

MINUTES OF CONVOCATION

Thursday, 27th February, 2014
9:00 a.m.

PRESENT:

The Treasurer (Thomas G. Conway), Anand, Armstrong, Backhouse (by telephone), Banack, Boyd (by telephone), Braithwaite, Bredt, Callaghan, Campion, Copeland, Doyle, Dray, Earnshaw, Elliott, Epstein, Eustace, Evans, Falconer, Finkelstein (by telephone), Furlong, Go (by telephone), Gold, Goldblatt, Gottlieb, Haigh, Hare, Hartman, Horvat, Leiper, Lerner, MacKenzie, MacLean, Manes (by telephone), Marmur (by telephone), McDowell, McGrath, Mercer, Minor, Murchie, Murray, Pawlitz, Porter, Potter, Pustina, Rabinovitch, Richardson (by telephone), Ross, Rothstein, Ruby (by telephone), Scarfone (by telephone), Sikand, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye, Symes, Wadden (by telephone), Wardle and Wright.

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Secretary: James Varro

The Reporter was sworn.

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TREASURER'S REMARKS

The Treasurer congratulated Avvy Yao-Yao Go on being invested into the Order of Ontario on January 24, 2014.

The Treasurer congratulated benchers Gerald Swaye and Julian Porter on their 50th year as members in the Law Society of Upper Canada.

The Treasurer paid tribute and expressed gratitude and best wishes to the elected paralegal members of the Paralegal Standing Committee, who will complete their term this spring. The Treasurer made special mention of bencher W. Paul Dray, who is not running in the paralegal election, and thanked him on his guidance and leadership in implementing paralegal regulation and advancing the role of paralegals in access to justice and the provision of legal services.

Paul Dray addressed Convocation.

The Treasurer also acknowledged the contribution to paralegal regulation of Ken Mitchell, who is not running in the paralegal election.

The Treasurer announced the guests for Convocation lunch: Attorney General John Gerretsen, Former Attorneys General Michael Bryant and Chris Bentley, Associate Chief Justice Frank Marrocco, former bencher Doug Lewis, Brian Lawrie, Stephen Parker and Margaret Louter, the first appointees to the Paralegal Standing Committee, John Tzanis, President of the Paralegal Society of Ontario, Julia Munro, M.P.P. York / Simcoe, and Cara O'Hagan, Director of Policy, Office of the Ministry of Finance.

The Treasurer announced the new website, letterhead, and logo for the Law Society Tribunal to be launched on March 12, 2014. The Treasurer thanked Tribunal Chair David Wright and his staff for their work on this initiative.

The Treasurer drew Convocation's attention to his letter dated February 7, 2014 to the Ontario Minister of Finance on Legal Aid funding in the context of pre-budget consultations.

MOTION – CONSENT AGENDA

It was moved by Mr. Mercer, seconded by Ms. Hare, that Convocation approve the consent agenda set out under Tab 1 of the Convocation Materials.

Carried

DRAFT MINUTES OF CONVOCATION – Tab 1.1

The draft minutes of Convocation of January 23, 2014 were confirmed.

MOTION – APPOINTMENTS TO THE LAW SOCIETY TRIBUNAL – Tab 1.2

THAT Convocation approve the appointments to the Law Society Tribunal as set out in the motion at Tab 1.2 of the Convocation Materials.

Carried

REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE – Tab 1.3

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

Carried

INTER-JURISDICTIONAL MOBILITY REPORT – Tab 1.4

Re: Housekeeping Amendments – Territorial Mobility Agreement 2013

THAT Convocation approve the amended Territorial Mobility Agreement 2013 in English and French set out at Tabs 1.4.1 and 1.4.2 respectively.

Carried

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REPORT OF THE TREASURER'S ADVISORY GROUP ON ACCESS TO JUSTICE WORKING GROUP

The Treasurer introduced the Report.

Mr. Goldblatt presented the Report.

Re: Proposal for a New Law Society Approach to Access to Justice

It was moved by Mr. Goldblatt, seconded by Ms. Boyd, that Convocation approve the creation of a framework to facilitate the reinforcement and integration of access to justice objectives, including intersecting equity principles, into the core business, functions and operational planning of the Law Society, as set out in the motion at Tab 2 of the Convocation Material and as further described in the report.

Carried Unanimously

PARALEGAL STANDING COMMITTEE REPORT

Ms. Corsetti presented the Report.

Re: Amendments to the *Paralegal Rules: Model Code*

It was moved by Ms. McGrath, seconded by Mr. Dray, that Convocation approve the amendments to the *Paralegal Rules of Conduct* as set out Tab 5.1.1 of the report.

Carried

Re: Accreditation Framework for Paralegal Regulation

It was moved by Ms. McGrath, seconded by Ms. Haigh, that Convocation approve the proposal for reforms to the Accreditation and Audit Framework for Paralegal Education Programs as set out at Tab 5.2.1 of the report.

Carried

Ms. Corsetti spoke to the information report on the progress of paralegal regulation at Tab 5.3.2 of the report.

For Information

- Revisions to the *Paralegal Guidelines – Federation Model Code of Professional Conduct*
- Progress Report on Paralegal Regulation
- Federation of Law Societies of Canada National Discipline Standards Pilot Project
- Professional Regulation Division Quarterly Report

TRIBUNALS COMMITTEE REPORT

Mr. Anand presented the Report

Re: Housekeeping Amendments to Implement Tribunal-Related Provisions of the *Modernizing Regulation of the Legal Profession Act, 2013* (Bill 111)

It was moved by Mr. Anand, seconded by Ms. Doyle, that to implement Tribunal-related provisions of the *Modernizing Regulation of the Legal Profession Act, 2013* (Bill 111), Convocation approve the amendments as set out in subparagraphs a. through g. of paragraph 2 of the report, effective March 12, 2014, as amended.

Carried

For Information

- Pre-Proceeding Consent Resolution Process
- National Discipline Standards
- Tribunal Mission Statement
- Tribunals Office Quarterly Statistics
- Tribunal Adjudicator Evaluation Process

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Ms. Minor presented the Report.

Re: Pathways Pilot Project – Related Amendments to By-Law 4

It was moved by Ms. Minor, seconded by Ms. Murchie, that Convocation approve amendments to By-Law 4 as set out in the motion at Tab 6.1.1 of the report.

Carried Unanimously

Ms. Minor spoke to the information reports at Tabs 6.2 and 6.3 of the Convocation Materials.

Mr. Copeland addressed Convocation on the subject of the costs of the licensing process.

The Treasurer advised Convocation that this issue would be referred for review for the next budget cycle.

For Information

- Pathways Pilot Project – Evaluation Process Proposal
- Professional Development and Competence Director's Annual Report on Programs and Resources

COMPENSATION FUND COMMITTEE REPORT

Mr. Wardle presented the Report.

Re: Repeal and Replacement of Guidelines for the Determination of Grants from the Compensation Fund

It was moved by Mr. Wardle, seconded by Ms. Haigh, that Convocation repeal the existing General Guidelines for the Determination of Grants from the Compensation Fund and the existing Guidelines for the Determination of Grants from the Compensation Fund Relating to Paralegals, set out at Tab 7.1.2, and replace them with new General Guidelines for the Determination of Grants from the Compensation Fund Relating to Lawyers and Paralegals, set out at Tab 7.1.1 of the report.

Carried

The Treasurer welcomed Grant Wedge, Executive Director, Strategic Policy Communications and Corporate Relations to his first Convocation.

TREASURER'S REMARKS ON CONVOCATION'S PROCESS FOR DETERMINING THE ACCREDITATION OF TRINITY WESTERN UNIVERSITY'S LAW SCHOOL PROGRAM

The Treasurer addressed Convocation on the process respecting the Trinity Western University's Law School Program.

AUDIT & FINANCE COMMITTEE REPORT

Ms. Hartman presented the Report.

Re: Information Systems Three Year Capital Budget Plan

It was moved by Ms. Hartman, seconded by Mr. Bredt, that Convocation approve the medium-term capital expenditure plan for Information Systems as set out in the report.

Carried

For Information

- Other Committee Work
- In Camera Item

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

Re: National Discipline Standards Pilot Project

It was moved by Mr. Mercer, seconded by Mr. Anand, that Convocation approve in principle the National Discipline Standards of the Federation of Law Societies of Canada as set out at Tab 4.2.1 of the report.

Carried

Re: Continuation of the Pre-Proceeding Consent Resolution Conference

It was moved by Mr. Mercer, seconded by Mr. Anand, that Convocation:

- a) approve continuation of the Pre-Proceeding Consent Resolution Conference pilot project for an additional two years; and
- b) direct that the Professional Regulation and Tribunals Committees (the latter in consultation with the Chair of the Tribunal) prepare a report prior to the end of the two year period with recommendations regarding the continuation of the process on a permanent basis.

Carried

For Information

- 2013 Annual Report of the Complaints Resolution Commissioner
- Professional Regulation Division Quarterly Report

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

Mr. Falconer presented the Report.

Re: Human Rights Monitoring Group Request for Interventions

It was moved by Mr. Falconer, seconded by Mr. Goldblatt, that Convocation approve the letters and public statements in the cases set out in the motion at paragraph 2 of the report.

Carried

For Information

- Parental Leave Assistance Program Update
- Report of the Activities of the Discrimination and Harassment Counsel
- Translation of Law Society Consultation Reports
- Public Education Equality and Rule of Law Series Calendar 2014

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer and Ms. McGrath presented the Report.

Re: Alternative Business Structures Working Group Report

It was moved by Mr. Mercer, seconded by Ms. McGrath, that Convocation approve continued exploration of Alternative Business Structures by the Alternative Business Structures Working Group, the development of recommended models for firm or entity regulation in the shorter term and related regulatory reforms, including compliance-based regulation, as set out in subparagraphs a. through d. of paragraph 2 of the report.

Carried

ROLL-CALL VOTE

Anand	For	McDowell	For
Backhouse	For	McGrath	For
Boyd	For	Mercer	For
Braithwaite	For	Minor	For
Bredt	For	Murchie	For
Campion	For	Porter	For
Doyle	For	Pustina	For
Earnshaw	For	Richardson	For
Eustace	For	Rothstein	For
Evans	For	Scarfone	For
Goldblatt	For	Silverstein	For
Hare	For	Sullivan	For
Horvat	For	Symes	For
Marmur	For	Wardle	For

Vote: 28 For; 0 Against

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

Mr. Goldblatt presented the Report.

Re: Parental Leave Assistance Program Update

Mr. Goldblatt spoke to the report for information.

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CONVOCATION ROSE AT 6:00 P.M.