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CONVOCATION

PUBLIC SESSION

THURSDAY, OCTOBER 29th, 2015 - 10:00 a.m.

OSGOODE HALL, TORONTO

## 1 CONVOCAATION ATTENDANCE

2 Treasurer - Janet Minor

3

4	Robert P. Armstrong (ph.)	Lee Ferrier
5	Vern Krishna	Harvey Strosberg
6	Marion Boyd	Giséle Chrétien
7	Suzanne Clément (ph.)	Seymour Epstein
8	Gerald Sheff (ph.)	Baljit Sikand (ph.)
9	Catherine Strosberg	Larry Banack
10	Patrick Furlong	Gary Lloyd Gottlieb
11	Ross Murray	Julian Porter
12	Judith M. Potter	Heather Ross
13	Clayton Ruby (ph.)	Gerald A. Swaye (ph.)
14	Bradley H. Wright	Raj Anand
15	Peter Beach	Fred Bickford
16	Jack Braithwaite	Christopher D. Bredt
17	Robert Burd (ph.)	John Callaghan
18	Paul Cooper	Janis Criger
19	Teresa Donnelly	Ross F. Earnshaw
20	Robert Evans	Julian Falconer
21	Rocco Galati	Howard Goldblatt
22	Joseph Groia	Carol Hartman
23	Jacqueline Horvat	Brian Lawrie
24	Janet Leiper	Jeffrey Lem (ph.)
25	Michael Lerner	Marian Lippha

1	Virginia MacLean	William McDowell
2	Susan T. McGrath	Isfahan Merali
3	Malcolm Mercer	Sandra Nishikawa
4	Gina Papageorgiou	Susan Richer
5	Jonathan Rosenthal	Paul Schabas
6	Raj Sharda	Andrew Spurgeon
7	Joanne St. Lewis	Sidney Troister
8	Jerry Udell	M. Anne Vespry
9	Peter Wardle	Thomas G. Conway
10	Laurie H. Pawlitzka	
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1 --- Upon commencing at 10:00 a.m.

2 TREASURER'S REMARKS:

3 Good morning, everyone, welcome to  
4 Convocation. Welcome to anyone who is joining us via  
5 the webcast today. We are now webcasting regularly as  
6 part of our commitment to outreach and transparency in  
7 governance.

8 I'd like to review the instructions for  
9 the phone system for those who are participating by  
10 phone. Once we determine who is on the phone, I'll let  
11 everyone know that we will be placing those calling  
12 into what we call lecture mode and that means we will  
13 be muting callers. Once muted, they can hear  
14 everything, but not speak, and we will, of course, come  
15 out of lecture mode for callers who wish to speak and  
16 vote.

17 So unless callers wish to speak, they  
18 are asked to please star 6 their phones, as we have  
19 done in the past, and I will be repeating this  
20 throughout Convocation if we have any difficulty. I  
21 believe Michael Lerner is on duty to both star 6 and  
22 welcome in. So thank you.

23 On the phone, Suzanne Clément?

24 MS. CLÉMENT: Oui, bonjour.

25 TREASURER MINOR: Dianne Corbiere? Not

1 yet. Jeffrey Lem?

2 MR. LEM: Here.

3 TREASURER MINOR: Gerald Sheff?

4 MR. SHEFF: Present.

5 TREASURER MINOR: Okay. Thank you.

6 Anyone else whose name I have not called?

7 MR. ARMSTRONG: Yes, Bob Armstrong.

8 TREASURER MINOR: Thank you.

9 MR. SWAYE: Gerry Swaye.

10 TREASURER MINOR: Robert Armstrong,

11 Gerry Swaye. Is there someone else?

12 MR. BURD: Robert Burd.

13 MR. SIKAND: Baljit Sikand.

14 TREASURER MINOR: Baljit Sikand and Rob

15 Burd.

16 MR. BURD: Correct.

17 TREASURER MINOR: Okay.

18 MR. LEM: Jeff Lem is on the line.

19 TREASURER MINOR: Okay, thank you.

20 We'll start with my remarks. I was very pleased to

21 attend the 27th Annual Indigenous Bar Association

22 Conference, which was held this year in Toronto. The

23 theme of the conference was "Reconciliation: The

24 Grounding of Law," and I was supposed to speak, I had a

25 speech, someone else had to read it for me because of

1 my voice problem.

2 Other Benchers who attended were -- and  
3 participating, and we had some very interesting panels,  
4 may I say, with Dianne Corbiere and Julian Falconer.  
5 Other Benchers also attended the gala event.

6 The panel discussions were definitely  
7 thought provoking in terms of what reconciliation means  
8 for us at the Law Society, to us as lawyers and  
9 paralegals, and to us as participants in the justice  
10 system.

11 We still, I think, are having a great  
12 deal of -- to do in terms of analyzing and responding  
13 to the Truth and Reconciliation Report and we will be  
14 looking forward to forthcoming recommendations from the  
15 Equity and Aboriginal Issues Committee.

16 We also understand there will be some  
17 new federal government initiatives on this subject.

18 Yesterday we held our ribbon cutting  
19 ceremony for the Tribunal Open House and the opening of  
20 the new premises. This marks another milestone for the  
21 new Tribunal model, a key step in modernizing the  
22 Tribunal.

23 The open house and ribbon cutting  
24 ceremony and reception provided us with an opportunity  
25 to celebrate the establishment of an independent

1 tribunal that serves the public interest and enhances  
2 the quality of Ontario's administrative justice system.

3 I would like to thank David Wright, the  
4 Chair of the Law Society Tribunal staff, Law Society  
5 staff, and the Tribunal Committee for their work in  
6 supporting the reforms and implementation process.

7 I would also like to thank Attorney  
8 General Meillieur for attending yesterday's event and  
9 supporting us through this transition.

10 I would also like to announce that Carol  
11 Hartman has been appointed to the Legal Aid Board from  
12 our list of nominees by the Attorney General.  
13 Congratulations, Carol, we look forward to your work.

14 MS. HARTMAN: Thank you, Treasurer.

15 TREASURER MINOR: I would also like to  
16 commend the Attorney General on ensuring a full  
17 complement of appointments to the Board of Legal Aid  
18 Ontario. This is the first time in a number of years  
19 that there has been a full complement and it's due to  
20 the commitment and support of the Attorney General and  
21 government of Ontario to making Legal Aid and access to  
22 justice a priority.

23 On Monday of this week I was pleased to  
24 host the first meeting of our Early Careers Roundtable,  
25 an initiative that I announced in Convocation last

1 June. It was very energizing to meet this group of  
2 young professionals who attended. They are  
3 enthusiastic and optimistic about the future of the  
4 legal profession. We've got a great deal to learn, I  
5 think, from this dynamic group of licensees and  
6 students.

7 A number of issues were identified on  
8 Monday for further discussion at future meetings. I  
9 anticipate they will -- we will meet quarterly and I'm  
10 looking forward to a candid and open dialogue.

11 We have representatives from various  
12 organizations. Our participants are not on a closed  
13 list and if there are suggestions of others who should  
14 join the group, we are very open to that.

15 Nominations for the Law Society Awards  
16 are now open. The deadline is January 29th. In April  
17 of 2013, Convocation also has approved the  
18 establishment of a new award in honour of former  
19 Treasurer, John Shirley Denison, to be bestowed  
20 annually in recognition of significant contributions to  
21 access to justice and/or poverty issues. Both  
22 paralegal and lawyer licensees of the Law Society are  
23 eligible for this award, which was established to  
24 honour Mr. Denison's commitment to helping others.

25 The other awards are the Law Society

1 Medal, the William J. Simpson Distinguished Paralegal  
2 Award, the Laura Legge Award and the Lincoln Alexander  
3 Award.

4 Information on the nomination process is  
5 on the Law Society website. I would very much like to  
6 encourage nominations from all communities, practice  
7 areas, firm sizes and regions across the province. We  
8 will be contacting legal associations and other  
9 stakeholders to remind them of the process and ensure  
10 that they're aware of what is required and I mentioned  
11 it, I think, in all my contacts now with stakeholders.

12 I'd also encourage Benchers to reach out  
13 to your own friends and professional networks to  
14 encourage others to think about persons in your  
15 communities who have made a difference.

16 There are a great many members of our  
17 profession who give a lot of their time and contribute  
18 very much to the profession, to the public interest and  
19 to the administration of justice and it is important to  
20 honour them.

21 I think sometimes people are concerned  
22 that one has to be a famous person before an award is  
23 given and, if you recall, one of the members of last  
24 year's award, we were very pleased to award a medal to  
25 a practitioner from a small town in Ontario, Eganville,

1 that was H.J. Stewart Lavigueur. He was and is a  
2 classic small town practitioner with a very general  
3 practice. He's committed to serving the Aboriginal  
4 community and also the Algonquins located on a reserve  
5 adjacent to where he lives at the local -- he helps  
6 both at the local -- sorry, let me start again. He  
7 also assists at the local Legal Aid clinic.

8           The nomination was very inspiring. He's  
9 obviously a pillar of the community and exactly the  
10 kind of person we need to be recognizing and honouring.

11           So I would encourage everyone to abandon  
12 any thought that you have to be in the headlines.  
13 We're honouring people in our profession who have  
14 contributed and should be recognized.

15           As I mentioned, the deadline is January  
16 and we cannot give awards to people if we do not have  
17 nominations, so it's very important.

18           Upcoming events today. A reminder of  
19 the Women in Leadership event that's being held at  
20 five-thirty in the Lamont Learning Centre. This is a  
21 joint event with the Ontario Bar Association and the  
22 Women's Law Association.

23           This year's focus includes a  
24 conversation with two Chief Justices and a panel  
25 discussion on rainmaking and business development. The

1 Honourable Chief Justice Smith of the Superior Court  
2 and the Honourable Chief Justice Maisonneuve, from the  
3 Ontario Court of Justice are participating. And we  
4 have coming from the U.S., in fact, lawyer and  
5 rainmaker Patricia Gillette. She is a much  
6 sought-after speaker and author. She was here making  
7 some very important speeches while we were working on  
8 the retention of women in the legal area for the  
9 Justicia Project. So we're glad to have her back and I  
10 look forward to her presentation.

11 This, of course, will be webcast for  
12 those who either can't see it now or would like to see  
13 it later.

14 I would also like to remind people that  
15 the Magna Carta exhibit is at Fort York from  
16 October 4th to November the 7th. The Canadian Council  
17 of Law Deans held a national essay competition and the  
18 Law Society sponsored the essay prize that will be  
19 awarded for the best essay submitted by an Ontario law  
20 school student.

21 I had the pleasure of reading the  
22 submissions this past week. Our committee met to  
23 decide on the winner. Our committee included Chief  
24 Justice Strathy and the award will be presented on  
25 November the 5th by Chief Justice Strathy and Robert

1 Lapper.

2 The topic was the importance of the  
3 Magna Carta in Canada in 2015 and there were some very  
4 interesting and creative well written essays.

5 Other upcoming events. The County of  
6 District Law Presidents Plenary is from November 11th  
7 to 13th and Louis Riel Day we will be having our public  
8 education day is November the 16th.

9 Today at lunch I'm pleased to have  
10 guests from the public sector; particularly, the City  
11 of Toronto, who will be here, the City of Toronto City  
12 Solicitor, Anna Kinastowski, the Integrity  
13 Commissioner, Valeria Jepson, Linda Gehrke, Lobbyist  
14 Registrar --

15 -- Off-the-record discussion.

16 TREASURER MINOR: Thank you. Sorry for  
17 that delay. We had a plumbing emergency.

18 Going back over our guests for lunch  
19 from the City of Toronto, Anna Kinastowski, the City  
20 Solicitor, Valerie Jepson, the Integrity Commissioner,  
21 Linda Gehrke, who is Lobbyist Registrar, Ulli Watkiss,  
22 who is the City Clerk, and Fiona Crean, who is the  
23 former Ombudsman for the City of Toronto. I think it  
24 was just announced recently that she is the new  
25 Ombudsman for Ontario Hydro.

1                   Let's turn to the agenda now. The first  
2 item is the consent agenda.

3                   CONSENT AGENDA:

4                   TREASURER MINOR: I'd like to remind  
5 Benchers of the purpose of the consent agenda and  
6 procedures related to it. The purpose is to deal more  
7 efficiently with uncontroversial and/or routine  
8 decision matters and to free up more time for matters  
9 that require substantive discussion before a decision  
10 is taken.

11                   When we reach the consent agenda, I'll  
12 ask Benchers of Convocation if there is an item or  
13 items that they wish to be removed to be discussed  
14 individually. If any member requests that an item be  
15 removed from the consent agenda, it must be removed.  
16 Members may request that an item be removed for any  
17 reason, and I'd ask, however, that if it's only a  
18 simple question that one has, if you could ask it and  
19 so that we do not have to remove it altogether.

20                   Once an item has been removed, I'll  
21 decide whether to take up the matter immediately or  
22 placed on the regular meeting agenda. Any in camera  
23 matters removed from the consent agenda will most  
24 likely be dealt with at the end of Convocation once the  
25 public webcast is complete.

1                   On that note, I myself have asked for a  
2 matter to be removed from the consent agenda, and that  
3 is the Equity Report. Not because I believe that it is  
4 controversial, but because the subject matter, I think,  
5 merits some reminder to Benchers who were present when  
6 we dealt with the issue before and as information for  
7 newer benchers who were not here. So that's why I'm  
8 asking that one to be taken off and I believe Julian  
9 Falconer will be speaking to that report later this  
10 morning.

11                   So if we could start there with the  
12 consent agenda. It is moved -- the motion is moved by  
13 Mr. Bredt and seconded by Ms. Donnelly. Any issues  
14 there? Okay. Any on the phone, questions?

15                   MS. VESPRY: Sorry, Treasurer, I do have  
16 a question regarding one of the in camera matters on  
17 that --

18                   TREASURER MINOR: The in camera?

19                   MS. VESPRY: -- so I'm not sure whether  
20 I necessarily want it taken off of the consent agenda,  
21 but I do have a question.

22                   TREASURER MINOR: Why don't we leave it  
23 to the end. Then we'll take it off to the end when we  
24 do in camera matters.

25                   MS. VESPRY: Thank you, Treasurer.

1           TREASURER MINOR: Anyone else have a  
2 question or a comment? Other than the in camera --  
3 anyone on the phone, any questions or comments about  
4 the consent agenda? All in favour?

5           Next will be the Audit and Finance  
6 Committee report. That, of course, is the budget  
7 report by Mr. Wardle.

8           AUDIT AND FINANCE COMMITTEE REPORT:

9           MR. WARDLE: Thank you, Treasurer. I'm  
10 pleased to present the 2016 budgets for both LibraryCo  
11 and for the Law Society for Convocation's review and  
12 approval.

13           The draft -- I'm going to deal with them  
14 both together; the LibraryCo budget is at tab 2.1 on  
15 BoardBooks and the Law Society budget is at 2.2, and  
16 I'm going to suggest, if we may, we start at page 50 in  
17 BoardBooks. And you'll see at page 50 is the summary  
18 document and if I take you to page 53, that's the 2016  
19 budget overview.

20           I'm not going to go through -- sorry, I  
21 may be one off because I didn't update my BoardBooks  
22 last night. So page 54. Hopefully I've got the  
23 right...right -- so I'm off by one page.

24           MS. ROSS: Some might think more than  
25 that.

1 MR. BREDT: Not right-thinking people.

2 MR. WARDLE: Thank you very much for  
3 that helpful comment.

4 So I'm not going to take you through the  
5 materials in detail because the overview was presented  
6 and discussed at the budget information session in  
7 September, but I will obviously ask any -- answer any  
8 specific questions you may have about the material.

9 I wanted to start by just talking a  
10 little bit about the Audit and Finance Committee's  
11 goals and the development of the three-year plan and  
12 2016 budget.

13 Just so that everybody remembers, we  
14 have now a three-year budget forecast, but you will  
15 only be approving today the 2016 budget. You're not  
16 approving a budget for 2017 or 2018, but that will -- a  
17 proposed budget or a forecast is found in the materials  
18 so that we're really going out in a three year  
19 budgeting window.

20 So there are a number of fundamental  
21 principles that are really used by the committee in the  
22 approach to this budget. First, obviously to ensure  
23 that the Society's core functions are appropriately  
24 resourced in order to achieve the mandate established  
25 by the Law Society Act.

1                   Secondly, our goal this year was to  
2 maintain the fees for lawyers and paralegals at the  
3 2015 amount for the years 2016 to 2018, and you'll see  
4 as we go through the material that has been  
5 accomplished.

6                   Then, thirdly, our goal was to eliminate  
7 the use of fund balances to mitigate annual fee  
8 increases. You'll note and recall that in the past we  
9 were engaging in the use of fee balances in some years  
10 quite extensively. This year we have phased out fee  
11 mitigation for lawyers in 2016 and it's been phased out  
12 completely in 2017 for both lawyers and paralegals.  
13 And then finally to continue with medium term financial  
14 planning, that is a three-year budget scenario as  
15 addressed in the material.

16                   I just want to note, I think just about  
17 everybody in this room was recently at the strategic  
18 planning exercise in Niagara-on-the-Lake where we set  
19 the direction for the organization for the next four  
20 years through confirmation of priorities and, as we all  
21 know, there were various initiatives that were defined  
22 and confirmed for implementation.

23                   I just want to make it clear that for  
24 activities that have been established as priorities for  
25 the 2016 budget, and you'll recall that we discussed

1 this in Niagara-on-the-Lake, the expectation at the  
2 moment is that they are expected to require only modest  
3 expenditure increases and should be able to be easily  
4 funded from the contingency built into the 2016 budget.

5 Obviously the longer term financial  
6 impacts of all of those priorities will be continued to  
7 be addressed by the various committees in charge of  
8 implementation and then we'll come back to Audit and  
9 Finance and will be part of the budget process for next  
10 year and ongoing.

11 So let me just review very quickly the  
12 planning assumptions for 2017 and 2018. First of all,  
13 underlying the per member fee is the number of  
14 full-fee-paying equivalent members.

15 The Society has a three-tiered fee  
16 structure; a hundred percent category, a 50 percent  
17 category and a 25 percent category. It's anticipated  
18 that for 2016 the total number of fee paying lawyers in  
19 the province will be 45,700. The discounting of the  
20 annual fee to 50 percent and 25 percent for  
21 approximately 13,000 lawyers results in the full fee  
22 equivalent number of 39,500. Both professions continue  
23 to grow and the 2017 and 2018 projections incorporate  
24 an annual increase of 700 for lawyers and 350 for  
25 paralegals.

1                   So obviously our base fees increase as  
2                   the professions continue to grow and that growth, of  
3                   course, also increases demands on the Law Society's  
4                   resources. The medium term projections include a  
5                   provision of two percent for annual salary and benefits  
6                   increases for 2016 through 2018. Individual salary  
7                   adjustments will range from zero to something in the  
8                   order of two and a half percent, with an average  
9                   adjustment of one to one and a half percent.

10                   The 2016 to 2018 projections generally  
11                   assume one percent for other expense increases,  
12                   revenues from continuing CPD -- sorry, from CPD are  
13                   projected to remain flat in 2016 and beyond as we  
14                   expect that activity to level off and, as I said  
15                   earlier, the lawyer and paralegal licensing process  
16                   fees are unchanged from 2015.

17                   So let me turn now to, I'm assuming it's  
18                   page 57, in my materials it's page 56 and who knows  
19                   what it is in Ms. Ross' materials.

20                   MS. ROSS: It's much further to the  
21                   left.

22                   MR. WARDLE: That I do not doubt for a  
23                   moment. So if you look at the summary page and just  
24                   focus on 2016, first of all, there are no new major  
25                   initiatives incorporated into the 2016 budget. We all

1 know that there are some initiatives that are coming  
2 down the highway, but they have not been incorporated  
3 because at this point we don't have enough information  
4 about them and they don't really impact on 2016.

5 I need to talk for a moment about  
6 staffing. Staffing has increased by nine full-time  
7 equivalents after two years of staffing reductions.  
8 I'm just going to outline for Convocation the areas in  
9 which the staffing is being increased, and essentially  
10 the reasons for additional staffing is to deal with  
11 increased volumes of activity, not to support any new  
12 initiatives.

13 Of the nine new positions, three have  
14 been added to support continuing professional  
15 development and four for the licensing processes. All  
16 of these staff increases are related to an increased  
17 number of candidates coming through the licensing  
18 process.

19 In the Society's information technology  
20 department, two positions have been added and one for  
21 help desk activity. Bringing this activity back  
22 in-house increases the Society's staffing, but the cost  
23 is offset by reduced consulting costs for the  
24 previously contracted service. The department also  
25 added an administrative coordinator to manage help desk

1 activity and support the department management staff.

2 I'll have a little bit more to say about  
3 the number of full-time equivalent employees in the  
4 organization when we look at some of the long term  
5 trends.

6 So we continue to have a one million  
7 dollar contingency for potential new initiatives and/or  
8 uncertainties that may arise in 2016. I want to speak  
9 for a moment about the Lawyers Compensation Fund. As  
10 many here know, it experienced two major defalcations  
11 in 2014 that, in combination with routine claims, will  
12 reduce its fund balance from around 15 and a half  
13 million at the end of 2014 to a projected balance of  
14 13.6 million at the end of 2015. That's below the  
15 minimum balance of approximately \$16 million, which is  
16 required by Convocation's policy. As a result, the  
17 2016 budget includes a special replenishment provision  
18 of \$700,000, which we project to grow to \$900,000 by  
19 2018. And the purpose of this obviously is to restore  
20 the fund balance to its minimum requirement of  
21 approximately \$16 million by 2018.

22 A couple of other things to note.  
23 Continued instability in financial markets and  
24 obviously the lack of decent returns in fixed income  
25 instruments has resulted in a reduction in budgeted

1 investment income in both the General and Compensation  
2 Fund and a reduced transfer of surplus investment  
3 income from the E&O Fund and General Fund.

4 So when you look at the page we're  
5 looking at now, it results in an annual fee of \$1866  
6 for lawyers and \$996 for paralegals, both unchanged  
7 from 2015, and this is actually now the third year in a  
8 row that the fee for lawyers has been held constant and  
9 the fourth year in a row that the fee for paralegals  
10 has been held constant.

11 Just to give you a couple of points of  
12 comparison, the annual fee for lawyers in British  
13 Columbia is \$1992, and in Alberta is \$2,620, so we're  
14 actually doing very well.

15 We've included in the materials, and  
16 this starts at page 80 of BoardBooks, a series of  
17 charts and graphs, and I'll just take you through them  
18 very quickly. The first one should be at page...

19 MR. BREDT: 81.

20 MR. WARDLE: I'm just going to go back  
21 one page to page 80 of BoardBooks. First of all, this  
22 is a budget history, if everyone's got this up. It  
23 goes right back to 2007, and it allows you to track  
24 things like our total expenditures over time, the  
25 number of full-time equivalent employees, the fee --

1       sorry, the full fee equivalent number of lawyers and  
2       paralegals.

3                       Then you'll see in item 8 the general  
4       lawyer fee and then the various -- this is the various  
5       elements of the fee that are broken out for LibraryCo,  
6       the Cost Fund and Capital Fund.

7                       Then you'll see at item 13 the total  
8       lawyer fee. If you just run your eye along that  
9       column, you'll see that for the last three years that  
10      number has been kept at \$1866, and similarly for  
11      paralegals, if we go down to item 18, you'll see that  
12      for the last four years we have been able to keep that  
13      item constant.

14                      If you go over to the next page where  
15      the graphs start, this is just a kind of a rough and  
16      ready pictorial presentation of how our expenses have  
17      been growing over time, how our membership has  
18      increased over time, increases in the lawyer fee and  
19      increases in the paralegal fee.

20                      If we go to the next page, you'll see  
21      we've done a similar presentation and adjusted for  
22      inflation. So what's interesting about this is that,  
23      first of all, our expenses have -- the growth in our  
24      expenses as an organization have tapered off, and this  
25      is obviously some of the initiatives that our CEO,

1 Mr. Lapper, has been responsible for.

2                   You'll see that the growth in membership  
3 is very, very strong, that's the blue line. Then have  
4 a look at the lawyer fee and the paralegal fee and  
5 you'll see in real dollars both categories of licensees  
6 are now paying less in fees than they were in 2013,  
7 which I would suggest is a real accomplishment.

8                   And then the next slides are really just  
9 for information. You'll see this is the continued  
10 growth of both professions at page 83 and then an  
11 interesting graph at page 84.

12                   This is our expenditure history as an  
13 organization and you'll see that while expenses have  
14 been increasing every year, the rate of increase has  
15 essentially levelled off significantly in the period  
16 between 2013 and 2016.

17                   Then, finally, the last graph simply  
18 allocates expenditures within some large buckets inside  
19 the organization. It's not exact, but it gives you an  
20 idea of where our money or the members' money is being  
21 spent.

22                   I want to just talk a little bit about  
23 LibraryCo. The budget for LibraryCo is also before  
24 you. As everyone knows, LibraryCo manages the Ontario  
25 County Courthouse library system and is currently

1       undergoing a transition process. The outcomes of that  
2       process are still unknown and, as a result, LibraryCo  
3       is not projecting any significant changes to its  
4       programs and activity in 2016, although there is a  
5       contingency mandate of \$5,000.

6                       LibraryCo is requesting \$7.7 million in  
7       funding from the Law Society, and this amount has been  
8       included in the Law Society's 2016 budget. I should  
9       note that LibraryCo funding from the Law Society has  
10      essentially been very stable in recent years and this  
11      is a small increase on a net basis from LibraryCo  
12      funding for 2015.

13                      So there are two motions before  
14      Convocation. Before I get to the motions I would just  
15      like to thank the members of the Audit and Finance  
16      Committee, my co-chair, Mr. Bredt, and particularly the  
17      staff of Wendy Tysall, Fred and many other people who  
18      are involved in the development of the budget, which is  
19      a long, painstaking and sometimes painful process, and  
20      thank you to the staff for answering our somewhat  
21      sometimes inelegant and perhaps a little basic  
22      questions, but much appreciated for all your hard work.

23                      The two motions that are before  
24      Convocation are, one, that Convocation approve the  
25      LibraryCo budget for 2016 incorporating Law Society

1 funding of \$7,662,150. Secondly, that Convocation  
2 approve the Law Society's 2016 budget, including the  
3 following annual fee amounts. And I'm not going to  
4 list them, but for lawyers the total is \$1866 and for  
5 paralegals the total is \$996.

6 I'll move the motion, seconded by my  
7 co-chair, Mr. Bredt.

8 TREASURER MINOR: Thank you very much,  
9 Mr. Wardle. Are there any questions or comments on --  
10 okay, let me just do a list. I'm just going to list --  
11 Mr. Cooper. There was another over there. Okay, Mr.  
12 Evans. Others?

13 MR. BREDT: Raj Sharda.

14 TREASURER MINOR: Okay, Mr. Sharda. You  
15 can still be added, but we can start there. Would  
16 you -- for your questions please go down to the podium  
17 so it can be webcast.

18 MR. COOPER: Good morning, Treasurer.  
19 Through you, I have a question of my co-member of the  
20 Audit Committee, Mr. Wardle. Before I ask the  
21 question, I do want to thank all the members of the  
22 committee as well. There was a lot of hard work put  
23 into that and nothing can be done without the great  
24 work of the staff.

25 I have no question with respect to 2.1,

1 but it's with respect to 2.2 and, in particular, we  
2 have just gone through a strategic planning session.  
3 We had the assistance of Dr. Bart. I think we would  
4 all agree that there is no point to the session if we  
5 were not prepared to put money to some of the  
6 initiatives.

7           There may have been some  
8 misunderstanding, I don't know if it exists still  
9 today, whether the contingency is not to be a slush  
10 fund or whether the contingency should be used for this  
11 upcoming year to help fund some of the key issues that  
12 were identified in the strategic planning.

13           It would seem futile for a new bench to  
14 enter into strategic planning for changes that are  
15 needed immediately if the funding is not there. Those  
16 changes are set to protect the public interest. Those  
17 changes include reaching out and assisting the members  
18 of our profession across the province in areas such as  
19 education, mentorship, and there is great need for  
20 that.

21           I am not sure whether this budget --  
22 notwithstanding we have a surplus of a million dollars,  
23 whether we've identified yet what the actual cost will  
24 be. It is not clear to me and I suggest it's not clear  
25 to the benchers here today.

1                   My understanding was that between the  
2                   strategic planning session and today, and, if  
3                   necessary, to a later date, but before the end of  
4                   November, we would have some answers as to the  
5                   quantification of what these items were going to cost.

6                   My question to the chair or the chairs  
7                   of the committee are, are they prepared to commit the  
8                   full amount that was estimated plus a contingency,  
9                   which is close to \$1.2 million, I believe, for the new  
10                  initiatives?

11                  MR. WARDLE: Thank you, Mr. Cooper, for  
12                  that question. I appreciate getting questions about  
13                  the budget because this is one of the most important  
14                  initiatives that we undertake on an annual basis and  
15                  it's important that all members of Convocation buy into  
16                  this process and understand it.

17                  Just to help everyone in the room, think  
18                  about what took place at the retreat and how that  
19                  factors into the budget process.

20                  So, first of all, we have ongoing  
21                  initiatives even before the retreat that are going to  
22                  cost money in the future. I'm the co-chair of the  
23                  Mentoring Task Force. We anticipate coming to  
24                  Convocation with a report in the winter. We're likely  
25                  going to be asking for more money from the organization

1 to support that initiative.

2 So that doesn't mean that that has to be  
3 properly -- can't be properly costed and go through the  
4 budgeting process. Every new initiative around here  
5 has to go into the annual budget and has to be costed  
6 by staff. So even initiatives that were ongoing before  
7 the Niagara-on-the-Lake event that are coming down the  
8 pipe have an impact, and that has to be reflected in  
9 the budget.

10 The second thing that's important to  
11 remember is that it takes time to implement all of the  
12 strategic initiatives. So many of the initiatives that  
13 were approved at Niagara-on-the-Lake will not have an  
14 impact in any way on the 2016 budget because they have  
15 to be properly developed, costed and then a plan put  
16 forward that has to be presented to Convocation and  
17 approved.

18 The estimate at the moment from staff  
19 for the initiatives that were -- I think they were  
20 moved up to the white -- I can't remember if it was  
21 white or blue. I think they were moved from blue to  
22 white.

23 The estimate at the moment is that those  
24 initiatives and, remember, those initiatives still have  
25 to go back to committee, have to be worked out

1 properly, presented and approved by Convocation, that  
2 for 2016 we're looking at probably \$200,000, and that's  
3 a very rough estimate at present. But those  
4 initiatives will have an impact on the 2017 budget and,  
5 of course, we will start going through the budgeting  
6 process again -- we actually start that process before  
7 the summer, as Mr. Cooper knows, because he's on our  
8 committee.

9           So I think the answer is, first of all,  
10 we have a contingency, the contingency is a million  
11 dollars. As the CEO said at the retreat, there is  
12 ample room in the contingency to cover both these  
13 unexpected costs arising out of Niagara-on-the-Lake,  
14 which we estimate to be about \$200,000, and other  
15 things. Last year, for example, we used part of the  
16 contingency for unanticipated expenses in connection  
17 with the Trinity Western litigation.

18           So that's my answer to the question.  
19 There's no hidden agenda at Audit and Finance to  
20 squelch any of the strategic initiatives that are  
21 coming forward, including my initiative, mentoring, but  
22 all of those initiatives have to be passed by the  
23 committee, they have to be worked up financially, they  
24 have to go to Audit and Finance as part of the budget  
25 process and then come back here to be approved

1 ultimately by Convocation.

2 I hope that's not too long an answer.

3 MR. COOPER: If I may, Treasurer. Thank  
4 you for the answer. My understanding of the numbers,  
5 and my simple math from looking at the actual dollar  
6 figures for those that were confirmed and passed, and  
7 there was one that was not able to be quantified and we  
8 were going to have to do that later.

9 What I would suggest is an amendment to  
10 include as part of the motion that -- with respect to  
11 the budget, that there should be an item indicating  
12 that all the strategic planning initiatives that had  
13 been passed by Convocation will be approved -- passed  
14 by Convocation for the 2016 year will be approved by --  
15 will be approved and be part of the budget.

16 Although that number is not quantified,  
17 I think instead it should fully quantified, but we  
18 should be able to ensure that we're not in a position  
19 later where somebody will say, well, it's contingency,  
20 we really don't have the money. What I'm looking for  
21 is an amendment to the motion to ensure that although  
22 we don't have the quantification of the number, that  
23 the initiatives that have been passed for 2016 will  
24 fully be funded.

25 TREASURER MINOR: Just to be clear,

1 Mr. Cooper, when you're saying approved, you don't mean  
2 approved by Convocation for execution, because, as Mr.  
3 Wardle said, that was a directional --

4 MR. COOPER: Absolutely.

5 TREASURER MINOR: -- plan and every  
6 initiative needs to be worked out by committees, come  
7 forward with whatever nuance there will be, whatever  
8 costing.

9 I take it that what you're asking for is  
10 a confirmation that the initiatives that may go forward  
11 in 2016 would -- that there's sufficient funding to  
12 cover them, is that --

13 MR. COOPER: That is correct.

14 TREASURER MINOR: I'm sure you can put  
15 it more eloquently than I did, or perhaps Mr. Varro can  
16 word it. Is that the amendment?

17 MR. COOPER: Thank you, Treasurer.

18 TREASURER MINOR: And I'll need a  
19 seconder for that.

20 MS. LIPPA: I'll second it.

21 MR. COOPER: Thank you.

22 TREASURER MINOR: We now have to move  
23 our debate to questions on that amendment. Any  
24 questions or comments in the room on that amended  
25 amendment?

1                   MR. BRAITHWAITE: Could you read the  
2 motion again, please?

3                   TREASURER MINOR: We better check this  
4 with the mover too.

5                   --- Off-the-record discussion.

6                   TREASURER MINOR: Convocation is  
7 reconvening. We had a brief adjournment to discuss the  
8 wording of a proposed amendment and, Mr. Varro, could  
9 you read back the motion, please?

10                  SECRETARY: Treasurer, the amendment to  
11 the motion is as follows. Moved by Mr. Cooper,  
12 seconded by Ms. Lippa, that sufficient funding be  
13 available in the 2016 budget to support any initiatives  
14 that are presented to Convocation arising from the  
15 strategic plan approved by Convocation for 2016.

16                  TREASURER MINOR: And, Mr. Cooper?

17                  MR. COOPER: I understand Mr. Wardle --  
18 thank you, Treasurer. I understand that through some  
19 discussions I have been able to have with the chairs of  
20 the Audit Committee that there will be a clear and  
21 concise statement, upon which I'd ask that my motion be  
22 withdrawn.

23                  MS. LIPPA: I'll second that.

24                  TREASURER MINOR: Thank you. Mr.  
25 Wardle.

1                   MR. WARDLE: The language we've agreed  
2 upon is as follows: That if any new initiatives  
3 arising out of the strategic planning initiatives come  
4 forward to Convocation and are approved during 2016,  
5 the financial consequences of those initiatives during  
6 2016 will be met by the Law Society either out of the  
7 contingency or, if necessary, by running a deficit.

8                   TREASURER MINOR: Thank you very much.  
9 Back to the original motion. Back to the other motion.  
10 Is there any further question or comment? Okay.

11                   MR. GOTTLIEB: Through you, Treasurer,  
12 Mr. Wardle --

13                   TREASURER MINOR: Excuse me.

14                   MR. GOTTLIEB: Sorry.

15                   TREASURER MINOR: Mr. Gottlieb, could  
16 you go to the podium.

17                   MR. GOTTLIEB: Unfortunately, in my area  
18 of the room a few of us did not hear how you plan to  
19 meet these expenditures. Could you just repeat it?

20                   MR. WARDLE: I am happy to repeat it  
21 again for all of us.

22                   If any new initiatives arising out of  
23 the strategic planning initiative come forward to  
24 Convocation and are approved during 2016, the financial  
25 consequences of those initiatives during 2016 will be

1 met by the Law Society either out of the contingency  
2 or, if necessary, by running a deficit.

3 TREASURER MINOR: Are there questions or  
4 comments on that --

5 MS. ROSS: Yes.

6 TREASURER MINOR: Okay. So we have  
7 Ms. Ross, we have -- just a moment. So we're on Mr.  
8 Wardle's statement at the moment.

9 MS. ROSS: Before daring to stand and  
10 speak to a budget matter, I spoke to Professor Krishna,  
11 I just want you to all know that.

12 But as a matter of policy, it's my  
13 understanding that Convocation and the Law Society  
14 deciding to run a deficit, which we have not done in  
15 the past, is a matter of policy for Convocation to  
16 decide. It's a matter of policy that should go back to  
17 the Finance and Audit Committee to be properly worked  
18 up as a policy matter for decision for Convocation. It  
19 cannot, in my view, in my submission, simply be  
20 included in a statement and suddenly become the policy  
21 of this body.

22 TREASURER MINOR: I don't think there's  
23 any intention that that is the case, Ms. Ross. I think  
24 the point is that there was an issue about how money  
25 could be available if certain initiatives are passed.

1 Everything has to go through the Audit and Finance  
2 Committee that relates to budget and all the proposals  
3 have to be worked up with costing passed by Convocation  
4 and Convocation needs to understand all the  
5 implications of what it would be voting for. So this  
6 is not a vote one way or another in terms of how a  
7 certain costing would be met.

8           Anyway, you should perhaps be responding  
9 to that rather than me, Mr. Wardle.

10           MR. WARDLE: I'm simply going to  
11 indicate that the statement that we've read is actually  
12 a statement of fact in the sense that if Convocation  
13 approves a new initiative during 2016 and it requires  
14 more money, there are only two ways we can get the  
15 money. We can either take it out of the contingency or  
16 we have to run a deficit because the fee has already  
17 been set. So I think that's really the basis on which  
18 Mr. Bredt and I were prepared to have that statement  
19 made.

20           MS. ROSS: Thank you, Treasurer.

21           TREASURER MINOR: Mr. Wright.

22 Mr. Wright, did you have a question or comment on this  
23 issue?

24           MR. WRIGHT: I have a comment. Thank  
25 you, Treasurer. First of all, I would like to commend

1 Ms. McGrath for being a role model. She may have  
2 spilled the water, but she never spills the beans. I  
3 would like to thank her also for watering down the ABS  
4 proposals in the --

5 TREASURER MINOR: That's not the topic  
6 for discussion, Mr. Wright.

7 MR. WRIGHT: Yes. I don't think it's  
8 wise to have a statement as part of our policy  
9 decisions today on the budget, to, in advance, say that  
10 we will run deficits. It's a dangerous precedent  
11 because it leaves the door open to a level of potential  
12 unaccountability and a lack of discipline in the  
13 process.

14 So I would ask that Mr. Wardle reword  
15 that and just say that -- and, as I understand it, I  
16 wasn't at the retreat, but as I understand it, there  
17 was discussion about the fact that the initiatives  
18 could be easily accommodated within the contingency, so  
19 it should be limited to the contingency fund unless  
20 it's brought back as part of the 2017 budget process.  
21 Thanks.

22 TREASURER MINOR: Mr. Wardle.

23 MR. WARDLE: I don't have any comment on  
24 Mr. Wright's comments, thank you.

25 TREASURER MINOR: Mr. Bredt.

1                   MR. BREDT: Lacking the good common  
2 sense that my co-chair has, I thought I would just put  
3 in my two cents worth.

4                   MR. SCHABAS: Are you sure you want to,  
5 Chris --

6                   MR. BREDT: -- is to say that the way  
7 things are done at Convocation is that if initiatives  
8 are approved by committee and brought here and approved  
9 at Convocation and expenditures are approved, then they  
10 go forward. And how that works out depends upon where  
11 we're at in the budget at the particular time.

12                   Budgets are obviously estimates. I  
13 think many of these initiatives may be able to be  
14 accommodated within existing spending windows which  
15 have been budgeted and maybe are not being used because  
16 what we estimated turned out not to be the case.

17                   Many of these initiatives can be  
18 accommodated within the contingency fund. The reason  
19 you have a contingency fund is you don't know what's  
20 going to happen, so you put some money aside so that  
21 when unexpected things come forward, they can be  
22 funded. And if all the contingency fund has been used  
23 and there's an initiative that Convocation feels is  
24 important and has to go ahead, then we go ahead and do  
25 it and we run a deficit and we dip into reserves.

1                   But it's always done by bringing  
2 initiatives here that have been properly worked out by  
3 committee, having a proper debate here, including the  
4 financial implications, and if Convocation decides  
5 something goes forward, it goes forward. Thank you.

6                   TREASURER MINOR: Mr. Galati.

7                   MR. GALATI: Thank you, Treasurer. No,  
8 I have no comment. I think Mr. Bredt articulated it.

9                   TREASURER MINOR: Okay, Mr. Goldblatt?

10                  MR. GOLDBLATT: No, thank you.

11                  TREASURER MINOR: Any comments or  
12 questions on the phone? Any comments or questions on  
13 the phone on this statement? Mr. Gottlieb. This is  
14 your second time.

15                  MR. GOTTLIEB: We just didn't hear  
16 before what was stated.

17                  Mr. Wardle, could you clarify this for  
18 us, please? Is my understanding correct that if an  
19 initiative is going to go forward that has not yet been  
20 costed and it's going to go forward this year, is my  
21 understanding correct that if it's going to cause us to  
22 have a deficit, we will be -- the issue will be brought  
23 back to Convocation so that the deficit will not  
24 automatically go into place before Convocation has an  
25 opportunity to further reconsider what this initiative

1 is?

2 MR. WARDLE: Thank you, Mr. Gottlieb.

3 The answer to that question, as Mr. Bredt indicated,  
4 that any new initiative, when it comes forward to  
5 Convocation, all the financial implications of the  
6 initiative will be on the table and so then Convocation  
7 makes the decision as to whether to approve or turn  
8 down an initiative, it will know at that time whether,  
9 based on best information, it will cause the Law  
10 Society to go into a deficit for 2016.

11 TREASURER MINOR: Thank you.

12 MR. WARDLE: Sorry, Madam Treasurer, I  
13 just wanted to indicate that Mr. Sharda had a question  
14 which I have answered for him and I wanted to put it on  
15 the record.

16 Mr. Sharda asked about, in the projected  
17 budget, the increase in the number of lawyers is shown  
18 as 1400 for 2016, 700 for 2017 and 700 for 2018. He  
19 wondered why the distinction.

20 I believe the answer is that the finance  
21 staff have some confidence with respect to the estimate  
22 for next year, we have a pretty good idea it's going  
23 to be 1400, but for the next two years we have less  
24 confidence, so the estimate is a more conservative  
25 estimate on the revenue side. Thank you very much.

1                   TREASURER MINOR: Thank you. That was  
2 on the original budget motion.

3                   MR. WARDLE: Correct.

4                   TREASURER MINOR: And we need to go back  
5 to that now.

6                   MR. WARDLE: I had assumed we would be  
7 getting back to that.

8                   TREASURER MINOR: Mr. Sharda, I did have  
9 you down, so I'll withdraw your name from the list.

10                  MR. SHARDA: Yes, that's fine.

11                  TREASURER MINOR: Just let me confirm  
12 that. So we also had Mr. Evans.

13                  MR. EVANS: Thanks, Treasurer. I, too,  
14 add my appreciation to Messieurs Wardle and Bredt, the  
15 committee and the staff for this fine work.

16                  I'm not opposed to the motion at all,  
17 but I am concerned with our library finances. The  
18 small increases that are being granted for major work  
19 that they do and major expenses that they incur and I  
20 remain concerned that many lawyers in our province do  
21 not pay their full share of library expenses because  
22 they do not belong to County or District Law  
23 Associations.

24                  I would guesstimate hundreds, perhaps  
25 thousands of lawyers do not belong and thereby the

1 local libraries miss out \$50 per member for all those  
2 members. I think we should, as a regulator, have some  
3 way of equalizing what the lawyers are paying and I'm  
4 going to suggest -- first of all, I would like this to  
5 be discussed by Audit and Finance and Professional  
6 Regulation in the future and I would suggest to staff  
7 that we add a question to the member's annual return,  
8 "Do you belong to a local law association in the county  
9 or district in which you reside".

10 That way we could start off without any  
11 financial commitment, but we could get the ball rolling  
12 so that everyone is equally supporting our libraries.  
13 I think that's very important.

14 TREASURER MINOR: Mr. Evans, as you will  
15 recall, the LibraryCo board has been charged with  
16 developing a transition plan for the use of libraries  
17 in Ontario, and that -- the funding of that and the  
18 need for funding will certainly be part of what they're  
19 looking at in the transition plan.

20 If you're content, I would propose to  
21 refer your comments to LibraryCo for consideration as  
22 they develop the plan. It's up to you.

23 MR. EVANS: I'm content with that, but I  
24 do feel it's a strong and important principle that we  
25 should all pay our fair share and not have two

1 categories of lawyers supporting libraries.

2 TREASURER MINOR: All right. Well, we  
3 have Mr. Earnshaw here today -- is Ms. Horvat here too?  
4 They're both members of LibraryCo, and Mr. Millar,  
5 former Treasurer, is the person leading that transition  
6 plan and I'm sure that will be taken back to LibraryCo  
7 for discussion.

8 MR. EVANS: I'll send it on to them, but  
9 I appreciate that, Treasurer.

10 TREASURER MINOR: Thank you. I also had  
11 on the list from the room Ms. Ross. Do you still wish  
12 to speak to the budget?

13 MS. ROSS: Yes, if I may. One question.

14 TREASURER MINOR: Could you perhaps  
15 go --

16 MS. ROSS: I'm sorry. Just given the  
17 statement and the questions around that, I don't wish  
18 to set the cat among the pigeons, but on whatever page  
19 I'm on on BoardBooks, line 55, the heading is 2017,  
20 2018 Budget Projection Assumptions.

21 The third bullet from the bottom  
22 projects that the contingency is going to be reduced in  
23 2018 to \$250,000, which, based on this year's  
24 reduction, almost a million, and on the average of a  
25 million where it's been maintained at is a drop of

1       \$750,000. I'm just wondering what the thinking was  
2       around that.

3                   MR. WARDLE: I think that I can answer  
4       that question. I think that is what would be required  
5       to get us to a balanced position over those three  
6       years. So what it effectively shows is that to keep  
7       the fee stable we would have to drop the contingency.  
8       It doesn't mean that we're actually going to do it.  
9       Remember I said at the beginning, we're only approving  
10      the budget for 2016. The long range budget is really  
11      just another forecasting tool to help us think forward.

12                   But, effectively, assuming there are no  
13      other -- if everything remains the way it is, we would  
14      have to drop the contingency to keep the fee stable.

15                   Now, we might decide not to do that. We  
16      might well decide that a one million dollar contingency  
17      is what we need every year and then logically the fee  
18      would have to go up.

19                   MS. ROSS: Thank you.

20                   TREASURER MINOR: Thank you, Ms. Ross.  
21      Ms. Pawlitza.

22                   MS. PAWLITZA: I just have a quick  
23      question for Mr. Wardle. Being mindful of the fact  
24      that there's a Federation report later today, perhaps  
25      Mr. Wardle could assist us with the reasons for the

1 reduction in the funding for the Federation. It would  
2 probably be helpful.

3 MR. WARDLE: So I just should indicate  
4 to my friend, and I'm not -- I don't have the details  
5 of the reduction at my fingertips, although it's in the  
6 detailed budget document, but I can indicate this, and  
7 maybe Mr. Lapper wants to speak to this as well, that  
8 there have been ongoing discussions between the Law  
9 Society and the Federation about the budget.

10 In past years the Law Society was not  
11 completely satisfied with the adequacy of the  
12 information it received about the Federation's budget.  
13 For this current period, and if I recall correctly, our  
14 budget cycle and the Federation's do not actually match  
15 exactly.

16 We have received some additional  
17 financial information. We weren't completely satisfied  
18 with the information we received. We have earmarked a  
19 certain distribution to the Federation in our 2016  
20 budget, but discussions between the Law Society and the  
21 Federation on this subject are ongoing and have not yet  
22 concluded. Is that fair, Mr. Lapper?

23 MR. LAPPER: Yes, that's quite fair. We  
24 have not received all of the information from the  
25 Federation that we have asked for in order to

1 analyze -- and they have not made a formal budget  
2 request. Normally by now they would have and we would  
3 have had that discussion.

4 The purpose of showing a reduction was  
5 to suggest to the Federation that we're not completely  
6 happy with all of the ways they spend money and that we  
7 need to have some further discussions. Frankly, it  
8 would not impact the Federation until July of next year  
9 anyway because of the off-cycle between their budget  
10 and ours.

11 TREASURER MINOR: Okay. Any other  
12 questions or comments from the room on the budget? Any  
13 comments or questions on the phone on the budget  
14 motion?

15 MR. LERNER: It's open.

16 TREASURER MINOR: It's open. I hear  
17 nothing. So I assume there are no questions or  
18 comments from the phone.

19 In that case we'll call the motion, and  
20 there's two of them. First one is on the LibraryCo  
21 budget. All in favour? Thank you. Any against? Any  
22 against on the phone? Passed.

23 And then the second motion which is on  
24 the 2016 Law Society budget. All in favour in the  
25 room? Any opposed? Okay. Any opposed on the phone?

1 In that case, carried. Thank you very much, Mr.  
2 Wardle. And we'll now have our morning break.

3 --- Recess taken at 11:22 a.m.

4 --- On resuming at 11:42 a.m.

5 TREASURER MINOR: Okay. Next item on  
6 the agenda, Ms. McGrath.

7 SECRETARY'S REPORT:

8 MS. McGRATH: Thank you, Treasurer. The  
9 motion is at tab 3.1, page 228 of BoardBooks.

10 This is a motion to require paralegal  
11 shareholders in professional corporations to be insured  
12 through LawPro. Last year we actually had an amendment  
13 to the by-law that required paralegal partners in firms  
14 to be insured through LawPro, and this is really a  
15 housekeeping matter. It sort of slipped through the  
16 cracks on us, I suppose.

17 It's really designed to ensure that we  
18 don't have duplication of claims, overlapping claims,  
19 stacking policy limits and also the possibility of gaps  
20 in coverage, and I believe there was a paralegal last  
21 year sometime who actually ran into that problem of a  
22 gap in coverage where he wasn't covered under his  
23 paralegal insurance, but he also wasn't covered under  
24 the law firm's insurance. So this is just to make sure  
25 there is appropriate coverage in place for paralegal

1 partners or shareholders, the same as we have for the  
2 paralegal partners.

3 So I'm making this motion and  
4 Mr. Troister is seconding it.

5 TREASURER MINOR: Thank you. Any  
6 questions or comments of Ms. McGrath in the room? Any  
7 questions or comments on the phone? Okay. We'll call  
8 the vote. All in favour? Any opposed? Any opposed on  
9 the phone? Motion carried.

10 MS. McGRATH: Thank you, Treasurer.

11 TREASURER MINOR: Next is the equity  
12 motion that we removed from the consent agenda just so  
13 that we would have a bit of background it. Mr.  
14 Falconer.

15 EQUITY AND ABORIGINAL ISSUES COMMITTEE

16 REPORT:

17 MR. FALCONER: Thank you, Treasurer.

18 I'm speaking to a matter that's at tab 1.4, page 28 of  
19 BoardBooks. It was, as you pointed out, Treasurer, on  
20 the consent agenda and by virtue of the importance of  
21 informing Convocation and the broader membership about  
22 this, we're making some comments about it and  
23 introducing the issue.

24 As I said, it's at page 28 of  
25 BoardBooks, which is the motion. And, in essence, the

1 motion is primarily a housekeeping one, and that is to  
2 change certain aspects of the guidelines for lawyers  
3 acting in Aboriginal residential school cases to change  
4 those guidelines to conform to the Federation model  
5 code.

6 Now, the actual tracked changes version  
7 of the guideline is found at page 32, tab 1.4.1 of  
8 BoardBooks, but, frankly, because of the housekeeping  
9 nature of the changes you can probably follow it even  
10 easier at page 36, tab 1.4.1.2, simply to follow the  
11 guidelines.

12 I want to, if I may, make some  
13 introductory comments, Treasurer, about these  
14 guidelines and what prompted them.

15 As is often the case when we are talking  
16 about the Indian residential schools agreement, as is  
17 often the case when we are talking about the tragedies  
18 surrounding residential schools that existed in this  
19 country for over a century between the 1890s and the  
20 1990s, these are very difficult, raw topics, and the  
21 legal profession is no exception.

22 In and around the late 90s, former  
23 National Chief Phil Fontaine, the National Chief of the  
24 Assembly of First Nations, wrote the Law Society  
25 raising concerns about the alleged exploitation of

1 residential school survivors by lawyers in Canada.

2 In this time period a number of lawsuits  
3 had started to emanate surrounding the issue of  
4 residential schools. A further report in March of 2000  
5 called "Restoring Dignity: Responding to child abuse in  
6 Canadian Institutions" was issued by the Law Commission  
7 of Canada making recommendations specific to law  
8 societies regarding training for lawyers.

9 In August 2000, the same year, at the  
10 annual general meeting of the Canadian Bar Association,  
11 the CBA called on all law societies in Canada to adopt  
12 guidelines as recommended regarding the conduct of  
13 lawyers acting or seeking to act for survivors in the  
14 residential school context.

15 The common theme that ran throughout  
16 many of the concerns expressed was the lack of cultural  
17 competence of the lawyers in dealing with clients, the  
18 lack of understanding and the lack of sensitivity to  
19 the very vulnerable at risk group that are the client  
20 base, and the need to ensure that one's competence in  
21 accepting these clients was where it needed to be to  
22 ensure things such as good communications,  
23 accessibility to clients and essentially maintaining  
24 sensitivity to the emotional, spiritual and  
25 intellectual needs of survivors.

1                   That dates back to 2000. Fifteen years  
2 forward we, of course, have the benefit of the report,  
3 the summary report of the Truth and Reconciliation  
4 Commission from some three months ago or four months  
5 ago now, June, and there is a clear and ongoing  
6 recognition that we in the legal system have  
7 obligations as players in the justice system that have  
8 to take some responsibility for the tragedies that  
9 happened that our Chief Justice of Canada described as  
10 a cultural genocide.

11                   Now, the guidelines are now what I would  
12 call long in the tooth and there is no suggestion in  
13 this -- in these remarks that these guidelines are  
14 carved in concrete. In fact, it's the opposite. This  
15 is an evolving process. We are right now creating  
16 something and ensuring we're creating something that's  
17 Federation wide that crosses the country, but at the  
18 Law Society of Upper Canada we are developing capacity  
19 by getting a true Aboriginal advisory group together.

20                   We are well beyond the inception stage.  
21 We are around the corner, thanks to the good works of  
22 Grant Wedge and Josée Bouchard and others and Marisha  
23 Roman, we are around the corner on the issue of having  
24 a real, robust advisory group that, properly resourced,  
25 will help us with these guidelines.

1                   Now, just to draw your attention to a  
2     few of the -- the essence of what is being told to  
3     lawyers. If you have regard to paragraph 7 at page 34  
4     of BoardBooks. "Lawyers should appreciate the need for  
5     the utmost sensitivity in dealings with claimants.  
6     Lawyers should ensure that the methods they employ in  
7     making legal services available to claimants are  
8     culturally applicable and comply with now rule 4.1  
9     which prohibits unconscionable or exploitive means in  
10    offering legal services to vulnerable persons or  
11    persons who have suffered a traumatic experience and  
12    have not had a chance to recover. Lawyers should make  
13    reasonable efforts to ensure that initial  
14    communications offering legal services to claimants are  
15    welcome and respectful. Care should be taken to ensure  
16    that these communications will not result in further  
17    trauma to the claimant."

18                   And what you're seeing, and it's  
19    throughout these guidelines, is a recognition that we  
20    can do better. So I ask Convocation to pass the  
21    housekeeping changes that we're proposing to ensure  
22    basically conformity to the federal -- Federation Model  
23    Code, but at the same time, I think a certain  
24    consciousness about these guidelines is what's behind  
25    the Treasurer's decision to remove this from the

1 consent agenda and ensure that we, as Convocation, stay  
2 alive to the issues that we are charged with. Thank  
3 you, Treasurer.

4 TREASURER MINOR: Thank you. Any  
5 questions or comment on the amendments? Okay. Any  
6 questions or comments on the phone?

7 Okay, thank you. And, Mr. Falconer,  
8 it's your motion. Can we have a seconder?  
9 Mr. Schabas. All right, all in favour? Any opposed?  
10 Any opposed on the phone? Thank you very much.

11 MR. FALCONER: Thank you, Treasurer.

12 TREASURER MINOR: Next for the agenda,  
13 could we have the Mental Health Strategy Report, Mr.  
14 McDowell, please.

15 CHAIR'S UPDATE ON TASK FORCE TO CREATE A  
16 STRATEGY TO PROMOTE WELLNESS AND ADDRESS  
17 MENTAL HEALTH AND ADDICTIONS ISSUES:

18 MR. McDOWELL: Let me run through this  
19 quickly. So, colleagues, you'll know that we have a  
20 set of terms of reference for our task force, and  
21 without going into it in any detail, it sought to  
22 ensure that we have inventory of the Law Society's  
23 processes, procedures and initiatives relating to  
24 mental health, because there's a lot that is already  
25 going on.

1                   Secondly, we want to identify gaps to be  
2                   addressed and how we can do things better that we're  
3                   maybe doing at a very low ebb or we're not doing at  
4                   all, and lastly, to propose a draft strategy document  
5                   for consideration by Convocation.

6                   The inventory, I think we can say, is  
7                   done and we are moving along the way ,meeting with  
8                   experts, meeting with survivors -- representative  
9                   survivor communities respecting the issues that are  
10                  within our mandate.

11                  We have expert psychologists,  
12                  psychiatrists coming in, regulators from other  
13                  professions who are of great importance in our work.  
14                  Representatives from Homewood involved with the Member  
15                  Assistance Program and so on.

16                  Now, it's very early, but what I can  
17                  tell you is that we are seeing some themes emerge. One  
18                  is that we've heard repeatedly that stigma is probably  
19                  the most important thing that we have to contend with  
20                  as a regulator.

21                  Secondly, if we're going to deal with  
22                  the question of stigma, we're going to have to do it by  
23                  causing a cultural shift, by messaging, by education,  
24                  perhaps by education in the law schools.

25                  Thirdly, it becomes clear that there is

1 a divergence in whatever strategy we adopt between  
2 mental health strategies per se and addictions issues.  
3 And, lastly, and this is one that we will come back to  
4 you on, that we have to find the balance between  
5 assistance and supporting our licensees who are  
6 suffering from mental health problems with our  
7 responsibility as a regulator to protect the public  
8 interest.

9           So, for example, the whole question of  
10 confidentiality, different programs we may adopt if we  
11 end up in an alternate stream of discipline, for  
12 example, the whole question of confidentiality will be  
13 a difficult one and we're just beginning to grapple  
14 with that now.

15           So these are some preliminary  
16 impressions. We are going to continue to conduct our  
17 research with stakeholders, but we thought it was  
18 important, Treasurer, to give some indication of what  
19 we're doing along the way.

20           TREASURER MINOR: Thank you very much.  
21 Okay, next, update on the Federation issues. Ms.  
22 Pawlitzka, from the most recent council meeting.

23           FEDERATION OF LAW SOCIETIES OF CANADA

24           UPDATE:

25           MS. PAWLITZA: Thank you, Treasurer.

1 The report with respect to the Federation of Law  
2 Societies of Canada Council and Conference is at tab 4  
3 on BoardBooks and the Treasurer has asked me, because  
4 we have a relatively new bench, to spend just a wee bit  
5 of time on the Federation today.

6 So just to put everything in  
7 perspective, about forty percent of the Federation of  
8 Law Societies' budget comes from the Law Society of  
9 Upper Canada. It's, in essence, based on a full-time  
10 equivalent lawyer and we happen to have the most number  
11 of FTEs in Canada.

12 Each Law Society in Canada, of which  
13 there are 14, ten provinces, three territories and two  
14 in Québec, for anybody who is wondering, has a  
15 representative on the Federation's council, and I  
16 happen to be the Ontario representative.

17 The representatives -- the council  
18 members I think overall tend to be former presidents of  
19 their societies, so they have kicked around their  
20 societies for a long time and that's the experience  
21 that they bring to bear.

22 The council meetings are generally  
23 quarterly, not always in person, and then attached  
24 twice a year to the council meetings are conferences on  
25 various issues of common interest; discipline

1 standards, CPD, and the most recent one on -- related  
2 to the Truth and Reconciliation Commission and  
3 regulations.

4           The current executive is always  
5 comprised of people from across the country, council  
6 members who have moved up to the executive level.  
7 Currently, but only fleetingly yet, is the president  
8 still Tom Conway, as of November 15th to be replaced by  
9 Jeff Hirsch, former president of the Law Society of  
10 Manitoba, the vice-president, Maurice Piette, from the  
11 Chambre in Québec, and the second vice-president coming  
12 for the first time in a long time from one of the  
13 territories, Sheila McPherson, from the Northwest  
14 Territories. So we have got a broad spread of people  
15 on the executive.

16           One of the first things I'd like to talk  
17 about is where the Federation is at the moment. And I  
18 think it's fair to say that the Federation is in a time  
19 of marked change.

20           You'll see from the report at tab 4 the  
21 things that the Federation has been involved with for a  
22 fairly lengthy period of time. That includes, of  
23 course, the National Committee on Accreditation, which  
24 determines the -- the educational background of people  
25 who have law degrees from elsewhere and also issues

1 still certificates of qualification from Québec.

2           It has a long-standing group that has  
3 been working on and continues to work on the model code  
4 of professional conduct. It has been working, I think  
5 quite successfully, on national discipline standards,  
6 trying to harmonize or regularize certain standards for  
7 all the law societies to meet, and we are on a project,  
8 and have been for a number of years as you probably  
9 know, about national admission standards.

10           These are all things that are clearly  
11 common to most, but not all, of the jurisdictions in  
12 Canada.

13           And in addition to these projects,  
14 starting in 2008 when Lakehead actually made its  
15 application for a law school to the Law Society of  
16 Upper Canada, because no one knew where the application  
17 for a new law school in Canada ought to go, there was a  
18 series of task forces that were formed that resulted in  
19 ultimately the national requirement.

20           So if you were to at this moment in time  
21 go on to the Federation website on the front page, you  
22 would be able to link to what actually is the National  
23 Requirement. And the National Requirement is a set of  
24 learning resources and competencies that all law  
25 programs in Canada must meet in order to be an approved

1 law school, which means that if you come from an  
2 approved law program you can go directly into any  
3 province or territory's bar admission program. So an  
4 effort made to standardize that.

5 So starting in mid to late 2012, though,  
6 the Trinity Western University made an application to  
7 the approval committee, and it was in dealing with that  
8 application that it seems to me, at least, that it  
9 became clear that there were some gaps in what the  
10 Federation was able to deal with.

11 I actually have to admit that I've  
12 chaired the Approval Committee since it started in  
13 2012, and the very first law school law program  
14 application that came to the Approval Committee for a  
15 new law program was Trinity Western, and we were ill  
16 equipped to deal with that application for all the  
17 reasons that we all now know.

18 I would say, speaking personally, that  
19 the fallout has had significant reverberations in the  
20 Federation and it probably brought to the fore a lot of  
21 the issues that were perhaps under the surface at the  
22 Federation and now appear to be a bit more clear.

23 The more positive aspect of all of this  
24 is that through the fourteen Law Societies that  
25 participate in the Federation, there has been a good

1 deal of self reflection over the last year or so, and  
2 that includes a lot of work on governance reform, which  
3 I hope is going to result in more transparency and  
4 openness, and you heard a little bit of that concern  
5 expressed by Mr. Wardle this morning with respect to  
6 the budget.

7           There has also been a salutary effect, I  
8 would say, of engaging all of the council members in a  
9 way that perhaps wasn't the case before. So we are, I  
10 think, at the Federation, if I have a Federation hat  
11 on, in a time of change, we're a work in progress and  
12 we're going to be a work in progress for some time.

13           So I thought what I would do is expand  
14 on the various things that are in the report quickly  
15 because some things aren't all found in the report.

16           Both the Treasurer and the Priority  
17 Planning Committee has been very involved in giving  
18 feedback to the Federation's governance review process  
19 and the current types of issues that are being  
20 discussed and are probably going to be dealt with for a  
21 final time at the council meeting in March are things  
22 like what would seem perhaps a bit basic to us, but the  
23 creation of an Audit and Finance Committee, clarity  
24 about when a council member has a fiduciary obligation  
25 to the Federation and when it represents the Law

1 Society, that's still something that we're searching  
2 for, what votes at the Federation by a council member  
3 actually mean. Do you bind your society or not? How  
4 do we structure a system where the law societies  
5 actually can discuss the matters that need to be dealt  
6 with at Federation council and give instructions to  
7 their council member.

8           It's a large group with fourteen  
9 different Law Societies and they have a lot of  
10 different competing needs and issues.

11           So those are some of the things that are  
12 in the hopper of governance review and it also includes  
13 things like who sits on committees, because the bulk of  
14 the work is done at committees. So do we need regional  
15 representation, should it be skills-based? All of  
16 those questions are currently ones that are being dealt  
17 with in governance reform.

18           A very significant issue that I think is  
19 important for people to know about is the issue of  
20 asymmetry, as we are now calling it, which is, in  
21 essence, we are all to contribute the same amount by  
22 full-time equivalent lawyer. But if that's the case,  
23 how do we address what is a national issue, a project  
24 that's not relevant in a particular jurisdiction or  
25 that is just less relevant or that that jurisdiction

1       isn't ready to take on.

2                       You know, the Federation is a microcosm  
3       of Canada. To give you an example, TWU entirely  
4       preoccupied the Federation for a significant period of  
5       time. It is of absolutely no moment to the Province of  
6       Québec. No TWU graduate is likely to ever practice in  
7       Québec, and yet we have expended at the Federation a  
8       good -- a great deal of time and energy on that issue.

9                       Similarly, we deal with all manner of  
10      national standards and so on, but in Québec the Office  
11      des Professions is the organization that oversees all  
12      regulated professions, so that the regulated  
13      professions in Québec don't have the same ability to  
14      make decisions as we do here in Ontario. So there is a  
15      different framework in Québec.

16                      Of course, it's not just about  
17      differences with Québec. PEI has 250 lawyers.  
18      Newfoundland has never had an insurance fraud -- or a  
19      fraud with one of its members for more than \$15,000.

20                      MR. PORTER: That can't be so.

21                      MS. PAWLITZA: Well, that's what they  
22      told me. So there is such a difference across the  
23      country, even though we're working on the same issues.  
24      I think it is sort of helpful to appreciate that there  
25      has to be a conversation about asymmetry, whatever that

1     may mean, and we're beginning to have that conversation  
2     and it's probably long overdue.

3                 There's no question, though, that we are  
4     all trying to do the same thing, which is regulate in  
5     the public interest, so there is clearly a need to  
6     collaborate, exchange information and address issues  
7     that are common to everybody.

8                 So what I wanted to specifically talk  
9     about is just a couple of updates for the things that  
10    are in the materials and I'd like to just first mention  
11    something about the Canadian common-law approval  
12    committee, which I chair, and the approval committee,  
13    of course, applies the National Requirement. And at  
14    the current moment we have twenty law schools who  
15    submit reports to us and we review on an annual basis  
16    their learning resources, they provide to us, as well  
17    as we try to ascertain whether or not the reports  
18    indicate that they are meeting the competencies  
19    required for entering into the bar admission programs.

20                Now, of course, twenty programs is going  
21    to sound like a lot, but there are actually 65 law  
22    programs in Canada if you look at all the dual programs  
23    and joint programs. So it is actually a very onerous  
24    job. We sit with three deans and four Federation  
25    members and I will say I am of the view, as the chair

1 of the Approvals Committee, that the National  
2 Requirement too is a work in progress. But I will say  
3 that even though we've only had this Approval Committee  
4 for three years, we are seeing some very interesting  
5 trends and I think that, if for no other reason, is one  
6 of the reasons that the Approval Committee is actually  
7 an interesting thing to watch.

8           So just to put things in perspective for  
9 you, what we are seeing in law schools across the  
10 country are significant budget cuts. So keeping in  
11 mind that probably about 80 percent of a law school's  
12 budget is administration, a budget cut goes directly to  
13 everything other than the cost of administration of the  
14 program. So when we as law societies are looking for  
15 more hands-on, experienced skills-based training, which  
16 means smaller numbers and more expensive, there is a  
17 real issue with the schools being able to provide that.

18           So the question is what do they do. So  
19 as you might imagine, whether or not schools are  
20 announcing it, we are seeing increasing enrollment.  
21 There are no announcements being made, but we are  
22 seeing increased enrollment for the very reason, of  
23 course, that somehow those budget deficits and those  
24 budget needs have to be met. And that's not  
25 surprising.

1                   The other problem that we're seeing,  
2           which is actually common with the law societies and  
3           courthouse library issues, is no one knows what to do  
4           with their library, right? And yet the resourcing a  
5           library in this time of technological change is very  
6           challenging. So we have a commonality of issues, we've  
7           got the law societies and the law schools and the  
8           provinces dealing with those very same issues, and we  
9           have CanLII that we hope can help be a solution, but  
10          those things are the reason, I think, why the  
11          Federation and the Approval Committee exists.

12                   The one thing I would like to add,  
13          although it didn't come through work on the Approval  
14          Committee, is that there has been work done for about  
15          thirty years looking at the diversity of people who are  
16          entering law school, and I gather from the person who  
17          has done the study that the deans are seeing a  
18          decreasing diversity coming through the special  
19          admissions categories at the various schools. The  
20          assumption or suggestion is that it probably relates to  
21          tuition. So that is something, another issue that I  
22          think is going to be relevant for us to follow.

23                   So those are trends that I think are  
24          ones that we have gleaned through our work at the  
25          Federation and are probably helpful.

1                   The other things I would like to touch  
2 base on just briefly are the National Admission  
3 Standards Project. So we're now at a stage where all  
4 of the law societies are going to begin, we hope, to  
5 have preliminary discussions about how or whether some  
6 of the work done for the National Admission Standards  
7 are actually going to be integrated or implemented into  
8 each home jurisdiction. So that is obviously something  
9 that is on the radar screen.

10                   With respect to the Model Code  
11 Committee, it probably would be helpful for people to  
12 know that there is a project underway to compare the  
13 model code with each province's and territory's code so  
14 that you could ultimately -- it is in process, but the  
15 aim is if you want to see what the model code is and  
16 how it compares if you're off to do something in  
17 Alberta, you can look at that, and that clearly is a  
18 service and something that would certainly be valuable  
19 for the Professional Reg people.

20                   Finally, I just wanted to touch on the  
21 National Requirement Review Committee chaired by Tom  
22 Conway. I am a member of the National Requirement  
23 Review Committee by virtue of being a chair of the  
24 Approval Committee and the chair of the NCA is also on  
25 the National Requirement Review Committee. Peter

1 Wardle, because he doesn't have nearly enough to do, is  
2 also on the National Requirement Review Committee.

3           The National Requirement Review  
4 Committee is tasked with two things; one is looking at  
5 the national requirement as it currently is comprised,  
6 which, as I mentioned before, I think is a work in  
7 progress, and trying to decide what changes, if any,  
8 the Approval Committee is able to make itself, what  
9 changes have to be approved elsewhere and what changes  
10 perhaps ought to be made, given what we now know from  
11 three years work on the committee.

12           And the second major part of the mandate  
13 of the National Requirement Review Committee, of  
14 course, is the review of whether we should include in  
15 the National Requirement a non-discrimination  
16 provision.

17           Now, many of you may have asked the  
18 question that Ontario asked again at council and was  
19 raised at council, and that is, well, we're in  
20 litigation in three provinces, so why is the Federation  
21 looking at this, which I think is a very fair question.  
22 And it was clear from the members of council,  
23 particularly in jurisdictions where they weren't in  
24 litigation, that they wanted the Federation to be  
25 proactive on this issue and, you know, the chips will

1 fall where they may as it wends its way to the Supreme  
2 Court, but it is something that the Federation wants to  
3 deal with, and that was a very clear message from  
4 council. So that is something that a decision was made  
5 at council a number of -- in 2014. Re-canvassed twice  
6 now at council, and council is clear that it wants us  
7 to have a look at it, so that is going to be on the  
8 agenda.

9                   Just to give you some sense of other  
10 intersections, I'm just going to talk about one other  
11 thing that we will be dealing with at the National  
12 Requirement Review Committee, and that is there is, of  
13 course, an intersection of approval and accreditation  
14 that is going to be between the Law Society of Upper  
15 Canada and the Approval Committee. Because, of course,  
16 we have Lakehead.

17                   Lakehead's graduates are the first  
18 graduating class in 2016, and with respect to the  
19 Integrated Practice Program, that falls within our Law  
20 Society to assess and ensure that the requirements were  
21 met. But the Approval Committee looks at the very same  
22 programs in the National Requirement from a different  
23 lens. And we have yet to begin discussions about how  
24 we might move forward to do that, but that's one of the  
25 things that we'll have to deal with at the Review

1 Committee. So as you can see, we are certainly a work  
2 in progress.

3                   With respect to the conference that  
4 was -- that occurred in Winnipeg, the conference was an  
5 opportunity for the law societies to come together to  
6 discuss the Truth and Reconciliation Commission  
7 recommendations and how the law societies would  
8 respond. So it was the first national opportunity that  
9 law societies have had to get together on that.

10                   It was clear from the Federation's  
11 perspective that both the Approval Committee and the  
12 National Admissions Standard are going to have to be  
13 looked at again with the Truth and Reconciliation  
14 recommendations in mind, but, more importantly, it was  
15 an opportunity for the law societies to figure out  
16 where each other was on this issue and to talk about  
17 sharing of resources or perhaps educational models as  
18 to how the law societies might deal with this going  
19 forward.

20                   I will say, I'm very pleased to say,  
21 that the Law Society was well represented by two of our  
22 Benchers at the conference on the Truth and  
23 Reconciliation Commission recommendations, Dianne  
24 Corbiere and Julian Falconer, and I also want to extend  
25 my thanks to both Will McDowell and to Chris Bredt who

1 sat with me at council table and expressed some of the  
2 broader views that the Priority and Planning Committee  
3 and others have expressed and were helpful in making  
4 sure that Ontario's voice was heard.

5 I think you can probably tell from what  
6 I've had to say that there are some significant issues  
7 that the Federation is struggling with at the moment.  
8 There are a lot of differences, but if you actually  
9 look at what fourteen regulators do across Canada, we  
10 also have a great deal in common.

11 So, Treasurer, that is my report,  
12 subject to any questions. Of course, there were a  
13 number of people here or in Winnipeg in addition to the  
14 ones that I've mentioned who are in the room. So I  
15 would encourage Benchers who might want to know more to  
16 speak to some of the people who were at the Federation  
17 council meeting and at the conference. Thank you.

18 TREASURER MINOR: Thank you, Ms.  
19 Pawlitza. I'd also like to thank Grant Wedge from our  
20 staff who made a very significant contribution to the  
21 organization of the conference.

22 Any questions or comments for Ms.  
23 Pawlitza?

24 MR. BICKFORD: One quick question.  
25 There were fourteen jurisdictions. I'm interested in

1 over and above the ten provinces what the other four  
2 jurisdictions are.

3 MS. PAWLITZA: Yes, there are ten  
4 provinces, three territories, Nunavut, Yukon and  
5 Northwest Territories, and then there are actually two  
6 law societies in Québec. Québec is one jurisdiction,  
7 but has a barreau and a chambre, the solicitors and the  
8 advocates.

9 MR. BICKFORD: Thank you.

10 TREASURER MINOR: Any other questions or  
11 comments? Questions or comments on the phone? Any  
12 questions or comments for Ms. Pawlitzka on the phone?

13 If not, Mr. Earnshaw, just reporting on  
14 the compliance and entity-based...

15 COMPLIANCE-BASED ENTITY REGULATION TASK

16 FORCE REPORT:

17 MR. EARNSHAW: Thank you, Treasurer.

18 There is a brief report from the Compliance-Based  
19 Entity Regulation Task Force at tab 5.1 on BoardBooks.

20 Entity regulation refers to the  
21 regulation of entities that provide legal services,  
22 usually firms, in addition to individual licensees.

23 Compliance-based regulation shifts  
24 regulatory emphasis from responding to complaints and  
25 enforcement through discipline to a proactive approach

1 in which goals, expectations and tools for licensees  
2 are established. It assumes that there are many ways  
3 in which the regulatory goals can be achieved and  
4 allows firms flexibility and autonomy in building  
5 systems tailored to their needs and practice area,  
6 something that in literature has come to be known as an  
7 ethical infrastructure.

8           The task force, as Benchers will recall,  
9 was established by Convocation on June 25th and  
10 pursuant to terms of reference which were then approved  
11 by Convocation.

12           The first element of those terms of  
13 reference were to review current research and  
14 information and undertake further information gathering  
15 as appropriate to inform itself on developments in  
16 Canada and abroad on compliance-based entity  
17 regulation.

18           We didn't start from a standstill,  
19 because there had been a fair bit of work done already  
20 under the auspices of the Professional Regulation  
21 Committee. So by the time of our first meeting, which  
22 occurred on August 12th, we already had an extensive  
23 reading list and the members of the task force had been  
24 able to inform themselves of the status of similar  
25 studies in Canada and abroad.

1                   At the August 12th meeting the task  
2 force reviewed an overview of research and analysis on  
3 compliance-oriented entity regulation. We discussed a  
4 schedule for future meetings, laid out a tentative work  
5 plan and began to consider how the consultation phase  
6 should be framed. That is because element D of the  
7 mandate requires that we consult on a proposal with  
8 lawyers and paralegals and other interested  
9 stakeholders, as the case may be, in an appropriate  
10 manner as we may determine in order to obtain their  
11 input.

12                   On September 24th, Jill Perry, the  
13 President of the Nova Scotia Barrister Society and  
14 Darrel Pink, the executive officer of that society,  
15 attended our task force meeting to discuss the Nova  
16 Scotia transforming regulation project, of which entity  
17 regulation is one component.

18                   The Nova Scotia Barrister Society  
19 council approved guiding principles for the society's  
20 regulatory framework which were framed as regulatory  
21 objectives. Their transforming regulation initiative  
22 includes the development of a management system for  
23 ethical legal practice that was their version of the  
24 ethical infrastructure, a document that identifies ten  
25 core elements for effective and ethical practice

1 management.

2 Now, at the time the report which you  
3 find in BoardBooks was prepared we had not yet had our  
4 meeting of yesterday, but at that meeting we had  
5 representatives of each of three prairie provinces,  
6 Alberta, Saskatchewan and Manitoba, to tell us about  
7 their collaborative study of entity regulation in those  
8 provinces.

9 In the days ahead we will complete our  
10 scan of the Canadian landscape by discussion with the  
11 British Columbia task force and, in addition, we plan  
12 to have at least a telephone conference with people in  
13 Australia who already have implemented a  
14 compliance-based entity regulation plan there.

15 So to conclude my report, Treasurer, we  
16 are now -- have squarely in our sights the preparation  
17 of the proposal detailing the elements and structure of  
18 compliance-based entity regulation and anticipate that  
19 we will be able to make a more comprehensive report to  
20 Convocation at its meeting on December 4th.

21 TREASURER MINOR: Thank you very much  
22 Mr. Earnshaw. That was for information. Does anybody  
23 have any questions or comments? Any questions or  
24 comments on the phone? Okay, thank you, Mr. Earnshaw.

25 And the next report is from the Action

1 Group on Access to Justice. Mr. Goldblatt.

2 THE ACTION GROUP ON ACCESS TO JUSTICE

3 REPORT:

4 MR. GOLDBLATT: Thank you, Treasurer.

5 I'm grateful for the opportunity to just speak very  
6 briefly on an issue that is included in your material  
7 for information, but may not always be read by  
8 Benchers, given the great amount of material they have  
9 to review.

10 In particular, I wanted to bring  
11 Convocation's attention to the report at tab 7, page  
12 265 of BoardBooks, and advise you that while the  
13 Federation conference was taking place in Winnipeg,  
14 there was an Innovation and Access to Justice  
15 Conference that was taking place in Montreal and Cathy  
16 Corsetti and myself and two staff had the privilege, I  
17 have to say, of attending it.

18 It was sponsored by a number of  
19 organizations, including the Cyberjustice Laboratory,  
20 which I'm sure you're familiar with, and the Winkler  
21 Institute, with which you probably have a little more  
22 familiarity.

23 It brought together regulators,  
24 representatives of legal clinics, educators from across  
25 the country, and two things became very clear. Number

1 one is that the time for talking about improving access  
2 to justice and meeting the unmet legal needs of  
3 Canadians and Ontarians, as it applies to us, has  
4 passed. People are tired of talking. They need to see  
5 things implemented.

6 And the second is that there are numbers  
7 of innovations that are being proposed and discussed,  
8 there are workshops to suggest various methods by which  
9 we might approach improving access to justice. I  
10 wanted to bring Convocation's attention to one in  
11 particular, which was a report that was put forward by  
12 Sabreena Delhon, our manager of TAG, The Action Group,  
13 and Julie Mathews, the executive director of CLEO, the  
14 Community Legal Education Ontario, which, as you know,  
15 provides reference material on a number of topics of  
16 concern and need for Ontarians. It's called Steps to  
17 Justice, and it was a demonstration of what TAG, The  
18 Action Group, is accomplishing.

19 It showed the collaboration between,  
20 amongst others, the Ontario Ministry of the Attorney  
21 General, the Ontario Superior Court, the Ontario Court  
22 of Justice, the Social Justice Tribunals, Ontario Bar  
23 Association, Legal Aid Ontario and, of course, the Law  
24 Society of Upper Canada in putting together an on-line  
25 digital reference to material now focusing on family

1 law, which I have to say, while presented in a very  
2 quick fashion, they weren't allowed a lot of time,  
3 really attracted the interest and discussion amongst  
4 the participants at the conference because it was a  
5 concrete example of two things.

6           Number one is how we can collaborate,  
7 which is one of the things that The Action Group was  
8 designed and adopted by Convocation to do, and  
9 secondly, how we could innovate.

10           I just want to advise Convocation that  
11 we will be presenting that show, the slide show, very  
12 brief, to the Access to Justice Committee at its next  
13 meeting and, of course, Benchers are invited to attend  
14 and to see that and to appreciate firsthand the kinds  
15 of things that are being accomplished through The  
16 Action Group, but the challenge is still out there,  
17 there are many more things need to be done and that, of  
18 course, will be the subject of further discussion at  
19 Convocation.

20           So, Treasurer, thank you for the  
21 opportunity.

22           TREASURER MINOR: Thank you  
23 Mr. Goldblatt. Any questions? Comments?

24           MS. BOYD: Mr. Goldblatt, I'm going to  
25 ask my usual question. It sounds as though that was a

1 very interesting conference, but the users of the  
2 justice system who are not professional were not there.  
3 We still have to figure out some way to talk to those  
4 who are not getting access to justice and figuring out  
5 how their voices can be heard.

6 MR. GOLDBLATT: That's actually not a  
7 question, but a very valuable comment and one that, of  
8 course, we take into consideration and need to move  
9 forward on. Thank you.

10 TREASURER MINOR: Thanks. Anything from  
11 the phone? Thank you very much. Ms. Hartman.  
12 Strategic planning.

13 PRIORITY PLANNING COMMITTEE REPORT:

14 MS. HARTMAN: Thank you, Treasurer, and  
15 good afternoon, everyone. Will you please turn to page  
16 268 of BoardBooks where you will find for information  
17 the Priority Planning Committee report, which sets out  
18 at a fairly high level our strategic plan for the  
19 upcoming 2015, 2019 Bencher term.

20 Now, I know you have read the report ,so  
21 I am going to be very brief. Following every Bencher  
22 election we hold a strategic planning session to  
23 discuss and approve policy initiatives meant to  
24 continue to advance the Law Society's mandate to  
25 regulate in the public interest.

1                   For our next four year term, these  
2 initiatives build on the work we have done in previous  
3 years in our key areas of professional regulation,  
4 professional competence and access to justice as well  
5 as an emphasis we have been placing on enhancing  
6 engagement with all our stakeholders and the public.

7                   To ensure transparency and  
8 accountability, Diana Miles and Grant Wedge, together  
9 with their teams, are preparing an accessible,  
10 public-facing document to communicate our strategic  
11 plan to our members and the public. We hope that this  
12 plan will do so in an engaging way.

13                   The plan will be posted on our website  
14 and, as I mentioned, will be promoted to our members of  
15 the public. Over the next months we will be discussing  
16 this document with you.

17                   Of course, the core of the plan will be  
18 the initiatives coming out of our planning process.  
19 For those of you who did attend the strategic planning  
20 process earlier this month, you are well aware that  
21 certain themes have emerged at our initiatives. And I  
22 want to review with you those themes.

23                   The first is to lead as a professional  
24 regulator, and we will do this by enhancing regulatory  
25 effectiveness to advance protection of the public. We

1 will also ensure appropriate consideration for mental  
2 health and equity are integrated into our regulatory  
3 process.

4 Our next theme is to prioritize lifelong  
5 competence for lawyers and paralegals. We will  
6 accomplish this by evaluating and enhancing licensing  
7 standards and requirements. We will look to improve  
8 and increase practice supports and, of course,  
9 implement comprehensive mentoring services.

10 Another theme is to enhance access to  
11 justice across Ontario. I know you're all asking how  
12 are we going to do this. We will develop and implement  
13 a concrete access to justice action plan. We will  
14 increase collaboration with access to justice partners  
15 and other stakeholders, which brings me to our next  
16 theme.

17 Engage stakeholders and the public  
18 generally with responsive communications. We will  
19 improve communication with lawyers and paralegals  
20 through greater accountability, transparency and  
21 collaboration. We hope to build a better understanding  
22 of the Law Society among the public through heightened  
23 engagement.

24 And a final theme is to increase  
25 organizational effectiveness. We will continue to

1 enhance the public interest in the policy making  
2 process. We hope to improve the governance methods and  
3 structures and we will look to enhance the measurement  
4 and effectiveness of all of our services and programs  
5 here at the Law Society.

6                   So our next immediate step will be to  
7 provide to you a more detailed report for our next  
8 Convocation in December and this will include a  
9 discussion with respect to the work that we will need  
10 to undertake in order to implement our plan. So please  
11 stay tuned, there will be more in December. Thank you,  
12 Treasurer.

13                   TREASURER MINOR: Thank you very much,  
14 Ms. Hartman. Unless there are any questions or  
15 comments, I think that's the end of the public part of  
16 Convocation and we'll move into in camera for the one  
17 matter.

18 --- Whereupon the in public proceedings adjourned at  
19 12:33 p.m.

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1 I HEREBY CERTIFY THE FOREGOING  
2 to be a true and accurate  
3 transcription of my shorthand notes  
4 to the best of my skill and ability

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6

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7 SHARI CORKUM, C.S.R.

8 Computer-Aided Transcript

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