

MINUTES OF CONVOCATION

Thursday, 22nd September, 2016
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Armstrong, Beach, Boyd, Braithwaite, Bredt, Burd (by telephone), Callaghan, Chrétien (by telephone), Clément, Cooper, Corbiere, Corsetti, Criger, Donnelly, Earnshaw, Epstein, Evans, Falconer, Ferrier (by telephone), Finkelstein (by telephone), Furlong, Go, Goldblatt, Gottlieb, Groia (by telephone), Hartman, Horvat (by telephone), Krishna (by telephone), Lawrie, Leiper, Lem (by telephone), Lerner, Lippa (by telephone), MacKenzie (by telephone), McDowell, McGrath, Merali, Mercer, Murchie, Nishikawa, Papageorgiou, Pawlitza, Porter, Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff (by telephone), Sikand, Spurgeon, St. Lewis, C. Strosberg, H. Strosberg, Swaye, 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 welcomed Elder Myeengun Henry, Elders Council, Indigenous Advisory Group, and Kathleen N. Lickers, Chair, Indigenous Advisory Group and a Seneca from the Six Nations of the Grand River in Southern Ontario, to Convocation.

Elder Henry performed a ceremony to polish the eagle feathers, with a smudging, and performed a pipe ceremony to honour the Creator, during which the Law Society and the Indigenous Peoples Community committed to renew their partnership.

The Treasurer welcomed Tanya Walker, the Law Society's newest benchler, to Convocation.

The Treasurer welcomed Karen Manarin, the new Executive Director of Professional Regulation.

The Treasurer welcomed Jennifer Khor, the new Director, Policy.

The Treasurer welcomed Marian MacGregor, the new Equity Advisor.

The Treasurer expressed condolences to the family of Martin Teplitsky, O.Ont, Q.C., LSM, who recently passed away.

The Treasurer advised Convocation of a number of events he attended in the past months, including the opening of the courts on September 13, 2016.

The Treasurer reminded benchers of the call to the bar tomorrow, which will include honorary LL.D. recipients Grand Chief Alvin Fiddler of Nishnawbe Ashi Nation and Professor David N. Weisstub, and the inaugural group of graduates from the Bora Laskin Faculty of Law at Lakehead University.

The Treasurer noted a number of upcoming events organized by the Law Society and other organizations, including Access to Justice Week from October 17 to 21, 2016.

The Treasurer updated Convocation on a number of submissions in response to consultations on federal government initiatives, including regulation of intellectual property agents, the judicial discipline process and the judicial appointments process.

The Treasurer advised benchers of his memoranda to committees on expectations for their work over the Treasurer's term, with reference to the Treasurer's report in the Convocation Materials.

The Treasurer advised benchers of his appointment of the Treasurer's Appointments Advisory Group, with reference to the Treasurer's report in the Convocation Materials.

The Treasurer reminded benchers of the Budget Information Session following Convocation lunch today.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Wardle, seconded by Ms. McGrath, 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 Convocation June 23, 2016

The draft minutes of Convocation of June 23, 2016 were confirmed.

Tab 1.1.2 – Draft Minutes of Convocation August 9, 2016

The draft minutes of Convocation of August 9, 2016 were confirmed.

Tab 1.2 – MOTION - APPOINTMENTS

THAT Ross F. Earnshaw be appointed as the Law Society's representative on the Council of the Federation of Law Societies of Canada, effective November 15, 2016.

THAT Jack Braithwaite be reappointed as the Law Society's representative on the Canadian National Exhibition Association for a term of one year commencing October 27, 2016.

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

REPORT OF THE CHIEF EXECUTIVE OFFICER

Mr. Lapper presented an oral report on Law Society operations for information, focussing on the Professional Regulation Division. Ms. Manarin also provided a report for information.

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Wardle presented the Report

Re: Pathways Pilot Project Review

Mr. Wardle presented the report for information.

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

Ms. Leiper presented the Report.

Re: Challenges Faced by Racialized Licensees Final Report – “Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Profession”

Ms. Leiper presented the report for information.

LAWPRO REPORT

Ms. McGrath presented the Report.

Re: 2017 Insurance Program

It was moved by Ms. McGrath, seconded by Ms. Murchie, that Convocation approve the program of insurance offered by LAWPRO for 2017 as set out in the report at Tab 4 of the Convocation Materials.

Carried

TREASURER'S REPORT

Mr. Wardle presented the Report.

Re: Proposed Mental Health Strategy Implementation Task Force

It was moved by Mr. Wardle, seconded by Mr. Goldblatt, that Convocation create the Mental Health Strategy Implementation Task Force as set out in the report.

Carried

Re: Proposed Governance Task Force 2016

It was moved by Mr. Wardle, seconded by Mr. Troister, that Convocation establish a task force to undertake a review of and make recommendations respecting the Law Society's governance structure, with terms of reference and membership of the task force as set out in the report.

Carried

For Information:

- Treasurer's Committee Memoranda
- Treasurer's Appointments Advisory Group

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Cheque Signing Authority

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation approve a revised banking resolution that updates the old title of Director, Policy with the new title of Director, Office of the CEO and Corporate Secretary and updates the names of the office holders.

Carried

Re: Lawyers Compensation Fund Fund Balance Management Policy Amendment

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation amend the Lawyers Compensation Fund, Fund Balance Management Policy as set out in the report by

reducing the minimum balance from three one-in-one hundred year events to one one-in-two hundred year event.

Carried

Re: Law Society of Upper Canada Financial Statements for the Six Months Ended June 30, 2016

Mr. Bredt presented the report for information.

For Information:

- Law Society of Upper Canada Financial Statements for the Six Months ended June 30, 2016
- LibraryCo Inc. Financial Statements for the Six Months ended June 30, 2016
- LAWPRO Financial Statements for the Six Months ended June 30, 2016
- Investment Compliance Reporting
- Other Committee Work

COMPENSATION FUND COMMITTEE REPORT

Ms. Hartman presented the Report.

Re: Increase in the Per-Claimant Limit

It was moved by Ms. Hartman, seconded by Mr. Bredt, that Convocation approve:

- a. an increase in the per claimant limit from \$150,000 to \$500,000, to apply only to the claims in respect of funds advanced to a lawyer licensee on or after the date on which Convocation approves the increased limit; and
- b. an amendment to the General Guidelines for the Determination of Grants from the Compensation Fund to reflect this increase, as set out at Tab 7.1.1.

Carried

For Information:

- Grants Paid by the Compensation Fund
- Summary of Fund Performance

PARALEGAL STANDING COMMITTEE REPORT

Ms. Criger presented the Report.

Re: Amendments to the Paralegal Rules of Conduct

It was moved by Ms. Criger, seconded by Ms. Corsetti, that Convocation approve the amendments to the Paralegal Rules of Conduct set out at Tab 8.1.1.

Carried

For Information:

- 2016 Paralegal Annual Report
- Amendments to the Paralegal Guidelines

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Re: Amendments to the Rules of Professional Conduct Regarding Short Term Pro Bono Services

It was moved by Mr. McDowell, seconded by Mr. Rosenthal, that Convocation approve amendments to the Rules of Professional Conduct respecting conflicts of interest relevant to short term *pro bono* legal services, as set out in Tab 9.1.1.

Carried

Re: 2016 Lawyer Annual Report

Mr. McDowell presented the report for information.

Re: Professional Regulation Division Quarterly Report

Mr. McDowell presented the report for information.

For Information:

- Professional Regulation Division Quarterly Report
- 2016 Lawyer Annual Report

EQUITY AND ABORIGINAL ISSUES 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. St. Lewis, that Convocation approve the letters and public statements in the case of Yessika Hoyos and other members of the José Alvear Restrepo Lawyers' Collective (CAJAR), Colombia – letters of intervention and public statement presented at Tab 10.1.1.

Carried

For Information:

- Human Rights Monitoring Group Update
- Public Education Equality and Rule of Law Series Calendar 2016 – 2017

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PROFESSIONAL REGULATION COMMITTEE REPORT

The Treasurer announced that the report of the Professional Regulation Committee at Tab 9.2.2 of the Convocation Materials will be made public and that Convocation approved a disclosure policy framework as set out in the report at Tab 9.2.2.3.

REPORTS FOR INFORMATION ONLY

TRIBUNAL COMMITTEE REPORT

- Tribunal 2016 Second Quarter Statistics

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

CONVOCATION ROSE AT 12:53 P.M.