

MINUTES OF CONVOCATION

Thursday, 28th April, 2022
9:00 a.m.

PRESENT:

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

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation is 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 Inuit and Métis peoples and thanked all Indigenous peoples who lived and live in these lands for sharing them with us in peace.

The Treasurer welcomed benchers back to Convocation in the Lamont Learning Centre for the first time since 2020.

The Treasurer addressed the matter of changes to the licensing examinations.

The Treasurer commented on the Holocaust Remembrance Day Event earlier this week, in partnership with B'nai Brith Canada and the Centre for Israel and Jewish Affairs.

The Treasurer noted upcoming events:

- Asian and South Asian Heritage Month – beginning May 10, 2022
- Mental Health Week – May 2 to 8, 2022 including the May 3, 2022 Mental Health Summit for Legal Professionals.

The Treasurer noted the ceremony for the Law Society Awards on May 25, 2022 and congratulated this year's recipients:

William J. Simpson Distinguished Paralegal Award: Paula Callaghan

Lincoln Alexander Award: Lawrence Greenspon

Laura Legge Award: Marian Jacko

J. Shirley Denison Award: Professor François Larocque

Law Society Medal Recipients:

1. Beth Beattie
2. Christopher D. Bredt
3. Brian Gover
4. Lorin MacDonald
5. Deepa Mattoo
6. Professor Albert H. Oosterhoff
7. Stuart Wuttke

The Treasurer noted the Law Society's Annual General Meeting, to take place virtually at 5:15 pm on May 11, 2022.

The Treasurer commented on the upcoming 225th anniversary of the Law Society of Ontario and noted the significance of historic Osgoode Hall.

The Treasurer commented on the plans for the Metrolinx Ontario Line subway, which will impact Osgoode Hall's property.

The Treasurer updated Convocation on the Access to Innovation (A2I) project.

The Treasurer referred benchers to the information reports provided by the Professional Regulation Committee at Tab 8 of the Convocation Materials.

MOTION – CONSENT AGENDA – TAB 1

It was moved by Mr. Horgan, seconded by Mr. Pollock, 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 February 24, 2022 Convocation were confirmed.

Tab 1.2 – MOTIONS

Tab 1.2.1: Law Society Tribunal

That Sophie Martel be appointed to the Hearing Division of the Law Society Tribunal for a term expiring June 28, 2024.

Carried

Tab 1.2.2: Committee Appointments

That Sam Goldstein be removed from the Tribunal Committee and the Technology Task Force at his own request.

Carried

Tab 1.3. – TREASURER'S REPORT

Re: LAWPRO Annual Shareholder's Resolutions

That Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers' Professional Indemnity Company (LAWPRO) set out at Tab 1.3.1.

Carried

IN PUBLIC

AUDIT & FINANCE COMMITTEE REPORT

Mr. Groia presented the Report.

Re: Law Society of Ontario Annual Financial Statements for the year ended December 31, 2021

It was moved by Mr. Groia, seconded by Mr. Troister, that Convocation approve the audited annual financial statements for the Law Society of Ontario for the financial year ended December 31, 2021, including the net inter-fund transfers listed in Note 14, which are as follows:

- \$1,839,000 from the Capital Allocation Fund to the Invested in Capital and Intangible Assets Fund representing assets capitalized during the year in compliance with the Society's accounting policies;
- \$70,000 from the lawyer General Fund to the Repayable Allowance Fund, as provided in the 2021 budget to fund the Repayable Allowance Program in the Licensing Process;
- \$28,000 from the General Funds to the Special Projects Fund to fund the next bench election;
- \$19,000 from the Special Projects Funds to the Capital Allocation Fund to fund further enhancements to the Human Resources Information System; and
- \$9,000 from the Special Projects Fund to the General Fund to fund updates to the facilities condition assessment and maintenance of the Society's grounds.

Carried

Mr. Lyon abstained.

Re: Funding Options Business and Technology Transformation Initiative

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation consider and approve that the Law Society:

- a) Proceed with the planning and implementation of the Business and Technology Transformation Initiative ("Initiative") as presented at the March 9, 2022 Bench Discussion & Information Session and summarized in this report,
- b) Transfer \$8.6 million from the unrestricted fund balance of the Errors & Omissions Fund ("E&O Fund") to the Capital Fund to be restricted for the purpose of funding the Initiative, and
- c) Assess as part of 2023 budget planning the availability of Lawyer General Fund balance in excess of the maximum threshold under the Law Society's Lawyer General Fund Balance Management Policy for the purpose of funding the Initiative.

Carried

ROLL-CALL VOTE

Adourian	For
Alford	Against
Banning	For
Braithwaite	For
Brown	For

Burd	For
Chiummiento	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	For
Esquega	For
Fagan	Against
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	Abstain
Lalji	For
Lau	For
Lean	For
Lesage	Against
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	Abstain
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Parry	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For

Vote: 44 For; 3 Against; 2 Abstain

For Information

- LAWPRO Audited Financial Statements for the year ended December 31, 2021
- LiRN Inc. Audited Financial Statements for the year ended December 31, 2021
- In Camera Matters

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

The Treasurer introduced the report.

Re: Compensation for Experiential Training (Articling and LPP/PPD) Placements

The Treasurer advised that Convocation is to resume debate on paragraph 4 of the motion in the Committee's report to November 26, 2021 Convocation.

Ms. Murchie presented the Report, and debate resumed on paragraph 4 of the motion, as follows:

It was moved by Ms. Murchie, seconded by Mr. Adourian, that Convocation replace the enhancements to the experiential training component of the lawyer licensing process, as approved by Convocation in December 2018, with the following measures recommended by a majority of the Professional Development & Competence Committee:

4. The Law Society will adopt a best practices approach to compensation which encourages rather than requires that all experiential training placements be paid, which may be achieved by the following measures:
 - a. Continuing to require that postings on the Articling Registry be paid;
 - b. Requiring disclosure of salary of information on articles of clerkship;
 - c. Striving for more paid work placements in the Law Practice Program and Programme de Pratique du Droit; and
 - d. Collecting and reporting data on compensation ranges to allow candidates to make informed choices as they progress through the licensing process.

Lost

ROLL-CALL VOTE

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

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

Vote: 24 For; 25 Against; 1 Abstain

LAWPRO ANNUAL REPORT

Mr. Spurgeon presented the report for information.

HUMAN RIGHTS MONITORING GROUP REPORT

Mr. Falconer presented the Report.

Re: Letter of Intervention on Behalf of Mohammad Najafi

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

Mohammad Najafi – Iran – letter of intervention and public statement presented at Tab 4.1 and Tab 4.2.

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

Carried

IN PUBLIC

REPORTS FOR INFORMATION ONLY

PROFESSIONAL REGULATION COMMITTEE REPORT

- 2021 Annual Report of the Complaints Resolution Commissioner
- Professional Regulation Division 2021 End-of-Year Report

CONVOCATION ADJOURNED AT 1:40 P.M.

Confirmed in Convocation this 26th day of May 2022.

Teresa Donnelly,
Treasurer