

## MINUTES OF CONVOCATION

Thursday, 28<sup>th</sup> October 2021

9:00 a.m.

Via Videoconference

### PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Banning, Braithwaite, Brown, Burd, Charette, Chiummiento, Corbiere, Corsetti, Epstein, Esquega, Fagan, Falconer, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lau, Lean, Lesage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Merali, Minor, Murray, Painchaud, Parry, Pawlitza, Pineda, Poliacik, Pollock, Prill, Rosenthal, Ross, Sellers, Sheff, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

### IN PUBLIC

### TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation would normally be meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

The Treasurer acknowledged Treaty Recognition Week in Ontario in the first week in November, and noted that in recognizing that event, the Law Society affirms its commitment to rebuilding trust and relationships with Indigenous peoples. The Treasurer encouraged licensees to educate themselves about treaties.

The Treasurer addressed the protocol for Convocation via Zoom videoconference.

On behalf of Convocation, the Treasurer expressed condolences to the family of Justice Glenn Hainey, a former bencher, who passed away on October 6, 2021.

The Treasurer noted the sixth annual Access to Justice Week this week, which was launched with a sunrise ceremony with Elder Myeengun Henry. The Treasurer affirmed that

furthering access to justice requires a long-lasting commitment and collaboration effort of the entire legal community. The Treasurer expressed thanks to Law Society staff, in particular Sheena Weir's team, and The Action Group (TAG) for their hard work in developing this program.

The Treasurer advised Convocation that she is honoured to bring greetings on behalf of the Law Society to the swearing in ceremony for the Honourable Mahmud Jamal to the Supreme Court of Canada and is pleased to do so in person today.

The Treasurer reminded benchers that the deadline for submissions on the Competence Task Force consultation is November 30, 2021.

The Treasurer noted upcoming events:

- Law Society Remembrance Day and National Indigenous Veterans Day Ceremony on November 10, 2021 at 5:00 p.m.
- Louis Riel Day on November 16, 2021 from 4:00 to 6:00 p.m.

The Treasurer advised that nominations for the Law Society Awards are open and that the deadline is now December 17, 2021.

The Treasurer informed Convocation that in April she hosted the inaugural Roundtable on Women in the Law in collaboration with the Canadian Chapter of the International Association of Women Judges, and referred benchers to the information report on this matter at Tab 8 in the Convocation Materials.

The Treasurer referred benchers to the Tribunal Committee report for information at Tab 3 on the proposal for and call for comment on a new rule of practice and procedure on failure to co-operate applications.

## QUESTION OF PROCEDURE

Professor Alford requested that the in camera item at Tab 6 be moved to the public agenda of Convocation.

The Treasurer advised that the request would be addressed when Convocation convenes in camera.

## MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Wilkes, seconded by Mr. Adourian, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Mr. Lyon requested a roll call vote on the motion for the Consent Agenda. The Treasurer denied the request.

The motion carried.

### Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of October 1, 2021 Convocation were confirmed.

### Tab 1.2 – MOTION

That Joseph Chiumminto be removed from the Hearing Division of the Law Society Tribunal at his own request.

Carried

### Tab 1.3 – PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

#### Re: 2022 – 2023 Articling Term

That Convocation adopt the recommendation of the Professional Development and Competence Committee to renew the eight-month minimum articling term for the 2022-2023 licensing cycle.

Carried

### AUDIT AND FINANCE COMMITTEE REPORT

Mr. Groia presented the Report.

#### Re: Law Society 2022 Budget

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation approve the Law Society's 2022 Budget as presented in this Report to Convocation, including:

a) the annual fee for lawyers and paralegals set out in the following table, and

<b>Fund</b>	<b>Lawyers</b>	<b>Paralegals</b>
General Fund	\$1,563	\$888
Compensation Fund	\$1	\$1
Capital Fund	\$66	\$66
County Libraries Fund – LIRN	\$183	-
<b>Total Annual Fee</b>	<b>\$1,813</b>	<b>\$955</b>

b) the utilization of fund balances of up to \$16,181,080, as set out in the table below, to fund operations and mitigate annual fees.

<b>Fund</b>	<b>2022 Draft Budget</b>
General Fund – Lawyer	\$6,383,930
General Fund – Paralegal	\$1,149,850
Errors & Omissions Insurance Fund	\$2,600,000
Compensation Fund – Lawyer	\$3,678,500
Compensation Fund – Paralegal	\$118,800
Capital Fund	\$2,250,000
<b>TOTAL</b>	<b>\$16,181,080</b>

Ms. Shi moved, seconded by Mr. Klippenstein that the motion to approve the Law Society's 2022 Budget as presented in the Audit and Finance Committee Report dated October 28, 2021, Tab 2.2 be amended to read as follows:

That Convocation direct the Law Society management, in consultation with the Audit and Finance Committee to develop for consideration an alternative Budget with a total spending reduction of 10%, a substantial proportion of which shall consist of total staff number reductions, to be presented to Convocation for its review before voting on a final budget for 2022.

The Treasurer advised Convocation that the motion by Ms. Shi and Mr. Klippenstein is not a motion to amend but a motion to defer debate and decision on the main motion.

On this basis, benchers debated the Shi/Klippenstein motion.

Mr. Lyon proposed that the motion be amended to change the date "2022" in the last line of the motion to "2023".

Ms. Shi advised that she does not consent to Mr. Lyon's proposal to amend the motion.

The motion to defer debate and decision on the main motion failed.

#### ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	Against
Braithwaite	Against
Brown	For
Burd	Against
Charette	For
Chiumminto	For
Corbiere	Against
Corsetti	Against
Epstein	Against
Esquega	Against
Fagan	For
Falconer	Against

Goldstein	For
Graham	Against
Groia	Against
Horgan	Abstain
Horvat	Against
Klippenstein	For
Lalji	Against
Lau	Against
Lean	For
Lesage	For
Lewis	Against
Lippa	For
Lockhart	Against
Lomazzo	Against
Lyon	For
Marshall	Against
Merali	Against
Painchaud	Against
Parry	For
Pineda	For
Poliacik	Against
Pollock	For
Rosenthal	Against
Ross	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against
Wilkes	For
Wilkinson	Against
Wright	For

Vote: 18 For; 31 Against; 1 Abstain

The main motion carried.

#### ROLL-CALL VOTE

Adourian	For
Banning	For
Braithwaite	For
Brown	Against
Burd	For
Charette	Against
Chiumminto	For
Corbiere	For
Corsetti	For
Epstein	For

Esquega	For
Fagan	Against
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	Abstain
Lalji	For
Lau	For
Lean	Abstain
Lesage	Against
Lewis	For
Lippa	Abstain
Lockhart	For
Lomazzo	For
Lyon	Against
Marshall	For
Merali	For
Painchaud	For
Parry	Abstain
Pineda	Abstain
Poliacik	For
Pollock	Against
Prill	Against
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Abstain

Vote: 36 For; 7 Against; 7 Abstain

Re: LiRN Inc. 2022 Budget

It was moved by Mr. Groia, seconded by Mr. Poliacik, that Convocation approve the LiRN Inc. budget for 2022, which includes

- an operating budget funded by a Law Society grant of \$8,542,130 sourced from the county library component of the lawyer annual fee, and
- a transition budget funded by a Law Society grant of up to \$900,000 sourced from the fund balance of the Errors & Omissions Insurance Fund.

Carried

## ROLL-CALL VOTE

Adourian	For
Banning	For
Braithwaite	For
Brown	Against
Burd	For
Charette	For
Chiumminto	For
Corbiere	For
Corsetti	For
Epstein	For
Esquega	For
Fagan	Against
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
Lesage	For
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Painchaud	For
Parry	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Abstain

Vote: 46 For; 2 Against; 1 Abstain

## TRIBUNAL COMMITTEE REPORT

Ms. Shin Doi presented the Report.

### Re: Rules of Practice and Procedure – Rule 13.3

It was moved by Ms. Shin Doi, seconded by Ms. Lippa, that Convocation approve the proposed English and French amendments to Rule 13.3 of the Law Society Tribunal *Rules of Practice and Procedure*, effective November 1, 2021, as set out at Tab 3.1.1 (English) and Tab 3.1.2 (French).

Carried

#### *For Information:*

- Amendments to Practice Direction on Public Access to Hearings and to Tribunal Files
- Proposed Rule on Failure to Co-operate Applications
- Law Society Tribunal Quarterly Statistics April 1 to June 30, 2021

## HUMAN RIGHTS MONITORING GROUP REPORT

Mr. Falconer presented the Report.

### Re: Intervention on Behalf of Mohamed El-Baqer

It was moved by Mr. Falconer, seconded by Mr. Poliacik, that Convocation approve the letter and public statement in the following case:

Lawyer Mohamed El-Baqer – Egypt – letter of intervention and public statement presented at Tabs 4.1 and 4.2.

Carried

## ROLL-CALL VOTE

Adourian	For
Banning	For
Braithwaite	For
Burd	For
Chiumminto	For
Corbiere	For
Corsetti	For
Epstein	Abstain
Esquega	For
Fagan	Abstain
Falconer	For
Goldstein	Abstain
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For

Lean	For
Lesage	For
Lewis	For
Lippa	For
Lomazzo	For
Lyon	Abstain
Marshall	For
Painchaud	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	Abstain
Wilkinson	For
Wright	For

Vote: 39 For; 6 Abstain

#### EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

Based on an issue raised by Mr. Fagan, benchers discussed the process for the appointment of the members of the Equity Advisory Group, with reference to the information report of the Equity and Indigenous Affairs Committee at Tab 7.

IN PUBLIC

REPORTS FOR INFORMATION ONLY

EQUITY & INDIGENOUS AFFAIRS COMMITTEE REPORT

- Equity Advisory Group (EAG) Membership for 2021-2024 Term

TREASURER'S WOMEN IN LAW ADVISORY GROUP – Summary of Women's Roundtable Discussion

CONVOCATION ADJOURNED AT 1:06 P.M.

Confirmed in Convocation this 26<sup>th</sup> day of November 2021.

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Teresa Donnelly,  
Treasurer

## **LAW SOCIETY OF ONTARIO**

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 28, 2021

MOVED BY: Alexander Wilkes

SECONDED BY: Robert Adourian

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

# DRAFT

## MINUTES OF CONVOCATION

Friday, 1<sup>st</sup> October 2021  
9:00 a.m.  
Via Videoconference

### PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Banning, Braithwaite, Brown, Burd, Charette, Chiummiento, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lean, Lesage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Minor, Murchie, Painchaud, Parry, Pawlitza, Pineda, Pollock, Prill, Rosenthal, Ross, Sellers, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson and N. Wright.

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Secretary: James Varro

The Reporter was sworn.

### IN PUBLIC

#### TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation would normally be meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

The Treasurer acknowledged that yesterday, September 30, was the first National Day for Truth and Reconciliation. The Treasurer affirmed the Law Society's commitment to enhancing cultural competence within the legal professions as key to meaningfully advancing reconciliation.

#### LL.D. CEREMONY – FRANKLYN HARRIS BENNETT, LSM

The Treasurer introduced Franklyn Harris Bennett, LSM, the candidate for the degree of Doctor of Laws, *honoris causa*.

Mr. Marshall read the citation.

The Treasurer admitted Franklyn Harris Bennett to the degree of Doctor of Laws, *honoris causa*.

Mr. Bennett addressed Convocation.

The Treasurer thanked Mr. Bennett for honouring Convocation with his presence.

### TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast and addressed the protocol for Convocation via Zoom videoconference.

The Treasurer welcomed the following guests to Convocation:

- Daniel Pinnington, President and Chief Executive Officer of LAWPRO
- Stephen G. Raby, Q.C., President of the Federation of Law Societies of Canada
- Jonathan G. Herman, Chief Executive Officer of the Federation of Law Societies of Canada

The Treasurer welcomed benchers back after the summer break and indicated that she is looking forward to working with benchers and staff on the Law Society's important regulatory initiatives.

The Treasurer reminded benchers of the Strategic Planning Mid-Term Review planned for later this month.

The Treasurer congratulated Robert Burd on his election as chair of the Paralegal Standing Committee for the term commencing September 14, 2021.

The Treasurer noted the tragic death of Julia Ferguson of Hicks Adams LLP and on behalf of Convocation expressed condolences to the firm and her family and friends.

The Treasurer thanked all licensees who participated in the National Well-Being Study.

The Treasurer noted Mental Health and Awareness Week from October 3 to 9, 2021.

The Treasurer reminded benchers that the deadline for submissions on the consultation by the Competence Task Force is November 30, 2021.

The Treasurer updated Convocation on the pilot project of innovative technological legal services called Access to Innovation or A2I, and advised that Will Morrison, Strategic Policy Counsel, has been appointed as Manager of the project, in preparation for its launch this fall.

The Treasurer advised benchers that she was honoured to take part in the Opening of the Courts ceremony on September 14, 2021 where she affirmed the Law Society's commitment to supporting transformational change in the justice system.

The Treasurer noted that The Action Group (TAG) will be hosting the sixth annual Access to Justice Week from October 25 to 29, 2021.

The Treasurer noted upcoming events:

- Hispanic Heritage Month celebration on October 19, 2021
- Law Society Remembrance Day Ceremony on November 10, 2021
- Louis Riel Day on November 16, 2021

The Treasurer reminded benchers of the deadline for nominations for the Law Society Awards on December 17, 2021 and encouraged everyone to consider nominations.

## REPORT FROM THE PRESIDENT OF THE FEDERATION OF LAW SOCIETIES OF CANADA

The Treasurer introduced Stephen G. Raby, Q.C., President of the Federation of Law Societies of Canada.

Mr. Raby addressed Convocation on the work of the Federation.

## MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Lockhart, seconded by Mr. Troister, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

## Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of June 23, 2021 and July 27, 2021 were confirmed.

## Tab 1.2 – APPOINTMENTS

THAT Michael Lesage be removed from the Access to Justice Committee at his own request.

THAT Cathy Corsetti be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 31, 2023.

Carried

## Tab 1.3 – STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

### Re: By-Law 12 Amendments Respecting the Compensation Fund Subcommittee

THAT based on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 12 as set out in the motion at Tab 1.3.1 to remove transitional provisions relating to establishing the Compensation Fund Subcommittee.

Carried

## LAWPRO REPORT

Mr. Spurgeon presented the Report.

### Re: LAWPRO 2022 Program of Insurance

It was moved by Mr. Spurgeon, seconded by Ms. Sellers, that Convocation approve the Primary Program of Insurance for 2022 as offered and recommended by the Lawyers' Professional Indemnity Company (LAWPRO) Board in the Report at Tab 2.1.

Carried

## PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

### Re: Updates to Form 9D

It was moved by Ms. Shortreed, seconded by Ms. Lomazzo, that Convocation approve the motion at Tab 3.1.1 which amends Form 9D, Investment Authority, to update and correct an error.

Carried

## STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Mr. Burd presented the Report.

### Re: By-Law 3 Amendments Respecting the Paralegal Standing Committee Chair Election

It was moved by Mr. Burd, seconded by Ms. Horvat, that on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 3 as set out in the motion at Tab 4.1.1 to simplify the description of the process to elect the chair of the Paralegal Standing Committee.

Carried

## HUMAN RIGHTS MONITORING GROUP REPORT

Ms. Walker presented the Report.

### Re: Letters of Intervention on Behalf of Jonathan Ross, Selma Masood and the Hong Kong Law Society

It was moved by Ms. Walker, seconded by Mr. Ross, that Convocation approve the letters and public statements in the following cases:

Jonathan Ross, Selma Masood, and the Hong Kong Law Society – Hong Kong – letter of intervention and public statement presented at Tab 5.1.

Carried

## ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	For
Braithwaite	For
Brown	For
Burd	For
Charette	Abstain
Chiumminto	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	Abstain
Esquega	For
Fagan	Abstain
Goldstein	Abstain
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lean	For
Lesage	For
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Murchie	For
Painchaud	For
Pineda	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkinson	For

Vote: 40 For; 5 Abstain

### *For Information:*

- Human Rights Monitoring Group Intervention - Afghanistan

## IN PUBLIC

### REPORTS FOR INFORMATION ONLY

#### AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Six Months ended June 30, 2021
- LIRN Inc. Financial Statements for the Six Months ended June 30, 2021
- LAWPRO Financial Statements for the Six Months ended June 30, 2021
- Investment Compliance Reports
- In camera Item

#### EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Report of the Activities of the Discrimination and Harassment Counsel from January 1, 2021 to June 30, 2021

#### TRIBUNAL COMMITTEE REPORT

- Updates to Tribunal Practice Directions

CONVOCATION ROSE AT 11:43 A.M.

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 28, 2021

THAT Joseph Chiumminto be removed from the Hearing Division of the Law Society Tribunal at his own request.



**Tab 1.3**

## **2022-2023 Articling Term Length**

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### **Professional Development and Competence Committee**

October 28, 2021

**Committee Members:**

Barbara Murchie (Chair)  
Robert Adourian (Vice-Chair)  
Alexander Wilkes (Vice-Chair)  
Jared Brown  
Murray Klippenstein  
Michael Lesage  
Atrisha Lewis  
Marian Lippa  
Cecil Lyon  
Isfahan Merali  
Sidney Troister  
Tanya Walker  
Doug Wellman  
Claire Wilkinson

**Authored By:**

Jason Pichelli

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# Motion

That Convocation adopt the recommendation of the Professional Development and Competence Committee to renew the eight-month minimum articling term for the 2022-2023 licensing cycle.

## Recommendation and Rationale

The Professional Development and Competence Committee recommends renewing the eight-month minimum articling term for an additional cycle with a commitment to make a long-term decision on the length of articling in spring 2022.

The main considerations for the Committee in making this recommendation are:

1. The impact of the COVID-19 pandemic is still being felt by the professions, and maintaining the short option continues to appear to be aiding in the retention of articling placements;
2. Current data collected regarding candidate competencies and experiences does not indicate any significant shortcomings in candidates' learnings or competencies when compared to previous cycles; and
3. The Law Society continues to collect data on the situation, and will be in a better position to make a long-term recommendation in the spring of 2022

Unfortunately, pandemic-related restrictions remain in place and there continues to be a high degree of uncertainty regarding the timelines for social and economic recovery. Many of the economic and social conditions that prompted extending the eight-month minimum term length for the 2021-2022 licensing term are continuing. While recruitment for 2022-2023 articling placements in large firms and government has taken place, many small firms will be assessing their ability to hire licensing candidates in the coming months. It is difficult for articling principals and candidates to plan without certainty on the length of the minimum articling term that will be required by the Law Society. Clarity from the Law Society on whether they may continue to offer an 8-month placement for the 2022-2023 cycle will allow the lawyer community to finalize these decisions and avoid uncertainty.

This plan to continue with an 8-month minimum articling term for another licensing year preserves the most flexibility for the LSO in terms of responding to the changing needs of the profession as a result of the impacts of COVID-19. At the same time, providing a clear timeline on a long-term decision signals to the profession that stability and certainty with regards to the articling cycle will be coming in the near future.

Articling positions could be in jeopardy if the minimum term was returned to ten months at this time since pandemic-related public health restrictions have continued to affect law

practices throughout the province. An eight-month minimum also preserves flexibility for employers who are able to offer longer placements— nine-month and ten-month placements are both possible within this option. Data collected by the Law Society indicates that the 8-month term has been successful in protecting placements. In a pandemic that upended the economy and caused massive disruptions for many businesses, only approximately 200 articling placements were lost. More than 50 percent of the articling positions in this past cycle were offered for the eight-month minimum term, which is an indication that many of those positions could have been in jeopardy if the Law Society had not decided to reduce the minimum term.

To date, 52 percent of placements have been for the traditional ten-month period. The number of eight-month placements continues to be significant – over 25 percent overall. Among small firms (1-5 licensees), 51 percent of placements are for eight months, while for medium firms (6-200 licensees) 20 percent of the placements have been for eight months. Charts demonstrating the change in articling placement length, and placement length by firm size for the current cycle, are shown in Tab 1.3.2. Finally, data collected regarding candidate competencies and experiences does not indicate any significant shortcomings in candidates' learnings or competencies when compared to previous cycles.

While a number of jurisdictions maintained their traditional articling terms during the pandemic, some law societies provided options for shorter placements that are continuing for a second year, as has the LSO. The current status of each province's articling term length can be found in Tab 1.3.1.

This option has the unanimous support of the Professional Development and Competence Committee. If this recommendation is adopted, this issue will continue to be monitored so that a report seeking Convocation's approval on a long-term plan for the length of articling terms can be presented at a future meeting in the spring of 2022.

If Convocation supports the decision to maintain the eight-month minimum articling term length for the 2022 -2023 cycle, the decision will be operationalized immediately so candidates and principals can benefit from the needed clarity.

**Articling Term Length  
Environmental Scan as of September 2021**

<b>Jurisdiction</b>	<b>2020-2021 Articling Term</b>	<b>2021-2022 Articling Term</b>
Alberta	Reduced from 12 to a minimum of 8 months and a maximum of 12 months	Reduction from 12 months to a minimum of 8 months was continued.
British Columbia	No change – 9 months	No change – 9 months
Manitoba	Reduced from 12 months to minimum of 9 months	Reduction from 12 months to minimum of 9 months was continued.
New Brunswick	Reduced from 12 months to 9 months	Minimum articling term restored to 12 months
Newfoundland and Labrador	No change – 12 months	No change – 12 months
Nova Scotia	Reduced from 12 month to minimum of 8 months, however it was not automatic. There was an application process.	Reduction from 12 months to minimum of 8 months was continued.
Nunavut	No change – 12 months	No change – 12 months
NWT	No change – 12 months	No change – 12 months
Ontario	Reduced from a maximum of 10 months to a minimum of 8 months	Reduced minimum articling term of 8 months was continued.
PEI	No change – 12 months	No change – 12 months
Quebec	No change – 6 months	No change – 6 months
Saskatchewan	Reduced from 12 months to a minimum of 8 months	Reduction of articling from 12 months to minimum of 8 months permitted on case-by-case basis for articles commencing up to December 31, 2021. Further consultation to take place this fall to assess if articling term will return to 12 months or if reductions will be made permanent.
Yukon	No change – 12 months	No change – 12 months

### Updated Articling Statistics Number and Length of Articling Placements

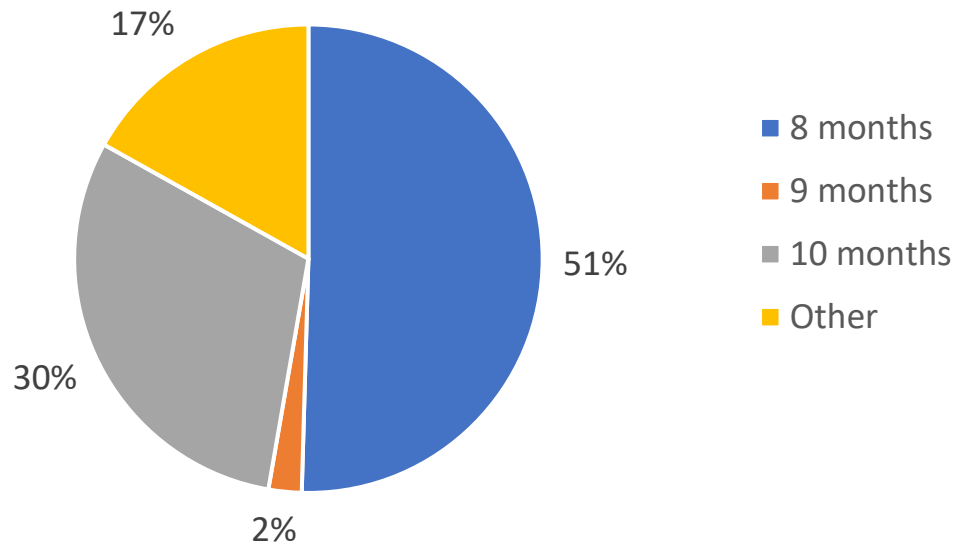
Length of Articling Placement s	Number of Articling Placements					
	2019 Placement s	% of 2019 Placement s	2020 Placement s	% of 2020 Placement s	2021 Placement s to date	% of 2021 Placement s to date
<b>8 months</b>	66	3.1%	963	<b>50.3%</b>	403	25.2%
<b>9 months</b>	55	2.6%	178	9.3%	202	12.6%
<b>10 months</b>	1593	<b>75.7%</b>	532	27.8%	833	<b>52.0%</b>
<b>Other**</b>	390	18.5%	240	12.5%	164	10.2%
<b>TOTAL</b>	<b>2104</b>	<b>100%</b>	<b>1913</b>	<b>100%</b>	<b>1,602</b>	<b>100%</b>

\*2021 Articling data is current as of **September 28, 2021**. The Articling placement numbers will change each month as candidates file articles of clerkship with the Law Society. For comparison purposes, there were a total of **1,775** articling placements on file with the LSO for the same time period in 2020.

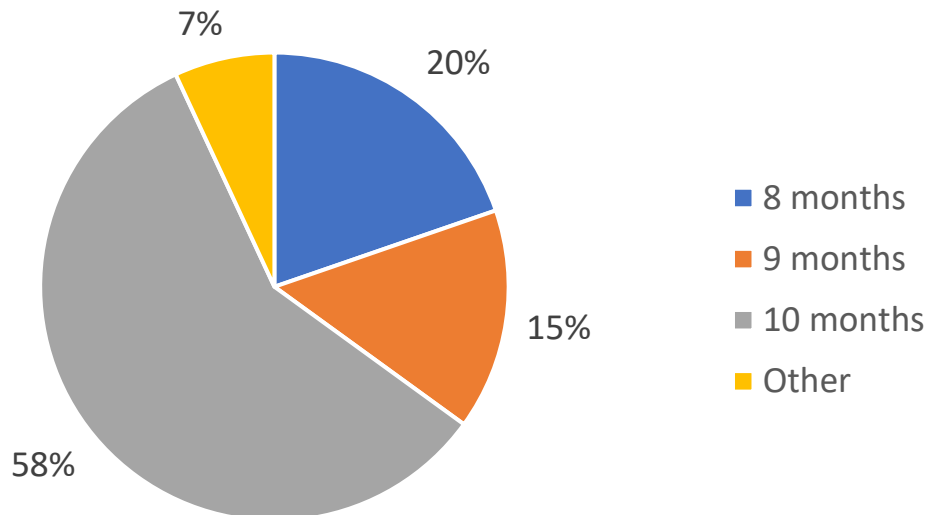
\*\*Candidates may apply to the Law Society for abridgments from the minimum articling term based on compassionate grounds or prior practice experience that aligns with the experiential training competencies. Abridgments are granted on a case-by-case basis.

## Length of 2021-2022 Placements by Firm Size

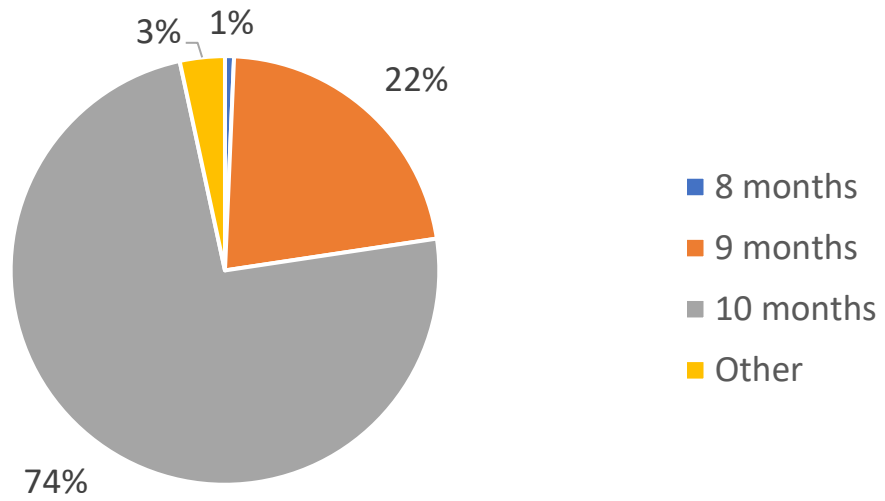
Articling Placements in Soles/Small Firms (1-5 Licensees)



Articling Placements in Medium Firms (6-200 Licensees)



**Articling Placements in Large Law Firms  
(Over 200 Licensees)**





**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**Tab 2**

## **Audit & Finance Committee**

### **Report to Convocation**

October 28, 2021

**Committee Members:**

Joseph Groia (Chair)  
Lubomir Poliacik (Vice-Chair)  
Catherine Banning  
Cathy Corsetti  
Seymour Epstein  
Gary Graham  
Philip Horgan  
Jacqueline Horvat  
Michelle Lomazzo  
C. Scott Marshall  
Clare Sellers  
Sidney Troister

**Authored By:**

Finance  
Brenda Albuquerque-Boutilier  
Executive Director, Finance & CFO  
416-947-3436



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Law Society 2022 Budget ..... Tab 2.2

## 2022 LiRN Inc. Budget

## **FOR DECISION**

### **2022 LiRN Inc. Budget**

#### **Motion:**

**That Convocation approve the LiRN Inc. budget for 2022, which includes**

- **an operating budget funded by a Law Society grant of \$8,542,130 sourced from the county library component of the lawyer annual fee, and**
- **a transition budget funded by a Law Society grant of up to \$900,000 sourced from the fund balance of the Errors & Omissions Insurance Fund.**

The Law Society collects funds for county and district law library purposes and provides grants to LiRN Inc. ("LiRN") to administer the legal information network across the Province. Convocation internally restricts these funds for the purpose of funding LiRN and the county and district law libraries to carry out their annual operations and any special projects approved by Convocation.

LiRN, a wholly-owned, not-for-profit subsidiary of the Law Society, was established to develop policies, procedures, guidelines and standards for the delivery of county law library services and legal information across Ontario and to administer funding on behalf of the Law Society. The Law Society holds all of the 100 common shares of LiRN. Of the 100 special shares, 25 are held by the Toronto Lawyers Association (TLA) and 75 are held by the Federation of Ontario Law Associations (FOLA).

LiRN's draft budget follows comprising:

- a report at [\*\*Tab 2.1.2\*\*](#) prepared by LiRN, which provides information to support the operational and transitional budget, and
- the 2022 Operational and Transitional Budget at [\*\*Tab 2.1.3\*\*](#).

#### **Operational Budget**

The Law Society's operating grant to LiRN in 2021 is \$7,217,000 after a 10% reduction from the grant in 2020 to accommodate the uncertainties associated with the pandemic. The operating grant requested by LiRN in their draft 2022 budget is \$8,542,000 and aligns with the amount budgeted in the Law Society's 2022 budget. The increase is primarily attributable to:

- reinstatement of the 10% reduction implemented in the 2021 budget
- the provision of an additional 2% increase, and

- the inclusion of funding for LiRN staffing, which was funded from LiRN's General Fund balance in 2021. The General Fund balance is expected to be nearly depleted at the end of the fiscal year, with the 2021 budget including the use of \$456,000 from the fund balance as a source of funding.

The funding increase summarized above will result in the county library / LiRN component of the lawyer annual fee increasing from \$159 in 2021 to \$183 in 2022.

### **Transitional Budget**

LiRN has also presented a transitional budget request of up to an additional \$900,000 for the expansion of electronic resources available across the network, the related training of library staff to facilitate their ability to support users, and the necessary investment in the information technology infrastructure required to support a shift to digital resources.

The Transitional Budget is for one-time infrastructure related expenditures with further information in the material at [Tab 2.1.3](#).

## LiRN 2022 Budget

### Approach: Operational Budget and Transitional Budget

LiRN is submitting an Operational Budget and a draft Transitional Budget for 2022. LiRN is also exploring funding from other organizations as part of our plan for this year.

The Operational Budget allows for the continuation of the network at current service levels.

Our data shows that this funding level leaves our library users – mostly small and sole practices – behind in terms of electronic resources that are considered core offerings in other provinces and larger firms.

It also results in uneven access to these resources across the province, as larger and urban-based libraries can invest in more electronic products than smaller libraries can afford.

### Transitional Budget

The Transitional Budget addresses the challenge of uneven access and facilitates projects that will allow us to:

- Offer equity of access to users across the province; and
- Evolve the services offered to meet user needs and expectations in an increasingly digital environment.

These goals are in line with LiRN's mandate, which includes establishing a platform that provides effective access to information and supports standards of competence for lawyers and paralegals. They also align with the Law Society's (LSO) strategic plan objective of ensuring competence and quality of service and access to justice.

Ontario lawyers have access to Quicklaw through LiRN, HeinOnline through the Great Library, and the LSO's CPD archives. Lawyers in British Columbia, Alberta, and Québec have centralized access to WestlawNext, Irwin Law Titles (DesLibris), and many other databases.

Number of Centrally Available Electronic Resources			
Ontario	BC	Alberta	Québec
3	13	18	25

(See [Appendix A](#) for a detailed breakdown of centralized electronic resources in Ontario, BC, Alberta, and Québec.)

There is also a lack of equity among Ontario lawyers. Resources like WestlawNext are commonplace in larger firms. Within the LiRN network, libraries in larger, urban centres have more resources to invest in additional electronic resources that are cost-prohibitive to smaller libraries.



Legal Information and Resource Network

Percent of Libraries with of Additional Electronic Resources in Ontario				
Resource	Overall	Regional Libraries (5)	Area Libraries (15)	Local Libraries (28)
WestlawNext	19%	60%	33%	4%
O'Brien's Online	35%	80%	33%	29%
Westlaw CriminalSource	14%	40%	26%	4%
Westlaw FamilySource	14%	40%	26%	4%
Westlaw EmploymentSource	8%	40%	13%	0
Westlaw Other	19%	60%	33%	4%
RangeFindr	25%	40%	33%	18%
Divorcemate	37%	80%	40%	29%
TR Proview	25%	80%	33%	11%
Lexis Nexis Practice Advisor	25%	60%	33%	14%

The funds for these resources may come from the LiRN grant and in some cases from association funds such as membership fees.

LiRN will take a measured and project-based approach to redressing this disparity by developing a central suite of core electronic resources over the next two to three years.

In Year One, we will invest in the highest priority resources and roll them out across the province in 2022. This will be accompanied by training and awareness raising initiatives to ensure that library staff understand and can teach their patrons to use each new resource and patrons know what is available to them. In subsequent years, we will add additional resources to complete the core suite.

As electronic resources are added, we will work with libraries to reduce print where it is available electronically wherever possible. A key element of this approach is to establish metrics on the use of these resources. The first-year data results will not give a full picture of usage given the timing of the roll out. By the second year LiRN will have actionable data.

The amount in the draft Transitional Budget is, of necessity at this stage, an estimate. It is based on:

- Early discussions with vendors
- Current spend by network libraries
- Reference to what other jurisdictions are spending, where we were able to access that information.

As the amount requested in the transitional budget is based on preliminary estimates, LiRN is requesting up to \$900,000, with the amount of funding to be based on final negotiated agreements to procure digital resources and the related information technology infrastructure.

Our goal by the end of Year One (2022) is to secure 100% access across the network for certain core electronic resources, up from the current 19% – 37% access. The balance of the Transitional Budget covers the need to update computer equipment across the network and the creation of salary bands for network librarians. The data shows that 15% of the network's computers were acquired prior to 2014. Some do not have web cams and cannot handle the increased reliance on digital resources and remote



Legal Information and Resource Network

hearings. Although network library staff are not LiRN employees, creating appropriate salary bands for library staff will assist association employers in determining appropriate compensation.

## Operational Budget

The operational budget is focused on bringing county library funding to pre-pandemic level with a small retroactive increase for 2021 and an increase for 2022, maintaining basic operations of LiRN. It also incorporates staffing that was funded in 2021 through LiRN's general fund balance.

In 2021, the LSO grant was subject to a 10% cut due to the then-unknown financial effects of COVID-19 on the Law Society and its members. This grant reduction was supplemented by \$455,580 (approximately 6%) from LiRN's general fund balance in order to minimize the impact of the cuts on library users.

The requested amount would put LiRN back to the position it would have been in absent the pandemic with an additional 3% to cover LiRN staffing, library staff salary increases, and the increasing cost of library resources. LiRN staffing was a new budget item in 2021 and was funded through LiRN's general fund balance, but funding for two staff positions now form part of the overall grant request.

## Appendix A

### Centrally Available Electronic Resources

Centrally Available Electronic Resources				
Resource	Ontario	BC	Alberta	Québec
Lexis Advance – Quicklaw (provided by LiRN in Ontario)	✓	✓	✓	✓
Hein Online (provided by the Great Library in Ontario)	✓	✓	✓	✓
Provincial CPD Archives (free in Ontario)	✓	✓	✓	✓
WestlawNext Canada	no	✓	✓	✓
O’Brien’s	no	✓	✓	no
LawsSource	no	✓	no	no
CriminalSource	no	No	✓	✓
EmploymentSource	no	No	✓	no
Estates & TrustsSource	no	No	✓	no
FamilySource	no	No	✓	no
InsolvencySource	no	No	✓	no
Irwin Law Titles (DesLibris)	no	✓	✓	✓
Canadian NewsStream	no	✓	no	no
ICLR Online	no	✓	✓	no
LLMC Digital	no	✓	no	no
Rangefindr	no	✓	✓	no
Canadian Environmental Law Guide	no	No	✓	no
Directors’ Liability in Canada	no	No	✓	no
Emond’s Criminal Law Series	no	No	✓	no
vLex Justis	no	No	✓	no
QP Source Professional (Alberta-specific resource)	no	No	✓	no
Quickscribe (BC-specific resource)	no	✓	no	no
Homegrown electronic resources	no	✓	no	✓
La reference (secondary source collections)	no	No	no	✓
LegalTrac (index of legal journals)	no	No	no	✓
Lexbase (encyclopedia of French law)	no	No	no	✓
Notarial Library	no	No	no	✓
IntelliConnect	no	No	no	✓
Recherche juridique (SOQUIJ)	no	No	no	✓
Taxnet Pro	no	No	no	✓
Loi et règlements sur les régimes complémentaires de retraite	no	No	no	✓
Tableau des modifications et Index sommaire	no	No	no	✓
AliForm	no	No	no	✓
Decisia	no	No	no	✓
SAG Plus	no	No	no	✓
Sentar	no	No	no	✓
Mtre Francine Payette’s forms	no	No	no	✓
JurisÉvolution	no	No	no	✓
JuriFamille	no	No	no	✓
CRAC - Business register research across Canada	no	No	no	✓
Dictionnaire de droit québécois et canadien by Mtre Reid	no	No	no	✓

## **LIRN INC. 2022 OPERATIONAL BUDGET**

The Operational Budget allows for the continuation of the network at current service levels.

	<b>2022 Budget</b>	<b>2021 Budget</b>	<b>2020 Budget</b>
<b>Funding</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Law Society Grant	<b>8,542,130</b>	7,217,194	8,019,094
Use of General Fund Balance	-	455,580	88,719
<b>Total Funding</b>	<b>8,542,130</b>	<b>7,672,774</b>	<b>8,107,813</b>
<b>Expenses</b>			
<b>Grants</b>			
Library System (Attachment A)	<b>7,217,130</b>	6,393,274	7,060,663
Special Needs	-	48,000	48,000
<b>Centralized Services for Libraries and Library Users</b>			
Electronic Products	<b>385,000</b>	375,000	363,250
County Library Benefit Plan	<b>280,000</b>	270,000	276,000
Insurance - Counties	<b>110,000</b>	103,000	98,000
Publications County Libraries	<b>40,000</b>	50,000	90,000
COLAL, Professional Development, and Meetings	<b>75,000</b>	40,000	38,500
Courier and Postage	<b>20,000</b>	20,000	21,300
<b>LiRN Administration</b>			
Staff & Related Expenses	<b>315,000</b>	225,000	-
Office Expenses	<b>30,000</b>	34,500	38,600
Board of Directors & Governance Support	<b>30,000</b>	34,000	33,500
Administrative Financial Services	<b>30,000</b>	30,000	40,000
Travel	<b>10,000</b>	-	-
Transitional		50,000	
<b>Total Expenses</b>	<b>8,542,130</b>	<b>7,672,774</b>	<b>8,107,813</b>

## **LIRN INC. 2022 TRANSITIONAL BUDGET**

The Transitional Budget allows the network to improve service levels and facilitate a library network that:

- Offers equity of access to users across the province; and
- Evolves the services offered to meet user needs and expectations in an increasingly digital environment.

	<b>2022 Budget</b>
<b>Funding</b>	<b>\$</b>
Law Society Grant of up to:	<b>900,000</b>
<b>Total Funding</b>	<b>900,000</b>

### **Transitional Expenses**

Additional Centralized Electronic Products  
IT Infrastructure - Consultant, Equipment and Software Upgrades  
Training and Consultation Supporting Transition

<b>Total Expenses</b>	<b>900,000</b>
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## Law Society of Ontario 2022 Budget

## FOR DECISION

### Law Society of Ontario 2022 Budget

#### Motion

That Convocation approve the Law Society's 2022 Budget as presented in this Report to Convocation, including:

- a) the annual fee for lawyers and paralegals set out in the following table, and

Fund	Lawyers	Paralegals
General Fund	\$1,563	\$888
Compensation Fund	\$1	\$1
Capital Fund	\$66	\$66
County Libraries Fund – LIRN	\$183	-
<b>Total Annual Fee</b>	<b>\$1,813</b>	<b>\$955</b>

- b) the utilization of fund balances of up to \$16,181,080, as set out in the table below, to fund operations and mitigate annual fees.

Fund	2022 Draft Budget
General Fund – Lawyer	\$6,383,930
General Fund – Paralegal	\$1,149,850
Errors & Omissions Insurance Fund	\$2,600,000
Compensation Fund – Lawyer	\$3,678,500
Compensation Fund – Paralegal	\$118,800
Capital Fund	\$2,250,000
<b>TOTAL</b>	<b>\$16,181,080</b>

#### Budget Overview

The 2022 budget marks the beginning of the Law Society's return to normal operations as the COVID-19 pandemic impacts and restrictions are waning with declining cases across the Province. The budget strikes a balance between:

- Returning to normal operations after the pandemic as activity ramps up and interactions with licensees and stakeholders resume increasing both revenues and expenses
- Maintaining streamlined, efficient work processes in the face of increasing workflows with stable costs in most lines of business
- Evolving operations and regulatory processes through investments in systems, infrastructure, and people.

With the uncertainty surrounding the pandemic, the 2021 budget responded with cost containment measures, curtailing activities and a 10% reduction in expenses. Those reductions are not sustainable in the longer term and would inhibit the Law Society's ability to support its public interest mandate and achieve its strategic objectives. As a result, the 2022 budget includes a 4.1% increase (\$5.3 million) in overall expenses compared to the 2021 budget. It will move the Law Society forward with its strategic priorities, stabilize and improve infrastructure, and move to a new hybrid workforce model.

Included in overall budgeted expenses is an increase in LiRN Inc. funding from \$7.2 million to \$9.4 million. This includes one-time transitional funding of up to \$900,000 to improve service levels across the library network through investment in resources and infrastructure. The capital needs for the transitional budget will be drawn from the unrestricted fund balance of the Errors & Omissions Fund ("E&O Fund"), as required.

With the pandemic driven cost containment measures implemented in 2020 and 2021 and revenue streams remaining stable, the budgeted utilization of fund balances did not occur in these years. With actual spending below budget, the Society's fund balances actually increased in those years. The growth of fund balances has allowed for their increased utilization and the 2022 budget plans to employ \$16.2 million (2021 - \$10.0 million) in fund balances to support operations. Where applicable, the use of fund balances is in compliance with the Law Society's Fund Balance Management Policies. Utilization of fund balances are specific to operational Funds identified in the budget.

With the use of fund balances planned in 2022, the annual fees for both lawyers and paralegals will decrease. Assuming the Law Society returns to normal operations in 2022 as planned, it should be noted that available fund balances for future budget years will likely decrease. Any resulting gap in funding will generally be made up by an increase in licensee annual fee revenue.

This budget seeks to ensure that the organization fulfils its mandate as a responsible regulator. The budget strives to strike a balance between maintaining business lines

supported by quality work and strong service standards necessary to protect the public, while still recognizing the need to reduce burdens and costs.

## Budget Process

The budget process began in the spring of this year with the Audit & Finance Committee considering key assumptions and drivers intended to guide management in preparing the 2022 budget, mindful of the uncertainty around COVID-19 and its ongoing impacts.

- Subsequently, over the summer, significant work on the budget occurred with management:
  - Reviewing historical spending and assessing contractual and other commitments to identify budget opportunities and pressures
  - Incorporating anticipated expense reductions resulting from new work processes and pandemic identified efficiencies
  - Integrating new program additions and/or changes coming from decisions of Convocation such as launch of the Regulatory Sandbox and the transition to online delivery of examinations
  - Assessing facilities and information technology infrastructure requirements to inform capital funding needs for 2022.

At the September meeting of the Audit & Finance Committee, updated information was presented and reviewed by the Committee. A key component of this update was the impact on licensing process fees resulting from the shift to online delivery of licensing examinations. This change decreased total costs of the program and reduced fees paid by candidates, specifically, \$300 for lawyer candidates and \$100 for paralegal candidates, a 7% reduction for both.

Based on the assumptions and feedback from the June and September meetings, the draft 2022 budget was prepared for presentation at the Benchers Information Session held on October 1<sup>st</sup> and further updated for this month's Audit & Finance Committee meeting

The budget is now presented to Convocation with the unanimous support of the Audit & Finance Committee.

## Budget Highlights

Total revenue for Law Society funded operations is \$118.1 million down slightly (\$1 million) from 2021. Total expenses are increasing to \$134.3 million from \$129.0 million in 2021 with the excess of expenses over revenues, \$16.2 million, provided from fund balances, an increase of \$6.2 million compared to 2021.

## Revenues

### Annual Fees

The draft budget incorporates an annual fee decrease of \$60 for lawyers, a reduction from \$1,873 in 2021 to \$1,813 in 2022. The increase in the number of full-fee-equivalent (FFE) lawyers is estimated at 1,525 for a total of 46,600.

The paralegal annual fee decreases by \$9 from \$964 to \$955 in 2022 with an increase of 200 FFE paralegals for a total of 6,600.

### Professional Development and Competence Revenues

The two largest sources of non-annual fee revenue are Licensing Process fees and Continuing Professional Development (“CPD”) fees. The operations associated with both revenue streams have been notably impacted by the pandemic and changes in program delivery.

#### ***Licensing Process***

Convocation approved the shift to online licensing examinations for the next three years through to the 2023/24 licensing cycle. A comprehensive review of the cost of the licensing process was undertaken over the summer to assess what the appropriate fees should be for both lawyer and paralegal candidates, based on a full cost recovery, incorporating both direct and overhead costs.

The resulting fees have been reduced by \$300 for lawyers and \$100 for paralegals. The 2022 budget assumes that with these lower fees, overall licensing process revenues will decline \$1.4 million from the 2021 budget.

The 2022 budget continues the \$1 million contribution from lawyer licensees to the lawyer licensing process resulting in lower fees for licensing candidates. The continuation of the lawyer contribution is a necessary precondition for implementing a reduced candidate licensing examination fee structure in 2022.

### ***Continuing Professional Development***

While uncertainty around activity will continue into 2022, an assessment of results for the first six months of 2021 supports increasing budgeted revenues for 2022. CPD revenues are currently trending favorably to budget with August year-to-date revenues of \$3.3 million exceeding budget of \$2.9 million. Attendance has grown over the past year and while not at pre-pandemic levels, a preliminary forecast of 2022 revenue based on planned programs and estimated attendance supports an increase of \$1 million to \$6.7 million.

### **Investment Income**

In 2021, Convocation approved an updated Investment Policy and a new investment manager. With the transition to the new investment manager and a new policy, realized investment income in the 2022 budget reflects an increase of \$445,000 within the General Fund and \$200,000 within the Compensation Fund.

### **Catering**

All catering operations have been closed since the onset of the pandemic in March 2020. Prior to reopening, Convocation will consider a comprehensive business case supporting the ongoing viability of the operation. Consequently, the 2022 budget does not incorporate revenue from these operations.

## **Expenses**

### **Salaries and Benefits**

Recruitment of professional positions is increasingly more difficult, particularly the hiring of lawyers, accountants, and technical specialists. Compensation Planning Survey statistics indicate Law Society salary adjustments have lagged the market by a cumulative 4% since 2017. This lag in compensation is putting pressure on the recruitment and retention of the necessary talent to meet the organization's needs. Inflation is also increasing as recent trends in the Consumer Price Index (CPI) have indicated. The latest CPI increase for the year to September 2021 is 4.4%, up from 4.0% in August. To provide for cost-of-living increases and market adjustments, the draft 2022 budget includes a 3.4% provision for salaries adjustments in 2022.

## **Operating Expenses**

There have been savings and efficiencies realized during the pandemic coming primarily from business process changes realized from working remotely. A historical review of operating expenditures and an assessment of operations in a post pandemic state was completed as part of the 2022 budget and resulted in an overall reduction in operating expenses of \$308,000.

## **Program Expenses**

There is a net decrease in program expenses of the General Funds of \$2.1 million. There are multiple reductions offset by some anticipated expense increases, with the more notable changes being the following:

- Decreased costs related to the licensing process with the transition to online examinations affecting both the paralegal and lawyer licensing process budgets.
- Removal of any budgeted expenses for restaurant and catering operations as the decision to reopen is dependent on Convocation's consideration of a business case. If the decision is made to proceed with reopening, any net operational costs in 2022 will be funded from the contingency amount or available fund balance.<sup>1</sup>
- A decrease in budgeted external counsel fees in support of our regulatory processes.
- A reduction in premiums for errors and omission insurance coverage with Convocation's approval to transition to a self-insurance model with some funding remaining for counsel and defense costs to manage claims.
- Reduced costs for stakeholder engagements, events and travel generally with the integration of virtual capabilities.

Partially offset by:

- An increase in bencher remuneration and expenses with a return to all in-person meetings and a provision for a 3.4% increase in bencher and adjudicator remuneration rates.
- Funding for increased utilization by licensees of services available through the Member Assistance Program.
- An increase in software licensing, telecommunications and cloud services

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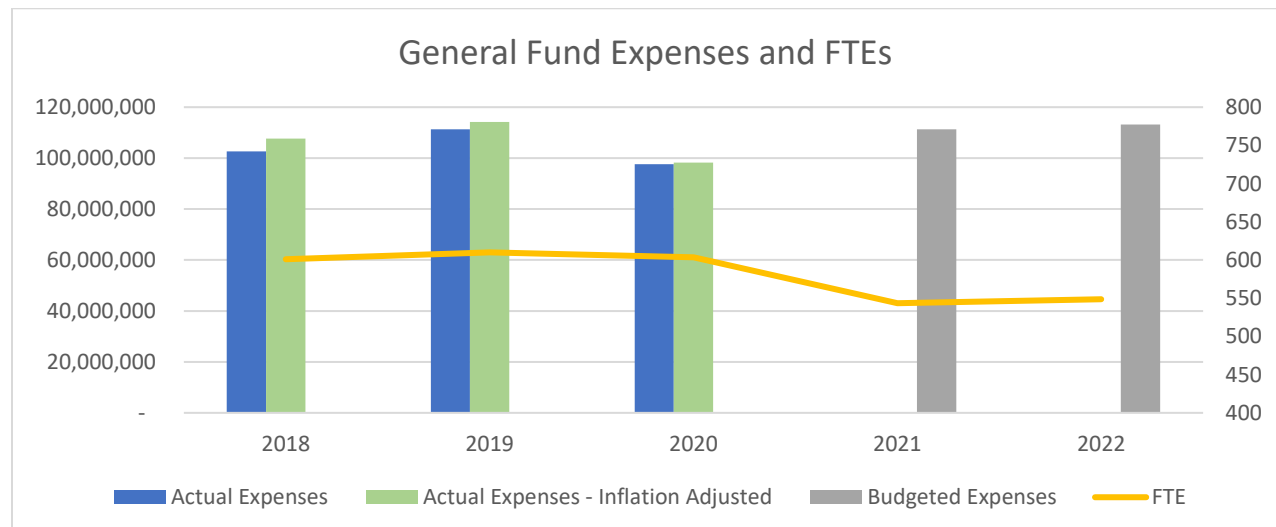
<sup>1</sup> The required capital investment in kitchen infrastructure will be funded from the Capital Fund balance.

expenses, which is expected as the Law Society automates more of its processes.

- Funding to support the transition process related to new health and safety requirements, space planning, meeting room technology, and equipment to support a hybrid workforce model.
- Increase in property and liability insurance premiums as a result of the hardening of the insurance market and the addition of cyber insurance coverage.

### Historical Comparison – Expenses of the General Funds

Expenditures in support of most of the Law Society's programs and services are captured through the General Funds and comprise approximately 85% of the Law Society's budgeted expenses. The 2022 budget continues some cost containment measures and introduces efficiencies identified throughout the pandemic. As a result, budgeted General Fund expenses are comparable to inflation adjusted actual expenses for 2018 and 2019, recognizing that there are changes to programs each year. Budgeted expenditures for the General Funds of \$113.2 million in 2022 is comparable to the 2018 and 2019 inflation adjusted General Fund expenses of \$107.7 million and \$114.2 million, respectively. This comparison is depicted in the chart below including changes in full-time equivalent employees.



## Compensation Fund

The provision for routine grant claims for lawyers has been set at \$4.5 million, consistent with the 2021 budget. Based on the increased activity and the ongoing nature of claims, the provision for routine grant claims for paralegals has been increased from \$116,000 to \$166,000.

## Capital Fund

The proposed capital budget is summarized below with further information available in the detailed 2022 budget presentation.

Capital Project	2022 Draft Capital Budget
Facilities – Benchers’ Wing Restoration	\$2,800,000
Information Technology – Infrastructure updates and replacements	815,000
Convocation Initiative – Client Service Enhancement Project	750,000
Facilities – Preservation and Infrastructure projects per Facilities Condition Assessment	725,000
Business and IT Transformation	500,000
Facilities – Essential kitchen flooring and infrastructure repairs	250,000
Contingency	410,000
<b>Totals</b>	<b>\$6,250,000</b>

## Use of Fund Balances

The Law Society has Fund Balance Management Policies that provide guidance with respect to minimum and maximum fund balance thresholds for both the Lawyer General Fund and the lawyer pool of the Compensation Fund. These fund balance management policies are reviewed every three years, most recently in 2020.

Projected ending balances for the General Funds, the Compensation Fund, the Capital Fund and the unrestricted portion of the E&O Fund, assuming normal operations with minimal variances, are summarized in the following table.

	Lawyer General Fund	Paralegal General Fund	Lawyer Pool of Comp Fund	Paralegal Pool of Comp Fund	Capital Fund	Unrestricted Portion of E&O Fund <sup>2</sup>
Projected Fund Balance: Dec. 31, 2021	\$32,491,000	\$1,932,000	\$31,558,000	\$811,000	\$4,500,000	\$14,000,000
2022 Budgeted Use of Fund Balances	\$6,384,000	\$1,150,000	\$3,678,000	\$119,000	\$2,250,000	\$2,600,000
<b>Projected Fund Balance: Dec 31, 2022</b>	<b>\$26,107,000</b>	<b>\$782,000</b>	<b>\$27,880,000</b>	<b>\$692,000</b>	<b>\$2,250,000</b>	<b>\$11,400,000</b>

The Law Society's Fund Balance Management Policy for the Lawyer General Fund sets a minimum fund balance benchmark of two months of budgeted operating expenses and maximum of three months of operating expenses. Based on the 2022 budget with operating expenses of \$102.6 million, the minimum and maximum benchmarks for the fund balance are \$17.1 million and \$25.7 million, respectively.

There is no formal Fund Balance Management Policy for the Paralegal General Fund.

The Fund Balance Management Policy for the lawyer pool of the Compensation Fund requires a minimum fund balance of \$19.6 million and has an upper threshold of \$96.3 million.

There is no formal Fund Balance Management Policy for the paralegal pool of the Compensation Fund. The projected fund balance is over two times the claims activity since the inception of the paralegal pool of the Compensation Fund in 2007.

As funding for capital initiatives is based on identified needs, there is no formal Fund Balance Management Policy for the Capital Fund. A portion of this fund balance may be used for capital investments related to the reopening of the catering operations should the decision be made in year to proceed.

The 2022 budget plans for the use of \$1.2 million of cumulative surplus investment income within the E&O Fund balance to fund operations and mitigate the lawyer annual fee. In addition, the 2022 budget also incorporates the use of up to \$900,000 of the unrestricted fund balance to fund one-time transition expenses included in LiRN's

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<sup>2</sup> The difference between the E&O Fund balance and the unrestricted portion presented in this chart comprises the Law Society's investment in LAWPRO and the amount restricted as a reserve for the Law Society's errors and omissions self-insurance model.

budget and \$500,000 to fund preliminary discovery costs for the Business and Information Technology Transformation project included in the Capital Budget.

## **Conclusion**

The 2022 budget positions the Society for a return to normal operations, while reducing fees for both licensees and licensing candidates. It provides funding to support for the Society's core functions and key infrastructure needs, while maintaining the strength of the Society's financial position and is operationally sound.

# 2022 Draft Budget

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# 1

## Budget Overview



# Budget Vision & Approach

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## Message from the CEO

The 2022 budget acknowledges that we have been through more than a year of new challenges and unique achievements. Our organization continues to manage pandemic-based responses while maintaining our regulatory work. The after-effects of the pandemic will have an impact on the way we work – from transitions to new workforce models, through to how our governors and stakeholders interact. This budget continues to take proactive steps to mitigate risks and costs, while ensuring that operations are sustainable. Financial focus is on supporting our corporate objectives, while maintaining a reduced headcount and investing in increased automation and efficiency. The theme of burden reduction that was the hallmark of 2021, will continue. The Law Society has made great strides in this priority, and the operational work to implement those improvements is ongoing.

As we considered organizational progression in 2022 and budget outcomes, the approach has been to adopt the positive process changes that were a result of pandemic decision-making. The budget also acknowledges that some of the significant changes made to address cost containment in a global health crisis are no longer necessary, nor optimal, if the organization is going to achieve its objectives and work effectively to support the scope of its public interest mandate.

# Budget Vision & Approach

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## Message from the CEO

The 2022 budget recommendations strike a balance between:

- Maintaining streamlined work processes and activities resulting in stable costs in most lines of business despite increasing workflows
- Returning to normal operations including increased revenues and expenses as activity picks up and licensees and stakeholders resume their interactions with the organization
- Evolving our operations and regulatory processes through investments in systems, infrastructure and people.

The theme for 2022 will be two-fold: first stability, then transformation. The budget has integrated funding that will move the Law Society forward with strategic priorities, stabilize and improve infrastructure, move to a new hybrid workforce model, and support our people to be their most productive within that model.

# Budget Focus and Development

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## Message from the CFO

The Law Society's financial position was strong as we entered 2021 as a result of circumstantial and deliberate cost mitigation efforts implemented in 2020 in response to the COVID-19 pandemic. These efforts positioned the Law Society to cope with possible negative impacts of the pandemic on our 2021 revenue streams. With the economy gradually recovering, the 2022 budget assumes increased stability in revenue streams and maintains adequate fund balances to address ongoing pandemic impacts and other potential challenges.

Working with management, budget planning focused on incorporating efficiencies identified through the pandemic, maintaining stability, and investing in the future. The 2022 budget:

- Focuses on the Law Society's core operations and serving the public, licensees and candidates
- Reduces annual fees for licensees and reduces fees for candidates in the Licensing Processes
- Maintains the Law Society's solid financial position for the long-term to fulfill our mandate and withstand any adverse effects the pandemic may have on revenue streams or programs.

# Budget Focus and Development

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## Message from the CFO

The 2022 budget funds the launch of the Regulatory Sandbox for Innovative Technological Services, a five-year pilot project approved by Convocation in 2021. It also continues to implement policy decisions coming from the Report on Recommendations for Strategic Change focussed on burden reduction and efficiency for licensees and the Law Society.

This budget decreases the annual fee for licensees through the use of fund balances, continues the operational focus on proportionate regulation and burden reduction, and stabilizes the Society's overall spending on operations. It anticipates the resumption of Law Society programs and services while maintaining many of the efficiencies implemented over the last year.

The fund balance of the lawyer pool of the Compensation Fund remains above the minimum benchmark required under the Law Society's Fund Balance Management Policy, positioning the Fund to endure pressures that have historically arisen after an economic downturn.

# Budget Focus and Development

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## Message from the CFO

The fund balance of the paralegal pool of the Compensation Fund is two times the total grants paid from the fund since its inception in 2008 and there is currently sufficient reserve to pay for several years of average claim activity.

The capital budget incorporates funding for essential information technology and facilities initiatives. Ongoing investment in technology and its infrastructure is essential to mitigate against the risks associated with out-of-date systems, lack of maintenance and cyber risks. With a heritage designated building and grounds, maintenance and preservation of the premises is costly and complex with annual capital investments informed by a 10-year Facilities Condition Assessment completed in 2020. With the pandemic notably affecting the cost of supplies and labour, forecasted budgeted costs for 2022 and 2023 projects were updated.

The 2022 budget looks to stabilize operations, capitalizes on developments of the past year including a new workforce model, and supports continued investment in future regulatory and operational transformation.

# Key Budget Highlights

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- The 2022 budget assumes a notable reduction in pandemic related restrictions, resumption of in-person activities, and the transition to a new workforce model. The 2022 budget incorporates new work processes and efficiencies gained throughout the pandemic. It balances the resumption of normal operations and continued evolution of our operational and regulatory processes.
- The budget reflects Convocation's decision to continue online examinations for lawyers and paralegals. There is a reduction of \$1.7 million in direct expenses as result of the movement from in-person to online examinations. There is a resulting decrease in licensing fees for lawyer candidates of \$300 and \$100 for paralegal candidates.
- Funding for the Regulatory Sandbox, as approved by Convocation, is included with anticipated expenses of \$435,200. The budget also anticipates grant funding of \$100,000 to offset costs.

# Key Budget Highlights

- The budget includes a provision of 3.4% for salary merit increases and market adjustments in 2022. CPI for Ontario for the year ended September 30, 2021, is 4.4%. The recommended 3.4% increase for 2022 is below average projections for inflationary increases in Ontario for the 2021 year.
- Compensation Planning Survey statistics indicate Law Society salary adjustments have lagged the market by a cumulative 4% since 2017 resulting in pressure to adjust compensation levels to catch up to the comparator group. Recent recruitment efforts for professional employee categories (lawyers, paralegals and accountants) and technically skilled categories (IT and forensic auditors) have been difficult as a result of salaries not remaining competitive in the market.
- There is a net increase of 4.5 full-time equivalent (FTE) employees in the 2022 budget across the entire organization. Further detail is reflected in Section 5.

Function	Total FTE Change
Regulatory Sandbox	2.00
Professional Regulation	3.50
Policy	1.00
Tribunal	1.00
Professional Development and Competence	(1.00)
Catering and Events	(2.00)
<b>Total Change in FTE Employees</b>	<b>4.50</b>

# Key Budget Highlights

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- A provision for a 3.4% increase in benchers and adjudicator remuneration rates is reflected in the budget resulting in a net increase of approximately \$35,000. Benchers remuneration was last increased effective January 1, 2019.
- The 2021 budget assumed 50% of all meetings of Convocation and Committees would be virtual. The 2022 budget resumes all in-person meetings adding \$200,000.
- Support to other organizations for operational purposes increases by \$1.4 million in the 2022 budget. This is primarily driven by increased funding to LiRN Inc. of \$1.3 million to support the county libraries system across the Province. The increase in budget is to reinstate the 10% reduction implemented in 2021 plus a 6.5% increase in funding, which flows through the Law Society's County Libraries Fund to LiRN Inc.
- The 2022 budget also includes a provision of up to \$900,000 to assist LiRN Inc. with a transitional budget to improve service levels across the library network through expanded availability of digital resources, related training of library staff and the required information technology infrastructure.

# Key Budget Highlights

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- Anticipated pressure on insurance premiums of 20 to 35% due to a hardening insurance market and addition of cyber insurance has led to an increase of \$260,000 in the budget.
- To mitigate approximately \$875,000 in insurance premiums and deductibles, this budget implements Convocation's decision for a self-insurance model for errors and omission coverage. An increase of \$300,000 for counsel fees to defend claims is in the budget.
- The budget incorporates \$300,000 to support the transition back to the office and implementation of a new workforce model.
- A contingency amount, intended for new policy and program decisions of Convocation or unexpected operational requirements, is set at \$1 million, which is consistent with the 2021 budget. No amounts are anticipated at this time to be spent against the contingency in 2021.

# Key Budget Highlights

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- With COVID-19 group gathering restrictions easing and licensee uptake increasing for Continuing Professional Development (CPD) programming, CPD budgeted revenues are forecast to increase by \$1 million compared to the 2021 budget. While 2021 revenue results are projected to be \$200,000 better than budget, they remain in line with 2020 revenues. The 2022 budget reflects conservative growth in registration revenue compared to 2021 due to:
  - Difficulty in predicting licensee behaviour post pandemic and whether attendance at CPD programs will permanently change.
  - Pre-pandemic, a notable source of revenue was four flagship in-person CPD programs. The 2022 budget assumes one key in-person flagship event to assess licensee interest. Without a significant shift in the mode of program delivery in 2022, revenues are not anticipated to change significantly from the 2021 forecast.
- Investment revenues are budgeted to increase \$645,000 to reflect transition to a new investment manager and an updated investment policy that increases the potential for investment returns.
- Annual royalties decrease by \$250,000 as a result of the current pandemic market.

# Key Budget Highlights

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- The 2022 budget does not include any revenues or expenses related to catering operations, including the restaurant. A business case with respect to catering operations, incorporating both operating and capital implications, will be considered by Convocation prior to proceeding with any reopening plans in 2022.
- With a decision to reopen the catering operations, funding for the required restaurant infrastructure capital investments estimated to be approximately \$1.25 million will come from the fund balance of the Capital Fund. Any required funding for operations will come from the contingency amount.
- The budget incorporates planned capital spending in 2022 of \$6.25 million (2021 - \$5.1 million). 2022 capital spending is focused on critical facility infrastructure projects identified as part of the Facility Condition Assessment, investments in IT infrastructure and discovery efforts in support of the Business and IT Transformation project.

# Key Budget Highlights

- The number of full fee equivalent (FFE) licensees for lawyers is projected to increase by 1,525 in 2022 to 46,600.
- FFE paralegals are projected to increase by 200 from 6,400 to 6,600.
- The budget plans for the use of fund balances in 2022 as follows:

Fund Name	2022 Draft Budget
Lawyer General Fund	\$6,383,930
Paralegal General Fund	1,149,850
Errors and Omissions Insurance Fund	2,600,000
Compensation Fund - Lawyers	3,678,500
Compensation Fund - Paralegals	118,800
Capital Fund	2,250,000
<b>Total</b>	<b>\$16,181,080</b>

*Note:*

*The use of \$2.6 million of the fund balance available in the Errors and Omissions Insurance Fund is earmarked as \$1.2 million for General Fund operations coming from cumulative surplus investment income, up to \$900,000 for the LiRN Inc. transitional budget, and \$500,000 to the Capital Fund for the Business and Information Technology Transformation Project. The latter two items will be funded from the unrestricted \$10 million within the E&O Fund balance.*



# 2

## Annual Fees



# Full Fee Equivalent Licensees

Annual fees for licensees are determined separately for lawyers and paralegals. Paralegals do not share in all the expenses of the Society nor benefit from all non-annual fee revenue. For example, paralegals do not contribute to the operations of LiRN Inc. nor do they share in the portion of surplus investment income transferred from the Errors & Omissions Insurance Fund as that fund is dedicated strictly to insurance related transactions among the lawyers, the Law Society and LAWPRO.

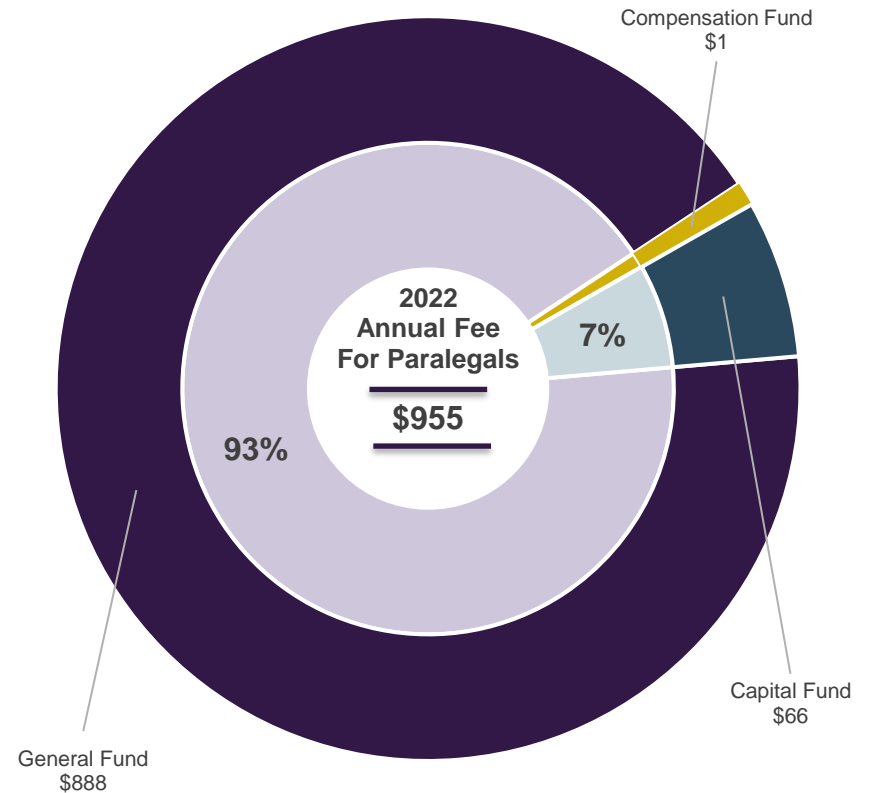
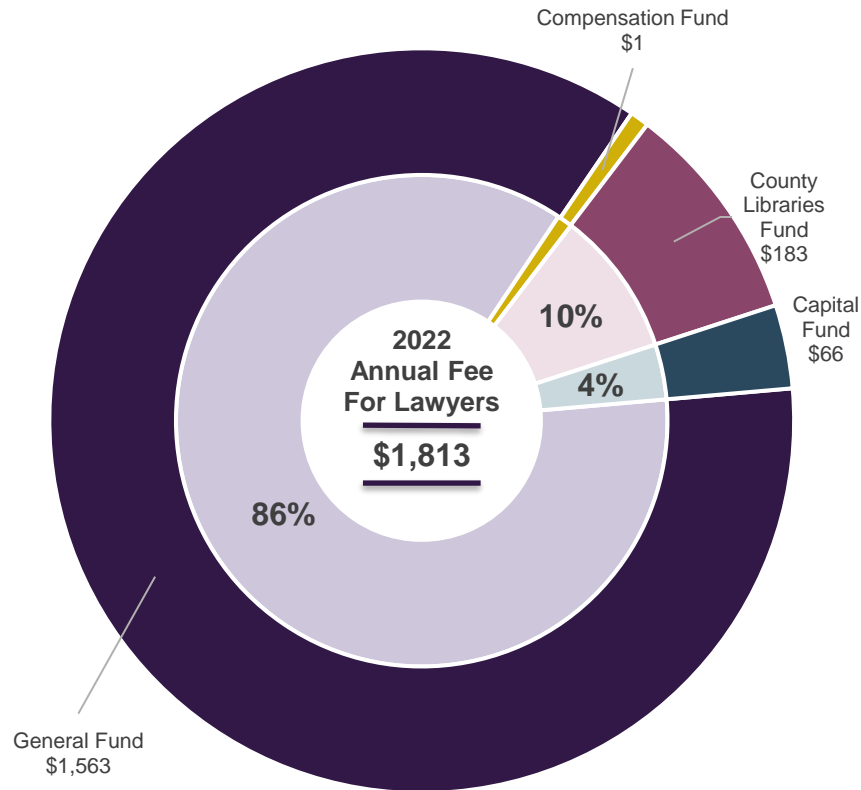
The Law Society utilizes a four tiered fee structure, depending on the nature of the licensee's practising/employment status. Licensees practising law or providing legal services pay 100% of the relevant annual fee; those employed but not practising pay 50%; those retired, not working or on parental leave pay 25%; and those over the age of 65 and meeting established criteria pay 10%.

The number of licensees in each category are prorated to determine what the number of lawyers and paralegals would equate to at the 100% fee category. This is referred to in the budget materials as the number of full fee equivalent licensees (FFE).

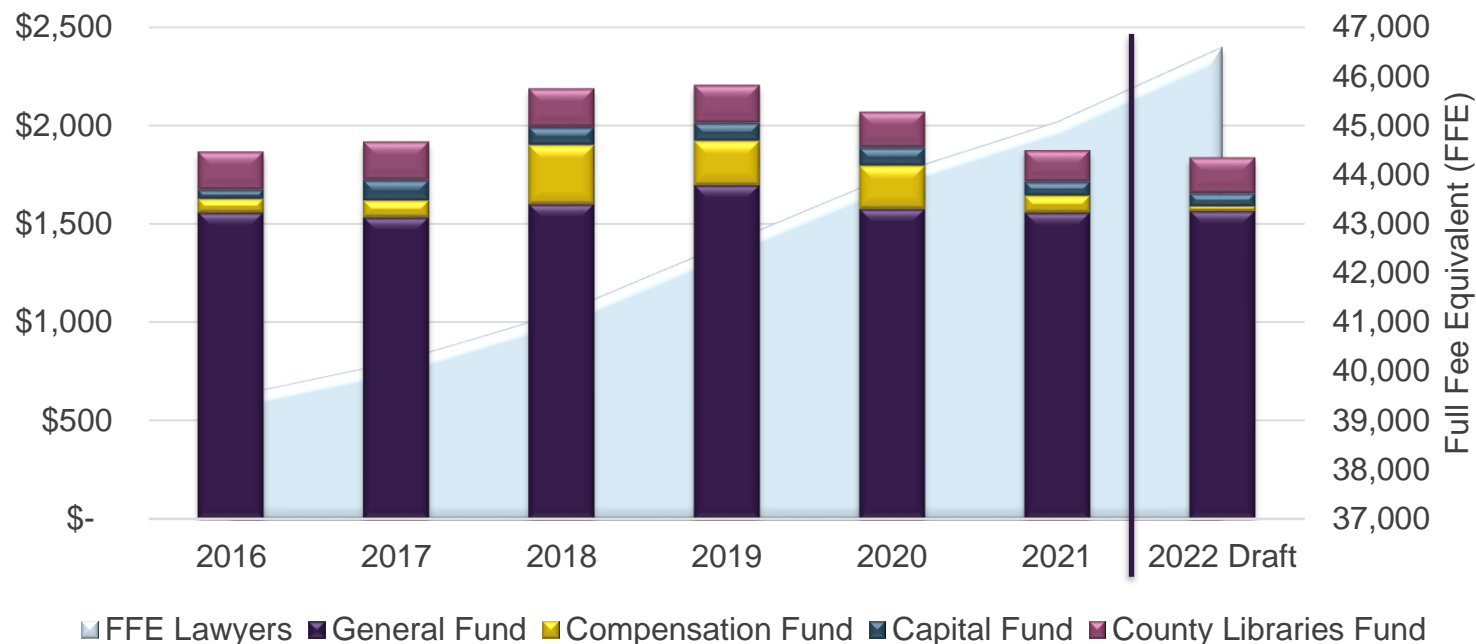
Lawyers – 2022		
Fee Category	Estimated Number	Full Fee Equivalent
100%	41,720	41,720
50%	6,640	3,320
25%	4,680	1,170
10%	3,900	390
Total	56,940	46,600

Paralegals - 2022		
Fee Category	Estimated Number	Full Fee Equivalent
100%	4,275	4,275
50%	3,540	1,770
25%	2,140	535
10%	200	20
Total	10,155	6,600

# 2022 Annual Fee



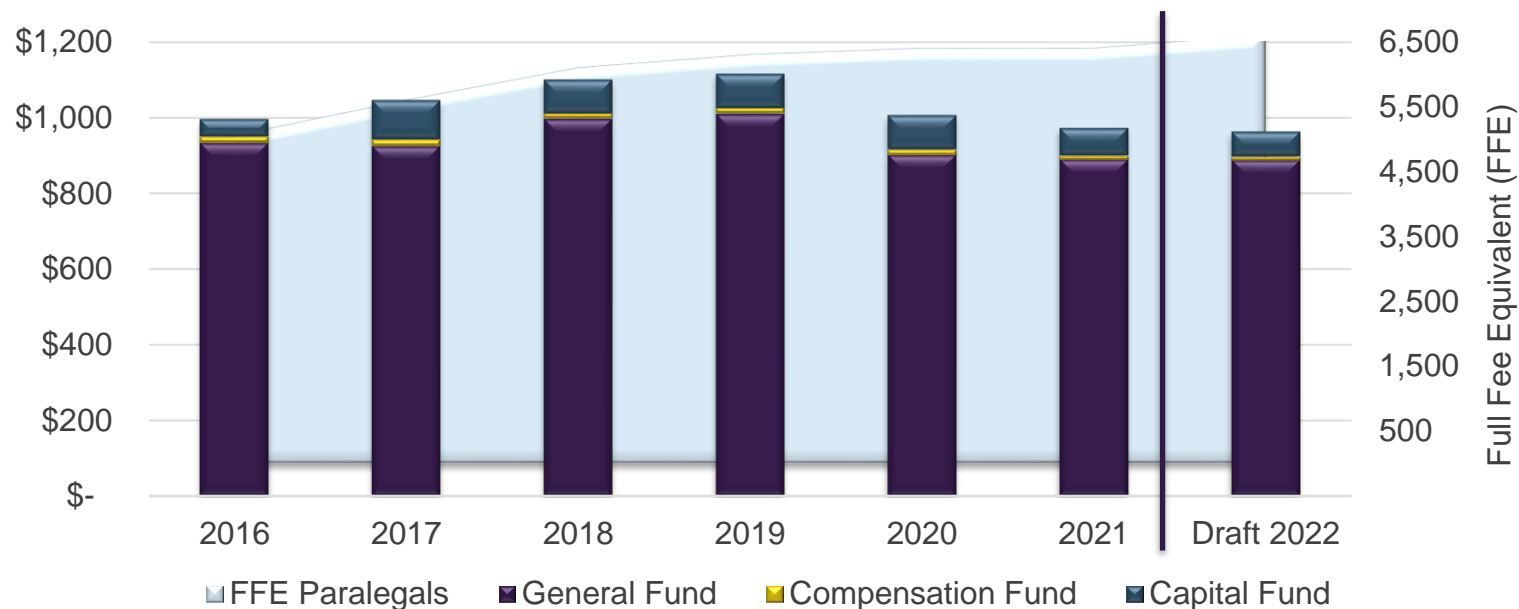
# Historical Annual Fees For Lawyers



Annual Fee Breakdown	2016	2017	2018	2019	2020	2021	2022 Draft
General Fund	\$ 1,555	\$ 1,531	\$ 1,598	\$ 1,693	\$ 1,574	\$1,555	\$1,563
Compensation Fund	71	87	300	226	219	86	1
County Libraries Fund	194	194	194	191	182	159	183
Capital Fund	47	104	91	91	91	73	66
<b>Total Annual Fee</b>	<b>\$ 1,867</b>	<b>\$ 1,916</b>	<b>\$ 2,183</b>	<b>\$ 2,201</b>	<b>\$ 2,066</b>	<b>\$1,873</b>	<b>\$1,813</b>
FFE Lawyers	39,500	40,200	41,200	42,600	44,000	45,075	46,600



# Historical Annual Fees For Paralegals



Annual Fee Breakdown	2016	2017	2018	2019	2020	2021	2022 Draft
General Fund	\$ 933	\$ 925	\$ 997	\$ 1,009	\$ 902	\$890	\$888
Compensation Fund	16	17	12	15	13	1	1
Capital Fund	47	104	91	91	91	73	66
<b>Total Annual Fee</b>	<b>\$ 996</b>	<b>\$ 1,046</b>	<b>\$ 1,100</b>	<b>\$ 1,115</b>	<b>\$ 1,006</b>	<b>\$964</b>	<b>\$955</b>
FFE Paralegals	5,050	5,600	6,100	6,300	6,400	6,400	6,600



# 3

## 2022 Budget at a Glance



# 2022 Budget Summary - Consolidated

## 2022 Draft Budget

## 2021 Approved Budget

	General Fund	Compensation Fund	Capital Fund	County Libraries Fund	Total Consolidated
Annual fee revenue	78,696,600	53,200	3,500,000	8,542,000	90,791,800
Licensing process	12,963,340	-	-	-	12,963,340
CPD	6,657,000	-	-	-	6,657,000
Other revenue	6,151,000	1,550,000	-	-	7,701,000
<b>Total Revenues</b>	<b>104,467,940</b>	<b>1,603,200</b>	<b>3,500,000</b>	<b>8,542,000</b>	<b>118,113,140</b>
Salaries and Benefits	69,305,700	585,600	-	-	69,891,300
Operating Expenses	3,728,400	20,300	-	-	3,748,700
Program Expenses	40,167,620	4,794,600	6,250,000	9,442,000	60,654,220
<b>Total Expenses</b>	<b>113,201,720</b>	<b>5,400,500</b>	<b>6,250,000</b>	<b>9,442,000</b>	<b>134,294,220</b>
<b>Excess of Expenses over Revenues</b>	<b>(8,733,780)</b>	<b>(3,797,300)</b>	<b>(2,750,000)</b>	<b>(900,000)</b>	<b>(16,181,080)</b>
Fund Balance - E&O Fund	1,200,000	-	500,000	900,000	2,600,000
Fund Balance - General Fund	7,533,780	-	-	-	7,533,780
Fund Balance - Compensation Fund	-	3,797,300	-	-	3,797,300
Fund Balance - County Libraries Fund	-	-	-	-	-
Fund Balance - Capital Fund	-	-	2,250,000	-	2,250,000
<b>Total Use of Fund Balances</b>	<b>8,733,780</b>	<b>3,797,300</b>	<b>2,750,000</b>	<b>900,000</b>	<b>16,181,080</b>

	General Fund	Compensation Fund	Capital Fund	County Libraries Fund	Total Consolidated
Annual fee revenue	75,787,630	3,882,850	3,757,675	7,166,925	90,595,080
Licensing process	14,346,240	-	-	-	14,346,240
CPD	5,693,000	-	-	-	5,693,000
Other revenue	7,048,500	1,350,000	-	-	8,398,500
<b>Total Revenues</b>	<b>102,875,370</b>	<b>5,232,850</b>	<b>3,757,675</b>	<b>7,166,925</b>	<b>119,032,820</b>
Salaries and Benefits	65,002,300	617,400	-	-	65,619,700
Operating Expenses	4,030,600	26,000	-	-	4,056,600
Program Expenses	42,281,970	4,719,100	5,116,000	7,217,190	59,334,260
<b>Total Expenses</b>	<b>111,314,870</b>	<b>5,362,500</b>	<b>5,116,000</b>	<b>7,217,190</b>	<b>129,010,560</b>
<b>Excess of Expenses over Revenues</b>	<b>(8,439,500)</b>	<b>(129,650)</b>	<b>(1,358,325)</b>	<b>(50,265)</b>	<b>(9,977,740)</b>
Fund Balance - E&O Fund	1,200,000	-	-	-	1,200,000
Fund Balance - General Fund	7,239,500	-	-	-	7,239,500
Fund Balance - Compensation Fund	-	129,650	-	-	129,650
Fund Balance - County Libraries Fund	-	-	-	50,265	50,265
Fund Balance - Capital Fund	-	-	1,358,325	-	1,358,325
<b>Total Use of Fund Balances</b>	<b>8,439,500</b>	<b>129,650</b>	<b>1,358,325</b>	<b>50,265</b>	<b>9,977,740</b>

# 2022 Budget Summary - Lawyers

	2022 Draft Budget				
	General Fund	Compensation Fund	Capital Fund	County Libraries Fund	Total Lawyers
Annual fee revenue	72,835,800	46,600	3,064,400	8,542,000	84,488,800
Licensing process	10,793,840	-	-	-	10,793,840
CPD	5,908,100	-	-	-	5,908,100
Other revenue	5,460,000	1,472,500	-	-	6,932,500
<b>Total Revenues</b>	<b>94,997,740</b>	<b>1,519,100</b>	<b>3,064,400</b>	<b>8,542,000</b>	<b>108,123,240</b>
Salaries and Benefits	62,803,200	556,300	-	-	63,359,500
Operating Expenses	3,387,500	19,300	-	-	3,406,800
Program Expenses	36,390,970	4,622,000	5,499,720	9,442,000	55,954,690
<b>Total Expenses</b>	<b>102,581,670</b>	<b>5,197,600</b>	<b>5,499,720</b>	<b>9,442,000</b>	<b>122,720,990</b>
<b>Excess of Expenses over Revenues</b>	<b>(7,583,930)</b>	<b>(3,678,500)</b>	<b>(2,435,320)</b>	<b>(900,000)</b>	<b>(14,597,750)</b>
Fund Balance - E&O Fund	1,200,000	-	500,000	900,000	2,600,000
Fund Balance - General Fund	6,383,930	-	-	-	6,383,930
Fund Balance - Compensation Fund	-	3,678,500	-	-	3,678,500
Fund Balance - County Libraries Fund	-	-	-	-	-
Fund Balance - Capital Fund	-	-	1,935,320	-	1,935,320
<b>Total Use of Fund Balances</b>	<b>7,583,930</b>	<b>3,678,500</b>	<b>2,435,320</b>	<b>900,000</b>	<b>14,597,750</b>

2021 Approved Budget				
General Fund	Compensation Fund	Capital Fund	County Libraries Fund	Total Lawyers
70,091,630	3,876,450	3,290,473	7,166,925	84,425,478
12,027,740	-	-	-	12,027,740
5,052,500	-	-	-	5,052,500
6,363,400	1,282,500	-	-	7,645,900
<b>93,535,270</b>	<b>5,158,950</b>	<b>3,290,473</b>	<b>7,166,925</b>	<b>109,151,618</b>
58,884,300	586,500	-	-	59,470,800
3,663,900	24,700	-	-	3,688,600
38,359,270	4,597,800	4,476,000	7,217,190	54,650,260
<b>100,907,470</b>	<b>5,209,000</b>	<b>4,476,000</b>	<b>7,217,190</b>	<b>117,809,660</b>
<b>(7,372,200)</b>	<b>(50,050)</b>	<b>(1,185,527)</b>	<b>(50,265)</b>	<b>(8,658,042)</b>
1,200,000	-	-	-	1,200,000
6,172,200	-	-	-	6,172,200
-	50,050	-	-	50,050
-	-	-	50,265	50,265
-	-	1,185,527	-	1,185,527
<b>7,372,200</b>	<b>50,050</b>	<b>1,185,527</b>	<b>50,265</b>	<b>8,658,042</b>

# 2022 Budget Summary - Paralegals

## 2022 Draft Budget

	General Fund	Compensation Fund	Capital Fund	Total Paralegals
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Annual fee revenue	5,860,800	6,600	435,600	6,303,000
Licensing process	2,169,500	-	-	2,169,500
CPD	748,900	-	-	748,900
Other revenue	691,000	77,500	-	768,500
<b>Total Revenues</b>	<b>9,470,200</b>	<b>84,100</b>	<b>435,600</b>	<b>9,989,900</b>

Salaries and Benefits	6,502,500	29,300	-	6,531,800
Operating Expenses	340,900	1,000	-	341,900
Program Expenses	3,776,650	172,600	750,280	4,699,530
<b>Total Expenses</b>	<b>10,620,050</b>	<b>202,900</b>	<b>750,280</b>	<b>11,573,230</b>

<b>Excess of Expenses over Revenues</b>	<b>(1,149,850)</b>	<b>(118,800)</b>	<b>(314,680)</b>	<b>(1,583,330)</b>
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Fund Balance - General Fund	1,149,850	-	-	1,149,850
Fund Balance - Compensation Fund	-	118,800	-	118,800
Fund Balance - Capital Fund	-	-	314,680	314,680
<b>Total Use of Fund Balances</b>	<b>1,149,850</b>	<b>118,800</b>	<b>314,680</b>	<b>1,583,330</b>

## 2021 Approved Budget

	General Fund	Compensation Fund	Capital Fund	Total Paralegals
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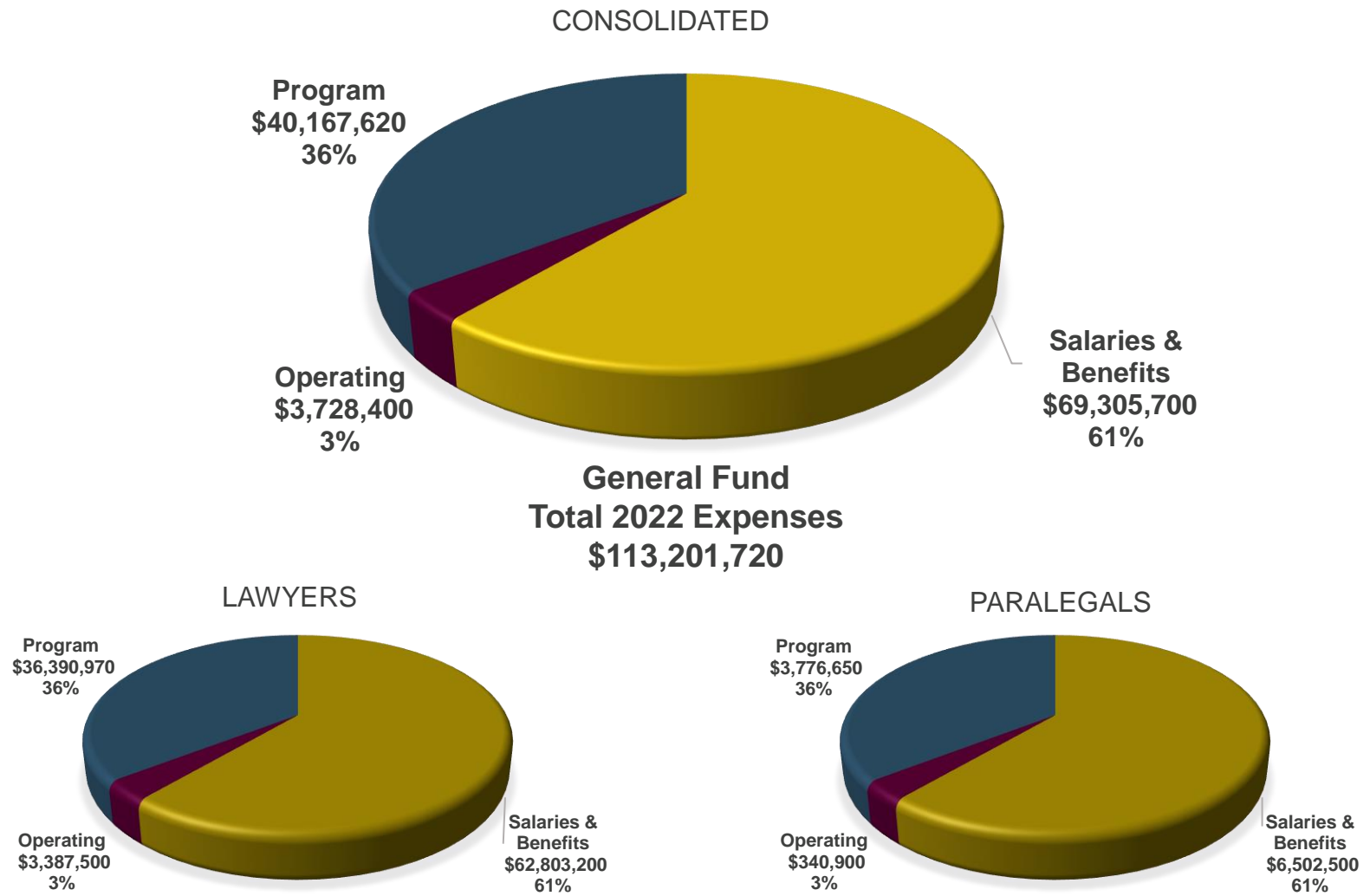
Annual fee revenue	5,696,000	6,400	467,202	6,169,602
Licensing process	2,318,500	-	-	2,318,500
CPD	640,500	-	-	640,500
Other revenue	685,100	67,500	-	752,600
<b>Total Revenues</b>	<b>9,340,100</b>	<b>73,900</b>	<b>467,202</b>	<b>9,881,202</b>

Salaries and Benefits	6,117,700	30,900	-	6,148,600
Operating Expenses	366,700	1,300	-	368,000
Program Expenses	3,922,700	121,300	640,000	4,684,000
<b>Total Expenses</b>	<b>10,407,100</b>	<b>153,500</b>	<b>640,000</b>	<b>11,200,600</b>

<b>Excess of Expenses over Revenues</b>	<b>(1,067,000)</b>	<b>(79,600)</b>	<b>(172,798)</b>	<b>(1,319,398)</b>
---	--------------------	-----------------	------------------	--------------------

Fund Balance - General Fund	1,067,000	-	-	1,067,000
Fund Balance - Compensation Fund	-	79,600	-	79,600
Fund Balance - Capital Fund	-	-	172,798	172,798
<b>Total Use of Fund Balances</b>	<b>1,067,000</b>	<b>79,600</b>	<b>172,798</b>	<b>1,319,398</b>

# 2022 General Fund Expense Breakdown



# 2018 – 2022 Consolidated Budget Comparison

Budget Expenses							
Year	Salaries & Benefits	Operating	Program	County Library Fund	Capital Fund	Compensation Fund	Total
2018	66,951,300	4,449,500	39,910,500	7,993,000	4,304,300	13,035,000	136,643,600
2019	69,961,200	4,542,300	45,292,300	8,152,900	4,449,900	10,137,100	142,535,700
2020	69,867,200	4,489,500	41,757,825	8,019,100	4,586,400	10,718,775	139,438,800
2021	65,002,300	4,030,600	42,281,970	7,217,190	5,116,000	5,362,500	129,010,560
2022	69,305,700	3,728,400	40,167,620	9,442,000	6,250,000	5,400,500	134,294,220

Budget Funding						
Year	Annual Fees	Licensing Process	CPD	Other Revenue	Fund Balances	Total
2018	96,652,300	13,268,300	8,686,000	10,495,600	7,541,400	136,643,600
2019	100,790,100	14,157,500	8,251,000	10,625,700	8,711,400	142,535,700
2020	97,305,400	14,478,000	8,251,000	10,693,000	8,711,400	139,438,800
2021	90,595,080	14,346,240	5,693,000	8,398,500	9,977,740	129,010,560
2022	90,791,800	12,963,340	6,657,000	7,701,000	16,181,080	134,294,220

# 4

## Funding the Budget



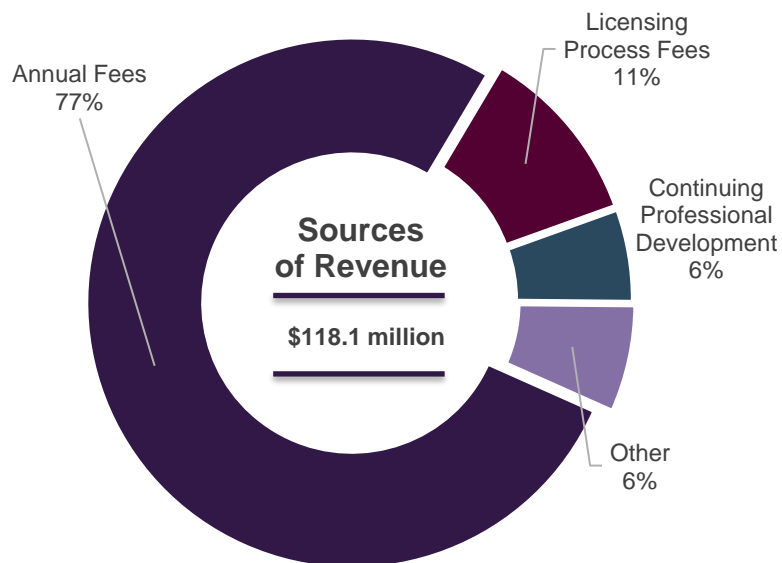
# How is the Budget Funded?

## Sources of Revenue

Annual fees account for approximately 77% of total revenue sources in 2022 (2021 – 76%)

Licensing Process fees represent the next significant component of revenue collected by the Law Society, making up approximately 11% (2021 – 12%) of Society revenues, with continuing professional development fees being the third largest contributor at approximately 6% (2021 – 5%).

The remaining 6% (2021 – 7%) of revenue is from a variety of sources including investment income, royalties, payment plan fees, ordered cost recoveries and additional licensee fees for professional corporations, Law Society referral service and certified specialist.



## Annual Fees

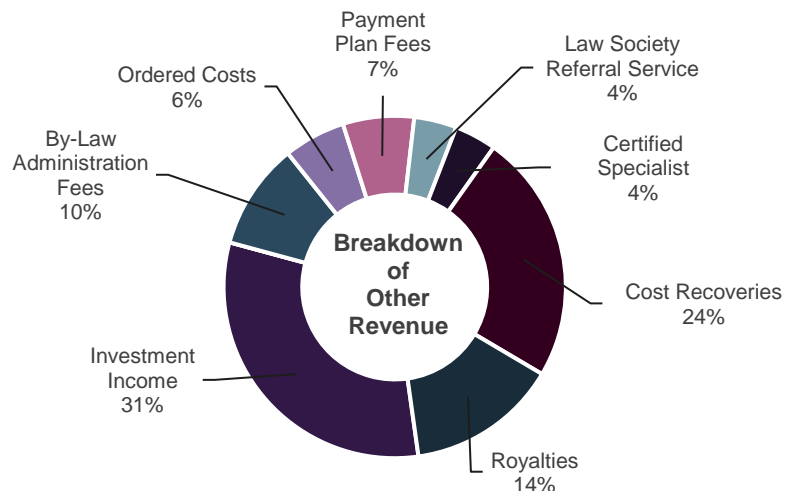
The annual fees represents the amount paid by lawyers and paralegals to support the operations of the Society. For 2022, the annual fee for lawyers is \$1,813 (2021 - \$1,873) and for paralegals is \$955 (2021 - \$964).

## Licensing Process Fees

Licensing Process fees are paid by licensing candidates enrolled in the lawyer licensing process or the paralegal licensing process. 2022 fees are adjusted to reflect online delivery of licensing examinations. The total fee for lawyer licensing candidates is dependant upon whether a candidate choses an administrative or ceremonial call to the Bar and is \$4,325 (2021 - \$4,625) or \$4,410 (2021 - \$4,710), respectively. The fee for paralegal licensing candidates is \$1,300 (2021 - \$1,400).

## Continuing Professional Development

Continuing professional development revenues are collected from lawyers, paralegals and others for attendance, in person, online or on demand at Law Society professional development programs.



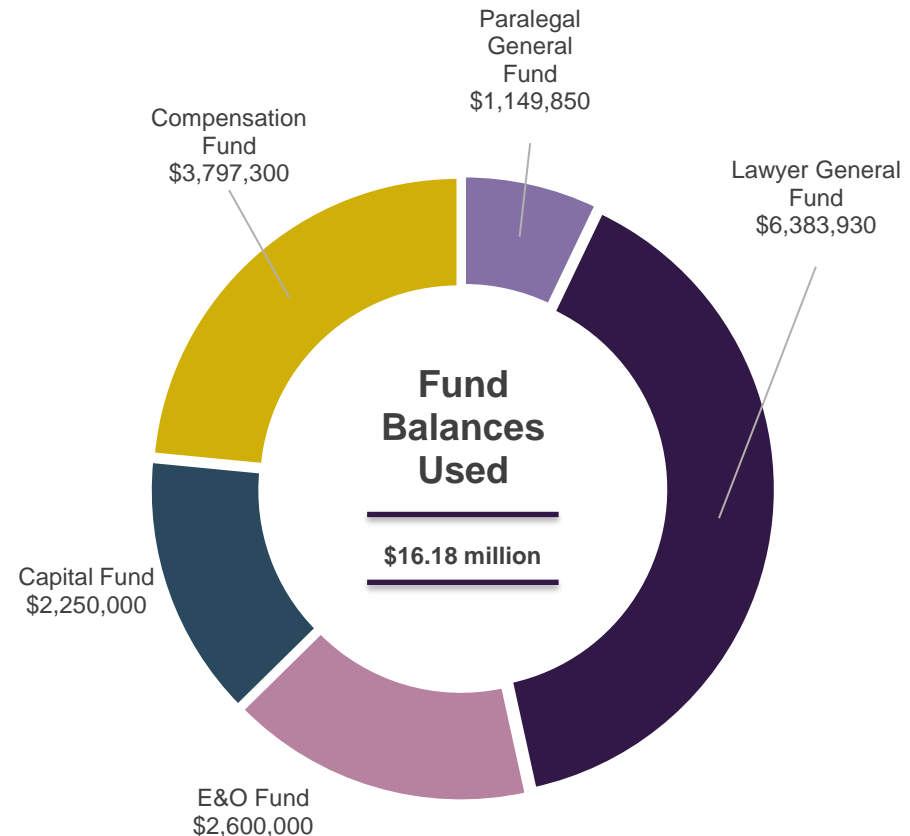
# Use of Fund Balances

The Society has fund balance management policies that prescribe the appropriate range of balances to be maintained in both the lawyer General and Compensation Funds.

When balances exceed the policy approved minimums, options are available to utilize a portion of the fund balance to mitigate annual fees.

This is a best practice in not-for-profit budgeting and the 2022 budget proposes using \$7.53 million of accumulated fund balances from the lawyer and paralegal General Funds, \$2.25 million from the Capital Fund, \$2.6 million from the E&O Fund, and \$3.8 million from the Compensation Fund.

The use of fund balances is in compliance with the Law Society's Fund Balance Management Policy.



# 5

## Operations by Division



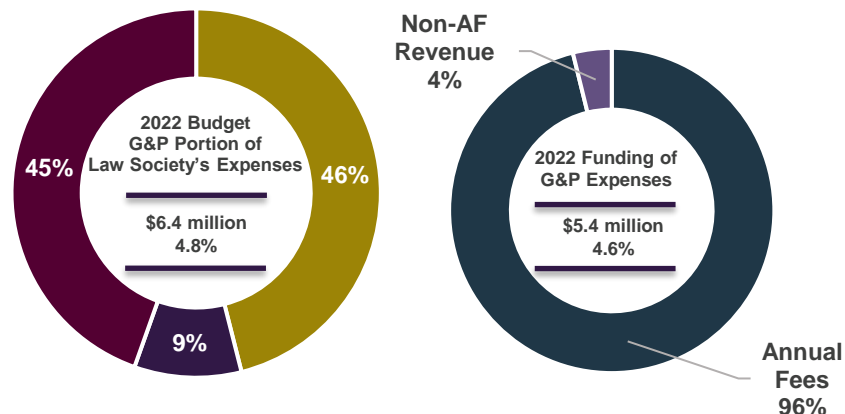
# Governance & Policy



# Overview

## Governance & Policy

The Law Society is governed by a board of directors, known as benchers which includes lawyers, paralegals and appointed representatives (non-lawyers and non-paralegals). The Policy Division groups together a number of functions important to the corporate and governance interests of the Law Society, including policy, committee and Convocation support.



Bencher - Convocation	Office of Treasurer	Policy
<ul style="list-style-type: none"> <li>Convocation governs the Law Society of Ontario</li> <li>Benchers set policy and determine other matters related to the regulation of Ontario's lawyers and paralegals through committee work and Convocation board meetings</li> <li>At the Law Society Tribunal, benchers sit on hearings as adjudicators to hear discipline cases concerning lawyer and paralegal conduct, competence and capacity</li> </ul>	<ul style="list-style-type: none"> <li>Under the Law Society Act, the Treasurer is the president and Chair of the Board of the Law Society</li> </ul>	<ul style="list-style-type: none"> <li>Supports Committees and the Benchers as they make decisions governing the regulation of lawyers and paralegals in the public interest</li> <li>Develops policy, in collaboration with Benchers and Management, in the Committee process</li> <li>Assists in strategic communications and supports organizational alignment of new policy</li> <li>Manages the administration of committees, working groups and task forces</li> <li>Develops and implements equity policies and initiatives pertaining to the professions</li> </ul>

# Operating Budget Summary

Governance & Policy	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Governance &amp; Policy Total</b>					
Salaries and Benefits	1,577,200	1,808,000	2,046,400	2,300,400	
Operating Expenses	43,200	45,000	117,800	100,200	
Program Expenses	1,073,300	1,806,800	3,768,900	3,982,450	
<b>Total Expenses</b>	<b>2,693,700</b>	<b>3,659,800</b>	<b>5,933,100</b>	<b>6,383,050</b>	<b>7.6%</b>
<b>Total Non-Annual Fee Revenues</b>	<b>236,000</b>	<b>236,000</b>	<b>190,000</b>	<b>210,000</b>	<b>0.0%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,457,700)</b>	<b>(3,423,800)</b>	<b>(5,743,100)</b>	<b>(6,173,050)</b>	
<b>Full Time Equivalent</b>			<b>11.0</b>	<b>12.0</b>	

## Items of Note

- Included in salaries and benefits is the addition of one strategic policy counsel Full Time Equivalent (FTE) employee to support Convocation initiatives and policies.
- The increase in program expenses from the 2021 budget is driven by an overall planned increase in Benchers' expenses and remuneration of \$200,000 related to Convocation and Committee meetings anticipated to return to an all in-person setting in 2022. 2021 Projected Actuals are significantly lower than budget due to ongoing public health measures with all meetings and functions in 2021 conducted virtually. The 2021 budget assumed that 50% of these meetings and functions would be in-person.
- A \$1 million contingency intended for new policy and program decisions of Convocation or unexpected operational requirements continues to be budgeted. It was not used in 2020 and as at the end of September, is not expected to be utilized in 2021 and therefore, not reflected in the 2021 Projected Actuals.

# Operating Budget Details

Governance & Policy	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Benchers   Convocation</b>				
Salaries and Benefits	-	-	-	-
Operating Expenses	-	-	-	-
Program Expenses	542,100	1,076,800	2,728,800	2,939,200
<b>Total Expenses</b>	<b>542,100</b>	<b>1,076,800</b>	<b>2,728,800</b>	<b>2,939,200</b>
<b>Total Non-Annual Fee Revenues</b>	<b>236,000</b>	<b>236,000</b>	<b>190,000</b>	<b>210,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(306,100)</b>	<b>(840,800)</b>	<b>(2,538,800)</b>	<b>(2,729,200)</b>
<b>Full Time Equivalent</b>			-	-
<b>Office of Treasurer</b>				
Salaries and Benefits	105,400	99,000	97,800	101,100
Operating Expenses	3,500	5,000	17,000	14,400
Program Expenses	281,800	292,000	480,300	483,450
<b>Total Expenses</b>	<b>390,700</b>	<b>396,000</b>	<b>595,100</b>	<b>598,950</b>
<b>Total Non-Annual Fee Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(390,700)</b>	<b>(396,000)</b>	<b>(595,100)</b>	<b>(598,950)</b>
<b>Full Time Equivalent</b>			1.0	1.0
<b>Policy</b>				
Salaries and Benefits	1,471,800	1,709,000	1,948,600	2,199,300
Operating Expenses	39,700	40,000	100,800	85,800
Program Expenses	249,400	438,000	559,800	559,800
<b>Total Expenses</b>	<b>1,760,900</b>	<b>2,187,000</b>	<b>2,609,200</b>	<b>2,844,900</b>
<b>Total Non-Annual Fee Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,760,900)</b>	<b>(2,187,000)</b>	<b>(2,609,200)</b>	<b>(2,844,900)</b>
<b>Full Time Equivalent</b>			10.0	11.0

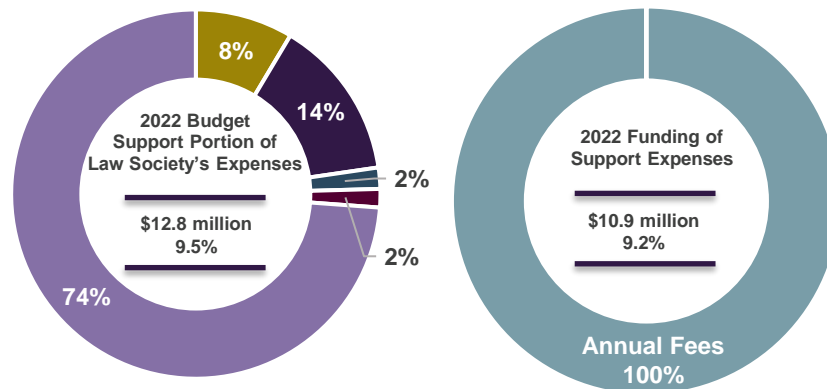
# Support of Other Organizations



# Overview

## Support of Other Organizations

The 2022 budget continues to include support for other organizations.

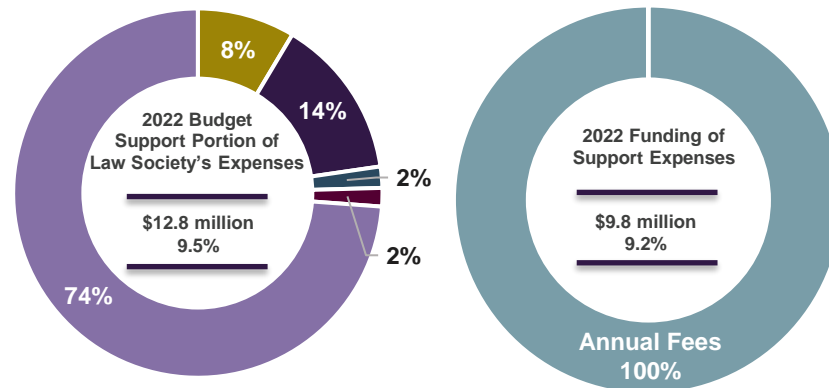


Federation of Law Societies of Canada (FLS)	Canadian Legal Information Institute (CanLII)	LiRN Inc.
<ul style="list-style-type: none"> <li>The national coordinating body of Canada's 14 provincial and territorial law societies</li> <li>FLS supports the development of national standards of regulation</li> </ul>	<ul style="list-style-type: none"> <li>CanLII is a non-profit organization launched in 2001 by the FLS on behalf of its 14 member law societies to provide efficient and open online access to a comprehensive collection of current judicial decisions, legislative documents and secondary resources</li> </ul>	<ul style="list-style-type: none"> <li>LiRN Inc., a wholly-owned, not-for-profit subsidiary of the Law Society of Ontario, was established to develop policies, procedures, guidelines and standards for the delivery of legal information and library services across Ontario and to administer funding on behalf of the Society</li> </ul>

# Overview

## Support of Other Organizations

The 2022 budget continues to include support for other organizations.



### Pro Bono Ontario - Law Commission of Ontario

- Pro Bono Ontario helps Ontarians who have essential legal needs but cannot afford a lawyer
- The Law Commission of Ontario is an independent organization that researches issues and recommends law reform measures to make the law accessible to all members of Ontario's communities

### Federation of Ontario Law Associations (FOLA)

- FOLA is a non-profit organization that coordinates activities for county law associations
- Advocates for a better justice system that recognizes the crucial role competent and professional lawyers play in that system

# Operating Budget Summary

Support of Other Organizations	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Support of Other Organizations Total</b>					
Program Expenses	11,169,600	10,334,000	10,525,760	12,788,870	
<b>Total Expenses</b>	<b>11,169,600</b>	<b>10,334,000</b>	<b>10,525,760</b>	<b>12,788,870</b>	<b>21.5%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(11,169,600)</b>	<b>(10,334,000)</b>	<b>(10,525,760)</b>	<b>(12,788,870)</b>	

## Items of Note

- The increase in budgeted expenses of \$2.3 million is mainly attributed to an operational funding increase to LiRN Inc. of \$1.325 million and one-time transitional funding of up to \$900,000 to support the transition to an expanded digital environment. The operational funding increase reinstates the 10% reduction in the 2021 budget along with a further increase of approximately 6.5% to support the 48 county libraries and LiRN's administration. The \$900,000 transitional budget is to support the expansion of electronic resources available across the network, the related training of library staff to facilitate their ability to support users, and investment in the information technology infrastructure required to support a shift to digital resources.
- The year-end projected actuals are in line with 2021 approved budget, except for FOLA, with planned underspending in meeting and plenary session expenses due to ongoing public health measures and restrictions on in-person events and meetings.

# Operating Budget Details

Support of Other Organizations	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Federation of Law Societies of Canada (FLS)</b>				
Program Expenses	1,162,000	1,101,000	1,150,500	1,095,000
<b>Total Expenses</b>	<b>1,162,000</b>	<b>1,101,000</b>	<b>1,150,500</b>	<b>1,095,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,162,000)</b>	<b>(1,101,000)</b>	<b>(1,150,500)</b>	<b>(1,095,000)</b>
<b>Canadian Legal Information Institute (CanLII)</b>				
Program Expenses	1,712,200	1,757,000	1,715,200	1,807,000
<b>Total Expenses</b>	<b>1,712,200</b>	<b>1,757,000</b>	<b>1,715,200</b>	<b>1,807,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,712,200)</b>	<b>(1,757,000)</b>	<b>(1,715,200)</b>	<b>(1,807,000)</b>
<b>LiRN Inc.</b>				
Program Expenses	8,019,100	7,217,000	7,217,190	9,442,000
<b>Total Expenses</b>	<b>8,019,100</b>	<b>7,217,000</b>	<b>7,217,190</b>	<b>9,442,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(8,019,100)</b>	<b>(7,217,000)</b>	<b>(7,217,190)</b>	<b>(9,442,000)</b>
<b>Pro Bono Ontario   Law Commission of Ontario</b>				
Program Expenses	203,800	204,000	205,000	207,000
<b>Total Expenses</b>	<b>203,800</b>	<b>204,000</b>	<b>205,000</b>	<b>207,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(203,800)</b>	<b>(204,000)</b>	<b>(205,000)</b>	<b>(207,000)</b>
<b>Federation of Ontario Law Associations (FOLA)</b>				
Program Expenses	72,500	55,000	237,870	237,870
<b>Total Expenses</b>	<b>72,500</b>	<b>55,000</b>	<b>237,870</b>	<b>237,870</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(72,500)</b>	<b>(55,000)</b>	<b>(237,870)</b>	<b>(237,870)</b>

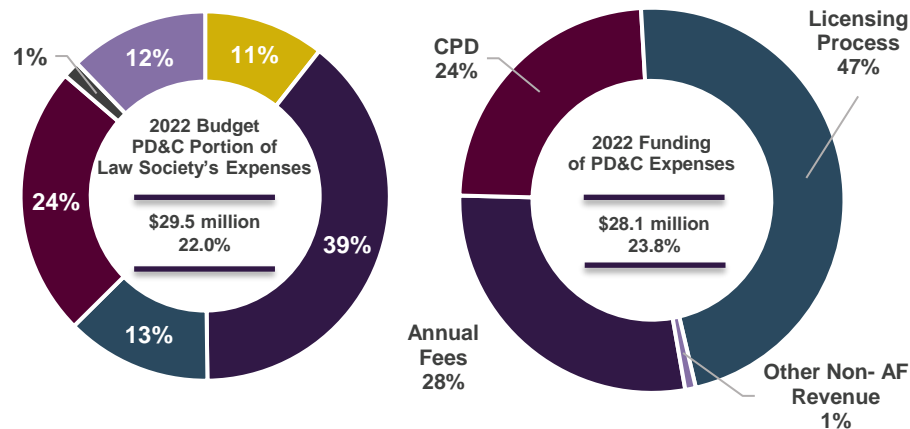
# Professional Development & Competence



# Overview

## Professional Development & Competence

Professional Development and Competence (PD&C) focuses on the competency and professional standards of the professions through the licensing processes, provision of legal information and supports, competence resources and education programs, and post-licensing quality assurance programs. Oversight of the participants in the Regulatory Sandbox also falls within the PD&C mandate.

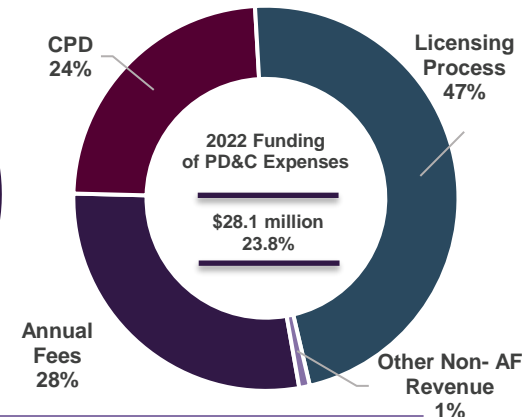
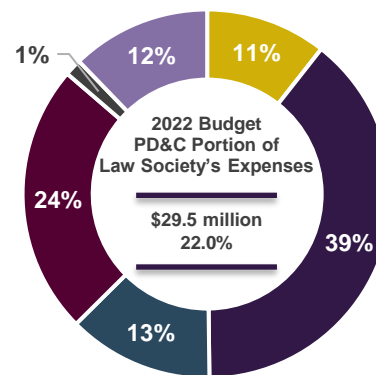


Executive Director's Office - Practice Supports & Resources	Licensing & Accreditation - Certified Specialist	Continuing Professional Development
<ul style="list-style-type: none"> <li>Provides professionalism and practice management guidance and information in response to over 9,000 licensee inquiries per year on the Practice Management Helpline</li> <li>Supports 140 Law Society of Ontario professionalism and practice management resources, designed to respond to emergent trends and issues impacting the professions including: guides, frequently asked questions, checklists, precedents and other tools</li> <li>Facilitates licensee implementation of best practices and assistance with substantive and procedural law inquiries through the Coach and Advisor Network</li> </ul>	<ul style="list-style-type: none"> <li>Manages the licensing processes and implements standardized, fair, transparent and defensible systems of assessment for entry-level lawyers and paralegals</li> <li>Registers approximately 2,700 new lawyer candidates and 1,200 new paralegal candidates in the licensing process annually</li> <li>Manages licensing processes for the lawyer and paralegal professions at the entry level stage, including the delivery of candidate registration services, the development and delivery of licensing examinations, the development of licensing examination study materials, the superintendence of the Experiential Training Program for lawyers (Articling and Law Practice Program) and the conduct of administration necessary for lawyer and paralegal licensure</li> <li>Licenses approximately 2,400 lawyers and 1,000 paralegals each year</li> <li>Accredits and audits college paralegal education programs</li> <li>Administers the Certified Specialist Program for lawyers</li> </ul>	<ul style="list-style-type: none"> <li>Delivers educational programming for the legal professions on a wide variety of substantive and professionalism topics, in various formats (live, live replay, on-demand, E-course, audio only).</li> <li>Coordinates the development and presentation of close to 100 original live programs and over 75 live replays per year. The programs range from 1 hour in length to up to 2 days (Summit).</li> <li>Provides additional education to specific groups within the membership, to advance policy initiatives, such as the Bridge to Practice.</li> </ul>

# Overview

## Professional Development & Competence

Professional Development and Competence (PD&C) focuses on the competency and professional standards of the professions through the licensing processes, provision of legal information and supports, competence resources and education programs, and post-licensing quality assurance programs. Oversight of the participants in the Regulatory Sandbox also falls within the PD&C mandate.



Practice Review - Spot Audit - Practice Audit	Regulatory Sandbox	Great Library - Corporate Records & Archives
<ul style="list-style-type: none"> <li>Conducts Spot Audits to assess a law firm's compliance with the Law Society's financial record keeping requirements. Conducts Practice Audits of paralegals, which is a combined compliance assessment of certain financial record keeping requirements and practice management review to assess if they are meeting standards of professional competence</li> <li>Conducts Practice Management Reviews of lawyers who were called to the Bar within the past eight years to assess if they are meeting standards of professional competence. Conducts Practice Management Reviews of lawyers who re-enter private practice after an absence of 48 months over the past five years</li> <li>Conducts Focused Practice Reviews of lawyers and Practice Audits of paralegals who have been referred to the Practice Audits Department from one of the Law Society's regulatory units or who have been ordered to participate in a Practice Management Review as part of a Law Society Tribunal ruling to assess if they are meeting standards of professional competence</li> </ul>	<ul style="list-style-type: none"> <li>Facilitates access to justice by removing barriers to the development of innovative technological legal services (ITLS) that could reach new consumers in new ways</li> <li>Protects the public by providing ITLS consumers with the same type of safeguards available to clients of lawyers and paralegals (competent and ethical services, recourse when required, and the provision of relevant details enabling informed choices to be made about the providers of the services)</li> <li>Informs the LSO's longer term decision-making about ITLS regulation</li> </ul>	<ul style="list-style-type: none"> <li>Supports the research and information needs of the lawyer and paralegal professions through a significant print collection, and increasingly through electronic resources, and responds to over 20,000 legal research and information requests each year</li> <li>Administers AccessCLE, a full-text, searchable website</li> <li>Shares information through its blog, Know How</li> <li>Manages the Law Society's large and complex document collection, including the organization's official corporate records and artifacts of historical significance to Ontario's legal professions</li> </ul>

# Operating Budget Summary

Professional Development & Competence	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Professional Development &amp; Competence Total</b>					
Salaries and Benefits	16,231,100	15,848,000	16,431,200	17,542,900	
Operating Expenses	492,800	520,000	956,500	874,400	
Program Expenses	10,114,800	10,541,000	13,081,200	11,080,100	
<b>Total Expenses</b>	<b>26,838,700</b>	<b>26,909,000</b>	<b>30,468,900</b>	<b>29,497,400</b>	<b>-3.19%</b>
<b>Total Non-Annual Fee Revenues</b>	<b>21,010,350</b>	<b>21,015,000</b>	<b>20,503,540</b>	<b>20,174,640</b>	<b>-1.60%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(5,828,350)</b>	<b>(5,894,000)</b>	<b>(9,965,360)</b>	<b>(9,322,760)</b>	
<b>Full Time Equivalent</b>			<b>150.00</b>	<b>151.00</b>	

## Items of Note

- Included in salaries and benefits is the addition of two FTE employees related to the Convocation approved Regulatory Sandbox and a reduction of one FTE in Practice Audit.
- There is a decrease in overall expenses in the PD&C area mainly driven by the transition to an online examination delivery model with a resulting \$1.7 million decrease in expenses. This is reflected with a corresponding decrease in licensing revenues of \$1.4 million as a result of reduced fees to the licensing candidates.
- There is a decrease in operating expenses as audits within the Spot Audit and Practice Audit areas will shift to a combination of in-person and virtual audits with a corresponding reduction in travel costs.
- The budget also includes \$90,000 in Corporate Records and Archives for a cloud based archival solution in order to shift current manual processes electronically.
- CPD revenues will increase by approximately \$1 million from the 2021 budget and \$200,000 from projected 2021 actuals; the 2022 budget incorporates a small increase in revenues from webcast and on-demand registrations.

# Operating Budget Details

Professional Development & Competence	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Executive Director's Office   Practice Supports &amp; Resources</b>				
Salaries and Benefits	2,435,900	2,143,000	2,607,100	2,813,900
Operating Expenses	72,600	90,000	124,900	126,400
Program Expenses	85,900	155,000	282,100	188,800
<b>Total Expenses</b>	<b>2,594,400</b>	<b>2,388,000</b>	<b>3,014,100</b>	<b>3,129,100</b>
<b>Total Non-Annual Fee Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,594,400)</b>	<b>(2,388,000)</b>	<b>(3,014,100)</b>	<b>(3,129,100)</b>
<b>Full Time Equivalent</b>			<b>19.0</b>	<b>19.0</b>
<b>Licensing &amp; Accreditation   Certified Specialist</b>				
Salaries and Benefits	3,341,000	3,514,000	3,534,500	3,850,800
Operating Expenses	96,700	101,000	168,200	168,200
Program Expenses	7,167,500	7,499,000	9,570,900	7,543,600
<b>Total Expenses</b>	<b>10,605,200</b>	<b>11,114,000</b>	<b>13,273,600</b>	<b>11,562,600</b>
<b>Total Non-Annual Fee Revenues</b>	<b>14,480,050</b>	<b>14,653,000</b>	<b>14,651,240</b>	<b>13,268,340</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>3,874,850</b>	<b>3,539,000</b>	<b>1,377,640</b>	<b>1,705,740</b>
<b>Full Time Equivalent</b>			<b>38.5</b>	<b>39.0</b>
<b>Continuing Professional Development</b>				
Salaries and Benefits	2,341,500	2,260,000	2,229,800	2,353,800
Operating Expenses	77,900	78,000	94,100	98,100
Program Expenses	834,600	1,031,000	1,209,300	1,314,300
<b>Total Expenses</b>	<b>3,254,000</b>	<b>3,369,000</b>	<b>3,533,200</b>	<b>3,766,200</b>
<b>Total Non-Annual Fee Revenues</b>	<b>6,381,200</b>	<b>6,217,000</b>	<b>5,693,000</b>	<b>6,657,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>3,127,200</b>	<b>2,848,000</b>	<b>2,159,800</b>	<b>2,890,800</b>
<b>Full Time Equivalent</b>			<b>25.5</b>	<b>25.0</b>

# Operating Budget Details

Professional Development & Competence	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Practice Review   Spot Audit   Practice Audit</b>				
Salaries and Benefits	6,445,000	6,298,000	6,426,100	6,571,900
Operating Expenses	217,100	218,000	514,200	381,600
Program Expenses	44,400	46,000	41,500	46,000
<b>Total Expenses</b>	<b>6,706,500</b>	<b>6,562,000</b>	<b>6,981,800</b>	<b>6,999,500</b>
<b>Total Non-Annual Fee Revenues</b>	<b>4,400</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(6,702,100)</b>	<b>(6,562,000)</b>	<b>(6,981,800)</b>	<b>(6,999,500)</b>
<b>Full Time Equivalent</b>			<b>49.5</b>	<b>48.5</b>
<b>Great Library   Corporate Records &amp; Archives</b>				
Salaries and Benefits	1,667,700	1,549,000	1,633,700	1,682,300
Operating Expenses	28,500	33,000	55,100	55,100
Program Expenses	1,982,400	1,810,000	1,777,400	1,867,400
<b>Total Expenses</b>	<b>3,678,600</b>	<b>3,392,000</b>	<b>3,466,200</b>	<b>3,604,800</b>
<b>Total Non-Annual Fee Revenues</b>	<b>144,700</b>	<b>145,000</b>	<b>159,300</b>	<b>149,300</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(3,533,900)</b>	<b>(3,247,000)</b>	<b>(3,306,900)</b>	<b>(3,455,500)</b>
<b>Full Time Equivalent</b>			<b>17.5</b>	<b>17.5</b>
<b>Regulatory Sandbox</b>				
Salaries and Benefits	-	84,000	-	270,200
Operating Expenses	-	-	-	45,000
Program Expenses	-	-	200,000	120,000
<b>Total Expenses</b>	<b>-</b>	<b>84,000</b>	<b>200,000</b>	<b>435,200</b>
<b>Total Non-Annual Fee Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>-</b>	<b>(84,000)</b>	<b>(200,000)</b>	<b>(335,200)</b>
<b>Full Time Equivalent</b>			<b>-</b>	<b>2.0</b>

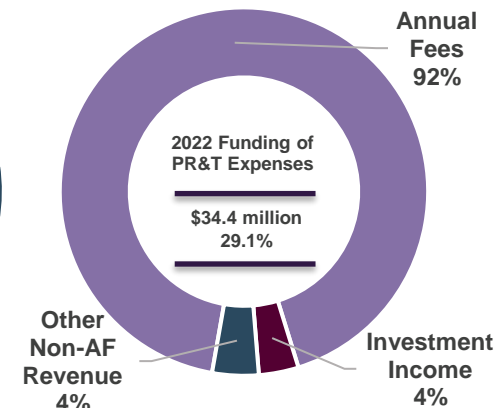
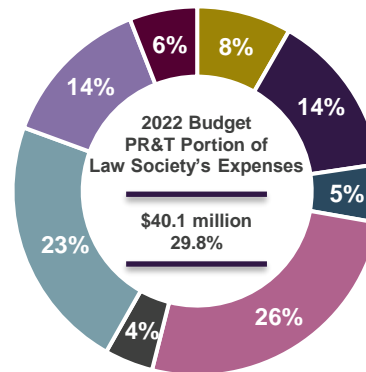
# Professional Regulation & Tribunal



# Overview

## Professional Regulation & Tribunal

Professional Regulation responds to regulatory issues brought to the Law Society's attention by resolving and investigating matters, and representing the Law Society in hearings before the Law Society Tribunal. Primary activities of Professional Regulation include complaints handling, investigations, discipline prosecutions, monitoring and enforcement of orders and undertakings, trusteeships, and client compensation.



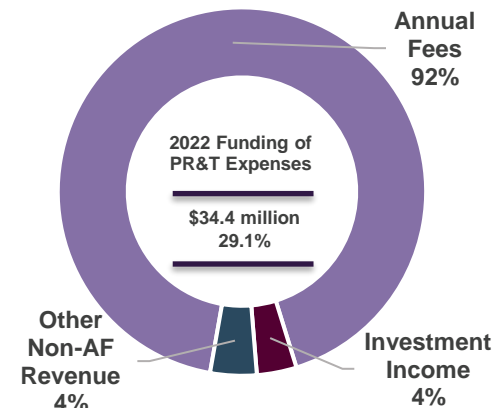
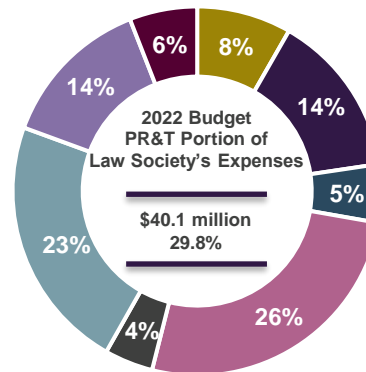
Executive Director's Office	Complaints & Compliance - Intake & Resolution - Complaints Resolution Commissioner	By-Law Administration Services - Regulatory Compliance	Investigation Services
<ul style="list-style-type: none"> <li>Oversees all departments and functions within Professional Regulation</li> <li>Manages communications with other divisions of the Law Society and external parties, and the development of policy and rule amendment proposals</li> <li>Supports bench work on strategic initiatives in licensee regulation</li> </ul>	<ul style="list-style-type: none"> <li>Receives, logs and acknowledges complaints-related correspondence, assessing whether a written complaint is within Law Society jurisdiction</li> <li>Reviews the complaints, assessing the risk and collecting information from the complainant and licensee as required. Intake &amp; Resolution either completes the review or transfers the complaint to Investigation Services</li> <li>Conducts an independent review of the Law Society's consideration of a complaint and its resulting decision to close a complaint file. The Commissioner may conduct an in-person review.</li> </ul>	<ul style="list-style-type: none"> <li>Administers by-law driven processes, including annual reporting and professional corporations; oversees the administrative suspension process</li> <li>Communicates practice restrictions, discipline histories and other regulatory information internally and to the public</li> </ul>	<ul style="list-style-type: none"> <li>Investigates serious allegations of licensee misconduct, incapacity and incompetence</li> <li>Investigates issues relating to the good character of licensee applicants and the unauthorized practice by non-licensees</li> <li>Resolves and closes file, refers the matter to the Proceedings Authorization Committee (PAC) or transfers file to Litigation Services</li> </ul>



# Overview

## Professional Regulation & Tribunal

Professional Regulation responds to regulatory issues brought to the Law Society's attention by resolving and investigating matters, and representing the Law Society in hearings before the Law Society Tribunal. Primary activities of Professional Regulation include complaints handling, investigations, discipline prosecutions, monitoring and enforcement of orders and undertakings, trusteeships, and client compensation.



Case & Data Management	Litigation Services - Discipline Group & Trustee Services	Compensation Fund	Law Society Tribunal
<ul style="list-style-type: none"> <li>Oversees case management system, "IRIS" (Integrated Regulatory Information System) and monitors quality of case files</li> <li>Develops qualitative analysis and recommendations regarding file handling, issue management, work process and procedural improvements</li> <li>Develops reporting structures and the examination and evaluation of reporting requirements</li> <li>Oversees production flow, quality control and adherence to legal procedures regarding electronic evidence seizure, handling and analysis</li> <li>Oversees storage of digital and physical evidence obtained during an investigation</li> </ul>	<ul style="list-style-type: none"> <li>Handles regulatory prosecutions for the Law Society, primarily before the Law Society Tribunal but also (for the purposes of appeals and judicial reviews) before the courts in Ontario</li> <li>Oversees the interests and property of the clients of non-practicing licensees, often through the use of formal or informal trusteeships</li> <li>Administers the Trust Fund established by the Provincial Government to hold unclaimed monies from the trust accounts of Ontario licensees.</li> </ul>	<ul style="list-style-type: none"> <li>Processes claims by clients who have lost money as a result of the dishonesty of a licensee. The current maximum amounts payable to a claimant in respect of lawyer or paralegal dishonesty are \$500,000 and \$10,000, respectively</li> </ul>	<ul style="list-style-type: none"> <li>Processes, hears and decides regulatory cases about Ontario lawyers and paralegals in a manner that is fair, just and in the public interest</li> </ul>

# Operating Budget Summary

Professional Regulation & Tribunal	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Professional Regulation &amp; Tribunal Total</b>					
Salaries and Benefits	26,287,600	27,191,000	27,607,700	29,500,300	
Operating Expenses	943,400	971,000	1,991,500	1,836,400	
Program Expenses	6,093,400	7,259,070	9,004,000	8,746,300	
<b>Total Expenses</b>	<b>33,324,400</b>	<b>35,421,070</b>	<b>38,603,200</b>	<b>40,083,000</b>	<b>3.83%</b>
<b>Total Non-Annual Fee Revenues (Including Compensation Funds)</b>	<b>3,133,300</b>	<b>4,503,000</b>	<b>2,351,500</b>	<b>2,601,500</b>	<b>11%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(30,191,100)</b>	<b>(30,918,070)</b>	<b>(36,251,700)</b>	<b>(37,481,500)</b>	
<b>Full Time Equivalent</b>			<b>220.5</b>	<b>225</b>	

## Items of Note

- There is an increase of 4.5 FTE employees to support increasing service levels, improving completion rates, and providing increased supports to our licensees. The increases are reflected in the departmental detail summaries.
- The decrease in operating expenses is primarily within the Investigation Services area as document reproduction costs have been reduced with more documents being retained electronically.
- The decrease in program expenses is mainly driven by a reduction in external counsel fees of \$500,000 within the Executive Director's Office. This decrease is supported by the filling of previous staffing vacancies and the expected completion of some files that required extensive outside counsel due to their complexity. This decrease is partially offset by an increase in Tribunal costs related to the annual maintenance costs of a new Tribunal Information Management system of \$100,000.
- Within the Compensation Fund, 2021 projected expenses are lower than budget, driven by improved claims experience in the lawyer pool of the Compensation Fund. In addition, with the change in investment manager and large realized gains earned to the end of September, projected investment revenues in 2021 are significantly higher than budget.

# Operating Budget Details

Professional Regulation & Tribunal	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Executive Director's Office - Professional Regulation</b>				
Salaries and Benefits	1,384,200	1,404,000	1,379,100	1,424,700
Operating Expenses	43,200	45,000	219,300	204,800
Program Expenses	2,360,800	1,844,000	2,191,000	1,691,000
<b>Total Expenses</b>	<b>3,788,200</b>	<b>3,293,000</b>	<b>3,789,400</b>	<b>3,320,500</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(3,788,200)</b>	<b>(3,293,000)</b>	<b>(3,789,400)</b>	<b>(3,320,500)</b>
<b>Full Time Equivalent</b>			<b>8.0</b>	<b>8.0</b>
<b>Complaints &amp; Compliance   Intake &amp; Resolution   Complaints Resolution Commissioner</b>				
Salaries and Benefits	4,937,300	4,783,000	4,934,000	5,369,500
Operating Expenses	126,700	127,000	237,300	222,200
Program Expenses	138,900	139,070	179,700	165,200
<b>Total Expenses</b>	<b>5,202,900</b>	<b>5,049,070</b>	<b>5,351,000</b>	<b>5,756,900</b>
<b>Total Non-Annual Fee Revenues</b>	<b>264,100</b>	<b>264,000</b>	<b>264,900</b>	<b>264,900</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(4,938,800)</b>	<b>(4,785,070)</b>	<b>(5,086,100)</b>	<b>(5,492,000)</b>
<b>Full Time Equivalent</b>			<b>43.5</b>	<b>43.5</b>
<b>Regulatory Compliance   By-Law Administration Services</b>				
Salaries and Benefits	1,703,200	1,804,000	1,794,900	1,868,500
Operating Expenses	54,200	64,000	118,400	118,400
Program Expenses	43,000	42,000	51,000	66,000
<b>Total Expenses</b>	<b>1,800,400</b>	<b>1,910,000</b>	<b>1,964,300</b>	<b>2,052,900</b>
<b>Total Non-Annual Fee Revenues</b>	<b>846,000</b>	<b>850,000</b>	<b>725,000</b>	<b>775,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(954,400)</b>	<b>(1,060,000)</b>	<b>(1,239,300)</b>	<b>(1,277,900)</b>
<b>Full Time Equivalent</b>			<b>19.5</b>	<b>19.0</b>

# Operating Budget Details

Professional Regulation & Tribunal	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Investigation Services</b>				
Salaries and Benefits	8,668,200	8,667,000	8,812,600	9,435,100
Operating Expenses	473,000	475,000	807,700	721,700
Program Expenses	276,700	324,000	292,700	332,700
<b>Total Expenses</b>	<b>9,417,900</b>	<b>9,466,000</b>	<b>9,913,000</b>	<b>10,489,500</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(9,417,900)</b>	<b>(9,466,000)</b>	<b>(9,913,000)</b>	<b>(10,489,500)</b>
<b>Full Time Equivalent</b>			<b>71.0</b>	<b>72.0</b>
<b>Case &amp; Data Management</b>				
Salaries and Benefits	573,700	968,000	1,057,000	1,098,600
Operating Expenses	9,600	16,000	27,800	27,800
Program Expenses	463,900	550,000	581,000	581,000
<b>Total Expenses</b>	<b>1,047,200</b>	<b>1,534,000</b>	<b>1,665,800</b>	<b>1,707,400</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,047,200)</b>	<b>(1,534,000)</b>	<b>(1,665,800)</b>	<b>(1,707,400)</b>
<b>Full Time Equivalent</b>			<b>9.0</b>	<b>10.0</b>
<b>Litigation Services &amp; Trustee Services</b>				
Salaries and Benefits	7,005,800	7,750,000	7,596,900	8,221,200
Operating Expenses	196,200	203,000	448,000	441,500
Program Expenses	199,600	224,000	302,800	312,800
<b>Total Expenses</b>	<b>7,401,600</b>	<b>8,177,000</b>	<b>8,347,700</b>	<b>8,975,500</b>
<b>Total Non-Annual Fee Revenues</b>	<b>7,400</b>	<b>154,000</b>	<b>11,600</b>	<b>11,600</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(7,394,200)</b>	<b>(8,023,000)</b>	<b>(8,336,100)</b>	<b>(8,963,900)</b>
<b>Full Time Equivalent</b>			<b>52.0</b>	<b>54.5</b>

# Operating Budget Details

Professional Regulation & Tribunal	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Compensation Fund</b>				
Salaries and Benefits	619,600	560,000	617,400	585,600
Operating Expenses	11,600	12,000	26,000	20,300
Program Expenses	1,967,200	3,479,000	4,719,100	4,794,600
<b>Total Expenses</b>	<b>2,598,400</b>	<b>4,051,000</b>	<b>5,362,500</b>	<b>5,400,500</b>
<b>Total Non-Annual Fee Revenues</b>	<b>2,015,100</b>	<b>3,235,000</b>	<b>1,350,000</b>	<b>1,550,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(583,300)</b>	<b>(816,000)</b>	<b>(4,012,500)</b>	<b>(3,850,500)</b>
<b>Full Time Equivalent</b>			<b>5.0</b>	<b>4.5</b>
<b>Law Society Tribunal</b>				
Salaries and Benefits	1,395,600	1,255,000	1,415,800	1,497,100
Operating Expenses	28,900	29,000	107,000	79,700
Program Expenses	643,300	657,000	686,700	803,000
<b>Total Expenses</b>	<b>2,067,800</b>	<b>1,941,000</b>	<b>2,209,500</b>	<b>2,379,800</b>
<b>Total Non-Annual Fee Revenues</b>	<b>700</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,067,100)</b>	<b>(1,941,000)</b>	<b>(2,209,500)</b>	<b>(2,379,800)</b>
<b>Full Time Equivalent</b>			<b>12.5</b>	<b>13.5</b>

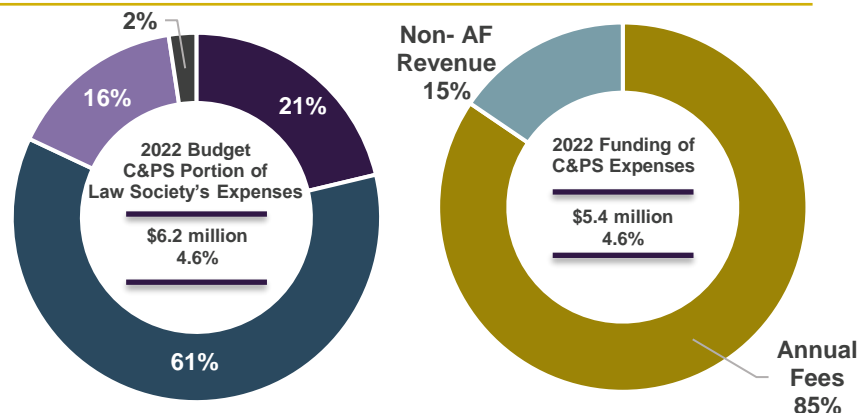
# Client & People Services



# Overview

## Client & People Services

Client & People Services division is a collection of business units, including Human Resources, Portfolio Management Office, Client Service Centre, Catering and Events that offer a diverse range of services to internal and external stakeholders.

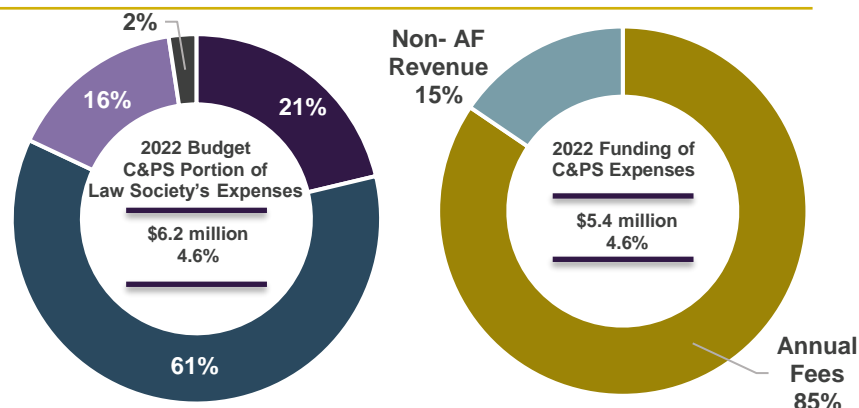


Executive Director's Office - Portfolio Management Office	Client Service Centre	Catering - Events
<ul style="list-style-type: none"> <li>Maintains and manages the portfolio of capital projects within Law Society.</li> <li>Establishes project standards and methodology for the organization</li> <li>Offers support and guidance for all project managers, providing tools and templates and maintains documentation for standards and best practices in project management.</li> </ul>	<ul style="list-style-type: none"> <li>Receives over 130,000 calls to three lines: Licensee Inquiry, Complaints and Main Reception, and receives over 25,000 emails to the Law Society inbox on an annual basis</li> <li>Updates licensee status/contact information in the Law Society's database, answers inquiries from licensees (relating to status, annual fees, and CPD), and produces adjusted billings, Photo ID, Certificates of Standing and Status Letters for licensees</li> <li>Responds to internal/external requests for data/statistics, deals with some licensee applications, and is responsible for the Lawyer and Paralegal Directory and the Law Society Portal</li> <li>Connects people looking for legal assistance with a lawyer or paralegal who will provide a free consultation of up to 30 minutes to help determine rights and options. Approximately 50,000 referrals are provided yearly – 74% through the online service and 26% through the crisis line or email</li> </ul>	<ul style="list-style-type: none"> <li>Provides food services for internal and external meetings and events, manages the Osgoode Hall Restaurant, and assists in preparation of meals for the Toronto Lawyers Feed the Hungry Program</li> <li>Catering and event operations are not reflected in the 2022 budget pending the approval of a business case to resume operations</li> </ul>

# Overview

## Client & People Services

Client & People Services division is a collection of business units, including Human Resources, Portfolio Management Office, Client Service Centre, Catering and Events that offer a diverse range of services to internal and external stakeholders.



Member Assistance Plan (MAP)	Parental Leave Assistance Plan (PLAP)
<ul style="list-style-type: none"> <li>A confidential service designed to help members to achieve their health and wellness goals</li> <li>Lawyers, paralegals, licensing candidates, law students, judges, other legal professionals and their families can access the MAP</li> <li>Funded by and fully independent of the Law Society of Ontario and LAWPRO, Homewood Health provides services through coaching, counselling, peer support and resources</li> </ul>	<ul style="list-style-type: none"> <li>Financial assistance following the birth or adoption of a child – \$750 per week for up to 12 weeks (\$9,000 max. per family)</li> <li>For practising lawyers (women and men) in sole practice, or firms of up to five lawyers, who do not have access to other parental or adoption benefits</li> </ul>

# Operating Budget Summary

Client & People Services	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Client &amp; People Services Total</b>					
Salaries and Benefits	5,610,300	4,438,000	4,703,000	4,687,100	
Operating Expenses	99,900	87,000	280,700	242,400	
Program Expenses	1,085,300	1,011,000	2,207,600	1,291,900	
<b>Total Expenses</b>	<b>6,795,500</b>	<b>5,536,000</b>	<b>7,191,300</b>	<b>6,221,400</b>	<b>-13%</b>
<b>Total Non-Annual Fee Revenues</b>	<b>1,140,300</b>	<b>712,000</b>	<b>2,133,200</b>	<b>837,700</b>	<b>-61%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(5,655,200)</b>	<b>(4,824,000)</b>	<b>(5,058,100)</b>	<b>(5,383,700)</b>	
<b>Full Time Equivalent</b>			<b>48.0</b>	<b>46.0</b>	

## Items of Note

- The 2022 budget does not include amounts for catering and event revenues and expenses resulting in an overall decrease in expenses and non-annual fee revenues. There is also a reduction of 2 FTE employees related to catering operations. A business case will be considered by Convocation prior to proceeding with re-opening plans.
- There is a \$345,000 increase in expenses related to the Membership Assistance Program as the utilization of the program has increased over the past two years and in particular throughout the pandemic. It is expected that utilization will continue at least at current levels and this is reflected both in the 2021 forecast and the 2022 budget. The 2021 forecast is reflective of a cap on billings from the vendor that expires at the end of 2021.
- Funding for the Parental Leave Assistance Program is reduced by \$100,000 as it has adequate fund balance to sustain recent historical activity.

# Operating Budget Details

Client & People Services	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Executive Director's Office   Project Management Office</b>				
Salaries and Benefits	1,494,100	1,091,000	1,050,200	1,101,000
Operating Expenses	16,500	15,000	68,500	71,500
Program Expenses	80,700	151,000	151,200	151,200
<b>Total Expenses</b>	<b>1,591,300</b>	<b>1,257,000</b>	<b>1,269,900</b>	<b>1,323,700</b>
<b>Total Non-Annual Fee Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,591,300)</b>	<b>(1,257,000)</b>	<b>(1,269,900)</b>	<b>(1,323,700)</b>
<b>Full Time Equivalent</b>			<b>6.0</b>	<b>6.0</b>
<b>Client Service Centre</b>				
Salaries and Benefits	3,350,900	3,260,000	3,394,700	3,586,100
Operating Expenses	70,900	70,000	182,100	170,900
Program Expenses	13,600	9,000	18,900	20,700
<b>Total Expenses</b>	<b>3,435,400</b>	<b>3,339,000</b>	<b>3,595,700</b>	<b>3,777,700</b>
<b>Total Non-Annual Fee Revenues</b>	<b>404,100</b>	<b>399,000</b>	<b>447,700</b>	<b>422,700</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(3,031,300)</b>	<b>(2,940,000)</b>	<b>(3,148,000)</b>	<b>(3,355,000)</b>
<b>Full Time Equivalent</b>			<b>40.0</b>	<b>40.0</b>
<b>Catering   Events</b>				
Salaries and Benefits	765,300	87,000	258,100	-
Operating Expenses	12,500	2,000	30,100	-
Program Expenses	187,800	3,000	1,162,300	-
<b>Total Expenses</b>	<b>965,600</b>	<b>92,000</b>	<b>1,450,500</b>	<b>-</b>
<b>Total Non-Annual Fee Revenues</b>	<b>423,100</b>	<b>-</b>	<b>1,450,500</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(542,500)</b>	<b>(92,000)</b>	<b>-</b>	<b>-</b>
<b>Full Time Equivalent</b>			<b>2.0</b>	<b>-</b>

# Operating Budget Details

Client & People Services	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Member Assistance Plan (MAP)</b>				
Program Expenses	713,300	713,000	625,200	970,000
<b>Total Expenses</b>	<b>713,300</b>	<b>713,000</b>	<b>625,200</b>	<b>970,000</b>
<b>Total Non-Annual Fee Revenues</b>	<b>313,100</b>	<b>313,000</b>	<b>235,000</b>	<b>415,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(400,200)</b>	<b>(400,000)</b>	<b>(390,200)</b>	<b>(555,000)</b>
<b>Parental Leave Assistance Plan (PLAP)</b>				
Program Expenses	89,900	135,000	250,000	150,000
<b>Total Expenses</b>	<b>89,900</b>	<b>135,000</b>	<b>250,000</b>	<b>150,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(89,900)</b>	<b>(135,000)</b>	<b>(250,000)</b>	<b>(150,000)</b>

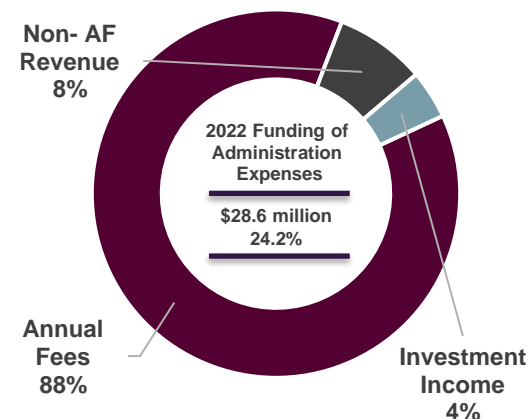
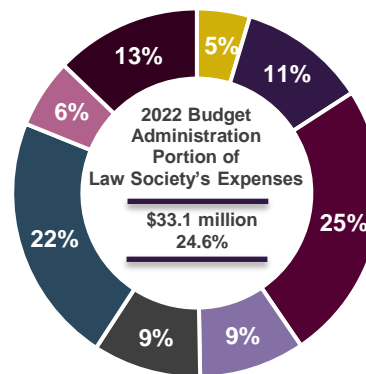
# Administration



# Overview

## Administration

The Society's administrative functions include executive oversight, financial administration, information systems, office of general counsel, human resources and facilities management.

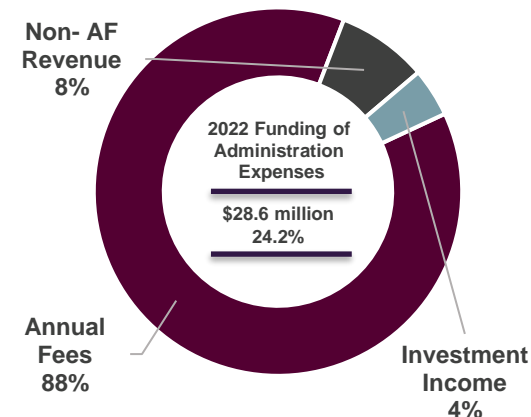
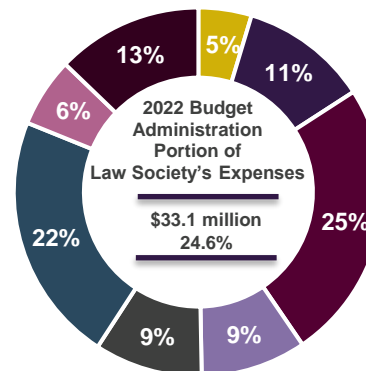


Office of Chief Executive Officer	Finance	Information Technology	Human Resources
<ul style="list-style-type: none"> <li>Leads the operations of the Law Society</li> <li>Provides advice and support to the Treasurer and benchers and operational oversight for projects and activities that bridge strategy, policy and large-scale implementation</li> <li>Includes the Corporate Secretary function with oversight and management of governance functions</li> <li>Coordinates the contribution of benchers and management to Federation of Law Societies of Canada</li> </ul>	<ul style="list-style-type: none"> <li>Oversees the Society's financial administration including its annual budget, financial policies and reporting, internal controls and support for the Audit and Finance Committee</li> <li>Manages the Society's enterprise risk management including risk identification, assessment and mitigation and compliance reporting</li> <li>Provides Financial administration to the Law Society Foundation and LiRN Inc.</li> </ul>	<ul style="list-style-type: none"> <li>Supports business applications and information and communications technology that enables the Law Society to operate efficiently and effectively</li> <li>Manages IT related projects and initiatives for the Law Society</li> </ul>	<ul style="list-style-type: none"> <li>Contributes to meeting the needs of our employees by providing support and services in the following areas: Employee Relations, Performance Management, Recruitment and Staffing, Compensation: salary and benefits (including the company pension plan), Coaching, Training and Development; Employment Legislation and Human Rights</li> <li>Committed to employment and pay equity, and supports the Occupational Health and Safety Act.</li> </ul>

# Overview

## Administration

The Society's administrative functions include executive oversight, financial administration, information systems, office of general counsel, human resources and facilities management.



External Relations & Communications	Facilities	Office of General Counsel	Corporate
<ul style="list-style-type: none"> <li>Leads the Society's communications, government and stakeholder relations functions</li> <li>Provides strategic communications and engagement advice and services</li> <li>Works closely with the Treasurer, benchers, management and operational areas to advance policy initiatives and strategic priorities by taking a leadership role in engagement and communications strategy development, media relations and issues management</li> </ul>	<ul style="list-style-type: none"> <li>Provides employees with a safe, comfortable, clean and sustainable work environment. The portfolio of integrated services include: Building Maintenance, Planning and operations, facility capital projects, security services and curatorial.</li> <li>Delivers an optimal environment for the organization's primary functions, taking an integrated view of the business infrastructure, and using this to deliver effective and responsive services, create flexible and adaptable spaces, and operate cost effective building assets and services.</li> </ul>	<ul style="list-style-type: none"> <li>Provides oversight for all corporate litigation</li> <li>Supports and co-instructs external counsel appointed by the Law Society's insurers in respect of litigation that is insured</li> <li>Manages an average of 30 corporate litigation files each year</li> <li>Provides a variety of legal services to the organization, ranging from advice and opinions on emerging policy matters through to legal implications of implementation of programs and policies including employment law and other organization obligations</li> </ul>	<ul style="list-style-type: none"> <li>Includes expenses not aligned specifically with an operational department including insurance, audit fees, provision for bad debts, payment card processing fees and the central operations contingency.</li> </ul>

# Operating Budget Summary

Administration	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget	% Change
<b>Administration Total</b>					
Salaries and Benefits	14,374,600	14,613,000	14,831,400	15,860,600	
Operating Expenses	394,000	381,000	710,100	695,300	
Program Expenses	14,196,800	14,522,000	15,630,800	16,514,600	
<b>Total Expenses</b>	<b>28,965,400</b>	<b>29,516,000</b>	<b>31,172,300</b>	<b>33,070,500</b>	<b>6%</b>
<b>Total Non-Annual Fee Revenues</b>	<b>5,546,150</b>	<b>5,020,000</b>	<b>3,259,500</b>	<b>3,497,500</b>	<b>7%</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(23,419,250)</b>	<b>(24,496,000)</b>	<b>(27,912,800)</b>	<b>(29,573,000)</b>	
<b>Full Time Equivalent</b>			<b>119.0</b>	<b>119.0</b>	

## Items of Note

- The increase in program expenses of \$884,000 is mainly driven by a one-time increase for the implementation of a hybrid workforce model (\$300,000), increase in insurance premiums as a result of changes in the insurance environment (\$260,000), an increase in external counsel and defence costs (\$300,000) as part of the transition to a self-insurance model to mitigate \$875,000 in premiums, increase in software maintenance costs (\$340,000) and an increase in the allowance for doubtful accounts (\$200,000). These increases were partially mitigated with budget decreases in Human Resources (\$165,000), External Relations & Communication (\$199,000), and Office of the CEO (\$70,000) to reduce budget to planned spending activities in 2022.
- The increase in non-annual fee revenues of \$238,000 is mainly driven by planned increase in investment income, estimated at \$445,000 offset with reduction in royalty revenue.

# Operating Budget Details

Administration	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Office of Chief Executive Officer</b>				
Salaries and Benefits	1,328,700	1,360,000	1,336,300	1,399,200
Operating Expenses	23,800	25,000	56,600	56,600
Program Expenses	51,100	128,000	154,500	84,500
<b>Total Expenses</b>	<b>1,403,600</b>	<b>1,513,000</b>	<b>1,547,400</b>	<b>1,540,300</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,403,600)</b>	<b>(1,513,000)</b>	<b>(1,547,400)</b>	<b>(1,540,300)</b>
<b>Full Time Equivalent</b>			<b>5.0</b>	<b>5.0</b>
<b>Finance</b>				
Salaries and Benefits	2,904,500	3,052,000	3,101,600	3,299,700
Operating Expenses	69,000	50,000	146,500	136,000
Program Expenses	273,700	233,000	274,500	271,500
<b>Total Expenses</b>	<b>3,247,200</b>	<b>3,335,000</b>	<b>3,522,600</b>	<b>3,707,200</b>
<b>Total Non-Annual Fee Revenues</b>	<b>581,200</b>	<b>594,000</b>	<b>498,000</b>	<b>518,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,666,000)</b>	<b>(2,741,000)</b>	<b>(3,024,600)</b>	<b>(3,189,200)</b>
<b>Full Time Equivalent</b>			<b>25.0</b>	<b>25.0</b>
<b>Information Technology</b>				
Salaries and Benefits	4,338,700	4,694,000	4,584,600	4,999,300
Operating Expenses	88,400	88,000	103,700	112,500
Program Expenses	2,368,200	2,750,000	2,688,000	3,023,000
<b>Total Expenses</b>	<b>6,795,300</b>	<b>7,532,000</b>	<b>7,376,300</b>	<b>8,134,800</b>
<b>Total Non-Annual Fee Revenues</b>	<b>12,000</b>	<b>12,000</b>	<b>12,000</b>	<b>12,000</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(6,783,300)</b>	<b>(7,520,000)</b>	<b>(7,364,300)</b>	<b>(8,122,800)</b>
<b>Full Time Equivalent</b>			<b>41.0</b>	<b>41.0</b>

# Operating Budget Details

Administration	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Human Resources</b>				
Salaries and Benefits	1,391,200	1,540,000	1,693,000	1,771,500
Operating Expenses	50,600	51,000	114,200	91,600
Program Expenses	868,300	1,059,000	1,434,600	1,270,000
<b>Total Expenses</b>	<b>2,310,100</b>	<b>2,650,000</b>	<b>3,241,800</b>	<b>3,133,100</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,310,100)</b>	<b>(2,650,000)</b>	<b>(3,241,800)</b>	<b>(3,133,100)</b>
<b>Full Time Equivalent</b>			<b>14.0</b>	<b>14.0</b>
<b>External Relations &amp; Communications</b>				
Salaries and Benefits	1,630,500	1,649,000	1,743,600	1,870,100
Operating Expenses	46,900	52,000	132,900	127,900
Program Expenses	468,400	544,000	1,259,100	1,060,100
<b>Total Expenses</b>	<b>2,145,800</b>	<b>2,245,000</b>	<b>3,135,600</b>	<b>3,058,100</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(2,145,800)</b>	<b>(2,245,000)</b>	<b>(3,135,600)</b>	<b>(3,058,100)</b>
<b>Full Time Equivalent</b>			<b>15.0</b>	<b>15.0</b>
<b>Facilities</b>				
Salaries and Benefits	1,539,100	1,180,000	1,251,200	1,335,400
Operating Expenses	45,100	45,000	70,100	70,100
Program Expenses	4,887,000	5,247,000	6,054,700	5,849,100
<b>Total Expenses</b>	<b>6,471,200</b>	<b>6,472,000</b>	<b>7,376,000</b>	<b>7,254,600</b>
<b>Total Non-Annual Fee Revenues</b>	-	-	-	-
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(6,471,200)</b>	<b>(6,472,000)</b>	<b>(7,376,000)</b>	<b>(7,254,600)</b>
<b>Full Time Equivalent</b>			<b>13.0</b>	<b>13.0</b>

# Operating Budget Details

Administration	2020 Actuals	2021 Projected Actuals	2021 Approved Budget	2022 Draft Budget
<b>Office of General Counsel</b>				
Salaries and Benefits	1,241,900	1,138,000	1,121,100	1,185,400
Operating Expenses	70,200	70,000	86,100	100,600
Program Expenses	265,700	375,000	418,400	718,400
<b>Total Expenses</b>	<b>1,577,800</b>	<b>1,583,000</b>	<b>1,625,600</b>	<b>2,004,400</b>
<b>Total Non-Annual Fee Revenues</b>	<b>10,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(1,567,800)</b>	<b>(1,583,000)</b>	<b>(1,625,600)</b>	<b>(2,004,400)</b>
<b>Full Time Equivalent</b>			<b>6.0</b>	<b>6.0</b>
<b>Corporate</b>				
Salaries and Benefits	-	-	-	-
Operating Expenses	-	-	-	-
Program Expenses	5,014,400	4,186,000	3,347,000	4,238,000
<b>Total Expenses</b>	<b>5,014,400</b>	<b>4,186,000</b>	<b>3,347,000</b>	<b>4,238,000</b>
<b>Total Non-Annual Fee Revenues</b>	<b>4,942,950</b>	<b>4,414,000</b>	<b>2,749,500</b>	<b>2,967,500</b>
<b>Excess of Revenues Over Expenses / (Expenses Over Revenues)</b>	<b>(71,450)</b>	<b>228,000</b>	<b>(597,500)</b>	<b>(1,270,500)</b>
<b>Full Time Equivalent</b>			<b>-</b>	<b>-</b>

# 6

## Other Funds



# Compensation Fund - Lawyers

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The Compensation Fund is restricted by the Law Society Act. Under the Act, the Fund's revenues are to include licensee annual fees, recoveries and investment income from the investment of the accumulated fund balances.

The Funds makes grants to members of the public who are the victims of licensee dishonesty and misappropriation of client funds held in trust. Convocation has delegated responsibility for the approval of grants to the Compensation Fund Sub-Committee. Current guidelines for grants cap payments at \$500,000 for the lawyer pool of the Fund and \$10,000 for the paralegal pool of the Fund.

The lawyer pool of the Compensation Fund is governed by a Convocation approved fund balance management policy. The policy sets out minimum and maximum fund balance amounts to be maintained and prescribes the use of the accumulated fund balance and steps to be taken in the event the fund balance is below the policy minimum.

The minimum balance required in the fund based on the most recent modelling completed in 2020 is \$19.6 million and the maximum benchmark is \$96.3 million. The current fund balance of the lawyer pool of the Compensation Fund is \$33.3 million as of July 31, 2021 and is within the benchmarks of the fund balance management policy.

# Compensation Fund - Lawyers

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Key assumptions that are reflected in the 2022 budget related to the lawyer pool of the Compensation Fund are:

- Provision for normal grants has been set at the 50th percentile in the 2022 budget at \$4.49 million and remain consistent with the 2021 budget.
- As the fund balance for the lawyer pool of the Compensation Fund is currently at \$33.3 million, the 2022 budget proposes the use of approximately \$3.7 million of the available fund balance. While the fund balance of the Compensation Fund will remain higher than the minimum benchmark, this will need to be balanced with the potential that claims activity may pick up as the economy reopens.

Based on the above assumptions, the Compensation Fund component of the annual fee for lawyers is decreasing from \$86 in 2021 to \$1 in 2022.

- The lawyer pool of the Compensation Fund should be able to withstand some fluctuation with claims activity in the short to medium term, even with the nominal fee of \$1 in 2022. Claims activity will be monitored closely as, in recent years, it has been as high as \$14 million in a given year and was when the cap per claim was \$150,000. Claims within the lawyer pool of the Compensation Fund are now subject to a \$500,000 cap. If claims activity picks up post pandemic, an increased levy may be required in future years to remain in compliance with the fund balance management policy benchmarks.

# Compensation Fund - Paralegals

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The paralegal pool of the Compensation Fund is not governed by a Fund Balance Management Policy due to its shorter history and limited activity.

The Fund Balance is \$980,000 as of July 31, 2021. Since late 2020, there has been an increase in claims activity within the paralegal pool of the Compensation Fund. As a result of this increased activity, the fund balance is forecast to decrease to \$825,000 by the end of 2021, which is still well over two times the claims activity since the inception of the Fund in 2008. However, given the increased activity and the ongoing nature of the claims, the 2022 budget increases the provision for grants expenses from \$116,000 to \$166,000.

It is recommended that a nominal fee for the paralegal pool of the Compensation Fund of \$1 be retained in 2022. The budget will use approximately \$119,000 of the current paralegal pool of the Compensation Fund in order to maintain this nominal fee and will bring the projected fund balance to approximately \$700,000 at the end of 2022. Should there be a sustained increase in claims activity within the paralegal pool of the Compensation Fund, consideration will be given to using an actuarial consultant to establish a stochastic model to estimate future claims activity and the appropriate size of the fund balance. The ability to maintain a nominal fee past 2022 given these uncertainties may be difficult.

# Capital Fund

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The Law Society maintains a restricted Capital Fund for the sole purpose of providing funding for the replacement, upgrade and restoration of its physical assets and information technology systems.

Osgoode Hall is unquestionably one of the legal professions' most iconic sites and the Law Society is entrusted with its preservation. Maintaining Osgoode Hall, in addition to requiring attention to its historical and symbolic importance, is complicated and expensive as the Law Society seeks to modernize its physical plant while respecting and maintaining the building's heritage. Management conducted a facilities condition assessment in 2020 to develop a ten-year plan for the maintenance and replacement of relevant aspects of its physical infrastructure. This plan has informed the choice of projects to be undertaken in 2022 as key elements of the buildings physical plant have reached the end of their useful life.

Included as part of the 2022 capital plan is preservation work required on the Benchers' Wing at Osgoode Hall. Moisture infiltration throughout the years has caused observable issues of structural deterioration, and the windows and roof are at the end of their useful life, requiring replacement. In addition, exterior brick and stone masonry are being displaced from the building in several locations and may become safety hazards in the future. Given the extent of work required on the Benchers' Wing, it is planned for a three-year period commencing in 2022. Structural repairs to the foundation will commence in 2022, with wall repairs and roof replacement to be completed in 2023 and 2024. The total value of this work over three years is estimated to be \$6.6 million with \$2.8 million included in the 2022 capital budget.

# Capital Fund

As a knowledge-based operation the Law Society requires continuous investment in modern technology to meet expectations of licensees, the public, and to manage risk and security measures for electronic data. To meet these expectations, the 2022 budget includes ongoing capital infrastructure replacement to enhance security measures, increase storage capacity, and ensure regular replacement of end user computing and hardware devices.

In 2022, the Law Society will move forward with its Business Transformation project to modernize IT systems in support of streamlining operations, achieving efficiencies, and enhancing service delivery. The 2022 budget includes \$500,000 in support of investigatory and discovery work for this initiative.

The total capital budget of \$6.25 million for 2022 is summarized below.

Capital Project	2022 Capital Budget
Facilities - Benchers' Wing Restoration	\$2,800,000
Information Technology - Infrastructure Updates and Replacements	815,000
Convocation Initiative - Client Service Enhancement Project	750,000
Facilities - Preservation and Infrastructure Projects per FCA	725,000
Business and IT Transformation	500,000
Catering – Critical Facility Infrastructure Upgrades	250,000
Contingency	410,000
<b>Total Capital</b>	<b>\$6,250,000</b>

In addition to annual fee revenue, it is recommended that \$2.25 million of the current Capital Fund balance be used to support technology and facilities infrastructure requirements in 2022. The budget contemplates use of \$500,000 of the unrestricted portion of the E&O Fund balance to support the Business and IT Transformation project. The capital component of the annual fee in 2022 is \$66 (2021 - \$73).

# Errors and Omissions Insurance Fund

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The Society's Errors and Omissions Insurance Fund (E&O Fund) is maintained for the purpose of reporting insurance related transactions between the Society, lawyers and LAWPRO. LAWPRO administers the day-to-day operations of the E&O Fund under a management services agreement at no cost to the Society. LAWPRO's administration of the E&O Fund is limited to the billing and collection of premiums and various additional levies related to transactions undertaken by lawyers.

Ownership of the Fund's assets, including decisions to restrict their use, as well as income derived from their investment, is entirely the purview of Convocation including the transfer of surplus investment income to the Society's General Fund.

The 2022 budget again proposes to transfer \$1.2 million of investment income, surplus to the needs of the E&O Fund, to support the operations of the lawyer General Fund.

The E&O Fund includes \$15 million that was restricted from 2010 to 2019 as an insurance backstop for the Society's insurance policy with LAWPRO. Removal of the additional premium endorsement in 2020 allowed Convocation to remove the restriction on \$15 million of the E&O fund balance. Total unrestricted fund balances within the E&O fund as of June 30, 2021, is \$21.7 million.

While the use of the funds is at the discretion of Convocation, the 2022 budget proposes the transfer of \$500,000 of available E&O Fund balance to the Capital Fund to support the Business and IT Transformation project. This will be part of a larger multi-year, multi-million dollar project to redesign processes and replace all legacy systems. A report on the business transformation project will be coming to Convocation in the first half of 2022. The 2022 budget also proposes that funding of up to \$900,000 be transferred to the County Libraries Fund to support the LiRN Inc. transitional budget.

# County Libraries Fund

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The Society maintains the County Libraries Fund to collect fees from lawyers for the provision of legal information and the support of county library services across Ontario's law libraries through its wholly-owned not-for-profit subsidiary LiRN Inc.

On an annual basis, the Law Society approves a budget submission from LiRN Inc. As part of overall expense reductions in the 2021 budget related to pandemic cost containment implemented across all facets of the Law Society's organization and subsidiaries, the amount granted to LiRN Inc. was reduced by 10% (\$802,000) to \$7,217,000. The 2022 budget reinstates the 10% reduction along with a further 6.5% increase for a total operating budget of \$8,542,000 which aligns with LiRN Inc.'s budget submission for 2022. The operating budget of \$8,542,000 will be funded through the county libraries component of the annual fee which will increase to \$183 (2021 - \$159).

The 2022 budget also includes funding of up to \$900,000 to support LiRN Inc.'s transitional budget request, which will be funded by the unrestricted fund balance in the E&O Fund.

Total funding to LiRN Inc. in 2022 will be up to \$9,442,000 depending on the expenses incurred related to the expansion of digital resources, library staff training and the required information technology infrastructure.



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**Tab 3**

## **Tribunal Committee Report**

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October 28, 2021

**Purpose of Report: Decision and Information**

Authored By:

Lisa Mallia, Tribunal Counsel

[lmallia@lso.ca](mailto:lmallia@lso.ca)



**Tab 3.1**

## **Tribunal Committee**

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### **For decision**

October 28, 2021

**Committee Members:**

Julia Shin Doi (Chair)

Ryan Alford (Vice-Chair)

Marian Lippa (Vice-Chair)

Malcolm M. Mercer (*ex officio*)

Jack Braithwaite (*ex officio*)

Barbara Murchie (*ex officio*)

Catherine Banning

Jared Brown

Jean-Jacques Desgranges

John Fagan

Sam Goldstein

Philip Horgan

Cecil Lyon

Isfahan Merali

Geoff Pollock

Chi-Kun Shi

**Authored By:**

Lisa Mallia, Tribunal counsel  
lmallia@lso.ca



## **For decision**

Tab 3.1      Report

Tab 3.1.1    Rule 13.3

Tab 3.1.2    Règle 13.3

Tab 3.1.3    For information – Practice Direction on public access

Tab 3.1.4    For information – Directive de pratique sur l'accès public



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Corresponding Practice Direction updates – For Information .....	3



## Rules of Practice and Procedure – Rule 13.3

The Tribunal Committee unanimously asks Convocation to approve the proposed amendments to Rule 13.3 of the Law Society Tribunal *Rules of Practice and Procedure*, to be effective November 1, 2021.

### Motion

**That Convocation approve the proposed English and French amendments to Rule 13.3 of the Law Society Tribunal *Rules of Practice and Procedure*, effective November 1, 2021, as set out at TAB 3.1.1 (English) and TAB 3.1.2 (Français).**

### Committee Process

The Committee met and discussed the proposed rule on September 15 and October 14, 2021. Committee members Julia Shin Doi (Chair), Ryan Alford and Marian Lippa (Vice-Chairs), Malcolm M. Mercer (*ex officio*), Jack Braithwaite (*ex officio*), Barbara Murchie (*ex officio*), Catherine Banning, Jared Brown, Jean-Jacques Desgranges, John Fagan, Sam Goldstein, Philip Horgan, Cecil Lyon, Geoff Pollock, and Chi-Kun Shi attended. Benchers Michael Lesage and Alexander Wilkes (September) and staff members Lawrence Barker, Tina Yuen and Lisa Mallia also attended.

### Discussion

In June 2021, the Supreme Court of Canada released its decision in *Sherman Estate v. Donovan*, 2021 SCC 25 which elevates privacy as a potential basis for restricting the “open courts principle” where privacy affects human dignity. The *Sherman Estate* decision also provides the public interest affected need not relate only to the administration of justice.

Since then, the Court released *Canadian Broadcasting Corp. v. Manitoba*, 2021 SCC 33 (*CBC v. Manitoba*). The Court addresses *Sherman Estate* and how openness may be restricted at para 77.

After confirming that court proceedings are presumptively open to the public, the SCC in *CBC v. Manitoba* states “A court can order discretionary limits on openness only where (1) openness poses a serious risk to an important public interest, (2) the order sought is necessary to prevent that risk and (3) the benefits of the order outweigh its negative effects.” (at para 77). This foundation should be kept in mind when considering these issues.

The Court goes on to say (at paras 78 – 79):

...If open courts are to remain the rule rather than the exception, some degree of privacy loss for those whose lives are the subject of litigation is



inevitable. But circumstances do exist where openness poses a serious risk to an aspect of privacy that evinces an important public interest.

The Court of Appeal did not have the advantage of considering the judgment of this Court in *Sherman* where it was held that there is an important public interest in a narrower dimension of privacy concerning the protection of individual dignity. In order to show a serious risk to this interest, an individual must establish that the information about them that would be disseminated as a result of court openness is sufficiently sensitive such that it strikes at their biographical core, revealing something “intimate and personal about the individual, their lifestyle or their experiences” (*Sherman*, at paras. 73-77, 79 and 85). If they succeed, the question becomes whether, in light of the totality of the circumstances, court openness poses a risk to individual dignity that strikes meaningfully at this important public interest. A serious risk need not be supported by direct evidence but may be reasonably inferred on the basis of available circumstantial facts (*Bragg*, at paras. 15-16). If the party succeeds in establishing this serious risk, they must then show that the order they seek is necessary to prevent the risk and that the benefits of the order outweigh its negative effects, including the effects on constitutionally-protected court openness (*Sierra Club*, at para. 53).

Currently, Tribunal Rule 13.3 is limited to administration of justice considerations based on earlier SCC jurisprudence:

### Departing from openness

- 13.3 (1) The Tribunal may make a not public order, non-disclosure order or publication ban only if:
- (a) an order is necessary to prevent a serious risk to the administration of justice because reasonable alternative measures will not do so; and
  - (b) the benefits of the order outweigh the effects on the right to free expression and the transparency of the administration of justice.
- (2) If a not public order, non-disclosure order or publication ban is necessary, the Tribunal shall make the order that affects openness the least while achieving the objective.

The following amendment is proposed to ensure the Rules are consistent with SCC jurisprudence. The language tracks the Supreme Court’s analysis more closely and places the emphasis on retaining the open court principle.



## Departing from openness

13.3 (1) The Tribunal may make a not public order, non-disclosure order or publication ban only if:

- (a) openness poses a serious risk to an important public interest.
- (b) the order is necessary to prevent this risk because reasonable alternative measure will not be effective; and
- (c) the benefits of the order will outweigh its negative effects.

(2) If a not public order, non-disclosure order or publication ban is necessary, the Tribunal shall make the order that affects openness the least while achieving the objective.

## Corresponding Practice Direction updates – For Information

Following from this, changes have been made to the Practice Direction on Public Access – **Tabs 3.1.3 (English) and 3.1.4 (Français)** which are included for information. The changes to the Practice Direction assist parties and adjudicators in the application of proposed Rule 13.3 so that a cautious approach is taken to the meaning “an important public interest” and so that the full three-part analysis is undertaken before openness is limited. The importance of openness and its protection under the *Charter* are emphasized in the practice direction.

These changes to the Practice Direction will be published following Convocation’s approval of the Rule 13.3 update.

## **Departing from openness**

13.3 (1) The Tribunal may make a not public order, non-disclosure order or publication ban only if:

- (a) openness poses a serious risk to an important public interest,
- (b) the order is necessary to prevent this risk because reasonable alternative measure will not be effective; and
- (c) the benefits of the order will outweigh its negative effects.

(2) If a not public order, non-disclosure order or publication ban is necessary, the Tribunal shall make the order that affects openness the least while achieving the objective.

## **Dérogation au principe de publicité**

13.3 (1) Le Tribunal peut rendre une ordonnance interdisant l'accès au public, une ordonnance de non-divulgence ou une interdiction de publication seulement dans les cas suivants :

- a) la publicité pose un risque sérieux à un intérêt public important ;
- b) l'ordonnance est nécessaire pour écarter ce risque parce que d'autres mesures raisonnables ne seront pas suffisantes ;
- c) les effets bénéfiques de l'ordonnance sont plus importants que ses effets préjudiciables.

(2) Si une ordonnance interdisant l'accès au public, une ordonnance de non-divulgence ou une interdiction de publication est nécessaire, le Tribunal rend l'ordonnance qui affecte le moins le principe de publicité tout en atteignant son objectif.



# PRACTICE DIRECTION ON PUBLIC ACCESS TO HEARINGS AND TO TRIBUNAL FILES

## Introduction

The Tribunal processes, hears and decides regulatory cases about Ontario lawyers and paralegals in a manner that is fair, just, and in the public interest. The Tribunal applies the open court principle and proceedings are presumed to be open and accessible to the public, including the media. Transparency is a core value of the Tribunal and decisions, rules, processes and policies are available to licensees and the public.

This practice direction refers to cases; please note that there may be other or new cases that also apply.

## Open Tribunal

Tribunal proceedings, except for pre-hearing conferences, are open to the public unless there is an order otherwise. Tribunal files may be reviewed by anyone, except for documents that have been ordered to be not public: Rule 13.2.

## Attending a hearing

Information about all merits hearings is posted on the [Tribunal's website](#) 90 days before the hearing, or less if the hearing is to be held within 90 days of being scheduled. The Tribunal's Communications Coordinator sends a weekly "proceeding update" by e-mail that includes a list of the next week's scheduled hearings. There is a sign-up box for this e-mail on the Tribunal's homepage.

The Tribunal has prepared a Guide to Attending a Hearing, available on the Tribunal's website at <https://lawsocietytribunal.ca/wp-content/uploads/2019/12/EN-Guide-for-Attending-a-Hearing.pdf>.

Most in-person hearings are held at the Tribunal's offices at 375 University Ave, Suite 402, in Toronto. Some are held at different locations across the province. Hearings also take place using videoconferencing, notably Zoom. Members of the public and the media can attend electronic hearings by contacting the Tribunal Office. Observers can connect to a Zoom hearing using a computer, mobile device or telephone.

## Accessing the Tribunal file

The Tribunal keeps a copy of all documents that are filed in a proceeding or are received by the panel. Any member of the public may ask to review any of the public documents in a Tribunal file. Rule 13.1 of the *Rules of Practice and Procedure* sets out what documents are available to the public. They include:

- materials filed with the Tribunal;
- exhibits;
- other documents and correspondence from a party reviewed by a panel, except for the purpose of a pre-hearing conference;



- notices of hearing, endorsements, orders, and reasons of the Tribunal;
- transcripts filed with the Tribunal.

Information about how to request access to materials from active and closed files is on the Tribunal website: <http://lsotribunal.wpengine.com/accessing-closed-tribunal-files/>.

## Not public orders, non-disclosure orders and publication bans

It is a basic principle of Canadian law that proceedings of courts and administrative tribunals should be open to the public, with the ability to be publicized and reported upon. The right to publish information about proceedings falls within the right to freedom of expression guaranteed by s. 2(b) of the *Canadian Charter of Rights and Freedoms*. Tribunal proceedings must be transparent so that members of the public and of the legal professions are aware of and can have confidence in the impartial and fair resolution of issues that come before the Tribunal.

However, the Tribunal may sometimes depart from openness by making an order that an appearance, or documents that would otherwise form part of the public record, be not public, not disclosed or subject to a publication ban.

When a participant asks that there be a not public order, non-disclosure order or publication ban, the panel must determine whether three conditions have been satisfied before making an order:

- openness poses a serious risk to an important public interest
- the order is necessary to prevent this risk because reasonable alternative measures will not prevent the risk
- the benefits of the order will outweigh its negative effects

The courts have identified several important public interests that can be used to justify limits on openness, namely hearing fairness, the proper administration of justice, a general commercial interest in preserving confidential information, anonymity of young offenders to encourage rehabilitation and the protection of human dignity. [\*Sherman Estate v. Donovan\*, 2021 SCC 25](#).

It is important to recognize that an important public interest must be engaged. While new important public interests may be recognized, panels will take care before doing so. Mere private interests are not enough. An order is not justified merely on the basis of a desire to avoid publicity, embarrassment, or exposure of personal information about the licensee or licence applicant.

As there is existing jurisprudence identifying the important public interests that apply, the panel will usually focus on whether the order is necessary to prevent serious risk of harm, whether other reasonable measures can avoid the serious risk of harm, and whether the benefits of the order outweigh its negative effects. In this context, the Tribunal takes seriously the importance of openness in maintaining independence and impartiality, public confidence in and understanding of its work and the legitimacy of the Tribunal's processes.

Privileged, or possibly privileged, documents are automatically not public: Rule 13.6. So are children's identities, and the identities of persons who allege sexual assault or misconduct, unless they are an adult and request otherwise: Rule 13.5.



Specific considerations are set out in Rule 13.4 regarding departures from openness in capacity proceedings recognizing that there may be special privacy considerations when an individual's health is the main issue in the proceeding.

#### Where the hearing or documents are subject to a not public order

When an oral appearance is not public, no one other than the licensee or licence applicant and the parties' representatives may attend or order or review the transcript. Witnesses may view the transcript of their own testimony: Rule 13.7(2). Members of the public will be asked to leave the hearing for the portion of the hearing that is being held in the absence of the public. Not public documents will not be provided to any members of the public reviewing the file.

#### Where the hearing or documents are subject to a publication ban

When a publication ban has been made, the hearing and Tribunal file remain open to the public. Members of the public will not be asked to leave the hearing and anyone can order the transcript. No one may publish or broadcast in any way information or documents subject to the publication ban: Rule 13.9(2). A copy of the order is provided to any members of the public reviewing the file.

#### Where the hearing is subject to a non-disclosure order

A non-disclosure order is made when it is determined that information should not be public after it was referred to in an open hearing. A non-disclosure order prohibits anyone who was present from disclosing what was said, and the documents are treated in the same manner as not public documents: Rule 13.8.

## **Recordings and transcripts**

### Recording

No one, other than the reporting service hired by the Tribunal for that purpose, may take photographs or make a video or audio recording in the Tribunal premises or the hearing without leave. This includes taking a screenshot or making a video or audio recording of an electronic appearance: Rule 9.9. Recordings made by the reporting service are used to prepare the transcripts and as a result are considered internal working documents and are not available to the public pursuant to the terms of the contract between the Tribunal and the reporting service.

### Transcripts

All oral appearances are recorded by a reporting service, except pre-hearing conferences. Any person, whether a party to the proceeding or not, may order a copy of the transcript from the reporting service at their own expense. The first party to order a transcript must also pay a fee for the Tribunal's electronic and hard copies. The Tribunal's copies are provided directly to the Tribunal by the reporting service: Rule 9.8. Links to the court reporting services used by the Tribunal are on the Tribunal's website: <https://lawsocietytribunal.ca/useful-links/>.

Hearing transcripts, if contained in the Tribunal file, can be viewed by any person reviewing a file. Transcripts cannot be copied or photographed.



# DIRECTIVE DE PRATIQUE SUR L'ACCÈS PUBLIC AUX AUDIENCES ET AUX DOSSIERS DU TRIBUNAL

## Introduction

Le Tribunal traite, entend et tranche des cas de réglementation des avocats et parajuristes de l'Ontario d'une manière équitable, juste et dans l'intérêt public. Le Tribunal suit le principe de la publicité des débats et les instances sont réputées ouvertes et accessibles au public, y compris les médias. La transparence est une valeur fondamentale du Tribunal et les décisions, règles, processus et politiques sont accessibles aux titulaires de permis et au public.

Cette directive de pratique renvoie à des décisions ; veuillez noter que d'autres décisions ou de nouvelles décisions peuvent aussi s'appliquer.

## Tribunal ouvert

Les instances du Tribunal, à l'exception des conférences préparatoires à l'audience, sont ouvertes au public à moins d'une ordonnance à l'effet contraire. Quiconque peut consulter les dossiers du Tribunal, à l'exception des documents visés par une ordonnance interdisant l'accès au public : règle 13.2.

## Assister à une audience

Tous les renseignements concernant les audiences sur le fond sont affichés sur le [site Web du Tribunal](#) 90 jours avant l'audience, ou moins si l'audience doit être tenue dans moins de 90 jours. La coordonnatrice des communications du Tribunal envoie un message hebdomadaire sur les mises à jour des audiences par courriel comprenant une liste des audiences prévues la semaine suivante. Il y a une boîte pour s'inscrire à cette liste d'envoi sur la page d'accueil du site du Tribunal.

Le Tribunal a préparé un guide pour assister à une audience, disponible sur le site Web du Tribunal au <https://lawsocietytribunal.ca/wp-content/uploads/2019/12/FR-Assister-a-une-audience.pdf>.

La plupart des audiences en personne se déroulent dans les bureaux du Tribunal au 375, av. University, bureau 402, à Toronto. Certaines sont tenues ailleurs dans la province. Les audiences ont également lieu par vidéoconférence, Zoom en particulier. Les membres du public et les médias peuvent assister aux audiences électroniques en contactant le greffe du Tribunal. Les personnes qui désirent observer peuvent se connecter à une audience par Zoom à l'aide d'un ordinateur, d'un appareil mobile ou d'un téléphone.

## Accéder aux dossiers du Tribunal

Le Tribunal conserve une copie de tous les documents déposés lors des audiences ou qui sont reçus par la formation. Tout membre du public peut demander de consulter les documents publics dans un dossier du Tribunal. La règle 13.1 des *Règles de pratique et de procédure* indique les documents qui sont accessibles au public. Ils comprennent :

- les documents déposés auprès du Tribunal ;



- les pièces ;
- les autres documents et correspondances examinés par une formation, sauf ceux déposés aux fins d'une conférence préparatoire à l'audience ;
- les avis d'audience, inscriptions, ordonnances et motifs du Tribunal ;
- les transcriptions déposées auprès du Tribunal.

Pour savoir comment faire une demande d'accès aux documents dans les dossiers actifs et clos, rendez-vous au site Web du Tribunal au <https://lawsocietytribunal.ca/acces-aux-dossiers-du-tribunal/?lang=fr>

## Ordonnance interdisant l'accès au public, ordonnance de non-divulgence et interdiction de publication

Un des principes de base du droit canadien veut que les procédures devant les tribunaux judiciaires et administratifs soient accessibles au public, et puissent être rendues publiques et communiquées à l'extérieur. Le droit de publier des renseignements sur les procédures relève du droit à la liberté d'expression garanti par l'alinéa 2 b) de la *Charte canadienne des droits et libertés*. Les procédures du Tribunal doivent être transparentes afin que les membres du public et des professions juridiques soient informés et puissent avoir confiance dans le règlement impartial et équitable des questions soumises au Tribunal.

Cependant, il peut arriver que le Tribunal déroge au principe de publicité en rendant une ordonnance interdisant l'accès au public, une ordonnance de non-divulgence ou une interdiction de publication visant une comparution ou des documents qui seraient normalement dans le registre public.

Lorsqu'un participant demande une ordonnance interdisant l'accès au public, une ordonnance de non-divulgence ou une interdiction de publication, la formation doit déterminer si les trois conditions suivantes ont été satisfaites avant de rendre une ordonnance :

- La publicité pose un risque sérieux à un intérêt public important
- L'ordonnance est nécessaire pour écarter ce risque parce que d'autres mesures raisonnables n'écarteront pas le risque
- Les effets bénéfiques de l'ordonnance sont plus importants que ses effets préjudiciables

Les tribunaux ont établi plusieurs intérêts publics importants qui peuvent être utilisés pour justifier des limites à la publicité, à savoir l'équité des audiences, la bonne administration de la justice, un intérêt commercial général à protéger les renseignements confidentiels, l'anonymat des jeunes contrevenants pour encourager la réadaptation et la protection de la dignité humaine. *Sherman (Succession) c. Donovan*, 2021 CSC 25.

Il est important de reconnaître qu'un intérêt public important doit être en jeu. Bien que l'on puisse reconnaître de nouveaux intérêts publics importants, les formations feront preuve de prudence avant de le faire. Les simples intérêts privés ne suffisent pas. Une ordonnance n'est pas justifiée par le simple désir d'éviter la publicité, l'embarras ou l'exposition de renseignements personnels sur le titulaire ou le demandeur de permis.



Comme il existe une jurisprudence identifiant les intérêts publics importants qui s'appliquent, la formation se penchera habituellement sur la question de savoir si l'ordonnance est nécessaire pour prévenir un risque sérieux de préjudice, si d'autres mesures raisonnables peuvent éviter le risque sérieux de préjudice et si les avantages de l'ordonnance l'emportent sur ses effets négatifs. Dans ce contexte, le Tribunal prend au sérieux l'importance de la publicité des débats pour préserver l'indépendance et l'impartialité, la confiance du public et la compréhension de son travail, ainsi que la légitimité de ses processus.

Les documents privilégiés ou potentiellement privilégiés sont automatiquement visés par une ordonnance interdisant l'accès au public : règle 13.6. Il en va de même pour l'identité des enfants et des personnes qui allèguent une agression ou une inconduite sexuelle, sauf demande contraire d'un adulte qui allègue une agression ou une inconduite sexuelle : règle 13.5.

La règle 13.4 énonce des considérations spécifiques concernant les dérogations au principe de la publicité des instances relatives à la capacité. Cette règle reconnaît qu'il peut y avoir des considérations particulières relatives à la vie privée lorsque la santé d'une personne est la question principale de l'instance.

#### Lorsque l'audience ou les documents sont sujets à une ordonnance interdisant l'accès au public

Lorsqu'une comparution orale n'est pas publique, nul ne peut y assister sauf le titulaire de permis ou le demandeur de permis, et les représentants des parties et nul autre que ces derniers ne peut recevoir ou voir les transcriptions. Les témoins peuvent voir la transcription de leur propre témoignage : règle 13.7 (2). Les membres du public seront invités à quitter l'audience pour la partie qui se déroule en l'absence du public. Les documents non publics ne seront pas transmis aux membres du public qui examinent le dossier.

#### Lorsque l'audience ou les documents sont assujettis à une interdiction de publication

En cas d'interdiction de publication, l'audience et le dossier du Tribunal demeurent ouverts au public. Les membres du public ne seront pas invités à quitter l'audience et tout le monde peut demander la transcription. Personne ne peut publier un document ou diffuser de quelque façon que ce soit des renseignements ou des documents qui font l'objet d'une interdiction de publication : règle 13.9 (2). Une copie de l'ordonnance est remise aux membres du public qui examinent le dossier.

#### Lorsque l'audience est assujettie à une ordonnance de non-divulgation

Une ordonnance de non-divulgation est rendue lorsqu'il est déterminé que l'information ne devrait pas être publique après avoir été mentionnée lors d'une audience publique. Une ordonnance de non-divulgation interdit à toute personne présente de divulguer ce qui a été dit, et les documents sont traités de la même manière que les documents non publics : règle 13.8.



## Enregistrements et transcriptions

### Enregistrement

Nul ne peut, outre le service de sténographie judiciaire engagé par le Tribunal à cet effet, prendre des photos ou faire un enregistrement vidéo ou audio dans les locaux du Tribunal ou pendant l'audience sans autorisation. Cela inclut la capture d'écran ou l'enregistrement vidéo ou audio d'une comparution électronique : règle 9.9. Les enregistrements effectués par le service de sténographie judiciaire servent à préparer les transcriptions et sont donc considérés comme des documents de travail internes et ne sont pas accessibles au public conformément aux termes du contrat entre le Tribunal et le service de sténographie judiciaire.

### Transcriptions

Toutes les comparutions verbales sont consignées par un service de sténographie judiciaire, sauf les conférences préparatoires à l'audience. Toute personne, qu'elle soit partie à une instance ou non, peut commander une copie de la transcription auprès du service de sténographie à ses propres frais. La première partie qui obtient une transcription doit également payer des frais pour les copies électroniques et papier du Tribunal. Les copies du Tribunal sont fournies directement au Tribunal par le service de sténographie : règle 9.8. Les liens aux services de sténographie judiciaire utilisés par le Tribunal sont sur le site Web du Tribunal : <https://lawsocietytribunal.ca/useful-links-fr/?lang=fr>.

Les transcriptions des audiences, si elles sont contenues dans le dossier du Tribunal, peuvent être consultées par toute personne qui examine un dossier. Les transcriptions ne peuvent être ni copiées ni photographiées.



**Tab 3.2**

## **Tribunal Committee**

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### **For information**

October 28, 2021

**Committee Members:**

Julia Shin Doi (Chair)

Ryan Alford (Vice-Chair)

Marian Lippa (Vice-Chair)

Malcolm M. Mercer (*ex officio*)

Jack Braithwaite (*ex officio*)

Barbara Murchie (*ex officio*)

Catherine Banning

Jared Brown

Jean-Jacques Desgranges

John Fagan

Sam Goldstein

Philip Horgan

Cecil Lyon

Isfahan Merali

Geoff Pollock

Chi-Kun Shi

**Authored By:**

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## For information

Tab 3.2 Report

Tab 3.2.1 Failure to Co-operate Application – Rule 21

Tab 3.2.2 Requêtes pour défaut de coopérer – Règle 21

Tab 3.2.3 Draft Form 39 – English – *French to follow*

Tab 3.2.4 Draft Form 40 – English – *French to follow*

Tab 3.2.5 Draft Form 41 – English – *French to follow*

Tab 3.2.6 Q2 2021 Statistics



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# Failure to Co-operate Applications – For Information

## A. Executive Summary

Following discussions at the September and October 2021 Committee meetings, the Tribunal Committee approved providing the proposed draft Rule 21 – Failure to Co-operate Applications to Convocation for information. The Committee requests that anyone interested, to provide their comments on the proposed rule by November 30, 2021 via e-mail to [Tribunal@lso.ca](mailto:Tribunal@lso.ca).

## B. Committee Process

The Committee met and discussed the proposed rule on September 15 and October 14, 2021. Committee members Julia Shin Doi (Chair), Ryan Alford and Marian Lippa (Vice-Chairs), Malcolm M. Mercer (*ex officio*), Jack Braithwaite (*ex officio*), Barbara Murchie (*ex officio*), Catherine Banning, Jared Brown, Jean-Jacques Desgranges, John Fagan, Sam Goldstein, Philip Horgan, Cecil Lyon, Geoff Pollock, and Chi-Kun Shi attended. Benchers Michael Lesage and Alexander Wilkes (September) and staff members Lawrence Barker, Tina Yuen and Lisa Mallia also attended.

## C. Background

One issue that has been discussed as part of the Tribunal Committee's mandate is the desire to streamline the summary hearing process. The mischief addressed by summary hearings is, in the vast majority of these cases, the failure to comply with investigations. At issue is the goal of encouraging compliance with professional obligations so that investigations can be completed, while at the same time not stigmatizing and penalizing conduct that is not professional misconduct.

On review of 90 recent summary hearing cases:

- 2 were dismissed
- 23 resulted in reprimands
- 48 resulted in one-month suspensions
- 34 of the cases included fines
- Median costs award of \$3,800 (the average was \$4,600 as a result of some large awards). Two-thirds were between \$2,800 and \$5,000

Consideration was given to whether Tribunal and party resources ought to continue to be spent on oral hearings given that the results are highly predictable and the penalty imposed is, quite properly, formulaic. In addition, written reasons in these cases typically add very little to the jurisprudence.



The Tribunal currently has the ability, under Rule 9.1(1), to direct an appearance to take place in writing. Rule 9.1(2) requires the Tribunal to consider the purposes set out in Rule 1.1 as well as the fact that the parties, witnesses, and others may be remote from the Tribunal and that there are costs and benefits associated with in-person hearings. The purposes of the rules include ensuring efficiency and timeliness, promoting early identification of issues in dispute and facilitating agreement and resolution, as well as fairness and flexibility.

The purpose of the proposed new rule would be to stream the summary hearings into either a written or oral hearing based on preliminary information provided by the Law Society and the respondent. In either case the Law Society would be required to file the usual documents – evidence and service briefs, for example – and the respondent would have the ability to file responding materials in the usual course.

The draft rule and forms are found at Tabs 3.2.1 – 3.2.5:

- Tab 3.2.1 Draft Rule 21
- Tab 3.2.2 Version préliminaire de la nouvelle règle 21
- Tab 3.2.3 Form 39 – *English*
- Tab 3.2.4 Form 40 – *English*
- Tab 3.2.5 Form 41 – *English*



## Q2 2021 Statistics – For Information

### A. Executive Summary

Ongoing collection and reporting of Tribunal operational statistics assists the Tribunal to track issues, identify needs and monitor emerging trends in Tribunal proceedings. This enables the Tribunal Committee and Convocation to make policy decisions with a more fulsome understanding of the Tribunal's work. This quarter, in addition to the usual comparison to the year before, information from 2019 (pre-Covid) is also included for a more comprehensive report.

### B. Committee Process

The Committee met on October 14, 2021. Committee members Julia Shin Doi (Chair), Ryan Alford and Marian Lippa (Vice-Chairs), Malcolm M. Mercer (*ex officio*), Jack Braithwaite (*ex officio*), Barbara Murchie (*ex officio*), Catherine Banning, Jared Brown, Jean-Jacques Desgranges, John Fagan, Sam Goldstein, Philip Horgan, Geoff Pollock, and Chi-Kun Shi attended. Benchers Michael Lesage (September) and staff members Lawrence Barker, Tina Yuen and Lisa Mallia also attended.

### C. Background

The statistics we report were decided upon through an extensive process. In 2016, the Tribunal Committee considered what types of data would be useful in public and internal reports. This review was done while considering the goals of the Tribunal model as well as issues raised in the 2016 Tribunal Model Three-Year Review final report. That report highlighted the need for a revised approach to data collection that would focus on adjudicative purposes in order to measure the effectiveness of the Tribunal's processes.

In 2017, the Committee approved a list of statistics to be gathered and reported on quarterly and annually. The Tribunal then designed data collection and technology around this list. The goal of the statistics the Committee chose is to have focused reporting that:

- measures outcomes;
- measures efficiency;
- monitors trends; and
- monitors data around adjudicators, duty counsel/self-represented licensees, French language hearings, and licensee/licensee applicant data.

These goals must be pursued while bearing in mind the public interest nature of the information and the goal of transparency.

The Tribunal provides five statistical reports each year to Convocation: four quarterly reports and one year-end report. The Q2 2021 quarterly report is set out at **TAB 3.2.6**.



The volume of cases open at any point in time is generally between 165 and 175, although in Q2 this year there were 235 files open at the end of the quarter and 210 at the end of Q2 2020. In Q2 2019, there were 170 open: see Caseload on page 4 of the Q2 report. It is worth noting that although the volume has increased, the Tribunal remains able to schedule hearings within a reasonable time frame – for example, as of the Committee meeting date, hearing dates were available in late October, November, and December.

A similar number of files were opened in Q2 from 2019 to 2021, though more files were closed in Q2 of 2021 than 2020, indeed more than in 2019 as well: see Figure 2 on page 3 and Figure 4 on page 4. Similarly, the number of full days used for hearings in Q2 2021 is back to the Q2 2019 level: See Figure 5 on page 5.

The Tribunal also measures the length of time taken to complete reasons: Figure 8 on page 7. The number of oral reasons issued in Q2 remains below the 2019 level. The number of written reasons issued in Q2 has stayed about the same, but the percentage of written reasons delivered in 60 days or less continues to improve: 33% in 2019, 53% in 2020 and 61% in 2021. Similarly, 90% of reasons were delivered in 90 days or less in 2021, up from 70% in 2019.

In an effort to reduce the time taken to complete reasons, the Tribunal is making an active effort to communicate with adjudicators with reasons past the time limit to encourage submission of reasons as soon as possible.

## DRAFT RULE 21

### Definitions

“failure to co-operate application” means a summary hearing in which the notice of application alleges one or more failure(s) to respond promptly and completely to investigative requests only.

“failure to co-operate filing date” means the date that the originating process, the information sheet and the Law Society’s summary affidavit are filed with the Tribunal.

### Rule 21 – Failure to Co-operate Applications

- 21.1 This rule applies to all failure to co-operate applications.
- 21.2 (1) The Law Society must serve and file a summary affidavit ([Form 40](#)) together with the originating process and the information sheet in accordance with [Rule 3](#).
- (2) The summary hearing date indicated in the information sheet must be a date no earlier than five weeks after the failure to co-operate filing date.
- (3) The information sheet must be in [Form 39](#).
- 21.3 The respondent must serve and file a summary responding affidavit ([Form 41](#)) no later than 14 days after the failure to co-operate filing date.
- 21.4 (1) No later than 14 days before the summary hearing date the Tribunal will direct whether the hearing will be in writing or oral.
- (2) The Tribunal will direct the hearing to be in writing unless the Tribunal concludes there is good reason that the application should be heard by way of an oral hearing, or:
- (a) the respondent’s summary affidavit discloses a potential defence to the allegation of professional misconduct; or
  - (b) the respondent has one or more prior finding(s) of professional misconduct on which the Law Society relies on the issue of penalty if professional misconduct is found.
- (3) Despite subrules 21.4(2)(a) and (b), the Tribunal may direct a written hearing if requested by the respondent.
- 21.5 If the Tribunal determines that the hearing will be an oral hearing then this rule has no further application and the summary hearing remains scheduled to be heard orally on the date indicated in the information sheet.
- 21.6 If the Tribunal determines that the hearing will be a written hearing, then the following applies unless otherwise directed by the Tribunal:
- 1) The date of the written hearing is the date indicated in the information sheet.
  - 2) Each party shall serve and file written submissions and affidavit evidence on finding and penalty, as follows:

- a. the Law Society no later than 7 days before the date of the written hearing;  
and
  - b. the respondent no later than 2 days before the date of the written hearing.
- 3) On or prior to the written hearing date, the hearing panel may:
  - a. require further evidence and submissions from the parties; or
  - b. direct that the application be heard orally and, if so, schedule a proceeding management conference, in which case this rule has no further application.
- 4) At the written hearing, if the hearing panel determines that the respondent has contravened s. 33 of [the Act](#) and the respondent does not have a discipline record, the hearing panel:
  - a. will, if the respondent has provided complete answers to the satisfaction of the Law Society within 14 days of the failure to co-operate filing date, and has not previously been invited to attend, make an invitation pursuant to s. 36 of [the Act](#) and make no costs order;
  - b. will, if the respondent has provided complete answers to the satisfaction of the Law Society by the date of the written hearing, and is not invited to attend, order that the respondent be reprimanded and make no costs order;
  - c. will, if the respondent has not provided complete answers to the satisfaction of the Law Society by the date of the written hearing:
    - i. order an indefinite suspension pending compliance, as well as a one-month definite suspension to begin at the end of the indefinite suspension or any other administrative or disciplinary suspensions in effect or then pending, whichever is later; and
    - ii. order the respondent to pay costs in the amount of \$1,500 within one year.
  - d. may, if an indefinite suspension is ordered, also order one or more fines or conditional fines.
- 5) If the hearing panel determines there are exceptional circumstances warranting a departure from any applicable item listed in paragraph 21.6(4), then that item does not apply and the hearing panel will make such other order as may be appropriate in the circumstances.

## VERSION PRÉLIMINAIRE DE LA NOUVELLE RÈGLE 21

### Définitions

« requête pour défaut de coopérer » S'entend d'une audience sommaire donnant suite à un avis de requête alléguant un ou plusieurs défauts de répondre rapidement et complètement aux demandes faites, mais dans le cadre d'une enquête uniquement.

« date de dépôt de la requête pour défaut de coopérer » Date à laquelle l'acte introductif d'instance, la fiche d'information et l'affidavit sommaire du Barreau sont déposés auprès du Tribunal.

### Règle 21 — Requêtes pour défaut de coopérer

- 21.1 La présente règle s'applique à toutes les requêtes pour défaut de coopérer.
- 21.2 (1) Le Barreau doit signifier et déposer un affidavit sommaire (formulaire 40) avec l'acte introductif d'instance et la fiche d'information, comme le prévoit la Règle 3.
- (2) La date indiquée pour l'audience sommaire dans la fiche d'information doit se situer au moins cinq semaines après la date de dépôt de la requête pour défaut de coopérer.
- (3) La fiche d'information doit être préparée au moyen du formulaire 39.
- 21.3 L'intimé doit signifier et déposer un affidavit de réponse sommaire (formulaire 41) dans les 14 jours suivant la date de dépôt de la requête pour défaut de coopérer.
- 21.4 (1) Au plus tard 14 jours avant l'audience sommaire, le Tribunal indique aux parties si l'audience se déroulera par écrit ou oralement.
- (2) Le Tribunal demande une audience par écrit (par voie de mémoires) à moins qu'il ne conclue qu'il y a de bonnes raisons d'instruire la requête par voie d'audience orale ou :
- a) l'affidavit de réponse sommaire de l'intimé révèle une défense possible à l'allégation de manquement professionnel ;
  - b) l'intimé a déjà fait l'objet d'une constatation de manquement professionnel à une ou plusieurs reprises et le Barreau s'appuie sur ces constatations pour déterminer la sanction à imposer si le Tribunal conclut à un manquement professionnel.
- (3) Malgré les alinéas 21.4 (2) a) et b), le Tribunal peut ordonner une audience par écrit si l'intimé le demande.
- 21.5 Si le Tribunal décide que la requête sera instruite par voie d'audience orale, le reste de la présente règle ne s'applique pas et la requête sera instruite oralement à la date d'audience sommaire indiquée dans la fiche d'information.
- 21.6 Si le Tribunal décide que la requête sera instruite par voie d'audience écrite, les dispositions suivantes s'appliquent, à moins d'une ordonnance contraire du Tribunal :
- 1) La date de l'audience écrite est la date indiquée dans la fiche d'information.

- 2) Chaque partie doit signifier et déposer des observations écrites et une preuve par affidavit sur la constatation et la sanction, comme suit :
  - a) dans le cas du Barreau, au plus tard sept jours avant la date de l'audience écrite ;
  - b) dans le cas de l'intimé, au plus tard deux jours avant la date de l'audience écrite.
- 3) Au plus tard à la date de l'audience écrite, le membre du Tribunal affecté à l'audience écrite peut :
  - a) demander que les parties fournissent des éléments de preuve et des observations supplémentaires ;
  - b) ordonner que la requête soit instruite oralement et, le cas échéant, fixer une conférence de gestion de l'instance, auquel cas le reste de la présente règle ne s'applique pas.
- 4) Lors de l'audience écrite, si le membre du Tribunal affecté à l'audience détermine que l'intimé a contrevenu à l'art. 33 de la Loi et que l'intimé n'a pas déjà un dossier disciplinaire, le membre du Tribunal procédera comme suit, selon le cas :
  - a) Si l'intimé a fourni des réponses complètes à la satisfaction du Barreau dans les 14 jours suivant la date de dépôt de la requête pour défaut de coopérer, et qu'il n'a pas déjà été invité à comparaître devant le Tribunal, le Tribunal invitera l'intimé à comparaître, comme le prévoit l'art. 36 de la Loi, et ne rendra pas d'ordonnance relative aux frais.
  - b) Si l'intimé a fourni des réponses complètes à la satisfaction du Barreau d'ici la date de l'audience écrite, et qu'il n'a pas été invité à comparaître, le Tribunal ordonnera que l'intimé soit réprimandé et ne rendra pas d'ordonnance relative aux frais.
  - c) Si l'intimé n'a pas fourni des réponses complètes à la satisfaction du Barreau d'ici la date de l'audience écrite :
    - i. le Tribunal ordonnera une suspension pour une période indéterminée jusqu'à ce que l'intimé se conforme, ainsi qu'une suspension d'un mois qui commencera après la suspension pour une période indéterminée ou après toute autre suspension administrative ou disciplinaire qui est en vigueur ou qui n'est pas encore commencée, selon la dernière de ces deux éventualités ;
    - ii. condamnera l'intimé à payer des frais d'un montant de 1 500 \$ dans un délai d'un an.
  - d) Si une suspension pour une période indéterminée est ordonnée, le membre du Tribunal peut également ordonner une ou plusieurs amendes ou amendes conditionnelles.

- 5) Si le membre du Tribunal juge qu'il existe des circonstances exceptionnelles justifiant une dérogation à toute situation prévue au paragraphe 21.6 (4), la disposition ne s'applique pas et le membre du Tribunal rend toute autre ordonnance jugée appropriée dans les circonstances.

# FORM 39 – INFORMATION SHEET – FAILURE TO CO-OPERATE APPLICATION (RULE 21)

(Law Society Tribunal file no.)

## LAW SOCIETY TRIBUNAL HEARING DIVISION

### BETWEEN:

Law Society of Ontario

Applicant

and

(name)

Respondent

### INFORMATION SHEET – FAILURE TO CO-OPERATE APPLICATION

To the respondent:

The Law Society of Ontario is serving you with a Notice of Application alleging that you have failed to respond promptly and completely to communications from the Law Society for which a response is required. This document starts a summary proceeding, governed by [Rule 21](#) of the *Rules of Practice and Procedure*, before the Law Society Tribunal. The Tribunal's Practice Direction for failure to co-operate applications is available at [\[hyper-link\]](#).

Following service, the Notice of Application will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Application as filed.

Also being served on you is the Law Society's Summary Affidavit outlining the basis by which it is alleged that you have failed to respond promptly and completely, along with other information.

Within 14 days of this Notice of Application being filed, you must serve and file, in accordance with the Practice Direction on [Serving Documents](#), a Responding Summary Affidavit in [Form 41](#).

A summary hearing pursuant to s. 34 of the [Law Society Act](#), RSO 1990 c. L.8 before a single Tribunal member panel is scheduled to take place on (summary hearing date no earlier than five weeks from filing date) at 9:30 AM to determine whether you have engaged in professional misconduct as alleged.

The hearing will take place either in writing or as an oral hearing. This will be determined by the Tribunal based on the summary affidavits and the factors set out in [Rule 21.4](#). The parties will be notified no later than two weeks before the above hearing date whether the hearing will proceed in writing or orally. In either case, you will have the opportunity to provide further evidence in addition to the Responding Summary Affidavit. Oral hearings are held by videoconference or in person at the Law Society Tribunal, 375 University Avenue, 4<sup>th</sup> Floor, Toronto, Ontario, M5G 2J5 (or indicate location).

IF YOU DO NOT FILE A RESPONDING SUMMARY AFFIDAVIT, you will not be entitled to any further notice in the proceeding. All issues, including penalty and costs, if applicable, may be heard and decided on the above hearing date.

IF YOU PROVIDE COMPLETE ANSWERS TO ALL OUTSTANDING REQUESTS FOR INFORMATION AND DOCUMENTS TO THE SATISFACTION OF THE LAW SOCIETY within 14 days of the Notice of Application being filed, an invitation to attend may be made pursuant to s. 36 of the [Law Society Act](#), rather than a disciplinary order such as a reprimand or suspension.

**The following information is being provided to the Tribunal for the purpose of this proceeding.**

Respondent's Law Society licence number (if any): *(Law Society number)*

Licensee type: *(lawyer / paralegal / lawyer applicant / paralegal applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Date of Proceedings Authorization Committee (PAC), if applicable: *(PAC date)*

Respondent's contact information

Primary contact (if any):

*(Mailing address)*

*(Telephone number)*

*(Fax number)*

*(E-mail address)*

Alternate contact (if any):

*(Mailing address)*

*(Telephone number)*

*(Fax number)*

*(E-mail address)*

Representative contact (if any):

*(Mailing address)*

*(Telephone number)*

*(Fax number)*

*(E-mail address)*

*Additional Notes: (Notes, including any accommodation needs on human rights or other grounds for any participant in this proceeding)*

If any of the above contact information is incorrect, please advise the Tribunal immediately.

Information about the Tribunal is available on its website at [www.lawsocietytribunal.ca](http://www.lawsocietytribunal.ca). You may contact the Tribunal at:

Law Society Tribunal  
Suite 402, 375 University Avenue  
Toronto, ON M5G 2J5  
Tel: 416-947-5249  
Toll Free: 1-800-668-7380, extension 5249  
Fax: 416-947-5219  
Email: [tribunal@lso.ca](mailto:tribunal@lso.ca)

# FORM 40 – SUMMARY AFFIDAVIT (RULE 21)

(Law Society Tribunal file no.)

## LAW SOCIETY TRIBUNAL HEARING DIVISION

### BETWEEN:

Law Society of Ontario

Applicant

and

(name)

Respondent

### SUMMARY AFFIDAVIT OF [name of affiant]

I, (name of affiant), of the city of (city), in the province of Ontario, affirm the following:

1. I am (position with the Law Society). I am responsible for (duties). As such I either have personal knowledge of the matters set out in this affidavit or have reviewed records relating to such matters which I believe to be reliable and true.
2. The respondent was licensed as a (lawyer/paralegal) in (year).
3. With respect to the matters that are the subject of this application, the respondent has [check all that apply and provide details as indicated]:
  - ☐ not responded to the Law Society at all;
  - ☐ has responded to the Law Society but provided none of the requested information and/or documents;
  - ☐ has responded to the Law Society and provided some of the requested information and/or documents;
  - ☐ has responded to the Law Society that (further) information and/or documents will be provided but have been delayed due to (cause eg: illness, out of country);
  - ☐ responded to the Law Society that no (further) information or documents will be provided because (reason eg: records no longer exist).

4. The Law Society requested information and documents by [*provide particulars of dates and forms of the communications, eg: e-mail and regular mail dated X, Y and Z*]. The requested information and documents currently outstanding are:
- - 
  -
5. The respondent (*has/has not*) previously been invited to attend pursuant to Rule 21 of the [Rules of Practice and Procedure](#).
6. The Law Society (*will/will not*) rely on prior findings of professional misconduct on the issue of penalty if professional misconduct is found in this proceeding.

Affirmed before me in the city of       )  
(*city*) in the province of               )  
Ontario, this (*day*) day of               )  
(*month, year*).                               )

\_\_\_\_\_  
(*name of affiant*)

\_\_\_\_\_  
(*name of commissioner*)

A commissioner for taking oaths

# FORM 41 – RESPONDING SUMMARY AFFIDAVIT (RULE 21)

(Law Society Tribunal file no.)

## LAW SOCIETY TRIBUNAL HEARING DIVISION

### BETWEEN:

Law Society of Ontario

Applicant

and

(name)

Respondent

### RESPONDING SUMMARY AFFIDAVIT OF *(name of affiant)*

I, *(name of affiant)*, of the city of *(city)*, in the province of Ontario, affirm the following:

1. I am the respondent named in this application and as such have personal knowledge of the matters set out in this affidavit.
2. I accept the facts set out at paragraphs (2-5) of the Law Society's summary affidavit *(and do not accept the facts set out at paragraph(s) X)*.
3. *[Briefly correct any disputed facts here.]*
4. With respect to the matters that are the subject of this application *(check all that apply)*:
  - ☐ I provided *(some/all)* of the requested information and/or documents prior to being served with the notice of application in this proceeding;
  - ☐ Since being served with the notice of application, I have provided *(some/all)* of the *(remaining)* requested information and/or documents;
  - ☐ I am/have been unable to provide *(some/all)* of the requested information and/or documents due to *[briefly explain the circumstances]*;
  - ☐ I have not provided *(some/all)* of the requested information and/or documents because *[briefly explain]*.
5. *[Where information and/or documents have been provided:]* I have provided requested information and/or documents as follows: *[list the dates and form of communication, eg: e-*

mail]

- 
- 
- 

6. I intend to dispute the allegation(s) of professional misconduct made in the notice of application on the basis that *[Briefly explain if this applies. If not, leave blank.]* \_\_\_\_\_

7. *[Check only if applies]*

☐ Despite the application of [Rule 21.4\(1\)](#) and/or (2), I am requesting a written hearing.

Affirmed before me in the city of \_\_\_\_\_ )  
(city) in the province of \_\_\_\_\_ )  
Ontario, this (day) day of \_\_\_\_\_ )  
(month, year). \_\_\_\_\_ )

\_\_\_\_\_  
(name of affiant)

\_\_\_\_\_  
(name of commissioner)

A commissioner for taking oaths

# FORMULAIRE 39 — FICHE D'INFORMATION — REQUÊTE POUR DÉFAUT DE COOPÉRER (RÈGLE 21)

(N° de dossier du Tribunal du Barreau)

## TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

ENTRE :

Barreau de l'Ontario

Requérant

et

(nom)

Intimé(e)

### FICHE D'INFORMATION — REQUÊTE POUR DÉFAUT DE COOPÉRER

À l'intimé(e) :

Par la présente, le Barreau de l'Ontario vous signifie un avis de requête pour défaut de répondre promptement et complètement à des communications du Barreau pour lesquelles une réponse est requise. Le présent document introduit devant le Tribunal du Barreau une instance sommaire régie par la [Règle 21](#) des *Règles de pratique et de procédure*. Vous trouverez la directive de pratique du Tribunal concernant les requêtes pour défaut de coopérer à [\[hyperlien\]](#).

Après signification, l'avis de requête sera déposé auprès du Tribunal. Le greffe du tribunal attribuera un numéro de dossier et enverra aux parties une confirmation du dépôt et une copie de l'avis de requête déposé.

Le Barreau vous signifie également un affidavit sommaire décrivant les raisons pour lesquelles le Barreau soutient que vous n'avez pas répondu promptement et complètement, et fournissant d'autres renseignements.

Dans les 14 jours suivant le dépôt du présent avis de requête, vous devez signifier et déposer, conformément à la Directive de pratique sur [la signification de documents](#), un affidavit sommaire de réponse au moyen du [Formulaire 41](#).

Le (date de l'audience sommaire, au moins cinq semaines après la date de dépôt) à 9 h 30, le Tribunal tiendra une audience sommaire en vertu de l'art. 34 de la [Loi sur le Barreau](#), L.R.O. 1990, chap. L.8, devant une formation composée d'un seul membre du Tribunal, pour déterminer si vous avez commis l'inconduite professionnelle reprochée.

L'audience aura lieu soit par écrit, soit oralement. Le Tribunal déterminera le mode d'audience après avoir examiné les affidavits sommaires et les facteurs énoncés à la [Règle 21.4](#). Dans les deux semaines précédant la date d'audience susmentionnée, le Tribunal indiquera aux parties si l'audience aura lieu par écrit ou oralement. Dans un cas comme dans l'autre, vous aurez l'occasion de fournir tout élément de preuve supplémentaire en plus de l'affidavit sommaire de réponse. Les audiences orales seront tenues par vidéoconférence ou en personne au Tribunal du Barreau, au

375, avenue University, 4<sup>e</sup> étage, Toronto (Ontario) M5G 2J5 (*ou indiquer le lieu*).

SI VOUS NE DÉPOSEZ PAS UN AFFIDAVIT SOMMAIRE DE RÉPONSE, vous n'aurez pas droit à d'autres avis dans le cadre de l'instance. Toutes les questions, y compris les questions relatives à la sanction et aux dépens, le cas échéant, pourront être entendues et tranchées lors de l'audience, à la date susmentionnée.

SI VOUS FOURNISSEZ, À LA SATISFACTION DU BARREAU, DES RÉPONSES COMPLÈTES À TOUTES LES DEMANDES D'INFORMATION EN SUSPENS ET TOUS LES DOCUMENTS DEMANDÉS dans les 14 jours suivant le dépôt de l'avis de requête, le Tribunal peut, comme le prévoit l'art. 36 de la [Loi sur le Barreau](#), vous inviter à comparaître au lieu de rendre une ordonnance disciplinaire, comme une réprimande ou une suspension.

**Les renseignements suivants sont fournis au Tribunal aux fins de la présente instance.**

Matricule du Barreau de l'intimé(e) (le cas échéant) : (*Matricule du Barreau*)

Type de permis : (*avocat(e)/parajuriste/candidat(e) à la profession d'avocat/candidat(e) à la profession de parajuriste*)

Année d'obtention du permis (le cas échéant) : (*année du permis*)

Lieu du titulaire de permis : (*ville ou communauté où il/elle exerce ou, si cela ne s'applique pas, ville ou communauté de résidence*)

Date du Comité d'autorisation des instances, le cas échéant : (*Date du CAI*)

Coordonnées de l'intimé(e)

Coordonnées principales (le cas échéant) :

(*Adresse postale*)

(*Nº de téléphone*)

(*Nº de télécopieur*)

(*Adresse de courriel*)

Coordonnées secondaires (le cas échéant) :

(*Adresse postale*)

(*Nº de téléphone*)

(*Nº de télécopieur*)

(*Adresse de courriel*)

Coordonnées du/de la représentant(e) (le cas échéant) :

*(Adresse postale)*

*(N° de téléphone)*

*(N° de télécopieur)*

*(Adresse de courriel)*

Notes additionnelles : *(Notes additionnelles, y compris toute mesure d'adaptation requise pour des motifs relevant des droits de la personne ou d'autres motifs, et ce, pour toute personne participant à cette instance.)*

En cas d'erreur ou de changement dans les coordonnées indiquées ci-dessus, veuillez en informer le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez [www.tribunaldubarreau.ca](http://www.tribunaldubarreau.ca). Pour joindre le Tribunal :

Tribunal du Barreau  
375, avenue University, bureau 402  
Toronto (Ontario) M5G 2J5  
Tél. : 416 947-5249  
Sans frais : 1 800 668-7380, poste 5249  
Télécopieur : 416 947-5219  
Courriel : [tribunal@lso.ca](mailto:tribunal@lso.ca)

## FORMULAIRE 40 — AFFIDAVIT SOMMAIRE (RÈGLE 21)

(N° de dossier du Tribunal du Barreau)

### TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

ENTRE :

Barreau de l'Ontario

Requérant

et

(nom)

Intimé(e)

### AFFIDAVIT SOMMAIRE DE [nom de l'auteur(e) de l'affidavit]

Je soussigné(e), (*nom de l'auteur(e) de l'affidavit*), de la ville de (*ville*), dans la province de l'Ontario, affirme solennellement ce qui suit :

1. Je suis (*poste au sein du Barreau*). Je suis responsable de (*fonctions*). En cette qualité, j'ai une connaissance personnelle des points dont il est question dans le présent affidavit ou j'ai examiné des documents que je crois fiables et véridiques à ce sujet.
2. L'intimé(e) a obtenu un permis (*d'avocat/de parajuriste*) en (*année*).
3. Quant aux questions qui ont donné lieu à la présente requête, l'intimé(e) [*cocher tout ce qui s'applique et fournir les précisions demandées*] :

- ☐ n'a pas du tout répondu au Barreau ;
- ☐ a répondu au Barreau, mais n'a fourni aucun des renseignements ou documents demandés ;
- ☐ a répondu au Barreau, mais a seulement fourni une partie des renseignements ou documents demandés ;
- ☐ a indiqué au Barreau qu'il/elle allait fournir des renseignements ou des documents (*supplémentaires*), mais à une date ultérieure, car (*raison, p. ex., l'intimé(e) est malade, est à l'étranger*) ;
- ☐ a répondu au Barreau qu'aucun renseignement ou document (*supplémentaire*) n'allait être fournis, car (*raison, p. ex., les dossiers n'existent plus*).

4. Le Barreau a demandé des renseignements et des documents *[fournir des précisions sur les dates et les modes de communication, p. ex., par courriel et courrier ordinaire les X, Y et Z (dates)]*. Les renseignements et documents demandés qui n'ont pas encore été fournis sont les suivants :
- - 
  -
5. L'intimé(e) (a/n'a pas) déjà été invité(e) à comparaître au titre de la Règle 21 des [Règles de pratique et de procédure](#).
6. Le Barreau (*entend/n'entend pas*) se fonder sur de précédentes constatations d'inconduite professionnelle pour déterminer la sanction à imposer si le Tribunal conclut à une inconduite professionnelle dans cette instance.

Affirmé solennellement devant moi )  
dans la ville de (*ville*) )  
dans la province de l'Ontario )  
le (date) )

---

(nom de l'auteur(e) de l'affidavit)

---

(nom du/de la commissaire)

Commissaire aux affidavits

# FORMULAIRE 41 — AFFIDAVIT SOMMAIRE DE RÉPONSE (RÈGLE 21)

(N° de dossier du Tribunal du Barreau)

## TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

ENTRE :

Barreau de l'Ontario

Requérant

et

(nom)

Intimé(e)

### AFFIDAVIT SOMMAIRE DE RÉPONSE DE *(nom de l'auteur de l'affidavit)*

Je soussigné(e), *(nom de l'auteur(e) de l'affidavit)*, de la ville de *(ville)*, dans la province de l'Ontario, affirme solennellement ce qui suit :

1. Je suis l'intimé(e) visé(e) par cette requête et, à ce titre, j'ai une connaissance personnelle des points dont il est question dans le présent affidavit.
2. J'accepte les faits exposés aux paragraphes (2-5) de l'affidavit sommaire du Barreau *(et je n'accepte pas les faits exposés au(x) paragraphe(s) X)*.
3. *[Fournir une brève rectification pour les faits contestés ici.]*
4. Quant aux questions qui ont donné lieu à la présente requête *[cocher tout ce qui s'applique]* :

- ☐ J'ai fourni *(une partie ou la totalité)* des renseignements ou documents demandés avant que le requérant me signifie l'avis de requête dans cette instance ;
- ☐ Depuis que j'ai reçu l'avis de requête, j'ai fourni *(une partie ou la totalité)* des renseignements ou documents demandés *(restants)* ;
- ☐ Je suis/j'ai été dans l'impossibilité de fournir *(une partie/la totalité)* des renseignements ou documents demandés pour les raisons suivantes *[expliquer brièvement]* ;
- ☐ Je n'ai pas fourni *(une partie/la totalité)* des renseignements ou documents

demandés pour les raisons suivantes *[expliquer brièvement]*.

5. *[Si des renseignements ou documents ont été fournis :]* J'ai fourni les renseignements ou documents demandés comme suit : *[indiquer les dates et le mode de communication, p. ex., par courriel]*

- 
- 
- 

6. J'ai l'intention de contester l'allégation ou les allégations d'inconduite professionnelle avancée(s) dans l'avis de requête pour les motifs suivants. *[Expliquer brièvement, s'il y a lieu. Sinon, ne rien écrire.]* \_\_\_\_\_

7. *[Cocher seulement si cela s'applique]*

☐ Bien que le paragraphe (1) et/ou (2) de la [Règle 21.4](#) s'applique dans cette instance, je demande la tenue d'une audience écrite.

Affirmé solennellement devant moi    )  
dans la ville de (ville)                    )  
dans la province de l'Ontario            )  
le (date)                                        )

---

(nom de l'auteur(e) de l'affidavit)

---

(nom du/de la commissaire)

Commissaire aux affidavits



# Law Society Tribunal Quarterly Statistics

For the period from April 1, 2021 to June 30, 2021  
with comparisons to 2019

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# Introduction

Statistics are critical to understanding the work of the Law Society Tribunal. By recording, analyzing, and sharing data, we can identify areas for improvement, inform the continual evolution of our processes and policies, assist Convocation in making policy decisions, and be transparent with the public about the work we do.

In this quarter, the Tribunal continued its operations remotely due to the COVID-19 pandemic and held all its hearings by videoconference. Quarterly statistics for 2019 have been included for comparison to pre-pandemic operations.

# Volume

## Files Opened

A Tribunal file is opened when an applicant files a notice of application, notice of referral for hearing, notice of motion for an interlocutory suspension, a notice of motion to vary or cancel an interlocutory suspension, or restriction or notice of appeal with the Tribunal. Unlike regular files, summary hearings tend to be brief, and are always heard by a single adjudicator.

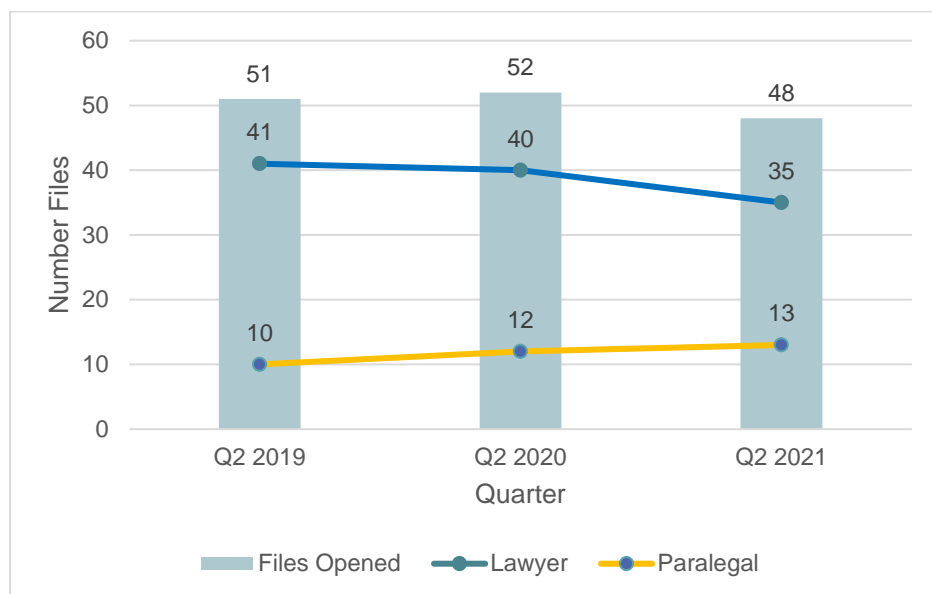
**Figure 1: Types of Files Opened in this Quarter (Q2 2021)**

Type of File	Lawyer	Paralegal	Total
Regular	23	9	32
Summary	9	3	12
Appeal	3	1	4
<b>Total</b>	<b>35</b>	<b>13</b>	<b>48</b>

Files related to the same lawyer or paralegal that are heard concurrently are counted as separate files.

While the Tribunal continues to operate remotely, it saw an 8% decrease in the number of files opened this quarter compared to the second quarter in 2020.

**Figure 2: Total Number of Files Opened and File Types**



## Files Closed

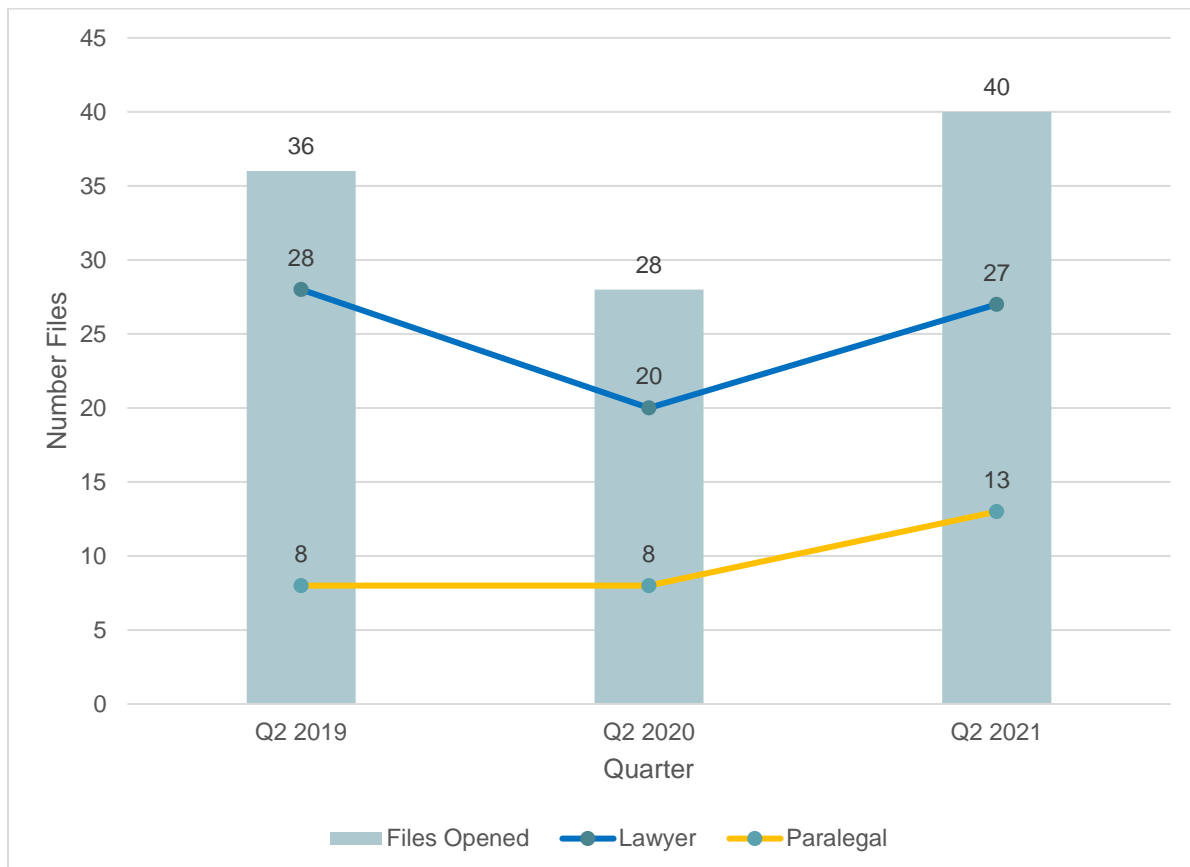
The Tribunal closes a file after the final order is issued, final reasons are published, or if the matter is withdrawn or deemed withdrawn.

**Figure 3: Types of Files Closed in this Quarter (Q2 2021)**

Type of file	Lawyer	Paralegal	Total
Regular	18	8	26
Summary	2	5	7
Appeal	7	0	7
<b>Total</b>	<b>27</b>	<b>13</b>	<b>40</b>

There was a noteworthy increase in the number of files closed this past quarter, compared to the same quarter in 2020 when Tribunal staff had just switched to working from home, as well as a slight increase from 2019.

**Figure 4: Total Number of Files Closed and File Types**



## Caseload

Generally, the Tribunal's caseload can range between 165 to 175 active files at any point in time. During this reporting period, 235 files were open at the end of the second quarter of 2021. This compared to 210 open files at the end of the second quarter of 2020, and 170 open files at the end of the second quarter of 2019.

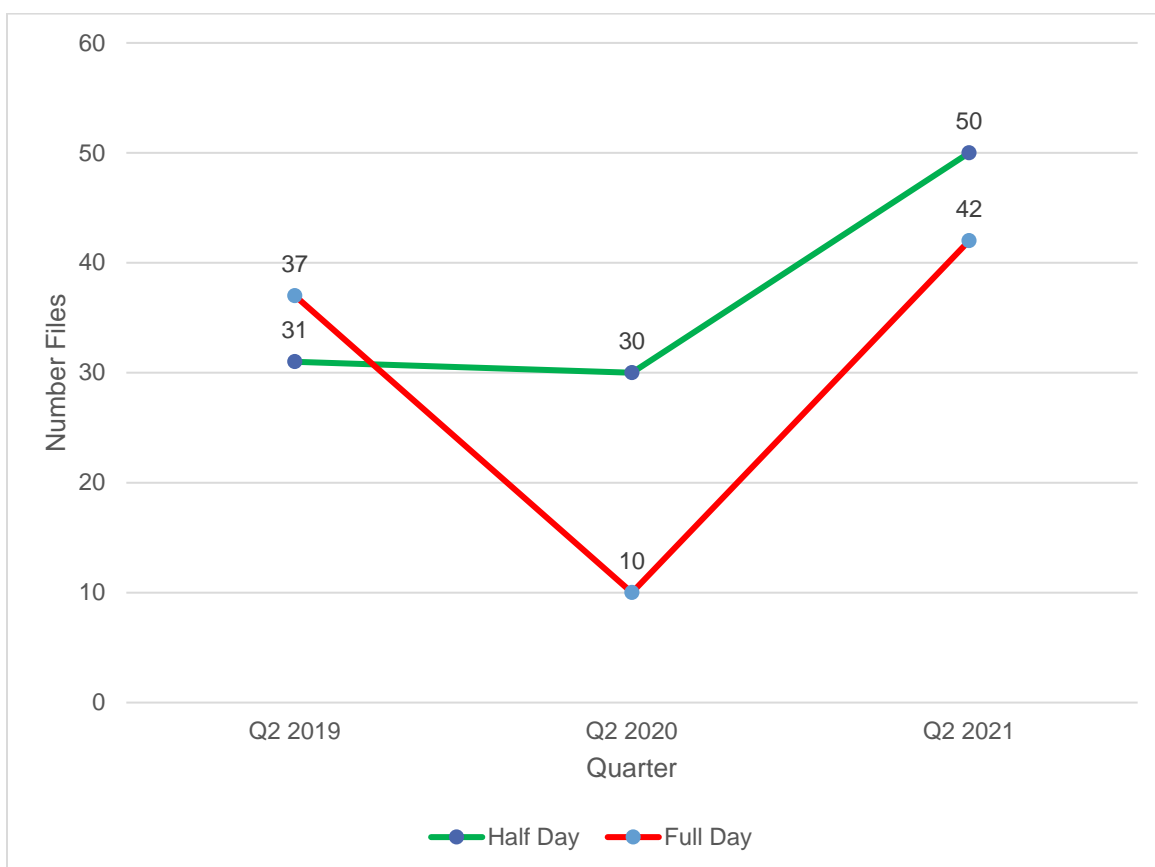
## Hearings

All hearings at the Tribunal are either oral or written.

Oral hearing days (either in-person or electronic) that are more than three hours are considered a full hearing day and those that conclude within three hours are considered a half hearing day.

Written hearings are conducted by written submissions, with the panel making its decision based on the documents without an in-person or electronic hearing.

**Figure 5: Number of Hearing Days Used**



The dramatic increase in full day hearings over the last year can be attributed to the fact that most hearings were cancelled starting in March 2020 due to COVID-19. For the second quarter of this year, the Tribunal exceeded the number of half-day and full-day hearing compared to pre-pandemic 2019.

## Orders and Reasons

### Orders

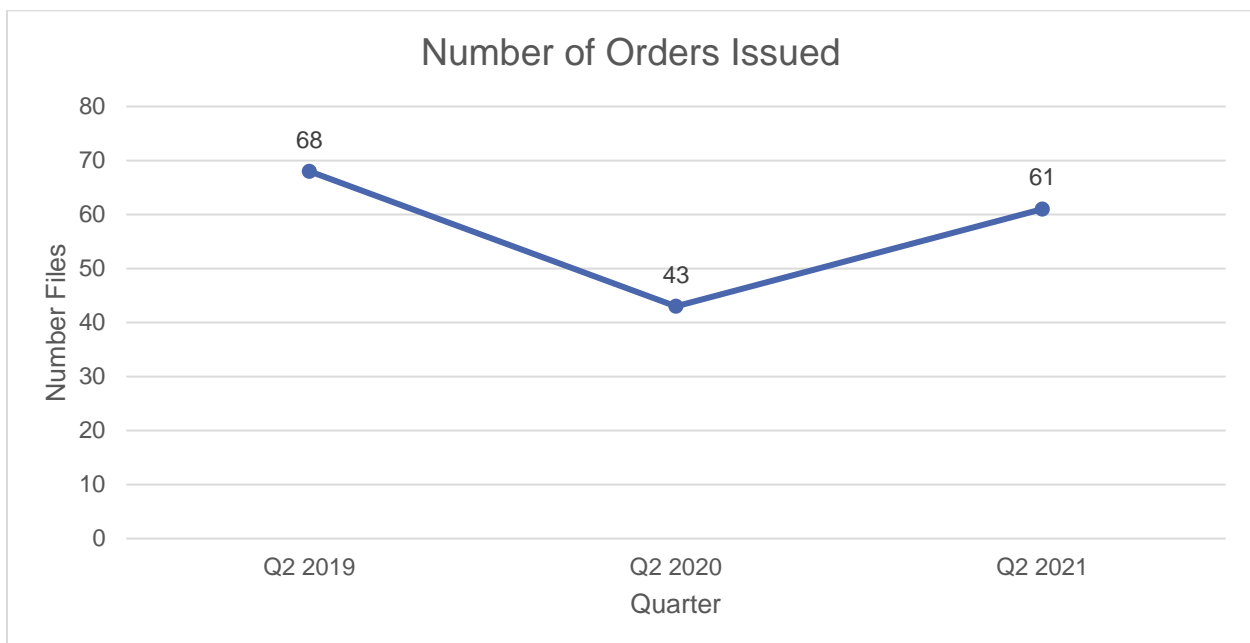
There are many types of orders that the Tribunal may make during the course of a proceeding. Merits orders decide an application on its merits (for example, whether an interlocutory suspension is granted or whether a licensee has engaged in professional misconduct and will be subject to penalty) and are often accompanied by reasons.

The panel may reserve its decision at the end of a hearing or may provide its decision at the hearing with oral reasons given on the record or with written reasons to follow.

**Figure 6: Merits Orders Issued this Quarter and their Corresponding Reasons**

	Total
Order made at hearing with no reasons	18
Order made at the hearing with oral reasons	2
Order made at the hearing with written reasons to follow	19
Decision reserved (order made after the hearing together with written reasons)	22

**Figure 7: Total Number of Orders Issued**



The Tribunal issued 61 orders this quarter, compared to 43 during the same period last year, and 69 for the same quarter in pre-pandemic 2019.

## Reasons

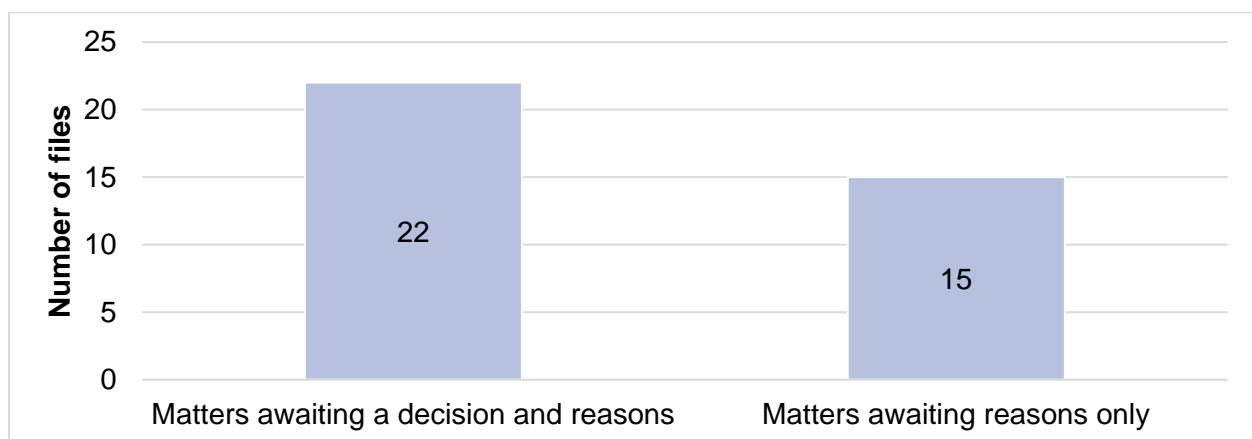
At the end of an oral hearing, or when the last submissions are received in a written hearing, the panel can begin the process of writing reasons. The Tribunal publishes written reasons on CanLII, usually within a week of their delivery to the parties. Sometimes the panel delivers oral reasons at the end of the hearing instead of written reasons. When oral reasons are given, the Tribunal also publishes a written version on CanLII.

The Tribunal published a total of 46 reasons this quarter, with 5 oral and 41 written reasons.

**Figure 8: Time Taken to Complete Reasons**

Days taken to deliver reasons to the parties	Q2 2019	Q2 2020	Q2 2021
Oral reasons at the hearing	12	4	5
30 days or less	4	8	15
31 to 60 days	9	11	10
61 to 90 days	15	7	12
91 to 120 days	6	4	3
More than 120 days	6	6	1
<b>Total</b>	<b>52</b>	<b>40</b>	<b>46</b>

**Figure 9: Matters Awaiting Reasons and/or a Decision at the End of this Quarter**



There are presently 37 reasons to issue, 10 of which have been waiting more than 90 days.



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**Tab 4**

## **HUMAN RIGHTS MONITORING GROUP**

---

### **Intervention on Behalf of Mohamed El-Baqer**

October 28, 2021

**Committee Members:**

**Julian Falconer (Co-Chair)**

**Tanya Walker (Co-Chair)**

Marian Lippa

Isfahan Merali

Lubomir Poliacik

Quinn Ross

Doug Wellman

**Authored By:**

Jason Pichelli

JPichell@lso.ca

**FOR DECISION**

**HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION**

**That Convocation approve the letter and public statement in the following case:**

**Lawyer Mohamed El-Baqer – Egypt – letter of intervention and public statement presented at TAB 4.1 and 4.2.**

**Rationale**

The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,

- a. review information that comes to its attention about human rights violations that target members of the professions and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. determine if the matter is one that requires a response from the Law Society; and
- c. prepare a response for review and approval by Convocation.

**Key Issues and Considerations**

The Monitoring Group considered the following factors when making a decision about the cases:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letter and public statement regarding the arrest and detention of lawyer Mohamed El-Baqer falls within the mandate of the Monitoring Group.

## KEY BACKGROUND

### EGYPT – ARREST AND DETENTION OF LAWYER MOHAMED EL-BAQER

#### *Sources of Information*

The background information for this report was retrieved from the following sources:

- a. Amnesty International.<sup>1</sup>
- b. Lawyers for Lawyers<sup>2</sup>
- c. The Law Society of England and Wales<sup>3</sup>
- d. The Associated Press<sup>4</sup>
- e. International Federation for Human Rights<sup>5</sup>
- f. The Tahrir Institute for Middle East Policy<sup>6</sup>
- g. Cairo Institute for Human Rights Studies<sup>7</sup>

#### **Background**

Mohamed El-Baqer is the founder and director of the Adalah Center for Rights and Freedoms in Egypt. The center was established in 2014 in response to state-led security measures aimed at curbing dissent by students and universities<sup>8</sup>. Through the Center, Mohamed El-Baqer has focused on providing pro bono legal aid to detainees. He has also been an outspoken critic against human rights abuses<sup>9</sup>, and violations of due process<sup>10</sup>. Prior to creating the Adalah Center, Mohamed El-Baqer had a long history of providing legal aid to protesters and civilians being tried in military courts<sup>11</sup>.

<sup>1</sup> "Egypt: Further information: Activist and lawyer held in cruel conditions: Mohamed el-Baqer and Alaa Abdel Fattah". Amnesty International. May 21, 2021. Online: <https://www.amnesty.org/en/documents/mde12/4167/2021/en/>

<sup>2</sup> "Two years since the arrest of Mohamed El-Baqer". Lawyers for Lawyers. September 29, 2021. Online: <https://lawyersforlawyers.org/egypt-two-years-since-the-arrest-of-mohamed-el-baqer/>

<sup>3</sup> "Law Society called on Egyptian government to release detained lawyer Mohamed El Baqer" Law Society of England and Wales. September 20, 2021. Online: <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/intervention-letters/law-society-calls-on-egyptian-government-to-release-detained-lawyer-mohamed-el-baqer>

<sup>4</sup> "Egypt adds leading activist, politician to terror watch list". Associated Press. November 23, 2020. Online: <https://apnews.com/article/ala-a-bdel-fattah-democracy-egypt-middle-east-terrorism-f28feeafe184c27c0d58b83cb1ec4150>

<sup>5</sup> "Egypt: Alaa Abdel Fattah and Mohamed El-Baqer arbitrarily added to 'terror list'". International Federation for Human Rights. November 27, 2020. Online: <https://www.fidh.org/en/issues/human-rights-defenders/egypt-ala-a-bdel-fattah-and-mohamed-el-baqer-arbitrarily-added-to>

<sup>6</sup> "Trial: Human Rights Lawyer Mohamed El-Baqer". The Tahrir Institute for Middle East Policy. September 29, 2021. Online: <https://timep.org/explainers/two-years-in-detention-without-trial-human-rights-lawyer-mohamed-el-baqer/>

<sup>7</sup> "Egypt: Dismiss Charges, Uphold Constitutional Obligations towards Nubians". Cairo Institute for Human Rights Studies. March 12, 2018. Online: <https://cihrs.org/egypt-dismiss-charges-uphold-constitutional-obligations-towards-nubians/?lang=en>

<sup>8</sup> Lynch, Sarah. "New Egyptian Law Firm Fights for Student Rights". Al-Fanar Media. March 17, 2015. Online: <https://www.al-fanarmedia.org/2015/03/new-egyptian-legal-firm-fights-for-student-rights/>

<sup>9</sup> "Egypt: Dismiss Charges, Uphold Constitutional Obligations towards Nubians". Cairo Institute for Human Rights Studies. March 12, 2018. Online: <https://cihrs.org/egypt-dismiss-charges-uphold-constitutional-obligations-towards-nubians/?lang=en>

<sup>10</sup> "The executions continue: the execution of three civilians following a military trial demonstrates the Egyptian government's disregard for all its international obligations" Egyptian Initiative for Personal Rights. January 11, 2018. Online: <https://eipr.org/en/press/2018/01/executions-continue-execution-three-civilians-following-military-trial-demonstrates>

<sup>11</sup> "Trial: Human Rights Lawyer Mohamed El-Baqer". The Tahrir Institute for Middle East Policy. September 29, 2021. Online: <https://timep.org/explainers/two-years-in-detention-without-trial-human-rights-lawyer-mohamed-el-baqer/>

Here is a timeline with the key dates in the case:

On September 29, 2019 Mohamed El-Baqer was detained while defending a client during an interrogation<sup>12</sup>. At the time, he was told he was being arrested for joining and funding a terrorist group, and disseminating false news that undermined national security<sup>13</sup>. He was transferred to Tora Prison on September 30, 2019.

During the hearing to renew his detention, Mohamed El-Baqer testified that he had been abused, blindfolded, left in unsanitary conditions, and denied access to the prison bathroom for 9 days<sup>14</sup>.

In August 2020, Mohamed El-Baqer was brought before the Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for prosecuting crimes that relate to state security, and questioned in a separate case. He was charged with a second count of joining a terrorist organisation, however his lawyers were unable to examine the case files cited in the charges<sup>15</sup>.

On November 23, 2020 Mohamed El-Baqer was listed in Egypt's Official Gazette as being added to the country's terror Watch List, along with 30 other activists<sup>16</sup>. Mr. El-Baqer has never been questioned in connection to the referenced case that put him on the watch list, and the exact charges have never been disclosed. The consequences of being added to the watch list include a travel ban, freeze on his assets, prohibition on civic work, and potential disbarment from the Egyptian Bar Association. This is the third time separate charges have been brought against El-Baqer, and human rights organizations believe it is a deliberate tactic to allow the government to extend his detention indefinitely.

From the Tahrir Institute for Middle East Policy:

The bringing of new cases against El-Baqer, a practice called “rotation,” means that he can remain in detention for them, even after the pretrial detention limits for earlier cases have expired. The terrorism-related charges brought against him also speak to a broader exploitation of such laws against activists and lawyers.

Both of these practices—“rotation and terrorism-related charges—were highlighted in a joint statement by 31 countries at the United Nations Human Rights Council this past March, which expressed deep concern “about the application of terrorism legislation against human rights activists, LGBTQ persons, journalists, politicians and lawyers,” calling on Egypt to “cease the

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<sup>12</sup> Ibid

<sup>13</sup> Ibid

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> “Egypt adds leading activist, politician to terror watch list”. Associated Press. November 23, 2020. Online: <https://apnews.com/article/alaa-abdel-fattah-democracy-egypt-middle-east-terrorism-f28feeafe184c27c0d58b83cb1ec4150>

use of the terrorism entities list to punish individuals for exercising their right to freedom of expression.”<sup>17</sup>

### ***Current Status***

Mohamed El-Baquer remains in pre-trial detention on charges of ‘joining and financing a terrorist organization’. The Egyptian government has repeatedly renewed his detention, and he has already exceeded the maximum length of pre-trial detention according to article 143 of the Code of Criminal Procedure of Egypt<sup>18</sup>. Numerous human rights organizations have called for his release. The case has been appealed, and a preliminary review is scheduled for November 28.

### ***International Response***

The following international organizations have issued a response regarding Mohamed El-Baquer’s arbitrary detention:

- Amnesty International has stated that Mohamed El-Baquer has been detained on unfounded accusations, held in inhumane conditions and subjected to discriminatory and punitive treatment<sup>19</sup>.
- The Law Society of England and Wales has issued an intervention calling on the Egyptian government to release El-Baquer<sup>20</sup>
- Lawyers for Lawyers is calling for the release of Mohamed El-Baquer, noting that he has already exceeded the maximum pre-trial detention period allowed under Egyptian law.
- The Observatory for the Protection of Human Rights Defenders states that the ongoing arbitrary detention of Mohamed El-Baquer is “part of a clear human rights crackdown which Egypt has been suffering from in recent years”<sup>21</sup>.
- The Egyptian Initiative for Personal Rights has condemned the Egyptian government’s systematic practice of torture against Egyptian prisoners. Mohamed El-Baquer’s case is listed as an example of this systematic problem.<sup>22</sup>

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<sup>17</sup> “Trial: Human Rights Lawyer Mohamed El-Baquer”. The Tahrir Institute for Middle East Policy. September 29, 2021. Online: <https://timep.org/explainers/two-years-in-detention-without-trial-human-rights-lawyer-mohamed-el-baquer/>

<sup>18</sup> “Two years since the arrest of Mohamed El-Baquer”. Lawyers for Lawyers. September 29, 2021. Online: <https://lawyersforlawyers.org/egypt-two-years-since-the-arrest-of-mohamed-el-baquer/>

<sup>19</sup> “Egypt: Further information: Activist and lawyer held in cruel conditions: Mohamed el-Baquer and Alaa Abdel Fattah”. Amnesty International. May 21, 2021. Online: <https://www.amnesty.org/en/documents/mde12/4167/2021/en/>

<sup>20</sup> “Law Society called on Egyptian government to release detained lawyer Mohamed El Baquer” Law Society of England and Wales. September 20, 2021. Online: <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/intervention-letters/law-society-calls-on-egyptian-government-to-release-detained-lawyer-mohamed-el-baquer>

<sup>21</sup> “Egypt: Alaa Abdel Fattah and Mohamed El-Baquer arbitrarily added to ‘terror list’”. International Federation for Human Rights. November 27, 2020. Online: <https://www.fidh.org/en/issues/human-rights-defenders/egypt-alaa-abdel-fattah-and-mohamed-el-baquer-arbitrarily-added-to>

<sup>22</sup> Egypt: On International Day in Support of Victims of Torture, First Step to Combating Torture is Accountability. Egyptian Initiative for Personal Rights. June 26, 2021. Online: <https://eipr.org/en/press/2021/06/egypt-international-day-support-victims-torture-first-step-combating-torture>

October 29, 2021

President Abdel Fattah el-Sisi  
Office of the President  
Al Ittihadia Palace  
Cairo, Arab Republic of Egypt  
Via email to: p.spokesman@op.gov.eg

Your Excellency:

**Re: Arrest and detention of lawyer Mohamed El-Baqer**

I write on behalf of the Law Society of Ontario to voice our grave concern over the arrest and detention of lawyer Mohamed El-Baqer. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Mohamed El-Baqer is a lawyer, and the founder and director of the Adalah Center for Rights and Freedoms. Throughout his career, Mr. El-Baqer has focused on providing pro bono legal aid services to detainees, and he has a long history of providing assistance to protesters and civilians tried in military courts.

In September 2019, Mr. El-Baqer was detained while representing a client in a legal proceeding and transferred to Tora prison, a complex for criminal and political detainees. Since his initial arrest, Mr. El-Baqer has been subjected to cruel and inhumane treatment, including being denied access to bathroom facilities for an extended period of time. He has also been brought before your government's Supreme State Security Prosecution and charged without evidence provided to his lawyers. Your government has repeatedly renewed his detention, which has already exceeded the maximum length of pre-trial detention allowed under article 143 of the Code of Criminal Procedure of Egypt.

In light of these circumstances, the Law Society urges Your Excellency to comply with the Arab Republic of Egypt's obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights, and Basic Principles on the Role of Lawyers*.

Article 5 of the *Universal Declaration of Human Rights* states:

No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 9 states:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 11 states:

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 18 of the *Basic Principles on the Role of Lawyers* states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions

Article 21 states:

It is the duty of the competent authorities to ensure lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Arab Republic of Egypt to:

- a. immediately and unconditionally withdraw all charges against lawyer Mohamed El-Baquer;
- b. immediately and unconditionally release lawyer Mohamed El-Baquer;

- c. pending his release, ensure that during his detention, lawyer Mohamed El-Baqer is treated in accordance with applicable international standards;
- d. ensure that all lawyers and judges are free from arbitrary arrest or detention;
- e. ensure that all lawyers are free from arbitrary interference in their privacy, family, home, or correspondence, and from attacks upon their honour and reputation;
- f. ensure that all lawyers, paralegals and human rights defenders in the Arab Republic of Egypt can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Teresa Donnelly  
Treasurer

*\*The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

*The mandate of the Law Society is to govern the legal profession in the public interest, and the Law Society has a duty advance the cause of justice and the rule of law.*

cc:

The Honorable Mostafa Madbouly  
Prime Minister of Egypt  
Magles El Shaab St.  
Cairo, Arab Republic of Egypt  
Email: [primemin@idsc.gov.eg](mailto:primemin@idsc.gov.eg)

The Honorable Omar Marawan  
Minister of Justice  
Ministry of Justice  
Magles El Saed St.  
Wezaret Al Adl, Cairo, Arab Republic of Egypt  
Email: [mjustice@moj.gov.eg](mailto:mjustice@moj.gov.eg)

The Honourable Marc Garneau, Minister of Foreign Affairs

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders,  
Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the  
independence of judges and lawyers, Office of the United Nations High  
Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of  
England and Wales

## **Proposed Public Statement on behalf of Mohamed El-Baqer**

### **The Law Society of Ontario condemns arrest and detention of lawyer Mohamed El-Baqer**

Toronto, ON — The Law Society of Ontario is condemning the arrest and detention of lawyer Mohamed El-Baqer. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Mohamed El-Baqer is a lawyer, and the founder and director of the Adalah Center for Rights and Freedoms. Throughout his career, Mr. El-Baqer has focused on providing pro bono legal aid services to detainees and has a long history of assisting protesters and civilians being tried in military courts.

In September 2019, Mr. El-Baqer was detained while representing a client in a legal proceeding and transferred to Tora prison, a complex for criminal and political detainees. Since his initial arrest, Mr. El-Baqer has been subjected to cruel and inhumane treatment, including being denied access to bathroom facilities for an extended period of time. He has also been brought before Egypt's Supreme State Security Prosecution and charged without evidence provided to his lawyers. The Egyptian government has repeatedly renewed his detention, which has already exceeded the maximum length of pre-trial detention allowed under article 143 of the Code of Criminal Procedure of Egypt.

In light of these circumstances, the Law Society is urging the Arab Republic of Egypt to uphold its obligations under international human rights laws, including the United Nations' *Universal Declaration of Human Rights*, and *Basic Principles on the Role of Lawyers*.

Article 5 of the *Universal Declaration of Human Rights* states:

No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 9 states:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 11 states:

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 18 of the *Basic Principles on the Role of Lawyers* states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 21 states:

It is the duty of the competent authorities to ensure lawyers have access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Arab Republic of Egypt to:

- a. immediately and unconditionally withdraw all charges against lawyer Mohamed El-Baquer;
- b. immediately and unconditionally release lawyer Mohamed El-Baquer;
- c. pending his release, ensure that during his detention, lawyer Mohamed El-Baquer is treated in accordance with applicable international standards;

- d. ensure that all lawyers and judges are free from arbitrary arrest or detention;
- e. ensure that all lawyers are free from arbitrary interference in their privacy, family, home, or correspondence, and from attacks upon their honour and reputation;
- f. ensure that all lawyers, paralegals and human rights defenders in the Arab Republic of Egypt can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.



**Tab 7**

## **Equity and Indigenous Affairs Committee**

---

### **Appointments to the Equity Advisory Group**

October 28, 2021

**Committee Members:**

Dianne Corbiere (Chair)  
Etienne Esquega (Vice-Chair)  
Atrisha Lewis (Vice-Chair)  
Catherine Banning  
Robert Burd  
John Fagan  
Julian Falconer  
Murray Klippenstein  
Nancy Lockhart  
Jorge Pineda  
Julia Shin Doi  
Megan Shortreed  
Alexander Wilkes

**Authored By:**

Tasmin Waley  
[twaley@lso.ca](mailto:twaley@lso.ca)

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# Purpose

The Equity and Indigenous Affairs Committee (“EIAC”) submits the appointment to the Equity Advisory Group (“EAG”) to Convocation for information.

## Context

1. In January 2021, the Equity Advisory Group began the recruitment process for new members in accordance with its Terms of Reference. The advertisement for applications was posted on the EAG webpage on the Law Society of Ontario (“LSO”) website in March. It was also included in the March and April Licensee Updates and in the Ontario Reports throughout April. Additionally, the invitation was shared across the LSO’s social media platforms and with select stakeholder organizations and associations. The LSO received a total of 153 applications that complied with the application instructions.
2. The 153 applications received included:
  - a. 81 applications from individual lawyers;
  - b. 22 applications from individual paralegals;
  - c. 14 applications from law students or paralegal students;
  - d. 20 applications from licensing candidates;
  - e. 1 application from “other”; and
  - f. 15 applications from legal organizations or associations.
3. There were 12 individual positions and 12 organizational positions available on EAG.
4. A Selection Committee was formed to review the applications and create the shortlist of candidates recommended for membership. The Selection Committee was comprised of two non-returning members of EAG and eight non-EAG members of the legal professions. The members of the Selection Committee were:
  - 1) Non-returning EAG member Jeffrey Adams
  - 2) Non-returning EAG member Leonard Kim
  - 3) Michael Charles
  - 4) Naveen Mehta
  - 5) Katherine Pollock
  - 6) Christiane Saad
  - 7) Asfrah Syed-Emond
  - 8) Sandeep Tatla
  - 9) Rudy Ticzon
  - 10) Renford Thomas Jr.

5. During the selection process, the Selection Committee was cognizant of the need to reflect diversity including, but not limited to, race, gender, disability, language, sexual orientation, gender identity, identification as an immigrant / refugee, and regional representation and experience. The Selection Committee considered an applicant's involvement in, commitment to and experience with matters of access and equity for members of equity-seeking communities.
6. On October 14, 2021, a two-thirds majority of the EIAC approved the following individual applicants for individual membership on EAG:
  - 1) Krishna Badrinarayan (reappointment)
  - 2) Prasanna Balasundaram
  - 3) Jacqueline Beckles (reappointment)
  - 4) Fatema Dada
  - 5) Kyle Elliott
  - 6) Kate Forget
  - 7) Romona Gananathan
  - 8) Sasha Hart
  - 9) Nima Hojjati (reappointment)
  - 10) Michelle Liu
  - 11) Njeri Damali Sojourner-Campbell
  - 12) Djawid Taheri
7. A two-thirds majority of EIAC also approved the following organizational applicants for organizational membership on EAG:
  - 1) L'Association des juristes d'expression française de l'Ontario (AJEFO) (reappointment)
  - 2) Arab Canadian Lawyers Association (reappointment)
  - 3) ARCH Disability Law Centre (reappointment)
  - 4) Canadian Association of Black Lawyers (reappointment)
  - 5) Canadian Association of Nigerian Lawyers
  - 6) Canadian Hispanic Bar Association (reappointment)
  - 7) Federation of Asian Canadian Lawyers (reappointment)
  - 8) Law Students' Society of Ontario (reappointment)
  - 9) Ontario Association of Black Paralegals
  - 10) Roundtable of (Legal) Diversity Associations (reappointment)
  - 11) South Asian Bar Association of Toronto (reappointment)
  - 12) Women's Law Association of Ontario.
8. Background information on the appointed individuals and organizations can be found at **Tab 7.1.**

## BACKGROUND OF RECOMMENDED APPOINTMENTS

### INDIVIDUALS

#### **1. Krishna Badrinarayan (reappointment)**

Krishna is a partner in the paralegal firm Saich & Badrinarayan in Woodstock. His firm specializes in disability and human rights issues and Small Claims Court and provincial offences matters. He is trained and certified in alternative dispute resolution. Krishna is a former member of the Equity Advisory Group and a current member of the Region of Waterloo's Anti-Racism Advisory Working Group. He completed Seneca College's Court and Tribunal Program in 2003 and is currently enrolled in law school at the University of Essex School of Law in the United Kingdom.

#### **2. Prasanna Balasundaram**

Prasanna is the Director of Downtown Legal Services at the University of Toronto Faculty of Law, a legal clinic that provides free legal assistance to low-income communities. In 2020, he was awarded The Law Foundation of Ontario's Community Leadership in Justice Fellowship aimed at creating a lasting access to justice legacy. Since 2018, he has served as the Co-Chair, Litigation Committee for the Canadian Association of Refugee Lawyers. He received his LL.M. from the London School of Economics and Political Science in 2008, his LL.B. from Osgoode Hall Law School in 2006, and his B.A. from Queen's University in 2003.

#### **3. Jacqueline Beckles (reappointment)**

Jacqueline is General Counsel in the Department of Justice Canada's International Assistance Group. Jacqueline served as the Vice-Chair of EAG from 2018 to 2021. She is the Secretary of the Canadian Association of Black Lawyers (CABL) and the Vice President of CABL's Ottawa Chapter. Jacqueline previously served as a member of the Law Society's Women's Equality Advisory Group. She received her LL.B. in 2002 and her LL.L. in 2001, both from the University of Ottawa, and her B.A. from Concordia University in 1994. She is fully bilingual in French and English.

#### **4. Fatema Dada**

Fatema is Counsel at the Ontario Human Rights Commission. She is also a member of the board of SMILE Canada where she has been involved in creating accessible and inclusive events for children with disabilities. Fatema also sits on the boards of the Canadian Muslim Lawyers Association and the Canadian Association of Muslim Women in Law, where she has worked on a number of equity issues. She received her LL.M. from Tufts University in 2011, her LL.B. from the University of Windsor in 2007, and her B.A. from the University of Waterloo in 2004.

#### **5. Kyle Elliott**

Kyle is the Manager of Diversity, Inclusion & Outreach Initiatives at Blake, Cassels & Graydon LLP in Toronto. He has been a member of the board of CABL since 2017, where he serves as the Director of Communications. As a law student, he acted as a caseworker at two community legal clinics. He received his LL.B. from Osgoode Hall Law School in 2016 and his B.A. from Carleton University in 2013.

#### **6. Kate Forget**

Kate is Legal Counsel in the Indigenous Justice Division of the Ministry of the Attorney General. She acts as Coroner's counsel on inquests involving the deaths of Indigenous persons and represented Ontario at the National Inquiry into Missing and Murdered Indigenous Women and Girls. She has extensive experience working with Indigenous organizations and communities on justice matters affecting Indigenous people. Kate is also a facilitator of Bimickaway, a training program dedicated to topics such as treaties, anti-colonialism and anti-racism. She received her J.D. from Osgoode Hall Law School in 2013 and her B.A. from the University of Western Ontario in 2008.

#### **7. Romona Gananathan**

Romona is Vice Chair of the Human Rights Tribunal of Ontario. Her legal experience is focused on human rights, refugee and immigration, disability, and labour and employment law. She was previously a member of the Ontario Social Benefits Tribunal where she adjudicated disability and income-security related appeals. Romona also acted as a staff lawyer at two community legal clinics. She received her Doctor of Philosophy (Education Policy) from the Ontario Institute of Studies in Education in 2015, her J.D. from Osgoode Hall Law School in 2009, and her Master of Environmental Studies from York University in 2009.

#### **8. Sasha Hart**

Sasha is Legal Counsel at the Canadian Human Rights Commission. She is a member of the National Association of Women and the Law and CABL. She was named as an expert to the UN Women Ending Violence Against Women Expert Roster. Sasha acts as a mentor via the University of Ottawa's Black Law Students Association Mentorship Program. She received her Master of Studies in International Human Rights Law from the University of Oxford in 2018, her LL.B. and B.C.L. from McGill University in 2012, and her B.A. from Carleton University in 2008.

#### **9. Nima Hojjati (reappointment)**

Nima is a lawyer at Swadron Associates in Toronto where his human rights practice focuses on civil, administrative, and appellate litigation mainly in the areas of mental health law, police law, and constitutional law. In 2018, he was appointed as an individual member of EAG and elected Chair. As a law student at Queen's University, he was the President of the Law Students' Society, the Equity Officer of the Law Students' Society of Ontario and the President of OUTlaw, where he participated as an intervenor on behalf of LGBTQ+ law students at the Supreme Court. He received his J.D. from Queen's University in 2017 and his B.A. from McGill University in 2014.

#### **10. Michelle Liu**

Michelle is a law student at the University of Ottawa and expects to receive her J.D. in 2023. She is the Vice-President of Communications at the University of Ottawa's 2SLGBTQ+ Law

Student Society and the author of two forthcoming publications related to equality. As a member of the University of Ottawa Students' Union Board of Directors, Michelle presented a motion for the union to adopt a policy encouraging pronoun usage for all union leaders and staff members in an effort to create a more inclusive environment. She is also the President of the Common Law Student Society and the Faculty of Law Representative on the University of Ottawa Senate. Michelle received her MASc in 2020 and her BASc in 2018, both from the University of Waterloo. She expects to receive her PhD in Civil Engineering from the University of Ottawa in 2024.

### **11. Njeri Damali Sojourner-Campbell**

Njeri is a lawyer at Hicks Morley Hamilton Stewart Storie LLP in Toronto where she represents employers in complex human rights, labour and employment litigation files and advises on sexual violence policies, equitable hiring, and accommodation issues. She is the founder of a mentorship organization for Black female and trans law students and junior lawyers. She delivers an annual seminar to the Critical Race Theory course at Osgoode Hall Law School. She received her J.D. from Osgoode Hall Law School in 2014, her MEd from York University in 2008, and her B.A. from York University in 1999.

### **12. Djawid Taheri**

Djawid is the founder of Taheri Law Office where he represents clients in refugee, immigration and criminal matters. He works with the Afghan Women's Organization and the Afghan Association of Ontario to educate immigrants about domestic abuse, gender equality, youth violence and child discipline. Djawid spearheaded the formation of the Afghan-Canadian Bar Association. He has written extensively on legal issues in various community newsletters and appeared on TV and radio shows as a spokesperson for non-profit organizations serving the community. Djawid received his LL.M. in 2019 and his J.D. in 1999, both from Osgoode Hall Law School. He received his M.A. in 1996 from Brock University and his B.A. from York University in 1995.

## **ORGANIZATIONS**

### **1. Association des juristes d'expression française de l'Ontario (AJEFO) (reappointment)**

AJEFO is a non-profit organization that works to promote the French language within the Ontario justice system and aims to promote access to justice in Ontario to ensure equitable access to justice in both official languages. AJEFO and its partners are developing and implementing several initiatives to increase access to justice for the Franco-Ontarian population. In advancing its mission and objectives, AJEFO is dedicated to promoting equity, diversity and inclusion through its advocacy, programming, internal policies and governance structures.

### **2. Arab Canadian Lawyers Association (ACLA) (reappointment)**

ACLA is a national association committed to providing professional support for the Arab legal community and advocating on behalf of the Arab community in Canada. ACLA assists newly called lawyers, students and foreign trained lawyers by matching them with mentors working in

their areas of interest. Their lawyer referral roster assists community members who require legal assistance by connecting them with a professional who can assist them. ACLA advocates on behalf of the Arab community in Canada and abroad by writing position papers and media briefs on domestic and foreign policy, meeting with stakeholders and decision-makers, and supporting non-legal organizations in the community with their work by providing advice and guidance.

### **3. ARCH Disability Law Centre (reappointment)**

ARCH is a specialty legal clinic dedicated to defending and advancing the equality rights, entitlements, fundamental freedoms and inclusion of persons with disabilities in Ontario. ARCH provides a range of legal services to persons with disabilities who live in Ontario, disability advocacy organizations, and the legal profession. In particular, ARCH engages in law reform and policy initiatives, community development, legal advice and referrals, public legal education and litigation. ARCH conducts test case and systemic litigation before administrative tribunals and at all levels of court.

### **4. Canadian Association of Black Lawyers (CABL) (reappointment)**

CABL is a national network of law professionals committed to reinvesting in the community. CABL works to remove systemic barriers within the legal profession and to promote the advancement of Black lawyers within the profession through a number of mechanisms, such as establishing support systems for law students and young lawyers, providing positive role models, and cultivating and fostering diversity within the profession with an emphasis on mentoring, networking and outreach.

### **5. Canadian Association of Nigerian Lawyers (CANL)**

CANL is a non-profit organization made up of more than 100 active Nigerian lawyers in Ontario who are engaged in diverse areas of legal practice and education. CANL's mandate is to enhance its legal and ethnic community by uniting Nigerian-Canadian legal professionals, Black and African professionals and professionals in academia across Canada. CANL's activities include hosting and delivering continuing professional development programs, mentorship programs, community outreach, free information sessions, and socio-political advocacy.

### **6. Canadian Hispanic Bar Association (CHBA) (reappointment)**

CHBA represents Canada's Hispanic legal community with the goals of helping its members to grow their businesses, develop connections, access peer support from like-minded legal professionals, prepare for an ever-changing legal environment, and celebrate the uniqueness of the Hispanic and Latin American legal community. The CHBA achieves these goals by delivering educational and social events, advocating for its members and participating in organizations that promote equity and diversity in the legal profession.

### **7. Federation of Asian Canadian Lawyers (FACL) (reappointment)**

FACL Ontario's mission is to promote equity, justice and opportunity for Asian Canadians in both the legal profession and the wider community. FACL does so through advocacy, community involvement, continuing education, professional development, and mentorship. FACL Ontario has over 150 active lawyer members and over 500 active student members. FACL Ontario has representation on the Equality Committee of the Ontario Bar Association and is a founding member of the Roundtable of Diversity Associations.

#### **8. Law Students' Society of Ontario (LSSO) (reappointment)**

LSSO is the primary advocacy body for law students in Ontario. LSSO represents the voices of more than 4500 law students across Ontario and has over 3,500 followers on social media. The LSSO advocates on issues common to law students, such as building relationships with governmental and regulatory stakeholders, engaging with employers in the legal profession on issues such as recruitment and articling, and engaging with equity-seeking student organizations to inform the LSSO's policy development and advocacy efforts.

#### **9. Ontario Association of Black Paralegals (OABP)**

OABP's goal is to provide mentorship, improve access to justice and combat systemic racism in the justice system by: providing mentorship opportunities for Black paralegals to help build capacity within the Black legal community and promote career equality and advancement; equipping Black paralegals with the tools to navigate systemic injustice in the workplace; eliminating the economic barriers which inhibit racialized Ontarians' ability to pursue civil matters related to racism, discrimination, diversity and inclusion; and recognizing, denouncing and combating systemic inequality in the justice system.

#### **10. Roundtable of (Legal) Diversity Associations (RODA) (reappointment)**

RODA is an umbrella organization that brings together a coalition of 21 equity-seeking, Canadian legal associations with the goal of fostering dialogue and promoting initiatives for the advancement of equity, diversity and inclusion in the legal profession, the judiciary, and the broader legal community. RODA monitors and provides input on policy developments in the profession and legal system. RODA has an established record of engaging in many significant initiatives within the legal community, such as providing input to the Law Society on issues and programs affecting the diverse bar; promoting and supporting candidates from racialized and equity-seeking groups for leadership positions; and exploring ways to offer outreach and mentoring to diverse members of the profession.

#### **11. South Asian Bar Association of Toronto (SABA) (reappointment)**

SABA is dedicated to promoting the objectives of South Asian members of the legal profession. SABA serves as an advocacy group, a networking forum and an employment resource and intervenes in legal proceedings of importance. SABA's activities include: advocating for diversity, anti-racism and greater South Asian representation in the judiciary; interacting with the Law Society on the licensing and accreditation process; mentoring law students; promoting the cause of South Asian legal professionals in positions of responsibility; and engaging in discussions with the provincial bar association and corporations to promote the needs of its members.

#### **12. Women's Law Association of Ontario (WLAO)**

WLAO is dedicated to empowering women in the legal profession by providing a collective voice and advocating for equality, diversity and change. Since 1919, WLAO has been providing leadership and support to advance the status of women in the legal profession. WLAO discusses issues affecting women lawyers (such as pay equity), taking into account intersectionality. WLAO organizes events that appeal to its diverse membership and has a mentorship program that connects women at all stages of their careers



**Tab 8**

## **Treasurer's Women in Law Advisory Group**

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### **Summary of Women's Roundtable Discussion**

October 28, 2021

**Advisory Group Members:**

Jacqueline Horvat (Chair)  
Shelina Lalji (Vice-Chair)  
Dianne Corbiere  
Cheryl Lean  
Nancy Lockhart  
Barbara Murchie  
Megan Shortreed  
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# Purpose

The Treasurer's Women in Law Advisory Group submits the "Summary Report on the Law Society of Ontario Treasurer's Roundtable on Women in Law" to Convocation for information.

## Context

1. On April 21, 2021, The Law Society of Ontario hosted the inaugural Treasurer's Roundtable on Women in Law (the "Roundtable") in collaboration with the Canadian Chapter of the International Association of Women Judges (CCIAWJ). A diverse group of over 60 women participated in the event, representing a range of backgrounds, experiences, and stages of practice. The goal was to identify barriers facing women in law and consider strategies to address those barriers.
2. In July 2021, the Treasurer appointed the Women in Law Advisory Group to consider the Roundtable report and its recommendations as well as provide general guidance and advice on how the Law Society can demonstrate leadership in supporting women in law.
3. A summary of the themes discussed at the Roundtable can be found at **Tab 8.1**.



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

# **Summary Report on the Law Society of Ontario Treasurer's Roundtable on Women in Law**

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August 23, 2021

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# Background

On April 21, 2021, the Law Society of Ontario hosted the inaugural Treasurer's Roundtable on Women in Law (Roundtable) in collaboration with the Canadian Chapter of the International Association of Women Judges (CCIAWJ). The Roundtable was chaired by Treasurer Teresa Donnelly. Justice Renee Pomerance of the Superior Court of Justice and Justice Mara Greene of the Ontario Court of Justice attended as representatives of CCIAWJ.

A diverse group of over 60 women participated in the event, representing a range of backgrounds, experiences and stages of practice. This was the first in an anticipated series of provincial and national discussions. The goal was to identify challenges faced by women lawyers and paralegals and put forward meaningful ways to address these challenges. Virtually all participants said that events such as this Roundtable are a key step in addressing challenges and finding solutions and they expressed their interest in participating in further events.

## Emergent Themes

The overarching theme that arose at the Roundtable was that challenges continue to exist despite progress made by women in law. The following Issues were highlighted:

- Some workplace cultures do not support women and perpetuate stereotypes;
- Barriers to promotion, advancement and equal pay continue to exist;
- Compounded barriers related to intersectionality create unique problems for many women;
- Women may face competing work and family demands that may be incompatible with private practice
- Sexual harassment and discrimination take place in the workplace and women who have experienced it may not come forward.

## Overarching Strategies

The discussion at the Roundtable suggested the following overarching strategies should be pursued by the legal professions:

- Create a fair playing field for women where microaggressions, stereotypes and assumptions are identified and addressed.
- Recognize that equity for women in the legal professions is everyone's responsibility. This includes men, women, people at all organizational levels, clients, suppliers, legal associations and institutions.
- Aim for a culture shift that involves systemic change and intersectional approaches.
- Consider and build upon existing initiatives that are succeeding and continue the dialogue with opportunities like the Treasurer's Roundtable on Women in Law.
- Build a national working group dedicated to addressing workplace inequities for women.

The following section will discuss in more detail the professional obstacles faced by women in law as well as potential strategies to address them.

# Professional Obstacles and Strategies

## A. Cultural Norms

In Ontario, women represent half of all licensing candidates called to the bar each year and over half of all paralegal licensees. Despite considerable progress, individual women continue to face obstacles advancing in the legal professions. Roundtable participants described receiving misogynistic, sexist or racist jokes and unwelcome comments about their appearance. Some felt that they were not taken as seriously as their male colleagues. Stereotypes continue to persist, such as the assumption that women are about to have children or that their work product or quality decreases once they have children.

Strategy:

- Workplace and organizational leadership should support and promote equity and encourage unconscious bias training.
- Implement a zero-tolerance approach to harassment and discrimination.
- Promote more women to leadership positions.

## B. Promotion, Pay and Advancement

There were noted inequities regarding promotion, pay and advancement for women. First, some younger female associates receive fewer assignments which limit their ability to advance in the professions. Second, some firms do not count parental leave as tracked time, so women who take time away from work to start a family are disadvantaged. Third, women may not have access to many of the “passive” advancement opportunities that are, in fact, male-dominated social events. Golf was used as an example.

Strategies:

- Ensure transparency and fairness when it comes to file distribution, including blind work assignments.
- Benchmarks for promotions should be clear and evenly applied across the organization.
- Flexible family leave should operate in conjunction with performance tracking so that parental and maternity leave does not disadvantage parents.
- Develop recruitment and retention strategies aimed at women.

## C. Unpaid Work

Women and women of colour tend to take on work that is beneficial to the organization but is often uncompensated. For example, equity, diversity and inclusion work, women's issues and social committees tend to rely more heavily on contributions from women.

Strategy: Organizations should ensure that individuals who contribute to this type of work are compensated and recognized in some fashion.

## D. Work and Family Demands

Many women face competing demands of taking care of themselves, their communities, and dependent family members such as elderly parents, children or other relations. When faced with these pressures, women in private practice may find it difficult to amass the volume of clients and

revenue they need to be promoted. This discourages some women from continuing in private practice.

Women who are able to take parental leave sometimes find it difficult to reclaim their files, ramp up their workload or obtain the support they need for the transition back to work. Sole practitioners are disadvantaged by the lack of co-workers who can support their clients when they are unavailable. Litigators are limited by court session hours.

Strategies:

- Implement flexible parental leave policies that reflect the range of demands on women.
- Other areas of the legal system such as courts and tribunals may need to consider options to accommodate work-life demands.
- Normalize remote work and virtual meetings in delivering legal services as these may be levers to achieving fairer workplaces.
- Establish interventions at two career points: (1) when women are starting out as new lawyers or paralegals; and (2) when women begin families and return to practice.

## **E. Mentors, Sponsors, and Allies**

Roundtable participants strongly supported the notion of women mentors, sponsors and allies. Participants noted that mentorship and sponsorships are most effective when they provide an opportunity to connect, collaborate and build relationships with those outside of their immediate network.

Participants noted that men can be allies particularly when they are aware of their own biases and are prepared to intervene when they witness inappropriate comments directed at women or observe women being excluded or undervalued at work. It was also noted that men can be excellent mentors and sponsors to women.

Strategies:

- Establish a network of women who can coach and support female lawyers and paralegals.
- Incentivize mentorship and coaching opportunities and provide resources to prospective mentors and coaches.
- Build an inclusive mentoring culture centered on knowledge sharing, collaboration and personal development.
- Engage in targeted mentorship for women whose intersectional identities make it more difficult to find mentors.

Participants applauded the launch of this Roundtable and also noted that organizations like the Women's Paralegal Association are creating safe places to share experiences and provide support.

## **F. Intersectional Identities**

Gender may intersect with other personal characteristics like race, sexual orientation, and disability and this can have a profound effect on a woman's professional experiences.

Success in the legal professions has traditionally favored men from privileged environments. Women who identify as Black, Indigenous or People of Colour (BIPOC) may lack knowledge about

the legal professions and how to succeed in them. This is also true for women from different socioeconomic backgrounds and geographies.

Strategies:

- Organizations' leadership should educate themselves about intersectionality and its potential impact on women's success.
- The notion and impact of intersectionality should be built into education, training, and mentorship/sponsorship programs.
- Education on microaggressions and unconscious bias may help to dismantle the structural discrimination facing many women lawyers and should be implemented in legal workplaces.
- Legal workplaces should have confidential support programs in place and foster a culture of acceptance and equity.

Another group of women lawyers who are frequently from racialized communities are Internationally Trained Lawyers (ITLs). Firms and legal workplaces should create domestic training opportunities for ITLs. Resources to assist recruiters and firms in equitably reviewing international resumes would be helpful.

## **G. Sexual Harassment and Discrimination**

Sexual harassment and discrimination persist in the practice of law. Roundtable participants suggested that some men do not acknowledge the problem and resist the need to be educated about it. Oppressive and sexist "humour" as well as comments about a woman's appearance are examples of workplace harassment. Women who are trans or LGBTQ2+ may experience sexual harassment and discrimination differently.

Many women find it daunting to launch complaints due to the potential personal and professional toll. While many organizations have workplace anti-discrimination and anti-harassment policies, they may be difficult to enforce given the entrenched nature of sexism in the professions. Moreover, many reporting protocols are not trauma-informed and force survivors to relive negative experiences. Investigations are seen as adversarial where complainants may be blamed. The intimidation factor is magnified for articling students who feel that using the recourses available to them will hurt their career prospects. While the Law Society funds the independent and confidential Discrimination and Harassment Counsel to provide a safe space for people to complain about conduct by a lawyer, paralegal or student member of the Law Society, awareness of the DHC program is limited.

Participants noted that particular challenges exist for sole practitioners and women in small communities.

Strategies:

- Acknowledge and address that for varied reasons many women are afraid to come forward with complaints about harassment.
- Develop more robust, proactive policies that take a trauma-informed approach.
- Create whistleblower programs where people feel safe to report issues.
- Consider providing paid leave for victims of sexual harassment.
- Enhance enforcement mechanisms.

- Raise awareness of existing resources and supports available through the Law Society, such as the Discrimination and Harassment Counsel.

## Law Society's Role

The Roundtable discussion highlighted actions that law firms, legal workplaces, employers and individuals can take to address the challenges faced by women in law. The Roundtable participants also challenged the Law Society to take a leadership role in providing profession-wide resources and tools to legal professionals and workplaces. Some of the specific recommendations targeted at the Law Society include:

- Collect data on women in the legal professions through surveys, studies and focus groups.
- Produce timely reports and recommendations to help law firms and legal employers address persistent gender inequities in the professions.
- Support and promote mentorship and sponsorship programs across the professions.
- Create an enhanced resource hub where women lawyers and paralegals can find resources, supports and professional tools.
- Generate more awareness about existing initiatives like the Justicia Project and the Discrimination and Harassment Counsel.
- Become more vocal about the problem of harassment and discrimination in the professions and reinforce professional ethics.
- Allow licensees to make anonymous complaints to the Law Society.
- Examine best practices from other organizations that effectively address women's issues in practice.
- Provide more dedicated resources for articling students and licensing candidates.

### National Working Group

The Roundtable participants supported convening a National Working Group on Women in Law that would have measurable objectives, goals, outcomes and timeframes. Membership in this group would be diverse and include a mentorship component. In addition to maintaining a national resource centre, this group could facilitate national conversations on women in the law. This could amplify women-led dialogue about behaviours and attitudes that perpetuate gender inequality and could support action for change.

## Conclusion

In their remarks, many participants noted that issues with legal practice can only be resolved with collective action. Employers, the Law Society and individuals at all stages of their careers need to be involved. The participants celebrated the Roundtable and the opportunities provided to connect, discuss issues and focus on strategies. Many also expressed interest in gathering again to continue this work.