

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 1, 2021

MOVED BY:

SECONDED BY:

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

DRAFT

MINUTES OF CONVOCATION

Wednesday, 23<sup>rd</sup> June 2021  
9:00 a.m.  
Via Videoconference

PRESENT:

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

.....

Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

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

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

The Treasurer expressed condolences to the family and friends of the Afzaal family of London, Ontario, four members of which were tragically killed when struck by a vehicle, and to Muslim communities across Canada.

The Treasurer noted the tragic discovery in late May of the remains of 215 Indigenous children at the former Kamloops Indian Residential School, and on behalf of Convocation expressed condolences to the Tk'emlúps te Secwépemc First Nation, to all survivors of the residential school system, to all Indigenous Peoples of Canada and all those affected by this discovery.

Convocation observed one minute of silence as a symbol of respect for the 215 children.

The Treasurer advised that this tragedy highlights the important work the Law Society needs to conduct on the implementation of the Law Society's Indigenous Framework and recommendations of the Review Panel on Regulatory and Hearing Processes Affecting Indigenous Peoples, as part of the work on reconciliation, equality, diversity and inclusion.

#### LL.D. CEREMONY – R. DOUGLAS ELLIOTT

The Treasurer introduced R. Douglas Elliott, the candidate for the degree of Doctor of Laws, *honoris causa*.

Mr. Falconer read the citation.

The Treasurer admitted R. Douglas Elliott to the degree of Doctor of Laws, *honoris causa*.

Mr. Elliott addressed Convocation.

The Treasurer thanked Mr. Elliott for honouring Convocation with his presence.

#### ELECTION OF TREASURER

The Secretary announced that at the close of nominations at 5:00 p.m. on May 13, 2021, there was one candidate for the election of Treasurer. Teresa Donnelly was declared elected as Treasurer for the term commencing June 23, 2021.

#### TREASURER'S REMARKS

The Treasurer advised Convocation that she was honoured to have been given the privilege to serve as Treasurer for another term and is looking forward to working with benchers and staff on the Law Society's strategic priorities.

The Treasurer welcomed those joining Convocation by webcast and addressed the protocol for Convocation via Zoom videoconference.

The Treasurer reminded benchers of the National Well Being Study currently underway and encouraged benchers to complete the survey and to encourage others to do so by June 25, 2021.

The Treasurer noted the ongoing work of the Law Society's Mental Health Working Group and that Convocation will hear more from the Group in the fall.

The Treasurer referred benchers to the report of the Competence Task Force in the Convocation materials and the call for comment that is being launched today on the Law Society's continuing competence framework.

The Treasurer reminded Convocation of the new contingency fee requirements that come into force on July 1, 2021, and the resources for the profession on the Law Society's website.

The Treasurer noted the Human Rights Award ceremony on June 15, 2021 and congratulated the Award's recipient, Professor Payam Akhavan.

The Treasurer noted a number of equity celebrations and events in June:

- National Accessibility Week on June 3, 2021
- PRIDE on June 14, 2021
- National Indigenous History Month and National Indigenous Peoples Solidarity Day on June 22, 2021
- Italian Heritage Month, Portuguese History and Heritage Month and Filipino Heritage Month.

The Treasurer noted the upcoming Access to Justice week from October 25 to 29, 2021 and that information will be available on The Action Group (TAG) website.

The Treasurer acknowledged the challenging times for the 1,250 paralegals and 4,154 lawyers who have been licensed since the start of the pandemic in March 2020. The Treasurer, on behalf of Convocation, welcomed them to the professions and wished them success in their careers.

The Treasurer addressed Convocation on the work and key activities of the Law Society since becoming Treasurer in June 2020, including the priorities for her term and Convocation's achievements. The Treasurer thanked benchers, Law Society staff, justice stakeholders and partners for their work on Law Society initiatives.

The Treasurer advised Convocation that a mid-term review of the Law Society's 2019 – 2023 strategic plan is scheduled for October 2021.

The Treasurer referred benchers to information reports in the Convocation materials, including an update on implementation of the 2018 Abiding Interest Report to strengthen the Law Society's relationship with Legal Aid Ontario.

#### MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Marshall, seconded by Mr. Wilkes, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

#### Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of May 27, 2021 were confirmed.

#### Tab 1.2 – TRIBUNAL APPOINTMENT

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

Carried

## AUDIT AND FINANCE COMMITTEE REPORT

Mr. Groia presented the Report.

### Re: Law Society of Ontario Investment Policy

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation approve the new Investment Policy.

Carried

#### *For information:*

- LAWPRO Financial Statements for the Three Months ended March 31, 2021
- LIRN INC. Financial Statements for the Three Months ended March 31, 2021

## STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Ms. Horvat presented the Report.

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

It was moved by Ms. Horvat, seconded by Ms. Corsetti, 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 Paralegal Standing Committee Chair.

Carried

#### *For information:*

- Update on 2019-2023 Strategic Plan Implementation

## TRIBUNAL COMMITTEE REPORT

Ms. Shin Doi presented the Report.

### Re: Amendments to the Rules of Practice and Procedure

It was moved by Ms. Shin Doi, seconded by Dr. Alford, that Convocation approve the proposed English and French amendments to the Law Society Tribunal Rules of Practice and Procedure, effective October 1, 2021, as set out at Tab 4.1 (English) and Tab 4.2 (French).

Carried

## HUMAN RIGHTS MONITORING GROUP

Ms. Walker presented the Report.

### Re: Letter of Intervention on Behalf of Thein Hlaing Tun and Ayeyar Lin Htut

It was moved by Ms. Walker, seconded by Mr. Wellman, that Convocation approve the letter and public statement in the following case:

Thein Hlaing Tun and Ayeyar Lin Htut – Myanmar – letter of intervention and public statement presented at Tab 5.1.

Carried

Mr. Charette, Mr. Desgranges, Mr. Goldstein, Mr. Lyon and Ms. Shi abstained.

## EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

### Re: Equity Partners Review

Beginning with comments from Mr. Fagan, benchers discussed the manner in which the subject of the information report was dealt with.

## REPORTS FOR INFORMATION ONLY

### ACCESS TO JUSTICE COMMITTEE REPORT

- An Abiding Interest: Implementation Update

### COMPETENCE TASK FORCE REPORT

- Call for Comment - Renewing the Law Society's Continuing Competence Framework

## EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Equity Partners Review

CONVOCATION ROSE AT 10:30 A.M.

DRAFT

MINUTES OF SPECIAL CONVOCATION

Tuesday, 27<sup>th</sup> July 2021  
9:00 a.m.  
Via Videoconference

PRESENT:

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

.....

Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

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

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

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

The Treasurer reminded benchers of the National Well-Being Study and the extension of the deadline for responses to the survey to July 30, 2021. The Treasurer encouraged everyone to complete the survey.

The Treasurer briefly addressed the motion at Tab 1, and noted the appointments of certain advisory groups in Schedule B.

## MOTION – COMMITTEE AND OTHER APPOINTMENTS

It was moved by Ms. Shortreed, seconded by Ms. Lalji:

THAT the attached list of appointments under **Schedule A** be approved.

THAT Catherine Banning be appointed to the Law Foundation of Ontario Board of Trustees.

THAT Jacqueline Horvat, Quinn Ross, and Claire Wilkinson be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 31, 2023.

THAT Atrisha Lewis be removed from the Hearing Division of the Law Society Tribunal.

THAT Megan Shortreed be removed from the Appeal Division and Hearing Division of the Law Society Tribunal.

## SCHEDULE A

### COMMITTEE, TASK FORCE, WORKING GROUP AND OTHER APPOINTMENTS

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*Unless otherwise noted, not included in the list of appointments following Committees in Schedule A are appointments or reappointments not currently required because the appointments have not yet expired, or no changes are being made to certain groups.*

### COMMITTEES

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#### Access to Justice

Cathy Corsetti (Co-Chair)

Doug Wellman (Co-Chair)

Murray Klippenstein (Vice-Chair)

Robert Burd

Jean-Jacques Desgranges

Sam Goldstein

Shelina Lalji

Benson Lau

Michael Lesage

Marian Lippa

Michelle Lomazzo

Cecil Lyon

Barbara Murchie

Brian Prill

Jonathan Rosenthal



Audit & Finance

Joseph Groia (Chair)  
Lubomir Poliacik (Vice-Chair)  
Catherine Banning  
Cathy Corsetti  
Seymour Epstein  
Gary Graham  
Philip Horgan  
Jacqueline Horvat  
Michelle Lomazzo  
C. Scott Marshall  
Clare Sellers  
Sidney Troister

Compensation Fund Subcommittee

Lubomir Poliacik (Chair)  
Cathy Corsetti  
Seymour Epstein  
Clare Sellers  
Sidney Troister

Compensation

Teresa Donnelly (Chair)  
Robert Burd  
Dianne Corbiere  
Joseph Groia  
Gerald Sheff

Equity and Indigenous Affairs

Dianne Corbiere (Chair)  
Etienne Esquega (Vice Chair)  
Atrisha Lewis (Vice-Chair)  
Catherine Banning  
Robert Burd  
John Fagan  
Julian Falconer  
Murray Klippenstein  
Nancy Lockhart  
Jorge Pineda  
Julia Shin Doi  
Megan Shortreed  
Alexander Wilkes

Paralegal Standing

Robert Burd (Chair)  
Geneviève Painchaud (Vice-Chair)  
Jack Braithwaite  
Cathy Corsetti  
Seymour Epstein  
Shelina Lalji  
Marian Lippa  
Michelle Lomazzo  
Trevor Parry  
Quinn Ross  
Chi-Kun Shi  
Doug Wellman  
Claire Wilkinson

Proceedings Authorization

Jonathan Rosenthal (Chair)  
Robert Adourian  
Atrisha Lewis  
Michelle Lomazzo  
Gerald Sheff  
Megan Shortreed

Professional Development and Competence

Barbara Murchie (Chair)  
Robert Adourian (Vice Chair)  
Alexander Wilkes (Vice-Chair)  
Jared Brown  
Murray Klippenstein  
Michael Lesage  
Atrisha Lewis  
Marian Lippa  
Cecil Lyon  
Isfahan Merali  
Sidney Troister  
Tanya Walker  
Doug Wellman  
Claire Wilkinson

Professional Regulation

Megan Shortreed (Chair)  
Michelle Lomazzo (Vice-Chair)  
Andrew Spurgeon (Vice-Chair)  
Gerard Charette  
Etienne Esquega  
Julian Falconer  
Jacqueline Horvat  
C. Scott Marshall  
Geneviève Painchaud  
Jonathan Rosenthal  
Quinn Ross  
Nicholas Wright

Strategic Planning and Advisory

Teresa Donnelly (Chair)

Jacqueline Horvat (Vice-Chair)

Robert Burd

Joseph Chiumminto

Dianne Corbiere

Cathy Corsetti

Joseph Groia

Philip Horgan

Nancy Lockhart

Barbara Murchie

Lubomir Poliacik

Julia Shin Doi

Megan Shortreed

Andrew Spurgeon

Sidney Troister

Diana Miles (*Ex Officio*)

Tribunal

Julia Shin Doi (Chair)

Ryan Alford (Vice-Chair)

Marian Lippa (Vice-Chair)

Catherine Banning

Jack Braithwaite (*Ex Officio*)

Jared Brown

Jean-Jacques Desgranges

John Fagan

Sam Goldstein

Philip Horgan

Cecil Lyon

Isfahan Merali

Barbara Murchie (*Ex Officio*)

Geoff Pollock

Chi-Kun Shi

Malcolm Mercer (*Ex Officio*)

## TASK FORCES

### Competence\*

Sidney Troister (Chair)  
C. Scott Marshall (Vice-Chair)  
Ryan Alford  
Joseph Chiumminto  
Dianne Corbiere  
Cathy Corsetti  
Cheryl Lean  
Atrisha Lewis  
Barbara Murchie  
Geneviève Painchaud  
Jorge Pineda  
Megan Shortreed  
Andrew Spurgeon  
Claire Wilkinson  
Alexander Wilkes

### Technology Task Force

Jacqueline Horvat (Chair)  
Gary Graham (Vice-Chair)  
Joseph Chiumminto  
Seymour Epstein  
Sam Goldstein  
Cheryl Lean  
Michelle Lomazzo  
Geneviève Painchaud  
Brian Prill  
Quinn Ross  
Tanya Walker  
Doug Wellman  
Nicholas Wright

\* Membership unchanged.

## WORKING/OTHER GROUPS

### Human Rights Monitoring Group (Equity)

Julian Falconer (Co-Chair)  
Tanya Walker (Co-Chair)  
Marian Lippa  
Isfahan Merali  
Lubomir Poliacik  
Quinn Ross  
Doug Wellman

## OTHER APPOINTMENTS

### Summary Disposition

Chi-Kun Shi  
Tanya Walker

It was moved by Mr. Fagan, seconded by Mr. Lyon, that consideration of the motion for today's special Convocation be adjourned to the regular Convocation of benchers in September 2021.

Lost

### ROLL-CALL VOTE

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

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

Vote: 16 For; 32 Against

Ms. Shortreed and Ms. Lalji agreed to amend the motion to remove Michelle Lomazzo from the Hearing and Appeal Divisions of the Law Society Tribunal given Ms. Lomazzo's appointment to the Proceedings Authorization Committee.

The main motion as amended carried.

ROLL-CALL VOTE

Adourian	For
Alford	Abstain
Banning	For
Braithwaite	For
Burd	For
Charette	Abstain
Chiummiento	For
Corbiere	For
Corsetti	For
Desgranges	Abstain
Epstein	For
Esquega	For
Fagan	Against
Falconer	For
Graham	Abstain
Groia	For
Horvat	For
Klippenstein	Abstain
Lalji	For
Lau	For
Lean	Abstain
Lesage	Abstain
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	Abstain
Marshall	For
Murchie	For
Painchaud	For
Poliacik	For

Prill	Abstain
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For

Vote: 34 For; 1 Against; 10 Abstain

REPORTS FOR INFORMATION ONLY

MOTION – COMMITTEE AND OTHER APPOINTMENTS

- Schedule B – Other Appointments

CONVOCATION ROSE AT 10:38 A.M.

## LAW SOCIETY OF ONTARIO

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 1, 2021

THAT Michael Lesage be removed from the Access to Justice Committee at his own request.

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

#### Explanatory Note

Bencher Cathy Corsetti has applied to be a member of the Tribunal. Under the Tribunal model approved by Convocation in 2012, benchers are eligible to be appointed to an initial term by virtue of their position. Ms. Corsetti has previously been a member of the Tribunal.





**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

Tab 1.3

## **Strategic Planning and Advisory Committee**

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### **By-Law 12 Amendments Respecting the Compensation Fund Subcommittee**

**October 1, 2021**

**Committee Members:**

Teresa Donnelly (Chair)  
Jacqueline Horvat (Vice-Chair)  
Robert Burd  
Joseph Chiumminto  
Dianne Corbiere  
Cathy Corsetti  
Joseph Groia  
Philip Horgan  
Nancy Lockhart  
Barbara Murchie  
Lubomir Poliacik  
Julia Shin Doi  
Megan Shortreed  
Andrew Spurgeon  
Sidney Troister

**Purpose of Report: Decision**

Authored By:

James Varro, Director, Office of the CEO and Corporate Secretary  
jvarro@lso.ca



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## Motion

**That based on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 12 as set in the motion at Tab 1.3.1 to remove transitional provisions relating to establishing the Compensation Fund Subcommittee.**

## Background

On May 27, 2021, Convocation made amendments to By-Law 12 to establish the Compensation Fund Subcommittee of the Audit and Finance Committee, to replace the Compensation Fund Committee. This was done to eliminate the overlap between the work of the Compensation Fund Committee and the Audit and Finance Committee and to ensure a more efficient administration of the Fund.

The amendments to By-Law 12 to establish the Subcommittee included transitional provisions to deem the existing members of the Compensation Fund Committee as the members of the Subcommittee until such time as the members of the Subcommittee were appointed by Convocation pursuant to the By-Law. The members of the Subcommittee were appointed at the July 27, 2021 Convocation, and as such, the transitional provisions are no longer required.

## The Recommended Amendments

As shown in the track-changes version of the By-Law 12 amendments at **Tab 1.3.2**, subsections 3.1(2) and (3), which relate to the composition of the Subcommittee pending the appointments referenced above, are no longer needed. It is recommended that these subsections be removed from the By-Law. All other amendments to the By-Law made at the May Convocation remain.

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 OCTOBER 1, 2021

MOVED BY

SECONDED BY

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

**1. Subsection 3.1 of the English version of the By-Law is revoked and the following substituted:**

**Composition**

3.1. 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.

**2. Subsection 3.1 of the French version of the By-Law is revoked and the following substituted:**

**Composition**

3.1. 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.

## **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  
May 27, 2021

## **COMPENSATION FUND**

### **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.

### **COMPENSATION FUND SUBCOMMITTEE**

#### **Compensation Fund Subcommittee**

2. 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 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”.

### **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.~~

### **Quorum**

3.2. (1) Despite subsection 114 (1) of By-Law 3 [Benchers, Convocation and Committees], three members of the Compensation Fund Subcommittee 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 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.

### **Mandate**

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

### **Grants over \$5000 re dishonesty of lawyers**

(1.1) The Compensation Fund Subcommittee 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 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 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 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 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 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.

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.

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## **RÈGLEMENT ADMINISTRATIF N° 12**

### **FONDS D'INDEMNISATION**

#### **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.

#### **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.

#### **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 ».



## **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.~~

## **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-comité du Fonds d'indemnisation est de trois membres.

## **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.

## **Mandat**

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

### 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.