

MINUTES OF CONVOCATION

Thursday, 27th October, 2022
9:00 a.m.

PRESENT:

In person: The Treasurer (Jacqueline Horvat), Adourian, Alford, Burd, Charette, Corbiere, Desgranges, Donnelly, Epstein, Fagan, Goldstein, Klippenstein, Lean, Lippa, Lomazzo, Marshall, Murchie, Painchaud, Poliacik, Pollock, Prill, Rosenthal, Ross, Shi, Shin Doi, Shortreed, Spurgeon, Troister, Wilkes and Wilkinson.

Via Videoconference/Teleconference: Banack, Banning, Braithwaite, Brown, Chiumminto, Corsetti, Esquega, Falconer, Graham, Groia, Horgan, Krishna, Lalji, Lau, Lesage, Lewis, Lyon, Merali, Minor, Parry, Pawlitza, Pineda, Sellers, Sheff, Siran, Strosberg, Walker, Wellman and Wright.

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation 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.

INDIGENOUS PEOPLES CEREMONY

The Treasurer introduced the ceremony and welcomed Elder Myeengun Henry to Convocation.

Elder Henry performed a ceremony acknowledging the relationship between the Law Society of Ontario and the Indigenous community.

Elder Henry performed a smudging ceremony and performed a ceremony to polish the eagle feathers and a pipe ceremony.

The Treasurer thanked Elder Henry for honouring Convocation with the ceremony and continuing to guide the Law Society forward in a good way.

TREASURER'S REMARKS

The Treasurer expressed condolences to the family of Marion Boyd, a former lay bencher and ex-officio bencher as a former Attorney General of Ontario, who passed away on October 11, 2022.

The Treasurer commented on Access to Justice Week this week and its numerous events and diverse and high-quality programming. The Treasurer thanked the Access to Justice Committee, The Action Group on Access to Justice (TAG) and justice sector partners who join with the Law Society in advancing systemic change to the justice system.

The Treasurer advised that she was honoured to participate in the Opening of the Courts ceremony on October 3, 2022. The Treasurer thanked The Hon. George R. Strathy, who also attended and recently retired as Chief Justice of Ontario, for his leadership and contributions during his tenure as Chief Justice.

The Treasurer congratulated bencher Sidney Troister on publication of the fourth edition of "The Law of Subdivision Control in Ontario".

The Treasurer noted the information report in the agenda from the Professional Regulation Committee that includes a consultation document on expanded remedial outcomes for the Proceedings Authorization Committee and advised that the deadline for submissions on the consultation is January 15, 2023.

The Treasurer addressed the protocol for the hybrid Convocation meeting and time limits imposed for debate.

MOTION – CONSENT AGENDA – TAB 1

It was moved by Ms. Lomazzo, seconded by Mr. Ross, 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 the September 29, 2022 Convocation were confirmed.

NOTICE OF MOTION

Re: Shi/Lean Notice of Motion

It was moved by Ms. Shi, seconded by Ms. Lean, that Convocation directs Law Society management, in consultation with Audit and Finance Committee, to develop forthwith a draft annual budget for 2023 which requires no increase in annual dues compared to 2022, Compensation Fund dues excepted, to be presented for its consideration at the December 1, 2022 Convocation.

Lost

ROLL-CALL VOTE

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

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

Vote: 23 For; 25 Against; 2 Abstain

AUDIT AND FINANCE COMMITTEE REPORT

Mr. Troister presented the Report

Re: Law Society of Ontario 2023 Budget

It was moved by Mr. Troister, seconded by Mr. Marshall,

1. That Convocation approve the Law Society’s 2023 Budget as presented in this Report to Convocation, including:
 - a) Annual fees for lawyer and paralegal licensees of \$1,981 and \$1,035, respectively,
 - b) The use of fund balances to fund operations and mitigate annual fee increases totaling \$7,054,200 as defined below,
 - c) A loan of \$1.6 million from the Lawyer General Fund to the Capital Fund restricted to fund the Bencher Wing repairs and restoration project, and

2. That Convocation approve an interfund transfer of \$3.5 million from the Lawyer General Fund to the Capital Fund restricted to fund the Business Technology Transformation Initiative (“the Transformation”).

2023 Annual Fees:

Fund	Lawyers	Paralegals
General Fund	\$1,625	\$959
Compensation Fund	\$90	\$10
Capital Fund	\$66	\$66
County Library Fund	\$200	-
Total	\$1,981	\$1,035

Use \$7,054,200 of fund balances in 2023:

Fund Name	2023 Draft Budget
General Fund – Lawyer	\$4,000,000
General Fund – Paralegal	\$500,000
Errors & Omissions Insurance Fund	\$1,200,000
Compensation Fund – Paralegal	\$54,200
Capital Fund	\$1,300,000
TOTAL	\$7,054,200

Carried

ROLL-CALL VOTE

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

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

Vote: 28 For; 5 Against; 15 Abstain

Re: 2023 LiRN Inc. Budget

It was moved by Mr. Troister, seconded by Mr. Poliacik, that Convocation approve the LiRN Inc. budget for 2023, which includes funding of \$9,572,427 from the Law Society of Ontario.

Carried

ROLL-CALL VOTE

Adourian	For
Alford	For
Braithwaite	For
Brown	For
Burd	For
Charette	For
Chiummiento	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	For
Esquega	For
Fagan	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Klippenstein	For
Lau	For
Lean	For
Lesage	For
Lewis	For
Lippa	Abstain
Lomazzo	For
Lyon	For
Marshall	For
Merali	For

Murchie	For
Painchaud	For
Parry	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Siran	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For

Vote: 47 For; 1 Abstain

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Ms. Murchie presented the Report.

Re: Mandatory Minimum Compensation Implementation

It was moved by Ms. Murchie, seconded by Mr. Wilkes, that Convocation:

1. Adopt a mandatory minimum compensation for lawyer licensing candidates during articling and the work placement component of the Law Practice Program (LPP) / Programme de pratique du droit (PPD) of \$620 per week;
2. Maintain the existing mandatory minimum compensation for a period of three years, followed by a review of the policy; and
3. Approve the recommended exemption framework to the mandatory minimum compensation policy.

Carried

Mr. Braithwaite, Mr. Fagan, Mr. Goldstein and Mr. Lyon abstained.

HUMAN RIGHTS MONITORING GROUP REPORT

Ms. Walker presented the Report.

Re: Request for Intervention on Behalf of Dmitry Talantov (Russia)

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

Dmitry Talantov – Russia – Letter of intervention and public statement presented at Tabs 4.1 and 4.2.

Carried

Mr. Charette, Mr. Desgranges, Mr. Fagan, Mr. Goldstein, Ms. Shi, Ms. Siran and Mr. Wilkes abstained.

NOTICE OF MOTION

Re: Fagan/Poliacik Notice of Motion

It was moved by Mr. Fagan, seconded by Mr. Poliacik, that:

1. All Benchers entitled to vote in and/or take part in debate at Convocation shall be given notice of all meetings of all LSO Committees, Sub-Committees, Advisory Groups, Working Groups, Resources Groups, Task Forces, and any other similar entities which have been, or which may be, created by Statute, by Convocation, or by the Treasurer, in the same manner, and at the same times, as members of any such Committee, Sub-Committee, Advisory Group, Working Group, Resources Group, Task Force or other similar entity are notified.
2. Subject to the provisions of Paragraph (3.) below, all Benchers entitled to vote in and/or take part in debate at Convocation shall be permitted to attend all meetings of all Committees, Sub-Committees, Groups, Task Forces, and other entities referred to in Paragraph (1.) above.
3. Where a Bencher is in a position of personal conflict of interest with the LSO in any given matter, that Bencher is not entitled to attend such portion or portions of any meeting of any of the types referred to in Paragraphs (1.) and (2.) above, during which that matter is being discussed or debated.
4. Without limiting the generality of the foregoing, the directions set forth in Paragraphs (1.), (2.) and (3.) above apply to meetings of the LSO's Strategic Planning and Advisory Committee, and any successor entity thereto.

Mr. Fagan and Mr. Poliacik agreed to an amendment to add the words “with the exception of the Proceedings Authorization Committee” after the word “Treasurer” in paragraph 1 of the motion.

The motion as amended was lost.

ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	Against
Braithwaite	Against
Brown	For
Burd	Against
Charette	For
Chiummiento	For
Corbiere	Against
Corsetti	Against
Desgranges	For
Epstein	Against
Esquega	Against
Fagan	For
Goldstein	For
Groia	For
Horgan	For
Klippenstein	For
Lau	Against
Lean	For
Lesage	For
Lomazzo	Against
Lyon	For
Marshall	Abstain
Merali	Against
Murchie	Against
Painchaud	Against
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	Against
Ross	Against
Sellers	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Siran	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	For
Wilkes	For
Wilkinson	Against

Vote: 21 For; 22 Against; 1 Abstain

IN PUBLIC

REPORT FOR INFORMATION ONLY

PROFESSIONAL REGULATION COMMITTEE REPORT

- Consultation Report on Proceedings Authorization Committee Expanded Remedial Outcomes

CONVOCATION ADJOURNED AT 1:26 P.M.

Confirmed in Convocation this 1st day of December 2022.

Jacqueline Horvat,
Treasurer