

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON APRIL 25, 2024

MOVED BY: Tanya Walker

SECONDED BY: Shalini Konanur

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

DRAFT

MINUTES OF CONVOCATION

Thursday, 29th February, 2024
9:30 a.m.

PRESENT:

In person: The Treasurer (Jacqueline Horvat), Adourian, Callaghan, Chan, Donnelly, Dimokopoulos, Durcan, Emmett, Gagnon, Gold, Hrick, Hulan, Kalajdzic, Klippenstein, Letersky, Levitt, Lewis, Lomazzo, McDowell, Moriah, Painchaud, Pirnia, Radan, Rodriguez, Rosenthal, Q. Ross, Rotstein, Shortreed, Spurgeon, Surchin, Troister, Waddell, Wardle and Winward.

Via Videoconference/Teleconference: Alford, Banack, Banning, Chugh, Conway, Hansen, Kitagawa, Konanur, Krishna, Malette, Merali, Mietkiewicz, Minor, Monforton, Ouellet, K. Ross, Siran, Strosberg, Sutherland, Townsend, Walker, Wellman, Whitehead and Wilson.

.....

Secretary: Naomi Bussin

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 also acknowledged that she is from Windsor, which sits on the traditional territory of the Three Fires Confederacy of First Nations. 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 Naomi Bussin as Corporate Secretary to Convocation, which appointment Convocation had approved on November 30, 2023, effective January 1, 2024.

The Treasurer addressed the protocol for a hybrid Convocation.

The Treasurer referred benchers to and encouraged them to read the information reports in the Convocation materials.

MOTION – CONSENT AGENDA – TAB 1

Teresa Donnelly left Convocation.

It was moved by Gerald Chan, seconded by Michelle Lomazzo, 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 November 30, 2023 Convocation were confirmed.

Tab 1.2 – MOTION - APPOINTMENTS

That Pam Hrick be appointed to the Hearing and Appeal Divisions of the Law Society Tribunal for a term ending June 30, 2025.

That Quinn Ross be appointed to the Appeal Division of the Law Society Tribunal for a term ending June 30, 2025.

That Geneviève Painchaud be removed from the Compensation Committee at her own request.

That Sarah Letersky be appointed to the Compensation Committee.

Carried

IN PUBLIC

REPORTS FOR INFORMATION ONLY:

AUDIT AND FINANCE COMMITTEE REPORT

- LiRN Inc. Financial Statements for the Nine Months Ended September 30, 2023
- Investment Compliance Reports for the Quarter ended December 31, 2023
- In Camera Item

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Report of Activities of the Discrimination and Harassment Counsel for July 1 to December 31, 2023

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

- Professional Development & Competence Division 2023 Program and Resource Report

TRIBUNAL COMMITTEE REPORT

- Practice Direction on Panel Assignment

CONVOCATION ADJOURNED AT 12:58 P.M.

MOTIONS

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON APRIL 25, 2024

THAT Edward Choi, 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 a bencher.

This election fills 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 the votes cast by all electors, as a result of the resignation of Cathi Mietkiewicz.

LAW SOCIETY OF ONTARIO

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON APRIL 25, 2024

THAT Convocation approve that the Law Society's Annual General Meeting take place on Thursday, September 5, 2024 at 5:15 p.m. by electronic means, in accordance with Section 5 of By-Law 2 [Corporate Provisions].

Explanatory Note:

Section 5 of By-Law 2 requires that Convocation determine the time and place of the Annual General Meeting each year:

Meeting of members to be held annually

5. A meeting of members shall be held annually at a time and place determined by Convocation.



Law Society
of Ontario

Barreau
de l'Ontario

Tab 1.3

Treasurer's Report

LAWPRO Annual Shareholder Resolutions

April 25, 2024

Authored By:

Naomi Bussin, Director, Office of the CEO and Corporate Secretary

nbussin@lso.ca

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Motion

That Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers' Professional Indemnity Company (LAWPRO) set out at **Tab 1.3.1**.

Background

As a result of amendments to LAWPRO's By-law No. 1, which the Law Society and all shareholders approved in 2014, the Law Society became the sole shareholder of LAWPRO effective January 1, 2015.

Accordingly, Convocation's approval is sought to authorize the Treasurer to sign the annual Resolutions of the Shareholder. The proposed shareholder resolutions appear at **Tab 1.3.1**.

Also included for the information of Convocation is biographical information on the members of the LAWPRO Board at **Tab 1.3.2**. LAWPRO's 2023 Financial Statements are included in the Audit and Finance Committee Report at **Tab 5.3**.

**LAWYERS' PROFESSIONAL INDEMNITY COMPANY
(the "Corporation")**

RESOLUTIONS OF THE SHAREHOLDER

Dated as of the
17th day of April, 2024

FINANCIAL STATEMENTS

WHEREAS the LAWPRO Board of Directors has approved the financial statements of the Corporation for the year ending December 31, 2023;

AND WHEREAS the shareholder has received a report of the auditor which includes statements regarding management's responsibility and the auditor's responsibility and an opinion from the auditor;

RESOLVED that the financial statements of the Corporation for the year ended December 31, 2023 are approved.

ELECTION OF DIRECTORS

RESOLVED that the following individuals are elected directors of the Corporation to hold office until the next annual meeting of the shareholder or until their successors are elected or appointed:

Susan M. Armstrong
Clare A. Brunetta
Rebecca Durcan
Susan Forbes
Frederick W. Gorbet
Heather L. Hansen
Rita Hoff
Diana C. Miles
Binah Nathan
David R. Oliver
Daniel E. Pinnington
Andrew J. Spurgeon
Mark Surchin
Mark D. Tamminga
Anne-Marie Vanier



APPOINTMENT OF AUDITOR

RESOLVED that PricewaterhouseCoopers LLP is appointed as auditor of the Corporation to hold office until the next annual meeting of the shareholder at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

CONFIRMATION OF ACTS OF DIRECTORS AND OFFICERS

RESOLVED that all acts, contracts, by-laws, proceedings, appointments, elections and payments enacted, made, done and taken by the Directors and Officers of the Corporation to the date hereof, as the same are set out or referred to in the resolutions of the Board of Directors, the minutes of the meetings of the Board of Directors or in the financial statements of the Corporation are approved, sanctioned and confirmed.

Consented to in writing by the sole shareholder of the Corporation.

LAW SOCIETY OF ONTARIO

Per: _____
JACQUELINE HORVAT
Treasurer,
Law Society of Ontario



Andrew J. Spurgeon
Chair of the Board, LAWPRO
Partner, Ross & McBride LLP

Andrew is counsel with Ross & McBride LLP. He received his LLB from Osgoode Hall Law School, and his B.A. and M.A. from York University. He has appeared in all levels of Court in Ontario. His practice is focused on mediation and dispute resolution. He frequently speaks at legal education events relating to advocacy, tort, insurance, civil procedure, and legal ethics.

Andrew is a past President of the Hamilton Law Association, a former Director of the Advocates Society, and a recipient of the Ontario Trial Lawyers Association's: Distinguished Service Award. He is also an Adjunct Professor of Law at Western University and a Bencher of the Law Society of Ontario.



Frederick W. Gorbet, O.C.
Board Vice-Chair, LAWPRO
Corporate Director

Fred Gorbet has extensive experience in public policy advice and formulation, particularly regarding financial institutions and energy policy. Following a 25-year career in the Canadian public service, where he served as Associate Secretary to the Cabinet and as Deputy Minister of Finance for Canada, Mr. Gorbet has held several senior executive positions in the life insurance industry and in academe, serving for many years as the CIT Chair in Financial Services and Director of the Financial Services Program at the Schulich School of Business (York University).

A member of the LAWPRO Board of Directors since 2004, Mr. Gorbet serves as LAWPRO's vice-chair.

Since leaving government service, he has continued his involvement with public policy by serving as the Executive Director of the MacKay Task Force on the future of the financial services sector of Canada, the Executive Director of the Saucier Task Force on Corporate Governance, the Senior Policy Advisor to the Credit Union Central of Canada on the National Initiative, and the founding Chair of the Market Surveillance Panel for

administered electricity markets in Ontario. He also served as Chair of the Task Force on Auto Insurance Fraud in Ontario.

Mr. Gorbet has served as a corporate director of many firms in the private and public sectors, and has served as Board Chair of Assuris, as well as the North American Electric Reliability Corporation (NERC). He currently chairs the Departmental Audit Committee for the Office of the Superintendent of Financial Institutions (OSFI).

Mr. Gorbet has a B.A. from York University and a Ph.D. in Economics from Duke University. He was appointed to the Order of Canada in 2000 and was promoted to Officer of the Order of Canada in 2014.



Susan M. Armstrong, FCPA, FCA, ICD.D

Sue Armstrong is a retired financial services executive, having served most recently as President & CEO of CDSPI, an organization providing advisory, wealth management, insurance, and health and wellness services to the Canadian dental community.

During her career, she also served as Senior Vice-President of Swiss Reinsurance Company Canada, with previous roles at CIBC Insurance and Dominion of Canada General Insurance Company. Prior to her senior executive roles, Sue was a senior manager at PricewaterhouseCoopers' (PwC).

Sue currently serves as Chair of the Board of Directors of OMA Insurance, a subsidiary of the Ontario Medical Association. She previously served on the Boards of Directors of Securian Canada and McGraw-Hill Ryerson Limited, a public company in the educational publishing industry.

Sue has made a significant volunteer commitment to the Canadian healthcare sector. She is currently Chair of the Board of Trustees of the Centre for Addiction and Mental Health (CAMH). Sue has previously served on the Boards of Directors of Michael Garron Hospital, having served as Chair for two years, West Park Healthcare Centre, Toronto Rehabilitation Institute and the George Hull Centre for Children and Families, a children's mental health agency, which she chaired for three years.

Sue has been recognized by Chartered Professional Accountants of Ontario with the distinction of the FCPA designation for her corporate and community service. She also holds the ICD.D. designation from the Institute of Corporate Directors.

Active in organizations focused on networking and executive professional development, Sue is a member of Financial Executives International, International Women's Forum and Women Get on Board.



Clare A. Brunetta
Principal, Clare A. Brunetta

Clare A. Brunetta is a general practitioner whose office is located in Fort Frances. Primarily serving the Northwestern region of the Province, he practices with his son Paul Brunetta. Mr. Brunetta is former President of the Rainy River Law Library Association, , past member of the Law Society of Ontario Joint Working Group on Real Estate, past Chair of the Real Estate Committee of the Federation of Ontario Law Associations, , and past Co-Chair of the Working Group on Lawyers and Real Estate. Mr. Brunetta served as a Deputy Judge of the Small Claims Court for over 30 years. He currently serves on the Governance and Risk Committees of LAWPRO.



Rebecca Durcan

Rebecca Durcan (she/her) is the Co-Managing Partner at Steinecke Maciura LeBlanc. Rebecca is an elected Bencher of the Law Society of Ontario. She attended Queen's University to study history and obtained her law degree from the University of Windsor in 2000. In 2006, Rebecca completed her Masters in Health Law from Osgoode Hall. In 2016 Rebecca obtained her Certificate in Risk Management from the University of Toronto.

Rebecca acts as general counsel, prosecution counsel and independent legal counsel to several Ontario regulators. Her various roles, in addition to being an adjudicator at the Law Society Tribunal, allows Rebecca to bring an informed and nuanced perspective to regulatory issues.

In 2016, Rebecca co-authored the Annotated Statutory Powers Procedure Act with her partner Julie Maciura. In 2019, Rebecca also co-authored the text Prosecuting and Defending Professional Regulation Cases. Rebecca regularly speaks about regulatory issues at the Canadian Network of Agencies for Regulation (CNAR), Council on Licensure, Enforcement and Regulation (CLEAR), Ontario Bar Association, Advocates Society, and Continuing Legal Education of British Columbia. Rebecca is an Adjunct Professor at the University of Toronto Faculty of Law.

When not working, Rebecca enjoys running, cooking and spending time with her sons, Harry, Jude and Teddy.



Susan Forbes, KC

Su Forbes is the Chief Operating Officer of the Lawyers Indemnity Fund ("LIF"), the division of the Law Society of British Columbia that operates the program that provides professional liability and theft indemnity coverage and cyber insurance for BC lawyers. Su joined the program in 1987 and since being appointed COO in 1998, has had responsibility for all aspects of it including underwriting, policy wording, reinsurance procurement, claims management, and loss prevention and risk management services for law firms.

Su has been a lawyer since 1982 and practised in a broad range of areas, including professional liability defence, before joining LIF. Su has presented and spoken extensively (and passionately) about the program and how to manage the risks of practice to a variety of audiences, including the Canadian Bar Association, BC Continuing Legal Education, UBC Faculty of Law, American Bar Association, LawASIA, and the International Association of Defence Counsel. She received her King's Counsel designation in 2002. She currently serves on the boards of the Canadian Lawyers' Insurance Association and the Real Estate Errors and Omissions Insurance Corporation, and has twice been the President of the National Association of Bar-Related Insurance Companies.

Su lives and works (and plays!) in Vancouver.



Heather L. Hansen, C.S.

Heather L. Hansen is a partner at McCarthy Hansen & Company LLP. She is a Certified Specialist (C.S.) in Family Law by the Law Society of Ontario, a Fellow of the American College of Trial Lawyers and the International Academy of Family Lawyers.

Heather represents and advises clients on all issues related to divorce, spousal and child support, division of property, separation agreements, domestic/marriage contracts, religious marriage contracts, parenting issues, child protection, and cross-border/international family law issues (including Hague Convention matters). Heather has significant trial experience and appears at all levels of court across Ontario. She also represents clients in complex negotiations, mediation, and arbitration proceedings.

A significant portion of her work involves advising high net worth clients. Heather enjoys working closely with family office advisors, corporate counsel, valuers, tax advisors and accountants at the complex intersection of family law and business.

Heather is recognized and ranked in Chambers & Partners – Family / Matrimonial: High Net Worth (Band 2), “Most Frequently Recommended” in Lexpert and is recognized in the Best Lawyers in Canada for Family Law. She is a past recipient of the Lexpert Rising Stars Award Leading Lawyers under 40 Award (Canada).

Heather is an elected Bencher (board of directors) at the Law Society of Ontario. She also serves as an appointed member of the board of directors of LawPro, the Lawyers’ Professional Indemnity Company in the Province of Ontario.

She is a frequent speaker at continuing education sessions and conferences and for several years taught trial advocacy at the University of Toronto (Faculty of Law). Heather also regularly provides media commentary on current issues in family law. Heather has also authored or co-authored a number of articles and book chapters on topics ranging from evidence in family law, to estates and trust matters.

In addition to an active pro-bono practice involving child related matters, Heather also represents children in domestic and child protection matters as a member of the panel for the Ontario Government’s Office of the Children’s Lawyer and is a participant member of the Crown Wardship No-Access Pilot Project and the Child Advocacy Project.

Heather is a member of the Law Society of Ontario, the Family Law Section of the Ontario Bar Association, The Advocates’ Society, and the Association of Family and Conciliation Courts. She is a graduate of the University of Toronto (Hon. BA) and the University of Windsor, Faculty of Law (LL.B) where she was the recipient of a number of academic awards and prizes. She lives in Toronto with her husband, two children, and a big loveable rescue dog.



Rita Hoff
President, R. Hoff Financial
Management Ltd.

Rita Hoff had a long and distinguished career in the investment industry, where she broke the glass ceiling by becoming the first female CEO of a member firm – First Canada Securities, which she co-founded. She eventually merged the firm with Canaccord Capital where she served as Vice-President and Director, Debt Capital Markets, retiring in 2009.

Her 30 years of Board experience was shaped by serving with a variety of organizations in the private sector, on Advisory Boards, and on Associations, most notably The Investment Dealers Association of Canada and CAA, Central Ontario. More recently she served as a Director of Operation Eyesight Universal, an international development organization working to eliminate avoidable blindness and restore eyesight in developing countries.

Ms. Hoff has served on the LAWPRO Board for many years and is chair of the Investment committee and is a member of the Governance and Risk committees.

Spending the winters in Puerto Vallarta, Mexico, Ms. Hoff is actively engaged with her Condominium Board as Treasurer, as well as on her Community Association's Board focusing on challenging illegal development and ensuring preservation of green spaces.

Ms. Hoff has a Bachelor of Commerce from the University of Bombay, India. Continuing her education in the investment industry, she earned many designations from the Canadian Securities Institute.



Diana C. Miles
Chief Executive Officer
Law Society of Ontario

Diana joined the Law Society of Ontario in 2001 as the Executive Director of Professional Development and Competence. She has since held numerous positions in the organization in addition to the competence portfolio, including Executive Director of Organizational Strategy, of Communications and of Professional Regulation. Diana was appointed Acting CEO in September 2017 and CEO in March 2018.

Throughout her career at the Law Society, Diana has provided proactive and effective policy-oriented leadership to the Board while overseeing significant operational portfolios. Her responsibilities have included strategic and operational planning, financial management, governance assessment, board education, creation of defensible and valid licensure systems, provision of resources and supports for legal practitioners, and the development of progressive regulation, risk management and quality assurance for lawyer and paralegal licensees and their legal practices.

Prior to joining the Law Society, Diana was the Chief Operating Officer of a large Toronto law firm and in that capacity supported business development, client services, firm administration, strategic planning and financial accountability.

Diana has been a business executive for over 25 years, and has certifications from Rotman, Ivey, Smith and Harvard Schools of Business on a range of strategy, financial, leadership and management topics. She has extensive governance and board experience, is a Chartered Director (CDir), and has worked with private and not-for-profit boards as a board member and governance facilitator in the education, energy, health care, insurance and professional services sectors.



Binah Nathan

Binah Nathan is an experienced and accredited corporate director. She is a former senior capital markets professional who has more than 25 years of experience in the financial services industry. Ms. Nathan's expertise includes investment management, risk management and mergers and acquisitions.

In addition to serving on the Board of Directors of LAWPRO, Ms. Nathan serves on the Board and is Chair of the Audit Committee at Pro-Demnity Insurance Company. She previously sat on an expert task force reviewing professional liability insurance for the Royal College of Dental Surgeons of Ontario. Ms. Nathan is also a Lay Member of the Competition Tribunal (A Governor in Council Appointment).

Ms. Nathan holds an ICD.D designation offered through the Institute of Corporate Directors in partnership with University of Toronto's Rotman School of Management. She is also a Chartered Financial Analyst (CFA) and has an MBA from the University of Windsor and an Honours BSc in Biochemistry from McMaster University.



David R. Oliver
President and CEO, BRJO Investments Ltd.

David Oliver has extensive leadership experience on corporate boards and in the investment management industry, currently serving as Chairman, President and Chief Executive Officer at BRJO Investments Ltd. Previously, he held the position of Vice President and National Lead at MD Financial Management, heading MD Private Investment Counsel and MD Management Limited. Prior to joining MD Financial Management, Mr. Oliver was the Chief Portfolio Manager, Vice President and Executive Director at CIBC, as well as Vice President and Portfolio Manager at TD.

In addition to serving on the Board of Directors at LAWPRO, David Oliver serves on several other Boards, including CST Foundation, BRJO Investments Ltd., CDSPI, and asrTrust. Previously, he served on the Board of Directors of the Retirement Homes Regulatory Authority and North York Arts, and was a Member of the CMA Pension Plan Investment Committee.

David Oliver graduated from the University of Toronto with a Bachelor of Commerce and a Master's Degree in Economics. He holds the Corporate Director Certificate from Harvard Business School, plus the Chartered Director and Chartered Financial Analyst designations. More recently, Mr. Oliver completed the Investment Strategies and Portfolio Management Executive Program at the Wharton School, as well as the Private Markets and Alternative Investments Certificate from CFA Institute.



Daniel E. Pinnington
President & Chief Executive Officer,
LAWPRO

Daniel E. Pinnington was appointed President & Chief Executive Officer of LAWPRO in 2018. From 2012 to 2018, he served as Vice-President, Claims Prevention and Stakeholder Relations, overseeing LAWPRO's claims prevention and outreach initiatives.

Dan joined LAWPRO in 2001 as Director, practicePRO and was the driving force behind the practicePRO program - LAWPRO's innovative and internationally recognized claims prevention initiative. He used his unique combination of practice experience and technology expertise to provide lawyers with tools and resources to assist them in avoiding malpractice claims and succeeding in the practice of law.

Before joining LAWPRO, Dan practised for eight years in the Litigation Department of a Niagara-area law firm. Dan was called to the bar in 1993, having graduated with a combined LL.B./J.D. from the University of Windsor and Detroit Mercy College of Law.

Dan is a Fellow of the College of Law Practice Management and is a prolific writer, speaker and blogger on risk management, legal technology and law practice management issues. He has given hundreds of presentations all over North America and has chaired more than a dozen major conferences.

Dan was the President of the National Association of Bar-Affiliated Insurance Companies (NABRICO) in 2019. He has been very active in the American Bar Association's Law Practice Division and was a long-time member of the ABA Legal Professional Liability Standing Committee. He was Chair of ABA TECHSHOW 2007 and Editor-In-Chief of Law Practice magazine from 2009-2012. He co-authored *The Busy Lawyer's Guide to Success: Essential Tips to Power Your Practice* and made several contributions to other books published by the ABA Law Practice Management section. Dan has also been active over the years in a variety of roles for the Canadian and Ontario Bar Associations.



Mark Surchin

Mark Surchin is a partner in a business law group and is the Co-Chair of the Opinions Committee at Goodmans. He also oversees the professional development of the firm's corporate clerks.

Mark has an active transactional corporate law practice with an emphasis on debt financings. He provides ongoing corporate/commercial advice to a number of companies carrying on business in Canada and plays a lead role advising a variety of the firm's borrower and lender clients in debt financing transactions, both domestic and cross-border. Mark has extensive experience in high yield and other debt securities transactions and is also involved in secondary transactions in the private equity fund context.

Mark is recognized as a leading lawyer by Best Lawyers in Canada (asset based lending, corporate law and banking and finance law), IFLR1000 (banking and capital markets: debt) and is AV Peer Review Rated by Martindale-Hubbell. In 2023, Mark was elected as bencher of the Law Society of Ontario.



Mark D. Tamminga
Partner, Gowling WLG

Mark Tamminga provides strategic, design and practical advice on innovation in the context of law firm operations and service delivery. He has pioneered the use of practice automation and matter management software tools for lawyers, having designed, built, and implemented a number of practice systems in the areas of mortgage debt recovery, debt collection, commercial loan placement and civil litigation.

Mark was in various management roles at Gowling WLG until his retirement from practice in March 2023, including acting as managing partner of the Hamilton office from 2008-2012 and Leader, Innovation Initiatives, where he was instrumental in the firm's transformational process improvement and project management program.

He is a regular presenter on the subject of automation in legal practice and has participated in numerous technology conferences in Canada and the United States. He has chaired the American Bar Association's Techshow legal technology conference and co-chaired the College of Law Practice Management's Futures Conference.



Anne-Marie Vanier

Anne-Marie has broad general insurance experience as a Senior Executive and Chief Actuary. More recently she served as Executive Director and Chief Actuary of Aviva Canada and as the Chief Property and Casualty Actuary for RBC Insurance. She is a strategic thinker with expertise in risk management, capital modeling, financial reporting and regulatory issues.

Anne-Marie has board experience and serves as an independent director for Gore Mutual Insurance and as a Departmental audit committee member for Innovation, Science and Economic Development Canada, and is the Chair of the Rainbow Railroad Risk Management Committee.

She is passionate about community service, diversity and inclusion and mentoring of emerging leaders. In 2013, she received a Professional Leadership Award (Out on Bay Street) recognizing her as an experienced senior professional who has shown exceptional ability, has a strong track record of leadership and professional excellence, and is publicly recognized as a role-model by LGBTQ community. In 2020, she was recognized as a Leader of Change by Insurance Business Canada - a trailblazer promoting inclusion through action and driving change in the insurance industry.

Anne-Marie is a Fellow of the Canadian Institute of Actuaries and of the Casualty Actuarial Society and holds a Chartered Director designation from the Directors College. She graduated from Laval University with a Bachelor of Actuarial Science and received an MBA from the Ivey School of Business, University of Western Ontario.



Law Society
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TAB 1.4 Report to Convocation April 25, 2024

Human Rights Monitoring Group

Committee Members:

Tanya Walker Chair
Annamaria Enejajor
Shalini Konanur
Deborah Moriah
Natalia Rodriguez
Doug Wellman

Purpose of Report: Decision and Information

Authored By:

Kathleen B. MacDougall, Associate Policy Counsel, kmacdoug@lso.ca

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Tab 1.4.1

Human Rights Monitoring Group

For Decision:

**Request for intervention on behalf of Rocío San Miguel –
Venezuela**

April 25, 2024

Committee Members:

Tanya Walker Chair

Annamaria Enenajor

Shalini Konanur

Deborah Moriah

Natalia Rodriguez

Doug Wellman

Authored By:

Kathleen B. MacDougall, Associate Policy Counsel, kmacdoug@lso.ca

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Motion

The Human Rights Monitoring Group (the “Monitoring Group”) brings the following motion:

THAT Convocation approve the letter and public statement in the following case:

Rocío San Miguel – Venezuela – letter of intervention and public statement presented at Tab 1.4.2 and 1.4.3

Context

A. Rationale

The request for intervention falls within the mandate of the Monitoring Group to,

- a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. review information that comes to its attention about human rights violations that target human rights defenders in the same event or circumstances as a member of the legal profession or the judiciary as described above;
- c. to determine if the matter is one that requires a response from the Law Society; and
- d. to prepare a response for review and approval by Convocation.

B. Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the case:

- a. There are no concerns about the quality of sources used for this report; and
- b. The letter and public statement regarding the charges against and detention of Rocío San Miguel falls within the mandate of the Monitoring Group.

Discussion

A. Sources of Information

The background information for this report was retrieved from the following sources:

1. Front Line Defenders
2. Amnesty International
3. International Commission of Jurists
4. Reuters
5. The Associated Press
6. The Guardian
7. The New York Times
8. Robert F. Kennedy Human Rights
9. United Nations Human Rights Office of the High Commissioner
10. Human Rights Watch
11. BBC News
12. United Nations News
13. The White House Briefing Room

B. Summary of Human Rights Violation at Issue

San Miguel is a prominent Venezuelan human rights lawyer and vocal critic of Venezuelan President Nicolás Maduro.¹ On February 9, 2024, San Miguel was detained by officials at an airport in Caracas, Venezuela and taken to an unknown location.² For several days, Venezuelan authorities did not disclose her location—leading advocates to characterize her detention as a “enforced disappearance.”³ Her detention appears to be a direct result of her defense of human rights in Venezuela.⁴

San Miguel’s adult daughter, who was travelling with her at the time of her apprehension, was detained alongside San Miguel.⁵ The Venezuelan government accuses San Miguel of conspiring to assassinate high-ranking government officials, including Maduro.⁶ She has been charged with treason, conspiracy, and terrorism.⁷ San Miguel has been prevented from

¹ Front Line Defenders, “[Incommunicado detention of woman human rights defender Rocio San Miguel](#)” (16 February 2024) (“Front Line Defenders 2024”) and Regina Garcia Cano, “[Whereabouts of Venezuelan human rights attorney and her family remain unknown days after detentions](#)” (12 February 2024).

² Amnesty International, “[Venezuelan human rights defender and her family arrested](#)” (13 February 2024). (“Amnesty”) and [Front Line Defenders 2024](#), *supra* note 1.

³ International Commission of Jurists, “[Venezuela: Human Rights Defender Rocio San Miguel must immediately be released and charges against her must be dropped](#)” (16 February 2024) (“ICJ Statement”).

⁴ [Amnesty](#) *supra* note 2.

⁵ [Amnesty](#) *supra* note 2 and [Front Line Defenders 2024](#) *supra* note 1.

⁶ Reuters, “[Venezuela accuses detained activist of links to conspiracy plot](#)” (11 February 2024).

⁷ Regina Garcia Cano, The Associated Press, “[Human rights groups in Venezuela demand release of prominent detained attorney and activist](#)” (14 February 2024) (“AP February 14”).

appointing a lawyer to defend herself against the Venezuelan government's accusations.⁸ She has also been unable to contact family members.⁹

C. Background

Use of enforced disappearances and United Nations presence in Venezuela

The Venezuelan government, led by Maduro, has a well-documented history of human rights abuses, including torture and extrajudicial killings.¹⁰ Maduro's government has widely used enforced disappearances to silence political opposition.¹¹

In response to human rights abuses in Venezuela, the United Nations Human Rights Office (OHCHR) issued reports on the country's human rights situation in 2017 and 2018, subsequently establishing the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela in 2019.¹²

The UN reports that the Venezuelan government has recently violated the human rights of "dozens of people" while investigating alleged conspiratorial groups.¹³ These violations—including unlawful detention—are used as measures of repression and intimidation.¹⁴ Several non-governmental groups note that human rights abuses have increased ahead of Venezuela's presidential elections on July 28, 2024.¹⁵

Professional history and past targeting by Venezuelan officials

San Miguel is an internationally respected lawyer and activist.¹⁶ She is the president of the non-governmental organization Control Ciudadano para la Seguridad y Defensa ("Control Ciudadano"), which investigates and monitors human rights issues relating to security and the armed forces.¹⁷

San Miguel has been targeted by the Venezuelan government for many years, dating back to at least 2004 when she was fired from her position in government after supporting a petition to

⁸ Luke Taylor, The Guardian, "[Repression in Venezuela intensifying ahead of elections, rights groups say](#)" (22 February 2024) ("Guardian February 22").

⁹ [Amnesty](#) *supra* note 2.

¹⁰ Nick Cumming-Bruce, The New York Times "[Venezuela forces killed thousands, then covered it up, U.N. says](#)" (4 July 2019) and Julie Turkewitz and Anatoly Kurmanaev, The New York Times, "[A knock, then gone: Venezuela secretly detains hundreds to silence critics](#)" (19 June 2020).

¹¹ Robert F. Kennedy Human Rights, "[New report shows Venezuela used forced disappearances to silence critical voices](#)" (19 June 2020).

¹² United Nations Human Rights Office of the High Commissioner, "[OHCHR in Venezuela](#)" (accessed 22 March 2024) and United Nations Human Rights Office of the High Commissioner, "[Venezuela Fact-finding Mission expresses profound concern over detention of human rights activist, calls for end to government repression](#)" (13 February 2024) ("Fact-finding statement").

¹³ [Fact-finding statement](#) *supra* note 12.

¹⁴ *Ibid.*

¹⁵ Regina Garcia Cano, The Associated Press, "[As election nears, Venezuelan government keeps arresting opponents allegedly tied to criminal plots](#)" (20 March 2024) ("AP March 20").

¹⁶ [Amnesty](#) *supra* note 2 and [ICJ Statement](#) *supra* note 3.

¹⁷ [Amnesty](#) *supra* note 2 and Regina Garcia Cano, The Associated Press, "[Venezuela's government and opposition double down on positions about arrest of human rights attorney](#)" (19 February 2024) ("AP February 19").

hold a referendum to recall Hugo Chávez's presidency.¹⁸ At that time, San Miguel worked as a legal adviser to the National Border Council, part of Venezuela's Ministry of Foreign Relations.¹⁹

In 2014, through her work with Control Ciudadano, San Miguel advocated on behalf of three detained Air Force generals through her social media and government contacts.²⁰ San Miguel called the arrests unconstitutional, noting that the generals were denied basic protections owed to public servants.²¹ At that time, in response to her legitimate legal advocacy and public opposition of his government, Maduro publicly accused San Miguel of being involved in an attempted coup d'état.²²

San Miguel is a Spanish National, which, along with her international connections and public profile, was once thought to protect her from further persecution by Maduro's government.²³

Enforced disappearance and detention

On February 9, 2024, San Miguel and her daughter were at Simon Bolivar International Airport in Caracas, Venezuela with the intention of travelling to Miami, United States.²⁴ While awaiting her flight, San Miguel was approached by airport officials under the pretense of checking her immigration status.²⁵ Both she and her daughter were subsequently detained and taken to an unknown location.²⁶ In total, five members of San Miguel's family were detained by police, including two ex-partners.²⁷

The Venezuelan government specifically accused San Miguel of involvement in a conspiracy they dubbed the "White Bracelet" plot, which allegedly aimed to kill Maduro and other high-ranking government officials.²⁸ Although few details have been released about the plot, officials accused San Miguel of acting as a "spy," claiming that she owned maps depicting confidential military locations.²⁹

San Miguel had an initial hearing at a counter-terrorism tribunal on February 12. Her chosen lawyer was not allowed to attend or participate.³⁰ She is allegedly being detained at the

¹⁸ Human Rights Watch, "[Amicus Curiae: Political Discrimination in Venezuela](#)" (7 February 2017) and Inter-American Court of Human Rights, [San Miguel Sosa et al.](#), (8 February 2018) (*San Miguel Sosa et al.*).

¹⁹ [San Miguel Sosa et al.](#) at paragraph 72.

²⁰ Front Line Defenders, "[New defamatory statements aimed at impeding the work of human rights defenders](#)" (3 April 2014) ("Front Line Defenders 2014").

²¹ *Ibid.*

²² *Ibid.*

²³ [Guardian February 22](#) *supra* note 8.

²⁴ [Front Line Defenders 2024](#) *supra* note 1.

²⁵ [Amnesty](#) *supra* note 2 and [Front Line Defenders 2024](#) *supra* note 1.

²⁶ *Ibid.*

²⁷ [Guardian February 22](#) *supra* note 8.

²⁸ Stefano Pozzebon, CNN, "White House 'concerned' as Venezuela detains activist over alleged 'White Bracelet' plot to kill Maduro" (13 February 2024) ("CNN").

²⁹ [AP March 20](#) *supra* note 15.

³⁰ [AP February 14](#) *supra* note 7 and [ICJ Statement](#) *supra* note 3.

notorious El Helicoide prison, where overcrowding and torture are routine.³¹ She has been unable to contact family members or her legal representatives.³²

United Nations expelled from Venezuela

On February 15, 2024, the Venezuelan government ordered the OHCHR to suspend its operations, giving all U.N. personnel 72 hours to leave the country.³³ Government officials characterized the U.N. office's presence in the country as "inappropriate," calling its attitude "colonialist, abusive, and violating."³⁴ The government's decision to expel U.N. officials from the country appears to be directly related to OHCHR's support of San Miguel and has been criticized by international organizations.³⁵

D. Current Status and International Response

It is believed that San Miguel remains detained at El Helicoide prison in Caracas.³⁶ On February 13, four of San Miguel's five detained relatives were released, including her daughter.³⁷ San Miguel's ex-husband, Alejandro Gonzalez, remains detained as of March 23, 2024.³⁸

Several international human rights organizations and monitoring bodies have expressed concern regarding San Miguel's arrest for her legitimate work as a lawyer.

Amnesty International called on Venezuelan authorities to stop the arbitrary detention and enforced disappearance of San Miguel.³⁹ They note that "politically motivated" arbitrary detentions and forced disappearances are "part of a widespread and systematic attack against the population of Venezuela and could constitute crimes against humanity."⁴⁰

In 2014, **Front Line Defenders** first raised concern about defamation and threats against San Miguel made by Maduro.⁴¹ At that time, Front Line Defenders believed San Miguel was targeted for denouncing human rights violations in Venezuela. Front Line Defenders believes that San Miguel's current arrest and forced disappearance are "another attempt to stop [San Miguel's] legitimate activity in defence of human rights in Venezuela."⁴²

³¹ [AP February 14](#) *supra* note 7 and [ICJ Statement](#) *supra* note 3; for more details about El Helicoide, see also: Karenina Velandia and Charlie Newland, BBC News, "[El Helicoide: From and icon to an infamous Venezuelan jail](#)" (24 January 2019).

³² [Amnesty](#) *supra* note 2.

³³ Reuters, "[Venezuela asks UN human rights staff to leave country amid](#)" (15 February 2024) ("Reuters").

³⁴ *Ibid.*

³⁵ UN News, "[UN office regrets Venezuela's decision to suspend operations](#)" (16 February 2024) and Inter-American Commission on Human Rights, "[Venezuela: IACHR condemns expulsion of UN High Commissioner for Human Rights technical team](#)" (20 February 2024).

³⁶ [AP February 14](#) *supra* note 7 and [ICJ Statement](#) *supra* note 3.

³⁷ [Front Line Defenders 2024](#) *supra* note 1.

³⁸ Joshua Goodman and Regina Garcia Cano, The Associated Press, "[Chevron manager jailed in Venezuela amid crackdown on government critics](#)" (23 March 2024) ("AP News March 23").

³⁹ [Amnesty](#) *supra* note 2.

⁴⁰ *Ibid.*

⁴¹ [Front Line Defenders 2014](#) *supra* note 1.

⁴² *Ibid.*

The **United Nations Office of the High Commissioner** condemned San Miguel’s detention and called on the Venezuelan government to disclose her location. Marta Valiñas, the Chairperson of The Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, called San Miguel’s detention part of a “coordinated plan to silence critics and perceived opponents” of Maduro and the Venezuelan government.⁴³

On February 13, 2024, White House National Security Communications Advisor John Kirby noted that the **United States** government was “deeply concerned” about reports that San Miguel had been detained and that his office was “watching [the situation] very, very closely.”⁴⁴

Santiago Canton, the Secretary General of the **International Commission of Jurists**, condemned Venezuela’s detention of San Miguel. Canton remarked “San Miguel’s arrest is the latest example of how Venezuela’s authorities have assaulted the rule of law by instrumentalizing the criminal justice system to intimidate and harass critics’ voices from civil society.”⁴⁵

E. Past LSO Interventions

The Law Society has previously issued an intervention letter on behalf a Venezuelan judge:

- Judge María Lourdes Afiuni (2010): detained by the Venezuelan government and charged with crimes including corruption for her decision to release Eligio Cedeño after he was held in arbitrary detention for three years.

⁴³ [Fact-finding statement](#) *supra* note 12.

⁴⁴ John Kirby, “[Press Briefing by Press Secretary Karine Jean-Pierre and White House National Security Communications Advisor John Kirby](#)” (13 February 2024).

⁴⁵ [ICJ Statement](#) *supra* note 3.

April 25, 2024

Delivered via email to correo@presidencia.gob.ve

President Nicolas Maduro
Final Avenida Urdaneta
Esq. de Bolero, Palacio de Miraflores
Caracas, Distrito Capital
Venezuela

Your Excellency:

Re: Arrest and Detention of Rocío San Miguel

I write on behalf of the Law Society of Ontario* to voice our grave concern over the arrest and pre-trial detention of lawyer Rocío San Miguel. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

On February 9, 2024, human rights lawyer Rocío San Miguel was unlawfully detained by officials at an airport in Caracas, Venezuela.

Ms. San Miguel has been charged with treason, conspiracy, and terrorism. She has been accused of taking part in a plot to assassinate prominent Venezuelan officials, including President Maduro. However, Ms. San Miguel's detention and the charges against her appear to be a direct result of her defense of human rights in Venezuela. Ms. San Miguel remains in detention at El Helicoide prison in Caracas, which has a documented history of overcrowding and torture. She has been denied access to her chosen lawyer to defend the charges against her.

The Law Society of Ontario is deeply concerned by the detention of Rocío San Miguel, as it believes she has been targeted due to her legitimate work as a lawyer. Ms. San Miguel is the President of the non-governmental advocacy group, Control Ciudadano para la Seguridad y Defensa, which investigates and monitors human rights issues relating to security and the armed forces.

International human rights and government organizations including Amnesty International, the International Commission of Jurists and Front Line Defenders have condemned the detention of Ms. San Miguel as indicative of the Venezuelan government's attempt to silence and intimidate opposition.

In light of these circumstances, the Law Society of Ontario urges Your Excellency to comply with Venezuela's obligations under international human rights laws, including

the United Nations' *Universal Declaration of Human Rights* and the *Basic Principles on the Role of Lawyers*.

Article 9 of the *Universal Declaration of Human Rights* states:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Government of Venezuela to:

- a. immediately and unconditionally withdraw all charges against Rocío San Miguel;
- b. immediately and unconditionally release Rocío San Miguel;
- c. pending her release, ensure that during her detention, Rocío San Miguel is treated in accordance with applicable international standards;
- d. guarantee in all circumstances the physical and psychological integrity of Rocío San Miguel;
- e. ensure that lawyers, paralegals or judges in Venezuela shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions

- for any action taken in accordance with recognized professional duties, standards, and ethics;
- f. ensure that all lawyers, paralegals, judges and human rights defenders in Venezuela are free from arbitrary arrest or detention;
 - g. ensure that all lawyers, paralegals, judges and human rights defenders in Venezuela can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
 - h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Jacqueline Horvat

Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal professions in the public interest and the Law Society has a duty to advance the cause of justice and the rule of law.

cc: Ana Rodriguez De Febres-Cordero, Ambassador of Venezuela to Canada
Email: info.canada@misionvenezuela.org

The Honourable Mélanie Joly, Minister of Foreign Affairs
Email: melanie.joly@parl.gc.ca

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Olive Moore, Interim Executive Director, Front Line Defenders

Tirana Hassan, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders,
Office of the United Nations High Commissioner for Human Rights

Margaret Satterhwaite, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Policy Manager, The Law Society of England and Wales

Proposed Public Statement on behalf of Venezuelan lawyer Rocío San Miguel

The Law Society of Ontario condemns the detention and forced disappearance of Venezuelan lawyer Rocío San Miguel

Toronto, ON — The Law Society of Ontario is condemning the unlawful arrest and detention of lawyer Rocío San Miguel. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

On February 9, 2024, human rights lawyer Rocío San Miguel, was unlawfully detained by officials at an airport in Caracas, Venezuela.

Ms. San Miguel has been charged with treason, conspiracy, and terrorism. She has been accused of taking part in a plot to assassinate prominent Venezuelan officials, including President Maduro. However, Ms. San Miguel's detention and the charges against her appear to be a direct result of her defense of human rights in Venezuela. Ms. San Miguel remains in detention at El Helicoide prison in Caracas, which has a documented history of overcrowding and torture. She has been denied access to her chosen lawyer to defend the charges against her.

The Law Society of Ontario is deeply concerned by the detention of Rocío San Miguel, as it believes she has been targeted due to her legitimate work as a lawyer. Ms. San Miguel is the President of the non-governmental advocacy group, Control Ciudadano para la Seguridad y Defensa, which investigates and monitors human rights issues relating to security and the armed forces.

International human rights and government organizations, including Amnesty International, the International Commission of Jurists and Front Line Defenders, have condemned the detention of Ms. San Miguel as indicative of the Venezuelan government's attempt to silence and intimidate opposition.

In light of these circumstances, the Law Society of Ontario urges the Venezuelan government to comply with their obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights* and the *Basic Principles on the Role of Lawyers*.

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- b. immediately and unconditionally release Rocío San Miguel;
- c. pending her release, ensure that during her detention, Rocío San Miguel, is treated in accordance with applicable international standards;
- d. guarantee in all circumstances the physical and psychological integrity of Rocío San Miguel
- e. ensure that lawyers, paralegals or judges shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics;
- f. ensure that all lawyers, paralegals, judges and human rights defenders in Venezuela are free from arbitrary arrest or detention;

- g. ensure that all lawyers, paralegals, judges and human rights defenders in Venezuela can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- h. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.