

MINUTES OF CONVOCATION

Friday, 23rd September, 1988
9:30 a.m.

PRESENT:

The Treasurer, (Mr. L. K. Ferrier), Mr. Bastedo, Ms. Bellamy, Mr. Bragagnolo, Ms. Callwood, Messrs. Carter, Cooper, Cullity, Doran, Epstein, Farquharson, Ferguson, Furlong, Genest, Ground and Guthrie, Ms. Harvey, Mr. Howie, Ms. Kiteley, Messrs. Lamek, Lamont, Mrs. Legge, Messrs. Lerner, Lyons, Mrs. MacLeod, Messrs. McKinnon, Manes, Murphy, Noble, O'Brien, O'Connor, Outerbridge, Pepper, Ms. Peters, Messrs. Rock, Ruby, Scace, Shaffer (after his election as a Bencher), Somerville, Sosa, Spence, Strosberg, Thom, Topp, Wardlaw, Mrs. Weaver, Messrs. Wood and Yachetti.

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"IN CAMERA"

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CONVOCATION THEN MOVED TO THE "PUBLIC" SESSION IN CONVOCATION HALL

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MOTIONS WITH RESPECT TO COMMITTEES

Special Committee on Bilingual Services

It was moved by Mr. Lyons, seconded by Mr. Howie, that a Special Committee on Bilingual Services be established, with C. D. McKinnon as Chair, and T. G. Bastedo, D. Bellamy, P. Genest, H. Guthrie, P. J. Peters, H. T. Strosberg and R. C. Topp as Members.

The Special Committee's purpose is to review present services of the Law Society available in the French language and to make recommendations regarding future provision of services in the French language.

Carried

23 September 1988

Special Committee for Remembrance Day Arrangements

It was moved by Ms. Callwood, seconded by Mrs. Graham, that Messrs. G.H.T. Farquharson and S. Lerner be appointed to act as the Special Committee to assist with the arrangements for the Society's observance of Remembrance Day in 1988.

Carried

It was moved by Ms. Peters, seconded by Mrs. Weaver, that the Society's observance of Remembrance Day be held on Thursday, 10th November, 1988, at 12:30 p.m. at the Society's First World War Memorial in the Great Library at Osgoode Hall.

Carried

Special Committee on Voting Procedures and Non-Bencher Appointments

It was moved by Mr. Lerner, seconded by Mr. Lamont, that a Special Committee on Voting Procedures and Non-Bencher Appointments be established, with F. Kiteley as Chair, and D. R. O'Connor, A. M. Rock, C. C. Ruby, A.R.A. Scace, T. G. Sosa, J. M. Spence and H. T. Strosberg as Members. The Special Committee is to make recommendations on:

- (a) Treasurer's election process
- (b) Voting by former Attorneys-General
- (c) Voting by Life Benchers in Committee
- (d) Appointment of non-Bencher members to Standing Committees

Carried

Appointments to Certain Standing and Special Committees:

It was moved by Mr. Wardlaw, seconded by Mr. Murphy, that the following appointments be made to certain of the Standing and Special Committees:

Chair - Discipline Committee	-	P.S.A. Lamek
Vice-Chair - Discipline Committee	-	D. R. O'Connor
Chair - Admissions Committee	-	P. J. Peters
Chair - Building Committee	-	D.H.L. Lamont
Member - Finance Committee	-	P.B.C. Pepper
Members - Investment Committee	-	R. C. Bragagnolo
	-	J. S. Lyons
	-	C. B. Noble
Member - Special Committee on Prepaid Legal Services	-	M. C. Cullity

Carried

Attorney-General's Judicial Appointments Advisory Committee

It was moved by Mr. McKinnon, seconded by Ms. Peters, that Clayton C. Ruby be the Society's nominee to the Attorney-General's Judicial Appointments Advisory Committee.

Carried

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23 September 1988

ADMISSIONS COMMITTEE

Mrs. M. P. Weaver, Vice-Chair, presented the Report of the Admissions Committee of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th of September, 1988 at 9:30 a.m., the following members being present: Mrs. Weaver (Vice-Chair), Messrs. Ground and Strosberg, and Ms. Peters.

A.

POLICY

1. ADMISSION REQUIREMENTS - PRE-LAW - C.E.G.E.P.

Members of the Committee received this summer material from the Secretary concerning Ms. Legault who had graduated from the National Program at McGill Law School and a submission from her concerning admission to the teaching term of the Bar Admission Course.

Ms. Legault has a diploma from a C.E.G.E.P. and Bachelor of Civil Laws and LL.B. gained from McGill through the National Program.

The policy has been that the C.E.G.E.P. diploma is equivalent to one year of pre-law university level training and that C.E.G.E.P. candidates must complete an additional year of pre-law university level schooling before being admitted to the Bar. Candidates are warned of this requirement when they enter the National Program at McGill by way of a notice in the McGill Law Faculty calendar.

When Ms. Legault initially wrote the Society in March of 1988 enquiring as to the requirements for entry into the Bar Admission Course she was informed that if she had an approved LL.B. she would be eligible to enter the B.A.C. At that time it was not appreciated, through no fault of Ms. Legault, that her pre-law training was C.E.G.E.P.

The error came to light when Ms. Legault submitted her application to the B.A.C. The matter was reviewed and she was informed there had been an error.

Ms. Legault wrote requesting a waiver because of her special circumstances or alternatively a review of the policy.

The special circumstances cited are the error made by the Society and her acting on that statement and the fact that due to an illness she took an additional year at a C.E.G.E.P. and acquired an additional 27 credits.

The Committee was of the opinion that Ms. Legault should be permitted to enter the B.A.C. teaching term without taking an additional year of pre-law university training based on the additional time spent at the C.E.G.E.P.

PETITIONS - C.E.G.E.P.

Ariel Balevi entered McGill Law School in 1983 after completing 2 years C.E.G.E.P. in Montreal. He then completed four years in the National Program and graduated with both a B.C.L. and LL.B. degree. In addition, Mr. Balevi studied for a year in the program of Notarial law at the University of Montreal.

23 September 1988

Mr. Balevi understands that the purpose for requiring a student to have a B.A. or equivalent degree before embarking on the study of law is to ensure that law students have a broad cultural background preliminary to the study of law.

In his letter dated the 26th August, 1988, Mr. Balevi outlines the extra-curricular activities he has been involved with over the last few years and the experiences gained through his year's involvement in the Notarial law program at the University of Montreal.

He asked that the Committee consider his year of civil law studies at the University of McGill, his year of studies at the University of Montreal and his involvement in multi-cultural activities over the years as the equivalent of a the formal year of pre-law, non-legal university level schooling he is missing.

The Committee recommends that Mr. Balevi be admitted into the B.A.C. without the necessity of taking a further year of pre-law university education on the basis of his year's Notarial studies in Montreal and his involvement in extra-curricular multi-cultural activities.

The Committee also concluded that the policy governing C.E.G.E.P. qualified students should be reviewed and proposes the review be carried out by a joint committee of Admissions and Legal Education.

Timothy J. Law entered McGill University in 1985 to begin both his B.C.L. and LL.B. degrees after having completed 2 years C.E.G.E.P. By the end of the '88/'89 school year he will have completed the National Program at McGill and have attained both a B.C.L. and LL.B. degree.

He asked whether or not he would be required to acquire an additional year of non-legal studies at the university level prior to being admitted into the Bar Admission Course.

There are no special circumstances as were present in the applications of Ms. Legault and Mr. Balevi, the Committee deferred consideration of Mr. Law's request pending the review of the policy referred to in Item A-1 above.

B.

ADMINISTRATION

1. DIRECT TRANSFERS - COMMON LAW - REGULATION 4(1)

Penelope Dale Bent (B.A. 1959 and LL.B. 1978 both from the University of Alberta) was called to the Bar of the Province of Alberta on the 21st day of June 1979 and practised continuously in that province from the 22nd June 1979 to the 15th September 1987. Penelope Bent presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Howard Binsky (B.A. 1971 from Sir George William University and LL.B. 1980 from the University of Alberta) was called to the Bar of the Province of Alberta on the 26th day of June 1981 and practised continuously in that province from the 26th June 1981 to the 20th April 1988. Mr. Binsky presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Janet Margaret Chisholm (B.A. 1977 from St. Francis Xavier University, Nova Scotia and LL.B. 1984 from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 9th day of August 1985 and has practised continuously in that province from the 9th August 1985 to the present. Janet Chisholm presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

23 September 1988

Carl Steven Cohen (B.Sc. 1977 from the University of Alberta and LL.B. 1981 from the University of Toronto) was called to the Bar of the Province of Alberta on the 13th day of August 1982 and practised in that province from the 13th August 1982 to the 31st October 1987. Mr. Cohen presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Joan Marie Dawkins (B.A. 1977 from Queen's University and LL.B. 1982 from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 21st day of December 1982 and practised continuously in that province from the 21st December 1982 to the 31st January 1987. Joan Dawkins presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Robert Gerald Gateman (B.Sc. 1969 and M.A. 1972 both from the University of Windsor; LL.B. 1980 and LL.M. 1986 both from the University of Alberta) was called to the Bar of the Province of Alberta in June 1981 and practised in that province from June 1981 to November 1987. From November 1987 to the present he has served in a legal capacity with the Department of Consumer and Corporate Affairs in Hull, Quebec. Mr. Gateman presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1) and 3(1).

Approved

Bruce David Henning (B.A. 1970 and LL.B. 1973 both from the University of Saskatchewan) was called to the Bar of the Province of Saskatchewan on the 2nd day of July 1974 and practised in that province from the 2nd July 1974 to the 15th February 1978. From the 15th February 1978 to the present he has been a Judge of the Provincial Court of Saskatchewan performing the duties of that office.

At its meeting on the 11th of February, 1988, the Admissions Committee considered whether or not Judge Henning's service as a judge would satisfy the requirement of the transfer regulation and the Committee reported to Convocation on the 26th of February that it was of the opinion that his service as a judge would satisfy the requirements of Regulations 4(1) and 3(1).

Judge Henning now makes formal application for transfer to the practice of law in Ontario, presents a Certificate of Good Standing and seeks to proceed under Regulations 4(1) and 3(1).

Approved

David John Kavanagh (B.A. 1974 from Acadia University and LL.B. 1981 from Dalhousie University) was called to the Bar of the Province of Alberta on the 24th day of May 1983 and practised in that province from the 24th May 1983 to the 3rd October 1986. Mr. Kavanagh presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Andrew Alexander Leir (LL.B. 1979 from the University of British Columbia and LL.M. 1985 from the University of London, England) was called to the Bar of the Province of British Columbia in June 1980 and practised in that province from June 1980 to September 1984. From September 1985 to February 1987 he practised with a law firm in London, England. From March 1987 to July 1988 he practised with a firm of English solicitors in Hong Kong.

In a letter to the Secretary dated July 1988 Mr. Leir outlined the nature of his work with the law firms in both London, England and Hong Kong. He seeks to have his practice in these two jurisdictions accepted as satisfying the requirements under the transfer regulation and that he be permitted to proceed under Regulation 4(1). His letter were before the Committee for consideration together with copies of precedents for information.

23 September 1988

The Regulation is clear in requiring that a transfer applicant have spent 3 of the last 5 years in active practice in one or more common law provinces or territories of Canada. Accordingly, Mr. Leir's request could not be granted.

Timothy John Lemay (B.A. 1978 and LL.B. 1981 both from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 15th day of December 1981 and has practised continuously in that province from the 15th December 1981 to the present. Mr. Lemay presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Kathleen Ann Siobhan Monaghan (B.Comm. 1981 from Memorial University of Newfoundland and LL.B. 1984 from the Osgoode Hall Law School, York University) was called to the Bar of the Province of Alberta on the 3rd day of September 1985 and has practised continuously in that province from the 3rd September 1985 to the present. Kathleen Monaghan presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Harvey Arnold Newman (B.A. 1960 and LL.B. 1963 both from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 3rd day of March 1964 and practised in that province from the 4th day of March 1964 to the 23rd day of June 1964. Mr. Arnold has held a position with the Department of Justice, Canada serving in a legal capacity from the 23rd day of June, 1964 to the present. Mr. Newman presents a Certificate of Good Standing and seeks to proceed under Regulations 4(1) and 3(1).

Approved

John Patrick Riley (B.A. 1980 from the University of Winnipeg and LL.B. 1984 from the University of Manitoba) was called to the Bar of the Province of Manitoba on the 27th day of June 1985 and has practised continuously in that province from the 27th June 1985 to the present. Mr. Riley presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

Sharon L.C. White (B.A. 1973 from the University of Toronto and LL.B. 1976 from Dalhousie University) was called to the Bar of the Province of Nova Scotia in April 1977 and continues to be a member in good standing. From April 1977 to July 10th 1985 Miss White practised labour law across Canada presenting arbitrations, giving legal advice, negotiating collective agreements and representing the employer before Labour Relations Tribunals in the provinces of Nova Scotia, Prince Edward Island, Ontario and Alberta. On the 10th July, 1985 she became engaged in the practice of labour law with Canada Post where she has been ever since. Miss White presents a Certificate of Good Standing and seeks to proceed under Regulations 4(1) and 3(1).

Approved

Hilary Anne Whitmey (LL.B. 1982 from Dalhousie University) was called to the Bar of the Province of British Columbia on the 13th day of September 1983 and practised continuously in that province from the 13th September 1983 to the 15th February 1985 (1 yr. & 5 mos.), from the 7th October 1985 to the 28th November 1986 (1 yr. and 3 wks.), and from the 1st April 1987 to the 22nd March 1988 (1 yr. less a wk.). Hilary Whitmey presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Miss Whitmey stated that she originally sent her application through the mail on the 29th of April to be sure her application would go before the Committee at its May meeting. The application never reached the office of the Secretary resulting with the loss of Miss Whitmey's application fee of \$101.00 which she had sent in cash through the mail. She asked whether or not she is expected to put forward an additional \$101.00.

23 September 1988

Your Committee recommends that she be granted approval to proceed under Regulation 4(1) but that she be required to pay the \$101.00 application fee.

DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

Theresa LeBlanc (B.A. 1975 from Concordia University and LL.B. and B.C.L. 1980 both from McGill University) was called to the Bar of the Province of Quebec on the 10th day of November 1982 and has practised continuously in that province from the 29th March 1983 to the present. Theresa LeBlanc presents a Certificate of Good Standing, seeks to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law in Ontario."

Approved

2. FULL-TIME MEMBERS OF FACULTIES OF APPROVED LAW SCHOOLS

The following member of an approved law faculty asks to be called to the Bar and admitted as a solicitor without examination under Regulation 5 respecting full-time members of approved law faculties in Ontario:

Edward Michael Morgan
Faculty of Law,
The University of Toronto.

B.A. University of the Northwest
Territories 1976; LL.B. University
of Toronto 1984.

Professor Morgan at present has American citizenship, he has lived in Canada as a landed immigrant since 1980, applied for Canadian citizenship in early March 1988 and expects to be notified of his appointment date at Citizenship Court at any time.

There is presently a large backlog of applications and when it should have only taken three months to have his application processed and it has already been five. Professor Morgan is concerned that his call to the Bar not be delayed as well and asked whether he would be permitted to be called to the Bar this Fall provided he sign an undertaking that he will become a Canadian citizen at the earliest possible opportunity following his call to the Bar.

Approved

3. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

The following candidates, having complied with the relevant Regulations, paid the required fee of \$101.00 and filed the necessary documents, now apply for admission to the Law Society as students-at-law in the Bar Admission Course:

Under Bar Admission Course Regulation 22(7)
30th B.A.C. (Entering Articles 1987)

599. Aitken, Jenifer Eelin	B.A. Toronto/83; LL.B. Toronto/87
600. Allman, Richard Andrew	B.Sc. Guelph/80; LL.B. Western/87
601. Anderson, Fiona Catherine McDougall	B.A. Queen's/81; LL.B. Toronto/87

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| 602. Anderson, Milton Blair | B.A. Calgary/87;
LL.B. Alberta/87 |
| 603. Armitage, Frank Eddington | B.A. McGill/79;
M.A. Concordia/84;
LL.B. Ottawa/87 |
| 604. Ashley, Robert Howard | 2 yrs. Canadian Studies Toronto;
LL.B. York/87 |
| 605. Auvinen, Katherine Ann | B.A. Queen's/84;
B.P.H.E. Queen's/84;
LL.B. York/87 |
| 606. Azoulay-Avinoam, Sylvia
Deborah | 2 yrs. Science, Toronto;
LL.B. York/87 |
| 607. Babinski, Mark Andrew | B.A. Western/81;
M.A. Western/84;
LL.B. Ottawa/87 |
| 608. Bacon, Christopher Roland | B.A. Western/82;
LL.B. British Columbia/85 |
| 609. Balcom, Robert Alan | B.B.A. Acadia/83;
M.B.A. Dalhousie/87;
LL.B. Dalhousie/87 |
| 610. Batist, Bruce Sherman | B.A. McGill/81;
LL.B. York/87 |
| 611. Beckman, Kimberly Lynn | 2 yrs. Arts, Ohio
University, U.S.A.;
2 yrs. Arts, Northeastern
University, Boston, U.S.A.;
LL.B. York/87 |
| 612. Bell, Michael Douglas | B.Sc. Memorial/84;
LL.B. York/87 |
| 613. Ben Eliezer, Laurentiu | 3 yrs. Science, Concordia;
2 yrs. Science, McGill;
LL.B. Calgary/87 |
| 614. Benesch, Peter Raymond Martin | B.A. Queen's/84;
LL.B. Toronto/87 |
| 615. Berger, Neil Robbie | B.Sc. Toronto/78;
M.B.A. McMaster/81;
LL.B. Western/87 |
| 616. Bessner, Ellen Joan | B.Comm. McGill/84;
LL.B. York/87 |
| 617. Bidzinski, Grzegorz | B.A. Toronto/84;
LL.B. Western/87 |
| 618. Bookbinder, Jeffrey Samuel | B.A. Winnipeg/83;
LL.B. York/86 |
| 619. Bouchard, Marie Josee | B.S.Sc Ottawa/82, LL.B.
Ottawa/85 |
| 620. Boudreau, Jacinthe Isabelle
Helene | C.E.G.E.P.;
1 yr. Science,
McGill;
LL.B. York/87 |

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| 621. | Braithwaite, John Anthony | B.Sc. Concordia/72;
B.A. Concordia/73;
LL.B. Alberta/87 |
| 622. | Brodkin, Phyllis Roselyn | B.A. Toronto/65;
LL.B. York/87 |
| 623. | Bromm, William Scott | 3 yrs. B.Comm., Dalhousie;
LL.B. Dalhousie/87 |
| 624. | Brown, Darrell Lloyd | B.Sc. Dalhousie/81;
M.B.A. Dalhousie/85;
LL.B. Dalhousie/85 |
| 625. | Brown, David Spencer | B.A. Queen's/84;
LL.B. Toronto/87 |
| 626. | Brown, Phillip Andrew | B.Sc. Dalhousie/81;
LL.B. Dalhousie/84 |
| 627. | Bunston, Shea Nicole | B.A. Western/84;
LL.B. York/87 |
| 628. | Calderwood, Moira Reid | B.A. St. Francis Xavier/79;
LL.B. Queen's/84 |
| 629. | Campbell, Marianne Millicent | B.A. Ottawa/84;
LL.B. Ottawa/87 |
| 630. | Cantor, Kevin J. | B.A. Honours Toronto/84;
LL.B. Western/87 |
| 631. | Carnerie, Frances Jean | M.H.Sc. McMaster/82;
LL.B. Dalhousie/87 |
| 632. | Cass, Edwin Davies | B.Sc. Queen's/84;
LL.B. York/87 |
| 633. | Cavanaugh, Suzan Elizabeth | B.Admin. Ottawa/84;
LL.B. Toronto/87 |
| 634. | Caza, Ronald Francois | 2 yrs. Science, Laurentian;
1 yr. Science, Ottawa;
LL.B. Ottawa/87 |
| 635. | Chestnut, Carolyn Ruth | B.A. British Columbia/84;
LL.B. York/87 |
| 636. | Chochla, Glen Walter | B.A. Queen's/80;
B.S.W. McGill/81;
LL.B. Queen's/87 |
| 637. | Chodikoff, David Wallen | B.A. York/81;
M.A. Dalhousie/83;
LL.B. Dalhousie/87 |
| 638. | Chow, James Hong-Yin | B.A. Toronto/82;
LL.B. British Columbia/85 |
| 639. | Coffin, Kenneth Neil | B.A. Manitoba/81;
LL.B. York/87 |
| 640. | Crane, Micheal Terrence | B.A. Toronto/83;
LL.B. Ottawa/87 |
| 641. | Cunningham, Marcus Henry | 4 yrs. Arts, Alberta;
LL.B. Alberta/86 |

642. Cuthbertson, Sheila Star	B.A. Tent/81; LL.B. York/87
643. D'Alessandro, Francesco Giuseppe	B.A. Toronto/81; M.A. McMaster/84; LL.B. Western/87
644. D'Arcy, Steven Kenneth	B.B.A. New Brunswick/79; LL.B. Dalhousie/81
645. Daly, Kathryn Helen	B.A. Toronto/68; LL.B. Queen's/87
646. Davis, Charlotte Anne	B.A. Queen's/80; LL.B. Dalhousie/87
647. De Gagne, Jacqueline Anne	B.Sc. Toronto/85; LL.B. Ottawa/87
648. Delorey, Anne Marie Margaret	1 Arts/McMaster; 1 Arts/Ottawa; B.A. Carleton/80; LL.B. Ottawa/87
649. Denis, Stephen Dale	B.A. Toronto/84; LL.B. York/87
650. Deskin-Teperman, Nancy Fern	2 yrs. History, York; LL.B. York/87
651. Di Gioacchino, Sandra	B.A. Toronto/84; LL.B. Ottawa/87
652. Di Leonardi, Filomena	B.B.A. York/82; LL.B. Windsor/87
653. Donnelly, Daniel Richard	B.A. Western/82; LL.B. Western/87
654. Dorr, James Jeremy	B.Sc. Queen's/84; LL.B. Queen's/87
655. Douglas, Karen Frances	B.A. Alberta/84; LL.B. Western/87
656. Dudley, Oliver Julian	B.A. Victoria/84; LL.B. York/87
657. Duggan, Marion Kim	B.A. St. Thomas/84; LL.B. New Brunswick/87
658. Dunn, Grant Kendrick	Mature Student; LL.B. New Brunswick/87
659. Dycha, Karol	B.A. Windsor/84; LL.B. Windsor/87
660. Etkin, Rena	1 yr. Commerce, Toronto; 2 yrs. Communications, York; LL.B. York/87
661. Eustace, Christopher John	B.A. Western/84; LL.B. Western/87
662. Fazari, Arcangelo	B.A. Western/82; B.Comm. Windsor/84; LL.B. New Brunswick/87

23 September 1988

663.	Feldmann, Helen Diana	B.A. Melbourne/66; LL.B. York/87
664.	Fernandes, Konrad Myron	B.A. Waterloo/84; LL.B. Western/87
665.	Field, Paul Joseph	B.A.Sc. Toronto/79; LL.B. Toronto/87
666.	Findlay, Martha Kathleen Marlow Hall	B.A. Toronto/83; LL.B. York/87
667.	Fisher, Sidney Harriet	B.A. McGill/82; B.C.L. McGill/86; LL.B. McGill/86
668.	Fitterman, Stephen Michael	3 yrs. Arts, Reed, Portland, Oregon; LL.B. Toronto/87
669.	Fitz Gibbon, Carolyn Arleen	B.Mus. Southern Methodist University/79; LL.B. Western/87
670.	Fitzgerald, Jean Annette	B.Ed. British Columbia/82; LL.B. British Columbia/86
671.	Flindall, Margaret Leigh	2 yrs. Arts, Western; LL.B. Queen's/87
672.	Ford, Daniel	2 yrs. Commerce, Toronto; LL.B. Ottawa/87
673.	Frankovic, Joseph Vincent	B.Sc. Toronto/84; LL.B. Western/87
674.	Friedland, Mark Victor	B.A. Toronto/85; LL.B. Queen's/87
675.	Fudge, Joseph Frederick	2 yrs. B.A., York; LL.B. York/87
676.	Geurts, Robert Michael	B.A. Toronto/83; LL.B. Queen's/86
677.	Graham, James Russell Newport	B.A.Sc. Waterloo/83; LL.B. Ottawa/87
678.	Greenfield, Donald Micheal	B.A. Saskatchewan/75; LL.B. Ottawa/87
679.	Halajian, Kelly Michelle	1 yr. Arts, Queen's; 1 yr. Arts, Toronto; LL.B. York/87
680.	Hale, John Henry	B.Sc. McGill/81; B.C.L. McGill/87; LL.B. McGill/87
681.	Haley, Elizabeth Ann	B.Comm. Laurentian/81; LL.B. York/87
682.	Henderson, Stuart William	B.A. Western/84; LL.B. Queen's/87
683.	Henneberry, Ruth Anne	B.A. Dalhousie/84; LL.B. Dalhousie/87

23 September 1988

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| 684. | Hewitt, Gary Keith | B.Comm. British Columbia/69;
M.Phil. Yale, U.S.A./71;
Ph.D. Yale, U.S.A./75;
LL.B. British Columbia/87 |
| 685. | Holmes, Donna Marie Mary | B.A. Queen's/83;
LL.B. Western/87 |
| 686. | Horn, Blair James Harold | B.B.A. Washington,
U.S.A./83;
LL.B. York/87 |
| 687. | Horst, Marlin James | B.A. Western/83;
LL.B. Western/86 |
| 688. | Horwitz, Daniel David | B.A. Toronto/85;
LL.B. Ottawa/87 |
| 689. | Hudgins, Allison Frances | B.Comm. Toronto/84;
LL.B. Toronto/87 |
| 690. | Ilnyckyj, Motria Sofia Oksana | B.A. Toronto/84;
LL.B. Queen's/87 |
| 691. | Jarvis, Darrell Esmond | B.A. Queen's/83;
LL.B. York/85 |
| 692. | Joffe, Mindy Ann | 2 yrs. Arts, Calgary;
LL.B. British Columbia/87 |
| 693. | Johnston, John Mallory | B.A. Queen's/83;
LL.B. Calgary/87 |
| 694. | Jones, Kenneth Gordon Gorham | 3 yrs. Arts, York;
LL.B. York/87 |
| 695. | Kennedy, Melissa Jane | 4 yrs. Arts, Carleton;
LL.B. Toronto/87 |
| 696. | King, David Allan | B.A. York/87;
LL.B. Ottawa/87 |
| 697. | Kleiman, Daniel Mark Avarð | 2 yrs. Arts, Manitoba;
LL.B. York/87 |
| 698. | Kline, Michael Louis | M.B.A. Western/87;
LL.B. York/85 |
| 699. | Klukach, Jamie Cecilia | B.A. Toronto/83;
LL.B. Western/87 |
| 700. | Knudsen, Mark Joseph | 2 yrs. Arts, Windsor;
LL.B. York/87 |
| 701. | Kocovski, Vasko | B.A. York/84;
LL.B. York/87 |
| 702. | Kotzer, Leslie Sheldon | B.A. Toronto/78;
LL.B. Windsor/87 |
| 703. | Kowalsky, Mark Yaromyr | B.A. Toronto/84;
LL.B. York/87 |
| 704. | Kristjanson, Freya June | B.A. Queen's/83;
LL.B. Victoria/87 |
| 705. | Kronick, Melissa Joan | B.A. Western/81;
LL.B. Western/87 |

706.	Krupa, Henry	2 yrs. Psychology, McMaster; LL.B. Ottawa/87
707.	Kujavsky, Samuel Jasper	B.A. Carleton/83; LL.B. Windsor/87
708.	Kussner, Francly Beth	B.A. York/84; LL.B. York/87
709.	Lamarche, Charles Andre	B.Soc.Sc. Ottawa/84; LL.B. York/87
710.	Lawless, Peter James	B.A. Western/84; LL.B. Queen's/87
711.	LeNeveu, Darcy John	B.Comm. Queen's/84; LL.B. Western/87
712.	Ledgley, Cynthia Jean	B.Sc. Western/80; LL.B. Toronto/87
713.	Leech, Trevor Julian	B.A. Alberta/84; LL.B. Dalhousie/87
714.	Lem, Jeffrey Walter	B.Comm. Toronto/84; LL.B. York/87
715.	Lewis, Andrew Comstock	3 yrs. Science, Western; LL.B. York/87
716.	Lewis, John Morgan	B.A. Western/84; LL.B. York/87
717.	Li, Christopher Chun Maw	2 yrs. Arts, Windsor; LL.B. Windsor/87
718.	Li, Si Hung	B.A. Western/79; M.Div. Chinese University of Hong Kong/84; LL.B. York/87
719.	Lightenberg, Johannus Adrianus	B.A. Simon Fraser/84; LL.B. British Columbia/87
720.	Lightfoot, William Keith	B.A. Guelph/77; LL.B. Queen's/87
721.	Lindo-Butler, Celia Ann Barbara	Joint Committee on Foreign Accreditation/87
722.	Lofft, Jennifer Nancy	B.A. Queen's/83; LL.B. York/87
723.	Lunau, Karey Anne	B.A. Western/87; LL.B. Toronto/87
724.	Lust, Arthur	B.Sc. Carleton/80; LL.B. Ottawa/87
725.	Lyons, Carol Virginia	B.A. Toronto/84; LL.B. Toronto/87
726.	MacLean, Robin Kathleen	B.A. Acadia/83; M.A. Queen's/86; LL.B. Dalhousie/87
727.	MacNeil, Agnes Elizabeth	B.Sc. Dalhousie/81; M.B.A. Alberta/85; LL.B. Alberta/86

23 September 1988

728.	Malo, Adele Suzanne	B.A. Guelph/77; LL.B. Windsor/86
729.	Marshall, James Ian	3 yrs. Commerce, Dalhousie; LL.B. Queen's/87
730.	May, Sean Joseph Maurice White	B.A., Ottawa/84; LL.B. Ottawa/87
731.	McChesney, Caroline Isabelle	B.A. York/84; LL.B. York/87
732.	McCready, Elaine Joanne	B.A. York/83; LL.B. York/87
733.	Meade, Jeffrey Angus	2 yrs. Arts, Dalhousie; LL.B. York/87
734.	Medline, Michael Bennett	B.A. Western/84; LL.B. Toronto/87
735.	Miller, Robert George	B.A. Toronto/82; LL.B. Toronto/87
736.	Mills, Edward Ralph	B.A. Western/84; LL.B. York/87
737.	Monahan, Janice Lynn	Joint Committee on Foreign Accreditation/87
738.	Montgomery, Joseph Randal	B.A. York/69; M.A. York/73; LL.B. Victoria/86
739.	Morris, Sandy Joy	3 yrs. Arts, Concordia; LL.B. Windsor/87
740.	Murphy, John David Meenan	B.A. Dalhousie/83; LL.B. Dalhousie/87
741.	Nadarajah, Ramani	B.A. Toledo, Ohio; LL.B. York/87
742.	Newman, Leslie Eden	2 yrs. Science, Western; 1 yr. Science, Toronto; LL.B. Queen's/87
743.	Parrack, Judith Elizabeth	3 yrs. Sociology, Toronto; LL.B. York/87
744.	Peppiatt, Glenn Bruce	B.A. York/73; M.A. Toronto/74; LL.B. Queen's/87
745.	Pereira, Katryn	B.A. Trent/82; LL.B. Toronto/87
746.	Pinto, Caroline Ann Cohen	B.A. McGill/84; LL.B. York/87
747.	Pirraglia, Maria Cristina	B.A. Toronto/84; LL.B. York/87
748.	Pitfield, Catherine Sylvia	B.A. British Columbia/82; M.A. Queen's/84; LL.B. McGill/87

749.	Pliszka, Peter John	B.A. Winnipeg/83; LL.B. Manitoba/86
750.	Polak, Elizabeth Jean	B.A. Western/84; LL.B. Toronto/87
751.	Pond, Janet Elizabeth Hersey	Mature Student; LL.B. York/87
752.	Prokopich, Lori Anne	2 yrs. Arts, Western; LL.B. Toronto/87
753.	Proulx, Louise Marguerite-Marie	B.A. Laurentian/84; LL.B. Ottawa/87
754.	Queen, Susan Cathryn	B.A.A. Ryerson/82; LL.B. Dalhousie/86
755.	Rae, Angela Elizabeth	B.A. Waterloo/84; LL.B. Toronto/87
756.	Rapkin, Steven Jon	A.B. Bowdoin, U.S.A./82; LL.B. Toronto/86
757.	Rawson, Stephen Gerrard	B.A. Western/82; LL.B. Western/85
758.	Ready, Gillian Mary	B.A. Toronto/84; LL.B. Queen's/87
759.	Reaume, Thomas Flynn	B.B.A. Wilfrid Laurier/84; LL.B. Windsor/87
760.	Reid, Jennifer Meela	B.A. New Brunswick/85; LL.B. Queen's/87
761.	Reilly, Timothy Edgar	B.A. Queen's/84; LL.B. York/87
762.	Renaud, Marie Anne Cecile Madeleine	B.A. Ottawa/78; LL.L. Ottawa/86; LL.B. Ottawa/87
763.	Renaud, Marie Eugenie Lucille Sylvie Chantal	B.Ed. McGill/79; LL.B. Ottawa/87
764.	Retzer, Ann Karine	B.Ed. Calgary/84; LL.B. Queen's/87
765.	Reynolds, Karen Elizabeth	B.A. Western/84; LL.B. Western/87
766.	Reynolds, Sharon Kay	B.A. Queen's/79; LL.B. Queen's/87
767.	Rice, Michael Ensign	B.A. Manitoba/80; LL.B. Manitoba/83
768.	Richardson, Elizabeth Jane	B.A. Queen's/84; LL.B. Queen's/87
769.	Riddell, David Archibald Robson	B.Sc. Guelph/80; LL.B. Windsor/87
770.	Riesenberg, Samuel Murray	B.A. Calgary/81; LL.B. York/84

23 September 1988

771.	Robern, Naomi Tobey	2 yrs. History, York; LL.B. York/87
772.	Robertson, Meghan MacBean	B.A. Toronto/84; LL.B. Queen's/87
773.	Rogers, John Alexander	4 yrs. Arts, Toronto; LL.B. York/87
774.	Rogovein, Franceen	B.A. McGill/84; LL.B. York/87
775.	Rose, Elana Nancy	B.A. McGill/83; LL.B. Ottawa/87
776.	Rose, Lon Garrick	2 yrs. Arts, York; LL.B. York/87
777.	Ross, Linda Lucy	B.A. Windsor/74; LL.B. Windsor/87
778.	Ross, Mary Anne	B.A. York/84; LL.B. York/87
779.	Roth, Dana Lynn	2 yrs. Science, York; LL.B. York/87
780.	Rowe, Roger Owen Ricardo	B.A. York/82; LL.B. York/87
781.	Roy, Francois-Allan	B.A. York/81; LL.L. Ottawa/85; LL.B. Ottawa/86
782.	Rubin, Benjamin Mark	B.A. Brandeis, U.S.A./79; LL.B. Toronto/87
783.	Rubinoff, Marci Joy	B.A. Carleton/83; LL.B. Western/87
784.	Rumstein, Gil David	2 yrs. Commerce, Carleton; LL.B. Queen's/87
785.	Rusonik, Reid David	2 yrs. Science, Toronto; LL.B. York/87
786.	Rutherford, Barbara Lynn	2 yrs. Economics, McGill; LL.B. York/87
787.	Ryan, Frank Stephen	B.Comm. Dalhousie/83; LL.B. Dalhousie/86

Approved

4. EXAMINATION RESULTS - COMMON LAW EXAMINATION

The following candidate was approved by the Committee to proceed under Regulation 4(2). The candidate is identified by number only and the report of the examiners is as follows:

<u>Candidate No.</u>	<u>Paper No.</u>	<u>Marks out of 100</u>
325	5A	51
	5B.2	45

The candidate has therefore failed the common law examination as it is necessary to obtain a passing mark in both parts of the exam.

23 September 1988

5. EXAMINATION RESULTS - STATUTES AND PROCEDURE

The results of the examination on the Statutes and Procedure in Ontario held in July 1988 are before the Committee. Four candidates sat the examination:

The following candidates passed:

Peter Charles Engelmann
Ronald William Nablow

Two candidates failed

6. CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfers from another province - Regulation 4(1)

The following candidates having passed the Statutes and Procedure examination, filed the necessary documents and paid the required fee, now apply for call to the Bar and to be granted Certificates of Fitness:

Narinder Nath Malik	Province of Alberta
Ronald William Nablow	Province of Alberta

Bar Admission Course

The following candidates, having successfully completed the twenty-ninth Bar Admission Course, filed the necessary documents and paid the required fee of \$210.00 now apply for call to the Bar and to be granted Certificates of Fitness:

Elizabeth Kathleen Ackman
Katherine Lawson Andrew
John David Burkart
Lisa Curran
Elliott Goldstein
Ingrid Jo-Ann Hibbard
Karen Louise Pettifer
John Peter Rhude
Robert Aaron Roberts
Edith Susan Vogt
Martin Phillip Zarnett

The following candidates, having successfully completed the twenty-eighth Bar Admission Course, filed the necessary documents and paid the required fee of \$210.00 now apply for call to the Bar and to be granted Certificates of Fitness:

Markus Koehnen
Naomi Campbell Overend

C.
INFORMATION

1. On the 8th of September, 1988 the Secretary reported to the Committee that the following had been approved to proceed, under Regulation 6, "Occasional appearances in Ontario of lawyers from other provinces", upon filing the necessary information and Certificate of

23 September 1988

Good Standing, paying the required fee and giving the necessary undertaking.

Everett Lewis Bunnell	Province of Alberta
Ralph Farley	Province of Quebec
Edward Alan Douglas MacInnes	Province of Manitoba
Jean Richard Salois	Province of Quebec
Rene Verret	Province of Quebec (Crown Attorney)

On the 8th of September, 1988 the Secretary reported to the Committee that the following had been approved to continue under Regulation 6, "Occasional appearances in Ontario of lawyers from other provinces", and appear on a second matter, upon filing the necessary information and Certificate of Good Standing, paying the required fee and giving the necessary undertaking.

Jeffrey Keith Boro	Province of Quebec
John Denis Gerols	Province of Quebec (Crown Attorney)
Jean-Pierre Rancourt	Province of Quebec

The following candidate was called to the Bar of Ontario under Regulation 6 concerning "Occasional appearances in Ontario of lawyers from other provinces". He advises that the period for which he was granted permission to appear as Crown Attorney in the Ontario courts has been completed and consequently he is deemed to have applied to the Society for permission to resign.

Rene Verret	Province of Quebec
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(Called June 2nd, 1988)

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"M. P. Weaver"
Vice-Chair

It was moved by Mr. Cass but not seconded that Item B-2 on page 5 regarding the full-time members of faculty be deleted.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-Law was conferred upon each of them by the Treasurer:

Elizabeth Kathleen Ackman	- 29th Bar Admission Course
Katherine Lawson Andrew	- 29th Bar Admission Course
John David Burkart	- 29th Bar Admission Course
Lisa Curran	- 29th Bar Admission Course
Elliott Goldstein	- 29th Bar Admission Course
Ingrid Jo-Ann Hibbard	- 29th Bar Admission Course
Karen Louise Pettifer	- 29th Bar Admission Course
John Peter Rhude	- 29th Bar Admission Course
Robert Aaron Roberts	- 29th Bar Admission Course
Edith Susan Vogt	- 29th Bar Admission Course
Martin Phillip Zarnett	- 29th Bar Admission Course
Markus Koehnen	- 28th Bar Admission Course
Naomi Campbell Overend	- 28th Bar Admission Course
Narinder Nath Malik	- Special, Transfer, Alberta
Ronald William Nablow	- Special, Transfer, Alberta

23 September 1988

Ms. Elizabeth Kathleen Ackman was awarded The Law Society Second Prize for the student attaining the third highest grades in the Bar Admission Course and The Belmont Common, Q.C. Prize for Criminal Procedure for the student attaining the second highest grades in that subject.

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FINANCE COMMITTEE

Mr. J. D. Ground, Chair, presented the three Finance Committee Reports of its meetings held on Tuesday, the 5th July, 1988, Thursday, the 8th September, 1988 and Friday, the 16th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Tuesday, the 5th of July at five o'clock in the afternoon, the following members being present: Messrs. Ground, Howie. Messrs. Bragagnolo, Guthrie and Mrs. Weaver were on conference.

B.

ADMINISTRATION

The following items were on the Libraries and Reporting Committee's report and were approved by Convocation on June 24th 1988 subject to approval by the Finance Committee. Neither item is in the Libraries and Reporting budget for 1988/89.

1. ONTARIO REPORTS - SUPREME COURT OF CANADA HEADNOTES

The Chief Librarian reported that he has met with the Registrar of the Supreme Court of Canada and has received a letter indicating that Chief Justice Dickson's approval has been obtained for printing the headnotes of cases released by the Supreme Court of Canada in the Ontario Reports. It is estimated based on last year, that there will be 140 pages of headnotes in the coming year. The Chief Librarian and the Secretary as instructed by the Libraries and Reporting Committee, negotiated concerning the cost of printing the 140 pages in the Ontario Reports. The negotiations resulted in a decrease from \$385 per page to \$175 per page, or a total reduction of \$29,000.

Your Committee recommends that the Supreme Court of Canada headnotes be printed in the Ontario Reports at a cost of \$24,500.

Subject to the approval of the Finance Committee."

The Committee approved the printing of the headnotes but asked that the situation be reviewed in one year's time.

2. ONTARIO REPORTS - PUBLISHING ADDITIONAL CASES

The Secretary reported that a letter was received from Canada Law Book together with a chart showing the aging of cases in recent volumes going back to 1984, and showing the number of days after the release of the Reasons that the cases appear in the Ontario Reports. Because of the trend of increasing aging to a point where the six month limit is, or might be exceeded, Canada Law Book have suggested that five additional Ontario Reports parts each consisting of 80 pages be published between July 1st and December 31st, 1988. The additional expense to the Society would be an additional \$19,327.70 over the budgeted amount of \$185,018. for the fiscal year July 1st, 1988 to June 30th, 1989.

Your Committee recommends that the 400 additional pages be published in the Ontario Reports between July 1st and December 31st, 1988 and that the budget for publishing the Ontario Reports be increased by \$19,327.70. Subject to the approval of the Finance Committee."

The Committee approved the publishing of the additional cases on the basis that the Library Committee will endeavour to ensure that a backlog of cases will not occur again.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September 1988

"John D. Ground"
Chair

THE REPORT WAS ADOPTED

.....

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAATION ASSEMBLED

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th of September 1988 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Guthrie (Vice-Chair), Furlong, Lamont, Lerner, Noble, Topp, Wardlaw and Mrs. Weaver.

B.

ADMINISTRATION

1. FINANCIAL REPORT

Audited Financial Statements for the year ended 30th June 1988 were before the Committee. The Financial Statements excluding the Errors & Omissions Insurance Fund statements were presented at the meeting. The Errors & Omissions Insurance Fund statements which have been revised to reflect claim and defence reserves were reviewed at a meeting of the Committee on September 16th after the statements had been reviewed by the Director of Insurance and the Practice and Insurance Committee. Mr. David Yule of Clarkson Gordon attended the meetings and reviewed the revised statements with the Committee.

Approved

Note: See motion page 179.

2. REPORT ON RECIPROCAL INSURANCE EXCHANGES AND TAX STATUS OF LAW SOCIETIES

The Chair addressed the Committee on the details of the tax status of Law Societies participating in reciprocal insurance exchanges and the matter of obtaining an advance income tax ruling from Revenue Canada. Copies of relevant correspondence is attached.

Noted

3. CLASSES OF MEMBERSHIP

The Chair of the Special Committee on Classes of Members had asked That the Committee give consideration to some form of clemency for members suspended for non-payment of their annual fees in light of the implementation of Classes of Members this fiscal year.

23 September 1988

Copies of letters from Mr. K. Howie and a memo dated February 5th 1988 to this committee from the Director of Finance were before the Committee.

The Committee concluded that for the reasons set out in Mr. Crack's memorandum any form of clemency would be inappropriate.

4. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 12 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 12 cases all or part of the late filing fee has been outstanding four months or more. The 12 members owe \$6,249.00 of which \$4,474.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 12 members be suspended on September 23rd 1988 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Note: See motion page 180

Approved

5. SUSPENSION OF MEMBERS - ARREARS OF ANNUAL FEES

(a) The following member has not paid his 1987-88 annual fees which were due on October 1st 1987.

Michael Skwark

Winnipeg, Manitoba

(b) The following member paid his 1987-88 annual fees with a cheque which was subsequently dishonoured by the bank.

Kalmen Naton Goldstein

"N.S.F."

\$918.00

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on September 23rd 1988 if the annual fees remain unpaid on that date.

Note: See motion page 180

Approved

6. SUSPENSION OF MEMBERS - ERRORS AND OMISSIONS LEVY

(a) There were 49 members called to the bar in April 1988 who have neither paid Errors and Omissions Insurance Levy nor filed a claim for exemption, for the period from date of Call to June 30th 1988. Three notices have been sent.

(b) The following member paid his Errors and Omissions Insurance Levy for the period 1st April to 30th June 1988 with a cheque which was subsequently dishonoured by the bank.

Wayne Terrence King

"N.S.F."

\$235.00

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on September 23rd 1988 if the Errors and Omissions Levy remains unpaid on that date.

Note: See motion page 180

Approved

23 September 1988

7. CHANGES OF NAME

The following members and student members have requested that their names be changed on the Rolls of the Society and have submitted the required documentation:

(a) Members

<u>From</u>	<u>To</u>
Russell Wayne Brown	Russell Wayne <u>Browne</u> (Court Order)
Kai Shui Seto	<u>Frank</u> Kai Shui Seto (Court Order)
Janis Liane Magnuson Veenendaal	Janis Liane <u>Young</u> (Court Order)
Sylvia Teresa Cox	Sylvia Teresa Cox- <u>Duquette</u> (Married Name)
Sharon Ann McBroom	Sharon Ann <u>Moote</u> (Married Name)
Marina Albertina Cadogan	Marina Albertina <u>Browning</u> (Maiden Name)
Ann Mary Dodd	Ann Mary <u>Shantz</u> (Married Name)
Jane Day Brunton	Jane Day <u>Harrigan</u> (Married Name)
Katherine Jane De Jong	Katherine Jane <u>Tomaszewski</u> (Married Name)
Catherine Mary MacDonald	Catherine Mary <u>Patterson</u> (Court Order)

(b) Student Members

<u>From</u>	<u>To</u>
Ardel Marie Van Winkle	Ardel Marie <u>Johnston</u> (Married Name)
Mary Jean Hudson	Mary Jean <u>McFall</u> (Married Name)

The petitions submitted by the members and student members are in order and the Committee was asked to recommend that the changes be entered in the Rolls.

Approved

8. MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty years of age and fully retired from the practice of law, have requested permission to continue their membership in the Society without payment of annual fees:

John Franklin Lake	Toronto
James John Black	Toronto
Herbert Alfred Bunn	Willowdale
Clifford Howard Musclow	Brockville

Their applications are in order and the Committee was asked to approve them.

Approved

23 September 1988

9. LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society with an effective date of September 15, 1988:

Thomas Herbert Baker	Huntsville
Robert Murray Bell	Toronto
Douglas Thurston Kee	Pointe Aux Roches
Powell Kenneth Laishley	Ottawa
Reginald James Lamon	London
James Ross MacBrien	Toronto
John Denton Reilly	North York
William Kenneth Warrender	Hamilton
John Owrey Weldon	Fonthill

Noted

10. MEMBERSHIP RESTORED

The following members gave notice under section 31 of The Law Society Act that they had ceased to hold judicial office and wished to be restored to the Rolls of the Law Society.

Rosalie Silberman Abella (Provincial Court of Ontario)	Restored 19th July 1988
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Richard Ian Cartwright (District Court of Ontario)	Restored 1st September 1988
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Noted

C.
INFORMATION

1. ROLLS AND RECORDS

(a) Deaths

The following members have died:

James Vincent Alfred O'Brien Toronto	Called September 28th 1950 Died May 27th 1988
James Fletcher Swayze, Q.C. Welland	Called September 15th 1949 Died May 25th 1988
George Reith Mackie, Q.C. Toronto	Called September 17th 1942 Died May 6th 1988
Percy Claire Finlay, Q.C. Toronto (Life Member)	Called June 19th 1924 Died June 29th 1988
Kenneth Ewart Martin, Q.C. Hamilton	Called November 18th 1948 Died June 15th 1988
Hyliard Garfield Chappell, Q.C. Toronto	Called June 17th 1943 Died March 5th 1988
James Douglas Lucas, Q.C. Toronto (Life Member)	Called November 20th 1924 Died October 9th 1987
Ross Ryrie, Q.C. Oakville (Life Member)	Called October 16th 1930 Died April 19th 1988
George Arthur Marron Meaford (Life Member)	Called June 21st 1934 Died February 29th 1988
Peter Scarth Osler, Q.C. Toronto	Called June 20th 1940 Died June 18th 1988

Noted

23 September 1988

(b) Permission to Resign

The following member was permitted to resign his membership in the Society and his name has been removed from the rolls and records of the Society:

Stephen Charles Kaman
Windsor

Called March 29th 1977
Resigned - Convocation May 26th 1988

Noted

(c) Membership in Abeyance

Upon their appointments to the offices shown below the membership of the following members have been placed in abeyance under section 31 of The Law Society Act:

James Barton Chadwick, Q.C.
Ottawa (Former Bencher)

Called April 10th 1964
Appointed Judge, Supreme Court of
Ontario, High Court of Justice
June 7th 1988

Paul Gillrie Philp, Q.C.
Hamilton (Former Bencher)

Called June 21st 1951
Appointed Judge, Supreme Court of
Ontario, High Court of Justice
September 2nd 1988

James Joseph Carthy, Q.C.
Toronto (Former Bencher)

Called June 26th 1958
Appointed Judge, Supreme Court of
Ontario, Court of Appeal
September 2nd 1988

Noted

(d) Disbarments

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Roger William Morris
Windsor

Called June 25th 1953
Disbarred Convocation May 26th 1988

Noted

2. STAFF CHANGES

The Director reported the following staff changes.

Errors and Omissions

Ms. Elisa Ouellette has resigned as a Data Processor effective July 19th 1988.

Ms. Madeleine Rose has commenced employment as Claims Examiner effective July 18th 1988.(N)

Finance

Mr. Kenneth Jarvis has retired as Under-Treasurer effective June 30th 1988.

Ms. Maria Borden has resigned as a secretary effective July 29th 1988.

Mr. Keith Miller has commence employment as a Clerk Typist in the Records Department effective July 14th 1988.(R)

23 September 1988

Great Library

Ms. Jeanette Bowley as commenced employment as a reference librarian effective August 2nd 1988.(R)

Ms. Lisa Douglas has resigned as a reference librarian effective August 12th 1988.

Legal Education

Ms. Sabina Otterman commenced employment in the Printing Department effective June 27th 1988.(R)

Mr. William Riley has resigned as Regional Director in Ottawa effective June 30th 1988.

Ms. Pat Jacklin has resigned as Assistant Registrar in London effective June 30th 1988.

Ms. Stacey Koh has commenced employment as a secretary in Bar Admission effective August 2nd 1988.(R)

Ms. Vicki Santos has commenced employment as a file clerk in Bar Admission effective August 8th 1988.(R)

Ms. Fatima DeSousa has commenced employment as a secretary in Continuing Legal Education effective August 8th 1988.(R)

Ms. Mary Palleschi has resigned as a secretary in the Bar Admission effective July 15th 1988.

Ms. Nickey Alexiou has resigned as a co-ordinator in Bar Admission effective July 29th 1988.

Ms. Lisa Bath has commenced employment as a Clerk Typist in Bar Admission effective July 18th 1988.(R)

Ms. Ruth Murle has commenced employment as a Receptionist in Bar Admission effective July 25th 1988.(R)

Ms. Nancy Barton has commenced employment as a co-ordinator in Bar Admission effective July 25th 1988.(R)

Ms. Lynda Hrousalas has resigned as a receptionist in Bar Admission effective June 30th 1988.

Secretariat

Ms. Jeanette Allenbick has resigned as a secretary effective June 30th 1988.

Ms. Deborah Davids has resigned as a secretary in the Complaints Office effective August 12th 1988.

Ms. Kathryn Scott has resigned as an examiner in the Audit Department effective July 31st 1988.

Ms. Pauline Orlecki has resigned as a Complaints Officer in the Discipline Department effective July 29th 1988.

Mr. Kyle Hoag has commenced employment as a carpenter in the Maintenance Department effective July 5th 1988.(N)

Ms. Christine Shaw has resigned as a secretary in the Discipline Department effective July 15th 1988.

Noted

23 September 1988

3. LEGAL MEETINGS AND ENTERTAINMENT

Pursuant to the authority given by the Finance Committee, the Secretary reported that permission has been given for the following:

September 15th, 1988	CBAO - Research & Policy Analysis Section Small Dining Room
September 29th, 1988	CBAO - Criminal Justice Section Small Dining Room
October 19th, 1988	CBAO - Air & Space Law Section Small Dining Room
October 22nd, 1988	Hartley Nathan - Osgoode Hall Law School Class of 1963 Reunion Barrister's Lounge/Convocation Hall
November 23rd, 1988	CBAO - Section Meeting Barrister's Lounge/Convocation Hall
November 24th, 1988	CBAO - Criminal Justice Section Small Dining Room
January 11th, 1989	CBAO - Air & Space Law Section Barrister's Lounge
April 5th, 1989	CBAO - Air & Space Law Section Barrister's Lounge
June 7th, 1989	CBAO - Air & Space Law Section Barrister's Lounge

Noted

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September 1988

"John D. Ground"
Chair

Attached to original Report in Convocation File, copy of:

B-2 - Letter dated August 16, 1988 from J. D. Ground to Claude Seguin, Esq., Canadian Lawyers Insurance Association; letter dated August 4th, 1988 from Claude Seguin to Jack D. Ground, Q.C.; letter dated July 15, 1988 from Director, Financial Industries Division, Rulings Directorate, Revenue Canada Taxation to Buchwald Asper Henteleff, Attention: Mr. R. G. Shead; letter dated June 13, 1988 from Richard G. Shead to Ms. Michele Trottier, Re: Canadian Lawyers Insurance Association ("CLIA") - Proposed Application for Advanced Income Tax Ruling by Participating Society

(marked B2)

B-3 - Letter dated June 23 1988 from J. D. Ground to Kenneth E. Howie, Esq. Re: Finance Committee - Classes of Membership; letter dated June 20th, 1988 from Kenneth E. Howie to John D. Ground, Esq., Q.C., Re: Classes of Membership; Memorandum dated February 5th, 1988 from David E. Crack to Chair and Members of Finance Committee and Members of Sub-Committee on Relief from Fees and Levies Re: Report of the Special Committee on Classes of Members The issue of Amnesty for Members Currently Suspended

(marked B3)

THE REPORT WITH THE EXCEPTION OF (B) 1 - FINANCIAL STATEMENTS AND
ITEMS (B) 4, 5 AND 6 WAS ADOPTED

.....

23 September 1988

MOTION - FAILURE TO PAY ERRORS & OMISSIONS LEVY NOR FILED FOR EXEMPTION

It was moved by Mr. Ground, seconded by Mr. Noble that the rights and privileges of each member who has neither paid the Errors and Omissions Insurance levy which was due on 1st of April 1988 nor filed an approved application for exemption from coverage whose name appears below, be suspended from the 23rd of September 1988 for one year and from year to year thereafter or until an application for exemption has been approved or the necessary level has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Wayne Terrence King N.S.F. \$235.00

Carried

MOTION - FAILURE TO PAY ANNUAL FEES

It was moved by Mr. Ground, seconded by Mr. Noble that the rights and privileges of each member who has not paid all of their annual fees for 1987/88 and whose name appears below be suspended for a period of one year from 23rd of September 1988 and from year to year thereafter, or until their fees are paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Michael Skwark Winnipeg, Manitoba
Kalmen Naton Goldstein Toronto

Carried

MOTION - FAILURE TO PAY LATE FILING FEE

It was moved by Mr. Ground, seconded by Mr. Noble that the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 23rd of September 1988 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

LIST A

September 22, 1988

MEMBERS IN DEFAULT IN ANNUAL FILING AND
WHO HAVE NOT PAID THE LATE FILING PENALTY

<u>Name</u>	<u>Location</u>	Late Filing Penalty Position as at Sept. 23, 1988	
		<u>Outstanding Over 4 Mths.</u>	<u>Total Owing</u>
Claxton, Edward William	Kitchener	\$ 335.00	\$ 600.00
Fraser, Alison Margaret	Toronto	450.00	600.00
Kennedy, William Loren	Hamilton	335.00	600.00
Martin, Stephen Paul	Toronto	450.00	600.00
Reitmeier, Kristina Joanne	Toronto	335.00	600.00

LIST B

September 22, 1988

MEMBERS WHO HAVE FILED BUT HAVE
FAILED TO PAY THE LATE FILING PENALTY

<u>Name</u>	<u>Location</u>	Late Filing Penalty Position as at Sept. 23, 1988	
		<u>Outstanding Over 4 Mths.</u>	<u>Total Owing</u>
Gardiner, George Thomas	Scarborough	\$ 145.00	\$ 145.00
Whitelaw, Archibald Burnside	Toronto	335.00	580.00

Carried

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23 September 1988

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Friday, the 16th of September 1988 at ten o'clock in the morning, the following members being present: Messrs. Ground (Chair), and Lamont. On conference call: Messrs. Guthrie (Vice-Chair), Wardlaw and Mrs. Weaver.

B.

ADMINISTRATION

1. FINANCIAL REPORT - ERRORS AND OMISSIONS INSURANCE FUND

With reference to Item B-1 of our report of September 8th 1988 the Committee met to discuss the Errors and Omissions Insurance Fund financial statements for the year ended June 30th 1988. The statements had been reviewed by the Director of Insurance and the Chair of the Practice and Insurance Committee.

Approved

2. BUILDING COMMITTEE - LIFE SAFETY PROJECT

The Building Committee had estimated the cost to complete the Life Safety Project at \$477,000.00. The Society's architect reports that current tenders indicate the cost for the total project to be \$361,273.00 or some \$116,000 less than anticipated. The original estimates envisaged completing the project over two fiscal years and consequently only \$300,000 was entered into the budget for 1988/89. By deferring certain purchases, \$50,000 can be found in the budget and allow it to be completed in the 1988/89 fiscal year and take advantage of the savings indicated.

The Committee was asked to approve this expenditure.

Approved

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September 1988

"John Ground"
Chair

THE REPORT WAS ADOPTED

MOTION - FINANCIAL STATEMENTS

It was moved by Mr. Ground, seconded by Mr. Howie that the financial statements as presented be adopted.

Carried

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SPECIAL COMMITTEE ON CITIZENSHIP REQUIREMENTS

Two Reports of the Special Committee on Citizenship were presented. Mr. O'Brien presented a report on behalf of himself and Mr. Pepper favouring retention of the Canadian Citizenship requirement for admission to the Law Society of Upper Canada. Mr. A. Rock presented a second report on behalf of himself and Mr. Ground favouring allowing permanent residents of Canada as well as Canadian citizens to be called to the Bar of Ontario.

23 September 1988

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The members of the Special Committee on Citizenship Requirements beg leave to report:

Your Committee was composed of Messrs. O'Brien, Pepper, Ground and Rock. After deliberation the members of the Committee determined they were unable to submit a majority report. Messrs. O'Brien and Pepper together submitted a report and Messrs. Ground and Rock submitted a separate report. Copies of the two Reports are attached for consideration by Convocation.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"B. O'Brien"
Chair

It was moved by Mr. O'Brien seconded by Mr. Pepper that the Law Society not ask the Ontario government to change the Law Society Act requirements regarding citizenship.

It was moved by Mr. Rock seconded by Mr. Ground that the Law Society ask the Attorney General to seek an amendment to the Law Society Act so it will thereafter provide that membership in the Law Society is available to Canadian citizens or permanent residents of Canada.

It was moved by Mr. Cass seconded by Mrs. Legge that Convocation ask the Attorney General to amend the legislation to require Canadian citizenship without prejudice to the rights of existing members.

It was moved by Mr. Noble seconded by Mr. Farquharson that the debate on the Citizenship issue be deferred until the decision in the Andrew's case is announced by the Supreme Court of Canada. This motion was ruled out of order as Convocation had debated that issue in April and had voted not to defer the matter until the Andrew decision had been announced.

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Convocation adjourned at 12:45 p.m. for lunch.

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The guests were the Honourable W.G.C. Howland, Chief Justice of Ontario; The Honourable Mr. Justice W. Dan Chilcott, The Honourable Mr. Justice James B. Chadwick and The Honourable Judge James D. Carnwath.

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Convocation resumed at 2:45 p.m. and the debate on the Citizenship issue continued.

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IN PUBLIC

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23 September 1988

PRESENT:

The Treasurer, (Mr. L. K. Ferrier), Mr. Bastedo, Ms. Bellamy, Mr. Bragagnolo, Ms. Callwood, Messrs. Carter, Cullity, Doran, Farquharson, Ferguson and Genest, Mrs. Graham, Messrs. Ground and Guthrie, Ms. Harvey, Messrs. Kiteley, Lamek and Lamont, Mrs. Legge, Messrs. Lerner, McKinnon, Manes, Murphy, Noble, O'Brien, O'Connor, Outerbridge and Pepper, Ms. Peters, Messrs. Rock, Shaffer (after his election as a Benchler), Somerville, Sosa, Spence, Strosberg, Thom, Topp and Wardlaw, Mrs. Weaver, Messrs. Wood and Yachetti.

.....

CONTINUATION OF THE SPECIAL COMMITTEE ON CITIZENSHIP

The motion as put by Messrs. Rock and Ground carried on a vote of 24 to 15.

FOREIGN LAWYERS

Mr. J. M. Spence, Chair, presented the Report of the Special Committee on Foreign Lawyers.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL COMMITTEE ON FOREIGN LAWYERS begs leave to report:

In September, 1986 Convocation established a Special Committee on Foreign Lawyers comprised of Messrs. Spence (Chair), Ground, Outerbridge, Rock and Sopinka.

The Special Committee on Foreign Lawyers has in the past months been reviewing the question of allowing lawyers from foreign jurisdictions to establish offices in Ontario as legal consultants to advise on the law of their home jurisdiction.

This debate has revolved around requests from lawyers in jurisdictions outside of Canada. For lawyers within Canada there are procedures for being called to the Bar of other provinces and in Ontario, our Rules of Professional Conduct permit the establishment of interprovincial law firms. The Society has also recognized the federal nature of the country and permitted law firms from other provinces to establish offices in Ottawa which are restricted to advising on matters of federal law and to practice before the federal Courts and boards.

While in the past most of the inquiries have been from U.S. lawyers particularly those in border towns and cities who wish to open an Ontario office to advise on immigration matters, it is expected that in the near future the Society will receive requests from large international firms.

The Society in the past has taken the view that such an arrangement would be a violation of s.50(1) of the Law Society Act. The rationale for this policy being that advising a person in Ontario on a question of law, no matter of what jurisdiction, is practising law within s.50. In addition it was felt that advice to Ontario residents about the effect of the law of a foreign jurisdiction must necessarily involve an appreciation of the inter-relationship of the foreign jurisdiction's laws with those of Ontario and would lead inevitably to the foreign lawyer giving advice on Ontario law.

23 September 1988

The increased emphasis on international trade development has led at least one U.S. jurisdiction (New York) to adopt a system for licensing foreign legal consultants and four other jurisdictions to investigate the possibility: District of Columbia, Michigan, California and Texas.

The New York Plan started in 1974 and in December 1985 there were 75 foreign lawyers registered as consultants. This number appears to be low given the size of the New York market, however, it may be attributable to the fact that many foreign lawyers as an alternative, get called to the Bar of New York. There is no citizenship requirement in New York as there is in Ontario.

Generally speaking the reasoning in the U.S. jurisdictions is that as set out in a report of the Washington, D.C. Bar:

"We believe that the licensing of special legal consultants...would significantly facilitate the development of the District as an international commercial and financial centre without causing any adverse effect on the existing members of the Bar. We believe that the District can be even more competitive in winning this investment if it can provide foreign investors the same kind of opportunity to consult foreign lawyers here as is now possible in the state of New York."

The U.S. schemes permit foreign lawyers to be designated as legal consultants provided they meet certain requirements concerning years of practice in the home jurisdiction, maintenance of an office in the home jurisdiction and undertakings to limit their practice to giving advice about the laws of their home jurisdiction. Foreign consultants are also bound by the Rules of Professional Conduct applicable in the jurisdiction in which they are licensed as foreign consultants.

In some proposals there is a requirement of reciprocity, that is the foreign jurisdiction must also permit the licensing of foreign legal consultants. This is not an element of the New York plan nor the plan in effect in the United Kingdom.

A proposed rule governing foreign legal consultants presently under consideration in Texas. The basic elements are:

- (a) Good moral character;
- (b) Actual resident of the state of Texas;
- (c) Proper immigration status;
- (d) Twenty-six (26) years of age or older;
- (e) Member in good standing of home jurisdiction governing body;
- (f) May only use the title "Foreign Legal Consultant"; and
- (g) Subject to control by the Supreme Court of Texas and the Rules of Professional Conduct applicable to members of the State Bar of Texas.

The Law Society of England and Wales also has rules governing foreign legal consultants. As in the U.S. jurisdictions the basic requirements are that applicants be members in good standing of the governing body of their home jurisdiction, have evidence of proper immigration status, have evidence of professional liability insurance and sign an undertaking as to the scope and nature of the practice while in the United Kingdom.

23 September 1988

The U.S. schemes and the U.K. rules typically require foreign consultants to restrict their practice to the law of their home jurisdiction and in a number of cases specifically exclude certain categories of legal work such as deeds and wills.

The Law Society of British Columbia has also reviewed the issue of foreign legal consultants as part of a larger review of interprovincial law firms. The British Columbia Committee has put forward the following rule for consideration:

1. The Law Society may license as a Foreign Legal Consultant, applicants who:

- a) reside or have a bona fide intention to reside in the Province;
- b) satisfy the benchers of their good moral character;
- c) offer proof of having been in active practice and in good standing in their home jurisdiction for five of the immediately preceding seven years;
- d) undertake to observe the standards of conduct of the Law Society of British Columbia and to submit to the jurisdiction of the Law Society; and
- e) offer proof of professional liability insurance in an amount satisfactory to the benchers.

2. A foreign Legal Consultant may offer his services in British Columbia subject to the limitation that he may not:

- a) Represent another person in any Court or administrative agency in the Province;
- b) Prepare any instruments that affect:
 - (i) title to real estate located in the Province;
 - (ii) disposition on death of property located in and owned by a British Columbia resident;
 - (iii) administration of a decedent's estate in the Province; and
 - (iv) marital relations of, or custody of a child of, a resident of British Columbia.
- c) Use any title other than "legal consultant on foreign and international law" or his authorized title in conjunction with the name of his home country, nor in any way hold himself out to be a member of the bar of British Columbia.

The British Columbia rule follows very closely the model being used in the U.S. jurisdictions and in Great Britain.

A further consideration is the effect of the free trade agreement with the United States. Free trade is expected to foster international trade and more Canadian investors and companies will have need of legal advice particularly about the laws of the U.S. One way of ensuring that they have access to such advice is through a system of foreign legal consultants.

23 September 1988

After carefully reviewing the issues and the schemes in place or proposed in other jurisdictions, your Committee recommends that the Law Society establish a procedure for licensing foreign legal consultants. In making this recommendation the Committee wishes to emphasize that foreign legal consultants would be strictly limited to advising on the law of their home jurisdiction and that only persons who are members of the Law Society will be allowed to provide advice on the law of Ontario.

Your Committee feels that foreign legal consultants will provide a service to individuals and corporations with international dealings. The experience in jurisdictions where the concept has been adopted appears to be positive and there does not appear to have been a substantial impact on the local profession.

Your Committee recommends the following rule on foreign legal consultants be adopted:

FOREIGN LEGAL CONSULTANTS

1. The Society may license as a foreign Legal Consultant applicants who:
 - (a) are members in good standing of the licensing body in their home jurisdiction, and for at least three of the five preceding years have been actively engaged in the practise of law of that jurisdiction;
 - (b) are members in good standing of the licensing body in their home jurisdiction and who have been actively engaged in the practice of law in their home jurisdiction for less than three of the five preceding years provided:
 - (i) they are under the supervision of a foreign legal consultant licensed pursuant to paragraph (a) and the supervisory arrangement has been approved by the Admissions Committee or
 - (ii) they undertake to comply with terms and conditions approved by the Admissions Committee;
 - (c) are actually resident in Ontario and have complied with applicable immigration requirements or give an undertaking to take up actual residence in Ontario as soon after the granting of the license as practicable;
 - (d) are of good character;
 - (e) provide proof of professional errors and omissions insurance in an amount and form satisfactory to the Society;
 - (f) undertake to observe the standards of professional conduct which are accepted by the legal profession in Ontario including those set out in the Society's Rules of Professional Conduct;
 - (g) undertake to submit to the jurisdiction of the Law Society of Upper Canada in regard to their practice in Ontario.
2. Foreign Legal Consultants may offer their services in Ontario subject to the following limitations:
 - (a) they may not hold themselves out as qualified to act as a member of the Law Society of Upper Canada;
 - (b) they may not represent clients in any Court or before any public administrative body;

- (c) they may not provide advice on matters of Ontario law (which for purposes of these rules includes Canadian law applicable in Ontario);
- (d) they may not prepare or participate in preparing any document or instrument which is or which may be governed by the laws of Ontario unless the client has retained a member of the Law Society of Upper Canada who also participates in the preparation of such document or instrument and review the final draft.

Note: See amendment to Section 2(d) on page 187

- 3. To insure that the public are not misled about the professional qualifications of foreign Legal Consultants they must on their letterhead and in listings identify themselves by their untranslated title with a translation in brackets with a reference to the country or jurisdiction in which they are licensed.
- 4. Applications for licensing as a Foreign Legal Consultant shall be made to the Admissions Committee which will have the authority to approve or deny the application.

The Committee also received submissions in favour of allowing foreign law firms to practice in Ontario as "international law firms". These submissions envisage arrangements to permit a foreign law firm to practice in Ontario not only the law of its home jurisdiction but also the law of other jurisdictions including the host jurisdiction, provided those lawyers engaged are qualified in the jurisdictions in question. In support of such an approach, it is said that a number of foreign jurisdictions are considering such arrangements and in some jurisdictions they are in place or clearly in prospect. These arrangements would not be permitted by the proposal recommended by the Committee. We have as yet had no experience with foreign law firms practicing in Ontario; in the view of the Committee it is more prudent to start with arrangements of the type which have been in operation for some period of time in other jurisdictions and build a record of experience which can be assessed as a basis for deciding about further steps in this area.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"J. M. Spence"
Chair

It was moved by Mr. Bastedo, seconded by Mr. Noble, that the matter be put over to the Legislation and Rules Committee to determine the question of the jurisdiction of the Law Society to enact the Rule.

Carried

Page 4, Foreign Legal Consultants Item 2 (d) was amended by adding "and review the final draft". This amendment was accepted by the Chair.

DISCIPLINE POLICY COMMITTEE

Mr. P. Lamek, Chair, presented the Report of the Discipline Policy Committee of its meeting on Thursday, the 8th September, 1988.

23 September 1988

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE COMMITTEE begs leave to report:

Your Committee met Thursday, September 8th, 1988 at one thirty in the afternoon, the following members being present: Messrs. Somerville (Chair), Lamek, McKinnon, Cooper, Lerner, O'Connor, Cullity, Wood, Cass, Strosberg, Mesdames Peters and Graham.

A.

POLICY

1A. COLLECTION OF ERRORS AND OMISSIONS DEDUCTIBLES

Many members continue to be in default of payment of Errors and Omissions insurance deductibles. The Law Society has maintained a policy of guaranteeing bank loans to assist members in paying the deductibles. The question of using the discipline process to pursue members in default has been considered by Discipline Policy Committees in the past and the most recent Report to Convocation arising from the meeting of May 14th, 1987 is attached as A1-A2. Subsequently, an interim report was prepared on August 27th, 1987, outlining the procedures as well as the successes. The 1987 memo is attached as A3-A5.

Since August 27th, 1987, collections made through the Discipline Department have totalled \$146,099.10. This consists of \$83,472.50 collected by way of cash and \$62,626.60 in bank loans taken out by the members.

The process has now been streamlined and is running very efficiently. There are still, however, those occasions where members acknowledge their responsibility to pay but simply fail to do so. It is in these cases that a formal complaint may be most appropriate.

Your Committee has asked that the question of using the discipline process to collect unpaid deductibles be placed on the Agenda for the October, 1988 Discipline Policy Committee Meeting at which time representations will be received from the Director of the Society's Errors and Omissions Insurance Program.

2A. ADMONITIONS AND CAUTIONS

Discipline Staff at the Law Society are often faced with complaints about members' misconduct serious enough to warrant Law Society attention, but not of sufficient gravity to warrant even the least severe of the formal disciplinary proceedings, the Invitation to Attend.

In such cases admonitions in lieu of hearings, though tempting are inappropriate, especially when the solicitor denies the misconduct. Your Committee recommends that the staff of the Discipline Department be authorized to issue written "cautions" in compliance with the following guidelines:

- (a) Recitation of the facts in the complaint.
- (b) Reference to the relevant Rule of Professional Conduct.
- (c) An expression of concern on the basis of what appears to be questionable conduct.
- (d) A statement that the Law Society hopes that this expression of concern will see the problem rectified.

23 September 1988

- (e) Notice to the member that a copy of the Caution will be sent to the complainant.
- (f) Reminder that the complainant has the right to proceed to a Complaints Review if the Caution appears unsatisfactory.
- (g) Discipline staff must obtain the approval of the Chair or Vice-Chair of the Discipline Policy Committee before issuing the Caution.
- (h) The member shall be notified that a copy of the Caution will be registered in an active Caution book for two years.
- (i) The member shall also be notified of his right to appeal the Caution to the Chair or Vice-Chair of the Discipline Policy Committee.

Note: See motion page 190

B.
ADMINISTRATION

1B. DISBARRED LAWYER

A firm of solicitors requests permission to employ, as a conveyancer and legal assistant, a former member of this Society who was disbarred in 1982 for misappropriation of money from an estate. The former member is currently working as an independent paralegal. His activities in that regard have come to the attention of the Society and the Unauthorized Practice Department has instructed counsel to seek an injunction against the former member.

Messrs. Somerville and Wood were absent during discussion of this matter.

Your Committee recommends that one of its members be appointed to consider and report to this Committee upon all the available facts bearing upon the former member's rehabilitation.

2B. COMPLAINTS REVIEW UPDATE

Out of the 3,700 complaints investigated last year eighty-one requests for Complaints Review were received. This represents twice as many requests as in the previous year. Twenty of the matters heard by the Commissioners were returned to the Discipline Department of which one resulted in formal discipline.

A complainant who chooses a Review is provided with a summary of the complaint and invited to meet with the Complaints Commissioner to discuss the file. Procedural Guidelines established by Convocation in 1988 allow the Commissioners to return the file to the Discipline Department for further review or to seek authorization from the Chair of Discipline for a formal complaint after the Review has been conducted. One complainant recently requested the right to tape the Complaints Review. This query was made of the previous Chair of the Discipline Committee, J.J. Carthy. In his view it was inoffensive. Your Committee recommends that the Law Society make arrangements to keep a copy of the same tape recording for its own records.

3B. APPLICATION BY BANKRUPT MEMBER

A member made a personal assignment in bankruptcy on August 19th, 1988. He cannot maintain a trust fund by virtue of Section 7(2) of Regulation 573 under the Law Society Act which reads as follows:

From and after the date a barrister and solicitor is declared to be a bankrupt or makes a general assignment for the benefit of his

23 September 1988

creditors and so long as he remains an undischarged bankrupt, he shall not without the written permission of Convocation or the Discipline Committee accept from or on behalf of clients any money or other property other than in payment of fees for services rendered or in reimbursement for money properly expended or expenses properly incurred on behalf of a client.

The member requests permission to maintain a trust fund. Reference material from the solicitor indicates that the circumstances which lead to the assignment in bankruptcy arose out of personal investments which are unrelated to his practice.

The solicitor is a sole practitioner practising in downtown Toronto. His practice is in the area of corporate, commercial and securities law with some real estate development work.

Your Committee recommends that permission be denied unless the member can provide the Society with an acceptable proposal for co-signor of the trust account.

Note: See reference to this Item on page¹⁹⁰.

C.
INFORMATION

1C. AUDIT OPINION ON THE BANK OF MONTREAL PROPOSAL FOR INDIVIDUAL CONTRACT TRUST ACCOUNTS.

Attached as C1-22 is a letter of inquiry by a member as well as comments from Practice Advisory and Audit.

2C. AUDIT QUARTERLY REPORT

Attached as C23-31.

3C. LAWYER REFERRAL SERVICE

The Discipline Department has asked the Lawyer Referral Service to remove a member's name from the Lawyer Referral List as soon as a formal complaint has been issued against the member. The name will remain off the list until the discipline matter has been concluded.

Your Committee approves of this practice where a formal complaint has been issued against a member.

ALL OF WHICH is respectfully submitted

DATED this September 22nd, 1988

"P.S.A. Lamek"
Chair

It was moved by Mr. Doran seconded by Mr. O'Connor that Item A-2A, Admonitions and Cautions be referred back to the Committee for further consideration.

Carried

Item B-3B, being an application by a bankrupt member to operate a trust account was deleted at the request of the Chair, Mr. Lamek.

THE REPORT AS AMENDED WAS ADOPTED

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23 September 1988

Five discipline orders were filed with Convocation.

Re: STEPHEN LAWRENCE CAPPE, Toronto

IN THE MATTER OF the Law Society Act;

AND

IN THE MATTER OF
Stephen Lawrence Cappe,
of the City of Toronto,
a Barrister and Solicitor
(hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 6th day of May, 1988, in the presence of Counsel for the Society and for the Solicitor, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid, granted the Solicitor two weeks from the Special Convocation of June 23, 1988 to resign his membership in the Society;

CONVOCATION HEREBY ORDERS that if the said Stephen Lawrence Cappe fails to tender his resignation within the time allowed by Convocation, he be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

Dated this 23rd day of June, 1988

"Laura Legge"
Treasurer

(SEAL -
The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

.....

Re: Herbert Sterling Stewart, Kingston

IN THE MATTER OF the Law Society Act;

AND

IN THE MATTER OF
Herbert Sterling Stewart,
of the City of Kingston,
a Barrister and Solicitor
(hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 27th day of May, 1988, in the presence of Counsel for the Society and for the Solicitor, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid, granted the Solicitor two weeks from the Special Convocation of June 23rd, 1988 to resign his membership in the Society;

23 September 1988

CONVOCATION HEREBY ORDERS that if the said Herbert Sterling Stewart, fails to tender his resignation within the time allowed by Convocation, he be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

Dated this 23rd day of June, 1988

"Laura Legge"
Treasurer

(SEAL -
The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

.....

Re: Michael Alan Weller, Perth

IN THE MATTER OF the Law Society Act;

AND

IN THE MATTER OF
Michael Alan Weller,
of the Town of Perth,
a Barrister and Solicitor
(hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 27th day of August, 1987, in the presence of Counsel for the Society, no one appearing for the Solicitor although he was properly served, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS the said Michael Alan Weller be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

Dated this 24th day of June, 1988

"Lee K. Ferrier"
Treasurer

(SEAL -
The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

.....

23 September 1988

Re: Gregory Peter Linton Vanular, Pickering

IN THE MATTER OF the Law Society Act;

AND

IN THE MATTER OF
Gregory Peter Linton Vanular,
of the Town of Pickering,
a Barrister and Solicitor
(hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 15th day of June, 1988, in the presence of Counsel for the Society and for the Solicitor, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the Solicitor pay a fine of \$5,000.00 and that the rights and privileges of the said Gregory Peter Linton Vanular be suspended for a period of six months from July 9, 1988, and that following the restoration of his privileges, he be required to practise with another solicitor for an indefinite period, until relieved by Convocation.

CONVOCATION FURTHER ORDERS that the other experienced solicitor would have to be approved by Senior Counsel - Discipline or, in the event of any disagreement over the choice of such solicitor, the matter be referred to the Discipline Committee whose decision would be binding.

CONVOCATION FURTHER ORDERS that during the period of his suspension, the Solicitor not be permitted to be present on the office premises of his firm for any purpose and that the Solicitor's offices in Pickering and Aurora may remain open during the period of suspension if the practice in each of these offices is conducted by an experienced solicitor approved by the Senior Counsel - Discipline, or in the event of any disagreement over the choice of such solicitor, the matter be referred to the earliest available discipline committee, whose decision would be binding.

Dated this 23rd day of June, 1988

"Laura Legge"
Treasurer

(SEAL -
The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

.....

23 September 1988

Re: Allen Ian Wexler, Toronto

IN THE MATTER OF the Law Society Act;

AND

IN THE MATTER OF
Allan Ian Wexler,
of the City of Toronto,
a Barrister and Solicitor
(hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of April, 1988, in the presence of Counsel for the Society and for the Solicitor, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid,

CONVOCATION HEREBY ORDERS that the said Allan Ian Wexler be reprimanded in Convocation.

Dated this 23rd day of June, 1988

"Laura Legge"
Treasurer

(SEAL -
The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

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PROFESSIONAL CONDUCT COMMITTEE

Mr. Doran presented the Report of the Professional Conduct Committee of its meeting on Thursday, the 8th September, 1988.

Item B - 2 Use of Qualified Law Clerk to Conduct Judgment Debtor Examinations, on Page 6 of the Report, second paragraph, line three regarding the employment of a law clerk was amended so that it read: "...the law clerk was not employed...".

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th day of September, 1988 at three o'clock in the afternoon, the following members being present: Messrs. Doran (Chair), Genest, Hickey, O'Connor, Somerville and Strosberg and Mrs. Graham. Mr. Lamont attended at the request of the Chair.

A.
POLICY

1. THE NEED FOR A SPECIFIC RULE
ON DISBURSEMENTS

The following item appeared in the Report of the Professional Conduct Committee to Convocation in June. It read:

The Professional Conduct Committee at its May meeting considered whether the Law Society should keep the present Rule 9 which specifically details what are accepted disbursements or whether the present Rule 9 should be amended so that it contained only a general statement that what is charged as a disbursement should be either the exact or approximate cost incurred by the lawyer on the client's behalf. The consensus of the Committee at its May meeting was that Rule 9 should be amended to contain a general statement. Notice of the Committee's attention was given to Convocation in May. However, the Committee decided to defer consideration until the fall so that every benchers could receive a complete brief well in advance of the meeting when this issue is to be discussed.

A detailed memorandum on the subject was sent out in late August to every Benchers.

The Committee will ask Convocation in November to accept the report of this item so that at least the following bodies will have the opportunity of giving their views: the Practice and Insurance Committee, the County and District Law Presidents' Association and the Real Property Section of the Canadian Bar Association - Ontario.

The Committee had the benefit of Mr. Lamont's views.

The Committee concluded that Rule 9 should be amended to remove all detailed provisions respecting disbursements. There would be two changes made to Rule 9 and one change to the Commentary.

Rule 9 would now read: (the changes are underlined)

The lawyer shall not:

(a) undertake to act for, charge or accept any fee which is not fully disclosed, fair and reasonable; or when asked by the client to quote a fee by the client shall explain what anticipated disbursements, if any, will be incurred;

(b) divide a fee with another lawyer who is not a partner or associate unless (i) the client consents either expressly or impliedly to the employment of the other lawyer, and (ii) the fees are divided in proportion to the work done and responsibilities assumed;

(c) charge or accept any amount as a disbursement which is not fully disclosed in a timely fashion, fair and reasonable;

(d) appropriate any funds of the client held in trust or otherwise under the lawyer's control for or on account of fees except as permitted by the Regulation made under the Law Society Act.

Paragraph 4 of the Commentary under Rule 9 which now has six sub-paragraphs would be amended by deleting them and replacing the specifics with one short paragraph that would read:

When preparing and delivering accounts to clients, the lawyer should clearly and separately identify amounts charged as fees and amounts charged as disbursements, and should provide a detailed statement of disbursements.

23 September 1988

A copy of the present Rule 9 is attached. (numbered 1 - 4)

The reason for reporting to Convocation at this stage is the interest that has been shown by a number of Benchers.

2. A LAWYER'S DISCRETION NOT TO REPORT
A POSSIBLE ERRORS AND OMISSIONS CLAIM

In May and June 1984 the following item appeared on the agenda of the Professional Conduct Committee:

Paragraph 16 of the Commentary to Rule 5 specifically states that a lawyer should take two steps vis-a-vis his client when he believes an error or omission may have occurred: he must have an interview with his client and inform him; and he must tell the client to obtain independent legal advice.

During the last few years a number of lawyers have questioned whether it is necessary in every case to follow the steps noted above. For example, in a situation where the lawyer does not believe he has been negligent but has second thoughts about some aspects of the way he handled a transaction and to be on the safe side writes to the Society's Department of Insurance. He does not tell his client because he doesn't wish to cause him to have want of confidence in his abilities as a lawyer. In some cases lawyers, who reported potential claims to the adjusters, were told not to inform their clients.

The question is: are there some circumstances where a lawyer would be justified or have a discretion not to tell his client when he has put the adjuster on notice?

The Committee decided that the question should be sent on to the Practice and Insurance Committee. This was done and nothing further was heard.

The Committee's Secretary recently sent a memorandum to the Director of Insurance which read:

You may remember a conversation you had a few months ago with Burke Doran concerning the discretion of a lawyer not to report an errors and omissions claim or potential claim. It was Burke's opinion that a lawyer should have the discretion not to report, particularly if the claim or possible claim might not amount to anything. I think he also thought that in the event a claim should be found to have merit the lawyer would see to it that the claim was settled as any judgment honoured so the client would not be prejudiced.

The Professional Conduct Committee had occasion to consider this issue a few years ago and concluded that the lawyer did not have a discretion and that every claim, no matter how unmeritorious, should be reported to your department.

Before bringing this matter back before the Professional Conduct Committee, I thought I should have the benefit of any thoughts you might have as I am sure the Professional Conduct Committee will want to receive them.

Mr. Smith replied as follows:

With reference to your memorandum and my discussions with Mr. Burke Doran in respect of the captioned matter, I would reaffirm my comments to Mr. Doran, namely:

"If during the policy period, the individual insured ... shall first become aware of any act which ... might subsequently give rise to a claim (against a member) shall give notice or cause notice to be given ..." (to the Insurer)

23 September 1988

It is my belief that an insured member is thus given the option as to whether he/she wishes to retain the benefits of the insurance policy by complying with its terms and conditions, or in the alternate, undertake the handling, settlement and payment of the claim personally. In the event of any delay or problem in the lawyer meeting that obligation, the claimant as per our past experience, loses very little time in contacting this department. Any incurred increased costs are the member's direct responsibility. Failure to meet that responsibility is pursued through the Discipline Department.

The aforesaid remarks refer specifically to those matters whose potential financial loss would not exceed the member's deductible. All others should be reported to the E & O Department.

It is my own thought that where a member's exposure to loss is within the member's deductible, the member should have the right to settle it directly without prejudice to the Errors and Omissions insurance levy, providing such action does not prejudice the client, the Fund, or the Insurer's position, and is, of course, resolved without cost to the Fund itself.

The Committee discussed this issue at some length.

The consensus of the Committee's deliberations was that given the variety of circumstances it was essentially a question of judgment to be exercised by the lawyer. While a lawyer may choose not to report to the insurers because of apparent insignificance and remoteness, in deciding not to do so, however, he must be completely satisfied that there will be no prejudice whatsoever to the client.

The Committee requests Convocation to adopt this interpretation.

The Committee also requests Convocation to delete the following words from paragraph 15 of the Commentary under Rule 5:

Section 12(b) of the policy of errors and omissions provides as follows:

'ASSUMPTION OF LIABILITY - The insured shall not assume any liability, settle any claim or incur any expense, except at the Insured's own cost, or interfere in any negotiation for settlement or legal proceedings without the consent of the Insurer previously given in writing.'

The reason for the amendment is that the above is no longer in the insurance policy.

3. RULE 12 AND THE SUITABILITY OF A LAW FIRM HAVING A BOOTH AT A TRADE SHOW

The Law Society has received two inquiries in the recent past from two different law firms asking if the firm could have a booth at a trade show at which various types of businesses would be represented. One firm asked two specific questions in this regard:

- (1) Is it relevant that our firm be the only law firm in attendance; and
- (2) Is it relevant that our firm be the only firm in attendance if the business show is open to any law firm who wishes to rent a booth, subject of course to space limitations?

Rule 12 does not specifically address this situation.

23 September 1988

Paragraphs 2 and 4 of the Rule are on point:

Advertising

2. Subject to paragraph 3 of this Rule individual lawyers or firms may advertise their services or fees in any medium including the use of brochures and similar documents provided the advertising:

- (a) is not false or misleading and any factual information in the advertisement is verifiable;
- (b) is in good taste and not such as to bring the profession or the administration of justice into disrepute;
- (c) does not compare services or charges with other lawyers or firms.

Restrictions on Soliciting and Advertising

4. A lawyer may not solicit professional employment from a prospective client with whom the lawyer has no family or prior professional relationship, by mail, in-person or otherwise, when a significant motive for the lawyer's so doing is to be retained in a particular matter except as a public service. The term "solicit" includes contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient, but does not include letters addressed or advertising circulars distributed generally to persons not known to need legal services of the kind provided by the lawyer in a particular matter, but who are so situated that they might in general find such services useful. All such letters or advertising circulars shall be clearly marked "advertisement" on each page thereof.

If the display booth was tasteful and the material handed out complied with paragraph 2, there should not be a problem. The next question is: does the opening of a booth constitute soliciting?

The Committee concluded that there would be no problem in a law firm having a booth at a trade show provided that the booth was in good taste and provided that other lawyers or law firms who wished to have a booth would be given an opportunity to do so.

The Committee requests Convocation to adopt this interpretation.

4. INFO LAWYER AND HANOVER-CORNELL INC.

The Committee will remember that it has had occasion to review at least twice a proposal from Mr. Richard Ristich of Hanover-Cornell Inc. The Law Society has indicated that its proposal was acceptable provided their referral list was rotational and they understood that the Law Society would have the right to look at their system from time to time.

Mr. Ristich has raised another matter concerning his scheme and this concerns the way lawyers will be billed. Attached is his letter under date of June 9th with attachments. (numbered 5 - 9)

The Committee considered the way lawyers will be billed and believes it to be reasonable and not in contravention of the Rules of Professional Conduct.

The Committee asks Convocation to adopt its interpretation.

23 September 1988

B.
ADMINISTRATION

1. JOINT MEDIATION SPONSORED BY THE
O.M.A. AND THE LAW SOCIETY

Discussions between the O.M.A. and the Law Society have resulted in a proposed mediation scheme to assist in the vexing problem of payment for medical legal reports.

A panel of six persons would be set up composed of two doctors to be nominated by the O.M.A., two lawyers to be nominated by the Law Society and two other professionals (preferably chartered accountants) to be the other members. From this group of six there would be panels of three (a lawyer, a doctor and the third professional) who would conduct the mediation. This consensual process would be just that. While the panel's recommendation would not be binding on the parties, it would clearly be persuasive. The anticipated success of the mediation process should facilitate the extension of its scope to cover other difficulties that arise between lawyers and doctors. One troubling matter that does warrant consideration is the practice by some lawyers of demanding copies of all doctors' notes made in connection with one patient. The similar practice of lawyers asking for copies of all hospital records concerning a client (and not just those pertaining to an accident or an operation) also merits attention.

The Law Society would pay a set fee to its lawyer nominees and the O.M.A. would compensate its doctor nominees. The O.M.A. and the Law Society would share the fee paid to the third professional.

The O.M.A. has agreed to do the arranging including finding a room for the mediation in the first two years of the scheme. This responsibility would be assumed by the Law Society in the next two years and would be rotated after that.

2. USE OF QUALIFIED LAW CLERK TO
CONDUCT JUDGMENT DEBTOR EXAMINATIONS

Mr. Lionel Gray of Barrie, Ontario wishes to use a law clerk to conduct judgment debtor examinations for him. This law clerk would not be in the full-time employ of the lawyer, however, and this is where the Commentary under Rule 16 comes into play. Paragraph 2(d) lists a number of matters in the litigation field that may properly be delegated to non-lawyers but the language reads: "Permissible exceptions include law clerks employed by only one lawyer or law firm appearing on ...".

Mr. Gray's letter of May 25th 1988 is attached.

(numbered 10 - 12)

The Committee concluded that Mr. Gray's proposed use of the law clerk, although not in his firm's full-time employ, would comply with the spirit of the Rule because the law clerk was employed by other law firms.

Note: See amendment on page ¹⁹⁴.

C.
INFORMATION

1. A LAWYER HAVING AS A PARTNER A NON-LAWYER
(AND A LAWYER OFFERING INCENTIVES FOR
PROFIT SHARING TO NON-LAWYER EMPLOYEES)

Marc Somerville has agreed to chair this Sub-Committee and Messrs. Genest, Lyons and O'Connor have been asked to serve on the Sub-Committee. The Sub-Committee held its first meeting on September 8th. It is anticipated that at least two further meetings will be held before a report can be ready.

23 September 1988

2. SUB-COMMITTEE ON FRANCHISING

The Sub-Committee's Chair, Mr. O'Connor, announced that the Sub-Committee was being disbanded. There were two reasons: there was no urgency for a decision to be made on this subject because interest in franchising has abated; and the Research and Planning Committee has added this subject to its list of topics for possible research.

3. SUB-COMMITTEE ON RULE 23
(LAWYERS IN MORTGAGE TRANSACTIONS)

A Sub-Committee composed of Mr. Somerville (Chair), Mrs. Legge and Mr. Wardlaw was appointed in January to deal with a number of questions pertaining to the interpretation of this rule.

The Sub-Committee met on May 12th and is in the process of finalizing its interim report for consideration by the Committee in October.

4. RULE 26 AND THE MENTAL HEALTH ACT

The views of a number of practitioners have been sought. It is anticipated that the issue will be ready for discussion at the October meeting.

5. LAW SOCIETY MANUAL

The Law Society Manual has now been distributed to all active firms in the province as well as county law libraries, provincial law societies, Ontario law schools, CBAO, and Ontario government ministries/crown counsel. We have not distributed to corporate counsel, out-of-province or non-practising members.

We have encountered one problem related to the distribution to firms. The firms database, from which our mailing was derived, includes as firms a number of offices composed of sole practitioners practising in association. For the purposes of the manual mailing they received the standard one copy. Certain members have contacted us claiming that as sole practitioners they should be eligible to receive individual copies. We have responded positively to these requests, but intend to respond only when requested.

The response to the manual from the profession has been highly favourable. Set out below is an example of one response:

It is going to be of great assistance to myself and other members of our profession.

Something like this is long overdue. You are to be complimented for a job well done.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"A. Burke Doran"
Chair

23 September 1988

Attached to the original Report in Convocation file, copies:

A-Item 1 - Copy of Present Rule 9

(marked Pages 1 - 4)

A-Item 4 - Letter dated June 9, 1988 from Richard Ristich, President, Hanover-Cornell Inc. to The Law Society of Upper Canada, Attention: Stephen E. Traviss, Senior Counsel-Professional Conduct, Re: Info Lawyer together with attachments

(marked Pages 5 - 9)

B-Item 2 - Letter dated May 25, 1988 from Mr. Lionel Gray to The Law Society of Upper Canada, Attention: Registrar, Re: Daniel F. Herbert with attachment

(marked Pages 10 - 12)

THE REPORT AS AMENDED WAS ADOPTED

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LEGAL AID COMMITTEE

Mr. Bastedo presented the Report of the Legal Aid Committee Report of its meeting on Thursday, the 8th September, 1988.

Item A-1 regarding the composition of the Legal Aid Committee also appeared on the Legislation and Rules Report and it was agreed that Messrs. Bastedo and Noble would meet to discuss the wording of the Rule.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAION ASSEMBLED

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Thursday, September 8, 1988, the following members being present: Thomas G. Bastedo, Esq. Q.C., Chair, Messrs. Birkness, Bond, Ms. Curtis, Mr. Durno, Mrs. Fleming, Ms. Garten, Messrs. Gilchrist, Harnett, Ms. Kiteley, Messrs. McDowell, Paisley, Spence, Topp.

The following observer member was also present: Glenn Carter, Esq., Assistant Deputy Attorney General, representing the Ministry of the Attorney General.

A.

POLICY

1. (A) Composition of the Legal Aid Committee

The Legal Aid Committee reviewed in depth an amendment to Rule 47(1) made under the Law Society Act, setting out the restructured composition of the Legal Aid Committee. The amended Rule is attached hereto and marked as Schedule "A".

2. Part X Applications - Payment of Costs of Unassisted Persons Out of the Fund

The Committee reviewed the procedure relating to Part X Applications and unanimously recommends that the decision as to whether such payment be made rest with the Provincial Director and his staff rather than the Legal Aid Committee and that the proper amendments be made to Regulation 116.

A copy of Regulation 116 is attached hereto and marked as Schedule "B".

C.
INFORMATION

1. (A) Report of the Deputy Director, Finance, for the Period
Ended July 31, 1988

The Director's report pursuant to Section 88(2) of the Regulation for the four months ended July 31, 1988 takes the form of the following financial statement:

<u>Ontario Legal Aid Plan</u>				
<u>Statement of Income and Expenditure</u>				
<u>Four Months Ended July 31, 1988</u>				
	4 Mo. Actual 1987/88	Revised 4 Mo. Budget 1988/89	4 Mo. Actual 1988/89	Variance 1988/89
<u>Opening Balance</u>	80.1	190.9	190.9	-
<u>Income</u>				
Treasurer of Ontario	31,800.0	35,325.0	35,325.0	
Law Foundation	2,841.0	4,669.0	4,669.0	
Client Contributions	1,990.6	2,535.2	2,535.2	
Client Recoveries	483.5	505.0	505.0	
Research Sales	27.7	57.5	57.5	
The Law Society	32.4	64.6	64.6	
Miscellaneous	69.2	99.9	99.9	
	<u>37,324.5</u>	<u>43,447.1</u>	<u>43,447.1</u>	
<u>Expenditure</u>				
Certificate Accounts	23,291.6	32,254.2	32,254.2	
Duty Counsel Fees				
& Disbursements	2,176.6	2,274.0	2,274.0	
Salaried Duty Counsel	213.1	218.9	218.9	
Community Clinics	5,743.3	6,320.0	6,320.0	
Student Legal Aid Societies	719.9	392.1	392.1	
Research Facility	419.5	498.4	498.4	
Area Office Administration	2,672.1	2,813.3	2,813.3	
Provincial Office				
Administration	1,692.7	1,939.4	1,939.4	
	<u>36,928.8</u>	<u>46,710.3</u>	<u>46,710.3</u>	
<u>Closing Balance</u>	<u>395.7</u>	<u>(3,263.2)</u>	<u>(3,263.2)</u>	

(b) Statistics

The following table compares reported activity for the four months ended July 31, 1988 with activity for the previous fiscal year:

	4 Months Ended July 31 1988	1987	% Change From Last Year
Summary Legal Advice	19,092	17,932	6.5%
Referrals to Other Agencies	30,109	27,143	10.9%
Applications for Certificates	44,861	43,945	2.1%
Refusals	9,629	9,911	(2.9%)
As a Percentage of Applications	21.5%	22.6%	-
Certificates Issued	35,242	34,046	3.5%
Persons Assisted by Duty Counsel:			
Fee for Service	70,512	67,845	3.9%
Salaried	24,480	N/A	

23 September 1988

(B) Revised Budget for Legal Aid Expenditures for the Fiscal Year 1988/89

The Legal Aid Committee considered in depth a Revised Budget for Legal Aid Expenditures for the Fiscal Year 1988/89 together with an explanatory note and other supporting material.

The relevant material is attached hereto and marked as Schedule "E".

2. (A) Report on the Payment of Solicitors' Accounts for the Month of August, 1988

The Report on the Payment of Solicitors' Accounts for the month of August, 1988 is attached hereto and marked as Schedule "F".

(B) Report on the Status of Reviews for the Month of August, 1988

The Report on the Status of Reviews for the month of September, 1988 is attached hereto and marked as Schedule "G".

3. Part X Applications

(a) The Legal Aid Committee approved correspondence from Murray Meldrum, Staff Solicitor, dated August 31, 1988 wherein he recommended payment of costs of \$50.00 out of the Fund.

(Schedule "H")

(b) The Legal Aid Committee approved correspondence from Murray Meldrum, Staff Solicitor, dated August 31, 1988 where in he recommended payment of costs of \$350.00 out of the Fund.

(Schedule "I")

(c) The Legal Aid Committee approved correspondence from Murray Meldrum, Staff Solicitor, dated August 31, 1988 wherein he recommended payment of costs of \$2,500 out of the Fund.

(Schedule "J")

(d) The Legal Aid Committee approved correspondence from Murray Meldrum, Staff Solicitor, dated August 31, 1988 wherein he did not recommend payment of costs out of the Fund.

(Schedule "K")

(e) The Legal Aid Committee approved correspondence from Murray Meldrum, Staff Solicitor, dated August 31, 1988 wherein he recommended payment of costs of \$831.00 out of the Fund.

(Schedule "L")

(f) Attached hereto and marked as Schedule "M" is a copy of the Guidelines to the Payment of Costs out of the Fund under Part X of the Regulation.

4. Area Committees - Appointments & Resignations

Appointments

Wellington County
Lynn Green

York Region
Gary Mangiacotte

23 September 1988

Deceased

Cochrane District
Jean Paul Gelinas

ALL OF WHICH is respectfully submitted

DATED this 8th day of September, 1988

"Thomas G. Bastedo", Q.C.
Chair

Attached to the original Report in Convocation file, copies of:

- | | | |
|---------------|---|----------------|
| A-Item 1(A) - | Amended Rule 47(1) | (Schedule "A") |
| A-Item 2 - | Regulation 116 | (Schedule "B") |
| C-Item 1(B) - | 1988/89 Revised Budget | (Schedule "E") |
| C-Item 2(A) - | Report on the Payment of Solicitor's Accounts for the Month of August, 1988 | (Schedule "F") |
| C-Item 2(B) - | Report on the Status of Reviews in the Legal Accounts Department | (Schedule "G") |
| C-Item 3(a) - | Correspondence from Murray G. Meldrum, Staff Solicitor, dated August 31, 1988 recommending payment of costs | (Schedule "H") |
| C-Item 3(b) - | Correspondence from Murray G. Meldrum, Staff Solicitor, dated August 31, 1988 recommending payment of costs | (Schedule "I") |
| C-Item 3(c) - | Correspondence from Murray G. Meldrum, Staff Solicitor, dated August 31, 1988 recommending payment of costs | (Schedule "J") |
| C-Item 3(d) - | Correspondence from Murray G. Meldrum, Staff Solicitor, dated August 31, 1988 recommending payment of costs | (Schedule "K") |
| C-Item 3(e) - | Correspondence from Murray G. Meldrum, Staff Solicitor, dated August 31, 1988 recommending payment of costs | (Schedule "L") |
| C-Item 3(f) - | Guidelines to the Payment of Costs of Unassisted Persons Out of the Fund, Pursuant to Part X of Regulation 22/86 Under the Legal Aid Act, R.S.O. 1980 | (Schedule "M") |

THE REPORT WAS ADOPTED

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23 September 1988

LEGAL EDUCATION

Mr. Rock presented the Report of the Legal Education Committee of its meeting on Thursday, September 8th, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on September 8th, 1988, the following members being present: Messrs, Rock (Chair), Bastedo, Cullity, Epstein, Genest, Mrs. L. Legge, Ferguson, Mrs. H. MacLeod, Spence, Thom, Wardlaw, Yachetti, Dean Gold, Christina Tari, Chairperson, Bar Admission Advisory Committee.

A.

POLICY

1. FORMATION OF SUB-COMMITTEE ON BAR ADMISSION COURSE REFORM

The Committee authorized the Chair to appoint a sub-committee to oversee the implementation of the new Bar Admission Course. The Chair indicated that he had invited the same members of the sub-committee that developed the Bar Admission Course reform report to sit on this new sub-committee.

2. FRENCH LANGUAGE AND PUBLICATIONS POLICY

The Committee received two reports, one from l'Association des Juristes d'Expression Francaise de l'Ontario (L'AJEFO) and the other from the French Canadian Association (ACFO) that contained a number of recommendations designed to improve the delivery of legal education by the Law Society in the French language. The Committee recommends to Convocation that a special committee be established by the Treasurer to review and propose a response to all of the recommendations contained in the reports, including those relating to legal education. An internal document is being prepared by the Department of Education outlining the changes that have already occurred within the Department and those that are proposed for the coming year.

3. REPORT ON THE ARTICLING SYMPOSIUM

The Committee received the attached report on the Articling Symposium held in the spring. The report was prepared by the Bar Admission Advisory Committee. The Committee authorized the Chair to establish a sub-committee to review the report and to develop proposals to improve the articling component of the Bar Admission Course.

4. THE ADVOCATES' SOCIETY INSTITUTE

The Committee received the attached memorandum prepared by Mr. Paul Lamek, Chair of a Sub-committee reviewing the possibility of affiliation with the Advocates' Society to deliver advocacy skills courses through the Advocates' Society Institute. The Committee recommends to Convocation that The Law Society enter into joint sponsorship of the Institute with the Advocates' Society, subject to an annual review of the program and the finances of the Institute.

23 September 1988

5. PROPOSAL TO ESTABLISH A SUB-COMMITTEE TO REVIEW THE SUMMER STUDENT RECRUITMENT PROCESS

The Committee reviewed materials relating to the summer recruitment process. The Chair was authorized to establish a sub-committee to review the issue and to make recommendations regarding the recruitment of summer students. The sub-committee will be asked to report back before the recruitment guidelines for next year are finalized.

6. BAR ADMISSION COURSE APPLICATION FOR GRANT FROM THE LAW FOUNDATION OF ONTARIO

The Committee authorized the forwarding of a request to the Law Foundation of Ontario, as part of The Law Society's omnibus application, for a contribution of up to \$650,000 toward the Bar Admission Course budget for this fiscal year.

B. ADMINISTRATION

1. NEW REGIONAL DIRECTOR - OTTAWA

The Committee was advised that Ms. Holly Harris had joined the Department of Education as Regional Director in our Ottawa office on August 3, 1988. Holly is from Ottawa and is a graduate of Carleton University. She received her LL.B. at McGill and her Master of Laws from the University of California at Berkeley. In her most recent position, she was Senior Counsel, Legal Services for the Federal Department of Indian and Northern Affairs. She has had a number of positions with the Department of Justice including, for example, responsibility for the development of the recent Divorce Act and other important family law legislation.

She has taught at the Faculty of Law at the University of Ottawa, has served on a number of national and international committees and has written several articles and working papers. As well, she is bilingual.

2. 1989 SPECIAL LECTURES

The Committee was advised that this year's special lectures are scheduled for February 9th, 10th and 11th, 1989 and that they will focus upon current developments in Securities Law and Administration including recent trends, regulatory structures, disclosure requirements, registration requirements, substantive regulation, and enforcement.

Members of the planning committee are: Philip Anisman, Barrister and Solicitor, James C. Baillie, Q.C., Tory, Tory, DesLauriers & Binnington, Denis R. O'Connor, Q.C., Borden & Elliot, and Hon. Robert S.K. Welch, Q.C., Lancaster, Mix & Welch.

The program will commence on the afternoon of Thursday, February 9th with a mock hearing based on the applications by Falconbridge Ltd. and by Noranda Inc. relating to the sale by Placer Dome Inc. of its controlling position in Falconbridge. The applications were heard by the Ontario Securities Commission on June 28th, 1988. It is intended that many of the counsel, witnesses and members of the Commission who were involved in those applications will participate in the mock hearing.

The mock hearing will provide a focus for the papers to be presented during the next two days. The papers will cover the subjects listed above and will stand independently for publication. The oral presentations, however, will be less formal and will use the mock hearing for illustrative purposes.

23 September 1988

The program will be of particular interest to lawyers practising substantially in the securities field. The use of the mock hearing and subsequent reference to the issues illustrated thereby, as well as to Charter and administrative law implications generally and to the protection of minority shareholders by the Commission, will make the program interesting and useful for lawyers with less extensive experience in securities law, but with some interest in the field.

Faculty will be composed of leading representatives from academics, practice, business and various federal and provincial agencies.

3. CONTINUING LEGAL EDUCATION

The Committee reviewed the summary of evaluations of past continuing legal education programs and received a schedule for future continuing legal education programs.

4. LAW SCHOOL DEAN REPRESENTATION TO THE LEGAL EDUCATION COMMITTEE

The Committee approved the appointment of Dean Jim MacPherson of the Osgoode Hall Law School as the replacement for Dean Prichard for a two-year term.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"Allan Rock", Esq., Q.C.
Chair

Attached to the original Report in Convocation file, copies of:

A-Item 3 - Report on the Articling Symposium dated July 20, 1988,
Prepared by the Bar Admission Advisory Committee

(marked Pages 1 - 7)

A-Item 4 - Memorandum dated August 29, 1988 from Paul Lamek, to Chair
and Members of the Legal Education Committee Re: Advocates' Society
Institute

(marked Pages 1 - 3)

THE REPORT WAS ADOPTED

.....

CLINIC FUNDING

Mr. Bastedo of the Clinic Funding Committee, presented the Report of the Director of Legal Aid, dated September 13, 1988, with respect to Clinic Funding.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

23 September 1988

The Director recommends to Convocation that the report of the Clinic Funding Committee dated September 13, 1988 be adopted.

Attached is a copy of the Clinic Funding Committee's report.

ALL OF WHICH is respectfully submitted.

"Andrew M. Lawson"
Andrew M. Lawson, Q.C.
Director
Legal Aid

September 13, 1988

ATTACHMENT:

To: Andrew M. Lawson, Q.C.
Provincial Director
The Ontario Legal Aid Plan

The Clinic Funding Committee met on July 28, 1988. Present were: Philip Epstein, Q.C., Chair, Helen King MacLeod, Oliver Carroll, Thea Herman, Dorothy O'Connell.

The Clinic Funding Committee also met on September 8, 1988. Present were: Philip Epstein, Q.C., Chair, Helen King MacLeod, Oliver Carroll, Dorothy O'Connell. Thea Herman participated by telephone.

1. DECISIONS

A. Applications to the Clinic Funding Committee

(i) Training Funds

Pursuant to s.6(1)(k) of the Regulation on clinic funding, the Committee has reviewed and approved annual applications for training funds from regional clinic associations, and two provincial network committees. The Committee has provided funds to the regional clinic associations for staff training for a number of years, and these programs constitute the primary vehicle for staff training and professional development within the clinic system. The Committee recommends Convocation's approval of funding as follows:

Southwest Regional Clinic Association - up to \$38,559.

Northern Clinic Association - up to \$39,000.

Eastern Clinic Association - up to \$30,000.

Toronto - up to \$3,664.

WCB Network - up to \$2,500.

Social Assistance Steering Committee - up to \$4,300.

(ii) Supplementary Legal Disbursements

Pursuant to s.6(1)(m) of the Regulation on clinic funding, the Committee has reviewed and approved an application for supplementary legal disbursements from Clinique juridique populaire de Prescott et Russell, in an amount up to \$2,500. The Clinic Funding Committee recommends that Convocation approve this allocation.

23 September 1988

(iii) Incorporations

Pursuant to the directions of Convocation, the Clinic Funding Committee has reviewed, as to name and objects, the applications for incorporation from two community legal clinics. The Committee recommends Convocation's approval of the applications from Community Legal Assistance Sarnia, and the Toronto Workers' Health and Safety Legal Clinic.

B. Supplementary Funds

(i) Simcoe Legal Services Clinic Regarding Move

The Clinic Funding Committee has approved the allocation of up to \$7,300 to this clinic in connection with its move to new premises.

C. CLSNS Regarding Refugee Project

The Committee has reviewed and approved an application from the clinic for an extension of supplementary funding, in an amount up to \$14,000, to continue its refugee project to March 31, 1989. The Committee has provided funding for this project for the past 18 months and has reviewed quarterly reports from the clinic concerning the delivery of services to refugees in the Niagara Peninsula. The services being provided are very satisfactory, and the Committee is particularly pleased with the role the clinic has played in establishing appropriate referral procedures for refugee applicants applying for legal aid certificates. The Committee therefore recommends Convocation's approval of this allocation.

2. INFORMATION

a. Regional Meetings with Clinic Representatives

The Clinic Funding Committee will hold a series of consultation meetings with clinic representatives during the fall of 1988. The meetings will provide clinic representatives with an opportunity to discuss issues of mutual concern with members of the Committee, and give the Committee an opportunity to provide information to Boards of Directors concerning the development of its policies and services. The meetings are scheduled as follows:

Kitchener	-	September 21, 1988
Kenora	-	November 2, 1988
Toronto	-	November 10, 1988
Kingston	-	November 22, 1988

b. CLW Consultation Committee

The Clinic Funding Committee has created a community legal work (CLW) Consultation Committee to respond to a number of concerns within the clinic system concerning the training, qualifications, and the role of CLWs. The Committee is composed of 10 CLWs selected on a regional basis, two Executive Directors, and one member of a clinic Board of Directors. The Consultation Committee will consider these issues and provide a report, with recommendations, for the consideration of the Clinic Funding Committee.

ALL OF WHICH is respectfully submitted

"T. G. Bastedo"
per" Philip Epstein
Chair
Clinic Funding Committee

September 13, 1988

THE REPORT WAS ADOPTED

.....

23 September 1988

LIBRARIES AND REPORTING

Mr. D. J. Murphy, Chair, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, the 8th September 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, September 8th, 1988 at 9:30 a.m., the following members being present: Messrs. Murphy (Chair), Ms. Bellamy, Cullity, Farquharson, O'Connor, Sosa, Topp and Wood. P. Bell D. Crosbie and G. Howell also attended.

A.

POLICY

1. OMNIBUS APPLICATION TO THE LAW
FOUNDATION OF ONTARIO

The Secretary reported that a memo was received from David Crack, Director of Finance, that the Society will be compiling the application to the Law Foundation of Ontario for funding in 1989 at the meeting of the Committees in October.

The Chief Librarian, Glen Howell, wrote to the County Law Associations on January 29th and August 12th, 1988 regarding the financial documentation that will be required by the Society in order to justify the application for 1989 funding of county law libraries.

The Chief Librarian gave a preliminary report to the Committee and indicated that a full report will be made to the Committee on October meeting day based on financial figures received from the counties.

B.

ADMINISTRATION

1. ONTARIO REPORTS - SUPREME COURT OF CANADA HEADNOTES

The Chief Librarian was instructed at the June 9th, 1988 meeting to negotiate a price per page to print the Supreme Court of Canada headnotes in the Ontario Reports. This matter was dealt with at the June 24th meeting of the Committee and the cost of publishing the Supreme Court of Canada headnotes was approved by the Committee and Convocation, subject to the approval of the Finance Committee. Subsequently, on July 5th, 1988, the Finance Committee approved of this expenditure. The Chief Librarian gave a status report on this matter indicating that it is hoped that the first headnotes of this new service will be printed in the Ontario Reports starting in October.

2. GREAT LIBRARY - SUNDAY OPENING

The Library has been open this summer on Sundays, 12 noon - 5 p.m., in response to the University of Toronto law school library having to be closed this summer due to renovations. The Sunday opening came at the request of a Law Society member, supported by a Bencher (Fran Kiteley). The experiment has been a great success. Heavy use was made of the library throughout the summer, even in the heatwave. Part-time staffing was provided by a law student.

23 September 1988

Several patrons have suggested that the Great Library be open on Sundays throughout the year. This year, the University of Toronto law library will continue to be closed on Sundays due to renovations. The Chief Librarian reported that in order for the Library to remain open through June of 1989, \$3,000 in wages would be required for the next ten months that is not in the current years budget. In addition, the Law Society would be compelled to write to the Attorney General of Ontario to obtain permission for heating this winter and air conditioning next summer because the Administrator of the Supreme Court of Ontario has no authority to obtain air conditioning or heating from the Ministry of Government Services on Sundays.

Your Committee recommends that the Great Library be open on Sundays between 12 noon and 5:00 p.m., through June 1989 and that the additional salary expense of \$3,000 be approved. The Chief Librarian was instructed to write to the Ministry of the Attorney General to obtain permission for heating this winter and air conditioning next summer.

3. COUNTY LAW LIBRARIES - FUNDING BY
THE ATTORNEY GENERAL OF ONTARIO

The Chief Librarian reported that in response to the Treasurer's letter of February 1988, the Attorney General, Ian Scott, Q.C., wrote on August 12th, 1988 to the Treasurer stating that due to budgetary constraints, it is no longer possible for the Ministry of the Attorney General to reimburse for the cost of equipment and supplies, or earmark funds specifically for the purchase of furniture and fixtures for the County Law Libraries. The Treasurer wrote back to the Attorney General on August 23rd, 1988, requesting a reversal of the change in policy and emphasizing the financial needs of the County Law libraries.

4. WELLAND LAW ASSOCIATION - OUT OF COUNTY MEMBERSHIP

In the course of a visit to the Welland Law Association this summer, the Chief Librarian became apprised of a situation whereby a lawyer practising in Niagara Falls, in the Welland judicial district, had joined the Lincoln Law Association in St. Catharines and maintained a right to use the Welland library.

After a thorough discussion on this matter, the Secretary was instructed to write to the lawyer that asked for the Society ruling and indicate that he should belong to the Law Association in the Judicial District in which he practises - i.e. Welland - not Lincoln.

C.
INFORMATION

1. BOOK LIST

The Great Library will be adding 61 new titles to its book collection for June, July and August, 1988. The book list was approved.

2. FINANCIAL STATEMENT

The Financial Statement for the period July 1st, 1987 to June 30th, 1988 was approved.

3. SUB-COMMITTEE ON ONTARIO REPORTS - DATA BASE

The meeting of the above Sub-Committee will be held on Friday, September 9th, 1988 at 10:00 a.m., in the Green Room.

23 September 1988

4. 400 ADDITIONAL PAGES TO BE PUBLISHED
IN THE ONTARIO REPORTS

The Secretary reported that this matter was approved by the Finance Committee on July 5th, 1988.

5. SUB-COMMITTEE ON ONTARIO REPORTS CASE SELECTION

The Chief Librarian and the Secretary met on August 31st, 1988 with Bruce Dunlop, Editor of the Ontario Reports, Ms. Gerry Christmas of Canada Law book and the Honourable Mr. Justice H. Krever, to discuss the case selection guidelines for the Ontario Reports. Canada Law book is to provide some figures and the Chief Librarian and the Secretary will report to the October meeting.

6. MANITOULIN - COURT HOUSE LIBRARY COLLECTION

At the request of the Sheriff of the Judicial District of Manitoulin and in co-operation with Mr. Robert Topp, one of the Benchers from Sudbury, along with members of the Society practising on Manitoulin Island, the Chief Librarian paid a visit to the Court House at Gore Bay to review the book collections in the Sheriff's office and Judge's Chambers with the view to possible participation by the Law Society and by the local Bar in a modest expansion and possible integration of the book collections in the Gore Bay Court House. After a review of the list of present holdings, plus further discussions with participants in the meeting at Gore Bay, the Chief Librarian will provide a full report to the October Committee meeting.

7. DONATIONS

The Great Library has received the following donations for which appropriate gratitude has been formally expressed.

- | | | |
|----|---|---|
| 1. | Mr. Justice Armstrong
Regina, Saskatchewan | Saskatchewan Law Reports
1908 - 31 |
| 2. | Holden, Murdoch & Finlay
Toronto, Ontario | Law Society CLE
Publications |
| 3. | Judge Joseph Cornish
Toronto, Ontario | Law Society of
of Upper Gazette
Vol. 1-20 (1967-86) |

8. SEARCH LAW - LETTER OF APPRECIATION

Several letters of appreciation attesting to the efficiency of the Search Law service bureau have been recently received from as far afield as Minneapolis and Montreal. The capacity to send search results by "Fax" is also proving popular. During a recent visit by the Chief Librarian to the Welland Law Association, a lawyer advised of an extensive search requested, done and "faxed" one day which was instrumental in an acquittal for this client the next day.

ALL OF WHICH is respectfully submitted

DATED this 8th day of September, 1988

"D. J. Murphy"
Chair

THE REPORT WAS ADOPTED

.....

23 September 1988

UNAUTHORIZED PRACTICE COMMITTEE

Mr. C. D. McKinnon, Vice-Chair, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAATION ASSEMBLED

Budget

Year-end 1987 - 1988
Budgeted - \$135,000.00
Actual - \$176,285.48

Variance - \$ 41,285.48

THE UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, September 8, 1988 at 10:30 a.m., the following members were present: Mr. Ruby (Chair), Mr. McKinnon (Vice-Chair), Messrs. Cass, Farquharson, Mrs. Graham, Ms. Harvey, Mr. Strauss, Mrs. Weaver and Mr. Wood. Also in attendance were: Messrs. Ballantyne, Beaufoy, Devlin and Tinsley.

B.

ADMINISTRATION

1. Accounts

Accounts of counsel and investigators were approved in the total amount of \$16,916.05.

2. Investigations

The Society has received information regarding the activities of several unsupervised persons. The Society does not have sufficient evidence in any of these cases to commence a prosecution. The Committee authorized a request to the Treasurer for the use of an investigator who will not disclose that he is from the Law Society and to authorize the commencement of prosecutions when the necessary evidence is obtained.

3. Application by a Law Firm to Hire a Disbarred Lawyer as a Law Clerk

The Law Society has received a request from a law firm to hire a disbarred lawyer to work as a law clerk in their office. The law firm states in the letter that the clerk "will be acting under the supervision of one or more of the lawyers in the firm conducting our searches and attending on closings of real estate transactions for the firm, as well as preparing various types of legal documents in accordance with instructions from one of the solicitors in the firm. The clerk will not have any signing authority on either general or trust accounts, nor will he commission affidavits, or do any "lawyering" with this firm. This Committee authorized an investigation into the activities of this disbarred lawyer in relation to his continuing to be actively involved in acting for purchasers and vendors in real estate transactions as well as offering other paralegal services. Pursuant to the instructions of this Committee, counsel was retained by the Law Society to supervise the investigation of the activities of the disbarred lawyer as well as to commence an injunction application should the evidence obtained from the investigation demonstrate that he was acting as a barrister or solicitor. To this end, an investigator, posing as a client, was sent into the office of the disbarred lawyer to obtain a will. Based on his interview with the investigator, a will was drafted by him.

23 September 1988

The Discipline Policy Committee had also considered this application at its September meeting. Your Committee, after much discussion, decided to defer the application for injunction pending the Discipline Policy Committee's ruling on the application.

4. Lawyer/Independent Paralegal Interaction

It is becoming apparent that several independent paralegals are approaching and sometimes engaging lawyers to work with them in delivering legal services to the public. In a typical situation, a paralegal will enter into an arrangement with a lawyer wherein clients attending the paralegals office in response to an advertisement (for instance, for divorce, incorporations or wills) are then referred to a lawyer. The lawyer may or may not bill the client directly, but there is normally an arrangement whereby both the paralegal and the lawyer receive money from the client or split the fees. In one instance, the lawyer was asked to share space with the paralegal with a lease fee so high that it seemed to reflect a steering arrangement between the lawyer and paralegal. In Ottawa, a paralegal took the initial information for a will and then referred the matter to a lawyer who finalized the documents. The money was paid (via Visa) directly to the paralegal. (This member is presently being investigated for possible disciplinary action by the Law Society.)

As the Unauthorized Practice Department has been increasingly successful in limited the areas of law that many of the larger paralegal franchises operate in, the paralegals are often of the opinion that by entering into an arrangement of this type with a lawyer they may save themselves harmless from prosecution. Unfortunately, while the paralegal may not be engaged in the unauthorized practice of law, the lawyer places him/herself in jeopardy. A memorandum has been sent to the Secretary of the Discipline Policy Committee advising him of this situation. Your Committee is of the opinion that the types of arrangements discussed above offend the Rules of Professional Conduct, specifically the anti-steering provisions, the provisions regarding assisting the unauthorized practice of law and the provisions regarding fee splitting. In addition, these arrangements do not create the proper solicitor/client relationship, i.e. between the solicitor and the person requiring the legal service. This arrangement does not afford the ultimate client any of the protections normally afforded a client in a true solicitor/client relationship and particularly the protection of privileged communication nor is the client afforded the protection of insurance or compensation fund. Your Committee determined that because of the apparent increase in existing and proposed arrangements of this sort, it would be appropriate to publish the Law Society's concerns in the "Proceedings". The Secretary of your Committee was instructed to prepare an appropriate statement for publication at the earliest possible time. The concern of the Unauthorized Practice Committee was brought to attention of the Professional Conduct Committee at its September 8, 1988 meeting. That Committee shared the concerns of the Unauthorized Practice Committee and agreed that publication of a warning as discussed above would be appropriate.

5. Application for Incorporation -
Ontario Crown Attorneys' Association

An application for incorporation of an organization to be named the Ontario Crown Attorneys' Association was referred to the Law Society for its approval. The Unauthorized Practice Committee considered this matter and raised no objections.

The Committee also received a list of matters pending.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"C. McKinnon
Vice-" Chair

23 September 1988

Attached to original Report in Convocation file, copies of:

- List of matters pending (Pages 5 & 6)

THE REPORT WAS ADOPTED

.....

PUBLIC INFORMATION

Mr. C. D. McKinnon, presented the Report of the Public Information Committee of its meeting held on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PUBLIC INFORMATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th day of September, 1988 at nine-thirty in the morning, the following members being present: Mr. Yachetti (acting Chair), Messrs. Kemp-Welch, McKinnon and Thom.

Also in attendance were Ms. Angevine and Mr. Beaufoy.

A.

POLICY

1. LAW SOCIETY BOOKLET

At the Chair's suggestion, work on the Booklet was put aside during the summer to allow the Committee to consider the desirability of retaining professional re-writing assistance. The Chair's letter of July 25th, 1988 is attached for Convocation's information.

(Appendix A - 1)

The Committee referred the matter back to the sub-Committee for further consideration.

C.

INFORMATION

1. STATISTICS

Attached are the up-dated statistics for the Dial-A-Law and Lawyer Referral Service programs.

(Appendix C - 1)

2. MOST-REQUESTED TAPES (APRIL-JULY)

The following are the most-requested tapes in the Dial-A-Law system for the months of April, May, June and July:

- | | |
|------------------------------------|----------------------------------|
| 1. #10 - How to Find A Lawyer | 6. #430 - Dividing Family Assets |
| 2. #380 - Separations/Agreements | 7. #425 - Custody & Access |
| 3. #400 - Requirements for Divorce | 8. #790 - Making a Will |
| 4. #545 - Tenant's Rights/Duties | 9. #320 - Wrongful Dismissal |
| 5. #466 - Lawyer's Bill Too High? | 10. #680 - Buying a Home |

3. COMPUTERIZATION OF DIAL-A-LAW

There have been some slight delays in the completion of the test phase of this project as a result of the Bell Canada strike. However, Committee members should be in a position to test the "user-friendly" nature of the process no later than the end of September.

23 September 1988

4. TRANSLATION OF DIAL-A-LAW TRANSCRIPTS TO FRENCH

The Director has obtained the voluntary co-operation of the Executive Director of the Association Des Juristes D'Expression Francaise de L'Ontario (AJEFO) to have the complete set of Dial-A-Law transcripts translated at no charge by members of the Association. This work should be completed later this year and, once transcribed and taped into the computerized system, will allow the Society to offer this information program to the more than 500,000 French-speaking individuals in Ontario.

5. DIAL-A-LAW ADVERTISING

Convocation will recall that the 1988-89 budget allows for \$250,000 in advertising of the Dial-A-Law program. This advertising will begin in October. The highly-successful radio ad used in the Metro Toronto area late last fiscal year will be used to good effect in selected markets outside of Metro.

6. TV ONTARIO

During the summer, the Director has worked with the Producer of MONEY\$WORTH to help her in producing law information segments on the program. The Director has also held discussions with the Producer of Youth Programming to assist her in making proposals regarding high school legal information programs which could have wider application.

7. PAMPHLET ORDER FORM

Some 23,000 order forms for pamphlets produced and distributed by the Information Department were mailed (together with the Legal Aid Letter) in July. So far, thousands of pamphlets have been distributed to law offices, legal clinics, libraries, schools, social service agencies and the like. Orders are still being received. A copy of the illustrated Order Form is attached. (Appendix C - 2)

8. SHOWS/EXHIBITIONS - LAWYER RESPONSE

A review of the survey sheets sent to the 18 Metro Toronto area lawyers who participated in a Senior's Show in June, and the 15 Barrie area lawyers who participated in that city's Spring Home Show indicates a high level of satisfaction with this type of Law Society/Legal Aid program to bring the law and lawyers to the people.

9. ANNUAL REPORTS

The most recent Annual Reports for the Society and the Legal Aid Plan were printed and distributed during the summer. Steps have been taken to reduce the delays in producing these Reports.

10. CORRESPONDENCE

(a) From the Attorney General of Ontario thanking the Society and the Director of Public Information for the Society's display of public legal information at the Access to Civil Justice Conference.

(Appendix C - 3)

(b) From a newly-established (in Don Mills) lawyer praising the Referral Service.

(Appendix C - 4)

(c) From Michael Daniher of Advance Planning and Communications regarding the entry of the Society's Dial-A-Law radio ad (Mort and Millie) at the International Radio Festival of New York. The "Mort and Millie" ad shared Finalist standing in the Civic/Social Education category.

(Appendix C - 5)

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"Colin McKinnon
Vice-Chair

23 September 1988

Attached to the original Report in Convocation file, copies of:

- C-Item 1 - Up-Dated Statistics for the Dial-A-Law and Lawyer Referral Service programs
(marked Appendix C - 1)
- C-Item 7 - Copy of the Illustrated Pamphlet Order Form
(marked Appendix C - 2)
- C-Item 10(a) - Letter dated June 24, 1988 from Ian Scott, Attorney General to Mr. John Beaufoy, Information Officer, Law Society of Upper Canada, Re: Access to Civic Justice Conference
(marked Appendix C - 3)
- C-Item 10(b) - Letter dated August 24, 1988 from Louis E. Cote to Lawyer Referral Service, Law Society of Upper Canada
(marked Appendix C - 4)
- C-Item 10(c) - Letter dated June 23, 1988 from Michael S. Daniher, Vice President, Advance Planning and Communications Limited to Mr. John Beaufoy, Director, Public Information Department, Law Society of Upper Canada, Re: International Radio Festival of New York
(marked Appendix C - 5)

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE

Mr. C. B. Noble presented the Report of the Legislation and Rules Committee of its meeting on Thursday, the 8th September, 1988.

The Report was amended to read that subject to such variation in wordings of section 47 as maybe agreed upon with the Chair of Legal Aid.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Your Committee met on Thursday, September 8, 1988 at 12:30 p.m., the following members being present: Messrs. Noble (Chair), Cass, Strauss, Lerner, Cullity.

A.

POLICY

1. PROPOSED AMENDMENTS TO THE LAW SOCIETY ACT

A review of previous recommendations made by the Society to the Attorney General concerning proposed amendments to the Law Society Act has been undertaken. As the recommendations date from 1977, the Committee is currently examining them in an effort to remove any inconsistencies and to take into account changes in the policies of Convocation over the years. A report to Convocation on the matter is anticipated in October.

2. AMENDMENT TO S.47 OF THE RULES

At the Convocation held in June 1988, the request of the Legal Aid Committee to seek an amendment to the above-noted section of the Rules through the Legislation and Rules Committee was approved. At present, subsection (1) of section 47 reads as follows:

47(1) There shall be a standing committee known as the Legal Aid Committee composed of 25 members as follows:

- (a) eight members who shall be Benchers appointed by Convocation;
- (b) eight members who shall be non-Bencher members of the Society appointed by Convocation;
- (c) eight members who shall be persons who shall be appointed by the Lieutenant Governor in Council;
- (c) one member who shall be a member of a Student Legal Aid Society and appointed by Convocation annually.

As proposed by the Legal Aid Committee, subsections (1) and (2) of section 47 would read as follows:

47(1) There shall be a standing committee known as the Legal Aid Committee composed of 22 members as follows:

- (a) seven members who shall be Benchers appointed by Convocation;
- (b) seven members who shall be non-Bencher members of the Law Society appointed by Convocation;
- (c) seven members who shall be persons who shall be appointed by the Lieutenant Governor in Council;
- (d) one member who shall be a member of a Student Legal Aid Society and appointed by Convocation annually.

(2) On November 13, 1989, 2 members of categories (a), (b) and shall retire resulting in a Committee composed of 16 members.

(The present s.47(2) would become s.47(3); s.47(3) would become s.47(4), etc.)

While the proposed amendment of s.47(1) meets with the Committee's approval, the Committee recommends that, in order to provide more clarity, s.47(2) should be amended to read as follows:

47(2) On and after November 13, 1989, the Committee shall be composed of 16 members as follows:

- (a) five members who shall be Benchers appointed by Convocation;
- (b) five members who shall be non-Bencher members of the Law Society appointed by Convocation;
- (c) five members who shall be persons who shall be appointed by the Lieutenant Governor in Council;
- (d) one member who shall be a member of a Student Legal Aid Society and appointed by Convocation annually.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"C. Bruce Noble"
Chair

THE REPORT AS AMENDED WAS ADOPTED

.....

23 September 1988

COMPENSATION FUND COMMITTEE

Mr. C. B. Noble presented the Report of the Compensation Fund Committee of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COMPENSATION FUND COMMITTEE begs leave to report:

Your Committee met on Thursday, September 8th, 1988 at 11:30 a.m. the following members being present: Messrs: Yachetti (Chair), Ms. Peters (Vice-Chair), Wardlaw (Vice-Chair), Ms. Graham, Mrs. Legge, Lerner, Mrs. MacLeod, Noble, O'Connor, Strosberg, and Thom. D. Crosbie, P. Bell, J. Beaufoy, and Mrs. H.A. Werry also attended.

B.

ADMINISTRATION

1. THE ROYAL BANK OF CANADA CLAIM AGAINST SOLICITOR #9

The Secretary reported that a compensation fund application form signed by The Royal Bank of Canada was received in the amount of \$105,661.68.

The solicitor was retained by The Royal Bank of Canada to obtain and register a first and second collateral mortgage on a property in Willowdale, Ontario. The funds were forwarded to the solicitor in trust by The Royal Bank of Canada on September 29th, 1987. Notwithstanding the instructions of The Royal Bank of Canada to the solicitor the requisite funds were not used to discharge all the prior encumbrances. There were insufficient funds in the solicitor's trust account to discharge one of the prior mortgages.

The Secretary reported that counsel for The Royal Bank of Canada has written to the Society indicating that he has instructions to take action against the Society if the claim is rejected. After a thorough discussion of this matter your Committee instructed the Secretary to write counsel for the claimant and confirm the Society's policy as set out in the Guidelines that no grant shall be made to a bank or other financial institution engaged in the business of lending money and the claim was therefore denied.

2. REFEREES' REPORTS

The following Referees' Reports, that the Review Sub-Committee concluded, after consideration, should not be appealed by the Law Society to the Appeal Division, and the claimants having received a copy of the Referee's Report, have not appealed to the Appeal Division, were approved by your Committee with grants indicated on Schedule "A" attached.

(Page 5)

REFEREE

David Goldberg, Q.C.,	Referee, re Joseph Cornacchia (disbarred Jan. 30/86) one claim
B.W. Grossberg, Q.C.,	Referee, re Bernard Forgang (disbarred Oct. 22/81) one claim
B.W. Grossberg, Q.C.,	Referee, re H.D. Bernhard (deceased Oct. 14/85) one claim

23 September 1988

3. MEMORANDA OF ASSISTANT SECRETARIES

The following Memoranda of Assistant Secretaries were approved by your Committee with grants shown on Schedule "A" attached hereto
(Page 5)

Peter B. Bell, Esq.	re Stephen Harper (deceased Oct. 2/84) one claim
Heather A. Werry	re Donald A. MacDonell (permitted to resign Sept. 25/86) one claim
Heather A. Werry	re Terence J Mayhew (disbarred Sept. 17/87) two claims
Heather A. Werry	re William J. Marinac (disbarred Jan. 29/87) one claim

4. REFEREES' FEES

The Secretary reported that the fees paid to Referees in the amount of \$400. per day plus disbursements have not been increased since April 18th, 1980. After a thorough discussion your Committee recommends that Referees' fees be increased to \$500 per day, plus disbursements. Mr. Lerner, having declared his interest, did not take part in the discussion and did not vote on this matter.

C.
INFORMATION

1. The total amount of accounts approved by Assistant Secretaries in June, July and August, 1988 was \$7,681.91.
 2. The Financial Summary and Activity Report for the month of June are attached.
- (Pages 6 - 8)

ALL OF WHICH is respectfully submitted

DATED this 8th day of September, 1988

"Roger Yachetti"
Chair

Attached to the original Report in Convocation file, copies of:

- B-Item 2 - Schedule of Grants Approved by the Compensation Fund Committee on September 8, 1988
(marked Page 5)
- C-Item 2 - Financial Summary and Activity Report for the month of June 1988
(marked Pages 6 - 8)

Mr. O'Brien disqualified himself and did not take part in the discussions.

THE REPORT WAS ADOPTED

.....

23 September 1988

PRACTICE AND INSURANCE

The Practice and Insurance Committee Report was put over to October.

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PROFESSIONAL STANDARDS

Mr. A. M. Rock presented the Report of the Professional Standards Committee of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on the 8th of September, 1988 at eleven thirty in the morning, the following members being present: Messrs. Lyons (Chair), Farquharson (Vice Chair), Furlong and Rock and Ms. Bellamy, Ms. Harvey and Mrs. Weaver. Also present were Ms. Angevine, Ms. Poworoznyk, Ms. Rolph and Messrs. Kerr, Marshall and Stephany.

A.

POLICY

1. PROJECTS FOR 1988 - 89

The Chair outlined proposals for the Committee's activities in the upcoming year. The discussions were highlighted by the Committee's concern over how to most effectively implement the Inspection Program. The feasibility of expanding the role of the Practice Advisory Service and co-ordinating its activities with those of the Inspection Program was raised. The Committee authorized the preparation of a report by Law Society staff with recommendations in this regard for consideration by both this Committee and the Practice and Insurance Committee.

B.

ADMINISTRATION

1. SUB-COMMITTEE ON COMPETENCY OF CRIMINAL LAWYERS

The Chair of the Sub-Committee reported on its progress to date. The Sub-Committee's next meeting is scheduled for September 21st, 1988.

C.

INFORMATION

1. PROFESSIONAL STANDARDS CO-ORDINATOR

The fiscal 1988 - 89 budget provided for the creation of a full-time staff position to administer the various activities of the Committee. This position was recently filled by Joanne Poworoznyk.

2 OCTOBER CONFERENCE ON COMPETENCE - TORONTO (OCT. 20 - 22ND, 1988)

Attached as C1 - C4 is a copy of the material outlining the Conference Programs. A number of the Committee members expressed interest in attending the Conference.

23 September 1988

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"Allan Rock"
Chair

Attached to the original Report in Convocation file, copies of:

C-Item 2 - Material outlining the Conference Programs

(marked C - 1 to C - 4)

THE REPORT WAS ADOPTED

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COUNTY & DISTRICT LIAISON COMMITTEE

Mr. M. J. Somerville, Chair, presented the Report of the County & District Liaison Committee of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COUNTY AND DISTRICT LIAISON COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th of September, 1988 at four o'clock in the afternoon, the following members being present: Messrs. Somerville (Chair), Ferguson, Ms. Harvey, Ms. Peters, Messrs, Spence, Topp and Wardlaw.

Also present were: Messrs. Brennan, Lalande, McDowell, Ms. Mossip and Messrs. O'Dea, Reinhart, and Smith. Also in attendance were Messrs. Crosbie, Howell, Tinsley, and Ms. Angevine.

A.

POLICY

1. THE ROLE OF THE COMMITTEE

The Chair introduced this topic with his comment that a review of the history of the Committee indicated that its role to date had been principally as a vehicle for communication. The discussion then focused on the extent to which the Committee had fulfilled that role and whether or not it might be appropriate at this juncture to extend or expand that role to include other functions. Several suggestions were made which will be explored in more detail at future meetings. As a preliminary step towards improving communication with the York County Bar it was recommended that a representative of the York County Law Association be invited to attend the meetings of this Committee.

2. ONTARIO LAND SURVEYORS - CLAIM TO COPYRIGHT

This issue came to the attention of the Committee in the spring of 1988. A solicitor wrote to the Society requesting guidance with respect to what constitutes improper dealing with a survey.

The question was raised in part because of a notice which appeared in the Ontario Land Surveyor, Winter 1988 referring to a Law Society of Upper Canada discipline hearing which resulted in a finding of professional misconduct against a lawyer relating to his use of a survey. The following specific issues were raised:

23 September 1988

- (a) Is it a breach of copyright for an individual who has ordered and paid for a survey to copy the survey and pass it on to a third party?
- (b) Is it improper for a solicitor to remove all identification with a surveyor from a sketch of survey and photocopy the remaining sketch for use as an illustration supplemental to a description contained in a deed?

A copy of his letter is attached and numbered A1 - A3.

The Committee at that time concluded that it would be appropriate to seek the advice of expert counsel with respect to the copyright issues raised and this was done. Bruce McDonald of Lang, Michener, Lash, Johnston was retained and addressed the May meeting of the County and District Law Presidents' Association on the topic. He subsequently summarized his comments in a letter addressed to the Secretary of the Committee, a copy of which is attached and numbered A4 - A5. In response to Mr. McDonald's advice, the Association of Ontario Land surveyors has been approached with a view to exploring the possibility of developing guidelines for surveyors and lawyers to address the copyright issue to the satisfaction of both groups.

Your Committee recommended that a committee comprising three representatives of each profession be struck to develop guidelines with respect to this and any other areas of concern which may arise between the two groups.

C.

INFORMATION

The Committee was brought up to date on the status of the following:

- 1. Contingency Fees
- 2. Rule on Disbursements
- 3. Paralegal Regulations
- 4. Court Reform Task Force
- 5. County & District Law Presidents' Association Meetings
October 13th and 14th, 1988.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"Marc Somerville"
Chair

Attached to the original Report in Convocation file, copies of:

A-Item 2(b) - Letter dated February 24, 1988 from Mr. G. W. Deverell of Grant, Deverell, Lemaich & Barclay to The Law Society of Upper Canada, Re: Ontario Land Surveyors' Claim to Copyright and Re: Position of Law Society of Upper Canada

(marked A - 1 to A - 3)

23 September 1988

- A-Item 2 - Letted dated September 6, 1988 from Bruce C. McDonald of Lang Michener Lash Johnston, to Ms. Meg Angevine, Assistant Secretary Law Society of Upper Canada, Re: Copyright (Land Surveys)
(marked A - 4 & A - 5)

THE REPORT WAS ADOPTED

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RESEARCH AND PLANNING COMMITTEE

Mr. J. M. Spence, Chair, presented the Report of the Research and Planning Committee Report of its meeting on Thursday, the 8th September, 1988.

The Report was amended in regard to C-1 (a) Limited Liability by deleting the heading "Limited Liability" and inserting "Incorporation of Law Practices"; by deleting in the first line the word "can" and inserting the word "need" after the word action; inserting the words "by this Committee" after the word taken; inserting a period after the word "passed"; and deleting the remainder of the sentence. The amended Item will now read: (a) Incorporation of Law Practices - "No further action need be taken by this Committee considering the incorporation of law practices until provincial legislation is passed."

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA
IN CONVOCATION ASSEMBLED

The RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th day of September, 1988 at eight o'clock in the morning, the following members being present: Messrs. Spence (Chair), Bastedo, Furlong, McKinnon, Ms. Bellamy, Ms. Birenbaum and Ms. Kiteley. Also present were Messrs. Brennan and Smith of the County & District Law Presidents' Association, Mr. Tinsley, Ms. Angevine and Ms. Ashby.

C.
INFORMATION

1. SUBCOMMITTEE STATUS REPORTS

The committee received the following reports on the status of its subcommittees:

(a) Limited Liability

No further action can be taken concerning the incorporation of law practices until provincial legislation is passed permitting lawyers to limit liability.

Reference was made to the recent legislation enacted by the Province of New Brunswick and its effect.

Note: See amendment page²²⁴.

(b) Sociological Profile

A professor at the University of Toronto is presently conducting research to determine whether a profile of lawyers likely to be the subject of Disciplinary proceedings can be developed.

23 September 1988

(c) Alternate Dispute Resolution

It was decided that the subcommittee should continue under the Chair of Ms. Kiteley.

The role of the Society in the development of alternatives was discussed. It was suggested that both a literature review and investigation of the experience in other jurisdictions be considered. The consensus is that the education of both the profession and the public regarding the issues is important.

(d) Statistics\Demographics

The subcommittee will review 1987's survey results with Dr. Stager. Until a complete assessment of the current data has been completed no further surveys will be conducted.

(e) Stress and Assistance Program

Preliminary work begun in March 1988 will resume this Fall.

(f) Open Convocation

Ms. Kiteley has been appointed Chair of this subcommittee. Plans for the Open Convocation in Toronto, September 23rd were discussed.

The subcommittee will evaluate the experience in Ottawa and Toronto and report to the Committee.

(g) Funding

No report was available.

(h) Methodology

The Committee decided that this subcommittee should now be disbanded in view of the experience which the Committee has developed over the period since the inception of this subcommittee.

Note: See amendment page 224

2. COUNTY AND DISTRICT QUESTIONNAIRE AND ACCESS TO JUSTICE CONFERENCE

Mr. R. Smith reported on the Access to Justice Conference. Members of the Committee who attended the Conference agreed that it was a positive experience.

The Attorney General has solicited input from those members of the legal profession who attended the conference on the issues raised. It was decided that this group will be invited to meet to discuss their responses.

The related issue of the Count and District Questionnaire was considered.

The Committee was advised that the results of the Attorney General's consumer survey conducted for the Access to Justice Conference indicated that there was, in general, satisfaction with the legal system including legal fees. Areas of some dissatisfaction are family law and human rights dispute resolution.

23 September 1988

The initial analysis of the survey results suggest that it is not necessary for the profession to answer the Attorney General's information. It was therefore decided that the representatives from the County and District Association would provide a new proposal relating to the mandate for the questionnaire. If renewed, the subcommittee, in consultation with Dr. Stager, will consider whether a questionnaire is the appropriate research tool to meet these objectives.

3. FRANCHISING

The Committee considered the matter of franchising at the request of the Professional Conduct Committee. It was decided the Chair will investigate the matter further in preparation for further discussion by the Committee.

4. PROPOSALS FOR 1988-1989

There followed a general discussion of new issues which might be addressed in the coming year. These include issues relating to women in the profession and a review of the duties and workload of Benchers. The proposals presented, together with further suggestions, are to be considered at the next meeting.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"James M. Spence"
Chair

THE REPORT AS AMENDED WAS ADOPTED

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J. SHIRLEY DENISON FUND

Mr. M. C. Cullity presented the Report of the J. Shirley Denison Fund of its meeting on Thursday, the 8th September, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST begs leave to report:

Your Committee met on Thursday, the 8th of September, 1988 at 11:30 a.m. the following members being present: Mr. Cass (Chair), Mrs. Weaver, and Messrs. Cullity, Strauss and Wood (ad hoc).

A.
ADMINISTRATION

1. REQUEST FOR FUNDS

A request for financial assistance was before the Committee from a member recently called to the Bar. The Committee has stood the matter over pending further information.

23 September 1988

2. GRANTS

Your Committee made a grant to a retired member in the amount of \$1,000.00 to assist him in meeting living expenses.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of September, 1988

"F. M. Cass"
Chair

THE REPORT WAS ADOPTED

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Convocation adjourned at 4:20 p.m.

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Confirmed in Convocation this day of , 1989

Treasurer