

## MINUTES OF CONVOCATION

Thursday, 26<sup>th</sup> May, 2016  
9:00 a.m.

### PRESENT:

The Treasurer (Janet E. Minor), Anand, Banack, Beach, Bickford, Boyd, Braithwaite, Brecht, Burd, Callaghan (by telephone), Chrétien, Clément, Conway, Cooper, Corsetti, Criger, Donnelly (by telephone), Earnshaw, Epstein, Evans, Ferrier, Furlong, Galati, Goldblatt, Gottlieb, Groia, Haigh, Horvat, Krishna, Lawrie (by telephone), Leiper, Lem (by telephone), Lerner, Lippa, MacKenzie, MacLean, Manes (by telephone), McGrath, Merali, Mercer, Murchie, Murray, Nishikawa, Papageorgiou, Pawlitzka, Potter (by telephone), Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Schabas, Sheff, Spurgeon, St. Lewis, C. Strosberg, H. Strosberg, Swaye, Troister, Udell, Vespry, Wardle and Wright.

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Secretary: James Varro

The Reporter was sworn.

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The Treasurer welcomed those joining Convocation by webcast.

### TREASURER'S REMARKS

The Treasurer informed benchers that Claudia P. Prémont, bâtonnière du Québec, Lise Tremblay, Chief Executive Officer of the Barreau du Québec and Paul Le Vay, on behalf of the Association des juristes d'expression française de l'Ontario (AJEFO), will be attending Convocation.

The Treasurer advised that Kathleen Waters from LAWPRO will attend Convocation luncheon.

The Treasurer updated Convocation on the status of the Professional Development and Competence Committee Report and proposed licensing enhancements, and advised that the licensing process changes will not be implemented for the 2017-18 licensing year.

The Treasurer updated Convocation on her outreach activities with reference to her engagement report in the Convocation Materials. The Treasurer thanked benchers who participated with her in some of the outreach activities.

The Treasurer congratulated the recipients of the Law Society Awards bestowed at a ceremony last evening. The Treasurer thanked former benchers Constance Backhouse and William Simpson who assisted in bestowing the awards.

The Treasurer announced the recipients of the 2016 honorary LL.D. at upcoming calls to the bar:

- Mark M. Persaud, June 17, London Call
- Her Excellency Mary Robinson, Former President of Ireland, June 20 morning Toronto Call
- Richard W. Pound, Q.C., June 21 morning Toronto Call
- David Lepofsky, June 21 afternoon Toronto Call

The Treasurer announced that The Honourable Jody Wilson-Raybould, the Minister of Justice and Attorney General of Canada, will be called to the bar pursuant to section 1 of the *Barristers Act* in Ottawa on June 15, 2016.

The Treasurer announced that the Attorney General of Ontario, The Honourable Madeleine Meilleur, will address the Toronto call to the bar on June 20, 2016 in the afternoon.

The Treasurer informed Convocation that Dianne Corbiere has been appointed to the Federation of Law Societies of Canada working group on the Truth and Reconciliation Commission's Calls to Action.

The Treasurer announced that the Trinity Western University appeal will be heard June 6 to 8, 2016.

The Treasurer informed Convocation of upcoming public education and other events.

The Treasurer announced the four candidates for the Treasurer's election on June 23, 2016: Raj Anand, Howard Goldblatt, Susan McGrath and Paul Schabas.

The Treasurer advised that Julia Bass, Policy Counsel, will be leaving the Law Society on May 31 and thanked her for her outstanding contribution to the Law Society.

#### MOTION – CONSENT AGENDA – Tab 2

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

Carried

#### Tab 2.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of April 28, 2016 were confirmed.

#### Tab 2.2 – MOTIONS

##### Tab 2.2.1 – Motion – Committee Appointments

THAT the following be reappointed to the Proceedings Authorization Committee:

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

Carried

Tab 2.2.2 – Motion – Reappointments to the Law Society Tribunal

THAT Marian Lipka be reappointed to the Hearing Division of the Law Society Tribunal for a term ending April 24, 2018.

THAT the following be reappointed to the Hearing Division of the Law Society Tribunal for a term ending June 29, 2018:

Eva Krangle  
Sabita Maraj  
John F. Spekkens  
Marilyn Thain  
Eric Whist

Carried

Tab 2.3 – 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

COMPLIANCE-BASED ENTITY REGULATION TASK FORCE REPORT

Mr. Earnshaw presented the Report.

Re: Final Report of the Task Force on Compliance-Based Entity Regulation

It was moved by Mr. Earnshaw, seconded by Mr. MacKenzie, that Convocation approve:

- a. that the Law Society seek an amendment to the *Law Society Act* to permit Law Society regulation of entities through which legal services are provided; and
- b. the development of a regulatory framework for consideration by Convocation based on the principles of compliance-based regulation set out in the report.

An amendment to the motion, moved by Ms. Vespry, seconded by Ms. St. Lewis, that part a. and part b. of the motion each be the subject of a separate vote, was accepted.

Part a. of the motion was carried.

Part b. of the motion was carried.

TREASURER'S REMARKS

The Treasurer welcomed Claudia P. Prémont, bâtonnière du Québec, Lise Tremblay, Chief Executive Officer of the Barreau du Québec and Paul Le Vay representing AJEFO, to Convocation.

## ADDRESS BY THE BÂTONNIÈRE DU QUÉBEC

Claudia P. Prémont addressed Convocation on the work of the Barreau du Québec.

## PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

### Re: Amendments to the Rules of Professional Conduct Regarding Transactions with Clients

It was moved by Mr. Mercer, seconded by Ms. Richer, that Convocation approve amendments to Rules 3.4-27 to 3.4-37 of the Rules of Professional Conduct, as set out in Tab 4.1.1.

Carried

### Re: Amendments to the Rules of Professional Conduct Regarding Duty to Report

It was moved by Mr. Mercer, seconded by Ms. Richer, that Convocation approve amendments to the commentary to Rule 3.2-1 (Quality of Service) and Rule 7.1-3 and Commentary (Duty to Report Misconduct) as set out in Tab 4.2.1.

Carried

### Re: Amendments to the Rules of Professional Conduct Regarding Errors and Omissions

It was moved by Mr. Mercer, seconded by Ms. Richer, that Convocation approve amendments to the Rules of Professional Conduct regarding the reporting to clients of errors and omissions in Rules 7.8-1 and 7.8-2 as set out in Tab 4.3.1.

Carried

#### *For Information*

- Professional Regulation Division Quarterly Report January to March 2016

## PARALEGAL STANDING COMMITTEE REPORT

Ms. Haigh presented the Report.

### Re: Proposed Amendments to *Paralegal Rules of Conduct*

It was moved by Ms. Haigh, seconded by Ms. McGrath, that Convocation approve the amendments to the *Paralegal Rules of Conduct* set out at Tabs 5.1.1, 5.1.3. and 5.1.4.

Carried

#### *For Information*

- Update on Enhancements to Licensing Process

## AUDIT & FINANCE COMMITTEE REPORT

Mr. Wardle presented the Report.

### Re: Investment Policy

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

Carried

### Re: Portfolio Manager

It was moved by Mr. Wardle, seconded by Mr. Bredt, that Convocation approve the continued retention of the Portfolio Manager, Foyston Gordon & Payne.

Carried

### Re: Investment Custodian

It was moved by Mr. Wardle, seconded by Mr. Bredt, that Convocation approve the continued retention of the Custodian, CIBC Mellon Global Securities Services Company.

Carried

### *For Information*

- Report on Investment Returns
- Law Society of Upper Canada Financial Statements for the three months ended March 31, 2016
- Investment Compliance Reporting for the period ending March 31, 2016

## 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 Mr. Cooper, that Convocation approve the letters and public statements in the cases set out at Tabs 7.2.1 and 7.2.2.

Carried

### *For Information*

- Statistical Snapshots of the Professions
- Equity Legal Education and Rule of Law Series Calendar 2016

The Treasurer advised that the Tribunal Committee Report and the Report on the Federation of Law Societies of Canada will be deferred to June 23, 2016 Convocation.

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*REPORTS FOR INFORMATION ONLY*

TRIBUNAL COMMITTEE REPORT

FEDERATION OF LAW SOCIETIES OF CANADA UPDATE

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

CONVOCATION ROSE AT 1:16 P.M.