



Tab 4

Compensation Fund Committee

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

May 27, 2021

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Motion

That Convocation approve the amendments to By-Law 12, found at Tab 4.1, as recommended by the Compensation Fund Committee (the “Committee”).

Context

In 1953, the Law Society of Upper Canada established a Compensation Fund to provide relief to members of the public who suffered financial losses due to lawyer dishonesty. A fund is required because errors and omission insurance covers professional negligence but does not cover dishonest conduct, such as theft.

The Compensation Fund is established pursuant to section 51 of the Law Society Act. The Act provides that Convocation, in its absolute discretion, may make grants from the fund, and that those powers may be delegated to a committee of Convocation. Subsection 4 (1) of By-Law 12 outlines the Committee’s mandate as follows:

Mandate

4. (1) The Compensation Fund Committee is responsible to Convocation for the administration of the Compensation Fund.

Despite the language of the above section, the mandate of the Compensation Fund has always been understood to be limited to the distribution of grants to eligible claimants. All budgeting decisions regarding the Compensation Fund, including setting the levy, are made by the Audit and Finance Committee. The mandate of the Audit and Finance Committee is outlined in section .117 of By-Law 3.

Discussion

A. Analysis

The Committee has considered how to eliminate the overlap between its work and that of the Audit and Finance Committee, to ensure a more efficient administration of the fund. The Committee concluded that the best course of action would be to re-structure the Committee as a subcommittee of the Audit and Finance Committee. This would have four key advantages compared to the status quo:

1. Clarification of the mandate

It can be inferred from the current wording of By-Law 12, subsection 4(1) that the Committee has very broad responsibilities and the power to make decisions on all matters respecting the Compensation Fund. For example, an argument could be made that the Committee is responsible for every component of decision-making regarding the operation of the fund, including setting the levy and other financial decisions surrounding the health of the fund. To address this issue, the mandate of the Compensation Fund Subcommittee has been updated to specify that the subcommittee is responsible for making grants from the Compensation Fund and is not responsible for other activities.

2. More access to financial information for Compensation Fund members

If Convocation approves the proposed amendments to By-Law 12, members of the Compensation Fund Subcommittee would also be members of the Audit and Finance committee, and would have full insight into all the financial information related to the Law Society's financial position.

3. Progressing towards more efficient administration of the fund

This change would create efficiencies in areas where the work done by the Compensation Fund Committee and the Audit and Finance Committee may overlap. The restructuring would mean that employees in the Finance Division would not be required to duplicate efforts by providing budget and other financial information to both committees.

It should also be noted that under the proposed structure, the Compensation Fund subcommittee would have authority to make grants independently from, and without further approval of, the Audit and Finance Committee. This proposed structure is intended to ensure that grant approvals continue to be made in a timely manner. Under the current model, Committee members give their full attention to grant applications, and deal with them urgently once they are ready for a decision. However, if the subcommittee did not



have the independent authority to issue grants, there is a risk that this work could be put off from time to time as the Audit and Finance Committee considered other matters. This could create a backlog in grant approvals, and cause individuals who had sustained losses to wait longer to receive compensation.

B. Recommendations and Rationale

For the reasons provided above, the Committee is recommending the modifications outlined below.

Establishing the subcommittee

Language that clarified that the Lawyers Fund for Client Compensation was to be renamed the Compensation Fund has been replaced with language that clearly establishes the Compensation Fund as a subcommittee of Audit and Finance

Replacing committee with subcommittee

Each reference to the Compensation Fund as a Committee has been replaced with subcommittee

Housekeeping changes to the application of the By-Law

The language in By-Law 12 that clarifies the application of the By-Law, including cross references to By-Law 3, which governs Benchers, Convocation and Committees, has been updated to clarify that references to the Compensation Fund Committee shall be read as references to the subcommittee.

Requiring that the members be chosen from the Audit and Finance Committee

The composition of the subcommittee has been modified to ensure that the members of the subcommittee are selected from the membership of the Audit and Finance committee.

Continuity amendments to ensure there will not be a gap

Two amendments have been added to ensure continuity of the Compensation Fund so that it can continue to function in the time between Convocation's approval of the By-Law amendments and the potential appointment of new committee structures in the summer of 2021. These two clarifying amendments state that the existing members of the Committee shall continue to be members of the Compensation Fund until Convocation appoints benchers to the Committee.



Clarifying the Mandate

The mandate of the Compensation Fund has been updated to clarify that the subcommittee is only responsible for grant-making.

Maintaining the independence of decision making

The areas of the By-Law that clarify the financial thresholds for decision-making by the subcommittee (\$1500 for paralegal dishonesty, and \$5000 for lawyer dishonesty) have been updated to note that grant making decisions are not subject to the approval of the Audit and Finance Committee.

The various changes required to implement the recommendations are outlined in a red-lined version of the By-Law, found at Tab 4.2.

C. Next Steps

Should Convocation approve the recommended amendments to By-12, the changes would come into effect immediately. The Compensation Fund would become a subcommittee of the Audit and Finance Committee, with the existing membership of the Compensation Fund remaining in their current roles until Convocation first appoints benchers to the Subcommittee.

TAB 4.1

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

BY-LAW 12 [COMPENSATION FUND]

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 27, 2021

MOVED BY

SECONDED BY

THAT By-Law 12 [Compensation Fund], in force immediately before this motion is moved, be amended as follows:

1. The heading immediately before section 2 and section 2 of the English version of the By-Law are revoked and the following substituted:

COMPENSATION FUND SUBCOMMITTEE

Compensation Fund Subcommittee

2. The Compensation Fund Subcommittee is established as a subcommittee of the Audit and Finance Committee.

2. The heading immediately before section 2 and section 2 of the French version of the By-Law are revoked and the following substituted:

SOUS-COMITÉ DU FONDS D'INDEMNISATION

Sous-comité du Fonds d'indemnisation

2. Le sous-comité du Fonds d'indemnisation est créé en tant que sous-comité du Comité d'audit et de finance.

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

Application of By-Law

3. (1) Subject to subsection (2), the following provisions of By-Law 3 [Benchers, Convocation and Committees] apply to the Compensation Fund Subcommittee:

1. Section 107.
2. Sections 109 to 116.

Same

(2) In the application of,

(a) subsections 107 (1) and (2) and sections 109 to 116, each reference to “standing committee” shall be read as a reference to “subcommittee”;

(b) subsection 107 (3), the reference to “under this Part” shall be read as a reference to “under By-Law 12 [Compensation Fund]; and

(c) sections 112 and 116 and subsections 113 (5) and 115 (1) and (2), each reference to “the committee” shall be read as a reference to “the subcommittee”.

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

Application du règlement administratif

3. (1) Sous réserve du paragraphe (2), les dispositions suivantes du Règlement administratif n° 3 [Les conseillers, le Conseil et les comités] s'appliquent au sous-comité du Fonds d'indemnisation :

1. Article 107.
2. Articles 109 à 116.

Idem

(2) Pour l'application :

a) des paragraphes 107 (1) et (2) et des articles 109 à 116, « comité permanent » est interprété chaque fois comme « sous-comité » ;

b) du paragraphe 107 (3), « aux termes de cette partie » est interprété comme « aux termes du Règlement administratif n° 12 [Fonds d'indemnisation] ;

c) des articles 112 et 116 et des paragraphes 113 (5) et 115 (1) et (2), « comité » est interprété comme « sous-comité ».

5. Section 3.1 of the English version of the By-Law is revoked the following substituted:

Composition

3.1. (1) Despite subsections 109 (1) and (2) of By-Law 3 [Benchers, Convocation and Committees], the Compensation Fund Subcommittee shall consist of five persons appointed by Convocation from the Audit and Finance Committee, of whom,

- (a) two shall be benchers who are licensed to practise law in Ontario as barristers and solicitors;
- (b) two shall be lay benchers; and
- (c) one shall be a bencher who is licensed to provide legal services in Ontario.

Benchers appointed to the Compensation Fund Committee

(2) Despite subsection (1), a bencher appointed to the Compensation Fund Committee immediately before the Compensation Fund Subcommittee is established under section 2 is deemed to be a bencher appointed to the Compensation Fund Subcommittee until Convocation first appoints benchers to the Subcommittee.

Chair and vice-chair of the Compensation Fund Committee

(3) The benchers appointed as chair and vice-chair of the Compensation Fund Committee immediately before the Compensation Fund Subcommittee is established under section 2 are deemed to be appointed as chair and vice-chair of the Compensation Fund Subcommittee, respectively, until Convocation first appoints benchers as the chair and vice-chair of the Subcommittee.

6. Section 3.1 of the French version of the By-Law is revoked and the following substituted:

Composition

3.1. (1) Malgré les paragraphes 109 (1) et (2) du Règlement administratif n° 3 [Les conseillers, le Conseil et les comités], le sous-comité du Fonds d'indemnisation est composé d'au moins cinq membres du Comité d'audit et de finance nommés par le Conseil, dont

- a) deux sont des conseillers autorisés à exercer le droit en Ontario comme avocats ;
- b) deux sont des conseillers non-juristes ;
- c) un est un conseiller autorisé à fournir des services juridiques en Ontario.



Conseillers nommés au Comité du Fonds d'indemnisation

(2) Malgré le paragraphe (1), un conseiller nommé au Comité du Fonds d'indemnisation immédiatement avant la création du sous-comité du Fonds d'indemnisation aux termes de l'article 2 est réputé être un conseiller nommé au sous-comité du Fonds d'indemnisation jusqu'à ce que le Conseil nomme des conseillers au sous-comité.

Présidence et vice-présidence du Comité du Fonds d'indemnisation

(3) Les conseillers nommés à la présidence et à la vice-présidence du Comité du Fonds d'indemnisation immédiatement avant la création du sous-comité du Fonds d'indemnisation aux termes de l'article 2 sont réputés être nommés respectivement à la présidence et à la vice-présidence du sous-comité du Fonds d'indemnisation, jusqu'à ce que le Conseil nomme des conseillers à la présidence et à la vice-présidence du sous-comité.

7. Subsection 3.2 (1) of the English version of the By-Law is amended by deleting "Compensation Fund Committee" and substituting "Compensation Fund Subcommittee".

8. Subsection 3.2 (1) of the French version of the By-Law is amended by deleting "Comité du Fonds d'indemnisation" and substituting "sous-comité du Fonds d'indemnisation".

9. Subsection 3.2 (2) of the English version of the By-Law is revoked and the following substituted:

Resolution in writing

(2) A resolution in writing signed by at least three members of the Compensation Fund Subcommittee entitled to vote on the resolution at a meeting of the Subcommittee is as valid as if it had been passed at a meeting of the Subcommittee.

10. Subsection 3.2 (2) of the French version of the By-Law is revoked and the following substituted:

Résolution par écrit

(2) Une résolution, écrite et signée par au moins trois membres du sous-comité du Fonds d'indemnisation qui sont habilités à voter aux réunions du sous-comité, a la même valeur que si elle avait été adoptée à une réunion du sous-comité.



11. Subsection 4 (1) of the English version of the By-Law is revoked and the following substituted:

Mandate

4 (1) The mandate of the Compensation Fund Subcommittee is to make grants from the Compensation Fund.

12. Subsection 4 (1) of the French version of the By-Law is revoked and the following substituted:

Mandat

4. (1) Le mandat du sous-comité du Fonds d'indemnisation est d'accorder des subventions du Fonds d'indemnisation.

13. Subsection 4 (1.1) of the English version of the By-Law is amended by deleting "Compensation Fund Committee" and substituting "Compensation Fund Subcommittee".

14. Subsection 4 (1.1) of the French version of the By-Law is amended by deleting "Comité du Fonds d'indemnisation" and substituting "sous-comité du Fonds d'indemnisation".

15. Subsection 4 (1.1) of the English version of the By-Law is further amended by deleting "the approval of Convocation" and substituting "the approval of the Audit and Finance Committee or Convocation".

16. Subsection 4 (1.1) of the French version of the By-Law is further amended by deleting "l'approbation du Conseil" and substituting "l'approbation du Comité d'audit et de finance ou du Conseil".

17. Subsection 4 (1.2) of the English version of the By-Law is amended by deleting "Compensation Fund Committee" and substituting "Compensation Fund Subcommittee".



18. Subsection 4 (1.2) of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

19. Subsection 4 (1.2) of the English version of the By-Law is further amended by deleting “the approval of Convocation” and substituting “the approval of the Audit and Finance Committee or Convocation”.

20. Subsection 4 (1.2) of the French version of the By-Law is further amended by deleting “l’approbation du Conseil” and substituting “l’approbation du Comité d’audit et de finance ou du Conseil”.

21. Section 4.1 of the English version of the By-Law is amended by deleting “Compensation Fund Committee” and substituting “Compensation Fund Subcommittee”.

22. Section 4.1 of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

23. Subsection 4.2 (1) of the English version of the By-Law is amended by deleting “Compensation Fund Committee” and substituting “Compensation Fund Subcommittee”.

24. Subsection 4.2 (1) of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

25. Subsection 4.2 (2) of the English version of the By-Law is amended by deleting “the approval of Convocation” and substituting “the approval of the Audit and Finance Committee or Convocation”.



26. Subsection 4.2 (2) of the French version of the By-Law is amended by deleting “l’approbation du Conseil” and substituting “l’approbation du Comité d’audit et de finance ou du Conseil”.

27. Subsection 4.2 (3) of the English version of the By-Law is amended by deleting “Compensation Fund Committee” and substituting “Compensation Fund Subcommittee”.

28. Subsection 4.2 (3) of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

29. Subsection 4.2 (4) of the English version of the By-Law is amended by deleting “Compensation Fund Committee” and substituting “Compensation Fund Subcommittee”.

30. Subsection 4.2 (4) of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

31. Subsection 4.2 (5) of the English version of the By-Law is amended by deleting “Compensation Fund Committee” and substituting “Compensation Fund Subcommittee”.

32. Subsection 4.2 (5) of the French version of the By-Law is amended by deleting “Comité du Fonds d’indemnisation” and substituting “sous-comité du Fonds d’indemnisation”.

TAB 4.2

BY-LAW 12

Made: May 1, 2007

Amended: June 28, 2007

May 27, 2010

June 2, 2010 (editorial changes)

September 22, 2011

September 22, 2011 (editorial changes)

April 25, 2013

March 4, 2014

October 24, 2019

D.

COMPENSATION FUND

E. EXERCISE OF POWERS

Exercise of powers, *etc.*

1. The holders of the following offices may exercise the powers and perform the duties under subsection 51 (11.1) of the Act:

1. Executive Director, Professional Regulation.
2. Manager and Senior Counsel, Professional Regulation.



F. COMPENSATION FUND SUBCOMMITTEE

Compensation Fund Subcommittee~~Committee~~

2. The standing committee known as the Lawyers Fund for Client Compensation Committee is continued as the Compensation Fund Committee. The Compensation Fund Subcommittee is established as a subcommittee of the Audit and Finance Committee.

Application of By-Law

3. (1) Subject to subsection (2), ~~the~~ the following provisions of By-Law 3 [Bencher, Convocation and Committees] apply to the Compensation Fund Subcommittee~~Committee~~:

1. Section 107, ~~except that in the application of subsection 107 (3) the reference to “under this Part” shall be read as a reference to “under By-Law 12 [Compensation Fund]”.~~

2. Sections 109 to 116.

Same

(2) In the application of,

(a) subsections 107 (1) and (2) and sections 109 to 116, each reference to “standing committee” shall be read as a reference to “subcommittee”;

(b) subsection 107 (3), the reference to “under this Part” shall be read as a reference to “under By-Law 12 [Compensation Fund]; and

(c) sections 112 and 116 and subsections 113 (5) and 115 (1) and (2), each reference to “the committee” shall be read as a reference to “the subcommittee”.

Composition

3.1. (1) Despite subsections 109 (1) and (2) of By-Law 3 [Bencher, Convocation and Committees], the Compensation Fund Subcommittee~~Committee~~ shall consist of five persons appointed by Convocation from the Audit and Finance Committee, of whom,



- (a) two shall be benchers who are licensed to practise law in Ontario as barristers and solicitors;
- (b) two shall be lay benchers; and
- (c) one shall be a bencher who is licensed to provide legal services in Ontario.

Benchers appointed to the Compensation Fund Committee

(2) Despite subsection (1), a bencher appointed to the Compensation Fund Committee immediately before the Compensation Fund Subcommittee is established under section 2 is deemed to be a bencher appointed to the Compensation Fund Subcommittee until Convocation first appoints benchers to the Subcommittee.

Chair and vice-chair of the Compensation Fund Committee

(3) The benchers appointed as chair and vice-chair of the Compensation Fund Committee immediately before the Compensation Fund Subcommittee is established under section 2 are deemed to be appointed as chair and vice-chair of the Compensation Fund Subcommittee, respectively, until Convocation first appoints benchers as the chair and vice-chair of the Subcommittee.

Quorum

3.2. (1) Despite subsection 114 (1) of By-Law 3 [Benchers, Convocation and Committees], three members of the Compensation Fund ~~Subcommittee~~ Committee shall constitute a quorum for the purposes of the transaction of business.

Resolution in writing

(2) A resolution in writing signed by at least three members of the Compensation Fund ~~Subcommittee~~ Committee entitled to vote on the resolution at a meeting of the ~~Subcommittee~~ Committee is as valid as if it had been passed at a meeting of the ~~Subcommittee~~ Committee.

Mandate

4. (1) The ~~mandate of the~~ Compensation Fund ~~Subcommittee~~ Committee is to make grants from responsible to Convocation for the administration of the Compensation Fund.

Grants over \$5000 re dishonesty of lawyers

(1.1) The Compensation Fund ~~Subcommittee~~ ~~Committee~~ may make grants from the Compensation Fund in amounts over \$5000 as a result of the dishonesty of a member, as defined in subsection 51 (13) of the Act, or a person licensed to practise law in Ontario as a barrister and solicitor and the making of such grants is not subject to the approval of [the Audit and Finance Committee or](#) Convocation.

Grants over \$1500 re dishonesty of paralegals

(1.2) The Compensation Fund ~~Subcommittee~~ ~~Committee~~ may make grants from the Compensation Fund in amounts over \$1500 as a result of the dishonesty of a person licensed to provide legal services in Ontario and the making of such grants is not subject to the approval of [the Audit and Finance Committee or](#) Convocation.

Powers

4.1. The Compensation Fund ~~Subcommittee~~ ~~Committee~~ may make such arrangements and take such steps as it considers advisable to carry out its responsibilities.

Appointment of Claims Officers

4.2. (1) The Compensation Fund ~~Subcommittee~~ ~~Committee~~ may appoint as many persons as it considers necessary as Claims Officers for the purposes of assisting it to decide whether to make a grant from the Compensation Fund.

Approval by Convocation of appointment not required

(2) The appointment of a person as a Claims Officer is not subject to the approval of [the Audit and Finance Committee or](#) Convocation.

Assistance to be provided by Claims Officer

(3) The Compensation Fund ~~Subcommittee~~ ~~Committee~~ may refer to a Claims Officer for consideration any question that is not a question of law alone arising from an application for a grant from the Compensation Fund.



Procedure to be followed by Claims Officer

(4) The Compensation Fund ~~Subcommittee~~Committee shall determine the procedure to be followed by a Claims Officer in the consideration of a question, including requiring a hearing.

Recommendation of Claims Officer

(5) A recommendation of a Claims Officer is not binding on the Compensation Fund ~~Subcommittee~~Committee.

G. REFEREES

Appointment

5. (1) Every employee of the Society who is a licensee and who holds any of the following offices is a referee for the purposes of subsection 51 (10) of the Act:

1. Manager, Compensation Fund.
2. Compensation Fund Counsel.

Grants up to \$5000 re dishonesty of lawyers

(2) A person who is a referee under subsection (1) may make grants from the Compensation Fund in amounts up to \$5000 as a result of the dishonesty of a member, as defined in subsection 51 (13) of the Act, or a person licensed to practise law in Ontario as a barrister and solicitor and the making of such grants is not subject to the approval of Convocation.

Grants up to \$1500 re dishonesty of paralegals

(3) A person who is a referee under subsection (1) may make grants from the Compensation Fund in amounts up to \$1500 as a result of the dishonesty of a person licensed to provide legal services in Ontario and the making of such grants is not subject to the approval of Convocation.

H.

RÈGLEMENT ADMINISTRATIF N^o 12

FONDS D'INDEMNISATION

I. EXERCICE DE POUVOIRS

Exercice de pouvoirs

1. Les personnes qui occupent une des charges suivantes peuvent exercer les obligations et pouvoirs en application du paragraphe 51 (11.1) de la Loi :

1. Directrice administrative ou directeur administratif de la réglementation professionnelle.
2. Gestionnaire et avocat(e) principal(e), Règlementation professionnelle.

J. SOUS-COMITÉ DU FONDS D'INDEMNISATION

Sous-cComité du ~~fonds~~ Fonds d'indemnisation

2. ~~Le comité permanent connu comme Comité du Fonds d'indemnisation de la clientèle continue comme Comité du Fonds d'indemnisation. Le sous-comité du Fonds d'indemnisation est créé en tant que sous-comité du Comité d'audit et de finance.~~

Application du règlement administratif

3. ~~(1) Sous réserve du paragraphe (2),~~ Les dispositions suivantes du ~~règlement~~ Règlement administratif n^o 3 [Les conseillers, le Conseil et les comités] s'appliquent au sous-comité du Fonds d'indemnisation ~~;~~



1. Article 107. ~~Toutefois, pour l'application de l'alinéa 107 (3) la mention de « aux termes de cette partie » vaut mention de « en vertu du règlement administratif n° 12 [Fonds d'indemnisation] ».~~

2. Articles 109 à 116.

Idem

(2) Pour l'application :

a) des paragraphes 107 (1) et (2) et des articles 109 à 116, « comité permanent » est interprété chaque fois comme « sous-comité » ;

b) du paragraphe 107 (3), « aux termes de cette partie » est interprété comme « aux termes du Règlement administratif n° 12 [Fonds d'indemnisation] ;

c) des articles 112 et 116 et des paragraphes 113 (5) et 115 (1) et (2), « comité » est interprété comme « sous-comité ».

Composition

3.1. (1) Malgré les paragraphes 109 (1) et (2) du Règlement administratif n° 3 [Les conseillers, le Conseil et les comités], le sous-comité du Fonds d'indemnisation est composé d'au moins cinq personnes-membres du Comité d'audit et de finance nommés par le Conseil, dont

a) deux sont des conseillers autorisés à exercer le droit en Ontario comme avocats ;

b) deux sont des conseillers non-juristes ;

c) un est un conseiller autorisé à fournir des services juridiques en Ontario.

Conseillers nommés au Comité du Fonds d'indemnisation

(2) Malgré le paragraphe (1), un conseiller nommé au Comité du Fonds d'indemnisation immédiatement avant la création du sous-comité du Fonds d'indemnisation aux termes de l'article 2 est réputé être un conseiller nommé au sous-comité du Fonds d'indemnisation jusqu'à ce que le Conseil nomme des conseillers au sous-comité.



Présidence et vice-présidence du Comité du Fonds d'indemnisation

(3) Les conseillers nommés à la présidence et à la vice-présidence du Comité du Fonds d'indemnisation immédiatement avant la création du sous-comité du Fonds d'indemnisation aux termes de l'article 2 sont réputés être nommés respectivement à la présidence et à la vice-présidence du sous-comité du Fonds d'indemnisation, jusqu'à ce que le Conseil nomme des conseillers à la présidence et à la vice-présidence du sous-comité.

Quorum

3.2. (1) Malgré le paragraphe 114 (1) du Règlement administratif n° 3 [Les conseillers, le Conseil et les comités], le quorum pour les affaires courantes du sous-cComité du Fonds d'indemnisation est de trois membres.

Résolution par écrit

(2) Une résolution, écrite et signée par au moins trois membres du sous-cComité du Fonds d'indemnisation qui sont habilités à voter aux réunions du sous-cComité, a la même valeur que si elle avait été adoptée à une réunion du sous-cComité.

Mandat

4. (1) Le mandat du sous-cComité du Fonds d'indemnisation est d'accorder, répond au Conseil de l'administration des subventions du Fonds d'indemnisation.

Indemnités de plus de 5 000 \$ à l'égard de la malhonnêteté des avocats

(1.1) Le sous-comité ~~Comité~~ du Fonds d'indemnisation peut accorder des indemnités de plus de 5 000 \$ à partir du Fonds d'indemnisation en raison de la malhonnêteté d'un membre, tel que défini dans le paragraphe 51 (13) de la Loi, ou d'une personne autorisée à exercer le droit en Ontario comme avocat, et ces indemnités ne sont pas assujetties à l'approbation du Comité d'audit et de finance ou du Conseil.

Indemnités de plus de 1 500 \$ à l'égard de la malhonnêteté des parajuristes

(1.2) Le sous-comité ~~Comité~~ du Fonds d'indemnisation peut accorder des indemnités de plus de 1 500 \$ à partir du Fonds d'indemnisation en raison de la malhonnêteté d'une personne autorisée à fournir des services juridiques en Ontario, et ces indemnités ne sont pas assujetties à l'approbation du Comité d'audit et de finance ou du Conseil.

Pouvoirs

4.1. Le ~~sous-comité~~ ~~Comité~~ du Fonds d'indemnisation peut prendre toutes mesures et dispositions qu'il juge utiles pour l'exercice de ses fonctions.

Nomination d'officiers des réclamations

4.2. (1) Le ~~sous-comité~~ ~~Comité~~ du Fonds d'indemnisation peut nommer autant de personnes qu'il juge nécessaires comme officiers des réclamations pour l'aider à décider d'accorder ou non une indemnité à partir du Fonds d'indemnisation.

Approbation des nominations par le Conseil non requise

(2) La nomination d'une personne comme officier des réclamations n'est pas assujettie à l'approbation du Comité d'audit et de finance ou du Conseil.

Aide à fournir par l'officier des réclamations

(3) Le ~~sous-comité~~ ~~Comité~~ du Fonds d'indemnisation peut soumettre pour considération à un officier des réclamations toute question qui n'est pas uniquement une question de droit qui découle d'une demande d'indemnisation du Fonds.

Procédure à suivre par l'officier des réclamations

(4) Le ~~sous-comité~~ ~~Comité~~ du Fonds d'indemnisation détermine la procédure à suivre par un officier des réclamations lors de la considération d'une question, y compris les demandes d'audience.

Recommandations de l'officier des réclamations

(5) Les recommandations d'un officier des réclamations ne lient pas le ~~sous-comité~~ ~~Comité~~ du Fonds d'indemnisation.

K. ARBITRES

Nomination

5. (1) Tout employé du Barreau qui est titulaire d'un permis et qui assume une des fonctions suivantes est un arbitre aux fins du paragraphe 51 (10) de la Loi :

1. Chef de service, Fonds d'indemnisation.
2. Avocat au Fonds d'indemnisation.

Indemnités de moins de 5 000 \$ à l'égard de la malhonnêteté des avocats

(2) Une personne qui est arbitre en vertu du paragraphe (1) peut accorder des indemnités de moins de 5 000 \$ à partir du Fonds d'indemnisation en raison de la malhonnêteté d'un membre, tel que défini dans le paragraphe 51 (13) de la Loi, ou d'une personne autorisée à exercer le droit en Ontario comme avocat, et ces indemnités ne sont pas assujetties à l'approbation du Conseil.

Indemnités de moins de 1 500 \$ à l'égard de la malhonnêteté des parajuristes

(3) Une personne qui est arbitre en vertu du paragraphe (1) peut accorder des indemnités de moins de 1 500 \$ à partir du Fonds d'indemnisation en raison de la malhonnêteté d'une personne autorisée à fournir des services juridiques en Ontario, et ces indemnités ne sont pas assujetties à l'approbation du Conseil.