

## MINUTES OF CONVOCATION

Thursday, 30<sup>th</sup> November, 2023  
9:30 a.m.

### PRESENT:

*In person:* The Treasurer (Jacqueline Horvat), Alford, Banning, Chan, Chugh, Donnelly, Durcan, Emmett, Enejajor, Gold, Hrick, Kalajdzic, Kitagawa, Klippenstein, Konanur, Letersky, Levitt, Lewis, Lomazzo, McCrea, McDowell, Monforton, Ouellet, Painchaud, Pirnia, Radan, Rodriguez, Rosenthal, K. Ross, Q. Ross, Rotstein, Shortreed, Spurgeon, Surchin, Sutherland, Troister, Wardle, Wellman and Whitehead.

*Via Videoconference/Teleconference:* Adourian, Banack, Dimokopoulos, Gagnon, Hulan, Malette, Merali, Mietkiewicz, Moriah, Pawlitza, Siran, Strosberg, Townsend, Walker, Wilson and Winward.

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Secretary: James Varro

The Reporter was sworn.

### IN PUBLIC

### TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

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

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

The Treasurer welcomed guests Erin Kleisinger, K.C., President of the Federation of Law Societies of Canada (FLSC) and Jill Perry, K.C., Past President of the FLSC to Convocation.

The Treasurer advised Convocation of the recent decision of the Supreme Court of British Columbia in the Federation of Law Societies of Canada's constitutional challenge respecting the mandatory reporting requirements in the *Income Tax Act* and was pleased to report that the Court granted an injunction to suspend the application of the requirements to lawyers pending a decision in the constitutional challenge.

The Treasurer announced the retirement of James Varro, Secretary to Convocation, at the end of 2023. On behalf of Convocation, the Treasurer offered her appreciation, thanks and

best wishes for his retirement. Mr. Varro acknowledged these remarks with thanks to the Treasurer and Convocation.

The Treasurer addressed the protocol for a hybrid Convocation.

The Treasurer referred benchers to and encouraged them to read the information reports at Tabs 6, 7 and 8 of the Convocation materials.

#### FEDERATION OF LAW SOCIETIES OF CANADA

Federation President Erin Kleisinger, K.C., addressed Convocation and provided an update on the work of the Federation of Law Societies of Canada.

#### MOTION – CONSENT AGENDA – TAB 1

It was moved by Ms. Hrick, seconded by Ms. Lewis, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

#### Tabs 1.1 and 1.2 – DRAFT MINUTES OF CONVOCATION

The draft minutes of October 26 and November 2, 2023 Convocation were confirmed.

#### Tab 1.3 – MOTIONS

##### Tab 1.3.1 – Appointment

That Jonathan Rosenthal be appointed to the Professional Regulation Committee.

Carried

## IN PUBLIC

### ACCESS TO JUSTICE COMMITTEE REPORT

Ms. Siran presented the report.

#### Re: Response to the Motion from the 2023 Annual General Meeting

It was moved by Ms. Siran, seconded by Mr. Wellman, that Convocation approve the following recommendations in response to the motion made at the Law Society of Ontario's Annual General Meeting (the "AGM") on May 10, 2023, in accordance with s. 42(1)(b) of By-Law 2:

1. The Committee will oversee research into what constitutes communities that are under-served in terms of legal services; and
2. The Committee will consult with the Federation of Ontario Law Associations ("FOLA") and other stakeholders as needed, in relation to developing strategies in response to the motion; and
3. After further consideration of the motion, the Committee will recommend strategies to address the motion to Convocation for decision.

Carried

### PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Ms. Lewis presented the report.

#### Re: Next Steps in the Future of the Certified Specialist Program

It was moved by Ms. Lewis, seconded by Ms. Kalajdzic, that Convocation:

1. revise recommendation four from the Competence Task Force, which proposed the wind up of the Certified Specialist Program, and instead continue to administer the Certified Specialist Program;
2. commencing January 1, 2025, require Certified Specialists to complete 10 hours of continuing professional development, in their area of speciality every year, in addition to the 12 hours of Continuing Professional Development required by all licensees providing legal services on an annual basis; and
3. direct the Professional Development and Competence Committee to explore opportunities for the enhancement of the Certified Specialist Program and, as a first priority, the expansion of the program to paralegals.

Carried

### ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	For

Chan	For
Dimokopoulos	For
Durcan	For
Emmett	For
Eneajor	For
Gagnon	Against
Gold	Against
Hrick	Against
Hulan	For
Kalajdzic	For
Kitagawa	For
Klippenstein	For
Konanur	Against
Letersky	Against
Levitt	Against
Lewis	For
Lomazzo	For
Malette	For
McCrea	Against
McDowell	Against
Merali	For
Mietkiewicz	Against
Monforton	For
Moriah	For
Ouellet	For
Painchaud	Against
Pirnia	Against
Radan	Against
Rodriguez	Against
Rosenthal	Against
Ross, K.	For
Ross, Q.	Against
Rotstein	For
Shortreed	Against
Siran	Against
Spurgeon	For
Surchin	For
Sutherland	Against
Townsend	For
Troister	Against
Walker	Abstain
Wardle	For
Wellman	For
Whitehead	Against
Wilson	For
Winward	For

Vote: 28 For; 20 Against; 1 Abstain

## TRIBUNAL COMMITTEE REPORT

Ms. Durcan presented the report.

### Re: Amendments to *Rules of Practice and Procedure* 2, 3 and 5 – Service

It was moved by Ms. Durcan, seconded by Ms. Banning, that Convocation adopt amendments to the Tribunal *Rules of Practice and Procedure* (the “Rules”) as detailed in the report and redlined at Tab 4.1.1.

Carried

### Re: Amendments to *Rule of Practice and Procedure* 13 – Record of Proceeding and Transparency

It was moved by Ms. Durcan, seconded by Ms. Banning, that Convocation approve the proposed English and French amendments to the Rule 13 of the Law Society Tribunal Rules of Practice and Procedure, effective January 1, 2024, as set out at Tab 4.2.1 (English) and Tab 4.2.2 (Français) and approve the corresponding new form Tab 4.2.3 (English) and Tab 4.2.4 (Français).

Carried

### Re: Amendments to *Rule of Practice and Procedure* 2 – Definition of Failure to Co-operate Applications

It was moved by Ms. Durcan, seconded by Ms. Banning, that Convocation approve the proposed English and French amendment to the definition of “failure to co-operate proceeding” in the Law Society Tribunal Rules of Practice and Procedure, effective immediately, as set out at Tab 4.3.1 (English) and Tab 4.3.2 (Français).

Carried

#### *For Information:*

- Law Society Tribunal Statistics for January 1, 2023 to June 30, 2023

IN PUBLIC

REPORTS FOR INFORMATION ONLY:

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Nine Months ended September 30, 2023
- Investment Compliance Reports for the Quarter ended September 30, 2023

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

FUTURES COMMITTEE REPORT

- Trends Report

CONVOCATION ADJOURNED AT 12:09 P.M.

Confirmed in Convocation this 29<sup>th</sup> day of February, 2024.

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Jacqueline Horvat,  
Treasurer