



The Law Society of
Upper Canada | Barreau
du Haut-Canada

March 4, 2014

8:30 a.m.

Via Teleconference Call

SPECIAL CONVOCATION MATERIAL

PUBLIC COPY

**SPECIAL CONVOCATION AGENDA
by Teleconference**

March 4, 2014

8:30 a.m.

Benchers at Osgoode Hall on March 4 for hearings, if arriving by 8:30 a.m., may convene in Convocation Room.

Treasurer's Remarks

Motion [Tab 1]

- Implementation of the *Modernizing Regulation of the Legal Profession Act, 2013* (Bill 111)

THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER
SUBSECTION 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MARCH 4, 2014

MOVED BY

SECONDED BY

THAT the By-Laws made under subsection 62 (0.1) and (1) of the *Law Society Act*, made on May 1, 2007 and in force as of March 3, 2014, be amended as follows:

BY-LAW 1

1. Subsection 3 (2) of the English version of By-Law 1 is amended by striking out “Senior Counsel, Legal Affairs” at the beginning and substituting “General Counsel”.
2. Subsection 3 (2) of the French version of By-Law 1 is amended by striking out “l’avocat principal ou l’avocate principale des affaires juridiques” at the beginning and substituting “l’avocat général ou l’avocate générale”.

BY-LAW 3

3. Clause 48.1 (6) (a) of the English version of By-Law 3 is amended by striking out “Panel” and substituting “Division”.
4. Clause 48.1 (6) (a) of the French version of By-Law 3 is amended by striking out “au Comité d’audition” and substituting “à la Section de première instance”.
5. Clause 48.1 (6) (b) of the English version of By-Law 3 is amended by striking out “Panel” and substituting “Division”.

6. **Clause 48.1 (6) (b) of the French version of By-Law 3 is amended by striking out “au Comité” and substituting “à la Section”.**

7. **Paragraph 6 of the definition of “work” in subsection 49 (1) of the English version of By-Law 3 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.**

8. **Paragraph 6 of the definition of “travail” in subsection 49 (1) of the French version of By-Law 3 is amended by striking out “le Comité d’audition ou le Comité d’appel” and substituting “la Section de première instance ou la Section d’appel”.**

9. **Paragraph 7 of the definition of “work” in subsection 49 (1) of the English version of By-Law 3 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.**

10. **Paragraph 7 of the definition of “travail” in subsection 49 (1) of the French version of By-Law 3 is amended by striking out “le Comité d’audition ou le Comité d’appel” and substituting “la Section de première instance ou la Section d’appel”.**

11. **Paragraph 8 of the definition of “work” in subsection 49 (1) of the English version of By-Law 3 is amended by striking out “Panel” and substituting “Division”.**

12. **Paragraph 8 of the definition of “travail” in subsection 49 (1) of the French version of By-Law 3 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance”.**

13. **Paragraph 9 of the definition of “work” in subsection 49 (1) of the English version of By-Law 3 is revoked and the following substituted:**

9. Performing activities, as a vice-chair of the Hearing Division or Appeal Division, that are integral to the office of vice-chair of the Hearing Division or Appeal Division.

14. **Paragraph 9 of the definition of “travail” in subsection 49 (1) of the French version of By-Law 3 is revoked and the following substituted:**

9. Exécuter des fonctions inhérentes à la vice-présidence de la Section de première instance ou de la Section d’appel.

15. Paragraph 10 of the definition of “work” in subsection 49 (1) of the English version of By-Law 3 is revoked and the following substituted:

10. Performing activities, as a member of the Hearing Division or Appeal Division, that relate to the management of a proceeding before the Hearing Division or Appeal Division.

16. Paragraph 10 of the definition of “travail” in subsection 49 (1) of the French version of By-Law 3 is revoked and the following substituted:

10. Exécuter des fonctions, en qualité de membre de la Section de première instance ou de la Section d’appel, liées à la gestion des dossiers soumis à la Section de première instance ou à la Section d’appel.

17. Subsection 49 (2) of the English and French versions of By-Law 3 is revoked.

18. Clause 50 (4) (b) of the English version of By-Law 3 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

19. Clause 50 (4) (b) of the French version of By-Law 3 is amended by striking out “du comité d’audition” and substituting “de la Section de première instance” and striking out “du comité d’appel” and substituting “de la Section d’appel”.

BY-LAW 4

20. Subsubclause 30 (2) (b) (iii) (A) of the English version of By-Law 4 is amended by striking out “Panel” and substituting “Division”.

21. Subsubclause 30 (2) (b) (iii) (A) of the French version of By-Law 4 is revoked and the following substituted:

- (A) de la Section de première instance;

22. Subsubclause 30 (2) (b) (iii) (B) of the English version of By-Law 4 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

23. Subsubclause 30 (2) (b) (iii) (B) of the French version of By-Law 4 is amended by striking out “du Bureau d’appel” and substituting “de la Section d’appel” and by striking out “du Comité d’audition” and substituting “de la Section de première instance”.

24. Clause 45 (3) (b) of the English version of By-Law 4 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

25. Clause 45 (3) (b) of the French version of By-Law 4 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance” and by striking out “du Comité d’audition, par le Bureau d’appel” and substituting “de la Section de première instance, par la Section d’appel”.

BY-LAW 11

26. Clause 4 (1) (b) of the English version of By-Law 11 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

27. Clause 4 (1) (b) of the French version of By-Law 11 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance” et striking out “le Comité d’appel” and substituting “la Section d’appel”.

28. Clause 9 (1) (b) of the English version of By-Law 11 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

29. Clause 9 (1) (b) of the French version of By-Law 11 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance” et striking out “le Comité d’appel” and substituting “la Section d’appel”.

30. Paragraph 1 of section 23 of the English version of By-Law 11 is revoked and the following substituted:

1. The office of Executive Director, Professional Regulation.

31. Paragraph 1 of section 23 of the French version of By-Law 11 is revoked and the following substituted:

1. La charge de directrice administrative ou de directeur administratif de la réglementation professionnelle.

32. The definition of “panelist” in section 24 of the English version of By-Law 11 is amended by striking out “Panel” and substituting “Division”.

33. The definition of “panéliste” in section 24 of the French version of By-Law 11 is amended by striking out “du comité d’audition” and substituting “de la Section de première instance”.

34. Clause 27 (1) (a) of the English version of By-Law 11 is amended by striking out “Director, Professional Development and Competence” and substituting “Executive Director, Professional Development and Competence”.

35. Clause 27 (1) (a) of the French version of By-Law 11 is amended by striking out “de directrice ou directeur du perfectionnement professionnel” and substituting “de directrice administrative ou directeur administratif du perfectionnement professionnel”.

36. The definition of “outside counsel” in section 43 of the English version of By-Law 11 is amended by striking out “Panel” wherever it appears and substituting “Division” in each case.

37. The definition of “avocat de l’extérieur” in section 43 of the French version of By-Law 11 is amended by striking out “le Comité d’audition, le Comité d’appel” and substituting “la Section de première instance, la Section d’appel”.

38. Paragraph 3 of subsection 50 (1) of the English version of By-Law 11 is amended by striking out “Panel” and substituting “Division”.

39. Paragraph 3 of subsection 50 (1) of the French version of By-Law 11 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance”.

40. Paragraph 4 of subsection 50 (1) of the English version of By-Law 11 is amended by striking out “Panel” in the portion before subparagraph i and substituting “Division”.

41. Paragraph 4 of subsection 50 (1) of the French version of By-Law 11 is amended by striking out “au Comité d’audition” in the portion before subparagraph i and substituting “à la Section de première instance”.

42. Subsection 50 (3) of the English version of By-Law 11 is revoked and the following substituted:

(3) Subject to subsection (4), a member of the Hearing Division appointed under subsection 42 (6) of the Act to review a proposal for an order made to a licensee may refer to the Committee a matter respecting the professional competence of the licensee for the purpose of obtaining authorization for the Society to apply to the Tribunal for a determination by the Hearing Division of whether the licensee is failing or has failed to meet standards of professional competence.

43. Subsection 50 (3) of the French version of By-Law 11 is revoked and the following substituted:

(3) Sous réserve du paragraphe (4), un membre de la Section de première instance chargé en vertu du paragraphe 42 (6) de la Loi, d’examiner une proposition d’ordonnance faite à un titulaire de permis peut renvoyer au Comité une affaire concernant la compétence professionnelle du titulaire de permis afin que le Barreau ait l’autorisation de demander au Tribunal que la Section de première instance établisse si le titulaire de permis n’a pas respecté ou ne respecte pas les normes de compétence professionnelle.

44. Subsection 50 (4) of the English version of By-Law 11 is amended by striking out “Panel” in the portion before clause (a) and substituting “Division”.

45. Subsection 50 (4) of the French version of By-Law 11 is amended by striking out “du Comité d’audition” in the portion before clause (a) and substituting “de la Section de première instance”.

46. Paragraph 2 of subsection 51 (1) of the English version of By-Law 11 is amended by striking out “to apply to the Hearing Panel for a determination of whether” in the portion before subparagraph i and substituting “to apply to the Tribunal for a determination by the Hearing Division of whether”.

47. Paragraph 2 of subsection 51 (1) of the French version of By-Law 11 is amended by striking out “demander au Comité d’audition d’établir si” in the portion before subparagraph i and substituting “demander au Tribunal que la Section de première instance établisse si”.

48. Paragraph 7 of subsection 51 (1) of the English version of By-Law 11 is amended by striking out “Panel” and substituting “Division”.

49. Paragraph 7 of subsection 51 (1) of the French version of By-Law 11 is amended by striking out “le Comité d’audition” and substituting “la Section de première instance”.

50. Subsection 51 (2) of the English version of By-Law 11 is amended by striking out “to apply to the Hearing Panel for a determination of whether a licensee” and substituting “to apply to the Tribunal for a determination by the Hearing Division of whether a licensee”.

51. Subsection 51 (2) of the French version of By-Law 11 is amended by striking out “demander au Comité d’audition d’établir si un titulaire de permis” and substituting “demander au Tribunal que la Section de première instance établisse si un titulaire de permis”.

52. Subsection 51 (3) of the English version of By-Law 11 is amended by striking out “to apply to the Hearing Panel for a determination of whether a licensee” and substituting “to apply to the Tribunal for a determination by the Hearing Division of whether a licensee”.

53. Subsection 51 (3) of the French version of By-Law 11 is amended by striking out “demander au Comité d’audition d’établir si un titulaire de permis” and substituting “demander au Tribunal que la Section de première instance établisse si un titulaire de permis”.

54. Subsection 51 (4) of the English version of By-Law 11 is amended by striking out “to apply to the Hearing Panel for a determination of whether a licensee” and substituting “to apply to the Tribunal for a determination by the Hearing Division of whether a licensee”.

55. Subsection 51 (4) of the French version of By-Law 11 is amended by striking out “demander au Comité d’audition d’établir si un titulaire de permis” and substituting “demander au Tribunal que la Section de première instance établisse si un titulaire de permis”.

56. The portion before clause (a) of subsection 52 (1) of the English version of By-Law 11 is revoked and the following substituted:

(1) Where the Committee authorizes the Society to apply to the Tribunal for a determination by the Hearing Division of whether a licensee is or has been incapacitated, the Committee may appoint another licensee to represent the licensee in proceedings under Part II of the Act before the Hearing Division, the Appeal Division or a court if the Committee is satisfied that,

57. The portion before clause (a) of subsection 52 (1) of the French version of By-Law 11 is revoked and the following substituted:

(1) Lorsqu'il autorise le Barreau à demander au Tribunal que la Section de première instance établisse si une ou un titulaire de permis est ou a été incapable, le Comité peut nommer un autre titulaire de permis pour représenter cette personne dans l'instance introduite sous le régime de la partie II de la Loi devant la Section de première instance, la Section d'appel ou un tribunal, s'il est convaincu que les conditions suivantes sont réunies :

BY-LAW 12

58. Paragraph 1 of section 1 of the English version of By-Law 12 is revoked and the following substituted:

1. The office of the Executive Director, Professional Regulation.

59. Paragraph 1 of section 1 of the French version of By-Law 12 is revoked and the following substituted:

1. La charge de directrice administrative ou de directeur administratif de la réglementation professionnelle.

Tab 1.1

Explanatory Note

This motion includes housekeeping amendments to the subject By-Laws to implement recent legislative reforms establishing the Law Society Tribunal (eg. replacing “Hearing Panel” with “Hearing Division”). The amendments also include other housekeeping changes relating to the titles of Law Society senior managers as a result of operational changes.