

Tab 1

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON SEPTEMBER 28, 2017

MOVED BY:

SECONDED BY:

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

DRAFT

MINUTES OF CONVOCATION

Thursday, 29th June, 2017
8:30 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Armstrong, Banack (by telephone), Beach (by telephone), Bickford, Braithwaite, Bredt, Burd, Callaghan, Chrétien, Clément, Conway, Cooper, Copeland (by telephone), Corbiere, Corsetti, Criger, Donnelly, Earnshaw, Epstein, Evans, Falconer, Furlong, Galati, Go, Gottlieb, Groia, Hartman, Horvat, Howell, Krishna (by telephone), Lawrie, Leiper, Lem (by telephone), Lerner, Lippa (by telephone), MacLean, Manes (by telephone), McDowell, McGrath, Merali, Mercer, Murchie, Murray, Nishikawa, Pawlitz, Potter (by telephone), Richardson, Richer, Rosenthal (by telephone), Ross, Ruby (by telephone), Sheff, Sikand, Spurgeon, C. Strosberg, H. Strosberg, Swaye, Troister, Udell, Vespry, Walker, 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 public webcast.

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

The Treasurer addressed protocols for Convocation in the Lamont Learning Centre.

ANNOUNCEMENT OF THE ELECTION OF TREASURER

The Secretary announced that as of the close of nominations at 5:00 p.m. on May 11, 2017, there was one candidate for the election of Treasurer. Paul B. Schabas was declared elected as Treasurer.

TREASURER'S REMARKS

The Treasurer addressed Convocation on activities in the past year, the Law Society's strategic priorities and the work ahead in the next year.

The Treasurer thanked Chief Executive Officer Robert Lapper and the senior Law Society staff for their support, and all benchers for their hard work.

MOTION – ELECTION OF BENCHER

It was moved by Mr. Spurgeon, seconded by Ms. Criger, that, –

WHEREAS Joanne St. Lewis, who was elected from the Province of Ontario "B" Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors, has resigned; and

WHEREAS the resignation of Joanne St. Lewis has created a vacancy in the office of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors;

THAT under the authority contained in By-Law 3, David W. Howell, having satisfied the requirements contained in subsections 43 (1) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation to fill the vacancy in the office of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors.

Carried

The Treasurer introduced Mr. Howell and welcomed him to Convocation.

The Treasurer welcomed guests to Convocation: Herman Van Ommen, Q.C., President, Law Society of British Columbia and Anthony G. (Tony) Young, Q.C., President, Law Society of Alberta.

The Treasurer reminded benchers to complete the bencher diversity survey by July 3, 2017.

The Treasurer referred benchers to the Priority Planning Committee Report at Tab 12 for an update on the progress on the Strategic Plan.

The Treasurer referred benchers to Tab 9 for the standing committees' updates on work of the committees further to the Treasurer's mandate memoranda provided to September 2016 Convocation.

The Treasurer thanked the Law Society staff for their management of the calls to the bar this month.

The Treasurer congratulated the recipients of the Honorary LL.D.'s at the calls to the bar. He also noted the special ceremony to confer an Honorary LL.D. on bencher Neil Finkelstein on June 20, 2017.

The Treasurer congratulated bencher Jerry Udell on receiving the Ontario Bar Association's Award of Excellence for Real Estate on June 20, 2017.

The Treasurer congratulated The Honourable Cynthia Petersen, the Law Society's Discrimination and Harassment Counsel, on her appointment to the Ontario Superior Court of Justice.

The Treasurer noted that June is National Aboriginal History Month and the various events and initiatives that the Law Society is supporting. The Treasurer advised that the Law Society is committed to learning about and honouring Indigenous histories, heritage and cultures throughout the year, as the Law Society does its part to move forward towards Reconciliation.

The Treasurer noted the Law Society's 220th anniversary and Canada's 150th anniversary and the events that will mark the occasions.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Mercer, seconded by Ms. Nishikawa, 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 May 25 and June 2, 2017 were confirmed.

Tab 1.2 – 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 1.3 – MOTION – LAW SOCIETY TRIBUNAL

THAT Joanne St. Lewis be removed as a member of both the Hearing Division and the Appeal Division of the Law Society Tribunal as a result of her resignation as a bencher.

Carried

ADDRESS BY HERMAN VAN OMMEN, Q.C., PRESIDENT, LAW SOCIETY OF BRITISH COLUMBIA

Mr. Van Ommen addressed Convocation on the work of the Law Society.

ADDRESS BY ANTHONY G. (TONY) YOUNG, Q.C., PRESIDENT, LAW SOCIETY OF ALBERTA

Mr. Young addressed Convocation on the work of the Law Society.

REPORT OF THE CHIEF EXECUTIVE OFFICER

Mr. Lapper presented the Chief Executive Officer's report for information.

PARALEGAL STANDING COMMITTEE REPORT

Ms. Criger presented the Report.

Re: Amendments to the Paralegal Rules of Conduct – New Rule Regarding Leaving a Firm

It was moved by Ms. Criger, seconded by Ms. Corsetti, that Convocation approve amendments to the Paralegal Rules of Conduct that would incorporate a new sub-rule describing a paralegal's obligations when leaving a firm, as set out at Tabs 3.1.1 and 3.1.3 (English and French).

Carried

For Information:

- Amendments to the Paralegal Guidelines

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Re: Amendments to the Rules of Professional Conduct – Commentary Regarding Incriminating Physical Evidence

It was moved by Mr. McDowell, seconded by Mr. Lerner, that Convocation approve amendments to Commentary paragraph [5] to Rule 5.1-2A of the Rules of Professional Conduct (Incriminating Physical Evidence) as set out at Tabs 4.1.1 and 4.1.2 (English and French).

Carried

Re: Amendments to the Rules of Professional Conduct Regarding Competence and Provision of Legal Opinions

It was moved by Mr. McDowell, seconded by Mr. Lerner, that Convocation approve amendments to paragraphs [8] and [9] of the Commentary to Law Society Rule 3.1-2 (Competence) as set out at Tab 4.2.1 and 4.2.2. (English and French).

Withdrawn

Mr. Galati, seconded by Mr. Braithwaite, moved that the motion be tabled.

Withdrawn

Mr. McDowell, with Mr. Lerner's agreement, withdrew the main motion and agreed to take the matter back to the Committee for consideration.

Re: Amendments to the Rules of Professional Conduct – New Rule Regarding Leaving a Law Firm

It was moved by Mr. McDowell, seconded by Mr. Lerner, that Convocation approve amendments to the Rules of Professional Conduct that would incorporate new sub-rules and Commentary describing a lawyer's obligations when leaving a law firm, as set out at Tabs 4.3.1 and 4.3.2 (English and French).

Carried

Re: Report of the Alternative Business Structures Working Group

Ms. McGrath and Mr. Mercer presented the report for information, advising that the report would be brought back to Convocation in the fall of 2017 for debate and decision, after further consultation with the professions.

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

Mr. Mercer presented the report for information, and advised that the report will be brought back to Convocation in the fall for debate and decision.

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

Mr. Mercer presented the report for information.

For Information:

- Advertising and Fee Arrangements Issues Working Group Report on Contingency Fees

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

Ms. Corbiere presented the Report.

Re: Indigenous Framework

It was moved by Ms. Corbiere, seconded by Mr. Falconer, that Convocation approve the Indigenous Framework for the Law Society, set out at Tab 5.1.1.

Carried

Re: Human Rights Monitoring Group Requests 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 the report at Tabs 5.2.1 to 5.2.5.

Carried

Re: Update on Implementation of the Recommendations of the Challenges Faced by Racialized Licensees Working Group Report

Mr. Falconer presented the report for information.

Re: Update on Review of the Discrimination and Harassment Counsel Program

Mr. Falconer presented the report for information.

For Information:

- Update on Implementation of Challenges Faced by Racialized Licensees Report Recommendations
- Update on the Discrimination and Harassment Counsel Program Review

STRATEGIC COMMUNICATIONS STEERING GROUP REPORT

Mr. Falconer presented the Report.

Re: Update on the Work of the Strategic Communications Steering Group

Mr. Falconer presented the report for information.

ACCESS TO JUSTICE COMMITTEE REPORT

Ms. Leiper presented the Report.

Re: Update on Review of the Family Legal Services Review Report

Ms. Leiper provided an oral report for information.

GOVERNANCE TASK FORCE 2016 REPORT

Ms. Leiper presented the Report.

Re: Governance Task Force 2016 Update

Ms. Leiper presented the report for information.

LEGAL AID WORKING GROUP REPORT

Mr. Callaghan presented the Report.

Re: Interim Report of the Legal Aid Working Group

Mr. Callaghan presented the report for information.

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REPORTS FOR INFORMATION ONLY

TREASURER'S REPORT

- Treasurer's Mandate Memoranda - Reports on Standing Committees' Work

PRIORITY PLANNING COMMITTEE REPORT

- Progress Report on the Law Society's Strategic Plan 2015-2019

AUDIT & FINANCE COMMITTEE REPORT

- LibraryCo Inc. First Quarter Financial Statements 2017
- Other Committee Work

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

CONVOCATION ROSE AT 12:55 P.M.

DRAFT

MINUTES OF CONVOCATION

Tuesday, 15th August, 2017
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Beach, *Bickford, *Braithwaite, *Bredt, *Burd,
*Chrétien, Clément, *Cooper, *Corbiere, *Corsetti, *Criger, *Donnelly, *Earnshaw,
*Evans, *Falconer, *Goldblatt, *Groia, *Haigh, *Krishna, *Lawrie, *Leiper, *Lerner,
*Lippa, *MacLean, *Manes, *McDowell, McGrath, *Merali, *Mercer, *Murray, *Nishikawa,
*Potter, *Richardson, Richer, *Sharda, *Sheff, *Sikand, *Spurgeon, *Troister, *Udell,
*Walker, *Wright

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* By Telephone

Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

APPOINTMENTS – COMMITTEE AND OTHER APPOINTMENTS

Re: Tab 1.1 Appointments

It was moved by Ms. McGrath, seconded by Mr. Beach, that Convocation approve the following appointments:

THAT the following be reappointed to the Ontario Bar Association Council for a term of one year:

- Barbara Murchie (Treasurer's Nominee)
- Fred Bickford
- Jack Braithwaite

THAT Jacqueline Horvat be reappointed to the Ontario Justice Education Network for a term of three years effective September 24, 2017.

THAT Suzanne Clément be appointed to the Complaints Resolution Commissioner Selection Committee established under Ontario Regulation 31/99.

THAT Carol Hartman and Susan McGrath be appointed to the Access to Justice Committee.

THAT Cathy Corsetti be appointed a Vice-Chair of the Access to Justice Committee to replace Gina Papageorgiou who will remain a member of that Committee.

THAT David Howell be appointed to and Rocco Galati, Gina Papageorgiou and Andrew Spurgeon be removed from the Audit & Finance Committee.

THAT Ross Earnshaw and Andrew Spurgeon be appointed to and Howard Goldblatt be removed from the Equity and Indigenous Affairs Committee.

THAT Robert Burd, Baljit Sikand and Andrew Spurgeon be appointed to and Marian Lippa be removed from the Government and Public Affairs Committee.

THAT Malcolm Mercer be appointed to and Ross Earnshaw be removed from the Paralegal Standing Committee.

THAT John Callaghan be appointed to the Priority Planning Committee.

THAT Anne Vespy be appointed a Vice-Chair of the Professional Development and Competence Committee and that Howard Goldblatt be appointed a member of that Committee.

THAT David Howell be appointed to the Professional Regulation Committee.

THAT Paul Cooper be appointed a Vice-Chair of the Tribunal Committee and that Marian Lippa be appointed to and Robert Burd and Rocco Galati be removed from the Tribunal Committee.

THAT Tanya Walker be appointed to the Human Rights Monitoring Group.

Carried

Re: Tab 1.2 Tribunal Appointments

It was moved by Ms. McGrath, seconded by Ms. Clément, that:

Tanya Walker be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 23, 2019; and

Janet Leiper be removed as a member of the Hearing and Appeal Divisions of the Law Society Tribunal at her own request.

Carried

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CONVOCATION ROSE AT 9:29 A.M.

Tab 1.2

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON SEPTEMBER 28, 2017

THAT Raj Anand be reappointed to the Law Commission of Ontario Board of Governors for a term of three years effective October 15, 2017.

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 26, 2017.

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 Thursday, September 28th 2017

ALL OF WHICH is respectfully submitted

DATED this 28th day of September, 2017

CANDIDATES FOR CALL TO THE BAR
September 28th 2017

Transfer from another province (Mobility)

Alison Emily Aho	Alexandra Rosamond Low
Edward David Clairoux Anido	Jill Marie Macgillivray
Alexander Carlos Barroca	Simmarjit Kaur Madaan
Elizabeth Marie Brachaniec	Amanpreet S Mann
Nicholas Alexander Ross Bruvels	Charles Arthur McRoberts
Vanessa Lindsay Carroll	Andrew Aaron Mun
Ryan Reginald Chamlers	Jannesa Ashtyn Nicole Plaine
Christopher Joel Crisman-Cox	Sierra Ramneet
Dylan Cedar Finlay	Prasanna Venkataswami Ranganathan
Catherine Ann Gaulton	Krista Marie Robertson
Jason Escalona Ibanez	Megan Seto
Pawandeep Kaur Johal	Janet Oluwadunni Shodipo
Gavin Thomas Johnston	Meryn Allison Steeves
Aaron Akira Hamawaki Kurts	Michael Reshaun Tallim
Andrew Michael Lambert	Leonard Huai Li Tan
Anthony James Lande	Katrina Elissa van Kessel
Keith Damon Paul Lenton	Fayyaz Virani

Licensing Candidates

Diana Samira Adam	Chaim Yoseph Piotrkovski
Timothy Ryan Bell	Avichay Nechemi Sharon
Christopher D'Arcy William Grisdale	Alicia Gale Windsor
Elizabeth Joy Myers	Chia-Yun Yang

Academic (Law School Deans/Professors)

Gemma Elisa Smyth

L3

Yaya Touré
Alima Sadiya Racine
Chantal Maria Emérentienne Bernier

Transfer Candidates (from Quebec)

Tasy Tommy Bacolias
Jeffrey Dale Derman
Frédérique Marie Julie Duchesne
Geneviève Elisabel Tremblay-Tardif