

TAB 11

Report to Convocation September 22, 2016

Tribunal Committee

Committee Members

Barbara Murchie (Chair)
Isfahan Merali (Vice-Chair)
Raj Anand
Larry Banack
Peter Beach
Christopher Bredt
Robert Burd
Paul Cooper
Janis Criger
Rocco Galati
Baljit Sikand
Peter Wardle

Purpose of Report: Information

**Prepared by the Policy Secretariat
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COMMITTEE PROCESS

1. The Committee met on September 8, 2016. Committee members Barbara Murchie (Chair), Isfahan Merali (Vice-Chair) Raj Anand, Larry Banack, Peter Beach, Christopher Bredt, Robert Burd, Paul Cooper, Janis Criger and Peter Wardle attended. Tribunal Chair, David Wright, and staff members Lisa Mallia and Joe Zaffino attended part of the meeting. Policy Counsel Sophia Spurdakos also attended.

TAB 11.1

FOR INFORMATION

TRIBUNAL 2016 SECOND QUARTER STATISTICS

2. The Tribunal's quarterly statistical report for the second quarter of 2016 is set out at [TAB 11.1.1: 2016 Q2 Final](#) for information.
3. Ongoing collection and reporting of Tribunal operational statistics assist the Tribunal to monitor issues, needs and implementation of the new model and enable the Committee and Convocation to track certain processes. One of the Committee's priorities for the coming months is the development of a new set of relevant statistics.

2016 LAW SOCIETY TRIBUNAL STATISTICS

Second Quarter Report: April 1, 2016 to June 30, 2016

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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.

NOTE – In all tables in this document, numbers in parentheses are 2015 figures.

Table 1 Number of lawyer and paralegal files opened in the Hearing and Appeal Divisions for each quarter.

	Q1	Q2	Q3	Q4	Cumulative
Total Files	44 (42)	54 (37)			98 (79)
Lawyer	37	43			80
Paralegal	7	11			18
Hearing Files	41 (36)	50 (34)			91 (70)
Lawyer	34	39			73
Paralegal	7	11			18
Appeal Files	3 (6)	4 (3)			7 (9)
Lawyer	3	4			7
Paralegal	0	0			0

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 any time prior.

Table 2 Number of lawyer and paralegal files closed in the Hearing and Appeal Divisions for each quarter.

	Q1	Q2	Q3	Q4	Cumulative
Total Files	65 (51)	38 (38)			103 (89)
Lawyer	52	32			84
Paralegal	13	6			19
Hearing Files	63 (45)	34 (34)			97 (79)
Lawyer	50	29			79
Paralegal	13	5			18
Appeal Files	2 (6)	4 (4)			6 (10)
Lawyer	2	3			5
Paralegal	0	1			1

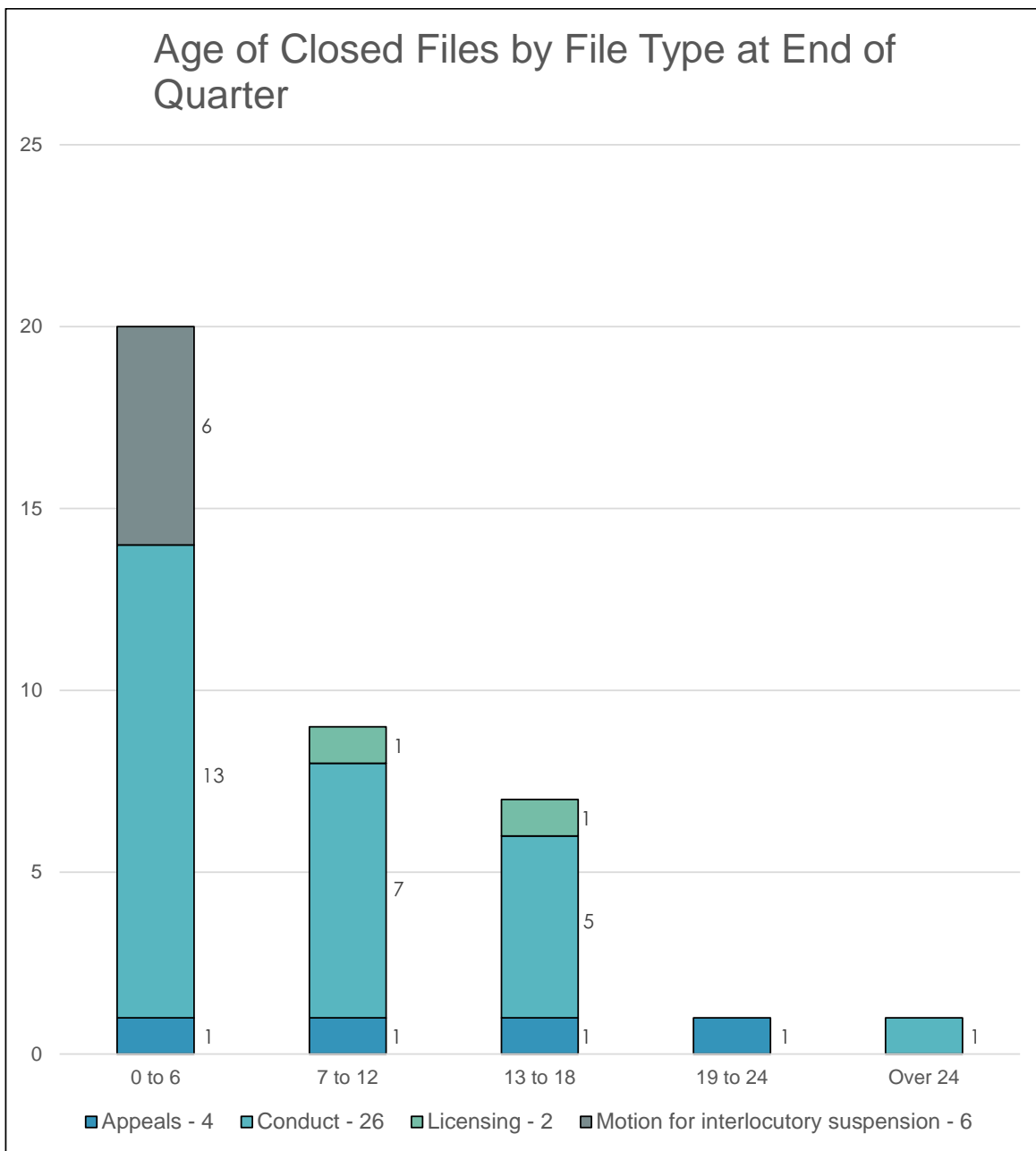


Figure 1 Number and age of files closed in each file type.

Open Files at the End of Each Quarter

Table 3 Number of lawyer and paralegal files that were open at the end of each quarter.

	Q1	Q2	Q3	Q4
Total Files	142 (145)	163 (145)		
Lawyer	118	134		
Paralegal	24	29		
Hearing Files	125 (127)	146 (126)		
Lawyer	104	119		
Paralegal	21	27		
Appeal Files	17 (18)	17 (19)		
Lawyer	14	15		
Paralegal	3	2		

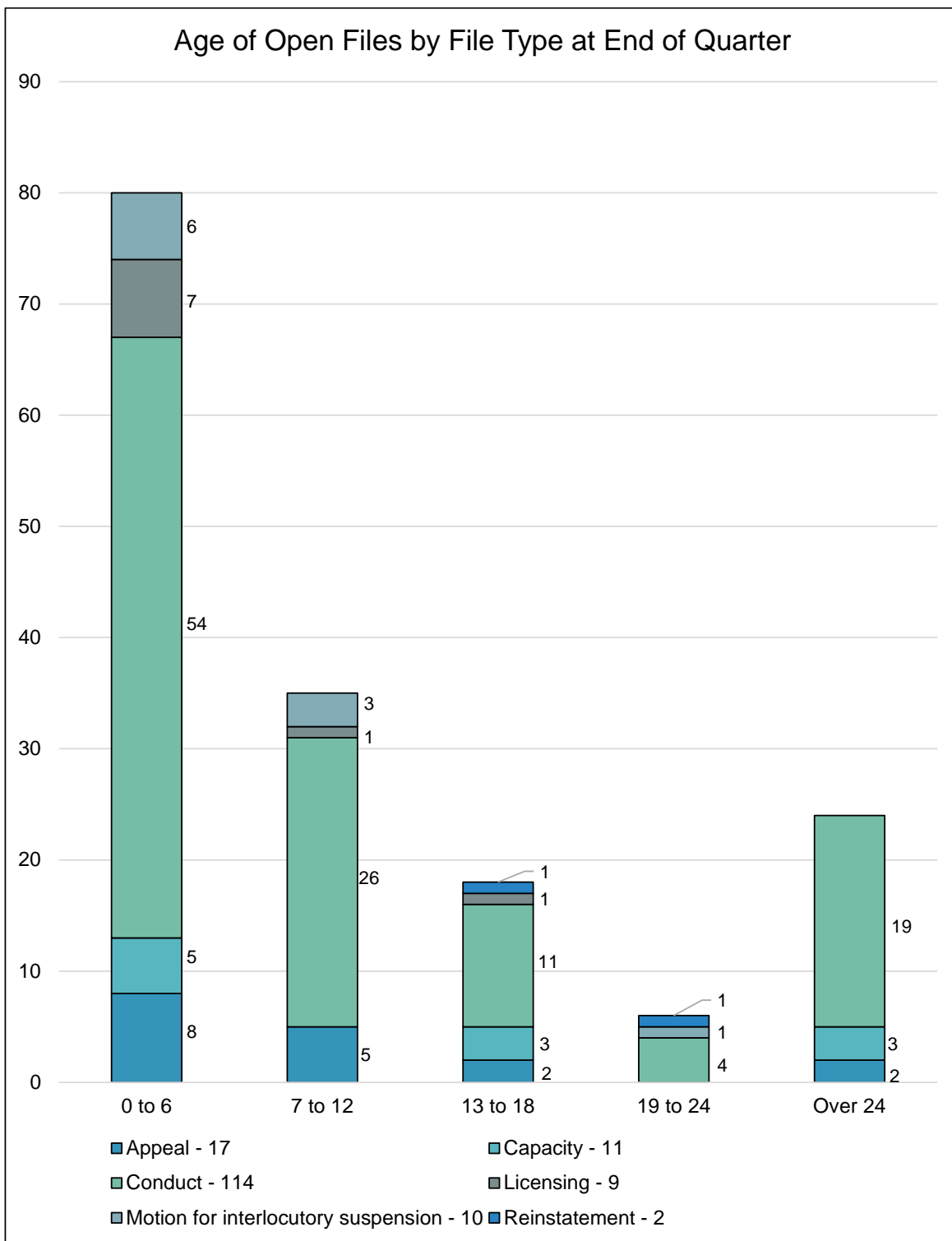


Figure 2 Number and age of open files in each file type.

Summary Files Opened and Closed

A summary file is a proceeding that is first returnable to a hearing panel and bypasses the PMC in accordance with s.2(1) of O. Reg. 167/07. These files are typically heard by a single adjudicator. This data is a subset of the information in Table 1 and Table 2.

Table 4 Number of lawyer and paralegal summary files that were opened and closed in each quarter.

	Q1	Q2	Q3	Q4	Cumulative
Total Summary Files Opened	10 (10)	13 (10)			23 (20)
Lawyer	8	12			20
Paralegal	2	1			3
Total Summary Files Closed	16 (9)	14 (11)			30 (20)
Lawyer	11	13			24
Paralegal	5	1			6

Open Summary Files at End of Quarter

Table 5 Number of lawyer and paralegal summary files that were open at the end of each quarter.

	Q1	Q2	Q3	Q4
Total Summary Files	13 (18)	13 (18)		
Lawyer	12	12		
Paralegal	1	1		

Number of Lawyers and Paralegals Before the Tribunal

Table 6 Number of lawyers and paralegals before the Tribunal at various proceeding stages.

Stage	Q1	Q2	Q3	Q4	Yearly Total
Proceeding Management Conference (PMC)	58 (48)	52 (52)			92 (82)
Lawyers	49	37			74
Paralegals	9	15			18
Hearing	43 (40)	49 (47)			81 (75)
Lawyers	31	44			64
Paralegals	12	5			17
Appeal Management Conference (AMC)	(5) 5	6 (3)			10 (7)
Lawyers	4	6			8
Paralegals	1	0			2
Appeal	4 (6)	8 (4)			10 (9)
Lawyers	4	6			8
Paralegals	0	2			2

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.

Table 7 Number of files before the Tribunal and number of times files were considered by the Tribunal.

Stage	Q1 Files	Q1 Times Considered	Q2 Files	Q2 Times Considered	Q3 Files	Q3 Times Considered	Q4 Files	Q4 Times Considered	Total Files	Total Times Considered
PMC	58 (50)	95 (73)	55 (58)	72 (97)					102 (89)	167 (170)
Lawyer	49	76	39	52					80	128
Paralegal	9	19	16	20					22	39
Hearing	43 (46)	58 (61)	53 (55)	64 (77)					92 (87)	122 (138)
Lawyer	31	45	47	58					74	103
Paralegal	12	13	6	6					18	19
AMC	5 (5)	9 (6)	6 (4)	11 (4)					10 (7)	20 (10)
Lawyer	4	8	6	11					8	19
Paralegal	1	1	0	0					2	1
Appeal	4 (6)	5 (7)	6 (4)	6 (4)					10 (9)	11 (11)
Lawyer	4	5	4	4					8	9
Paralegal	0	0	2	2					2	2

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. A multi-day hearing is partially vacated if it proceeded on only some of the scheduled days. Reasons for vacated hearings are noted in Table 9. The number of hearing calendar days is noted in Table 11.

Table 8 Total hearings scheduled and vacated per quarter.

	Q1	Q2	Q3	Q4	Cumulative
Number of hearings scheduled¹	86 (75)	81 (86)			167 (161)
Lawyer	69	73			142
Paralegal	17	8			25
Number of hearings completely vacated	25 (21)	19 (21)			44 (42)
Percentage of hearings completely vacated	29% (28%)	23% (24%)			26% (26%)
Lawyer	23	17			40
Paralegal	2	2			4
Number of hearings partially vacated	4 (14)	13 (9)			17 (23)
Percentage of hearings partially vacated	5% (19%)	16% (10%)			10% (14%)
Lawyer	2	12			14
Paralegal	2	1			3
Number of appeal hearings scheduled²	8 (11)	7 (5)			15 (16)
Lawyer	7	5			12
Paralegal	1	2			3
Number of appeal hearings completely vacated	2 (3)	1 (1)			3 (4)
Percentage of appeal hearings completely vacated	25% (27%)	14% (20%)			20% (25%)
Lawyer	2	1			3
Paralegal	0	0			0

¹ This includes PMC motion hearings.

² This includes AMC motion hearings.

Reasons for Vacated Hearings

A hearing may be vacated for more than one reason. These tables show the number of times each reason resulted in a vacated hearing. In these tables, L represents lawyers and P represents paralegals.

Table 9 Reasons hearings were vacated per quarter.

Reasons Hearings Were Vacated	Q1 (L)	Q1 (P)	Q2 (L)	Q2 (P)	Q3 (L)	Q3 (P)	Q4 (L)	Q4 (P)
Agreed Statement of Facts (ASF) concluded / expected		1	2					
Cross-examination of witness rescheduled			1					
Evidence	1							
Hearing proceeded in writing		1						
Matter abandoned	2		1					
Matter finished	2							
Matter stayed	2							
Motion heard instead	1							
New representative	2		3					
Panel ill / unavailable	1		1					
Party / representative / key witness ill / unavailable	5		7	2				
Party / representative unprepared	6		1					
Party subject of other proceeding	1		1					
Returned to PAC	1							
Submissions to be made	1							
Party to review disclosure			1					

Table 10 Reasons that portions of hearings were vacated per quarter.

Reasons Portions Of Hearings Were Vacated	Q1 (L)	Q1 (P)	Q2 (L)	Q2 (P)	Q3 (L)	Q3 (P)	Q4 (L)	Q4 (P)
ASF concluded / expected		1	6	1				
Hearing completed ahead of time estimated		1	1					
Panel ill / unavailable			1					
Party / representative / key witness unavailable / ill	1		1					
Matter finished			4					

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 three-day 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 on the same day, 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 in Table 12.

Table 11 Number of calendar days that were scheduled and vacated in the Hearing and Appeal Divisions

	Q1	Q2	Q3	Q4	Cumulative
Number of available calendar days	62 (62)	63 (63)			125 (125)
Number of Hearing Division calendar days scheduled	51 (59)	57 (61)			108 (120)
Number of Hearing Division calendar days vacated	5 (5)	5 (2)			10 (7)
Percentage of Hearing Division calendar days vacated	10% (9%)	9% (3%)			9% (6%)
Number of Appeal Division calendar days scheduled	12 (13)	7 (6)			19 (19)
Number of Appeal Division calendar days vacated	1 (3)	1 (2)			2 (5)
Percentage of Appeal Division calendar days vacated	8% (23%)	14% (33%)			11% (26%)

Reasons For and Number of Resulting Vacated Calendar Days

The first figure in each quarter's column represents the number of times a panel accepted this reason. The second figure represents the number of resulting vacated calendar days. The number of calendar days vacated shown on this page may be greater than the calendar days vacated as reported in Table 11 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.

Table 12 Reasons and the number of times each was accepted and resulted in vacated calendar days.

Reasons For Vacated Calendar Days	Q1	Q2	Q3	Q4
ASF concluded / expected	3-3	4-4		
Counsel unprepared	3-3	1-1		
New representative	2-2	1-1		
Cross-examination of witness rescheduled		1-1		
Panel ill / unavailable		2-2		
Party or representative unavailable / ill		1-1		

Parties' Adjournment Requests

The following table lists the number of adjournment requests made to the Law Society Tribunal in each quarter. Adjournment requests reported below may relate to matters scheduled to be heard during this quarter or in a subsequent quarter. In this table, L represents lawyers and P represents paralegals.

Table 13 Number of adjournment requests granted and denied per quarter by the Hearing and Appeal Divisions

Adjournment Requests	Q1 (L)	Q1 (P)	Q2 (L)	Q2 (P)	Q3 (L)	Q3 (P)	Q4 (L)	Q4 (P)	Cumulative
Granted by PMC	8 (9)	1 (0)	1 (7)	2 (0)					12 (16)
Denied by PMC	3 (0)	0 (0)	1 (3)	0 (0)					4 (3)
Granted by Hearing Division	4 (10)	0 (3)	11 (10)	0 (0)					15 (23)
Denied by Hearing Division	1 (0)	0 (1)	3 (1)	1 (0)					5 (2)
Granted by AMC	0 (0)	0 (0)	0 (0)	0 (0)					0 (0)
Denied by AMC	0 (0)	0 (0)	0 (0)	0 (0)					0 (0)
Granted by Appeal Division	0 (0)	0 (0)	0 (0)	0 (0)					0 (0)
Denied by Appeal Division	0 (0)	0 (0)	0 (0)	0 (0)					0 (0)

Parties' Position on Adjournment Requests

Lawyer Matters

Table 14 Parties position on adjournment requests in lawyer matters for Q1.

Adjournment Requests	On Consent	Opposed	Unopposed	Total
Granted by PMC	0	1	0	1
Denied by PMC	0	1	0	1
Granted by the Hearing Division	2	4	5	11
Denied by the Hearing Division	0	3	0	3

Paralegal Matters

Table 15 Parties position on adjournment requests in paralegal matters for Q1.

Adjournment Requests	On Consent	Opposed	Unopposed	Total
Granted by PMC	0	2	0	2
Denied by PMC	0	0	0	0
Granted by the Hearing Division	0	0	0	0
Denied by the Hearing Division	0	1	0	1

Tribunal Reasons Produced and Published

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.

Table 16 Number of oral and written reasons produced and published per quarter.

	Q1	Q2	Q3	Q4	Cumulative
Number of written reasons produced	47 (42)	57 (36)			104 (78)
Lawyer	40	49			89
Paralegal	7	8			15
Number of written reasons published	47 (47)	57 (41)			104 (88)
Lawyer	40	49			89
Paralegal	7	8			15
Number of oral reasons produced	16 (13)	15 (22)			31 (35)
Lawyer	12	13			25
Paralegal	4	.2			6
Number of oral reasons published	18 (10)	11 (8)			29 (18)
Lawyer	12	10			22
Paralegal	6	1			7