

Note: This motion re: Twitter activity following the Equity and Indigenous Affairs Committee meeting was ruled out of order

LAW SOCIETY OF ONTARIO (“LSO”)

NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the following motion to be moved at Convocation on February 27, 2020:

WHEREAS

- (1) Benchers shall govern the affairs of the LSO in accordance with s. 10 of the *Law Society Act, R.S.O. 1990, c. L.8 as amended*; and
- (2) The Equity & Indigenous Affairs Committee (“EIAC”) of the LSO conducts meetings with Equity Advisory Group (“EAG”) representatives present from time to time to discuss the affairs of the LSO; and
- (3) EAG’s proper role in the EIAC is to assist the EIAC and the LSO by carrying out its work according to the EIAC’s accepted practice of resolving debates and disagreements and disputes within EIAC to the extent possible; and
- (4) An EAG representative has egregiously disrupted the accepted practice of EIAC in that the EAG representative
 - a. Deliberately disregarded the EIAC practice of resolving disputes and disagreements within the EIAC not long after a gathering of EIAC at which said representative was in attendance, and
 - b. Published on Twitter a serious and highly damaging allegation against a specific bencher without identifying the bencher,
 - c. Thereby seriously impugning the integrity of all benchers and Convocation, and infringing the privileges of Convocation; and
- (5) The LSO’s department of Discrimination & Harassment Counsel and at least one bencher re-published the highly damaging allegation with retweets thereby magnifying the damaging allegation; and
- (6) Redress for the conduct of the EAG representative and the DHC, and the proper safeguarding of bencher privileges against any possible further such conduct, are required in order to restore the rights and role and privileges of Convocation and LSO committees so that they may continue to be fora in which open discussion may occur without fear that injurious social media campaigns will be initiated and prolonged by participants and others within the LSO;

THEREFORE BE IT RESOLVED that Convocation hereby expresses its censure of the EAG representative for his serious and highly damaging Twitter allegation; and

BE IT FURTHER RESOLVED that Convocation hereby expresses its censure of the DHC for the retweeting of the serious and highly damaging Twitter allegation.

Dated: February 6, 2020

John Fagan, Mover

Jared Brown, Seconder

Note: This motion re: Benchers and non-bencher advisor participation in committee meetings was tabled (debate deferred indefinitely)

LAW SOCIETY OF ONTARIO (“LSO”)

NOTICE OF MOTION

NOTICE IS HEREBY GIVEN of the following motion to be moved at Convocation on February 27, 2020:

WHEREAS

- (1) Benchers shall govern the affairs of the LSO in accordance with s. 10 of the Law Society Act, R.S.O. 1990, c. L.8 as amended;
- (2) Benchers are entitled to attend all Standing Committee meetings in accordance with s. 115(2) of Bylaw 3 of LSO;
- (3) The Equity & Indigenous Affairs Committee (“EIAC”) regularly accords to representatives of the Equity Advisory Group (“EAG”) and other selected external groups the privilege of regular attendance and participation at EIAC Committee meetings and other EIAC events;
- (4) One such EIAC event occurred on January 16, 2020 in the form of a Talking Circle. On that occasion, EAG representatives were permitted to speak while several non-Committee member Benchers were not permitted to speak;
- (5) While EAG has a limited mandate to assist in the governance of the LSO, neither it nor its representatives take precedence over the statutory mandate of Benchers who are elected or appointed by the Provincial government pursuant to the LSO Act to govern LSO;
- (6) The above denial of the right of Benchers to speak while, in the same meeting, invited EAG advisors were permitted to do so breaches each Bencher’s privileges;
- (7) Pursuant to Subsection 2(2) of the LSO Act, the LSO is constituted as a corporation without share capital that is subject to the provisions of the Corporations Act of Ontario, and whose directors are designated as Benchers by the LSO Act;
- (8) When the EIAC sits in Committee or conducts other EIAC events it exercises powers of Convocation delegated to it by Convocation;

- (9) The blanket denial of a Bencher's right of participation and speaking at any meeting or other event of an LSO Committee improperly impairs each Bencher, in exercising his or her powers and discharging his or her duties as a director pursuant to Subsection 127.1 (1) of the Corporations Act;
- (10) Denying a bencher the right to attend and to fully participate at a meeting of an LSO Committee or other Committee event, while at the same time according to non-benchers the right to participate and speak at such meeting or event, therefore constitutes a violation of the Corporations Act.

THEREFORE BE IT RESOLVED by Convocation that

- (a) EIAC is hereby directed to recognize the right of all Benchers to attend, to participate and to speak at EIAC committee meetings and other EIAC events, subject only
 - i. to the exclusive right of the appointed Bencher members of such committee to vote on all matters coming before the committee, and
 - ii. the right of the chair of such meeting or event to give precedence to the appointed Bencher members of such committee, and to manage the meeting having regard to time constraints and other factors as seem relevant to the chair;
- (b) pending the report of the committee of Benchers referred to in paragraph (c) below, EIAC shall conduct its meetings without the regular attendance and participation of non-benchers, except for the purpose of allowing such persons to submit reports requested by the EIAC or make submissions to the EIAC, as permitted by the EIAC.
- (c) a committee of Benchers be appointed by Convocation at its next regular meeting to
 - i. study the question of the advisability of according to non-benchers the privilege of regular attendance and participation at meetings and other events of the Committees of Convocation.
 - ii. Study the advisability of creating and maintaining a standing group of unelected advisors such as the EAG.

Dated: February 5th, 2020.

John Fagan, Mover

Jared Brown, Seconder