

## LAW SOCIETY OF ONTARIO

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 25, 2023

MOVED BY:           Atrisha Lewis

SECONDED BY:       Seymour Epstein

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

# DRAFT

## MINUTES OF CONVOCATION

Thursday, 27<sup>th</sup> April, 2023

9:00 a.m.

Via Videoconference

### PRESENT:

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

.....

Secretary: James Varro

The Reporter was sworn.

### IN PUBLIC

### TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer advised that benchers have gathered virtually today, but when gathered at Osgoode Hall in Toronto, it is recognized that Toronto is a Mohawk word that means "where there are trees standing in the water".

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

The Treasurer advised that this is the last Convocation before the bencher election on April 28, 2023 and encouraged all licensees to vote in the election.

The Treasurer acknowledged benchers whose service will end with this Convocation:

Benchers whose term ends:

Jack Braithwaite  
Robert J. Burd  
Cathy Corsetti  
Julian N. Falconer

Benchers who chose not to run in the bencher election:

Dianne G. Corbiere  
Janis P. Criger  
John F. Fagan  
Joseph Groia  
Shelina Lalji  
Marian Lippa  
Barbara Murchie  
Nicholas Wright

The Treasurer acknowledged their contributions to the Law Society and expressed her gratitude and thanks to them.

The Treasurer advised that the Law Society's Annual General Meeting will take place virtually at 5:15 p.m. on May 10, 2023 and that all members are invited to attend. The Treasurer advised that information about accessing the meeting will be provided via email and through the Law Society's website.

The Treasurer advised that the Law Society Awards ceremony will take place at 5:00 p.m. on May 24, 2023. The Treasurer congratulated all award recipients:

William J. Simpson Distinguished Paralegal Award: Paul Cappa  
Lincoln Alexander Award: Selwyn Hicks  
Laura Legge Award: Courtney Harris  
J. Shirley Denison Award: Tami Moscoe  
Law Society Medal Recipients:

François Baril  
Ena Chadha  
Reva Devins  
Igor Ellyn  
Ian Hull  
Randall Seller

The Treasurer advised that a regulation to amend O.Reg 167/07 made by Convocation – O.Reg 47/23 – was approved, published and printed in the Ontario Gazette on April 8, 2023, which will improve the Law Society's adjudicative processes.

The Treasurer congratulated bencher Sidney Troister for being awarded the Osgoode Hall Law School Alumni Gold Key Award for Achievement.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

## POINT OF ORDER

Mr. Lyon registered a concern about the Treasurer's ability to impartially chair Convocation based on allegations he said she made against certain benchers.

## MOTION – CONSENT AGENDA – TAB 1

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

Mr. Groia requested that the report at Tab 1.2 be removed from the consent agenda.

The remaining items in the consent agenda were approved.

## Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of the February 3, February 23 and March 8, 2023 Convocation meetings were confirmed.

IN PUBLIC

Tab 1.2 – TREASURER’S REPORT

Re: LAWPRO Annual Shareholder Resolutions

It was moved by Ms. Corsetti, seconded by Ms. Painchaud that Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers’ Professional Indemnity Company (LAWPRO) set out at Tab 1.2.1.

Not Put

Mr. Groia moved, seconded by Mr. Graham, to table the motion.

Carried

ROLL-CALL VOTE

Adourian	Against
Alford	For
Banning	Against
Braithwaite	For
Brown	For
Burd	For
Charette	For
Chiumminto	For
Corsetti	Against
Criger	For
Desgranges	For
Epstein	For
Esquega	Against
Fagan	Against
Falconer	For
Graham	For
Groia	For
Horgan	For
Klippenstein	For
Lalji	For
Lean	For
Lesage	For
Lewis	Against
Lippa	For
Lomazzo	Against
Lyon	For
Marshall	Against
Murchie	Against
Painchaud	Against
Parry	For
Poliacik	For
Pollock	Against
Prill	For
Rosenthal	For
Ross	Against

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

Vote: 28 For; 18 Against

## AUDIT & FINANCE COMMITTEE REPORT

Mr. Troister presented the Report.

### Re: Law Society of Ontario Annual Financial Statements for the year ended December 31, 2022

It was moved by Mr. Troister, seconded by Ms. Sellers, that Convocation approve the audited annual financial statements for the Law Society of Ontario for the financial year ended December 31, 2022, including the net inter-fund transfers listed in Note 14, which are as follows:

- \$4,040,000 from the Capital Allocation Fund to the Invested in Capital and Intangible Assets Fund representing assets capitalized during the year in compliance with the Society's accounting policies;
- \$1,200,000 from the Errors and Omissions Insurance Fund ("E&O Fund") to the Lawyer General Fund as provided for in the 2022 budget representing accumulated investment income, surplus to the needs of the E&O Fund;
- \$728,500 from the E&O Fund to the County Libraries Fund as provided for in the 2022 budget to support the transitional budget of LiRN Inc.;
- \$500,000 from the E&O Fund to the Capital Allocation Fund in the 2022 budget restricted to fund the Business and Technology Transformation Initiative ("Transformation") approved by Convocation to proceed in April 2022;
- \$100,000 from the Lawyer General Fund to the Repayable Allowance Fund, as provided in the 2022 budget to fund the Repayable Allowance Program in the lawyer candidate Licensing Process;
- \$28,000 from the General Funds to the Special Projects Fund to fund the next bench election; and
- \$14,000 from the Special Projects Funds to the Lawyer General Fund related to the update of the facilities condition assessment, policy consultation, and program development.

Carried

### *For Information*

- LAWPRO Annual Financial Statements for the year ended December 31, 2022
- LiRN Inc. Annual Financial Statements for the year ended December 31, 2022
- In Camera Matters

REPORT FOR INFORMATION ONLY

PROFESSIONAL REGULATION COMMITTEE REPORT

- 2022 Annual Report of the Complaints Resolution Commissioner

CONVOCATION ADJOURNED AT 9:41 A.M.

# MOTIONS



**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 25, 2023

MOVED BY:

SECONDED BY:

Convocation is requested to consider three motions respecting the Law Society Tribunal:

- the first is for certain appointments and reappointments to the Hearing and Appeal Divisions for a term ending June 30, 2025;
- the second is for certain reappointments to the Hearing and Appeal Divisions for a term ending December 31, 2023;
- the third is for appointments of the Hearing Division and Appeal Division Vice-Chairs.

MOTION 1:

That Convocation appoint or reappoint the following for a term from May 25, 2023 to June 30, 2025:

**APPOINTMENTS TO THE HEARING DIVISION**

*Elected and Lay Bencher Adjudicators*

1. Catherine Banning	Lay	Reappointment
2. John Callaghan	Lawyer	Appointment
3. Paula Callaghan	Paralegal	Appointment
4. Neha Chugh	Lawyer	Appointment
5. Demetra Dimokopoulos	Paralegal	Appointment
6. Rebecca Durcan	Lawyer	Appointment
7. Annamaria Enenajor	Lawyer	Appointment
8. Seymour Epstein	Lay	Reappointment
9. Jennifer Gold	Lawyer	Appointment
10. Heather Hansen	Lawyer	Appointment
11. Karen Hulan	Lawyer	Appointment
12. Jasminka Kalajdzic	Lawyer	Appointment
13. Mitchell Kitagawa	Lawyer	Appointment
14. Shalini Konanur	Lawyer	Appointment
15. Howard Levitt	Lawyer	Appointment
16. Michelle Lomazzo	Paralegal	Appointment

17. Joelle Malette	Lawyer	Appointment
18. William McDowell	Lawyer	Appointment
19. Deborah J. Moriah	Paralegal	Appointment
20. Sonia Ouellet	Lawyer	Appointment
21. Geneviève Painchaud	Lay	Reappointment
22. Michael Radan	Paralegal	Appointment
23. Natalia Rodriguez	Lawyer	Appointment
24. Quinn Ross	Lawyer	Reappointment
25. Stephen Rotstein	Lawyer	Appointment
26. Cheryl Siran	Lawyer	Appointment
27. Andrew Spurgeon	Lawyer	Reappointment
28. Margaret Waddell	Lawyer	Appointment
29. Tanya Walker	Lawyer	Reappointment
30. Peter Wardle	Lawyer	Reappointment
31. Doug Wellman	Lay	Reappointment

*Ex-officio bencher adjudicators*

1. Larry Banack	Lawyer	Reappointment
2. Vern Krishna	Lawyer	Reappointment
3. Ross Murray	Lawyer	Reappointment
4. Harvey Strosberg	Lawyer	Reappointment
5. Bradley Wright	Lawyer	Reappointment

Each a former Treasurer or Life Bencher

*Appointed lay adjudicators*

1. Laura Arndt	Lay	Reappointment
2. Ingrid Berkeley	Lay	Reappointment
3. Suzanne Clement	Lay	Reappointment
4. Randi Druzin	Lay	Reappointment
5. Michelle Richards	Lay	Reappointment

APPOINTMENTS TO THE APPEAL DIVISION

1. Cathy Banning	Lay	Reappointment
2. John Callaghan	Lawyer	Appointment
3. Gerald Chan	Lawyer	Appointment
4. Cathy Corsetti	Paralegal	Appointment
5. Rebecca Durcan	Lawyer	Appointment
6. Annamaria Enejajor	Lawyer	Appointment
7. Seymour Epstein	Lay	Reappointment
8. Michelle Lomazzo	Paralegal	Appointment
9. Joelle Malette	Lawyer	Appointment
10. Geneviève Painchaud	Lay	Reappointment
11. Peter Wardle	Lawyer	Reappointment
12. Doug Wellman	Lay	Reappointment

MOTION 2:

That Convocation reappoint the following for a term from May 25, 2023 to December 31, 2023:

REAPPOINTMENTS TO THE HEARING DIVISION

- |                      |        |
|----------------------|--------|
| 1. Raj Anand         | Lawyer |
| 2. Christopher Bredt | Lawyer |
| 3. Etienne Esquega   | Lawyer |
| 4. Barbara Murchie   | Lawyer |
| 5. Lubomir Poliacik  | Lawyer |

REAPPOINTMENTS TO THE APPEAL DIVISION

- |                      |        |
|----------------------|--------|
| 1. Raj Anand         | Lawyer |
| 2. Christopher Bredt | Lawyer |
| 3. Barbara Murchie   | Lawyer |
| 4. Lubomir Poliacik  | Lawyer |

MOTION 3:

That Convocation appoint Rebecca Durcan as Vice-Chair of the Hearing Division and Peter Wardle as Vice-Chair of the Appeal Division, each for a term from May 25, 2023 to June 30, 2025.

***Rationale***

The current term for a number of adjudicators ends on May 31, 2023. There are a number of appointed adjudicators whose terms continue.

The Tribunal Chair recommends the above re-appointments. With the election of new benchers, the Tribunal Chair recommends the appointment of newly elected benchers who wish to be appointed.

The Tribunal Chair recommends the reappointments of Raj Anand, Christopher Bredt, Etienne Esquega, Barbara Murchie and Lubomir Poliacik whose terms have expired. In light of the substantial turnover of elected benchers, it is desirable that the Tribunal have continued access to these experienced adjudicators particularly during the period in which new adjudicators are being trained and become experienced. These reappointments are recommended for a term ending December 31, 2023 to permit further consideration of the needs of the Tribunal later in the year.

The Vice-Chairs of the Hearing Division and the Appeal Division are required to be elected lawyer benchers. The current Vice-Chairs cease to be qualified on May 25, 2023. Accordingly, the Tribunal Chair recommends Rebecca Durcan as Vice-Chair of the Hearing Division and Peter Wardle as Vice-Chair of the Appeal Division.

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 25, 2023

MOVED BY:

SECONDED BY:

WHEREAS Jacqueline Horvat was elected as a bencher from the Province of Ontario “B” Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

WHEREAS upon being elected Treasurer on June 15, 2022, Jacqueline Horvat ceased to hold office as an elected bencher in accordance with subsection 25(2) of the *Law Society Act*, thereby creating a vacancy in the office of bencher elected from the Province of Ontario “B” Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors.

THAT under the authority contained in By-Law 3, Ryan Alford, having satisfied the requirements contained in subsections 43(1) and 45 of the By-Law, and having consented to the election in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation in accordance with subsection 43(1) of the By-Law as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario “B” Electoral Region (Outside the City of Toronto) on the basis of votes cast by all electors.

AND

THAT Howard Levitt, having satisfied the requirements contained in subsection 43(1) and section 45 of By-Law 3, and having consented to election as bencher in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation in accordance with subsection 43(1) of the By-Law as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario “A” Electoral Region (City of Toronto) on the basis of the votes cast by all electors, as a result of the appointment of Julia Shin Doi as a judge of the Ontario Superior Court of Justice, who was elected from the Province of Ontario “A” Electoral Region (City of Toronto) on the basis of the votes cast by all electors, and being appointed as a judge became unable to continue in office as a bencher, thereby creating the vacancy.