



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

## **Report to Convocation May 27, 2010**

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### **Paralegal Standing Committee**

#### **Committee Members**

**Cathy Corsetti, Chair**

**Susan McGrath, Vice-Chair**

**Marion Boyd**

**Robert Burd**

**James R. Caskey**

**Paul Dray**

**Seymour Epstein**

**Michelle L. Haigh**

**Glenn Hainey**

**Paul Henderson**

**Douglas Lewis**

**Ken Mitchell**

**Cathy Strosberg**

**Purpose of Report: Decision  
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**Prepared by the Policy Secretariat  
Julia Bass 416 947 5228**

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## COMMITTEE PROCESS

1. The Committee met on May 6<sup>th</sup>, 2010. Committee members present were Cathy Corsetti (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd (by telephone), James Caskey, Paul Dray, Seymour Epstein, Michelle Haigh, Glenn Hainey, Paul Henderson, Doug Lewis, Ken Mitchell and Cathy Strosberg. The Chair of the Governance Task Force, Tom Heintzman, attended for the first item. Staff members in attendance were Diana Miles, Katherine Corrick, Terry Knott, Elliot Spears, Sheena Weir, Jim Varro, Arwen Tillman, Sophie Galipeau and Julia Bass.

## **FOR DECISION**

### **TERM LIMITS FOR PARALEGAL COMMITTEE MEMBERS**

#### **Motion**

- 2. That By-law 3 be amended to provide for a term limit of 12 years for elected paralegal members of the Paralegal Standing Committee.**

#### **Background**

3. In December 2009, Convocation approved reforms to the Law Society's governance structure, including term limits for elected benchers. To facilitate renewal at Convocation, the maximum length of time that a bencher can now serve is 12 years. This applies to all elected benchers including the paralegal benchers.
4. However, when the governance reforms were adopted, the report was silent on how this policy should apply to the other paralegal members of the Paralegal Standing Committee. The implementation report from the Governance Task Force is to be presented to May Convocation.

#### **The Committee's Deliberations**

5. The Chair of the Governance Task Force, Mr Heintzman, presented the rationale for the term limits adopted by Convocation. The Committee considered the arguments for and against term limits as set out in the Task Force Report adopted by Convocation.
6. The Committee was of the view that term limits would foster renewal of the Committee and the introduction of new ideas and perspectives, and that over time, term limits would mean that a larger number of paralegals would serve on the Committee, which is likely to foster a broader understanding and appreciation of the work of the Law Society.

7. The Committee considered that it would be consistent to provide for a term limit of 12 years, the same length as the term limit for benchers.
  
8. The necessary by-law amendments are included in the Report of the Task Force on Governance at **TAB 7**.

**AMENDMENT TO RULE 4.01 OF THE  
PARALEGAL RULES OF CONDUCT**

**Motion**

9. That rule 4.01 of the *Paralegal Rules of Conduct* be amended to add the following subrule:

**Duty as Prosecutor**

**4.01 (5.1)** When acting as a prosecutor, a paralegal shall act for the public and the administration of justice resolutely and honourably within the limits of the law while treating the tribunal with candour, fairness, courtesy, and respect.

**Background**

10. The Committee has noted that the lawyers' *Rules of Professional Conduct* contain a provision addressing the lawyer's professional responsibilities when acting as a prosecutor, while there is no comparable provision in the *Paralegal Rules*. The Committee favoured amending the *Paralegal Rules of Conduct* to address this.
11. After reviewing the lawyers' *Rules of Professional Conduct* wording was developed, based on the wording of the lawyers' *Rules of Professional Conduct*.

**The Committee's Deliberations**

12. The Committee noted that paralegal prosecutors are covered by the exemption from licensing in By-law 4, under the heading "In-house legal services provider". At the present time, some prosecutors have chosen to become licensed but many have not. The new provision in the rules will only apply to prosecutors who have chosen to become licensed.
13. However, given the policy of encouraging exempted persons to become licensed, as shown by the Integration Project currently under development, it is appropriate to provide for licensed prosecutors in the *Paralegal Rules* in the same manner as in the lawyers' *Rules*.

## **FOR INFORMATION**

### **DEMOGRAPHIC REPORT ON PARALEGAL ELECTION**

14. The first election of paralegal members of the Paralegal Standing Committee was held during the month of March 2010. A demographic report on the paralegal election provided by Computershare is attached at **Appendix 1**.

### **ADJUSTMENT TO CALCULATION OF CPD REQUIREMENT: NEW LICENSEES**

15. The Committee approved the adjustment to the calculation of Continuing Professional Development being recommended by the Professional Development & Competence Committee, in the Report at **TAB 9**.

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## 2010 Paralegal Standing Committee Election - Order of Standing

<b>Candidate Name</b> <i>Nom du candidat/de la candidate</i>	<b>Votes</b> <i>Voix</i>	<b>Percentage</b> <i>Pourcentage</i>	<b>Standing</b> <i>Classement</i>
Corsetti, Cathy	<b>239</b>	28.76%	1
Dray, Paul	<b>201</b>	24.19%	2
Haigh, Michelle L.	<b>189</b>	22.74%	3
Mitchell, Kenneth C.	<b>165</b>	19.86%	4
Burd, Robert	<b>160</b>	19.25%	5
Parker, Stephen H.	<b>149</b>	17.93%	6
Ramroop, Wendy Ooma	<b>131</b>	15.76%	7
Simms, Judi	<b>126</b>	15.16%	8
Alfano, Frank B.	<b>109</b>	13.12%	9
Sesum Halilovic, Andrea	<b>106</b>	12.76%	10
Scott, Bruce D.	<b>104</b>	12.52%	11
Bondy, Carmen R.	<b>97</b>	11.67%	12
Gowling, Allison Frederick	<b>87</b>	10.47%	13
McKinnon, Thomas	<b>79</b>	9.51%	14
Surowiak, Christopher M.	<b>72</b>	8.66%	15
Macdonald-Duncan, Nancy	<b>62</b>	7.46%	16
Whittington, Melinda R.	<b>59</b>	7.10%	17
Morton, Douglas	<b>56</b>	6.74%	18
Potomski, R. J. (Bob)	<b>56</b>	6.74%	19
Swales, Peter	<b>56</b>	6.74%	20
Tzanis, John	<b>56</b>	6.74%	21
Bowman, Minda	<b>48</b>	5.78%	22
Weber, Melissa	<b>48</b>	5.78%	23
Amsler, Daniel	<b>46</b>	5.54%	24
Staples, Alan	<b>41</b>	4.93%	25
Lafrance, Chris	<b>37</b>	4.45%	26
Basaran, Joseph	<b>36</b>	4.33%	27
Raglan, Jim	<b>36</b>	4.33%	28
Nicol, Mark R.	<b>34</b>	4.09%	29
Armstrong, Allison M. K.	<b>32</b>	3.85%	30
Khan, Mushtaq	<b>32</b>	3.85%	31
Mbaegbu, Benjamin Odinakachukwu	<b>24</b>	2.89%	32
Maftoun, Bit	<b>23</b>	2.77%	33
Sayers, Carole C.	<b>23</b>	2.77%	34
Paddon, Rod	<b>20</b>	2.41%	35
Heughan, Robert	<b>19</b>	2.29%	36
Pichugin, Oleksandr	<b>15</b>	1.81%	37
Hughes, Jan-Lee	<b>12</b>	1.44%	38
Chen, John K. N.	<b>6</b>	0.72%	39
<b>TOTAL BALLOTS:</b>	<b>831</b>		
<i>TOTAL DES SUFFRAGES EXPRIMÉS</i>			

**2010 Paralegal Standing Committee Election  
Voter Turnout**

	<b>2010</b>
Total Eligible Voters	2,819
Total Ballots Cast	831
Invalid Ballots	-
Late Ballots	-
Valid Ballots	831
% Turnout	29.48%

**2010 Paralegal Standing Committee Election  
Voter Turnout by Sex**

	<b>Ballots Cast by Group</b>	<b>Eligible Members by Group</b>	<b>% Turnout</b>
Male	466	1,426	32.68%
Female	365	1,393	26.20%
<b>TOTAL</b>	<b>831</b>	<b>2,819</b>	<b>29.48%</b>

**2010 Paralegal Standing Committee Election  
Voter Turnout by Year of Birth**

	<b>Ballots Cast by Group</b>	<b>Eligible Members by Group</b>	<b>% Turnout</b>
1921 - 1930	3	3	100.00%
1931 - 1940	8	40	20.00%
1941 - 1950	118	306	38.56%
1951 - 1960	225	636	35.38%
1961 - 1970	213	737	28.90%
1971 - 1980	163	597	27.30%
1981 - 1990	101	499	20.24%
1991 - 2000	-	1	0.00%
<b>TOTAL</b>	<b>831</b>	<b>2,819</b>	<b>29.48%</b>

**2010 Paralegal Standing Committee Election**  
**Voter Turnout by Year Licenced**

	<b>Ballots Cast by Group</b>	<b>Eligible Members by Group</b>	<b>% Turnout</b>
2008	670	2,210	30.32%
2009	127	483	26.29%
2010	34	126	26.98%
<b>TOTAL</b>	<b>831</b>	<b>2,819</b>	<b>29.48%</b>

**2010 Paralegal Standing Committee Election  
Voter Turnout by Membership Status**

	<b>Ballots Cast by Group</b>	<b>Eligible Members by Group</b>	<b>% Turnout</b>
1A - Sole Practitioner	269	768	35.03%
1B - Partner - Prof. Bus.	28	78	35.90%
1C - Employee - Prof. Bus.	113	415	27.23%
1D - Associate - Prof. Bus.	20	56	35.71%
1E - Employed - Education	1	11	9.09%
1F - Employed - Government	53	143	37.06%
1G - Employed - Other	247	867	28.49%
1H - Retired or Not Working	39	244	15.98%
1I - Not In Ontario	1	9	11.11%
1K -	15	21	71.43%
1N -	45	206	21.84%
1Z - No proof of insurance	-	1	0.00%
<b>TOTAL</b>	<b>831</b>	<b>2,819</b>	<b>29.48%</b>