

MINUTES OF CONVOCATION

Thursday, 24th May, 2018
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Banack, Beach (by telephone), Bickford, Braithwaite, Bredt, Burd, Callaghan, Chrétien, Clément, Cooper, Copeland (by telephone), Corbiere, Corsetti, Criger, Earnshaw, Epstein, Evans, Falconer, Ferrier, Galati, Go, Gottlieb, Groia (by telephone), Haigh, Hartman (by telephone), Horvat, Howell, Krishna, Lawrie, Leiper, Lem (by telephone), Lerner (by telephone), Lippa, MacLean, McDowell, McGrath, Merali, Mercer, Murchie, Murray (by telephone), Papageorgiou, Porter, Richardson (by telephone), Richer, Rock (by telephone), Ross, Ruby (by telephone), Sharda (by telephone), Sheff, Sikand, Spurgeon, C. Strosberg, H. Strosberg (by telephone), Swaye (by telephone), Troister, Udell (by telephone), Vespry, Walker, Wright, Yachetti (by telephone) and Zordel.

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Secretary: James Varro

The Reporter was sworn.

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TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast.

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 is meeting on the traditional territory of the Mississaugas of New Credit First Nation and acknowledged the Haudenosaunee, and recognized the long history of all of the First Nations in Ontario and the Métis and Inuit peoples. The Treasurer offered these remarks in the spirit of reconciliation and the importance of reminding everyone that this land is shared with one another and our Indigenous Peoples.

The Treasurer addressed the protocol for Convocation in the Lamont Learning Centre.

The Treasurer welcomed special guests:

- Ovide Mercredi, Independent Reviewer for the Review Panel on Regulatory and Hearing Processes Affecting Indigenous Peoples
- Myeengun Henry, Chief of the Chippewas of the Thames First Nation, a member of the Review Panel and a Co-Chair of the Indigenous Advisory Group
- Kathleen Lickers, a member of the Review Panel and Co-Chair of the Indigenous Advisory Group

The Treasurer advised that Motion 1 for the Annual General Meeting was withdrawn by the mover, David McRobert, as a result of the Treasurer's advice to Mr. McRobert that the Law Society will review the subject of the motion through the Professional Regulation Committee.

The Treasurer advised of the launch of the Advocates' Society Guide for Lawyers Working with Indigenous Peoples on May 22, 2018.

The Treasurer congratulated the recipients of the Law Society Awards last evening.

The Treasurer announced recipients of an Honorary LL.D. at the calls to the bar:

- Professor Bruce P. Elman, June 20 at the London Call
- The Honourable Eleanore A. Cronk, Toronto June 26 in the morning
- The Honourable Leonard S. Mandamin, Toronto June 26 in the afternoon
- Reuben Rosenblatt, Toronto June 27

The Treasurer advised that The Right Honourable David Johnston will be a keynote speaker at the Ottawa Call to the Bar on June 25, 2018.

The Treasurer reminded benchers that nominations are open for the Law Society's Human Rights Award until June 30, 2018.

The Treasurer noted the workshop hosted by the Law Society on May 15, 2018 on Emerging Legal Tech and the Future of Regulation.

The Treasurer announced the candidates for election of the Treasurer on June 28, 2018:

Ross Earnshaw
Jacqueline Horvat
Malcolm Mercer

The Treasurer announced the retirement of the Law Society's Chief Financial Officer Wendy Tysall on June 29, 2018 and thanked Ms. Tysall for her dedication, leadership and tremendous contribution over the years.

The Treasurer reminded Convocation of upcoming public education events on June 5, 2018, the Access Awareness Event, and June 20, 2018, the Pride Celebration.

The Treasurer noted guests for lunch today:

Chief Myeengun Henry
Kathleen Lickers

Representatives of the Law Foundation of Ontario:
Linda Rothstein, Chair

Paul Le Vay, Member of the Board
Tanya Lee, Chief Executive Officer

Elizabeth Hall, Executive Director of the Ontario Bar Association

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Walker, seconded by Mr. Troister, 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 Convocation of April 26, 2018 were confirmed.

Tab 1.2 – MOTION – APPOINTMENTS

THAT the following be reappointed to the Proceedings Authorization Committee:

Jacqueline Horvat, Chair
Teresa Donnelly
Michelle Haigh
Jeffrey Lem
Jonathan Rosenthal
Gerald Sheff

Carried

Tab 1.3 – EXECUTIVE DIRECTOR’S REPORT ON ADMINISTRATIVE CALLS TO THE BAR

THAT the Report of the Executive Director of Professional Development and Competence listing the names of the call to the bar candidates be adopted.

Carried

REVIEW PANEL ON REGULATORY AND HEARING PROCESSES AFFECTING
INDIGENOUS PEOPLES REPORT

Ms. Corbiere introduced the report, and invited Chief Myeengun Henry to open with a ceremony.

Chief Henry performed a smudging ceremony and polished the eagle feathers.

Ms. Corbiere invited Ovide Mercredi, the Independent Reviewer, to present his report.

Mr. Mercredi presented his report.

Ms. Corbiere presented the Review Panel report.

It was moved by Ms. Corbiere, seconded by Mr. Burd, that Convocation approve the recommendations set out in this report to incorporate Indigenous perspectives in the Law

Society's regulatory and hearing processes, in keeping with the Law Society's commitment through its Indigenous Framework adopted by the Law Society to work within its mandate on Indigenous issues and the relationship with the Indigenous community.

It was moved by Ms. Vespry, seconded by Ms. Zordel, that the motion be amended to provide that Convocation approve Recommendations 1 through 9 in the Report and that the Recommendation respecting the Independent Reviewer's Report be approved in principle for further discussion.

Lost

The main motion carried unanimously.

Mr. Epstein, Mr. Lem, Ms. Vespry and Ms. Zordel abstained.

The Treasurer thanked Mr. Mercredi for his work and expressed gratitude for his contribution.

PROFESSIONAL DEVELOPMENT & COMPETENCE COMMITTEE REPORT

Ms. Horvat presented the Report.

Re: Lawyer Licensing Consultation

Ms. Horvat presented the report for information.

TRIBUNAL COMMITTEE REPORT

Ms. Murchie presented the Report.

Re: Law Society Tribunal Adjudicator Code of Conduct

It was moved by Ms. Murchie, seconded by Mr. Cooper, that Convocation approve amendments to the Law Society Tribunal Adjudicator Code of Conduct.

Carried

Re: Rules for Summary Orders

Ms. Murchie advised Convocation that the proposed Rules at Tabs 4.1.1 and 4.1.2 have been modified to remove references to service by publication in the licensee's or former licensee's Law Society Portal account in Rules 2.01(1) and 2.01(2).

It was moved by Ms. Murchie, seconded by Ms. Merali, that Convocation revoke the old Rule 16 – Summary Orders, as it appeared in the pre-2009 *Rules of Practice and Procedure*, and approve the proposed English and French *Rules for Summary Orders*, effective January 1, 2019, set out at Tab 4.1.1 and 4.1.2 (English and French), as modified.

Carried

Re: Law Society Tribunal Complaint Process

Ms. Merali presented the Report.

It was moved by Ms. Merali, seconded by Ms. Murchie, that Convocation approve the proposed Law Society Tribunal Complaint Process, effective July 1, 2018, set out at Tab 4.2.1 (English) and Tab 4.2.2 (French).

Carried

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Ms. Go presented the Report.

Re: Human Rights Monitoring Group Requests for Interventions

It was moved by Ms. Go, seconded by Mr. Evans, that Convocation approve the letters and public statements in the cases set out in subparagraphs a. through c. of paragraph 4 of the report.

Carried

For Information:

- Equity Legal Education and Rule of Law Series Calendar

COMPLIANCE-BASED ENTITY REGULATION TASK FORCE REPORT

Mr. Earnshaw presented the report, respecting a consultation phase, for information.

POINT OF PRIVILEGE

Mr. Cooper spoke on a point of privilege to thank Mr. Schabas for his leadership as Treasurer.

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REPORTS FOR INFORMATION ONLY

PROFESSIONAL REGULATION COMMITTEE REPORT

- Report on Law Society Compliance with National Discipline Standards

PARALEGAL STANDING COMMITTEE REPORT

- Amendments to the Paralegal Guidelines – Harassment and Discrimination

REPORT FROM THE ACTION GROUP ON ACCESS TO JUSTICE (TAG)

CONVOCATION ROSE AT 12:46 P.M.