



TAB 3

**Report to Convocation
February 26, 2015**

Tribunal Committee

Committee Members

Raj Anand (Chair)
Janet Leiper (Vice-Chair)
Larry Banack
Jack Braithwaite
Christopher Bredt
Robert Burd
Adriana Doyle
Lee Ferrier
Alan Gold
Barbara Murchie
Linda Rothstein
Mark Sandler
Baljit Sikand
Peter Wardle

**Purpose of Report: Decision
Information**

**Prepared by the Policy Secretariat
(Sophia Sperdakos 416-947-5209)**

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Decision

In Camera Item

TAB 3.1

Information

Tribunal 2014 Fourth Quarter Statistics

TAB 3.2

COMMITTEE PROCESS

1. The Committee met on February 12, 2015. Committee members Raj Anand (Chair), Jack Braithwaite, Christopher Bredt, Robert Burd, Adriana Doyle, Lee Ferrier, Alan Gold, Barbara Murchie, Linda Rothstein and Baljit Sikand participated. Tribunal Chair David Wright and staff members Grace Knakowski, Lisa Mallia and Sophia Spurdakos also attended.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*

FOR INFORMATION

TRIBUNAL 2014 FOURTH QUARTER STATISTICS

17. The Tribunal's quarterly report for the fourth quarter of 2014 is set out at [TAB 3.2:1: 2014 Q4 Final](#) for information.
18. Ongoing collection and reporting of Tribunal operational statistics enable the Tribunal to monitor issues, needs and implementation of the new model and provide the Committee and Convocation with relevant Tribunal information.

TAB 3.2.1

Law Society
Tribunal
Statistics

2014

October 1 to December 31

**Fourth Quarter
Report**

**Law Society Tribunal Statistics
Third Quarter Report (October 1 – December 31, 2014)**

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FILES OPENED

The Tribunal opens a file when it is issued upon the filing of an originating process that has been served on the parties. An originating process includes a notice of application, referral for hearing, motion for interlocutory suspension or practice restriction, and appeal.

Files related to the same lawyer or paralegal that are heard concurrently are counted as separate files.

	Q1	Q2	Q3	Q4	Cumulative
Total Files	38 (48)	33 (41)	35 (44)	42 (46)¹	148 (179)
Lawyer	28	27	30	35	120
Paralegal	10	6	5	7	28
Hearing Files	36 (41)	25 (38)	28 (39)	36 (41)	125 (159)
Lawyer	26	22	25	29	102
Paralegal	10	3	3	7	23
Appeal Files	2 (7)	8 (3)	7 (5)	6 (5)	23 (20)
Lawyer	2	5	5	6	18
Paralegal	0	3	2	0	5

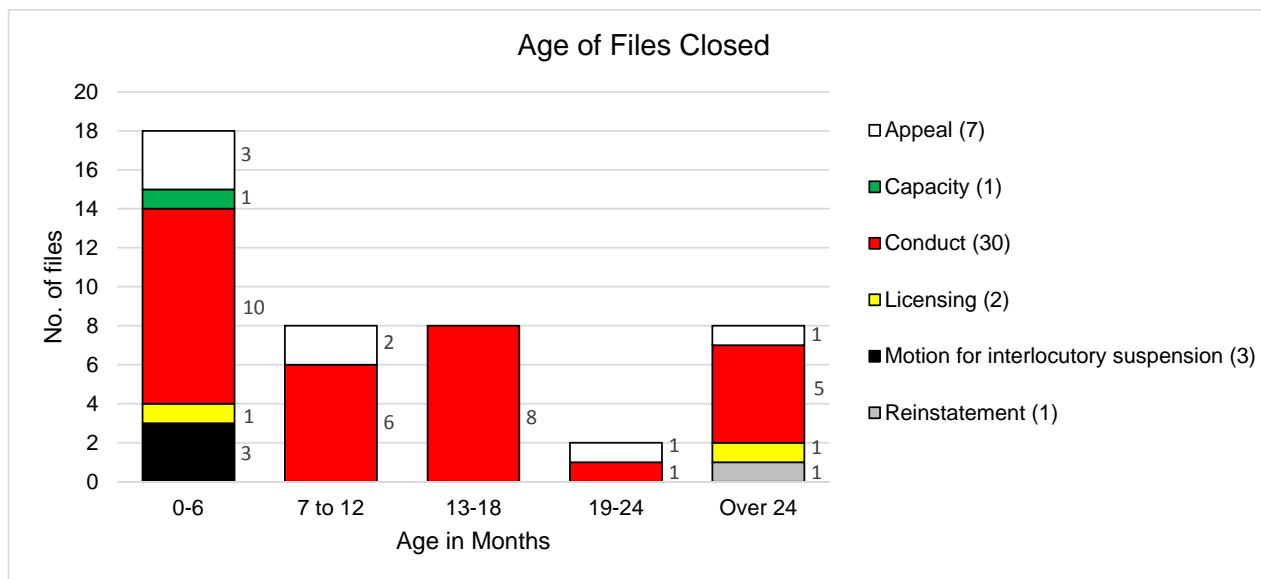
¹ Numbers in parentheses are 2013 figures.

**Law Society Tribunal Statistics
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FILES CLOSED

The Tribunal closes a file after the final decision and order, and reasons if any, have been delivered or published. A file that is closed in a quarter may have been opened in that same quarter or anytime prior.

	Q1	Q2	Q3	Q4	Cumulative
Total Files	44 (31)	52 (38)	40 (41)	44 (46)	180 (156)
Lawyer	32	41	32	37	142
Paralegal	12	11	8	7	38
Hearing Files	35 (26)	47 (34)	33 (34)	37 (40)	152 (134)
Lawyer	24	36	26	33	119
Paralegal	11	11	7	4	33
Appeal Files	9 (5)	5 (4)	7 (7)	7 (6)	28 (22)
Lawyer	8	5	6	4	23
Paralegal	1	0	1	3	5

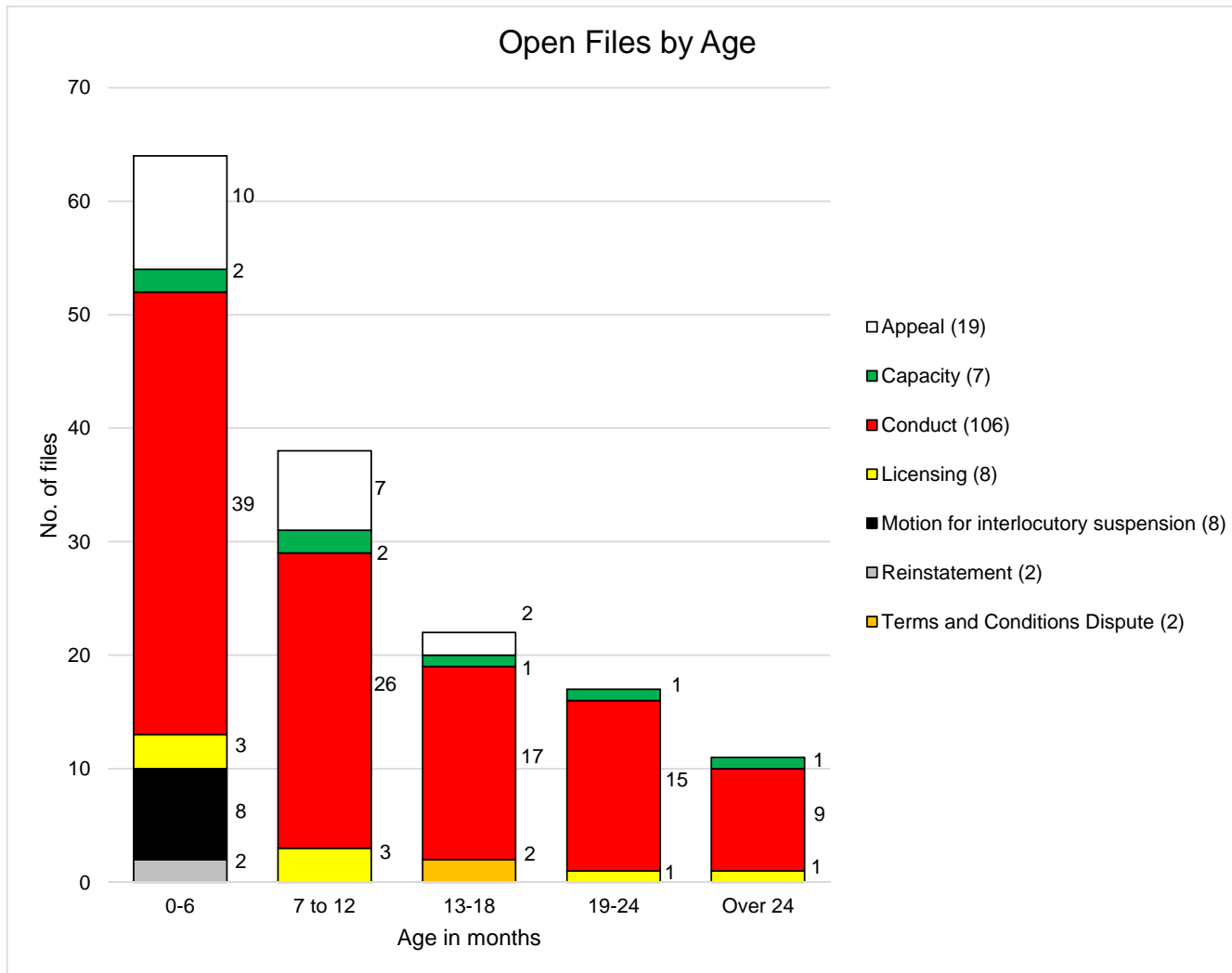


Law Society Tribunal Statistics
 Third Quarter Report (October 1 – December 31, 2014)

OPEN FILES AT QUARTER END

	Q1	Q2	Q3	Q4
Total Files	179 (173)	155 (179)	151 (182)	152 (186)
Lawyer	150	132	131	132
Paralegal	29	23	20	20
Hearing Files	162 (146)	135 (153)	131 (157)	133 (162)
Lawyer	134	116	116	115
Paralegal	28	19	15	18
Appeal Files	17 (27)	20 (26)	20 (25)	19 (24)
Lawyer	16	16	15	17
Paralegal	1	4	5	2

**Law Society Tribunal Statistics
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**Law Society Tribunal Statistics
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OPEN FILES BY AGE – OVER 24 MONTHS

1. File A, a licensing application, was filed in June 2009. Several motions were heard. The hearing on the merits commenced in July 2011 and concluded in July 2014. The panel reserved its decision. Age of file: 67 months.
2. File B, a conduct application, was filed in September 2009. At the request of the parties, the hearing on the merits commenced in April 2011. The notice of application was dismissed in April 2013. The licensee filed a motion for costs in October 2013. The motion commenced in January 2014 and continued in September 2014. Written submissions on costs are due in January 2015 and a hearing is scheduled in March 2015. Age of file: 41 months.
3. File C, a conduct application, was filed in May 2010. The hearing commenced in March 2011. A motion to quash the proceedings was filed in January 2012 and heard in March and April 2012. The panel delivered its decision on the motion in November 2012 recusing themselves from the hearing and received submissions on costs. The panel's decision on costs was delivered in March 2013. In April 2013, the matter returned to the proceeding management conference (PMC) and the licensee filed a motion for a stay of the proceedings pending the outcome of a court matter. The motion was dismissed in December 2013 and the hearing commenced in February 2014. Continuation dates are scheduled into June 2015. Age of file: 56 months.
4. File D, a conduct application, was filed in October 2010. Several motions were heard. The hearing on the merits commenced in July 2012. The panel made a finding in September 2012 and penalty submissions were scheduled to be heard in January 2013 but a motion to dismiss the notice of application was filed. The motion was heard in April 2013 and the panel's decision denying the motion was released in June 2013. The hearing resumed and concluded in July 2014. The panel's decision on penalty and costs was released in August 2014. Issuance of a reprimand by the hearing panel is pending as the licensee has indicated an intention to appeal. Age of file: 51 months.
5. File E, a conduct application, was filed in September 2011. Both parties filed motions, which were heard in 2012. The hearing on the merits commenced in March 2013 and continued through to September 2013. The panel's decision on finding was released in September 2014. The penalty hearing occurred in November 2014 and written submissions were received in December 2014. The panel reserved. Age of file: 39 months.
6. File F, a conduct application, was filed in November 2011. The licensee is subject to an interlocutory suspension order. The hearing commenced in September 2012 and continued until July 2013. The panel's decision on finding was released in August 2014. A penalty hearing is scheduled in January 2015. Age of file: 37 months.
7. File G, a conduct application, was filed in January 2012. The licensee brought a motion to dismiss the application in February 2012. The motion was heard in July 2013 and dismissed in August 2013. The licensee commenced an application for judicial review after receiving the reasons for decision in November 2013. The Divisional Court quashed the application for judicial review in March 2014. The hearing commenced in April 2014 and concluded in June 2014. The panel's decision on finding was released in October 2014. A penalty hearing is scheduled in February 2015. Age of file: 35 months.
8. File H, a conduct application, was filed in February 2012. The file was before the PMC throughout 2012 and into 2013. The hearing commenced in December 2013 and continued through to October 2014. The panel reserved. Age of file: 33 months.
9. File I, a capacity application, was filed in May 2012. The Law Society filed a motion that was heard and granted in December 2012. Hearing dates are to be set. Age of file: 32 months.

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10. File J, a conduct application, was filed in September 2012. The licensee filed a motion to dismiss the application in November 2012. The motion was withdrawn in March 2013. In August 2013 the Law Society filed a motion to adjourn the matter *sine die*, which was granted. The panel's decision on finding was released in September 2014. A penalty hearing is to be scheduled. Age of file: 27 months.
11. File K, a conduct application, was filed in November 2012. In May 2013, the file was joined with two other applications, filed in January 2013 and April 2013 respectively. The hearing was scheduled to commence in October 2013 but was adjourned to allow the licensee to obtain additional evidence. In November 2013 the hearing on the merits commenced and a fourth matter was joined. A recusal motion was heard in April 2014. The panel's reasons, released in July 2014, recused themselves from one of the four matters. The hearing of the remaining three matters resumed in August 2014 and was completed in December 2014. The panel reserved.

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SUMMARY² FILES OPENED AND CLOSED³

	Q1	Q2	Q3	Q4	Cumulative
Total Opened	8 (9)	8 (5)	8 (14)	8 (12)	32 (40)
Lawyer	3	7	7	7	24
Paralegal	5	1	1	1	8
Total Closed	12 (7)	13 (11)	5 (7)	11 (11)	41 (36)
Lawyer	8	8	3	10	29
Paralegal	4	5	2	1	12

OPEN SUMMARY FILES AT QUARTER END

	Q1	Q2	Q3	Q4
Total Files	21 (23)	16 (17)	17 (24)	15 (25)
Lawyer	14	14	16	14
Paralegal	7	2	1	1

² A summary file is a proceeding that is first returnable to a hearing panel and bypasses the PMC in accordance with the Rules of Practice and Procedure R.11.01 (2). These files are heard by a single adjudicator.

³ This is a subset of the information provided in the charts: “Files Opened” on page 3 and “Files Closed” on page 4.

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NUMBER OF LAWYERS AND PARALEGALS BEFORE THE TRIBUNAL

The yearly total of the “No. of Lawyers / Paralegals” will not equal the sum of the “No. of Lawyers / Paralegals” in Q1 to Q4 because the yearly total counts lawyers and paralegals that appeared in more than one quarter only once.

	Q1	Q2	Q3	Q4	Yearly Total
	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals
Proceeding Management Conference (PMC)	68 (52)	43 (78)	48 (67)	48 (72)	127 (141)
Lawyers	57	35	44	44	109
Paralegals	11	8	4	4	18
Hearing Division	65 (50)	56 (58)	49 (43)	69 (61)	161 (146)
Lawyers	51	43	40	57	127
Paralegals	14	13	9	12	34
Appeal Management Conference (AMC)	5 (11)	3 (7)	4 (7)	9 (5)	15 (18)
Lawyers	4	3	4	8	13
Paralegals	1	0	0	1	2
Appeal Division	13 (7)	8 (10)	7 (8)	7 (10)	26 (27)
Lawyers	13	5	5	5	21
Paralegals	0	3	2	2	5

**Law Society Tribunal Statistics
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NUMBER OF FILES AND FREQUENCY BEFORE THE TRIBUNAL

Files heard on more than one occasion by the Tribunal within a quarter are counted each time the file proceeds before the Tribunal. The yearly total of the “No. of Files” will not equal the sum of the “No. of Files” in Q1 to Q4 because the yearly total counts files that appeared in more than one quarter only once.

	Q1		Q2		Q3		Q4		Yearly Total	
	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered
PMC	73 (55)	119 (91)	46 (83)	77 (162)	50 (72)	74 (114)	50 (78)	68 (139)	144 (155)	338 (506)
Lawyer	61	93	37	55	46	68	46	64	125	280
Paralegal	12	26	9	22	4	6	4	4	19	58
Hearing Division	76 (56)	111 (72)	67 (65)	88 (93)	57 (51)	71 (69)	80 (68)	107 (87)	190 (168)	377 (321)
Lawyer	61	89	54	66	47	58	67	92	152	305
Paralegal	15	22	13	22	10	13	13	15	38	72
AMC	5 (11)	11 (13)	3 (7)	5 (9)	4 (7)	4 (11)	9 (5)	14 (6)	15 (18)	34 (39)
Lawyer	4	9	3	5	4	4	8	12	13	30
Paralegal	1	2	0	0	0	0	1	2	2	4
Appeal Division	13 (7)	13 (9)	8 (11)	9 (12)	7 (8)	7 (10)	7 (10)	8 (11)	26 (29)	37 (42)
Lawyer	13	13	5	6	5	5	5	5	21	29
Paralegal	0	0	3	3	2	2	2	3	5	8

Law Society Tribunal Statistics
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TOTAL HEARINGS SCHEDULED AND VACATED

The number of hearings scheduled in each quarter is listed below. Files scheduled on more than one occasion within a quarter are counted each time the file is scheduled. A hearing is counted as scheduled when the date the hearing is to proceed falls within the quarter. A hearing is counted as vacated when it does not proceed on the scheduled date. Reasons for vacated hearings are noted on pages 13 - 14. The number of hearing calendar days scheduled is noted on page 15.

	Q1	Q2	Q3	Q4	Cumulative
Hearing Division hearings scheduled⁴	121 (82)	96 (107)	81 (88)	109 (108)	407 (385)
Lawyer	99	69	69	95	332
Paralegal	22	27	12	14	75
All Hearing Division hearing time vacated	29 (14) 24% (17%)	15 (23) 16% (22%)	11 (24) 14% (27%)	13 (27) 12% (25%)	68 (88) 17% (23%)
Lawyer	28	10	11	12	61
Paralegal	1	5	0	1	7
Some Hearing Division hearing time vacated	9 (8) 7% (10%)	17 (10) 18% (9%)	7 (10) 9% (11%)	12 (11) 11% (10%)	45 (39) 11% (10%)
Lawyer	8	15	5	12	40
Paralegal	1	2	2	0	5
Appeal Division hearings scheduled⁵	15 (14)	9 (16)	7 (13)	12 (15)	43 (58)
Lawyer	14	6	5	8	33
Paralegal	1	3	2	4	10
All Appeal Division hearing time vacated	1 (1) 7% (7%)	0 (2) 0% (13%)	0 (2) 0% (15%)	4 (4) 33% (27%)	5 (9) 12% (16%)
Lawyer	1	0	0	3	4
Paralegal	0	0	0	1	1

⁴ This includes proceeding management conference motion hearings.

⁵ This includes appeal management conference motion hearings.

**Law Society Tribunal Statistics
Third Quarter Report (October 1 – December 31, 2014)**

REASON FOR VACATED HEARINGS⁶

All hearing time vacated	Q1		Q2		Q3		Q4 ⁷	
	L	P	L	P	L	P	L ⁸	P
Party / counsel / representative unavailable / ill	8		5		5		5	
Counsel / representative newly retained / to be retained	5		2	1	2			
Party to obtain / provide additional evidence	4							
Witness unavailable	4			1			1	
Seized panel member unavailable / ill	2		3		1			
Hearing completed ahead of time estimated			2				2	
Parties requested more time to prepare			1		1		2	
Agreed statement of facts ("ASF") expected / signed	1				1		1	
Licensee is subject of other matters	1						1	
Request to have applications heard together	1						1	
Religious observance					1			1
Submissions to be made in writing							2	
Appeal abandoned							1	1
Counsel / representative removed from record		1						
Licensing application abandoned			1					

⁶ A hearing may have been vacated for more than one reason.

⁷ This column represents the number of times the reason resulted in a vacated hearing.

⁸ L = lawyer, P = paralegal.

Convocation - Tribunal Committee Report

**Law Society Tribunal Statistics
Third Quarter Report (October 1 – December 31, 2014)**

Some hearing time vacated	Q1		Q2		Q3		Q4	
	L	P	L	P	L	P	L	P
ASF expected / signed	2		4		1		6	
Hearing completed ahead of time estimated	1		5	1	1	1	2	
Party / counsel / representative unavailable / ill	2		2	1	1	1	1	
Seized panel member unavailable / ill			1		1		2	
Counsel unprepared			2					
Witness unavailable		1					1	
Party to bring motion	1							
Party to obtain / provide additional evidence	1							
Licence revoked in another proceeding			1					
Duty counsel unavailable					1			

**Law Society Tribunal Statistics
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CALENDAR DAYS SCHEDULED AND VACATED

The number of hearing calendar days scheduled is listed below. Multiple hearings are often scheduled on each calendar day. A vacated calendar day is a day on which no scheduled hearings or appearances before the PMC or AMC proceeded. The day an adjournment request is heard is not counted as a vacated calendar day. For example, if a request to adjourn a hearing was granted on the first day, only the remaining days are counted as vacated. Or, if one hearing was vacated, but other hearings proceeded, that day is not counted as vacated. Some hearings and appeals were heard on the same calendar day.

Reasons for vacated calendar days are noted on page 16.

	Q1	Q2	Q3	Q4	Cumulative
Number of available calendar days	62 (61)	63 (64)	63 (63)	61 (61)	249 (249)
Hearing Division calendar days scheduled	60 (55)	62 (59)	59 (55)	59 (54)	240 (223)
Hearing Division calendar days vacated	4 (3) 7% (5%)	4 (7) 7% (12%)	3 (6) 5% (11%)	7 (3) 12% (6%)	18 (19) 8% (9%)
Appeal Division calendar days scheduled	18 (15)	13 (11)	13 (11)	19 (14)	63 (51)
Appeal Division calendar days vacated	1 (1) 6% (7%)	0 (1) 0% (9%)	0 (1) 0% (9%)	2 (4) 11% (29%)	3 (7) 5% (14%)

**Law Society Tribunal Statistics
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REASON FOR AND RESULTING VACATED CALENDAR DAYS

Reason	Q1	Q2	Q3	Q4 ⁹
Witness unavailable	3-3			1-1
AMC not required	1-1			1-1
ASF expected / signed	1-1			1-2
Hearing completed ahead of time estimated	1-1	1-1	2-2	
Licensee counsel newly retained / to retain counsel	1-1			
Motion abandoned	1-1			
Seized panel member unavailable / ill	1-1		1-1	
Counsel unprepared		2-3		
Parties requested more time to prepare				2-1
Licensee is subject of other matters				1-2
Party / counsel / representative unavailable / ill				1-1
Religious observance				1-1
Submissions to be made in writing				1-1
Appeal abandoned				1-1

⁹ The first figure in this column represents the number of times a panel accepted this reason. The second figure represents the resulting vacated calendar days. The number of calendar days vacated shown on this page may be greater than the calendar days vacated as reported on page 15 because more than one matter may have been scheduled to be heard on the same day and all were vacated; so one calendar day may have been vacated for more than one reason and for more than one matter.

**Law Society Tribunal Statistics
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PARTIES' ADJOURNMENT REQUESTS

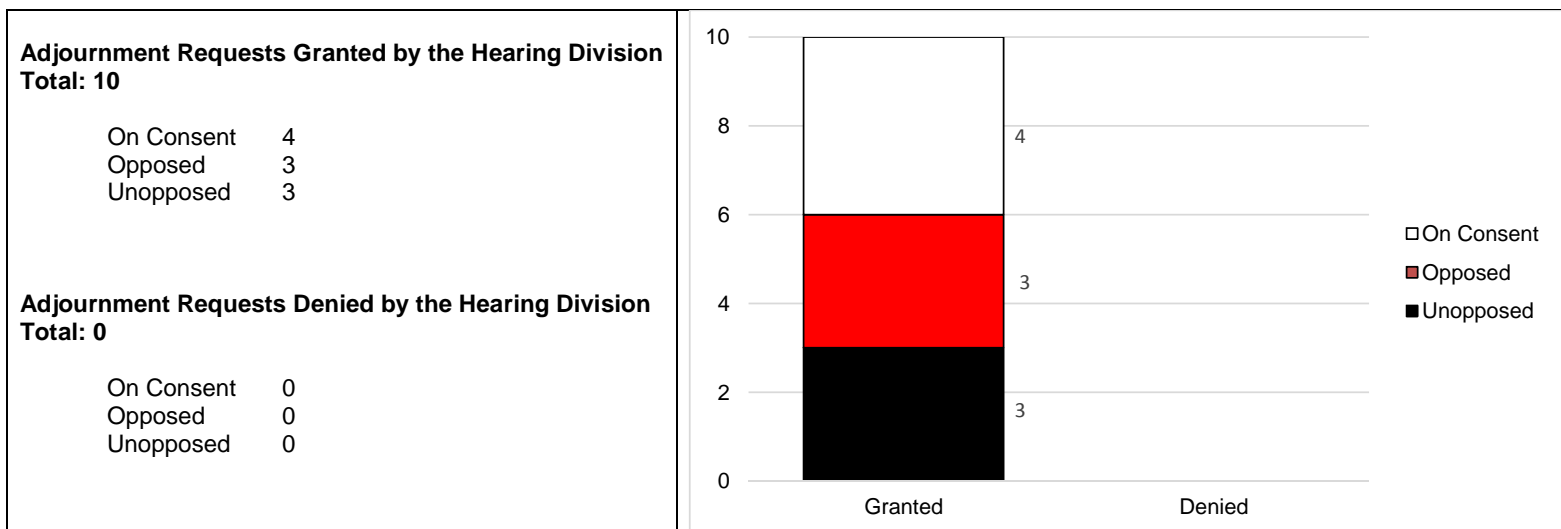
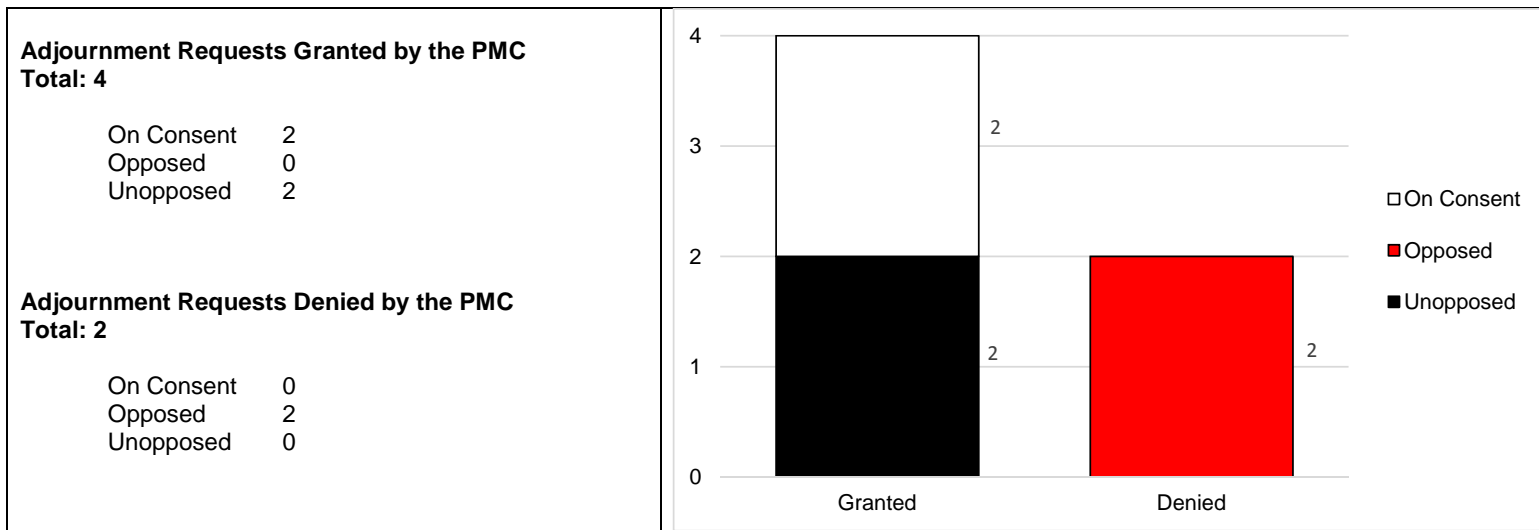
The following table lists the number of adjournment requests to the Law Society Tribunal in this quarter. Adjournment requests reported below may relate to matters scheduled to be heard during this quarter or in a subsequent quarter.

Adjournment request made to		Requests								
		Q1		Q2		Q3		Q4 ¹⁰		Cumulative
		L	P	L	P	L	P	L	P	
PMC	Granted	6 (4)	0 (1)	3 (10)	0 (1)	6 (13)	0 (1)	4 (7)	0 (3)	19 (40)
	Denied	1 (1)	0 (1)	0 (0)	0 (0)	1 (1)	0 (0)	2 (1)	0 (1)	4 (5)
Hearing Division	Granted	15 (6)	2 (0)	6 (11)	3 (2)	7 (7)	3 (2)	10 (17)	2 (2)	48 (47)
	Denied	3 (2)	1 (0)	2 (0)	2 (1)	1 (0)	0 (0)	0 (3)	1 (0)	10 (6)
AMC	Granted	0 (1)	1 (0)	0 (0)	0 (0)	0 (2)	0 (0)	1 (0)	0 (1)	2 (4)
	Denied	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Appeal Division	Granted	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)
	Denied	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

¹⁰ L = lawyer, P = paralegal.

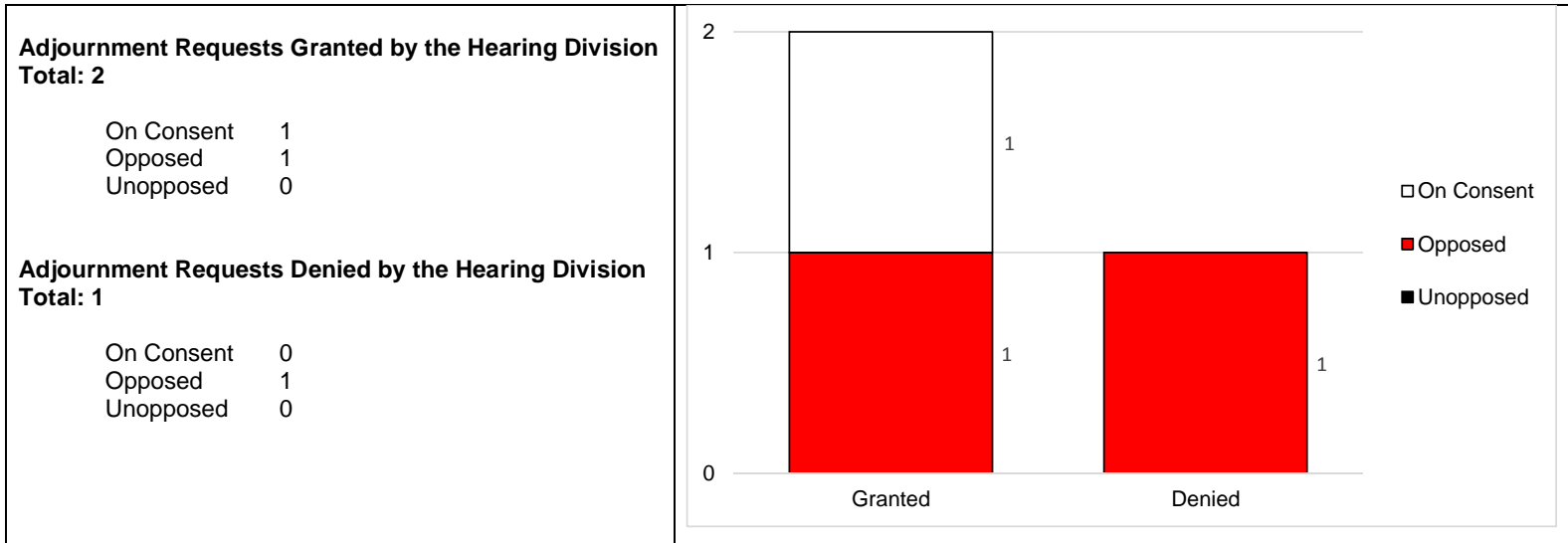
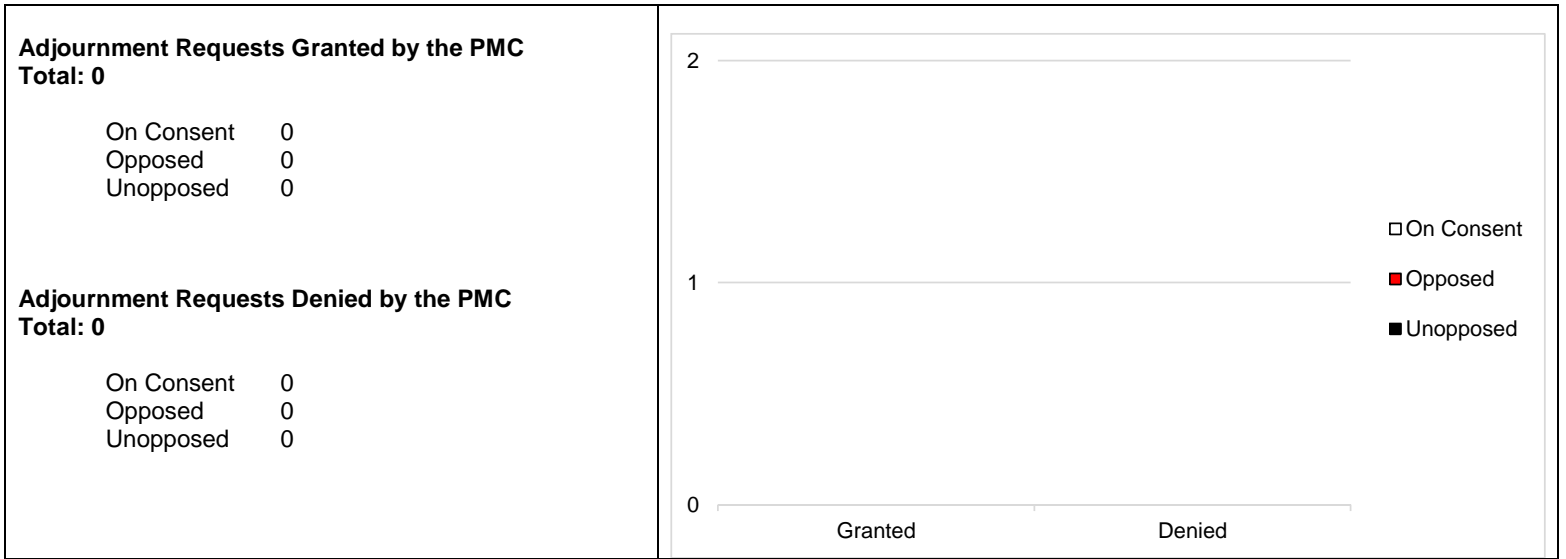
**Law Society Tribunal Statistics
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PARTIES' POSITION ON ADJOURNMENT REQUESTS (LAWYER MATTERS)



Law Society Tribunal Statistics
 Third Quarter Report (October 1 – December 31, 2014)

PARTIES' POSITION ON ADJOURNMENT REQUESTS (PARALEGAL MATTERS)



Law Society Tribunal Statistics
Third Quarter Report (October 1 – December 31, 2014)

TRIBUNAL REASONS PRODUCED AND PUBLISHED¹¹

	Q1	Q2	Q3	Q4	Cumulative
Written reasons produced	39 (41)	55 (31)	53 (34)	36 (36)	183 (142)
Lawyer	31	48	41	34	154
Paralegal	8	7	12	2	29
Written reasons published	41 (37)	43 (36)	46 (34)	38 (36)	168 (143)
Lawyer	35	36	37	35	143
Paralegal	6	7	9	3	25
Oral reasons produced	35 (20)	14 (20)	20 (16)	24 (27)	93 (83)
Lawyer	30	8	18	22	78
Paralegal	5	6	2	2	15
Oral reasons published	21 (16)	1 (17)	13 (0)	17 (12)	52 (45)
Lawyer	17	0	9	15	41
Paralegal	4	1	4	2	11

¹¹ The number of reasons produced does not equal the number of reasons published because some reasons produced in a quarter may not be published or will be published in a subsequent quarter.