



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

Report to Convocation May 27, 2010

Paralegal Standing Committee

Committee Members

Cathy Corsetti, Chair

Susan McGrath, Vice-Chair

Marion Boyd

Robert Burd

James R. Caskey

Paul Dray

Seymour Epstein

Michelle L. Haigh

Glenn Hainey

Paul Henderson

Douglas Lewis

Ken Mitchell

Cathy Strosberg

**Purpose of Report: Decision
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**Prepared by the Policy Secretariat
Julia Bass 416 947 5228**

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COMMITTEE PROCESS

1. The Committee met on May 6th, 2010. Committee members present were Cathy Corsetti (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd (by telephone), James Caskey, Paul Dray, Seymour Epstein, Michelle Haigh, Glenn Hainey, Paul Henderson, Doug Lewis, Ken Mitchell and Cathy Strosberg. The Chair of the Governance Task Force, Tom Heintzman, attended for the first item. Staff members in attendance were Diana Miles, Katherine Corrick, Terry Knott, Elliot Spears, Sheena Weir, Jim Varro, Arwen Tillman, Sophie Galipeau and Julia Bass.

FOR DECISION

TERM LIMITS FOR PARALEGAL COMMITTEE MEMBERS

Motion

- 2. That By-law 3 be amended to provide for a term limit of 12 years for elected paralegal members of the Paralegal Standing Committee.**

Background

3. In December 2009, Convocation approved reforms to the Law Society's governance structure, including term limits for elected benchers. To facilitate renewal at Convocation, the maximum length of time that a bencher can now serve is 12 years. This applies to all elected benchers including the paralegal benchers.
4. However, when the governance reforms were adopted, the report was silent on how this policy should apply to the other paralegal members of the Paralegal Standing Committee. The implementation report from the Governance Task Force is to be presented to May Convocation.

The Committee's Deliberations

5. The Chair of the Governance Task Force, Mr Heintzman, presented the rationale for the term limits adopted by Convocation. The Committee considered the arguments for and against term limits as set out in the Task Force Report adopted by Convocation.
6. The Committee was of the view that term limits would foster renewal of the Committee and the introduction of new ideas and perspectives, and that over time, term limits would mean that a larger number of paralegals would serve on the Committee, which is likely to foster a broader understanding and appreciation of the work of the Law Society.

7. The Committee considered that it would be consistent to provide for a term limit of 12 years, the same length as the term limit for benchers.

8. The necessary by-law amendments are included in the Report of the Task Force on Governance at **TAB 7**.

**AMENDMENT TO RULE 4.01 OF THE
*PARALEGAL RULES OF CONDUCT***

Motion

9. That rule 4.01 of the *Paralegal Rules of Conduct* be amended to add the following subrule:

Duty as Prosecutor

4.01 (5.1) When acting as a prosecutor, a paralegal shall act for the public and the administration of justice resolutely and honourably within the limits of the law while treating the tribunal with candour, fairness, courtesy, and respect.

Background

10. The Committee has noted that the lawyers' *Rules of Professional Conduct* contain a provision addressing the lawyer's professional responsibilities when acting as a prosecutor, while there is no comparable provision in the *Paralegal Rules*. The Committee favoured amending the *Paralegal Rules of Conduct* to address this.
11. After reviewing the lawyers' *Rules of Professional Conduct* wording was developed, based on the wording of the lawyers' *Rules of Professional Conduct*.

The Committee's Deliberations

12. The Committee noted that paralegal prosecutors are covered by the exemption from licensing in By-law 4, under the heading "In-house legal services provider". At the present time, some prosecutors have chosen to become licensed but many have not. The new provision in the rules will only apply to prosecutors who have chosen to become licensed.
13. However, given the policy of encouraging exempted persons to become licensed, as shown by the Integration Project currently under development, it is appropriate to provide for licensed prosecutors in the *Paralegal Rules* in the same manner as in the lawyers' *Rules*.

FOR INFORMATION

DEMOGRAPHIC REPORT ON PARALEGAL ELECTION

14. The first election of paralegal members of the Paralegal Standing Committee was held during the month of March 2010. A demographic report on the paralegal election provided by Computershare is attached at **Appendix 1**.

ADJUSTMENT TO CALCULATION OF CPD REQUIREMENT: NEW LICENSEES

15. The Committee approved the adjustment to the calculation of Continuing Professional Development being recommended by the Professional Development & Competence Committee, in the Report at **TAB 9**.

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2010 Paralegal Standing Committee Election - Order of Standing

Candidate Name <i>Nom du candidat/de la candidate</i>	Votes <i>Voix</i>	Percentage <i>Pourcentage</i>	Standing <i>Classement</i>
Corsetti, Cathy	239	28.76%	1
Dray, Paul	201	24.19%	2
Haigh, Michelle L.	189	22.74%	3
Mitchell, Kenneth C.	165	19.86%	4
Burd, Robert	160	19.25%	5
Parker, Stephen H.	149	17.93%	6
Ramroop, Wendy Ooma	131	15.76%	7
Simms, Judi	126	15.16%	8
Alfano, Frank B.	109	13.12%	9
Sesum Halilovic, Andrea	106	12.76%	10
Scott, Bruce D.	104	12.52%	11
Bondy, Carmen R.	97	11.67%	12
Gowling, Allison Frederick	87	10.47%	13
McKinnon, Thomas	79	9.51%	14
Surowiak, Christopher M.	72	8.66%	15
Macdonald-Duncan, Nancy	62	7.46%	16
Whittington, Melinda R.	59	7.10%	17
Morton, Douglas	56	6.74%	18
Potomski, R. J. (Bob)	56	6.74%	19
Swales, Peter	56	6.74%	20
Tzanis, John	56	6.74%	21
Bowman, Minda	48	5.78%	22
Weber, Melissa	48	5.78%	23
Amsler, Daniel	46	5.54%	24
Staples, Alan	41	4.93%	25
Lafrance, Chris	37	4.45%	26
Basaran, Joseph	36	4.33%	27
Raglan, Jim	36	4.33%	28
Nicol, Mark R.	34	4.09%	29
Armstrong, Allison M. K.	32	3.85%	30
Khan, Mushtaq	32	3.85%	31
Mbaegbu, Benjamin Odinakachukwu	24	2.89%	32
Maftoun, Bit	23	2.77%	33
Sayers, Carole C.	23	2.77%	34
Paddon, Rod	20	2.41%	35
Heughan, Robert	19	2.29%	36
Pichugin, Oleksandr	15	1.81%	37
Hughes, Jan-Lee	12	1.44%	38
Chen, John K. N.	6	0.72%	39
TOTAL BALLOTS:	831		
<i>TOTAL DES SUFFRAGES EXPRIMÉS</i>			

**2010 Paralegal Standing Committee Election
Voter Turnout**

	2010
Total Eligible Voters	2,819
Total Ballots Cast	831
Invalid Ballots	-
Late Ballots	-
Valid Ballots	831
% Turnout	29.48%

**2010 Paralegal Standing Committee Election
Voter Turnout by Sex**

	Ballots Cast by Group	Eligible Members by Group	% Turnout
Male	466	1,426	32.68%
Female	365	1,393	26.20%
TOTAL	831	2,819	29.48%

**2010 Paralegal Standing Committee Election
Voter Turnout by Year of Birth**

	Ballots Cast by Group	Eligible Members by Group	% Turnout
1921 - 1930	3	3	100.00%
1931 - 1940	8	40	20.00%
1941 - 1950	118	306	38.56%
1951 - 1960	225	636	35.38%
1961 - 1970	213	737	28.90%
1971 - 1980	163	597	27.30%
1981 - 1990	101	499	20.24%
1991 - 2000	-	1	0.00%
TOTAL	831	2,819	29.48%

2010 Paralegal Standing Committee Election
Voter Turnout by Year Licenced

	Ballots Cast by Group	Eligible Members by Group	% Turnout
2008	670	2,210	30.32%
2009	127	483	26.29%
2010	34	126	26.98%
TOTAL	831	2,819	29.48%

**2010 Paralegal Standing Committee Election
Voter Turnout by Membership Status**

	Ballots Cast by Group	Eligible Members by Group	% Turnout
1A - Sole Practitioner	269	768	35.03%
1B - Partner - Prof. Bus.	28	78	35.90%
1C - Employee - Prof. Bus.	113	415	27.23%
1D - Associate - Prof. Bus.	20	56	35.71%
1E - Employed - Education	1	11	9.09%
1F - Employed - Government	53	143	37.06%
1G - Employed - Other	247	867	28.49%
1H - Retired or Not Working	39	244	15.98%
1I - Not In Ontario	1	9	11.11%
1K -	15	21	71.43%
1N -	45	206	21.84%
1Z - No proof of insurance	-	1	0.00%
TOTAL	831	2,819	29.48%