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CONVOCATION

IN PUBLIC SESSION

THURSDAY, SEPTEMBER 22nd, 2016 - 8:50 a.m.

OSGOODE HALL, TORONTO

1 CONVOCATION ATTENDANCE

2 Treasurer - Paul B. Schabas

3

4	Robert P. Armstrong	Raj Anand
5	Lee Ferrier (ph.)	Peter Beach
6	Vern Krishna (ph.)	Jack Braithwaite
7	Gavin MacKenzie (ph.)	Christopher D. Bredt
8	Harvey Strosberg	Robert Burd (ph.)
9	Marion Boyd	John Callaghan
10	Gisèle Chrétien (ph.)	Paul Cooper
11	Suzanne Clément	Dianne Corbiere
12	Seymour Epstein	Cathy Corsetti
13	Jan Richardson (ph.)	Janis Criger
14	Gerald Sheff (ph.)	Teresa Donnelly
15	Baljit Sikand	Ross F. Earnshaw
16	Catherine Strosberg.	Robert Evans
17	Neil Finkelstein (ph.)	Julian Falconer
18	Patrick Furlong	Avvy Go
19	Gary Lloyd Gottlieb	Howard Goldblatt
20	Julian Porter	Joseph Groia (ph.)
21	Heather Ross	Carol Hartman
22	Clayton Ruby (ph.)	Jacqueline Horvat (ph.)
23	Gerald A. Swaye	Brian Lawrie
24	Bradley H. Wright	Janet Leiper
25	Roger Yachetti (ph.)	Jeffrey Lem (ph.)

1	Michael Lerner	Jonathan Rosenthal
2	Marian Lippa (ph.)	Raj Sharda
3	William McDowell	Andrew Spurgeon
4	Susan T. McGrath	Joanne St. Lewis
5	Isfahan Merali	Sidney Troister
6	Malcolm Mercer	Jerry Udell
7	Barbara Murchie	M. Anne Vespry
8	Sandra Nishikawa	Tanya Walker
9	Gina Papageorgiou	Peter Wardle
10	Susan Richer	Laurie H. Pawlitza
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1 -- Upon commencing at 8:50 a.m.

2 TREASURER SCHABAS: Good morning,
3 everybody.

4 Welcome to Convocation and welcome back
5 after the summer break. I hope everybody had a
6 wonderful summer holiday. It's been a wonderful
7 summer, weatherwise, and so we should all be well
8 rested and fit to work on our ambitious agenda this
9 fall.

10 I want to welcome those who are joining
11 us on the web. We are being webcast, as has become our
12 practice as part of our commitment to outreach and
13 transparency in our governance.

14 There will probably be some people
15 walking in over the next few minutes as maybe perhaps
16 some people didn't see the 8:45 a.m. start.

17 I want, though, to begin first by
18 recognizing that we're here together in Toronto, which
19 is a Mohawk word that means "where there are trees
20 standing in the water."

21 And we're going to begin, as many of
22 you know, as a ceremony, as we have done in previous
23 years at our September convocation.

24 The ceremony today is to polish the
25 relationship with the eagle feathers. The eagle

1 feathers are on the lectern. They usually sit on our
2 table during our meetings.

3 We're honoured to have with us today
4 Elder Myeengun Henry, an elder council member of the
5 Indigenous Advisory Group and an Aboriginal traditional
6 councillor from the Chippewas of the Thames First
7 Nation near London, Ontario.

8 We are also honoured to have with us
9 today Kathleen Lickers, chair of the Indigenous
10 Advisory Group, and a Seneca from the Six Nations of
11 the Grand River in Southern Ontario.

12 Welcome to both of you.

13 For those joining by telephone, we will
14 be putting the phone in the Convocation Room in lecture
15 mode and we will ask that everyone mute their phones.
16 We will take attendance on the telephone following the
17 ceremony when we begin the business of the day.

18 So with that, Elder Myeengun Henry,
19 welcome.

20 ELDER HENRY: Thank you.

21 Good morning. Waking up this morning
22 and travelling into Toronto from Kitchener, I took
23 something different. I decided to take the Greyhound.

24 Sometimes when you take your eyes off
25 the driving and the car in front of you, you get to see

1 many things. I got to see that beautiful sun come up
2 once again, reminding me of this new fall season that
3 we've entered into.

4 There are responsibilities that come
5 with that new fall season, and it reminded me of what
6 we are here today to share, our responsibility together
7 in a very, not so new, but distinguished way.

8 As a member of my nation and keeper of
9 some of our traditional knowledge, I have been very
10 fortunate over the years to have gained and seen many
11 things change in our lifetime. Things that lead to be
12 presented or being offered in a good way.

13 Which brings us to this beautiful day.
14 As we open the doors to celebrate our beautiful
15 relationship together with the original people of this
16 land and the people that came to live on this beautiful
17 Turtle Island.

18 Today we have this opportunity once
19 again to bring back a ceremony that was, at one time,
20 outlawed in this country. One that was looked upon as
21 not acceptable to society, when we look back to the
22 days when there was a struggle for the original people
23 to remain indigenous, to remain with their identities
24 that Creator has given them.

25 And then we got through those years and

1 we're still struggling today, but we're bringing them
2 back.

3 In terms of building this relationship
4 coming into this Convocation, we are about to perform a
5 ceremony that was, like I said before, looked at as
6 very, very bad.

7 When I see the good that our ceremonies
8 do and the confidence that it gives those who
9 participate, I cannot see how it could have been looked
10 at as bad.

11 But today I would like to offer this
12 ceremony with all the dignity and respect that I've
13 learned from the elders that I've been in this world
14 with as we walk together hand in hand, going through
15 those tough times.

16 I would like to recognize those
17 warriors who decided that they would endure anything
18 that happened if they were caught doing these
19 ceremonies. They would go in the bush and they would
20 practice ceremonies with the possibility of being
21 harmed or killed. But they decided that our children
22 need to have this knowledge and they'll take this risk
23 of keeping this beautiful language and ceremony alive.

24 And so there's where we enter in today,
25 is those warriors that took that path and they kept

1 that ceremony alive and well.

2 They say our language is dying, but I
3 kind of look at it from this perspective. When we had
4 that first heartbeat that Creator gave us in this
5 world, we were given many things. One was love, peace,
6 respect. One was our language. And it's in there,
7 even though we were forced to remove that. All you
8 have to do is find an inspiration to be able to bring
9 that language out.

10 The same way that we are here today, to
11 find an inspiration to move forward with a commitment
12 that we made some years ago, that we'll walk together
13 upon North America or Turtle Island in partnership and
14 to create this atmosphere of love and hope and respect
15 for all that live on Turtle Island.

16 So with today, we need to recall a
17 certain event that took place here at the Law Society
18 in 1998. A day when two feathers were presented to the
19 Law Society. I see the feathers right in front of me
20 here and I'm going to hold them up to you for all to
21 see. I'm not sure if all of you have seen these
22 feathers before.

23 On that day, this very special gift was
24 presented and with the gift came the story of these
25 eagle feathers and how the spine of this eagle feather

1 carries the strength of growth. We can actually grow
2 through that spine.

3 Each side of the eagle feather carries
4 a partnership that was presented on that day, the Law
5 Society and the original people of this land. They
6 said there was no time in history that one of the
7 strands from the feathers grew over the other. They
8 grew in equal balance all the way up until they got to
9 this level.

10 That's what is significant about the
11 eagle feathers when they're presented, when they're
12 used at a wedding ceremony. It brings two partners
13 together and tells them the strength of that
14 partnership will create a beautiful life together.

15 They said that the eagle feather, which
16 is the highest flying and most powerful bird that we
17 look at, sees the farthest. He has vision. He carries
18 our prayers and our smudges up to Creator's land so
19 that he can have that opportunity so we can be heard.

20 When we have this partnership as strong
21 as the eagle feathers it even reminds us of being
22 children, with the fluffs that we are when we are small
23 and we start growing from them from that point.

24 We have this feather now that was
25 dressed very beautifully with the beads that signify

1 the strength of the four original nations that live in
2 this world.

3 Two feathers that are to be ever
4 present when we meet because it reminds us of the
5 possibilities and strengths, even though we don't know
6 what they are at that moment. We know that there's
7 still vision like that eagle presented.

8 I was reminded about two years ago out
9 on the lawn at the Law Society that a sunrise ceremony
10 took place with Elder Alex Jacobs, a very good friend
11 of mine and a teacher of our language.

12 He had the sunrise ceremony and at that
13 time there was a cloth that was given with these eagle
14 feathers too, and that cloth that was presented talked
15 about the struggles of our warriors and the women who
16 would go and patch the wounds of our elders as they
17 laid in pain during those wars that we had.

18 So the red signifies the importance
19 part of healing. It's here to comfort these eagle
20 feathers as they lay here until they're used. So we
21 bring that out to remind us that healing still needs to
22 be done.

23 A lot of healing still needs to be done
24 within our nations together. A lot of damage has been
25 created. But you can look at the times when the damage

1 was created or we can look forward, just like the
2 eagle, to times when we can make this beautiful country
3 work together with the beautiful souls that exist here.

4 So today we want to honour these eagle
5 feathers. They're not symbols that sit in a wall.
6 They are alive and well. And they do their job because
7 when we put them away and box them up and it's sitting
8 there for no specific reason, they're not doing their
9 job. They need to be brought out and talked about, so
10 the reminder that we'll have today is that significance
11 of this beautiful eagle feather and partnership that
12 exists between the Law Society and the original people
13 of this land.

14 Behind here we have two significant
15 belts that also are reminders of our history together,
16 our Treaty of Niagara in 1764, which ratified the royal
17 proclamation. And the 24 nations that gathered at the
18 Treaty of Niagara to do the acknowledgment of the
19 Treaty of Niagara came together and built that
20 strength.

21 So we have many, many reminders and we
22 have to polish them up every now and then to remind
23 ourselves. Take it home, not just to your work, but to
24 your families and communities to say there is
25 significance in the things we do today and with that

1 opportunity to become stronger for the future.

2 So I would like to honour these eagle
3 feathers in that way and I would like to, at this time,
4 offer a little ceremony.

5 One of our medicines that we use is
6 mashkodewashk in my language.

7 How many people consider themselves
8 elders? With that term, elder, comes wisdom. Those
9 that identify themselves as elders have brought into
10 this world many experiences and they have examined and
11 they've seen and they've walked through different times
12 in our history.

13 When you put an elder with a child, the
14 generations of knowledge passed on to that child is
15 significant because I think without that passing of
16 knowledge, we forget where we come from. We forget
17 about the ceremony that said that this was significant.
18 We forget about the things that are important and was
19 important at the day that event took place.

20 So we need those elders and we need
21 those children to come together to have that knowledge
22 passed on to the next generation to come.

23 We've been very fortunate in our
24 teachings that we even think of seven generations to
25 come in the future. A decision that I make today will

1 affect seven generations to come.

2 So I think that elder, that youth, that
3 gathering of significance brings strength within
4 ourselves.

5 But because we forget, because we're
6 human, because we don't always remember in our busy
7 worlds, Creator gave us a medicine called
8 mashkodewashk.

9 If you look at a sage plant, it's grey
10 like an elder's hair. Like your grandmother, if you
11 look at her and she has long braids and her hair is
12 grey and she's dressed in a very beautiful fashion.
13 She's taken care of herself. She's got those beautiful
14 eyes that talk about love.

15 And she knows it won't be long when she
16 goes to that western door and goes to visit Creator,
17 but she has a lot of messages to tell the young people
18 that are still here. She says that, "The wisdom and
19 the things that I've learned, you can learn too.
20 Create your own wisdom, but learn from the past and
21 have that ability to share in the future."

22 So the sage is a strong medicine. When
23 you light it, you can tell that it's been used. The
24 grey represents the elder's hair.

25 And it's almost like when those elders

1 are ready to pass on to that spirit world. They don't
2 have that much time to spend with you, so they need to
3 make that message strong and wonderful so it works for
4 everybody to understand.

5 So when we smudge our eagle feathers,
6 we smudge ourselves to remind ourselves of that
7 beautiful elder that is significant in our lives. I
8 think we all have somebody who has gone on to that
9 spirit world. Everybody in this room knows somebody
10 that they love that's gone there.

11 But they're still here in inspiration
12 in our hearts and we honour them during our ceremonies
13 because without them we wouldn't be who we are today.

14 So on that day in 1998, those feathers
15 came to this society. We're going to, as they said
16 with the wampum belts, repolish them. Like I said, we
17 forget sometimes, so we need to bring this out today
18 and on this first day of fall we're going to do that.

19 So I'm going to clean these off because
20 they've been sitting there for a while. They did come
21 out a few times and they've been used at a few
22 different gatherings, and we now have formed an
23 Indigenous Advisory Group at this Law Society. We had
24 our first meeting and we brought them there.

25 We're going to bring another eagle

1 feather that's going to sit with our group,
2 specifically, and they're going to converge when we
3 gather so that the history of these feathers will
4 converge with the history that we're making with the
5 new feathers that we're bringing.

6 So I would like to light this smudge
7 bowl and clean these feathers off for you in your
8 presence. I would like to smudge these and I'll do a
9 circle to represent the four nations, the four original
10 nations on this beautiful Earth that Creator gave to
11 all of us. Our beautiful mother, the Earth, holds the
12 lives of all people.

13 You know, sometimes you gather
14 negativity on your being just by driving in and running
15 into a traffic problem or going to Tim Hortons and
16 getting the wrong coffee. You start your day in a very
17 negative way and you get to work and you say, "My day
18 is not starting off right."

19 Creator gave us an opportunity to
20 dissolve some of that, because we're here for important
21 reasons. Why would we, if we're making a decision on a
22 very important matter, think about the coffee that was
23 spoiled this morning? I would rather think about the
24 issue that needs to be addressed.

25 So Creator gave us this medicine to

1 wash away the negativity, to give us a chance to clear
2 our minds, our bodies and our souls of the things that
3 clog our good intentions.

4 So with these feathers, I like to
5 honour the four nations that Creator brought into this
6 world; the red, the yellow, the black and the white.
7 I'll go from the four directions this way, because
8 they're all here.

9 The wisdom and strength of those four
10 nations coming together, can you imagine how strong we
11 are? Because each of you are given the strength of
12 your ancestors. You were given the strength of your
13 teachings. Your indigenous self comes along with you.

14 As we honour the four, we honour the
15 strength that comes within these feathers that were
16 offered.

17 So I'm going to clean these feathers
18 off like this and get rid of the negativity, get rid of
19 the inconsistencies of understanding, get rid of the
20 non-opportunist ways that we've always turned to.

21 So these feathers are repolished by a
22 simple ceremony like that and it reminds us what we
23 need to do. I can't in my mind think why that would
24 have been illegal not too long ago, just to do a simply
25 ceremony that I just did. Cleanse myself so I can

1 speak to you. Cleanse myself so I can be a part of
2 this beautiful gathering with you, these beautiful
3 souls that are here.

4 So these feathers now have been
5 repolished, just like the day that they were
6 significantly presented to this Law Society. They were
7 given a chance to grow together.

8 I would like to, at this time, offer
9 to, if possible, have our treasurer come up this way
10 and stand next to me over here.

11 I would like to at this time also ask
12 if Kathleen, who's our chair for the Indigenous
13 Advisory Group, to stand over here.

14 These feathers are very important in
15 partnership.

16 Can I get you to hold one of these
17 feathers?

18 And Kathleen, can I get you to hold
19 that one?

20 I was very honoured this morning, when
21 I came in, to have a good friend of ours greet us at
22 the door.

23 Grant, are you here someplace?

24 Grant offered me some tobacco to come
25 here and do a ceremony, and that's one of the most

1 significant acts of offering that can be done, the
2 passing of tobacco to an elder.

3 That tobacco, they said, the way I
4 learned, was one of the first -- well, when we were
5 brought, Creator created the perfect place on our
6 mother, the Earth. She houses our medicine. She keeps
7 us. She gives us a place to walk during the day we're
8 born until the day we pass on, and when we pass on to
9 the spirit world, she takes us back into our mother,
10 the Earth.

11 He said that when we came to this
12 world, he put us right next to the tobacco plant and
13 said when we needed to talk to Creator, use our tobacco
14 in prayer, whether it be in our pipe ceremony or just
15 passing it on to our mother, the Earth.

16 So today, with the polishing of these
17 feathers, I would like to ask once again that our
18 Creator acknowledge us on this beautiful day.

19 And to the pipe, as it's always been
20 done, I would like to ask that Creator acknowledge this
21 moving forward of this partnership between the Law
22 Society and original people of this land, and to the
23 pipe, give us that opportunity to have it heard from
24 our Creator, but also those who inspired you, the ones
25 who gave you life, the ones who gave you significance

1 and ability to learn.

2 So back in the days when my parents
3 went to residential school, they were thoroughly hurt
4 and beaten because they uttered a word or a number of
5 words from our language. So my dad decided not to use
6 them anymore.

7 They told me, when I was growing up,
8 that our language was "Only going to get you in
9 trouble, son. It's not going to do you any good in
10 this world. Your ceremonies and being an original
11 person of this land is just going to be a hindrance to
12 you, because I know, that's what they told me when I
13 was in residential school. I was beaten for speaking
14 our language. I was hurt because I wanted to practice
15 a ceremony that my grandparents taught me and I was
16 told it was ugly, so I believe them now."

17 When you get beat so many times, it
18 becomes real. You fight back, but it plays a role in
19 your mind, and I feel that today. So today my dad has
20 gone to the spirit world, but before he left, we had
21 this discussion about the role that I took in life.

22 Me and him separated from the time that
23 I discovered me being a Native person, because he
24 didn't want me to do that, but I needed to do that. I
25 found medicine people. I found elders. I went that

1 route and around age 12, me and my dad separated. We
2 went through life like that.

3 I couldn't understand that, because I
4 was doing so well and I was so confident in myself and
5 he didn't like that. But the day that he was on his
6 dying bed, we had this discussion. He said, "Son, I
7 couldn't honour what you did throughout your life with
8 you knowing me, but inside my heart, you did the best
9 thing and I'm so proud of you."

10 It was such an emotional moment,
11 because me and my dad were never emotionally tied. It
12 was always bickering and disagreement. But I knew from
13 that point that what he learned in residential school,
14 he just couldn't pull himself to say that he could
15 support that because of how he was treated.

16 And so on that day when he passed away,
17 I felt so honoured that even though he hid it all those
18 years, he was honoured by all the things that I was
19 doing.

20 So now, standing in front of you today,
21 I'm so honoured that he gave me that strength to be who
22 I am.

23 This pipe ceremony will honour to
24 Creator the convergence of love between nations. We'll
25 do so in this manner. I would like to ask our Creator,

1 in these words, to honour this beautiful day together.

2 (Ojibway spoken)

3 As those prayers were put into this
4 tobacco, and if you agree with this beautiful
5 partnership going forward of this hard work that we
6 need to do in the future and the ability we have and
7 inspiration we have, I would like to ask both parties
8 that are holding the eagle feathers if they agree to
9 this partnership from this day forward.

10 TREASURER SCHABAS: Yes.

11 KATHLEEN LICKERS: Yes.

12 ELDER HENRY: Thank you.

13 And an acknowledgement from the
14 witnesses. Do we agree to that?

15 WITNESSES: Yes.

16 ELDER HENRY: Thank you very much.

17 With that, we would normally light the
18 pipe. I'm going to do that as the sun comes up in the
19 morning so we have a day to ponder this and think about
20 not just walking out of the room today and that was
21 that and move on to business.

22 We're going to remember what we had to
23 do, so I'm going to give Creator that time to allow you
24 to remember and then tomorrow morning at sunrise I will
25 light this pipe and send that prayer to Creator.

1 We acknowledge it by sharing that
2 prayer within this pipe.

3 And those two feathers, can they come
4 together in our hands? And look at the people. This
5 is our partnership.

6 I would like to offer a real quick
7 honour song at this time.

8 The first four beats of this drum is to
9 signify the spirit of the four original nations placed
10 on this Earth.

11 And then the heartbeat of that mother,
12 the Earth, strengthens the bond we made today in
13 rekindling this beautiful partnership.

14 The last verse of the song I will do
15 without a drum, because that's in honour of those who
16 have gone on to the spirit world, those that you love,
17 those that inspired you.

18 (Ojibway song)

19 The last verse, like I said, is for
20 those that inspired you, so think about those beautiful
21 people that you love that have gone on to that spirit
22 world.

23 I love you dad. I love you mom.

24 (Ojibway song)

25 A gift was presented to me and I really

1 want to appreciate your gift.

2 We would also like to extend an offer
3 of gratitude for you.

4 TREASURER SCHABAS: Thank you very
5 much.

6 ELDER HENRY: I hope the day goes well
7 for you and everybody here.

8 TREASURER SCHABAS: Thank you. Thank
9 you so much, Elder Henry. I very much appreciate this.

10 I would like to also just thank,
11 formally, Elder Myeengun Henry and Ms. Lickers for
12 coming today.

13 This is an important ceremony and it's
14 an important reminder for us of the broader interest we
15 have with the Indigenous peoples.

16 I want to especially acknowledge how
17 fortunate we are to have the support of Kathleen
18 Lickers of the Indigenous Advisory Group, a long-time
19 friend and former colleague of mine. I'm very much
20 looking forward to the group guiding us in the
21 recommendations and the steps we need to take to
22 develop our relationships with the Indigenous peoples,
23 and I'm looking forward to very positive changes in
24 that regard.

25 So thank you, again, very much for

1 coming and sending us on our way this fall term. Thank
2 you.

3 Before we actually start the business
4 of the day, has anybody noticed a stray pair of
5 glasses? Mr. Lerner has lost his glasses and since he
6 has the important task of manning the phone, I wanted
7 to see if anybody had found his glasses.

8 Well, if anybody does find a stray pair
9 of glasses around the room, please give them to Mr.
10 Lerner.

11 So once we determine who's on the
12 phone, I'll let everyone know, as we usually do, that
13 we'll be putting the meeting into lecture mode, so we
14 will be muting all callers, although we will, of
15 course, be unmuting them at the appropriate time to
16 speak. We'll follow the usual practice in that regard.

17 So at this stage, I would like to just
18 determine who is on the phone, so I'm going to call out
19 the names of who I believe is on the phone and then
20 we'll see who's missing.

21 Gisèle Chrétien?

22 MS. CHRÉTIEN: Present.

23 TREASURER SCHABAS: Neil Finkelstein?

24 MR. FINKELSTEIN: Present.

25 TREASURER SCHABAS: Joseph Groia?

1 MR. GROIA: Good morning.

2 TREASURER SCHABAS: Jacqueline Horvat?

3 MS. HORVAT: Present.

4 TREASURER SCHABAS: Jeffrey Lem?

5 MR. LEM: Present.

6 TREASURER SCHABAS: Jan Richardson?

7 MS. RICHARDSON: Present.

8 TREASURER SCHABAS: Clayton Ruby?

9 Gerald Sheff?

10 MR. SHEFF: Present.

11 TREASURER SCHABAS: Roger Yachetti?

12 Is there anybody whose name I didn't

13 call who is on the telephone?

14 MS. LIPPA: Marian Lippa.

15 MR. BURD: Robert Burd.

16 TREASURER SCHABAS: Was there somebody

17 else speaking?

18 MR. MACKENZIE: Gavin MacKenzie.

19 TREASURER SCHABAS: Thank you.

20 Anybody else?

21 No. Okay. So that completes the

22 taking of attendance.

23 TREASURER'S REMARKS:

24 TREASURER SCHABAS: Before we get into

25 the full agenda, I have a number of things that I would

1 like to report on following the summer break. It's
2 been three months since we left and a lot of things
3 have happened.

4 The first thing I want to do, though,
5 is to formally in person introduce our newest bencher,
6 Tanya Walker, who was elected as a bencher at a special
7 Convocation held on August 9 by telephone. I mentioned
8 Ms. Walker at that time, but she's with us today and I
9 want to formally welcome her.

10 She was called to the bar in 2006.
11 She's the founder of Walker Law Professional
12 Corporation, a commercial litigation firm located in
13 downtown Toronto.

14 In 2014, she received the Outstanding
15 Service Award from the National Bar Association.

16 In 2015, she was the recipient of the
17 Traditional Law Practice Award from the Canadian
18 Association of Black Lawyers and the Rising Star Award
19 from Planet Africa.

20 She's a member of a number of legal
21 organizations, including the Canadian Association of
22 Black Lawyers, the National Bar Association and the
23 ABA's Forum on Franchising.

24 I know, having met with you over the
25 summer, Ms. Walker, that you are very enthusiastic and

1 eager to take on your new duties and I know that I and
2 everybody around who's met you so far is very much
3 looking forward to working with you, so welcome.

4 I would also like to welcome Kathleen
5 Waters. I think she's here.

6 Not yet? Okay. Then I'll welcome them
7 when they arrive.

8 Some other welcomes.

9 First I want to welcome, formally,
10 Karen Manarin as executive director of professional
11 regulation. Karen is sitting behind me, to my left.
12 Many of you may have met Karen by now. She comes to
13 us, of course, with a wealth of management hands-on
14 experience in litigation, regulatory investigation and
15 discipline matters.

16 For the past seven years, she's served
17 as the deputy director, enforcement, of the Ontario
18 Securities Commission, and prior to assuming that role
19 she undertook a three year secondment with the Royal
20 Canadian Mounted Police as a senior investigator and
21 team leader of its integrated market enforcement team.

22 Mr. Lapper will be introducing her a
23 little more later.

24 Jennifer Khor is our new policy
25 director. Jennifer comes to the Law Society from the

1 Canadian Bar Association, where she held various roles
2 since 2003 supporting the development of rule of law
3 and access to justice internationally, including
4 institutional strengthening of legal profession
5 organizations.

6 Most recently she was project director
7 with the International Initiatives Program, supporting
8 access to justice for children and youth in East
9 Africa.

10 Marian MacGregor is our new equity
11 advisor. She comes to the Law Society from York
12 University where most recently she was interim
13 executive director at the Centre for Human Rights, and
14 prior to that role she was clinic director of the
15 Community & Legal Aid Services Program at Osgoode Hall
16 Law School.

17 I want to welcome the three of you and
18 I know I speak for all of us in saying we're looking
19 forward to working with you.

20 We were saddened in the late summer by
21 the passing of Martin Teplitsky, Q.C.

22 Marty Teplitsky was a highly regarded
23 civil litigation lawyer and committed a great deal of
24 his time to community service, including, in
25 particular, his tireless efforts in establishing and

1 supporting the Lawyers Feed the Hungry program. The
2 program, as we know, has expanded significantly from
3 that first meal served in 1998 to four meals a week and
4 2,000 meals a year in Toronto.

5 The Law Society honoured Mr. Teplitsky
6 on February 4, 2015, with a degree of Doctor of Laws,
7 honoris causa.

8 On behalf of Convocation, I extend our
9 deepest condolences to his family.

10 Since being elected treasurer, I've
11 learned it's a busy job and I've attended a lot of
12 events. I'm not going to bore you with the details of
13 all of them, but I want to mention a few things in
14 particular I think are worth noting.

15 In August, I attended the CBA's annual
16 conference in Ottawa, where I was invited to speak to
17 counsel and told them about some of our priorities over
18 the next couple of years.

19 There I also had the opportunity to
20 meet briefly and hear Minister Jodi Wilson-Raybould
21 discuss her agenda for the federal government.

22 I also met and heard from the Chief
23 Justice, where she made her well publicized call for
24 more efficient and more timely judicial appointments.
25 I'll speak more about that in a moment.

1 The other matter I wanted to mention
2 was that on September 1, I was invited to attend and
3 give remarks at the Welcome to the Legal Profession
4 reception to the new students entering the Bora Laskin
5 Faculty of Law at Lakehead University.

6 This was attended by the local
7 judiciary, the profession and the faculty at Lakehead
8 and was a wonderful ceremony for students beginning
9 their law school term under the leadership of Dean
10 Angelique EagleWoman. I felt inspired by her
11 enthusiasm and the keenness of the students eager to
12 become lawyers.

13 Lastly, I attended the annual dinner to
14 welcome new students and lawyers in Hamilton at the
15 Hamilton Law Association and I found that also to be an
16 inspiring and invigorating tradition of welcoming new
17 lawyers and demonstrating collegiality at the bar.

18 The Opening of the Courts ceremony on
19 September 13 was also upbeat, with strong commitments
20 from justice partners at the courts, the government,
21 together with the Law Society, to continue their
22 collaborative efforts to modernize and reform the
23 province's justice system.

24 I think we all felt there was a coming
25 together and a meeting of the minds and a real desire

1 by all parties to push forward with change. It was
2 especially encouraging to hear the Attorney General's
3 strong commitment to advance the proposal to expand the
4 Unified Family Court system throughout the province.

5 We'll be holding a call to the bar
6 tomorrow at Roy Thomson Hall. The call will welcome
7 the inaugural group of graduates from the Bora Laskin
8 Faculty of Law at Lakehead University.

9 We've also invited Grand Chief Alvin
10 Fiddler of the Nishnawbe Aski Nation, as well as
11 Professor David Weisstub of the International Academy
12 of Law and Mental Health to attend and be conferred
13 with an honorary Doctor of Laws at the ceremony.

14 I'm looking forward to the ceremony.
15 It will be my first one. I'm working on my arm,
16 getting ready to shake over 300 new lawyers' hands.

17 For your interest, I just want to note
18 a few upcoming events.

19 On September 28, there's the
20 Francophone Ontarian event, Célébrons le Jour des
21 Franco-Ontariens et des Franco-Ontariennes -- Parlons
22 accès à la justice en français. The Law Society is
23 partnering with AJEFO and OBA for this event.

24 October 6 is Wrongful Conviction Day,
25 organized by Innocence Canada, formerly known as

1 AIDWYC.

2 October 13 is the Hispanic heritage
3 event.

4 And October 15 we have the annual
5 Canadian Association of Black Lawyers conference.

6 I told you I had a lot to say.

7 There's also Access to Justice Week
8 from October 17 to October 21. This is being
9 coordinated by TAG and is our first Access to Justice
10 Week, which will be an opportunity to engage with the
11 public and explore access to justice issues, such as
12 technology, public legal education and child welfare.

13 It will also feature the launch of
14 Steps to Justice, a digital initiative led by CLEO,
15 which is Community Legal Education Ontario, that
16 provides plain language information about common legal
17 problems, and the content of that can be found on
18 CLEO's website.

19 So I really encourage as many of you
20 who can attend to do so, to attend the Access to
21 Justice Week events.

22 Next I want to provide you with an
23 update on a number of consultations that we worked on
24 this summer as the Law Society responded to a number of
25 important calls for input from the federal government.

1 As these came up over the summer with
2 tight timelines, I worked closely with staff and a
3 number of benchers, particularly from the Government
4 Relations Committee, to prepare these responses.

5 The first was in response to the
6 government's consultation on the regulation of
7 intellectual property agents following legislative
8 changes that accorded the agents a form or privilege
9 for client communications.

10 Our submission encouraged the
11 government to broadly consider how intellectual
12 property agent regulation could be delivered with
13 appropriate regulatory expertise, including in a manner
14 that respects solicitor-client privilege and in a cost
15 efficient manner and that recognizes that intellectual
16 property lawyer agents are also already regulated by
17 the Law Society.

18 The second and third submissions were
19 in response to consultations on proposed changes to the
20 judicial discipline and judicial appointment process.

21 We supported the Federation of Law
22 Societies' submission on reforms to the federal
23 judicial discipline process, with a focus on ensuring
24 public confidence in our legal system in a manner that
25 balances judicial independence and the need for the

1 judiciary to be held accountable.

2 We provided our own comments on
3 potential reforms to the federal government's Superior
4 Court judicial appointment process, encouraging the
5 federal government to base its new processes on
6 Ontario's judicial appointments process which we felt
7 has served Ontario well for over two decades.

8 The Law Society's own submissions on
9 the intellectual property agents and the judicial
10 appointments process will be posted on our website and
11 there will be a link provided to the Federation's
12 submissions on the judicial discipline process.

13 I invite you to please read these
14 submissions. These are important issues and they
15 intersect very much with our responsibilities as a
16 public interest regulator.

17 I want to also recognize the very hard
18 and excellent work of Juda Strawczynski, policy
19 counsel, who worked very hard on these submissions over
20 the course of the summer.

21 I'm not finished.

22 Next, committee memoranda.

23 Over the summer, as I was considering
24 committee appointments and having discussions with the
25 newly appointed chairs and vice chairs of the

1 desirability of a more transparent process for such
2 appointments, with criteria to ensure it's not only
3 excellent appointments but also that the appointments
4 reflect the diversity of the province, and that's the
5 goal of this appointments process.

6 The group's first task will be to, in
7 fact, create a recruitment policy to guide the
8 appointment of well qualified persons and to establish
9 appropriate criteria for doing that.

10 With respect to the other task forces
11 which require your approval, those will be addressed
12 during the course of the business of the meeting by Mr.
13 Wardle.

14 Finally, just a reminder that there is
15 a budget information session this afternoon, which will
16 take place here following the lunch. The lunch will be
17 a slightly shorter lunch. We will not have a bar set
18 up across, so we will go straight to lunch and lunch
19 will be a little bit shorter than perhaps some of us
20 are used to so that we can get back to work later this
21 afternoon.

22 So with that, we will turn to the
23 agenda. I apologize for going on so long. Hopefully
24 it won't happen again.

25 CONSENT AGENDA:

1 TREASURER SCHABAS: There is first, I
2 think, the consent agenda, which is found at tab 1,
3 moved by Mr. Wardle and seconded by Ms. McGrath.

4 Any questions or remarks on the consent
5 agenda? I'm seeing no hands.

6 Mr. Lerner? Perhaps we could go out of
7 lecture mode.

8 Any comments or questions about the
9 consent agenda on the telephone?

10 Hearing silence.

11 All in favour?

12 Any opposed on the telephone?

13 The motion is carried. Thank you.

14 The next item is the Report of the
15 Chief Executive Officer. Mr. Lapper?

16 REPORT OF THE CHIEF EXECUTIVE OFFICER:

17 MR. LAPPER: Thank you, Treasurer.

18 Just a note that the Treasurer and I
19 have discussed the CEO's report and perhaps doing
20 things a little differently, so in lieu of trying to
21 wedge a very lengthy report into the end of Convocation
22 every six months or so, I think the plan is that I will
23 try to deliver a short and perhaps very focused report
24 at each Convocation and around this time in the agenda.

25 So I won't be canvassing the entire

1 operation this morning or on any particular Convocation
2 morning, but I will focus on critical issues.

3 Today I want to talk about the
4 Professional Regulation Division. Now, I want to do
5 this in two parts, because part of this will have to
6 remain confidential, but I do want to give you a short
7 update on some recent developments and then later
8 provide a bit further elaboration on that.

9 Most of you will know that this has
10 been something of a focus for me this past year and
11 priority number one, certainly, with respect to the
12 Professional Regulation Division was to establish
13 leadership in the division, new leadership in the
14 division.

15 I'm very pleased, as the Treasurer has
16 noted, we've now been able to do that with bringing on
17 Karen Manarin.

18 Rather than have me talk about what
19 Karen has been doing for the first couple of months, I
20 thought it would be useful for you to actually meet and
21 hear from Karen. She's been introduced to you by the
22 Treasurer and you've heard a bit about her background,
23 but I'm going to cede the stage to Karen and let Karen
24 speak to you briefly about her first two months and, at
25 a very high level, some of the things on which she's

1 taking action.

2 Later in the agenda, when we move to
3 the in camera portion, I'll come back up here and
4 complete my report and talk a bit more about some other
5 things that are ongoing.

6 So, Karen?

7 MS. MANARIN: Good morning. I'm
8 delighted to join professional regulation at this time.
9 The staff are a tremendous group of people and I'm most
10 grateful to everyone at the Law Society for being so
11 welcoming.

12 So I'm a lawyer by training, called to
13 the bar in 1991. I was a crown at Crown Law Office,
14 Criminal, for a number of years. Most recently, I was
15 at the Ontario Securities Commission as deputy director
16 of enforcement.

17 We are using the opportunity of my
18 arrival to look at processes in fresh light. We've
19 identified a number of opportunities for improvement
20 and I can tell you that we have already started
21 actively addressing them.

22 So what are some of the areas we're
23 looking at? We're looking at files, and especially the
24 back log of files. We're looking at the timeliness of
25 matters as they're investigated and as they are

1 reviewed by discipline counsel prior to the matters
2 being issued. We are looking at targets, and
3 especially the unsustainable targets. We are looking
4 at workloads, some of which are, quite frankly,
5 overwhelming. And processes, including cumbersome and
6 inefficient processes.

7 Why are we doing this? We are looking
8 at our processes because we want to become more timely
9 in our investigations, more efficient in our use of
10 staff resources, and more responsive, therefore, to new
11 issues facing our profession.

12 How are we doing this? Well, I can
13 give you a few examples. You've already started to
14 look at our triaging of complaints, trying to implement
15 a more robust system as they come in. We've started to
16 work on risk matrices to prioritize our matters.

17 It's essential, I think, to empower
18 staff to make decisions at every point and every step
19 in the process. We're reducing and eliminating layers
20 of approval.

21 So the theme that should start to
22 emerge here is that we're freeing up our staff's time
23 to work on files. We're taking a holistic and
24 policy-based approach to matters, especially those that
25 are important to the profession. So we're creating

1 specialized teams of investigators, embedding
2 discipline counsel so that we can do more focused
3 investigations.

4 We're also trying to identify the most
5 egregious cases, identify the cases where discipline
6 response is most appropriate.

7 So another theme is to bring in
8 discipline counsel earlier so that you don't have silos
9 and that we're all working together in an efficient
10 manner.

11 An electronic document management
12 system. I think it's time to come into the electronic
13 age because that will improve our efficiencies as well.

14 Referrals to law enforcement. I think
15 this will be an update for you today. We're in the
16 process of implementing a principle-based approach to
17 identify appropriate cases to refer to law enforcement.

18 And, of course, very important is
19 training. We need to ensure that our staff have the
20 appropriate tools to do their jobs.

21 So we -- that's staff and the
22 management team reporting to the CEO. We're working
23 closely and we have already started to make changes.
24 We'll continue to make those changes in the next few
25 months.

1 We hope to identify a restructuring of
2 the division with an implementation of that
3 restructuring sometime in the new year, and we'll
4 provide updates to you as necessary.

5 So I look forward to working with all
6 of you and most especially with the staff in PRD.

7 Unless there are any questions, those
8 are my introductory remarks. Thank you.

9 TREASURER SCHABAS: Thank you very
10 much, Ms. Manarin.

11 MR. LAPPER: Thank you, Karen.

12 Karen has a mandate from me to make
13 significant changes. I think you're starting to get a
14 flavour of the fact that she's already started that.

15 Again, if there are questions, we're
16 happy to answer them. Otherwise, this will be
17 continued later.

18 TREASURER SCHABAS: Thank you, Mr.
19 Lapper.

20 As Mr. Lapper said, we will, at the end
21 of the meeting, there are items relating to
22 professional regulation which will be addressed in
23 camera, so hopefully we will have time to discuss that
24 then.

25 As he also said, this is -- the regular

1 reporting of the CEO and senior staff as he sees fit is
2 something that I have initiated and we will see this at
3 ongoing meetings and Convocations so that we can have
4 updates and talk about current challenges that the
5 organization is facing.

6 So thank you for that, Mr. Lapper. I
7 appreciate your cooperation in that regard.

8 Next item, Professional Development and
9 Competence. Mr. Wardle?

10 PROFESSIONAL DEVELOPMENT AND COMPETENCE

11 COMMITTEE REPORT:

12 MR. WARDLE: Thank you, Treasurer.

13 So I'm pleased to present for
14 information the report of the Professional Development
15 and Competence Committee with respect to the valuation
16 of the Pathways Pilot Project and with respect to
17 certain other enhancements to the licensing process.

18 As you all know, the committee has been
19 considering these issues since the fall of 2015.

20 In April 2016, the committee released a
21 report that went to Convocation for information that
22 dealt with a number of the proposed enhancements to the
23 licensing process.

24 Since that time, the committee has met.
25 Has had, actually, a number of lengthy meetings over

1 the past several months to consider the future of the
2 Pathways Project, which is now in its third year, as
3 well as the licensing enhancements that were the
4 subject of the April report.

5 This report is the result of that
6 effort. It represents a huge amount of work by the
7 committee members over the summer, who very
8 constructively and collaboratively reviewed drafts of
9 this report over a very short time period, and also by
10 the staff, particularly Sophia Sperdakos of the policy
11 secretariat who used up her Labour Day weekend and I
12 think a couple of other weekends helping us out.

13 As I think many people here know,
14 Sophia is finally retiring, after threatening to do so
15 for many years, in December and we owe her a debt of
16 gratitude.

17 So let me just deal first with the
18 process before I outline the recommendations of the
19 committee.

20 The report has been made public and has
21 been provided to all the Law Society stakeholders and
22 other interested groups.

23 There is a written comment period that
24 is open until October 19. The committee is meeting in
25 October, likely more than once, to review those

1 comments. The report will then go to Convocation for
2 decision on November 9.

3 I'm now going to outline the
4 recommendations of the committee. The formal motion is
5 found on BoardBooks at page 32.

6 So first the committee recommends that
7 the Law Practice Program should end following
8 completion of year three.

9 Second, the committee recommends that
10 the enhancements to the articling program which were
11 introduced as part of the Pathways Project remain in
12 place.

13 Thirdly, the committee recommends that
14 the Law Society explore a number of proactive steps to
15 deal with ongoing issues relating to the transitional
16 training requirement of licensing, including first
17 exploring with the University of Ottawa and others
18 potential ways to build on the groundwork laid by the
19 Programme de pratique du droit, the PPD.

20 Secondly, considering ways that the LPP
21 -- English LPP resources may continue to be used by the
22 Law Society, including adapting work placements to the
23 articling context and integrating resources in the
24 coach and advisory initiative.

25 Thirdly, exploring approaches to

1 bridging programs for internationally-educated
2 candidates.

3 Next, exploring development of a fund
4 which could be used to support the priorities of a
5 diverse profession and enhancing access to justice in
6 underserved communities within the transitional
7 training context.

8 Continuing to review issues of
9 fairness, accessibility and objectivity in connection
10 with the articling program.

11 And the motion contemplates that our
12 committee will return to Convocation with a concrete
13 plan with respect to these strategies by June of next
14 year.

15 Next, our fourth recommendation is that
16 the Law Society approve a series of licensing process
17 enhancements, and I'll just go through these quickly.

18 That we continue to explore the
19 development of a process to permit up to a three-month
20 abridgment of articling where prior skills training has
21 been obtained in a program the Law Society accredits.

22 That internationally-trained candidates
23 called to the bar in a common law jurisdiction with at
24 least three years of practice experience be exempted
25 from the articling requirement if certain criteria are

1 met.

2 That candidates have three years to
3 complete the licensing process and be eligible to write
4 each examination up to three times.

5 That the Law Society introduce a new
6 practice and procedure examination to replace the
7 current barrister and solicitor examinations which
8 must be taken prior to beginning experiential training,
9 and a new practice skills examination to be taken after
10 completion of experiential training.

11 Now, the most significant of these
12 recommendations deals with the Pathways Project, and so
13 I want to spend the balance of my time this morning
14 discussing the rationale of the committee in making the
15 recommendation to end the LPP.

16 I want to point out, first, that this
17 was not a unanimous recommendation. While there was a
18 significant majority in favour of ending the LPP, there
19 was a minority of benchers on the committee who felt
20 strongly that it was too early for us to make this
21 decision.

22 So just by way of background, and I
23 know everyone here is familiar with this, in
24 November 2012, Convocation approved a transitional
25 training pilot program known as Pathways with two

1 components, articling and the Law Practice Program, to
2 begin in 2014/2015.

3 The pilot was for a period of three
4 years, to be extended for up to two additional years if
5 the Law Society determined there was insufficient
6 evidence to properly analyze the pilot after three
7 years.

8 A formal review of the program would be
9 commenced in the third year and completed by the end of
10 that year. Convocation would then decide whether the
11 pilot project should end, become permanent or result in
12 a different approach.

13 This approach and the formal motion
14 that was approved by Convocation reflected concerns on
15 the Articling Task Force and at Convocation that the
16 pilot project not become entrenched before an
17 assessment took place.

18 The Articling Task Force defined the
19 evaluation as including three things. First, the
20 effectiveness of the alternative to articling as a
21 means of transitional training. Second, the acceptance
22 or otherwise of the alternative. And third, cost and
23 equity issues.

24 The Law Society retained research and
25 evaluation consulting with Dr. Ali as the senior

1 evaluation consultant to develop the appropriate tools
2 to capture the data, and Dr. Ali has now provided his
3 report evaluating the first two years of the Pathways
4 Project.

5 And that report, I should note,
6 reflects the evaluation process that Convocation
7 approved in February 2014.

8 Dr. Ali's report is an appendix to the
9 committee's report and is found at BoardBooks beginning
10 at page 81.

11 So let me turn now to the
12 recommendations of the committee. The first
13 determination for the committee was whether we can
14 indeed evaluate the program and particularly the LPP at
15 this point.

16 The committee was unanimously of the
17 view that both pathways, articling and the LPP, provide
18 effective transitional training and that we do not
19 require further information on either pathway in order
20 to evaluate those components of the pilot.

21 The tougher questions really revolve
22 around fairness and sustainability. The prevailing
23 view, that of the majority of the committee, was that
24 we have enough information now and that allowing the
25 pilot to run for another two years will not make a

1 meaningful difference. You'll see that view expressed
2 at paragraph 47 of the report.

3 The majority's conclusion is that the
4 concerns that have emerged about fairness and
5 sustainability are not likely to diminish if we give
6 the LPP another two years to run.

7 However, I do want to make it clear
8 that that was not the view of all committee members. A
9 minority thought we should give the project more time
10 and consider and possibly put in place alternatives
11 before ending the project.

12 So the second decision for the
13 committee was whether to recommend to Convocation that
14 the Pathways Project and particularly the LPP be
15 continued and/or lead to a different approach.

16 The issues discussed by the committee
17 regarding this decision are as follows.

18 First, there appears to be no doubt
19 that the LPP has provided effective skills training for
20 the candidates who have taken the course and the
21 providers have done excellent work in creating programs
22 that have met our requirements and indeed in some ways
23 have surpassed them.

24 Second, the LPP has proven a vehicle to
25 become licensed for candidates who otherwise were

1 unlikely to be, so it has filled part of the shortage
2 of positions which were the concern to begin with,
3 about 230 positions a year.

4 However, the LPP has also given rise to
5 three concerns. The first is one of fairness.

6 In the view of the committee, there is
7 convincing evidence that the alternative pathway of the
8 LPP is perceived as a second tier process, primarily by
9 the candidates themselves.

10 I emphasize the word perception because
11 there is no evidence to suggest that the LPP/PPD is in
12 fact second tier or merits that perception.

13 However, from Dr. Ali's work, including
14 surveys, entrance surveys, exit surveys, focus groups
15 with candidates taking the course, many of the
16 candidates appear to consider it a second best
17 solution.

18 I'm just going to highlight some of the
19 data.

20 First, a declining percentage --
21 27 percent in year two, versus 38 percent in year one
22 -- are reporting that it was their first choice for
23 experiential training.

24 Candidates switch out of the LPP if
25 they can find an articling position. Some candidates

1 are expressing concerns about whether they are
2 stigmatized by having gone through the course.

3 Candidates have not taken up the LPP in
4 numbers as great as expected. Our estimates were for
5 approximately 400 candidates a year. It's well below
6 that at 230 overall.

7 There are a significant group of
8 candidates from the current and prior licensing
9 cohorts, over 200 students, who do not have articling
10 placements but are nonetheless not pursuing the LPP.

11 Candidates are not being hired or hired
12 back out of the LPP at the same rate of articling and
13 more of them appear to be going into sole practice.

14 Finally, many candidates have
15 complained about financial affordability of the LPP in
16 comparison to articling because the students are unpaid
17 during their course components and because some work
18 placements remain unpaid.

19 I want to emphasize here this is the
20 information gathered by the consultant the Law Society
21 retained as part of our approved evaluation process.
22 So it's not coming from the committee; it's coming from
23 an independent source.

24 So the question for Convocation -- and
25 I'm going to pose it as a question at this point -- we

1 have to determine: Are we creating a fair and
2 defensible alternative for these candidates, or are we
3 simply creating a second tier process which has the
4 potential to unfairly stigmatize them.

5 To put it a little more simply: Do we
6 want to entrench a licensing system where one pathway
7 is not accepted by candidates as equivalent to the
8 other?

9 Now, that's the first concern.

10 The second concern is sustainability.
11 You'll recall that Pathways is being funded in two
12 ways. First, a \$1 million annual contribution the
13 profession. And second, an increase in the licensing
14 fee for all candidates of \$1,900.

15 Effectively, the entire licensing
16 cohort is subsidizing a percentage of approximately
17 10 percent through a licensing fee increase of \$1,900.

18 It would be difficult to justify
19 continuing this subsidy if the LPP becomes permanent.
20 It simply wouldn't be fair to those taking articling
21 who have financial burdens of their own.

22 However, given our current numbers, if
23 the subsidy were removed, the unsubsidized cost for
24 candidates of the LPP overall could be as high as
25 \$17,000, and the cost for the Ottawa PPD would be

1 significantly higher.

2 That, I just want to pause and say, is
3 a direct result of our numbers problem. We wouldn't
4 have this problem if more candidates were choosing the
5 LPP.

6 The third concern is the performance of
7 LPP candidates in our licensing process. The failure
8 rate for the first attempt at the barrister and
9 solicitor examinations is about 16.1 percent for
10 articling candidates and 43 percent for LPP candidates.

11 We also have a group of LPP candidates
12 of approximately 20 percent for year one, or 45
13 candidates, who still have not completed our licensing
14 examinations.

15 These are candidates who are being
16 subsidized by their cohort and by the profession for
17 the cost of a licensing process who are simply not
18 making it through the process.

19 The statistics from our licensing
20 process also raise concerns about the readiness of a
21 number of internationally-trained candidates entering
22 our licensing process through the NCA. 47 percent of
23 those candidates are failing their first attempt at our
24 licensing examinations.

25 That also raises concerns with respect

1 to the LPP, because approximately 50 percent of the
2 candidates taking the LPP are internationally trained,
3 both returning Canadians and true international
4 candidates.

5 Now, I want to make it clear the
6 performance of LPP candidates on our licensing
7 examinations has nothing to do with LPP providers.
8 They are putting on a skilled-based course and they're
9 not focused on helping candidates pass our licensing
10 exams.

11 However, it does raise questions about
12 whether we're devoting a significant effort in terms of
13 intellectual capital and funding to a relatively small
14 percentage of candidates in the pool, some of whom are
15 simply not ready, for one reason or another, to be
16 licensed.

17 Those are the three reasons that
18 influence the majority of the committee in making the
19 recommendation to end the LPP. However, as I said
20 earlier, the vote was not unanimous. A small group of
21 benchers believe it is simply too early to make a final
22 decision.

23 Now, we've set out in the report a
24 number of strategies the committee believes need to be
25 explored in conjunction with the termination of the

1 LPP. I'm not going to elaborate on them today, but
2 they are set out in the motion at paragraph 3 and
3 they're described in detail in the report.

4 I do want to emphasize that the
5 committee recommends that we continue to scrutinize
6 issues of fairness, accessibility and objectivity in
7 connection with articling, particularly around the
8 hiring process.

9 That's the summary regarding the
10 committee's recommendations in regard to the Law
11 Practice Program. The committee was also of the view
12 that the articling enhancements created as part of the
13 Pathways Project should continue, and we have made a
14 number of recommendations to enhance the licensing
15 process, all in conjunction with the Law Society's
16 strategic priority to focus on enhancing licensing
17 standards and requirements.

18 So all of these recommendations will
19 come to Convocation in November for a debate and a
20 vote.

21 I wanted to make one final comment on
22 the motion. Certain of the recommendations are
23 independent of each other, so this is not a take it or
24 leave it. In particular, the committee is recommending
25 the proposed enhancements to the licensing process be

1 considered independent of Convocation's decision with
2 respect to the LPP. So you can see that in the
3 breakdown of the motion that's on BoardBooks.

4 The view at the moment -- and that's
5 subject, obviously, to further discussion -- is that
6 all of these items would be voted on separately rather
7 than as one package, take it or leave it.

8 So that's the report.

9 TREASURER SCHABAS: Thank you very
10 much, Mr. Wardle.

11 So as Mr. Wardle said, this is a matter
12 for information today, and I know for many of you it's
13 a bit of a repeat of the information session, but it's
14 important, I felt, to have it stated publicly in
15 Convocation. We will have a full debate on this in
16 November.

17 If there are any questions relating to
18 the procedure, the process we're following, or if there
19 are questions in the nature of clarifications that
20 people need, this is an opportunity for that.
21 Otherwise, of course, there will be plenty of
22 opportunity to deal with this issue in November.

23 So any questions in that regard?

24 Mr. Evans?

25 MR. EVANS: Thank you, Treasurer.

1 Mr. Wardle, I read this with interest.
2 I'm wondering about it. My question is: We brought
3 this LPP program about three years ago because of a
4 crisis in the profession. My concern is if we
5 discontinue the process, the crisis will return and we
6 won't have a way of coping with it.

7 I wonder if that was considered by the
8 committee?

9 MR. WARDLE: I'll make a very fast
10 answer and that is that that clearly is one of the
11 considerations the committee wrestled with.

12 You'll see from the numbers that
13 because of the growth of candidates coming
14 internationally through the NCA process, we actually
15 have a gap right now even with the LPP and that gap is
16 just not -- it's just not possible for us to get rid of
17 that gap, just because the number of
18 internationally-trained candidates is now about 600 a
19 year.

20 And that's a combination of a number of
21 factors, including increased enrolment in Canadian law
22 schools, students going abroad to study in increasing
23 numbers and an increased number of candidates coming to
24 our province who are truly international in origin.

25 So it's a complicated set of factors,

1 but right now we have a shortfall even with the Law
2 Practice Program.

3 TREASURER SCHABAS: Mr. Falconer?

4 MR. FALCONER: Treasurer, through you
5 to Mr. Wardle, first of all, obviously my
6 congratulations to the committee for their
7 extraordinarily tireless work. While many of us were
8 on cottage docks or the like, these folks put in long
9 hours in trying to structure the debate that hasn't
10 happened.

11 I'm not up to sort of engage in the
12 debate at this stage, but I raise a process issue that
13 I ask Mr. Wardle and the leadership to consider over
14 the months to come in terms of trying to assist us with
15 feedback.

16 As I see it, there is somewhat of a
17 disconnect between what Mr. Wardle has laid out and the
18 committee has laid out in its report and the
19 expectations that some of us had of this program at
20 this stage.

21 By that I mean that the expectations I
22 had in supporting this program were not that it was not
23 going to be seen as a second best. I assumed it would
24 be seen early as a second best. I assumed that the
25 program would struggle in early days because there's

1 not a single fledgling program that does not.

2 I need to have a better understanding,
3 as we progress along this, what were our expectations
4 in early days? I assumed we would hit bumps in the
5 road. That didn't tell me that I would want to throw
6 out the baby with the bath water, and the reason I
7 raise this is that I supported this because I felt it
8 was a way to ensure people were licensed who were
9 otherwise not getting an opportunity to be licensed.

10 That was my expectation. I need to see
11 and have an analysis that helps me on whether those
12 expectations can be met and the program kept or whether
13 we are dealing with another set of expectations and
14 therefore identifying the program as a failure.

15 It would be of assistance to me as we
16 go along in this process to properly identify the
17 expectations we had going in, because I worry that at
18 the end of the day, as we discard this program, I'm
19 faced with the same program all over again, which is
20 people not getting licensed that should be processed.

21 So I appreciate if that can be included
22 in the process. What were our expectations?

23 Thank you, Treasurer.

24 TREASURER SCHABAS: Thank you, Mr.

25 Falconer. Duly noted.

1 Any other questions?

2 Yes, Ms. Pawlitza?

3 MS. PAWLITZA: I ask this question in
4 the context of being the chair of the committee that
5 approves new law programs and we know that there are
6 new law programs that are going to be applying for
7 approval as early as the end of this year, including
8 law programs in Ontario, so -- and the numbers, we
9 anticipate, at least for the Ontario program, to be
10 significant.

11 Given that there are likely to be new
12 programs coming in that are going to expand the number
13 of demands for articling placements, can perhaps we
14 consider -- you can advise whether or not there's been
15 a consideration of the new law programs that are going
16 to be starting or appear to be coming down the pipe.

17 MR. WARDLE: So I thank Ms. Pawlitza
18 for that.

19 I don't think there's been an explicit
20 discussion around that point as yet at the committee,
21 but I will certainly bring it to the committee's
22 attention and we'll put it on the agenda for our next
23 meeting.

24 TREASURER SCHABAS: Any other questions
25 or remarks in the room at this stage?

1 Yes, Mr. Cooper?

2 MR. COOPER: Thank you, Treasurer.

3 Through the Treasurer, I had an
4 opportunity to speak to Mr. Wardle yesterday. One of
5 the items I had concern with is our definition of
6 fairness.

7 I take the view that fairness has to do
8 with us as a society ensuring that the public is
9 protected by having exceptional candidates who become
10 licensees. The program itself, when you look at the
11 report, shows that it is an excellent program and it is
12 a success.

13 So what I'm hoping, and I had an
14 opportunity to speak to Mr. Wardle, is that when they
15 look at the different permutations and options
16 available, that we think about running this as a
17 universal program, maybe reducing it to three months
18 and allowing it to run more than once a year. That
19 might be two times a year, three times a year or four
20 times a year. That way we will be able to ensure that
21 all candidates get the proper amount or proper learning
22 and it's just something that I hope the committee will
23 consider.

24 TREASURER SCHABAS: Thank you, Mr.
25 Cooper.

1 Mr. Wardle?

2 MR. WARDLE: I think I'll just indicate
3 I talked to Mr. Cooper. A lot of people in the room
4 have interest in this topic. I'm pleased to take
5 whatever suggestions people have and reflect them back
6 to the committee.

7 Just everyone bear in mind this is a
8 very complex process. We've been struggling with it
9 for a long time.

10 I think the tenor of the report was to
11 say if we decide to terminate the Law Practice Program,
12 it doesn't mean we're just going to go back to the
13 status quo and pretend it didn't happen. There are
14 other things we need to be doing short term as well as
15 long term. I think that's as much as I can say.

16 TREASURER SCHABAS: All right. Given
17 the nature of questions, I should just see whether
18 there's anybody on the telephone who has any questions
19 or comments in the same vein.

20 Are there any questions on the phone?

21 TELEPHONE PARTICIPANT: No.

22 TELEPHONE PARTICIPANT: No, thank you.

23 TREASURER SCHABAS: All right. Very
24 good.

25 Thank you very much, Mr. Wardle, for

1 profession qui tienne compte de toute la population de
2 l'Ontario de manière inclusive et libre de
3 discrimination et de harcèlement.

4 Four years ago, as part of its public
5 interest mandate, the Law Society of Upper Canada stuck
6 a working group to investigate the challenges faced by
7 racialized lawyers and paralegals and to consider
8 strategies for enhanced inclusion at all career stages.

9 Beginning in 2012, the working group
10 engaged in extensive research as part of this mandate.
11 We began by gathering information through surveys,
12 focus groups, interviews and meetings, and from there
13 we moved to a consultation process across the province
14 and carefully considered the information collected to
15 develop the recommendations that you see in today's
16 report for information.

17 Convocation has been involved at
18 certain interim steps along the way. You approved our
19 consultation plan in 2014 and received a status report
20 in April 2015.

21 The recommendations stem from the
22 working group's recognition that the problem of
23 systemic discrimination within the legal professions is
24 real and significant.

25 Racialization is a significant factor

1 that shapes the careers of legal professionals,
2 beginning in law school.

3 Voici quelques points clés du group de
4 travail.

5 Over one third of paralegals and
6 18 percent of lawyers identify as racialized.

7 La discrimination est un réalité
8 quotidienne pour de nombreux titulaires de permis
9 racialisés.

10 For many racialized licensees,
11 discrimination is a feature of everyday life.

12 40 percent of racialized licensees
13 identified ethnic or racial identity as a barrier to
14 entry into practice. In contrast, 3 percent of
15 non-racialized licensees identified ethnic or racial
16 identity as a barrier.

17 More than 50 percent of survey
18 respondents said they were expected to perform to
19 higher standards because of racial stereotyping. In
20 the community liaison process, we heard from many that
21 racialized licensees felt they had to work twice as
22 hard to obtain the same amount of respect as a
23 non-racialized licensee.

24 De nombreux titulaires de permis
25 racialisés ont besoin d'un solide réseau de

1 professionnels juridiques, de mentors ou de parraineurs
2 qui puissent leur fournir des conseils et un soutien
3 dans leur lieu de travail, et ce manqué peut poser un
4 obstacle durant leur carrières.

5 Our best work as professionals is
6 fostered when we work in inclusive, supportive
7 workplaces. We do better when there are policies and
8 measures aimed at creating a larger sense of belonging
9 and an interest in the potential of all who work there,
10 and we are better able to serve the needs of our
11 communities and do justice when we are more creative
12 and open.

13 Access to justice, the quality of legal
14 service and the reputation of the Ontario legal system
15 all demand a response because of the role that lawyers
16 and paralegals play in society. As such, this report
17 is all about the public interest.

18 During all of the consultations across
19 Ontario and in many legal practice settings from small
20 to large firms, organizations and associations, we
21 heard that the Law Society has an important role to
22 play. Systemic problems demand systemic solutions, and
23 we heard that the profession is ready to embrace this.

24 There are many champions. There are
25 affinity organizations, the in house counsel who

1 created Legal Leaders for Diversity, the Law Firm
2 Diversity and Inclusion Network. These are signs of
3 change.

4 Some firms have begun to train their
5 recruiting teams on matters of unconscious bias, and
6 others have begun to ask themselves whether they are
7 unwittingly creating barriers to advancement for some
8 members of their firms.

9 We commend this work, but there is much
10 more to be done and we have a role to play in
11 accelerating change, providing guidance, coordinating
12 effort and educating broadly about these issues across
13 the professions.

14 The working group responsible for this
15 report is made up of elected and appointed benchers
16 from diverse practice areas and personal backgrounds.

17 As you know, we deliberated for months
18 upon these recommendations and considered multiple
19 perspectives. We learned from the bar and from each
20 other and we were exceptionally well served by the
21 tireless committee work of policy counsel Ekua Quansah,
22 the quality of input from senior management coordinated
23 by Grant Wedge and the leadership of Josée Bouchard,
24 former director of equity, Allison Cheron, acting
25 director of equity, and now Marian MacGregor, our

1 equity advisor.

2 I wish to acknowledge my co-chair,
3 Raj Anand, vice chairs Julian Falconer and Howard
4 Goldblatt and the entire working group with gratitude
5 and admiration.

6 We embraced the task of developing
7 meaningful and responsive policy responses to a
8 challenging issue with the support of the entire group.
9 Nobody gave up on the project, even when it was not
10 always clear we would land on a final report.

11 So to all of you, thank you for showing
12 what May Cheng described at yesterday's panel on women
13 and diversity as grit. We are all looking forward to
14 continuing the conversation over the next few months
15 until December when we return with these
16 recommendations for you to consider.

17 So the culmination of the work, the
18 study and the consultation, Working Together For
19 Change, is our report of thirteen recommendations to
20 address issues of systemic racism across the legal
21 professions.

22 The recommendations seek to accelerate
23 culture shift towards eliminating barriers, achieving
24 inclusive legal workplaces and fostering the talent and
25 excellence within the legal professions in Ontario.

1 It's for your information and it is
2 thus now a public document. We will be inviting
3 comment from the profession and returning in December,
4 as I said, for approval.

5 I'm not going to read through the
6 recommendations. You can read them. But they can be
7 understood as falling into six general categories.

8 First, recommendations 1 and 12 look at
9 strengthening our rules and processes for dealing with
10 complaints of discrimination.

11 Recommendations 2, 3 and 8 speak to
12 requiring the acknowledgement and adoption of
13 principles and policies and providing support for the
14 creation of policies and resources for firms.

15 Recommendations 9 and 10 speak to
16 education of the professions about their obligations,
17 starting with the licensing process and moving forward
18 through practice.

19 Recommendation 11 addresses support and
20 mentorship.

21 Recommendations 4, 5, 6 and 7 discuss a
22 variety of ways to measure and share meaningful
23 information with the professions, with firms and on our
24 progress as a whole.

25 Finally, recommendation 13, leading by

1 example, refers to the Law Society, both at the staff
2 level and here in this room.

3 So at the heart of the recommendations
4 are three objectives that we began with when we drafted
5 this report, and you'll see those in the executive
6 summary. They are: To foster the development of
7 inclusive legal workplaces in Ontario; to reduce the
8 barriers in hiring and advancement created by racism,
9 unconscious bias and discrimination; and to work
10 towards a better representation of racialized licensees
11 at all levels of seniority across the professions.

12 Each of these recommendations are
13 discussed within the body of the report and we
14 anticipate that approval will require a number of
15 implementation pieces, including bylaw amendments,
16 investment and information technology to record and
17 analyze progress, and that would be done through a
18 senior staff implementation working group.

19 So I would conclude -- thank you,
20 Treasurer, for the time to do this -- the measures do
21 strive to reduce discrimination and ensure the wealth
22 of talent across the professions is appreciated and
23 deployed at all career stages. A thriving profession
24 is capable of serving a diverse population.

25 We invite members of Convocation to

1 consider what we are proposing, to engage with the
2 communities who have been patiently awaiting this stage
3 of our work and take an interest on how we can all work
4 together towards solving this problem.

5 Thank you.

6 TREASURER SCHABAS: Thank you.

7 So, again, as I said, this is for
8 information. This will be debated fully, I'm sure, in
9 December. But again, we've an open floor for limited
10 comments and questions around process and going
11 forward.

12 I see a number of hands up. Mr. Anand
13 is already on his feet.

14 MS. LEIPER: Mr. Anand and I are going
15 to take questions on this together because we worked on
16 this together.

17 TREASURER SCHABAS: Fine. All right.

18 So Mr. Falconer?

19 MR. FALCONER: Treasurer, through you
20 to my fellow co-chairs and fellow vice chair, Mr.
21 Goldblatt and committee members on Challenges Faced by
22 Racialized Licensees, this process has been a long one
23 and we identified dates but sometimes we don't stop and
24 pause. Some will say four years to get to this stage,
25 now you want months to discuss it?

1 I just, as a process issue, want to
2 raise this for everyone's consideration, Treasurer, and
3 I speak as a biracial lawyer who for over 25 years has
4 seen these issues land in my lap one way or the other.

5 It has been decades, if not centuries,
6 that we have grappled with issues of racism in Canadian
7 society, and that it has taken us four years to name
8 the problem and start talking solutions should hardly
9 be a great surprise. It's a reality that there's no
10 magic bullet. The committee, as diverse as it was,
11 struggled but worked hard.

12 I want to address two issues very
13 quickly. Very quickly, Treasurer.

14 Firstly, how important it is -- how
15 important it is to Canadian society that we be fearless
16 in identifying the problem.

17 An African American novelist by the
18 name of James Baldwin, who was recently recognized,
19 actually, in the last days of TIFF -- that is, a
20 documentary about him -- stated the following: Not
21 everything that is faced can be changed, but nothing
22 can be changed until it is faced.

23 The reality of using the term systemic
24 racism in the title of this report and in the report is
25 all about our ability, as a profession, to come to

1 terms with the dialogue and to be respectful about the
2 dialogue and to name it for what it is.

3 I can't emphasize enough how important
4 that is in this process over the next four months, but
5 I want to say something. We should hardly be
6 congratulating ourselves for being ground breakers.

7 Chief Justice McMurtry, prior to Chief
8 Justice McLaughlin in a case called Wilson, spoke of
9 the evil of racism that went across, as he put it,
10 beyond metropolitan Toronto and across this province.
11 Page 8 of the judgment, for those who want to look.

12 Chief Justice McLaughlin in Williams
13 spoke about systemic discrimination and racism that
14 permeates the criminal justice system. She was
15 speaking about Indigenous peoples, but if you want to
16 read her views on racism and naming the problem, simply
17 look at her 2002 article in which she titles her
18 article "Racism and the law."

19 We need to talk about the problem, be
20 blunt about its existence and at the end of the day, be
21 willing to take on the challenge. This is only a
22 beginning.

23 To those who might be skeptical about
24 how conservative this report is, I have this to say:
25 There always must be a first step to any solution.

1 This is an important first step.

2 To those who feel the first step is too
3 far, it has been a long time coming that we recognize
4 we need to create a healthy work environment for all of
5 our colleagues.

6 Treasurer, I'm very proud of our
7 executive and very proud of our committee and I thank
8 you for allowing me these few moments to spoke.

9 TREASURER SCHABAS: Thank you, Mr.
10 Falconer.

11 Ms. Vespry?

12 MS. VESPRY: An actual question,
13 Treasurer.

14 I believe that it's important to our
15 decisionmaking process for us to understand the impact
16 of our decisions or potential impact of our decisions.

17 I'm reminded of the time before I was a
18 bencher, which strangely seems much longer ago than it
19 was, when I was watching with much interest the process
20 of Convocation in addressing the matter of Trinity
21 Western and one of the things that happened in that
22 instance was that there was in fact some information
23 from outside counsel about responsibilities of
24 Convocation and the powers of Convocation.

25 And I have a few concerns with some of

1 the recommendations. Not that I don't like them. I
2 have concerns about, as said, their potential impact
3 and potential Charter impact in terms of requiring
4 people to think certain ways, which I don't think we
5 can actually do.

6 And also, as we currently have no
7 authority to regulate workplaces or legal firms -- it's
8 something I know that we're discussing, but it doesn't
9 exist yet. As such, when recommendations 3.4,
10 recommendation 4 and other recommendations mention
11 interacting as a regulator with workplaces, that seems
12 like it could be ultra vires for our society as it
13 stands.

14 I would hope or appreciate that before
15 our decisionmaking process in December we could get or
16 we could request an opinion from Law Society counsel,
17 although I suspect that Elliot will hate me for that,
18 or an opinion from outside counsel regarding the
19 Charter and other impacts of these recommendations.

20 Thank you, Treasurer.

21 TREASURER SCHABAS: Mr. Anand?

22 MR. ANAND: I thank Ms. Vespry for the
23 question, and I just wanted to address it very quickly.

24 First of all, in terms of legal
25 authority, the legal authority of the Law Society in

1 relation to these human rights issues was considered at
2 all stages of the process.

3 With respect to the points that Ms.
4 Vespry raises, which are about the interaction between,
5 I take it, free speech and human rights obligations,
6 these are issues which have been tested many times in
7 the courts and in which the human rights codes and
8 their validity have been upheld.

9 With respect to all of the
10 recommendations, as I think is indicated in the report,
11 other than the issue of coverage of non-law firms, if I
12 can put it that way, an issue of coverage of in house
13 lawyers and government lawyers, with that exception in
14 which you have the significant majority view -- and
15 there was a minority view, but with respect to the
16 thirteen recommendations as a whole, those were
17 unanimous. The working group of fifteen benchers was
18 unanimous in taking these views.

19 Now, with respect to implementation
20 issues, of course we have to be conscious of the legal
21 authority of the Law Society, and I think as in all
22 measures passed as a matter of policy by Convocation,
23 in their implementation we have to be conscious of both
24 operational issues and legal authority issues and
25 there's no doubt that our staff will be continuing to

1 be aware of those issues as we go forward.

2 TREASURER SCHABAS: Thank you.

3 Ms. Ross?

4 MS. ROSS: Thank you, Treasurer.

5 As of tomorrow, when our two articling
6 students are called to the bar, our firm will be a firm
7 of nine lawyers; five women and four men. We are the
8 55 percent club, not the 30 percent club, I'm proud to
9 say.

10 But I noted, and I asked the question
11 at the information session on the report,
12 recommendation 3, that the requirements in 3.2 and 3.3
13 have a cut off of ten licensees or more, and as a firm
14 of nine lawyers we will not be subject to the
15 requirements of recommendation number 3 and I ask: Why
16 not?

17 My understanding of the statistics of
18 law firms in Ontario is that those of us who are
19 members of firms of nine or fewer comprise at least
20 50 percent of the law firms in Ontario and therefore --
21 and I asked at the information session -- if we're
22 50 percent of the law firms, we must also, by
23 necessity, be 50 percent of part of this problem, so
24 why are we excluded from the implementation of the on
25 the ground policies in our workplace by virtue of a ten

1 licensee or greater requirement?

2 That concerns me greatly, and quite
3 frankly, I'm distressed that my firm will not be
4 subject to these recommendations and ask the members of
5 the committee, as I did at the information session, for
6 their reasoning around this.

7 I assume, as well, that this should not
8 be problematic given that we're headed for
9 compliance-based entity regulation. This is the very
10 first type of compliance we should all be required to
11 comport with.

12 TREASURER SCHABAS: Thank you, Ms.
13 Ross.

14 Ms. Leiper?

15 MS. LEIPER: Yes. Thank you, Ms. Ross,
16 for the question.

17 You will see that some of the
18 recommendations are universal. For example,
19 recommendation 1, the CPD requirement, and any firm can
20 participate in the project that is proposed to bring
21 forward templates and draft model policies.

22 However, the working group chose
23 certain firm sizes because we were thinking of
24 regulatory burden at this stage in terms of legal
25 workplaces that would be subject to some of the

1 mandatory measures. Not an exact science, to be sure.
2 This is the kind of policy that we could foresee
3 changing as we get more data.

4 The other part of this is regular
5 measurement, using the same kinds of questions we asked
6 at the very beginning to see what is happening around
7 the profession, and of course it need not be something
8 that is so rigid that it could not change, especially
9 if we started to get different information about where
10 barriers continue to exist.

11 Thank you for your question and those
12 are the considerations we applied.

13 TREASURER SCHABAS: Mr. Callaghan?

14 MR. CALLAGHAN: First, let me commend
15 the working group for their hard work in this really,
16 really important initiative.

17 I rise for two reasons. One, I support
18 Ms. Vespry's concerns. I think that she's absolutely
19 correct and the accompanying words of Mr. Anand don't
20 satisfy me, so I too would like to see something and I
21 would also like to consider whether or not, when we go
22 to vote these things, if those issues can be dealt with
23 separately, because if those of us do not accept we
24 have the authority to do certain elements here, we
25 ought not to do them.

1 So it is an important issue and I thank
2 Ms. Vespry for raising it.

3 The second is a question, which is:
4 When I read the report, I have a little bit of
5 uncertainty as to whether we have an issue with respect
6 to those who are prepared to enter our profession.

7 The report refers to our racialized
8 lawyers going from 9 to 18 percent and that currently
9 racialized persons who identify in the province as
10 racialized is somewhere around 25 percent.

11 What I wouldn't mind knowing is whether
12 the working group sees us having a problem attracting
13 racialized lawyers, racialized people to the law. That
14 would mean having an understanding of not what the
15 average is, but rather what the demographic would be in
16 the last three to five years of entrance, I would
17 think, and whether or not we've identified certain
18 racialized groups who are really disadvantaged as to
19 entering the law.

20 I appreciate what you're doing is to
21 make sure everybody gets a fair shake and I think
22 you're absolutely correct in doing so when they enter
23 the law, but if the profession doesn't look like them
24 from the start, it's never going to look like them at
25 the end and the report didn't really help me understand

1 where we are today in that regard.

2 MS. LEIPER: So I think that those two
3 points are ones that we will certainly take back to the
4 committee. And, again, we're grateful for an
5 opportunity now, and within the next month or so, if we
6 hear from benchers if they want more information about
7 certain aspects of demographic profiles, the questions
8 have been raised about legal authority and we will be
9 prepared to answer those in December.

10 TREASURER SCHABAS: Thank you very
11 much.

12 Are there any other questions in the
13 same vein for clarification or process in the room?

14 Any on the phone? Hearing silence.

15 TELEPHONE PARTICIPANT: No questions.
16 Very good report.

17 TREASURER SCHABAS: Okay. Well, that's
18 it, then. Thank you very much.

19 May I just echo the comments that have
20 been made to thank the group and its leaders for the
21 very long and hard work that they've done on this and
22 it's clearly not quite over yet and I look forward to
23 the debate in December.

24 We will take the morning break for
25 twenty minutes.

1 --- Recess taken at 10:40 a.m.

2 --- On resuming at 11:06 a.m.

3 TREASURER SCHABAS: Back to order,
4 please.

5 I would now like to move to the next
6 item on the agenda, which is LAWPRO. I want to welcome
7 Kathleen Waters, president and CEO of LAWPRO, and
8 Duncan Gosnell, executive vice president and secretary.

9 Just before Ms. McGrath gives her
10 report, maybe she's going to say this but it's in my
11 notes to say it, that LAWPRO was recently awarded by
12 A.M. Best Company the financial strength rating of an A
13 and a credit rating of an A for the sixteenth
14 consecutive time.

15 In establishing its rating, they cited
16 LAWPRO's strong capitalization, commanding market
17 profile and improving operating results, so I want to
18 congratulate Ms. Waters and the staff at LAWPRO for
19 their exceptional work that no doubt greatly benefits
20 the profession.

21 With that, Ms. McGrath, I guess you're
22 preaching to the converted here, but tell us about
23 LAWPRO.

24 LAWPRO REPORT:

25 MS. MCGRATH: Well, thank you.

1 Thank you for the opportunity to review
2 LAWPRO's 2016 report to Convocation, which you will
3 find at page 280 of BoardBooks.

4 As many of you know, this is a time of
5 year where LAWPRO's board, which I have the honour to
6 chair, describes the offer for next year's insurance
7 program.

8 This year we are pleased to bring
9 forward a very positive report to Convocation.

10 Today you'll hear how we are delivering
11 an affordable and effective insurance program tailored
12 to the changing bar and their clients.

13 As times change, LAWPRO changes too.
14 So often when LAWPRO is responding to change the
15 overall theme is downbeat. In this case, however, we
16 have some good developments to report.

17 You will find the 2017 offer at pages
18 288 to 290 of BoardBooks. I am very happy to announce
19 a \$400 reduction in base premium from \$3,350 to \$2,950.

20 This reduction has been determined
21 after careful analysis of claims history, capital
22 accumulation and the need to continue to operate the
23 company in a commercially reasonable manner.

24 For many years, there have been various
25 uncertainties hanging over LAWPRO and the company has

1 prudently addressed these uncertainties to the best of
2 its ability.

3 For example, recently government
4 regulators required us to complete our first own risk
5 insolvency assessment, also known as ORSA.

6 The ORSA process is an insurer's
7 individual assessment of its risks, capital needs and
8 solvency position. It is a report used for setting
9 internal targets and giving a framework for board
10 solvency responsibilities.

11 The process was new to LAWPRO and
12 includes in-depth stress testing and situational
13 analysis.

14 As a new requirement, we did not know
15 how it would reflect on our capital position or whether
16 it would affect the board's preferred operating range
17 for the minimum capital test. The minimum capital test
18 is a key solvency test for Canadian insurance
19 companies.

20 In the end, with the results of our
21 ORSA report, moderated claims growth compared to
22 significant upward projections in earlier years and a
23 midyear minimum capital test result of 251 percent, it
24 became clear that we had the stability to offer a
25 reduction in base premium.

1 Of course, moderating claims experience
2 and solid investment markets can change. But for now,
3 we have cause for celebration.

4 In addition, we've made some other
5 changes to better serve the Ontario public. As society
6 evolves to meet access to justice needs, individuals
7 will obtain legal advice and services in various ways.
8 One such way is through government programs.

9 To better support those working within
10 government but who act for more than just their
11 employer, a new premium adjustment equivalent to
12 75 percent off the base rate is available for lawyers
13 who are employed by designated agencies.

14 To take advantage of this discount, the
15 lawyers must perform professional services only for
16 third parties related to their employment and on a no
17 fee basis. Typically those who qualify will be
18 assisting people who have challenges accessing legal
19 advice.

20 In addition, to further provide access
21 to justice, qualifying lawyers will be exempt from
22 civil litigation transaction levy payments for those
23 services provided through the designated agency.

24 LAWPRO is hearing from lawyers about a
25 greater variety of secondment arrangements than ever

1 before. Secondments present special underwriting
2 risks. The lawyer may be largely removed from law firm
3 supports and may be exposed to a greater range of
4 corporate information and business decisions than is
5 typical for outside counsel. In house lawyers
6 generally cannot be sued by their employers under
7 employment law. As secondments can take many forms,
8 the insurance program needs flexibility in this area to
9 ensure that seconded lawyers are adequately protected
10 while the program guards against claims that should be
11 excluded under employment law principles.

12 To support lawyers doing this work
13 while ensuring that insurance program resources cannot
14 be accessed by corporate clients who in the specific
15 circumstances are more accurately characterized as
16 being in an employment relationship with the lawyer for
17 the term of the secondment, we have included the
18 following change.

19 For 2017, the policy will exclude
20 claims brought by corporations against seconded lawyers
21 where the claimant meets the definition of corporate
22 employer under the policy and we will extend the
23 \$250,000 defence only coverage to the benefit of the
24 seconded lawyer if the employer exclusion applies.

25 Two other changes proposed for the 2017

1 program are intended to better protect clients. First,
2 we're clarifying LAWPRO's ability to report lawyers to
3 the Law Society to be in line with recent significant
4 changes to the Rules of Professional Conduct.

5 Condition Q of the policy, which
6 contains this power, has been in force unamended since
7 1998 and now seems to be an appropriate time for an
8 update.

9 Second, to ensure that those lawyers
10 who choose or inadvertently fail to file their renewal
11 application by the deadline do not end up
12 inconveniencing their clients because the default
13 coverage does not really suit their needs, their
14 previous coverage choices will be automatically
15 reinstated. In particular, the real estate practice
16 coverage option will be continued where applicable so
17 real estate clients are not inconvenienced.

18 More generally, non-standard deductible
19 choices or premium discounts will be reinstated when a
20 completed renewal application is not received by the
21 deadline.

22 In conclusion, after sixteen years of
23 receiving a financial strength rating of A and a stable
24 outlook for the fifth year in a row from A.M. Best, a
25 global insurance rating service, we all have reason to

1 be proud. The strength we have built lets us stand
2 behind the work of Ontario lawyers and the clients they
3 serve. It has come from our discipline and your
4 support. We have grown a strong and reliable insurance
5 company that has become a standard of excellence in
6 Canada.

7 I therefore ask Convocation to accept
8 the offer that you will find at pages 288 to 290 of
9 BoardBooks.

10 I will take any questions.

11 TREASURER SCHABAS: Thank you, Ms.
12 McGrath.

13 I take it it's really a motion by you?

14 MS. MCGRATH: Yes.

15 TREASURER SCHABAS: You have a
16 seconder?

17 MS. MCGRATH: Ms. Barb Murchie.

18 TREASURER SCHABAS: Ms. Murchie. Thank
19 you.

20 Are there any comments or questions in
21 the room for Ms. McGrath and our friends at LAWPRO?

22 Nothing in the room. How about on the
23 telephone?

24 TELEPHONE PARTICIPANT: No.

25 TREASURER SCHABAS: Thank you very

1 much, Ms. McGrath. You have an excellent report and I
2 give my thanks to you and to Ms. Waters and Mr. Gosnell
3 from LAWPRO for their excellent work.

4 All in favour of the report?

5 Thank you.

6 Any opposed on the phone?

7 Thank you. The motion is carried.

8 Mr. Wardle. The Treasurer's Report?

9 TREASURER'S REPORT:

10 MR. WARDLE: Thank you, Treasurer.

11 There are two items for decision. The
12 first one is at BoardBooks 346 and deals with the
13 proposed Mental Health Strategy Implementation Task
14 Force.

15 I don't think I need to take much of
16 Convocation's time with this.

17 You will recall that in April, we
18 approved a Law Society strategy to address mental
19 health, wellness and addiction issues. That report is
20 at tab 5.2 in your materials, and you'll see at the end
21 of that report at page 7, it was contemplated that
22 there would be a Mental Health Strategy Implementation
23 Task Force of no more than five benchers to provide
24 guidance on implementation related issues.

25 The Treasurer is proposing to have such

1 an implementation committee and you'll see the names of
2 the proposed members are set out at page 347 of
3 BoardBooks.

4 The terms of reference are set out in
5 paragraph 9. I won't take you through it, but it's
6 consistent with the recommendations of the April report
7 and the motion which I am moving -- and I'll just ask
8 for a seconder -- is at page 346.

9 TREASURER SCHABAS: I saw Mr.
10 Goldblatt's hand go up.

11 MR. WARDLE: Thank you.

12 TREASURER SCHABAS: Any questions on
13 that, in the room or on the telephone?

14 No questions? Then we'll put this to a
15 vote. All in favour?

16 Thank you. Any opposed on the
17 telephone?

18 Thank you, Mr. Wardle. The motion is
19 carried.

20 MR. WARDLE: Thank you, Treasurer.

21 The second matter for decision is found
22 at BoardBooks, page 353. It deals with the
23 establishment of a task force to undertake a review of
24 and make recommendations regarding respecting the Law
25 Society's governance structure with terms of reference

1 and membership of the task force set out in the report.

2 Just a little bit of background here.

3 You'll recall that our strategic plan for 2015-2019 has
4 some specific priorities that deal with improving
5 governance and they're set out in the materials at
6 paragraph 11.

7 One of those was part 3:

8 U/T "To review the Law Society's governance
9 structure, including achieving the goals of
10 transparency, inclusiveness, effectiveness, efficiency
11 and cost, and where appropriate, obtain the opinions of
12 experts." (As read)

13 So for the governance review under this
14 particular part of the strategic plan, the Treasurer
15 has determined that a task force should be created to
16 undertake this work.

17 The priority in the strategic plan is
18 quite broadly stated. The Treasurer proposes that the
19 work of the task force be organized in stages.

20 The first stage would consider sort of
21 practical process issues, how Convocation committees
22 work, agenda planning, the type, size and numbers of
23 committees and frequencies of meetings, recommendations
24 would be reported to Convocation as the work progresses
25 and then concurrently with the work I've just

1 described, the task force would undertake research on
2 and review governance models here and abroad, including
3 other professions.

4 That research would set the stage for
5 an examination of fundamental governance structural
6 issues which may include how Convocation is
7 constituted, the current composition of Convocation and
8 the size of Convocation.

9 And then following what we can call the
10 research phase, the task force would report to
11 Convocation on what it proposes as the broad areas of
12 focus for the next stage of its study. It would then
13 begin that work, which would involve detailed review
14 and assessment of the governance issues and the task
15 force would then report to Convocation with
16 recommendations.

17 So you'll see that the way this has
18 been set up is that the task force will be coming back
19 to Convocation at regular intervals as it goes about
20 its work.

21 I should point out, you'll see in
22 paragraph 18 there are various governance related
23 issues that have arisen in the context of bencher
24 elections and through the work of some committees and
25 those would be folded into this process.

1 It's also envisaged that members of
2 Convocation would be engaged both individually and
3 collectively for input at various stages of the
4 committee's work.

5 Expenditures for the initiative will be
6 driven largely by external expertise the task force
7 believes is necessary to support its work and there is
8 funding in the proposed consulting budget of \$200,000
9 for 2017 for the implementation of strategic plan
10 initiatives.

11 At paragraph 21, you'll see the
12 proposed composition of the task force with the very
13 able Janet Leiper as the chair and I'm pleased to serve
14 on this task force under Janet's guidance.

15 And then you'll see at paragraph 22 the
16 proposed terms of reference.

17 So unless there are any questions, the
18 motion, again, is at page 353 and I'll move the motion
19 and I just need a seconder.

20 So seconded by --

21 TREASURER SCHABAS: Mr. Troister, I
22 saw, put up his hand fastest.

23 Any comments or questions on this to
24 Mr. Wardle or, if necessary, to me?

25 Anybody on the phone? Questions on the

1 phone?

2 Hearing silence.

3 I'll put the matter to a vote. All in

4 favour?

5 Opposed, if any?

6 On the telephone, any opposed?

7 The motion is carried. Thank you, Mr.

8 Wardle.

9 MR. WARDLE: Thank you very much,

10 Treasurer.

11 TREASURER SCHABAS: Audit and Finance

12 Committee. Mr. Bredt?

13 AUDIT AND FINANCE COMMITTEE REPORT:

14 CHRISTOPHER D. BREDT: Thank you,

15 Treasurer.

16 There are three items that I would like

17 to review with Convocation this morning.

18 Why don't we do the quickest one first,

19 which is the cheque signing authority. That can be

20 found in BoardBooks at page 424.

21 What the motion relates to is to

22 approve a revised banking resolution that updates the

23 old title of director, policy with a new title of

24 director, office of CEO and corporate secretary, and

25 also to update based on the new positions of certain

1 office holders.

2 The schedule itself can be found at
3 BoardBooks page 428. That sets out who the authorized
4 people are with respect to cheque signing authority.
5 This motion is moved by me and seconded by
6 Teresa Donnelly.

7 I'd be pleased to respond to any
8 questions people have about the amended cheque signing
9 authority.

10 TREASURER SCHABAS: You have a seconder
11 for this controversial question, Mr. Bredt?

12 MR. BREDT: Well, I asked Ms. Donnelly
13 to second the motion and she graciously agreed.

14 TREASURER SCHABAS: Are there any
15 questions in the room or on the telephone over this
16 motion?

17 We're out of lecture mode, Mr. Lerner?

18 Any questions on the telephone over the
19 cheque signing motion?

20 TELEPHONE PARTICIPANT: None.

21 TREASURER SCHABAS: Thank you.

22 All in favour?

23 Any opposed?

24 Any opposed on the telephone?

25 Thank you, Mr. Bredt. The motion is

1 carried.

2 MR. BREDT: So the next motion that we
3 have before you relates to the Lawyers' Compensation
4 Fund balance management policy.

5 The motion can be found at BoardBooks
6 417. It asks that Convocation amend the Lawyers'
7 Compensation Fund balance management policy, as set out
8 in the attached, to reduce the minimum balance from
9 three 1-in-100 year events to one 1-in-200 year event.

10 This, I think, I need to provide a
11 little bit more background than the cheque signing
12 authority, Treasurer.

13 So just by way of background, from
14 about 1998 to 2012, the compensation fund balance grew
15 quite significantly, from \$8 million up to \$25 million.

16 So in 2013 -- and there was no real
17 fund policy -- fund balance policy.

18 In 2013, the Audit and Finance
19 Committee said, "Look, we have this large general fund,
20 we have a large compensation fund, are we just going to
21 let them keep growing?" It had an advantage, because
22 they throw off investment income, so it was helping to
23 reduce fees and so forth, but we're not really set up
24 as an investment manager to manage funds to generate
25 income to reduce fees.

1 So in 2013, what the Audit and Finance
2 Committee did is they developed a policy for the
3 general fund and they also developed a policy for the
4 compensation fund.

5 With the assistance of an auditor, the
6 fund management policy at that time was to keep the
7 fund balance between a minimum of three 1-in-100 year
8 events and four 1-in-100 year events, and what that
9 policy then required based on what the actuary said is
10 that the fund should be between \$16.5 and \$22 million.

11 Given that the fund at the time was
12 \$25.8 million, it was extremely risk adverse.

13 In fact, what we did over the years is
14 that we would take funds from the compensation fund and
15 use them to reduce fees. So we would take the
16 surpluses out and use them as a way of reducing fees.

17 So things were all hunky-dory up until
18 about 2014. In 2014, for the first time in many, many
19 years, there were very significant events. They arose
20 from, essentially, trust defalcations relating to
21 condominium projects.

22 It resulted in reserves being set that
23 reduced the fund balances to about \$15.6 million, which
24 was slightly below the policy minimum.

25 So what we were faced with doing is --

1 so in order to get up to the policy minimum under the
2 old policy would have required significant fee
3 increases and we weren't convinced it was entirely
4 necessary.

5 When we considered this at the
6 committee, there were two main factors that drove the
7 policy change. The first and the most important was
8 the actuary did some revised analysis, and under that
9 revised analysis, if we were going to keep our current
10 minimum, which was three 1-in-100 year events, we would
11 have had to increase the fund balance up to
12 \$29 million, and this would have required a minimum
13 increase in the compensation levy this year of about
14 \$145.

15 Quite frankly, the committee felt that
16 this would be excessive given our ability to mitigate
17 risk through a number of other factors.

18 The second issue that required us to
19 change this was, as you'll see in one of the reports
20 coming up, the Compensation Fund Committee was looking
21 at the claim limit and for many years the limit on the
22 claim was \$150,000. Keep in mind this is a
23 discretionary fund. It's something that was set up to
24 respond, essentially, to defalcations and circumstances
25 where insurance and so forth does not respond to the

1 claim.

2 What the actuary said is that actually
3 the demands on the fund will not increase that much,
4 even if you raise the limit up to about \$500,000.
5 That's because most of the claims are small claims and
6 there are very few claims that actually rise up above
7 the \$150,000 limit.

8 So what the Audit and Finance Committee
9 determined was the current policy was unduly
10 conservative, that we didn't need to do what we had
11 been doing in past, which is generating this huge fund
12 which generated investment return, and that in actual
13 fact we had the ability to significantly mitigate the
14 risks of these kind of extraordinary events and the
15 ability to mitigate the risk comes first of all because
16 we have the ability, if bad things happen, to increase
17 the fund, the compensation levy, and to do so gradually
18 in a reasonable manner so we get the fund back up to an
19 appropriate level.

20 Secondly, you know, in any event, the
21 grants are discretionary so that in terms of demands on
22 the fund, it's -- we have the discretion to grant or to
23 refuse them.

24 So again we consulted with the
25 actuaries and what the actuaries told us is that if we

1 went to a 1-in-200 year event, that would bring the
2 minimum fund balance in at about \$15 or \$16 million, is
3 kind of where we were at, and were recommending that
4 there be a slight increase in the compensation fund
5 levy to make sure we stay within the policy guidelines.

6 So that's a long-winded way of
7 explaining why we're coming back to you and suggesting
8 that the fund balance minimum be changed to some
9 extent, and Treasurer, I'm available for any questions
10 that Convocation may have.

11 TREASURER SCHABAS: Again, it's moved
12 by you and seconded by Ms. Donnelly? Is that right?

13 MR. BREDT: Yes.

14 TREASURER SCHABAS: Questions for Mr.
15 Bredt?

16 Any questions on the telephone?

17 No one wants to know why three times we
18 have a 100 year event within 100 years?

19 Yes, Mr. Troister?

20 MR. TROISTER: Just out of curiosity,
21 as I look at the fund report and I see the payments
22 that are being made, I'm just curious to what extent
23 the payments are 100 percent indemnity as opposed to a
24 piece of the claim or whatever. Because I see, when I
25 look at this list at BoardBooks 488, total grants paid,

1 \$2,000, \$2,000, \$8,000, \$232.06.

2 I mean, to what extent are people
3 actually being paid for the full amount of the
4 compensation claim or getting a piece of what they've
5 lost?

6 What I'm also --

7 TREASURER SCHABAS: You're getting
8 ahead of the agenda, Mr. Troister.

9 MR. TROISTER: I'm sorry?

10 TREASURER SCHABAS: You're getting
11 ahead of the agenda. We haven't had the report from
12 the Compensation Fund Committee.

13 MR. TROISTER: Oh, I'm sorry. Then I
14 will reserve my comments and my questions until later.

15 MR. BREDT: What I was going to say is
16 that I know --

17 TREASURER SCHABAS: Mr. Bredt doesn't
18 seem to be able to resist answering. Go ahead.

19 MR. BREDT: That will be addressed by
20 the chair of the compensation committee when she comes
21 to give her report in due course and I'm sure that she
22 will be able to fully explain how the committee works
23 and what percentage they grant.

24 TREASURER SCHABAS: Thank you.

25 With that, I'll put the matter to a

1 vote.

2 All in favour?

3 Any opposed?

4 Any opposed on the telephone?

5 I'm hearing no objection on the

6 telephone.

7 The motion is carried.

8 MR. BREDT: So the final matter that I
9 want to do is to review with Convocation the six
10 month -- the financial statements for the six months
11 that end on June 2016.

12 If I could ask you to turn in your
13 BoardBooks to page 441? What you should have there is
14 kind of an overview that shows a schedule of revenues
15 and expenses up to June 31.

16 I'm conscious of the fact that I'm
17 going to be giving a budget presentation this
18 afternoon, so I don't want to overstay my welcome here.
19 I'm going to go through this relatively quickly, but if
20 people have questions, I'm certainly happy to respond
21 to them.

22 So the bottom line is good news. If
23 you look at the total expense line -- or, sorry, the
24 line 14, the surplus or deficit, you'll see that we had
25 actually budgeted to this time of the year a deficit of

1 about \$1.8 million and we've achieved a surplus of
2 \$4.23 million, so we have a budget variance of about
3 \$6.2 million.

4 Some of this is timing issues, but
5 there's no question that we're going to be running a
6 significant surplus by the end of this year, which is
7 good news.

8 Let me explain why it is that we're
9 heading that way. If you look at revenues, essentially
10 we're on budget there. Under PD&C, you can see that
11 our revenues there have gone up. This is largely
12 because we've had more people in the licensing process
13 than expected and also favourable returns on our
14 continuing professional development programs.

15 Investment income, those of you who
16 invest, we are very conservatively invested, so about
17 75 percent fixed income, 25 percent equity, and
18 actually somewhat lower than that. Fixed income is not
19 doing well. You can see our investment income is down.

20 In terms of the other revenues, they're
21 up slightly. Expenses, professional regulation
22 tribunals and compliance. Significant saving there. A
23 lot of that is timing. There are new positions that we
24 budgeted for, but it's taking longer to fill some of
25 those positions and there are a few other factors that

1 account for that.

2 Under PD&C, not too far off, but a
3 surplus there. Corporate service is quite significant
4 savings there. Under Convocation policy and outreach,
5 again, very significant savings there. Part of that is
6 bench expenses. Again, this is one of the areas
7 where staff tell me benchers are not always very good
8 at getting their expense claims in on time and it may
9 be that with the passage of time this surplus will be
10 eroded.

11 You'll see, also, the allocation to the
12 compensation fund is a significant variance there,
13 again, because of the issues we talked about earlier.

14 So a quick overview, Treasurer. Happy
15 to respond to any questions that Convocation may have.

16 TREASURER SCHABAS: Thank you, Mr.

17 Bredt.

18 Any questions?

19 Yes, Mr. Lerner?

20 MR. LERNER: Well, Mr. Bredt at least
21 twice a year brings us good news, and I think in the
22 last several years we've had semiannual reports of good
23 news.

24 I know that there are increasing
25 demands annually on the budget where we are called or

1 asked to fund new resources. I'm just wondering when
2 we decide, if we decide, that we have enough in
3 reserves that our members ought to be compensated or at
4 least reimbursed for some of the money that they
5 annually pay in, given that annually we end up in a
6 surplus position.

7 I know we do our best to hold fees in
8 line. I know we don't like to go into reserves, but it
9 seems that every year when we hear the report
10 everything is increasing, yet the fees seem to stay
11 relatively the same.

12 MR. BREDT: So thank you very much for
13 that question, Mr. Lerner. It's actually a timely
14 question. Those who will come to the budget
15 presentation will learn, first of all, I'm not always a
16 bearer of good tidings. We will be budgeting a fee
17 increase this year and I'm sure my first, Mr. Wardle,
18 will point out the coincidence that he leaves as
19 co-chair and immediately the fees go up.

20 But you'll also see in the budget that
21 we are intending to draw on the reserves quite
22 significantly to mitigate the fee increase that would
23 otherwise be budgeted.

24 Keep in mind that we do have a policy
25 with respect to the fund balances. So the fund

1 balances, what we're doing is to keep between two and
2 three months of overall expenditures. If we're above
3 that, the policy says we have to bring the fund balance
4 down to the maximum level within a three year period,
5 so there is a process that we put in place through our
6 fund policies so that if these funds get quite large we
7 are required by virtue of the decision made by
8 Convocation to take those excesses and use them to
9 mitigate the fees on a regular basis.

10 So a good question, and the answer is
11 yes, we will be drawing on reserves to reduce the fee
12 increases that would otherwise be necessary this year.

13 TREASURER SCHABAS: Any other questions
14 in the room?

15 Any questions on the telephone?

16 TELEPHONE PARTICIPANT: No.

17 TREASURER SCHABAS: Carrying on.

18 Thank you very much, Mr. Bredt.

19 MR. BREDT: Almost within the fifteen
20 minutes allotted.

21 TREASURER SCHABAS: Just over, but
22 thank you. Appreciate it.

23 Ms. Hartman, are you ready?

24 COMPENSATION FUND COMMITTEE REPORT:

25 MS. HARTMAN: I am, thank you.

1 Thank you, Mr. Bredt.

2 Good morning, Treasurer and benchers.

3 It is my pleasure to present the Compensation Fund
4 Report, which you will find at tab 7 of BoardBooks. At
5 tab 7.1, you will see the motion.

6 Today the Compensation Fund Committee
7 is requesting -- recommending that we set a new limit
8 for the per claimant provision and that it be \$500,000
9 per claimant.

10 If approved today, we will need to
11 amend the guidelines to reflect that new amount of
12 \$500,000 and its start date as today.

13 Any change to the limit will only be a
14 prospective change rather than a retrospective change.

15 To remind everyone the reason we have a
16 compensation fund is to relieve hardship for clients
17 who have suffered a loss due to a lawyer or paralegal's
18 dishonesty.

19 The compensation fund is needed because
20 our E&O insurance does not cover theft, does not cover
21 dishonest conduct; it only covers negligent conduct.

22 Typically the kinds of claims that come
23 before us at the committee are where a lawyer or
24 paralegal has absconded with a client's monies, either
25 monies held in trust for a retainer, monies held in

1 trust as a result of a settlement of a claim, as a
2 result of an estate or as a result of a real estate
3 transaction.

4 We decided that it was time to review
5 the per claimant limit for lawyers because the last
6 review was in 2008, and given that the limit is only at
7 \$150,000, given the fact that there hadn't been a
8 review in some eight years, we deemed that was a
9 necessary exercise for our committee.

10 We decided that it's not necessary to
11 review the paralegal per claimant limit of \$10,000,
12 because typically the claims that come before us are
13 for generally small settlement amounts or small,
14 unearned retainers.

15 So when we say the per claimant limit
16 is currently set at \$150,000 and we are asking for a
17 new limit at \$500,000, what we're saying is this is the
18 maximum amount a client can hope to recover because of
19 a lawyer's dishonest conduct. It is a cap.

20 As Mr. Bredt has indicated, the use of
21 the funds are totally discretionary and it is up to the
22 committee to decide whether or not to grant some or all
23 of the claim, and to my friend's question, I believe
24 that we are paying out at about 50 percent?

25 Sorry. I would like to introduce you

1 to -- and I should have earlier -- Dan Abrahams. Dan
2 Abrahams is the manager of trustee services and the
3 compensation fund.

4 Dan, you will have the more detailed
5 answer, if you wouldn't mind sharing it with us?

6 MR. ABRAHAMS: Thank you, Madam Chair,
7 Treasurer.

8 The largest group of claimants are paid
9 out at 100 percent of what they can prove they've lost
10 due to a licensee's dishonesty, but claims can be
11 reduced in a number of limited circumstances because
12 they include amounts that are not covered. For
13 example, according to the guidelines, damages,
14 interests or costs because of risk or carelessness on
15 the part of the licensee, or because they exceed the
16 applicable limit, currently \$150,000 or \$10,000 for
17 paralegal dishonesty.

18 That's actually a very small amount,
19 according to the materials that Convocation has
20 received. Most claims that we receive are actually
21 under the current limit and that would continue,
22 obviously, when the limit is raised.

23 Thank you.

24 MS. HARTMAN: Thank you, Mr. Abrahams.

25 So as part of our review, we look at

1 the fund's claims experience, we look at information
2 from other provinces as well as we look to the U.S.

3 Now, within Canada we acknowledge that
4 it is difficult to compare apples to apples because
5 outside of Ontario, in the provinces and territories,
6 the number of lawyers practicing is considerably
7 smaller than here in Ontario.

8 However, with that said, as a committee
9 we're cognizant of the fact that in British Columbia
10 their per claimant limit is \$300,000 and in Alberta,
11 before they went to an insurance model, they had no per
12 claimant limit.

13 We also reviewed a survey conducted by
14 the American Bar Association and it had a wide range,
15 anywhere from \$50,000 to \$400,000 per claimant.

16 We also retained an actuary, and they
17 were Eckler Consultants. We asked them to provide to
18 us the impact on grants paid if we do set the new limit
19 at \$500,000.

20 For that exercise, Ecklers looked at
21 data collected from 2000 through to 2014, and they also
22 considered that historically the Law Society pays out
23 at the 50th percentile. That's what we seek when we
24 are doing our annual budgeting for provisions; we look
25 to the 50th percentile.

1 So what Ecklers discovered is that the
2 average of the results at the 50th percentile at a
3 current limit of \$150,000 means we would need to budget
4 annually \$3.1 million and that would be a levy of about
5 \$272.

6 If -- again, looking at the 50th
7 percentile, based at the data collected -- we are of
8 the view today that the new limit of \$500,000 is
9 appropriate then this will mean that we will need to
10 budget, for 2017, \$3.7 million, which will be an
11 increase of about \$15. It means our levy would be at
12 \$287, so about a \$15 increase.

13 Now, I need to draw to your attention,
14 in case you were not aware of it, the fact that all of
15 the levy is not merely applied towards paying out
16 claims. In fact, a portion of our levy goes to cover
17 certain administrative expenses. It goes to cover spot
18 audits. It goes, as well, to cover some of the costs
19 associated with the Society's investigation and
20 discipline functions.

21 As we heard from Mr. Bredt, we also
22 look to its reserves to reduce our members' fees. In
23 fact, over the years -- and I know that Mr. Groia, and
24 I believe he's participating by phone, will correct me
25 if my memory doesn't serve me properly -- we looked and

1 took from the compensation fund reserves somewhere
2 between \$7 to \$8 million to reduce lawyers' fees.

3 I suggest to you today, benchers, that
4 had we not done, so there would be no need to increase
5 the levy to meet the new limit of \$500,000.

6 As I stated earlier, the per claimant
7 limit will only apply to funds advanced to lawyers as
8 of today if Convocation passes the new limit today.

9 The committee was and is unanimous in
10 its recommendation to set the new limit at \$500,000.

11 Now, I can tell from the expression on
12 some of your faces that not only have you read the
13 materials, but you understand the materials, and you're
14 probably asking yourself, given that the vast majority
15 of the claims fall well below the current limit of
16 \$150,000, and given that according to our actuaries
17 this will continue to be the case even if we go to the
18 new limit of \$500,000, you're probably asking yourself:
19 Why are you here asking for the new limit?

20 Well, the answer is very simple. We
21 have said repeatedly that our core mandate is to
22 regulate lawyers and paralegals in the public interest.
23 We are here to protect the public. We have also said
24 repeatedly -- and especially over the past two years --
25 that as a Law Society, we want to be a leader as a

1 professional regulator. We want to be ahead of the
2 curve. We want to be the Law Society that sets the
3 example, that sets the standards, nationally and
4 internationally.

5 Well, benchers. Today is the day.
6 Today is the day for us to walk that talk. Setting the
7 limit at \$500,000 will clearly serve very well our
8 public protection mandate and our leadership role as
9 regulator. We will be signalling to everyone that the
10 Law Society of Upper Canada, as a leading regulator,
11 gets it. We fully appreciate that there must be access
12 to appropriate compensation if you suffer a loss
13 because of a lawyer's dishonesty.

14 That's why we're here today requesting
15 the new limit.

16 The motion, Treasurer, is found, as I
17 said, at tab 7.1. It's moved by me, as chair of the
18 Compensation Fund Committee, seconded by my friend
19 Chris Bredt as chair of the Finance Committee, and as
20 Mr. Bredt has already alluded to in the proposed
21 budget, it is based on this new limit of \$500,000.

22 So benchers, as I said, today's the
23 day. We need to walk that talk, and just as the
24 decision was unanimous at committee, I'm hoping it will
25 be unanimous here at Convocation.

1 Treasurer, those are my comments. I'm
2 happy to answer any questions.

3 I do want to recognize my committee, if
4 I may. Vice chair Michelle Haigh, Joseph Groia, Jan
5 Richardson, and up until just last month, Catherine
6 Strosberg.

7 TREASURER SCHABAS: Thank you, Ms.
8 Hartman.

9 Ms. McGrath, you wish to say something?

10 MS. MCGRATH: Thank you, Treasurer.
11 First of all, let me preface what I'm going to say with
12 the fact that I support this motion as a past chair of
13 the compensation fund, but I do want to actually give a
14 note of caution.

15 When we say that the grants out of the
16 fund are totally discretionary, we are holding
17 ourselves out to the public as protecting them from
18 lawyers' dishonesty, so the times we would exercise
19 that discretion, I suggest to you, would be few and far
20 between.

21 I just don't really like the fact that
22 we say it's totally discretionary. Frankly, I don't
23 think it is. You know, for the benefit of the
24 profession, for the benefit of the public, most of the
25 claims that fall within the parameters are going to be

1 we were, quite frankly, embarrassed that being the
2 largest Law Society our limit was only \$150,000, and we
3 were also extremely cognizant of the fact that more and
4 more, especially with respect to real estate deals, the
5 losses are significant.

6 Right now I can tell you that there
7 will be one claim, if we keep it at \$150,000, their
8 loss will be more than \$650,000.

9 So we're very cognizant, especially in
10 the real estate world, that the claims are larger and
11 the losses will be significant.

12 TREASURER SCHABAS: Thank you.

13 Mr. Wright?

14 MR. WRIGHT: Thank you, Treasurer.

15 I also speak as a former chair of the
16 compensation fund, and it was on my watch that it from
17 \$100,000 to \$150,000 and at the time I said I didn't
18 see why we needed a cap at all.

19 It's an entirely discretionary fund and
20 now we're going to fetter our discretion. I don't see
21 any logical reason to fetter that discretion when the
22 committee, the Compensation Fund Committee, can
23 authorize an award of any amount in its absolute
24 discretion.

25 If we really want to walk the talk then

1 we should do what at least one other jurisdiction has
2 done, and that's remove any cap at all. If a lawyer
3 has been dishonest and a client can prove harm as a
4 result of that and it turns out to be \$650,000, then by
5 golly that's what we should pay them.

6 If we have to at some point in the
7 future amend the compensation fund payment that every
8 lawyer makes, so be it. If we're here to protect the
9 public, we have to walk that talk all the way and not
10 by setting -- I was going to say artificial caps. Even
11 if it's a cap that's so high it will hardly ever be
12 exceeded, there should be no cap at all.

13 The motion at 2(a) also says to apply
14 only to claims from today going forward. I think it
15 should apply to any claims that are already in the
16 hopper. Why should somebody be harmed simply by bad
17 timing? Especially if we don't have a cap. There's no
18 need not to -- there's no need to deny anybody a fair
19 payment if they have been victimized by dishonest
20 lawyers.

21 Thank you.

22 MS. HARTMAN: Thank you, Mr. Wright.

23 Firstly, with respect to why it is only
24 prospective rather than retrospective is because
25 historically that is how it has always been applied.

1 Even when you agreed to the limit at
2 \$150,000, it was only going forward.

3 We discussed no limit, and again, I'll
4 tell you candidly the committee was of the view there
5 was no way this bench would pass that.

6 MR. WRIGHT: That doesn't mean they
7 shouldn't.

8 MS. HARTMAN: I agree. I agree with
9 your comments.

10 TREASURER SCHABAS: Thank you.

11 Mr. Lerner?

12 MR. LERNER: If I might from my place?

13 I'm just looking at page 491 in the
14 chart. Is 2014 and 2015 the aberration or is it 2015
15 and is there an explanation?

16 MS. HARTMAN: My BoardBooks just died.

17 Thank you, Mr. Wright.

18 I'm sorry, Mr. Lerner. Can you please
19 take me to the page again?

20 MR. LERNER: Page 491. The chart.

21 Second line. 2014 and 2016 seem comparable. 2015
22 seems double any amount.

23 Where's the aberration?

24 MS. HARTMAN: 2014 and 2015 are indeed
25 the aberrations, I'm told by Mr. Abrahams, and that's

1 because of the number of new claims that have come in.

2 MR. LERNER: I guess the question is:
3 Why is it double in that one year than any other year
4 that appears on the chart?

5 MR. ABRAHAMS: Sorry. It's 2016 to
6 date.

7 MR. LERNER: Yes.

8 MR. ABRAHAMS: 2014 and 2015 are
9 standard years.

10 MR. LERNER: I appreciate that, but
11 even if it's half year, it's about \$17,000 or so for
12 the full year, yet 2015 is 34.2. The other years are
13 around 17 or approximately 17.

14 MR. ABRAHAMS: Which line are you
15 referring to?

16 MR. LERNER: Line 2.

17 MR. ABRAHAMS: Yes. 2014 was a -- 2015
18 was a particularly high year. 2016 to date is
19 impossible to predict where we will be at the end of
20 the year. We may have a flurry of claims midyear.

21 The fund is not large in terms of the
22 number of claims it receives, so there can be wide
23 fluctuations from year to year, even from month to
24 month. So we don't see any particular aberration.

25 TREASURER SCHABAS: Are there any other

1 questions or comments from the room?

2 Ms. McGrath?

3 MS. MCGRATH: If I could make my
4 comment from here? I think part of the problem is that
5 the claims may come in in 2014. That doesn't mean
6 they're actually dealt with and paid out in 2014, so
7 you have more payments out in 2015 but that doesn't
8 mean that's where most of the claims came from
9 originally.

10 MS. HARTMAN: Thank you, Ms. McGrath.

11 If there is a new limit today, we don't
12 anticipate receiving claims, Mr. Abrahams, for about a
13 year or two years?

14 MR. ABRAHAMS: We could receive one
15 tomorrow, but most will come in years to come.

16 TREASURER SCHABAS: Any questions or
17 comments on the telephone?

18 TELEPHONE PARTICIPANT: No, I'm fine.

19 TREASURER SCHABAS: Thank you. No
20 comments or questions on the phone.

21 Given that, we'll put it to a vote.

22 Thank you.

23 All in favour?

24 Any opposed? Two opposed in the room.

25 Any opposed on the telephone?

1 Thank you. The motion is carried.

2 Thank you, Ms. Hartman. Thank you, Mr.
3 Abrahams.

4 Ms. Criger, you're doing the paralegal
5 standing?

6 PARALEGAL STANDING COMMITTEE REPORT:

7 MS. CRIGER: Thank you, Treasurer.

8 My pleasure to speak to the Paralegal
9 Standing Committee report today.

10 If you look at page 496 of BoardBooks,
11 that's the motion that we're putting forward. We met
12 on September 7, 2016, and we seek Convocation's
13 approval of amendments to the Paralegal Rules of
14 Conduct. That motion is at page 496. It's an
15 amendment to rule 3.04, the conflict of interest rule,
16 to create an appropriate standard for those paralegals
17 delivering short term pro bono legal services.

18 There's a clear definition of this and
19 it anticipates that the paralegal and the client will
20 not be in a long term paralegal client relationship and
21 that the services will be delivered on a pro bono.

22 The intent of this rule is to mirror
23 the proposed amendment, which I believe is coming up,
24 for the lawyers' Rules of Professional Conduct to
25 ensure paralegals volunteering at clinic settings, such

1 as Pro Bono Ontario or other recognized clinic
2 settings, are able to deal with short term matters
3 without necessarily doing all of the conflict checks
4 one would do in one's own firm.

5 So that particular amendment is
6 proposed.

7 There are a few clean up amendments
8 that we are proposing as well, one of which is an
9 amendment to rule 2.03(4), simply to add family status
10 as a prohibited ground of discrimination in that
11 section, in that rule.

12 All of these, the red lined version is
13 available at page 499 of BoardBooks, for those of you
14 who like to read that sort of thing, and the clean
15 version is at page 505.

16 There are some other very small
17 amendments. You'll see in the clean version the
18 underlining is very brief. For most of these, the main
19 consideration today is the conflict of interest
20 amendment.

21 So I am moving that Convocation approve
22 the amendments to the Paralegal Rules of Conduct that
23 are brought to you today and I am seconded by Ms.
24 Corsetti.

25 TREASURER SCHABAS: Thank you very

1 much.

2 Any questions in the room?

3 Questions on the telephone?

4 TELEPHONE PARTICIPANT: No.

5 TREASURER SCHABAS: Thank you.

6 All in favour in the room?

7 Anyone opposed?

8 Anyone opposed on the telephone?

9 Thank you. The motion is carried.

10 Thank you, Ms. Criger.

11 MS. CRIGER: The other items here are

12 for information only, so I won't go through those.

13 I will just mention that the Paralegal
14 Cup Moots are coming up. The deadline to apply to be a
15 judge is September 30, so if you Google Paralegal Cup
16 Moots Ontario and you're interested in being a judge,
17 please feel free to apply.

18 Thank you.

19 TREASURER SCHABAS: Thank you very

20 much.

21 Mr. McDowell, professional regulation?

22 PROFESSIONAL REGULATION COMMITTEE REPORT:

23 MR. MCDOWELL: Thank you, Treasurer.

24 I have a couple of matters to speak to;

25 one matter for decision, and then Mr. Mercer is going

1 to deal with the in camera matter.

2 So the report is at tab 9 of the
3 BoardBooks, beginning at page 545. The matter for
4 decision is relating to short term pro bono legal
5 services.

6 So Convocation's approval is sought for
7 amendments to the Rules of Professional Conduct
8 respecting conflicts of interest relevant to short term
9 pro bono legal services.

10 The motion is at tab 9.1 at page 536.
11 There's a red lined version of the amendments, and I
12 congratulate anyone who can also follow the red. It's
13 at page 539. A clean version, at tab 9.1.2, is at
14 page 542.

15 As the report explains, in 2010,
16 amendments were made to the rules to provide a modified
17 conflict of interest standard for lawyers participating
18 in Pro Bono Ontario's, then known as Pro Bono Law
19 Ontario, court-based brief services program in the
20 Superior Court or in Small Claims Court.

21 That has been, I would say, a roaring
22 success, that program, and since 2010 the range of
23 programming offered by Pro Bono Ontario has greatly
24 expanded.

25 The purpose of the amendment is to

1 catch up with that expansion, to provide guidance in
2 the rules that is more inclusive of the diverse range
3 of Pro Bono Ontario's programming, but also to
4 contemplate the possibility of similar programming
5 offered by other providers, as long as the following
6 criteria are met: First, the lawyer must be acting pro
7 bono; second, the legal advice representation that's
8 being provided by the lawyer to the client is being
9 provided with the expectation by the lawyer and the
10 client that the pro bono lawyer will not provide
11 continuing legal advice or representation in the
12 matter.

13 A pro bono provider is defined as a pro
14 bono or not for profit legal services provider that
15 makes pro bono lawyers available for advice or
16 representation to clients.

17 The committee began its review of the
18 rules in this area in 2015. There was a call for
19 input. Importantly, the committee contacted general
20 counsel of the main Canadian chartered banks to ask for
21 their comments on the suitability of a modified
22 conflict of interest standard in the event that a pro
23 bono lawyer from a law firm representing the bank were
24 to assist a member of the public who was adverse in
25 interest to the bank as part of their volunteer work,

1 because that's one of the frequent areas of collision
2 with clients of Pro Bono Ontario.

3 The responses received from the banks
4 were very positive. Three of the five major banks
5 offered their support. A number of thoughtful comments
6 received from the banks.

7 It's clear that the banking sector has
8 a real commitment to social responsibility and access
9 to justice, as reflected in their approach to the
10 problem.

11 Now, with that explanation -- I'm not
12 going to walk you through the text of the rule -- do I
13 have a seconder for the motion?

14 TREASURER SCHABAS: Mr. Rosenthal. All
15 right.

16 Any questions or comments on this
17 second time around?

18 Any questions on the telephone?

19 I'm hearing none. I'll put the matter
20 to a vote.

21 All in favour?

22 Any opposed in the room?

23 Anyone opposed on the telephone?

24 Thank you. The motion is carried.

25 MR. MCDOWELL: Very quickly, the two

1 information items, the 2016 Lawyer Annual Report, the
2 LAR, is at pages 623 and following.

3 There are new mandatory questions about
4 lawyers holding deposits under condominium legislation
5 which has been added to the LAR. The text of the
6 questions is at pages 621 and 622.

7 Lawyers will be required to indicate in
8 the LAR if they received, held or dispersed condominium
9 deposits under section 81 of the Condominium Act of
10 1998, which I have not committed to memory.

11 They were also asked to declare that
12 they complied with their obligations for the receipt,
13 holding and release of condominium deposits under the
14 legislation. There are two other questions regarding
15 the deposits.

16 The Condominium Act permits lawyers who
17 represent condominium developers to hold deposit money
18 in trust.

19 On some occasions, lawyers have
20 released deposit monies in ways that appear to be
21 contrary to the Act and which appeared to cause
22 financial harm to members of the public.

23 We believe that the questions in the
24 LAR will enhance public protection. Lawyers who
25 practice in this area will be reminded of their

1 professional obligations when responding to their
2 questions as part of the annual report. Further
3 information from the answers to the questions will
4 assist us at the Law Society in understanding the
5 nature and scope of the risks to the public having
6 regard to those risks.

7 The other matter --

8 TREASURER SCHABAS: Just to be clear,
9 there are going to be changes to the LAR; they don't
10 require approval by Convocation.

11 MR. MCDOWELL: That's correct.

12 The other thing, following on from Ms.
13 Manarin's discussion earlier this morning, there is a
14 new format to the quarterly report. It's at page 588
15 of the BoardBooks.

16 For example, Ms. Manarin and her
17 division have attempted to consolidate on one page the
18 outputs that were produced by the Professional
19 Regulation Division.

20 If you look at pages 588 through 591,
21 there's an effort to provide statistics to clarify what
22 is coming into the division and how the division is
23 disposing of this workload.

24 For example, one of the things that's
25 set out there, there's a trend or a snapshot that shows

1 complaints against lawyers in private practice seem to
2 be rising and complaints against paralegals in private
3 practice at the moment appear to be falling.

4 Just a few other highlights. Back,
5 briefly, to page 588:

6 U/T "The number of issued Notices of
7 Application continues to be consistent. Motions for
8 interlocutory suspensions are increasing." (As read)

9 Which I think shows a responsiveness
10 of division staff to their request of Convocation that
11 the division act quickly and increasingly to suspend in
12 appropriate circumstances.

13 589 tracks a number of complaints
14 coming in which appear to be consistent.

15 Also consistent appear to be the types
16 of allegations raised in the areas of legal practice
17 they relate to.

18 It's broken out there. It's been a
19 long morning. I won't go through it. But it's
20 interesting to look at, the correlation size of firm,
21 age of licensee, which is something that begins to
22 trouble me a little but, but is something we're going
23 to have to look at, I think, more carefully going
24 forward given that there is a concentration of
25 complaints in lawyers, for example, practicing between

1 36 and 40 years.

2 With that, I think that covers off the
3 information items. Happy to take any questions or we
4 can go in camera.

5 TREASURER SCHABAS: We'll go in camera
6 in a moment.

7 Are there any questions for Mr.
8 McDowell?

9 Any questions on the phone for Mr.
10 McDowell?

11 TELEPHONE PARTICIPANT: No.

12 TREASURER SCHABAS: Hearing none.

13 Thank you.

14 Mr. McDowell, we'll have the Human
15 Rights Monitoring Group, which will conclude the public
16 portion of the meeting, and then we'll go in camera.

17 Ms. Donnelly?

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

20 MS. DONNELLY: Thank you.

21 As Ms. Leiper said today in her remarks
22 prefacing the report of the challenges confronting
23 racialized licensees, lawyers and paralegals have a
24 special interest in protecting human rights, and it's
25 with that background that I would ask you, please, to

1 turn to tab 10.1, which is found at page 653 of
2 BoardBooks.

3 You'll see that the motion is set out
4 there. I can tell you that the intervention falls
5 within our mandate. There are no concerns about the
6 quality of the report and we have previously intervened
7 in cases of lawyers and judges in Columbia, most
8 recently in 2012.

9 You can see that Yessica Hoyos is a
10 human rights lawyer and a member of CCAJAR, a lawyers'
11 collective in Columbia. She has been, along with other
12 members of CCAJAR, facing increasing harassment and
13 intimidation as a result of her human rights work.

14 So it's moved by me, and seconded by
15 Ms. St. Lewis, the motion that's found at page 653 of
16 BoardBooks.

17 I would be pleased to answer any
18 questions.

19 TREASURER SCHABAS: Any questions in
20 the room or on the telephone?

21 All in favour?

22 Opposed, if any?

23 Anyone opposed on the telephone?

24 Thank you. That's carried as well.

25 Thank you, Ms. Donnelly.

1 We will now go in camera for the
2 balance of the Professional Regulation Report and the
3 matter that Mr. Lapper alluded to earlier.

4 --- Whereupon the in public proceedings adjourned at
5 12:19 p.m.

6 --- Upon resuming the in public proceedings at
7 12:52 p.m.

8 TREASURER SCHABAS: We're back in
9 public.

10 For anybody who's still out there, and
11 for the purposes of the minutes, the public minutes
12 should reflect that while we were in camera, we passed
13 a motion to approve a framework for the disclosure of
14 information about complaints and investigations,
15 including disclosure of information to the public.

16 The report of that, which is at 9.2.2,
17 which is marked in your materials as in camera
18 material, will now become public. It will be posted on
19 the website and provide a guide to the Law Society for
20 its consideration of disclosure of complaints and
21 investigations.

22 I think that's all I'm going to say
23 about that. There's no other business, so we will
24 adjourn. As I said, for those who are staying for
25 lunch, we will go directly to lunch.

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Convocation is adjourned.

--- Whereupon proceedings adjourned at 12:53 p.m.

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

Calypso Schincariol, Court Reporter
Computer-Aided Transcription