

## MINUTES OF CONVOCATION

Friday, 1<sup>st</sup> December, 2017  
9:00 a.m.

### PRESENT:

The Treasurer (Paul B. Schabas), The Honourable Yasir Naqvi, Attorney General of Ontario, Anand, Armstrong (by telephone), Banack, Beach, Bickford, Braithwaite, Bredt, Burd, Callaghan, Chrétien, Clément, Conway, Cooper, Corbiere (by telephone), Corsetti, Criger, Donnelly (by telephone), Earnshaw, Epstein, Evans, Falconer, Ferrier, Furlong, Galati, Go, Goldblatt, Gottlieb, Groia, Haigh, Hartman (by telephone), Horvat, Howell, Krishna, Lawrie, Lem, Lerner, Lippa, MacLean (by telephone), McDowell, McGrath, Merali, Mercer, Murchie, Murray, Nishikawa, Papageorgiou, Pawlitza, Richardson, Richer, Rock (by telephone), Rosenthal, Ross, Ruby (by telephone), Sharda, Sikand, Spurgeon, C. Strosberg, H. Strosberg (by telephone), Swaye (by telephone), Troister, Udell, Vespry, Walker, Wardle, Wright and Yachetti (by telephone).

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Secretary: James Varro

The Reporter was sworn.

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### TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast.

The Treasurer recognized that Convocation is meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water". The Treasurer acknowledged that Convocation is meeting on the traditional territory of the Mississaugas of New Credit First Nation, and acknowledged the Haudenosaunee, and also recognized the long history of all of the First Nations in Ontario and the Métis and Inuit peoples who lived and live in these lands for sharing them with us in peace.

The Treasurer addressed the protocol for Convocation in the Lamont Learning Centre.

The Treasurer welcomed The Honourable Yasir Naqvi, Attorney General of Ontario, to Convocation, and thanked him for making time to attend.

The Treasurer noted the release of the Guide to the application of Recommendation 3(1) of the Challenges Faced by Racialized Licensees Report on November 21, 2017. The Treasurer thanked licensees for their input on this issue.

The Treasurer welcomed two new members of the Senior Management Executive to Convocation: Priya Bhatia, Acting Executive Director of Professional Development & Competence, and Executive Director of Policy, Cara-Marie O'Hagan.

The Treasurer informed Convocation that the Law Society's Policy team is now in place and welcomed the new counsel to Convocation.

The Treasurer advised Convocation of the Paralegal Reception last evening to welcome 415 newly licensed paralegals. The Treasurer thanked Michelle Haigh for hosting the reception in his absence.

The Treasurer advised that a call to the bar is scheduled for January 26, 2018 and that Senator Murray Sinclair will be granted an Honorary Doctor of Laws degree at the ceremony.

The Treasurer reminded benchers that nominations for the Law Society awards are open and will close on January 26, 2018.

### ACCESS TO JUSTICE COMMITTEE REPORT

#### Re: Family Legal Services Review Action Plan

The Treasurer invited the Attorney General to address Convocation.

The Attorney General addressed Convocation on the subject of the Report.

Mr. Goldblatt presented the Report.

It was moved by Mr. Goldblatt, seconded by Ms. Corsetti, that Convocation approve the Law Society's commitments in response to the Family Legal Services Review report, described at paragraph 22 of the report.

It was moved by Mr. Groia, seconded by Mr. Sharda, that the motion be deferred to the Convocation in January 2018.

Lost

ROLL-CALL VOTE

Anand	Against	Krishna	Against
Armstrong	For	Lawrie	Against
Beach	For	Lem	For
Bickford	For	Lerner	Against
Braithwaite	Against	Lippa	Against
Bredt	Against	MacLean	For
Burd	Against	McDowell	Against
Callaghan	Against	McGrath	Against
Chrétien	Against	Merali	Abstain
Clément	Against	Mercer	Against
Cooper	Against	Murchie	Against
Corsetti	Against	Nishikawa	Abstain
Criger	Against	Papageorgiou	Against
Earnshaw	Against	Richardson	Against
Epstein	Against	Richer	Against
Evans	Against	Rosenthal	Against
Falconer	Against	Sharda	For
Ferrier	Against	Sikand	Against
Galati	Against	Spurgeon	Against
Go	Against	C. Strosberg	Against
Goldblatt	Against	H. Strosberg	For
Groia	For	Troister	For
Haigh	Against	Udell	Against
Hartman	Against	Vespry	Abstain
Horvat	Against	Walker	Against
Howell	Against	Wardle	Against

Vote: 9 For; 40 Against; 3 Abstain

The main motion carried.

Ms. Donnelly, Ms. Merali, Mr. Groia, Mr. Beach, Ms. Nishikawa, Ms. MacLean and Mr. Galati abstained.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Wardle, seconded by Ms. Richer, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

### Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of November 2, 2017 were confirmed.

### Tab 1.2 – MOTION

THAT Gisèle Chrétien, Ross Earnshaw, Jacqueline Horvat and W. A. Derry Millar be reappointed to the LibraryCo Inc. Board of Directors for a one year term commencing December 31, 2017.

Carried

### Tab 1.3 – EXECUTIVE DIRECTOR'S REPORT ON ADMINISTRATIVE CALLS TO THE BAR

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

Carried

### PARALEGAL STANDING COMMITTEE REPORT

Ms. Haigh presented the Report.

#### Re: Paralegals as Officers of the Court

It was moved by Ms. Haigh, seconded by Ms. Criger, that Convocation endorse that licensed paralegals be recognized as officers of the court in every court of record in Ontario in which a paralegal is authorized to provide legal services.

It was moved by Mr. Rosenthal, seconded by Mr. Cooper, that the motion be amended to add the word "Paralegal" before "Officers of the Court".

Lost

The main motion carried.

### PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

Mr. Mercer advised that the Supplementary Report will be dealt with in January 2018.

Re: Seventh Report of the Advertising and Fee Arrangements Issues Working Group

It was moved by Mr. Mercer, seconded by Mr. Rosenthal, that Convocation approve the reforms set out at paragraphs a. through d. of paragraph 13 of the Report for contingency fees in order to facilitate access to justice while ensuring that contingency fees paid are fair and reasonable.

Carried

*For Information:*

- Consultation on Proposed Amendments to Anti-Money Laundering Rules

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Wardle presented the Report.

Re: Amendments to the National Requirement

It was moved by Mr. Wardle, seconded by Ms. Horvat, that Convocation approve the amendments to the Federation of Law Societies of Canada National Requirement to

- a. remove “legal and fiduciary concepts in commercial relationships” from the list of private law principles that law school graduates are required to learn, and
- b. delete the word “presumptively” from the academic program requirement.

Carried

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

Mr. Earnshaw presented the report for information.

MOTION PURSUANT TO NOTICE OF MOTION PROVIDED ON OCTOBER 19, 2017

WHEREAS on December 2, 2016, Convocation approved the recommendations contained in the Final Report of the Challenges Faced by Racialized Licensees Working Group.

AND WHEREAS Recommendation 3(1) of that Report provided as follows:

“Require every licensee to adopt and abide by a statement of principles acknowledging their obligation to promote equality, diversity and inclusion generally, and in their behaviour towards colleagues, employees, clients and the public”

AND WHEREAS a number of lawyers, academics and commentators have criticized the effect of Recommendation 3(1).

AND WHEREAS Convocation is being asked to reconsider Recommendation 3(1).

It was moved by Mr. Groia, seconded by Ms. Vespry, that Convocation approve that no licensee who has a conscientious objection to the adoption of a statement of principles shall be required to comply with Recommendation 3(1) and they shall be exempted from the requirements of Recommendation 3(1) to adopt and abide by a statement of principles.

It was moved by Mr. Galati, seconded by Mr. Braithwaite, that in addition to the declared statement of principles, all licensees shall, in their annual report, set out a brief summary of actions, and/or policies, taken in their practise of law, which promotes equality, diversity and inclusion.

The Treasurer ruled that the Galati/Braithwaite motion is not properly before Convocation and is out of order.

Mr. Galati challenged the Treasurer's ruling. The challenge failed as no other bencher supported the challenge.

The Groia/Vespry motion failed.

ROLL-CALL VOTE

Anand	Against	Howell	For
Armstrong	For	Krishna	For
Beach	For	Lawrie	Against
Bickford	Against	Lem	For
Braithwaite	Against	Lerner	For
Bredt	For	Lippa	For
Burd	Against	MacLean	For
Callaghan	Against	McDowell	Against
Chrétien	Against	McGrath	Against
Clément	Against	Merali	Against
Cooper	Against	Mercer	Against
Corbiere	Against	Murchie	Against
Corsetti	Against	Nishikawa	Against
Criger	Against	Papageorgiou	Against
Donnelly	Against	Richardson	Against
Earnshaw	Against	Richer	Against
Epstein	For	Rosenthal	Against
Evans	Against	Sharda	Against
Falconer	Against	Sikand	Against
Ferrier	Against	Spurgeon	Against
Galati	Against	C. Strosberg	Against
Go	Against	H. Strosberg	For
Goldblatt	Against	Troister	For
Groia	For	Udell	For
Haigh	Against	Vespry	For
Hartman	For	Walker	Against
Horvat	Against	Wardle	Against

Vote: 16 For; 38 Against

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*REPORTS FOR INFORMATION ONLY*

AUDIT & FINANCE COMMITTEE REPORT

- Law Society Financial Statements Nine Months Ended September 30, 2017
- LibraryCo Inc. Financial Statements Nine Months Ended September 30, 2017
- Investment Compliance Reporting
- Other Committee Work

TRIBUNAL COMMITTEE REPORT

- Tribunal 2017 Third Quarter Statistics

REPORT FROM THE ACTION GROUP ON ACCESS TO JUSTICE (TAG)

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

- Update on Licensee Resources Respecting the Recommendations of the Challenges Faced by Racialized Licensees Working Group Report
- Communications Received Relating to the Recommendations of the Challenges Faced by Racialized Licensees Working Group Report

CONVOCATION ROSE AT 1:25 P.M.