

MINUTES OF CONVOCATION

Thursday, 27th April, 2017
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Banack, Beach (by telephone), Bickford, Braithwaite, Bredt, Burd, Callaghan, Chrétien, Clément, Conway, Cooper, Copeland (by telephone), Corbiere, Corsetti (by telephone), Criger, Donnelly, Earnshaw, Epstein, Evans, Falconer, Ferrier, Furlong (by telephone), Go, Goldblatt, Gottlieb, Groia (by telephone), Haigh, Hartman (by telephone), Horvat, Krishna, Lawrie (by telephone), Leiper, Lem (by telephone), Lerner, Lippa (by telephone), MacLean, McDowell, McGrath, Merali, Mercer, Murchie, Murray, Nishikawa (by telephone), Pawlitza, Porter, Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff (by telephone), Sikand, Spurgeon, C. Strosberg (by telephone), H. Strosberg (by telephone), Swaye, Troister, Udell, Vespry (by telephone), 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”, and that Convocation is meeting on the traditional territory of the Mississaugas of New Credit First Nation. The Treasurer also acknowledged the Haudenosaunee, and recognized the long history of all First Nations in Ontario and the Métis and Inuit peoples. The Treasurer thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

The Treasurer welcomed the following guests to Convocation:

- Roberta Campbell, President, Law Society of Manitoba
- Kristin Dangerfied, Chief Executive Officer, Law Society of Manitoba
- Kathleen Waters, President and Chief Executive Officer, LAWPRO
- Steven Jorgensen, Chief Financial Officer, LAWPRO
- Ian M. Hull, Chair, Law Society Foundation

The Treasurer congratulated Michelle Haigh on her election as Chair of the Paralegal Standing Committee for the coming year.

The Treasurer noted the paralegal reception held last evening for new paralegal licensees, and that 2017 marks the 10th anniversary of paralegal regulation by the Law Society.

The Treasurer noted the release of the Family Legal Services Review Report of Justice Annemarie E. Bonkalo on March 6, 2017 and the expansion of the membership of the Access to Justice Committee to address the recommendations of the Report.

The Treasurer reported on the outcome of the Douglas Jack Keshen discipline matter and the Law Society's commitment to reviewing processes to reflect Indigenous laws and customs to ensure that justice is served.

The Treasurer noted the annual meeting of the Action Committee on Civil and Family Matters chaired by Justice Thomas A. Cromwell, held in Vancouver at the end of March, at which The Action Group (TAG) manager Sabreena Delhon made a presentation.

The Treasurer reminded benchers of the Law Society Awards ceremony on May 24, 2017, and congratulated all recipients. The Treasurer also congratulated the recipients of the honorary LL.Ds to be awarded at upcoming calls to the bar in June.

The Treasurer reminded benchers of the Annual General Meeting on May 10, 2017.

The Treasurer noted the Federation of Law Associations plenary in Ottawa from May 10 to 12, 2017, which he and the Chief Executive Officer will attend.

The Treasurer noted upcoming equity events in May and June 2017.

The Treasurer congratulated Paul Copeland, C.M., LSM who will receive the Dianne Martin Medal for Social Justice from Osgoode Hall Law School at a ceremony on May 17, 2017.

MOTION – CONSENT AGENDA – Tab 1

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

Carried

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

Tab 1.1.1 – Draft Minutes of February 23, 2017

The draft minutes of Convocation of February 23, 2017 were confirmed.

Tab 1.1.2 – Draft Minutes of April 6, 2017

The draft minutes of special Convocation on April 6, 2017 were confirmed.

Tab 1.2 – MOTION – LAW SOCIETY TRIBUNAL

THAT Sidney Troister be removed from the Hearing Division of the Law Society Tribunal at his own request.

Carried

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

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

Tab 1.4 – TREASURER'S REPORT

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 1.4.1.

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 1.4.4.

Carried

ADDRESS BY ROBERTA CAMPBELL, PRESIDENT, LAW SOCIETY OF MANITOBA

Ms. Campbell addressed Convocation on the work of the Law Society of Manitoba.

AUDIT AND FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Status of Toronto Lawyers Feed the Hungry Program

Mr. Lerner presented the Report for information.

Re: Law Society of Upper Canada Draft Audited Financial Statements for the Year Ended December 31, 2016

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation approve the audited Annual Financial Statements for the Law Society for the financial year ended December 31, 2016, including the interfund transfers listed in Note 13 of the financial statements.

Carried

Re: LAWPRO REPORT

Ms. McGrath presented the LAWPRO 2016 Annual Report for information.

PARALEGAL STANDING COMMITTEE REPORT

Ms. Haigh presented the Report.

Re: Proposed Amendments to the Paralegal Rules of Conduct Regarding Conflicts of Interest

It was moved by Ms. Haigh, seconded by Ms. Criger, that Convocation approve the amendments to the Paralegal Rules of Conduct set out at Tab 3.1.1.

Carried

Ms. Haigh advised that the report at Tab 3.2 is deferred.

For Information:

- Election of the Chair of the Paralegal Standing Committee
- Amendments to the Paralegal Guidelines

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Mr. McDowell advised that the report at Tab 4.1 is deferred.

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

Mr. Mercer presented the Report.

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

- a. approve the cap and regulate approach for referral fees which is generally described at paragraph 25 of the Report;
- b. approve amendments to the Rules of Professional Conduct regarding referral fees in Rule 3.6-6 as set out in Tab 4.2.1;
- c. approve amendments regarding making legal services available in Rule 4.1-3 of the Rules of Professional Conduct as set out in Tab 4.2.3;
- d. approve amendments to the Paralegal Rules of Conduct regarding referral fees in Rule 5.01 as set out in Tab 4.2.4 and request the Paralegal Standing Committee to amend the related Guidelines as set out in Tab 4.2.6; and
- e. approve amendments to By-Law 9 regarding referral fees as set out in Tab 4.2.8.

It was moved by Mr. Strosberg, seconded by Mr. Sharda, that the \$25,000 absolute limit be indexed to the Consumer Price Index.

Lost

It was moved by Mr. Strosberg, seconded by Mr. Sharda, that the cap and regulatory approach and the proposed amendments to the Rules and By-Laws not apply to referral fees in class actions.

Lost

The main motion carried.

ROLL-CALL VOTE

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

Vote: 41 For; 8 Against; 2 Abstentions

For Information

- Annual Report of the Complaints Resolution Commissioner

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

Ms. Donnelly presented the Report.

Re: Human Rights Monitoring Group Request for Intervention

It was moved by Ms. Donnelly, seconded by Ms. Go, that Convocation approve the letters and public statements in the cases set out in Tabs 5.1.1 to 5.1.12 of the Report.

Carried

For Information:

- Update on Discrimination and Harassment Counsel Alternate Recruitment Process
- Report of the Activities of the Discrimination and Harassment Counsel for the period of July 1 to December 31, 2016
- Statistical Snapshots of the Professions
- Equity Legal Education and Rule of Law Series Calendar Spring/Summer 2017

GOVERNANCE TASK FORCE 2016 REPORT

Ms. Leiper presented the Report.

Re: Governance Task Force 2016 Update

Ms. Leiper presented the Report for information.

REPORT ON THE FEDERATION OF LAW SOCIETIES OF CANADA – COUNCIL AND RELATED MEETINGS, QUEBEC CITY

Mr. Earnshaw presented the Report for information.

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IN PUBLIC

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REPORTS FOR INFORMATION ONLY

GOVERNANCE TASK FORCE 2016 REPORT

- Update on the Work of the Task Force

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

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

CONVOCATION ROSE AT 12:55 P.M.