

Tab 1

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON DECEMBER 2, 2016

MOVED BY: Virginia MacLean

SECONDED BY: Raj Anand

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

DRAFT

MINUTES OF CONVOCATION

Wednesday, 9th November, 2016
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Armstrong, Beach, Bickford, Boyd (by telephone), Braithwaite, Bredt, Burd, Callaghan, Chrétien, Clément, Cooper, Copeland (by telephone), Corbiere, Corsetti, Criger, Donnelly, Earnshaw, Epstein, Evans, Ferrier, Finkelstein (by telephone), Furlong, Galati, Goldblatt, Gottlieb, Groia, Haigh, Hartman, Horvat, Krishna, Lawrie, Leiper, Lem, Lerner, Lippa, MacKenzie (by telephone), MacLean, McDowell, McGrath, Merali, Mercer, Murchie, Murray, Nishikawa, Papageorgiou, Pawlitzka, Porter, Potter, Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff, Spurgeon, St. Lewis, C. Strosberg, H. Strosberg, Swaye (by telephone), Troister, Udell (by telephone), Vespry, Wardle and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast.

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

The Treasurer advised that December 2, 2016 Convocation will be held in the Lamont Learning Centre.

The Treasurer expressed condolences to the family of former appointed benchers Robert Tebbutt, of Toronto and Andrew Coffey of Thunder Bay, who recently passed away.

The Treasurer informed Convocation of the work of the Treasurer's Appointments Advisory Group, and the urgent request for nominees for the federal Judicial Advisory Committees for Ontario, and encouraged benchers to provide names of appropriate individuals for consideration.

The Treasurer informed benchers of The Action Group (TAG)'s very successful Access to Justice Week, and noted the interest expressed in the Law Society's Public Perceptions of Access to Justice in Ontario study. The Treasurer congratulated Sabreena Delhon, Law Society staff, for her efforts in supporting this event.

The Treasurer announced the formation and composition of the Legal Aid Working Group and referred to its terms of reference at Tab 12 of the Convocation materials.

The Treasurer informed Convocation of various outreach initiatives and meetings, including the Federation of Law Societies of Canada's meeting in St. Andrews-by-the-Sea, New Brunswick, a meeting with the Treasurer's Liaison Group and various conferences, including that of the Federation of Ontario Law Associations (FOLA).

The Treasurer congratulated Sandra Nishikawa on receiving the Lawyer of Distinction Award at the Federation of Asian Canadian Lawyers' 10th Annual Conference and Gala on October 29, 2016.

The Treasurer advised of upcoming events, including the Remembrance Day ceremony tomorrow, Louis Riel Day on November 17, 2016, and the Paralegal Welcome Reception on December 1, 2016.

The Treasurer advised that nominations are now open for the Law Society Awards, and that nominations close on January 27, 2017.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Clément, seconded by Mr. Burd, 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 September 22, 2016 were confirmed.

Tab 1.2 – MOTION – COMMITTEE AND OTHER APPOINTMENTS

THAT Janis Criger be appointed to the Governance Task Force 2016.

THAT Ross Earnshaw and Janet Leiper be appointed to the Priority Planning Committee.

THAT Janis Criger, Isfahan Merali, Sandra Nishikawa and Joanne St. Lewis be appointed to the Appeal Division of the Law Society Tribunal for a term ending May 25, 2017.

THAT Teresa Donnelly be removed from the Hearing Division of the Law Society Tribunal at her own request.

THAT Susan E. Opler and Judith M. Potter be removed from the Hearing and Appeal Divisions of the Law Society Tribunal at their 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

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

Ms. Donnelly presented the Report.

Re: Human Rights Monitoring Group Requests for Intervention

It was moved by Ms. Donnelly, seconded by Ms. St. Lewis, that Convocation approve the letters and public statements in the following cases:

- a. Ramón Cadena Rámila – as set out at Tab 4.1.1.
- b. Jamshed Yorov – as set out at Tab 4.1.2.

Carried

For Information:

- Public Education Equality and Rule of Law Series Calendar 2016

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Wardle presented the Report

Re: Pathways Pilot Project Review

It was moved by Mr. Wardle, seconded by Mr. Goldblatt, that Convocation:

1. approve an extension of the current Pathways Pilot Project for two years, specifically the 2017-2018 and 2018-2019 licensing years;
2. at this time, withdraw consideration of the recommendations at paragraphs 3 and 4 of the September 22, 2016 PD&C Committee Report to Convocation;
3. direct that an analysis of the licensing process be undertaken for the purpose of making long-term recommendations for an appropriate, sustainable Law Society licensing process;

4. approve that in the first quarter of 2017, the PD&C Committee provide Convocation with:
 - a. a report identifying the issues that should be the focus of the analysis and a proposed plan to address them;
 - b. a proposal for an engagement strategy that will involve relevant stakeholders throughout the process; and
 - c. a budget that will address resource requirements, including staffing and research resources.

Carried

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: 2017 LibraryCo Inc. Budget

It was moved by Mr. Bredt, seconded by Ms. Clément, that Convocation approve the LibraryCo Inc. budget for 2017 incorporating Law Society funding of \$7,815,300.

Carried

Re: 2017 Law Society Budget

It was moved by Mr. Bredt, seconded by Ms. Clément, that Convocation approve the Law Society's 2017 Budget, including the annual fee amounts as follows:

For lawyers:

General Fee	1,329
Compensation Fund	289
LibraryCo	194
Capital	104
Total	\$1,916

For paralegals:

General Fee	788
Compensation Fund	154
Capital	104
Total	\$1,046

and \$4.8 million allocated from the Lawyer General Fund balance and \$600,000 from the accumulated surplus investment income in the E&O Fund to mitigate the fee increase for lawyers, and \$1 million allocated from the Paralegal General Fund balance to mitigate the fee increase for paralegals.

Carried

For Information:

- Performance of Portfolio Manager

GOVERNANCE TASK FORCE 2016

Ms. Leiper, chair of the Task Force, updated Convocation on its work to date.

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Re: Expanded Use of Regulatory Meetings by the Proceedings Authorization Committee

It was moved by Mr. McDowell, seconded by Ms. Strosberg, that Convocation expand the circumstances in which the Proceedings Authorization Committee may authorize the invitation of a licensee to a Regulatory Meeting by removing the requirement that the conduct has been the subject of comment in a public forum.

Carried

Re: Advertising and Fee Arrangements Issues Working Group

Mr. Mercer, chair of the Working Group, provided an update on its work.

For Information:

- Update on Work of the Advertising and Fee Arrangements Issues Working Group

TRIBUNAL COMMITTEE REPORT

Ms. Murchie presented the Report.

Re: Amendments to the Law Society Tribunal Hearing Division and Appeal Division Rules of Practice and Procedure

It was moved by Ms. Murchie, seconded by Ms. Merali, that Convocation approve the proposed English and French amendments to the Law Society Tribunal Hearing Division and Appeal Division Rules of Practice and Procedure, effective January 1, 2017, set out in the Motion at Tab 6.1.1.

Carried

SECRETARY'S REPORT

Ms. McGrath presented the Report.

Re: Amendments to By-Law 6

It was moved by Ms. McGrath, seconded by Ms. Criger, that Convocation make the amendments to By-Law 6 [Professional Liability Insurance] as set out in the motion at Tab 7.1 respecting lawyers who are seconded to corporate clients to provide professional services to them.

Carried

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REPORT FOR INFORMATION ONLY

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

CONVOCATION ROSE AT 12:48 P.M.

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Tab 1.2.1

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON DECEMBER 2, 2016

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, 2016.

THAT Isfahan Merali be removed from the Human Rights Monitoring Group at her own request.

THAT Michelle Haigh be appointed to the Litigation Committee.

Tab 1.2.2

THE LAW SOCIETY OF UPPER CANADA

LAW SOCIETY TRIBUNAL

RULES OF PRACTICE AND PROCEDURE

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON DECEMBER 2, 2016

THAT effective January 1, 2017, Convocation amend the Law Society Tribunal Appeal Division Rules of Practice and Procedure, made by Convocation on March 12, 2014 and amended by Convocation on October 30, 2014, June 23 and November 9, 2016 by revoking the General Heading form and replacing it with the following:

GENERAL HEADING

APPEAL

(Law Society Tribunal file No.)

LAW SOCIETY TRIBUNAL APPEAL DIVISION

BETWEEN:

(name)

Appellant

and

(name)

Respondent in appeal

(Title of document)

(Text of document)

TITRE GÉNÉRAL

APPEL

(N° de dossier du Tribunal du Barreau)

**TRIBUNAL DU BARREAU
SECTION D'APPEL**

ENTRE :

(nom)

Appelant

et

(nom)

Intimé en appel

(Titre du document)

(Texte du document)

Tab 1.3

To the Benchers of the Law Society of Upper Canada Assembled in Convocation

The Executive Director of Professional Development and Competence reports as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Friday, December 2nd 2016

ALL OF WHICH is respectfully submitted

DATED this 2nd day of December, 2016

CANDIDATES FOR CALL TO THE BAR
December 2nd 2016

Transfer from another province (Mobility)

Maral Dolatabadi Alacer
Ryan Gurshan Singh Ghuman
Aubrey Breughel Guild-Young
Shari Jeanette Leahy
Lianne Marie Locke
Zhicheng Ma
Gayatri Nicholas
Sara Katherine Robinson

L3

Julie-Anne Marie Rose Pariseau
Peter William Hutchins