

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 28, 2015

MOVED BY: Jacqueline Horvat

SECONDED BY: Cathy Corsetti

THAT Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Tab 2.1

DRAFT MINUTES OF CONVOCATION

DRAFT

MINUTES OF CONVOCATION

Thursday, 23rd April, 2015
9:00 a.m.

PRESENT:

The Treasurer (Janet E. Minor), Anand, Backhouse, Banack, Boyd, Braithwaite, Bredt, Burd, Callaghan, Campion, Conway, Copeland (by telephone), Corsetti, Dickson, Earnshaw, Elliott, Epstein, Eustace, Evans, Falconer, Ferrier (by telephone), Fleck, Furlong (by telephone), Go, Goldblatt, Haigh, Halajian, Hare, Hartman, Horvat, Krishna, Lawrie, Leiper, Lem, Lerner (by telephone), Lippa, MacKenzie (by telephone), MacLean, Manes (by telephone) McDowell, McGrath, Mercer, Murchie, Murray, Pawlitz, Porter (by telephone), Potter, Rabinovitch, Richardson, Richer, Ross, Rothstein, Ruby (by telephone), Sandler, Scarfone (by telephone), Schabas, Sheff, Sikand, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye, Symes, Wardle, and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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MOTION – ELECTION OF BENCHER

It was moved by Ms. Murchie, seconded by Mr. Earnshaw, that, –

WHEREAS Adriana Doyle, who was elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region, has been appointed a judge of the Superior Court of Justice of Ontario, Family Court; and

WHEREAS upon being appointed a judge of the Superior Court of Justice of Ontario, Family Court, Adriana Doyle became unable to continue in office as a bencher, thereby creating a vacancy in the office of bencher elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region; and

THAT under the authority contained in By-Law 3, Constance Backhouse, having satisfied the requirements contained in subsections 42 (2) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation to fill the vacancy in the office of bencher elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region.

WHEREAS Constance Backhouse, who was elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors, has been elected by Convocation to fill a vacancy in the office of benchers elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region; and

WHEREAS Constance Backhouse's election to fill a vacancy in the office of benchers elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region has created a vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors; and

THAT under the authority contained in By-Law 3, Carl E. Fleck, having satisfied the requirements contained in subsections 43 (1) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation as benchers to fill the vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors.

Carried

TREASURER'S REMARKS

The Treasurer welcomed Mr. Fleck to Convocation.

The Treasurer advised that the luncheon guests will be:

- Thomas G. Conway, President of the Federation of Law Societies of Canada
- Michele H. Hollins, Q.C., President of the Canadian Bar Association
- Orlando Da Silva, President of the Ontario Bar Association and
- Elizabeth Hall, Director, Policy and Public Affairs for the Ontario Bar Association.

The Treasurer welcomed Thomas G. Conway, President of the Federation of Law Societies of Canada, to Convocation.

The Treasurer reported on her attendance at the Commonwealth Law Conference in Glasgow, Scotland.

The Treasurer announced that the *Magna Carta to Commonwealth Charter* exhibit is coming to Osgoode Hall in the Rotunda from May 4 to 15, 2015.

The Treasurer reported on her attendance at the Federation of Law Societies of Canada meetings in Ottawa from March 25 to 28, 2015.

The Treasurer reported on her aboriginal outreach initiative, including visits to the Anishinabek Nation and Nipissing First Nation in the North Bay area.

The Treasurer updated Convocation on the activities of The Action Group on Access to Justice (TAG). The Treasurer welcomed Sabreena Delhon to the Law Society as the TAG Manager.

The Treasurer announced the Law Society Award Recipients, to be awarded on May 27, 2015:

- Law Society Medalists: Craig R. Carter, Professor Adam Dodek, Susan Eng, Faisal Joseph, John B. Laskin, H. J. Stewart Lavigueur, E. Patrick Shea and Chantal Tie.
- William J. Simpson Distinguished Paralegal Award: W. Paul Dray
- The Lincoln Alexander Award: Paul Le Vay
- The Laura Legge Award: Kimberly R. Murray

The Treasurer announced four recipients of the Honorary LL.D. degree, to be awarded at upcoming calls to the bar:

- Julian Porter, Q.C. – June 23
- Sheila Block – June 24
- Jean Teillet – June 26 in the morning
- James K. Stewart – June 26 in the afternoon

The Treasurer noted that voting in the benchers election closes April 30, 2015 at 5:00 p.m.

The Treasurer paid tribute and expressed heartfelt thanks to the benchers who are not running in the benchers election and who will end their service as benchers next month:

Constance Backhouse
John Campion
Mary Louise Dickson
Larry Eustace
Peter Festeryga
Alan Gold
Jennifer Halajian
Susan Hare
Nick Pustina
Linda Rothstein
Mark Sandler
James Scarfone
Alan Silverstein
Joseph Sullivan
Beth Symes

The Treasurer also thanked Julian Porter and Judith Potter, who will become ex-officio life benchers in the next benchers term, for their dedication and contributions to Convocation. The Treasurer thanked all benchers and staff for their work on the many initiatives in the past term.

The Treasurer reported that on April 8, 2015 the Law Society in partnership with other legal organizations hosted a reception for The Honourable Annemarie Bonkalo, retiring Chief Justice of the Ontario Court of Justice, and acknowledged her outstanding contribution to public service and the administration of justice in Ontario.

The Treasurer congratulated The Honourable Lisa Maisonneuve who will take office as Chief Justice of the Ontario Court of Justice on May 3, 2015.

The Treasurer advised of a notice of motion brought for the Annual General Meeting which has been published on the Law Society website and in the Ontario Reports.

The Treasurer congratulated bencher Paul Schabas who was inducted as a fellow of the International Association of Trial Lawyers on March 19, 2015.

Law Society Tribunal Adjudicator Appointments

The Treasurer announced the appointment of the following lawyer licensees to the Law Society Tribunal, Hearing Division on February 26, 2015 for a two-year term:

- Murray Chitra
- Shayne Kert
- Margaret Leighton
- Sophie Martel

MOTION – CONSENT AGENDA

It was moved by Mr. Campion, seconded by Ms. Murchie, that Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Carried

DRAFT MINUTES OF CONVOCATION – Tab 2.1

The draft minutes of Convocation of February 26, March 30 and April 8, 2015 were confirmed.

MOTIONS – Tab 2.2

Motion – Appointments

THAT Raj Anand be appointed a Co-Chair of the Challenges Faced by Racialized Licensees Working Group.

THAT E. Susan Elliott be appointed Vice-Chair of the Audit and Finance Committee.

Carried

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REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE –
Tab 2.3

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

Carried

TREASURER’S REPORT – Tab 2.4

Re: LAWPRO Annual Shareholder Resolutions

THAT Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers’ Professional Indemnity Company (LAWPRO) set out at Tab 2.4.1.

Carried

Re: LibraryCo Inc. Annual Meeting

THAT Convocation authorize the Treasurer to sign the proxy in favour of the proposed shareholder resolutions set out at Tab 2.4.4.

Carried

SECRETARY’S REPORT

Ms. Murchie presented the Report.

Re: Amendment to By-Law 3

It was moved by Ms. Murchie, seconded by Mr. Earnshaw, that Convocation make the amendment to By-Law 3 [Benchers, Convocation and Committees] set out in the motion at Tab 3.1 respecting the date for the close of nominations for the election of the Treasurer in a year for the election of lawyer benchers.

Carried

AUDIT AND FINANCE COMMITTEE REPORT

Mr. Bredt and Mr. Wardle presented the Report.

Re: Law Society of Upper Canada, Draft Audited Financial Statements for the Year Ended December 31, 2014

It was moved by Mr. Bredt, seconded by Mr. Wardle, that Convocation approve the draft audited Annual Financial Statements for the Law Society for the financial year ended December 31, 2014 including the transfers to and from the restricted funds which are listed in Note 14 of the Notes to the Annual Financial Statements.

Carried

Mr. Bredt thanked the Law Society's auditors, Deloitte LLP, and the Finance Department staff for their work in the past year.

Re: Investment Policy

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve the updated Investment Policy.

Carried

Re: Investment Manager and Custodian

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve the continued retention of the Investment Manager, Foyston Gordon & Payne and the Custodian, CIBC Mellon Global Securities Services Company.

Carried

Re: Cheque Signing Authority

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve a new banking resolution.

Carried

Re: LAWPRO Report

Ms. McGrath, Chair of the LAWPRO Board of Directors, provided a report based on LAWPRO's annual report, for the information of Convocation.

For Information

- In Camera Item
- LAWPRO Annual Financial Statements for the Year Ended December 31, 2014
- LibraryCo Inc. Annual Financial Statements for the Year Ended December 31, 2014
- Investment Compliance Reporting for the Year Ended December 31, 2014
- LAWPRO Report

TRIBUNAL COMMITTEE REPORT

Mr. Anand presented the Report.

Re: Housekeeping Amendments – Hearing Division Forms

It was moved by Mr. Anand, seconded by Ms. Leiper, that Convocation revoke Hearing Division Forms 9A, 9B, 13A and 24A (English and French) and replace them with revised Hearing Division Forms 9A, 9B, 13A and 24A (English and French) as set out in the motion at Tab 8.1.1.

Carried

Mr. Anand on behalf of Convocation expressed thanks to Mr. Sandler, Ms. Rothstein, Mr. Gold and Mr. Banack for their outstanding leadership in the Tribunal.

Re: Tribunal Annual Report

David Wright, Chair of the Law Society Tribunal, presented the Report for information.

Mr. Wright thanked the benchers and staff for their contributions to the work of the Tribunal.

Mr. Sandler addressed Convocation with comments on the work of the Tribunal.

For Information

- Tribunal Annual Report

EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Mr. Schabas presented the Report.

Re: Human Rights Monitoring Group Request for Interventions

It was moved by Mr. Schabas, seconded by Ms. Go, that Convocation approve the letters and public statements in the following cases:

- a. Lawyer Alberto Nisman – Argentina – letters of intervention and public statement presented at Tab 5.1.1;
 - b. Lawyers in the Philippines – public statement presented at Tab 5.1.2
- subject to confirmation of the reference to the independent investigation by Mr. Nisman's former wife, and that if that reference cannot be confirmed, that the reference be removed.

Carried

Mr. Schabas spoke to the information report on the past intervention, Waleed Albulkhair.

ADDRESS BY THE PRESIDENT OF THE CANADIAN BAR ASSOCIATION

Michele H. Hollins, Q.C. addressed Convocation on the work of the Canadian Bar Association.

ADDRESS BY THE PRESIDENT OF THE ONTARIO BAR ASSOCIATION

Orlando Da Silva addressed Convocation on the work of the Ontario Bar Association.

EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

(Continued)

Re: Renewal Process for the Aboriginal Initiatives Strategy

Ms. Hare provided an information report on the status of the Aboriginal Initiatives Strategy, and an update on the renewal process.

The Treasurer thanked Ms. Hare for her contributions to Convocation and the Law Society.

For Information

- Human Rights Monitoring Group Past Intervention
- Renewal Process for the Aboriginal Initiatives Strategy
- Challenges Faced by Racialized Licensees Working Group Status Report
- Snapshots of the Profession
- Discrimination and Harassment Counsel Semi-Annual Report for the Period July 1 to December 31, 2014
- Equity Legal Education and Rule of Law Series Calendar 2015

Re: Challenges Faced By Racialized Licensees Working Group Interim Report

Ms. Leiper and Mr. Anand presented the report for information.

Re: Discrimination and Harassment Counsel Semi-Annual Report for the Period July 1 to December 31, 2014

Ms. Leiper presented the report for information.

Re: Snapshots of the Profession

Mr. Falconer presented the report providing a statistical snapshot of lawyers and paralegals in Ontario for information.

HERITAGE COMMITTEE REPORT

Ms. Backhouse presented the Report.

Re: Proposal for Establishment of the John Shirley Denison Award

It was moved by Ms. Backhouse, seconded by Ms. MacLean, that Convocation approve the establishment of the John Shirley Denison Award as set out in paragraph 13 of the Report, with the first award to be made in 2016.

Carried

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Goldblatt presented the Report.

Re: CPD Compliance Audits

It was moved by Mr. Goldblatt, seconded by Ms. Murchie, that Convocation approve the elimination of Continuing Professional Development ("CPD") desk audits.

Carried

MENTORING AND ADVISORY SERVICES PROPOSAL TASK FORCE REPORT

Mr. Wardle and Ms. Rothstein presented the Report.

Re: Interim Report to Convocation

Mr. Wardle and Ms. Rothstein presented the report for information.

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

Re: Compliance-Based Entity Regulation

Mr. Mercer presented the report for information.

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REPORTS FOR INFORMATION ONLY

ACCESS TO JUSTICE COMMITTEE REPORT

- Proposal for Establishment of an Award to Honour John Shirley Denison

PARALEGAL STANDING COMMITTEE REPORT

- Election of the Chair of the Paralegal Standing Committee

Federation of Law Societies of Canada Update

MENTORING AND ADVISORY SERVICES PROPOSAL TASK FORCE

- Interim Report

PROFESSIONAL REGULATION COMMITTEE REPORT

- In Camera Item
- Entity and Compliance-Based Regulation Review Status Report

Report from The Action Group on Access to Justice

Law Society Submission to the Standing Committee on Justice Policy on Bill 49, *Ontario Immigration Act, 2015*

CONVOCATION ROSE AT 1:12 P.M.

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THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 28, 2015

THAT Joseph Groia be appointed to the Compensation Fund Committee.

THAT Jeffrey Lem be appointed a Vice-Chair of the Professional Development and Competence Committee.

THAT the following be appointed to the Proceedings Authorization Committee:

Paul Schabas, Chair
Jacqueline Horvat
Brian Lawrie
Jeffrey Lem
Jonathan Rosenthal
Gerald Sheff

Tab 2.3

To the Benchers of the Law Society of Upper Canada Assembled in Convocation

The Executive Director of Professional Development and Competence reports as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Thursday, May 28th, 2015

ALL OF WHICH is respectfully submitted

DATED this 28th day of May, 2015

CANDIDATES FOR CALL TO THE BAR
May 28th, 2015

Transfer from another province (Mobility)

John Scott Barnett
Jeffrey Lawrence Hartman
Tara Lee Letwiniuk
Andrew Justin McFarlane
John William Munnis
Colin Russell Sheppard
Kenneth Mc Clain

Transfer from another province (Quebec)

Suraiya Merali

Licensing Process

Victoria Byelorus
Gillian Eliahoo
Michael Robert Portner Gartke