

CONVOCATION

IN PUBLIC SESSION

THURSDAY, MAY 26, 2022 - 9:00 a.m.

OSGOODE HALL, TORONTO

(Via videoconference)

CONVOCATION ATTENDANCE

Treasurer - Teresa Donnelly

Vern Krishna (V)	Harvey Strosberg (V)
Janet E. Minor (V)	Laurie Pawlitzka
Catherine Banning (V)	Seymour Epstein
Dr. Benson Lau (V)	Nancy Lockhart (V)
Geneviève Painchaud	Clare Sellers (V)
Gerald Sheff	Doug Wellman (V)
Larry Banack (V)	Robert Adourian
Prof. Ryan Alford	D. Jared Brown
Robert Burd	Gerard Charette
Joseph Chiumminto (V)	Dianne Corbiere
Cathy Corsetti	Jean-Jacques Desgranges (V)
Etienne Esquega (V)	John Fagan
Julian Falconer (V)	Sam Goldstein
Gary Graham (V)	Joseph Groia
Philip Horgan	Jacqueline Horvat
Murray Klippenstein	Shelina Lalji
Cheryl Lean	Michael Lesage (V)
Atrisha Lewis	Marian Lippa (V)
Michelle Lomazzo	Cecil Lyon (V)
C. Scott Marshall	Isfahan Merali (V)
Barbara Murchie (V)	Trevor Parry (V)
Jorge Pineda (V)	Lubomir Poliacik
Geoff Pollock (V)	Brian Prill (V)

Jonathan Rosenthal (V)	Quinn Ross (V)
Chi-Kun Shi (V)	Julia Shin Doi (V)
Megan Shortreed	Andrew Spurgeon
Sidney Troister	Tanya Walker (V)
Alexander Wilkes (V)	Claire Wilkinson
Nicholas Wright (V)	

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--- Upon commencing at 9:00 a.m.

TREASURER DONNELLY: Good morning, everyone, and welcome to Convocation. This is my final Convocation, final full Convocation as Treasurer.

Bonjour, et bienvenue au Conseil.

I start by recognizing that we are gathered at Osgoode Hall in Toronto. Toronto is a Mohawk word that means "where there are trees standing in the water".

I acknowledge that we are meeting on the traditional territory of the Mississaugas of the Credit First Nation. Today we have benchers participating from across the province and elsewhere and across many First Nations territories.

I recognize the long history of all First Nations in Ontario and the Inuit and Métis peoples. We thank all Indigenous peoples who lived and live in these lands for sharing them with us in peace.

We will begin this morning with a ceremony to polish the relationship with the eagle feathers.

By way of brief background, in 1998, Ojibway Elder, Peter Kelly, Kinew, from Treaty 3, honoured the Law Society with two eagle feathers, which to this day are presented at each Convocation.

In many First Nations cultures, the eagle feather is the most sacred and honoured gift given. The care and responsibility that comes with caring for an eagle feather must be taught and its significance recognized periodically through ceremony.

The Indigenous Advisory Group has advised that Convocation, as a meeting of benchers, represents an opportunity to polish the relationship with its eagle feathers. It is also intended to be an opportunity for benchers to continue to learn about the role of the eagle feathers and their significance in the Law Society's work towards enhancing its relationship with the Indigenous bar and Indigenous peoples in Ontario, as well as to increase knowledge of Indigenous legal and cultural traditions at the Law Society.

Continuing to polish the relationship between the eagle feathers and the Law Society is an important element of the implementation of the Law Society's Indigenous framework, which was approved by Convocation in 2017.

Before we begin, I'd ask that you please ensure that you're muted and I also ask you to please refrain from using electronic devices during the ceremony.

I'd like to welcome to Convocation Elder Myeengun Henry of the Chippewa of the Thames First Nation. He is also joined by his son, Aaron, and we welcome you to Convocation.

Elder Henry is a member of the Indigenous Advisory Group Elders' Council and has been a good, kind, strong friend to Convocation for many, many years and we're very appreciative, Elder Henry, of our relationship with you and the guidance you provide us.

[-- INDIGENOUS PEOPLES CEREMONY:](#)

ELDER HENRY: Good morning. You know, it's so nice to come back. It's been a couple of years now since we have been able to perform this ceremony and it's something that I think -- something I'll always remember, standing here with intent of building good and strong relationships.

I guess over the time that I have been on this earth I've seen various forms of relationships and in times some of those relationships were strained. Sometimes those relationships seemed to find a path that really wasn't always comfortable, but I think in terms of that teaching, it became clear to me that life is that way sometimes. We challenge ourselves, we walk this earth and we hope that the footprints that we

leave will have a true meaning for future generations to come. That's why I'm honoured to have my son here today to watch your beautiful, professional values that you impose on society and you allow yourself to be reflective of something very beautiful.

We all need governance, we all need a way of understanding as society, and as we work together, you'll notice that the Indigenous societies previous to contact also had a value system that has been deeply embedded within our hearts; the way that we see younger generations, the way that we walk together as professionals, as human beings. I think this is why we're here today, to honour those types of ceremonies and teachings that our elders have always presented on a very day similar to today, with the weather being so beautiful outside.

We think about something very strong in our hearts, and today I want to bring up, in maybe not such a nice feeling, but over in Texas there are families that are grieving today, they have seen devastation in their community, they are feeling the hurt and loss of very young children. And we're not totally immune to that anywhere in the world, but today if we do and if we believe and if we care for each other, maybe we can set an example that this world can

live together comfortably. I think with that said, we can all carry on with these important ceremonies that begin our important meetings.

So I want to think about those children today and I want to think about those families that are hurting around the world, because we're all comfortable here, maybe there's things going on in our own lives that, you know, our minds are focused on, but in general we do live in a society that has been nurturing a relationship with the original inhabitants of this land.

As today we begin this ceremony, we will continue on with the tradition that has always been, I guess, within our heart, an important place to walk this road together.

I think today, being away from the last two years of being able to perform this ceremony, these eagle feathers were waiting patiently. They knew that they needed to be repolished and that's our commitment every year, we'll do this when we can. It was just unusual circumstances for the last couple of years, but this year we will give it that little extra support, and I'm going to need all of your support to do that, to have your good thoughts and minds come together to make sure that the polishing of these eagle feathers

are strong. The commitment that we made in 1998 during that ceremony is to be revisited today, and we'll do this once again at this time.

So the way that we do this, and some of you, I'm sure, many of you were here, I think it was about two years ago before our last one, we lit our smudge bowl, which actually kind of cleanses the area, it kind of gives us that relationship to our Mother the Earth, the medicine that we use really carries forward the ability to see better, to hear better, to speak better, to feel better. The medicines that we have, and I'm sure wherever you come from, there are very similar roles, if you look back at your lineage you'll find there's a very, very similar, I guess, upbringing that we all come to know.

We all have a drum, we all have a song; everybody in the world has been given those original instructions, and when we know them and we feel them in our heart, we feel connected again. And I think that's where unity will come from, having ourselves come back to that point where the original instructions were to carry on those seven grandfather teachings that we have learned to kind of come to know, and one of them is love, humility, strength, so many, truth, love, and if we live by those standards every day, I think maybe we

wouldn't see incidents as much as we do today like those incidents that happened in Texas.

So I think if we strive together, we build an opportunity to share our diverse wisdom, you know, which celebrates the way that Indigenous and non-Indigenous people celebrate life, we can walk this earth a lot more comfortably.

I think for my son and for children beyond his age group, we pave that path. Here at the Law Society I think we are models to future generations and I want to thank Treasurer Donnelly for being so committed and helpful to building this process together. I have worked with the last two Treasurers in the past, and we've always had a great relationship and it's built a strong foundation for what we're about to do today.

So it's an honour to be with you here today and we'll take care of the ceremony and we'll let you take care of the business that we're here to do today.

So I'm going to light our the smudge bowl. I'm going to take this around, and I'm going to ask Treasurer Donnelly if she will come with me up to this point and we'll take care of the cleansing of the eagle feathers.

I guess if I would have done that fifty years ago I would have been put in jail for doing that. It was against the law for us to practice our ceremonies. And you're probably aware of now of the residential schools trying to keep our language from being spoken. In fact, both my parents went to residential schools, and when they left they wanted to take us away from places that caused harm to their children, so they moved us to a place in Detroit and raised us in Detroit because we could probably fit better with different cultures and we wouldn't be punished for the skin that we wore.

And I think, now when I think back about their thoughts and reasons for doing what they did, it was only to protect us, it was only to make us not feel what they had to endure at those schools.

I think about them now. You know, they're both moved on to the spirit world, and when they named me, they gave me an English name, and around 17 I was able to meet an elder from Red Lake, Minnesota who did a naming ceremony for me, and that's how I got my name, Myeengun, and that's what I use every day. I had to ask my parents if it was okay that I used that name I guess more openly and they gave their blessing to go back to their traditional ways, because what was

held back from then, they saw how beautiful it was and how helpful it was to a life for their son. And when I asked them they were so devoted to keeping up our traditions, even though they couldn't do it.

This is why, for any young people who are watching, or your own children, you know, that might see the ceremony, I think that's the beauty of it, allowing us to now come together and practice these things without going to jail for smudging and things like that. It's a different time and I think this is a different day.

So at this point I'm going to ask Treasurer Donnelly to, she's going to offer some tobacco and we'll take care of our ceremony.

TREASURER DONNELLY: Elder Henry, I'm offering you this tobacco and asking you, please, to perform the ceremony to polish our relationship with the eagle feathers for all of Convocation.

ELDER HENRY: I'll do that, I'll be honoured to do that.

The passing of tobacco is one of, I guess if we go back to our earliest teachings, one of the important starts of life. When humans came to the earth we were set next to the tobacco plant and the tobacco actually became our communication to Creator,

and when we ask Creator to join and witness an event or a ceremony, we use our tobacco to ask Creator to be with us. So when the passing of tobacco comes this way, I'll use it for that method, not only for us to watch the ceremony, but for our ancestors and for our Creator and how you believe Creator to be here today.

So the tobacco is in our pipe. I want you to -- before I show these, I want you to take a look at these feathers, because these feathers not only are beautiful, they come from a very beautiful bird that travelled on this earth and they left a significant message. They said these will be recorders, they'll remind us of our intent and our relationships and as long as they have been into the Law Society's hands, they have been watching and they have been recording events, behaviour, friendships built, allies, and all those beautiful things that get conducted out of this building into the hearts of the people that come, and they'll always be there. That's why we're trying to keep these healthy, because we want these to record good things and progress in society that allows this unity to be the best it can be.

So these feathers have been sitting in a box and in Treasurer's office, and she's been looking after them very, very well, and I really appreciate

that from you. Every time we come together you're so respectful of our traditions and our relationships with these feathers, so you have done such a great job in your term as Treasurer here and I want to thank you for that. It's an honour to have worked with you over your term of the treasury here in the Law Society.

So I'm going to get you to hold these feathers like that. They both go, they kind of have the same tilt towards each other, and realistically that's a natural flow we have called a natural law, and when we have our feathers flow in that direction it becomes a natural ability.

So I'm going to -- before I get started, I'm going to offer you a quick song that will allow us to -- remember when I said when we use our tobacco to talk to Creator, it's also calling our ancestors together, all the good minds and all the goodwilled people that walked in this earth previous to us being here, they'll witness this, and I think this is such a beautiful part, it allows us to be in contact with those beautiful, inspirational people that we have come to know; our grandmothers, our children who are in the spirit world, even our pets and our plants, you know, the ones that we love so much. You know, they're still inspirational to us and we like to have them join us

for this moment.

I'll do it in this way. We'll make a call and the four first beats are for all the people in the world. It allows every nation in this world to know that there's a ceremony taking place today.

The heartbeat of that drum is all of our hearts beating together. Imagine if all of our hearts beat at the same time how strong we would be as human beings, and that drum kind of sets that tone that we can be as strong as we need today. So I'm going to offer all that in this beginning.

-- Singing in Ojibway.

The last verse of this song is always for those that have travelled from this earth and are now with Creator. All of our family members and all of those beautiful people that have moved on to the spirit world. When I think about those children in Texas, you know, at this time, they left this world in a very sad way, but I want them to know that we love them. I want your relatives who are in the spirit world to know that we love them and that we think about them and we are inspired by them.

So these feathers are accumulating all this love and strength that really needs to motivate us to walk on this earth the best way we can. So this

last verse is for all your loved ones.

-- Singing in Ojibway.

Now that we have everything here, our ancestors and our attention and our devotion, I'm going to honour these feathers by asking at this time if, Treasurer Donnelly, the commitment that was made when these were first presented to the Law Society, and there has been a few Treasurers now since that time, in your vision and thought and speaking for the Law Society, is the intent and honour of these feathers that was first given still in your thought and prayers; are you still committed to building a reconciliation and a road of peace between the Anishinabe people and all the people here in Ontario?

TREASURER DONNELLY: Very much so, Elder Henry, very much so.

ELDER HENRY: Thank you. I really appreciate that and I know many of the people, Anishinabe, the Cree, Inuit, Métis, and all of the Indigenous nations here are very thankful for that commitment and we want to continue on with that also.

So we'll make our commitment also to celebrate these feathers, to carry forward the intent and the strength that it brings our nations. With that said, in order to, I guess, validate those words.

-- Speaking in Ojibway.

This beautiful relationship and honouring this relationship on this day, allowing ourselves to continue on on this road of love, friendship and peace together.

If those are things that you're committed to, as you mentioned, I'm going to touch your shoulder with the pipe and that will be our commitment for another year.

So it's an honour, once again, to make sure these feathers have been cleansed and ready to perform their duties by allowing us to be partners, to record, to honour, and to, I guess, build strength for future generations. I want to thank you, Treasurer Donnelly, for participating in today's ceremony. I want to thank all of the members and all those by virtual world to be able to witness the ceremony today.

We now again have renewed our commitment together and I look forward to working in the future and building even stronger relationships. I want to say chi miigwetch.

TREASURER DONNELLY: Chi miigwetch, thank you very much.

ELDER HENRY: These are the feathers that signify our strength together, so I think they can

use a nice round of applause. They're going to do their work. Miigwetch, everybody, it was a great morning.

TREASURER DONNELLY: Chi miigwetch, Elder Henry. Personally and on behalf of the Law Society, I express my gratitude for honouring us with that ceremony this morning. It's very powerful and a very important piece of the work of the Law Society. It serves as a reminder to us, as I said, of our obligation to enhance our policies and services in relation to Indigenous licensees, communities and individuals.

As we work to improve our services and policies, we are so fortunate to have the support of you as an elder and the support of the Indigenous Advisory Group. The Indigenous Advisory Group over the years has led us in the development of the Indigenous framework that I mentioned earlier and it continues to guide us in partnership with the Equity and Indigenous Affairs Committee as we continue to implement the framework, the recommendations of the review panel on regulatory and hearing processes affecting Indigenous peoples, and the calls to action from the Truth and Reconciliation Commission.

So grateful to you for honouring us with

this ceremony and demonstrating publicly our strong partnership. We're very, very thankful, Elder Henry, for you guiding us in a good way today and into the future. Thank you.

I'd like to turn now and welcome some special guests. We have more special guests at Convocation today and these special guests are Brian Speers.

So Brian was elected as president of the Commonwealth Lawyers Association in 2019. From 2010 to 2011 he was the president of the Law Society of Northern Ireland. He practices as a solicitor in Belfast, Northern Ireland, where he's the managing partner of CMG Cunningham Dickey Solicitors. He works mostly in property development transactions, which include site acquisition and financing, planning and development.

In 2021 Brian was appointed as the inaugural chair of the Ethics Commission of the Commonwealth Games Foundation. So welcome, Brian.

And joining, I think, today is Jenny Speers, also from Northern Ireland, and we welcome Dr. Peter D. Maynard, who is the Commonwealth Lawyers Association's vice-president of the Americas. He's the senior partner of Peter D. Maynard Counsel and

Attorneys, a full service commercial firm in Nassau, The Bahamas. His preferred areas of practice include complex civil litigation and asset tracing and recovery.

Thank you both for joining us today.

And I now invite Brian Speers to address Convocation.

-- ADDRESS BY BRIAN SPEERS, PRESIDENT OF
THE COMMONWEALTH LAWYERS ASSOCIATION:

MR. SPEERS: Members of Convocation, Treasurer Donnelly, it's really a singular treasure to be here in such distinguished company of all of you learned benchers of the Law Society of Ontario.

Thank you for that introduction, and I speak, as you have said, as president of the Commonwealth Lawyers Association. Can I acknowledge the former Treasurer of the Law Society here, Laurie Pawlitzka, who is with me, who has facilitated this visit and is taking great care of me, my wife and my colleague, Dr. Maynard.

The CNA is arranged in four regional hubs, the Americas, of which Peter is the vice-president, Europe, Australasia and Africa, and there is a vice-president for each of those regions.

I come from Belfast, as has been said, in Northern Ireland, which has very close connections

to many parts of Canada, but over the years has experienced its fair share of social and political unrest. Some of you might have watched the recent Oscar-winning film that Sir Kenneth Branagh put together, himself being a Belfast boy, and the film called Belfast.

At home in the UK, which some call the mother of Parliament and the seat of democracy, that period of social unrest saw destruction of property, the killings and attacks on the judiciary and practising lawyers, and from that experience, that has informed a lot of my thinking on the important role of an independent, strong legal profession regulated well in the public interest. I might refer a little bit more to that in the rest of my remarks.

The CLA represents all 54 Commonwealth countries, approximately one-third of the world's population. From giant countries like India, with billions of people and millions of lawyers, to tiny jurisdictions which only have maybe one hundred lawyers, but all share, I think, a common calling as lawyers.

In addition to the 54 member countries, the CLA has on its council representatives from Zimbabwe, no longer a Commonwealth country, and Hong

Kong, also no longer a Commonwealth country, but both with strong common-law links to the Commonwealth Lawyers Association. Indeed, I will be in Zimbabwe next month bringing support and solidarity with the legal professionals in Harare and elsewhere, and Hong Kong featured in a marvellous discussion yesterday with the Human Rights Watch team from the Law Society of Ontario and other organizations.

I admired greatly the work that the Human Rights Watch team undertook, championing freedom and the ability to represent and ensure protection of diversity and, in that respect, I admire very much the stance that I have found in Canada, which seems to embrace diversity and cultural difference, respect that diversity and change, and that seems to me to be an area of leadership that Canada can offer to the Commonwealth and in part has influenced the CLA recent policy which it has adopted relating to diversity and inclusivity.

At its heart, the CLA is a rule of law organization, upholding, respecting and ensuring that where rule of law issues are not being met in jurisdictions, they are called out and we can issue statements.

For lawyers and for the CLA, that means

that lawyers practice free from governmental interference or pressure, that judges are appointed independently and operate with fair process and subject to appeal.

An independent profession is essential in all Commonwealth jurisdictions to the rule of law, but is not to be taken for granted. There seems to be in some autocratic jurisdictions where governments are more interested in the protection of their own power, rather than acting in the public interest, a playbook whereby governments attack lawyers, arrest them, and prevent challenge by way of judicial review or other means. And the UK has not been immune to the overreaching of the executive when it comes to the rule of law. The prorogation of parliament saga a couple of years ago in the heart of Brexit was a good example of that.

The CLA remains vigilant in terms of upholding the rule of law, and there are real problems in many Commonwealth countries; Swaziland, Lesotho, Sri Lanka and Malaysia, as we were hearing yesterday, are all subject to attacks on legal practitioners unable to conduct their representation of clients free from influence, threat or intimidation.

And the playbook includes the

involvement of government people with regard to the regulation of the legal profession, and it seems, in my opinion, a precious aspect, indeed, for legal practitioner entities to seek to preserve independent regulation.

In the UK we have a mixed -- a mixed roster of jurisdictions. England has gone the way of having its independent regulation removed to a separate regulator. Scotland is slowly moving towards such a loss of independent regulation, but Northern Ireland, in common with many other Commonwealth jurisdictions, maintains proudly its independent self regulation, and the key we have concluded is that one must regulate well in the public interest at all times.

The CLA also undertakes activity by way of issuing statements. Only today, Treasurer, we issued a statement concerning Kiribati, a small jurisdiction where a judge has been denied entry back into that jurisdiction, and in his absence has been suspended from office with his salary removed, and this seems to us and to many others to be an affront.

And you can expect statements to issue shortly on the situation in Sri Lanka and in Malaysia. The impact of those statements can be considerable. Yesterday our vice-president for Australasia spoke of

how a statement from Canada assisted a couple of years ago when their Secretary General of their bar council was threatened with arrest and the statement was an influential element to preventing that.

And I met with Beatrice Mtetwa Harare, Zimbabwe a couple of years back, and she said that the Commonwealth Lawyers' statement read in court when she was arrested for the crime of representing her client was influential in securing a judicial outcome favourable to her.

Other events take place in the land of CLA. Last week in Belfast we held a Commonwealth Lawyers mediation conference, where colleagues from across the Commonwealth gathered to consider this really important aspect of civil justice procedure. Our young lawyers are active and enthusiastic and imaginative in the events that they arrange, including some master classes on civil litigation practice, and our Africa hub has organized distinguished lectures from such people as the First Lady of Namibia and David Maraga, the former Chief Justice of Kenya.

Next month Dr. Maynard will arrange an Americas, but Commonwealth-wide webinar on money laundering and corruption.

I should mention the Commonwealth Law

Conference, which take place every other year, and next March will be in Goa, India. Judging, Treasurer, by the quality of the speakers we heard last night at your awards ceremony, Canada could fill the roster of speakers in Goa easily, such was the range, diversity and impressive nature of the award winners.

The mediation conference featured a contribution from the Master of the Rolls of England and Wales, the second highest judge in that jurisdiction, and he spoke of the transition from the analog world to the digital world.

I, reading from some notes on a page, feel hopelessly antiquated. I see you all largely paperless with your devices, and that is impressive. The move from analog to digital represents, symbolically, a move from the past and to embrace the future. We are not just building back better, as we have said, but we are building towards the future, embracing technology, and next month at the Commonwealth heads of government meeting in Kigali, Rwanda, I will be chairing a session on access to justice and the use of IT and technology to improve that access for so many people in so many Commonwealth jurisdictions.

In this historic building where I was

privileged to have an amazing tour from former Treasurer Pawlitza yesterday, I note the respect and amazing history of this place.

Yesterday I saw the amazing diversity and range of talented colleagues in this jurisdiction, and today I have seen how you have managed tradition with modernity and the use of technology to provide tools to enable lawyers to represent clients. To enable people to secure representation is a fundamental value and fundamentally important in the wider Commonwealth.

I hope that this gives you some brief insight into the work of the Commonwealth Lawyers Association. We have valued our connection to Canada very much and we hope that that connection will deepen and strengthen as a result of this visit and our ongoing marvellous colleagues that we have met.

Thank you to the Canadian lawyers for leading the way in terms of diversity, embracing innovation and planning for change.

And did I mention Goa? You should get -- you should go to Goa. These speakers, contact Laurie, and enjoy that wonderful coastal area, verdant and full of history and beauty, and attend a Commonwealth Law Conference. Thank you for indulging

me in these remarks and I looked forward to observing your Convocation. Thank you.

-- Applause.

-- TREASURER'S REMARKS:

TREASURER DONNELLY: Thank you very much. For the benchers who are here at Osgoode Hall, our guests will be joining us for lunch, so if you want to chat further about the things that Brian has spoken about or to chat with Peter, welcome to do that over the lunch hour.

I'm just going to turn, before we go to the agenda, I have some news items and reminders.

Avant que je passe à l'ordre du jour, voici quelques nouvelles et rappels.

I start with sad news. The Law Society of Ontario lost a great friend and colleague last week in Malcolm Heins. He was the former CEO of the Law Society and he passed away on May 17th.

In 1994 he was recruited by the Law Society to rebuild the Lawyers Professional Indemnity Company, following a two million dollar debt insurance crisis. In 2001, after a successful reign of restructuring, stabilization and leadership, the Law Society recruited him as its chief executive officer, leading the Law Society for more than a decade to be

the best in class regulator, until his retirement in 2012.

On behalf of Convocation, I express our sincere condolences to the Heins family.

Let's now take a moment to celebrate the many contributions of paralegals to the justice sector landscape and to improving access to justice for Ontario citizens. This marks the 15th year of paralegal regulation in Ontario by the Law Society and I am so pleased to acknowledge and celebrate this significant milestone, not only in recognition of the profession itself, but the people who have benefited from the implementation of paralegal regulation.

The move to regulate paralegals represented one of the most important access to justice initiatives in the province, helping to make legal services more accessible to Ontarians, while improving customer services and public protection.

Last fall during Access to Justice Week the Law Society hosted a panel entitled Making Connections, Promoting the Role of Paralegals in Access to Justice. Following A2J Week, the Law Society launched a public campaign to highlight the scope of services that paralegals provide to help Ontarians solve their paralegal problems and to protect the legal

rights of citizens.

As Treasurer, I have been proud to support the integral role that paralegals play in the Ontario legal system. To date, I have attended 60 paralegal events, including paralegal colleges, conferences, and hosted the Law Society's inaugural paralegal roundtable. I have also developed and been the chair of the 12 Minute Paralegal CPD program, which is now in its third year.

I am so pleased to announce today that the Law Society has launched the Bridge to Practice Program for paralegals, so for new paralegal licensees as they transition from academic studies to practice. This initiative for paralegals is designed to supplement hands-on learning from a field placement and to provide resources to support newly licensed paralegals as they begin their legal services career.

Topics include a guide to legal research, building an internet-based practice, a paralegals' guide to litigating a contract, a paralegals guide to litigation strategy and the court system, criminal and civil law refreshers, cyber security and record keeping. All, as I said, focused on supporting newly licensed paralegal practitioners to transition to practice.

Please share and read my blog on the Law Society Gazette in recognition of the 15th anniversary of paralegals, where I reflect on what we have accomplished in a relatively short time, and also reflect on the work we have yet to do.

Congratulations to all paralegal licensees. We are proud to have you as esteemed colleagues and valued members of the legal profession.

I turn now to an update on the Law Society's A2I or Access to Innovation project. Work continues with legal innovators who wish to deliver new kinds of legal services in Ontario. We continue to accept applications to the project and are encouraged by the positive conversations that staff is having with innovators and others in the legal community. Please stay tuned for more information and updates about our A2I project on social media, our website and through Convocation.

May 2nd to 8th was Mental Health Week. It was organized by the Canadian Mental Health Association, and this year's campaign was to get real about how to help someone experiencing mental health challenges.

During Mental Health Week I was honoured to co-chair the Mental Health Summit for legal

professionals with my colleague, Law Society Medallist and fellow mental health advocate, Beth Beattie. The keynote address was delivered by The Honourable Clément Gascon, retired justice of the Supreme Court of Canada. He's a role model, a leader and an inspiration for legal professionals for sharing his lived experience, including his struggles with perfectionism, anxiety and depression as a lawyer and as a judge.

At the summit, panellists spoke about their own experiences about being open about mental health, supporting colleagues, the power of peer support, and practising law differently or mental health by design.

Following the summit, we received 140 pages of overwhelmingly positive feedback, and I share with you a quote from one of the registrants.

"I found this seminar to be, beyond words, phenomenal. I was able to smile during it, during relatable moments, and I cried during it, during triggering moments. It's so comforting to know that you're not alone and you're not less."

"Every speaker was amazing. I truly believe that every member of the profession and judges as well would greatly benefit from this seminar, which will continue to be available free on demand in the

LSO store. Thank you to the Law Society, not just for -- for not just paying lip service to these issues, but for putting on a rich, relatable and engaging seminar. I am truly grateful for attending today."

Clearly, the messages being imparted at the mental health summits over the past two years are resonating and deeply important to our members.

Of note, for a second year in a row, the Mental Health Summit drew the largest number of registrants for a Law Society CPD program, with 5,830 registrants, that's 1500 more registrants than 2021. I am so pleased that so many are continuing to educate and engage on this issue. It's important for the legal professions to continue to come together to break the stigma around mental illness, to better understand the challenges we face and to provide support for people facing mental health challenges in the legal professions and in our communities.

I extend my deepest thanks and gratitude to Chief Justice Strathy, who shared an excerpt from his paper, *The Litigator and Mental Health*, in a blog on the Law Society Gazette. I urge all benchers and Law Society members and students to read this very important and timely paper. We shared it in the Law Society's resources centre in the wellbeing hub.

I also thank Justice Strathy for his leadership, his commitment to promoting mental health in the professions, and his consistently moving forward the conversation on mental health and mental illness.

I turn now to outreach and connections. As you know, connecting with the legal professions and outreach has been a priority for me as well. I believe that it's important as the Treasurer to connect with members of the legal community, build awareness of the work of the Law Society and the supports and resources that are available to members. This has been particularly important given the pandemic and the challenges the legal professions have faced over the past two years.

Since my reelection as Treasurer in June of 2021, I have participated in 105 external engagements and reached 19,000 participants and over 40,000 participants over the course of my two years. I have presented to legal and paralegal associations, law firms, government departments, including municipal and provincial legal departments, law schools, paralegal colleges, as well as the equity legal education programs and CPD programs.

Most recently I was so pleased to participate in events in person, including last night's

Law Society Awards that Brian has already spoken about.

I have 22 external engagements left in the next month, so it's going to be a busy time, but it's so exciting to see people and to engage with people in person.

Speaking of the Law Society Awards, it was just a spectacular event last night, and I'm so appreciative of the benchers who were able to join us in person and also join us by Zoom.

Just a reminder that The William J. Simpson Distinguished Paralegal Award recipient was Paula Callaghan, the Lincoln Alexander Award was Lawrence Greenspon, the Laura Legge Award was Marian Jacko, the J. Shirley Denison Award was Professor Francois Larocque, and the Law Society Medal recipients were Beth Beattie, Chris Bredt, Brian Gover, Lorin MacDonald, Deepa Mattoo, Professor Albert Oosterhoff and Stuart Wuttke.

We certainly celebrated outstanding achievement last night. The recipients bring honour to the professions, they increase public confidence and trust in the legal professions, all key components of self regulation.

Each of the award recipients is a role model and inspiration and a leader for all 68,000

members of the Law Society, its colleagues and our stakeholders, and I encourage you to read about this year's recipients on the Gazette if you weren't able to join us last night.

Following the ceremony, for the first time in two years, we held a reception in Convocation Hall. It was so much fun and it was fantastic to hear the buzz and the chatter and just to see everybody chatting and just rebuilding our relationships. It was -- there's remarkable energy in the room and it was so great to see everybody there.

And the main reason why it was such a remarkable event is because of Mary Shena and Zelia Pereira. I'm going to ask that we just express our appreciation. They are quiet, dedicated remarkable women who work behind the scenes to make everything perfect for us as benchers, and the work that they put in last night for the Law Society Awards was -- it was tough, they were bringing in Francois Larocque from France, they were making sure that safety protocols were followed. They did everything, they did it perfectly, it went off without a hitch, and I'm so appreciative and I know all of us are appreciative for their work.

Speaking of celebrations and in person,

we are also going to be doing calls to the bar. I'm so excited that these calls will be held in London, Ottawa and Toronto. These ceremonies recognize the hard work of the candidates and it celebrates their significant achievement in becoming a lawyer.

At the ceremonies we also recognize outstanding achievement by awarding Doctors of Laws honoris causa. These degrees are granted in recognition of outstanding achievements in service and benefits to the professions, the rule of law or the cause of justice.

The group of recipients this year include Audrey Loeb, The Honourable Michelle Fuerst, Dr. Ian Holloway, the Honourable Paul Rouleau, The Honourable Karakatsanis, The Honourable Michael Tulloch, and, as well, Professor Elaine Craig.

We're so honoured that they will be speaking at our call ceremonies and inspiring all the newly called lawyers. We're looking very much forward to the call ceremonies.

I just want to remind you that the nominations are now open for the Human Rights Award. The Human Rights Award recognizes outstanding contributions to the advancement of human rights or the promotion of the rule of law provincially, nationally

or internationally. More information on the Human Rights Award and how to file a nomination can be found at our website, and nominations close on October the 3rd.

A few upcoming events. The last three events of this term's equity legal education series will take place in June. We start with National Accessibility Week program, titled Advancing Accessibility Through Legislation and Litigation. This program is being organized in partnership with the Arch Disability Law Centre and is scheduled for June 1st at 4 p.m.

Speakers will examine critical issues in advancing accessibility, including discussion of the Accessible Canada Act, as well as the Accessibility for Ontarians with Disabilities Act.

Next, together with the Ontario Bar Association's Sexual Orientation and Gender Identity Committee, or SOGIC, we are hosting our annual Pride Month program on June 6th, starting at 5:30. This year's pride event will examine the newly enacted federal ban on conversion therapy. Queer and trans activists and scholars will share their thoughts on the recent federal ban, its current limitations and how to support survivors.

During this event, the Ontario Bar Association will recognize Brad Berg, the recipient of the inaugural Robert Muir Award for outstanding contributions to mentorship within the LGBTQ2S+ community. This award is being named in memory of Associate Justice Robert Muir, the first openly gay associate justice in Canada and founding chair for the Ontario Bar Association SOGIC.

We will end our fall 2021, 2022 season with an event on June 14th starting at 5:30, celebrating National Indigenous History Month and Solidarity Day 2022. The June event -- the June 14th event focuses on reconciliation with Indigenous peoples. The program will feature teachings from elders and personal reflections on the meaning of Indigenous reconciliation from renowned Indigenous rights lawyers, teachers and speakers.

The program will also feature cultural performances, showcasing the rich culture and traditions of First Nations, Inuit and Métis communities. The Law Society is pleased to launch a series of Indigenous events, starting this June, as part of our equity legal education series, and this is the first event. For more information on all events, please check the Law Society website.

We held our annual general meeting virtually on May 11th this year. We had 130 members join the meeting to hear the reports on the business and finances of the Law Society and to engage with me and members of the host panel through question and answer periods. Thank you to benchers and members who joined that meeting.

As benchers know, the Treasurer's election, nominations for the Treasurer's election closed on May 12th. We have two benchers who are running for Treasurer, Phil Horgan, nominated by Marian Lippa and Lubomir Poliacik, and Jacqueline Horvat, nominated by Shelina Lalji and Sid Troister.

Benchers will elect the new Treasurer next month. They will cast votes electronically between June 8th and June 15th, following which the new treasurer will be announced. The treasurer elect will take office at June Convocation.

So let's turn to the agenda. You will see reports for information, series of information reports with update on our work at the Law Society. You will also see the annual report for the Law Society Tribunal and an update of the work of the Law Society Foundation and the Lawyers' Feed the Hungry Program. The Toronto Lawyers Feed the Hungry Program has served

115,000 meals through 14,000 volunteer hours since March 17th, 2020; a remarkable accomplishment.

2022 is a year of celebration. It's 225 years for the Law Society, it's 15 years for paralegal regulation, and it's 25 years for the Lawyers Feed the Hungry Program.

Just a few instructions for our meeting today. Benchers, when you present in the room you're to do so from your desks. If you wish to speak, please raise your hand in the room or raise your hand on Zoom.

For voting, unless it's a recorded vote, we will use the raised hands in the room and on Zoom we'll use the yes, no voting buttons, as well as the raised hand for abstentions.

[-- CONSENT AGENDA:](#)

TREASURER DONNELLY: Now we're going to turn to the consent agenda. We have one item on the consent agenda, it's moved by Mr. Desgranges and it's seconded by Ms. Lean. Is that correct, Mr. Desgranges?

MR. DESGRANGES: That is correct, Treasurer.

TREASURER DONNELLY: Thank you. Is there debate? Can I ask people in the room to show us with a show of hands how you vote on this matter? All in favour, raise your hands, please. Thank you. Any

opposed. Any abstentions? Those on Zoom. Thank you.

Mr. Prill, is that an abstention?

MR. PRILL: No, wrong button.

TREASURER DONNELLY: All right. The motion passes. Thank you.

We will now turn to a financial update, and I'm going to ask Mr. Groia, who is the chair of Audit and Finance, to please provide us with that update.

-- FINANCIAL UPDATE:

MR. GROIA: Thank you, Treasurer, and good morning, everyone. Today I would like to discuss the Law Society first quarter finance results, which can be found in tab 6 of your materials for Convocation today.

More importantly, however, I want to give you an overview of key financial activity in the capital markets that we are carefully monitoring. While our revenues, expenses and budget variances are all trending in the right direction, the significant market correction that we are all seeing is having a material impact on our account balances.

While it is too early to say that the Society needs to be concerned about this impact, we clearly will need to be paying close attention to

changing market conditions in the coming few months.

Let us start by looking at our statement of revenue and expenses and changes in fund balances at page 532 in Diligent, as well as the supplementary schedules starting at page 534, which set out the actual results when compared to budget for the first quarter of 2022.

The lawyer general fund at page 535 is showing in-year losses of approximately 1.3-million dollars, compared to a planned budgeted loss in the first quarter of \$3.5-million.

The paralegal general fund at page 536 is showing in-year gains of \$98,000, with the budget expecting \$87,000 in losses for the first quarter. The main reason for these positive financial results is that we are still significantly -- showing significantly reduced expenses for meetings, events, travel and general building operation costs as we continued with mostly virtual activities in the first quarter.

However, starting in April the Law Society began to return to Osgoode, with employees back on-site and in person events and meetings resuming, such as this meeting of Convocation. As a result, we will see related expenses increase in the second

quarter, but we believe they should continue to track under budget. We will need to look at these changes and expenses carefully in these uncertain financial times.

Our annual fee revenue for the first quarter is in line with budget and comparable to last year. Continuing with our revenues, however, the financial market recovery in 2021, which saw unrealized gains of 3.2-million dollars across all of our funds at the end of the first quarter of 2021 contributed to healthy financial balances and surpluses that we enjoy today, but those developments have not continued into 2022.

The financial market volatility since the beginning of this year, with some indices being close to bear market territory, has led to unrealized investment losses of \$3.7 million in all of our funds to the end of March 2022. In April we continued to see a decline in the fair value of our investment, with cumulative unrealized losses to end of April reaching \$6.1 million. This trend is likely continued in May.

The impact of these losses can be seen across all of the Law Society's three investment portfolios. The general fund portfolio with 1.7 million dollars in unrealized losses, the E & O Fund

with \$1.6-million in unrealized losses, and the compensation fund with \$2.8 million in unrealized losses.

While we continue to have healthy balances in each of our funds, if these market conditions do not change in the next few months we will likely see some or all of our funds' surpluses disappear.

On the expense side, there has also been some unbudgeted items that had a material impact on our finances. We are all well aware of the improper access by some candidates to licensing examination content that compromised the integrity of the planned March virtual examinations. In response, the Law Society moved back to in-person examinations to mitigate the impact that this would have had on the vast majority of candidates who were not implicated in this activity.

It is projected we will incur unbudgeted expenses in excess of 3-million dollars by the end of this year to support our investigation into these matters and our return to in-person examinations.

The lawyer pool of the compensation fund is also facing pressures with the unrealized investment losses I mentioned above, and increased claims activity this year related to two lawyers. It ended the quarter

with in-year losses of \$3.6-million, compared to the budget, which had planned for a loss of \$922,000.

In the Law Society's 2022 budget, the compensation fund levy of the annual fee for lawyers was reduced for a dollar -- to a dollar, rather, for 2022, with the budget planning for the use or draw down of \$3.7 million in surplus fund balances.

On the statement of financial position on page 531, assets and liabilities are relatively comparable year over year, other than you can see that the provision for unpaid grants in the compensation fund has increased to \$23 million at the end of the first quarter as a result of the increased claimed activity. This provision for unpaid grants liability is relatively comparable through the end of April.

Looking, then, at our fund balances, the lawyer general fund is at \$36.9 million and the paralegal general fund is at \$2.8 million at the end of the first quarter, and they remained relatively stable to the end of April. The budget had planned for the use of \$6.4 million in fund balances from the general fund and \$1.1 million in the paralegal general fund.

While we should have been well ahead of these estimates with our much lower expenses, the unrealized investment losses are having a material

impact on our fund balances. The lawyer pool of the compensation fund at the end of the first quarter was \$27.5-million, with incremental unrealized losses of over a million dollars in the lawyer pool of the compensation fund portfolio in April; the fund balance there is now at \$26.5-million, which remains well above the minimum fund balance threshold of \$19.6-million.

Unfortunately, we are seeing a similar pattern to what we have seen historically during difficult economic times, with an increase in claims being made to the compensation fund. The Audit and Finance Committee and the Compensation Fund Committee are monitoring the impact of financial market volatility and increased claims activity on the lawyer pool of the compensation fund. The paralegal pool of the compensation fund stands at \$861,000, a healthy balance for a \$10,000 claim limit.

In conclusion, the Law Society continues to have solid fund balances in its general and compensation funds, which are helping us deal with the significant financial pressures we are seeing from the capital markets in 2022. The fact that we continue to have healthy fund balances is because of our fund management policies and the use of the contingency in the 2022 budget. These measures are serving their

intended purpose of funding unforeseen expenses and are permitting us to weather this current financial storm.

I must emphasize, however, that these balances are not unlimited. Absent a turnaround in the capital markets, this Convocation may need to make some difficult financial decisions when we come to consider the 2023 budget this fall.

Treasurer, those are the key highlights related to the Law Society's current financial affairs and Brenda and I would be pleased to answer any questions that benchers may have.

TREASURER DONNELLY: Thank you. Is there anyone in the room who has a question for Mr. Groia? Mr. Charette.

MR. CHARETTE: Thank you, Madam Chair. I don't want to -- I'm not expecting details here, but it seems to me a lot of the recent losses in the markets surround long term bonds that -- whose value are seriously decreasing because interest rates are going up. Can you give us an idea of our exposure in that regard?

MR. GROIA: We have almost no exposure in long term instruments, Mr. Charette.

MR. CHARETTE: Thank you.

MR. GROIA: We are mostly in short term

bond funds. We are mostly in short term bonds, but most of the losses that I've mentioned today are as a result of a drop in the equity markets, which has approached almost 20 percent.

MR. CHARETTE: Thank you, Mr. Groia.

Thanks.

TREASURER DONNELLY: Thank you. I'm not seeing any -- I'm not seeing any other hands in the room or any hands on Zoom.

Mr. Groia, thank you. I said earlier it's my final Convocation. I just want to publicly thank you for all your work as the chair of Audit and Finance. It's a massive amount of work and you took it on cheerfully, for the most part, diligently, and very impressively.

I personally am indebted to you for your work and the Law Society is indebted to you. Thank you very much.

MR. GROIA: Thank you very much.

TREASURER DONNELLY: It's 10:14, we are going to take a break, it's our morning break. We're going to come back and resume at 10:30. For benchers who are here in the room, you'll know that on the other side of the wall in Lamont is a refreshment place for you.

So we'll see everybody who is watching this webcast remotely back here at 10:30. Thank you.

--- Recess taken at 10:14 a.m.

--- On resuming at 10:33 a.m.

TREASURER DONNELLY: Benchers, if I could ask you to take your seats, please.

Sorry to those who are joining on the webcast, we're a few minutes late starting because we were having some technical issues in the room.

Welcome back, everyone. We're now going to move to the final report of the Competence Task Force. I understand that the motion is moved by you, Mr. Troister?

MR. TROISTER: That's correct.

TREASURER DONNELLY: And seconded by you, Mr. Marshall?

MR. MARSHALL: Yes, Madam Chair.

TREASURER DONNELLY: Thank you.

Mr. Troister.

-- FINAL REPORT OF THE COMPETENCE TASK

FORCE:

MR. TROISTER: Thank you, Treasurer.

There are 5 motions and they are set out at tab 2, page 17 of BoardBooks.

Very briefly, and, benchers, I'm sure

you've read them in detail, the motions are to approve the creation of a practice essentials course, to recommend to Professional Regulation with respect to the adoption of the Federation of Law Societies of Canada Model Code of Professional Conduct regarding technological competence both for lawyers and for paralegals, approve the windup of the certified specialist program, approve the elimination of the six hour limit on archived or recorded CPD programs that are eligible for CPD credit.

Treasurer, it's my honour to present to Convocation for consideration the recommendations of the Competence Task Force.

The task force's final report can be found at tab 2 on Diligent, appendices include all of the consultation submissions, they are included in the report, and Convocation is being asked to approve the four recommendations made by the task force.

In the fall of 2019 the current benchers established its strategic plan priorities for its four year term. One of the four priorities was competence, and as it turns out, competence was also a feature of the other three priorities. Given that priority, Treasurer Donnelly established in 2020 the Competence Task Force.

Interestingly, it had been over twenty years since the Law Society last undertook a comprehensive review of its policies and programs applicable to the competence of lawyers. Much has changed since then, including the licensing of paralegals, changes in the use of technology and the practice of law, and an ever increasing number of annual calls to the bar with varied pre-licensing experience.

Given the strategic plan priority, it was appropriate that the task force be given the mandate to review where we have come from, where we are at and where are the gaps, if any, as we plan for the future.

Just a word about the task force. It was constituted by benchers of all ages, all political stripes and all kind of practices. While many had preconceived notions about what role the Law Society should play as it relates to competence, it was by no means a stacked committee of benchers with any specific agenda.

For the first year of our two year mandate we focused on learning; put aside preconceived ideas and learn. What programs do we currently have, how effective are they in assuring competence, what

does our discipline experience and LAWPRO errors and omissions tell us and what do other regulators do, both in law and across a wide variety of other professions, both in Canada and worldwide, in order to assure competence in their professions.

We learned and we kept an open mind, but we did not operate in a closed cell. Last year the task force issued a preliminary report as a basis for consultation. Unlike many such consultations, while we asked general questions, we also asked pointed questions, especially specific to our existing programs.

We wanted responses to very specific questions. One example, what about mandatory CPD; should we keep it, eliminate it or change it? We wanted to hear. And in addition to the many responses we received from lawyers and paralegals, we have also received numerous responses from legal organizations and associations. We asked questions, we wanted honest answers, we listened and we learned from the responses as well.

We also engaged an opinion research company which conducted ten focus groups that included lawyers, paralegals and clients of both, the results of which are also in the report.

I want to thank the members of the task force for their careful thought, their acceptance of others' views, and, most importantly, for their good nature, and dare I use the cliched word, their collegiality. It was an honour to chair this task force.

The task force focused on the practical and avoided the theoretical or philosophical question, what is competence. The task force explored ways to ensure that the Law Society's competence framework remains effective and is balanced, proportionate, fair, while addressing career-long competence in a manner that protects the public interest and is responsive to the public's legal needs now and in the years to come. The goal was a blueprint for the next ten years at least.

Ultimately in developing this report and keeping it practical, the task force reviewed existing programs and recommended new initiatives that will help fill in perceived gaps, ensuring competence of paralegals and lawyers and elevating the legal profession.

The recommendations in this report represent a unique and exciting opportunity to ensure that post-licensing competence remains effective and

relevant.

I trust that all of my bencher friends have read the report in its entirety. I will summarize some items, but will spend most of my time discussing the recommendations contained in the report.

To facilitate some discussion, let me highlight some conclusions, the details of which are set out in the report. As will be seen from the consultation responses, the bar enthusiastically supports our existing programs; spot audits, practice reviews and the Coach and Advisory Network. The bar considers them critical to their own competence and would like to see them enhanced.

Both the consultation submissions and the focus groups vastly approved of the current mandatory CPD requirement. While some task force members originally felt that mandatory CPD should be eliminated, they ultimately recognized that even though it may not be perfect, the bar supports it and considers that the mandatory program is vital to their maintaining their own competence.

Sure, it could be optional and just trust our professions to continue learning without a mandatory regime. Sure, it could be modified and enhanced with more requirements and refinements.

Again, almost all of the response we received said keep it mandatory. The task force concluded that the status quo is the appropriate conclusion.

One more thing about mandatory CPD. In our research we did not find any legal regulator in the common-law world that does not have mandatory CPD of one kind or another. The report sets out more detail on the response to this program from both the submissions in the focus group, both of lawyers as well as clients.

The recommendations. We concluded that there was a gap that needs to be addressed. We all know that legal education and licensing placements for new licensees do not consistently provide all the necessary skills for paralegals and lawyers to understand and run effective legal practices.

The articling experience is inconsistent. Law schools and paralegal colleges have their own academic or pedagogical focus and some may not graduate students who are private practice ready. There are also NCA candidates being called to the bar with varying degrees of knowledge and skill in order to go solo. Even experienced lawyers transitioning to sole practice are not necessarily ready for the obligations inherent in running a legal practice

independently, so it is not surprising that the Law Society data consistently shows that there are foundational practical skills and information which lawyers and paralegals who are starting sole practices struggle the most with. This, in turn, results in the highest amount of Law Society complaints and malpractice claims.

The task force is proposing that lawyers and paralegals starting sole practices take a practice essentials course that covers foundational topics such as law office management, communication skills, accounting and bookkeeping and file management. The proposed practice essentials course would be an executive style course taking approximately 30 hours in the form of interactive, online classes with a limited amount of attendees in each class. It would harness the best practices from adult education to provide an immersive, practical experience for participants.

In appreciation of how busy new sole practitioners are, the modules would be self paced to provide them with flexibility. They would have a year to complete the course, an hour or so every week or two.

Participants would receive practical training in issues that are the most common source of

Law Society complaints. Broadly, this includes client service and communication, financial and practice management, the business of running a law practice, and professional responsibility in practice. They would receive practical lessons, advice and materials on issues such as financial obligations, accounting for law firms, available software for law firm financial records, how to deal with your financial institution, building practices, hiring employees, setting up an office, file management and organization.

This course would help lawyers and paralegals who are starting sole practices to learn and develop the basic systems, structures and habits that set them up for success and hopefully keep them out of regulatory trouble.

It will help ensure that they are providing better client service, communicating more clearly with their clients, and have the knowledge and strategies to avoid common mistakes. It is, indeed, practice essentials.

Some may say that there are other sources for such information, including books and other materials that can be referenced, such as this type of course is unnecessary or redundant. The task force was of the view that if that were the case, there should

not be the disproportionate incidents of complaints and discipline in that group. People learn differently and some may not have the self discipline to learn independently, especially while they are trying to build a practice.

What's it going to cost? The expectation is about \$500,000 per year to develop, enhance and run the program. The task force was of the view that this is an important initiative and debated whether, being so important, should it be mandatory and at no charge or should there be a fee.

We opted for a nominal fee, one that would not punish or discourage the licensee deciding to embark on sole practice, but also one that recognizes value.

Broken down, if one thousand lawyers and paralegals embark on sole practice annually, and that appears to be the statistic, if one thousand lawyers embark on sole practice annually, at a 250-dollar per licensee cost, the cost to the 60,000 plus lawyers and paralegal licensees is under five dollars a person. The task force considered this is a good investment in ensuring that the lawyers and paralegals we all deal with and with whom the public deals are competent or at least more competent than they might otherwise be.

Will there be payback? Hopefully yes, with lower incidents of negligence, professional misconduct and less regulatory costs.

Can other lawyers and paralegals not embarking on sole practice take it? For now, the target group are those embarking on sole practice and making it mandatory. Once established, it will be up to Convocation to expand the program if the need is apparent. That is, at least, the plan.

We all know that good and bad practice management habits are formed early in one's legal career. Providing proactive, up front training that positively influences practice management habits will lead to less reactive regulation. This, in turn, should result in long term regulatory cost savings. And, benchers, we will all benefit because ensuring that licensees understand practice management basics will ensure that the legal profession is more credible, competent and reliable, and that rubs off on all of us.

If we benchers were serious when we made competence our number one priority, and given that this initiative is recommended by a task force that did the hard work, I would hope that you will support this innovative, forward thinking proposal.

The other recommendations. The task

force recommends that the Rules of Professional Conduct and the Paralegal Professional Conduct Guidelines be amended to adopt the commentary regarding technological competence included in the model Code of Professional Conduct adopted by the Federation of Law Societies of Canada. The commentary sets out an obligation to be technologically competent in a manner appropriate to the licensee's circumstances.

Adopting this commentary would recognize that being able to understand and use technology is part of being a competent licensee, similar to other skills, and would align Ontario with other jurisdictions. If Convocation accepts this recommendation, the matter will be referred to PSC and PRC for them to determine whether and how to implement it.

The task force also recommends that the certified specialist program should be wound up, except for the Indigenous legal issues specialization. The task force is of the view that the program does not meet the principles of an effective, ongoing competence regime. Once designated, there is no continuing obligation to maintain the skills required to remain a certified specialist, and there is no ongoing supervision or review of a certified specialist's

qualifications.

The program has had a very limited uptake, with only two percent of lawyers taking part, and the energy and efforts put towards this program could be better put to other programs.

At the same time, it was recognized that the Indigenous legal issues specialization is unique among the specialty areas in that it certifies both substantive legal specialization and, equally important, and not a component of other areas of specialization, it requires intercultural understanding. The task force felt that any recommendation regarding this area of specialization is better made by EIAC.

We spent time considering what to do about those with the CS designation. Frankly, the task force was split on a short runoff period or the right to keep the designation as long as the lawyer remained in practice. The report recommendation reflects the majority view of lifetime specialized designation. It was, however, by no means unanimous.

Finally, the task force recommends that we eliminate the six hour limit on viewing or listening to recorded CPD without a colleague. We all agreed that CPD should be interactive in nature where

possible, however, it was not felt that the six hour limit achieves this goal, and, in addition, eliminating the rule permits far more flexibility to our licensees to enhance their knowledge on their own timetable.

Treasurer, personally, I am proud of this report and I thank you for the honour of chairing this task force. Thank you.

TREASURER DONNELLY: Thank you very much, Mr. Troister. Mr. Marshall, as the seconder of the motion do you wish to be heard now or do you wish to defer?

MR. MARSHALL: Thank you, Treasurer. I'll just add my thanks to the task force members and the members of staff who contributed to the report. It was, as my colleague Mr. Troister said, a collegial and a very enjoyable experience. So thank you again.

TREASURER DONNELLY: Thank you. So now we're going to go to debate. I see that Mr. Rosenthal has his hand up. Mr. Rosenthal is joining us by Zoom. Mr. Rosenthal.

MR. ROSENTHAL: Thank you, Treasurer. I fully support this report and these recommendations with one concern, and I would like to bring a motion to amend recommendation 4, second bullet, to read, "Current certified specialists will continue to be able

to use the CS designation until December 31st, 2022."

I oppose a lifetime grandparenting of the designation.

I understand Bencher Sellers is going to be seconding my motion.

TREASURER DONNELLY: Thank you.

Ms. Sellers, is that correct that you second the motion?

MS. SELLERS: I do, yes.

TREASURER DONNELLY: Thank you. Mr. Troister and Mr. Marshall, is this seen as a motion that would be accepted by you on consent?

MR. TROISTER: No, I think it would be more advisable that we deal with that motion separately in order to maintain the integrity of the report, the rest of the report.

TREASURER DONNELLY: Thank you.

MR. TROISTER: Thank you.

TREASURER DONNELLY: We will now, then, move to debate on the amended motion. So I have some names on the list, I'm just going to figure out where we are with all this, okay.

So what we're dealing with now is we're dealing with a motion to amend the report to change the second -- to change the second bullet to say that current certified specialists will continue to be able

to use the CS designation until December 31, 2022.

Mr. Lesage, are you wishing to address that or another matter?

MR. LESAGE: No, Madam Treasurer, I'm looking to address another part of the report, so I'll take my hand down and put it back up.

TREASURER DONNELLY: And I'll just keep you on the list. Thank you very much. Mr. Wright, do you wish to be heard on this part?

MR. WRIGHT: Yes, I just want to speak to and inquire about what the appropriate course of action is for benchers that are also certified specialists, given the potential or perceived conflict.

TREASURER DONNELLY: All right. So I'll think about that one in a moment. I'm just going to hold that one and go to the room to see who wishes to be heard.

Mr. Brown, I saw you had your hand up. Was that something that you wanted to speak on, this amended motion?

MR. BROWN: Not on the amendment, no.

TREASURER DONNELLY: Mr. Burd, I had you.

MR. BURD: Not on the amendment.

TREASURER DONNELLY: Thank you. Mr.

Poliacik.

MR. POLIACIK: Thank you, Treasurer. I really have a question before I can decide how to vote on the amendment, and that is what is going to be the fate of rule 4.2, which right now prohibits lawyers referring to themselves as specialists.

If we extend -- if we grandfather the specialist designation, is that prohibition going to stay on forever? Because it has given rise to quite a bit of litigation before the tribunal as to whether a lawyer's transgressing this by-law -- sorry, this rule if they say that I specialize in real estate, I specialize in some other area.

I think if that by-law -- if that rule stays in place I would support Bencher Rosenthal's motion to amend because I don't think it should stay on. And if we grandfather the current specialists, I mean it could be for the next 30, 40 years before the last one of them retires and we will have to deal with this conundrum of whether a lawyer is allowed to say that he specializes in a particular area of law or not.

So I'm not sure if Bencher Troister has -- knows whether that rule was going to be revoked or amended.

TREASURER DONNELLY: I'm going to ask

Ms. Miles perhaps if she could assist with this.

MS. MILES: Recently, as benchers will know, there have been some tribunal results that are also calling the issue of calling oneself a specialist or specializing into question, and so I think there is an evolving case law around the issue.

I would imagine that regardless of which decision you make today, we are going to have to go back and address that issue. Certainly, Bencher Poliacik, if we extend it for the lifetime of the specialist we should go back and revisit that issue perhaps as the rule is currently stated. If it's ending on December 31st then we'll still have to address it because we need to know what position we're taking as a regulator as we move forward as to how people can represent themselves in their marketing and other materials.

TREASURER DONNELLY: Thank you. Ms. Shortreed, as the chair of the Professional Regulation Committee did you want to be heard on that?

MS. SHORTREED: We're happy to take back to PRC whatever the decision today about whether there's grandfathering or not of a certified specialist, and I think Mr. Poliacik is correct that the outcome of this motion to amend may frame that

discussion one way or the other.

If I can take off my PRC hat and just put on my Competence Task Force hat, this particular grandfathering clause was --

TREASURER DONNELLY: Actually, I'm just going to get you to take off that hat just for right now, because what I want to do is I need to go back to the mover of the motion, who was Mr. Rosenthal. So we've answered Mr. Poliacik's question, but before we engage in the full debate we need to hear from Mr. Rosenthal and Ms. Sellers, if she wishes to be heard. So over to you, Mr. Rosenthal.

MR. ROSENTHAL: I see Ms. Lipka also has her hand up.

TREASURER DONNELLY: I said over to you, Mr. Rosenthal.

MR. ROSENTHAL: I won't repeat what has been written about the certified specialist program and that it should be stopped. What resonated is that despite the best intentions of the program, it does not ensure nor improve competence and there is no ongoing evaluative process or ongoing expertise that must be maintained.

That's notwithstanding what I think a member of the public would assume it does. A member of

the public would assume it ensures competence and that is why I think the regulator chose at some point to give that special designation. I was surprised to learn, for example, that a certified specialist in civil litigation does not have to ever have conducted a trial, it's not a requirement. So I totally agree with getting rid of the program.

I don't think we can grandparent this program beyond a very short period of time, just enough to allow those who have that designation to change their marketing material, you know, get it off their letterhead.

By grandparenting this, we are actually increasing the value of a designation that we are saying should not continue for the reasons set out in the report. In other words, if we limit the number of these designations, we're saying there's going to be no more, so the few that remain have a greater value, that increasing the value of a designation that the report candidly says does not ensure anything.

At the same time, if we grandparent, we are stopping younger lawyers from ever getting this designation. Many lawyers do use this designation in a way to differentiate themselves from other lawyers. One lawyer says he's a member of an elite

group. Another says this certification guarantees the recipient.

We have had two disciplinary proceedings, as our CEO has recognized, Rotman and Goldfinger, that engendered further confusion which said there's no meaningful distinction between those who choose to specialize and those who are designated as a certified specialist.

I reached out to Brian Greenspan about this issue and he remarked, and I'll just read very briefly a few of his comments, if I could, Treasurer. I won't be very long. I've just lost his remarks.

He said, "Dear Jonathan, it's my understanding that on Thursday Convocation will be considering the long overdue cessation of the certified specialist designation. As is evident, I think that the discontinuation is long overdue."

"When the program was first introduced, I believe in 1988, I was contacted by the Treasurer, who I believe was Lee Ferrier, along with others, urging us to apply for certification in order to make the program work. I agreed to continue to renew the certification over the years, quite frankly, more instinctively or impulsively, rather than a recognition of any meaningful place or role which certification has

occupied in the profession."

"In fact, as you're aware, I'm the senior partner in an eight man criminal law firm and remain the only certified specialist. As you are also aware, most of my partners and associates are more deserving of the designation than I am."

"The designation never gained attraction. It only attracted a handful of those members whose specialty deserved the designation and may well be misunderstood by the public as the Law Society endorsing a narrow group of lawyers who deserved appellation specialist."

"The relatively low participation rate has continued throughout the years and some members of the profession have unfortunately utilized the designation in a manner which to suggest in a prohibitive sense qualitative superiority to other lawyers."

"I would urge Convocation to discontinue the specialist designation and also strongly oppose permitting the use of this designation after a specified cutoff date, perhaps six months or so. To grandfather the designation would be to exacerbate the unfairness to both those who did not participate in the program and to those who would have participated had

the designation not been discontinued."

But most importantly, in my respectful submission, it's not in the public interest to continue it. The public will continue to be misled that those who have the designation are really something special or really something different than from the rest of the lawyers and, as I say, as more lawyers retire, there's going to be even fewer and fewer of them.

This will interfere with the public protection. Because a member of the public has been told someone has something special, in fact, something so special you can no longer get, and think about a member of the public, which is our most important duty, they hire a lawyer knowing the lawyer has obtained a special designation. What they don't know is that lawyer may have gotten that designation 20 years ago. They may no longer have kept up. They may have been sued for negligence, and a member of the public who hires that lawyer with the designation are being assumed or promised or guaranteed that that lawyer has some special training, and when that lawyer makes some mistake they're going to come back to us, they're going to come back to the Law Society and say what do you mean, you told me this lawyer had this designation, that this lawyer was a specialist, and they didn't know

that there was no follow-up requirement.

We're making the right choice to get rid of it, but the worst decision to get rid of it, in my submission, is to grandfather it. If we had a program that really demonstrated some level of elevated and guaranteed competence or expertise, fantastic. If the LSO moved towards limited licensing with specialities, fantastic, but that is not the decision today or the discussion for today.

Today we will be making the right decision to get rid of it, but the wrong decision to allow those who have it to continue to use it forever. Thank you very much, Treasurer.

TREASURER DONNELLY: Thank you very much, Mr. Rosenthal. Ms. Sellers, do you wish to be heard now as the seconder or do you wish to reserve?

MS. SELLERS: I'll reserve. Thank you.

TREASURER DONNELLY: Thank you. Now, I see Ms. Lipka has her hand up and wishes to be heard on this issue. Ms. Lipka.

MS. LIPKA: Thank you, Treasurer. My comments are with respect to my support to ending the certified specialist designation, as well as not promoting or continuing the grandfathering of the program.

As many know, paralegals have never been included or allowed to participate in the program, and it has unfairly discriminated against the paralegal profession. Many have 20, 30 years of experience in one area of law and would be considered specialists. So I am in favour of discontinuing it and discontinuing any grandfathering.

TREASURER DONNELLY: Thank you.

Mr. Goldstein.

MR. GOLDSTEIN: Yes, Treasurer, thank you. I won't add to Mr. Rosenthal's well articulated thoughts, because I agree with his fundamental position that we should not only -- we should eliminate it, but, indeed, the December 31st deadline is a reasonable amount of time. We shouldn't, in other words, grandfather it over the life of the holder of the designation.

The only addition I would make is that although this would probably be implicit in such a resolution, was that anyone who has paid the amount for the designation so far prior to this date, the money should be pro-rated, if there is any pro-rating. I don't know when we bill for the yearly requirement to keep up their designation, I will leave that for Ms. Miles may know. The only point I make is that there

should be some refunding to the person who has the designation.

MS. MILES: Thank you, Bencher Goldstein. We'll certainly look at that date and if the annual period is running out, I believe the renewal is in April. In any event, we'll make reparations and make sure that we adjust those.

TREASURER DONNELLY: Thank you. Now, Ms. Shortreed, you can put that hat back on for the Competence Task Force.

MS. SHORTREED: Thank you, Madam Treasurer. I perfectly understand where Mr. Rosenthal's motion to amend is coming from. I just thought I would, as a member of the task force, note that this was debated for quite a long time at the task force and the options of no grandfathering, a short three to five year grandfathering period, or an indefinite grandfathering period were all considered by the committee, and as Mr. Troister said in his submissions, the committee was, to the extent they were torn, it was between the five year option and the indefinite option, not an immediate cessation.

That was really with regard to the fairness to individuals who had recently undertaken the certified specialist, which was a program offered, no

matter what we think of it, it was a program offered and it cost money, and a great deal of money to undergo the training to obtain it.

There was some concern about fairness to the individuals who had undertaken it in good faith and done so. I perfectly see the two points of view on the thing, I just wanted everyone who is not a member of the task force to know it was debated at some length.

It may be that Mr. Rosenthal would consider a longer period and change his 2022 date to something like 2025, which would take account of where the task force was on the topic. Thank you.

TREASURER DONNELLY: Thank you. I'm going to go next to Mr. Wright.

MR. WRIGHT: So by way of disclosure, I'm a certified specialist in corporate commercial law.

I agree with the idea of winding up the program due to lack of interest. The pick-up hasn't been sufficient over the number of years that it has been in operation to justify the continuance of it, so I agree with that position.

My question would be does this really matter and what's the difference? My understanding is that the ruling from the Disciplinary Committee was that lawyers can say they're specialists or

specializing, so long as they're not saying they are certified specialists, and I don't think it really makes any difference whether a lawyer says they're a specialist or a certified specialist. From my perspective I can delete certified from my website and e-mail and I don't see it as being of any consequence.

I suppose firstly the question is whether or not it really matters in light of that ruling. And then I'd just note that in making a decision on this point, highlight that all the lawyers who became certified specialists, you know, perhaps there's an argument that there are ongoing requirements other than not having disciplinary complaints held against you, but it was a rather involved process that took a lot of time and effort to demonstrate that certain requirements had been met, including the seven years of practice in your particular area of expertise. So I think the idea that it's without meaning is inaccurate as well.

So those are my thoughts and an open question to anyone who could clarify from their perspective whether or not it makes a difference where the word "certified" is shown.

TREASURER DONNELLY: Thank you. Could I hear from Mr. Falconer next, please. Mr. Falconer, if

you're speaking we can't hear you.

MR. FALCONER: Hopefully the audio is working now, Treasurer.

TREASURER DONNELLY: It is, thank you.

MR. FALCONER: Thank you. Treasurer, I support Mr. Rosenthal's remarks and amendment.

It strikes me that what's happening here, and you've heard that the task force was torn on the issue, it strikes me that the divide is between maintaining the public interest obligations, which is our primary obligation, and ensuring some fairness to a select and small number of individuals who have either sunk time or funds into what we have to all agree is simply a failed program.

So, first of all, I'm not one of those individuals and I want to say I'm not comfortable with anyone who currently enjoys the designation voting on this issue. So I think it's important people should voluntarily recuse themselves if they enjoy the designation at the current time.

Secondly, the fact that there are some folks who will be unfairly affected means that I suggest we go forward with the amendment, number one, and number 2, we ask staff and/or the -- if the task force continues, to report back on how we could make

some fair reparations to those who have been perhaps unfairly affected by our decision to cease the unsuccessful program.

The two should not be tied together. We don't need public policy based on the fact that we're trying to protect some members, so we make public policy based on what's good for the public and when we recognize we've either made a mistake or something simply didn't work or didn't succeed, then we stop it, and if it has some negative impacts we think we can properly make equity for for those people, let's get a report later to deal with that. But it's pretty obvious that, from the public interest perspective, we know what the right thing to do is; cease the program as soon as possible.

You know, I fully endorse Mr. Greenspan's remarks. In 30 years of practice I have had the honour of acting on both civil and criminal trials, some of the most serious, whether it be murder or serious civil matters that lasted a year or two. But having said that -- and I act on Indigenous issues -- I've never sought the specialist designation because they didn't work for my style of practice. It's not a surprise to me this isn't a success, but let's just accept it didn't work and then

immediately act to protect the public interest.

My thought is if there is some unfairness, let's rectify that. These are not huge numbers we're talking about. Let's try to make proper compensation for those who may have unfairly invested in this thing recently and get on with it.

Grandfathering things to help a few is not an appropriate balance against the public interest. Thank you, Treasurer.

TREASURER DONNELLY: Thank you. Mr. Lesage.

MR. LESAGE: Yes, thank you, Madam Treasurer. So I have a quick question, and basically it's if we permit certified specialists to keep their designations for the remainder of their career, would those specialists continue to benefit from that designation without the need to pay any annual fees related to it or to otherwise take part in any ongoing requirements associated with it?

TREASURER DONNELLY: Yes.

MR. LESAGE: Thank you.

TREASURER DONNELLY: Mr. Charette.

MR. CHARETTE: Thank you, Madam Treasurer. I think this is -- we could fall on both sides of the issue, but I think we need to be fair to

members. I think it's in the public interest that we be fair to members.

Although members do not have a proprietary interest in the designation certainly, nonetheless, as was mentioned I think by someone that there have been members who have expended costs and time, so I think a somewhat generous deferral, say five years even, I'm not making a motion, but certainly a precipitous termination of the program is going to work unfairness to members who will not have time to adjust their practice.

So I'd like -- I think it should be terminated, but I think we need to exercise a little bit of maybe perhaps more moderation, saying, you know, a five-year window or something which allows members to adjust themselves.

Getting into the area of compensating members seems kind of murky to me and I don't know that we want to go there. Thank you, Madam Chair.

TREASURER DONNELLY: Thank you. I'm going to end it, then, with Mr. Wellman and then go back to the seconder, Ms. Sellers, and then we'll have a vote. Mr. Wellman.

MR. WELLMAN: Thank you, Madam Chair. I respect the work of the committee and comments that

have been made by Mr. Wright and Mr. Charette, and I wonder if Mr. Rosenthal would consider extending it to 2025.

TREASURER DONNELLY: Mr. Rosenthal.

MR. ROSENTHAL: I don't think I can.

This is about protecting the public, and I'm not comfortable saying, okay, we recognize the risks, we're not going to grandfather, but we're going to get the lawyers to be able to put the public at risk for another five years. I'm just not comfortable doing that.

Any lawyer who invested in this only to get a certified specialist probably is not someone we should be concerned with. People who are certified specialists and qualified for it, so be it. We're not going to make everyone happy, but if it's a choice between protecting the public and protecting the lawyers, I always fall on the side of protecting the public, so I'm not comfortable with that.

TREASURER DONNELLY: Thank you.

Ms. Sellers, as seconder of the motion do you wish to be heard?

MS. SELLERS: Yes, please. I very much appreciate the work of the task force. They have obviously conducted a very thoughtful review, and as

Ms. Shortreed has pointed out, there was hearty debate on certain issues.

I do think, though, having myself been recently -- having the need for a lawyer, when I first started thinking about the process of how do I find the right person, I automatically defaulted to seeing what qualifications they listed.

So on that basis, because we are no longer going to be supporting this program, I think to allow the continuation of the use of the designation creates a very unlevel playing field and I, for one, believe it is not in the interests of this Convocation to support unlevel playing fields among our licensees.

So that's number one, because it also does, I think, contribute to a sort of misunderstanding of what the individual's competencies would be relative to their peers. That's point one.

On that basis I actually very much appreciate Benchers Falconer's comments on being able to delineate the issues here. I think it's an important distinction and I think he has laid that out very well.

I absolutely concur with Brian Greenspan's comments and I actually asked Priya, who was supporting the task force in the process of

preparing information, for a little bit of demographic information and I'm not sure it's as well articulated within the report, so I just want to outline it for various people.

There are 784 licensees that carry this designation. Of that number, only 20 percent are under the age of 50, and so this tells me that over 80 percent are licensees who have got at least 25 years of experience under their belt. For those licensees that have actually obtained the designation recently, I would encourage them to think about it in the context of this is just an investment in your profession, an investment of being the best possible representative of your profession that you can possibly be and to support your own practice and support the benefit of working with your clients with the best possible tools.

So I don't see this as something that, hey, I made this investment and I should be able to use the designation. I think people need to look at it as I made this investment in being the best possible lawyer I can be.

So while I appreciate the consideration that Diana Miles and her team may make as to -- with regards to what investment people have made this year in additional monies that they may have had to pay for

the designation to represent, I do strongly suggest if we don't have this program we cannot allow for people to represent that they have a certified specialist designation when the program does not any more exist. I will conclude my comments. Thank you very much. I thank you all for your consideration, too, in this motion.

TREASURER DONNELLY: Thank you. So we're going to move to a vote and we're going to do it as a recorded vote to make it easier for this issue.

So just to be clear, what we're voting on is we're voting on whether -- so if you vote in favour of motion, you are supporting an amendment to the Competence Task Force report to change the second bullet under number 2 -- sorry, under number 4 to read, "consultant certified specialists will continue to be able to use the CS designation until December 31st, 2022."

So if you support that the designation should be ended and -- on December 31st, 2022, you would vote in favour of the motion and that would be, then, amending the report. We're clear? So we're going to move, then, to this motion which is to amend the report. Mr. Secretary.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: Yes.

SECRETARY: Professor Alford?

PROFESSOR ALFORD: No.

SECRETARY: Ms. Banning?

MS. BANNING: Yes.

SECRETARY: Mr. Brown?

MR. BROWN: No.

SECRETARY: Mr. Burd?

MR. BURD: Yes.

SECRETARY: Mr. Charette?

MR. CHARETTE: No.

SECRETARY: Mr. Chiumminto?

MR. CHIUMMIENTO: Yes.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: Yes.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: Yes.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: Abstain.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: Abstain.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: Yes.

SECRETARY: Mr. Fagan?

MR. FAGAN: Yes.

SECRETARY: Mr. Falconer?

MR. FALCONER: Yes.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: No.

SECRETARY: Mr. Groia?

MR. GROIA: Yes.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: Yes.

SECRETARY: Dr. Lau?

DR. LAU: No.

SECRETARY: Ms. Lean?

MS. LEAN: No.

SECRETARY: Mr. Lesage?

MR. LESAGE: Yes.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: Yes.

SECRETARY: Mr. Lyon?

MR. LYON: No.

SECRETARY: Mr. Marshall?

MR. MARSHALL: Abstain.

SECRETARY: Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: Yes.

SECRETARY: Mr. Parry?

MR. PARRY: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: No.

SECRETARY: Mr. Prill?

MR. PRILL: No.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Mr. Ross? Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: Yes.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: Abstain.

SECRETARY: Ms. Walker?

MS. WALKER: Abstain.

SECRETARY: Mr. Wellman?

MR. WELLMAN: Yes.

SECRETARY: Mr. Wilkes?

MR. WILKES: Yes.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: Yes.

SECRETARY: Mr. Wright? I'm just going
to check on Mr. Ross once more.

MR. WRIGHT: Sorry, it's Nick Wright
here. My internet just cut out briefly. I vote no.

TREASURER DONNELLY: Thank you.
Mr. Ross?

MR. ROSS: Yes.

SECRETARY: Thank you. Treasurer, the motion carries, 34 in favour, ten against and five abstentions.

TREASURER DONNELLY: Thank you very much. We'll now move on for debate on the amended report. Anybody who wishes to be heard on the Competence Task Force report? Mr. Brown.

MR. BROWN: Thank you, Treasurer. I congratulate the task force on confirming what is widely known. The imposition of mandatory CPD has done nothing to impact regulatory complaints or negligence claims against lawyers. Mr. Troister, chair of the task force, confirmed as much in his comments this morning. To be clear, there is no evidence of efficacy.

So while the task force says on page 25 of BoardBooks that the Law Society's renewal of its competency framework must be evidence-based, it promptly ignored that principle in levying the new 30 hour educational requirements on lawyers wishing to open their own firms.

I personally think continuing professional development is great, I use it in my own practice, but without evidence the LSO should not be mandating it.

I note that the preponderance of the public input from the activist organizations on CPD, they told us they support more CPD. They said so because they see it as a means to introduce mandatory political indoctrination, mandatory far left critical theories, race Marxism under the guise of cultural competency. It's coming to the professions in the guise of mandatory CPD.

Finally, I note that the certified specialist programs are being dumped, save and except for the equity one. Only that one was elevated to special status. The EIAC committee has been given jurisdiction to protect it, but I note there's no timetable for its review. I venture that the task force probably could have been more ambitious. Thank you.

TREASURER DONNELLY: Thank you. Mr. Desgranges.

MR. DESGRANGES: Yes, thank you, Treasurer. So I thank the task force for very good work, I would say. I think, however, that while the intent is laudable and that the report presents some very interesting ways of going forward, I have to agree in large part with our colleague, Bencher Brown.

I'm -- it seems to me that 25 years ago

all this training that is proposed to be mandatory was given, A, in universities, although not that much insofar as practical knowledge, but through articles. And it was also given through what we called back then Bar Ads courses, which included a very big part -- not a very big, sorry, a fair part in accounting, especially with respect to trust accounting.

I'm just left to wonder why that was pretty well abandoned so that we can go into this type of -- this way of getting people to gain the competence. It was available back then. I'm thinking why don't we go back to that particular model or at least give it some thought. It would probably be even cheaper as well for the licensees whose -- where the costs, of course, will be borne by them in their annual fees.

So with respect to technology -- technological competences, it's my recollection, my knowledge, for that matter, that a lot of these competences are learned in law school. I'm not too sure if there's a need to even raise the fact that technological competence has to be part of being a good lawyer; I think it goes without saying. I think we're being redundant.

I think -- I also believe, in fact, I

think it's true that the upcoming generations are pretty well versed in the internet and search tools that are available, in fact, they're able to upgrade themselves to the new systems faster than I can and probably faster than a lot of the people in this Convocation can.

That leaves me with a question, we have not defined technology. I do remember technology being paper and pen. Are we talking about this type of technology, as opposed to any other type of technology?

There's a couple of holes in the report. By and large it was a very interesting read, very insightful, but I have to side -- I'll have to vote against this and -- I do want to note as well that I would agree with Bencher Brown's insight on the fact that, sort of, specialist in Indigenous issues will remain without any review or anything of the sort. Thank you, Treasurer.

TREASURER DONNELLY: Thank you. Mr. Pollock.

MR. POLLOCK: Thank you, Treasurer. Treasurer, I wanted to see if I could just ask a question of my colleague, who -- Mr. Troister, Bencher Troister, who moved the report.

I was wondering, it is not uncommon

practice for when lawyers retire to practice within their own professional corporation, maybe in chambers, maybe where they're affiliated with another law firm or maybe do everything within that law firm, but have their own private corporation. So I wanted to find out, and if this was in the report, I apologize, but I missed it. I wanted to find out if this would fall within that or not fall within that gambit. Thank you.

MR. TROISTER: As I understand it, this will be a course required for those who designate to the Law Society that they are in sole practice. Whether they do it through a PC or any other way, if they are designating that they are in sole practice then the requirement will apply.

MR. POLLOCK: Thank you for clarifying that.

TREASURER DONNELLY: Thank you. Mr. Lesage.

MR. LESAGE: Yes, thank you, Madam Treasurer. So I have two questions regarding the practice essentials course.

The first one is what are the performance metrics we're going to use to measure whether it's successful or not and, for instance, if we have a thousand licensees commencing solo practice each

year, what does success look like for them and how do we measure it in terms of how many problems they're currently having, you know, how many claims, so that we know after several years whether what we have done has had any success whatsoever.

MS. MILES: Thank you, Bencher Lesage.

What we will do as we are developing the course is we will establish those metrics and we will present that. As we establish the course we'll learn all of those things that you're looking to find out. You'll have an opportunity to let us know what it is you would like us to track as well, but certainly incidences of professional regulation, misconduct negligence, and then also their outcomes as a practitioner, how long they remained in practice, will all be early and ongoing indicators of success of the program. So we'll put those together with all of the measures as we develop the program.

MR. LESAGE: Okay, thank you. With that said, I do support the remainder of the motion today, but I'm curious whether anyone else would potentially support a motion or second a motion to sever the first bullet point so that we could vote on that individually. Okay, thank you, Treasurer, I'm all done.

TREASURER DONNELLY: Thank you. If we could move on, then, to Mr. Goldstein.

MR. GOLDSTEIN: Thank you, Treasurer. With reservations I'm going to support this motion.

While I agree generally with what my colleague, Bencher Brown, has had to say about some of the comments, some of the requirements, notwithstanding or nevertheless, I remember I articulated for the Federal Court of Canada, I then went on to be a Crown for five years, and then I decided to leave the Crown's office and go into sole and become a sole practitioner.

With a little bit of luck I was never disciplined by the Law Society about my books and so on. I luckily was given a spot audit very early on and I learned a lot on how to arrange my books as a result of that and have lived by what that auditor told me.

So that leads me into saying that I think there are a lot of people who are going from articling into private practice, and I speak particularly within the criminal law field. It's very hard to get jobs. There are a lot of people who are opening up their own businesses and they just don't know what they're doing, somewhat like me many years ago. I think they could really benefit from having a business course. I don't know if the Law Society has

to give that business course necessarily.

I'm not going to try to make any amendments, I'd just suggest maybe some future thing that we could look at that, they could take business courses in many of the colleges that are offered in how to open up your own small business, rather than the Law Society having to put it on. I definitely think it's beneficial.

Similarly technology. I know, Treasurer, just not so long ago I called you up with an issue that I had. The Court of Appeal suddenly had decided to have all their applications done by way of digital, and here I had just spent a lot of money from my client filing paper documents and suddenly they want me to start doing hyperlinks and redo it all over again. I didn't know how to do hyperlinks.

So I think, again, having a technology-based type of program, I would take it because I think I could learn from something about it, so I do endorse that aspect.

That said politely, I do have some reservations about what my friend had said. I'm going to not comment on the issue of the Indigenous certified specialist issue. You may -- I'm warming up to some ideas that the Law Society has, so I'm going to put

that to the side.

That said, let me comment on what our friend from the common-law jurisdiction pointed out. While self government is very important, we often think of self government and the threat of self government as from the government coming in and ruling us, but I think there is another threat that we have and that threat is what happens when a certain political ideology starts taking over the civil society organizations.

It happened in the States with the American Bar Association, that was taken over by critical race theorists and, as a result, their numbers dropped, their revenue dropped, and their legitimacy as an organization dropped.

I wrote about this issue two years ago in the Lawyers Weekly. I urge everyone to Google my name and Google that article.

So my concern is with the CPD programs, and the fact is is that there are a group of people in society who want to propose the critical race theory, and I think they're taking over civil organizations like the Law Society, and that poses the real threat, I think, to self government. I throw that out there.

Thank you very much for entertaining my comments.

TREASURER DONNELLY: Thank you. Mr. Esquega.

MR. ESQUEGA: Thank you, Treasurer. I'd just like to get some clarity on how this motion is going to be handled. I understood from Bencher Troister's comments there were going to be five separate motions going to be voted on here. If that's not the case, then I'll second Mr. Lesage's motion to segregate point number one from the vote, because I can't support number one and I would like to make comments on that, if that's -- but I guess we have to deal with that motion first before I get to that element or I could do my submissions now.

TREASURER DONNELLY: No, just wait for a motion. Mr. Lesage, are you bringing a motion to -- or, sorry, are you asking that number one be removed?

MR. LESAGE: Yes, Madam Treasurer.

TREASURER DONNELLY: Thank you. I'm not going to do it as a way of a motion. I'm just going to remove that, so we'll vote on that separately. We'll vote on 2, 3, 4 and 5 as amended. So can we continue, please?

MR. ESQUEGA: Thank you, Treasurer. As a sole practitioner from the northwest region of this province, I hear from the colleagues up here, and the

submissions of the Thunder Bay Law Association were before you, and they said that we shouldn't be adding more burdens to the solo and small firm lawyers. The trend across the submissions that we received suggested the same. In fact, I found very few who supported a mandatory education program.

I would be in support of a mandatory education program, but I was taken aback when I read the report and I saw the 30 hour mark added. So if someone wanted to go solo in any given year, they have to not only spend thirty hours satisfying that requirement, they would also have to satisfy the additional twelve hours. So that's 42 hours of training in one year that you've taken from this colleague's time to focus on their practice, to focus their clients. To me that seems to be creating a huge burden, a huge disincentive for colleagues to consider going solo.

I've heard from members -- from our members that there's issues about lawyers opening -- not opening shops in small towns. The more burdens we put like this on to the profession, the more disinclined people will be to go solo and open their shops.

So when I looked at the materials to see

where does this 30 hours come from, I don't know where it's come from. I know that there is an environmental scan done and there are some international jurisdictions who impose some large hours on people who do these types of things. But even in New Zealand and Australia you'll see that the examples that have been provided to us, that applies to everyone who wants to be an owner of a shop, not just solos. It deals with partnerships, principals of firms, and it's not just solos. The only Canadian example we have is from B.C., and that has six hours and it's free to participants.

So when I reflect back to ten years ago when I went off on my own, what did I need to help me? I needed resources that I could easily grab and read, or look at a YouTube video or look at other sources. PracticePro was around back then, thankfully, and they provided me with a lot of support, and they still do.

The feedback that we have received has called for enhanced resources to materials, enhanced access to CPD. I think we need to be cautious here about how many hours we're expecting our colleagues to undertake in a given year to open shop.

So I will not be supporting, number one, on the basis that there's a call for an arbitrary thirty hours course that's going to cost the Society a

lot of money to implement and maintain year to year.

The profession, the feedback we received, does not support a mandatory 30 hour course. It's pretty clear from what I've read that that's not supported. Thank you.

TREASURER DONNELLY: Thank you. I'd just clarify something for you, Mr. Esquega. If you go to the report under Impacts to Licensees Starting up Sole Practices, under the second paragraph it makes it clear that the practice essentials course would be offset against the CPD requirement in that calendar year. So it wouldn't be 42 hours, just to clarify that. Mr. Lyon.

MR. LYON: Thank you, Treasurer. Let me extend my heartfelt thanks and congratulations to the Competence Task Force, that Herculean endeavour that they engaged upon, and they are to be commended for the efforts made. It's difficult and the comments you've heard highlight that.

I have some comments, and I'm not going to repeat what's been said. I want to address the issue of technology and how you define it. Being competent in technology is absolutely critical, but the devil oftentimes is in the details, and I have some reservations about how it's going to be implemented or

defined or parsed. So I am cautious with respect to that aspect of the report, although I support the report generally. Competence is something we should all strive for and it's a daily endeavour.

I am disquieted, though, by the level of intellectual discombobulation that I've seen. We heard a great deal of talk about getting rid of the specialists program. I fully support phasing that out. I think it was done precipitously by the end of this year, but, in any event, I think that that's a good idea overall.

I'm disquieted, though, by the apartheid we seem to have established with maintaining a separate specialists program. We heard many eloquent comments from benchers Rosenthal and Falconer about why we should get rid of the specialist program, so I'm disquieted that we're continuing it in some vein. It seems to me to suggest some -- a lack of intellectual rigour, so I'm disquieted by that.

I want to conclude by saying that the comments of benchers Brown, Goldstein and Desgranges should be given due weight. They're all very thoughtful. Thank you, Treasurer.

TREASURER DONNELLY: Thank you.

Mr. Burd.

MR. BURD: Thank you, Treasurer. I just wanted to take a different view of the practice essentials course.

As chair of PSC, we had a survey done and the results of that survey were presented to us by Michael Sullivan from Strategic Counsel. That, combined with our annual report, highlighted some deficiencies that we were looking at, and one of the deficiencies that were highlighted was licensees feeling ill prepared for sole practice. And we know through our annual report the number of paralegals, for example, that end up in sole practitioner positions is high, a high percentage of paralegals end up in that.

More importantly, more tragically, those that left the profession highlighted the inability to become a sole practitioner and that the college programs didn't sufficiently prepare them for running their own practice as they were competent in substantive law, but being well learned in substantive law doesn't mean you can run your own practice.

So I am encouraged by the fact that the competency task force has finally reviewed competency after such a long period of time and they've acknowledged that void that is existing, that we know, that's been surveyed and responded to by paralegals

especially, and I think it's imperative that we, as the regulator, reach out and assist, because ultimately that is in the public interest and from a regulatory aspect we think about insurance premiums, E & O claims, disciplinary and claims to the Compensation Fund would all be greatly affected if these licensees in the early stage of their career were given an opportunity for this practice essentials course.

So I am fully in support of it for those reasons and I think it would greatly impact the droves that we've heard Mr. Groia talk about in our budget about paralegals leaving the profession, which highlighted why we have a compensation -- I mean, a program that we're looking at at PSC as to how to improve that and to avoid paralegals leaving the profession in such large numbers, especially females under the age of thirty.

So I think this recommendation by -- recommendation one of the task force is greatly needed and I will be in full support. Thank you.

TREASURER DONNELLY: Thank you. Ms. Murchie.

MS. MURCHIE: Thank you, Treasurer. I'm in full support of the Competence Task Force report. I think that we, I'm part of the group, did a terrific

job.

But I do want to talk a little bit about the practice essentials program because I think it's something that's been bandied about for as long as I have been at the Law Society and I think we have finally taken a very big step to address a problem.

To Mr. Esquega's point, I mean, if you look at the statistics, I don't have them on spot audits, but we do know that spot audits are successful because they're focused on remediation and helping a lot of soles and smalls, others, too, but it's the soles and smalls that really need assistance to get their books up and running.

That's an intensive program and takes a lot of time, and I do know that about one-third of the sole practitioners in practice reviews, and that's not everybody, but one-third of those that undergo practice reviews need some remedial work.

And that having been said, the point of this program is to try and avoid that remedial work. Let's set them up for success to begin with and not put sole practitioners in a position where they're trying to manage the practice with no training in the business of law at all.

Let me come to some of the points that

others have made, which is that there's no reason that others can't provide this kind of training, it doesn't have to be the Law Society, and that's true and I think in due course we may want to take a look at exceptions to that -- the mandatory nature of that program.

For instance, I know the LAWPRO program has a business law component and it may turn out it satisfies our requirement and so people who -- candidates who go through the LPP may not need to take the program. I haven't done a comparison, and it's certainly not in my bailiwick, but it's something we could look at. The same would be for any other programs that offer equivalent training.

But that having been said, the Law Society is proposing to charge a very modest fee. Our experience in the past has been that when you charge nothing, people don't show up and don't value it. But if you think about it, you can get a good part of your CPD requirement, if not all, I'm not sure how it will work out now, for the first year and possibly part of the second year, there might be an accreditation in that context as well, for, you know, what, a hundred dollars. I mean call me crazy, but I think there's going to be a line up of people that do that.

The other thing that was discussed is

possibly reducing the number of spot audits, spot audits or practice reviews for a number of years for those who have taken the program. So there's a balancing act that's going on here that may address some of Mr. Esquega's concerns.

I do want to say one last thing, which is that in terms of measuring success there are many ways to measure, and I'm sure Ms. Bhatia and her team will come up with them, but the fewer people that need remediation when they undergo practice reviews and spot audits. Thank you.

TREASURER DONNELLY: Thank you. I'm going to close the list. I'm just going to tell you who I have on the list. I have Ms. Lomazzo, Mr. Fagan, Mr. Wilkes, Mr. Klippenstein, Ms. Lalji and Ms. Lewis. If I could go to -- sorry, Mr. Charette and Ms. Shi.

MS. SHI: Treasurer, I did put my hand up.

TREASURER DONNELLY: Yes, Ms. Shi. So if we could go, then, to Ms. Lomazzo.

MS. LOMAZZO: Thank you, Treasurer, and thank you to Bencher Troister, the rest of the committee and staff for such an informative report.

Bencher Burd has already stolen my comments with respect to paralegals and the need for

this program. There's no question that the recent paralegal study has told us that this type of program will be instrumental for practitioners just starting out.

One of the things I wanted to point out was in the report at page 36 of BoardBooks, it talks about, "In addition, the Law Society would explore the following additional benefits for course participants."

I can't tell you the number of times I have heard about the last bullet point, the need for it. So it's the assignment of a mentor, a coach or a peer group for a six to twelve-month period following completion of the course to facilitate ongoing support and accountability.

So I would ask that the Law Society and the committee, if it continues, seriously consider ensuring that there is mentorship, coach or peer group minimally for that period of time. Thank you,
Treasurer.

TREASURER DONNELLY: Thank you. Mr. Fagan.

MR. FAGAN: Thank you, Treasurer. I just wish to request or, if necessary, move that after the conclusion of debate, the actual voting be done on the -- separately on each numbered point on page 21 of

BoardBooks, except, of course, that number 2 and 3 clearly go together. So I would request or move that there would be four separate votes.

My reason for this request is that it would, I submit, increase the chance that as much as possible of the report will be adopted. Thank you.

TREASURER DONNELLY: It seems to me that the issue that we have heard about is number one and I've already removed it, so I'm not going to vote on them each individually. Mr. Wilkes.

MR. WILKES: Thank you, Treasurer. Bencher Murchie took almost everything I was going to say, so I'll be very brief.

I agree fully with what was said, I support all of the recommendations of the task force. I was on the task force and there were a lot of discussions about all of this.

It sounds, to Bencher Esquega's point, I was lucky enough to get a really good articling experience at a downtown firm that taught me a lot of what I needed to go off on my own. There were still substantial gaps when I went out as a sole practitioner, and this course sounds spectacular.

There are things, hiring employees, for example, I'm not at that stage yet, but that would be

good information to know. A lot of the information in this course, 30 hours over the year, sounds like stuff as a sole practitioner you are doing anyway, and you are spending a heck of a lot more time than 30 hours because you are going to different sources and trying to piece things together yourself. So having this sort of executive style course all in one place would be spectacular, in my opinion, and I think would help substantially.

It's mentioned on page 35 that there would be a lot of materials that are given to people who take this course, including a workbook, post-course reference tools consisting of practice guides, precedents, scenarios, checklists. So in addition to the course itself, you are getting this added value that helps you manage your firm moving forward and helps you keep on top of things. I think it's definitely worthwhile and I would encourage everyone to support it.

TREASURER DONNELLY: Thank you. Mr. Klippenstein.

MR. KLIPPENSTEIN: Thank you, Treasurer. I applaud Bench Troister and the committee for an excellent report, which I will support, except I -- I particularly want to support the Law Society for

probably moving to give newer entrants some serious business education, because that is critical, it's incredibly important in so many ways, so I applaud that move.

I do, however, want to say I think the Law Society is doing it in a very inefficient way. As others have said, I don't think it's necessary to mandate 30 hours and I kind of -- to have us spend 500,000 each year on this, and I'm frankly dubious that the quality will be that great. We already have on the Law Society website an astoundingly good 66 or so page guide to starting your own practice. I'm highly doubtful that these 30 hours will come anywhere close to the quality of the information in those 66 pages, which can be accessed for free at any time.

Having said that, I'm just expressing that efficiency and financial concern so that in later years I can tell you I told you so, because I don't expect to have any change now.

And, finally, listening to Bencher Murchie's comments, I realized that I would have been smarter to not attend in person and be on Zoom, because those on Zoom can make their points on five gigantic screens, which is very impactful.

TREASURER DONNELLY: Ms. Shi.

MS. SHI: Thank you, Treasurer. I didn't know I would be on five gigantic screens, be the first time in my life.

Bencher Klippenstein has said many of the things I was going to say, so I won't repeat it. I share his concerns and I do intend to support this motion and I want to thank the Competence Task Force for a very thoughtful report.

However, I remain concerned about whether the Law Society could be more proactive in our approach instead of simply imposing a rule on the sole practitioner, whose issues as Bencher Esquega pointed out, I share his concern.

So I would like to see us take a more proactive approach. For example, can we give them actually some tools that will actually help them set up shop in a practical way such as have some information about the different softwares that are available, maybe even approach software companies whether they would give a discount for people who want to get a licence, or perhaps that we could not only orchestrate discount, but maybe some free trial period.

Also, as Bencher Lomazzo pointed out, have a mentor, have that personal treatment, someone that person could go to to ask questions. Plus I

think, actually, we should be doing more frequent spot audits and make it of a slightly different nature than part of a disciplinary process that the purpose is not to discipline, but to help. Have more frequent spot audits with a view to providing constructive recommendations at the end of each audit.

So subject to these comments, again, I want to thank the task force for such a good job and I intend to support this motion. Thank you.

TREASURER DONNELLY: Thank you. Mr. Charette.

MR. CHARETTE: Thank you, Treasurer. I, too, am concerned with Bencher Esquega's comments. I think 30 hours is excessive and I think it should be restricted simply to business practices, by-law compliance, books and records, and I don't think thirty hours is needed for that. As has been pointed out, there's already excellent materials on the website.

I'm concerned with things like client communication, what that's going to involve and what it's going to devolve into. These folks have finished university and law school. They presumably know how to communicate with people. I don't know there's much more that we can teach.

So I -- although there are many good

things in this program, I think I may be forced to vote against the motion, but I'd like to ask one question.

I should have started off with this.

I know lawyers check the box, sole practice. What does that mean? If I check the box and I am sharing premises with somebody, sharing reception, probably sharing accounting to some extent, the only thing I'm not doing is sharing profits, I'm, seems to me, effectively in group practice. I would like to get some clarity on what constitutes sole practice. This may be Ms. Miles. Thank you.

MS. MILES: Thank you, Bencher Charette. When each licensee designates their status in our system, whether they're working with others in a chambers or otherwise, if you are a sole practitioner, you're responsible solely for your own practice, you are a sole practitioner. You also designate the type of firm that you have, but we will look to see if you're a 1A in our database and a sole practitioner, and if you are, then you will have to take the program.

MR. CHARETTE: You know, it seems to me that that's -- thank you for that answer, by the way, and I think it's clearer, but it seems to me that someone can effectively be in group practice and the only thing the other person doesn't see who is sharing

the premises and reception and all these things is they don't see the financial statements. So for all practical purposes it seems to me that person is in group practice.

I think there's a lack of clarity or lack of practicality, perhaps I should say. I thank you for that answer, but I suppose that's another reason I would be inclined to vote against the motion. Thank you.

MS. MILES: I might just add, Bencher Charette, if you're in sole practice, even if you're sharing premises, your responsibility for your practice, your finances and all of your books and records are your own. They're no one else's, and that is what follows from the designation for sole practice.

MR. CHARETTE: No, I understand --

TREASURER DONNELLY: Thank you, Mr. Charette. Perhaps you can carry on this conversation after with Ms. Miles.

Ms. Lalji, I'm going to move on to you.

MS. LALJI: Thank you, Treasurer. First and foremost, thank you to the task force and staff for an excellent report.

For someone who mentors many paralegals and lawyers in opening or starting up a new solo

practice, it takes more than 30 hours. This is a much needed course. Not only will it give them tools to get on a path that is going to lead them to success, but it's also going to help them with the stress that comes along with starting a new practice.

As far as the remote areas are concerned, just to give you an idea, a few of the paralegals and lawyers that I have mentored have actually moved to remote areas or are planning to move to remote areas, which is actually going to enhance that access to justice concern that has also been raised here. For these reasons I will be voting in favour of this motion. Thank you.

TREASURER DONNELLY: Thank you.

Ms. Lewis.

MS. LEWIS: Thank you. I am a member of the Competence Task Force and I'm going to join Ms. Murchie in thanking myself for all the great work.

There was a comment that was raised about the Indigenous legal issues specialization and why it was referred to EIAC, and I, as a member of the task force and, frankly, as one of the individuals who requested that that decision be made, I want to provide a context for this group.

The Indigenous legal issues

specialization came into effect in 2016. It was developed further through extensive consultation. It is something that the Law Society did in recognition of the Indigenous framework and reconciliation.

I think it would be wholly inappropriate for the Competence Task Force and for this group to vote on the issue of Indigenous legal issues specialization without consulting with our equity partners, without consulting with the IAG, and without consulting EIAC. And so that's why the decision about that specialization was reserved, so that experts, our partners, can provide input and consultation and guidance on that very important issue.

So I wanted to make sure that everyone was clear on that and that's why I'm happy that the Competence Task Force removed that specific element from this vote. Thank you.

TREASURER DONNELLY: Thank you. We're going to move on now to a recorded vote. The first issue for vote is whether or not you approve the creation of the practice essentials course that will have the requirements as set out in bullets one and two. So we're going to vote on the first item on the report.

If you vote yes, you're voting in favour

of approving the practice essentials course. We're going to go by way of a recorded vote. Mr. Secretary, please.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: Yes.

SECRETARY: Professor Alford?

PROFESSOR ALFORD: Yes.

SECRETARY: Ms. Banning?

MS. BANNING: No.

SECRETARY: Mr. Brown?

MR. BROWN: No.

SECRETARY: Mr. Burd?

MR. BURD: Yes.

SECRETARY: Mr. Charette?

MR. CHARETTE: No.

SECRETARY: Mr. Chiummiento?

MR. CHIUMMIENTO: No.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: Yes.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: Yes.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: No.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: Yes.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: No.

SECRETARY: Mr. Fagan?

MR. FAGAN: No.

SECRETARY: Mr. Falconer?

MR. FALCONER: Yes.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: Yes.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: Yes.

SECRETARY: Dr. Lau?

DR. LAU: Yes.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: No.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: Yes.

SECRETARY: Mr. Lyon?

MR. LYON: No.

SECRETARY: Mr. Marshall?

MR. MARSHALL: Yes.

SECRETARY: Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: Yes.

SECRETARY: Mr. Parry?

MR. PARRY: Yes.

SECRETARY: Mr. Pineda?

MR. PINEDA: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: No.

SECRETARY: Mr. Pollock?

MR. POLLOCK: No.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Mr. Ross? Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: Yes.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: Yes.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman?

MR. WELLMAN: Yes.

SECRETARY: Mr. Wilkes? Ms. Wilkinson?

MS. WILKINSON: Yes.

SECRETARY: Mr. Wright?

MR. WRIGHT: No.

SECRETARY: Treasurer, I'm --

TREASURER DONNELLY: Mr. Wilkes, we didn't hear your vote.

MR. WILKES: Sorry, I said yes. Thank you.

TREASURER DONNELLY: And, Mr. Ross, we didn't hear you, either.

MR. ROSS: I voted yes.

SECRETARY: Thank you. Ms. Merali? You are on mute, Ms. Merali.

MS. MERALI: Yes.

SECRETARY: Thank you. The motion carries, Treasurer, 39 in favour, 12 against.

TREASURER DONNELLY: Thank you very much. We'll move on to vote on items 2, 3, 4 and 5. We're going to vote on that as one, as a block, and move to a recorded vote on that.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: Yes.

SECRETARY: Professor Alford?

PROFESSOR ALFORD: Yes.

SECRETARY: Ms. Banning?

MS. BANNING: Yes.

SECRETARY: Mr. Brown?

MR. BROWN: Yes.

SECRETARY: Mr. Burd?

MR. BURD: Yes.

SECRETARY: Mr. Charette?

MR. CHARETTE: Yes.

SECRETARY: Mr. Chiumminto?

MR. CHIUMMIENTO: Yes.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: Yes.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: Yes.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: Yes.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: Yes.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: Yes.

SECRETARY: Mr. Fagan.

MR. FAGAN: Yes.

SECRETARY: Mr. Falconer?

MR. FALCONER: Yes.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: Yes.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: Yes.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: Yes.

SECRETARY: Dr. Lau?

DR. LAU: Yes.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: Yes.

SECRETARY: Ms. Lewis?

MS. LEWIS: Yes.

SECRETARY: Ms. Lippa?

MS. LIPPA: Yes.

SECRETARY: Ms. Lomazzo?

MS. LOMAZZO: Yes.

SECRETARY: Mr. Lyon?

MR. LYON: Abstain.

SECRETARY: Mr. Marshall?

MR. MARSHALL: Yes.

SECRETARY: Ms. Merali?

MS. MERALI: Yes.

SECRETARY: Ms. Murchie?

MS. MURCHIE: Yes.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: Yes.

SECRETARY: Mr. Parry?

MR. PARRY: Yes.

SECRETARY: Mr. Pineda?

MR. PINEDA: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: Yes.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Yes.

SECRETARY: Mr. Ross?

MR. ROSS: Yes.

SECRETARY: Ms. Sellers?

MS. SELLERS: Yes.

SECRETARY: Mr. Sheff?

MR. SHEFF: Yes.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin-Doi?

MS. SHIN DOI: Yes.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: Yes.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: Yes.

SECRETARY: Mr. Troister?

MR. TROISTER: Yes.

SECRETARY: Ms. Walker?

MS. WALKER: Yes.

SECRETARY: Mr. Wellman?

MR. WELLMAN: Yes.

SECRETARY: Mr. Wilkes? Sorry, I didn't
hear your response, Mr. Wilkes.

MR. WILKES: Yes.

SECRETARY: Thank you. Ms. Wilkinson?

MS. WILKINSON: Yes.

SECRETARY: Mr. Wright?

MR. WRIGHT: Yes.

SECRETARY: Motion carries, Treasurer.

50 in favour, one abstention.

TREASURER DONNELLY: Congratulations,
Mr. Troister.

MR. TROISTER: Thank you, Treasurer.

Thank you, Convocation, for the debate and the results.

Thank you again.

I assume now I'm functus, is that right,
Treasurer? Our Competence Task Force is no longer?

TREASURER DONNELLY: You're finished.

MR. TROISTER: Thank you all, and thank
you, task force.

TREASURER DONNELLY: And I say to you
personally, Mr. Troister, I went to you with a tough
job, I gave you a deadline to deliver it on. You did
it, you delivered on time, you delivered an impressive
report.

I know that as the former executive
director of Professional Development and Competence,
Ms. Miles has been working really hard to get passed
exactly what was passed. It's very impressive that the
task force has done that. Congratulations to you.

I'm thankful that you agreed to this job
when I came to you and said will you take it on. And
thank you, Mr. Marshall, for your role as the
vice-chair.

We're going to move on now. We're going
to move on to the Strategic Planning and Advisory
Committee report and I'm going to ask Ms. Horvat to
address that matter.

I understand, Ms. Horvat, that you are

moving that motion and that Ms. Shortreed is seconding that motion, is that correct, Ms. Horvat?

MS. HORVAT: Yes, that's correct.

TREASURER DONNELLY: And Ms. Shortreed?

MS. SHORTREED: Yes.

TREASURER DONNELLY: Thank you.

-- STRATEGIC PLANNING AND ADVISORY

COMMITTEE REPORT:

MS. HORVAT: Thank you, Treasurer. And in the spirit of thanking everyone, I would like to thank you for your leadership over the last two years and all that you have given to Convocation and to the Law Society over those two years and in your five years as bencher prior to that. So thank you.

-- Applause.

MS. HORVAT: The motion before Convocation from the Strategic Planning and Advisory Committee is at tab 3, page 500 of BoardBooks.

So the committee recommends that Convocation approve amendments to by-law 3 as set out in the motion at tab 3.1.1 to implement procedural reforms respecting motions at Convocation. The motion is moved by me and seconded by Ms. Shortreed, as already stated.

There are two straightforward amendments

intended to approve the use of motions in Convocation's governance process. The first is with respect to motions to amend. For transparency and Convocation's process and to create awareness around common practice, the committee recommends that the by-law be amended in section 74.1 to define motion to amend, making it clear that an amendment is not to alter the substance of a motion and is to be germane to the subject of the main motion. This is consistent with a description of a motion to amend in the procedures in by-law 2 for the Law Society's annual general meeting.

The second proposed amendment is with respect to substantive motions that benchers may submit under section 93(1)1 of by-law 3.

The committee recommends an amendment to add a new section 74(1.1) which provides that no substantive motion shall include recitals or preambles.

There are two reasons for this recommendation. First, by-law 3 defines a substantive motion as a motion that is a self contained proposal capable of expressing a decision of the benchers present at Convocation concerning a matter of import to the Society. Including preambles or recitals in a notice of motion is simply not in keeping with the nature of a motion as described in by-law 3.

Second, Convocation procedures provide an opportunity for benchers who move motions to provide reasons and the factual basis for the motion and invite support for the motion through oral debate and submissions at Convocation. That is where the information about the motion and its purpose should be provided, not in preambles or recitals.

During the debate benchers may hear and respond to the moving party's presentation, ask questions and exchange views in the course of the discussion. This supports informed decision making and is in keeping with the nature of a motion as described in by-law 3. That is the report, Treasurer.

TREASURER DONNELLY: Thank you very much. Does anyone wish to be heard on this motion? Professor Alford.

PROFESSOR ALFORD: Thank you very much, Treasurer. Just with respect to procedure manuals, at the annual general meeting I believe the by-laws stipulate that the procedure manual is Bourinot's and not Robert's.

I know that we don't, for Convocation, have a determinative procedure manual. I think perhaps if we revisit this issue in the future we might want to think about specifying that. I think it just would be

nice to have that parallel in the same way that we're creating some parallels now between by-law 2 and by-law 3.

Just on the subject of the first proposal for motions to amend, I think this is a well thought proposal. I really like the impetus for this. We've seen some problems with motions to amend that effectively replace substantive motions. That's really bad practice under any procedure manual.

So I think just insofar as we think that the guiding purpose of this motion is to make sure that motions to amend are, in fact, affecting textual changes, the same way that we saw with Bencher Rosenthal's motion to amend earlier, and that people think about coming with a motion to amend that says this is the textual change to the substantive motion that I would like to propose, that that is also good practice.

I think it's just if we think about what that's doing as promoting good practice pursuant to any manual of rules of order, I think that that's a positive change. Thanks very much, Treasurer.

TREASURER DONNELLY: Thank you. Mr. Charette.

MR. CHARETTE: Thank you, Treasurer. I

think, although I appreciate and I do appreciate and agree with Dr. Alford's comments, there are a number of problems with this.

Number one, the no recitals rule. I'm not a fan of long recitals, believe me, but each one of us are legislators and we table rules and proposals for rules and motions that have legal effect on our members and indirectly affect members of the province across the province. So I think it's important that we not interfere with a member of Convocation's right to frame the legislation as they see fit. It's up to that person, and the motion either gets voted down or gets supported.

As I said, I'm not a fan of long recitals, but, again, I have to take responsibility for my own motions and should not interfere with the making of others. So I think that's a suspect provision.

As well, I mean just a side point, the reference to Robert's Rules is an Americanism. I think it really should be the rule book of Parliamentary procedure, but we can go at that another time.

The important point, though, is that I think as a legislator I don't think Parliament interferes with a private member's bill, they frame their bill how they want to, and I think our body

should do the same. If a motion is voted down or if there's a recital perhaps that is scandalous or improper, the Treasurer can rule that out of order. So I think that's a concern.

The second concern I have with the ability of the treasurer to, and I won't say arbitrarily, but it will certainly be perceived by someone that if a motion gets removed from the agenda for three meetings, we only meet six or seven times a year, that that could harm the ability of a member of this --

TREASURER DONNELLY: Sorry, Mr. Charette, you're addressing something that's not before Convocation. As Ms. Horvat clearly laid out, there are two issues. One is to make by-law 2 and by-law 3 consistent with respect to a motion to amend, and the second is to stipulate that there are no preambles in motions.

MR. CHARETTE: Sorry, Treasurer, it's my hearing impediment. I didn't grab that, forgive me.

TREASURER DONNELLY: It should also be clear in the written materials, just so you know that, Mr. Charette.

MR. CHARETTE: Thank you for your consideration. So just to be clear now, I'm having a

difficult day here, we're voting on just the no preambles rule, is that correct?

TREASURER DONNELLY: Yes. Ms. Horvat, perhaps you could just direct Mr. Charette to the relevant page of Diligent where the motion is set out.

MS. HORVAT: Yes, it's at page 500 of BoardBooks.

MR. CHARETTE: Yes.

MS. HORVAT: And at page 505 you will see the red-lined or green-lined amendments.

TREASURER DONNELLY: Thank you. I'm going to go on to Mr. Desgranges.

MR. DESGRANGES: Yes, thank you. I certainly -- this gives food for thought. I would like to suggest that we make two -- that we split these two amendments into two votes, and I certainly don't want to have these votes presented as roll calls, I don't think it's necessary, but I would like to split them in half because, in fact, with respect to the motion to amend I think that would be good practice indeed. It would certainly have the effect of closing certain loopholes that might be used.

But I tend to side with Mr. Charette with respect to the no recitals. Now, that being said, I agree with Ms. Horvat that the purpose needs to be

outlined in the motion itself. However, I've always been told and I've always understood that the recitals, the whereases, were a method of bringing context. In what situation are we actually making -- in what situation are we actually making this motion and it is to correct what exactly under what -- you know, under a specific moment in time.

I don't think I can agree with removing recitals, but like Mr. Charette, I do not like ongoing, very long recitals. I just think they are very, very useful all the time, not only for the present, but also in the future when people might want to refer back to motions that were passed, it certainly would provide the context needed in order to appreciate what deliberations we're trying to accomplish.

So may I ask if I have a seconder to split these two amendments?

TREASURER DONNELLY: I'm just going to do that myself, thank you, Mr. Desgranges. Mr. Lesage.

MR. DESGRANGES: Very well, thank you very much, Treasurer.

TREASURER DONNELLY: Yes. Mr. Lesage.

MR. LESAGE: Yes, thank you, Madam Treasurer. So I will echo the concerns of Mr. Charette that he raised, and I'm concerned that removing the

preamble and recitals will lead to less well informed debate at Convocation, as the preambles and recitals offer an opportunity to frame the motion, to identify problems, to provide citation to authorities and statistics via hyperlinking. So I'm certainly concerned with the ability to -- or with the potential of removing that.

I think an interesting problem that's likely to arise if that is done is all benchers will start to get a lot more e-mails and calls from people moving motions so that they can explain what the reasoning behind their motion is, whereas with a motion, it's all contained in a one or one and a half page paper. So thank you, those are my comments and concerns.

TREASURER DONNELLY: Thank you. Mr. Klippenstein.

MR. KLIPPENSTEIN: Thank you, Madam Chair. I would like to move an amendment to Bencher Horvat's motion so as to require the Law Society to plant more trees in front of Osgoode Hall.

TREASURER DONNELLY: That would be an improper amendment.

MR. DESGRANGES: To amend the amendment it requires --

TREASURER DONNELLY: Nor is it a motion from the floor related to a substantive motion currently being debated, so I'm going to have to say we can't do that. It's a nice thought, though. Mr. Esquega.

MR. ESQUEGA: Thank you, Treasurer. I'm looking at page 505 of BoardBooks has been referenced and I see that there's a definition as a motion to amend, but I don't see any other materials before us where that definition actually shows up within a by-law. Am I missing something?

I only have one page -- I have two pages. There's the cover page, by-law 1, then you have the definitions. We see that new amendment, but then you go -- I'm looking for the body of the by-law where that definition is used and there's nothing provided.

TREASURER DONNELLY: So the definition is -- that's by-law 3, so we're amending by-law 3 to make the change in section 74, but if you're looking for where does it say a motion to amend, that is section 99.3, I think. Just give me a moment. Sorry, it's 95.3. So a motion to amend may be made. So you describe and define what the amendment is and then later on it says a motion to amend may be made.

MR. ESQUEGA: Okay, thank you.

TREASURER DONNELLY: Mr. Wilkes, I see your hand is down now.

MR. WILKES: Yes, I put it down. The only comment I had, I don't particularly care one way or the other on this one, but if there is a preamble, which is relatively easy to read it, there will be more e-mails, more discussions on Twitter about why we are doing motions and it may be more helpful just to keep it on the page, but I'm happy either way this vote goes.

TREASURER DONNELLY: Thank you. We're going to move to vote then. Just have a moment.

MS. SHORTREED: Madam Chair.

TREASURER DONNELLY: Ms. Shortreed, I'm sorry, did you have your hand up and I didn't call you?

MS. SHORTREED: I'm the seconder of the motion.

TREASURER DONNELLY: Oh, sorry, would you like to speak?

MS. SHORTREED: Much as I hate to belabour matters of procedural by-laws, just to clarify a couple of points raised, just remind everyone we're sitting in a board of directors of a legislative regulator. We are not a legislature ourselves or a parliament, so those analogies are not applicable.

Robert's Rules of Order are not engaged by the motion, and, finally, it is not at all typical board practice to have recitals, they tend to create confusion due to matters of opinion, advocacy or inaccurate information, and so I'd ask benchers to support the motion. Thank you.

TREASURER DONNELLY: Thank you. So we're going to -- I'm going to ask the benchers on Zoom not to vote yet. We're going to try this without a recorded vote. So what we're going to do is we're going vote in the room, and the first thing we're voting on is the amendment to the by-law with respect to a motion to amend.

All in favour of amending the by-law with respect to the motion to amend, put your hand up. Is there anyone opposed in the room? Any abstentions in the room? Okay, so can I hear, can I see, using the yes, no buttons, this is with respect to the motion to amend. All in favour? Use the raised hand function if you're abstaining.

All right. I understand that the motion passes. Thank you. And, Mr. Wright, we have you noted as an abstention.

We're going to move on to the next part of motion, then. This is the preambles. It's whether

or not the by-law should be amended to say that there are no preambles with the motion. I'm going to ask the benchers in the room to raise their hand, those in favour of this to raise their hand in the room, please. Those opposed in the room?

Now I'm going to ask those on the -- on Zoom to vote, please, using the yes, no buttons. Dr. Lau, you have a raised hand. Is that an abstention or are you voting in favour?

DR. LAU: Voting in favour.

TREASURER DONNELLY: Thank you.

MS. MERALI: Hello, this is Isfahan, I'm voting in favour.

TREASURER DONNELLY: Thank you very much. And, Mr. Falconer, you are on the phone as well. How are you voting? Mr. Falconer, if you're speaking we're not hearing you. In any event, the motion passes. Thank you very much.

Now, we're going to move on to the next item on our agenda, and this relates to a notice of motion brought by Mr. Fagan and seconded by Mr. Klippenstein.

You'll see in the materials as well I had asked the Chief Executive Officer to prepare a report to address the next two motions we're going to

deal with. So we'll start first with the notice of motion by Mr. Fagan and Mr. Klippenstein, and this is relating to the call to the bar ceremonies and having only benchers read the names. I understand, Mr. Fagan, this is moved by you?

MR. FAGAN: It is, Treasurer, thank you.

TREASURER DONNELLY: Thank you, and seconded by you, Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

TREASURER DONNELLY: Thank you. I'm going to ask then, Mr. Fagan, that you address this, please.

-- NOTICES OF MOTION:

MR. FAGAN: Yes, thank you, Treasurer. I move the following motion. Be it resolved that at the Law Society of Ontario's call to the bar ceremonies in June 2022 the names of the individual candidates for admission shall be read out by benchers of the Law Society of Ontario and by no other person. That's the motion.

Bencher Klippenstein and I brought this motion when Convocation, not yet having been consulted on the subject, we learned of the contemplated change with respect to our established procedure for the reading out of the names of candidates for admission at

the LSO's call to the bar ceremonies. The contemplated change is, of course, described in the memorandum from LSO CEO Miles and Executive Director Bhatia dated May 9th, '22, and now before this meeting of Convocation.

The contemplated change is that at the LSO's June 2022 call to the bar ceremonies the names of the individual candidates for admission be read out, not by benchers of the LSO, as has up to now been the case, but by a hired professional name reader.

Bencher Klippenstein and I believe that this contemplated change is no mere matter of LSO operations but is, rather, a contemplated change which triggers serious considerations of policy.

I submit that hiring a professional name reader to read out the names of our candidates for admission at LSO call to the bar ceremonies would be a serious policy error in that it would be a signal that the Ontario legal profession had chosen a seriously flawed commercial, professional, indeed, artificial type of multiculturalism policy for the conduct of its affairs.

In the May 9th memorandum now before Convocation in this matter, we see at the bottom of the first page a paragraph which I submit serves as the

linchpin of the analysis on this subject in such memorandum.

That paragraph, speaking of the LSO's call to the bar ceremony reads, "The ceremony is a celebration of the candidates and the focus of all activities is on making the experience as positive for those candidates as possible. The candidates are the only ones that matter on call day."

Well, no, I respectfully disagree with the assertions in that paragraph. My disagreement with them should please not be construed by anyone as being any criticism by me of the writers of this memorandum. Reasonable people can disagree on matters like this.

I submit that our call to the bar ceremonies are celebrations not just of the candidates for admission, but of the entire profession of the law in the province of Ontario. I submit that the focus of all activities at call ceremonies is on presenting such profession in the best light possible as we welcome new additions to the profession. I submit that the whole Ontario legal profession matters on call day.

The paralegal profession in Ontario might not be implicated directly in our call to the bar ceremonies, but our two professions are now so intimately connected that our paralegal profession is,

indeed, also affected by the image we project at our call to the bar ceremonies.

Ontario is happily now a multicultural society, increasingly more so each day, grappling with how to live, enjoy and relish that phenomenon, the Ontario legal profession should proudly project to its members old and new, to the families of the newly admitted and to the Ontario public at large that it is pleased to pursue a course of real multiculturalism, human multiculturalism, and above all, successful and lasting multiculturalism.

Real multiculturalism is openminded, open-hearted, and open-faced and openhanded. It is always a two-way street, at least. It involves people of disparate linguistic and cultural backgrounds meeting and working with each other, celebrating their increasing diversity together, and, among other things, doing the necessary good natured mutual work to learn one by one, face to face, how to pronounce each other's names.

Real multiculturalism does not involve the cop-out, as it were, of hiring outside professionals to take the load off us. Real multiculturalism does not involve people taking offence when on early meetings of people of different

linguistic backgrounds names are accidentally mispronounced. Let us not shortchange our candidates for calls to the bar by presuming that more than a handful of them do not appreciate this.

Real multiculturalism, human multiculturalism lasts, actually takes hold, is enjoyable, is capable of becoming organic. In contrast, commercial multiculturalism, professional multiculturalism such as would be on display at our call to the bar ceremonies were we to hire a professional name reader to perform at such ceremonies, creates a permanent class of paid intermediaries. At whose expense? Intermediaries imposing themselves between people, people who should be bargaining ahead and working and meeting directly with each other.

Commercial professional multiculturalism is artificial multiculturalism in that it creates roadblocks for people who should be enjoying full, mutually fruitful interaction.

Commercial professional multiculturalism is doomed to ultimate failure once enough people realize its artificiality, and they will. Commercial professional multiculturalism is so artificial that it squeaks when it walks, so to speak. It is performative.

The Law Society of Ontario should stand for real human multiculturalism, the type which is capable of becoming organic, not the artificial, doomed to failure kind. We benchers should, therefore, continue to be the ones who read out the names of the candidates being admitted to the Ontario legal profession at our Call to the Bar ceremonies.

I, of course, urge the adoption of this motion. Thank you, Treasurer, and to all.

TREASURER DONNELLY: Thank you. Mr. Klippenstein, do you wish to be heard now or do you wish to defer?

MR. KLIPPENSTEIN: Now, please.

TREASURER DONNELLY: Thank you.

MR. KLIPPENSTEIN: Treasurer, colleagues, when this prairie country boy first left the village where everybody knew and correctly pronounced, not only his name, but the names of his entire extended family, he found that lots of people here in the metropolis constantly mispronounced his name, which he gradually realized was because everybody, given his name, thought he was Jewish. He considered this mildly amusing and perhaps an honour, but so what, he said, let's just focus on trying to be a good lawyer.

When my partner and I had our first son two decades ago, we decided to honour her heritage by naming our son for her great grandfather in Japan with a name which, frankly, we had never even heard before in Canada. I remember at the time chuckling to myself at exactly how his name would be mispronounced in the future in the school yards, but I thought, hey, that's life in the big city, it's not a big deal and it's a bit interesting.

I phoned him the other day in B.C. when I was reflecting on today's topic and asked him if he found people sometimes mispronounced his name and he said yes, of course, and if you're asking if it bothers me, no.

Colleagues, it has been assumed until recently, both in Canada and in our profession, that the ideals and aspirations of openness, opportunity, individual equality and nondiscrimination and of our focusing on our common humanity were a good basis for all of us moving together as a society.

Now, increasingly, not anymore. Instead, our Canadian society and our Law Society is increasingly being taken over by an ideology of never-ending, round the clock, turbo charged identity politics, which many call wokeism, or as I see it,

wacky wokeism, in which every mispronunciation of someone's name is considered an egregious micro aggression and grounds to write a media article or social media posting trumpeting one's personal grievance and entitlement.

Colleagues, the massive new James Webb space telescope recently put into earth's orbit has just reported the amazing discovery of a planet called Zoltarax a billion light years away, on which, incredibly, the brain circuitry of every inhabitant is preloaded at birth with thousands of names of other inhabitants of the planet and how to correctly pronounce them, but that planet is not this planet. Our brains are not so wired.

In reflecting on today's motion, I went back into the archives and looked at many of the call to the bar programs over the last few decades, and, of course, I saw an obvious trend, which was the inexorable increase in the variety of names. I say inexorable because Canada has, over the last many decades, been, as a matter of policy, a world leader in welcoming new citizens from all over the world and the number and variety of new names is really quite amazing.

I looked at the statistics for last

year's immigration to see where most new Canadians are coming from these days and, folks, we better get ready in the years ahead to learn the pronunciation of a lot more new names from China, India, Pakistan and the Philippines, because those were by far the major countries of origin last year.

That is a good thing, I say, provided that we all acknowledge the ground rules of equality and non-discrimination, of openness and opportunity. The ideology of wokeism, on the other hand, does no such thing with its constant drum beat of tribalistic identity grievance.

A few years ago this Law Society adopted a far-reaching program which is, in hindsight, based exactly on that ideology of wacky wokeism. This program included something called an inclusion index, which sought to enforce --

TREASURER DONNELLY: Sorry, Mr. Klippenstein, I'm going to ask you to wrap up your remarks, please, and focus on the motion before us.

MR. KLIPPENSTEIN: Thank you, chair, I just need another minute. I am addressing specifically the issue raised by the memo before us, but I will try and wrap up.

This program included something called

an inclusion index, which sought to enforce a system of de facto race and gender quotas at all levels in every law firm of significant size, so that members of our professions would be hired, promoted and appointed, not based on their competence, their smarts, their skills, their hard work and their contribution, but, instead, based on the skin colour, facial features and sex chromosomes that they were born with. It pretty much followed that any firm manager or partner who mispronounced anybody's name was fair game for a complaint of discrimination.

Colleagues, if we adopt this new policy of a professional name reader at the calls to the bar, are we also in the future going to pay for the daily personal attendance of a personal name reader for each and every judge and for each and every law firm partners and managers? Or maybe we should formalize a legal defence to a complaint of discrimination that goes, hey, I'm human. My imperfect brain can only remember 500 name pronunciations and I'm working on it.

Colleagues, I respectfully suggest that we need to pass this motion to preserve the honourable tradition of benchers personally inviting new members into our profession and recognizing that in the real world of planet earth, both pronouncer and pronouncee

need to make good faith effort and allowance, and that that's perhaps the best we can do. Thank you, Madam Chair.

TREASURER DONNELLY: Mr. Rosenthal.

MR. GOLDSTEIN: Personal privilege, Madam Treasurer. Personal privilege. I just want to know if Mr. Klippenstein is going to continue on falsely retaining clients on the basis of them thinking that he's Jewish.

TREASURER DONNELLY: Mr. Rosenthal.

MR. ROSENTHAL: It's simply fantastic that we are going back to the calls to the bar, which at least to me was always something, as a bencher, I looked forward to attending. Whenever I was in the city and could attend, I would.

Seeing all the candidates hovering around in the back room of Roy Thompson Hall nervously trying to get their tabs on straight, then the total buzz of the excitement in the room, the energy in that room is impossible to quantify.

But as exciting as it is for me as a bencher, and as joyful a day as it is for me, that day is not about me, that day is not about the benchers. That day is about the candidates. And I enjoy nothing more at those ceremonies, when you hear the whoops and

the cheers of excited family members cheering their loved one on, it's outstanding. We know in this day and age where everyone has a smart phone, it's being taped so they have a permanent record of it.

How can that be ruined? Easy. Butcher the names. Exhibit one -- and anyone who wasn't sure how to vote should just see what happened in this Convocation. Mr. Fagan just butchered the name of our Executive Director of Professional Development and Competence. He didn't mean to, but I guess she should take no offence because Mr. Fagan says he knows how she should feel.

Why should we do anything that does not make that day as fantastic as possible for those candidates who are ending a long road? I love it. You hear them in the upper balconies screaming, standing up and dancing.

I enjoyed reading the names, but I will gladly give up my turn at doing that to make sure that every single candidate enjoys it. If I blew it once I feel terrible and I don't want to do it again. It's not about us.

Quite frankly, if this motion passes, and I hope it doesn't, what will be next? A request that only a bencher sing the national anthem that takes

place? Come on, folks, it's not about us, it's about the candidates. Let's forget about our personal needs to stand up and say, wow, I'm a bencher. Let's make their day as great as we can. Thank you, Treasurer.

TREASURER DONNELLY: Thank you.

Mr. Burd.

MR. BURD: Thank you, Treasurer. I am going to speak out against the motion for three primary reasons, and I won't repeat what Mr. Rosenthal said, but I do agree with him.

My first issue is I think much of this is operational. When we think about the call to the bar ceremony we don't talk about where it is, what day it is, who gets to speak. These are decisions that Ms. Bhatia and her team does and does so well, so I really don't know why we're even debating this issue, because to me it seems operational.

However, with that being said, because it is before the floor of Convocation I do want to speak out for two other reasons. One, as Mr. Rosenthal said, this is the day for the licensees. This is a once in a lifetime achievement that we have to recognize and they have their friends and family sometimes coming from far away to attend the ceremony, and for that person to walk across the stage and have

their name mispronounced is sad because it's a once in a lifetime opportunity. They don't get a retake, they don't get a redo, so we should get it right, and for that reason alone we should.

However, my other, third point is about benchers. I had the honour of calling out the names, but when I did I spent a week practising and practising and practising, and it was stressful. The reason is because I knew this was a once in a lifetime opportunity for the new licensees and the new calls, and I didn't want to screw it up. I don't even know if I screwed up any of the names because we don't get that feedback and it's not an immediate feedback. What is tragic is if I did screw up somebody's name, and I do apologize if I did.

So for benchers, although it's an honour, it's stressful, because I knew the importance of pronouncing my new licensees' names. And so I think the other point is the new calls probably don't even know what a bencher is, so why are we taking such a personal view that this is taking away some of our functions or duties when I don't even think the licensees, the new calls who are crossing the stage even know who the person is that's reading out their name.

I think we've read way too much into this. I am, although honoured to have called out names in the past, as Mr. Rosenthal said, I'll gladly give that up to make sure it's done properly. Thank you.

TREASURER DONNELLY: Ms. Lewis.

MS. LEWIS: Thank you. We received a correspondence this morning, and I'm not sure if all benchers had a chance to read it and I'm actually not even sure where to find it. So I want to take a moment to read it now because I think it has everything important about this issue and, frankly, more important than anything any one bencher here can say.

The letter is from the South Asian Bar Association. "I write to you on behalf of the South Asian Bar Association, which is one of the largest diversity organizations of legal professionals in Ontario. SABA is concerned about the motion jointly tabled by Mr. Fagan and Mr. Klippenstein for consideration by Convocation on May 26, 2022. The motion relates to the prohibition -- to prohibiting non-benchers of the LSO from reading out the names of individual candidates for admission during the call to the bar ceremonies."

"Speaking for the vast majority of our members, who are first or second generation lawyers,

having their name read at the call to the bar ceremony represents one of the most significant moments in not only their own lives, but also the lives of their often immigrant families. Families who have sacrificed and endured great hardship to hear their family names read out in hallowed places that they never thought possible".

Many licensing candidates of South Asian heritage have gone through their entire lives, myself included, worrying about others stumbling over their names and taking steps to Anglicize or to use a common, easy to pronounce version of their names, or completely different anglophone nickname in place of the ones bestowed by their families."

"Many studies have shown how name mispronunciation can be considered a behavioural micro aggression, defined by researchers at Columbia University as brief and commonplace daily verbal, behavioural or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory or negative racial slights and insults towards people of colour."

"Allowing the use of professional name readers ensures that licensing candidates of all backgrounds feel equally valued and represented during

their call to the bar ceremony. Certain of our members expressed that the accurate pronunciation of their names allowed them to feel included, empowered, and a strong connection to their heritage. Others related that the mispronunciation of their name can often elicit feelings of anger, awkwardness and shame."

It is SABA's contention that no licensing candidate should be meant to bear these types of feelings on such a significant day."

So I urge my fellow benchers to listen carefully to this submission from one of the largest equity-seeking groups in the province, organizations, and support the existence of professional name readers and to vote no to this motion. Thank you.

TREASURER DONNELLY: Thank you. Mr. Spurgeon.

MR. SPURGEON: As all of you know, my name is Andrew Spurgeon, and I sometimes am confused with a bottom feeding fish called a sturgeon. That confusion manifested itself on February 16th, 1995, when I was called to the bar.

It was a very frustrating experience for me as I walked across the stage to bow before Paul Lamek, who was the Treasurer at the time, because I don't believe at the time he could stand, he had to sit

and receive us.

It was an emotional thing, I still remember it today, and I think that this is a good thing that we're doing.

I was very honoured to read out other people's names, but I have been embarrassed when I made the same mistake and have caused somebody else to cringe. I would ask that we try to avoid this. This is not about us, it's about them. Thank you.

TREASURER DONNELLY: Thank you.

Ms. Corbiere.

MS. CORBIERE: Thank you, Treasurer. I will definitely be speaking against this motion. I adopt Mr. Rosenthal, Mr. Burd, Ms. Lewis and Mr. Spurgeon, not Sturgeon's, submissions.

I'd also like to commend Ms. Miles and her staff for the memo. Not as a person speaking about multiculturalism or immigration, I'm speaking as a person, a First Person of the first legal order of this country, and I have repeatedly seen, in the province of Ontario especially, there are still existing Cree last names and Anishinabeone last names, and I rarely see anyone do any justice, and I have observed.

I grew up on Manitoulin Island, where 50 percent were Caucasian, and the other 50 percent

were Anishinabe people, and when we would go to sports tournaments and the people and the sportcasters would butcher our names and do it over and over again, despite the fact that they lived there for so long.

So words do matter and it's important, we talk about competence around this table, it's a no-brainer to get somebody professional to do this right. I trust that they probably won't know how to say the Anishinabeone names, but I would be willing to help and I've always been willing to help when that's been required.

But, colleagues, I urge you to vote against this motion. Thank you.

TREASURER DONNELLY: Sid.

MR. TROISTER: Just two comments. We know what goes on out there, but it's always been an experience when I have been selected as a reader to confer with my other readers at the -- behind the stage, and what we would do is we would compare notes on how do you pronounce this and how do you pronounce that, because we all had lists that included names that were not something that we were familiar with.

One story, and this isn't about names that are unusual in the anglo world; I was called by a client of mine whose son was called to the bar. Their

last name, we'll call it Smith, and Evan Smith was being called to the bar. Evan, E-V-A-N, and the reader said "Yvonne," and she was pissed, and that should never happen on a day like a call day. Thank you.

TREASURER DONNELLY: Mr. Pollock.

MR. POLLOCK: Thank you, Treasurer.

Treasurer, my wife is from Central Asia. She has a very difficult to pronounce name. My wife's name is Evgeniya, and the transcript can see me afterwards for the proper spelling of that name.

I remember when I first went on a date with my wife and I was -- and I was told that she said my name is Genny and then I heard Gen, and then I heard Genia and Genia is a short form for Evgeniya.

I remember at some point I said to her, listen, I feel you're really special, I think this could go somewhere, but I just got to ask you, what's your name? And it -- it was very difficult and a very humbling thing that I did. I'm very glad that I did it, three children later, but it was something that was trying. And when I had different ways of pronouncing her name and sort of anglicizing it, but I took the time, I learned it, I got it right, or I got some things right, at any rate, we're coming up on our 20th anniversary later this year, and I'm struck by

something that was said by my colleague, Bencher Burd.

He was saying that's it's really tough, it's really stressful, it took him a week.

But I worry by doing this we're taking the easy way out. We are avoiding that which is difficult and I am persuaded by the eloquence of my colleague, Bencher Fagan, of going to real multiculturalism and taking the time, putting in the time, because it is very important. Thank you very much, Treasurer.

TREASURER DONNELLY: Thank you, and I'm going to close the list now with the people that I have on it and I'm going to ask that we try to shorten your remarks and not repeat what's been said before. Mr. Charette.

MR. CHARETTE: Thank you, Treasurer. I note the report doesn't include the body of any written complaint. I would have appreciated that, and I don't see there's any information concerning the institutions that have been scanned. I would have appreciated that as well.

I should say it's not about the benchers versus the candidates, it's about us, this Society, and it's part of our longstanding tradition that the benchers, on behalf of and in the name of, all the

members across the province issue the greeting to the new members. It's part of our tradition.

Yeah, there's difficulties with pronunciations, but it's not an us or them, either or thing, it's both, it's us as a society.

My name, and I'll recite that it frequently gets mispronounced, my last name is Charette, as in Corvette, but every once in a while I'll get a lot of French folks or people who want to be French, saying, "How are you doing today, Mr. Charest?" It's great. I don't take offence, it's not microaggression, it's just they're trying to be nice. Why should I use it as an opportunity to, not pick a fight, but be upset? Somebody's trying, they missed the mark, fine, it's not a problem.

I think sometimes we're teaching people to take too much offence at too many things and, frankly, that is an issue in our society.

We already provide phonetic sheets for our readers, and who's to say that professionals aren't going to make a mistake? Everybody makes mistakes with names, I don't care how professional you are.

There are many, many subcultures within this world where people a few counties over pronounce their names differently, although they're written the

same. I mean you have today Smith and Smythe. Even anglo saxon first names, as Mr. Troister pointed out, gets mispronounced. I think we're in a culture where we're taking too much offence all the time at these little so-called micro aggressions. I really think we're not going in the right direction.

So I think this proposal is intrusive.

It intrudes into the space between the benchers, not as who the 40 or 50 of us are, as representatives of the 56,000 members who have part of our long tradition had the opportunity of reading new calls.

So I think the motion is geared at preventing an intrusion into the space that this society has as representatives of all those members out there. I do intend to support the motion. Thank you, Treasurer.

TREASURER DONNELLY: Professor Alford.

PROFESSOR ALFORD: Thank you, Treasurer.

Just to give you some background, my first two degrees are linguistics, so I hope that you'll appreciate that I'm going to bring some particular knowledge to this.

So the problem that we have with pronouncing names frequently has to do with the fact that phonetics across languages are remarkably divergent. And the problem that happens is when people

hit puberty, their ability to perceive phonics becomes fixed.

So what happens is if you learn a language past about the age of 12, you will never have the same pronunciation as someone who learns it before the age of 12.

So this is not a new problem in Canada. If you remember Prime Minister Jean Chretien, he always said, "I go 'tree' times; I go once, I go twice, I go tree times." Why could somebody with that level of facility of English not pronounce the phoneme "th". It's because he was raised in an environment where he never heard it, right?

That's a very serious problem. We have been dealing with this for a very long time. Every ethnic community in Canada has had to deal with the fact that people don't have that ability to pronounce their names correctly. I'm not sure here at Convocation that we can all say that we exercised maximum effort to pronounce Desgranges correctly or Chiumminto correctly, right? This is just an issue of language.

If we have this professional name reader, they're going to have to exercise an incredible amount of diligence with the sheer range of languages

that are now present within people at our call ceremonies. We're talking about not just phonetic differences, but we're also talking about tonal languages, right?

The procedure that we have now where people write out phonetically on a card how they want their name to be pronounced, kind of by reference to English, is basically the kind of rough and ready thing we've already always done. That is not going to be sufficient for Vietnamese, right, with its tonal structure. There is no way to actually communicate that on a card.

This person who is going to be allegedly competent to do every single language, I mean, I don't know what procedure is envisioned, perhaps there's a lot of personal contact being envisioned, but it's going to be exceptionally difficult. As Bencher Corbiere said, you bring in something like the phonology of Anishinabek, you've got additional complications.

So this is a really difficult situation. The question is how do we attune people to deal with it? I think it's also about how we think about what's going on in the ceremony and what we're teaching people in that moment. I've always thought about a call

ceremony as introducing someone to a profession, and the best speeches at call ceremonies that I've always heard are about how it's not about you.

Now, I understand it's very important for families to celebrate transitions and initiations, but the flip side of that has always been this is duties that we're imposing upon you. You are taking an oath to uphold the Constitution and the rule of law. That is the price of entry into this profession, that you always have to think about those duties first, think about your clients first. It's not fun to be in a very important moment and have someone mispronounce your name, but as I think Bencher Fagan says, this is just what a multicultural society is. We just have these interactions where we have to encounter people whose names are with phonologies and tones and other factors that actually make them unpronounceable to us, at least until we go through this great effort to do that.

I would just like to add this point.

It's very easy to politicize this, and why I know this is because I wasn't born with this name, okay, I was born with an Irish name. In Ireland, a lot of people have gone through the process of gaelicizing their names, which is to say, to take it back from an English

pronunciation equivalent, you know, Fagan, Donnelly, et cetera, and take it back into Gaelic, which has a profoundly different phonology from English, one that is very, very difficult to pronounce if you haven't learned it.

What they teach people in Gaelic language programs is that you need to approximate the phonology of it. Because putting your tongue actually in the correct place to pronounce Gaelic appropriately is almost impossible. What you're taught is this is what will sound roughly like a Gaelic name, right?

If I was to do that, if I was to go back to the name that I was born with and I was to Gaelicize it, right, I don't think I could just have the expectation that everybody would be able to pronounce it correctly on first instance. And then to say that there is an aggression being committed against me when they can't do that adequately, right?

We don't want to teach people to do that. I want to go through what I go through with my students in the classroom, perhaps on a smaller scale, as somebody who reads names as a bencher. I want to have those interactions with people, I want to go through learning how to do it, and if they're disappointed with how I do it, I want to have an

interaction with them afterwards where I learn how to do it better, and they perhaps learn that I was doing my absolute best, my level best in the situation not to offend them, but doing something that is sometimes almost impossible to perform just because of the nature of a very multicultural society that I think we should all be proud. So that's why I'm going to vote in favour of this motion. Thank you.

TREASURER DONNELLY: Mr. Goldstein. And I'd ask you to be brief, please.

MR. GOLDSTEIN: I take somewhat responsibility for this motion, Treasurer, because when the e-mail came out informing us that we were going to go to a professional name caller, I was the one who sent out an e-mail saying, "Come on, guys" and that's how I meant it.

I don't want to politicize this either. This isn't an issue of micro aggression, which, frankly, Treasurer, I think to say that because someone mispronounces someone else's name that you're engaging in micro aggression is just beyond reasonability, but nor do I want to engage in a conversation that this is anti-wokeism --

TREASURER DONNELLY: Sorry, Mr. Goldstein --

MR. GOLDSTEIN: -- that this is
anti-wokeism --

TREASURER DONNELLY: Stop. I will not
have you challenge a position taken by one of our
partners who took the time to send a letter about how
the South Asian Bar Association perceives it. Please
move on in your remarks.

MR. GOLDSTEIN: Well, I'm challenging
the idea, nevertheless, nor do I want to engage in the
opposite view of politicization that somehow this means
that we have to be anti-woke. I disagree with both
positions.

My initial response to the e-mail was
simply a matter of do we really need to have a
professional name caller? What is a professional name
caller? Where do you get this designation from
exactly? Anyone who we're going to hire is simply
going to be an individual who has good diction.

I don't have great diction, I'm the
first one to admit that, I've got a bit of an Ottawa
Valley accent, so I don't want to be the name caller,
but there are many people amongst us who do have good
diction. Obviously Mr. Burd, Bencher Burd does,
Bencher Alford has much better diction than I do.

It's just simply a matter do we really

need to have a professional name caller? Can't we ourselves come up with someone who is just simply good at --

TREASURER DONNELLY: Sorry, I don't think that's open for debate. I think that's the Treasurer's choice, not the benchers' choice.

MR. GOLDSTEIN: With the greatest respect, Treasurer, this is my opposition or why I'm in favour of this motion. It is simply -- the policy is simply unneeded.

I have an articling student, Dhriti Mehra, who is South Asian, she's from India subcontinent. When she heard about the name, professional name caller, her opposition to it was the fact that, you know, Bencher Burd said people don't know who benchers are. Well, having a non-bencher call the name is just one more way that the new calls will not know who benchers are. It is a collective ceremony, it's not necessarily about them, it's neither about us either. It is a collective ceremony.

That is simply why I'm going to be in favour of this motion, because I believe the way we've always done it in the past is to choose one of us, because we represent the profession and we should be welcoming new calls to the profession, someone with

good diction, and that would solve the problem. Thank you.

TREASURER DONNELLY: Mr. Prill.

MR. PRILL: I find this a very challenging situation. I have been called to the Ontario bar and I was called later on in life. I was 52 when I crossed the stage and it was a moment of pride and accomplishment for myself, and to be welcomed by Vern Krishna at the time, if I pronounced his name right, and it was that kind of a pride experience that I was overjoyed to go through.

I've also been called to the New York bar, which is about as sanitized a process as I can imagine. There's no interaction really at all with the bar or with the bench or with officials. You stand in a room, you read an oath, you're called to the bar, and there's absolutely no interaction with the existing bar at all.

We have a multicultural society that allows us to work through these issues. I have a personal thing that I work at, which is trying to pronounce peoples' names as best as I can. As I like to say, I come from Alberta, if I can learn to wrap my tongue around all those Ukrainian names, I can try and learn how to wrap my tongue around yours.

I build relationships with other people by working at trying to pronounce their names. By bringing in a sanitized name reader, I do not build relationship with anybody. I do not build relationship with the person that's being called to the bar, they do not build relationship with me. As imperfect as we might be in a multicultural society, imagine if we're going to demand perfection in the pronunciation of somebody else's name, then how many people will never be entitled to be a name caller because they can't pronounce a certain vowel or a certain consonant properly? Do we deny people of South Asian descent the right to be a name caller because an L might be a hard vowel to pronounce? We learn how to speak using different muscles in our throats.

Professor Alford has already iterated to the way we pronounce vowels, the way we pronounce things, they're all different, and we all bring that to the table, we're all going to be different.

My own family's personal maiden name is spelled and pronounced incorrectly in all of our official documents. Why? Because my grandfather, when he came to Canada, came from Germany, and when they asked him what his name was, he said Maves, and they pronounced it M-A-V-E-S because that's the way it

sounded. Turns out the A is actually an E and the V is actually a W, but if you're coming at it with a German accent, that spelled Mewes in English.

So I'm totally against going to a sanitized version of Bar Ads. This is a multicultural country, and when we welcome people to the bar we welcome them to our multicultural country. We may make mistakes, but we don't do that to insult them. We do it with the best intentions to welcome them, and if somebody -- we make a mistake, we do our best to try and correct it.

TREASURER DONNELLY: Sorry, Mr. Prill, I'm going to -- I'm going to ask you to wrap up, please.

MR. PRILL: So I am voting in favour of this motion and I encourage others to do the same thing, recognizing that we do not want a sanitized bar call, we want a --

TREASURER DONNELLY: Thank you, Mr. Prill. Mr. Desgranges, I'm going to ask you to be brief, please, and not to repeat what's already been said.

MR. DESGRANGES: I have no intentions to, Treasurer, although I will reiterate -- not reiterate verbally, but I will certainly ask everyone

to think back on all the arguments that were made in favour of this motion.

I have to say that if I had a nickel for every time my name was mispronounced or misread or whatever, I probably would be under the sun right now with palm trees.

The point is that there's relationships to build, they're not going to be for long, they might be for as much as twenty seconds, maybe five seconds, but that relationship to be built between the person being called and the bencher, I feel, is very important.

This is where a lawyer understands, or a lawyer to be, understands that there is a bar and that the bar is with them. It's probably their first contact with a human with respect to the bar. I think it's very important that a bencher continues to read the name.

Now, I might have a tough skin, I understand that, and I do wish that most people have tougher skins to the extent that they can at least handle mispronunciations of their names. I'm just befuddled by the fact that that might even become sanctionable very shortly.

Now, that being said, I -- I believe --

truly believe that there's a relationship to build with the person called to the bar. I do believe as well that there are people amongst us, particularly musicians, that's me, who can actually get these names and pronounce them properly, and those who are not comfortable, who are afraid to make mistakes amongst us, just need not volunteer for that, to do that job, or refuse if they're called up.

Lastly, I think we're again going into an unnecessary cost. Thank you very much.

TREASURER DONNELLY: Ms. Shin Doi.

MS. SHIN DOI: Thank you, Treasurer.

I've heard a lot of good intentions, heard a lot about support for multiculturalism, and I've heard a lot about relationship building.

I wanted to let you know that times have changed. Mispronunciation of one's name is no longer acceptable. Pronunciation of one's name correctly is the most respectable (sic) thing we can do, especially on the day that is so very important to many licensees. They are being introduced into the profession and we need to get it right, so the investment in a name caller is the right thing to do.

That said, I agree with Bencher Burd that this is an operational matter. The CEO, Diana

Miles, has written an excellent memo and, as benchers, we are overseers of the operation, so we have to practice oversight, not intervene in the operations.

Thank you.

TREASURER DONNELLY: Thank you. Mr. Lyon.

MR. LYON: Thank you, Treasurer. I'll thank Bencher Shin Doi for her comments. She highlights the issue, I think, perfectly.

Let me just begin by looking at the memo that Ms. Miles prepared. I was a bit gobsmacked at the comments that candidates are not generally expecting certificates. One would have thought at an operational level the candidate's expectations would have been clearly spelled out in any materials provided to them in preparation for their call to the bar, so those types of comments I find quite surprising and obviously something has to be done to remedy that.

With respect to the operational policy distinction, let's not forget history. The operational policy distinction arose as a result of the adoption of a modified Carver model. We, as the governors of the Society, decide what to do and when to do it. It's not about what Ms. Miles wants, it's what we want. She can just recommend. There's nothing written in stone about

operational.

I'll leave now the memo and deal with the motion on its merits. The motion is a laudable motion. I want to thank benchers Klippenstein and Fagan for bringing it forward.

What seems to be forgotten in this myriad of comments is something called forgiveness. Life is messy. Bencher Shin Doi's expectation that names should be pronounced correctly is wholly unrealistic. As Benjamin Franklin observed over 250 years ago, life is messy, the sooner you learn that, the better off you'll be. You can't expect perfection. To expect perfection is to be continually disappointed.

Let's distinguish that from the aspirational, which is to aspire to perfection, but we're never going to achieve it. The sooner practising lawyers learn that, the better off they will be.

To create that expectation that things will be perfect from the get go is wholly unrealistic. That's not to say you don't make efforts, but life, as I said, is messy, and people are going to mispronounce your name. If you want to take offence, if you choose to take offence, that's your business, that's a decision you make. You are imputing motives to someone who may quite accidentally, and I say that as someone

who has a very difficult name to pronounce for most people. I don't take offence. It's just called life.

Thank you very much.

TREASURER DONNELLY: I'm going to move now to a recorded vote. Mr. Secretary, please call the vote.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: No.

SECRETARY: Professor Alford?

PROFESSOR ALFORD: Yes.

SECRETARY: Ms. Banning?

MS. BANNING: No.

SECRETARY: Mr. Brown?

MR. BROWN: Yes.

SECRETARY: Mr. Burd?

MR. BURD: No.

SECRETARY: Mr. Charette?

MR. CHARETTE: Yes.

SECRETARY: Mr. Chiumminto?

MR. CHIUMMIENTO: Yes.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: No.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: No.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: Yes.

SECRETARY: Mr. Epstein?

MR. EPSTEIN: No.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: No.

SECRETARY: Mr. Fagan?

MR. FAGAN: Yes.

SECRETARY: Mr. Falconer?

MR. FALCONER: No.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: No.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: No.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Yes.

SECRETARY: Ms. Lalji?

MS. LALJI: No.

SECRETARY: Dr. Lau?

DR. LAU: No.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: Yes.

SECRETARY: Ms. Lewis?

MS. LEWIS: No.

SECRETARY: Ms. Lippa?

MS. LIPPA: Abstain.

SECRETARY: Ms. Lockhart? Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon?

MR. LYON: Yes.

SECRETARY: Mr. Marshall?

MR. MARSHALL: No.

SECRETARY: Ms. Merali?

MS. MERALI: No.

SECRETARY: Ms. Murchie?

MS. MURCHIE: No.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry? Mr. Pineda?

MR. PINEDA: It's pronounced Pineda, but

I vote yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: Yes.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: Absolutely not.

SECRETARY: Mr. Ross?

MR. ROSS: No.

SECRETARY: Ms. Sellers?

MS. SELLERS: No.

SECRETARY: Mr. Sheff?

MR. SHEFF: No.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin Doi?

MS. SHIN DOI: No.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: No.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: No.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: No.

SECRETARY: Mr. Wellman?

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: Yes.

SECRETARY: Ms. Wilkinson?

MS. WILKINSON: No.

SECRETARY: Mr. Wright?

MR. WRIGHT: Yes.

SECRETARY: The motion is lost,
Treasurer, 20 for, 29 against, and one abstention.

TREASURER DONNELLY: Thank you very
much. We're going to move on to the certificates.

MR. POLLOCK: Treasurer, if I might
bring something to the secretary's attention. Bencher
Parry got cut off and if he could be let back into the
meeting. Thank you, Treasurer, and apologies for the
interruption.

TREASURER DONNELLY: No, he sent us a
message saying that he wasn't here and that he left the
meeting and he's not showing as being in the waiting
room, Mr. Pollock.

MR. PARRY: I'm here now.

TREASURER DONNELLY: Okay. Thank you.

MR. FALCONER: Treasurer, just a
clarification. Julian Falconer here. Just in respect
of my colleague, bencher Cecil's comments about people

mispronouncing his name, I think he's Lyon.

TREASURER DONNELLY: All right. We're going to move on to the last issue, and that's the motion, then, brought by Mr. Fagan and seconded by Mr. Charette, and this is about whether or not they should be given their certificates.

I'm going to ask Mr. Fagan, I understand you're moving it and, Mr. Charette, you're seconding it, is that correct?

MR. CHARETTE: That's correct. Thank you.

TREASURER DONNELLY: We have already had a long conversation about the calls to the bar and different bencher's perspectives on the importance of them. I'm going to ask that we really focus this debate on the issue before us, which is the certificates. So, Mr. Fagan, I'm going to ask that you keep that in mind when you deal with this moving of the motion, please.

MR. FAGAN: Yes, Treasurer, thank you.
I move the following motion.

Be it resolved that at the Law Society of Ontario's call to the bar ceremonies in June 2022 the individual candidates for admission shall be given their relevant certificates one by one in front of

those in attendance at the ceremonies, in keeping with the tradition in this connection that has been in place in recent years.

Bencher Charette and I brought this motion when Convocation, not yet having been consulted on the subject, we learned of the contemplated change with respect to our established procedure for the distribution of certificates to candidates for admission at the LSO's call to the bar ceremonies.

The contemplated change is, of course, described in the memorandum from LSO's CEO Miles and Executive Director Bhatia dated May 9th, 2022. That memorandum is now before this meeting of Convocation.

The contemplated change is that at the Law Society's June '22 call to the bar ceremonies, the individual candidates for admission not be given their certificates there and then in front of those assembled, but, rather, that they be sent their certificates by mail.

Bencher Charette and I believe that this contemplated change is no mere matter of LSO operations, but is, rather, a contemplated change which triggers consideration of policy.

I submit that making the change contemplated in the said 2022 memorandum would

constitute policy error in that, first, it would be a choice favouring those candidates. Why and how many of them are there, actually, who permit their certificates to be damaged as they carry them around on the day of the ceremony over those who, with their families, enjoy creating that priceless photo shot or a video outside the hall right after the ceremony, gowned, newly admitted lawyer, standing and in the moment with certificate in front of chest, surrounded by family.

Second, it will be an error because it would reduce the honour to which the certificates are entitled. Thinking of the certificates being delivered by mail, I am reminded of Canada's Korean war veterans finally receiving their war medals decades after their service, initially by mail, rather than at appropriate ceremonies.

Thirdly, it would be an error because it would reduce the opportunities for benchers participation in the ceremonies. As I have submitted earlier today, our call to the bar ceremonies are celebrations of Ontario's legal profession as a whole and not just of the candidates for admission.

Of no small significance, it would also be an error not to give out the certificates at the ceremony because it would prevent repeats of the great

scene which I myself have seen, to my great pleasure, where a young bencher, manifestly of background traditionally sparsely represented in the profession of law, hands the certificate on stage to one of her acolytes in front of all the diverse families in attendance as the cheers go on.

By the way, for the record, I, for one, submit that the expense of sending the two LSO employees to the call ceremonies to provide for the on-stage distribution of the certificates is justified. My disagreement with the contemplated change to the distribution of the candidates' certificate described in the May 9th memorandum before us should please not be construed by anyone as being or containing any criticism by me of the writers of this memorandum. There are policy choices at play here. Reasonable people can disagree on subjects like this.

I, of course, urge the adoption of this motion. Thank you, Treasurer, and all.

TREASURER DONNELLY: Thank you. Mr. Charette.

MR. CHARETTE: I'll reserve, thank you.

TREASURER DONNELLY: Mr. Wilkes.

MR. WILKES: Very quickly, I think I'm going to be, unfortunately, against this motion. The

logic in the memo in terms of the extra cost and the support staff needed for the certificates, it makes sense to me that we don't have it.

Having said that, at the final paragraph of the memo, the discussion about benchers not going up and giving a handshake if they know someone or they've got some association with them in some way, the calls to the bar I've been to, it hasn't just been benchers, there have been some of the Indigenous elders we have with us that go up and give some meaningful token to the student going through, and various members of different communities do it on occasion.

Yes, you can argue that there's some inequality in that, but at the same time, it does encourage camaraderie within the profession to the point that I suggest there's no necessary harm in that, and I didn't see much bottleneck at the ones I attended. I'm not totally against this, I think it's appropriate and should be continued if people want to go up to a student and congratulate in person if it doesn't slow everything down.

TREASURER DONNELLY: Thank you. Mr. Lesage.

MR. LESAGE: Yes, thank you, Madam Treasurer. I just have a brief question regarding the

certificates and specifically whether there has been any consideration given to reducing the fees for licensing candidates by, say, ten dollars if they choose not to receive a paper certificate, given that a lot of people never take them out of the canisters and never frame them.

MS. MILES: Bencher Lesage, we mailed 2500 certificates out to candidates last year and I think they all told us they were very pleased to receive them. So, no, I can't say that there's been consideration to not providing a certificate. Most people want to memorialize it, even if it does stay in a canister for a while.

MR. LESAGE: Thank you.

TREASURER DONNELLY: Mr. Desgranges.

MR. DESGRANGES: Thank you, Treasurer.

I'd like to remind everyone that ceremony to the call to the bar is those people who are being called, it's their day. As a matter of just walking up the stage, going across and sitting down, seems to me quite empty of meaning.

I think the certificate actually confirms something big, something that's happened. They're welcomed into our confrere. I see Mr. Rosenthal holding his head again, perhaps because

it actually goes the way -- it's exactly the message he was saying earlier. If it's their day, let's make it their day.

Mr. Fagan actually raised a very good point, the fact that someone actually can go up and remit the certificate to someone they know for whatever reason. I have been very fortunate to do that and I have to admit that the person who received that from my hands was also extremely tickled and happy. We even exchanged many words after the ceremony as we went out and shook hands with the new calls.

So that's where that particular -- this motion -- on this motion specifically. More generally, what I'm looking at here is responsibilities being taken away from benchers. Everything is becoming operational, to the extent that benchers only need to show up to meetings and maybe debate a bit. I mean I wouldn't be surprised if the next move here, the next step is just to get rid of the call ceremonies altogether and just have everything sent through the mail.

My daughter is one of them, she did not want to go to her university graduation, she just chose to receive the certificate and that was fine, but I think that she missed out on something very big. I'm

just thinking that perhaps the next step is that.

All that to say that I think that if we're going to get a professional name caller now and we should at least keep something within -- that is professional and that is conducive to relationships again between benchers, lawyers and new calls. Thank you very much.

TREASURER DONNELLY: Thank you. I'm closing the list. I have two people left on it. I'm going to go to Ms. Lewis and Mr. Groia and then we're finished.

MS. LEWIS: Thank you, Treasurer. I want to speak briefly to the issue of handing out certificates, because I think it's also an important equity issue.

I understand that it's meaningful for benchers to give the certificate to someone that they know, but the truth is, we are elites in the profession and we only know a handful of people. And we have to think a bit from the perspective of all the licensees and newly called licensees who are excluded, who are left out, who do not get that special privilege of having someone they know hand them their certificate.

I think it's important that we have a level playing ground for everyone, especially at

something as important and ceremonial as a call to the bar to ensure that all licensees are treated equally.

Thank you.

TREASURER DONNELLY: Mr. Groia.

MR. GROIA: Thank you, Treasurer. I'd like to just have a moment to let Convocation think about the financial cost of the motions that have been brought before us today, and as I had indicated, we are going into a period where there may be significant impacts on our finances as a result of the turmoil in the capital markets, so I think it's important that we also look at the cost and consequences of motions such as the two that have been brought by benchers this afternoon.

There are two major cost implications for what we have done today, and which, in total, although it's difficult to be precise, our best estimate is the profession will be asked to spend about \$63,000 --

MR. CHARETTE: Madam Treasurer, Mr. Groia is not speaking to the motion.

MR. GROIA: I am speaking directly to the motion, Bencher Charette.

\$63,000 is what these two motions will likely have cost the profession. \$13,000 of that is

attributable to the fact that what could have been a half a day Convocation has now become a full day Convocation, and although difficult to be precise, when one looks at the time that has been spent by SPAC and by Convocation, each of these two motions has probably incurred costs of 20 to \$25,000.

So I just urge my colleagues, when they consider bringing motions of the sort that we're now debating, what is clearly in my view an operational matter, to please think about the costs that our licensees are being asked to bear because those costs are significant in a time when those monies, in my view at least, would be much better spent elsewhere. Thank you.

TREASURER DONNELLY: Thank you. Mr. Charette, as the seconder of motion.

MR. CHARETTE: Thank you. We hear today it's not about us. As most of you or many of you know, I'm currently a registered student in the arts history -- art history program at the University of Toronto and about two-thirds of the way through, and I am looking forward to the day of putting on my academic gowns and getting my diploma at the U of T graduation. It's only proper. What is a graduation without diplomas?

We keep on hearing it's not about us, it's about them. Well, my goodness, the certificate has got to be the most treasured item that any new call will have. It is the concrete instantiation, the concrete exemplification of seven years of hard work.

I would think if it's -- you know, we hear in the report that it's a burden, it gets in the way. My God, this is probably the most happy burden they will carry around that whole day, and I would imagine there will be no small number of new calls that will keep the certificate on their bed tables that night and get up in the middle of the night and look at it.

For us to say it's not convenient for us to provide the certificate on the day of their call, what is this about? I've heard over and over again today it's about them. Why can't we give out a certificate on the day of graduation?

And why these motions are being brought is because we, as benchers, have a global view of these things. Administration is well informed, but they do not necessarily have the global view of these things. And the history and traditions of our Society are very, very important and I think there's a move to shunt the benchers to the side. I suppose at next call we can

just have those large standee portraits and we'll just all be there.

It's important that we have the flesh and blood ceremonials that is part of our longstanding traditions. You know, the comment, the report says some people forgot to take their diploma. Well, it's the excitement of the moment. They had to be waved down, hey, grab your certificate. It would be a happy event -- it adds to the happiness of the even that someone forgot their certificate. It's not a cause to eliminate certificates.

Again, we heard that it's bulky and it's inconvenient. I'm sorry, that just does not ring true. I'm not saying this is the intent, but this can have the appearance of having a callous disregard, it's not the intent, for new calls who want to get their hands on that certificate and have their photos taken with it right at the ceremony with their gowns on.

So a few get misplaced, of course, that always happens, it's going to happen again, but making -- saying to someone no one gets a certificate just because one or two or however many misplace it, it's at their expense anyways, again, it's not about us, it's about them.

Reduced cost. Sometimes we're being

asked to choke on a gnat and swallow a loaf whole.

As for benchers getting special treatment, recall a few years ago, our former Treasurer had the privilege of hugging his daughter on the stage of Convocation, right? Is that unfair. Should someone take offence at that? I'm sorry.

I would hope that we don't think of new calls having such small-minded attitudes towards these things. I would think, rather, and I think this is the case, that new calls look forward to the day when they can perhaps hug their own child or their own relatives, so that they can greet them.

You know, this level playing field thing has just gone to extraordinary, mind boggling, people taking offence at everything. It's just really unseemly.

So I don't think the new calls will take any offence if somebody --

TREASURER DONNELLY: Sorry, Mr. Charette, you're repeating yourself. Could I ask that you wrap up?

MR. CHARETTE: I am, am I not? I am. Well, I'm just about three lines from the finish.

So people feel bad about this? I don't think so. And last comment is about them, and I think

they want their certificates on the day of their graduation. Thank you.

TREASURER DONNELLY: Thank you. Could we move, Mr. Secretary, to a recorded vote, please.

SECRETARY: Mr. Adourian?

MR. ADOURIAN: No.

SECRETARY: Professor Alford?

PROFESSOR ALFORD: Yes.

SECRETARY: Ms. Banning?

MS. BANNING: Yes.

SECRETARY: Mr. Braithwaite? I'm sorry, Mr. Brown.

MR. BROWN: No.

SECRETARY: Mr. Burd?

MR. BURD: No.

SECRETARY: Mr. Charette?

MR. CHARETTE: Yes.

SECRETARY: Mr. Chiumminto?

MR. CHIUMMIENTO: Yes.

SECRETARY: Ms. Corbiere?

MS. CORBIERE: No.

SECRETARY: Ms. Corsetti?

MS. CORSETTI: No.

SECRETARY: Mr. Desgranges?

MR. DESGRANGES: Yes.

SECRETARY: Mr. Epstein.

MR. EPSTEIN: Abstain.

SECRETARY: Mr. Esquega?

MR. ESQUEGA: No.

SECRETARY: Mr. Fagan?

MR. FAGAN: Yes.

SECRETARY: Mr. Falconer?

MR. FALCONER: No.

SECRETARY: Mr. Goldstein?

MR. GOLDSTEIN: Yes.

SECRETARY: Mr. Graham?

MR. GRAHAM: Yes.

SECRETARY: Mr. Groia?

MR. GROIA: No.

SECRETARY: Mr. Horgan?

MR. HORGAN: Yes.

SECRETARY: Ms. Horvat?

MS. HORVAT: No.

SECRETARY: Mr. Klippenstein?

MR. KLIPPENSTEIN: Abstain.

SECRETARY: Ms. Lalji?

MS. LALJI: No.

SECRETARY: Dr. Lau?

DR. LAU: Yes.

SECRETARY: Ms. Lean?

MS. LEAN: Yes.

SECRETARY: Mr. Lesage?

MR. LESAGE: No.

SECRETARY: Ms. Lewis?

MS. LEWIS: No.

SECRETARY: Ms. Lippa? Ms. Lockhart?

Ms. Lomazzo?

MS. LOMAZZO: No.

SECRETARY: Mr. Lyon?

MR. LYON: Yes.

SECRETARY: Mr. Marshall?

MR. MARSHALL: No.

SECRETARY: Ms. Merali?

MS. MERALI: No.

SECRETARY: Ms. Murchie?

MS. MURCHIE: No.

SECRETARY: Ms. Painchaud?

MS. PAINCHAUD: No.

SECRETARY: Mr. Parry? Mr. Pineda?

MR. PINEDA: Yes.

SECRETARY: Mr. Poliacik?

MR. POLIACIK: Yes.

SECRETARY: Mr. Pollock?

MR. POLLOCK: Yes.

SECRETARY: Mr. Prill?

MR. PRILL: Yes.

SECRETARY: Mr. Rosenthal?

MR. ROSENTHAL: No.

SECRETARY: Mr. Ross?

MR. ROSS: No.

SECRETARY: Ms. Sellers?

MS. SELLERS: No.

SECRETARY: Mr. Sheff?

MR. SHEFF: No.

SECRETARY: Ms. Shi?

MS. SHI: Yes.

SECRETARY: Ms. Shin-Doi?

MS. SHIN DOI: No.

SECRETARY: Ms. Shortreed?

MS. SHORTREED: No.

SECRETARY: Mr. Spurgeon?

MR. SPURGEON: No.

SECRETARY: Mr. Troister?

MR. TROISTER: No.

SECRETARY: Ms. Walker?

MS. WALKER: No.

SECRETARY: Mr. Wellman?

MR. WELLMAN: No.

SECRETARY: Mr. Wilkes?

MR. WILKES: No, sorry.

SECRETARY: I didn't hear your vote,

Mr. Wilkes.

MR. WILKES: Can you hear me?

SECRETARY: Now I can. Is that no?

MR. WILKES: Yes.

SECRETARY: Yes, it was a no. Okay,
thank you. Ms. Wilkinson?

MS. WILKINSON: No.

SECRETARY: Mr. Wright?

MR. WRIGHT: Yes.

SECRETARY: Mr. Parry, are you in the
meeting? Ms. Lockhart?

The motion fails, Treasurer, 18 for, 29
against, and two abstentions.

TREASURER DONNELLY: Thank you very
much. That concludes the business of Convocation. I'd
just say that is my final time saying that. I'm
getting a little choked up.

-- Applause.

TREASURER DONNELLY: It's been my great
honour to be the Treasurer and I'll have more to say
about that in June Convocation because I'll be back
hopefully to address Convocation in a more thorough
way, and not at ten to two when we have had a really
long day.

For the benchers who are here at Osgoode Hall, I invite you up to Convocation Room. We're going to have lunch. As you know, our special guests from the Commonwealth Lawyers Association are still here. Thank you very much. Convocation is adjourned.
--- Whereupon the proceedings adjourned at 1:50 p.m.

I HEREBY CERTIFY THE FOREGOING
to be a true and accurate
transcription of my shorthand notes
to the best of my skill and ability

SHARI CORKUM, C.S.R.

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