: casting vote

(4) A member of the Committee shall cast their vote in accordance with the procedures established by the Elections Officer under subsection 130.4 (2).

8. Section 130.7 of the French version of the By-Law is amended by adding the following subsection:

Scrutin : vote

(4) Les membres du Comité votent conformément à la procédure établie par le ou la responsable de l’élection en vertu du paragraphe 130.4 (2).

9. Subsections 130.8 (1) and (2) of the English version of the By-Law are amended by striking out “in person” wherever it appears.

10. Subsections 130.8 (1) and (2) of the French version of the By-Law are amended by striking out “en personne” wherever it appears.

11. Subsection 130.8 (4) of the English version of the By-Law is revoked and the following substituted:

Vote for one candidate only

(4) Each member of the Committee voting on a ballot in the election of chair shall vote for one candidate only.

12. Subsection 130.8 (4) of the French version of the By-Law is revoked and the following substituted:

Vote pour un seul candidat

(4) Les membres du Comité qui participent à un scrutin lors de l'élection du président ou de la présidente ne votent que pour un seul candidat ou une seule candidate.

13. Subsection 130.8 (5) of the English and French versions of the By-Law is revoked.

14. Subsection 130.9 (1) of the English version of the By-Law is revoked and the following substituted:

Counting votes

130.9. (1) After all members of the Committee voting on a ballot in the election of chair have voted or declined to vote on the ballot, the Elections Officer shall cause the votes cast for each candidate to be counted.

15. Subsection 130.9 (1) of the French version of the By-Law is revoked and the following substituted:

Dépouillement

130.9. (1) Après que tous les membres du Comité qui participent à un scrutin lors de l'élection du président ou de la présidente ont voté ou refusé de voter, le ou la responsable de l'élection organise le décompte des voix exprimées par candidat.

16. Subsection 130.10 (1) of the English version of the By-Law is amended by striking out "after counting the votes cast for each candidate" and substituting "after causing the votes cast for each candidate to be counted".

17. Subsection 130.10 (1) of the French version of the By-Law is amended by striking out "après avoir procédé au décompte de voix par candidat" and substituting "après avoir organisé le décompte de voix par candidat".

18. Subsections 130.10 (2) and (3) of the English version of the By-Law are amended by striking out "after counting the votes" wherever it appears and substituting "after causing the votes to be counted" in each case.

19. Subsections 130.10 (2) and (3) of the French version of the By-Law are amended by striking out "après avoir procédé au décompte de voix" wherever it appears and substituting "après avoir organisé le décompte de voix" in each case.

20. Section 130.11 of the English version of the By-Law is amended by striking out "in the presence of the Elections Officer" and substituting "in full view of the Elections Officer".

21. Section 130.11 of the French version of the By-Law is amended by striking out “en présence du ou de la responsable de l’élection” and substituting “devant le ou la responsable de l’élection”.

22. Subsections 130.12 (1) and (3) of the French version of the By-Law are amended by striking out “un sondage” wherever it appears and substituting “un scrutin” in each case.

23. Subsection 130.12 (2) of the English version of the By-Law is revoked and the following substituted:

Anonymity of member and secrecy of votes

(2) The procedures for conducting a poll under subsection (1) shall be such that the anonymity of a member of the Committee and the secrecy of the member’s votes are preserved.

24. Subsection 130.12 (2) of the French version of the By-Law is revoked and the following substituted:

Anonymat des membres et scrutin secret

(2) Le procédure de scrutin en vertu du paragraphe (1) garantit l’anonymat des membres du Comité et protège le secret de leur vote.

25. Subsection 130.12 (4) of the English version of the By-Law is amended by striking out “in person”.

26. Subsection 130.12 (4) of the French version of the By-Law is amended by striking out “au sondage prévu au paragraphe (1) qui sont présents en personne a la réunion ” and substituting “au scrutin prévu au paragraphe (1) qui sont présents à la réunion”.

27. Subsection 130.12 (5) of the English version of the By-Law is revoked and the following substituted:

Vote for candidate or candidates to remain in election

(5) A member of the Committee voting on a ballot in a poll conducted under subsection (1) shall vote for the candidate or candidates, but not for all the candidates, whom the member wishes to remain in the election of chair.

28. Subsection 130.12 (5) of the French version of the By-Law is revoked and the following substituted:

Vote pour conserver des candidats dans l’élection

(5) Les membres du Comité qui participent au scrutin prévu au paragraphe (1) votent pour le ou les candidats ou la ou les candidates qu’ils souhaitent conserver pour l’élection du président ou de la présidente, mais non pour la totalité de ceux-ci ou de celles-ci.

29. Subsection 130.12 (6) of the English version of the By-Law is revoked and the following substituted:

Casting vote

(6) A member of the Committee shall cast their vote in a poll conducted under subsection (1) in accordance with the procedures established by the Elections Officer under subsection 130.4 (2).

30. Subsection 130.12 (6) of the French version of the By-Law is revoked and the following substituted:

Vote

(6) Les membres du Comité votent dans le cadre du scrutin mené en vertu du paragraphe (1) conformément à la procédure établie par le ou la responsable de l'élection en vertu du paragraphe 130.4 (2).

31. Subsection 130.12 (7) of the English version of the By-Law is revoked and the following substituted:

Counting votes

(7) After all members of the Committee voting on a ballot in a poll conducted under subsection (1) have voted or declined to vote on a ballot, the Elections Officer shall cause the votes cast for each candidate to be counted.

32. Subsection 130.12 (7) of the French version of the By-Law is revoked and the following substituted:

Dépouillement

(7) Après que toutes les membres qui participent au scrutin prévu au paragraphe (1) ont voté ou refusé de voter, le ou la responsable de l'élection organise le décompte des voix exprimées par candidat ou candidate.

33. Subsection 130.12 (8) of the English version of the By-Law is revoked and the following substituted:

Report of results

(8) Immediately after causing the votes cast for each candidate in a poll conducted under subsection (1) to be counted, the Elections Officer shall report the results to the Committee.

34. Subsection 130.12 (8) of the French version of the By-Law is revoked and the following substituted:

Annonce des résultats

(8) Immédiatement après avoir organisé le décompte des voix par candidat ou candidate dans le

scrutin prévu au paragraphe (1), le ou la responsable de l'élection annonce les résultats du scrutin au Comité.

35. Subsection 130.12 (9) of the French version of the By-Law is amended by striking out "le sondage" and substituting "le scrutin".

36. Subsection 130.12 (10) of the French version of the By-Law is revoked and the following substituted:

Scrutins supplémentaires

(10) Si au moins deux candidats ou candidates figurant dans le scrutin prévu au paragraphe (1) reçoivent le moins élevé et le même nombre de voix, d'autres scrutins prévus à ce paragraphe sont tenus pour ces candidats et candidates jusqu'à ce qu'une candidate ou un candidat visé par le premier scrutin soit éliminé de la liste des candidats et candidates à l'élection du président ou de la présidente.

37. Subsections 130.13 (1), (3) and (5) of the English version of the By-Law are amended by striking out "his or her" wherever it appears and substituting "their" in each case.

BY-LAW 3

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BENCHERS, CONVOCATION AND COMMITTEES

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PART VII

PARALEGAL STANDING COMMITTEE

INTERPRETATION

Interpretation: “Committee”

128. In this Part, “Committee” means the Paralegal Standing Committee.

ESTABLISHMENT OF COMMITTEE

Establishment of Committee

129. There is hereby established a standing committee to be known as the Paralegal Standing Committee in English and Comité permanent des parajuristes in French.

JURISDICTION OF COMMITTEE

Jurisdiction of Committee

130. The Committee is responsible for developing, for Convocation’s approval, policy options on the following matters:

1. The classes of licence for the provision of legal services in Ontario issued under the Act, the scope of activities authorized under each class of licence and the terms, conditions, limitations or restrictions imposed on each class of licence.
2. The licensing of persons to provide legal services in Ontario, including the qualifications and other requirements for licensing and the application for licensing.
3. The regulation of persons licensed to provide legal services in Ontario in respect of,
 - i. the handling of money and other property, and
 - ii. the keeping of financial records.
4. The rules of professional conduct applicable to persons licensed to provide legal services in Ontario.
5. The requirements to be met by persons licensed to provide legal services in Ontario with respect to indemnity for professional liability.
6. The professional competence of persons licensed to provide legal services in Ontario, including,
 - i. the requirements to be met by such persons with respect to continuing legal education, and
 - ii. the review of the professional business of such persons.
7. Guidelines for professional competence applicable to persons licensed to provide legal services in Ontario.
8. The provision of legal services through professional corporations.
9. The provision of information to the Society, and the filing of certificates, reports and other documents, relating to the Society’s functions under the Act, by persons licensed to provide legal services in Ontario.
10. The election of five persons who are licensed to provide legal services in Ontario as benchers.
11. The appointment of the chair of the Committee.

CHAIR

Definition

130.1. In sections 130.4 to 130.12, “Elections Officer” means the person who is assigned by the Chief Executive Officer the responsibility of administering and enforcing the provisions of those sections.

Appointment of chair

130.2. (1) The Committee shall appoint as its chair the member of the Committee whom it elects as chair in accordance with sections 130.3 to 130.12.

Time of appointment

(2) The Committee shall appoint a chair of the Committee immediately after it elects a chair in accordance with sections 130.3 to 130.12.

Election of chair: time

130.3. (1) There shall be an election of chair by the Committee,

(a) on the day of the first regular meeting of the Committee in September after an election of benchers licensed to provide legal services under Part I.1 of this By-Law; and

(b) on every anniversary of the day mentioned in clause (a), until the next election of benchers licensed to provide legal services under Part I.1 of this By-Law.

Same

(2) The election of chair by the Committee shall be the first matter of business for the Committee on the day of the election of chair.

Elections Officer

130.4. (1) The election of chair shall be conducted by the Elections Officer.

Elections Officer to establish procedures

(2) For a poll required under sections 130.7 and 130.12, the Elections Officer shall establish the procedures by which a member of the Committee may vote and, prior to the opening of the poll, shall publish the procedures for members of the Committee.

Who may be candidate

130.5. (1) Every person who was elected as bencher licensed to provide legal services in Ontario under Part I.1 of this By-Law and took office as a member of the Committee pursuant to this Part may be a candidate in the election of chair if the person is nominated as a candidate in accordance with this section.

Nomination and consent

(2) A candidate in the election of chair must,

(a) be nominated by at least one member of the Committee; and

(b) consent to the nomination.

Nomination requirements

(3) The nomination of a person as a candidate in the election of chair must,

- (a) be in writing;
- (b) be signed by the person being nominated, to indicate ~~his or her~~their consent to the nomination;
- (c) be signed by the member or members of the Committee nominating the person as a candidate; and
- (d) be submitted to the Elections Officer by the time specified by the Elections Officer.

Invalid nomination

(4) A nomination that does not comply with subsection (3) is invalid and the person who is the subject of the nomination shall not be a candidate in the election of chair.

Election by acclamation

130.6. If after the time specified by the Elections Officer for the submission of nominations there is only one candidate in the election of chair, the Elections Officer shall declare that candidate to have been elected the chair.

Poll

130.7. (1) If after the time specified by the Elections Officer for the submission of nominations there are two or more candidates in the election of chair, a poll shall be conducted to elect the chair.

Poll: ~~secret ballot~~anonymity of member and secrecy of votes

(2) ~~A poll to elect the chair shall be conducted by secret ballot.~~The procedures for conducting a poll shall be such that the anonymity of a member of the Committee and the secrecy of the member's votes are preserved.

Poll: right to vote

(3) Every person who is a member of the Committee on the day of the election of chair is entitled to vote in the election of chair.

Poll: casting vote

(4) A member of the Committee shall cast their vote in accordance with the procedures established by the Elections Officer under subsection 130.4 (2).

Procedure for voting: first ballot

130.8. (1) On the day of the election of chair, each member of the Committee who is in attendance ~~in~~~~person~~ at the meeting of the Committee at the time of the first ballot shall receive a first ballot listing the names of all candidates in the election of chair.

Procedure for voting: second ballot

(2) If the chair is not elected as a result of the votes cast on the first ballot, each member of the Committee who is in attendance ~~in~~~~person~~ at the meeting of the Committee at the time of the second ballot shall receive a second ballot listing the names of the candidates remaining in the election of chair at the time of that ballot.

Application of subs. (2) to second and further ballots

(3) Subsection (2) applies to the second ballot and, with necessary modifications, any further ballots in the election of chair.

Vote for one candidate only ~~Marking ballot~~

(4) Each member of the Committee voting on a ballot in the election of chair shall vote for one candidate only ~~on the ballot and shall indicate the candidate of his or her choice by placing a mark beside the name of the candidate.~~

Ballot box

~~(5) After a member of the Committee voting on a ballot in the election of chair has marked the ballot, he or she shall fold the ballot so that the names of the candidates do not show and, in the presence of the Elections Officer, put the ballot into the ballot box.~~

Counting votes

130.9. (1) After all members of the Committee voting on a ballot in the election of chair have voted or declined to vote on the ballot, the Elections Officer shall, cause the votes cast for each candidate to be counted. ~~in the absence of all persons but in the presence of the vice-chair of the Committee, open the ballot box, remove all the ballots from the ballot box, open the ballots and count the votes cast for each candidate.~~

Counting votes: application

(2) Subsection (1) applies to the count of votes on the first ballot in the election of the chair and, with necessary modifications, to the count of votes on the second and any further ballot in the election of chair.

Report of results: two candidates

130.10. (1) If on any ballot in the election of chair there are not more than two candidates, immediately after causing counting the votes cast for each candidate to be counted, the Elections Officer shall report the results to the Committee and shall declare to be elected as chair the candidate who received the larger number of votes.

Report of results: three or more candidates

(2) If on any ballot in the election of chair there are three or more candidates and, after causing counting the votes to be counted, the Elections Officer determines that at least one candidate received more than 50 percent of all votes cast for all candidates, the Elections Officer shall report the results to the Committee and shall declare to have be elected as chair the candidate who received the largest number of votes.

Same

(3) If on any ballot in the election of chair there are three or more candidates and, after causing the votes to be counted ~~counting the votes~~, the Elections Officer determines that no candidate received more than 50 percent of all votes cast for all candidates, the Elections Officer shall report to the Committee that no candidate received more than 50 percent of all votes cast for all candidates and that a further ballot will be required in order to elect the chair.

Further ballot required

(4) If a further ballot is required under subsection (3), the Elections Officer shall report to the Committee the candidate on the previous ballot who received the least number of votes and that candidate shall be removed as a candidate in the election of chair.

Casting tie-breaking vote

130.11. If at any time an equal number of votes is cast for two candidates and an additional vote would entitle one of the candidates to be declared to be elected as chair, the vice-chair of the Committee shall, in the presence in full view of the Elections Officer, randomly select one of the candidates and cast an additional vote for that candidate.

Equal number of votes

130.12. (1) If at any time an equal number of votes is cast for two or more candidates and an additional vote would entitle one or more of them to remain in the election of chair, a poll shall be conducted to select the candidates to remain in the election.

Secret ballot Anonymity of member and secrecy of votes

(2) A poll conducted under subsection (1) shall be conducted by secret ballot. The procedures for conducting a poll under subsection (1) shall be such that the anonymity of a member of the Committee and the secrecy of the member's votes are preserved.

Right to vote

(3) Each member of the Committee entitled to vote in the election of chair is entitled to vote in a poll conducted under subsection (1).

Ballot

(4) Each member of the Committee entitled to vote in a poll conducted under subsection (1) who is in attendance in person at the meeting of the Committee at the time of the ballot shall receive a ballot listing the names of the candidates who received the equal and least number of votes.

Vote for candidate or candidates to remain in election Marking ballot

(5) A member of the Committee voting on a ballot in a poll conducted under subsection (1) shall vote for the candidate or candidates, but not for all the candidates, whom he or she the member wishes to remain in the election of chair and shall indicate his or her choice or choices by placing a mark beside the name of each candidate chosen.

Casting vote

(6) A member of the Committee shall cast their vote in a poll conducted under subsection (1) in accordance with the procedures established by the Elections Officer under subsection 130.4 (2).

Ballot box

-(6) After a member of the Committee voting on a ballot in a poll conducted under subsection (1) has marked the ballot, he or she shall fold the ballot so that the names of the candidates do not show and, in the presence of the Elections Officer, put the ballot into the ballot box.

Counting votes

(7) After all members of the Committee voting on a ballot in a poll conducted under subsection (1) have voted or declined to vote on a ballot, the Elections Officer shall, cause the votes cast for each candidate to be counted. in the absence of all persons but in the presence of the vice chair of the Committee, open the ballot box, remove all ballots from the ballot box, open the ballots and count the votes cast for each candidate.

Report of results

(8) Immediately after ~~causing counting~~ the votes cast for each candidate in a poll conducted under subsection (1) ~~to be counted~~, the Elections Officer shall report the results to the Committee.

Removal of candidate

(9) The candidate who receives the least number of votes in a poll conducted under subsection (1) shall be removed as a candidate in the election of chair.

Further polls

(10) If two or more candidates in a poll conducted under subsection (1) each receive the least and the same number of votes, additional polls shall be conducted under subsection (1), for the candidates with the same number of votes, until only one candidate from all the candidates included in the initial poll conducted under subsection (1) is removed as a candidate in the election of chair.

Taking office

130.13. (1) A person appointed as chair shall take office immediately after ~~his or her~~their appointment and shall remain in office until ~~his or her~~their successor takes office.

Ceasing to be chair

(2) Despite subsection (1), a person ceases to be the chair of the Committee if the person ceases to be an elected benchers licensed to provide legal services in Ontario.

Vacancy in office

(3) If the chair resigns, is removed from office or for any reason is unable to act during ~~his or her~~their term in office, or if there is for any other reason a vacancy in the office of chair of the Committee other than in the period between the completion of an election of benchers under Part I.1 of this By-Law and the first regular meeting of Convocation in September, the Committee shall appoint a new chair whom it elects as soon as is practicable.

Application of provisions

(4) Section 130.2 and sections 130.4 to 130.12 apply to the appointment and election of chair under subsection (3).

Acting chair

(5) If the chair of the Committee for any reason is temporarily unable to perform the duties or exercise the powers of the chair during ~~his or her~~their term in office, or if there is a vacancy in the office of the chair of the Committee other than in the period between the completion of an election of benchers under Part I.1 of this By-Law and the first regular meeting of Convocation in September, the vice-chair shall perform the duties and exercise the powers of the chair until,

- (a) the chair is able to perform the duties or exercise the powers of the chair; or
- (b) a new chair is appointed under subsection (3).

Acting chair: election year

(6) If there is a vacancy in the office of chair of the Committee in the period between the completion of an election of benchers under Part I.1 of this By-Law and the first regular meeting of Convocation in September, the vice-chair shall perform the duties and exercise the powers of the chair until a new chair

is elected under section 130.3.

VICE-CHAIR

Appointment by Convocation

130.14. (1) Convocation shall appoint as vice-chair of the Committee a member of the Committee who is,

- (a) an elected bencher who is licensed to practise law in Ontario as a barrister and solicitor; or
- (b) a lay bencher.

Term of office

(2) A person appointed as vice-chair of the Committee shall take office immediately after his or her appointment and shall remain in office until his or her successor takes office.

Appointment at pleasure

(3) Despite subsection (2), the vice-chair of the Committee holds office at the pleasure of Convocation.

Vacancy

(4) If there is a vacancy in the office of vice-chair or the vice-chair of the Committee for any reason is unable to act, the Treasurer may appoint as vice-chair of the Committee another member who is,

- (a) an elected bencher who is licensed to practise law in Ontario as a barrister and solicitor; or
- (b) a lay bencher.

Appointment by Treasurer subject to ratification

(5) The appointment of a member of the Committee as vice-chair of the Committee under subsection (4) is subject to ratification by Convocation at its first regular meeting following the appointment.

OPERATION OF COMMITTEE

Term of office of Committee members appointed by Convocation

131. (1) Subject to subsection (2), a person who is appointed as a member of the Committee by Convocation shall continue to be a member of the Committee until his or her successor is appointed.

Removal from Committee

(2) Convocation may remove from the Committee any person that it has appointed as a member of the Committee if the person fails to attend three consecutive meetings of the Committee.

Term of office of Committee members who are paralegal benchers

(3) The five benchers elected in an election of benchers under Part I.1 of this By-law shall take office as members of the Committee at the first regular meeting of the Committee following the election and, subject to any by-law that provides for the removal of benchers from Convocation, shall remain in office until their successors take office.

Quorum

132. Four members of the Committee constitute a quorum for the transaction of business.

Meetings by telephone conference call, etc.

133. The Committee may meet to transact business by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other instantaneously and simultaneously.

Right to attend meeting

134. (1) Subject to subsection (2), no person other than a member of the Committee may attend a meeting of the Committee.

Same

(2) The following persons who are not members of the Committee may attend a meeting of the Committee:

1. A bencher.
2. An officer or employee of the Society.
3. A person not mentioned in paragraph 1 or 2 with the permission of the Committee.

Voting rights

135. Only members of the Committee may vote at meetings of the Committee.

GENERAL

Non-application of Part VI

136. The provisions of Part VI do not apply with respect to the Committee.

PART VIII

COMMENCEMENT

Commencement of Part VI

137. Part VI comes into force on May 25, 2007.

RÈGLEMENT ADMINISTRATIF N^o 3

LES CONSEILLERS, LE CONSEIL ET LES COMITÉS

...

PARTIE VII

COMITÉ PERMANENT DES PARAJURISTES

INTERPRÉTATION

Interprétation: « Comité »

128. Dans la présente partie, « Comité » désigne le Comité permanent des parajuristes.

CONSTITUTION DU COMITÉ**Constitution du Comité**

129. Est constitué un comité permanent nommé Comité permanent des parajuristes en français et Paralegal Standing Committee en anglais.

COMPÉTENCE DU COMITÉ**Compétence du Comité**

130. Le Comité élabore et soumet à l'approbation du Conseil des options stratégiques concernant les questions suivantes:

1. Les catégories de permis autorisant à fournir des services juridiques en Ontario délivrés en application de la Loi, l'étendue des activités autorisées dans le cadre de chaque catégorie ainsi que les conditions ou les restrictions auxquelles est assujettie chaque catégorie.

2. L'octroi à des personnes d'un permis les autorisant à fournir des services juridiques en Ontario, y compris les qualités requises à cette fin et les autres exigences pertinentes ainsi que les modalités de demande de permis.

3. La réglementation des personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario en ce qui a trait aux éléments suivants:

- i. la manutention de sommes d'argent et d'autres biens,
- ii. la tenue de registres financiers.

4. Les règles de déontologie applicables aux personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario.

5. Les exigences auxquelles doivent satisfaire les personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario sur le plan de l'assurance responsabilité professionnelle.

6. La compétence professionnelle des personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario, notamment ce qui suit:

- i. les exigences auxquelles elles doivent satisfaire sur le plan de la formation permanente,
- ii. l'inspection de leurs activités professionnelles.

7. Les lignes directrices concernant la compétence professionnelle des personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario.

8. La fourniture de services juridiques par le biais de sociétés professionnelles.

9. La communication au Barreau de renseignements se rapportant aux activités qu'il exerce aux termes de la présente loi, ainsi que le dépôt d'attestations, de rapports et d'autres documents se rapportant à ces activités, par les personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario.

10. L'élection de cinq personnes titulaires d'un permis les autorisant à fournir des services juridiques en Ontario comme conseillers ou conseillères.

11. La nomination du président ou de la présidente du Comité.

PRÉSIDENCE

Définition

130.1. Dans les articles 130.4 à 130.12, « responsable de l'élection » désigne la personne que le directeur général ou la directrice générale charge d'appliquer ces articles.

Nomination à la présidence

130.2. (1) Le Comité pourvoit à sa présidence en y nommant celui de ses membres qu'il élit président ou présidente conformément aux articles 130.3 à 130.12.

Moment de la nomination

(2) Le Comité pourvoit à sa présidence immédiatement après avoir élu le président ou la présidente conformément aux articles 130.3 à 130.12.

Élection du président ou de la présidente: moment

130.3. (1) Le Comité procède à l'élection du président ou de la présidente:

(a) d'une part, à la première réunion ordinaire du ~~comité~~Comité en septembre après l'élection des conseillers et des conseillères pourvus d'un permis les autorisant à fournir des services juridiques prévue à la partie I.1 du présent règlement administratif;

(b) d'autre part, à chaque anniversaire du jour visé à l'alinéa a), jusqu'à la prochaine élection des conseillers et des conseillères pourvus d'un permis les autorisant à fournir des services juridiques prévue à la partie I.1 du présent règlement administratif.

Idem

(2) L'élection du président ou de la présidente du Comité constitue le premier article à l'ordre des travaux du Comité le jour de cette élection.

Responsable de l'élection

130.4. (1) Le ou la responsable de l'élection administre l'élection du président ou de la présidente.

Le ou la responsable de l'élection établit la procédure

(2) Pour tenir le scrutin en vertu des articles 130.7 et 130.12, le ou la responsable de l'élection établit la procédure selon laquelle les membres du Comité peuvent voter et, avant l'ouverture du scrutin, publie la procédure au profit des membres du Comité.

Candidats

130.5. (1) Toute personne élue en tant que conseiller ou conseillère pourvue d'un permis l'autorisant à fournir des services juridiques en Ontario en vertu de la partie I.1 du présent règlement administratif et qui prend ses fonctions de membre du Comité conformément à cette partie peut être candidate à l'élection du président ou de la présidente si elle est mise en candidature conformément au présent article.

Mise en candidature et consentement

(2) Tout candidat ou toute candidate à l'élection du président ou de la présidente:

- (a) d'une part, est mis en candidature par au moins un membre du Comité;
- (b) d'autre part, consent à sa mise en candidature.

Mises en candidature: critères

(3) La mise en candidature d'une personne lors de l'élection du président ou de la présidente doit réunir les conditions suivantes:

- (a) elle est faite par écrit;
- (b) elle porte la signature du candidat ou de la candidate pour indiquer son consentement;
- (c) elle porte la signature du ou des membres du Comité qui met la personne en candidature;
- (d) elle est présentée au ou à la responsable de l'élection dans le délai qu'il ou elle précise.

Mise en candidature invalide

(4) La mise en candidature qui ne respecte pas le paragraphe (3) est invalide et la personne qu'elle sert à mettre en candidature n'est pas candidate à l'élection du président ou de la présidente.

Élection sans concurrent

103.6. Si, après l'expiration du délai de présentation des mises en candidature précisé par le ou la responsable de l'élection, il n'y a qu'un seul candidat ou une seule candidate à l'élection du président ou de la présidente, le ou la responsable de l'élection le ou la déclare élu.

Scrutin

130.7. (1) Si, après l'expiration du délai de présentation des mises en candidature précisé par le ou la responsable de l'élection, il y a plusieurs candidats ou candidates à l'élection du président ou de la présidente, il est tenu un scrutin pour pourvoir à la présidence.

Scrutin : anonymat et vote secret

(2) La procédure pour tenir le scrutin garantit l'anonymat des membres du Comité et protège le secret de leur votetenu pour pourvoir à la présidence est secret.

Scrutin: droit de vote

(3) A droit de vote aux fins de l'élection du président ou de la présidente quiconque est membre du Comité le jour de l'élection.

Scrutin : vote

(4) Les membres du Comité votent conformément à la procédure établie par le ou la responsable de l'élection en vertu du paragraphe 130.4 (2).

Procédure de vote: premier tour de scrutin

130.8. (1) Le jour de l'élection du président ou de la présidente, au premier tour de scrutin, tous les membres du Comité présents en personne à la réunion du Comité reçoivent un bulletin où apparaissent les noms des candidats et candidates à l'élection du président ou de la présidente en lice.

Procédure de vote: deuxième tour de scrutin

(2) Si le président ou la présidente n'a pas été élu à la suite du décompte des voix exprimées lors du premier tour de scrutin, les membres du Comité présents en personne à la réunion du Comité au moment du deuxième scrutin participent alors au deuxième tour de scrutin et reçoivent un bulletin où

apparaissent les noms des candidats et candidates à l'élection du président ou de la présidente encore en lice.

Application du par. (2) aux tours de scrutin subséquents

(3) Lors de l'élection du président ou de la présidente, le paragraphe (2) s'applique, avec les adaptations nécessaires, aux tours de scrutin subséquents.

Vote pour un seul candidat ~~Comment remplir le bulletin~~

(4) Les membres du Comité qui participent à un scrutin lors de l'élection du président ou de la présidente ne votent que pour un seul candidat ou une seule candidate ~~par bulletin de vote en sélectionnant le nom du candidat ou de la candidate de leur choix.~~

Boîte de scrutin

~~(5) Après avoir rempli leurs bulletins de vote, les membres du Comité qui participent à un scrutin lors de l'élection du président ou de la présidente les plient de façon à ce que les noms des candidats et des candidates ne soient pas visibles et, en présence du ou de la responsable de l'élection, les déposent dans la boîte de scrutin.~~

Dépouillement

130.9. (1) Après que tous les membres du Comité qui participent à un scrutin lors de l'élection du président ou de la présidente ont voté ou refusé de voter, le ou la responsable de l'élection organise le, ~~en l'absence de toutes les personnes sauf du vice-président ou de la vice-présidente du Comité, ouvre la boîte de scrutin, en retire tous les bulletins, les ouvre et procède au~~ décompte des voix exprimées par candidat.

Dépouillement: application

(2) Le paragraphe (1) s'applique au décompte des voix exprimées au premier tour de scrutin de l'élection du président ou de la présidente et, avec les adaptations nécessaires, au décompte des voix exprimées au second tour de scrutin et aux tours de scrutin subséquents.

Annnonce des résultats: deux candidats

130.10. (1) Si deux noms seulement apparaissent sur les bulletins de vote, le ou la responsable de l'élection, immédiatement après avoir organisé le ~~procédé au~~ décompte de voix par candidat, annonce les résultats du scrutin au Comité et déclare président ou présidente la personne qui a reçu le nombre le plus élevé de voix.

Annnonce des résultats: au moins trois candidats

(2) Si au moins trois noms apparaissent sur les bulletins de vote et que le ou la responsable de l'élection, après avoir organisé le ~~procédé au~~ décompte de voix, détermine qu'au moins un candidat ou une candidate a reçu plus de 50 pour cent des voix, il ou elle annonce les résultats du scrutin au Comité et déclare président ou présidente la personne qui a reçu le nombre le plus élevé de voix.

Idem

(3) Si au moins trois noms apparaissent sur les bulletins de vote et que le ou la responsable de l'élection, après avoir organisé le ~~procédé au~~ décompte de voix, détermine qu'aucun des candidats n'a reçu plus de 50 pour cent des voix, il ou elle en informe le Conseil et annonce la tenue d'un tour de scrutin supplémentaire afin d'élire le président ou la présidente.

Tour de scrutin supplémentaire

(4) S'il est nécessaire de procéder à un autre tour de scrutin conformément au paragraphe (3), le ou la responsable de l'élection annonce au Conseil le nom du candidat ou de la candidate qui a reçu le moins de voix et son nom est retiré du processus électoral.

Voix prépondérante

130.11. Si au moins deux candidats ou candidates reçoivent un nombre égal de voix et qu'une voix supplémentaire permettrait à l'un ou à l'une d'eux d'être déclaré élu à la charge de président, le vice-président ou la vice-présidente du Comité, ~~devant le en présence du~~ ou ~~de~~ la responsable de l'élection, choisit au hasard l'un des candidats ou l'une des candidates et exprime une voix supplémentaire pour lui ou pour elle.

Nombre égal de voix

130.12. (1) Si au moins deux candidats ou candidates reçoivent un nombre égal de voix et qu'une voix supplémentaire permettrait à l'un ou à plusieurs d'entre eux de rester en lice dans l'élection du président ou de la présidente, un [sondagescrutin](#) a lieu afin de choisir les candidats et les candidates qui resteront en lice.

[Anonymat des membres et s](#)Scrutin secret

(2) [Le procédure de scrutin en vertu du paragraphe \(1\) garantit l'anonymat des membres du Comité et protège le secret de leur vote](#)~~Le sondage tenu en application du paragraphe (1) a lieu par scrutin secret.~~

Droit de vote

(3) Les membres du Comité habilités à voter à l'élection du président ou de la présidente ont le droit de participer au [sondagescrutin](#) prévu au paragraphe (1).

Bulletin

(4) Les membres du Comité habilités à participer au [sondagescrutin](#) prévu au paragraphe (1) qui sont présents ~~en personne~~ à la réunion du Comité au moment du scrutin reçoivent un bulletin où apparaissent les noms des candidats ou des candidates qui ont reçu le moins élevé et le même nombre de voix.

[Vote pour conserver des candidats dans l'élection](#)~~Comment remplir le bulletin~~

(5) Les membres du Comité qui participent au [sondagescrutin](#) prévu au paragraphe (1) votent pour le ou les candidats ou la ou les candidates qu'ils souhaitent conserver pour l'élection du président ou de la présidente, mais non pour la totalité de ceux-ci ou de celles-ci, ~~en sélectionnant le nom de chaque candidat ou de chaque candidate de leur choix.~~

[Vote](#)

[\(6\) Les membres du Comité votent dans le cadre du scrutin mené en vertu du paragraphe \(1\) conformément à la procédure établie par le ou la responsable de l'élection en vertu du paragraphe 130.4 \(2\).](#)

~~Boite de scrutin~~

~~(6) Après avoir rempli leurs bulletins de vote, les membres du Comité qui participent au sondage prévu au paragraphe (1) les plient de façon que les noms des candidates et des candidats ne soient pas visibles et, en présence du ou de la responsable de l'élection, les déposent dans la boîte de scrutin.~~

Dépouillement

(7) Après que toutes les membres qui participent au [sondagescrutin](#) prévu au paragraphe (1) ont voté ou refusé de voter, le ou la responsable de l'élection ~~organise le , en l'absence de toutes les personnes- sauf du vice-président ou de la vice-présidente du Comité, ouvre la boîte de scrutin, en retire tous les bulletins, les ouvre et procède au~~ décompte des voix exprimées par candidat ou candidate.

Annonce des résultats

(8) Immédiatement après avoir ~~organisé le procédé au~~ décompte des voix par candidat ou candidate dans le [sondagescrutin](#) prévu au paragraphe (1), le ou la responsable de l'élection annonce les résultats du [sondagescrutin](#) au Comité.

Élimination des candidats

(9) Le candidat ou la candidate qui reçoit le nombre le moins élevé de voix dans le [sondagescrutin](#) prévu au paragraphe (1) est éliminé de la liste des candidats et candidates à l'élection du président ou de la présidente.

ScrutinsSondages supplémentaires

(10) Si au moins deux candidats ou candidates figurant dans le [sondagescrutin](#) prévu au paragraphe (1) reçoivent le moins élevé et le même nombre de voix, d'autres [sondagescrutins](#) prévus à ce paragraphe sont tenus pour ces candidats et candidates jusqu'à ce qu'une candidate ou un candidat visé par le premier [sondagescrutin](#) soit éliminé de la liste des candidats et candidates à l'élection du président ou de la présidente.

Entrée en fonction

130.13. (1) La personne nommée à la charge de président entre en fonction immédiatement après sa nomination et conserve son poste jusqu'à l'entrée en fonction de son successeur.

Cessation de fonction

(2) Malgré le paragraphe (1), cesse d'occuper la charge de président du Comité la personne qui cesse d'être conseillère élue pourvue d'un permis l'autorisant à fournir des services juridiques en Ontario.

Vacance

(3) En cas de démission, de destitution ou, pour quelque raison que ce soit, d'empêchement du président ou de la présidente au cours de son mandat, ou en cas de vacance de la charge, sauf dans la période entre la fin d'une élection des conseillers en vertu de la partie I.1 du présent règlement administratif et la première réunion ordinaire du Conseil en septembre, le Comité nomme un nouveau président ou une nouvelle présidente qu'il élit dès la première occasion.

Application de dispositions

(4) L'article 130.2 et les articles 130.4 à 130.12 s'appliquent à la nomination et à l'élection du président ou de la présidente visées au paragraphe (3).

Président intérimaire

(5) Si, pour quelque raison que ce soit, le président ou la présidente du Comité est temporairement incapable de remplir les attributions de sa charge au cours de son mandat, ou en cas de vacance de la charge, sauf dans la période entre la fin d'une élection des conseillers en vertu de la partie I.1 du présent

règlement administratif et la première réunion ordinaire du Conseil en septembre, le vice-président ou la vice-présidente remplit les attributions de la charge de président jusqu'à ce que se présente l'une des situations suivantes:

- (a) le président ou la présidente est en mesure de remplir les attributions de sa charge;
- (b) un nouveau président ou une nouvelle présidente est nommé conformément au paragraphe (3).

Présidence intérimaire: année d'élection

(6) Si le poste de président ou présidente du Comité est vacant dans la période entre la fin d'une élection des conseillers en vertu de la partie I.1 du présent règlement administratif et la première réunion ordinaire du Conseil en septembre, le vice-président ou la vice-présidente s'acquitte des tâches et des fonctions de président jusqu'à ce qu'un nouveau président ou nouvelle présidente soit élu aux termes de l'article 130.3.

VICE-PRÉSIDENT

Nomination par le Conseil

130.14. (1) Le Conseil nomme à la charge de vice-président du Comité le membre de ce dernier qui est:

- (a) soit un conseiller élu ou une conseillère élue qui est pourvu d'un permis l'autorisant à pratiquer le droit en Ontario à titre d'avocat ou d'avocate;
- (b) soit un conseiller ou une conseillère non juriste.

Mandat

(2) La personne nommée à la charge de vice-président entre en fonction immédiatement après sa nomination et conserve son poste jusqu'à l'entrée en fonction de son successeur.

Mandat amovible

(3) Malgré le paragraphe (2), le vice-président ou la vice-présidente du Comité occupe ses fonctions au gré du Conseil.

Vacance

(4) En cas d'empêchement du vice-président ou de la vice-présidente du Comité, ou de vacance du poste, le trésorier ou la trésorière peut nommer à sa place un autre membre qui est:

- (a) soit un conseiller élu ou une conseillère élue qui est pourvu d'un permis l'autorisant à pratiquer le droit en Ontario à titre d'avocat ou d'avocate;
- (b) soit un conseiller ou une conseillère non juriste.

Ratification de la nomination

(5) La nomination d'un membre du Comité à la vice-présidence qui est visée au paragraphe (4) est subordonnée à la ratification du Conseil à la première réunion ordinaire qui suit la nomination.

FONCTIONNEMENT DU COMITÉ

Mandat des membres du Comité nommés par le Conseil

131. (1) Sous réserve du paragraphe (2), les personnes nommées au Comité par le Conseil occupent leurs

fonctions jusqu'à la nomination de leurs successeurs.

Expulsion

(2) Le Conseil peut expulser du Comité les membres qu'il y a nommés et qui n'assistent pas à trois de ses réunions consécutives.

Mandat des membres du Comité qui sont des conseillers parajuristes

(3) Les cinq conseillers élus en vertu de la partie I.1 du présent règlement administratif entrent en fonction à titre de membres du Comité à la première réunion ordinaire du Comité suivant l'élection et, sous réserve des règlements qui prévoient leur destitution, occupent leur charge jusqu'à l'entrée en fonction de leurs successeurs.

Quorum

132. Le quorum pour les affaires courantes du Comité est de quatre membres.

Réunions par téléconférence

133. Le Comité peut se réunir pour traiter ses affaires courantes par téléconférence ou par d'autres moyens de communication, notamment électroniques, afin que toutes les personnes qui participent aux réunions puissent communiquer les unes avec les autres simultanément.

Droit d'assister aux réunions

134. (1) Sous réserve du paragraphe (2), seuls les membres du Comité peuvent assister à ses réunions.

Idem

(2) Bien que n'étant pas membres du Comité, les personnes suivantes peuvent assister à ses réunions:

1. Les conseillers et les conseillères.
2. La direction et le personnel du Barreau.
3. Outre les personnes mentionnées aux alinéas 1 et 2, celles qui y sont autorisées par le Comité.

Droit de vote

135. Seuls les membres du Comité ont le droit de voter à ses réunions.

DISPOSITIONS GÉNÉRALES

Non-application de la partie VI

136. Les dispositions de la partie VI ne s'appliquent pas au Comité.

PARTIE VIII ENTRÉE EN VIGUEUR

Entrée en vigueur

137. La présente partie est entrée en vigueur le 25 mai 2007.

Tab 3.2

Strategic Planning and Advisory Committee

Update on 2019 – 2023 Strategic Plan Implementation

June 23, 2021

Authored By:

James Varro, Director, Office of the CEO and Corporate Secretary

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Issue

This report updates Convocation on the implementation of the key objectives approved by Convocation for the Law Society’s 2019-2023 Strategic Plan. The last update was in February 2021.

A. Introduction

In February 2020, Convocation approved the 2019-2023 Strategic Plan for the Law Society. The key objectives in the Plan are:

- Achieving proportionate regulation
- Ensuring competence and quality of service
- Determining appropriate scope of regulation
- Facilitating access to justice

Since February 2020, these objectives have been pursued in tandem with other work that was already in progress, including ongoing implementation of previously approved priorities.

Further, consideration of the four objectives reveals a number of linkages and interdependencies among them, set out below, that have been taken into account as the Law Society implements the Plan.

- Proportionate regulation and change in the scope of regulation must be achieved in ways that maintain appropriate standards of competence and quality of service.
- Ensuring the competence and quality of service provided by lawyers and paralegals is central to the Law Society’s mandate, and informs proportionate regulation.
- Changes to the scope of regulation could facilitate the public’s access to justice.
- Enhanced access to justice must maintain appropriate standards of competence and quality of service.

The impact of the COVID-19 pandemic on Law Society governance process and operations has affected the progress of initiatives under the Plan. However, to the extent possible, management has utilized operational tactics that will support achieving outcomes associated with the key objectives, in consultation with committees and task forces tasked with framing policy decisions related to the objectives. The organization also revised operational approaches to ensure ongoing alignment of functions with the Law Society’s priorities while changing supports and resources to adapt to the situation presented by the pandemic . These “pivots” to ensure the Law Society is responsive to this challenging situation resulted in some new avenues of support for licensees, some of which are discussed in this report.

Implementation of the strategic plan also necessarily involved a consideration of resource/budget implications and required cost recommendations, as appropriate. These were integrated into the 2021 budget and will be integrated in future budget planning cycles in the bench term.

Reproduced below are the key objectives, their significance and a description of actions, as approved by Convocation in February 2020, updated to June 2021 to show what the Law Society has done under each objective.

Progress on the Key Objectives of the 2019-2023 Strategic Plan

A. Achieving Proportionate Regulation

Why This Is Significant

Regulation of Ontario’s lawyers and paralegals should be sufficient to protect the public interest and not excessive so as to become an unnecessary burden on those who are regulated.

What the Law Society Will Do

Given the strong consensus among benchers on the need for and benefits of self-regulation, the Law Society will explore proportionate regulation using the risk to the public as the guiding principle. This may involve streamlining processes and regulatory functions related to the day-to-day interactions and obligations of licensees, as distinct from complaints and discipline procedures, by focusing on regulation of core activities that most directly protect the public.

June 2021 Update - What the Law Society Has Done

1. Transition of issues from the Proportionate Regulation Task Force (created August 2019) to regulatory committees in March 2020 and following.
2. Launch of the regulatory “sandbox” for innovative technological legal services (April 2021)
3. By-Law changes to enable streamlined Annual Report Filings process (November 2020)
4. Permission for licensing candidates to choose between an administrative licensing process or participation in a formal licensing ceremony (call to the bar) (decision in June 2020)

5. Removal of the requirement for licensing candidates to sign the Rolls of the Court of Appeal and the Superior Court of Ontario (decision in June 2020)
6. Implementing online licensing examinations, to continue to the end of the 2023-2024 licensing cycle, and reduction of the articling term from 10 months to 8 months, to continue to the end of the 2021-2022 licensing cycle (spring 2020; February 2021)
7. By-Law changes to end the requirement for the Law Society to approve the names of licensee professional corporations. (February 2021)
8. By-Law changes to remove requirements that licensees notify the Law Society before entering into affiliations, apply for approval before entering into multi-discipline partnerships and file annual reports in respect of an affiliation or a multi-discipline partnership (February 2021)
9. By-Law changes to end the reciprocity requirement for the issuance of a Foreign Legal Consultant permit (February 2021)
10. By-Law changes to permit Quebec lawyers to practise in Ontario subject to the same terms and conditions as lawyers from other Canadian provinces (April 2021)
11. By-Law changes to discontinue the Professional Conduct and Practice in Ontario Course. (February 2021)
12. By-Law changes to implement of a single default period for the requirements to pay an annual fee, report on compliance with CPD requirements and file an annual report, beginning in 2021 (November 2020)
13. By-Law changes to eliminate all late fees for non-compliance with the requirements above (November 2020)
14. By-Law changes to reduce the default periods for the requirements above to 30 days for 2021 and 2022, and agreement to a further reduced period for 2023, to enable a prompt suspension process for a licensee who fails to comply with the requirements by the required date (November 2020, following decision in August 2020)
15. Implementing a “COVID Response program” that allows eligible licensees to defer their 2021 annual fees to March 31, 2022 upon application where annual fees are paid directly by the licensee or by their small legal or paralegal firm (constituted by 5 licensees or less) (November 2020)

B. Ensuring Competence and Quality of Service

Why This Is Significant

As the competence of lawyers and paralegals is central to the Law Society's mandate to protect the public interest, the Law Society's regulation must ensure that lawyers and paralegals maintain their professional knowledge and skills and provide legal services competently and professionally throughout their careers.

What the Law Society Will Do

The important role for the Law Society in ensuring that lawyers and paralegals maintain and enhance competence is found in the statutory function to ensure that lawyers and paralegals meet standards of learning and professional competence that are appropriate for the legal services they provide.

The Law Society will explore the effectiveness of its regulation of post-license competence to ensure the maintenance and enhancement of high quality services to the public from licensees. Through appropriate, targeted methods, the Law Society will focus on

- opportunities to support the increased viability of newer licensees as competent professionals and their ongoing development,
- the potential to enhance competence through limited licensing/credentialing options,
- mitigation of any risk of longer serving licensees providing services of diminished quality, and
- better engagement with licensees to inform them about the nature and benefits of Law Society competence-focussed resources.

June 2021 Update - What the Law Society Has Done

1. By-Law changes to address the scope of activities for paralegals in criminal law matters as a result of federal Bill-75 changes (February 2021)
2. Evolving CPD offerings to support increased demand for digital learning opportunities and addressing on a broad range of legal practice competencies and career stages (spring 2020)
3. Implementing online licensing examinations, to continue to the end of the 2023-2024 licensing cycle, and reduction of the articling term from 10 months to 8 months, to continue to the end of the 2021-2022 licensing cycle (spring 2020; February 2021)
4. COVID-19 FAQs prepared and published to address a range of practice management and business of law activities to support licensee competence and quality of service (spring 2020)

5. Support for numerous engagement activities through the Office of the Treasurer that target the value and benefits of LSO competence-focussed resources (i.e. regional roundtables, Treasurer's Liaison Group, law association meetings) (ongoing)
6. Work of the Competence Task Force, including consideration of post-call competence programs and activities (September 2020 onward), consideration of a competence framework and preparation of a report by the Task Force including a call for comment on renewing the Law Society's continuing competence framework (January-June 2021)

C. Determining Appropriate Scope of Regulation

Why This is Significant

As the self-regulator of legal services in Ontario and the legal professionals who provide them, ensuring effectiveness of regulation requires that the Law Society periodically confirm the scope of what and how it regulates, particularly in an environment where accessibility of affordable legal services is an issue and significant advances in technology and related innovations are taking place.

What the Law Society Will Do

The Law Society will explore a number of issues and consider proposals that in the public interest may expand or clarify the scope of its regulatory authority over legal service providers. This could include but would not be limited to the following:

- technology in practice and related innovations;
- direct-to-consumer services regulation;
- services provided by non-licensees;
- practice-specific regulation, which may also align with limited licensing options as enhancements to competency and quality of service; and
- the relationship of scope to access to justice.

The analysis should address the benefits and risks to the public of changing the scope of regulation or permitting certain unregulated services.

June 2021 Update - What the Law Society Has Done

1. Launch of the regulatory "sandbox" for innovative technological legal services (April 2021)
2. By-Law changes to remove the exemption from paralegal licensing for Injured Worker Outreach Services workers (February 2020).

3. By-Law changes to remove the exemption from paralegal licensing for the Office of the Worker Advisor and Office of the Employer Advisor (May 2021)
4. Family Legal Service Provider consultation (reported June 2020)

D. Facilitating Access to Justice

Why This Is Significant

Recognizing the difficulty experienced by many Ontarians in accessing affordable legal services, the Law Society's statutory obligation to regulate so as to facilitate access to justice – and advancing confidence in the regulator's commitment to the public interest - is of strategic significance.

What the Law Society Will Do

The Law Society will determine the direction and extent of activities that it will undertake to regulate so as to facilitate access to justice. This includes determining the most effective ways to regulate legal services. This should be done in a manner that directly and appropriately facilitates and does not unnecessarily restrict access to justice while protecting the public interest.

June 2021 Update - What the Law Society Has Done

1. Amendments to conflict of interest rules of conduct respecting short term limited legal services through Legal Aid Ontario (October 2019)
2. Launch of the regulatory "sandbox" for innovative technological legal services (April 2021)
3. Family Legal Service Provider consultation (reported June 2020)
4. Support for the work of The Action Group on Access to Justice that includes information exchange on implementation of programs and procedures by stakeholders in Ontario to facilitate access to justice in family law (October-November 2020; Access to Justice Week October 25-29, 2021).
5. Amendments to rules of conduct respecting contingency fee reforms (October 2020); updated resources for the public and licensees including comprehensive FAQs and CPD programming (early 2021 and forward)
6. Continuing implementation of recommendations of the 2018 Abiding Interest Report of the Legal Aid Working Group and continued work with the Alliance for Sustainable Legal Aid (ASLA) to strengthen the Law Society's relationship with Legal Aid Ontario and promote robust legal aid.