

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 26, 2023

MOVED BY:

SECONDED BY:

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

DRAFT

MINUTES OF CONVOCATION

Thursday, 28th September, 2023
9:00 a.m.

PRESENT:

In person: The Treasurer (Jacqueline Horvat), Alford, Chugh, Donnelly, Durcan, Hansen, Hrick, Kitagawa, Klippenstein, Letersky, Levitt, Lomazzo, McDowell, Minor, Painchaud, Pirnia, Radan, Rodriguez, Rosenthal, Rotstein, Shortreed, Spurgeon, Strosberg, Surchin, Wardle and Whitehead.

Via Videoconference/Teleconference: Adourian, Banack, Callaghan, Chan, Dimokopoulos, Enenajor, Ferrier, Gagnon, Gold, Hulan, Kalajdzic, Konanur, Krishna, Lewis, Malette, Mietkiewicz, Monforton, Moriah, Ouellet, K. Ross, Q. Ross, Siran, Sutherland, Townsend, Walker, Wellman, 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".

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

INDIGENOUS PEOPLE'S CEREMONY

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

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

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

The Treasurer thanked Elder Henry and expressed deep gratitude to him for honouring Convocation with the ceremony, acknowledging that polishing the relationship with the eagle feathers serves as an important reminder of the Law Society's commitment to enhance the Law Society's policies and services in relation to Indigenous licensees, communities, and individuals.

LAW COMMISSION OF ONTARIO PRESENTATION

The Treasurer welcomed Raj Anand, Chair of the Law Commission of Ontario, and Aneurin Thomas, Executive Director of the Law Commission of Ontario, who addressed Convocation on the work of the Law Commission of Ontario.

TREASURER'S REMARKS

The Treasurer expressed condolences to the family of former bencher Jeffrey Lem, who passed away on September 3, 2023.

The Treasurer announced the launch of a new online Women's Resource Centre designed to support the retention and advancement of women lawyers and paralegals.

The Treasurer noted that the Women's Law Association of Ontario will host a panel discussion on October 26, 2023 as part of Access to Justice Week.

The Treasurer noted the upcoming Access to Justice Week scheduled from October 23 to 27, 2023, with the theme "10th year anniversary of the Canada's Justice Development Goals".

The Treasurer noted the National Day for Truth and Reconciliation and Orange Shirt Day on September 30, 2023 and advised that on September 18, 2023, the Law Society hosted a virtual program to mark this occasion.

The Treasurer noted the Equity Legal Education Series Fall 2023 programs which includes:

- Hispanic and Latin American Heritage Month, October 4
- Treaty Recognition Week and International Inuit Day, November 7
- Louis Riel Day, November 16

The Treasurer advised that the Certified Specialist Program consultation to seek input from licensees, legal organizations and the public concludes October 1, 2023.

The Treasurer advised that nominations for the Law Society Awards opened on September 25, 2023 and will close on December 15, 2023.

The Treasurer congratulated Michelle Lomazzo on her re-election as chair of the Paralegal Standing Committee for the 2023-24 term.

The Treasurer addressed the protocol for a hybrid Convocation.

MOTION – CONSENT AGENDA – TAB 1

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

Carried

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of the June 28 and July 27, 2023 Convocations were confirmed.

Tab 1.2 – APPOINTMENTS

THAT Heather Hansen be removed from the Hearing Division of the Law Society Tribunal at her own request.

THAT Deborah Moriah be removed from the Hearing Division of the Law Society Tribunal due to her position as a member of the Proceedings Authorization Committee.

Motions Respecting the Federation of Law Societies of Canada

Motion 1

THAT Teresa Donnelly, currently the Law Society of Ontario's representative on the Council of the Federation of Law Societies of Canada, be nominated for election as the Federation's Second Vice-President, effective October 14, 2023.

Motion 2

THAT Atrisha Lewis be nominated for election as the Law Society of Ontario's representative on the Council of the Federation of Law Societies of Canada, effective November 15, 2023.

Carried

Tab 1.3 – AUDIT & FINANCE COMMITTEE REPORT

Re: Fund Balance Management Policies

Tab 1.3.1 – Fund Balance Management Policy - Lawyer Pool of the Compensation Fund

The Audit & Finance Committee recommends that Convocation approve maintaining the current Fund Balance Management Policy for the lawyer pool of the Compensation Fund set out below:

- a) The Law Society's policy is to maintain the fund balance of the lawyer pool of the Compensation Fund at an amount sufficient to provide for a minimum of one 97.5th percentile aggregate claim scenarios (one-in-forty-year event) and a maximum of four 99th percentile aggregate claim scenarios (one-in-one-hundred-year event). The

estimated amount of aggregate claims is to be actuarially reviewed at least every three years.

- b) If the fund balance of the lawyer pool of the Compensation Fund is less than the minimum of one one-in-forty-year event, Convocation shall budget for an annual surplus to restore the fund balance to its minimum policy objective. The minimum policy benchmark should be restored within three fiscal years.
- c) If the fund balance of the lawyer pool of the Compensation Fund is more than the minimum of one one-in-forty-year event and less than four one-in-one-hundred-year events Convocation may:
 - Mitigate the Compensation Fund component of the lawyer annual fee for the next fiscal year;
 - Budget for a surplus sufficient to increase the fund balance to its maximum policy objective of four one-in-one-hundred-year events;
 - Leave the fund balance at its current balance for the upcoming fiscal year.
- d) If the fund balance of the lawyer pool of the Compensation Fund exceeds four one-in-one-hundred-year events, Convocation shall utilize some or all of the excess for the following:
 - Mitigation of the Compensation Fund component of the lawyer annual fee for the next fiscal year;
 - Annual mitigation of the Compensation Fund component of the lawyer annual fee shall continue such that within the next three fiscal years, the maximum benchmark shall be achieved.

Carried

Tab 1.3.2 – Fund Balance Management Policy - Paralegal Pool of the Compensation Fund

The Audit & Finance Committee recommends that Convocation approve a Fund Balance Management Policy for the paralegal pool of the Compensation Fund, as follows:

- a) The Law Society’s policy is to maintain the paralegal pool of the Compensation Fund balance at an amount sufficient to provide for a minimum of one 97.5th percentile aggregate claim scenarios (one-in-forty-year event) and a maximum of four 99th percentile aggregate claim scenarios (one-in-one-hundred-year event). The estimated amount of aggregate claims is to be actuarially reviewed at least every three years.
- b) If the paralegal pool of the Compensation Fund balance is less than the minimum of one one-in-forty-year event, Convocation shall budget for an annual surplus to restore the fund balance to its minimum policy objective. The minimum policy benchmark should be restored within three fiscal years.
- c) If the paralegal pool of the Compensation Fund balance is more than the minimum of one one-in-forty-year event and less than four one-in-one-hundred-year events Convocation may:
 - Mitigate the Compensation Fund component of the paralegal annual fee for the next fiscal year;
 - Budget for a surplus sufficient to increase the fund balance to its maximum policy objective of four one-in-one-hundred-year events;
 - Leave the fund balance at its current balance for the upcoming fiscal year.

- d) If the paralegal pool of the Compensation Fund balance exceeds four one-in-one hundred-year events, Convocation shall utilize some or all of the excess for the following:
- Mitigation of the Compensation Fund component of the paralegal annual fee for the next fiscal year;
 - Annual mitigation of the Compensation Fund component of the annual fee shall continue such that within the next three fiscal years, the maximum benchmark shall be achieved.

Carried

Tab 1.3.2 – Fund Balance Management Policy - Lawyer General Fund

The Audit & Finance Committee recommends that Convocation maintain the existing Fund Balance Management Policy for the Lawyer General Fund, set out below:

- a) The Law Society's policy is to maintain the sum of the fund balance of the Lawyer General Fund at no less than two, and no more than three months of General Fund budgeted expenses.
- b) If the fund balance of the Lawyer General Fund is less than two months of budgeted Lawyer General Fund expenses, Convocation shall budget for an annual surplus to restore the fund balance to its minimum policy objective. The minimum policy benchmark should be restored within three fiscal periods.
- c) If the fund balance of the Lawyer General Fund is more than two months of budgeted Lawyer General Fund expenses and less than three months of budgeted Lawyer General Fund expenses, Convocation may appropriate funds from the fund balance of the Lawyer General Fund for one or more of the following:
- Mitigate the Lawyer General Fund component of the annual fee for the next fiscal year;
 - Transfer the excess to another Law Society fund.
- d) If the fund balance of the Lawyer General Fund exceeds three months of budgeted Lawyer General Fund expenses, Convocation shall utilize the excess for one or more of the following:
- Mitigate the Lawyer General Fund component of the annual fee for the next fiscal year;
 - Transfer the excess to another Law Society fund.

Carried

IN PUBLIC

LAWPRO REPORT

Mr. Spurgeon presented the report.

Re: 2024 LAWPRO Insurance Program

It was moved by Mr. Spurgeon, seconded by Mr. Adourian, that Convocation approve the Primary Program of Insurance for 2024 as offered and recommended by the Lawyers' Professional Indemnity Company (LAWPRO) Board in the Report at Tab 2.

Carried

STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Ms. Shortreed presented the report.

Re: Policy on Bencher Information Requests

It was moved by Ms. Shortreed, seconded by Ms. Siran, that on the recommendation of the Strategic Planning and Advisory Committee, Convocation approve the policy on bencher information requests set out in the report.

Not Put

Motion to Table

Ms. Hansen moved, seconded by Ms. Callaghan, that the motion be tabled.

Carried

ROLL-CALL VOTE

Adourian	For
Alford	For
Callaghan	For
Chan	Abstain
Chugh	For
Dimokopoulos	For
Durcan	Against
Gagnon	For
Gold	Against
Hansen	For
Hrick	Against
Hulan	For
Kalajdzic	Against
Kitagawa	For
Klippenstein	Abstain
Konanur	For
Letersky	Against
Levitt	For

Lewis	Against
Lomazzo	Against
Malette	For
McDowell	Against
Mietkiewicz	For
Monforton	For
Moriah	For
Ouellet	For
Painchaud	Against
Pirnia	Against
Radan	For
Rodriguez	For
Rosenthal	Against
K. Ross	Against
Q. Ross	Against
Rotstein	For
Shortreed	Against
Siran	Against
Spurgeon	Against
Surchin	Against
Sutherland	For
Townsend	For
Walker	Against
Wardle	Against
Wellman	Against
Whitehead	For
Wilson	For
Winward	Against

Vote: 23 For; 21 Against; 2 Abstain

IN PUBLIC

REPORTS FOR INFORMATION ONLY

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Six Months ended June 30, 2023
- LiRN, Inc. Financial Report for the Six Months ended June 30, 2023
- LAWPRO Financial Statements for the Six Months ended June 30, 2023
- Investment Compliance Report for the Quarter ended June 30, 2023
- In Camera Item

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Report of the Activities of the Discrimination and Harassment Counsel from January 1, 2023 to June 30, 2023

CONVOCATION ADJOURNED AT 11:12 A.M.

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 26, 2023

THAT Sonia Ouellet be removed from the Professional Regulation Committee at her own request.